



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

Latvian Centre for Human Rights

2013

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

Shadow report has been published with the financial support of the Fridrich Ebert Stiftung (Germany) and the Open Society Foundations. Latvian Centre for Human Rights carries full responsibility for the content and views expressed in this report. The views in this report do not represent any official view of the Fridrich Ebert Stiftung or the Open Society Foundations.

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Introduction

On 24 July, 2012 the Cabinet of Ministers approved the second national report of the Republic of Latvia on the implementation of the Framework Convention for the Protection of National Minorities.¹

The Latvian Centre for (LCHR)² has prepared a “shadow” report, which aims at providing information on the implementation of specific articles of the Convention in Latvia.³ This is the 2nd shadow report prepared by the Latvian Centre for Human Rights. The first report was prepared in 2008.⁴

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.

The shadow report provides information on articles 3, 4, 6, 10, 11, 12, 14 and 15 of the Convention for the period 2009-2012. Some information related to relevant developments in 2013 has also been included.

¹ Text of the report in Latvian and English is available at the homepage of the Council of Europe http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_2nd_SR_Latvia_lv.pdf as well as the homepage of the

² 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.

³ The Report is available at the LCHR home page www.cilvektiesibas.org.lv

⁴ The first report is available at the LCHR home page at <http://cilvektiesibas.org.lv/site/attachments/30/01/2012/NationalMinoritiesinLatviaENG.pdf>

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 tabse.*

Ethnicity record in documents

Latvian passports (citizen and non-citizen) continue to retain voluntary ethnicity record⁵. It was removed from the newly issued passports from 1 April 2012 following the adoption of the Cabinet of Ministers new Regulations Nr. 134 “On the Personal Identification Documents” on 21 February 2012,⁶ but reinstated as of 1 April 2013.

In the past several international organisations had advised Latvia to reconsider the issue of ethnicity record in passports. ECRI had recommended that “the principle of self-identification of the person as belonging to a particular ethnic group be respected by making it possible to have any ethnicity recorded; otherwise, ECRI recommends to remove all mention of ethnic origin in identification documents”.⁷

In August 2012, the nationalist alliance *All for Latvia!/Fatherland and Freedom/LNNK* submitted amendments aimed at restoring the option of ethnicity record in passports⁸ claiming they had received complaints by residents demanding the return to ethnicity entry. Eventually the government amended Regulations on Personal Identification Documents on 29 January 2013, which came into force on 1 April. The amendments restore the option to indicate in the passport previously recorded ethnicity, but would not respect the principle of self-identification of the person. In a survey in November 2012, 82% of respondents supported voluntary ethnicity record in passports.⁹ Human rights organisations voiced their concern about the potential for abuse of the information of passport holders’ ethnicity, such as discrimination.¹⁰ Ethnicity entry was mandatory in passports in the former Soviet

⁵ Information about passport holder’s ethnicity is entered according to information registered about that person in the Population Register

⁶ Ministru kabineta noteikumi NR. 134 *Personu apliecinošu dokumentu noteikumi* (21.02.2012.), pieejams [Cabinet of Ministers Regulation Nr 134 : Regulations in Personal Identification Documents], in Latvian at <http://www.likumi.lv/doc.php?id=244720&from=off>

⁷ European Commission against Racism and Intolerance Report on Latvia (fourth monitoring cycle), Adopted on 9 December 2011, in English at: www.coe.int/t/dghl/monitoring/ecri/country-by-country/latvia/LVA-CbC-IV-2012-003-ENG.pdf

⁸ Draft Amendments to the Law “On Personal Identification Documents” (Grozījumi Personu apliecinošu dokumentu likumā (Nr:341/Lp11)), available in Latvian at: <http://titania.saeima.lv/LIVS11/saeimalivs11.nsf/webSasaiste?OpenView&count=1000&restricttocategory=341/Lp11>

⁹ Lielākā daļa iedzīvotāju atbalsta tautības norādīšanu pasē pēc personas vēlēšanās [The Majority of Residents Support the Voluntary Ethnicity Record in Passports], www.diena.lv, 6 November 2012, at <http://www.diena.lv/latvija/zinas/lielaka-dala-iedzivotaju-atbalsta-tautibas-noradisano-pase-pec-personas-velesanas-13976436>

¹⁰ Platece Laura (2012) Ethnicity record in passports – the necessity, the discriminatory, or the raising of self-awareness? (*Tautības ieraksts pasē – nepieciešams, diskriminējošs vai pašapziņu veicinošs?*), 06.11.2012., available at: <http://www.lvportals.lv/viedokli.php?id=251968>

Union. Latvia gave up the mandatory ethnicity entry in 2002, but retained the option of voluntary entry.

Statistical data

There have been no developments concerning the collecting of ethnic data for the development of policy initiatives and programmes. Various state and municipal bodies in Latvia are collecting ethnic data, nevertheless no comprehensive and systematic information is available about what personal data are collected or stored or for what purposes they are used.

The latest most comprehensive statistical data that include information about ethnicity, country of nationality and type of citizenship (citizen, non-citizen, refugee, stateless), native language, main language used at home (Latvian, Russian, Byelorussian, Ukrainian, Polish, Lithuanian, Other) and the use of Latgallian language is the data of the 2011 Population census.¹¹ The use of Latgallian was for the first time included in the census.

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.*

Legislation

Transposition of the Racial Equality Directive continued in 2008-2011 leading to the adoption of anti-discrimination provisions in various laws, including in the areas of education, self-employment, and unemployment.¹²

At the same time, certain legislative initiatives, unrelated to the transposition of anti-discrimination directives did not pass without controversies.

On 21 June 2012 the parliament amended the Labour Law by adding a new Clause 2¹ to Article 32 which prohibits the indication of a specific foreign language proficiency in a job advertisement except for the cases when it is objectively necessary for the fulfilment of work duties.¹³ The amendments entered into force on 25 July 2012.

¹¹ Central Statistical Bureau, *Population and Housing Census 2011 form in English*.

¹² Patients' Rights Law (May 2009), Law on the Unemployed and Job Seekers (2010), Education Law (2010), Law on the Prohibition of Discrimination of Physical Persons – Economic Operators (2010, 2013).

¹³ Saeima, Law on Amendments to the Labour Law (*Likums 'Grozījumi Darba likumā*), 21 June 2012.

The amendments were first submitted in early 2011 by the nationalist party alliance *All for Latvia/Fatherland and Freedom/LNNK*. Although no specific foreign language was indicated, the amendments were aimed at restricting the requirement for Russian language proficiency by employers, to prevent the alleged discrimination of Latvians, particularly, the Latvian youth on the labour market. It was claimed that during 16 years, only 35% of the Latvian youth had studied Russian at school.¹⁴ There were no other detailed analysis or data provided confirming the allegations.

Most jobs in the private sector in Latvia require proficiency in at least two or three languages, including Russian. The proposed amendments caused heated parliamentary debates and were criticised by the largest employer organisations for state interference in the private sector.¹⁵ They were neither supported by the Ministry of Welfare, nor non-discrimination experts, and were voted down by the responsible parliamentary commission several times. Although language is not explicitly included among prohibited discrimination grounds in the Labour Law, it is implied. This was acknowledged by courts, e.g. in a case *Sanita Kozlovska v. SIA "Palso"* in 2006, the employer had indicated the accent (in Latvian) of the plaintiff – a Roma – as the reason for refusal to employ her, and the court held that the plaintiff had been discriminated against on the basis of her national origin.¹⁶

In the past, international organisations, such as the OSCE's High Commissioner for National Minorities and Council of Europe have criticised Latvia for state interference in regulating language use in the private sector.

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.

The economic crisis and Office's weakness due to internal conflict in 2009 inevitably affected its work and its effectiveness. Its budget was significantly cut from 2008 - 1,257,384 LVL (1,797,626 EUR), 2009 - 903,807 LVL (1,291,152 EUR), 2010 - 558,276 (797,537 EUR), 2011 - 581,149 (830,212 EUR), and slightly increased in 2012 - 681,149 LVL (973,070 EUR).¹⁷ One to four persons have worked with non-discrimination issues during various periods. In November 2012 three persons worked in the Legal Equality Department, one of whom was a consultant on Roma issues.

¹⁴ LETA (2012), 'Darba sludinājumos nevarēs norādīt nepieciešamību pēc konkrētu svešvalodu prasmes' [It Will Not be Possible to Indicate Requirement for Foreign Language Proficiency in Job Ads], 21 June 2012, available at: [www.leta.lv/archive/search/?patern=35% skolēnu kā svešvalodu ir apguvuši krievu valodu&item=8404175F-1039-435B-A460-DAB99BB3F804&date=0,1349384400&mode=stem..](http://www.leta.lv/archive/search/?patern=35%+skolenu+ka+svesvalodu+ir+apguvuši+krievu+valodu&item=8404175F-1039-435B-A460-DAB99BB3F804&date=0,1349384400&mode=stem..)

¹⁵ Delfi (2012), Pēc darba devēju protestiem pārskatīs ieceri ierobežot tiesības prasīt darbiniekiem svešvalodu prasmes, [After Employer Protests on Restrictions on the Right to Require Foreign Language Proficiency from Employers the Initiative Will be Reviewed] at <http://www.delfi.lv/news/national/politics/pec-darba-deveju-protestiem-parskatis-ieceri-ierobezot-tiesibas-prasit-darbiniekiem-svesvalodu-prasmes.d?id=40031669>

¹⁶ Jelgava Court (*Jelgavas tiesa*), Judgement No. 15066406, 25 May 2006, available at: www.humanrights.org.lv/upload_file/spriedumi%20datu%20bazei/S_K_25majis.pdf.

¹⁷ Ministry of Finance (2011). Law on State Budget, Explanatory Report, p. 124, available in Latvian at <http://www.fm.gov.lv/files/files/E2B593256740001330693948770523.doc>.

In April 2011 the newly elected Ombudsman published mid-term strategy for 2011 – 2013, setting the following priorities in the area of non-discrimination: the prevention of discrimination in the labour market; prevention of hate crimes; provision of equal access to goods and services without discrimination based on gender, race, ethnic origin and disability; facilitation of the implementation of the UN Convention on Rights of the Persons with Disabilities.¹⁸

On political level the Secretariat of the Special Assignments Minister for Integration Affairs was responsible for non-discrimination policy until its closure of on 1 January 2009.¹⁹ Functions, tasks and obligations in relation to society integration were handed over to the Ministry of Child, Family and Society Integration Affairs which was closed in mid 2009, and the responsibility for the elaboration of national policy in society integration affairs was taken over by the Ministry of Justice. The regulations governing the work of both ministries did not include an explicit reference to anti-discrimination. Since 1 January 2011 society integration issues have been handed over to the Department for Society Integration Affairs of the Ministry of Culture (MoC).²⁰ The regulations on the MoC do not explicitly mention anti-discrimination however the competence of the MoC in the realm of society integration and the promotion of civil society also includes ensuring “the observance of the rights of minorities, including Roma, by facilitating the elimination of racial and ethnic discrimination.”²¹

Complaints about discrimination in education are also reviewed by State Education Quality Inspectorate, in health services – by Health Inspectorate, in consumer rights protection – Consumer Rights Protection Centre. The State Labour Inspectorate is mandated to review discrimination complaints in employment.

Data and statistics

Latvia still lacks comprehensive data on the situation regarding discrimination on various grounds. The number of court cases on discrimination has grown, however, most relate to discrimination on grounds of gender. The number of discrimination complaints on different grounds received by the state bodies and non-governmental organisations remains rather small.

During the economic crises the number of complaints alleging discrimination on the grounds of race, ethnic origin or language received by the Ombudsman decreased. In 2010 the Office received 11 written complaints about alleged discrimination on the grounds of race, ethnicity or language. Investigation was initiated in four cases. In all cases the Office concluded that no discrimination had taken place.²² In 2011 it received ten complaints (nine – race/ethnic origin, two – language). In 2012, the

¹⁸ Ombudsman (Tiesībargs) (2011). Tiesībsarga stratēģija 2011.-2013. Gadam [Ombudsman’s Strategy 2011-2013]. at: http://www.tiesibsargs.lv/lat/tiesibsargs/majas_lapas_jaunumi/?doc=664

¹⁹ Ministru kabineta 2007. gada 13. novembra noteikumi Nr. 764 „Īpašu uzdevumu ministra sabiedrības integrācijas lietās sekretariāta nolikums” (zaudējis spēku no 2009. gada 1. janvāra)

²⁰ Ministru kabineta 2010. gada 28. decembra noteikumi Nr. 1197 „Grozījumi Ministru kabineta 2003. gada 29. aprīļa noteikumos Nr. 241 „Kultūras ministrijas nolikums”

²¹ Ministry of Culture (Kultūras Ministrija), Nozaru informācija/ Sabiedrības integrācija http://www.km.gov.lv/lv/nozares_info/integracija.html

²² Ombudsman (Tiesībargs), (2010), p.81.

Office initiated 13 verification procedures into possible discrimination on the ground of race or ethnicity, and one on the ground of religious persuasion.²³ Complaints alleging discrimination on grounds of language generally concern requirements for the Latvian language proficiency for employment purposes, problems in communication with state and local government institutions in other languages than Latvian, including prisons. During the period under review no victim has been represented by the Ombudsman in court in discrimination cases on grounds of ethnicity, race or religion. The Office has explained the decrease in discrimination complaints due to the worsening economic situation when more complaints are received about socio economic issues.

From 1 January 2008 until 1 September 2012, there are only four known cases when other institutions have reviewed complaints on discrimination on grounds of ethnic origin. The State Labour Inspectorate is mandated to investigate administrative offences in employment relations and can impose fines from LVL 100 to 500 (~ 142 to 714 EUR). Most reviewed cases have concerned job advertisements on grounds of age/gender. In 2008, the SLI imposed a fine of 200 LVL (~290 EUR) for a job ad which had indicated “preferably Latvian.”²⁴ In February 2012, the Health Inspectorate (HI) received one complaint about a doctor in Liepaja, who had refused to speak Russian. The HI concluded that during the period in hospital the right to the health care services had not been breached, and did not establish differential treatment by the doctor on the ground of race or ethnicity.²⁵

NGOs

Several complaints (predominantly oral) concerning alleged discrimination on grounds of race, ethnic origin, language have also been received by NGOs. The Latvian Centre for Human Rights has received several complaints from Roma on alleged discrimination in employment, access to goods and services and education. Several consultations have been provided about the Latvian language proficiency requirements for employment purposes.

The Latvian Human Rights Committee during 2009-2012 received complaints about the legislative requirements concerning specific Latvian language proficiency requirements for jobs, on the spelling of personal names of minority representatives in identification documents, in calculating old age pensions on grounds of nationality, and access to education in Russian. Several oral complaints were also received from minority representatives who alleged they had been dismissed due to their ethnic origin or mother tongue.²⁶ Several cases have been taken to court.

²³ Information provided by the Ombudsman’s Office on 7 January 2013

²⁴ Valsts darba inspekcijas sniegtā informācija (20.05.2011., vēstule Nr. 01-14/1301 (03.08.2011.))

²⁵ Latvia, Health Inspectorate (*Veselības inspekcija*), Letter No. 3.5-1/16100/8545 to the LCHR, 22 August 2012.

²⁶ Information provided to the LCHR by the Latvian Human Rights Committee Cilvēktiesību komitejas in August 2011 and August 2012

Court cases

There have been no discrimination court cases on grounds of race, ethnicity or religion during 2009-2012.²⁷

On 17 February 2011 the Constitutional Court adopted a judgment dismissing the claim of five non-citizens regarding their complaint about the allegedly discriminatory old-age state pension system of Latvia.²⁸ In 2008 the Latvian parliament amended the law „On State Pensions”, providing that: The accrued work and the equivalent periods thereof for Latvian citizens in the territory of Latvia and the territory of the former USSR up to 31 December 1990, as well as the periods accrued outside of Latvia as prescribed by Sub-paragraph 10 of this Paragraph shall be equivalent to length of period of insurance. The length of period of insurance of aliens, stateless persons and non-citizens of Latvia is equivalent to the work and the equivalent periods accrued in the territory of Latvia, as well the work and the equivalent periods accrued in the territory of the former USSR, that are referred to in Sub-paragraphs 4 and 5 of this Paragraph, and the periods accrued outside of Latvia referred to in Sub-paragraph 10 of this Paragraph. Up to 31 December 1990 [...] the length of period of insurance shall be equated to the following work equivalent periods [...]: 4) periods of study at institutions of higher education, as well as at other educational institutions after the acquisition of secondary education, but not longer than five years [...]; 5) the period of time of full time doctoral studies, but not longer than three years, the period of post-graduate education and the period when qualifications were raised; 10) politically repressed persons’²⁹ in places of imprisonment [...]

The Applicants submitted a constitutional complaint, arguing that the legal provision does not comply with Article 14 of the ECHR in conjunction with Article 1 of Protocol No. 1, as well as with Article 91 of the Latvian Constitution. They claimed that the contested norm discriminates the rights of non-citizens of Latvia because the working period and the length of obligatory military service accrued outside the territory of Latvia before 31 December 1990 has not been included into the length of insurance, which has had a considerable effect on the amount of their pension. They also stated that they enjoy comparable situation with that of citizens of Latvia who receive old age pension. A differential treatment of non-citizens, if compared with citizens, can be regarded as discrimination by nationality which has also been concluded by the European Court of Human Rights in the case “Andrejeva v. Latvia”.

The Court pointed out that the state enjoys a wide margin of discretion when establishing its social security system, including pension system and the Court has to assess whether the differential treatment is justifiable or not and whether it has an objective and reasonable grounds. It referred to Latvian state continuity, stating that the Republic of Latvia is not the successor of the rights and liabilities of the former

²⁷ The 2006 employment discrimination case whereby the former National Human Rights Office filed a complaint with court on behalf of a Romani woman remains the only ethnic discrimination case in employment which has reached the court.

²⁸ Constitutional Court of the Republic of Latvia (Satversmes tiesa), Case No. 2010-20-0106, available in English at http://www.satv.tiesa.gov.lv/upload/judg_2010_20_0106.htm

²⁹ Persons who suffered from soviet deportations to Gulag camps.

USSR and pursuant to the doctrine of state continuity a renewed state does not have the duty to undertake any liabilities that follow from liabilities of the occupant state. It indicated that the majority of Latvia's non-citizens travelled to the territory of Latvia as a result of immigration policy implemented by the USSR and during work periods accrued by these persons outside territory of Latvia, they made no contribution to the improvement of Latvia's national economy and development of the State. Therefore, the context of State continuity is the determining factor and serves as a crucial aspect to regard differences in the procedure for calculating pensions of citizens and non-citizens as grounded. Finally, the Court drew attention that when solving the problem of cross-border pensions, bilateral international agreements regarding cooperation have to be used. The Court thus regarded the differential treatment as proportional and in compliance with Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1, as well as with Article 91 of the Latvian Constitution.

J.M. vs State Police

On 28 April 2011 the Administrative District Court upheld the decision of the State Police (SP) to impose a disciplinary punishment – a warning on incompliance with the post occupied for a period of 1 year – in the case of a police officer who had refused to speak Russian to a person making an emergency call.

On 14 January 2009, S.T. had made an emergency call to 112. The police officer who took the call had refused to speak Russian allegedly telling the caller that he has to speak Latvian as he lives in Latvia. As eventually nobody responded to the call, S.T. filed a complaint. The SP imposed a disciplinary punishment on the police officer for not taking and registering the call, who appealed the decision claiming that his proficiency in Russian was poor and that he had not been trained to respond to calls.

The court concluded that police officer's conduct had been intentional and indicative of discrimination of callers by language and ethnicity, and that the disciplinary violation was serious and essential as it caused negative consequences whereby two persons had been denied assistance. It concluded that the police officer's Russian language proficiency was good, at the same time pointing out that in cases of inadequate language skills, there was a possibility to forward the call to a competent colleague. The court emphasised that an individual's rights to receive assistance cannot be dependent on the police officer's foreign language skills, and that the State Police has to see to it that individual's rights are observed. It underlined that the failure to do so not only discredits the concrete official but also entire State Police, and ruled that the disciplinary punishment was proportional to the disciplinary violation.³⁰

Research data

In October 2011 the Ombudsman conducted a survey on the prevalence of discrimination in employment.³¹ 30% of respondents had heard that their relatives, friends and acquaintances had encountered discrimination at work. The respondents

³⁰ J.M. pret Valsts policiju, Administrative District Court in Riga, Case nr. A42881209, 28.04.2011

³¹ Tiesībsargs (2011). Diskriminācijas izplatība nodarbinātības jomā (Prevalence of Discrimination in the Realm of Employment), available in Latvian at http://www.tiesibsargs.lv/files/diskriminācijas_izplatība_nodarbinātības_vidē_latvijā.pdf.

thought that discrimination occurred on grounds of age (32%), ethnic origin (28%), gender (19%). language proficiency and other job requirements (16%), 9% - due to state of health or disability, 7% - sexual orientation.

According to the Eurobarometer survey in November 2012, the number of Latvian residents who believe that discrimination on grounds of ethnic origin is widespread in Latvia decreased compared with 2009 (from 34% in 2009 down to 26% in 2012.) Perceptions of discrimination on grounds of religion or belief show decrease from 13% in 2009 down to 10% in 2012. The majority of respondents believe that the most widespread discrimination is on the grounds of age (63%) and disability (50%). When evaluating the impact of economic crisis on the increase of discrimination in the labour market, 39% of Latvian residents believe that discrimination has increased on the grounds of ethnic origin, 22% - religion or belief.³²

According to the survey, 64% of Latvian residents view Roma as a group of people at risk of discrimination, and that society would benefit from better integration of the Roma (54%). Evaluating the effectiveness of the state implemented Roma integration activities (education, health care, housing and employment), the majority of Latvian residents or 39% believe that they have not been successful up to now, 26% evaluated those as partially effective. 8% of respondents believe that Latvia has not made any efforts in this area. Although, the majority of Latvian residents (48%) would accept if their children have Roma schoolmates, around 26% recognised that such practice would be unacceptable.³³

According to the public opinion survey “Opinion on hate crimes” conducted in December 2011, 38.1 % of respondents would not like to see Roma as their neighbours.³⁴

Roma Situation

Although no comprehensive research has been conducted about the situation of Roma in Latvia since 2003, and the number of official complaints about the discrimination of Roma in Ombudsman’s Office and other state institutions³⁵ is small, interviews with Roma community representatives indicate that they face discrimination on the labour market and other areas of social life.

In 2012 the Ombudsman received two complaints concerning Roma discrimination, five in 2011, none in 2010 and 2009.³⁶ No complaints on Roma discrimination have been received by other state complaints bodies.

Despite good Latvian language skills among Roma, the low educational level and public prejudice remains an obstacle for Roma in getting even a low skilled job. There

³² European Commission (November 2012) *Discrimination in EU 2012* Available at: http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_fact_lv_lv.pdf

³³ Ibid.

³⁴ Association of LGBT and their friends „Mozaika” and SKDS (2011).

³⁵ From 2009 until 30 August 2012, the State Labour Inspection, State Education Quality Inspection, Health Inspection have not received any complaints on alleged discrimination of Roma in employment, education or health care.

³⁶ Information provided to the LCHR by the Ombudsman on 20 August 2012.

is anecdotal evidence when employers, upon learning that a potential employee is a Roma, inform that the vacancy has already been filled.³⁷ There are several known cases when Roma have been refused the renting of a flat³⁸ or receipt of services³⁹, or that they have been denied entry into night clubs. In most cases the victims have not turned for help or have done it belatedly when the time limit for filing a complaint has expired. On occasions, the Roma have complained about the alleged discrimination but have not pursued the case. Lack of awareness and trust in law enforcement institutions are among key reasons why Roma do not report discrimination.⁴⁰

The attempt by the state institutions to develop targeted inclusion measures for Roma met with very limited success, due to insufficient funding and implementation. In 2006, the Cabinet of Ministers approved the state programme „Roma in Latvia” 2007-2009.⁴¹ The programme named three main areas for improvement: combating discrimination of Roma in education, on the labour market, and involvement of the Latvian society into anti-discrimination activities and promotion of tolerance towards Roma. Discrimination in housing and health and social care was not included in the programme. The programme was the first state policy document and action plan aimed explicitly at improving the situation of Roma in Latvia. However implementation of the programme was mainly related to the improvement of Roma educational opportunities and to the development of Roma culture and the preservation of its ethnic identity. During the whole period of the implementation of the Programme not a single activity in the field of employment envisaged by the programme activity schedule was implemented. Insufficient state funding and lack of cooperation between the responsible state bodies and social partners were the main reasons which hampered the implementation of the programme activities. According to the State Programme, implementation of its activities required 81,007 LVL in 2007, 137,139 LVL in 2008, and 125,274 LVL in 2009. However, 53,755 LVL (66% of the envisaged amount) were allocated from the state budget in 2007, 49,280 LVL (36%) in 2008, while only 21,172.52 LVL (17%) were allocated in 2009.⁴²

The programme envisaged that a position of a Roma officer was to be established in 2007 in the Ombudsperson’s Office, the position was established only in May 2011. The consultant’s tasks include the promotion of Roma integration, organisation the

³⁷ Information provided to the LCHR by Roma NGO October 2011.

³⁸ Information provided to the LCHR by the Riga Kuzemes district Social Service Family support centre social worker on September 2009, August 2010, Letter of the Valmieras City Council to the LCHR 1-2-23/2211, 26.08.2009.

³⁹ Information received by the LCHR in January 2011

⁴⁰ Information provided by Roma society „Nevo Drom” to the LCHR on 12 August 2012; Annual Report of the Ombudsman 2011, p. 117, at:

http://www.tiesibsargs.lv/files/gada_zi%C5%86ojumi/ties%C4%ABbsarga_gada_zi%C5%86ojums_2011.pdf

⁴¹ *Valsts programma “Čigāni (romi) Latvijā” 2007-2009* (State Programme “Roma in Latvia “2007-2009). Available in Latvian:

[www.humanrights.org.lv/upload_file/valsts%20programmas/06valsts_programma_Cigani_\(romi\)_Latvija.pdf](http://www.humanrights.org.lv/upload_file/valsts%20programmas/06valsts_programma_Cigani_(romi)_Latvija.pdf)

⁴² Zankovska-Odina S., *Situation of Roma in Latvia*, p. 54, Gessis 2009, available in English:

[/www.gesis.org/fileadmin/upload/dienstleistung/fachinformationen/series_ssee_01/Roma_in_Central_and_Eastern_Europe.pdf](http://www.gesis.org/fileadmin/upload/dienstleistung/fachinformationen/series_ssee_01/Roma_in_Central_and_Eastern_Europe.pdf)

activities of the Office in preventing discrimination, consulting Roma on the receipt of social assistance and suggesting proposals on the improvement of legislation.⁴³

New Guidelines on National Identity, Civic Participation and Society Integration Policy approved by the government in October 2011 envisage the development of a data collection system on the situation of Roma in various socio-economic areas, support programmes for Roma integration, health care, employment, access to housing, etc. In 2012 only LVL 3,500 (5,000 EUR) were allocated for Roma issues.⁴⁴

On 30 August 2011, the Ombudsman and Roma NGOs signed a Cooperation Memorandum on the Prevention of Roma Discrimination.⁴⁵ From 1 January to 1 August 2011 the Ombudsman's Office conducted research on Roma portrayal in Latvia's largest newspapers. The research concluded that racism and prejudice was widespread in comments to articles, which included open hostility and calls for physical violence against the Roma, but was not perpetrated by mass media. Information about several comments was forwarded to the Security Police.⁴⁶

In response to the information provided by the Roma community representatives that funding envisaged for the purpose of reducing Roma exclusion is not being spent purposefully, in February 2012 the Ombudsman turned to the Cabinet of Ministers requesting information on the spending of EU and state funds for Roma integration.⁴⁷ According to the information provided by the ministries for 2007-2012 91 ministry, institution and NGO projects received EU and other funding fully or partially aimed at Roma integration and rights protection. The total allocated funding has been – LVL 1,081,905 (~ EUR 1,539,412), of this LVL 679,231 (~ EUR 966,458) have been spent on minority integration (including Roma). The Office concluded that the reduction of Roma exclusion had not been addressed systematically and that “the link between the aims put forward by the EU fundamental guidelines and national policy planning documents and the real needs of the Roma community and finances is missing. The funding that had been allocated for the improvement of the situation of Roma minority, their integration from 2007-2012 have not been spent “purposefully and ineffectively”.⁴⁸ The Ombudsperson recommended to 1) create an effective control mechanism concerning the allocation of funding; 2) to appoint a responsible institution that would evaluate the compliance of each project with the aims of EU

⁴³ Information provided by the Consultant on Roma Issues of the Ombudsman to the LCHR, 11 August 2011.

⁴⁴ Ministry of Culture (Kultūras ministrija) (2011) Guidelines on National Identity, Civic Participation and Society Integration Policy (*Nacionālās identitātes, pilsoniskās sabiedrības un integrācijas politikas pamatnostādnes 2012-2018. Gadam*). at:

http://www.km.gov.lv/lv/doc/nozaru/integracija/Pamatnostadnes/KMPam_071011_integ.pdf

⁴⁵ Ombudspersons Office (Tiesībsarga birojs), Tiesībsarga un romu NVO sadarbības memorands (Memorandum on Ombudsman and Roma NGO Co-operation) . Available in Latvian: http://www.tiesibsargs.lv/files/sadarbibas_memorands_par_romu_diskrimin%C4%81cijas_nov%C4%93r%C5%A1anu_30.08.2011.pdf

⁴⁶ Letter of the Ombudsperson's Office to the Latvian Centre for Human Rights (No 1-5/2162012, 20 August 2012)

⁴⁷ Letter of the Ombudsperson's Office to the Latvian centre for Human Rights (No 1-5/2162012, 20 August 2012)

⁴⁸ Tiesībsarga vēstule par Eiropas Savienības finanšu instrumentu un valsts budžeta līdzekļu izlietojumu romu integrācijai (30 August 2012). Available in Latvian: http://www.tiesibsargs.lv/files/romi_es_lidzekli_romu_kopienai_vestule_saeimai_mk_.pdf

and national policy planning documents, and 3) provide information to Ombudsperson about the planned projects for purposes of monitoring. He also recommended engaging Roma in project design and implementation.

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.*

Policy documents

Several state programmes in the realm of non-discrimination and tolerance were implemented in Latvia during 2008-2012. However, the impact of the programmes on the reduction of discrimination and the improvement of the situation of specific target groups has not been evaluated. After the end of several programmes, some have not been continued and non-discrimination issues have been marginally included in the *National Identity, Civil Society and Integration Policy Fundamental Guidelines 2012-2018*, adopted on 11 October 2011.⁴⁹

Earlier, several draft integration programmes were elaborated in 2009-2010, however, for various reasons, none was adopted.

In early 2011 following the initiative of the Minister of Culture Sarmīte Ēlerte a new policy document *National Identity, Civil Society and Integration Policy Fundamental Guidelines 2012-2018* began to be elaborated. An advisory council was set up and the experts were selected by the Minister herself. The involvement of most of the council members in drafting the document was formal. Public discussion of the document took place in August and coincided with the pre-election campaign period (the early parliamentary elections after the national referendum on the dissolution of the parliament took place on 17 September). Many of the proposals and objections submitted by state institutions and civil society, including minority NGOs, were disregarded. The guidelines were approved during the last government meeting on 11 October 2011.

During the elaboration and discussions of the document integration experts and civil society, including minority NGOs voiced their concern about several controversial definitions, e.g. constituent nation, which was perceived as placing ethnic Latvians in a privileged position, immigrants, which likened Latvia's non-citizens, long term residents, to recent newcomers – third country nationals, and the conceptual framework of the guidelines for its strong ethnocentric approach. The document

⁴⁹ National Identity, Civil Society and Integration Policy Fundamental Guidelines 2012-2018, http://www.km.gov.lv/lv/doc/ministrija/saliedeta_sabiedriba/KM_bklts_A5_3mm_bleed_02_2012_EN_PRINT.pdf

places strong emphasis on the integration on the basis of Latvian language and culture, common social memory, and as noted by several experts, stresses the primary role of constituent nation – Latvians in determining the values, culture and social memory.⁵⁰

The policy document met with harsh criticism by minority NGOs who pointed to its alienating and insensitive character that would cause rifts in society rather than promote consolidation. Latvia's Association of Russian Language Schools in their press release stated: 'During the 12 years since the start of the implementation of integration policy, an executive body has for the first time offered [...] to integrate national minorities not in Latvia's, but ethnic Latvian society [...]. It is clear that the national minorities will ignore this project, and Latvians, on whose behalf the Ministry of Culture is trying to talk, will not benefit from it either.'⁵¹ Latvia's Belarussian Society pointed out that the new integration programme is 'overly politicised and insensitive towards national minorities. Society's integration should be based on European democratic values, not only on the basis of the Latvian language and culture.'⁵² Latvia's Council of Public Organisations uniting different Russian NGOs called the programme as "aiming at total assimilation of national minorities."⁵³ None of the earlier integration policy documents had ever caused such public controversies.

In turn, the programme's Action Plan was found to be more grounded in Latvia's reality and meeting the needs for integration of different target groups.

Several larger municipalities (Riga, Jelgava, Daugavpils, Jurmala, Ventspils, Liepāja) have elaborated society integration programmes at local level and/or have created departments for the promotion of integration and support for integration projects. On 25 September 2012, the Riga City Council adopted the *Riga city programme for the integration of the society for 2012 – 2017* and the *Action plan of its implementation for 2012 – 2014*.⁵⁴ The Programme includes measures for the integration and public participation of immigrants, including the Latvian language training, provision of information and support activities for the newcomers, elaboration of adaptation programmes at schools for the newcomer children, etc.

After the referendum on Russian as a second state language, on 21 February 2012 the Prime Minister V.Dombrovskis ordered the state institutions to propose measures

⁵⁰ Kreile, Monika. Ēlertes latviskā utopija [The Latvian Utopia by Elerte], Politika.lv 16.08.2011, at <http://politika.lv/article/elertes-latviska-utopija>

⁵¹ Latvijas krievu mācībvalodas skolu atbalsta asociācijas (LAŠOR) paziņojums par LR Kultūras ministrijas izstrādāto Nacionālās identitātes un sabiedrības integrācijas politikas pamatnostādņu projektu [Announcement of the Association for the Support of Latvia's Russian Language Schools] (22.09.2011.). See: Krievvalodīgo skolu asociācija neatbalsta KM sabiedrības integrācijas idejas [Association of Russian Language Schools Does Not Support Integration Ideas of the Ministry of Culture] (25.09.2011.), <http://www.delfi.lv/news/national/politics/krievvalodigo-skolu-asociacija-neatbalsta-km-sabiedribas-integracijas-idejas.d?id=40827525>

⁵² Letter of Latvia's Belarussian Society Nr. 553 (30.09.2011.)

⁵³ Deklarācija par integrācijas programmas, ko 2011. gadā izstrādājusi Kultūras ministrija, novērtējumu. Pieņemta Latvijas sabiedrisko organizāciju padomes sēdē, 27.09.2011.

⁵⁴ Riga City Council (*Rīgas Dome*), the programme and the plan of action is accessible at www.iksd.riga.lv/public/47020.html.

aimed at promoting integration and strengthening national identity. On 29 May, the government adopted the *Informative report on the consolidation of the society, strengthening of national identity and the state language position*⁵⁵ that lists activities to be supported on priority basis. Priority measures for most part are aimed at the strengthening of common social memory and information space, providing Latvian language training, and access to the Latvian culture and education to children of the Latvian diaspora. Although the development of direct dialogue with minority NGOs has been included among priorities, the planned activities are only aimed at strengthening their cultural identity.

Research about intercultural communication and national identity

According to the Latvian Human Development Report 2010/2011, public opinion survey conducted in 2011 by the Faculty of Social Sciences of the University of Latvia shows that ethnic Latvians and ethnic minorities differ significantly in their opinion about one of the most important elements of integration: “The unity of Latvia’s society must be based on the Latvian language and culture.” This is supported by 89,1% of ethnic Latvians, 46% of Russians and 54,5% of representatives of other ethnicities.⁵⁶ Although the majority of ethnic Latvian and Russian respondents generally agree that the state should promote the preservation of culture and traditions of various ethnicities (74,9%) and support respect towards minorities as global civic values (73,5%), the survey also suggests that the majority of ethnic Latvians support the idea of an ethnic nation. E.g., 44 % of ethnic Latvians, 7,8% of Russians and 9,1% of representatives of other ethnicities agreed with a statement “I would prefer a Latvia populated only by Latvians”. 36% of ethnic Latvians, 20% of Russians and 22% of other ethnicities agreed with a statement “People of other ethnicities with different traditions and habits cannot belong to Latvia even if they have resided in Latvia for many years”. Young people aged 18-24 are less intolerant towards cultural diversity.

In evaluating potential threats to Latvia and its residents, 78% of residents recognise that threats might come from immigrants arriving to Latvia in search of a better life, 65% believe that the entry of non traditional religions might endanger Latvia, 60% see threat in the entry of other cultures and habits, and 53% - in marriages between Latvian residents with representatives of other ethnicities and people with different skin colour. Respondents from Latvian speaking families voiced such concerns relatively frequently.⁵⁷

The public opinion survey points to considerable ethnocentrism among the Latvian families: of respondents who speak Latvian in the family, 53% believe that in Latvia

⁵⁵ Cabinet of Ministers (*Ministru kabinets*), *Informative Report on the consolidation of the society, strengthening of national identity and the state language positions (Informatīvais ziņojums 'Par sabiedrības saliedēšanu, nacionālās identitātes un valsts valodas pozīcijas nostiprināšanu')*, available at: www.mk.gov.lv/lv/mk/tap/?pid=40252274&mode=mk&date=2012-05-29.

⁵⁶ Human Development Report 2010/2011, National Identity and Capability. Available at: <http://szf.lu.lv/lat/petnieciba/sppi-instituts/petijumipublikacijas/tautas-attistiba-latvija/>

⁵⁷ Research centre SKDS (2012) Popularity of national idejas in the society. Poll of Latvian residents (*Nacionālo ideju popularitāte sabiedrībā. Latvijas iedzīvotāju aptauja*) July, 2012. Available at: http://www.skds.lv/doc/Nacionalo_ideju_popularitate_sabiedriba_072012_LV.pdf

the interests of Latvians should be more supported, and only 22% of Latvian speakers believe that all ethnic groups should be treated equally.⁵⁸

Discussions about the potential influx of immigrants to Latvia have become more frequent due to aggravating demographic problems (low birth rate, emigration, ageing population). Public opinion polls, political and media discourse show negative public attitude towards the influx of immigrants to Latvia. Recent research shows that 43% of residents categorically object to the influx of immigrants (53% Latvian speakers, 30% - Russian speaking families).⁵⁹ Ethnic Latvians more often than others emphasize the negative impact of immigrants while Russians and other minorities more frequently emphasize positive aspects of immigration. Thus, 47,7% ethnic Latvians and 28,9% of Russians believe that immigrants increase crime rate, 65,6% of ethnic Latvians and 54,9% of Russians agree with the opinion that immigrants take away jobs of the Latvian residents. Regarding positive impact of immigrants, 21,1% of ethnic Latvians and 49,3% of Russians recognise that immigrants make Latvia more open for new ideas and cultures.⁶⁰

Manifestations of intolerance

The only information available on the racially motivated crimes is the official data on the number of cases registered according to the articles of the Criminal Law. Racist crimes are punishable under the Article 78 of the Criminal Law (“intentional acts aimed at incitement of national, ethnic and racial hatred”). From 2009-2012, the Security Police opened criminal proceedings in 40 cases under Section 78 (6 in 2009, 6 in 2010, 12 in 2011, and 16 in 2012).⁶¹ The overwhelming majority of cases registered under the Article 78 are incitement to hatred cases on the internet, while racist crimes against persons and property remain rare.

Racist crimes

There has been no case of racially motivated violence recorded during the last four years. Court proceedings were completed in several earlier racially motivated crimes.

On 17 February 2009 the Riga Regional Court sentenced four skinheads to five years of suspended imprisonment with a three year probation period for having attacked two young Roma girls in October 2007 and an Armenian couple in February 2008. They were also ordered to pay compensation to the two Roma girls in the amount of LVL 12,000 (EUR 17,000) and LVL 8,000 (EUR 11,382).⁶²

On 11 December 2009 the Riga Regional Court sentenced three young men to six months imprisonment for racial violence. One minor was acquitted. The court also ordered the offenders to pay 1012,30 Ls (~ 1,440 EUR) to the victim and 400 Ls (~

⁵⁸ Pētījumu centrs SKDS (2012) *Nacionālo ideju popularitāte sabiedrībā. Latvijas iedzīvotāju aptauja*, 2012. gada jūlijs. Pieejams:

http://www.skds.lv/doc/Nacionalo_ideju_popularitate_sabiedriba_072012_LV.pdf

⁵⁹ Ibid

⁶⁰ Human Development Report 2010/2011, National Identity and Capability. Available at:

<http://szf.lu.lv/lat/petnieciba/sppi-instituts/petijumipublikacijas/tautas-attistiba-latvija/>

⁶¹ Security Police (*Drošības policija*), Letter No. 21/2763, 1 August 2012.

⁶² Riga Regional Court Criminal Case Court Collegium (Rīgas apgabaltiesas Kriminālietu tiesas kolēģija)/Case Nr. 11088236107/ 17.02.2009

570 EUR) to the state, as the Legal Aid Administration had paid 400 Ls (~ 570 EUR) in compensation to the victim during pre-trial proceedings.⁶³ In February 2008, these youths had physically attacked a Roma man in the Riga Central Bus terminal motivating their attack by the alleged involvement of Roma people in drug trade and maintaining that only persons with white skin colour should live in Latvia. Although the ruling of the Regional Court was appealed, on 28 March 2011, the Supreme Court upheld the ruling.

On 15 March 2012 Riga Regional Court sentenced two youths – supporters of skinheads – to suspended imprisonment – eight months and one year respectively with same probation periods. Both were also ordered to attend probation programmes. One youth was sentenced to 40 hours community service. The court also ordered the payment of 3,000 LVL to the victims as material and moral compensation. In December 2010, the youths had desecrated over 100 tombstones by painting over swastikas in New Jewish Cemetery in Riga. During search the police confiscated objects that can be used to inflict bodily injuries. The ruling has been appealed.

Racist speech

The majority of cases concerning racist speech have been internet related, and have included hostile comments against Latvians, Russians, Jews, and visible minorities. Since 2007, the only punishment for racist speech on the internet is imprisonment for up to ten years, and the offenders have been predominantly sentenced to suspended imprisonment from six months to two years with a specific probation period. In hate speech cases the police and judicial authorities continue to rely on outside expert opinion, and have not developed their own internal capacity to handle such cases. The quality of expert opinion has sometimes been questioned due to absence of criteria in their selection.

On 20 October 2009 Riga Regional Court sentenced a 19 year old youth to one year suspended imprisonment with one year probation period. He had posted a hateful comment against Russians to an article in the internet news portal and hateful comments against Russians on the local social networking site, created a link to a video displaying barbaric public killing of people by the Taliban and urged the Latvians to learn from their experiences.⁶⁴

On 18 August 2010 the Riga Regional Court convicted a former member of the ultra right-wing National Power Union (NSS) to two years suspended imprisonment with two years on probation for incitement to racial and national hatred and illegal possession of unregistered ammunition.⁶⁵ He had been charged with having posted hostile comments against Jews, Russians on the Internet. It was concluded that 16 posted comments on various Internet portals intentionally incite interethnic hatred as the author had expressed support for national-socialist and racist ideology, justified

⁶³ Rīgas apgabaltiesas Krimināllietu tiesu kolēģija/ Case Nr. K 04-220/09-2, Nr. 11088045208 (10.12.2009)

⁶⁴ Rīgas apgabaltiesas Krimināllietu tiesas kolēģija/Case Nr. 11840003809/20.October 2010

⁶⁵ “Par nacionālā naida kurināšanu un neatļautu munīcijas glabāšanu Rošanam piespriež nosacītu sodu” [Rošāns Receives Suspended Sentence for Incitement to National Hatred and Illegal Possession of Ammunition], in *National News Agency LETA*

the Holocaust and insulted its victims, argued for the killing of people because of their ethnic affiliation.⁶⁶

On 4 March 2010, the Riga Regional Court sentenced a 21 year old ethnic Russian to one year suspended imprisonment with a two year probation period for incitement to ethnic hatred. He had published hateful and threatening statements towards two activists, ethnic Latvians, of the radical nationalistic organisation Latvian National Front (LNF) commenting their pictures displayed on the social networking site www.draugiem.lv in which they lay flowers with crape beneath the Monument for Liberators of Riga from Nazi Invaders during 9 May celebrations (Victory Day). He was also ordered to pay moral compensation - LVL 500 (~ EUR 711) to each victim.

On 8 June 2011 Riga Regional Court sentenced a pensioner, an ethnic Latvian, to ten month suspended imprisonment with one year probation period. The pensioner had reposted five comments made by anonymous users to different articles on Russian language news portal www.rus.delfi.lv in 2002, 2003, 2005, 2008, 2010 in one own comment made on 14 March 2010. One of the comments had referred to the Holocaust as a “Jewish myth”, and concluded Jews had no right to existence, while Poles and Latvians were considered “cattle” for farms or “clients for concentration camps”. The comments also contained calls for violence as well as other debasing comments against Latvians.⁶⁷

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.*

Legislation

The question of language has remained one of the two key issues concerning minorities (the other one being citizenship). Measures aimed at strengthening the position of the Latvian language continued, including through administrative methods, particularly after the referendum on Russian as a second language.

⁶⁶ “Interneta lietotāju Feniksu apsūdz par naidīgiem komentāriem”[Internet Use Fenikss Accused of Hateful Comments], in *internet news portal www.apollo.lv* 13 May 2009, <http://www.apollo.lv/portal/news/82/articles/166881/0>

⁶⁷ Riga Regional Court Criminal Case Collegium, Case No 11840001410, 8 June 2011.

During the period under review, sanctions were raised for violations of the legislation governing the use of the state (Latvian) language. Amendments were also made to various laws to raise requirements in the realm of language use – annulment of local deputies' mandate by court for failure to use Latvian at the highest proficiency level, amendments to parliamentary rules of procedure on the expulsion of an MP in cases of inadequate Latvian language skills. The attempt, but eventual failure by the radical nationalists in 2011 to initiate a referendum on the constitutional amendments on the transfer of all state funded school to Latvian language instruction only led to a counter move – a referendum on Russian as a second state language on 18 February 2012. The State Language Centre continued, at times zealously to enforce language legislation through language proficiency checks of employees in public and private entities. The cases whereby the SLC prohibited public dissemination of information in Russian by state institutions increased, including in cases when permitted by the law. At the same time, an increasing number of cases were brought before the courts against the State Language Centre contesting Centre's decisions on imposed fines and the interpretation of the law.

On 23 September 2010 the Saeima adopted amendments to the *Law on the Status of a City Council or a Regional Council Deputy* which foresees that the deputy's mandate can be annulled by the decision of the regional court if the knowledge of Latvian by the deputy does not correspond to the level fixed by the government regulations (Level C1). If the State Language Centre (SLC) in the procedure determined by law establishes that the deputy's Latvian language proficiency does not correspond to the proficiency fixed by government regulations, it is obliged to notify in writing the chairperson of the respective council and call upon the deputy to study Latvian. The chairperson of the council is obliged without delay to see to it that funding is granted to enable the deputy to study Latvian, who is placed under an obligation to acquire the language within six months. If the deputy repeatedly does not arrive for the Latvian language proficiency test or it is repeatedly established that the deputy's knowledge of Latvian does not correspond to the proficiency level set by the government regulations, the SLC is obliged to file a case before the regional court where the council is located about the annulment of the deputy's mandate. These requirements do not affect deputies who were elected in the 2009 local council elections however they have the right to learn Latvian at the necessary level at local council's cost. The amendments will come into force after municipal elections in June 2013.

The amendments were adopted in connection with the local council elections on 6 June 2009 when the SLC conducted checks in the newly elected local councils and fined several deputies for insufficient usage of Latvian at the required level. Four deputies in Daugavpils, two in Rēzekne, one in Jēkabpils, Liepāja and Krustpils region were imposed fines, and of those, two (from Daugavpils and Jēkabpils) appealed the decisions.

Following the parliamentary elections on 2 October 2010 the issue concerning the Latvian language proficiency of several MPs surfaced. The SLC claimed that according to the MP's self-assessment around 25 MPs could have problems with Latvian language proficiency at the highest level. SLC announced that it would

participate in the meetings of parliamentary commissions in order to monitor how deputies know and use Latvian.⁶⁸

Several months after the elections, the case of V.Kravcovs, an MP from Harmony Centre gained prominence as his knowledge of Latvia was questioned. The nationalist faction *All for Latvia/Fatherland and Freedom/LNNK* tried to have him expelled from the parliament,⁶⁹ but did not succeed. Experts criticised the potential expulsion as anti-constitutional⁷⁰ and anti-democratic.⁷¹

Earlier in 2009 V.Kravcovs had been elected to the Liepaja City Council, and he hired an interpreter to participate in local council meetings. The SLC fined him (35 Lats) for failure to use Latvian, which he appealed before administrative district court that upheld the decision of the SLC. In 2012 he and another local council member who had been fined by the SLC filed a complaint with the Constitutional Court about the Latvian language proficiency requirements for local council members (on substantive and procedural issues).⁷²

V.Kravcovs case led to the amendments of the Saeima Rules of Procedure (concerning expulsion procedure in case of inadequate Latvian language proficiency). As the parliament was dissolved in summer 2011, he did not run for early parliamentary elections in September 2011. In summer 2012 he took the Latvian language proficiency test and began giving interviews in Latvian.

On 9 June 2011 the parliament amended the Saeima Rules of Procedure⁷³ by adding a provision “on the sending a Member of Parliament to the state (Latvian) language proficiency test.” The amendments envisage if no fewer than 20 MPs doubt that that the Latvian language proficiency of an MP does not correspond to the required proficiency level fixed by the law they are entitled to submit a draft decision on the sending of the relevant MP to a state language proficiency test. The decision shall also include the facts of the case. The Saeima Presidium shall inform the parliament about the draft decision which is then forwarded to the Mandate, Ethics and Petitions Commission, which shall invite the MP and the representative of the State Language Centre to the commission meeting and within a month submit its opinion to the parliament. The parliament may decide to send an MP to the Latvian language proficiency test which the MP is to take in the State Education Curriculum Centre within a period of five months. The MP shall be permitted to take the test twice. No fewer than ten MPs may submit a draft decision on the extension of the term when the

⁶⁸ VVC grib pārbaudīt Saeimas deputātu latviešu valodas zināšanas (SLC Wants to check the Latvian language proficiency of Members of Parliament), LETA, 9 December 2012, at <http://www.apollo.lv/zinas/vvc-grib-parbaudit-saeimas-deputatu-latviesu-valodas-zinasanas/469075>

⁶⁹ Saeimas juristi: Kravcova izslēgšana ir iespējama [Saeima Lawyers: Kravcovs Expulsion is Possible], www.diena.lv, 21.01.2011, at <http://www.diena.lv/sodien-laikraksta/saeimas-juristi-kravcova-izslegsana-ir-iespejama-764302>

⁷⁰ Ibid.

⁷¹ Brands-Kehre: cilvēktiesību eksperti protestēs pret Kravcova izslēgšanu no Saeimas valodas nezināšanas dēļ [Brands-Kehre: Human Rights Experts Will Protest Kravcovs Expulsion from Saeima Due to His Lack of Knowledge of Latvian], BNS, 29 January 2011, at <http://www.delfi.lv/news/national/politics/brands-kehre-cilvektiesibu-eksperti-protestes-pret-kravcova-izslegsanu-no-saeimas-valodas-nezinasanas-del.d?id=36544491>

⁷² See http://www.satv.tiesa.gov.lv/upload/2012-24-03_PR_par_ierosinasanu_ENG.pdf

⁷³ Amendments to the Saeima Rules of Procedure [Grozījumi Saeimas Kārtības rullī], Section 5.², adopted 09.06.2011, in Latvian at <http://likumi.lv/doc.php?id=232248>

test is to be taken. If the MP does not agree to the results of the proficiency test, s/he may appeal the decision to the State Education Curriculum Centre. The decision of the institution may be appealed to the Supreme Court Senate Administrative Case department which will decide on the case by a panel of three judges within 30 days.

If it has been concluded that the Latvian language proficiency of an MP does not correspond to the level fixed by the law or the MP has attended the Latvian language proficiency test within the required time period, the parliament's Mandate, Ethics and Petitions Commission shall within 15 days submit a draft decision on the expulsion of the MP from the parliament.

On 16 June 2011 the Saeima adopted amendments to the Administrative Violations Code that increase sanctions for violations in the realm of the use of the Latvian language, and also foresee administrative liability of legal persons. Maximum fines were increase four times (from LVL 50 (EUR 71) up to LVL 200 (EUR 285)) for the "insufficient use of the State language at a scope necessary for performance of professional or position duties", and more than doubled for cases of repeated offences (from LVL 200 (EUR 285) up to LVL 500 (EUR 711)).⁷⁴ The average salary during 2012 was LVL 350 (EUR 500).

Legal persons can now be imposed a fine from 100 LVL (~140 EUR) to 1,000 LVL (~ 1,430 EUR) in the case of marketing of goods without ensuring full and accurate translation into Latvian of the information indicated on goods labelling, instructions for use, guarantee documents or technical documentation, if committed repeatedly within a year, the fine is from 500 to 2,000 LVL (from ~714 EUR to 2,860 EUR). Until the amendments the sanctions were imposed in the case of responsible persons, and the fine ranged from 25 LVL to 100 LVL (from ~35 EUR to 142 EUR), while for repeated violations, the fine ranged from 100 LVL to 250 LVL (~140 EUR to 360 EUR). Amendments also envisage the liability of legal persons for failure to ensure translation into the official language of radio and television broadcasts or ensure voice-over or dubbing of films screened in public, video films or their fragments in the official language and envisage a fine from 100 LVL to 2500 LVL (~ 140 EUR to 3,570 EUR), and for repeat violation within a year – from 500 LVL to 5,000 LVL (~ 714 EUR to 7,142 EUR).

Attempts to amend Constitution

On 30 January 2010, the nationalist *Fatherland and Freedom/LNNK* party began the collection of signatures in support of the constitutional amendment on state funded education in state and local government schools solely in the Latvian (state) language.⁷⁵ The party had earlier tried to place the issue on the Parliamentary agenda, but could not garner a sufficient number of votes for the adoption of the amendments in the usual legislative procedure (3 readings). The signature collection campaign was revived towards the end of 2010 by a radical nationalist NGO Save Your Language and Latvia (*Sargi savu valodu un Latviju!*), linked to the Parliamentary newcomer

⁷⁴ Grozījumi Latvijas Administratīvo pārkāpumu kodeksā
<http://www.likumi.lv/doc.php?id=232639&from=off>

⁷⁵ TB/LNNK Begins Collecting Signatures for Referendum on Education Solely in the Latvian Language [TB/LNNK sāk vākt parakstus referendumam par izglītību tikai latviešu valodā], *LETA*, 30 January 2010

radical right-wing *All for Latvia!* that had prior to the Parliamentary elections, formed a political alliance with the *Fatherland and Freedom/LNNK*.⁷⁶ The collection of signatures was criticised by MPs from various Parliamentary factions, Prime Minister, current and former Ministers of Education, who also spoke in favour of the existing bilingual education programmes in minority schools.⁷⁷

The required 10,000 signatures were submitted to the Central Election Commission (CEC) on 29 March, 2011. The CEC began the second stage of the signature collection, which took place from 9 May until 9 June. Voters were asked whether they were in favour of the draft law amending Article 112 of the Constitution that “the state shall provide an opportunity to acquire elementary education and secondary education in the state language free of charge”, as well as a transitional provision stipulating that “from 1 September 2012 education is in the state language from the 1st form in all state and self-government educational institutions.” To be submitted to the Parliament, the draft law required the support of more than one-tenth of the total number of citizens eligible to vote in the previous parliamentary elections, that was 153,232 voters. 120,433 voters signed for amendments, thus falling short of the required number.⁷⁸

In a counter-reaction to the activities of the nationalists, a youth organisation “Yedinaya Latvija” led by E.Svatkov and the Russian radicals represented by Vladimir Linderman, previously linked to Latvia’s branch of national Bolsheviks and Jevgenij Osipov, leader of Latvia’s branch of Russia’s national radical Barkashov’s movement began the collection of signatures in support of the Constitutional amendments (Articles 4, 18, 21, 101, and 104) on Russian as the second state language in Latvia. The campaign led to the establishment of an NGO Native Language (*Rodnoi Yazik*). On 9 September 2011 12,516 signatures were submitted to the CEC. During the second stage of signature collection to initiate a referendum, more than the required number of signatures were collected - 187,378 signatures.⁷⁹ Initially the Mayor of Riga N.Ušakovs refrained from supporting the referendum, but later he called on voters to support it.

The proposed amendments were submitted to the parliament who overwhelmingly turned them down, and a national referendum took place on 18 February 2012 highly

⁷⁶ Pie Rīgas pils savākti 500 paraksti par valsts apmaksātu izglītību tikai latviešu valodā [500 Signatures at the Riga Palace on the State Education in Latvian Only], www.delfi.lv 12 November 2010, <http://www.delfi.lv/news/national/politics/pie-rigas-pils-savakti-500-paraksti-par-valsts-apmaksatu-izglitibu-tikai-latviesu-valoda.d?id=35138071>

⁷⁷ Unity Will Not Support the Collection of Signatures on State Funded Education in Latvian Only [‘Vienotība’ neatbalstīs parakstu vākšanu par valsts apmaksātu izglītību tikai latviešu valodā], [delfi.lv](http://www.delfi.lv), 9 March 2011, in Latvian at <http://www.delfi.lv/news/national/politics/vienotiba-neatbalstis-parakstu-vaksanu-par-valsts-apmaksatu-izglitibu-tikai-latviesu-valoda.d?id=37275776>

⁷⁸ Central Election Commission (Centrālā vēlēšanu komisija) (2011), Collection of Signatures for Amendments to the Constitution. 11 May – 9 June 2011 [Parakstu vākšana par grozījumiem Latvijas Republikas Satversmē. 2011.gada 11.maijs - 9.jūnijs], in Latvian at <http://web.cvk.lv/pub/public/29863.html>

⁷⁹ Central Election Commission (Centrālā vēlēšanu komisija) (2011), Parakstu vākšana par grozījumiem Latvijas Republikas Satversmē. 2011.gada 1. - 30.novembris (Collection of Signatures on Amendments to the Republic of Latvia Constitution, 1-30 November 2011), at <http://web.cvk.lv/pub/public/30187.html>

polarizing Latvia's electorate. 71% of the electorate took part in the referendum, and 74, 8% or 821,722 persons voted against granting Russian the status of a second official language, while 24, 88% or 273,347 voted in favour of the amendments. Latgale was the only region where the majority of citizens supported the amendments to grant Russian the status of a second state language – 55, 57% voted in favour, while 44, 04% voted against the amendments. The amendments were supported in Daugavpils and Rēzekne and five municipalities bordering with Russia and Belarus.⁸⁰

After the referendum there were calls by several minority politicians, particularly from Latgale, to consider the issue of the status of Russian as a regional language.⁸¹

Communication with the state and municipal institutions

Problems in communication with state and municipal institutions remain as the State Language Law does not authorise the public authorities, except for emergency cases, to accept written applications in languages other than Latvian. Nevertheless some municipalities continue to accept written applications in Russian, either using translators to translate the documents or make summaries in Latvian. Several mayors in cities in Latgale have highlighted that Latvian language proficiency remains an issue among certain sections of the minority population, particularly the elderly.⁸²

Access to information

During 2009-2012 the number of cases when state institutions were prohibited from disseminating written public information in Russian by the State Language Centre increased. This also included cases, e.g. public safety, when the provision of information in languages other than Latvian is permitted by the law thereby leading to wrong interpretation by the SLC of the language acts.

In February 2009, the SLC prohibited the dissemination of printed invitations in Russian prepared by the Agency of Mandatory Health Insurance of the Ministry of Health to women about state funded preventive checks on breast and cervical cancer. A gynaecologist was cited by a newspaper having received many calls from Russian women from Daugavpils area who did not understand the invitation written in Latvian.⁸³

⁸⁰ Central Election Commission (Centrālā vēlēšanu komisija) (2012), 2012. gada 18. februāra tautas nobalsošana par likumprojekta "Grozījumi Latvijas Republikas Satversmē" pieņemšanu. Rezultāti, available in Latvian at <http://www.tn2012.cvk.lv/report-results.html>

⁸¹ The Mayor of Rēzekne Calls to Consider Granting Russian the Status of a Regional Language (Rēzeknes mērs aicina domāt par reģionālās valodas statusa piešķiršanu krievu valodai), BNS, 19 February 2012, at <http://www.delfi.lv/news/national/politics/rezeknes-mers-aicina-domat-par-regionalas-valodas-statusa-pieskirsanu-krievu-valodai.d?id=42143424>

⁸² Lazdiņš Aigars „Kulakovs: Reģionālais statuss krievu valodai ļautu nebaidīties no valodas inspekcijas”, diena.lv, 26.02.2012., <http://www.diena.lv/latvija/zinas/kulakova-regionalais-statuss-krievu-valodai-lautu-nebaidities-no-valodas-inspekcijas-13933632>. LETA, „Rēzeknes mērs: Pašvaldībās jāļauj runāt krieviski”, 19.02.2012, http://la.lv/index.php?option=com_content&view=article&id=341972:rzeknes-mrs-pavaldbs-jauj-runt-krieviski&Itemid=93

⁸³ Laura Dzērve. „Vēža profilakse” [Cancer Prevention], Diena, 29 April 2009 <http://www.diena.lv/arhivs/veza-profilakse-13864417>

In 2009, due to the economic crises the Latvian government undertook major budget cuts in return for international bail-out. The cuts also affected the system of benefits. On 21 May the Ministry of Welfare (MoW) issued a press release also in Russian explaining the changes in the calculation of parental benefits. MoW officials were aiming at explaining the rights of individuals in a language they understand and to prevent potential misunderstanding in the Russian language media. The MoW also referred to an interview by the Ombudsman R. Apsītis who had underlined that “those state institutions who are mandated to promote human rights and integration as one of their basic functions should not be prohibited within their competence and capacity to provide information about fundamental rights in foreign languages by disseminating it in mass media, by way of brochures or other information materials.” The message was also aimed at preventing the risk of social confrontation. This was the first time when the MoW had decided to issue information also in Russian.⁸⁴ In the end of May, the SLC issued a verbal warning to the MoW officials.

Prior to the start of the 2011 Population Census, the Central Statistical Board (CSB) disseminated in Latvian and Russian information calling for the participation in the census. Following complaints by individuals and by a *Unity* MP K. Šadurskis, the SLC opened an administrative case against CSB, while the Minister of Economics was asked to respond to the questions raised by several nationalist MPs. The CSP maintained that the government regulations Nr 130 “Regulations on the language use in information” provide for exceptions when state administrative institutions may provide information in foreign languages in statistical surveys. CSB also highlighted the need to provide information to all Latvia’s inhabitants to ensure greater participation in the census. CSB also referred to the recommendation of the UN European Statisticians’ Conference for 2010 population and household census which recommends the states for mass information purposes to use languages widely spoken by the residents of the state. CSB also cited to the experience of various other EU Member States in providing information in different languages. According to the official of the SLC, the centre did not impose administrative punishment as it concluded that the information had been placed in mailboxes, while the Code of Administrative Violations foresees sanctions for the dissemination of information in publicly accessible places.⁸⁵

In the end of 2012, the SLC opened an administrative case against the State Police for displaying five brochures (on the safety of cyclists, safety tips against robberies, internet safety and drug abuse for youths, how/where to complain about police misconduct, a booklet on simulation game on drug abuse prevention for teachers and youths) also in Russian. The State Police was asked to remove the brochures from the lobby of police headquarters as the language inspector had informed that the brochures in foreign language are to be issued upon request.⁸⁶ As a result, a sign was placed in Latvian/Russian/English that information in foreign languages is available

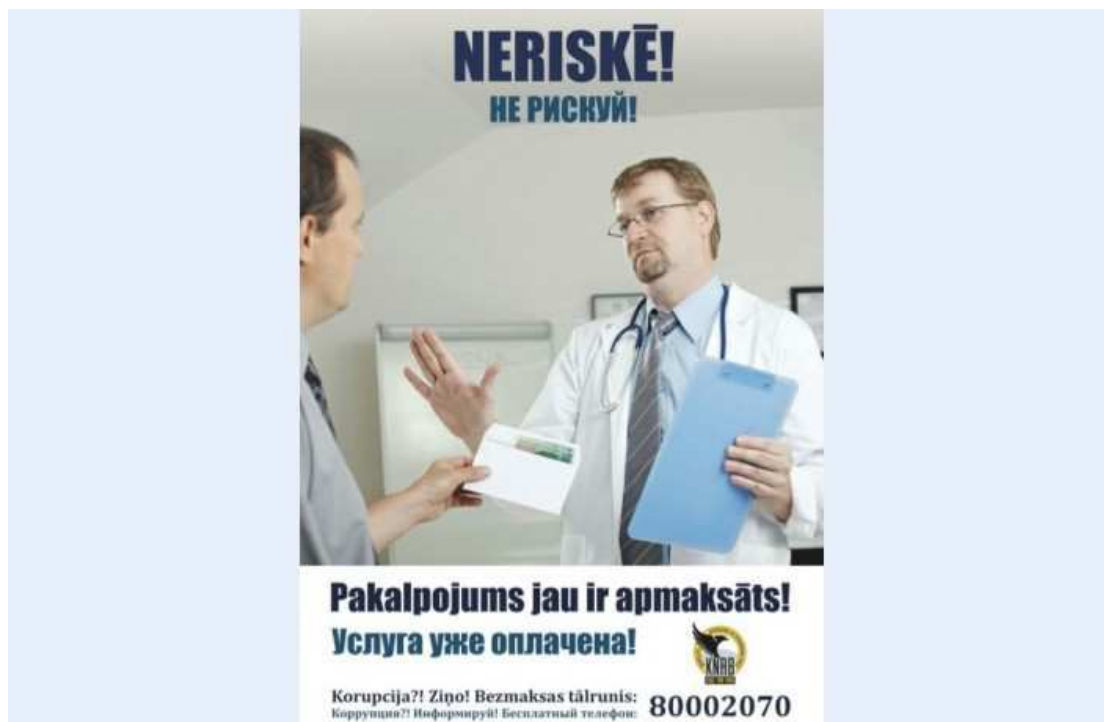
⁸⁴ LM paziņojumu krievu valodā sūtījusi, lai labāk izskaidrotu grozījumus, LETA, 15 May 2009, in Latvian at <http://www.apollo.lv/zinas/lm-pazinojumu-krievu-valoda-sutijusi-lai-labak-izskaidrotu-grozijumus/417999>

⁸⁵ Paskastītes glābj tautas skaitīšanas rīkotājus no soda par valodas likuma pārkāpumiem (Mailboxes save the organisers of Population Census from Sanctions for the Violation of Language Law), www.delfi.lv, 2011.gada 20.aprīlis, pieejams <http://www.delfi.lv/news/national/politics/pastkastites-glajb-tautas-skaitisanas-rikotajus-no-soda-par-valodas-likuma-parkapumu.d?id=38111721>

⁸⁶ State Language Centre (Valsts valodas centrs) (2012). Control Act Nr 014922 of 25 October 2012.

upon request and a phone number indicated. The government regulations permit the dissemination of information in other languages than Latvian in cases of emergencies and for safety purposes. Although the SLC closed the case acknowledging procedural violations on the part of the language inspector, and emphasised that the case was related to one brochure only (a booklet on simulation game),⁸⁷ all brochures in Russian are no longer accessible publicly.

In February 2013, the SLC intervened in the case of a public display of bilingual posters (In Latvian and Russian) printed by the Office for the Prevention and Combating of Corruption (KNAB – Latvian acronym) for the campaign aimed at combating bribe taking in health care. The posters call upon patients “*Do Not Take Risks! The Service has already Been Paid for! Corruption?! Report! Toll-Free Number 80002070*” The campaign was organised before 1 April amendments to the legislation criminalising bribery came into force. The office had printed posters in Latvian and also 200 bilingual posters. According to surveys bribe taking in health care is the most widespread area of corruption. Eventually SLC allowed the display of bilingual posters in doctors’ offices, while the Latvian language posters were also displayed in lobbies, corridors and other public places of health care institutions.⁸⁸



Source: Office for the Prevention and Combating of Corruption, 2013

⁸⁷ Zariņš, Toms. Valsts valodas centrs liedz KNAB izvietot savus kampaņas plakātus publiskās vietās (State Language Centre Prohibits KNAB to Display Campaign Posters in Public Places), *Diena.lv* 18 February 2013, at <http://www.diena.lv/latvija/zinas/valsts-valodas-centrs-liedz-knab-izvietot-savus-kampaņas-plakatus-publiskas-vietas-13994088>

Language proficiency inspection and fines

The SLC Control Unit continued its activities, at times, zealously enforcing the State Language Law and relevant government regulations. The work particularly intensified in 2011 and 2012 against the backdrop of the referendum on Russian as a second language.

In 2009, the budget of the SLC was 532,000 LVL down from 733,000 in 2008, in 2010 it was 456,000 LVL, in 2011 it was slightly increased to 495,107 LVL. In 2012 it was 492,571 LVL. There are 17 language inspectors working for the SLC.

In 2010⁸⁹, the SLC imposed administrative sanctions in 812 cases compared to 835 cases in 2009. The majority of cases concerned insufficient use of state (Latvian) language for professional and occupational purposes – in 425 cases, although lower compared to 2009 when administrative citations were issued in 517 cases. The second largest group of violations concerned failure to provide complete and precise translation into the state language of information on labels, markings of goods, user instructions, inscriptions on the manufactured product, warranties and technical certificates. In 2010 there were 226 such cases compared to 207 cases in 2009. The number of cases receiving administrative citations concerning the use of the state language in public information by not observing the existing requirements increased from 207 cases in 2009 to 226 cases in 2010.

In 2011, the SLC received and reviewed 825 complaints, and conducted 4,600 Latvian language proficiency checks. 1,062 persons received administrative citations for violations of the State Language Law. In 2012 the number of complaints significantly increased, the SLC received and reviewed 1,144 complaints about the violations of the requirements of the State Language Law, conducted 5,590 checks and opened 2,307 administrative cases. 1,051 persons received administrative citations. Of those, the majority were fined for failing to use Latvian at the scope required for the fulfilment of professional duties.⁹⁰ The SLC attributed the increase of complaints due to the referendum on Russian as a second language.

From October 2011 to December 2012 the SLC conducted checks of Latvian language proficiency of kindergarten staff, and established violations of the State Language Law in 13 kindergartens in Riga. According to the Riga City Council report a kindergarten director was dismissed, several teachers left the work themselves, while a significant number of those with low Latvian language proficiency skills attending Latvian language training courses.⁹¹ Earlier reports show that language proficiency checks were conducted in Riga Transport Service, State Police, and

⁸⁹ For detailed statistics On the Number of Administrative Offences and their Content from 1 January 2000 until 31 December 2012, available in Latvian at http://www.vvc.gov.lv/export/sites/default/files/statistika/adm_sodu_statistika_2012.pdf

⁹⁰ Valsts valodas centrs (2012). Apkopoti dati par Valsts valodas likuma prasību ievērošanu 2012. gadā [Data Compiled about the Observation of Requirements of the State Language Law], 25 January 2013, available at <http://www.vvc.gov.lv/advantagecms/LV/aktualitates/index.html>

⁹¹ Teju 40 Rīgas bērnudārzu darbinieki labi nepārvalda valsts valodu [Nearly 40 Riga Teachers are Not Proficient in State Language], Leta 19 March 2013, available at <http://www.tvnet.lv/zinas/latvija/457671-teju-40-rigas-bernudarzu-darbinieki-labi-neparvalda-valsts-valodu/print>

information about fines imposed on salespersons and other private sector employees occasionally appeared in the media. Stress on administrative and punitive methods by state institutions, predominantly SLC, have not receded in the sphere of language use.

Court cases

During 2010-2013, the number of cases increased whereby the decisions of the SLC were appealed before higher institutions or before the courts.

*A.M. vs State Language Centre (Valsts valodas centrs)*⁹²

On 25 January 2013 the Administrative District Court revoked the decision of the State Language Centre (SLC) against the popular and controversial TV journalist and Russian programme “No Censorship” host A.Mamikin of TV5 who had been fined 190 LVL (~270 EUR) for open contempt of the state language.⁹³

The case concerned a live interview with the Minister of Transport K.Gerhards on 31 August 2010 during the programme “No Censorship” whereby the host of the programme had requested the Minister to speak in Russian which he had refused responding in Latvian instead. This resulted in the termination of the broadcast.

The SLC claimed that A.Mamikin had showed open contempt towards the state language by denying the minister the right to speak Latvian and by publicly imposing to speak Russian against his will. It opined that it was also shown by one of the alternative responses offered to viewers in an interactive poll “How to evaluate Minister’s conduct?” – “That is the nationalism of a caveman.” SLC claimed the journalist’s conduct had been intentional, which he denied. The journalist noted that pre-recorded interviews could be carried out in Latvian, but there was no possibility to subtitle or dub the interview during a live broadcast.

The court ruled that during the programme the journalist had not used expressions or taken action against the Latvian language and his conduct had not been intentional. The court also concluded that there was no evidence that the Minister had warned in advance that he would be giving an interview in Latvian. It also emphasised that in assessing the Latvian language use by media special regulation of the Electronic Mass Media Law should be taken into account. It provides that in accordance with the Section 28 (para 1-2) each broadcast shall take place in one language – language of the broadcast if not determined otherwise by law. As the language of the programme is Russian and according to the licence 95% of the TV channel broadcast time is in Russian, it was legitimate to have it in Russian.

The court concluded that the SLC had not correctly applied material law and in adopting the decision had not comprehensively and objectively assessed all circumstances of the cases. It revoked the decision of the SLC and terminated the case.

⁹² A.M. vs State Language Centre/Administrative District Court Riga Court House/Case Nr. 142152111, 25 January 2013

⁹³ Latvian Administrative Violations Code, Section 201.³⁶ Contempt towards the Official Language

*TV 5 vs National Electronic Media Council*⁹⁴

In an earlier decision, on 5 December 2012, the Administrative District Court revoked the decision of the National Electronic Media Council to impose a fine of 1,500 LVL (~2,140 EUR) on TV5 for the violation of the Latvian Administrative Violation Code (Section 201.⁵ Violation of the Regulations regarding the Operation of the Mass Media), as well as Section 1 para 3 of the State Language Law (the right to freely use the Latvian language in any sphere of life within the whole territory of Latvia.) The court did not establish that the right to use Latvian by Minister K.G. had been restricted, and consequently found no violation of the law.

*N.Dz. vs State Language Centre*⁹⁵

On 28 March 2013, the Administrative District Court in Riga ruled in the case of *N.Dz. vs State Language Centre* revoking the decision of the SLC in February 2011 to impose an administrative fine of 70 LVL (100 EUR) for failing to use Latvian at a proficiency level required for the post occupied by the applicant.

N.DZ. is the only owner and board member of a commercial company, which employs four staff – two retail shop assistants and two goods purchasers. Only shop assistants who have direct contact with the clients are present in the shopping area. Following the check-up of the SLC their Latvian language skills were found to be in compliance with the relevant requirements. At the same time N.Dz.'s language skills were also checked and were found to be lower than required by the post.

Article 6 (2) of the State Language Law requires that employees of private entities, organisations, enterprises and self-employed persons must use the state (Latvian) language if their activities concern legitimate public interest (public safety, health, morals, health protection, consumer rights protection and labour rights protection, work safety, public administrative supervision). The applicant contested that only the activities of the shop assistants concerned legitimate public interest.

The court concluded that private entity employees are under an obligation to use Latvian at language proficiency level fixed by law if their activities concern legitimate public interest. Thus, the scope of duties and specific activities of a board member of private enterprise must be evaluated on case by case basis to establish whether their activities concern legitimate public interest. However, the SLC had concluded that the applicant's activities concerned legitimate public interest as the activities of the commercial entity as a whole concerned legitimate public interest.

The court pointed that the SLC had no evidence that the activities of the board member concerned legitimate public interest, and that the minimum Latvian language proficiency level for the fulfilment of the duties of the post was to be C1 level, and that the A1 level she held was not adequate. The court highlighted that government regulations Nr 733 do not determine the scope of persons whose activities concern legitimate public interest listed in Articles 6 (1,2,3) of State Language Law, but determine the proficiency level and scope and procedure of Latvian language

⁹⁴ Administrative District Court Riga Court House, Case Nr. 11840001410, 5 December 2012

⁹⁵ Administrative District Court Riga Court House, Case Nr. 142284111 (1-0528-13/45), 28 March 2013

proficiency check of private enterprise employees whose work (activities) concern legitimate public interest.

Another language related case involving the State Language Centre was also terminated, although the court did not rule on substantive issues. On 21 November 2012, the Criminal Case Collegium of the Riga Regional Court issued a ruling *A.Žguns v State Language Centre*. The SLC had fined A. Žguns in the amount of 35 LVL (~ 50 EUR) because the NGO “Rodina” he represented had distributed leaflets in Russian during the march in the Victory Park on 9 May 2011 (the day when the end of the WWII is celebrated by some sections of the population in the former Soviet Republics). He had appealed the SLC decision. The Court concluded that the SLC had no authority to call the plaintiff to administrative responsibility as the time limit from the committing of administrative offence and calling to administrative responsibility had elapsed.⁹⁶

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 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.

Main objections expressed by minorities, as previously, is the 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. Savva (an Old Believer’s name) – Sava).

During 2009-2012 there were an increasing number of court judgements concerning the Latvianisation of personal names. Several concerned the registration of names of children of a foreign and a Latvian citizen whereby the child’s names had been registered in accordance with the regulations on the spelling of names. In the case of a child born to a Latvian and a Portuguese citizen *R.K. (R.C.) vs. Office of Citizenship*

⁹⁶ A.Žguns pret Valsts valodas centru (VVC), Rīgas apgabaltiesas Kriminālietu tiesu kolēģija/Lieta Nr 142279711 104AA-0332-12/32, 2012.gada 21.novembrī

*and Migration Affairs*⁹⁷ the Supreme Court dismissed the application because: 1) the spelling of the name did not violate the right to private life under Article 96 of the Latvian Constitution and Article 8 of the ECHR, and 2) it did not violate freedom of movement under Article 21 of the TEU. The Supreme Court did not find the arguments provided by the applicants weighty enough to make this case exception from the general practice in the private life context, nor that the applicants' demonstrated "serious inconvenience" in the context of the freedom of movement. The Supreme Court stayed the proceedings and asked the Constitutional Court whether views of the UN Human Rights Committee in the case *Raihmanis v. Latvia* finding violation of Article 17 of the ICCPR (change in spelling of a surname) necessitated change in the jurisprudence. The Constitutional Court provided negative answer. The Supreme Court clarified that the existing system of writing foreign names in Latvian complies with the Constitution and international standards, however, there might potentially happen a violation in exceptional cases when the spelling of a name has created "sufficiently serious difficulties" or a name has acquired "unpleasant meaning".⁹⁸

A.K. vs OCMA (Pilsonības un migrācijas lietu pārvalde)⁹⁹

On 26 October 2012 the Riga Court House of the Administrative District Court ruled in the case concerning the entry into the passport of a patronymic of the applicant in Latin transliteration. In January 2010 A.K. turned to Office of Citizenship and Migration Affairs (OCMA) requesting the issuance of a new non-citizen passport indicating his name, surname and patronymic. OCMA refused to indicate the applicant's patronymic in Latin transliteration, and the plaintiff appealed the decision in court. The court satisfied the claim and ordered OCMA to enter the record of patronymic in his passport.

According to the Section 19 para 2 of the State Language Law in addition to person's name and surname transcribed according to the norms of the Latvian language, the historical form of family name or the original form of the personal name in another language may be included in the passport in Latin transliteration upon the wish of the person. The court analysed the notion of "personal name" from linguistic aspect and concluded that personal names are different in different languages, and may exceed the maximum scope of antroponymic formula than that in Latvian (two names and double surname). It concluded that in the Russian language a system of personal names consisting of three parts (name, patronymic, surname) exists, which is also codified in the legislation of the Russian Federation, and ordered OCMA the inclusion of the patronymic in the original form of the personal name.

Article 12

⁹⁷ *R.K. (R.C.) vs. Office of Citizenship and Migration Affairs* Department of Administrative Cases of the Senate of the Supreme Court, judgment No. SKA – 184/201, 9 July 2012, http://www.tiesuprakse.lv/files/AL_0907_AT_SKA-0184-2012.pdf

⁹⁸ Supreme Court (*Augstākā tiesa*), Judgement No. SKA-184/2012, 9 July 2012, available at http://www.tiesas.lv/files/AL/2012/07_2012/09_07_2012/AL_0907_AT_SKA-0184-2012.pdf

⁹⁹ Administrative District Court Riga Court Hosue (Administratīvā rajona tiesa Rīgas Tiesu nams)/Case nr. A420641610 A-00377-12/26, 26.10.2012

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.*

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.*
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 2011/2012 Latvia had 641 schools with Latvian language of instruction, 99 schools with Russian language of instruction (implementing bilingual education programmes) and 65 schools had two language sections (solely in Latvian and also Russian with bilingual curriculum).¹⁰⁰ Four schools partially carry out instruction in the Polish language, one in Polish/Latvian, one – in Ukrainian and one in Belorussian. In Estonian, Lithuanian and 2 Jewish schools some subjects are taught in the national minority language.

As a result of demographic crises, including low birth rate and emigration, and economic crises the number of schools in Latvia has significantly decreased. School closures have significantly affected both Latvian and Russian schools (since 2008/2009 a total of 134 schools have been closed or merged, including 83 Latvian language, 36 Russian language schools, 16 schools with Latvian/Russian language sections).¹⁰¹ In 2011/2012 72.62% of pupils of general full time education schools were enrolled in schools with Latvian language of instruction, 26.64% were enrolled in schools with Russian language of instruction, and 0.74% in schools with other language of instruction.¹⁰² 18% of students in Latvian schools were representatives of minorities or did not indicate their ethnicity (in 2007/2008 there were 17.07% of such students).

Education reform and its impact on education quality

¹⁰⁰ Information provided by the Ministry of Education and Science to the LCHR on 31 January 2012.

¹⁰¹ Ministry of Education and Science, at <http://izm.izm.gov.lv/registri-statistika/statistika-vispareja/8011.html>

¹⁰² Information provided by the Ministry of Education and Science to the LCHR on 31 January 2012.

The reform of minority secondary education and its evaluation remains the most important issue in the context of minority education in Latvia.

The majority of minority school students retain negative attitude towards minority education reform in secondary school (i.e. switching to 60%/40% ratio in Latvian and minority language from 2004). However, research conducted in 2010¹⁰³ shows that compared with 2004, attitude towards reform is changing. In 2004, the reform was supported by 15% of minority students, in 2010 by 35%. The share of students willing to study bilingually has also increased – from 41% in 2004 to 58% in 2010. The number of students who agree to the statement that the state is gradually improving the education quality in minority schools has increased from 15% in 2004 to 29% in 2010.

There remain 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. The Ministry of Education has not conducted systematic data analysis to evaluate the impact of minority education reform on educational attainment and quality in schools subjects to reform. Exam results remain the only data that are regularly collected and analysed.¹⁰⁴ Thus far, only limited research has been conducted which has analysed results of centralised exams, civic and linguistic attitudes of high schools students and enrolment of minority school leavers in Latvia's higher educational establishments.

Researchers highlight that research conducted does not cover all schools subjected to reform, and that it needs to be conducted throughout Latvia to understand all problems related with transfer to instruction in Latvian to ensure that next policy measures are based on comprehensive research.¹⁰⁵

Research indicates key shortcomings in the implementation of minority education programmes. Experts, teachers and students maintain that educational attainment is influenced by 1) the qualification of teachers and inadequate Latvian language proficiency hampers the ability to explain the content of the subject to students, 2) inadequate preparedness of students to acquire subjects in Latvian, as well as the quality of bilingual education in primary school.¹⁰⁶ The issue of the content of teaching materials and the shortage of teaching materials remains a concern: 19% of minority school teachers believe that there should be state support in providing adequate and qualitative teaching aids – books, workbooks, methodological guidelines and dictionaries to ensure adequate teaching in Latvian. Teacher training

¹⁰³ Baltic Social Sciences Institute (2010), Civic and Linguistic Attitudes of High School Students in Acquiring Minority Education Programmes [Vidusskolēnu pilsoniskās un lingvistiskās attieksmes, apgūstot mazākumtautību izglītības programmas, at

http://izm.izm.gov.lv/upload_file/BISS_pet_skolnieku_attieksmes.pdf

¹⁰⁴ State Education Content Centre (Valsts izglītības satura centrs), Exam Results. General Education: Statistics [Pārbaudes darbi. Vispārējā izglītība: Statistika], at

<http://visc.gov.lv/eksameni/vispizgl/statistika.shtml>

¹⁰⁵ Baltic Social Sciences Institute (2010), Civic and Linguistic Attitudes of High School Students in Acquiring Minority Education Programmes [Vidusskolēnu pilsoniskās un lingvistiskās attieksmes, apgūstot mazākumtautību izglītības programmas, at

http://izm.izm.gov.lv/upload_file/BISS_pet_skolnieku_attieksmes.pdf

¹⁰⁶ Ibid.

(universities and in-service training), publication and improvement of text books and teaching aids should remain a priority.¹⁰⁷

From 2007/2008 the centralised exams in Grade 12 are in Latvian only, but students may choose the language when filling out the written part or oral response. According to the MoE in 2007 61% of minority school students chose to answer in Latvian when taking centralised exams, while in 2011 the proportion was 72%.

Until 2012, separate sections of the Latvian language and literature exam were the same for both Latvian language and minority schools. 2011/2012 academic year was the first year when all 12th grade students in Latvian language and minority schools took a uniform Latvian language and literature exam with the same requirements.¹⁰⁸ The exam results are lower for minority school students than school leavers from Latvian language schools. The majority (63, 3%) of minority school students passed the exam at D or E level, while the majority of Latvian students passed them exam at B,C,D levels.

Uniform Latvian language exam results, by type of school, 2012

Levels	Latvian language schools, 2012	Minority schools 2012	Minority schools 2011 ¹⁰⁹
A	7,2%	0,92%	3,09%
B	24,41%	7,76%	18,83%
C	30,72%	18,85%	31,2%
D	25,41%	44,48%	26,31%
E	11,78%	25,64%	17,48%
F	0,75%	2,35%	3,09%

Source: State Education Content Centre (Valsts izglītības satura centrs)

Before the 3rd reading of the amendments to the Citizenship Law the party alliance *All for Latvia!-Fatherland and Freedom/LNNK* proposed that only those school leavers who have taken the centralised Latvian language exam at least at C level would be exempt from Latvian language exam for naturalisation. Should the proposal be adopted, the majority of minority school leavers in 2012 would not qualify for exemptions. The final amendments adopted provide that persons are exempted from Latvian language exam for naturalisation if they submit a document that confirms that the centralised Latvian language exam (accredited minority education programmes for

¹⁰⁷ Evija Papule (2011), The Implementation of Minority Education Policy: Some Aspects of Assessment [Mazākumtautību izglītības politikas īstenošana: daži izvērtējuma aspekti]. – Latviešu valodas aģentūra, Valodas situācija Latvijā:2004-2010, p.9.

¹⁰⁸ Cabinet of Ministers Regulations Nr.715 (02.09.2008). Regulations on State General Education Standard and Standards of Subjects of General Secondary Education (Noteikumi par valsts vispārējās izglītības standartu un vispārējās vidējās izglītības mācību priekšmetu standartiem), at <http://www.likumi.lv/doc.php?id=181216>

¹⁰⁹ Results in 2011 when separate sections of the Latvian language and literature exam were the same for both Latvian language and minority school

Grade 9) or centralised exam in Latvian language and literature (accredited minority education programmes for Grade 12) has been passed at A, B, C or D level.¹¹⁰

Beginning with school year 2011/2012 the certificate of primary education, in centralised exam in Latvian language in minority education programmes, in addition to evaluation in percentage points, also includes information about the Latvian language proficiency level in accordance with the legislative requirements about the scope of Latvian language proficiency for professional and occupational duties, receipt of permanent residence permit and the status of permanent resident of the European Communities.¹¹¹

Minority education – political discourse (kindergartens)

(On attempts to amend Constitution to provide for state funded education solely in Latvian in Section under Article 10, Language issues)

Shortly after the referendum on Russian as a state language, *All for Latvia!- Fatherland and Freedom/LNNK* issued a statement on the need to establish a uniform system of kindergartens that would foresee instruction in Latvian in all kindergartens, but would also maintain ethnic and cultural dimension in kindergarten groups for children with Russian, Belarussian, Ukrainian, Polish, Lithuania and other background.¹¹² The governing coalition council took a decision to organise discussions with experts and parents, to provide that any potential changes in pre-school education are based on scientific and not on political arguments.¹¹³ Transfer of kindergartens to solely instruction in Latvian language was strongly criticised by the Harmony Centre, including Mayor of Riga as well as initiator of the “language referendum” NGO “Rodnoi yazik” (Native Language) whose leader V.Linderman promised mass protests if such proposal was supported.¹¹⁴

In 2012, the MoE established a working group “On Expansion of Latvian Language Acquisition in Pre-School Educational Establishments”. It concluded that Latvian in kindergartens is being acquired through play activities, and there is a shortage of kindergarten teachers and teacher assistants who speak Latvian.¹¹⁵ On 31 July the Cabinet of Ministers approved Regulations on Guidelines of State Pre-School

¹¹⁰ Grozījumi Pilsonības likumā (Amendments to the Citizenship Law, adopted 09.05.2013, in force from 01.10.2013), Section 21 (2) 1-2), in Latvian at <http://likumi.lv/doc.php?id=256964>

¹¹¹ Cabinet of Ministers Regulations nr 17 (03.01.2012), Amendments to the Cabinet of Ministers Regulations nr 1027 of 19 December of 2006 „Regulations on State Standard in Primary Education and Subject Standards in Primary Education), in Latvian at : <http://www.likumi.lv/doc.php?id=242360>

¹¹² NA Will Propose to the Coalition that All Kindergartens Transfer to Latvian Language and to Expand the Reasons for the Deprivation of Citizenship (NA koalīcijā piedāvās visos bērnudārzos pāriet uz latviešu valodu un paplašināt pilsonības atņemšanas iemeslus), [www.delfi.lv](http://www.delfi.lv/news/national/politics/na-koalicija-piedavas-visos-bernudarzos-pariet-uz-latviesu-valodu-un-paplasinat-pilsonibas-atnemsanas-iemeslus.d?id=42162708), 27.02.2012, in Latvian at <http://www.delfi.lv/news/national/politics/na-koalicija-piedavas-visos-bernudarzos-pariet-uz-latviesu-valodu-un-paplasinat-pilsonibas-atnemsanas-iemeslus.d?id=42162708>

¹¹³ Coalition does not decide on kindergarten education in Latvian only, MoE will organise expert discussions (Koalīcija vēl nelemj par bērnudārzu izglītību tikai latviski; IZM rikos ekspertu diskusijas), www.delfi.lv, 05.03.2012, in Latvian at <http://www.delfi.lv/news/national/politics/koalicija-vel-nelemj-par-bernudarzu-izglitibu-tikai-latviski-izm-rikos-ekspertu-diskusijas.d?id=42183574>

¹¹⁴ „Native Language” Promises Mass Protests against Mandatory Latvian Language in Kindergartens [‘Dzimtā valoda’ sola masu protestus pret obligāto latviešu valodu bērnudārzos], www.delfi.lv, 27.02.2012. Pieejams: <http://www.delfi.lv/news/national/politics/dzimta-valoda-sola-masu-protestus-pret-obligatu-latviesu-valodu-bernudarzos.d?id=42164624>

¹¹⁵ Information provided by the Ministry of Education to the LCHR on 18 October 2012.

Education which introduce significant changes in the samples of pre-school education minority programmes. The regulations, inter alia, expand the opportunities of Latvian language acquisition by increasing the number of play activities from two to five per week for children over 5, emphasize supportive environment in Latvian language acquisition, shift from language teaching to language learning etc.¹¹⁶ The kindergartens implementing minority pre-school education programmes are required to amend existing or receive new licences for implementation of education programmes.¹¹⁷

On 4 October 2012 the Riga City Council Education, Culture and Sports Commission approved Action Plan 2012-2014 for Latvian Language Acquisition in the Implementation of Pre-School Education Minority Programmes. The plan aims at improving bilingual education methodology, providing in-service training of kindergarten teachers to enable them to work bilingually, organising of activities on exchange of experience on promotion of intercultural dialogue and tolerance in kindergartens.¹¹⁸ The Action Plan was drafted taking into account a survey of kindergarten teachers (90 teachers) and methodology experts and managers (86) who work in minority kindergartens.

In accordance with the ethnic make-up of the local council residents, local councils offer three models of kindergarten education: in Latvian (420), minority language (88, predominantly in Russian, one kindergarten in Polish, and bilingual (97).¹¹⁹ In 2011/2012 68,526 children attended kindergartens with Latvian language of instruction, 21,880 with Russian, 299 – Polish, and 154 children with other languages of instruction.¹²⁰

Roma education

Provisional data of the Population Census 2011 shows that only 10.34 % of Roma have general secondary education, 3.4% professional secondary education and only 0.84 % or 41 Roma have university education. Among 4,901 Roma over 15, 3.51 % had vocational secondary education or vocational education, 10.34 % had general secondary education, 36.48 % had primary education, and 45.28 % had less than primary education (nine years of school). 174 Roma or 3.55 % of all Roma over 15 are illiterates.¹²¹ Although compared with 2000 Population Census¹²² the situation has

¹¹⁶ Cabinet of Ministers Regulations Nr 533 On Regulations on Guidelines on State Pre-School Education [Ministru kabineta noteikumi Nr.533 *Noteikumi par valsts pirmsskolas izglītības vadlīnijām*], adopted on 31.07.2012. <http://www.likumi.lv/doc.php?id=250854>

¹¹⁷ Izglītības un zinātnes ministrija (2012) *Aktualitātes un jaunumi izglītības jomā 2012./2013. mācību gadā*. Pieejams: http://izm.izm.gov.lv/upload_file/Aktualitates/2012-2013/IZM_aktualitates.pdf

¹¹⁸ Action Plan Approved for Latvian Language Acquisition in Minority Kindergartens [Apstiprināts rīcības plāns latviešu valodas apguvei mazākumtautību bērnudārzos], 04.10.2012. Pieejams: <http://www.iksd.riga.lv/public/47156.html>

¹¹⁹ Statistics provided by the Ministry of Education on kindergartens by language of instruction in 2011/2012, 18.10.2012

¹²⁰ Central Statistica Board [Centrālās statistikas pārvalde], *Mācību valoda pirmsskolas izglītības iestādēs 1. septembrī*. at: <http://data.csb.gov.lv/Dialog/varval.asp?ma=IZ0050&ti=IZG05%2E+M%C2C%CEBU+VALODA+PIRMSSKOLAS+IZGL%CEB%CEBAS+IEST%C2D%C7S+1%2E+SEPTEMBR%CE&path=../DATA/BASE/Iedzsoc/Ikgad%2E7jie%20statistikas%20dati/Izgl%EEt%EEBa%20un%20zin%20tne/&lang=16>

¹²¹ Central Statistical Bureau (Centrālās statistikas pārvalde), *Letter to the Latvian Centre for Human Rights Nr 0708-10/222* (10 February 2012)

slightly improved, Roma are the only ethnic minority with such low educational attainment.

According to the MoE 1,213 Roma children were enrolled in general educational establishments, of those 1,128 in general educational day school programmes, (0.55% of all high school students), 85 – in evening and correspondence programmes. The majority of Roma children (812) attend schools with Latvian language of instruction, 312 with Russian, and 4 – with Polish as the main language of instruction. Nationally, information about ethnic background of students in preschool, professional and higher education establishments is not collected.¹²³ Although the majority of Roma children attend general education schools (927 or 82% of all Roma children), a considerable number of Roma children – 189 or 17% study in special educational establishments (social educational and correctional programmes in classes in boarding schools, which are not envisaged for Roma children only), 17 children are enrolled in special classes in general education schools.¹²⁴

In 2011/2012 there were two the so-called “Roma classes” in Latvia’s education system - 77 students were involved in Roma ethnic group only classes in Ventspils evening school (opened in 1987)¹²⁵ and 30 students were involved in Roma ethnic classes in Kuldīga primary school. In 2011, the Kuldīga District Council decided to establish Roma minority classes in Kuldīga Primary school starting with school year 2011/2012 and provide an opportunity to study some subjects bilingually.¹²⁶

There are no data in Latvia about children not attending school. However, available information shows that the majority of Roma children attend school irregularly and discontinue studies without receiving primary education. Although official statistics about Roma drop-outs are not collected, the information provided by the state authorities to the European Commission against Racism and Intolerance shows that 13,7% of Roma do not complete primary education.¹²⁷ In 2010/2011 10,2% Roma pupils for various reasons (families have emigrated, unfavourable social conditions in the family, etc.), did not complete mandatory primary education.¹²⁸ In accordance with research published in 2011, the key reasons why Roma children discontinue studies are: lack of money (39%), wish to work (34%), creating a family (13%) and

¹²² According to Population Census in Latvia in 2000, among 5,985 Roma aged over 15: 18,2% had primary education, 23,9% elementary, 6,7% general secondary, 1,2% special secondary, 24,3% lower than primary education, 0,4% higher education, 25,2% did not indicated level of education.

¹²³ Ministry of Education and Science (Izglītības un zinātnes ministrija) *Information to the Latvian Centre for Human Rights* (23 August 2012)

¹²⁴ Ministry of Education and Science (Izglītības un zinātnes ministrija) *Information to the Latvian Centre for Human Rights by e-mail* (26 March 2012)

¹²⁵ Information provided by the Ministry of Education and Science (Izglītības un zinātnes ministrija) *Information to the Latvian Centre for Human Rights by e-mail* (31 March 2012)

¹²⁶ Kuldīga District Council (*Kuldīgas novada pašvaldība*) *Letter to the LCHR No 01-18.1/2079* (19 September 2012).

¹²⁷ European Commission Against Racism and Intolerance (2012), *ECRI Report on Latvia* (fourth monitoring cycle), Adopted on 9 December 2011. Available in English:

www.coe.int/t/dghl/monitoring/ecri/country-by-country/latvia/LVA-CbC-IV-2012-003-ENG.pdf

¹²⁸ Ministry of Education and Science (Izglītības un zinātnes ministrija) *Information to the to the Latvian Centre for Human Rights by e-mail* (23 August 2012)

parental decision not to longer to let children to school (13%).¹²⁹ Municipalities acknowledge that educational institutions mostly deal with social problems, school inattendance and poor educational performance. Roma children often do not begin school at compulsory schooling age and in many cases their age does not correspond to the age of class students. A large number of Roma pupils discontinue studies at different stages and many have no opportunities to restart education. The key reasons for irregular school attendance are: „Early marriages by girls, lack of motivation linked to Roma traditions, older age, frequent change of place of residence and emigration from the country.”¹³⁰ In order to overcome obstacles that prevent from receiving education, municipality specialists elaborate specific recommendations for each child and support programme for the family.¹³¹

Latvia has no official data collection mechanisms that would provide regular and comparable data on the education performance of pupils by ethnicity. However, the MoESC compiles information from Education Boards as to the subjects where Roma pupils have low final marks and school year has been extended to improve performance. In 2011/2012 additional educational measures were provided to 332 pupils or 26,2% of the total number of Roma children, predominantly in the following subjects: Latvian language, maths, English, social sciences, natural sciences.¹³² Additional educational support aimed at literacy building is also provided.¹³³

Research on “Roma Right to Education: Implementing Situation in Latvia”¹³⁴, conducted by Centre for Education Initiatives shows that the main barriers for inclusion of Roma children in education system are insulting attitude, stigmatization and mobbing in schools, as well as adaptation difficulties in schools and schools’ environment, reinforced by the language barrier. The important barrier is lack of adequate training materials and teachers are not professionally prepared to work with Roma students. Thus Roma children are in unequal situation - Roma are put in separate classes with correctional status, or are created artificial conditions for moving Roma children to the special classes or schools. There is also a tendency by schools to avoid enrolling Roma students by advising to enrol them in the so-called „Roma school” (education establishments with a high number of Roma children).

After the end of the National Program „Roma in Latvia” 2007-2009, all the activities for inclusion of Roma children in the general education system are implemented without sufficient state funding. An NGO Centre for Education Initiative (CEI) which

¹²⁹ Centre for Education Initiatives (Izglītību iniciatīvu centrs) (2011) *Romu tiesības uz izglītību: īstenošanas situācija Latvijā* (Roma Right to Education: Implementing Situation in Latvia), p.30. Available in Latvian at : www.iic.lv/lv/projekti/rti_petijums_isl.pdf

¹³⁰ General and Vocational Education Board of Daugavpils City Council (Daugavpils pilsētas padomes Vispārējās un profesionālās izglītības pārvalde) *Letter to the LCHR No 1-08/637* (16 August 2012). Education Board of Talsi County Council (Talsu novada Izglītības padome) *Letter to the LCHR* (16 August 2012)

¹³¹ Education Board of Talsi County Council (Talsu novada Izglītības padome) *Letter to the LCHR* (16 August 2012)

¹³² Ministry of Education and Science (Izglītības un zinātnes ministrija) *Information to the to the Latvian Centre for Human Rights by e-mail* (3 September 2012)

¹³³ Ministry of Education and Science (Izglītības un zinātnes ministrija) *Information to the to the Latvian Centre for Human Rights by e-mail* (23 August 2012)

¹³⁴ Centre for Education Initiatives (CEI) (*Izglītības iniciatīvu centrs*) (2011), *Roma Right to Education: Implementing Situation in Latvia* (*Romu tiesības uz izglītību: īstenošanas situācija Latvijā*), available in Latvian (with main conclusions in English): www.iic.lv/lv/projekti/rti_petijums_isl.pdf

was also responsible for the implementation of the national program, continues to implement activities of the program in the framework of various projects¹³⁵, however, promotion and implementation of Roma inclusive education cannot be the responsibility of NGOs only.

Of twenty teacher assistants - Roma trained for work at preschool and primary school establishments within the framework of the National Programme "Roma in Latvia" 2007-2009, only eight worked in 2009/2010. Two of them were funded by local councils, six by state. Due to the lack of funding to sustain their further activities, only one worked in school year 2010/2011 as a teacher assistant in kindergarten in Jelgava. In 2011/2012, following the CEI initiative teacher assistants – Roma worked in eight schools: one of them was funded by the Jelgava local government, and seven were funded in the framework of the CEI project.¹³⁶ Therefore, information provided in the second state report according to which six teacher assistants in 2011/2012 received state funding is erroneous.¹³⁷ In 2012/2013 only two teacher assistants – Roma funded by Jelgava local government continued to work – one in kindergarten and one in a school.¹³⁸

The National Identity, Civil Society and Integration Guidelines envisage the implementation of support activities for the raising of Roma educational attainment.¹³⁹ The Action Plan for the promotion of society consolidation in the area of education elaborated by the Ministry of Education envisages the implementation of good practice – teacher assistants in educational institutions where Roma children

¹³⁵ Within the framework of the CEI project „School and Community for Inclusion of Roma Child” implemented from 1 January 2011 to 30 June 2012, 3 multi-cultural classes set up (for children aged 5-6 un first grade): Valdemarpils secondary school, Jelgava 4 elementary school and Mezmalā secondary school of Jūrmala city. Children education in such classes is conducted according to requirements of general state education program, but the program is taught using „Step to Step” method. All new classes are provided new appropriate furniture and curriculum. 18 Roma children study together with other children in these 3 new classes. In total, there are 81 Roma child of different age category. These schools also has support centre for Roma parents and seniors with an aim insure more frequent contact between parents and teachers, receive important information about study process. More information available at: http://www.iic.lv/lv/projekti/skola_sabiedriba.html

¹³⁶ Within the two projects of the CEI, in 7 education establishments 7 teacher assistants – Roma work: Valdemarpils secondary school, Jelgava elementary school nr.4, Mezmalā secondary school of Jūrmala city, Jekabpils secondary school nr. 2, Valmiera preschool „Buratino”, Vilpulka primary school, Lādezers elementary school. Work of 5 assistants is funded by the CEI project “School and Community for Inclusion of Roma Child”, 2 assistants funded by the CEI project "Creation of the Support System for Work with Roma Children"

¹³⁷ Latvian Second National Report on implementation of the Framework Convention for Protection of National Minorities in Latvia (Riga, 2012, 47pp. – 206)

¹³⁸ Izglītības Iniciatīvu centra sniegtā informācija LCC 2012. gada 25. oktobrī

¹³⁹ Ministry of Culture (Kultūras ministrija) (2011), *National Identity, Civil Society and Integration Fundamental Principles 2012-2018* (Nacionālās identitātes, pilsoniskās sabiedrības un integrācijas pamatnostādnes 2012.-2018. gadam). Available in Latvian : www.km.gov.lv/lv/ministrija/integrācijas_pamatnostadnes.html

study alongside children from other backgrounds.¹⁴⁰ However, no state funding has been allocated for these activities.¹⁴¹

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 July 2012- 304,806 or 13, 8% of all Latvian residents were without citizenship.¹⁴²

The number of naturalisation applications, as well as persons receiving Latvian citizenship through naturalisation has remained low during 2009 -2012, continuing the trend observed during the previous few years. Moreover, since 2010, the number of persons rescinding non-citizen status and opting for citizenship of Russia has exceeded the number of those receiving Latvia citizenship.

In accordance with the Office of Citizenship and Migration Affairs from the beginning of naturalisation procedure from 1 February, 1995 until 30 April 2013 140,473 persons have become citizens of Latvia, including 14,153 non-citizen children. From 1999 until 2006, the number of naturalised persons exceeded 10-15,000 per year, since 2009 the number of naturalised persons has decreased - 2,080 in 2009, 2,336 in 2010, 2,467 in 2011, and 2,213 in 2012.¹⁴³

Applications for naturalisation predominantly are received from young people aged 18-30 (47% of all applicants for citizenship in 2011), while the least likely applicants are over 60 (5.7%).

In accordance with Naturalisation Board from 2009 until 2012 the number of non-citizens annually decreases by 15,000. However, only 20 – 29% become citizens of Latvia. The majority of non-citizens opt for the citizenship of another country, mainly Russia.¹⁴⁴

¹⁴⁰ Ministry of Education and Science (Izglītības un zinātnes ministrija) (2012), *Action Plan for Promoting Society Consolidation in Education 2012-2014* (Rīcības plāns sabiedrības saliedētības sekmēšanai izglītības nozarē 2012.-2014. Gadam). Available in Latvian: <http://izm.izm.gov.lv/aktualitates/jaunumi/8410.html>

¹⁴¹ Saskaņā ar IZM sniegto informāciju Latvijas Cilvēktiesību centram 2012. gada 2. maijā, katru gadu pašvaldībām tiek piešķirts finansējums skolotāju palīgu darba apmaksai, bet līdzekļu izlietojums ir pašvaldības atbildība.

¹⁴² Office of Citizenship and Migration Affairs, Division of Latvian Residents by National Belonging (*Latvijas iedzīvotāju sadalījums pēc valstiskās piederības* (01.07.2012.)). Available at: http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/Latvija_VPD_010712.pdf

¹⁴³ Office of Citizenship and Migrations Affairs (2013), *Statistics and Naturalisation*, available in Latvian at <http://www.pmlp.gov.lv/lv/statistika/Naturalizacija.html>

¹⁴⁴ Pilsonības un migrācijas lietu pārvalde (2012) *Latvijas pilsonības iegūšanas veicinošie un kavējošie faktori*

Year	Number of non-citizens	Annual decrease of non-citizens by number/ %		
		Total	Received Latvian citizenship	Other reasons (e.g., received citizenship of another country, died, etc.)
01.01.2009.	357 881	14 610	4 230/ 29%	10 380/ 71%
01.01.2010.	344 095	13 716	3 235/ 24%	10 481/ 76%
01.01.2011.	326 735	17 360	3 518/ 20%	13 842/ 80%
01.01.2012.	312 189	14 546	3 917/ 27%	10 629/ 73%

Source: Naturalization Board, Ministry of Interior

The number of Latvian non-citizens accepting Russian citizenship in 2010 has continued to rise. In 2009, 2,706 non-citizens became Russian citizens.¹⁴⁵ Among 5,972 persons who applied to rescind the status of non-citizen in 2010, 5,763 became Russian citizens. In 2011, the OCMA received 3,134 applications from persons who accepted other country's citizenship (2,884 persons accepted Russian citizenship) and wanted to rescind the status of non-citizen in Latvia¹⁴⁶. Like in previous years, the tendency when non-citizens accept other country's citizenship and want to stay for residence in Latvia (with permanent residence permit) persisted. Although, there is no research about the reasons why non-citizens choose Russian citizenship, the OCMA admitted that different retirement system and economic benefits – earlier retirement age or some benefits from Russia may serve as a reason.¹⁴⁷

As in previous years, there was a tendency of a growing number of citizenship applicants failing the Latvian language exam. Out of 3,486 citizenship applicants taking Latvian language test for the first time in 2010, 1,497 or 43% failed (in 2009 this figure was 39%, while in 2004, when the highest number of applications had been received, this figure was 10%). In 2011, among 3,028 applicants for citizenship, who took the Latvian language test, 1,253 or 41, 4% failed. The number of citizenship applicants failing history test has also grown significantly. Out of 2,731 citizenship applicants taking history test for the first time in 2010, 496 or 18% failed (this figure was 17.6% in 2009 and 3.8% in 2004). Out of 2,910 citizenship applicants taking history test for the first time in 2011, 569 or 19.6% failed. At the same time, the number of naturalization applicants exempt from Latvian language tests has also increased (youths who have received higher education in Latvian, taken centralised exam in Latvian in primary or secondary school) – from 10% in 2010 and 29% during the first half of 2012.

¹⁴⁵ Office of Citizenship and Migration Affairs (2012) *Latvijas pilsonības iegūšanas veicinošie un kavējošie faktori* Available at: http://www.pmlp.gov.lv/lv/par_pmlp/publikacijas/petijumi.html

¹⁴⁶ Data provided by the Office of Citizenship and Migration Affairs to the Latvian Centre for Human Rights on 22 October 2012

¹⁴⁷ Ibid.

On 5 July 2011, the Cabinet of Minister adopted new rules¹⁴⁸ which ease the administrative procedure on receiving Latvian citizenship. The amendments stipulate that the applicants for citizenship can take the Latvian language test repeatedly after three months instead of six. The applicants will be able to pass the test on the basics of the Constitution, state anthem and Latvian history repeatedly not earlier than after one month instead of three. Such order existed until 2006, when as the result of the adoption of stricter rules the time period until the repeat examination was increased and set that the exam can be taken not more than three times, but if the applicant failed for three times he/she will have to submit the application again. The new rules also stipulate that applicants for citizenship who received B or C language proficiency category for fulfilment of professional duties or for receipt of permanent residence permit or the status of permanent EC resident after 1 September 2009 are exempt from state language test. The new rules also exempt from the state language examination graduates of minority language schools who received mark at least D for the centralised examination in the Latvian language and literature.

According to research conducted in 2012¹⁴⁹, non-citizens have a “wait and see” attitude towards Latvian citizenship through naturalisation. The main reasons why non-citizens do not apply for Latvian citizenship are: doubts if they are able to pass the naturalisation exams (24,8%), opinion that citizenship should be granted automatically (21,3%), and expectations that the naturalisation process will become simpler (17,2%). Despite the fact that 57,3% of non-citizens consider the Latvian language proficiency sufficient, poor Latvian language skills are a serious obstacle for many non-citizens to receive Latvian citizenship. It especially concerns people over 60: only 9 % can speak, read, write in Latvian language fluently; in turn 7% acknowledge speak and read fluently, but have difficulties with writing.

Children of non-citizens

The importance of revising the rules regulating the granting of Latvian citizenship to non-citizens children born in Latvia after 21 August 1991 has remained topical for many years. International organisations such as the OSCE’s High Commissioner for National Minorities, the Council of Europe bodies, the UNHCR have highlighted the problem with children non-citizens as a priority issue.

As of 1 January 2012, there were 12,007 children non-citizens under 18¹⁵⁰. The total number of children born in Latvia with the status of non-citizen from 21 August 1991 until 1 January 2012 was 15,855.

¹⁴⁸ Rules of the Cabinet of Minister Nr 522 adopted on 5 July 2011 (2011. gada 5. jūlija Ministru kabineta noteikumi Nr. 522 „Noteikumi par Pilsonības likumā noteikto latviešu valodas prasmes un Latvijas Republikas Satversmes pamatnoteikumu, valsts himnas teksta un Latvijas vēstures zināšanu pārbaudi”), available at <http://www.likumi.lv/doc.php?id=232794&from=off>

¹⁴⁹ Office of Citizenship and Migration Affairs (2011) Research „Attitude of non-citizens about obtaining Latvian citizenship” (Pētījums „Nepilsoņu attieksme par Latvijas pilsonības iegūšanu) Available at: http://www.pmlp.gov.lv/lv/par_pmlp/publikacijas/Nepilsonu_attieksme_2011.pdf

¹⁵⁰ Office of Citizenship and Migration Affairs, Division of Latvian residents on the year of birth and national belonging (Latvijas iedzīvotāju sadalījums pēc dzimšanas gada un valstiskās piederības (01.01.2012.), available at: http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVG_Latvija_pec_DZGada_VPD.pdf

Until 31 December 2012, 9,943 children non-citizens or stateless children born in Latvia after 21 August 1991 were granted Latvian citizenship since 1999 when the procedure of the registration as Latvian citizens was introduced.¹⁵¹ In 2009 and 2010, 419 and 446 non-citizen children were registered as citizens, in 2011 - 637 children and in 2012 718 were registered as Latvian citizens.

According to the Latvian legislation¹⁵², children who were born as non-citizen or stateless, cannot automatically become Latvian citizens, but the parents can submit an application requesting the recognition of their children as citizens through registration procedure until they have reached 15. After the age of 15, child can her/himself submit the application to be registered as Latvian citizen, but in this case he/she is required to submit also a document certifying his/her Latvian language proficiency¹⁵³.

On 5 July 2011, the Cabinet of Ministers approved new regulations on the “Procedure for Submission and Examination of an Application Regarding the Recognition of a Child as a Latvian Citizen”¹⁵⁴. The regulations envisage that the application to recognize a child a citizen of Latvia can be submitted not only at the office of OCMA, but also at the registry office, when registering the birth of the child, and the registry office would forward this application to OCMA.

According to the Naturalisation Board 25% of non-citizen children were registered as citizens at registry offices in 2011, while in 2012 the number had increased to 44%.

Legislation

Amendments to the Citizenship Law

In 2011 the parliament established a sub-commission on Citizenship Law Amendments to prepare a comprehensive package of amendments as there had been no changes to the law since 1998. After two years of work, amendments were adopted on 9 May 2013.

¹⁵¹ Data provided by the Office of Citizenship and Migration Affairs to the Latvian Centre for Human Rights on 22 October 2012

¹⁵² Citizenship law Article 3.¹ Citizenship of a stateless or non-citizen child born in Latvia after 21 August 1991 (Pilsonības likuma 3.¹ pants. Pēc 1991. gada 21. augusta Latvijā dzimuša bezvalstnieku vai nepilsoņu bērna pilsonība.) Available at <http://www.likumi.lv/doc.php?id=57512>

¹⁵³ An applicant could submit following documents: (1) diploma or a reference about vocational education or secondary special education received in Latvian language; (2) certificate issued by the Education Content and Examination Centre certifying valuation in centralised Latvian language examination or centralised Latvian language and literature examination according to the levels A, B, C or D; (3) checklist issued by the Board about Latvian language examination with note about passing the examination.

¹⁵⁴ Rules of the Cabinet of Ministers Nr 520 (05.07.2011) *Procedures for Submission and Examination of an Application Regarding the Acknowledgement of a Child as a Latvian Citizen* Available at: <http://www.likumi.lv/doc.php?id=232792&from=off>

As a result of the new amendments¹⁵⁵ non-citizen children will not be granted citizenship automatically, however, the recognition of a child as a Latvian citizen will be possible through the registration of the birth of the child by one parent (instead of both parents). Registration by one parent will also be possible retroactively in the case of non-citizen children under 15. Despite the initial efforts of the Reform Party (former State President's Zatlers' Reform Party) and Harmony Centre to seek automatic granting of citizenship to non-citizen children, other three parties represented in the Parliament failed to support the initiative. At the same time the parliament gave up the requirement for non-citizen parents "to pledge that they will help the child to learn Latvian and be loyal to the state" adopted during the second reading. It was removed by the Legal Commission following the intervention of the Minister of Foreigner Affairs E.Rinkēvičs following a letter by the OSCE's High Commissioner for National Minorities K.Vollabaek.¹⁵⁶

The amendments foresee more categories of persons to be exempt from Latvian language proficiency test (those who have taken centralised Latvian language exams in Grades 9 and 11 at A, B, C, D level by 31 August 2011, or total evaluation now lower than 50% in centralised exam in Latvia in Grade 9, and now lower than 20% in Grade 11 after 31 August 2011).

The amendments provide for dual citizenship with EU, EFTA, and NATO Member States, Australia, Brazil, New Zealand, in cases when there is an agreement with another country on the recognition of dual citizenship. If a person has acquired citizenship of a country not listed in the law, the citizenship may be retained if he/she has received the permission of the Cabinet of Ministers if it complies with essential state interests. The amendments also provide for the right to register as citizens of those belonging to constituent nation – ethnic Latvian and Livs, if they can prove that their predecessors lived in Latvia in 1881 or later, 2) their knowledge of Latvian, 3) documentary proof or belonging to constituent nation. They provide for the opportunity of exiles and their descendants to register as citizens of Latvia. The amendments introduce new naturalisation restrictions, and also provide for greater discretion of government and other state authorities in refusing citizenship

Attempts to Initiate a Referendum on the amendments to the Citizenship Law

In early 2012 the movement "For Equal Rights" initiated the collection of voters' signatures for amendments to the Citizenship Law, which envisaged granting Latvian citizenship to all non-citizens. The draft amendments provide that from 1 January 2014 those non-citizens, who will not submit an application about the retention of the non-citizen's status according to the procedure set by the Cabinet of Ministers until 30 November 2013, shall be deemed to be citizens of Latvia. The transitional regulations also envisioned that the Office of Citizenship and Migration Affairs shall send to the

¹⁵⁵ Amendments to the Citizenship Law (Grozījumi Pilsonības likumā), 09.05.2013, available in Latvian at [http://titania.saeima.lv/LIVS11/saeimalivs11.nsf/webPhase8?SearchView&Query=\(Title\)=*Pilsonības*\)&SearchMax=0&SearchOrder=4](http://titania.saeima.lv/LIVS11/saeimalivs11.nsf/webPhase8?SearchView&Query=(Title)=*Pilsonības*)&SearchMax=0&SearchOrder=4)

¹⁵⁶ TVNET (2012) [Rinkēvičs]Requests Saeima not To Complicate the Registration of Non-Citizen Children, 25.09.2012, at http://www.tvnet.lv/zinas/latvija/437250-rinkevics_ludz_saeimu_nesarezgit_nepilsonu_bernu_registraciju

subjects of the law a special reference note about becoming Latvian citizens and from 1 January 2014 the passports of non-citizens with the reference note presented, shall be considered as the passports of Latvian citizens. By September 2012 the required number of signatures was collected (12, 686 signatures were collected, exceeding the required 10, 000) and on 4 September the draft amendments were submitted to the Central Election Commission (CEC) for the organisation of the second stage of the collection of voters' signatures.

The collection of voters' signatures for the draft amendments led to discussions among the politicians and experts about the compliance of the draft with the Article 78 of the Constitution (Satversme),¹⁵⁷ which determines that the draft laws submitted for the referendum shall be fully elaborated, as well as about their compliance with the principle of legal continuity of the Republic of Latvia and with the core of the Constitution (Satversme). The CEC requested various state institutions and universities¹⁵⁸ to provide their opinion about whether the draft law "Amendments to the Citizenship Law" submitted by the voters shall be considered as fully elaborated and about whether a collection of signatures about it is permissible. The majority of the opinions received by the CEC expressed the view that the draft shall not be considered as fully elaborated and that it does not comply with the provisions of the Article 78 of the Constitution (Satversme). Many institutions also pointed out that the draft amendments contradict the doctrine of legal continuity, and thus the Articles 1 and 2 of the Constitution (Satversme), as well as Latvia's international commitments.¹⁵⁹ On 1 November 2012 the CEC took the decision not to declare the second stage of the collection of signatures, as the submitted draft "is not fully elaborated". The draft amendments were also not put to a referendum, because it did not comply with Article 2 of the Constitution (Satversme) and the Declaration of 4 May 1990, and would substantially enlarge the citizenry and would put into doubt the continuity of the Republic of Latvia.¹⁶⁰ Many experts concluded that the Central Election Commission, by evaluating the content of the draft, and subsequently rejecting it, created a precedent, which in the future could restrict any initiative of the voters, which causes controversies among the public and politicians.¹⁶¹ This

¹⁵⁷ Article 78 of the Constitution (Satversme) determined that: " Electors, in number comprising not less than one tenth of the electorate, have the right to submit a fully elaborated draft of an amendment to the Constitution or of a law to the President, who shall present it to the Saeima. If the Saeima does not adopt it without change as to its content, it shall then be submitted to national referendum", available at: <http://web.cvk.lv/pub/public/29964.html>

¹⁵⁸ The Chancellery of the President, the Legal Bureau of the Saeima, the Ministry of Justice, the Ministry of Interior, the Ministry of Foreign Affairs, the Ombudsman of Latvia, the Public Law Department of the Faculty of Law of the University of Latvia, the International and European Law Department of the Faculty of Law of the University of Latvia, the Faculty of Law of the Riga Stradins University and the Riga Graduate School of Law, and the International Law expert Dr. Martins Paporinskis.

¹⁵⁹ Central Election Commission, Opinions about the voters' initiated draft law "Amendments to the Citizenship Law" (*Atzinumi par vēlētāju rosināto likumprojektu „Grozījumi Pilsonības likumā”*), available in Latvian at: <http://web.cvk.lv/pub/public/30422.html>

¹⁶⁰ The decision No 6 of the Central Election Commission "On the collection of signatures for the initiation the draft law "Amendments to the Citizenship Law", 1 November 2012, available in Latvian: <http://web.cvk.lv/pub/public/30440.html>

¹⁶¹ LETA (02.11.2012.) *Kaktiņš: „Nepilsoņu referendumā” aizliegums nākotnē var atspēlēties mums pašiem*. BNS (01.11.2012.) *Kažoka: „nepilsoņu referendumā” jautājums no darba kārtības nepazudīs, pieejams: http://la.lv/index.php?option=com_content&view=article&id=364801:kaoka-qnepilsou-referendumaq-jautajums-no-darba-krtbas-nepazuds&catid=72:politika&Itemid=421*

conclusion may be especially relevant given the fact that the Central Election Commission consists of the representatives of political parties elected to the Parliament (Saeima), reflecting the latter's composition.

Participation in elections

There have been no changes concerning the right to take part in elections (national and municipal) and referenda as it remains reserved for citizens only.

Representation in elected bodies

During the period under review Latvia witnessed two parliamentary elections in 2010 and 2011, the latter being caused by the dissolution of parliament.

On 28 May 2011 the State President Valdis Zatlers initiated the dissolution of the Parliament. In his public speech broadcast on the national television he indicated overly excessive influence of business interests on political processes in Latvia and warned of 'privatisation of democracy'.¹⁶² A referendum was held on 23 July 2011: 650, 518 (94,3 %) citizens voted in favour of dissolution and 37 829 (5,48 %) – against it.¹⁶³ Therefore, for the first time in the history of Latvia the Parliament was dissolved in the procedure stipulated in the Constitution. Although the civic participation was moderate – 44, 73 % of eligible citizens – the convincing vote for the dismissal points to a general dissatisfaction of the public with political process and the work of the Parliament.

Early elections took place on 17 September 2011. The pro-minority Harmony Centre won 31 seats, the newly formed President Zatler's Party – 22, the Unity – 20 seats, the right wing National Alliance (All for Latvia! Fatherland and Freedom/LNNK) – 14, and the Union of Greens and Farmers received 13 seats.

In the 11th Saeima, 15 MPs associate themselves with various ethnic minorities (13 Russians, 1 German, and 1 Karellian), while a record number – 18 MPs did not specify their ethnicity.

	9 th Saeima (2006–2010)	10 th Saeima (2010–2011)	11 th Saeima (2011)
Latvians	78	76	67
Russians	15	13	13
Jews	1		
Germans	1	1	1
Karellians	1	1	1
Not indicated	4	9	18

Source: Saeima www.saeima.lv

¹⁶² LETA (2011).

¹⁶³ Central Election Commission (*Centrālā vēlēšanu komisija*) (2011).

Consultative bodies

There are four national level advisory councils for promoting national minority participation in decision making:

- 1) the Minorities Consulting Council of the President of Latvia (established in 1996);
- 2) the National Minorities NGO Committee on the Framework Convention for the Protection of National Minorities (Ministry of Culture, established in 2006),
- 3) the Advisory Council for Minority Education Issues (Ministry of Education and Science, established in 2001),
- 4) the Advisory Council on Roma Integration Policy (Ministry of Culture, established in 2012).

Guidelines on National identity, civil society and integration policy (2012-2018) envisages the establishment of an advisory board for third council nationals, which would include persons and organisations working on non-citizen, immigrant and refugee integration. The council will be set up under the Ministry of Culture. Integration advisory boards or commissions also exist in around 10 municipalities, including Riga, Jelgava, Jūrmala, Liepāja and Ventspils. However, in several municipalities with a substantial number of national minorities, including Daugavpils and Rēzekne integration commissions were closed down.

Interviews with state, local and non-governmental organizations involved in advisory boards,¹⁶⁴ show that at national level dialogue mechanisms have not been effective. Their formal nature, unclear principles of operation and lack of set membership criteria, as well as the political situation in the country have not provided national minorities with real opportunities to influence issues affecting their interests and rights. Both state and NGO representatives note that it is not dialogue that has influenced tackling of the problems or sensitive integration related issues. Decisions rather depend on the political situation in the country and the politicians' commitment to try to resolve issues. Therefore dialogue has a very limited impact on the process of integration in society in the different areas. Advisory boards or committees on local level are seen as more effective dialogue platforms as local authorities and the population are more closely connected and political parties in power are much more open to dialogue

Main problems related to the work of consultative councils:

- *Functions and competences of different councils as well as principles of their mutual cooperation are not clearly defined.* The responsible ministries, as well as minority organizations and the general public lack information about the work of consultative councils - issues discussed, decisions taken, organizations involved, etc. Some council members have proposed that one

¹⁶⁴ Conclusions are based on the results of the project „Strengthening integration dialogue platforms” (No. CB62) implemented by the Latvian Centre for Human Rights. 17 interviews were conducted within the framework of the project: 4 interviews with state institution representatives of, 3 – with local municipality representatives, 7 – with national minority NGO representatives and 3 – with civil society organisations.

council needs to be established that would deal with minority issues and have real impact and power.

- *Member selection principles and criteria are not clear. As a result, it leads to the failure to involve in the dialogue all the relevant partners.* There are no open calls with clear-cut criteria according to which organizations are selected for representation in consultative councils. An exception was the formation of the Advisory Council on Society Integration Issues of Riga City Council when an open call with specific criteria for the NGOs to apply for participation was announced. Similar procedure was envisaged for the selection of members of planned advisory board for third country nationals. According to the minority organizations, the main principle in selecting members of the council is to have ‘our own people’- those who are unlikely to protest. More often than not the Minister chooses ‘loyal’ organizations and more radical views are ignored.
- *The primary barrier to the effectiveness of consultative bodies in Latvia is their belated involvement in the development of policy and legislation and the failure of policy-makers to take into account their recommendations.* According to the council statutes the decisions of all councils are advisory and are not legally binding. There are no laws requiring public authorities to consult with consultative bodies before particular policy document or legal act is passed, and to respond to the recommendations of the councils, therefore their role is purely advisory. The responsibility of a chairperson of the council, minister or relevant civil servant to defend the opinion of such body in the Parliament or the Cabinet of Ministers is not clear. It was stressed that very often councils meet after decisions have been taken, and the role of the councils is to inform NGOs about decisions. According to minority NGO representatives, almost all councils until now have been established to demonstrate that dialogue takes place. Frequently councils are a formality, which allows for expression of one’s opinions yet does not have any real influence on political decisions and only few proposals are taken into account: what is thought to be advantageous and is not politically sensitive is accepted, while anything negative or critical is ignored.
- *No impact of dialogue mechanisms has been evaluated so far.* Main reasons for that is lack of knowledge and financial resources.
- *One of the obstacles for the effective work of dialogue platforms is low capacity of minority organization and their little experience in cooperation.* Although different organizations take part in discussions, capacity of these organizations remains a challenge as few are able to write high-quality opinion or prepare substantiated proposals. Representatives of state institutions as well as some minority representatives stressed the knowledge of Latvian as an important tool for effective participation in dialogue mechanisms: poor or insufficient knowledge of Latvia makes arguments or explanations difficult.

In response to public and civil society pressure following the dissolution of parliament in July 2011, on 19 January 2012 the Parliament passed amendments to the Parliamentary Rules of Procedure¹⁶⁵ (in force since 2 February 2012) that allows for

¹⁶⁵ Amendments to the Parliamentary Rules of Procedure (*Grozījumi Saeimas kārtības rullī*), 19 January 2012.

collective petitions. Article 131³ (1) of the Parliamentary Rules of Procedure lowered to 16 years the age limit of citizens eligible for signing legislative initiatives and introduced the notion that “the signatures for collective applications could be collected also electronically”, given that identification of the signatories and the sensitive data protection are ensured and that the necessary technical information is provided. Article 131³ (2) envisage that a “Collective applications cannot include claims, which are obviously unacceptable in a democratic society or openly offensive, collective application should not violate the values of respecting human dignity, freedom, democracy, equality, rule of law and human rights, including minority rights”. The proposal of the Harmony Centre to include non-citizens among those entitled to submit collective petitions was voted down twice.¹⁶⁶

Non-citizen congress

On 20 November 2012 a group of activists, including the Harmony Centre Board member, lawyer E.Krivcova, Board Member of the NGO “Union of Citizens and Non-Citizens” V.Sokolovs and Aleksandrs Gaponenko, director of European Research Centre, allegedly one of the initiators of the referendum on Russian as a second language and closely associated with V.Linderman’s “Native Language” announced about the establishment of a public movement “Non-citizen congress” (NC) aimed at seeking the representation of non-citizens at a local, national and international level and doing away with the phenomenon of non-citizenship.¹⁶⁷ The activists allege that the congress has been formed as a reaction to the decision of the Central Election Commission not to announce the second stage of signature collection concerning the amendments to the Citizenship Law that envisaged automatic granting of citizenship to all non-citizens.

As of 15 March, 2013 1,852 persons had registered at the NC’s webpage www.kongress.lv, the majority representing Riga and the Riga Region (1,246). Thus far, there has been limited activity from other regions in Latvia, including Latgale (167).¹⁶⁸ In accordance with the draft rules of the NC, any person who supports the aims of the NC, permanently resides in Latvia or is a Latvian citizen or non-citizen may become an NC member.¹⁶⁹ In the end of 2012, 64% of the registered individuals were non-citizens, 31% - citizens of Latvia and 5% - citizens of other countries.¹⁷⁰ The foundation meeting of the non-citizen congress took place on 23 March, 2013.

In parallel with the municipal elections to be held in Latvia on 1 June 2013, the NC announced it would organise the elections to the *Parliament of the Unrepresented* (by electing 30 representatives). The elections are planned to be held via the internet and

¹⁶⁶ LETA (20.09.2012.) Deputies will not Evaluate HC proposal about the “rights” of non-citizens (*Deputāti nevērtēs SC ierosinājumu par nepilsoņu „tiesībām”*), at :

http://www.tvnet.lv/zinas/latvija/436752-deputati_nevertes_sc_ierosinajumu_par_nepilsonu_tiesibam

¹⁶⁷ Aktīvistu grupas paziņojums par Latvijas Nepilsoņu Kongresa organizāciju (Announcement of the Group of Activists about the organisation of Latvia’s Non-Citizen Congress (20.11.2012.), at:

<http://kongress.lv/lv/material/10>

¹⁶⁸ See <http://kongress.lv/lv>

¹⁶⁹ Projekts „Nepilsoņu Kongresa nolikums” (05.03.2013.), pieejams: <http://kongress.lv/lv/material/180>

¹⁷⁰ Information provided by representative of Non-Citizen Congress on 10 March 2013.

in polling stations in several cities. ¹⁷¹ Latvia's non-citizens, citizens and permanent residents will have the right to participate in the elections, while the right to be elected will rest with the citizens and non-citizens, and 2/3 of the parliament will consist of non-citizens. ¹⁷² The parliament is being envisaged as a platform for discussing and elaborating solutions to the problem of non-citizenry. The action plan of the congress foresees the development of co-operation with municipalities and parliament by nominating representatives to work in the commissions, drawing the attention of international organisations to the problem of non-citizens, maintaining contacts with non-citizen organisations in Estonia, setting-up a "School of People's Lobby", running information campaigns and organising mass protest actions.

Economic participation

There is a significant lack of information about the situation of persons belonging to ethnic minorities, including migrants, in employment. The data of the State Employment Agency include statistical information about individuals officially registered as unemployed and their ethnicity. Categories such as race, native language, religion or belief of the unemployed are not registered.

Table: Officially registered unemployed disaggregated by ethnicity

	2010		2011		2011 Census	2012	
	% of the unemployed (31.05.2010)	% of the total population (01.07.2010)	% of the unemployed (31.06.2011)	% of the total population (01.07.2011)	% of the total population (01.03.2011)	% of the unemployed (31.01.2012)	% of the total population (01.01.2012)
Latvian	54,7	59,5	53,6	59,5	62,1	53,8	59,5
Russian	28,9	27,5	29,4	27,3	26,9	29,2	27,2
Belarusian	3,2	3,5	3,2	3,5	3,3	3,1	3,5
Ukrainian	2,3	2,5	2,3	2,4	2,2	2,1	2,4
Polish	1,8	2,3	1,9	2,3	2,2	1,9	2,3
Lithuanian	1,3	1,3	1,3	1,3	1,2	1,3	1,3

¹⁷¹ Projekts „sabiedriskās kustības „Nepilsoņu kongress” rīcības plāns” 2013. gada marts-decembris (05.03.2013.), pieejams: <http://kongress.lv/lv/material/182>

¹⁷² Projekts „Nepilsoņu Kongresa nolikums” (05.03.2013.), pieejams: <http://kongress.lv/lv/material/180>

Jewish	0,1	0,4	0,1	0,4	0,3	0,1	0,4
Roma	0,5	0,4	0,7	0,4	0,3	0,7	0,4
Other	1,0	1,4	0,9	1,5	1,2	0,9	1,5
No ethnicity indicated	6,2	1,2	6,6	1,4	0,3	6,8	1,5

Source: State Employment Agency;¹⁷³ Population Register (*Iedzīvotāju reģistrs*);¹⁷⁴ Central Statistical Bureau¹⁷⁵

The data of the SEA continues to show some disparities between unemployment levels of ethnic Latvians and ethnic minorities. These disparities are greater when unemployment figures are compared with the data of the 2011 Population Census. The share of ethnic Latvians among the total population is 62%, while among the unemployed it is around 53% in 2011-2012. The share of ethnic Roma among the unemployed (0,7%) more than twice exceeding the share of ethnic Roma among the general population. Ethnic Russians show slightly higher share among the unemployed (29%) compared to their share among the population (27%). The share of people who chose not to disclose their ethnic affiliation is higher among the unemployed (7%) than among the general population (0,3% according to the Census and 1,5% according to the Population Register). The number of people choosing not to disclose ethnic affiliation when looking for a job has increased significantly during the crisis: from 2,257 on 31 August 2008¹⁷⁶ to 9,001 on 31 January 2012.¹⁷⁷ As earlier research studies show that minorities may be exposed to greater inequalities in the labour market, the representatives of ethnic minorities may form a significant part of those not declaring their ethnicity.

Although, for several years, the State Employment Agency (SEA) provides unemployed persons Latvian language courses within the state funded informal

¹⁷³ State Employment Agency (*Nodarbinātības valsts aģentūra*), 'Izvērstā statistika par bezdarba situāciju Latvijā un reģionos', available at: www.nva.gov.lv/docs/19_4e3fd463c43699.66186007.xls; and www.nva.gov.lv/docs/17_4f857d94e6a827.75109829.xls.

¹⁷⁴ Population Register (*Iedzīvotāju reģistrs*), 'Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības' (as of 1 July 2011), available at: www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISVN_Latvija_pec_TTB_VPD.pdf; and (as of 1 January 2012), available at: www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVN_Latvija_pec_TTB_VPD.pdf.

¹⁷⁵ Central Statistical Bureau (*Centrālā statistikas pārvalde*), 'Skaitliski lielāko tautību pārstāvju skaits un atsevišķu tautību īpatsvars iedzīvotāju kopskaitā', available at: www.csb.gov.lv/notikumi/par-2011-gada-tautas-skaitisanas-galvenajiem-provizoriskajiem-rezultatiem-33305.html.

¹⁷⁶ State Employment Agency (*Nodarbinātības valsts aģentūra*), 'Izvērstā statistika par bezdarba situāciju Latvijā un rajonos', available at: www.nva.gov.lv/docs/11_49a7e2866c66c8.47340538.xls.

¹⁷⁷ State Employment Agency (*Nodarbinātības valsts aģentūra*), 'Izvērstā statistika par bezdarba situāciju Latvijā un rajonos', available at: http://www.nva.gov.lv/docs/17_4f857d94e6a827.75109829.xls.

education program “State language learning” (120 hours)¹⁷⁸, the demand for courses among unemployed persons sufficiently exceeds the offer. As of 31 October 2012, 11,178 unemployed persons were registered for the SEA’s state language courses which is 2,5 times more than the number of places available for courses in 2012 (4,525). The majority of applicants want to learn Latvia at the lowest (4,615) or intermediate level (4,428).¹⁷⁹ In 2011, 4,551 unemployed persons attended Latvian language training courses, the majority were from Riga Region (2,480) and Latgale (1,045).¹⁸⁰ During the first ten months of 2012, 3,682 persons, mostly aged 45-59, attended Latvian language training.¹⁸¹ According to the SEA, more than 80% of persons who finish the courses pass the state language exam and receive a certificate (84% in 2010, 82% in 2011, 81% in 11 months of 2012.)¹⁸² In recent years, free-of-charge Latvian language courses have been made available by some municipalities, e.g., since 2011 in Riga¹⁸³ and since 2012 in Daugavpils.¹⁸⁴

In February 2012, discussions on granting state funding for Latvian language courses for adults was renewed in connection with the referendum on Russian as a second language. The Cabinet of Ministers allocated the Society Integration Foundation LVL 143,000 (204,285 EUR) for the programme “Latvian Language Learning for Adults” in 2012 as funding had been discontinued from 2009 due to economic crises. Around 2,000 persons will be able to attend the Latvian language courses.¹⁸⁵

Roma social economic participation

The data of the State Employment Agency of the Ministry of Welfare includes statistical information about individuals officially registered as unemployed and their declared ethnicity.¹⁸⁶ These data shows that the share of ethnic Roma among the unemployed (0,5-0,8%) is consistently higher than the share of ethnic Roma among the total population (0,4%).

¹⁷⁸ Funding for SEA informal education program „State language learning” in 2008 was lvl 242 343 (1187 unemployed persons involved), in 2009– lvl 425 064 (1727 unemployed persons involved), in 2010 – LVL 2 395 259 (8339 unemployed persons involved), in 2011 – lvl 1 359 083 (4551 unemployed persons involved), in 2012 – lvl 1 679 995 (planned to involve 4525 unemployed persons).

¹⁷⁹ Letter from the State Employment Agency Nr, 4.3.-01 (06.12.2012.)

¹⁸⁰ News agency LETA (01.03.2012.) 9484 unemployed persons are waiting for Latvian language courses Available at: http://www.tvnet.lv/zinas/latvija/412870-uz_nva_latviesu_valodas_kursiem_gaida_9484_bezdarbnieki

¹⁸¹ Aged 15-19 – 35 persons, 20-24 – 178, 25-29 – 319, 30-34 – 359, 35-39 – 464, 40-44 – 475, 45-49 – 559, 50-54 – 649, 55-59 – 573, 60 and more – 114. Letter from the State Employment Agency Nr, 4.3.-01 (06.12.2012.)

¹⁸² Letter from the State Employment Agency Nr, 4.3.-01 (06.12.2012.)

¹⁸³ In 2011, Riga City Council granted lvl 30,000 for Latvian language courses for 500 residents of Riga. In 2012, 165 000 were granted for two courses „Conduction and implementation of Latvian language learning courses for Riga residents” un „Improvement of Latvian language proficiency for fulfilment of Professional duties” (courses for workers of preschools and police workers) for 2 700 persons. Available at: <http://www.iksd.riga.lv/public/45124.html>

¹⁸⁴ In March 2012, Daugavpils City Council granted lvl 9985 for courses for 300 residents. Available at: <http://www.daugavpils.lv/lv/47/read/2158>

¹⁸⁵ Society Integration Foundation (15.08.2012.) *Latvian language learning for adults 2012.* . Available at: http://sif.lv/index.php?option=com_content&view=article&id=7706&Itemid=155&lang=lv

¹⁸⁶ State Employment Agency (Nodarbinātības Valsts Aģentūra), *Information Letter 5-04/2926* , 20 August 2012

According to the Ministry of Welfare,¹⁸⁷ among 846 ethnic Roma registered with the State Employment Agency as unemployed on 31 July 2012, more than a half are women (501, or 59,22%). The biggest age group among unemployed Roma is 40-44 years old (122 persons, or 14, 4%); both among men and women this age category represents the biggest group. 60,5% of unemployed Roma have education level lower than primary (both men and women). The majority of unemployed Roma studied in schools with Latvian language of instruction (504 persons, or 59,6%), while among those who studied in schools with language of instruction other than Latvian (342 persons, or 40,4%), the majority (268 persons, or 31,7%) do not have the Latvian language proficiency certificate, which is a legal requirement for full access to the labour market. Regarding the length of unemployment, the biggest group is 1-3 years (37,6%).

According to the information provided by the SEA and the Ministry of Welfare,¹⁸⁸ in total there were 4,172 ethnic Roma registered in various active employment measures implemented by the Agency during 2008-2011 and the first six months of 2012. Specifically, 542 ethnic Roma participants were registered in various employment measures in 2008, 921 in 2009, 947 in 2010 and 1,275 in 2011, and 487 during the first six months of 2012.¹⁸⁹ The biggest part of Roma participants were enrolled in educational measures aimed at raising their competitiveness in the labour market. Part of the measures included temporary community work, involving 199 ethnic Roma in 2008, 139 in 2009 and 184 during the first six months of 2012.

Despite various employment measures, there is no information as to how many Roma have gained employment, and Roma leaders also report that a significant number of Roma have emigrated from Latvia to seek work in other European states.

¹⁸⁷ Ministry of Welfare (Labklājības Ministrija), *Information Letter to the Latvian Centre for Human Rights* (16 August 2012)

¹⁸⁸ Ministry of Welfare (Labklājības Ministrija), *Information Letter to the Latvian Centre for Human Rights* (16 August 2012)

¹⁸⁹ State Employment Agency (Nodarbinātības Valsts Aģentūra), *Information Letter to the Latvian Centre for Human Rights Nr 5-04/2926* (20 August 2012)