

**Latvian Centre for Human Rights**

**Alternative report on the implementation of the  
Council of Europe Framework Convention for the  
Protection of National Minorities in Latvia**

**Riga, 2008**

## ***Introduction***

On 26 May 2005 the Saeima passed the law *On the Framework Convention for the Protection of National Minorities*, thus ending 10-year-long period of discussion of the ratification of the Convention, signed by the Latvian government on 11 May 1995. On 3 October 2006 the Cabinet of Ministers approved the first State Report of the Republic of Latvia on the implementation of the Framework Convention in Latvia.<sup>1</sup> Despite announced intentions declared by state institutions, no broad public discussions were held and no national minority organisations were involved in the report preparation process.

In order to promote discussions about the impact of the Convention on minority rights in Latvia, the Latvian Centre for Human Rights (LCHR)<sup>2</sup> has prepared a “shadow” report, which aims at providing information on the implementation of specific articles of the Convention in Latvia.<sup>3</sup> The shadow report does not provide general analysis of legislation and other normative acts, but focuses on practical aspects of the implementation of the rights enshrined in the Convention, thus providing complementary information to other reports, including the state report. In order to include in the report a wide range of opinions of minority organisations, LCHR organized four regional seminars: in Daugavpils (24.08.2006.), Jelgava (19.02.2007.), Ventspils (13.03.2007.) and Liepaja (15.03.2007.). Representatives of thirty-six regional minority NGOs took part in these seminars (see the list of participant NGOs in appendix). LCHR also conducted ten interviews with leaders of national minority NGOs based in Riga (see the list of interviews in appendix).

The shadow report provides information on articles 3, 4, 6, 10, 11, 12, 14 and 15 of the Convention. The report also includes the two norms declared of limited applicability by Latvia (Paragraph 2 of Article 10 and Paragraph 3 of Article 11). Special attention has been paid to the implementation of Article 15, which aims at ensuring the effective participation of persons belonging to national minorities in economic, cultural, and political life, as well as determines the state responsibility to ensure and facilitate conditions necessary for such participation.

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<sup>1</sup>Text of the report in Latvian and English is available at the homepage of the Council of Europe [www.coe.int](http://www.coe.int), as well as at the homepage of the Secretariat of the Special Assignment Minister for Social Integration (IUMSILS) [http://www.integracija.gov.lv/doc\\_upl/zinojums22.pdf](http://www.integracija.gov.lv/doc_upl/zinojums22.pdf)

<sup>2</sup> Latvian Centre for Human Rights (LCHR) (until 28 December 2005 - Latvian Centre for Human Rights and Ethnic Studies) was established in 1993 as an independent non-governmental organisation active in the fields of human rights, anti-discrimination and minority rights. LCHR activities include monitoring, research and policy analysis, advocacy, human rights education and training, organisation of conferences and seminars, providing expertise for state and non-state actors, and providing legal consultations on human rights issues, as well as publishing reports on the human rights situation in Latvia. In 2006 LHRC, in cooperation with the Human Rights Institute of the University of Latvia produced the book “Nacionālo minoritāšu konvencija – Eiropas pieredze Latvijai”, [Framework Convention – European experience for Latvia], Rīga: Eiropas Padomes Informācijas Birojs, 2006), which analyses opinions of the Advisory Committee on implementation of selected articles of the Convention in other countries.

<sup>3</sup> The Report is available at LCHR home page [www.humanrights.org.lv](http://www.humanrights.org.lv)

### Article 3

- 1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*
- 2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

Despite the fact that the term “national minority” is used in a number of Latvian legal acts and in political discourse, the term is not defined in any official document. Discussions over the definition of national minority was one of the stumbling blocks hindering the ratification of the Convention for an extensive period of time. The main political discussions concerned the question whether the Convention should be applied to all persons belonging to minorities permanently residing in Latvia, or only to those who hold Latvian citizenship.<sup>4</sup> Another issue discussed was whether the protection envisioned by the Convention should be given to representatives of historical minorities only, or could also be extended to those minorities that arrived to Latvia after the Second World War.

Although the definition of national minority provided by Latvia upon ratification of the Convention appears to be general and inclusive, it is unclear and controversial.<sup>5</sup> Taking into consideration the large number of non-citizens<sup>6</sup> and the slowing rate of naturalisation,<sup>7</sup> this issue potentially has not just formal, but also practical importance.

Because the definition refers to citizenship and a long-term relation to the state, it narrows the circle of persons who can formally qualify as belonging to a national minority, by excluding non-citizens as well as naturalised citizens, thus arbitrarily differentiating these from the pre-war citizens and their descendants. It is not clear what time period the expression “who have traditionally lived in Latvia for generations” implies in Latvian circumstances. Therefore, there are no guarantees that groups such as Armenians, Azerbaijanis, Georgians, Ukrainians, Uzbeks, Moldovans and Tatars will be recognised as the subjects of the Convention: the share of non-citizens is very high among these groups, since most of individuals representing these groups arrived to Latvia after the Second World War.<sup>8</sup> Representatives of these

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<sup>4</sup> At the moment of ratification of the Convention in 2005 non-citizens represented 20% of Latvia's population. Source: home page of the Naturalization Board: [www.np.gov.lv](http://www.np.gov.lv)

<sup>5</sup> Many representatives of national minorities' organisations have pointed at this problem, including representatives of LASHOR (08.02.2007), Latvia's Russian Culture Society (13.02.2007), Latvia's Ukrainian Society (15.02.2007), Latvia's Armenian Society „LAO” (16.03.2007).

<sup>6</sup> On 1 January 2008 non-citizens constituted 16.36% of all Latvia's residents. Available at home page of the Office of Citizenship and Migration Affairs (OCMA): <http://www.pmlp.gov.lv/images/documents/vpd1.pdf> (13.05.2008)

<sup>7</sup> The Naturalisation Board received 21,297 citizenship applications in 2004, 19,807 in 2005, 10,581 in 2006, 3,308 in 2007 and 808 applications during the first 3 months of 2008. Available at home page of the Naturalization Board [http://www.np.gov.lv/lv/faili\\_lv/naturalizacija\\_lv\\_1.pdf](http://www.np.gov.lv/lv/faili_lv/naturalizacija_lv_1.pdf) (13.05.2008)

<sup>8</sup> According to the data of the Population Register, 57,281 Ukrainians (among them 35,290 non-citizens), 2,863 Tatars (1,720 non-citizens), 2,759 Armenians (1,242 non-citizens), 1,777 Azerbaijanis (1,032 non-citizens), 1,131 Georgians (492 non-citizens), 461 Uzbeks (168 non-citizens) have been living in Latvia on 1 January 2008. Available at home page of the OCMA <http://www.pmlp.gov.lv/images/documents/ttbvpd.pdf> (13.05.2008)

communities believe that the state should recognise them as national minorities and provide protection guaranteed by the Convention, while pointing out that the current definition developed by the state does not provide such guarantees.<sup>9</sup>

Although the State Report points out that the application of the Convention was broadened significantly by Latvia's declaration that the rights defined in the Convention can also be accessed by persons who identify themselves with a national minority, which is recognised in accordance with the definition, it is important to clarify the meaning of "traditionally lived in Latvia for generations", as some of the ethnic communities did not exist in Latvia before World War II.

On the one hand, the state recognises the existence of various ethnic groups in practice by providing access to grants from the state budget<sup>10</sup> and inviting some of their organisations to take part in various events and consultative bodies, but on the other hand, the state has been reluctant to provide clear guarantees of protection under the Convention, especially regarding specific articles, which go beyond cultural rights.

Another unclear issue is whether protection is to be ensured (at least in respect of some articles) to Latgalian<sup>11</sup> - Latvian regional group, which has preserved its individual cultural features and Latgalian written language, as well as to Russian Old Believers, an ethno-confessional group whose ancestors came to Latvia in the 17th century and established several communities. Discussions about Latgalian identity have been going on for over 100 years, and the interest has been revived by certain political forces. Representatives of some minority organisations and left-wing politicians<sup>12</sup> have pointed out that the Latvian state is not paying sufficient attention to the preservation of Latgalian language and culture, claim that Latgalians should be considered as a separate ethnic group, and the protection of the Convention should be

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<sup>9</sup> Interview with representatives of Latvia's Ukrainian Society (15.02.2007), Latvia's Uzbek Culture Centre (21.02.2007), Tatar-Bashkir National Culture Society „Ak Idel” and Moslem Society (13.03.2007), Latvia's Moldovan Culture Society „Dacia” (14.03.2007), Latvia's Armenian Society „LAO” (16.03.2007).

<sup>10</sup> In 2007 minority NGOs received 152 822 LVL/217 447 (in 2006 - 144,600 LVL/205,748 EUR) from the state budget. 316 (2006 - 336) grants have been given to 96 (2006 - 99) organisations representing 17 ethnic groups: 25% (2006 - 20%) to Russian NGOs, 21% (2006 - 36%) to interethnic NGOs, 15% (2006 - 12%) to Ukrainian NGOs, 9% (2006 - 6%) to Byelorussian NGOs, 8% (2006 - 7%) to German NGOs, 5% (2006 - 4%) to Slavic NGOs, 5% (2006 - 2%) to Jewish NGOs, 4% (2006 - 4%) to Romanian NGOs, 3% (2006 - 3%) to Lithuanian NGOs, 3% (2006 - 3%) to other NGOs, 2% (2006 - 3%) to Old Believers NGOs. Source: 2006 NGO Finance Indicators. Available at: [www.integracija.gov.lv](http://www.integracija.gov.lv) (02.09.2007), On 2007 NGO Finance Indicators information provided by the IUMSILS on 23.05.2008

<sup>11</sup> Data of Latgale Research Institute show that approximately 150,000-200,000 persons use Latgalian language in their everyday life. According to some estimates, 15-20% of all Latvia's residents are Latgalians. Available at: <http://dau.lv/ld/latgale.html>. During the Population Census in 2000 those individuals, who indicated their ethnicity as "Latgalians" have been counted as "Latvians". *Cibuļš Juris* „Amerikāņiem – jā, latgaļiem – nē”, in: *Latvijas Avīze* 02.06.2004. A possibility to study Latgalian language as an optional subject is provided in four or five schools in Latgale. Source: Benfelde Sallija „Latgale celsies jeb Naudas ir maz, bet leņnuma pietiek” in: *Nedēļa* 01.03.2006.

<sup>12</sup> Opinion of representative of Old Believers' Society at a meeting of Representatives of Minority NGOs Participation Council (Riga, 16.02.2007), interview with representative of „Inflanty” society (Riga, 12.02.2007). Draft amendments to the Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups" prepared by Latvian Socialist Party faction at the 8th Saeima.

extended to them as well. Information available at the moment indicates that Latgalians believe that a special state programme should be developed for the protection of identity, as well as for the development of their language and culture.<sup>13</sup> On the other hand, Livs (an indigenous ethnic group), apparently out of fear of losing their indigenous people's status, have strongly emphasised that the definition of minority and the protection of rights within the framework of the Convention are not applicable to them. For the sake of protection and development of Livonian identity, language and cultural-historical heritage the Cabinet of Ministers in 1999 adopted a long term state target programme "Livs in Latvia".<sup>14</sup>

Representatives of some recent immigrant minorities (for example – Latvian-Lebanese Culture Society, Arabian Culture Centre and Afrolatvian Association) have also expressed their wish to receive the protection guaranteed by the Convention, at least in respect of some of its articles.<sup>15</sup>

#### Ethnicity record in documents

Information regarding ethnicity of the document holder can be entered in a citizen or non-citizen passport or ID documents on the basis of a request by the individual, according to the *Personal Identification Documents Law*, adopted by the Saeima on 23.05.2002.<sup>16</sup> Ethnicity record in passports used to be mandatory before the adoption of this Law. Information about the passport holder's ethnicity already registered in the database of the Population Register will be retained there even if the passport holder does not want to enter this information about his/her ethnicity in the passport.

Introduction of new passports according to EU requirements and international standards will require the Saeima to decide whether to preserve the opportunity to enter information about ethnicity in passport on a voluntary basis. Some minority representatives (for example – Ukrainians) have indicated that it is important for them to keep the voluntary entry of ethnicity in passports in the future.<sup>17</sup>

#### Statistical data

In Latvia, there is still a lack of understanding about the importance of collecting ethnic data for development of policy programmes and initiatives. According to the data of Eurobarometer, 73% of respondents in Latvia are in favour to provide, on an anonymous basis, information about their ethnic origin as part of a census, if that could help to combat discrimination in Latvia, while 21% are against providing such information.<sup>18</sup>

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<sup>13</sup> Latgalian Student Centre, a letter „On the implementation of subparagraph 4 of article 3 of the State Language Law”

<sup>14</sup> More information on the target programme „Livonians in Latvia” is available at IUMSILS home page: [www.integracija.gov.lv](http://www.integracija.gov.lv)

<sup>15</sup> Interview with representatives of Latvian-Lebanese Culture Society and Arabian Culture Centre (16.03.2007)

<sup>16</sup> Information about the passport holder's ethnicity is entered according to information registered about that person in the Population Register database. According to the *Law on Changing the Registered Name, Surname or Ethnicity*, ethnicity record could be changed if an applicant wants to record in the passport or in some other personal identity document the ethnicity of his/her direct antecedents within two generations and if he/she can prove his/her belonging to this line of relations.

<sup>17</sup> Interview with representative of Latvia's Ukrainian Society ( Riga, 15.02.2007)

<sup>18</sup>The Special Eurobarometer N°263 “Discrimination in the European Union”, available at: [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_263\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_263_en.pdf)

Although various state and municipal bodies in Latvia are collecting ethnic data, so far no comprehensive and systematic information is available about what personal data (including those related to ethnicity and ethnic origin) are collected or stored and for what purposes such data are used. There is no common understanding among the data collecting bodies about whether ethnicity and ethnic origin are sensitive data<sup>19</sup> and whether such data should be collected, entered in various surveys and forms.<sup>20</sup> While before the restoration of independence an entry “ethnicity” was an integral part of many documents and forms, for the last few years there has been a tendency to exclude this category from statistical data gathering by institutions. In practice, some ministries and other bodies do collect demographic data, including ethnic and linguistic, although in most cases, these data are made available only upon special request.<sup>21</sup> At the same time, other institutions, such as the judiciary, have explicitly stopped recording ethnicity of defendants, which was previously done.

The most significant shortcomings of officially collected statistics are: limited categories and areas, lack of coordination in collecting and processing the data, lack of definitions or vagueness of categories.<sup>22</sup>

The Population Register data also illustrate the fact that “ethnicity” category is not clearly defined and applied.<sup>23</sup> As an example, under ethnicity some citizens of Latvia are registered as “Arabs”, yet some other Latvian citizens are registered as “Algerians”, “Egyptians”, “Iraqis” etc. “American” also appears as an ethnicity in this list. It seems that in certain cases there is a confusion between nationality as ethnicity vs nationality as citizenship.

The latest most comprehensive statistical data that include information about ethnicity, native language, citizenship, language knowledge and usage of Latvia’s residents is the data of Population Census held in 2000.<sup>24</sup> Some data on categories “ethnicity” and “citizenship” are also featured in results of researches and surveys conducted by other institutions, although inclusion of these categories is not systematic.

Some experts believe that in Latvia’s context, data about respondents’ native language, Latvian language proficiency and citizenship is more important than

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<sup>19</sup> According to the *Personal Data Protection Law*, personal data which indicate the race, ethnic origin, religious are sensitive data. At the same time, the *Law on Population Register* does not consider ethnicity as sensitive data.

<sup>20</sup> In some forms ethnicity is not mentioned at all, while in others a line „ethnicity” is envisaged, although explanation is provided that this entry is not mandatory, yet in some other forms the line „ethnicity” is included without any explanation.

<sup>21</sup> For example, until 2006/2007 academic year the Ministry of Education and Science had been publishing on its homepage statistical data about ethnicity of pupils of general education schools. Starting from 2006/2007 academic year these data are not published, reportedly because of concerns over data protection and sensitivity of ethnic data. However, the Ministry collects this data and could provide it upon special request.

<sup>22</sup> “Ethnic Data Collection for Antidiscrimination”, unpublished paper prepared by the Latvian Centre for Human Rights (2007)

<sup>23</sup> Home page of the Office of Citizenship and Migration Affairs <http://www.pmlp.gov.lv/images/documents/06.pdf>

<sup>24</sup> Results of the 2000 Population and Housing Census in Latvia. Collection of Statistical Data. – Central Statistical Bureau of Latvia - Riga, 2002.

ethnicity.<sup>25</sup> Russian is native language to a significant part of national minorities (for example Russians, Ukrainians, Byelorussians, Armenians, Jews and others), therefore, if research takes into consideration only the ethnicity of respondents, there is a perceived risk that the analysis will be of limited explanatory use. Experts have also pointed to a strong probability that among those respondents who do not indicate their ethnicity a significant part is represented by those most vulnerable to discrimination and numerically small minorities. This limits possibilities for analysis of these groups and development of effective policies.

#### Article 4

- 1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
- 2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*
- 3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

Although a general prohibition of unequal treatment has been included in both the Constitution as well as a number of separate laws since the 1990s, the adoption of more specific and well-defined anti-discrimination legislation was undertaken as a result of the EU accession process, and the requirement to transpose the EU equality directives.

While the transposition of Employment Directive in Latvian legislation was generally completed by October 2007,<sup>26</sup> the transposition of Racial Equality Directive had not been finished by the end of 2007.<sup>27</sup> In July 2006 the European Commission initiated infringement procedure against Latvia because of incomplete transposition of Racial Equality Directive. Also in June 2007 the European Commission forwarded its reasoned opinion to the government of Latvia, pointing out that Latvian legislation is not applicable to all areas covered by the Directive.

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<sup>25</sup> „Ethnic Data against Discrimination”, seminar organised by the Latvian Centre for Human Rights, Riga, 18 September 2007.

<sup>26</sup> Amendments to the *Labour Law* (22.04.2004). On 21 September 2006 the Parliament approved the amendments to the Labour Law, by which sexual orientation was explicitly included in the list of prohibited grounds of discrimination. Amendments to the *Law on State Civil Service* (02.11.2006).

<sup>27</sup> Amendments to the *Law on Social Security* (01.12.2005; 06.03.2008); amendments to the *Law on the National Human Rights Office* (15.12.2005); amendments to the *Law on State Civil Service* (02.11.2006); amendments to the *Law on Associations and Foundations* (02.11.2006); amendments to the *Administrative Violations Code* (15.05.2007); amendments to the *Criminal Law* (21.06.2007). The draft amendments to the *Civil Law* passed the first reading in the Saeima on 23.11.2006. The draft law On the Rights of the Patients passed the second reading in the Saeima on 20.12.2007. Amendments to the Consumer Rights Protection Law passed the first reading in the Saeima on 17.04.2008.

### Institutions

The main responsible state institution for the implementation of the principle of equal treatment and officially designated as a specialised body in accordance with Article 13 of the Race Equality Directive is the Ombudsman's Office.<sup>28</sup> However, only 4 staff members work at the Unit for Eliminating Discrimination in 2008, and the issue of capacity of the Ombudsman's Office continued to raise concern. While the Law on the Ombudsman's Office provides for the right of the Office to file civil and administrative complaints in court and to represent interests of victims of discrimination in civil court proceedings, these rights have been used only once (in 2006 as the NHRO).<sup>29</sup>

At the political level, the Secretariat of the Special Assignments Minister for Social Integration (IUMSILS in its Latvian acronym) is responsible for anti-discrimination policy. According to the Regulations of the IUMSILS (adopted 13.11.2007), the Secretariat implements and coordinates activities related to elimination of racial and ethnic discrimination, interdisciplinary issues of antidiscrimination and promotion of tolerance in society.<sup>30</sup> The Department for the European Policy of Non-discrimination was established in 2005 and in 2007, 3 persons worked in the Department. The Department was closed down in October 2007 and its functions assigned to other departments of IUMSILS. Official letter of the IUMSILS states that the department was closed down, to ensure good governance and to optimise the fulfilment of tasks within the IUMSILS competence.<sup>31</sup>

### Data and statistics

Latvia still lacks comprehensive data on the situation regarding discrimination on various grounds. There is a small, although slowly increasing number of court cases on discrimination. The number of discrimination complaints on various grounds received by the state bodies and non-governmental organisation is rather small as well. In addition, no systematic data collection and research have been developed in order to monitor the situation of various social groups, cases and practices of discrimination. The tendency on the part of the state institutions to deny the existence of discrimination in Latvia was also acknowledged in the 2007 visit by Doudou Diene, the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.<sup>32</sup> However, the small number of discrimination complaints and court cases indicate rather low level of awareness and lack of knowledge by individuals to recognise cases of discrimination and defend their rights in court.

The Eurobarometer survey data published in January 2007 show that in the view of people in Latvia, the most widespread discrimination is on the ground of age (55%), while 29% of respondents believe, that discrimination on the ground of ethnic origin

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<sup>28</sup> The Law on the Ombudsman's Office (entered into force on 1 January 2007) determines that the Ombudsman's Office takes over the rights and duties of the National Human Rights Office (NHRO).

<sup>29</sup> Information provided by the Ombudsmen's Office on 18.01.2008

<sup>30</sup> Available at home page of the IUMSILS <http://www.integracija.gov.lv/?id=59&sa=59&top=46> (21.05.2007)

<sup>31</sup> Information provided by the Secretariat of the Special Assignments Minister for Social Integration on 25.10.2007

<sup>32</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diene. Mission to Latvia. Available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A.HRC.7.19.Add.3.doc> 29.04.2008

is also widespread in Latvia.<sup>33</sup> Relatively few people (10%) believe that discrimination on the ground of religion is widespread. It is significant, that only 28% of respondents claim to know their rights should they be the victim of discrimination or harassment, and only 33% believe that Latvia is making sufficient effort to fight all forms of discrimination.

In 2006, the first-ever and, thus far, the only ethnic discrimination case in Latvia was reviewed by the Jelgava Court: the NHRO filed a complaint with court on behalf of a Romani woman who claimed that she was refused employment because of her ethnicity.<sup>34</sup> The court established that the prohibition of indirect discrimination on ethnic grounds has been violated on basis of Latvian legal norms, including provisions of the Labour Law, which were adopted in line with the Racial Equality and Employment Framework Directives. The court awarded the victim LVL 1,000 (EUR ~1,422) to be paid by the respondent party for pecuniary damages. However, the victim has not received any payment as the responsible private company has filed for bankruptcy.

In 2007 the Ombudsman's Office received 345 written and oral complaints on alleged discrimination - 53 on the grounds of race or ethnicity (13 written, 40 oral), 20 on the grounds of language (17 written, 3 oral), 12 on the grounds of religion (11 written, 1 oral). Discrimination complaints represent 6.7 percent of all complaints received by the Office in 2007.<sup>35</sup> At the same time it remains unclear whether the Ombudsman's Office has developed any criteria in registering complaints concerning discrimination.

**Table 1: Complaints received by Ombudsmen's Office in 2007**

Discrimination complaints on the grounds of:	Received:	Solved:	Finished with recommendation:	Pending:	Oral complaints:	Total
Race or ethnicity	13	4	5	4	40	53
Language	17	0	16	1	3	20
Religion	11	0	9	2	1	12

Source: *The Ombudsman's Office (18.01.2008)*

**Table 2: The number of written and oral discrimination complaints received by the Ombudsman's Office in 2005, 2006 and 2007**

	Number of all discrimination complaints (%)	Race or ethnicity (% of discrimination)	Language (% of discrimination)	Religious beliefs (% of discrimination)

<sup>33</sup> Respondents in Latvia believe that the most widespread discrimination in the country is on the ground of age (55%), disability (51%), sexual orientation (32%), gender (21%). European Commission. (2007). *Discrimination in the European Union. Special Eurobarometer 263/Wave 65.4-TNS Opinion & Social*. P. 172. Available at:

[http://ec.europa.eu/employment\\_social/news/2007/jan/euro\\_baro\\_summary\\_en.pdf](http://ec.europa.eu/employment_social/news/2007/jan/euro_baro_summary_en.pdf)

<sup>34</sup> Latvian National Human Rights Office. Available at:

[http://www.vcb.lv/default.php?show\\_me=zinu\\_arhivs](http://www.vcb.lv/default.php?show_me=zinu_arhivs) (01.10.2006)

<sup>35</sup> Information provided by the Office of the Ombudsman on 18.01.2008. In 2006 the National Human Rights Office received 341 written and oral complaints about discrimination. The main art of these complaints concerns discrimination on the ground of gender (151), while 49 complaints concern race or ethnicity and 28 concern language. Information provided by the Ombudsman's Office on 07.05.2007.

	of total	complaints)	complaints)	complaints)
2005	117 (2.09%)	15 (8.47%)	5 (4.3%)	-
2006	347 (6.3%)	49 (14%)	28 (8%)	-
2007	345 (6.7%)	53 (15.3%)	20 (5.8%)	12 (3.5%)

Source: *The Ombudsman's Office (18.01.2008)*

In 2007 the Ombudsman's Office (formerly National Human Rights Office) received the first complaint about possible discrimination in education on the grounds of race or ethnicity (differential treatment of a Roma girl in school). The case is under examination with the Office.<sup>36</sup>

In 2007 the Ombudsman's Office received 2 complaints about unavailability of reimbursable medicines and lack of medical treatment for Roma. These are the first complaints received by the Ombudsman's Office (formerly National Human Rights Office) about possible discrimination in the sphere of health and social care on the ground of race or ethnicity. Representatives of the Roma community have submitted complaints about alleged refusal without valid grounds by the State Agency for Compulsory Health Insurance (HCISA) to reimburse medicines for disabled Roma. Claimants alleged this was done due to the ethnicity of the individuals concerned. The Ombudsman's Office has requested information from the HCISA and the cases are under consideration.<sup>37</sup>

#### Research data

According to the opinion poll commissioned by the National Human Rights Office (Ombudsman Office as of 1 January 2007), 23 per cent of respondents claimed to have experienced unfair treatment during the last three years.<sup>38</sup> Of those, the greatest share (30 per cent) claimed their right to work has been violated.<sup>39</sup> This view is shared by 28 per cent of citizens and 37 per cent of non-citizens, 20 per cent of ethnic Latvians, 40 per cent of ethnic Russians and 32 per cent of other ethnicities who claim to have experienced unfair treatment during the last three years.<sup>40</sup>

According to the results of the public opinion survey "Attitudes towards Civil Society", among respondents who believe that discrimination is a topical issue for Latvia, 32.3 per cent believe discrimination is most common in the labour market. This opinion is shared by 33.5 per cent of ethnic Latvians and 30.5 per cent by representatives of other ethnicities.<sup>41</sup>

Some researches show that instances of discrimination are most often occurring in the labour market, where it is to a great extent related to linguistic issue.<sup>42</sup> From the

<sup>36</sup> Information provided by the Ombudsmen's Office on 18.01.2008

<sup>37</sup> Information provided by the Ombudsmen's Office on 18.01.2008

<sup>38</sup> Baltic Institute of Social Science (2006), *Study on human rights in Latvia*, p.20. Available at: <http://www.vcb.lv/index.php?open=petijumi&this=250906.252> (22.10.2007)

<sup>39</sup> Latvian National Human Rights Office (2006), *Study on human rights in Latvia*, p.3. Available at: <http://www.vcb.lv/index.php?open=petijumi&this=250906.252> (22.10.2007)

<sup>40</sup> Latvian National Human Rights Office (2006), *Study on human rights in Latvia*, p.33. Available at: <http://www.vcb.lv/index.php?open=petijumi&this=250906.252> (22.10.2007)

<sup>41</sup> Market and Public Opinion Research Centre SKDS (2007), Public opinion survey "Attitudes toward Civil Society", unpublished data.

<sup>42</sup> Muižnieks, N. (ed.), (2007). *Nacionālo minoritāšu konvencija – diskriminācijas novēršana un identitātes saglabāšana Latvijā*. LU Akadēmiskais apgāds. Available at: [http://www.integracija.gov.lv/doc\\_upl/minoritasu%20Konvencijas%20petijums%20-%20final.pdf](http://www.integracija.gov.lv/doc_upl/minoritasu%20Konvencijas%20petijums%20-%20final.pdf)

labour market perspective, such factors as mother tongue, Latvian language skills, as well as possession of Latvia citizenship, are more important than ethnicity in Latvian situation. The above evidence suggests that ethnicity as such (in contrast with mother tongue) has very limited potential as a factor of labour market discrimination in Latvia. There are however some small groups (Jews, Roma, Armenians, Azerbaijanis, Tatars, Uzbeks, etc.) which can, in principle, be discriminated against because of their looks, names or surnames, which are clearly different from that of both Latvian and Slavic population.<sup>43</sup>

According to the research data, 85 per cent of employers believe there is no discrimination on the grounds of the state (Latvian) language proficiency, while only 51 per cent of employees subscribe to this view. 93 per cent of employers believe there is no discrimination on the ground of ethnicity, while 77 per cent of employees support this statement. Both employers and employees admit the problem of discrimination on the ground of ethnicity against Roma. The research data hints at possible discrimination in salaries paid to ethnic Latvians and ethnic non-Latvians, although more comprehensive data is needed to make a definitive conclusion.<sup>44</sup>

### Roma situation

Research data and interviews with representatives of Roma show that Roma is one of the groups at greatest risk of discrimination. Roma experiences discrimination in the labour market, education, housing and other areas of social life.<sup>45</sup> Research and interviews demonstrate that in comparison to other minorities, finding employment is more complicated for ethnic Roma. Although their Latvian language proficiency is rather good, low educational attainment and existing public stereotypes in many instances prevent them from getting even unskilled jobs.<sup>46</sup> Roma experience similar problems in accessing social services and bank loans.

On 18.10.2006 the Cabinet of Ministers approved the state programme „Roma in Latvia” 2007-2009.<sup>47</sup> The programme names three main areas of improvement and

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(22.05.2008); Mihails Hazans, *Unemployment and the Earnings Structure in Latvia*, (2005), available at: [http://siteresources.worldbank.org/INTECA/Resources/Latvia\\_LSA\\_Final\\_0328707Ha3.pdf](http://siteresources.worldbank.org/INTECA/Resources/Latvia_LSA_Final_0328707Ha3.pdf); Latvian Agricultural University, Daugavpils University, Riga Stradina University, Ventspils University College, Vidzeme University College (2007), *Specific Problems of Labour Market in Latvia and its Regions*, p.4, available at: <http://sf.lm.gov.lv/esf> (22.10.2007)

<sup>43</sup> Mihails Hazans, Study on the social and labour market integration of ethnic minorities. The Latvian Report.

(2007) Mihails Hazans. Unpublished data.

<sup>44</sup> Latvian Agricultural University, Daugavpils University, Riga Stradina University, Ventspils University College, Vidzeme University College (2007), *Specific Problems of Labour Market in Latvia and its Regions*, p.76, available at: [http://sf.lm.gov.lv/esf/?main\\_page\\_id=5&page\\_type=d\\_cat&second\\_page\\_id=31&doc\\_id=45](http://sf.lm.gov.lv/esf/?main_page_id=5&page_type=d_cat&second_page_id=31&doc_id=45) (22.10.2007)

<sup>45</sup> Roundtable discussion in Jelgava (19.02/2007). Latvian Centre for Human Rights and Ethnic studies, *Situation of Roma in Latvia* (2003), available at:

[http://www.humanrights.org.lv/upload\\_file/situation\\_of\\_roma.pdf](http://www.humanrights.org.lv/upload_file/situation_of_roma.pdf). Muižnieks, N., (ed.). (2007).

*Nacionālo minoritāšu konvencija – diskriminācijas novēršana un identitātes saglabāšana Latvijā*. LU Akadēmiskais apgāds. Available at:

[http://www.integracija.gov.lv/doc\\_upl/minoritasu%20Konvencijas%20petijums%20-%20final.pdf](http://www.integracija.gov.lv/doc_upl/minoritasu%20Konvencijas%20petijums%20-%20final.pdf) (22.05.2008)

<sup>46</sup> In September 2007 media highlighted a case of Roma job applicant, who has been clearly told by potential employer: „We do not hire Gypsies”, Viksna, I., Mēs čigānus neņemam, in: *Neatkarīgā Rīta Avīze*, 14.09.2007.

<sup>47</sup> State Programme „Roma in Latvia” 2007-2009, available at:

[http://www.integracija.gov.lv/doc\\_upl/valsts\\_programma\\_Cigani\\_\(romi\)\\_Latvija.pdf](http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_(romi)_Latvija.pdf) (21.05.2008)

development: combating discrimination of Roma population in education; combating discrimination and securing equal opportunities for Roma community representatives in labour market; and involvement of Latvian society into anti-discrimination activities and promotion of tolerance towards Roma. Dealing with discrimination in housing and health and social care are not included in the programme. The programme is the first state policy paper and action plan aimed explicitly at improving the situation of Roma in Latvia.

Although, the programme covers a wide range of issues including education, employment and human rights, its implementation in 2007 focused primarily on activities facilitating Roma education.<sup>48</sup> Insufficient state funding is one of the factors hindering implementation of the programme's planned activities. Implementation of Roma programme activities required LVL 81,007 (~ EUR 115,263) in 2007, LVL 137,139 (~ EUR 195,132) in 2008 and LVL 125,274 (~ EUR 178,249) in 2009. The total amount allotted by the state budget for implementation of the Roma programme action plan was LVL 53,755 (~EUR 76,486) in 2007 and LVL 50,000 (~EUR 71,150) in 2008, - which is nearly three times smaller than the required amount.<sup>49</sup> Another obstacle to implementation of the programme is a lack of cooperation between relevant state bodies and social partners. So far, neither the Ministry of Education and Science, nor the State Employment Agency, nor municipalities, nor social services and employers have been involved in implementation of the programme.

According to the report on implementation of the programme in 2007, no activities in the sphere of employment have been implemented, while in the sphere of human rights 36 grants have been awarded to 11 Roma and interethnic NGOs, which have mostly focused on facilitating the development of Roma culture and preservation of ethnic identity (total amount: LVL 18,000).<sup>50</sup> The main activities planned for 2008 are also concerned with Roma education, although organisation of one roundtable discussion "Roma in Latvia's labour market" is planned in order to facilitate Roma employment.

The State Programme envisages that within the framework of the Discrimination Prevention Department of the Ombudsman's Office a position of Roma officer has to be established in 2007. The Roma officer would be entrusted with investigating the cases of discrimination against Roma and representing interests of Roma in court proceedings.<sup>51</sup> However, because of insufficient funding and lack of cooperation

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<sup>48</sup> The NGO Centre for Education Initiatives has been named by the National Programme „Roma in Latvia” 2007-2009 as the responsible organisation for the development of nationwide inclusive practices for Romani students. In June-September 2007 the CEI has developed programme “Teachers assistant-Roma”. The programme envisages professional training of 20 Roma teacher assistants for preschool education establishments. Programme for public discussion “Roma child in school – a step into the future”, as well as programme for seminar “The work of teacher in a class with Roma pupils” were developed by the CEI. By the end of 2007 nine public discussions had taken place, involving 182 participants: Roma parents, representatives of Roma NGOs, educational establishments and municipality. Information provided by the Centre for Education Initiatives on 17.01.2008

<sup>49</sup> Information provided by the Secretariat of the Special Assignments Minister for Social Integration (14.05.2008)

<sup>50</sup> Information provided by the Secretariat of the Special Assignments Minister for Social Integration (14.05.2008)

<sup>51</sup> Available at: [http://www.integracija.gov.lv/doc\\_upl/valsts\\_programma\\_Cigani\\_romi\\_Latvija.pdf](http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_romi_Latvija.pdf)

between institutions, the position of Roma officer was not established in 2007. It is planned that the position will be established in 2008.<sup>52</sup>

### Visual minorities

While the number of visual minorities in Latvia is relatively small, it has continued to grow, and their representatives have increasingly been facing manifestations of intolerance and instances of discrimination. Several experts believe that the problem of indirect or hidden discrimination is especially acute, while racism becomes more topical due to increasing number of arrivals from other countries and cultures.<sup>53</sup> According to the Head of NGO AfroLat assaults on non-white skinned people have become more frequent, of late, also targeting children.<sup>54</sup> (More information on racist incidents is provided under Article 6.)

### View of national minorities

Minority representatives who participated in the regional seminars organized by the LCHR believe that discrimination in the labour market to a great extent is related to the linguistic issue - native language and Latvian language proficiency, as well as citizenship. These representatives also pointed out that too high language proficiency requirements are preventing minorities from occupying some positions and thus could be a ground of differential treatment. This discrimination also perpetuates into education sphere which effects the situation in the labour market.<sup>55</sup>

## **Article 6**

- 1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.***
- 2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.***

In 2004, the Cabinet of Ministers approved “National Programme for the Promotion of Tolerance 2005-2009”.<sup>56</sup> New “Programme for the Promotion of Tolerance 2009-2013” was announced at the meeting of the State Secretaries in April 2008.<sup>57</sup> The programme approved in 2004 envisaged the development of a tolerant Latvian society, the elimination of intolerance and further development of a multi-cultural society, however, no assessment of the programme has been carried out on its impact on the declared goals. Moreover, no studies have been conducted to seriously analyse

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<sup>52</sup> Information provided by the Ombudsman’s Office in September 2007.

<sup>53</sup> Дубков, А., Есть ли в Латвии расизм и дискриминация? in: *Телеграф*, 21.05.2008

<sup>54</sup> Дубков, А., Есть ли в Латвии расизм и дискриминация? in: *Телеграф*, 21.05.2008

<sup>55</sup> Interview with representatives of Latvia’s Ukrainian Society (15.02.2007.), Chairperson of Jekabpils Russian Society „Rodnik” (14.03.2007.). Roundtable discussions in Jelgava (19.02.2007.), Ventspils (13.03.2007.), Liepaja (15.03.2007.), Daugavpils (24.08.2006)

<sup>56</sup> National Programme for the Promotion of Tolerance 2005.-2009, available at: <http://www.integracija.gov.lv/?id=276&top=43&sa=214> (21.05.2008)

<sup>57</sup> Project „Programme for the Promotion of Tolerance 2009.-2013”, available at: <http://www.mk.gov.lv/lv/mk/tap/?pid=30339455> (21.05.2008)

Latvian situation, and identify key problems (causes) related to intolerance and discrimination.

The Secretariat of the Special Assignments Minister for Social Integration (IUMSILS) has implemented various programmes and projects aimed at the promotion of tolerance and intercultural dialogue.<sup>58</sup> Society Integration Foundation also funded various projects aimed at elimination of discrimination and intolerance.<sup>59</sup> Although the state institutions and foundations spend considerable funds for promotion of tolerance and awareness-raising campaigns, there is no well-established procedure for evaluation of effectiveness of such activities. Most of the funded projects are aimed at promotion of culture of different ethnic groups traditionally living in Latvia. However, the number of projects aimed at anti-discrimination activities, such as data collection, legal aid and anti-discrimination training, as well as fighting against manifestation of hate crime and intolerance, are insufficient.

Though some research indicates that there is a high level of ethnic tolerance among ethnic Latvians and non-Latvians,<sup>60</sup> public opinion surveys reveal a negative and intolerant attitude of a broader Latvian society towards the possible influx of labour force in Latvia and asylum seekers. Strong negative attitude towards a possible influx of immigrants have been also observed in a political and public discourse. Recent studies show that more than 62 per cent of respondents do not approve attraction of guest workers as a solution to shortage of labour force in Latvia.<sup>61</sup> Compared with 2006 survey data, the share of respondents with negative views has decreased by 8 per cent.<sup>62</sup> 55 per cent of respondents believe that the Latvian government should take measures to prevent and decrease influx of labour force in Latvia. Particularly negative attitude is expressed towards guest workers from China, Vietnam, Turkey, as well as African countries. More than 70 per cent of respondents disapprove the idea that state funds could be spent for integration into Latvia's society of guest workers/migrants from foreign countries.<sup>63</sup>

According to survey data, Latvia's residents are reserved about the idea that cultural diversity brought about by the refugees and persons with alternative status in Latvia should be supported: 15% of respondents definitely support the idea, while nearly twice that number – 34.7% completely oppose the idea.<sup>64</sup> The authors of the survey

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<sup>58</sup> For example, 3 projects „Latvia – Equal in Diversity”, financed by European Commission; project „Integration of new members of society”, funded by the European Refugee Fund; Programme for the National Promotion of Tolerance 2005.-2009.; State programme „Roma in Latvia” 2007-2009.

Available at: [www.integracija.gov.lv](http://www.integracija.gov.lv) (21.05.2008)

<sup>59</sup> Society Integration foundation: <http://www.lisif.lv/lv/ieklapas/atbalsttiepr/ESpp/parprojektie> (21.05.2008)

<sup>60</sup> Zepa, B., Šūpule I., Krastiņa, L., (2004) *Ethnic Tolerance and Integration of the Latvian Society*.

Rīga: Baltic Institute of Social Science, available at:

[http://www.biss.soc.lv/downloads/resources/Tolerance\\_Engl.pdf](http://www.biss.soc.lv/downloads/resources/Tolerance_Engl.pdf) (21.05.2008)

<sup>61</sup> Market and Public Opinion Research Centre SKDS (2007), *Public opinion survey*, unpublished primary data.

<sup>62</sup> Market and Public Opinion Research Centre SKDS (2006), *Public attitude towards labour force migration*, available at: [http://www.mfa.gov.lv/data/dazadi/pielikumi/skds\\_migracijas\\_petijums.pdf](http://www.mfa.gov.lv/data/dazadi/pielikumi/skds_migracijas_petijums.pdf) (17.01.2008)

<sup>63</sup> Market and Public Opinion Research Centre SKDS (2007), *Public opinion survey*, unpublished primary data.

<sup>64</sup> Research „Integration of New Society Members” (2008), available at: <http://www.integracija.gov.lv/?id=582&sa=582&top=43> (21.05.2008)

concluded that Latvia's residents are generally have strong towards refugees and individuals with similar status and are afraid of the consequences of multiculturalism. This conclusion in particular is supported by the fact that the majority (59,6%) of the respondents believe that refugees and persons with alternative status should not preserve their ethnic peculiarities, but should rather adopt traditions of the majority of the society.

### **Racist crimes**

While recent years have seen an increase in the manifestations of racism, both in public discourse and in the streets, Latvia lacks comprehensive hate crime legislation and the law enforcement response in handling such crimes remains inadequate.

The Criminal Law, in force since 1 April 1999, contains several provisions which criminalise intentional acts aimed at the incitement to hatred on racial, national origin, ethnic and religious grounds, and prohibit discrimination.<sup>65</sup> Most of the provisions were inherited from the old Criminal Code, which was adopted in the Soviet period in 1961, and despite several amendments in October 2006 and June 2007, the provisions only partially addressed the existing legislative gaps.<sup>66</sup>

Thus far, only one provision - on incitement to racial and ethnic hatred (Section 78) has been evoked. It was rarely applied until 2005, which saw a sudden surge in criminal cases (13) opened by Security Police, which were predominantly hate speech cases on the internet. There are no special racially or religiously aggravating offences in the Latvian legislation. However, in a surprise development in October 2006, without any debate the parliament adopted amendments to the Criminal Law adding racist motivation as one of the 14 aggravating factors.

In Latvia, the Security Police has general jurisdiction over investigation of crimes falling under Section 78 as it is included in Chapter IX (Crimes against Humanity, War and Peace) of the Criminal Code. In hate speech cases falling under the Section 78 the initial investigation is conducted by the Security Police, however in the cases of racist incidents, including violent racist crimes, occurring in the 'street' the initial investigation, is conducted by the State Police, and then forwarded to the Security Police.

No comprehensive system of registering racially and religiously motivated crimes has been developed. Police only record crimes initiated under Section 78. Around 60 crimes have been registered since 1991, the majority – during the last three years (13 in 2005, 14 in 2006 and 16 in 2007). No cases have been registered under Sections 150 & 151.

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<sup>65</sup> Section 78 (Violation of National or Racial Equality and Restriction of Human Rights); Section 150 (Violation of Equality Rights of Persons on the Basis of Their Attitudes towards Religion);

<sup>66</sup> On 21 June 2007, the Saeima adopted amendments to the Criminal Law. Article 78 has been renamed from 'Violation of National or Racial Equality and Restriction of Human Rights' to 'Incitement to national, ethnic and racial hatred' and supplemented with new qualifying conditions – using of automated data processing systems, and new form of punishment – community service. The newly introduced article 149' criminalizes discrimination on the grounds of race or ethnic affiliation, or other prohibited forms of discrimination if repeatedly committed within a year. Article 150 has been renamed as 'raising religious hatred'.

Most cases have been hate speech cases on the internet, some have also been related to marginal and mainstream print media, and a few to public discussions. Internet cases have generally included several postings in discussion groups on the social network web (a Latvian equivalent of Facebook) or comments to articles on the news portals inciting hatred towards Latvians, Russians, Jews, and visibly different minorities. The majority of cases have not been dealt with in court, but resolved at the prosecutorial stage as defendants predominantly 16-20 year olds youths, pleaded guilty, and were issued a prosecutor's injunction with fines ranging in the amount of 320-480 Lats (~ 700 euros).

At the same time, in cases involving individuals, such as the leader and activists of the radical right-wing Latvian National Front notorious for their frequent anti-Russian and anti-Semitic rhetoric in their newspaper DDD (Deoccupation, Decolonisation, Debolshevisation), the first instance court (Riga Regional Court) acquitted the defendants in 2007 arguing that the intent of the accused to incite hatred had not been proven to convict them of incitement to hatred and that such expressions were being protected by freedom of speech. While the case was appealed by the prosecutor, the Criminal Division of the Supreme Court upheld the decision of the lower instance court. In a similar vein, in August 2007 a district prosecutor terminated criminal proceedings against a young Neo-nazi who stated in a public discussion in February that Jews and Roma people are 'non-humans' and it would be preferable to exterminate them<sup>67</sup>. The prosecutor argued that his statements were an expression of freedom of speech protected by the Latvian Constitution and by the European Convention for Human Rights and Fundamental Freedoms.<sup>68</sup> However, the decision was appealed and, subsequently, the court imposed a prison sentence.

One of the major problems concerning the investigation of Section 78 cases, which has drawn expert criticism has been the apparently narrow interpretation of the provision of Section 78 in connection with the subjective factor – the intent to incite hatred or enmity and the proof of such intent, namely that it is sufficient for the perpetrator who has expressed racist ideas to deny that he/she had intended to incite hatred to avoid criminal liability.

In hate speech cases, the law enforcement and judicial authorities have continued to rely on outside expert opinion in evaluating whether incitement to the racial and ethnic hatred has occurred, and, thus far has not developed sufficient internal capacity to handle such cases. Concern has also been raised about the absence of criteria in selecting outside experts.

On 14 February 2007, Latvia ratified the Council of Europe Convention on Cyber crime and Additional Protocol to the Convention on Cyber crime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems which came into force on 1 June, 2007. Despite the positive move, the Latvian legislation has not been assessed and amended in line with the Additional Protocol.

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<sup>67</sup> Latvia/Rīgas Tiesas apgabala prokuratūra/Nr.11840001107 (22.08.2007)

<sup>68</sup> Latvia/Rīgas Tiesas apgabala prokuratūra/Nr.3/1032-07 (12.09.2007)

The first case of racial violence was officially recorded in 2006. There have been 12 publicly known cases involving racially motivated assault or attempted assault, and police have struggled in handling such cases due to lack of experience in recognising and investigating such crimes, and low awareness of the impact of racist crimes on victims and communities. Initially the police qualified the cases as hooliganism or petty hooliganism without adequately examining the racial motives of the offenders and in several cases when no substantial injuries had been caused to the victim, the case was closed. Following media and public criticism, the police have attempted to qualify violent crimes under Section 78, and 4 cases have been prosecuted as racially motivated crimes under Section 78.2. Nevertheless the relevant legislative provision may not be adequate to prosecute racial violence under a hate speech provision.

Despite the promising 2006 Criminal Law amendments introducing racist motivation as an aggravating circumstance, which should have paved way for distinction between hate speech and other types of racially motivated crimes, there has been no case when it has been applied. Cases involving racial insults and harassment remain unaddressed as in the reported cases the police have refused to initiate criminal proceedings due to absence of criminal offence.

Racially motivated violence or attempted assaults have been predominantly directed against representatives of visibly different minorities, which have included local residents, foreign employees and tourists. 2007 saw the first officially registered attack against Roma, however, the Security Police eventually re-qualified it to hooliganism as it deemed that the evidence collected by the State Police was not sufficient to prove the racial motive of the attack.

There is no victim's register in Latvia and no information is recorded on victim's ethnic or religious background. No statistics are collected on the ethnic or religious background of the offender.

Despite some recent legislative amendments, these have not come as a result of consensus reached through serious and constructive debates among legislators, practitioners and experts, but rather haphazardly. While several of the racist attacks have been condemned by some politicians, there remains a widespread belief that such incidents are of isolated nature.

## **Article 10**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.***
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.***
- 3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and***

*cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

Upon ratification of the Convention, Latvia declared that it will apply the provisions of Article 10, paragraph 2 without prejudice to the Satversme (Constitution) of the Republic of Latvia and the legislative acts governing the use of the State language that are currently into force.

#### Legislation

Language use in communication with public authorities is regulated by the State Language Law, which determines that the state and municipal bodies accept and consider documents submitted by persons in the state language only.<sup>69</sup> The Law does not regulate language use in oral communication, but while languages other than Latvian can be (and is, in practice, at least in those municipalities with a large proportion of Russian-speakers) used in oral communication with municipal authorities, this possibility is not guaranteed by law and is entirely at the discretion of the individual public official. The Law also regulates language use in private establishments performing public functions.

The state language proficiency level required for various professions is determined by regulations adopted by the Cabinet of Ministers.<sup>70</sup> The extent of state language proficiency is approved in the mandatory and official procedure for testing language fluency in the public sector (~ 3,500 professions), while in the private sector, the extent of the state language proficiency is required for employees and self-employed persons who perform certain public functions, as well as if the activity affects legitimate public interest (e.g., medical staff, lawyers, notaries, guards and taxi drivers, around 70-80 professions). The Regulations also stipulate, that employees in private enterprises and self-employed whose professions are not included in the list and who are in close contact with consumers should be able to provide information on goods and services in the state language.

On 19.12.2006, the government adopted amendments to the above mentioned Regulations, stipulating a higher level of the required state language proficiency for certain professions, including, e.g. fire-fighters, who are expected to be fluent in Latvian at the highest level.<sup>71</sup> The State Fire-fighter and Rescue Service claimed that as a result of the existing requirements, it had had to refuse a job to 87 applicants, predominantly in areas with high concentration of minority representatives (capital Riga, Daugavpils, Jurmala), when it was already facing a shortage of 130 staff, including 85 junior staff. In November and December, 2007 the State language inspectors conducted Latvian language proficiency checks in the State Fire-fighter and Rescue Service throughout Latvia and filed 64 administrative violation protocols

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<sup>69</sup> According to the State Language Law, Latvian is the state language in the Republic of Latvia. Any other language used in the Republic of Latvia, except the Livonian language, shall be regarded, within the meaning of this Law, as a foreign language.

<sup>70</sup> Cabinet of Ministers' Regulations Nr. 296 on Requirements on Proficiency Degree in the State Language Required for Performance of Professional and Positional Duties and the Procedure of Language Proficiency Tests. Available in Latvian at: [www.likumi.lv](http://www.likumi.lv)

<sup>71</sup> Cabinet of Ministers' Regulations Nr.1023. (19.12.2006), Amendments to Cabinet of Ministers' Regulations Nr.296 (22.08.2000) on Requirements on Proficiency Degree in the State Language Required for Performance of Professional and Positional Duties and the Procedure of Language Proficiency Tests.

on insufficient use of Latvian during work.<sup>72</sup> The issue again resurfaced in spring 2008, when the Ministry of Interior submitted its own amendments which envisage lower Latvian language proficiency requirements for certain professions and occupations in the fire-fighter service and state border guard as currently mandated by the regulations.

On 03.04.2008, the meeting of State Secretaries announced new amendments to the Cabinet of Ministers' Regulations Nr. 296.<sup>73</sup> The amendments envisage a new extended list which determines Latvian language proficiency levels required for additional 250 posts and professions in the private sector. The new list includes such occupations as guards, street sweepers, electricians, jewellers, dentists, chambermaids, couriers, etc. The proposals have drawn criticism from the Ministry of Foreign Affairs and Latvian Employers' Confederation (LDDK). In its evaluation of the proposed amendments, the Ministry of Foreign Affairs has stated that they contradict the State Language Law, that many persons employed in professions included in the proposals have neither relation to legitimate public interest nor contact with consumers, and that significant increase of the number of posts and professions that will require one of the state language proficiency levels would not promote wider usage of Latvian.<sup>74</sup> The Employers' Confederation have criticised the proposed amendments as they will impose additional administrative obstacles to employers in hiring less skilled employees.<sup>75</sup> The proposals have to be approved by the Cabinet of Ministers

On 15.05.2008, the Saeima supported in the first reading draft amendments to the Administrative Violations Code prepared by the Ministry of Justice for violations of the State Language Law and ensuing regulations.<sup>76</sup> The proposed amendments foresee administrative liability for use of information in foreign languages, alongside with Latvian, [by state and local government institutions] in signs, billboards, brochures and other public announcements if the regulations foresee the provision of such information in Latvian only. As the annotation implies, the amendments have been adopted in response to cases when in addition to Latvian, local government institutions provide information (for instance, payment for communal services) also in foreign languages in cases not listed as exceptions by the State Language Law. Administrative liability is also foreseen for use of text in foreign languages alongside with the text in Latvian in stamps, seals, letterheads when regulations prescribe the use of Latvian only. The amendments will envisage administrative responsibility for [employer and self-employed] failure to determine Latvian language proficiency levels and degrees for professions and posts in direct contact with clients or whose

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<sup>72</sup> Zandere, I., Prasību maiņas dēļ par nepietiekamām atzīst piektdaļas ugunsdzēsēju valsts valodas zināšanas, in: *National News Agency LETA* (05.02.2007). Eriņa, A., Valsts valodas centrs noformējis 64 administratīvo pārkāpumu protokolus VUGD darbiniekiem, in: *National News Agency LETA* (21.12.2007)

<sup>73</sup> Cabinet of Ministers: <http://www.mk.gov.lv/lv/mk/tap/?dateFrom=2007-05-21&dateTo=2008-05-20&vss&text=VSS-632&org=0&area=0&type=0> (20.05.2008)

<sup>74</sup> Mūrmiece, I., „Ārlietu ministrija iebilst pret valsts valodas stiprināšanu”, in: *Latvijas Avīze* (16.05.2008)

<sup>75</sup> Mašina, L., „LDDK iebilsts pret ieceri papildināt to profesiju sarakstu, kurās jāzina valsts valoda”, in: *National News Agency LETA* (16.04.2008)

<sup>76</sup> Saeima: <http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/D33298974AD82568C22574420043FFB3?OpenDocument> (20.05.2008)

duties include arrangement of office documentation. In addition to failure to provide information in Latvian on labels, price lists, markings on goods, user instructions, inscriptions on the manufactured product, on its packaging and container on goods manufactured in Latvia if they are not meant for export, administrative liability will also be envisaged for failure to provide information in Latvian in warranties and technical certificates. Amendments will also include administrative liability for failure to provide full and precise translation in Latvian of markings, user instructions, warranties or technical certificates of goods. The new amendments foresee warning as an administrative sanction for minor administrative violations.

The Employers' Confederation of Latvia has criticised the amendments, calling for the state language to be strengthened through promotion of language training, and not by increasing administrative fines for language usage in public offices and workplaces, increasing the number of language inspectors, or creating new administrative obstacles.<sup>77</sup>

### *Political discussions*

Ever since independence, the question of language has been one of the two key issues concerning minorities (the other one being citizenship). The strengthening of the position of the Latvian language after the Russification experienced during the Soviet period was identified as a key goal already before independence, when in 1989 Latvian was declared official language. Nevertheless, the role and support for minority languages – especially Russian – have been present on the political agenda as a highly contentious issue.

Over the years there have been initiatives to strengthen the use of the state language, including in the municipalities, some of which have been adopted and others, often more radical proposals, while discussed at the parliament with some frequency, have not.<sup>78</sup> On the other side, some opposition parties in parliament have submitted 14 draft amendments to the State Language Law, proposing that the use of national minority language in communication with public authorities should be made possible in areas inhabited by minorities in substantial numbers. None of these proposals ever stood the remotest chance of being adopted, however.

The issue of the legal status of Russian, in particular, has also on occasion led to heated political discussions over the years. Ruling coalition parties have adamantly and consensually not only refused any suggestions of second state language status to Russian, but also seen it as a pro-Russian political demand, fuelled by Moscow's instrumentalization of minority issues in the Baltics. Nevertheless, and unexpectedly, in November 2007, MP Ina Druviete from the party 'New Era', who is a member of the State Language Commission and a leading Latvian sociolinguist known for her strong stance regarding protection of the Latvian language, publicly stated that in the future, it should be considered whether Russian and other minorities' languages might be

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<sup>77</sup> Employers' Confederation of Latvia: 'Valsts valodu jāstiprina veicinot valodas apmācību un patriotismu', available at: <http://www.ddd.lv/index.php?lang=1&p=929> (20.05.2008)

<sup>78</sup> E.g. Political Union „For Fatherland and Freedom/LNIM” has several times tried to amend the Law „On the Status of a Member of City Council, District Council, Region Council and Parishes Councils” with a provision that a member of a local council with weak knowledge of Latvian language would have his/her mandate temporary annulled.

granted the official status of minority languages.<sup>79</sup> The claim was dismissed across the board by ruling coalition government members and politicians and has little likelihood of leading to developments in this direction any time soon.

### *Communication with the state and municipal institutions*

Representatives of national minorities<sup>80</sup> pointed out that there is a real need to allow the official use of minority languages in communication, despite the fact that the Law does not authorise public authorities to accept written applications in languages other than Latvian. The need of communication in Russian was mentioned most often, and according to statistical data, Russian is a native language to the largest share of national minorities.<sup>81</sup> Although state language proficiency has increased significantly over the years,<sup>82</sup> especially among youth,<sup>83</sup> proficiency is still an issue amongst certain parts of the minority population and may pose particular problems for the elderly<sup>84</sup>, for instance.

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<sup>79</sup> Eriņa, A. Druviete: Krievu valodai nākotnē varētu piešķirt minoritātes valodas statusu, in *National News Agency LETA* (12.11.2007)

<sup>80</sup> Roundtable discussions in Jelgava (19.02.2007), Ventspils (13.03.2007), Liepāja (15.03.2007), Daugavpils (24.08.2006), interview with Chairperson of Latvia's Ukrainian Culture Society (15.02.2007), Chairperson of Latvia's Russian Culture Society (13.02.2007), Chairperson of Uzbek Culture Society (21.02.2007), Chairperson of Jekabpils Russian Society „Rodnik” (14.03.2007)

<sup>81</sup> According to the results of the 2000 Population Census, 58.2% of the population claimed Latvian as their mother tongues, 39.6% - Russian and 2.2% - other language. Russian is a mother tongue for 79.1% of ethnic Jews, 72.8% - Belarusians, 67.8% - Ukrainians and 57.7% Poles. Source: Valsts valodas politikas pamatnostādnes 2005. – 2014. gadam. Available:

[http://izm.izm.gov.lv/upload\\_file/Normativie\\_akti/IZM\\_010305\\_Valsts\\_valodas\\_polit\\_pamatnost\\_2005-2014.doc](http://izm.izm.gov.lv/upload_file/Normativie_akti/IZM_010305_Valsts_valodas_polit_pamatnost_2005-2014.doc) (13.05.2008)

<sup>82</sup> The data of research “*Latvian language: learning, attitude, usage*” (1996-2008) show significant increase of self-assessed Latvian language proficiency among those whose native language is not Latvian in 2008: 26% stated that their level of Latvian language skills correspond to the third (highest) language proficiency category (in 2000 – 13%, in 1996 – 9%); 31% stated the second (middle) category (in 2000 – 28%, in 1996 – 27%); 36% stated the first (lowest) category (in 2000 – 50%, in 1996 – 44%). 7% of respondents admitted they do not know Latvian language (in 2000 – 9%, in 1996 – 22%). Comparing to the data of 1996 and 2000, the respondents, whose native language is not Latvian, have significantly increased their oral and writing skills in the state language. In 2008, 38% of respondents assessed their oral skills in the state language to correspond to the third (highest) level (in 2000 – 20%, in 1996 – 14%); 31% stated the second (middle) category (in 2000 – 30%, in 1996 – 26%); 24% stated the third (lowest) category (in 2000 – 37%, in 1996 – 43%). 6% of respondents admitted they do not know Latvian language (in 2000 – 13%, in 1996 – 17%). In the meantime, 30% in respondents assessed their writing skills in the state language to correspond to the third (highest) level (in 2000 – 19%, in 1996 – 13%); 33% stated the second (middle) category (in 2000 – 34%, in 1996 – 32%); 26% stated the first (lowest) category (in 2000 – 35%, in 1996 – 34%). 11% of respondents admitted they do not know Latvian language (in 2000 – 12%, in 1996 – 21%). Available at: <http://www.bszi.lv/?lang=lv&category=resurss&id=INFOVALODA> (21.05.2008)

<sup>83</sup> The research data show that within eight years the level of Latvian language knowledge increased significantly in the age group 15–34 years. In 2008, 38% of respondents assessed their Latvian language skills to correspond to the highest level (in 2000 – 16%, in 1996 – 8%); 35% stated the middle category (in 2000 – 33%, in 1996 – 41%); 26% stated the lowest category (in 2000 – 47%, in 1996 – 44%). 1% of respondents admitted they do not know Latvian language (in 2000 – 4%, in 1996 – 8%). Available at: <http://www.bszi.lv/?lang=lv&category=resurss&id=INFOVALODA> (21.05.2008)

<sup>84</sup> In the age group 50-74 years, Latvian language skills increased significantly. In 2008, 28% of respondents assessed their Latvian language skills to correspond to the highest level (in 2000 – 11%, in 1996 – 9%); 23% stated the middle category (in 2000 – 17%, in 1996 – 16%); 39% stated the lowest category (in 2000 – 53%, in 1996 – 34%). However, a relatively big number of respondents in this age group (10%) admitted they do not know Latvian language (in 2000 – 19%, in 1996 – 41%). Available at: <http://www.bszi.lv/?lang=lv&category=resurss&id=INFOVALODA> (21.05.2008)

While the Law prohibits the state and municipal institutions from accepting applications and giving answers in language other than Latvian, other than in specific cases determined by law (mainly emergencies) it has been found that in practice, quite a number of municipal institutions do find ways around the restrictions and accept written applications in Russian – either by translating the document themselves, by writing a summary in Latvian to accompany the document, or even passing a resolution to accept the application. Written replies, however, are always given only in Latvian.

### Access to information

Minority representatives reported<sup>85</sup> that one of the greatest challenges is the access to information in the state and municipal institutions, especially those dealing with social issues. No publicly visible information materials in Russian, including application form samples, are displayed, because according to the Regulations of the Cabinet of Ministers No 130,<sup>86</sup> materials in other languages could only be issued upon demand, which is interpreted to mean upon special request.

There have been cases when the state and municipal institutions were ordered to remove information materials in Russian from the information stands.<sup>87</sup> Some state institutions have been fined for displaying booklets and brochures in foreign languages in places visible to clients. In September 2006 the State Language Centre (SLC) imposed 25 LVL (36 EUR) fine on the National Human Rights Office (NHRO) for two information materials in Russian and one in English, placed in information stand of the Office. Although the NHRO attempted challenge this decision by asking the Cabinet of Ministers to amend the regulations on language use in information, adding the National Human Rights Office and the Secretariat of Special Assignments Minister for Social Integration (IUMSILS), as well as institutions providing social security to the list of institutions exempted from this requirement for the publication and dissemination in foreign languages materials aimed at informing society.<sup>88</sup> However, the Cabinet of Ministers decided that without changing the regulations, the NHRO and IUMSILS should display an information note in their premises, informing the clients in minority languages, that information about the issues within the competences of these institutions could be provided upon individual request of a

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<sup>85</sup> Roundtable discussions in Jelgava (19.02.2007), Ventspils (13.03.2007), Liepaja (15.03.2007), Daugavpils (24.08.2006), interviews with Chairperson of Latvia's Ukrainian Culture Society (15.02.2007), Chairperson of Latvia's Russian Culture Society (13.02.2007), Chairperson of Uzbek Culture Society (21.02.2007), Chairperson of Jekabpils Russian Society „Rodnik” (14.03.2007)

<sup>86</sup> According to the Cabinet of Ministers' Regulations No 130 On the Usage of Languages in Information (adopted on 15 February 2005), state and municipal institutions, courts and institutions of the court system, state and municipal enterprises, commercial enterprises with majority share owned by the state or municipality may publish information in foreign language in prospects, bulletins, catalogues, and other materials (for example – brochures, booklets, pages), in order to inform about activities of institutions, enterprises, organisations and self-employed persons and send this information or hand it out to natural or legal persons upon their request. Available at: <http://www.likumi.lv/doc.php?mode=DOC&id=102667> (23.01.2008)

<sup>87</sup> E.g., in 2006 information stands of the client service centre „One Stop Agency” of the Riga City Council featured booklets in Russian about the rights and social assistance issues for youth left without parental help. On the basis of the Cabinet of Ministers' Regulations „On the Usage of Languages in Information”, the Welfare Department of the Riga City Council issued an instruction, ordering the removal of the booklets and information materials from information stands of the Department and institutions under its subordination. *National News Agency LETA* (06.09.2006)

<sup>88</sup> Available at: <http://www.vcb.lv/default.php?open=jaunumi&this=220906.251>

client in language that he/she understands.<sup>89</sup> The Ministry of Justice emphasized that from the point of view of language policy in Latvia at the moment no amendments are permissible to legal acts regulating the state language usage, because such amendments would deform the state language information environment by easing provision of public information in foreign languages in places accessible to the society.

#### Language proficiency inspections and fines

When the government was formed after the 2006 elections, the new Justice Minister from the national conservative party Fatherland and Freedom/Latvian National Independence Movement, under whose authority the State Language Centre (SLC) functions, announced as a priority to strengthen the work of the inspectors of this in his view important institution. The budget of the SLC was doubled in 2007 to over 200,000 Ls, up from 105,000 Ls in 2006, and the number of inspectors has been increased from 12 to 17. There are indeed indications that during the last few years the SLC has intensified its activities in controlling the state language usage not only in the state and municipal institutions, but also in other areas of life, such as commerce. Information about fines imposed on a school director, salesperson, janitor or taxi driver occasionally appear. All in all, 721 persons were given administrative violation citations. Of these, 507 employees of various enterprises received penalties for not using state language at the level needed for fulfilling their professional requirements. In addition, 184 responsible officials were fined for not ensuring the proper labelling in the state language of goods or instruction manuals, by providing full translation into Latvian. The 30 others were penalized for other violations of the State Language Law.<sup>90</sup>

In February and March 2007 the State Language Centre conducted checks in twenty, predominantly, minority schools, to verify whether the Latvian language proficiency of school principles and teachers corresponded to the required highest proficiency level and whether the school administration had not violated the law by employing teachers with lower proficiency levels. This increased activity drew criticism from the Ministry of Education and Science and members of the Minority Education Advisory Council.

From April through October 2007 the State Language Centre, Latvian Trade Association and Consumer Protection Centre organised a campaign „State Language in Shops” and organised language checks in more than 300 department stores and shops. The campaign focused on checking the availability of full translation of user instructions, warranties and labels of imported goods in Latvian, shop signs and announcements in Latvian. From April-August, 2007 the State Language Centre organised another campaign calling upon inhabitants to send in mobile phone video-footage about cases of distorted usage of Latvian in public information promising awards for ‘best examples’. In early January 2008 it called upon the inhabitants not to purchase imported goods without user instructions in the Latvian language.<sup>91</sup>

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<sup>89</sup> Duļevska, L., Negrozīs noteikumus par valodu lietošanu informācijā, in: *National News Agency LETA* (22.08.2006)

<sup>90</sup> Eriņa, A., Pērn par Valsts valodas likuma pārkāpumiem administratīvi sodīts 721 darbinieks, in: *National News Agency LETA* (08.01.2008)

<sup>91</sup> Eriņa, Aija, Valsts valodas centrs aicina nepirkt importa preces bez lietošanas instrukcijas valsts valodā, in: *National News Agency Leta* (09.01.2008).

The issue of whether the state can legitimately intervene in language use in privately owned commercial enterprises has been topical on many occasions over the years, and the list of proficiency requirements was hotly debated in the 1990s with the High Commissioner on National Minorities. Consumer rights, as one of the listed legitimate grounds for state regulation, are used as the basis for legitimising the interventions. The developments since EU accession indicate that this issue has been revived. On the other hand, the stress on administrative and punitive methods by the state institutions, arguably a legacy of the Soviet times, are at present not receding in the sphere of language use, but instead have received a boost by the focus on the SLC inspection functions.

#### *View of national minorities*

Representatives of national minorities who participated in the regional seminars organized by the LCHR expressed the view that the declaration made by Latvia upon ratification of the Convention should be withdrawn and that communication with administrative authorities in Russian should be allowed, including in writing, especially in areas where minorities constitute significant part of the population. These minority representatives also stressed that state and municipal institutions should ensure access to information in Russian (e.g. by displaying publicly visible information about how to submit an application, how this application will be processed, application form samples, booklets and other information materials).<sup>92</sup>

Minority representatives confirmed that the older generation experiences the greatest problems in communication with state and municipal authorities, mainly because of insufficient knowledge of Latvian, but also because of difficulties in overcoming psychological barriers, apprehension of speaking poor Latvian, as well as encountering negative attitudes of officials and sometimes unwillingness to help or answer in Russian.<sup>93</sup>

The minority representatives in the seminars organized by the LCHR agreed that the state and municipal institutions should provide translation services free of charge, although they also emphasised that this does not solve the problem, since replies are in Latvian, while in most cases when there is translation available, this is only in the form of oral interpretation of the document.<sup>94</sup>

Minority representatives mentioned also several problems of minority language usage in information: not all medicines are provided with annotations and instructions for use in Russian, or this information is printed extremely small font and is almost illegible; in the shops information on goods in Russian is often glued over with

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<sup>92</sup> Roundtable discussions in Jelgava (19.02.2007.), Ventspils (13.03.2007), Liepaja (15.03.2007), Daugavpils (24.08.2006), interview with Chairperson of Latvia's Ukrainian Culture Society (15.02.2007), Chairperson of Latvia's Russian Culture Society (13.02.2007), Chairperson of Uzbek Culture Society (21.02.2007), Chairperson of Jekabpils Russian Society „Rodnik” (14.03.2007)

<sup>93</sup> Roundtable discussions in Jelgava (19.02.2007), Ventspils (13.03.2007), Liepaja (15.03.2007), Daugavpils (24.08.2006), interview with Chairperson of Latvia's Ukrainian Culture Society (15.02.2007), Chairperson of Latvia's Russian Culture Society (13.02.2007), Chairperson of Uzbek Culture Society (21.02.2007), Chairperson of Jekabpils Russian Society „Rodnik” (14.03.2007)

<sup>94</sup> Roundtable discussions in Jelgava (19.02.2007), Daugavpils (24.08.2006), Ventspils (13.03.2007), Liepaja (15.03.2007)

annotations in Latvian language.<sup>95</sup> National minority representatives emphasised that this unnecessarily hampers their ability to receive important information in their native language, and considered this practice humiliating.<sup>96</sup>

#### **Article 11**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**
- 2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**
- 3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

#### Spelling of personal names

Latvian legislation determines<sup>97</sup> that personal names shall be reproduced in accordance with the Latvian language traditions and shall be written according to the accepted norms of the literary language. In a person's passport (page 4) or birth certificate, the person's name and surname reproduced in accordance with Latvian language norms may be supplemented by the historical form of the person's family name or the original form of the person's name in another language in Latin transliteration upon request. Foreign language personal names shall be reproduced in Latvian (i.e. using sounds and letters of Latvian language) possibly close to pronunciation of these names in Latvian and applying gender determined endings.

Main objections expressed by minorities is extension of names and surnames with gender determined (male or female) endings, as well as replacement of double letters in original form with single letter in Latvianised form (e.g. - Russkih – Ruskihs, Griņ – Griņa, Raffi - Rafi). Although there is the opportunity to enter personal name in original form on the page 4 of the passport, in practice it is rarely used, most likely because of lack of information.<sup>98</sup>

There have been a number of attempts to challenge in courts (including Latvian Constitutional Court and the European Court of Human Rights) the legal provisions requiring Latvianisation of personal names. Grounds for submissions included change of letters (e.g. – Mentzen - Mencena, Russkih - Ruskihs), addition of gender

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<sup>95</sup> Likely as a result of eagerness to comply with the above mentioned legal state language requirements, rather than any blatant attempts to eliminate Russian.

<sup>96</sup> Roundtable discussion in Jelgava (19.02.2007).

<sup>97</sup> *State Language Law* (Article 19), *Personal Identification Documents Law* and Regulations of the Cabinet of Ministers Nr.114 *On Spelling and Usage of Personal Names in Latvian, as well as their Identification*.

<sup>98</sup> Interview with representative of Jekabpils Russian Society „Rodnik” (14.03.2007.), telephone interview with representative of Passport Section of the Citizenship and Migration Affairs Board (02.05.2007)

determined (male or female) Latvian endings (Kuharec – Kuhareca, Pankratov – Pankratovs, Raihman - Raihmans), emphasising that Latvianisation of names and surnames does not correspond to ethnic identity and violates articles 91 (discrimination prohibition) and 114 (protection of minority language, ethnic and cultural originality) of the Constitution.

So far, all such lawsuits were rejected by both Latvian courts and the European Court of Human Rights. The Constitutional Court recognised that “regulations on reproduction of personal names of other languages according to Latvian language traditions and writing these names according to Latvian language norms in passports issued by Latvia should be considered as a restriction on private life”. However, the Constitutional Court decided that this restriction has a legitimate aim of “protecting the rights of other residents of Latvia to freely use Latvian language throughout all territory of Latvia and to protect democratic order in the country.”<sup>99</sup> The European Court of Human Rights has noted in its decisions<sup>100</sup> that Latvianised surnames (Mencena, Kuhareca) did not prevent the plaintiffs from enjoying all political, economic and social rights, including the rights to leave and to return to Latvia. Although the ECHR has also concluded that every state has a right to adopt regulations concerning the usage of its official language in personal identification documents and in other documents, the issue of personal names reproduction in national minority language in Latvia has not been resolved – new complaints have been filed to the ECHR (Ruslan Pankratov) and the UN Human Rights Committee (Leonid Raihman).

#### *View of national minorities*

In the interviews and in seminars organized by the LCHR minority representatives mentioned that reproduction of personal names is closely related to identity: as a result of Latvianisation of names and surnames the original form is completely or partially lost and the transformed personal name does not correspond to the person’s ethnic identity.<sup>101</sup> As a result, personal names in passports sometimes do not correspond to the data of birth certificates or other personal documents (marriage certificates issued abroad, driving licenses, and education diplomas), causing problems, *inter alia*, when applying for visas or solving inheritance issues in their ethnic homeland.<sup>102</sup> These minority representatives have also stated that the original form of name and surname should be placed on the main page, alongside the Latvianised personal names.

#### *Topographical indications*

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<sup>99</sup> Decision of the Constitutional Court of the Republic of Latvia in the Case Nr. 2001-04-0103, on 21 December 2001. Available at: <http://www.satv.tiesa.gov.lv>

<sup>100</sup> „Juta Mentzen alias Mencena pret Latviju”, available at: <http://www.mkparstavis.am.gov.lv/lv/?id=182>; „Lidija Kuharec alias Kuhareca pret Latviju”, available at: <http://www.mkparstavis.am.gov.lv/lv/?id=183>

<sup>101</sup> This view surfaced in most of the interviews and regional seminars conducted in 2006 and 2007 in preparation of this report. To see the list of the interviews and seminars, please refer to the Annex. An association “Let us reclaim our names” has been established in Latvia with an aim to defend the right of national minorities to use their names and surnames in their native language

<sup>102</sup> Interview with representative of Latvia’s Ukrainian Culture Society (15.02.2007), Chairperson of Latvia’s Russian Culture Society and representative of Old-Believers Society (13.02.2007), regional seminar in Ventspils (13.03.2007) and Liepaja (15.03.2007)

Upon ratification, Latvia declared that it will apply the provisions of Article 11, paragraph 3, of the Framework Convention without prejudice to the Satversme (Constitution) of the Republic of Latvia and the legislative acts governing the use of the State language that are currently into force. State Language Law and Regulation of the Cabinet of Ministers No 294<sup>103</sup> envisages that in the Republic of Latvia, place names shall be created and used in the state language. The only exception is the territory of Livonian Coast, where place names could be created and used in Livonian language as well.

The display of place names and street names in national minority languages was one of the most controversial issues during the ratification process, because this issue is perceived very emotionally among ethnic Latvians due to historical considerations. However, according to the interviews with representatives of national minorities, the issue at the moment is not topical and the display of topographical indications in national minority languages could only be topical in Latgale, where Russians and Poles live in substantial numbers historically.<sup>104</sup>

## Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the cultures, history, language and religion of their national minorities and of the majority.***
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.***
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.***

### Intercultural education

Although the ethnic composition of pupils in Latvia's schools is very diverse, there is no consistent policy aimed at integration of diversity and facilitation of intercultural competences within entire education system of the country (both in the schools with Latvian language of instruction and in the schools implementing minority education programmes). There are no multicultural education standards in Latvia, although aspects of intercultural education and diversity are incorporated into standards of some subjects. General education content did not provide sufficient information on minorities living in the country, their history, cultures, languages, traditions and religion.<sup>105</sup>

There is a lack of education materials that would reflect ethnic, religious or linguistic diversity of Latvia. Textbooks in Latvian and in Russian languages reproduce ethnic segregation model and except for the Russians, representatives of other minorities are

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<sup>103</sup> *State Language Law* (Articles 18 and 21) and Regulations of the Cabinet of Ministers Nr. 294 *On creating and usage of place names, names of institutions, non-governmental organizations, companies (enterprises) and titles of events.*

<sup>104</sup> This view surfaced in most of the interviews and regional seminars conducted in 2006 and 2007 in preparation of this report. To see the list of the interviews and seminars, please refer to the Annex.

<sup>105</sup> Latvian Centre for Human Rights and Ethnic Studies (2004), *Diversity in Latvian Textbooks*, available at: [http://www.humanrights.org.lv/upload\\_file/Diversity%20in%20textbooks.pdf](http://www.humanrights.org.lv/upload_file/Diversity%20in%20textbooks.pdf) (21.01.2008); Golubeva, M. (2006) *The Case for Diversity Mainstreaming in the National School System*, available at: <http://www.politika.lv/index.php?id=6132> (21.01.2008)

hardly mentioned at all.<sup>106</sup> In the textbooks, minorities are mainly represented in chapters that are directly related to specific minority issues, but are not mentioned in other chapters. In education materials, there is almost no information about newcomers, while migration issues are seen in a negative light, as a potential source of ethnic conflicts.<sup>107</sup>

Learning intercultural education skills is not mandatory for teachers in Latvia. In-service training available for teachers offer an opportunity to increase one's knowledge about the methods of bilingual education, educational content and integrated language learning, teaching Latvian as a second language, multiculturalism and intercultural education. However, these courses are offered mainly to minority school teachers,<sup>108</sup> while teachers in schools with Latvian language of instruction show little interest in these courses. Research data shows that 80.6% of teachers in schools with Latvian language of instruction did not have a special training for teaching Latvian as a second language. 78.7% of teachers did not attend any intercultural or bilingual education courses.<sup>109</sup> Results of 2007 research "Barometer of Teacher Tolerance" show that the majority of teachers believe they do not need additional knowledge in intercultural education and methods for promotion of tolerance in schools. Only 22 per cent of the surveyed teachers recognise importance of in-service training courses (run by the Centre for Curriculum Development and Examination of the Ministry of Educations) for understanding tolerance and diversity. 31.5 per cent of the teachers believe such training courses are not important<sup>110</sup>

#### Preservation of identity

Starting from 2005, 2 to 4 hours per week are envisaged for optional studies in schools implementing minority education programmes.<sup>111</sup> According to regulations of the Cabinet of Ministers No 1027<sup>112</sup> and Basic Education Draft Sample Programme<sup>113</sup> for 2007/2008 academic year optional hours are recommended for studying minority languages, as well as for those subjects that are related to the knowledge of particular ethnic culture.

The data of Centre for Curriculum Development and Examinations (ISEC) show that 97 out of 148 schools implementing minority education programmes provide opportunity to study minority languages in facultative hours. It is not clear whether

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<sup>106</sup> Latvian Centre for Human Rights and Ethnic Studies (2004), *Diversity in Latvian Textbooks*, available at: [http://www.humanrights.org.lv/upload\\_file/Diversity%20in%20textbooks.pdf](http://www.humanrights.org.lv/upload_file/Diversity%20in%20textbooks.pdf) (21.01.2008)

<sup>107</sup> Latvian Centre for Human Rights and Ethnic Studies (2004), *Diversity in Latvian Textbooks*, available at: [http://www.humanrights.org.lv/upload\\_file/Diversity%20in%20textbooks.pdf](http://www.humanrights.org.lv/upload_file/Diversity%20in%20textbooks.pdf) (21.01.2008)

<sup>108</sup> Ibid.

<sup>109</sup> Providus (2006), *Daudzveidība ienāk latviešu skolās. Mazākumtautību bērnu integrācija latviešu skolu vidusskolas klasēs*, 16.lpp. Available at: <http://www.politika.lv/index.php?id=10066> (12.10.2007.)

<sup>110</sup> Austers, I., Golubeva, M., Strode, I (2007) *Barometer of teacher tolerance*, available in Latvian at public policy portal politika.lv <http://www.politika.lv/index.php?id=14838> (25.01.2008)

<sup>111</sup> Before 2005, 1 to 2 hours per week were envisaged for facultative studies in basic school (grades 1-9). Interview with ISEC minority education content specialist (September 2007)

<sup>112</sup> Regulations of the Cabinet of Ministers Nr.1027 *On the State Standard in Basic Education and the Standards of Basic Education Subjects* (adopted on 19 December 2006).

<sup>113</sup> Available at: <http://izm.izm.gov.lv/nozares-politika/izglitiba/vispareja-izglitiba/pamatizglitiba/programmas.html> (09.10.2007)

this opportunity is provided to minority pupils apart from Russians.<sup>114</sup> Although available information shows that facultative hours are mainly used for improving the pupils' knowledge of Russian and foreign languages, the main problem that hinders studying the languages and subjects related to identity of other minorities is the lack of qualified teachers.

While the number of minority pupils in schools with Latvian language of instruction is growing,<sup>115</sup> the Basic Education Sample Programme determines that facultative hours in these schools are recommended for improvement of Latvian language proficiency among those pupils, whose native language is not Latvian. Thus, no special attention is given to studying subjects related to identity and native language of minority pupils in schools with Latvian language of instruction.

After the restoration of independence in 1991 many Sunday schools have been established by numerically small national minorities, including Armenians, Azerbaijanis, Georgians, Greeks, Jews, Uzbeks, Byelorussians and others. The exact number of Sunday schools is not known, since no state institution is responsible for collecting such information and supervision of their work.

#### School closures

Partly because of demographic changes (emigration, falling birth rate) and parental choices (some minority parents send their children to schools with Latvian language of instruction), the number of pupils in schools with Russian language of instruction has significantly decreased during the recent years. Since legally required minimum number of pupils is the same for schools with Latvian and Russian language of instruction,<sup>116</sup> schools with Russian language of instruction are at a greater risk of closure.<sup>117</sup> Latvian legislation does not require municipalities to establish or maintain minority schools or classes upon request by a certain number of parents of minority pupils (including the cases when the number of pupils is smaller than envisaged by the Regulations of the Cabinet of Ministers).

On 14.04.2008 the Committee of the Cabinet of Ministers supported the draft Law on Higher Educational Establishments which prohibits teaching in foreign languages in all higher education establishments in Latvia.<sup>118</sup> The amendments determine that

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<sup>114</sup> Information provided by the Centre for Curriculum Development and Examination on 21.06.2007

<sup>115</sup> Home page of the Ministry of Education and Science: <http://izm.izm.gov.lv/registri-statistika/statistika-vispareja/2005.html> (06.10.2007)

<sup>116</sup> Regulations of the Cabinet of Ministers (27.09.2005) On the Minimum and Maximum Number of Pupils in the Classes of State and Municipal General Education Establishments, Pre-school Educational Establishments, Special Educational Establishments, Social and Pedagogical Correction Classes. Available at: <http://www.likumi.lv/doc.php?id=118006>

<sup>117</sup> While in 1998/1999 academic year there were 195 schools with Russian language of instruction in Latvia, in 2007/2008 academic year this number decreased to 141 (54 fewer schools): in 4 out of 26 districts education in minority language is not available. Available at: [http://izm.izm.gov.lv/upload\\_file/Izglitiba/Vispareja\\_izglitiba/Statistika/2007/skolu\\_sk\\_07.xls](http://izm.izm.gov.lv/upload_file/Izglitiba/Vispareja_izglitiba/Statistika/2007/skolu_sk_07.xls) (14.05.2008). In 2006/2007 academic year in 5 districts the first grades (classes) in minority language are not available, in 8 districts, despite an insufficient number of prospective pupils, only one first grades (classes) in minority language are available, in 11 districts 10th grades (classes) in Russian are not available. Available at the home page of the Ministry of Education and Science [www.izm.gov.lv](http://www.izm.gov.lv) (27.10.2007)

<sup>118</sup> Cabinet of Ministers: <http://www.mk.gov.lv/lv/mk/tap/?pid=30258976&mode=mkk&date=2008-04-14> (20.05.2008)

programmes of higher education are to be conducted in Latvian language. Usage of other languages in higher education could only be permitted if higher education programme was developed for implementation abroad or targeted at foreigners and/or implemented in one of the official EU languages.<sup>119</sup> Some experts, political parties and representatives of private universities criticized the draft law arguing that it is an unacceptable interference into private entity and a violation of rights of students to choose the language of studies.<sup>120</sup> They emphasized that such ban would forbid large number of Latvian residents whose native language is Russian to study in their native language.

### *View of national minorities*

Representatives of national minorities who participated in the LCHR organized regional seminars expressed the view that the number of schools that offer subjects related to national minority identity is quite small because parents are not informed about the right to ask the school to provide facultative hours for subjects related to identity. Contrary, school principals point out that the parents do not express interest for such facultative hours.<sup>121</sup> Some minority representatives emphasised that there was no demand for facultative hours that they have tried to offer.<sup>122</sup>

Some interviewed representatives of national minorities pointed out that support for Sunday schools (e.g. for the purchase of education materials) provided by the state and municipalities is insufficient<sup>123</sup> and emphasised that the Sunday schools are not an alternative to providing education in native language that could only be ensured by general education establishments.<sup>124</sup>

Some representatives of national minorities expressed the view that introduction of requirement to allow municipalities to establish or maintain minority schools or classes in cases when there is a sufficient demand from persons belonging to minorities would ensure opportunities of education in national minority languages.<sup>125</sup>

## **Article 14**

### ***1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.***

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<sup>119</sup> Sub-paragraph 4 of Item 3 of Article 6 of the draft amendments keeps two alternatives: “and” and “or”. Which of the alternatives will be approved is significant and depends on political agreement among the ruling parties. Information provided by the Ministry of Education and Science on 20.05.2008

<sup>120</sup> Элкин А., Частные вузы – только на латышском! in: Вести Сегодня, 14.04.2008. Глухих А., Запрет на образование – открытая дискриминация. in: Телеграф, 20.05.2008. Александрова Ю., Кому нужен такой закон о вузах?! in: Вести Сегодня, 17.04.2008.

<sup>121</sup> Information acquired within the framework of the project „Parents’ Effective Participation in Education Policy” (1 February – 17 April 2006). Interviews with representative of Latvia’s Russian Culture Society (13.02.2007.), representative of Jekabpils Russian Society „Rodnik” (14.03.2007.), representative of Latvia’s Armenian Society „LAO” (16.03.2007)

<sup>122</sup> Roundtable discussions in Jelgava (19.02.2007), Ventspils (13.03.2007), Liepaja (15.03.2007)

<sup>123</sup> Interviews with representative of Uzbek Culture Society (21.02.2007), representative of Latvia’s Armenian Society „LAO” (16.03.2007)

<sup>124</sup> Interview with representative of Latvia’s Ukrainian Culture Society (15.02.2007)

<sup>125</sup> Roundtable discussions in Daugavpils (24.08.2006), Jelgava (19.02.2007), Ventspils (13.03.2007) and Liepaja (15.03.2007). Interviews with representatives of LASHOR (08.02.2007), Latvia’s Russian Culture Society (13.02.2007), Jekabpils Russian Society „Rodnik” (14.03.2007)

2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*
3. *Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

#### Statistical data on participation and achievement in education

In academic year 2007/2008, 722 schools had Latvian as the language of instruction, 141 schools had Russian as the language of instruction (implementing a bilingual education programme), and 88 schools had two sections or streams (solely in Latvian and also Russian with bilingual curriculum).<sup>126</sup> In five schools instruction is partially given in Polish, at one in Ukrainian and at one in Belarusian. In one Estonian, one Lithuanian and two Jewish schools some subjects are taught in the national minority language.

In academic year 2007/2008, 73.37 per cent of pupils of general full-time schools were enrolled in schools with Latvian language of instruction, 26.06 per cent were enrolled in schools with Russian language of instruction and 0.57 per cent in schools with other language of instruction.<sup>127</sup> The share of minority students in Latvian schools has continued to increase gradually, 17.07 per cent of students in Latvian schools were representatives of minorities or did not indicate their ethnicity.

There are no official or non-official data collection mechanisms, which could provide regular and reliable data on educational attainment, attendance and drop out rates of school children according to their ethnicity. According to the Ministry of Education and Science, the data on educational achievement, attendance and the number of school leavers disaggregated by ethnicity are not collected or processed.<sup>128</sup>

#### Education reform

The most important issue in the context of minority education in Latvia is the reform of minority secondary education and its evaluation. According to Transitional Regulations of the Law on Education, starting from 1 September 2004 general secondary education establishments that implement minority education programmes have to implement education programmes with greater share of Latvian language. In practice this means that 60% of subjects have to be taught in Latvian, while up to 40% - in minority language. However, available information indicates that schools do not strictly comply with linguistic proportions and subjects envisaged for teaching in Latvian are most often taught bilingually, in order to adjust to the needs and to the level of Latvian language proficiency of pupils.

The main problem was not the substance of the reform – the language proportion allow for a substantial share of instruction in the minority language – but the mishandled political process in elaborating and introducing the reform. The goal of

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<sup>126</sup> Ministry of Education and Science (2008), statistics available at <http://izm.izm.gov.lv/registri-statistika/statistika-vispareja/2007.html> (25.01.2008)

<sup>127</sup> Information provided by the Ministry on Education and Science on 09.01.2008

<sup>128</sup> Information provided by the Ministry of Education and Science on 27.09.2007

the reform was never clearly formulated nor explained to the target audience, and several different aims were declared, ranging from the raising the competitiveness of minority students, the legitimate demand that all graduates know the official language of the country, the integration of society, and others.<sup>129</sup> There was a lack of political leadership and responsibility for the reform and its implementation. The implementation of the reform was not adequately prepared and assisted by the state and no monitoring based on objective criteria was conducted regarding the effect on the schools and the quality of education. The fears of teachers, students and their parents that education quality would suffer were not sufficiently addressed by the state. But the most egregious shortcoming of the process was the lack of effective and direct participation by minority representatives of the reform and the definition of its goals.<sup>130</sup>

Alongside the quality of education, other most often debated issues in the context of the reform was teacher training and the knowledge of Latvian language, as well as the lack of educational and methodical materials.

This has caused so far unprecedented wave of protest actions and political tensions in 2003 and 2004. During the protests concerns have been voiced that the Russian schools are being liquidated and demands for the free choice of language of instruction in schools have been made. Although representatives of the Ministry of Education organised discussions with principals of schools, many pupils, their parents and even the teachers were badly informed about the reform.<sup>131</sup>

Individual representatives of minorities claim that since the start of the reform in 2004 minority education is no longer a priority neither to the Ministry of Education and Science, nor from the point of view of society integration.<sup>132</sup> Representatives of the Ministry of Education and Science expressed the view that education issues should be decided within general framework, without distinguishing minority issues in education.<sup>133</sup>

#### Educational achievements and quality of education

Implementation of minority education is being overseen by the State Education Inspectorate,<sup>134</sup> although its officials admit that the monitoring mechanisms are not well elaborated.<sup>135</sup> The Constitutional Court has also found that the existing quality control mechanism of education and educational process is not effective enough and it

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<sup>129</sup> Brands Kehre, I., Pūce, I. (2005), *Nationhood and Identity*, in How democratic is Latvia. Audit of Democrac (ed. Rozenvalds,J.), available at <http://www.politika.lv/index.php?id=3373> (23.01.2008)

<sup>130</sup> Brands Kehre, I., Pūce, I. (2005), *Nationhood and Identity*, in How democratic is Latvia. Audit of Democrac (ed. Rozenvalds,J.), available at <http://www.politika.lv/index.php?id=3373> (23.01.2008)

<sup>131</sup> Research „*Vecāku efektīva līdzdalība izglītības politikā*” (2006) /Parents’ Effective Participation in Education Policy/. Available at: [www.dialogi.lv](http://www.dialogi.lv) (21.05.2007)

<sup>132</sup> Interviews with representative of LASHOR (08.02.2007), representative of Latvia’s Russian Culture Society (13.02.2007).

<sup>133</sup> Brands Kehre, I. *Nācija un identitāte*, pārskatā Cik demokrātiska ir Latvija. Demokrātiskas monitorings 2005 – 2007, apgāds „Zinātne”, 2007

<sup>134</sup> The State Education Inspectorate controls whether the schools are working in compliance with legal norms, including in minority education issues. *The Statutes of the State Education Inspectorate*. Effective since 31.07.2004. Available at: [www.iv.gov.lv](http://www.iv.gov.lv)

<sup>135</sup> Nestere L., Mazākumtautību izglītības reformas pretilieki – vecāki, in: *Neatkarīgā Rīta Avīze*, 19.06.2006.

need to be improved.<sup>136</sup> To evaluate the quality of general education and to introduce unitary system of evaluation of the quality of education, the General Education Quality Evaluation State Agency (VIKNVA) was established in 2005.<sup>137</sup> However, so far the main activity of the Agency was school accreditation, while the General Education Department of the Ministry of Education and Science as well as the Centre for Curriculum Development and Examinations (ISEC in its Latvian acronym) are in charge of processing data on various education indicators.<sup>138</sup> The General Education Department has not yet evaluated the effect of the reform on the quality of education emphasising that the control of education quality is responsibility of VIKNVA. The ISEC is processing data about educational achievement of pupils in the state exams. It means that within the Ministry of Education and Science there is no clarity about the responsibility of various institutions in evaluation of the quality of education.

Although the Constitutional Court has pointed out in its decision on 13 May 2005<sup>139</sup> that since academic year 1996/1997 there was no systematic research on the changes in quality of minority education, no systematic analysis (including, statistical data or monitoring results) has been conducted by the Ministry of Education and Science on the impact of the reform on the quality of education and educational achievements of pupils in schools exposed to the reform.

The only available data relevant to educational achievement is the comparison between the results of centralised exams in secondary schools with Latvian and Russian language of instruction in 2007 collected by ISEC. Though, available information is insufficient for analysis of the impact of the reform on educational achievements. According to the ISEC data average mark of the centralised exams in physics, chemistry and mathematics is slightly higher in minority schools than in schools with Latvian language of instruction. Results in biology, history and English are slightly lower.<sup>140</sup> ISEC has concluded that general examination results in Russian language schools and Latvian language schools are similar for the most part and that changes in minority education programmes related to the change of the language of instruction and the state exams have not significant impact on education achievements. The ISEC also has concluded that language in which students reply in exams does not substantially impact on results.<sup>141</sup> However, available data show that results in biology, physics, mathematics and history of those students who answered in Russian are slightly higher compared to those who answered in Latvian.

### *View of national minorities*

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<sup>136</sup> Decision of the Constitutional Court of the Republic of Latvia in the Case Nr. 2004-18-0106, on 13 May 2005. Available at: [http://www.satv.tiesa.gov.lv/LV/Spriedumi/18-0106\(04\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/18-0106(04).htm)

<sup>137</sup> The Statutes of the General Education Quality Evaluation State Agency. 16 August 2005. Available at: <http://www.likumi.lv/doc.php?id=114708&mode=DOC>

<sup>138</sup> Communication with the Head of VIKNVA, Riga, 22 September 2006.

<sup>139</sup> Decision of the Constitutional Court of the Republic of Latvia in the Case Nr. 2004-18-0106, on 13 May 2005. Available at: [http://www.satv.tiesa.gov.lv/LV/Spriedumi/18-0106\(04\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/18-0106(04).htm)

<sup>140</sup> *Results of the centralised examination in ethnic minority schools*, the Centre for Curriculum Development and Examinations, <http://www.isec.gov.lv/eksameni/info.shtml#0110> (02.10.2007)

<sup>141</sup> Starting with 2007, the questions of the state examinations in secondary schools implementing minority education programmes is in Latvian language, while pupils can respond in Latvian or Russian. According to the ISEC data, 39 per cent of minority pupils chose Russian and 61 per cent Latvian language to complete exam papers. *Results of the centralised examination in ethnic minority schools*, the Centre for Curriculum Development and Examinations, <http://www.isec.gov.lv/eksameni/info.shtml#0110> (02.10.2007)

Representatives of national minorities who participated in regional seminars organized by the LCHR and minority parents pointed out that decision making process in the issue of education reform was not sufficiently open and essentially has taken place without minority participation.<sup>142</sup> These minority representatives still believe that the reform has disadvantaged minority pupils – education quality and pupils' knowledge of the subject matter has quickly decreased.

Another concern is that the education reform and bilingual education could negatively impact on ethnic identity of pupils, as well as on the level of native language knowledge.<sup>143</sup> Opponents of the reform emphasise that there is a lack of bilingual education materials, books and dictionaries, qualified minority schools' teachers necessary for successful implementation of the reform. As a result, the time spent on consultations during the lessons has increased and the pupils do not learn the subject matter. Thus, the education reform did not improve the quality of education process.<sup>144</sup>

Some representatives of national minorities believe that schools and municipalities should have a greater role in implementation of the reform, while the role of the Ministry should be diminished.<sup>145</sup>

### Roma education

Although the data on educational achievement of pupils of different ethnic affiliation is not collected in Latvia, available information suggests that Roma's education opportunities in Latvia are still limited. According to statistical data, some Roma did not ever attend a school, yet a greater part drop-out of education system after graduation of some classes, while many of those officially registered at schools in reality do not attend lessons.<sup>146</sup>

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<sup>142</sup> Research „*Vecāku efektīva līdzdalība izglītības politikā*”, 2006. Available at: [www.dialogi.lv](http://www.dialogi.lv) (21.05.2007). Roundtable discussions in Daugavpils (24.08.2006), Jelgava (19.02.2007.), Ventspils (13.03.2007.), interviews with the chairperson of Jekabpils Russian Society „Rodnik” (14.03.2007.), LASHOR (08.02.2007), Latvia's Russian Culture Society (13.02.2007)

<sup>143</sup> Research *Bilingvālās izglītības ieviešanas analīze (2002)* (Analysis of Implementation of Education), pp.39, 56; J.Pliners un V.Buhvalovs „*Izglītības kvalitāte krievu skolās reformas apstākļos Latvijā*” (2006). Available at: <http://www.pctvl.lv/?lang=ru&mode=library> (17.10.2006); I.Pimenov's speech in the “Education Reform Case” in the Constitutional Court on 12 April 2005. Available at: <http://www.politika.lv/index.php?id=6236> (17.10.2006)

<sup>144</sup> Pliners J., Buhvalovs V. (2006) „*Izglītības kvalitāte krievu skolās reformas apstākļos Latvijā*”. Available at: <http://www.pctvl.lv/?lang=ru&mode=library> (17.10.2006); Buhvalovs V. (18.01.2005) „*Vai reforma veicinās skolēnu konkurētspēju?*”. Available at <http://www.politika.lv/index.php?id=6066> (17.10.2006)

<sup>145</sup> Roundtable discussions in Daugavpils (24.08.2006), Jelgava (19.02.2007), Ventspils (13.03.2007) and Liepāja (15.03.2007). Interviews with representatives of LASHOR (08.02.2007), Latvia's Russian Culture Society (13.02.2007), Jekabpils Russian Society „Rodnik” (14.03.2007)

<sup>146</sup> Krastiņa Elfrīda, Bērziņa Ženija, Lūciņa Zaiga, Zaķe Daiga, *Čigānu identitāte multikulturālā skolā*, Izglītības iniciatīvas centrs, 2005, available at: <http://www.iic.lv/lv/publikacijas/petijums.pdf> (19.07.2007). Results of the 2000 Population and Housing Census in Latvia show that only 7.9% of Roma have secondary education and only 0.4% (26 representatives of Roma ethnicity) have university education. Among 5985 Roma above the age of 15 one quarter (24.3%) had less than four years of school education, while 18.2% had four years of school education. Central Statistical Bureau of Latvia, Riga, 2002, p.202, available at: <http://www.csb.lv/Satr/CENSUSES.PDF>. According to the data of the State Employment Agency, among 46 illiterates registered as unemployed in 2003, 39 (85%) were Roma, although exact number of illiterate Roma is impossible to determine.

Although separate education for Roma has never been officially recognised as a part of state education policy, so far this practice has been implemented in all towns with significant share of Roma population.<sup>147</sup> Most of social or pedagogical correction classes have been opened in 2000; since 2003 such classes operated in nine schools. From 2002 until 2005 a “Roma class”<sup>148</sup> has been operating in Riga State Technical College (professional secondary education), although it was closed due to the lack of students. Among the schools with significant Roma share of the pupil population in 2007/2008 academic year “Roma classes” remained only in three.<sup>149</sup> Several representatives of Roma NGOs who participated in the regional seminars have voiced their objections against teaching Roma children in separate classes.<sup>150</sup>

So far no research has been conducted in order to determine whether the “Roma classes” have facilitated integration of Roma children into education system and improved their educational achievements. Precise reasons for the closure of “Roma classes” are not known, although according to schools’ representatives the closures are due to the lack of pupils: some children are emigrating together with their parents, while some other children attend general education classes.<sup>151</sup>

On 17 October 2006 the Cabinet of Ministers approved the National Programme “Roma in Latvia” 2007-2009,<sup>152</sup> envisaging a number of activities aimed at increasing education level within the Roma community. However, there is a ground for concern, since the state responsibility for implementing activities in education sphere has been completely delegated to a small non-governmental organisation – Education Initiative Centre (IIC),<sup>153</sup> which implements its activities without involvement of any cooperation partners or relevant state bodies (especially the Ministry of Education and Science). The funds allotted for these initiatives are also rather small: LVL 21,000 (EUR 29,880) in 2007 and LVL 22,220 (EUR 31,616) in 2008.<sup>154</sup>

According to the data of the Education Initiative Centre, eight Roma have been trained as teacher assistants in Latvia. Only three of them are working in 2007/2008 academic year – two as teacher assistants in kindergartens, while one became a

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<sup>147</sup> *The Situation of Roma in Latvia*, Latvian Centre for Human Rights and Ethnic Studies, Riga, 2003, available at:

<sup>148</sup> Although the label “Roma classes” does not appear in legal acts or official documents, it is widely used by the employees of education establishments and officials of the state institutions.

<sup>149</sup> There is a “pedagogical correction class” (45 students) in Kuldīga, “pedagogical correction class” (16 students) in Mezmalas Secondary School and “Ethnic Roma Class implementing general education programme” (94 students) in Ventspils. Data collected by the Latvian Centre for Human Rights, September, October 2007. In 2005/2006 academic year “Roma classes” operated in six Latvia’s schools (229 pupils), including four pedagogical correction classes, one class with minority education programme in basic education, one class with general education programme

<sup>150</sup> Roundtable discussion in Jelgava (19.02.2007)

<sup>151</sup> Data collected by the Latvian Centre for Human Rights, August - September 2006

<sup>152</sup> The Programme is available at the homepage of the Secretariat of Special Assignments Minister for Social Integration, [www.integracija.gov.lv](http://www.integracija.gov.lv)

<sup>153</sup> The Education Initiative Centre (IIC) employs 6 people (including administrative personnel). The Education Initiative Centre has so far implemented three-year regional project for the inclusion of Roma children into the system of general education. As a result of the project 175 children were included into the general education, a number of Roma parents support centres were established, eight Roma assistant teachers are working in seven general education schools of Latvia, as well as a number of training seminars were held for teachers to work with Roma children. Detailed information about the project results is available at the homepage of the Education Initiative Centre: [www.iic.lv](http://www.iic.lv)

<sup>154</sup> Information provided by the IUMSILS on 14.05.2008

kindergarten teacher. Other teacher assistants do not work, due to the lack of funding.<sup>155</sup> In 2006/2007 eight teacher assistants were employed in seven general education establishments. The National Programme “Roma in Latvia” envisages that until 2009 20 Roma teacher assistants will be trained for pre-school education establishments.<sup>156</sup> While the Education Initiative Centre has for almost a year been working on preparation of Roma teacher assistants, the opinion of the Ministry of Education and Science on the issue is not known. The “Main Principles of Education Development 2007-2013” envisage establishing and financing the pedagogical work of teacher assistants,<sup>157</sup> although eligible are only university graduates specialising in pedagogy. Thus, it is possible that teacher assistants prepared during the programme will not be eligible for such posts as despite their fluency in Roma language and completion of special training, they will have no higher education. During the implementation of the programme the salaries of the teacher assistants will be paid by the state. However, it is not clear how their work will be financed after the end of the programme.

## Article 15

***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.***

### Citizenship

Citizenship is an important precondition of the effective participation. As of 1 January 2008, national minorities represented 41% of Latvia’s population, including 26.7% of Latvia’s citizens. However, 16.4% of Latvia’s population are still without citizenship. While Latvia’s entry into the EU has witnessed a surge in naturalisation applications, the rate of naturalisation has decreased again in 2006. In 2007 the Naturalisation Board received only 3308 naturalisation applications (10581 in 2006).<sup>158</sup> Although international organisations and state officials have on several occasions acknowledged the need to reduce the number of non-citizens in Latvia, the state neither provided sufficient funds, nor implemented consistent activities aimed at promotion of naturalisation. On the contrary, certain political forces are still arguing to halt naturalisation and to merge the Naturalisation Board with the State Language Centre.<sup>159</sup> A number of amendments to the Law on Citizenship suggested in 2005 and 2006 envisaged that Latvian citizenship could only be granted in individual cases and upon a special decision by the Parliament, while children of noncitizens could be

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<sup>155</sup> Information provided by the Centre for Education Initiatives on 20.09.2007

<sup>156</sup> The State Programme Roma in Latvia 2007 – 2009, available at [http://www.integracija.gov.lv/doc\\_upl/valsts\\_programma\\_Cigani\\_\(romi\)\\_Latvija.pdf](http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_(romi)_Latvija.pdf) (26.09.2007)

<sup>157</sup> The “Main Principles of Education Development 2007-2013” envisage to “implement and finance the work of teacher assistants, ensuring support to pupils experiencing difficulties in learning (grades 1-6), as well as to “increase Roma education level, by providing necessary education programmes and methods, and widening educational opportunities to those Roma, who are above the mandatory education age.” Available in Latvian at: [http://izm.izm.gov.lv/upload\\_file/Normativie\\_akti/izm\\_260906\\_izgl\\_att\\_pamatnost\\_2007-2013.doc](http://izm.izm.gov.lv/upload_file/Normativie_akti/izm_260906_izgl_att_pamatnost_2007-2013.doc) (14.03.2008)

<sup>158</sup> Available at: [http://www.np.gov.lv/lv/faili\\_lv/naturalizacija\\_lv\\_1.pdf](http://www.np.gov.lv/lv/faili_lv/naturalizacija_lv_1.pdf) (14.05.2008)

<sup>159</sup> A number of surveys show that the Naturalisation Board enjoys a very high degree of trust among the national minorities, while the State Language Centre, which oversees the usage of Latvian language in public and private spheres, is perceived as an institution of punishment, not as an institution facilitating effective participation and trust.

registered as citizens only if they graduate from schools with Latvian language of instruction. A proposal that “loyalty requirement” should be one of naturalisation criteria has sparked hot debates on the interpretation of the notion of loyalty in minority and Russian language mass media.

### Participation in elections

Latvian legislation reserves the right to take part in elections (national and municipal) and referendums to the citizens only.<sup>160</sup> Parliamentary opposition has several times proposed amendments to *The Election Law on City and Town Councils, District Councils and Parishes Councils*, which would allow non-citizens to vote in municipal elections. These amendments, however, were constantly rejected by parliamentary majority. In 2007 a political party – member of governing coalition has for the first time suggested to discuss the possibility to grant voting rights in municipal elections to non-citizens. Recognising political sensitivity of the issue, the party suggested a referendum to decide it. However, other governing coalition parties are not ready for open discussions at the moment, because of concerns about possible impact of the move on election results in cities with significant share of minority population.

As noted by the OSCE/ODIHR Limited Election Observation Mission, in addition to citizenship and naturalization, an issue that potentially affects the participation of national minorities in the election process is the interpretation and application of the Language Law in a manner that prevents official bodies from providing voter education and information materials in languages other than Latvian.<sup>161</sup>

In compliance with the *State Language Law*, the Central Election Commission (CEC) of Latvia has developed information materials (including video materials) about the voting process, party programmes and ballot papers only in Latvian language. In preparation for 2005 municipal elections CEC has developed information video clips in both Latvian and Russian languages. However, a few days after the broadcasts of clips in Russian were launched at (state-owned) LTV7 channel, this information campaign in Russian was stopped because of objections by political union For Fatherland and Freedom/LNIM, which emphasised that broadcasting video clips in Russian violates Latvian legislation.

Taking into consideration the role of Russian language of everyday life of society, as well as the importance of general election and its results to citizens and non-citizens, the OSCE/ODIHR Mission recommended the government to develop necessary amendments to legislation, that would allow the CEC to produce instructional materials, voter information and other relevant documents in both Latvian and Russian.<sup>162</sup>

### View of national minorities

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<sup>160</sup> EU citizens living in Latvia are eligible to vote in municipal elections since 2004.

<sup>161</sup> OSCE/ODIHR Limited Election Observation Mission Final Report on the 7 October Parliamentary Elections in Latvia: [http://www.osce.org/documents/odihr/2007/02/23213\\_en.pdf](http://www.osce.org/documents/odihr/2007/02/23213_en.pdf) (visited on 01.09.2007.)

<sup>162</sup> OSCE/ODIHR Limited Election Observation Mission Final Report on the 7 October Parliamentary Elections in Latvia: [http://www.osce.org/documents/odihr/2007/02/23213\\_en.pdf](http://www.osce.org/documents/odihr/2007/02/23213_en.pdf) (visited on 01.09.2007.)

Representatives of minorities who participated in the regional seminars or were interviewed have expressed their support in favour of granting non-citizens the right to vote in municipal elections, emphasising that municipalities are dealing mostly with practical and economic issues.<sup>163</sup>

The lack of information in Russian as a significant obstacle to participation in elections was mentioned by a number of participants of regional seminars and representatives of minorities.

### Representation in elected bodies

Although legislation does not prohibit establishment of national minority parties, there are no numerically strong and influential ethnic parties in Latvia. While the name of the Russian Party (established in 1993) indicates that this is an ethnic party, representing certain ethnic group, in reality it is numerically weak and has no real political influence.<sup>164</sup>

According to *Political Parties Law* only citizens can establish a political party, while non-citizens could become members of a political party. The Law determines, however, that if the total number of party members exceeds 400, at least half of them should be Latvian citizens.<sup>165</sup>

Political party or union has to overcome a 5% threshold in order to be represented in the Parliament. Latvian legislation does not envisage any special preferences for national minority political parties, nor does it reserve certain number of parliamentary seats to representatives of minorities. Two parties with significant share of minority representatives among their members have been elected to the 9th Saeima in 2006 parliamentary election. While the protection of the interests of minorities is among the top of their priorities, these parties have never been included in coalition government, therefore their political impact is very limited and the representation of minority interests in the parliament so far was not sufficiently effective. For the most part, legislative initiatives of these parties are voted down by the Parliament.<sup>166</sup> However, these parties have extensively used possibility to apply to the Constitutional Court in order to challenge a number of provisions of the Law on Education as well as to review the compliance of other laws to the Constitution and to international legal norms.

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<sup>163</sup> Interviews with representatives of Latvia's Russian Culture Society and Old Believers' Society (13.02.2007), Latvia's Ukrainian Culture Society (15.02.2007), Jekabpils Russian Society „Rodnik” (14.03.2007). Roundtable discussions in Daugavpils (24.08.2006), Jelgava (19.02.2007), Ventspils (13.03.2007) and Liepaja (15.03.2007)

<sup>164</sup> At the moment this party is included into political patriotic union „Motherland”.

<sup>165</sup> Articles 12 and 26 of the *Law on Political Parties* <http://www.likumi.lv/doc.php?id=139367>

<sup>166</sup> During the 7th Saeima (1998-2002), the MPs representing parliamentary faction For Human Rights in United Latvia have submitted 73 draft law proposals. 57 of these proposals were voted down, eight – approved, two – revoked and six forwarded to parliamentary commissions. During the 8th Saeima (November 2002 – July 2006) the faction For Human Rights in United Latvia has submitted 176 draft law proposals. 162 of these proposals were voted down, seven – approved, one – revoked and six forwarded to parliamentary commissions for consideration. Source: *Latvian – Russian Relations: Domestic and International Dimensions*, Editor Nils Muižnieks (University of Latvia, 2006), pp.43-44. The publication is also available electronically <http://sfl.lu.lv>

Out of 100 MPs of the 8th Saeima, 18 MPs associate themselves with various ethnic minorities (15 Russians, 1 Jew, 1 German and 1 Karelian). 4 MPs did not specify their ethnicity.<sup>167</sup> Although the minority representation in parliament is not strictly proportional to the proportion among citizens, it does not greatly differ from it.<sup>168</sup>

Similarly to the Saeima, majority of members of local councils in municipalities are also ethnic Latvians. According to the results of local elections held on 12 March 2005, 82.5% of all members of local councils are ethnic Latvians, 6.78% are ethnic minorities, while 10.64% did not specify their ethnicity<sup>169</sup>.

Out of 9 MEPs elected from Latvia to the European Parliament, only one belongs to an ethnic minority.

### Representation in executive bodies

Minority representation in executive bodies is even lower than in legislative bodies. So far, minority representatives occupied positions of a minister only on three occasions, including one minister who served in this capacity only few weeks due to political reasons and another minister who represented national conservative party "For Fatherland and Freedom".

Minority representation in civil service is also disproportionately low. Comprehensive data on ethnic affiliation of officials in the state and municipal institutions are not available, although according to the data of 2002 research, only 8% of civil servants in ten ministries were minority representatives (minorities accounted for 23.7% of Latvia's citizenry in 2002).<sup>170</sup> The only exception was the Ministry of Interior, where minority representation (28.3%) exceeded the share of minorities within the citizenry. Minorities were also underrepresented in municipal bodies and in the courts.<sup>171</sup> Although no new research has been conducted on the issue since 2002, available information suggests that the situation has not improved since then.

On 09.11.2007 the Ministry of Regional Development and Local Government has sent an instruction to all local governments in Latvia asking them to evaluate existing municipal regulations which restrict non-citizens' opportunities to participate in the work of local governments.<sup>172</sup> It was done after the political party For Human Rights

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<sup>167</sup> Homepage of the Central Statistical Bureau <http://www.csb.gov.lv/csp/content/?lng=lv&cat=355> (visited on 19.07.2007.)

<sup>168</sup> Brands Kehre, I., Pūce, I. (2005), *Nationhood and Identity*, in How democratic is Latvia. Audit of Democrac (ed. Rozenvalds, J.), available at <http://www.politika.lv/index.php?id=3373> (23.01.2008)

<sup>169</sup> The homepage of the Central Statistical Bureau <http://www.csb.gov.lv/csp/content/?lng=lv&cat=355> (visited on 20.07.2007). For example, in Jekabpils 42% of population are ethnic minorities, although out of 13 members of the town council 11 are ethnic Latvians and two ethnic Poles. Interview with representative of Jekabpils Russian Society „Rodnik” (14.03.2007). Also in Ventspils, while 46% of population are ethnic minorities, only one member of the town council belongs to minority. Roundtable discussion Ventspils (13.03.2007)

<sup>170</sup> Pabriks, A. *Ethnic Proportions, Employment and Discrimination in Latvia*. Riga: Latvian Centre for Human Rights and Ethnic Studies; Soros Fond – Latvia, 2003

<sup>171</sup> Pabriks, A. *Ethnic Proportions, Employment and Discrimination in Latvia*. Riga: Latvian Centre for Human Rights and Ethnic Studies; Soros Fond – Latvia, 2003. In 2002 minorities represented 11% among the administration of cities and towns, 12% among districts' administration and 7.49% among the judges.

<sup>172</sup> Kozule, E., Pašvaldību ministrija aicina iesaisīt nepilsoņus pašvaldību darbā, in *National News Agency LETA* (14.11.2007)

in United Latvia sent a request to the Ministry asking to explain why in several local governments non-citizens are barred from working in local committees and working groups alongside with local deputies and participating in public deliberations.<sup>173</sup>

#### *View of national minorities*

Representatives of national minorities who participated in the regional seminars or were interviewed believe that the lack of representation in national and municipal elected and administrative institutions, including the ministries, is an essential problem which adversely affects participation and promotes alienation and mistrust towards the state authorities. Some representatives believe that in order to secure effective representation of national minorities and protection of their interests, minorities should be guaranteed a certain number of places in elected bodies and administration, or at least their current representation in these bodies should be substantially increased.<sup>174</sup>

#### *Consultative mechanisms*

More than 110 consultative councils have been established in various fields, although the work of many of these bodies is a mere formality. While a number of consultative mechanisms were established under the auspices of the Ministry of Education and Science and IUMSILS, so far no comprehensive evaluation of the work of these bodies has been done to claim that members of these councils have influenced significant decisions affecting the interests of national minorities.

Latvia's legislation does not secure the establishment and status of consultative bodies. Although a number of consultative councils and commissions have been set up at national and municipal level, their functions and tasks are not clearly defined. Opinions and decisions of these councils are not binding (usually they have advisory role), therefore these bodies can be considered as a formality which allows one to express his/her opinion, yet does not make a difference in political process. The responsibility of a minister or relevant civil servant to defend the opinion of such body in the Parliament or the Cabinet of Ministers is also not clear. Existing consultative councils are criticized because their member selection principles and criteria are not clear. Membership of a council associated with a particular ministry is determined by relevant ministers, therefore independence of the council is questionable. Regional representation of consultative bodies is not comprehensive either. Although statutes of consultative councils determine the frequency of meetings, available information shows that in reality meetings are called irregularly.

There is a tendency that some representatives are acting in several councils, while other representatives (mostly those expressing critical or "uncomfortable" views) are excluded from consultative mechanisms. For example, the Consultative Council for Minority Education Issues (associated with the Ministry of Education and Science) used to include 15 representatives of NGOs. After a recent re-shape of the Council (approved on 24.10.2007) only two NGOs representatives are included, none of which is professionally working on minority education. At the same time, the re-shaped Council excluded two organisations, which frequently criticised education policy

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<sup>173</sup> Сергеева, Н., Почему игнорируют неграждан?: in *Chas* (12.10.2007)

<sup>174</sup> Interview with representatives of Jekabpils Russian Society „Rodnik” (14.03.2007), Latvia's Armenian Society „LAO” (16.03.2007), Latvia's Ukrainian Culture Society (15.02.2007). Roundtable discussions in Daugavpils (24.08.2006), Jelgava (19.02.2007), Ventpils (13.03.2007)

implemented by the state: Latvia's Association for the Support of Schools with Russian Language of Instruction (LASHOR) and Latvia's Association of Teachers of Russian Language and Culture (LKVLPA).

*Nationalities Consultative Council of the President of Latvia* was established in 1996 and tasked with facilitation of minorities' participation in resolving social, political and cultural problems. It was hoped that the Council would become an effective mechanism of direct participation of minorities. However, the work of the Council was politicised and since 1999 it has never been assembled.

On 23 February 2001 the *Consultative Council for Minority Education Issues* was established under the auspices of the Ministry of Education and Science.<sup>175</sup> The Council was frequently criticised concerning selection criteria, membership and tasks of this body. Some interviewed minority representatives have expressed their dissatisfaction with the work of the Council, pointing out that its work so far was not effective, because majority of the Council's members are civil servants and schools' principals who are directly dependent on the Ministry of Education and Science (9 out of 12 members of the new Council are schools' principals).<sup>176</sup>

The Secretariat of Special Assignments Minister for Social Integration (IUMSILS) was established in 2002.<sup>177</sup> Among other things, the Secretariat is entrusted with strengthening dialogue between minorities and the state, as well as facilitating civil participation of minorities. *Nationalities and Social Integration Consultative Council* (TSIKP) was established in April 2003.<sup>178</sup> This council acts as an expert body and includes experts from the state institutions, municipalities, NGOs and other organisations dealing with minority issues, ethnic policies and social integration.<sup>179</sup> Representatives of national minorities involved in the work of TSIKP pointed out that the Council's meetings are held on irregular basis and so far it did not adopt any significant decision.<sup>180</sup>

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<sup>175</sup> According to the Statutes of the Council, its goal are to facilitate the quality of educational process in minority schools, promote the development of humanistic values in multicultural society: respect and recognition of diversity, as well as formation of one's own identity, ensuring a dialogue between those who make education policy, implement it and the society. The Council also evaluates the implementation of minority education programmes (monitoring the reform), as well as analyses the results achieved.

<sup>176</sup> Interviews with the representatives of LASHOR (08.02.2007) and Latvia's Russian Culture Society (13.02.2007). Roundtable discussion in Ventspils (13.03.2007)

<sup>177</sup> The structure of the Secretariat included: Social Integration Department, Minority Issues Department, European Antidiscrimination Policy Department, Minority Culture and Information Section.

<sup>178</sup> According to the Statutes of the Council, it is a consultative body to the Special Assignments Minister for Social Integration (Point 1.1 of the Statutes). Its functions are to provide consultation and information to the Minister and to the Secretariat of Special Assignments Minister for Social Integration on the issues related to ethnic policies, social integration and minority rights in Latvia (Point 1.2 of the Statutes). The Council is also tasked with developing proposals for implementation of integration and ethnic policies, resolution of problems of people of various ethnicities, preservation of cultural and ethnic identity, analysing draft legislation proposals and legislation currently in force.

<sup>179</sup> The Council includes representatives of Roma, Jewish, Byelorussian, Baltic-Slavonic, Russian minority organisations as well as Latvian Association of National Minority Culture Societies, which unites 19 minority societies.

<sup>180</sup> Interviews with the representatives of LASHOR (08.02.2007) and Latvia's Armenian Society „LAO” (15.03.2007)

In September 2006 a *Participation Council of Minority NGOs' Representatives* (Participation Council) was established under the auspices of IUMSILS.<sup>181</sup> Contrary to the practices of other councils, members of the Participation council are nominated by minority NGOs themselves.<sup>182</sup> Although regional representation in the Council is not comprehensive, five organisations from 3 towns outside of Riga are represented in the Council (Sabile, Daugavpils, Liepāja). The Participation Council held three meetings so far, yet no significant decisions or recommendations have been taken. Although, according to the Statutes of the Participation Council it 'supports the Secretariat in securing implementation of obligations envisaged by the Framework Convention for the Protection of National Minorities, preparing the State Report, as well as in facilitating a dialogue with the Committee of Ministers of the Council of Europe (Point 3 of the Statutes), Participation Council was not involved in the report preparation process. The State Report was considered in February 2007, when no more changes were possible.<sup>183</sup>

In June 2006 a *Consultative Council of General Education Quality Evaluation State Agency* was established.<sup>184</sup> Representatives of two minority NGOs (LASHOR and Jewish Community Centre "Alef") are included in the Council. No information is available about the work of the Council.

In April 2007 a *Consultative Council for Minority Education Curriculum Issues* was established under the auspices of the Centre for Curriculum Development and Examinations of the Ministry of Education and Science.<sup>185</sup> Members of the Council are mainly principals of minority schools and officials of the Ministry of Education and Science. The only NGO represented in this council is LASHOR. No information is available about the work of the Council, therefore it is impossible to provide evaluation of its work.

Integration, minority and non-citizens councils or commissions were also established in municipalities with large share of minority population. A number of municipalities developed local level integration programmes. However, some representatives of national minorities who represented in regional seminars are critical about the work of

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<sup>181</sup> According to the Statutes of the Council, it is a consultative body to the Secretariat of the Special Assignments Minister for Social Integration (Point 1 of the Statutes). Its functions are to provide consultation and information to the Secretariat on the issues related to ethnic policies, social integration and minority rights in Latvia (Point 2 of the Statutes). Participation Council supports the Secretariat in securing implementation of obligations envisaged by the Framework Convention for the Protection of National Minorities, preparing the State Report, as well as in facilitating a dialogue with the Committee of Ministers of the Council of Europe (Point 3 of the Statutes). The Council is also tasked with developing proposals for resolving legal, social economic, political, educational and cultural problems of minorities, preservation of their cultural and ethnic identity, analysing draft legislation proposals and legislation currently in force.

<sup>182</sup> 110 minority organisations were invited to nominate representatives to the Council. 19 organisations nominated their representatives, including 1 Arab, 1 Byelorussian, 2 Roma, 1 Georgian, 1 Estonian, 2 Russian, 2 Old-believers, 1 Lithuanian, 2 Ukrainian, 1 Uzbek, 1 German and 4 interethnic organisations.

<sup>183</sup> The first State Report of the Republic of Latvia on the implementation of the Framework Convention in Latvia has been approved by the Cabinet of Ministers on 3 October 2006.

<sup>184</sup> According to the Statutes of the Council, its goal is to facilitate the implementation of the state education policy and the improvement of the general education quality.

<sup>185</sup> According to the Statutes of the Council, its functions are to facilitate the inclusion of minority ethnic identity into the education curricula and to put forward proposals on minority education curricula.

these bodies, pointing at a weak cooperation of these commissions with representatives of minorities.<sup>186</sup>

#### View of national minorities

Representatives of national minorities involved in the work of these councils claim that the councils are a formality, which allows for expression of one's opinion, yet does not have any real influence on political decisions. They emphasise the need to develop clear criteria for selection of councils' members and to determine in legislation opportunities to have real influence on political decisions.<sup>187</sup> These representatives consider that majority of the councils' members should represent independent non-governmental and professional organisations, even if their opinions diverge from the opinion of the relevant state institution. This would not only allow for diversity of opinions, but also ensure that a greater part of society is representation. The work of the councils is also hampered by the relatively frequent change of relevant ministers, because the work of the council is stopped and started anew every time a new personality assumes the position of a minister.<sup>188</sup>

#### Social economic participation

Although the level of unemployment is gradually decreasing,<sup>189</sup> there are still substantial differences in employment across the regions. The highest official level of unemployment is still in Latgale (9.5% in March 2008), - Latvian region with significant share of minority population. In March 2008 the level of unemployment in two Latgale's districts exceeded 14.5%. At the same time in Riga, where more than a half of residents represent ethnic minorities, the level of unemployment one of the lowest in the country (3.2%).

Available data on ethnic composition and education level of officially registered unemployed indicate some disparities between unemployment levels of ethnic Latvians and minorities. Although these disparities have a tendency to gradually diminish, however minorities are at greater risk of unemployment than ethnic Latvians. There is, however, a possibility that the actual rate of unemployment among minorities might be higher than seen in SEA statistics. One should pay attention to the fact that 2.9% of unemployed did not indicate their ethnicity in 2008.

**Table 1: Officially registered unemployed according to their ethnicity  
Data of the State Employment Agency**

52,321 unemployed were officially registered with the State Employment Agency as of 31 December 2007, among them:

Ethnicity	Education				Education not	Total	% of the total number of
	Lower than basic	General	Vocational	University			

<sup>186</sup> Roundtable discussions in Daugavpils (24.08.2006) and Liepaja (15.03.2007)

<sup>187</sup> Interviews with representatives of LASHOR (08.02.2007), Latvia's Russian Culture Society (13.02.2007) and Latvia's Ukrainian Culture Society (15.02.2007). Roundtable discussions in Ventspils (13.03.2007)

<sup>188</sup> Interviews with representatives of LASHOR (08.02.2007) and Latvia's Armenian Society „LAO” (15.03.2007)

<sup>189</sup> In March 2008 official rate of unemployment was registered at 4.9%. Source: Statistics of the State Employment Agency. Available at: <http://www.nva.lv/index.php?cid=6#bezdarbs> (14.05.2008)

					specified		unemployed
Latvians	443	13,611	10,261	3,404	663	<b>28,382</b>	<b>54.2</b>
Russians	224	7,281	6,093	1,989	610	<b>16,197</b>	<b>31.0</b>
Byelorussians	17	857	880	175	72	<b>2,001</b>	<b>3.8</b>
Ukrainians	9	529	593	172	47	<b>1,350</b>	<b>2.6</b>
Poles	16	478	469	133	76	<b>1,172</b>	<b>2.2</b>
Lithuanians	29	405	246	43	7	<b>730</b>	<b>1.4</b>
Jews	1	20	17	39	2	<b>79</b>	<b>0.2</b>
Roma	217	117	13	1	38	<b>386</b>	<b>0.7</b>
Other ethnicities	11	237	167	60	20	<b>495</b>	<b>1.0</b>
Ethnicity not specified	37	613	528	257	94	<b>1,529</b>	<b>2.9</b>

Source: Information provided by the State Employment Agency on 25.01.2008

According to research data, the unemployment gap between ethnic Latvian and ethnic non-Latvian population has narrowed: in 2002, employment rates for non-Latvian men and women were 4 and 8 percentage points lower than for their Latvian counterparts, while in 2005 this differential had narrowed to 1 and 4 percentage points. However, for some categories ethnic gap remained substantial (10 percentage points for persons with tertiary education).<sup>190</sup> Over the years minority unemployment rates have been consistently higher than of ethnic Latvians. However, both recently and in the longer term, minority unemployment rates have been falling faster.

Although there is not significant segregation of ethnic groups in employment status and occupation, a greater proportion of ethnic Latvians is highly skilled non-manual occupations, while minorities tend to be in skilled manual and elementary occupations, employed in private sector.<sup>191</sup> On the other hand, the share of minorities among employees of the big state-owned and private enterprises (especially in transport, trade and communications) is greater than their share among the total population of the country. The main difference between the majority and minority employees groups is indeed in the way how they are distributed among agriculture, industry, market and non-market services. More than one third of Latvians and just one out of five non-Latvians work in non-market services. Almost nine percent of Latvians and just four percent of non-Latvians are employed in agriculture. On the other hand, one out of three minority workers are found in industry, as opposed to one out of four Latvians. It should be noted, that in 2005 38 per cent of Latvian employees were employed in the public sector, while for minority employees this proportion was just 26 per cent.<sup>192</sup>

One of the factors explaining these differences is insufficient Latvian language knowledge and lack of citizenship among some part of ethnic minorities. Latvian language knowledge and citizenship are essential preconditions for employment in certain state and municipal institutions. The state language knowledge also leads to occupational segregation – employees with weaker knowledge of Latvian language tend work in those professions, where the knowledge of language is not very

<sup>190</sup> World Bank (2007), Latvia: Sharing the High Growth Dividend. A Living Standards Assessment, available at: [http://siteresources.worldbank.org/INTECA/Resources/Latvia\\_LSA\\_Final\\_0328707Ha3.pdf](http://siteresources.worldbank.org/INTECA/Resources/Latvia_LSA_Final_0328707Ha3.pdf) (22.10.2007)

<sup>191</sup> World Bank (2007), Latvia: Sharing the High Growth Dividend. A Living Standards Assessment, available at: [http://siteresources.worldbank.org/INTECA/Resources/Latvia\\_LSA\\_Final\\_0328707Ha3.pdf](http://siteresources.worldbank.org/INTECA/Resources/Latvia_LSA_Final_0328707Ha3.pdf) (22.10.2007)

<sup>192</sup> Mihails Hazans, Study on the social and labour market integration of ethnic minorities. The Latvian Report. (2007) Mihails Hazans. Unpublished data.

important. Unemployed persons without the Latvian language proficiency certificate are exposed to a greater risk of long-term unemployment.<sup>193</sup>

A wage gap between the majority and minorities remained significant constituting 9 per cent in 2005 (comparing to 10.2 per cent in 2002) that to a great extent could be explained by Latvian language knowledge, not by the ethnic affiliation.<sup>194</sup> Results from a survey of employees in late 2005 - early 2006 suggest that when language skills are accounted for, the unexplained gap is reduced substantially: the raw wage gap between native speakers and workers with poor knowledge of Latvian language is 13.4 percent, and it is almost completely explained by observed productive characteristics other than language; workers with poor knowledge of Latvian language are concentrated mainly in manual jobs and feature very substantial occupational segregation from native Latvian speakers.<sup>195</sup> (See also information provided under Article 4)

### Roma situation

Representatives of Roma minority are experiencing difficult social economic situation. Although very little data is available on Roma employment, research data show that no more than 5-10% of Roma are employed officially and very few Roma are employed unofficially.<sup>196</sup> Although their Latvian language proficiency is rather good, low educational attainment and existing public stereotypes in many instances prevent them from getting even unskilled jobs.<sup>197</sup> Representatives of Roma NGOs who participated in regional seminars also have emphasised that Roma are not able to find a job because of their ethnicity.<sup>198</sup> According to the data of Latvia's Roma Union "Nevo drom", 7,000 or one third of Latvia's Roma have moved to work abroad since the late eighties. About 4,000 of them settled abroad permanently.<sup>199</sup>

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<sup>193</sup> Institute of Philosophy and Sociology of the University of Latvia, Baltic International Centre for Economic Policy Studies, Institute of Sociological Research (2007), *Causes and Length of Unemployment and Social Exclusion*, available at: <http://sf.lm.gov.lv/esf> (22.10.2007)

<sup>194</sup> Research *Darba algas un to ietekmējošie faktori*, Riga, 2006, pp.115-116. Available at: <http://sf.lm.gov.lv> (visited on 02.02.2007.)

<sup>195</sup> Mihails Hazans, Study on the social and labour market integration of ethnic minorities. The Latvian Report. (2007) Mihails Hazans. Unpublished data.

<sup>196</sup> *The Situation of Roma in Latvia*, Latvian Centre for Human Rights and Ethnic Studies, Riga, 2003, pp.30-32. According to the data of 2000 Population Census, only 6% of Roma indicated that their main source of income is economic activity. *Results of the 2000 Population and Housing Census in Latvia*. Collection of Statistical Data. – Central Statistical Bureau of Latvia - Riga, 2002.

<sup>197</sup> In September 2007 media highlighted a case of Roma job applicant, who has been clearly told by potential employer: „We do not hire Gypsies”, Viksna, I., Mēs čigānus neņemam, in: *Neatkarīgā Rīta Avīze*, 14.09.2007.

<sup>198</sup> Roundtable discussion in Jelgava (19.02.2007)

<sup>199</sup> Ločmele, K., Citzemju inženieris. Vai esam tam gatavi?, in *Komersanta Vēstnesis* (05.12.2007)

## *Annex*

### **Regional seminars:**

#### **Daugavpils (24.08.2006)**

1. Daugavpils Polish Society „Promien”
2. Daugavpils Tatar Society „Vatan”
3. Daugavpils Jewish Religious Community
4. Daugavpils Russian Community
5. Daugavpils City Council Integration Committee

#### **Jelgava (19.02.2007)**

1. Jelgava Russian Society „Istok”
2. Ukrainian Culture Centre „Dzherelo”
3. Jelgava Jewish Society
4. Jelgava Russian Culture Society „Veche”
5. Jelgava Association of National Minority Culture Societies
6. Jelgava Section of Latvia’s Polish Society
7. Jelgava City and District Roma Society „Romanu chachipen”
8. Jelgava Lithuanian Culture Society „Vytis”
9. Jelgava City and District Byelorussian Society „Lyanok”
10. Slavic Society „Rodnik”
11. Dobeles Section of Latvia’s Roma Association „Nevo Drom”
12. Dobeles Lithuanian Culture Society
13. Jekabpils Roma Society „Shatra”

#### **Ventspils (13.03.2007)**

1. Ventspils Association of National Minority Culture Societies
2. Ventspils Section of Livonian Union
3. Russian Society „Dialogs”
4. Moslem Society
5. Tatar-Bashkir National Minority Culture Society „Ak Idel”
6. Ukrainian Song Ensemble „Mrija”
7. Minority Children and Youth Theatre „Mes”
8. Ventspils City Council Consultative Committee on Non-citizens’ Issues
9. Teachers of history and social sciences in Ventspils school Nr.3 (school with Russian language of instruction)
10. Students of Baltic International Academy

#### **Liepaja (15.03.2007)**

1. Lithuanian Society „Ruta”
2. Liepaja Section of Latvia’s Polish Union
3. Russian Culture Society „Posolon”
4. Liepaja German Community „Asns”
5. German-Latvian Meeting Centre
6. German House in Liepaja
7. Ukrainian Community „Svitanok”
8. Liepaja Ukrainian Society „Rodina”
9. Liepaja Ukrainian Theatre „Prolisha”
10. Liepaja Multicultural Centre „Unisons”

11. Society Club „Kontaksts”, Broceni

**Interviews:**

1. Igors Pimenovs – Chairperson of Latvia’s Association for the Support of Schools with Russian Language of Instruction (LASHOR) (08.02.2007)
2. Ivans Grinevics – Board member of society „Inflanty” (12.02.2007)
3. Jelena Matjakubova – Chairperson of Latvia’s Russian Culture Society; Board member of Old Believers Society, member of LASHOR (13.02.2007)
4. Viktors Stefanovics – Chairperson of Latvia’s Ukrainian Society (15.02.2007)
5. Alim Abdusaidov – Chairperson of Latvia’s Uzbek Culture Society (21.02.2007)
6. Natalja Cehova - Chairperson of Jekabpils Russian Society „Rodnik” (14.03.2007)
7. Georgijs Tofans – Chairperson of Latvia’s Moldovan Culture Society „Dacia” (14.03.2007)
8. Rafi Haradzanjans – Chairperson of Latvia’s Armenian Society „LAO” (16.03.2007)
9. Hosams Abu Meri – Arabian Culture Centre; Latvian-Lebanese Culture Society (16.03.2007)
10. Vjaceslavs Altuhovs – President of Latvia’s Russian Community (20.04.2007)