

**NGO Report
on
Implementation of the Framework Convention for the Protection of
National Minorities
by the Republic of Latvia**

December 2007

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Some parts of this Report are based to a large extent on the report prepared by the Latvian Human Rights Committee in 2002 (compiled by Tatyana Bogushevitch, Alexei Dimitrov, Yuri Dubrovsky, Boris Koltchanov and Leonid Raihman, available at http://www.minelres.lv/coe/report/Latvia_NGO.htm)

PART I

1. Introduction

Minority rights have been a particularly sensitive and politically topical issue since the restoration of independence of the Republic of Latvia. Human rights were permanently high on Latvia's agenda, as the country strived to break away from its totalitarian past, embrace democratic values and standards and integrate into the western political, economic and security structures. Minority rights, although being an integral part of the general European human rights framework, proved to be particularly difficult to implement, especially taking into account concerns over the preservation of Latvian national identity and newly restored statehood. The task was made even more difficult as these concerns were constantly stirred up by a substantial part of Latvian political elite.

The Framework Convention for the Protection of National Minorities was signed by Latvia on 11 May 1995. However, the ratification of the Convention was delayed for more than ten years. The parliamentary opposition submitted the ratification bills for eight times, starting from May 2000, but the majority of the Saeima (national Parliament) always rejected it.

Main arguments against the ratification mentioned during the parliamentary debates were the following:

- the legislation of Latvia already provided sufficient protection for national minorities,
- the term "national minority" was not defined in legislation,
- ratification of this convention was not an indicator of the level of democracy and respect to human rights, as several European countries had not even signed the Convention,
- it was exclusively up to the Government to decide when the ratification of the Convention could be initiated.

To some extent, reluctance to ratify the Convention was aggravated by insufficient understanding of the nature of the Convention as a "document of principles", which leaves a broad margin of interpretation to its state parties in respect of the choice of methods of implementation of the Convention's principles. Thus, on the one hand, the ruling parties were vulnerable to misinterpretation of the Convention as if the latter would require Latvia to reduce the protection of the majority language, while, on the other hand, some minorities' activists developed unreasonable expectations as if the ratification in itself would resolve all the minority problems in Latvia.

The debate over ratification of the Convention played certain role in the Latvia's EU accession process. Although ratification is not an official standard requirement for the candidate states, it was essential in evaluation of whether Latvia met the Copenhagen criteria with regard to protection of and respect for minority rights. While interpretation of these criteria in practice was rather controversial and not always consistent, the repeated refusal to ratify the Convention somewhat marred Latvia's long-aspired entrance into the EU. EU Commission Annual Progress Report on Latvia of 2002 explicitly urged Latvia to ratify the Convention¹. The recommendation was reiterated by the European Parliament in its monitoring report on candidate countries².

¹ http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/lv_en.pdf (visited on 24 November 2007)

² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2004-0180+0+DOC+XML+V0//EN&language=EN> (visited on 2 December 2007)

The Parliamentary Assembly of the Council of Europe also recommended Latvia to ratify the Convention “as a matter of priority”, in particular, in its Resolution 1236 (2001) “Honouring of obligations and commitments by Latvia”³. The same recommendation was included into a number of documents issued by other international bodies. *Inter alia*, the OSCE High Commissioner on National Minorities in his Statement of October 2004 (HCNM.GAL/4/04) reiterated his recommendation to Latvia to ratify the Convention that “would send a positive signal to the minority community”⁴.

It should be mentioned that the state institutions had been reluctant to conduct preparatory work preceding the ratification and necessary for successful implementation of the Convention’s principles. There was also a lack of understanding within the society at large concerning necessary changes in Latvia’s legislation and their practical consequences should the principles of the Convention to be implemented. Importantly, such lack of understanding was also present within the state bodies which would be responsible for the implementation.

Finally, Latvia ratified the Framework Convention for the Protection of National Minorities on 6 June 2005 with three declarations. One of them determines the scope of application of the Framework Convention while the two other stipulate that Article 10 para.2 and Article 11 para.3 of the Framework Convention are binding insofar as they do not contradict the Constitution and other normative acts of the Republic of Latvia (see more detailed analysis of the impact of these declarations in Part II of this report). The Convention entered into force on 1 October 2005.

In this report we tried to follow the outline adopted by Committee of Ministers for state reports. Part I of this report provides general information about Latvia and its minority situation. Part II of this report takes “article by article” approach to analyse whether Latvia’s legislation and its implementation correspond to the principles envisioned in the Convention.

2. Information on the status of international law in the domestic legal order

Legal

Article 89 of the Constitution⁵ provides that the State shall recognise and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia. According to Section 13 of the Law “On International Treaties of the Republic of Latvia” of 1994⁶, if provisions of the international treaty approved by the Saeima (Parliament) do not comply with provisions of the acts of legislation of the Republic of Latvia, provisions of the international agreement are to be applied. The Section 15 of the Administrative Procedure Law of 2001⁷ stipulates that universal principles of international law and international agreements binding for Latvia are to be observed when issuing and applying administrative acts.

³<http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta01%2FERES1236.htm> (visited on 24 November 2007)

⁴<http://www.osce.org/item/14795.html> (visited on 24 November 2007)

⁵http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

⁶<http://www.likumi.lv/doc.php?id=57840&mode=KDOC> (visited on 25 November 2007)

⁷<http://www.likumi.lv/doc.php?mode=DOC&id=55567> (visited on 25 November 2007)

Therefore provisions of international treaties binding to Latvia are to be applied in judicial and administrative procedure, they are directly enforceable before the judicial and administrative authorities and take precedence over national laws, except for the Constitution (Section 16 para. 2 of the Constitutional Court Law of 1996⁸).

Implementation

In practice the courts of law frequently refer to provisions of international human rights treaties in their judgements, although sometimes provisions of treaties are interpreted improperly. However, the Supreme Court, administrative courts and the Constitutional Court try to improve this practice. Judges and state officials still have insufficient knowledge and understanding of human rights standards and their interpretation. The Latvian Judicial Training Centre⁹ is aware of the situation and holds seminars on the topic regularly.

3. Summary overview of the history.

3.1. Political history overview

The Republic of Latvia has declared its independence on 18 November 1918. Following a war for independence, Latvia has been established as a parliamentary republic, where minorities had full citizenship rights as well as enjoyed considerable protection for their cultures and languages. In May 1934, however, the democratic order has been overthrown in a bloodless coup, establishing the authoritarian dictatorship of Karlis Ulmanis, who curtailed general democratic rights as well as minority rights. As a result of so-called Molotov-Ribbentrop pact, Latvia was annexed by the USSR in 1940. Latvia declared the restoration of its independence on 4 May 1990, and regained independence de-facto in August 1991 following an abortive *coup d'état* in Moscow.

The main peculiarity of the political framework in Latvia relevant to minority protection is connected with the problem of citizenship. In October 1991 The Supreme Council (the then parliament) adopted a Resolution "On the Renewal of the Rights of Citizens of the Republic of Latvia and Fundamental Principles of Naturalisation"¹⁰ which denied automatic citizenship rights to approximately one-third of its voters, mostly ethnic non-Latvians. The Resolution was based on the strictest reading of the concept of legal continuity whereby only citizens of the pre-WWII independent Latvia and their descendants had their Latvian citizenship rights restored, while all the other permanent residents were denied automatic citizenship.

It is difficult to determine the exact number of Latvia's residents who were denied citizenship at the time of passage of the Resolution. At the beginning of 1994, when the registration of citizens was practically completed, 1,720,300 persons permanently residing in Latvia were registered as citizens. This amounted to 67.04% of total population in 1994 (2,566,200). However, Latvia's population has declined dramatically since 1990, due largely to emigration (according to the National Statistics Committee of the Republic of Latvia, 2,667,900 inhabitants resided in Latvia in 1991). Thus, about 35% of Latvia's residents, or more than 900,000 persons were denied Latvian citizenship at

⁸ <http://www.satv.tiesa.gov.lv/?lang=2&mid=9> in English (visited on 25 November 2007), <http://www.likumi.lv/doc.php?id=63354&mode=KDOC> in Latvian (visited on 15 December 2007)

⁹ <http://www.ltmc.lv/index.php?lng=2> (visited on 25 November 2007)

¹⁰ <http://www.likumi.lv/doc.php?id=69914&mode=DOC> (visited on 6 November 2007)

the time the Resolution was passed, as the 1,720,300 persons registered as citizens by 1994 constituted 64.48% of Latvia's residents in 1991¹¹.

The legal status of those persons who were not recognised as the citizens of Latvia remained undetermined until April 1995. In the meantime, a number of laws, governmental regulations, as well as municipal and departmental decrees have been adopted which limited certain rights and opportunities in different areas merely to citizens. Only in April 1995 a special Law was adopted on the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State¹² which provided these *de facto* stateless persons with a unique form of a legal status, that of "non-citizen", thus legalising their permanent adobe in Latvia. The unique legal status of non-citizens was confirmed by the Constitutional Court in 2005¹³.

Naturalisation started in 1995, when the Citizenship Law of 1994¹⁴ took effect. The process of naturalisation speeded up after the amendments approved by the referendum in October 1998 were adopted. These liberalising amendments abolished the so-called "window" system, or naturalisation timetable, which was initially included into the law as a deterrence mechanism against too speedy acquisition of citizenship by the permanent resident non-citizens who arrived in Latvia between 1940 and 1990, as well as granted citizenship by request to the babies born in Latvia after August 1991. Statistical data on the naturalisation process are available at the website of the Naturalisation Board¹⁵.

3.2. Demographic history overview

Latvia has historically been an ethnically heterogeneous country. According to the first population census conducted in the Russian empire in 1897, the population of the current territory of Latvia was 1,929 million strong. Ethnic Latvians constituted 68% of the population, the main minorities were Slavs (mostly Russians, but also Belarusians and a small number of Ukrainians) – 12%, Jews – 7.4%, Germans – 6.4%, Poles – 3.4%¹⁶.

In 1914, according to demographers' assessments, ethnically non-Latvian population constituted up to 40% of the total population of 2,6 million¹⁷. Especially strong was minority presence in urban areas: in the second largest town, Daugavpils, only 2% were ethnic Latvians by the end of XIX century¹⁸. During the World War I many residents, especially urban ones, were forced to flee the country; the total population has declined to 1,6 million and its ethnic composition has also been changed considerably. The total

¹¹ E.Vebers (ed.), *The Ethnic Situation in Latvia (Facts and Commentary)*. Riga, 1994.

¹² <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=15412> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=77481&mode=KDOC> in Latvian (visited on 6 November 2007)

¹³ Judgment of 7 March 2005 in the case No.2004-15-0106, <http://www.satv.tiesa.gov.lv/upload/2004-15-0106E.rtf> (visited on 2 December 2007)

¹⁴ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13708> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=57512&mode=KDOC> in Latvian (visited on 6 November 2007)

¹⁵ http://www.np.gov.lv/index.php?en=fakti_en&saite=statistic.htm (visited on 6 November 2007)

¹⁶ First general population census of the Russian Empire, vol.11 – Līfliandskaya gubernija, vol.19 – Kurliandskaya gubernija, 1905.

¹⁷ K.Skujenieks, *Latvieši svešumā un citas tautas Latvijā (Latvians abroad and other peoples in Latvia)*. Riga, 1930; A.Balodis, *Latvijas un latviešu tautas vēsture (History of Latvia un Latvian people)*. Riga: "Kabata", 1991.

¹⁸ *Ibid.*

population has grown to almost 2 million by 1935 and the share of minorities, though substantially decreased, remained relatively large (24%).

Latvia lost much of its population during the World War II, when many have been executed, deported or forced to flee into exile. German minority had to repatriate to the Nazi Germany on the doorstep of the war, while the Jewish and Roma minorities had suffered almost entire (90%) physical extermination during the Nazi occupation. Other groups, including ethnic Latvians and Russians, were also subject to the Nazi atrocities during the WWII and to the Soviet repressions during the forties.

During the Soviet era, a mass in-migration of predominantly Slavic population from other republics of the USSR took place, resulting, by 1989, in the share of ethnic non-Latvians increasing to 48% of the total population (2,7 million). This trend made ethnic Latvians fear possible minoritisation within Latvia.

Restoration of independence reversed this trend, and the share of ethnic Latvians within the total population has been growing ever since 1990.

Another aspect of the Soviet rule in Latvia was that the Russian language was assigned the role of *lingua franca*. State financed education in the Latvian language at all levels had been preserved; however all the non-Russian minority schools have been liquidated. Schools with the Latvian language of instruction also provided a good training in the Russian language, while the schools with the Russian language of instruction provided mandatory, but superficial and ineffective training in Latvian. These measures resulted in "asymmetric bilingualism;" when majority of Latvian-speakers were also fluent in Russian, while many Russian-speakers were monolingual speakers of Russian. In 1989, only 22.3% of ethnic Russians in Latvia had proficiency in the Latvian language¹⁹. However, after 1990 the share of persons belonging to minorities who have command in Latvian began growing. Thus, in 1995 already 55.8% of ethnic Russians claimed they were fluent in Latvian²⁰.

Another consequence of the Soviet linguistic policies was that most of non-Russian minority individuals adopted either Latvian or, more often, Russian language and became effectively assimilated into respective linguistic communities.

4. Present demographic situation

As of 1 April 2007 the population of Latvia was 2,284,871 (here and further - data of the Office of Citizenship and Migration Affairs). Of these, 1,345,363 (or 59%) were ethnic Latvians; 646,567 (or 28.3%) - ethnic Russians; 85,434 (or 3.7%) - ethnic Belarusians; 57,794 (or 2.5%) - Ukrainians; 54,831 (or 2.4%) Poles; 31,034 (or 1.4%) - Lithuanians; 10,336 (or 0.5%) - Jews. Livs (or Livonians), an autochthonous population of areas adjacent to the Gulf of Riga, now account for only 200 individuals. Among 936,527 persons belonging to national minorities 390,965 persons (or 41.7%) are "non-citizens", 41,439 (or 4.4%) are citizens of foreign states.

Table: Residents of Latvia by ethnicity and citizenship in 2007²¹

¹⁹ A.Kamenska, The state language in Latvia: Achievements, problems and prospects. Riga: Latvian Centre for Human rights and Ethnic Studies, 1995.

²⁰ I.Druviete, Latvian language policy in the context of European Union. Brief summary. Riga: Institute of the Latvian Language, Academy of Science, 1998.

²¹ http://www.np.gov.lv/index.php?en=fakti_en&saite=residents.htm (visited 20 November 2007)

Ethnicity	Citizens	Non-citizens	Foreigners	Total	%
Latvians	1345363	1851	1130	1348344	59,0%
Russians	362902	259651	24014	646567	28,3%
Belarusians	30694	52382	2358	85434	3,7 %
Ukrainians	16575	37171	4048	57794	2,5%
Poles	40807	13369	655	54831	2,4%
Lithuanians	18195	10933	1906	31034	1,4%
Jews	6540	3380	416	10336	0,5%
Estonians	1514	609	385	2508	0,1%
Other	28148	12454	6570	47172	2,1%
Total	1850616	392816	41439	2284871	100,0%

The total number of Roma in Latvia, according to the data of the Office of Citizenship and Migration Affairs, is 8559; out of them 7956 are citizens of Latvia, 572 – non-citizens, 1 stateless person and 30 foreigners²². However, some activists of Roma NGOs claim that the actual number of Roma is approximately twice bigger, as many persons belonging to Roma minority tried to avoid being registered as Roma.

In the context of general depopulation trend and permanently decreasing number of residents in Latvia, researchers note different indicators of natural increase among different ethnic groups in Latvia²³. Only for Roma is the natural increase positive, in all other groups mortality rate exceeds the birth rate. However, for ethnic Latvians absolute figures of depopulation are less than in all minority groups. Thus, in 2005 an average birth rate in Latvia was 9.3 (per 1000 residents). For ethnic Latvians it was 10.4, and for the persons belonging to minorities – 7.8, in particular, for Russians – 8.1, Ukrainians – 7, Belarusians – 5, Poles – 8, Lithuanians – 9. Similarly, the average mortality rate was 14.2, but this indicator for major ethnic groups separately: ethnic Latvians – 13.1, Russians – 15.6, all minority groups – 15.9²⁴. In other words, the demographic dynamics of minority groups is substantially more negative than for ethnic majority. Also the aging phenomenon hits minorities more substantially than majority: while average age of ethnic Latvians is 37.3, for ethnic Russians it is 40, Belarusians 45.2, Ukrainians 42.3, and Poles 42.5²⁵.

²² <http://www.pmlp.gov.lv/images/documents/06.pdf> (visited on 20 November 2007)

²³ A.Bērziņš, Iedzīvotāju etniskā sastāva izmaiņu raksturojums (Characteristics of the changes in ethnic composition of the population). In: P.Zvidriņš (ed.), Demogrāfiskā attīstība Latvijā 21.gadsimta sākumā (Demographic development of Latvia in the beginning of 21 century). Rīga, Stratēģiskās analīzes komisijas zinātniski pētnieciskie raksti (Commission of Strategic Analysis Research Papers), 3(9)/2006, pp.134-146, http://www.president.lv/images/modules/items/PDF/item_1125_Demografija_21gadsimts.pdf (visited on 15 December 2007)

²⁴ Latvian Statistics Yearbook. Riga, 2006.

²⁵ A.Bērziņš, Iedzīvotāju etniskā sastāva izmaiņu raksturojums (Characteristics of the changes in ethnic composition of the population). In: P.Zvidriņš (ed.), Demogrāfiskā attīstība Latvijā 21.gadsimta sākumā (Demographic development of Latvia in the beginning of 21 century). Rīga, Stratēģiskās analīzes komisijas zinātniski pētnieciskie raksti (Commission of Strategic Analysis Research Papers), 3(9)/2006, pp.134-146,

5. “Majority in minority” situations

In some localities in Latvia, the country’s majority population, ethnic Latvians, are in numerical minority. According to the data of the Office of Citizenship and Migration Affairs, as of 2006 such localities included the capital Riga (42.7% ethnic Latvians, 42.2% ethnic Russians), second largest town Daugavpils (17.4% ethnic Latvians, 53.8% ethnic Russians), Rezekne (44.4% ethnic Latvians, 48.8% ethnic Russians)²⁶, as well as rural districts of Daugavpils (39.8% ethnic Latvians, 37.9% ethnic Russians) and Kraslava (48.7% ethnic Latvians, 24.7% ethnic Russians)²⁷.

In last years (2000-2005) the share of ethnic Latvians has increased in all 7 major cities: Riga, Daugavpils, Jelgava, Jurmala, Liepaja, Rezekne, and Ventspils. Fastest increases were in Jelgava (3.4%, the share of ethnic Russians decreased for 2.3%) and Liepaja. Between 2000 and 2005 the share of ethnic Latvians exceeded 50% of population in the cities of Jurmala and Liepaja.

It has to be noted, however, that there are virtually no municipalities in Latvia where political parties representing only ethnic and/or linguistic minorities have acquired majority of seats in local self-Government. In other words, in no municipality in Latvia have ethnic Latvians as a group been politically marginalised. Moreover, since the bulk of ethnic non-Latvians were denied Latvian citizenship and hence voting rights both in parliamentary and local elections, Latvia’s minorities do not enjoy political representation and influence over decision-making commensurate with their numerical strength.

PART 2

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

The Republic of Latvia is a member state of the United Nations (since 17 September 1991), European Union (since 1 May 2004), Council of Europe (since 10 February 1995), Organisation for Security and Co-operation in Europe (since 10 September 1991), NATO (since 29 March 2004) and Council of the Baltic Sea States (since 6 March 1992).

Within the framework of the United Nations, Latvia is a party to a number of human rights instruments. The International Covenant on Civil and Political Rights was recognised as binding on 4 May 1990 (in force since 14 April 1992); its Optional Protocol (ratified on 28 April 1994; in force since 22 June 1994) enables to submit individual communication to the Human Rights Committee. The International Covenant on Economic, Social and Cultural Rights was recognised as binding on 4 May 1990 (in force since 14 April 1992) The International Convention on the Elimination of All Forms of

http://www.president.lv/images/modules/items/PDF/item_1125_Demografija_21gadsimts.pdf (visited on 15 December 2007)

²⁶ <http://www.pmlp.gov.lv/images/documents/3.pdf> (visited on 2 December 2007).

²⁷ http://old.csb.gov.lv/print.cfm?tem_kods=dem&datums=%7Bts%20'2005-06-29%2013%3A00%3A00'%7D (visited on 23 November 2007).

Racial Discrimination was recognised as binding on 4 May 1990 (in force since 14 April 1992); however, Latvia does not recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals according to Article 14. The Convention on the Rights of the Child was ratified on 4 September 1991 (in force since 14 April 1992). The Convention on the Prevention and Punishment of the Crime of Genocide was recognised as binding on 4 May 1990 (in force since 14 April 1992).

Latvia has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Within the framework of the Council of Europe, Latvia is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified on 4 June 1997, in force since 27 June 1997) and its Protocols (except for the Protocol No.12 and 13). It enables an individual to submit individual application to the European Court of Human Rights.

Latvia ratified the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems on 14 February 2007 (in force since 1 June 2007).

Latvia ratified the Framework Convention for the Protection of National Minorities on 6 June 2005 (in force since 1 October 2005) with three declarations. One of them determines the scope of application of the Framework Convention, while the two other stipulate that Article 10 para.2 and Article 11 para.3 of the Framework Convention are binding insofar as they do not contradict the Constitution and other normative acts of the Republic of Latvia.

Latvia signed the European Convention on Nationality on 30 May 2001, with a number of reservations, but has not ratified it to date. Latvia has not signed the Convention on the Participation of Foreigners in Public Life at Local Level and the European Charter for Regional and Minority Languages.

The principle of the rule of law and equality before the law is established by the Constitution²⁸ (Article 91 and 92). Article 91 provides that human rights shall be realised without discrimination.

Article 114 of the Constitution declares that persons belonging to minorities have the right to have the right to preserve and develop their language and their ethnic and cultural identity. The Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups of 1991²⁹ is quite out-dated, represents rather a political declaration and does not provide any effective mechanisms of judicial protection. There is no information about any case when its provisions would be invoked in court.

Conclusions

In general, the legislation of Latvia contains a number of provisions aimed at protection of national minorities at the level of Constitution and international treaties. In the meantime, different pieces of legislation are inconsistent and contradictory in terms of recognition of minorities and, in particular, minority languages. Some public statements

²⁸ http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

²⁹ http://www.minelres.lv/NationalLegislation/Latvia/Latvia_CultAut_English.htm in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=65772&mode=KDOC> in Latvian (visited on 6 November 2007)

of the Latvian authorities demonstrate lack of understanding of minority rights as an integral part of human rights. Legislative acts on the protection of minority rights are outdated and ineffective. The following measures would contribute to better minority protection:

1. To adopt the national Law on the Protection of Minority Rights based on the provisions of the Framework Convention and examples of good practice.
2. To withdraw the declarations contained in the instrument of ratification of the Framework Convention for the Protection of National Minorities.
3. To ratify as a matter of priority the Protocol No.12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.
4. To recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals according to Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.
5. To sign and ratify the European Charter for Regional and Minority Languages, the Convention on the Participation of Foreigners in Public Life at Local Level and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
6. To ratify the European Convention on Nationality with minimum number of reservations.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Latvia signed the Framework Convention for the Protection of National Minorities in 1995, but ratified it only ten years later, in 2005. In the meantime, the Saeima (Parliament) adopted the Education Law on 29 October 1998 and the State Language Law on 9 December 1999, accompanied with a number of related governmental Regulations adopted in 2000, as well as amended the Radio and Television Law on 29 October 1998. All the aforementioned laws and amendments contained the provisions that limit the scope of minority rights guaranteed, in comparison with the legal situation prior to their adoption, i.e. at the moment of signing the Framework Convention (for details, see corresponding chapters of this report).

Some of these provisions could be treated as defeating the object and purpose of the Convention, therefore the state should refrain from adopting such acts (see Article 18 of the Vienna Convention on the Law of Treaties).

The Constitutional Court of Latvia has rejected this argument in the ruling³⁰ on the linguistic proportions in the state-supported secondary education for minorities. The Court agreed that since the moment of signing the Convention, the possibilities of the persons belonging to ethnic minorities to receive education in their native language have

³⁰ Judgment of 13 May 2005 in the case No.2004-18-0106, <http://www.satv.tiesa.gov.lv/upload/2004-18-0106E.rtf> (visited on 13 August 2007)

been restricted, as at the moment of signing the Convention normative acts did not envisage mandatory teaching of certain proportion of subjects in the state language. However, even though the right of ethnic minorities to receive education in the native language envisaged in the national legal acts has been limited after the signing the Convention, the Constitutional Court ruled that the above limitation did not create obstacles for ratification of the Convention. In turn, the aim of Article 18 of the Vienna Convention, in the Court's view, is just to prevent the obstacles which make it difficult to ratify international treaties.

The Republic of Latvia included three declarations into the instrument of ratification deposited on 6 June 2005. The first of them concerns definition of national minority stating that the notion applies to the citizens of Latvia; persons, who are not citizens of Latvia and who identify themselves with a national minority that meets the definition contained in this declaration, shall enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law.

At the moment the law does not prescribe any specific exceptions. However, it remains unclear whether the non-citizens of Latvia are to be considered as persons belonging to national minorities for the purposes of defining *areas inhabited by such persons in substantial numbers* (Article 10 para.2, Article 11 para.3, Article 14 para.2). When commenting on the similar situation in Estonia, the Advisory Committee mentioned that there are areas where the Estonian declaration contributes to the prevailing legal uncertainty, including in terms of the right to use a minority language in contacts with administrative authorities³¹.

Declarations on the implementation of Article 10 para.2 and Article 11 para.3 in fact subordinate provisions of the Convention to the provisions of the Constitution and State Language Law currently in force. Therefore, effective implementation of these provisions of the Convention is not possible due to a clear contradiction between them and the provisions of the national legislation.

According to the International Law Commission, a unilateral statement formulated by a State at the time when that State expresses its consent to be bound by a treaty by which its author purports to limit the obligations imposed on it by the treaty constitutes a reservation.³² Thus, declarations on the implementation of Article 10 para.2 and Article 11 para.3 formulated by the Republic of Latvia are *de facto* reservations.

Conclusions

1. Latvia still fails to fully apply provisions of the Framework Convention in good faith. Therefore, some legislative provisions adopted after the Convention had been signed are to be amended (for more information see other parts of this report).

2. Declaration on the definition of national minority formulated by the Republic of Latvia is to be implemented in a way that non-citizens of Latvia are to be considered as persons belonging to national minorities for the purposes of defining areas inhabited by such persons in substantial numbers.

³¹ Second Opinion on Estonia adopted on 24 February 2005, ACFC/INF/OP/II(2005)001, para.26.

³² Draft guideline 1.1.5 on reservations to treaties, Official Records of the General Assembly, Sixty-second Session, Supplement No. 10 (A/62/10), p.47, <http://untreaty.un.org/ilc/reports/2007/2007report.htm> (visited on 15 December 2007)

3. Declarations on the implementation of Article 10 para.2 and Article 11 para.3 formulated by the Republic of Latvia are to be considered reservations within the meaning of the Vienna Convention on the Law of Treaties.

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Legal

Article 114 of the Constitution³³ states that persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity, while Article 91 stipulates that all persons are equal before the law and human rights shall be realised without discrimination. The Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups of 1991³⁴ guarantees any citizen or permanent resident of Latvia the right to declare his/her ethnicity according to his/her ethnic self-identification or background in the order prescribed by law (Section 2).

Under act of ratification of the Framework Convention, the notion "national minorities" shall apply to citizens of Latvia who differ from Latvians in terms of their culture, religion or language, who have traditionally lived in Latvia for generations and consider themselves to belong to the State and society of Latvia, and who wish to preserve and develop their culture, religion or language. Persons who are not citizens of Latvia or another State but who permanently and legally reside in the Republic of Latvia, who do not belong to a national minority within the meaning of the Framework Convention as defined in this declaration, but who identify themselves with a national minority that meets the definition contained in this declaration, shall enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law.

There is no official interpretation of this definition. There could be debates on the status of some ethnic groups, e.g. Ukrainians (2.5% of the total population) as regards the requirement of living "for generations" (an overwhelming majority of ethnic Ukrainians moved to Latvia after 1940). See also information on non-citizens belonging to minorities in the chapter under Article 2.

One's ethnicity is recorded in the state database – the Population Register (the Population Register Law of 1998³⁵, Section 10 para.1 subpara.9). Such record is mandatory, even for newborn babies - their ethnicity record is the same as one of their parents. If the parents

³³ http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

³⁴ http://www.minelres.lv/NationalLegislation/Latvia/Latvia_CultAut_English.htm in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=65772&mode=KDOC> in Latvian (visited on 6 November 2007)

³⁵ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13851> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=49641&mode=KDOC> in Latvian (visited on 6 November 2007)

have different ethnicity registered, they must choose one of them for their baby. The Personal Data Protection Law of 2000³⁶, however, qualifies information about one's ethnicity as sensitive data (Section 2) and imposes certain restrictions for access to such information.

Before 2002 every passport contained the obligatory record of its holder's ethnicity. The mandatory registration of ethnicity in IDs had been abolished in 2002, when the Personal Identification Documents Law of 2002³⁷ came into force. Since then, ethnicity record is optional and possible under request of the holder (Section 5 para.4).

The Law on the Change of a Given Name, Surname and Ethnicity Record of 1994³⁸ establishes the "blood" principle of ethnic determination, whereby ethnicity is traced back to an individual's predecessors. Individuals seeking to change their ethnicity record are required to provide evidence that an ancestor was of the desired ethnicity (Section 11 para.1). When changing to Latvian ethnicity, the applicant must also prove his/her command of the state language (Section 11 para.2). The reason of such differential treatment is apparently related to some privileges for ethnic Latvians and Livs under the Citizenship Law³⁹ and Repatriation Law⁴⁰, as well as to the fear that persons having little to do with ethnic Latvian identity will formally join the majority group. This provision may be interpreted as implicitly indicating that formal belonging to ethnic Latvian group implies certain benefits, even if this is not explicitly established in law.

In September 2007 Latvian media reported about the draft new Law on the Change of a Given Name, Surname and Ethnicity Record prepared by the Government. The main idea of the draft is to reduce the age of a person entitled to apply for changing name, surname and ethnicity from 16 to 15. Besides, the draft reportedly suggested abolishing the aforementioned requirement to present the Latvian language proficiency certificate when changing ethnicity to Latvian⁴¹. The draft also stipulates increase of the fee for the change of name, surname or ethnicity from current 20 Lats (approximately 29 EUR) to 50 Lats (approximately 70 EUR); however, the persons wishing to change their ethnicity to "Liv" will be exempted from the fee⁴². According to the draft, one is entitled to change ethnicity only once. At the moment of preparing this report the draft was not yet submitted to the Saeima (Parliament).

Implementation

It should be mentioned that the Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups of 1991, which is often mentioned as an evidence of the high level of minority protection, is clearly outdated and based on Soviet-time approach and terminology hardly compatible with the basic

³⁶ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=15643> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=4042&mode=KDOC> in Latvian (visited on 6 November 2007)

³⁷ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13855> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=62793&mode=KDOC> in Latvian (visited on 6 November 2007)

³⁸ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=15820> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=57418&mode=KDOC> in Latvian (visited on 6 November 2007)

³⁹ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13708> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=57512&mode=KDOC> in Latvian (visited on 6 November 2007)

⁴⁰ <http://www.likumi.lv/doc.php?id=37187&mode=KDOC> (visited on 6 November 2007).

⁴¹ "Vesti Segodnja", 28 September 2007, <http://www.ves.lv/vs/review/26690> (visited on 6 November 2007).

⁴² <http://www.delfi.lv/archive/article.php?id=19056934&ndate=1190840400&categoryID=193> (visited on 6 November 2007)

concepts of the Framework Convention. No sub-legal normative acts (regulations) have been ever adopted to clarify the procedures for application of this law's provisions, and in fact this law has never been applied (and is not applicable) in practice. Therefore, this law is rather a political declaration.

Mandatory ethnicity record remained in the legislation of Latvia since the Soviet period. Person's ethnicity was to be recorded into citizens' and non-citizens' passports issued according to governmental regulations on IDs previously in force. Recommendation of the OSCE High Commissioner on National Minorities expressed in November 1996⁴³ concerning voluntary inclusion of information on ethnicity initially caused reserved reaction of the Latvian Government⁴⁴ and was finally implemented only in 2002. However, information about one's ethnicity is still popular in CVs and different questionnaires, besides the mandatory entry in the Population Registry mentioned above.

The citizenship problem provides an additional source of controversy over the notion of minority in Latvia. Among those individuals who identify themselves as ethnic non-Latvians 43% are still *de facto* stateless non-citizens by April 2007⁴⁵. Refusal to recognise Latvia's non-citizens as persons belonging to minorities might have a negative effect on the implementation of the Framework Convention provisions, particularly those referring to "substantial numbers" of such persons and "sufficient demand" made by them.

Factual

Because of the formal rules stipulating mandatory ethnicity record in the Population Registry mentioned above, there is no sufficiently reliable data concerning ethnic self-determination. The Central Statistical Bureau even used data by the Population Registry when publishing results of the Population Census 2000, although there was a question about ethnic self-determination in the Census questionnaire.⁴⁶ However, the available data on ethnic self-determination demonstrates that the number of ethnic Latvians by self-determination is slightly higher (+1.8%) than one according to information in the Population Registry in 2000. The number of persons belonging to ethnic minorities is, in turn, lower (-0.6% for ethnic Russians, -0.4% for ethnic Belarusians and Ukrainians). 1.3% of the population chose ethnic origin not suggested in the questionnaire or refused to answer the question.

Another demographer who compared the statistics based on ethnicity records in personal documents with the data of the population census discovered the highest level of correspondence between these two indicators for ethnic Latvians – 98.7. Meanwhile, for ethnic Russians this indicator was 96.4%, Roma – 93.1%, Jews – 91.0%, Tatars – 89.2%, Lithuanians – 87.7%, Poles – 85.5%, Ukrainians – 85.8%, Germans – 85.8%⁴⁷. 0.8% of the persons who were registered in personal documents as ethnic Latvians indicated their Russian identity in the census. On the contrary, 2.2% of those who were officially registered as ethnic Russians claimed to be ethnic Latvians (0.4% - Belarusians, 0.2% - Poles, 0.2% - Ukrainians). 8.5% of all "official" Lithuanians, 5.0% of Poles, 2.5% of

⁴³ <http://www.minelres.lv/count/latvia/961121r.htm> (visited on 6 November 2007)

⁴⁴ <http://www.minelres.lv/count/latvia/970227a.htm> (visited on 6 November 2007)

⁴⁵ http://www.np.gov.lv/index.php?en=fakti_en&saite=residents.htm (visited on 6 November 2007)

⁴⁶ Zvidriņš P.(ed.) *Kādi mēs šeit, Latvijā, esam (What we are here in Latvia)*. "Latvijas Vestnesis" ("The Latvian Herald"), No.183, 30 December 2003.

⁴⁷ A.Bērziņš, Iedzīvotāju etniskā sastāva izmaiņu raksturojums (Characteristics of the changes in ethnic composition of the population). In: P.Zvidriņš (ed.), *Demogrāfiskā attīstība Latvijā 21.gadsimta sākumā (Demographic development of Latvia in the beginning of 21 century)*. Rīga, Stratēģiskās analīzes komisijas zinātniski pētnieciskie raksti (Commission of Strategic Analysis Research Papers), 3(9)/2006, pp.134-146, http://www.president.lv/images/modules/items/PDF/item_1125_Demografija_21gadsimts.pdf (visited on 15 December 2007)

Belarusians considered themselves ethnic Latvians. In the meantime, 10.3% of “official” Ukrainians, 8.9% of Belarusians, 5.6% of Poles claimed to be ethnic Russians⁴⁸.

The researcher explains these discrepancies with the high level of ethnically mixed marriages, as well as certain assimilation trends. However, they also highlight deficiencies in the system of registration ethnicity and collection of ethnic data, which is not yet fully based on the principle of free choice and respect to a person’s self-identification.

Certain controversy surrounds identity of indigenous population of Latgale (Latgola, a region of Eastern Latvia). Latgalian is a Baltic language closely related to Latvian and Lithuanian, although the exact nature of this “closeness” is under debate: some Latgalian language activists claim it is a separate, independent language, while many Latvian linguists claim it is a regional dialect of Latvian.

The Latgalian language dates back to the 12th century, and at the beginning of the XX century Latgalian, just like Latvian itself, did not have an official status, although books and periodicals were published in both languages. During the first parliamentary era (1920-1934) Latgalian functioned alongside Latvian in Latgale, was taught at schools there, was used in media and publications. During the dictatorship of Kārlis Ulmanis (1934-1940) Latgalian lost its status and Latgalians were expected to completely assimilate into the mainstream Latvian culture. At the beginning of the Soviet rule Latgalian was recognised as one of the Baltic languages and used in regional newspapers, but since the sixties was completely abandoned in favour of Latvian. On history, grammar and specificity of Latgalian one could consult, in particular, corresponding websites⁴⁹.

Currently, Latgalian has a dubious legal status: while the state does not accept this language in public administration or as a mean of instruction in schools, Latgalian written language is acknowledged as a “historical form of Latvian language” and state support to its preservation and development has been declared (Section 3 para.4 of the State Language Law⁵⁰). About 150,000 individuals still speak Latgalian as a mother tongue. Part of the Latgalian population also claims to have a separate ethnic identity, different from Latvian. However, these claims are dismissed by the state and since the restoration of independence no individual has been registered as an ethnic Latgalian.

The following case is illustrative in respect of the controversy over the Latgalian language mentioned above. On 12 January 2007, Jānis Tutins, MP elected in Rezekne (Latgale region), made a speech in the Latgalian language at the parliamentary plenary session. This was the first precedent of the kind after the renewal of the Saeima’s work. Janis Tutins presented draft amendments to the Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia’s National and Ethnic Groups of 1991 which, *inter alia*, aimed at recognising Latgalian identity. He expressed concerns about disappearing Latgalian language and culture and assumed that the young generation will forget this language in 15 years unless real support is provided for its survival. Jānis Tutins received an oral warning from the speaker who reminded that the official language for the parliamentary procedure is Latvian, and asked Mr Tutins “not to continue such a practice in future”⁵¹.

⁴⁸ Ibid.

⁴⁹ <http://latgola.lv/voluda/> (visited on 6 November 2007)

⁵⁰ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007)

⁵¹ Transcript of the Saeima’s plenary session, <http://www.saeima.lv/steno/Saeima9/070111/st070111.htm> (visited on 6 November 2007)

In October 1999 the Minister for Justice was asked by one of the parliamentary factions about the ethnicity record in the CVs of the candidates to the judge positions. According to the law, all judges are approved by the Saeima (Parliament), and in virtually all CVs submitted to the Saeima the candidates' ethnicity (practically only 'ethnic Latvian', with very few exceptions) was mentioned. According to the reply, mentioning ethnicity in judge candidates' CV was not made mandatory by any of the official regulations, yet, the Ministry of Justice simply "used to pass on MPs all data the candidate decides to mention him/herself". However, it should be mentioned that in the recent years ethnicity is more rarely mentioned in CVs.

Conclusions

The Constitution and Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups provide for ethnic self-determination based on ethnic identity for any citizen or non-citizen of Latvia. In the meantime, the right freely to choose to be treated or not to be treated as person belonging to national minority is limited by other pieces of legislation (notably the Population Register Law and the Law on the Change of a Given Name, Surname and Ethnicity Record) which maintain "blood" principle of ethnic determination and, in some cases, mandatory ethnicity record. The following measures would contribute to better minority protection:

1. To effectively provide an opportunity to be treated as a person belonging to national minority for any citizen and non-citizen of Latvia on the basis of his/her ethnic self-identification.
2. To exclude provisions concerning mandatory ethnicity record from all acts of legislation.
3. To obtain reliable data on ethnic self-determination of the population only by the population census; to provide effective methodology and adequate sensitive data protection for this purpose.

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.

Paragraph 1

Legal

Article 91 of the Constitution⁵² contains a general equality clause stating that all persons in Latvia shall be equal before the law and the courts; human rights shall be realised

⁵² http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

without discrimination of any kind. Article 92 states that “Everyone has the right to defend his or her rights and lawful interests in a fair court”.

These principles are further elaborated in a number of laws. The Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia’s National and Ethnic Groups of 1991⁵³ declares that the residents of the Republic of Latvia, regardless of their national (ethnic) origin, are entitled to equal human rights which correspond to international standards (Section 1). Section 3 of the law specifically provides for equality in the employment sphere.

Section 4 para. 2 of the Judicial Powers Law of 1992⁵⁴ provides that judgements shall be delivered by the court irrespective of person’s origin, social or property status, race and ethnicity, gender, education, language, religious affiliation, type and nature of occupation, place of residence, political or other views. Similar provisions are included into the Administrative Procedure Law of 2001⁵⁵ (Section 6) and Criminal Procedure Law of 2005⁵⁶ (Section 8).

Section 7 of the Labour Law of 2001⁵⁷ provides that everyone has equal rights to employment, fair, safe and healthy working conditions, as well as to fair remuneration for work; these rights have to be ensured without any direct or indirect discrimination based on person’s race, colour, gender, age, disability, religious, political or other opinions, national (ethnic) or social origin, property and family status, sexual orientation and other circumstances. This principle applies also to the state civil service (Section 2 para.4 of the State Civil Service Law of 2000⁵⁸).

Section 3 of the Education Law of 1998⁵⁹ provides that every citizen of the Republic of Latvia, every person who has the right to a non-citizen’s passport issued by Latvia, every person to whom a permanent residence permit has been issued, as well as citizens of the European Union states to whom temporary residence permits have been issued, and their children have equal rights to receive education regardless of property and social status, race, ethnicity, gender, religious or political opinions, health condition, occupation and place of residence.

The same principle of non-discrimination was included in the Section 3 para.2 of the Protection of the Rights of the Child Law by amendments adopted in 2005⁶⁰.

The Law on Social Security of 1995⁶¹ was amended in 2006 to introduce the Section 21 stipulating prohibition of differential treatment on the basis of, *inter alia*, race, skin

⁵³ http://www.minelres.lv/NationalLegislation/Latvia/Latvia_CultAut_English.htm in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=65772&mode=KDOC> in Latvian (visited on 6 November 2007)

⁵⁴ <http://www.likumi.lv/doc.php?id=62847&mode=KDOC> (visited on 6 November 2007)

⁵⁵ <http://www.likumi.lv/doc.php?mode=DOC&id=55567> (visited on 25 November 2007)

⁵⁶ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=15650> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=107820&mode=DOC> in Latvian (visited on 15 December 2007)

⁵⁷ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13779> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=26019&mode=KDOC> in Latvian (visited on 6 November 2007)

⁵⁸ <http://www.likumi.lv/doc.php?id=10944&mode=KDOC> (visited on 6 November 2007)

⁵⁹ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

⁶⁰ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13749> in English (visited on 16 November 2007), <http://www.likumi.lv/doc.php?id=49096&mode=KDOC> in Latvian (visited on 16 November 2007)

⁶¹ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=15902> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=36850&mode=KDOC> in Latvian (visited on 6 November 2007)

colour, national origin, etc. In November 2007 the Cabinet of Ministers submitted to the Saeima (Parliament) amendment to this provision suggesting to explicitly add “ethnic belonging” to the list of prohibited grounds for differential treatment⁶².

The Advertising Law of 1999⁶³ prohibits commercials which contain call for discrimination of the person on the basis of, *inter alia*, race, skin colour, national or social origin (Section 4 para.2 subpara.1).

The Latvian Administrative Violations Code of 1985⁶⁴ envisages fines for discrimination prohibited by the acts of legislation from 100 Lats (approximately 143 EUR) till 500 Lats or approximately 715 EUR (Section 204.17, wording adopted on 21 June 2007).

The Criminal Law of 1998⁶⁵ envisages fines for repeated (within one year) discrimination on the basis of racial or ethnic origin or other discrimination prohibited by law, but for the same deeds under aggravating circumstances (i.e. if it caused substantial damage, or connected with violence, deception or threat, or perpetrated by a group of persons or by state’s civil servant, etc.) more serious punishment is envisaged – up to 2 years imprisonment (Section 149¹, wording adopted on 21 June 2007).

It should be mentioned that the data on, *inter alia*, person’s race and ethnic origin are regarded as sensitive data by the Personal Data Protection Law of 2000⁶⁶ which prohibits the processing of sensitive personal data except with the consent of the data subject and for limited other purposes, e.g. for protection of one’s life or health, court proceedings, etc. (Section 11).

Besides, the Government has elaborated amendments to the Civil Law and the Consumer Rights Protection Law in order to transpose the EU Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin in the field of supply of goods and services. However, the drafts remain pending for a long time, as there is no consensus among MPs on the necessity to limit the freedom of contracts for combating discrimination.

The initial idea of adoption of a single Anti-Discrimination Law incorporating not only provisions of the EU law but also those of the International Convention on the Elimination of All Forms of Racial Discrimination was rejected as being too wide in scope.

Procedural provisions were amended during transposition of the EU law. Thus, Section 29 of the Labour Law puts the burden of proof on the employer in the cases concerning differential treatment on the grounds, *inter alia*, of race and ethnic origin. Such principle is not applicable in other civil cases until draft amendments to the Civil Law are adopted and come into force. As yet, the burden of proof is put on the plaintiff (Section 93 of the Civil Procedure Law of 1998⁶⁷). The Administrative Procedure Law of 2001⁶⁸ envisages

⁶² Doc. Nr.530/Lp9, http://www.saeima.lv/saeima9/lasa?dd=LP0530_0 (visited on 15 December 2007)

⁶³ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13722> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=163&mode=KDOC> in Latvian (visited on 6 November 2007)

⁶⁴ <http://www.likumi.lv/doc.php?id=89648&mode=KDOC> (visited on 6 November 2007)

⁶⁵ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13709> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=88966&mode=KDOC> in Latvian (visited on 6 November 2007)

⁶⁶ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=15643> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=4042&mode=KDOC> in Latvian (visited on 6 November 2007).

⁶⁷ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13720> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50500&mode=KDOC> in Latvian (visited on 6 November 2007).

⁶⁸ <http://www.likumi.lv/doc.php?mode=DOC&id=55567> (visited on 25 November 2007)

the principle of objective investigation in the administrative procedure (Section 103), therefore the burden of proof is not put on the plaintiff.

In July 2005 the Law on the National Human Rights Office (NHRO) was amended in order to make it responsible for implementation of the EU anti-discrimination law in Latvia. In 2007 the NHRO was transformed into the Ombudsman Office under the new Ombudsman Law of 2006⁶⁹. It is responsible, *inter alia*, for combating discrimination (Section 11). The Anti-Discrimination Department of the Ombudsman Office is entitled to bring an action before a court on behalf of a victim in cases concerning discrimination (Section 13). At the political level, the Secretariat of the Minister for Special Assignments for Society Integration Affairs is responsible for anti-discrimination policy (however, the Department of the European Anti-Discrimination Policy has been closed recently).

See also relevant information in the chapter on Article 6 of this report.

Implementation

As mentioned above, the specificity of the situation in Latvia is largely determined by the high share of the so called non-citizens among the population, i.e. of those persons who were not recognized as the citizens of the Republic of Latvia under the Supreme Council Resolution of 15 October 1991 "On the Renewal of the Rights of Citizens of the Republic of Latvia and Fundamental Principles of Naturalisation"⁷⁰. Thus, restrictions imposed on various rights and opportunities of aliens in the case of Latvia primarily and predominantly affect not foreigners and recent immigrants but the persons who were lawful residents prior to the restoration of independence, as a rule, in two or three generations and who should qualify as belonging to national minorities even according to the declaration made by Latvia upon ratification of the Framework Convention.

Besides, the linguistic aspect is very substantial in the context of ensuring equality of the persons belonging to national minorities. According to results of the 2000 Population Census, 58.2% of the population claimed Latvian, 39.6% - Russian and 2.2% - other language as their mother tongue. Latvian is a mother tongue for 95.6% of ethnic Latvians. Russian is a mother tongue not only for ethnic Russians, but also a big part of ethnic Jews (79.1%), Belarusians (72.8%), Ukrainians (67.8%) and Poles (57.7%).⁷¹

In the meantime, the Russian language is defined as just a foreign language by law (see below), while Latvian is the only state language. Thus, in a number of cases the state language proficiency requirements adversely and disproportionately affect the persons belonging to national minorities.

Different acts of legislation require a person to be the citizen of Latvia and/or to have the state language proficiency certificate for employment, participation in public life, etc. Because of the circumstances mentioned above, a big part of persons belonging to national minorities do not fulfil these requirements. According to the data of the Population Register (as of 1 April 2007⁷²), 431,274 persons (46%) out of 936,527 ethnic non-Latvian residents do not have the citizenship of the Republic of Latvia. Most of these individuals (390,965) do not have the citizenship of any state, but they are not recognised by Latvian authorities as stateless. The Law on the Status of those Former U.S.S.R.

⁶⁹ <http://www.ttc.lv/index.php?id=10&l=LV&seid=down&itid=15639> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=133535&mode=DOC> in Latvian (visited on 6 November 2007).

⁷⁰ <http://www.likumi.lv/doc.php?id=69914&mode=DOC> (visited on 6 November 2007)

⁷¹ Valsts valodas politikas pamatnostādnes 2005.-2014.gadam (Guidelines of the State Language Policy for 2005-2014). Riga, 2005, p.8. Available at http://vva.valoda.lv/doc_upl/VVA.pdf (visited on 6 December 2007)

⁷² http://www.np.gov.lv/index.php?en=fakti_en&saite=residents.htm (visited on 6 November 2007)

Citizens who do not have the Citizenship of Latvia or that of any Other State⁷³ provided them with a unique form of a legal status, that of “non-citizen”, thus legalising their permanent adobe in Latvia and safeguarding a number of their rights, including the right not to be expelled from Latvia and the right to a special ID (non-citizen’s passport) issued by the Republic of Latvia.

In the meantime, a number of legal acts reserve certain rights and opportunities to citizens only, including political rights (e.g. the right to participate in national and local elections and to form political parties), social and economic rights (e.g. property rights, the right to work in a number of professions, both in the state and the private sector, and the right to receive some benefits)⁷⁴. An analysis of these restrictions conducted by the National Human Rights Office (NHRO) in 1996⁷⁵ concluded that ten of them were contrary to both the Constitution and the International Covenant on Civil and Political Rights. Some of the restrictions have been abolished since then, mostly in the field of social security and welfare. Meanwhile, some new restrictions have been introduced, in particular, in the field of occupation. The absence of even passive voting rights for non-citizens in municipal elections remain one of the most topical issues in this respect for years. More than 10 years later, in November 2007 the Ombudsman initiated the examination of the restrictions of the non-citizens’ rights following application of the minority MP Vladimir Buzaev⁷⁶. Therefore, regardless the forthcoming conclusions of the Ombudsman, the issue of the restrictions of non-citizens’ rights, their proportionality and compliance with the principle of equality still remains topical.

International standards do not provide a clear-cut evaluation of this situation. The International Convention on the Elimination of All Forms of Racial Discrimination stipulates that differences in rights of citizens and non-citizens are not covered by the Convention. Similarly, the citizenship criterion is explicitly excluded from the list of prohibited grounds for differential treatment in the EU Race Directive (2000/43/EC of 29 June 2000). On the other hand, legislative distinctions that result in unjustifiable, indirect discrimination on grounds of race, ethnicity or language breach international norms⁷⁷.

Factual

Survey data suggests that the problem of discrimination and human rights violations may be widespread. A survey conducted in 2006 showed that 11% of all respondents believe they experienced discrimination on the basis of ethnicity in the last three years. 18% of ethnic Russians and 12% of persons belonging to other minorities claimed they had

⁷³ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=15412> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=77481&mode=KDOC> in Latvian (visited on 6 November 2007)

⁷⁴ For the full list of differences between the rights of citizens and non-citizens in English as of 2000, see http://www.minelres.lv/count/non_cit-rights_1.htm (visited on 6 November 2007), updated version in Russian - <http://www.pctvl.lv/index.php?lang=ru&mode=ellections&submode=razl> (visited on 6 November 2007). For more updates and comments, please refer to the Latvian Human Rights Committee.

⁷⁵ Opinion of the National Human Rights Office of 18 December 1996. See also “Vesti Segodnja”, 18 December 1996.

⁷⁶ <http://rus.delfi.lv/archive/article.php?id=19387317&ndate=1193868000&categoryID=18698009> (visited on 6 November 2007)

⁷⁷ See also Concluding Observations of the Committee on the Elimination of Racial Discrimination: Latvia. 10/12/2003, CERD/C/63/CO/7, paras. 12 and 14, <http://daccessdds.un.org/doc/UNDOC/GEN/G03/456/89/PDF/G0345689.pdf?OpenElement> (visited on 6 November 2007) and Concluding Observations of the Human Rights Committee: Latvia. 06/11/2003, CCPR/CO/79/LVA, para.18, <http://daccessdds.un.org/doc/UNDOC/GEN/G03/456/02/PDF/G0345602.pdf?OpenElement> (visited on 6 November 2007)

experienced ethnic discrimination, while among ethnic Latvians this figure was 8%⁷⁸. In January-September 2006 the NHRO received 5 written complaints and 29 oral complaints concerning ethnic discrimination. According to survey, only 29% of all respondents had applied for assistance, if their human rights were violated. 38% of those, who had not applied, stated that they do not trust state institutions, 22% do not know where to apply⁷⁹.

According to research by the Leverhulme Centre for Research on Globalisation and Economic Policy (the University of Nottingham)⁸⁰, in December 2005 nearly one in ten of Latvia's population expected to emigrate. Amongst these, in the productive 35-44 year age group for instance, Russian-speakers were more than twice as likely as ethnic Latvians to want to emigrate. According to researchers, only one language is recognised in the labour market - especially in the public sector - and that is Latvian. When students graduate from minority schools, they are often highly skilled but find their mother tongue is not recognised in the workplace which leads them to be disadvantaged and increases their motivation to emigrate.

Despite the relatively extensive legal framework aimed at prohibition of discrimination, there is still the only case in court concerning discrimination on the basis of ethnic origin.

In this very first landmark case, the Jelgava City Court found discrimination in access to employment in a civil case brought by the NHRO on behalf of a Romani woman. In November 2005, Ms Kazlovska, a woman of Romani origin, applied for work at the *Palso* company as a salesperson. Ms Kazlovska was sent for the interview by the State Employment Agency and claimed that her interviewer had told her that she was not appropriate for the position, allegedly because of her accent when speaking Latvian, without even considering her qualifications. The Romani woman believed the interviewer's response to be the result of her ethnicity. The NHRO filed the civil case, seeking compensation for moral damages⁸¹. In its decision of 25 May 2006, the Jelgava City Court ordered *Palso* to pay 1,000 Lats (approximately 1,420 EUR) in damages. The decision was appealed against in the Zemgale Regional Court, but on 6 December 2006 the Regional Court terminated the proceedings on procedural grounds.

It should be mentioned that the general paradigm of equality as a basic value is still far from being widespread in political discourse. On the contrary, nationalistic statements based on the presumption of "ethnic competition", calling for establishing priorities or dominance of one ethnic group, remain routine. For example, the council of the party "For Fatherland and Freedom/LNNK" (member party of the ruling coalition) adopted as one of the major tasks for the party for 2008-2010 "to increase the influence of ethnic Latvians in Latvia"⁸². The statements of the kind, even if not explicitly supported, are never questioned even by the parties which declare themselves liberal and integrationist.

On the other hand, minority activists occasionally advocate preferential treatment of the persons belonging to minority as a means of "compensation" for their disadvantaged position in the society. For example, in April 2007 the weekly newspaper "Dinaburg"

⁷⁸ Pētījums par cilvēktiesībām Latvijā (Research on Human Rights in Latvia). 2006.gada septembris, Baltijas Sociālo zinātņu institūts (The Baltic Institute of Social Science), http://www.vcb.lv/zinojumi/Petijums_par_cilvektiesibam_Latvija_2006.doc (visited on 2 September 2007)

⁷⁹ Ibid.

⁸⁰ http://www.nottingham.ac.uk/shared/shared_levppublications/research_media_briefings/RPMB_071105_ethnic_discrimination.pdf (visited on 10 December 2007)

⁸¹ More information about the case available at the website of the NHRO: <http://www.vcb.lv/default.php?open=jaunumi&this=160606.235> (visited on 2 September 2007)

⁸² <http://www.delfi.lv/archive/article.php?id=18790807> (visited on 6 November 2007)

(Daugavpils) published a commercial from the Legal Service Bureau "Andreev and Co" which announced 50% discount for the clients speaking in Russian. Valentin Andreev, director of the Bureau, stated in the interview that in last fifteen years Russian-speakers have been discriminated in different fields of public life; he also noticed that there is no right to submit applications to administrative authorities in other language than Latvian, that there is no information in Russian on the pharmaceutical products, etc. Therefore he decided to apply the principle of positive discrimination on the ground of language⁸³. The Consumer Rights Protection Centre sent a letter to the newspaper requesting full information about the commercial. As to date, no further development in the case has been reached so far.

See also relevant information on participation and representation of persons belonging to minorities in various fields in the chapter on Article 15 of this report.

Paragraph 2

There are two political initiatives by the Government aimed at promoting equality for the Livs⁸⁴ (15,000 Lats (approx. EUR 21,400) allocated in the state budget for 2007) and the Roma⁸⁵ (40,000 Lats (approx. EUR 57,100) allocated in the state budget for 2007). However, the activities under these programmes are not aimed at any legislative measures.

In October 2002 the Saeima (Parliament) rejected a draft law providing tax exemptions for business enterprises employing Roma, submitted by one of the parliamentary factions.

In March 2007 the Saeima (Parliament) rejected a draft law explicitly referring persons belonging to ethnic minorities as those needing state-supported special measures in the field of employment (such as professional training in minority languages).

Paragraph 3

No measures are adopted in accordance with paragraph 2.

Conclusions

The Constitution and a number of laws contain anti-discrimination clauses. However, difficult access to procedures of initiating cases relevant to the protection from discrimination based on belonging to a national minority, low level of awareness of their nature both among the potential applicants and in judiciary, as well as lack of experience and tradition of tackling discrimination cases both at administrative and judicial level, predetermine very low effectiveness of anti-discrimination mechanisms in practice. Striking absence of cases in the courts of law, despite the adoption of numerous anti-discrimination provisions and the high share of people who encountered perceived discrimination on the basis of ethnicity, is an evidence for this. Apparently, low level of awareness about the anti-discrimination legislation, mistrust towards the state institutions and judiciary, as well as widespread "moderate nationalistic" rhetoric in media and political discourse also contribute to this phenomenon.

⁸³ "Dinaburg", 25 April 2007, <http://dinaburg.eu/?menu=4&news=207> (visited on 21 May 2007)

⁸⁴ Valsts programma "Lībieši Latvijā" (National Programme "Livs in Latvia"), adopted in December 1999, [http://www.integracija.gov.lv/doc_upl/Libiesi_Latv\[1\]\[1\].merkp.pdf](http://www.integracija.gov.lv/doc_upl/Libiesi_Latv[1][1].merkp.pdf) (visited on 6 November 2007)

⁸⁵ Valsts programma „Cigāni (romi) Latvijā” 2007.-2009.gadam (National Programme „Roma in Latvia” for 2007-2009, adopted in October 2006), http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_romi_Latvija.pdf (visited on 6 November 2007)

The following measures would contribute to better minority protection:

1. To adopt as soon as possible amendments to the Civil Law and Consumer Rights Law in order to combat discrimination in the field of supply of goods and services.
2. To adopt a national Anti-Discrimination Law, incorporating not only the EU anti-discrimination provisions, but also those of the International Convention on the Elimination of All Forms of Racial Discrimination, as well taking into account the Protocol No.12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.
3. To review acts of legislation that establish citizenship and/or state language proficiency requirements in different spheres in order to comply with anti-discrimination law and to prevent unjustified restrictions, taking into account legitimate public interests and the principle of proportionality.
4. To implement effectively the National Programme "Roma in Latvia" with a particular focus on full and effective equality of the persons belonging to the Roma minority and ensure active participation of Roma in the implementation of the programme.
5. To refer to persons belonging to ethnic minorities as persons at risk in the field of employment and guarantee adequate positive measures thereof.

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Paragraph 1

Legal

Article 114 of the Constitution⁸⁶ states that persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity. The Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups of 1991⁸⁷ guarantees Latvia's national minorities the right to celebrate their national holidays, use national symbols and preserve their traditions (Section 8). Besides, this law imposes on the state institutions an obligation to promote the development of education, language and culture of national and ethnic groups living in Latvia (Section 10 para.1).

⁸⁶ http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

⁸⁷ http://www.minelres.lv/NationalLegislation/Latvia/Latvia_CultAut_English.htm in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=65772&mode=KDOC> in Latvian (visited on 6 November 2007)

The State Language Law of 1999⁸⁸ considers all minority languages (except for the Liv language) to be “foreign” (Section 5). At the same time, the Law does not regulate the use of languages in “unofficial communication between individuals, internal communication of ethnic and national groups and in religious activities” (Section 2 para.3). The law prescribes the mandatory use of languages in virtually all dealings with public authorities, as well as in communications between private persons and public authorities, with few exceptions for the cases of emergency⁸⁹.

According to the Education Law of 1998⁹⁰, state-supported higher education is provided only in the state language since 1 September 1999 (para.9 sub-para.1 of the Transitional Provisions). The Law stipulates that since 1 September 2004 all state-supported secondary education, including general and professional, must be provided “in the state language in accordance with the standards of the state secondary education”, and not less than 60% is to be taught in Latvian, including foreign languages (para.9 sub-para.3 of the Transitional Provisions)⁹¹.

Thus, the legislation of Latvia contains several declarative provisions on the minorities’ right to preserve their cultural identity. However, these declarations are not, as a matter of fact, reflected in the operational provisions of the key pieces of legislation.

Implementation

The conceptual approach to elaboration of legislation after the restoration of independence of Latvia was based on the presumed need to protect the Latvian language and culture and facilitate its development. Other languages, Russian first of all, were perceived as a dangerous competitor threatening the existence of Latvian rather than an integral part of the cultural diversity of the country.

The concept reflected in legislation can be described as a model that envisages certain “designated areas” where linguistic and cultural diversity can be manifested, and where the state does not intervene and permits free choice of languages. These areas are: activities of religious denominations; private sphere (often interpreted in a very narrow sense); as well as activities of cultural minority associations which are often perceived as full-fledged representatives of minority communities or even equated with them. Beyond these three areas, the use of the state language is usually strictly prescribed, and multilingualism (and multiculturalism) is not encouraged, at best.

As a result of this concept, main efforts of the state aimed at supporting and promoting culture of national minorities are concentrated on relatively modest financial support for cultural associations and minority NGOs. Such support is provided by the state budget, as well as by the Society Integration Foundation (SIF)⁹² established by a special law in 2001⁹³ (within the framework of implementation of the Society Integration Programme), as well as by the Secretariat of the Minister for Special Assignments for Society Integration Affairs⁹⁴.

⁸⁸ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007)

⁸⁹ For more details on the language legislation see corresponding chapter of this report.

⁹⁰ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

⁹¹ For more details on the legislation relevant to education see corresponding chapter of this report.

⁹² <http://www.lsif.lv/> (visited on 6 November 2007)

⁹³ <http://www.likumi.lv/doc.php?id=26310&mode=KDOC> (visited on 6 November 2007)

⁹⁴ <http://www.integracija.gov.lv/> (visited on 6 November 2007)

Factual

Ethnic integration programmes of the Society Integration Foundation (SIF - state foundation responsible for allocation of money for projects in the field of integration of the society) were predominantly directed at the promotion of intercultural dialogue in Latvia and support of the projects on Latvian language courses for adults⁹⁵.

In 2003 the Secretariat of the Minister for Special Assignments for Society Integration Affairs has been established with the purpose of elaborating and implementing the state policy in the following areas: integration of the society, minority rights, development of civil society, and elimination of racial discrimination. Among other activities the Secretariat allocates and distributes state budget money for the projects to be implemented by minority NGOs which aim is to promote intercultural dialogue, preserve ethnic identity, and protect minority rights. In 2003 the total funds from the state budget for minority NGOs were 39,300 Lats (approx. EUR 65,500). In 2004 the total funds for 67 minority NGOs from 16 ethnic groups were 132,000 Lats (approx. EUR 188,600); in 2005 73 NGOs from 17 ethnic groups received from state budget 98,700 Lats (approx. 141,000); in 2006 99 NGOs from 17 ethnic groups received 144,600 Lats (approx. EUR 206,600), in 2007 – 150,300 Lats (approx. 214,700 EUR) from state budget were allocated for the support of minority NGOs in Latvia⁹⁶.

As a result of increase of state funding a number of minority NGOs registered as projects' applicants in the Secretariat has also increased. As of August 2007, 257 minority NGOs were registered in the Secretariat, however, only approximately 100 NGOs actively participated in the implementation of the projects. Most of the projects aimed at carrying out cultural activities⁹⁷, such as amateur dances, ensembles, minority culture festivals, etc.

One of the major obstacles for many minority NGOs to be involved in the process of obtaining financial support both from the state budget and from the SIF is their low administrative capacity that precludes them from meeting cumbersome bureaucratic criteria for filing successful applications, as well as reporting about the completed projects. High level of mistrust to the governmental institutions which has been deeply rooted since the early 1990s is another essential problem that mars more effective cooperation between the relevant authorities and minority associations⁹⁸.

On 2 October 2007, four years after its establishment, the Secretariat launched the Russian version of its website.

It should be mentioned that the cultural activities of minorities are singled out from the general cultural context of the country. The Secretariat of the Minister for Special Assignments for Society Integration Affairs is considered in charge of them. In the meantime, the Ministry of Culture consistently distances itself from minority cultures. Thus, in October 2007 the Minister for Culture Helēna Demakova stated to the media: "Don't expect from me that I will get engaged in building any minority cultural edifice. Because the tasks of the state culture policy, guidelines approved by the Cabinet of

⁹⁵ For more information about projects supported by the Society Integration Foundation see: <http://www.lsif.lv/lv/iekļapas/atbalsttiepr/VBp> (visited on 6 November 2007)

⁹⁶ Data from the Secretariat of the Minister for Special Assignments for Society Integration Affairs, http://www.integracija.gov.lv/doc_upl/dotacijas_raditaji.doc (visited on 6 November 2007).

⁹⁷ Communication with Irina Vinnik, Head of the Department of Minority Affairs, 4 September 2007, Riga

⁹⁸ Ibid.

Ministers do not envisage participation of the Ministry of Culture in creation of such centres. This is not a matter of our culture policy"⁹⁹.

In the meantime, the eldest association of minority cultural organizations – Latvian Association of Ethnic Cultural Societies (LNKBA), which comprises 19 minority cultural NGOs, after the protracted conflict with the Secretariat of the Minister for Special Assignments for Society Integration Affairs was transferred under the supervision of exactly the Ministry of Culture. In practical terms this means that annual funding for LNKBA (15000 Lats, or 22,000 EUR in 2007, the planned subsidy in 2008 is 17526 Lats, or 25,000 EUR¹⁰⁰) is envisaged in the state budget under the Ministry of Culture section. This is a core funding not related to projects, and it is spent mainly for maintenance of a big building in Riga granted to LNKBA notably in recognition of its support for the struggle for independence of Latvia in the late 1980s.

No special programme for preservation and development of traditional minority cultures has been elaborated by the Ministry of Culture; however, the Minister believes that the issue will be tackled within the framework of the Concept of preservation of non-material cultural heritage which is currently elaborated as an action plan for implementation of the corresponding UNESCO convention¹⁰¹.

This situation reveals that in general the mechanism of supporting minority cultural activities is neither clear nor transparent and hardly corresponds to the principles of good management.

Paragraph 2

The Society Integration Programme (adopted on 6 February 2001)¹⁰² declares that integration in Latvia is not connected to assimilation and should not result in assimilation. However, a striking difference should be mentioned between the declarative statements in the introductory chapter of the Programme and its following chapters pertinent to concrete areas of implementation, such as the use of languages, education, media, etc.

This eclectic nature of the Programme reflects a broader controversy over the concept of integration both within the political class and the society at large. As Latvian researchers pointed out, "Among ethnic Latvians the integration of society is predominantly perceived as a one-way process, where only representatives of minorities should be actively involved. As a result of influence of Latvian media, as well as of many politicians, a mistaken view has been rooted in the society that integration concerns only the Russian-speakers"¹⁰³.

Apparently, this effect is closely connected with the perception of ethnic vs civic concepts of nation in Latvia. In particular, in the course of the ambitious "Democracy Monitoring 2005-2007" project, a leading Latvian researcher evaluated the degree of inclusiveness of political nation and state citizenship as "bad" both in 2005 and 2007, with the

⁹⁹ "Latvijas Avīze", 15 October 2007, http://www2.la.lv/lat/arhivs/intervijas_no_11_10/?doc=491 (visited on 6 November 2007)

¹⁰⁰ Reply of the Minister for Culture to the parliamentary question, Nr.1.2.1-1/2693, 31 October 2007

¹⁰¹ Ibid.

¹⁰² http://www.integracija.gov.lv/doc_upl/VP_SIL.pdf (visited on 6 November 2007).

¹⁰³ I.Golubeva, M.Jermaks, T.Miks, B.Bela, N.Muižnieks, Latvijas jauniešu integrācija un vērtīborientāciju maiņa politiskās socializācijas procesā (Integration and change of value orientation of Latvia's youth in the process of political socialization). Rīga, Stratēģiskās analīzes komisijas ziņojumi - 2006 (Commission of Strategic Analysis reports -2006), "Zinātne", 2007, pp.102-157, http://www.president.lv/images/modules/items/PDF/item_1341_SAK_zinjojumi_2006.pdf (visited on 15 December 2007)

deterioration trend from 2005 till 2007¹⁰⁴. However, detailed analysis of the state of affairs in the field, as well as of historical and political factors determining the controversial situation in Latvia in this respect, goes far beyond the task of this report.

In practical terms, along with the declarative provisions affirming the right of minorities to preserve their identity, some legislative acts contain provisions which could be assessed as "soft-assimilative". For example, the Education Law of 1998 and the State Language Law of 1999 impose the usage of the state language beyond the limits set by legitimate public interest and curtail the usage of minority languages (refer to information provided under articles 9 -15 of the report). This way, the native speakers of other languages are at an increased risk of marginalisation, because their opportunities are being limited by law in the spheres of education, employment, and in communication with public authorities. While the legislation does not directly require minorities to abandon their identity, in practice it affects minorities' decisions concerning choice of language at home and in schooling, thus furthering assimilation. The acts of legislation do not prohibit use of minority languages, but put minority languages into disadvantaged position; under pressure of the legislation and practice the choice of language cannot be considered really free.

After joining the EU in 2004 mass scale work emigration of Latvian residents, predominantly Latvian citizens, has begun. In particular, in 2005-2007 more than 100,000 people (approx. 4% of total population) emigrated to the UK and Ireland¹⁰⁵, what resulted in growing demand for labour force. Other economic and political changes such as fast-growing inflation, aggressive credit policy, establishment of the visa-free regime for non-citizens of Latvia, etc. made an issue of integration of the society in Latvia less topical.

Conclusions

Although the right to preserve and develop minority language, ethnic and cultural identity is declared, it is not ensured by legislation, especially in the field of language use and education. In practice, the state's support for minority cultures is limited to state subsidies allocated for minority cultural associations for the purposes of narrowly understood cultural activities. In the meantime, encouraging diversity in the society at large in a form of e.g. promoting multicultural and multilingual environment in a broader context, beyond the limits of religious activities, private life, and minority cultural associations, is not only discarded but, as a rule, explicitly opposed and banned by law (through prescription of mandatory use of the state language, etc.).

The following measures would contribute to better minority protection:

1. To reconsider legislative provisions which limit the possibilities to use minority languages and to manifest minority identity in other ways beyond the limits set by legitimate public interest, so that to promote multilingual and multicultural environment in various areas of the society's life, including public field.
2. To review the Society Integration Programme in order to make the principle of non-discrimination and respect to minority rights cornerstones of the Programme, so that to

¹⁰⁴ I.Brands Kehris, Nācija un identitāte (Nation and identity). In: J.Rozenvalds (ed.). Cik demokrātiska ir Latvija. Demokrātijas monitorings 2005-2007 (How democratic is Latvia. Democracy monitoring 2005-2007). Rīga, Commission of Strategic Analysis: "Zinātne", 2007, pp.11-17, http://www.president.lv/images/modules/items/PDF/item_1586_Demokrat_monitorings.pdf (visited on 15 December 2007)

¹⁰⁵ <http://www.delfi.lv/archive/article.php?id=19768678&ndate=1197410400&categoryID=193> (visited on 15 December 2007)

promote the formation of civic nation and integration of the society on the basis of common values and respect to minority rights.

3. To increase direct financial support from the Society Integration Foundation for promotion of minorities' activities aimed at their participation in all fields of society's life and at preserving their language and education and to establish more transparent and effective mechanism of the state financial support for national minorities within the Society Integration Foundation.

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.

Paragraph 1

Legal

The Radio and Television Law of 1995¹⁰⁶ mentions "National Remit" which is to include creation of TV-programmes about life and culture of minorities living in Latvia (Section 54 para.5). Programmes created within the framework of the national order are financially supported by the state.

The Cabinet of Ministers "Regulations on the primary education state standards and the state standards of subjects in primary education" Nr.1027 of 2006¹⁰⁷ stipulate that one of the main tasks of primary education programmes is to ensure an opportunity to acquire knowledge on fundamental values of democracy and other knowledge necessary for a citizen of Latvia (para.3.4); one of the main tasks for subject "Social sciences" is to acquire skills related to democratic civil participation and develop tolerant attitude towards cultural diversity (annex 17, para.2.5).

The Cabinet of Ministers "Regulations on the general secondary education state standards and the state standards of subjects in general secondary education" Nr.544 of 2007¹⁰⁸ stipulate that one of the main tasks of secondary education programmes is to promote socially active attitudes of the student in maintaining and developing native language, ethnic and cultural originality, as well as develop understanding of the fundamental human rights principles included into the Constitution and other legal acts (para.2.3).

Implementation/Factual

In 2007 the Secretariat of the Minister for Special Assignments for Society Integration Affairs implemented a number of initiatives for promotion of tolerance, such as National

¹⁰⁶ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13711> in English (visited on 20 August 2007), <http://www.likumi.lv/doc.php?id=36673&mode=KDOC> in Latvian (visited on 20 August 2007)

¹⁰⁷ <http://www.likumi.lv/doc.php?id=150407&mode=KDOC> (visited on 20 August 2007)

¹⁰⁸ <http://www.likumi.lv/doc.php?id=162309> (visited on 20 November 2007)

Programme to Promote Tolerance¹⁰⁹, individual grants to NGOs¹¹⁰, as well as project "Latvia – equal in diversity II"¹¹¹ supported by the European Commission (EUR 110,838, including 20% of co-finance by the Government).

In 2007 the Society Integration Foundation supported different projects aimed at elimination of discrimination and intolerance and research in this field (EUR 2,277,915 from the EU transition programme)¹¹². It also supported projects aimed at teaching Latvian for adults (Ls 100,000 – approx. EUR 143,000). The Foundation has received 71 project proposals from 23 districts of Latvia that is for 12 project proposals more than in 2006 for the same competition. The Council of the Foundation expressed its readiness to increase funding for the Programme if necessary.

In total, the Government of Latvia spends substantial funds (both from the national budget and EU funds) on projects aimed at promoting tolerance. However, there is no well-established procedure for evaluation of effectiveness. A minor part of these projects deals with such problems as legal action in discrimination cases, collection of data on discrimination, awareness raising concerning Roma and other visible minorities, etc. However, most of the projects that receive financial support are in fact aimed at raising awareness of traditional cultural heritage of different ethnic groups living in Latvia. The projects of the kind are, of course, necessary, but they could hardly promote tolerance. Intolerance towards traditional minorities (except for Roma and Jews) on the part of the majority is caused mainly by differing perceptions of linguistic, historical and political issues and a sense of being threatened among both majority and minorities¹¹³, and not by lack of information about these minorities and their cultural traditions. Therefore projects in this particular field should be aimed at promoting tolerance in discussions on sensitive issues and democratic debate on them.

Sociological data suggest that both among ethnic Latvians and non-Latvians, we find a high level of ethnic tolerance when we consider it on the basis of general considerations. For example, almost all ethnic Latvians and non-Latvians agree with this statement: "*We must respect the national culture, religion and traditions of all of Latvia's residents, even when these are very much different from our own*" - 93% of ethnic Latvians and 97% of non-Latvians. However, comparatively fewer ethnic Latvians agree that the state should support the preservation of various cultures and traditions in Latvia - 67%, as opposed to 94% of the persons belonging to minorities. Also fewer ethnic Latvians appreciate the presence of people belonging to different cultures in the country (49% of ethnic Latvians and 78% of non-Latvians). There are, however, more Latvians who think that people of different ethnic origins should live separately from one another (29% of Latvians, as opposed to 10% of non-Latvians)¹¹⁴. Among ethnic Latvians, only 21% would accept a situation in which a close relative is Russian, while 53% of non-Latvians would accept a close relative who is an ethnic Latvian¹¹⁵.

46% of ethnic Latvian respondents agree (fully or partly) that a high number of Russian-speakers in Latvia threaten the Latvian language and culture¹¹⁶. Only 33% of ethnic

¹⁰⁹ <http://www.integracija.gov.lv/?id=276&top=43&sa=214> (visited on 20 November 2007)

¹¹⁰ <http://www.integracija.gov.lv/?id=324&top=43&sa=214> (visited on 20 November 2007)

¹¹¹ http://www.integracija.gov.lv/doc_upl/LED_2_LV.pdf (visited on 20 November 2007)

¹¹² <http://www.lsif.lv/lv/ieklapas/atbalsttiepr/ESpp/2007> (visited on 2 December 2007)

¹¹³ Ethnic Tolerance and Integration of the Latvian Society. Baltic Institute of Social Sciences, Riga, 2004, p.15-16, http://www.biss.soc.lv/downloads/resources/Tolerance/Tolerance_Engl.pdf (visited on 20 November 2007)

¹¹⁴ Ibid, p.16-17.

¹¹⁵ Ibid, p.18.

Latvians believe that Russian-speakers are loyal towards the state (while 70% of Russian-speakers believe so)¹¹⁷.

Only 27% of persons living in Latvia would say that Latvian Parliament needs more MPs of ethnic minority origin (44% on average in the European Union would support such statement)¹¹⁸.

The survey "The Situation of Roma in Latvia" showed that "if they encountered a Romani person in a café or on the street or at the market, 9% and 19% of respondents respectively would try to leave the location". 58% would be cautious or distinctly negative in relation to hiring a Romani person; 56.2% express a negative attitude towards having a Romani neighbour. Among the properties attributed to the Roma, there are more negative than positive ones - "tricky" (71.6%), "liars" or "lazy" (~50%), "dirty" and "tended towards crime" (~40%)¹¹⁹.

Recent study indicates that social interaction between ethnic Latvians and minorities is poorly reflected in textbooks, that minorities are underrepresented in Latvian-language textbooks and ethnic Latvians in Russian-language textbooks, and that the information space of Latvian-language and Russian-language textbooks is as separated as one of the Latvian- and Russian-language media. The textbooks' authors often take an ethnocentric viewpoint when describing countries of the Third World and its inhabitants. When presenting non-Christian religions attention is usually drawn to its fundamentalist aspects. Migration issues are addressed exclusively from a negative perspective¹²⁰. When speaking about diversity and tolerance, teachers rely mainly on their own experience, only 35% rely on information from methods handbooks and acquired during continuing education¹²¹.

Paragraph 2

Legal

The Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups of 1991¹²² states that any activity aimed at national (ethnic) discrimination, as well as propagation of national (ethnic) superiority and national (ethnic) hatred is punishable in accordance with existing laws (Section 16). Section 78 of the Criminal Law of 1998¹²³ provides for punishment of actions that intentionally aim at provoking national, ethnic or racial hatred or discord. Its maximum sanction is up to 3

¹¹⁶ Uzskati par starpetniskajām attiecībām Latvijā (Views on inter-ethnic relations in Latvia). SKDS, August 2005, http://www.dialogi.lv/pdfs/atskaite_082005_dialogi.pdf (visited on 20 November 2007), p.9.

¹¹⁷ Ibid.

¹¹⁸ Discrimination in the European Union. Special Eurobarometer, January 2007, http://ec.europa.eu/public_opinion/archives/ebs/ebs_263_fiche_lv.pdf (visited on 20 November 2007)

¹¹⁹ The Situation of Roma in Latvia. Latvian Centre for Human Rights and Ethnic Studies, Riga, 2003, http://www.humanrights.org.lv/upload_file/situation_of_roma.pdf (visited on 20 November 2007), p.11-12

¹²⁰ Diversity in Latvian Textbooks. Latvian Centre for Human Rights and Ethnic Studies, Riga, 2004, http://www.humanrights.org.lv/upload_file/Diversity%20in%20textbooks.pdf (visited on 20 November 2007), p.9-10

¹²¹ I.Austers, M.Golubeva, I.Strode, Skolotāju tolerances barometrs (The Barometer of the teachers' tolerance). Riga, Providus, 2007, <http://www.politika.lv/index.php?f=1234> (visited on 20 November 2007), p.16

¹²² http://www.minelres.lv/NationalLegislation/Latvia/Latvia_CultAut_English.htm in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=65772&mode=KDOC> in Latvian (visited on 6 November 2007)

¹²³ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13709> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=88966&mode=KDOC> in Latvian (visited on 6 November 2007)

years imprisonment, but under aggravating circumstances (i.e. if connected with violence, deception or threat, or perpetrated by a group of persons or by state's civil servant, or if perpetrated using automatic data processing system) – up to 10 years imprisonment. Section 150 provides for sanctions for infringement of religious feelings or provoking religious hatred – up to 2 years imprisonment, but under aggravating circumstances (i.e. if it caused substantial damage, if connected with violence, deception or threat, or perpetrated by a group of persons or by state's civil servant, or if perpetrated using automatic data processing system) – up to 4 years imprisonment.

Section 156 of the Criminal Law provides for punishment in cases of intentional violation of person's dignity or degrading it orally, in writing or by action (maximum sanction – forced labour or fine). Crimes based on the ethnic or racial origin of the victim could be subsumed under this Section. The same considerations apply also to Section 158 covering violation of person's dignity if done by using mass media¹²⁴.

Section 48 para.1 subpara.14 of the Criminal Law (in force since November 2006) stipulates that racist motivation is an aggravating circumstance for any crime.

Article 2352¹ of the Civil Law of 1937¹²⁵ provides that everybody has the right to claim compensation for violation of one's dignity.

See also relevant information in the chapter on Article 4 of this report.

Implementation

The head of the Security Police Jānis Reiniks said in the interview to media that until 2004 criminal cases relevant to hate speech (i.e. under Section 78 of the Criminal Law) were almost non-existent in Latvia. The case law began taking shape in 2005, when 13 cases were initiated. In 2006 the number of cases reached 16, and in the first four months of 2007 already 8 cases have been opened¹²⁶. In the first half of 2007 the Security Police initiated 11 cases under the Section 78. Most of them have been related to the distribution of racist comments in the Internet¹²⁷.

The press secretary of the Security Police has recognised that fighting against skinhead groupings which mostly commit racially motivated attacks is hampered by the fact that these groupings act spontaneously and the crimes committed are often considered as the acts of hooliganism, rather than racially motivated attacks¹²⁸.

There are no relevant cases under Section 150, 156 and 158 of the Criminal Law.

In one case a court decided that compensation for violation of one's dignity is to be levied in favour of the plaintiff who belongs to a specific racial group, if public advertising campaign by the defendant provokes negative attitude towards this racial group¹²⁹.

Some initiatives of the civil society should be mentioned. Thus, in May 2006 editor-in-chiefs of all major internet portals together with some NGOs elaborated, signed and

¹²⁴ G.Feldhūne, M.Mits, Implementing European anti-discrimination law: Latvia. Riga, 2001.

¹²⁵ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=15496> in English (visited on 20 November 2007), <http://www.likumi.lv/?inc=civillikums.php> (visited on 20 November 2007)

¹²⁶ "Latvijas Avīze", 29 May 2007

¹²⁷ "Chas", 6 August 2007, <http://www.chas-daily.com/win/2007/08/06/lk045.html?r=2&> (visited on 20 November 2007)

¹²⁸ Integration and Minority Information Service, Latvian Centre for Human Rights, <http://www.humanrights.org.lv/html/monitor/28988.html> (visited on 20 November 2007)

¹²⁹ Riga Latgale district court, judgment in case No.C29240503 of 8 September 2003

published a Declaration on respect, tolerance and cooperation in internet¹³⁰. The declaration marks their strong intention to fight hate-speech, manifestations of intolerance and calls for discrimination while fully respecting the freedom of speech. However, one could hardly claim that the situation considerably improved after the publication of the declaration, particularly in the readers' comments and on internet forums.

Factual

When evaluating hate-speech the judicial authorities usually relied on testimony of suspects that they did not want to provoke hatred. As the standard of proof is very high in such cases, there were almost no attempts to prove direct intent, except for evident incidents.

After 2005 the judicial authorities pay more attention to hate-speech on the internet. Besides, a number of violent incidents occurred, mainly perpetrated by skinheads against visible minorities. Still, the police very often treat such incidents as hooliganism or bodily injuries without trying to prove intent to provoke hatred.

Some most important typical cases are described in this paragraph. The enumeration is not exhaustive.

In 1999 a member of militia (Zemessardze), which forms part of the National Military Forces, hired by an owner of a private cafe to perform security functions, denied access to a cafe to a young person of Roma origin. The militiaman stated that the owner of the cafe had ordered that Roma should not be allowed to enter. Later he denied that the reason for not allowing entrance to the cafe was ethnic origin. The militia leadership declared that the militiaman acted in accordance with internal regulations made by the owner of a cafe so the latter bore all the responsibility. A file for a criminal case was not opened.

In another case in 2000, the national TV news programme showed a fragment about a woman swindler, Roma by ethnic origin, who had wheedled family jewels out of 17-years-old girl. Authors of the fragment called "not to look into eyes of the Roma" in order not be hypnotized. In the end of the program a police officer called all the Roma in Latvia to return the jewels. The Cultural Association of Roma and the parliamentary Human Rights and Public Affairs Committee protested actively against this fragment. Again a file for a criminal case was not opened.

In August 2000 the monthly business magazine "Kapitāls" ("Capital") defined the subject of its issue No.8, 2000 as "Jews rule the world". In the article with the same name, as well as in the commentary by the editor-in-chief Guntis Rozenbergs, Jews were named "Žīds" - a word traditionally used in Latvian language, along with "Ebrejs" which came into Latvian later. However, the former name is perceived as insulting by many Jews. Jewish NGOs, as well as Israeli and American embassies in Latvia, voiced protests against this publication. The magazine's editor-in-chief had to resign immediately.

In spring 2001 the director of a private publishing house Aivars Garda announced a competition of essays on topics containing ideas of building ethnically clean Latvian state and encouraging repatriation of "colonists", i.e. Russians. The competition resulted in a publication of a book containing remarks which offend the dignity primarily of persons of Russian ethnic origin. A file for a criminal case was not opened in relation to Garda's

¹³⁰ <http://rus.delfi.lv/archive/article.php?id=14603505&ndate=1149109200&categoryID=4207244> (visited on 20 November 2007)

activities, as the law enforcement authorities did not find that Garda acted with a purpose of inciting racial hatred¹³¹. In August 2002 Aivars Garda was registered as an MP candidate and leader of the electoral list of the (Ethnic) Latvians' Party. The party has not won any seat at the parliamentary elections of 2002. In May 2007 Aivars Garda, as a publisher of a marginal nationalistic newspaper "DDD", together with two "DDD" journalists was under trial by the Riga Regional Court for inciting ethnic hatred. In a number of publications "DDD" insulted Jews and other persons belonging to minorities who moved to Latvia during the Soviet period (calling them "weeds", "jackals", "occupants"). The court decided that difference of opinions is necessary in discussions about historical events and inter-ethnic relations, and while the defendants denied their intention to provoke hatred, therefore it acquitted the accused¹³². The Prosecutor's Office has submitted an appeal.

In December 2001 the magazine "Rīgas laiks" ("Riga's Time") published the interview with the ex-mayor of Riga Andris Ārgalis. Mr Ārgalis told, "While a Russian is created for thievery and laziness genetically, a Latvian is absolutely cowardly thief... Not qualitative, he has big problems". After the Prosecutor's Office was asked to start the investigation, Mr Ārgalis claimed that he just quoted Russian literature classic Leo Tolstoy and Lenin speaking about their nation.

In May 2000 the Riga Regional Court delivered a judgement in a case where 9 members of a pro-nazi organisation "Pērkonkrusts" were convicted of a number of offences (e.g. blowing up a water main, attempting to blow up a Victory monument in WW2, assault), including incitement of ethnic hatred. It took the form of printing and distributing leaflets of anti-Semitic character and urging the establishment of an ethnically pure state. All suspects were sentenced to imprisonment from 1 to 3 years; four of them received suspended sentences. In addition, they were ordered to pay the damages of approx. EUR 40,000. In January 2001 the Supreme Court reduced the punishment to some members of the group due to misclassification of their offences and also revoked the order to pay damages for approx. EUR 35,000 because of the lack of proof.

The leader of this group Juris Rečs was tried separately as he managed to avoid the arrest for two years. In December 2000 a court found him guilty on six accounts, including incitement of ethnic hatred as he was proved to be the organiser of the printing and distributing the above-mentioned leaflets. He was sentenced to 3 years in prison.

In January 2001, Guntars Landmanis, editor of the newsletter "Patriots" was convicted to 8 months in prison by the Liepāja Court. He had published three editions of the newsletter all of which contained anti-Semitic and racist material. He became the first person to be convicted of incitement to ethnic and racial hatred solely under Section 78 of the Criminal Law since the restoration of independence in 1990.

On 22 February 2006 the newspaper "Diena" reported about a case where criminal proceedings were initiated for cross burning – method of intimidation used by Ku Klux Klan. A person strived to intimidate his black neighbour in such a way.

On 31 March 2006, the Riga Regional Court delivered a judgement in a case where three young men were convicted in racially motivated physical assault in July 2005 against a dark-skinned US citizen who was a staff member of the US Embassy. In total eight men participated in the racist attack, but only three of them were found guilty, including in the incitement to racial hatred. While beating the dark-skinned man they shouted on him in

¹³¹ G.Feldhūne, M.Mits, Implementing European anti-discrimination law: Latvia. Riga, 2001.

¹³² <http://www.delfi.lv/news/national/criminal/article.php?id=18011717> (visited on 20 November 2007)

English language “Latvia - for white people!” As a result of the assault the victim’s nose was broken and his hand seriously injured. The court sentenced two persons to one-year suspended imprisonment with probation of three-year period and one under age person was sentenced to six-month suspended imprisonment with a probation of two-year period. During the hearing the perpetrators did not recognize themselves as racists and denied racist motivation of the crime¹³³. It should be mentioned that similar assaults were perpetrated the same year allegedly by skinheads against Indian cook and rabbi.

On 30 May 2006 the parliamentary Mandate, Ethics and Submissions Committee issued MP Pēteris Tabūns (“For Fatherland and Freedom/LNNK” parliamentary group) a written warning for making offensive statements regarding Russians during the parliamentary session held on 11 May. In accordance with the Committee’s decision Mr Tabūns violated para.8 of the Parliamentary Code of Ethics: “An MP shall not use expressions and support activities which may be considered as a call to illegal activities”. In particular MP Tabūns stated: “Russians do whatever they want, and on March 16¹³⁴ they did everything what came in their minds. Latvian can be repressed by any kind and that’s nothing. However, God defend, if on March 16 somebody from Russians will be smashed chops in”. The spokesperson urged Tabūns not to inflame national enmity¹³⁵.

On 30 May 2006 the Prosecutor’s Office reached an agreement on a fine of Lats 450 (approx. EUR 640) with a person who put a comment in Internet stating that Russians-speakers are monsters who should be shot dead.

On 5 July 2006, Ms Zicere, expert on Jewish history, made a presentation on the international conference “Holocaust: Memory and Education” held in Riga. She informed the participants that in the Latvian biology text-book for the 9th grade in the chapter of sexual life a naked youngster has been depicted with a *kippah*¹³⁶ on his head. Gita Umanovska, executive director of the Riga Jewish Community, stated that the drawing clearly indicates which group the youngster belongs to and noted that the Jewish religious and ethical norms strictly prohibit depiction of a naked person¹³⁷. Up to date, the Ministry of Education and Science has not provided any response or explanation about the illustration.

On 27 December 2006 the Riga Regional Court sentenced a person to four-year suspended imprisonment with probation of three-year period for racist assault against two Sri-Lankan students.

On 22 February 2007 a person who introduced himself as “a neo-Nazi” stated during public discussion that Roma and Jews are not human beings, and added that “non-human-beings” should be murdered during ethnic cleansings¹³⁸. The Prosecutor’s Office decided

¹³³ <http://rus.delfi.lv/archive/article.php?id=14057012&ndate=1143752400&categoryID=57863> (visited on 20 November 2007)

¹³⁴ On 16 March the Latvian Legion - a Waffen-SS unit formed by the Nazis in 1943- is commemorated. Until recently this date was on the list official commemoration days but was removed because of persistent pressure on the part of the USA and the EU. Radical nationalistic organisations used to organise rallies on 16 March to celebrate the Latvian SS legionnaires, while Russian organisations occasionally organise counter-rallies. The day is often marked with increased tensions and large-scale presence of police in Riga.

¹³⁵ <http://www.telegraf.lv/index.php?act=archive&date=20060531&gid=23&id=22260> (visited on 20 November 2007)

¹³⁶ Jewish religious headwear

¹³⁷ “Vesti Segodnja”, 14 July 2006

¹³⁸ “Chas”, 24 February 2007, http://www.chas-daily.com/win/2007/02/24/1_020.html?r=30 (visited on 20 November 2007)

to terminate the proceedings due to “the lack of clarity in the statements”, and referring to the freedom of expression guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms¹³⁹. Only after a few appeals and strong reaction of media the General Prosecutor’s Office decided to continue the proceedings¹⁴⁰.

On 16 March 2007 a person put a comment in Internet stating that Latvians should be shot dead or sent to Siberia. The case is pending before the Riga Regional Court.

In 2007 for the first time two persons were sentenced to an effective imprisonment (6 months and 8 months) for beating-up a member of the Society of African-Latvian friendship “Afrolat”¹⁴¹.

In an interview to “Neatkarīgā Rīta Avīze”, the head of the Anti-Discrimination Department of the Ombudsman Office Līga Biksiniece noticed the lack of professionalism of the law enforcement officials in investigating racial motivated crimes. In particular, she pointed to the case of two Somalian citizens who were physically assaulted by several persons, presumably skinheads. Seeking help Somalis turned to the police station, however local policemen understanding that Somalis don’t speak Latvian language gave them a telephone number of another police station instead of receiving explanations from the victims¹⁴².

In September 2007 well-known advocate Andris Grūtups published his book “Ešafots” (“A Scaffold”) devoted to the trial of SS-Obergruppenführer Friedrich Jeckeln and other Nazi officers in Riga in 1946. According to Mr Grūtups, the trial was unjust; it was just a revenge of prosecutor-Jew for deaths of Jews in Riga ghetto. Head of the Council of Jewish Communities in Latvia declared that the book was anti-Semitic¹⁴³.

In November 2007, two under-age Roma girls were severely beaten at the doorsteps of their house in Riga. Soon afterwards, the assistant to the head of the Security Police Kristīne Apse-Krūmiņa declared that the incident “should not be interpreted as a manifestation of national, ethnic or racial hatred” and that “this crime bears clear signs of hooliganism”. However, some witnesses testified that the assailants shouted in Latvian and in Russian “the blacks, you spoiled our lives!”, and earlier the representative of the Ombudsman claimed that the police did not timely react to the information about the beating and, in particular, did not bother to detain the alleged perpetrators (skinhead-looking youngsters) who were around for a while after the police had arrived¹⁴⁴. The attitude of the police in this case was severely criticised both in the Russian-language and the Latvian-language media, including Latvian opinion-maker “Diena”¹⁴⁵.

Conclusions

While the legislation pertinent to prohibition of hate-speech and prevention of violence and harassment of minorities should be evaluated as generally satisfactory, the

¹³⁹ “Chas”, 27 August 2007, http://www.chas-daily.com/win/2007/08/27/l_056.html?r=30 (visited on 20 November 2007)

¹⁴⁰ “Chas”, 21 September 2007, http://www.chas-daily.com/win/2007/09/21/g_009.html?r=32 (visited on 20 November 2007)

¹⁴¹ “Chas”, 6 August 2007, <http://www.chas-daily.com/win/2007/08/06/lk045.html?r=2&> (visited on 20 November 2007)

¹⁴² “Neatkarīgā Rīta Avīze”, 6 January 2007

¹⁴³ <http://www.telegraf.lv/index.php?act=archive&date=20071113&gid=29&id=35262> (visited on 20 November 2007)

¹⁴⁴ <http://rus.tvnet.lv/news/news/latvia/crime/article.php?id=202310> (visited on 20 November 2007)

¹⁴⁵ <http://www.diena.lv/komentari/lasit.php?id=319356> (visited on 20 November 2007)

abovementioned cases clearly demonstrate that the state's efforts aimed at preventing and punishing acts of discrimination, hostility or violence against persons belonging to national minorities are insufficient. The following measures would contribute to better minority protection:

1. To include basic knowledge on minority rights into the state standard of subject "Politics and law" in general secondary education.
2. To take appropriate measures in order to promote tolerance in the society, especially in education through diversity mainstreaming and within the framework of the Society Integration Programme, within which promotion of tolerance, combating discrimination and ensuring effective equality must become a top priority.
3. To promote democratic debate on issues perceived differently by persons belonging to different ethnic groups.
4. To train law enforcement agencies how to deal with cases related to ethnic hatred and violence (with particular focus on evidence).

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Legal

In Latvia the freedom of peaceful assembly, freedom of association, freedom of expression and freedom of thought, conscience and religion are guaranteed by the Constitution¹⁴⁶.

The right of peaceful assembly in Latvia is provided by Article 103 of the Constitution: "The State shall protect the freedom of previously announced peaceful meetings, street processions, and pickets".

The right of association in Latvia is provided by Article 102 of the Constitution: "Everyone has the right to form and join associations, political parties and other public organisations".

The right to freedom of expression is provided by Article 100 of the Constitution: "Everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express their views. Censorship is prohibited."

The right of freedom of thought, conscience and religion is provided by Article 99 of the Constitution: "Everyone has the right to freedom of thought, conscience and religion. The church shall be separate from the State."

At the same time Article 116 of the Constitution states that "The rights of persons set out in Articles ..., one hundred, one hundred and two, one hundred and three, ... of the Constitution may be subject to restrictions in circumstances provided for by law in order to protect the rights of other people, the democratic structure of the State, and public

¹⁴⁶ http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

safety, welfare and morals. On the basis of the conditions set forth in this Article, restrictions may also be imposed on the expression of religious beliefs.”

Section 11 para.4 of the State Language Law of 1999¹⁴⁷ stipulates that use of languages in meetings, marches and pickets is provided by the Law on Meetings, Marches and Pickets of 1997¹⁴⁸. The latter Law establishes freedom of use of languages in meetings, marches and pickets (Section 19).

In 2003-2005 negative attitude towards the planned reform of state-supported secondary education in minority languages (see information under Articles 12 and 14) was reflected in mass protests and rallies. The first protest rally was organised on 23 May 2003; reportedly more than 12,000 people took part, and the meeting appeared the biggest mass rally since the restoration of independence of Latvia¹⁴⁹.

Soon after this rally the Headquarters for the Defence of the Russian Schools has been established¹⁵⁰. The founders of the Headquarters managed to create a network of activists throughout Latvia, and organised a series of mass rallies, including meetings, pickets, manifestations, flash-mobs, issuing of numerous leaflets, booklets and video-clips, as well as conducting hunger strikes¹⁵¹. In general, more than 90 protest actions were held, and 32 of them were attended by more than 1000 participants¹⁵². Some major actions were attended by up to 40,000 participants. The authorities failed to pre-authorise the largest part of events mentioned, therefore the organisers and participants (mainly persons belonging to ethnic minorities) have been fined for administrative violations. In total 39 protest actions were stopped by the police during the period of 2003-2005¹⁵³.

Responding to such activities, the Saeima (Parliament) adopted amendments to the Law on Meetings, Marches and Pickets of 1997 considerably limiting the freedom of assembly (e.g. prohibiting use of slogans during pickets; introducing more rigid requirements for organisers as regards previous administrative record; limiting possibilities to march; limiting the possibility to appeal against refusal to pre-authorise before the scheduled event). On 23 November 2006 the Constitutional Court declared, under the application submitted by pro-minority parliamentary opposition, that some provisions of the amended Law, as well as pre-authorisation principle itself, are unconstitutional¹⁵⁴.

Implementation of the freedom of association is determined primarily by the Law on Associations and Foundations of 2003¹⁵⁵. According to Section 23 of this law, a non-governmental organisation (association, or *biedriba* in Latvian) can be founded by at least two natural or legal persons. No restrictions on the basis of citizenship, language, national or ethnic origin, etc. are envisaged by law in respect of the right to found

¹⁴⁷ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007)

¹⁴⁸ <http://www.likumi.lv/doc.php?id=42090&mode=KDOC> (visited on 6 November 2007)

¹⁴⁹ “Chas”, 26 May 2003, http://www.chas.lv/win/2003/05/26/l_009.html?r=30& (visited on 17 August 2007)

¹⁵⁰ <http://www.shtab.lv/main.php> (visited on 17 August 2007)

¹⁵¹ The list of major protest actions can be found in: Integration of Minority Youth in the Society of Latvia in the Context of the Education Reform. Baltic Institute of Social Sciences, Riga, 2004, p.8 http://www.bszi.lv/downloads/resources/minoritates/Minority_Engl.pdf, (visited on 17 August 2007)

¹⁵² Data from the trial in the Constitutional Court, April 2005, minutes of the sitting, http://www.satv.tiesa.gov.lv/upload/Steno_2004-18-0106.rtf (visited on 17 August 2007).

¹⁵³ http://www.zapchel.lv/?lang=ru&mode=party&submode=history&page_id=2107 (visited on 14 September 2007)

¹⁵⁴ See judgment of 23 November 2006 in the case No.2006-03-0106 in Latvian at <http://www.satv.tiesa.gov.lv/upload/2006-03-0106.rtf> (visited on 6 September 2007)

¹⁵⁵ <http://www.likumi.lv/doc.php?id=81050&mode=KDOC> (visited on 6 November 2007)

associations. Section 53 of the law stipulates that an association can be liquidated either according to the decision of its members, or in the course of the bankruptcy procedure, or on the basis of the court ruling (in particular, if activities of the association breach the Constitution or legislation of Latvia).

Implementation

The abovementioned constitutional provisions are implemented using provisions of other acts of legislation (e.g. the Radio and Television Law, Law on Religious Organisations, etc.), therefore relevant information is available in the chapters of this report on corresponding articles of the Framework Convention (in particular, Articles 8, 9, 17).

In last years there were no cases of denial to register non-governmental organisations representing national minorities or closing minority NGOs because of incompatibility between the stated goals and the Latvian law.

Recent dispute over the so-called “Russian March” in September 2007 is a rare example of controversy over the right to peaceful assembly after enactment of the new relevant legislation described above.

On 8 September 2007 two organisations announced their intention to hold a “Russian March” using slogans such as “Citizenship for everyone”, “Russian as official language”, “Russian education for Russians”, “Latvia is our country”, “Good for Russians means good for everyone”. The Minister for Justice Gaidis Bērziņš stated that such slogans do not comply with the Constitution and fundamental values of the state and society of Latvia, as the Constitution proclaims Latvian to be the sole state language and the Citizenship Law stipulates the order of obtaining citizenship¹⁵⁶.

The Ombudsman Romāns Apsītis, in turn, announced that the slogans mentioned, however disturbing and shocking they might be, are legitimate in a democratic society, as the will to amend the laws and Constitution is not punishable, as long as it is done by legitimate means¹⁵⁷. Nevertheless, the Riga City Council prohibited the march under recommendation of the Security Police; the court upheld this decision, appeal is pending. The organisers held a meeting instead.

It should be mentioned that several organisers of the march were indeed notorious for their connections with the marginal Russian radical nationalistic groups and earlier received administrative and even criminal punishments for breaches of public order.

Conclusions

Legislation of Latvia relevant to the freedom of peaceful assembly, amended according to the recent ruling of the Constitutional Court, generally meets the requirements of the Framework Convention. Legislation relevant to the freedom of association adequately ensures legal status and activities of non-governmental organisations of national minorities.

Conclusions and recommendations on implementation of the freedom of expression and freedom of thought, conscience and religion see in chapters on Articles 8 and 9 of this report.

¹⁵⁶ http://www.tm.gov.lv/lv/jaunumi/tm_info.html?news_id=1572 (visited on 9 September 2007)

¹⁵⁷ <http://www.vcb.lv/default.php?open=jaunumi&this=300807.300> (visited on 9 September 2007)

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Legal

The Constitution (Article 99)¹⁵⁸ and the Law on Religious Organisations of 1995¹⁵⁹ declare separation of the Church from the state and recognise the right to free manifestation of religion as well as the right to establish religious institutions, organisations and associations.

One of the somewhat controversial provisions of the Law on Religious Organisations stipulates that only one Church can be registered by each confession (Section 7 para.3). In practice application of this provision caused some conflicts between different communities of the Churches with the high degree of decentralisation (in particular, the Old Believers).

The Law on Restitution of Property of Religious Organisations of 1992¹⁶⁰ establishes the basic principles for returning religious property confiscated by the state during the Soviet period. The right to re-gain their property is extended to all those religious organisations which were registered in 1940 by the Department of Churches and Confessions of the Ministry of Interior of the Republic of Latvia, provided that they have not terminated their activities and if their renewed status of a legal person is duly confirmed by the corresponding state institution (the Office of Religious Affairs) after 1990.

The Criminal Law of 1998¹⁶¹ envisages punishment for hate-speech against a person on the basis of religious affiliation or atheism – up to four years imprisonment if perpetrated under aggravating circumstances (Section 150).

None of the existing religions is official in Latvia. The Law on Religious Organisations does not establish any discrepancies between different Churches. However, in practice “traditional” religions have more possibilities than the “new” ones, in particular, in respect of recognition of marriages by Church, as well as the opportunities to offer optional courses in public schools. These differences are implemented through the framework of particular legal acts pertinent to particular confessions.

In November 2000 the Republic of Latvia signed a treaty with the Holy See (which aimed to replace the Concordat concluded in 1922), that has been ratified by the Saeima (Parliament) in September 2002¹⁶². The Treaty determined the status and rights of the Roman Catholic Church in Latvia, including recognition of canonical marriages, access to public media, military, healthcare, penitentiary and social institutions, the right to teach the fundamentals of Catholic faith in public schools (if the parents wish so) and to establish private Catholic schools, as well as status of the Aglona Basilica¹⁶³.

¹⁵⁸ http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

¹⁵⁹ <http://www.likumi.lv/doc.php?id=36874&mode=KDOC> (visited on 30 August 2007).

¹⁶⁰ <http://www.likumi.lv/doc.php?id=65537&mode=KDOC> (visited on 30 August 2007).

¹⁶¹ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13709> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=88966&mode=KDOC> in Latvian (visited on 6 November 2007).

¹⁶² <http://www.likumi.lv/doc.php?id=66742&mode=DOC> (visited on 30 August 2007).

¹⁶³ Aglona Basilica is Latvia's most important pilgrimage site and the leading Roman Catholic shrine in the country.

Latvia is a state with very high religious diversity, and other leading Churches expressed certain anxiety because the abovementioned Treaty allegedly put the Catholic Church into a privileged position in Latvia. To dissolve these concerns, the Government decided to prepare similar agreements with other Latvia's major confessions that would envisage their rights similar to the rights guaranteed to the Roman Catholic Church by the aforementioned Treaty. In 2004, the Cabinet of Ministers approved such agreements, in particular, with the Latvian Evangelical Lutheran Church¹⁶⁴, Latvian Orthodox Church¹⁶⁵, Latvian Old Believers Church¹⁶⁶, and Latvian United Methodist Church¹⁶⁷. Similar agreement has been signed with the Riga Jewish Religious Community in 2006¹⁶⁸. However, these agreements have never been submitted for ratification in the Saeima (Parliament), since legal experts pointed to essential legal inconsistencies related to the lack of personality of religious organisations under international law. As a result, these agreements have been transformed into special laws to determine status and rights of Latvia's each major Church separately. In 2006-2007, the corresponding drafts have been submitted to the Saeima (Parliament) by the Cabinet of Ministers. The Law on the Union of Baptist Communities¹⁶⁹, Law on the United Methodist Church¹⁷⁰, Law on the Union of Seventh Day Adventist Communities¹⁷¹, Law on the Old Believers Church¹⁷², and Law on Riga Jewish Religious Community¹⁷³ have been adopted in 2007. Two more draft laws (on the Evangelical Lutheran Church¹⁷⁴ and the [Russian] Orthodox Church¹⁷⁵) have passed the first reading by July 2007 and remain on the parliamentary agenda at the moment of writing this report.

The State Language Law of 1999¹⁷⁶ does not restrict use of languages other than the state one (Latvian) in religious rituals (Section 2 para.3), however, it stipulates that everyone has the right to file applications and communicate in the state language at religious organisations (Section 3 para.2).

The most problematic legal provision in the field of religious freedom and non-discrimination is the one relevant to official holidays contained in the Law on Holidays, Commemoration Days and Celebratory Days of 1990¹⁷⁷, Section 1. *De facto* the Lutheran and Catholic religious holidays (Christmas and Easter) are celebrated as official holidays, although the law does not mention the religious nature of these holidays. The same Section 1 provides that the [Russian] Orthodox, Old Believers and believers belonging to other confessions celebrate Christmas and Easter on the days established by the corresponding confession. However, these days have no official status, and employers are not obliged to ensure days off for such holidays.

Implementation/Factual

¹⁶⁴ Order No.403 of 8 June 2004.

¹⁶⁵ Order No.404 of 8 June 2004.

¹⁶⁶ Order No.405 of 8 June 2004.

¹⁶⁷ Order No.408 of 8 June 2004.

¹⁶⁸ Order No.493 of 3 July 2006.

¹⁶⁹ <http://www.likumi.lv/doc.php?id=157893&mode=DOC> (visited on 30 August 2007).

¹⁷⁰ <http://www.likumi.lv/doc.php?id=158398&mode=DOC> (visited on 30 August 2007).

¹⁷¹ <http://www.likumi.lv/doc.php?id=158622&mode=DOC> (visited on 30 August 2007).

¹⁷² <http://www.likumi.lv/doc.php?id=159066&mode=DOC> (visited on 30 August 2007).

¹⁷³ <http://www.likumi.lv/doc.php?id=159067&mode=DOC> (visited on 30 August 2007).

¹⁷⁴ Doc. Nr.56/Lp9, http://www.saeima.lv/saeima9/lasa?dd=LP0056_0 (visited on 15 December 2007)

¹⁷⁵ Doc. Nr.362/Lp9, http://www.saeima.lv/saeima9/lasa?dd=LP0362_2 (visited on 15 December 2007)

¹⁷⁶ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007).

¹⁷⁷ <http://www.likumi.lv/doc.php?mode=DOC&id=72608> (visited on 30 August 2007).

Historically Latvia has emerged as religiously diverse country, where Western and Eastern cultures and religions were overlapping. In particular, Russian Orthodoxy was present in Jersika, Koknese, Ludza and a number of other places in Latvia already in 12th century. In the end of 12th century the monk Bernard began professing Roman Catholic faith; in 1215 the pope Innocent III assigned the newly baptised Livonia the title "Terra Mariana". In 1660 the first Old Believers praying house was built in Latgale, and in 1760 in Riga. Still today the Old Believers community in Riga is the biggest in the world. In 1521 Andrejs Knopkens began professing the ideas of Reformation¹⁷⁸.

Publicly available data on the current number of religious communities are rather controversial. Thus, as of April 2007, 1 120 religious communities were registered in Latvia¹⁷⁹. However, in September 2007 the number of registered communities reportedly decreased to 877¹⁸⁰ - apparently, partly because the Catholic communities were not any longer registered separately, as the legal status was recognised for the Catholic Church on the basis of the Treaty with the Holy See mentioned above¹⁸¹.

¹⁷⁸ S.Krūmiņa-Konkova, V.Tēraudkalns, Reliģiskā dažādība Latvijā (Religious diversity in Latvia), Riga: "Klints", 2007.

¹⁷⁹ <http://rus.delfi.lv/archive/index.php?id=17957336> (visited on 30 August 2007).

¹⁸⁰ <http://www.delfi.lv/archive/index.php?id=19079766> (visited on 5 October 2007).

¹⁸¹ <http://www.delfi.lv/archive/article.php?id=19094155&ndate=1191186000&categoryID=193> (visited on 5 October 2007).

Table: number of religious communities and believers belonging to them according to media reports with reference to the data of the Office of Religious Affairs

Confession	Number of communities, April 2007	Number of communities, September 2007	Number of believers, 2006
Lutheran	304	302	450 000
Catholic	251	over 250 ¹⁸²	500 000
[Russian] Orthodox	119	119	350 000
Baptist	94	93	7 240
Old Believers	69	68	2 494
Seventh Day Adventist	52	51	4 006
Jehova's Witnesses	14	14	178
Methodist	13	13	876
Jewish	13	14	no data
Buddhist	4	4	75
Muslim	15	15	413
Vaishnav (Krishnait)	11	11	118
Mormon	4	4	926
"New Generation"	no data	15	no data
Pagans	no data	12	no data
Other	over 100	40	no data

The correlation between one's ethnic origin and religious belief in Latvia is strong. Although there is a certain number of ethnic Latvian Orthodox believers, as well as ethnic Russian Catholics and adherents of other religions, overwhelmingly ethnic Latvians are either Lutherans or Catholics. In turn, ethnic Russians predominantly belong to Orthodox and Old Believers confessions.

The fact that Orthodox and Old Believers Churches celebrate their main holidays according to Gregorian calendar caused protracted controversy over official holidays mentioned above. In particular, Orthodox/Old Believers Christmas is celebrated two weeks later than the officially recognised (and de facto Catholic and Lutheran) Christmas, i.e. in the beginning of January, what is usually a common working day in Latvia.

¹⁸² Assessment given by Juris Zālītis, advisor to the Cardinal Jānis Pujats - <http://www.delfi.lv/archive/article.php?id=19094155&ndate=1191186000&categoryID=193> (visited on 5 October 2007). The figure is not included into the total number of religious communities in Latvia.

Several attempts to introduce more official holidays so that to safeguard the right of the Latvian residents belonging to Orthodox and Old Believers Churches to celebrate their major holidays without interference have so far failed¹⁸³. The issue is debated during virtually each parliamentary session; in particular, the last so far parliamentary debate on the amendments proposed by the parliamentary opposition took place on 20 December 2007 when the Saeima (Parliament) again refused to grant the status of the official holiday to Orthodox Christmas. An alternative proposal, i.e. to establish by law that every employee has the right to a certain number of the paid days off to celebrate religious holidays of his/her confession was not supported either¹⁸⁴. The main argument against the proposed changes (besides the protests on the part of employers) was that formally the Christmas and Easter days were declared “just common, not religious holidays”, i.e. that the law does not define these days as the holidays of certain confessions. This is a typical example of application of the “blind to diversity” approach: whatever is written in the law, the wording cannot change the fact that officially recognised holidays coincide with the major religious holidays of certain confessions, while other churches celebrate these holidays in other days.

Moreover, in some cases attempts to ensure the possibility to celebrate major Orthodox holidays caused reprimand on the part of authorities. Thus, in 1997 Mr Eglītis, headmaster of Balozhi primary school was fired for granting a day off to the Russian stream of the school upon the requests of the pupils, their parents and the teachers to celebrate the Orthodox Christmas. Leadership of municipality warned Mr Eglītis against granting these holidays. After Mr Eglītis disagreed with the warning and protested against it, the municipality dismissed him.

However, this practice seems to have somewhat altered as the time passes. In 2005, several municipalities (in particular, in towns Livani and Preili in Latgale) allowed the Russian minority schools to have a day off at the Russian Christmas – however, on the condition that classes will be held in some weekend later on¹⁸⁵.

In the meantime, on some occasions the Government demonstrated surprising insensitivity and lack of respect to the country’s religious diversity. Thus, in 2006 the Cabinet of Ministers decided to move the working day of 5 May – the next day after the Day of the Declaration of Independence of 1990 – to 22 April, so that to allow residents to have more days off on the row. However, the Cabinet ignored the fact that 22 April is a Great Saturday for the Orthodox and Old Believers, the central day of the Easter. After vociferous protests, the Cabinet of Ministers has reversed the decision¹⁸⁶.

Conclusions

There is no distinction between persons belonging to majority and national minorities concerning the right to manifest religion or belief and to establish religious institutions.

¹⁸³ See, in particular, LETA, 9 December 2004, <http://rus.delfi.lv/archive/index.php?id=9766086> (visited on 30 August 2007), “MK-Latvija”, 31 May 2006, <http://rus.delfi.lv/archive/index.php?id=14591936> (visited on 30 August 2007), DELFI, 25 May 2006, <http://rus.delfi.lv/archive/index.php?id=14543807> (visited on 30 August 2007), etc.

¹⁸⁴ “Telegraf”, 24 December 2003, <http://rus.delfi.lv/archive/index.php?id=7096653> (visited on 30 August 2007)

¹⁸⁵ “Neatkarīga Rīta Avīze”, 5 January 2005, <http://rus.delfi.lv/archive/index.php?id=9978227> (visited on 30 August 2007).

¹⁸⁶ <http://rus.delfi.lv/archive/index.php?id=13955848> (visited on 30 August 2007)

Certain aspects of different attitude towards “traditional” and “new” religions can be hardly interpreted as a breach of the provisions of the Framework Convention.

The most serious problem in the field is that the state *de facto* officially recognises religious holidays of those denominations that are most widespread among the majority group (Lutheran and Catholic), but refuses to do the same in respect of denominations to which most of the persons belonging to minorities adhere (Orthodox and Old Believers). This practice is with good reasons considered as unwillingness to recognise holidays celebrated by the persons belonging to national minorities. The following measures would contribute to better minority protection:

1. To guarantee the opportunity to celebrate religious holidays for any believer, providing a certain number of days off per year, which are to be paid for by employer.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Legal

Article 100 of the Constitution¹⁸⁷ states “Everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express their views. Censorship is prohibited.”

The usage of minority languages in printed media is not limited by the Law on Press and Other Mass Media of 1990¹⁸⁸. No subsidies are envisaged by law for any printed media outlets, both in the state language or in minority languages.

However, the situation is substantially different for the broadcasting media. The use of language on public TV and radio is determined by Section 62 para.2 and 3 of the Radio and Television Law of 1995¹⁸⁹:

¹⁸⁷ http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

¹⁸⁸ <http://www.likumi.lv/doc.php?id=64879> (visited on 20 August 2007)

¹⁸⁹ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13711> in English (visited on 20 August 2007), <http://www.likumi.lv/doc.php?id=36673&mode=KDOC> in Latvian (visited on 20 August 2007)

"(2) Latvian Radio and Latvian Television shall produce their programmes for the first distribution network as national programmes in the state language.

(3) Latvian Radio and Latvian Television programmes at the second distribution network shall be primarily in the state language. Of the annual broadcasting time, 20% may be allocated to broadcasts in the languages of ethnic minorities, including in such broadcasting time also films and theatrical performances sub-titled in the state language".

Section 19 para.1 does not allow to broadcast programmes in two languages (which is very essential in the *de facto* bilingual Latvian society) without simultaneous translation: "Each broadcast shall take place in one language — the language of the broadcast. Fragments of a broadcast which are in other languages shall be provided with a translation (by dubbing, voice-over or sub-titling). This provision is not applicable to language instruction broadcasts or performances of musical works."

Licensing of radio and TV operators is within the powers of the National Council on Radio and Television (NCRT). NCRT issues broadcasting and re-transmission permits (either according to the results of invitations to tender or on the basis of a request), as well as special permits (licenses) for cable television and cable radio (radio transmission) operation (the Radio and Television Law, Section 46 para.6). According to Section 42 para.1 of the Radio and Television Law, "NCRT shall be established by the Saeima, electing nine members to it".

Until 2003 private electronic media were subject to language restrictions (so called "languages quotas"): the airtime for broadcasting in "foreign" (including minority) languages could not exceed 25% of the total broadcasting time. This provision was implemented in a rather robust manner: according to statistics of NCRT, in 1996-2002 the Council registered 62 complaints and imposed 38 sanctions when private TV and radio companies did not observe the language restrictions, in particular, 21 warnings were issued to the broadcasters, 8 administrative sanctions were imposed, 8 decisions about suspension of the operations of the broadcasting organizations were adopted, 1 lawsuit was brought in court in order to terminate the operation of "TV Riga"¹⁹⁰.

In March 2003 twenty four MPs from pro-minority opposition party submitted a complaint to the Constitutional Court with a request to evaluate the conformity of the "language quotas" with Articles 89, 91, 100 and 114 of the Constitution, Articles 10 and 14 (read together with Article 10) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Articles 19 and 27 of the International Covenant on Civil and Political Rights. On 5 June 2003 the Court ruled that the limitations imposed on the use of languages stipulated by the Section 19 para.5 (i.e. "language quotas") cannot be regarded as necessary, proportionate, and socially needed in the democratic society and declared the challenged norm null and void.¹⁹¹

However, in December 2004 the Saeima (Parliament) passed an amendment to the Radio and Television Law entitling the Government to "decide on measures fostering use of the Latvian language in the corresponding territory". Although the amendment to the Section 19 para.5 does not explicitly give the Government the authority to impose restrictions on

¹⁹⁰ S.Martišūne, Language use in Latvian radio and television: legislation and practice. Riga, 2004, <http://www.politika.lv/index.php?f=546> (visited on 20 August 2007)

¹⁹¹ See judgment of 5 June 2003 in the case No.2003-02-0106 at <http://www.satv.tiesa.gov.lv/upload/2003-02-0106E.rtf> (visited on 20 August 2007)

the “foreign”-language broadcasting, its vague wording nevertheless appears to make such restrictions possible.

Moreover, the law still retains a controversial provision set out by Section 18 para.2, establishing that no less than 40 per cent of the European production quota (i.e. 20.4 per cent of total broadcast time) must be produced in the Latvian language, not merely in Latvia – thus *de facto* imposing a restrictive quota for the Russian-language broadcasting¹⁹².

Section 19 para.4 of the Radio and Television Law requires that all TV broadcasts in foreign (including minority) languages, except live broadcasts, re-transmissions, broadcasts to foreign countries, news and language instruction broadcasts, shall have sub-titles in the Latvian language. This might put a disproportionate financial burden on TV-channels targeting minority audience.

Even more serious problem is related to the provision of Section 19 para.3 of the same Law. This provision envisages that all films demonstrated shall be dubbed in the state language, or with the original soundtrack and sub-titles in the Latvian language. However, “films intended for children shall be dubbed or with voice-over in the Latvian language”. Thus, this provision rules out the possibility for children belonging to minorities to watch films with the original soundtrack in their mother tongue.

Implementation

Printed media in Latvia is divided into Latvian- and Russian-language outlets, differing significantly in terms of content, tone, viewpoints, arguments and information sources. The mainstream Latvian-language press has a tendency to ignore the minorities and rarely presents their anxieties and opinions. In the meantime, Russian-language press tends to sharply criticize the authorities, especially regarding the issues most sensitive for minorities, such as citizenship, language and education policies. Historical events, especially those related to WWII are also usually viewed differently by the Latvian- and Russian-language press.

Within the framework of broadcasts in the languages of ethnic minorities the great majority of time is given to the Russian-language productions, but 30 min. radio broadcasts at the Latvian Radio 4 in the languages of other minorities (Armenian, Azeri, Belarusian, Estonian, Georgian, German, Greek, Lithuanian, Polish, Tatar and Ukrainian) are aired almost every day.

The NCRT, among other duties, is responsible for elaboration of the National Concepts on Development of Electronic Public Media. Some positive developments regarding minority issues can be seen in the Concepts. While the first Concept (for 2000-2002) did not mention minority needs and contained not a single word about minority languages, the second Concept (2003-2005) contained a few words about the contradictions between the then expected ratification of the Framework Convention and discriminatory restriction of 25% percent for broadcasting in minority languages on private channels. Last Concept elaborated for 2006-2008 attempted to follow international human rights in the field of minority issues and proposed “to develop those radio and TV channels which broadcast in minority languages, and ensure representation of their interests according to the

¹⁹² S.Kruk, “Latvia”. In: Television across Europe: regulation, policy and independence, OSI EU monitoring and advocacy program, 2005, Budapest, p.1006, http://www.eumap.org/topics/media/television_europe/national/latvia/media_lat1.pdf (visited on 15 December 2007)

standards of human and minority rights in the field of language usage”¹⁹³. However, no practical steps in this direction have been made by the NCRT so far.

It should be also mentioned that no member of the Russian-speaking minority has been elected to the NCRT since its establishment until October 2007. As a rule, only persons representing parties of the ruling coalition were elected to the NCRT¹⁹⁴. Finally, in October 2007, after numerous attempts of the pro-minority parties during last 12 years, a prominent professor of communications, journalist and script-writer Ābrams Kleckins has been elected NCRT member and chairperson¹⁹⁵.

In accordance with the Law the NCRT approves the programme and the budget of the National Remit. It has not become an instrument for the support of minority media. In fact, the priorities of the National Remit elaborated for 2004 mentioned minority programmes only as the fourth priority for the second public TV channel (LTV7), after sports, drama, soap operas, and youth entertainment. Minority programmes were also given a secondary role in the priorities stated for 2005. The Remit stated that minority broadcasts should be included in LTV7 programming, in addition to sports, light entertainment, drama and soaps.

Factual

Until the end of 1999 the newspaper “Diena” was the only nation-wide newspaper published both in Latvian and Russian. Russian edition of the newspaper was also most actively and consistently promoting the idea of integration. The Russian-language outlet of “Diena” was closed mainly due to financial reasons, and their Russian readers were offered to read the Latvian-language outlet. Since the beginning of 2000 there is no any nation-wide bilingual newspaper.

While the official point of view was that the existed for years “language quotas” for electronic media should promote the state language as a factor of society integration, practical impact of such restrictions revealed the opposite. Denied an opportunity to receive the broadcasts in their mother tongue produced in Latvia, Russian-speakers embraced the modestly priced cable channels originating in Russia (ORT, RTR, etc.). This way, the informational, cultural and political gap between the two major linguistic communities has even increased since mid-90s.

Regarding broadcasting at the LTV7, it should be noticed that not all 20% allowed by law are allocated for broadcast in languages other than Latvian; on the contrary, there is a tendency of reducing broadcasting in the Russian language. In the meantime, there are plans to increase a number of sport programmes. Vladimir Novodvorsky, former head of the Russian News Service, recognized that director of the LTV7 consciously attempts to weaken the channel¹⁹⁶. In particular, the time schedule for “Segodnja” (“Today”), the leading news programme in the Russian language at the Latvian Public TV, changed four times in the last five years. As a result of this policy a number of the leading Russian-speaking journalists left the LTV7.

Another visible trend in the Russian-language broadcasting at the Latvian Public TV is gradual eradication of political discussions and live shows (contrary to the clear opposite tendency in the Latvian-language-only first distribution network, or LTV1). In particular,

¹⁹³ See at the NCRT website: <http://www.nrt.lv/info/index.php?mid=94> (visited on 20 August 2007)

¹⁹⁴ For more details on the activities of the NCRT, see L.Raihman, Media Legislation, Minority Issues, and Implications for Latvia, 2003, <http://pdc.ceu.hu/archive/00001838/01/Raihman.pdf> (visited on 20 August 2007)

¹⁹⁵ <http://www.delfi.lv/archive/article.php?id=19120264&ndate=1191445200&categoryID=193> (visited on 5 October 2007).

¹⁹⁶ <http://rus.delfi.lv/news/daily/latvia/article.php?id=18512375> (visited on 20 August 2007).

such broadcasts as "S pozicij vlasti" ("From the position of power" - live interviews with the leading politicians and state officials by the journalists from the Russian-language media) and "Process" ("The Process" - weekly debates between the politicians from different political parties on topical issues) have disappeared from air, and were replaced by the broadcasts devoted to business or pop music.

As regards the restriction for one programme to be broadcast in one language, it undoubtedly created obstacles for the development of the interactive shows. In particular, in 2002-2003 the popular TV programme "Tema nedeli" ("The topic of the week") at TV5 channel have met with difficulties when trying to observe Section 19 para.1 during live broadcasting, because viewers who called to the programme using direct telephone line expressed their opinions in both Latvian and Russian languages. Ilona Madesova, the director of Latvian Radio 4 (the so-called "integration programme)", also stated that this provision restricts bilingual radio broadcasts for bilingual audiences, especially youth¹⁹⁷.

Conclusions

The legislative provisions do not establish restrictions for persons belonging to national minorities for access to printed media. Regarding the Radio and Television Law which allows on the second public TV channel (LTV7) up to 20% percent of broadcasting in languages other than Latvian, it can be concluded that native Russian speakers do not enjoy full equality in access to an important public service. This can be considered indirect discrimination, insofar as persons belonging to national minorities such as Russians, Ukrainians, etc. comprising more than 40% of total population, are disproportionately affected by the regulations based on language.

In a multicultural society such as Latvia, rigid regulations of the type "one programme – one language" do not lead to promotion of cultural pluralism.

On the whole, the state policy concerning electronic media should assist for the better integration in the society. The following measures would contribute into it:

1. Instead of a limit not to be exceeded for the programmes in languages other than Latvian at Latvian Radio and Latvian Television, 20% of time at the second distribution network (LTV7) could be considered as a share to be compulsorily allocated to such programmes.
2. To review composition and principles of election of the National Council on Radio and Television so that to promote representation of national minorities in the Council.
3. To review Section 19 para.1 of the Radio and Television Law and cancel the language restriction included in the Section.
4. To amend the law by introducing clear criteria for the distribution of the national remit on broadcasting to account for the needs and interests of linguistic minorities.
5. To broadcast those TV programmes at the Latvian public television which are expected to have significant impact on society with subtitles in the Russian language.

¹⁹⁷ S.Kruk, "Latvia". In: Television across Europe: regulation, policy and independence, OSI EU monitoring and advocacy program, 2005, Budapest, p.1006, http://www.eumap.org/topics/media/television_europe/national/latvia/media_lat1.pdf (visited on 15 December 2007)

6. To review Section 22 para.1 of the Radio and Television Law with its requirement for advertisements to be broadcast only in the language of the respective programme, or in the Latvian language, and abolish this restriction.

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.

Paragraph 1

Legal

General framework

The Latvian language is the sole state language in the country. Language legislation consolidates the role of Latvian and limits the usage of other languages in education, electronic mass media, state service, and in communications with public administrative bodies.

In October 1998 the Saeima (Parliament) included the provision that “the state language of the Republic of Latvia is the Latvian language” into the Constitution¹⁹⁸ (Article 4).

In April 2002 the Constitution was supplemented by a few provisions aimed at strengthening status of the Latvian language. Article 18 provides that every MP is obliged to swear or to give a promise “to be loyal towards Latvia, strengthen its sovereignty and the Latvian language as the sole state language”; Article 21 provides that the sole working language at the Saeima is Latvian; Article 101 provides that the working language of local governments is Latvian. Article 104 (provides the right to address submissions to State or local government institutions and to receive an answer to the point of fact) was supplemented with the provision that “everybody has the right to receive answer in Latvian”.

The first Law on Languages had been adopted in May 1989, one year before the restoration of independence of the Republic of Latvia was declared. It was amended substantially in March 1992, three months prior to its entry into force.

The present State Language Law of 1999¹⁹⁹ came into force on 1 September 2000. The law declares all other languages as “foreign”, with no legal status for minority languages

¹⁹⁸ http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

(Section 5). The only exception is envisaged for the Liv language which is denoted as “the language of Latvia’s autochthonous population” which the state undertakes to preserve, protect and develop (Section 4). Currently approximately 200 individuals belonging to the Liv group live in Latvia. The Law does not make distinctions between areas with different ethnic compositions; all its provisions are fully applicable even in the areas where the local majority of population are persons belonging to national minorities.

The Law recognises the right of minorities to use any language in private (Section 1 para.4), but limits it: the Law envisages state intervention into the use of languages in the private sphere to a degree determined by a “legitimate public interest”, such as matters affecting public health, public safety and public order, and taking into account the principle of proportionality (Section 2 para.2). At the same time, the Law does not regulate language usage in “unofficial communication among individuals, internal communication of ethnic and national groups and language usage in religious activities” (Section 2 para.3).

Employment

Section 6 of the State Language Law provides that persons employed in the state and municipal bodies, institutions and enterprises must know and use the state language. Persons employed in private organisations and enterprises must know and use the state language, if their activities concern “legitimate public interest” or they execute public functions. The Cabinet of Ministers "Regulations on the state language proficiency degree required for performance of professional and positional duties and the procedure of language proficiency tests" Nr.296 of 2000²⁰⁰ determine the level of state language proficiency necessary for such persons and the procedure of examinations for those individuals who received their education in a language other than Latvian.

The abovementioned regulations envisage 6 categories of the state language proficiency. The "3B" category (the highest one) is necessary, for example, for heads of the state institutions, lawyers, psychologists, secretaries, school headmasters and their assistants, and foresters. It requires ability to "hold a conversation in different styles", to use different "means of linguistic expression".

In private sphere an employer is in charge of determining the necessary level of the state language knowledge for employees in his/her business enterprise. In November 2000 the Cabinet of Ministers adopted amendments to the "Regulations on the state language proficiency degree required for performance of professional and positional duties and the procedure of language proficiency tests"²⁰¹ - a list specifying the required language proficiency in the private sector connected with a legitimate public interest (reviewed in December 2006). According to the adopted list, "3B" category is required for sworn advocates, sworn notaries and psychologists.

No exceptions or special provisions are envisaged for the language proficiency in areas inhabited by minorities traditionally or in large numbers, even for those areas where persons belonging to minorities historically constitute an overwhelming majority of the population. Regional differences are not being taken into account also by control authorities.

¹⁹⁹ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007)

²⁰⁰ <http://www.likumi.lv/doc.php?id=10132&mode=DOC> (visited on 6 December 2007)

²⁰¹ <http://www.likumi.lv/doc.php?mode=DOC&id=150406> (visited on 6 December 2007)

Healthcare

The Medicine Law of 1997²⁰² does not guarantee the right to use the patient's language in communications related to medical treatment with public or private medical institutions. Section 20 only stipulates that information about diagnosis, plans for examination and treatment, as well as other methods of treatment and prognosis is to be provided "in an understandable way", without particular reference to language. Draft Patients Rights Law²⁰³ foresees that native language of the patient shall be taken into account according to facilities of the medical institution and medical staff (Section 3 para.1); however, there is initiative to exclude this provision in favour of the prohibition of discrimination. The draft was adopted in the second reading on 20 December 2007 and is still pending before the Saeima (Parliament).

Elections

Before 2002 proficiency in the state language was an obligatory precondition for running at parliamentary and municipal elections: every deputy candidate had to submit a copy of the state language proficiency certificate of the highest level of proficiency, if he/she did not receive school education in the Latvian language, in order to be properly registered. In May 2002 the Parliament cancelled the state language requirements for deputy candidates. The amendments followed the views adopted by the UN Human Rights Committee in the case *Ignatane v. Latvia*²⁰⁴ and the judgment of the European Court of Human Rights in the case *Podkolzina v. Latvia*²⁰⁵; both institutions found a violation of human rights in the cases. The amended versions of the both Saeima Elections Law²⁰⁶ (Section 11 para.4 subpara.g) and Municipal Elections Law²⁰⁷ (Section 17 para.3 subpara.g) stipulate that each candidate evaluates his/her level of the state language proficiency himself/herself and must indicate this self-evaluated level of proficiency in the documents when registering for elections. These data about all candidates who participated in any elections are made public at the official website of the Central Election Commission²⁰⁸.

Public events

Section 11 of the State Language Law provides that public events organised by private persons and private organisations can be held in other languages than the state one. The governmental regulations determine exceptions from this general rule. Private persons, enterprises or associations, international institutions, when organising public events, must translate into the state language the information which relates to legitimate public interest, as well as information about the event.

Liability

²⁰² <http://www.likumi.lv/doc.php?id=44108&mode=KDOC> (visited on 6 December 2007)

²⁰³ Doc. Nr.126/Lp9, http://www.saeima.lv/saeima9/lasa?dd=LP0126_2 (visited on 15 December 2007)

²⁰⁴ Views with regard to communication No.884/1999 (*Ignatane v. Latvia*, adopted on 25 July 2001), <http://www.unhchr.ch/tbs/doc.nsf/0/81b05015054b5075c1256acb004bf9ca?Opendocument> (visited on 6 December 2007)

²⁰⁵ *Podkolzina v. Latvia*, no. 46726/99, ECHR 2002-II, <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=698294&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649> (visited on 6 December 2007)

²⁰⁶ <http://web.cvk.lv/pub/public/28126.html> in English (visited on 6 December 2007), <http://www.likumi.lv/doc.php?id=35261&mode=KDOC> in Latvian (visited on 6 December 2007)

²⁰⁷ <http://web.cvk.lv/pub/public/28157.html> in English (visited on 6 December 2007), <http://www.likumi.lv/doc.php?id=57839&mode=KDOC> (visited on 6 December 2007)

²⁰⁸ <http://web.cvk.lv/pub/public/28333.html> (visited on 23 November 2007)

Administrative liability for violations of legislative acts concerning use of languages is established in Latvia's legislation since 1992. In June 2001 the Saeima (Parliament) adopted amendments to the Latvian Administrative Violations Code of 1985²⁰⁹. Some of the amendments concern administrative violations in the field of language use and establish fines for violations of the new State Language Law and its implementing regulations which came into force on 1 September 2001. 13 different types of language violations are mentioned in the Administrative Violations Code. The fine for them is up to Lats 500 (approx. EUR 714) for natural persons, Lats 1000 (approx. EUR 1428) for legal persons and up to 10-15 days of imprisonment, if one passes language examination for the proficiency certificate or naturalisation with false identity. Besides punishments for breaching particular provisions of various normative acts, the Code envisages also fine up to Lats 250 (357 EUR) for "obvious disrespect towards the state language" (Section 201³⁶).

In August 2007 the State Language Centre suggested to introduce fines for those employers who do not determine the necessary level of the state language proficiency for employees, if these employees communicate with consumers or work with documents²¹⁰. Draft amendments to the Administrative Violations Code are approved by the Government, but not yet submitted to the Saeima (Parliament).

In November 2007 the Ministry of Interior suggested that the necessary level of the state language knowledge should be diminished for firemen-rescuers (from 3A to 2A), as well as border guards (from 3B to 3A)²¹¹ with the aim of resolving the problem of staff shortage. The Minister for Justice, who is responsible also for activities of the State Language Centre, has immediately announced that his Ministry will object to the draft²¹².

In December 2007 MP Kārlis Šadurskis tabled a number of amendments to the Administrative Violations Code aiming at very substantial (5 – 10 times) increase of the fines envisaged for breaching the language legislation. For example, he proposed a fine of Lats 250 (instead of current Lats 50) for failure to use the Latvian language when fulfilling an employer's duties, the punishment for failure to properly use the Latvian language in official paperwork is to be increased till Lats 1000, etc.²¹³ Only MPs from pro-minority parties voted against the proposals at the meeting of the parliamentary Legal Affairs Committee which is in charge for the amendments. However, the amendments were withdrawn on 11 December 2007.

EU permanent residents

On 22 June 2006 the Saeima adopted the Law on the Status of a Long-term Resident of the European Community in the Republic of Latvia²¹⁴, which stipulates that Latvian non-citizens shall be subjected to several requirements, in particular must demonstrate Latvian language skills in order to obtain the status of EU permanent resident. The Law was criticized by the President of Latvia, pro-minority political parties, and NGOs, which stated that the Law is discriminatory against non-citizens of Latvia, and that they cannot be treated on the same basis as immigrants who have arrived in Latvia recently. Numerous proposals by the pro-minority oppositional parties to grant the Latvian non-

²⁰⁹ <http://www.likumi.lv/doc.php?id=89648&mode=KDOC> (visited on 6 November 2007).

²¹⁰ <http://www.delfi.lv/archive/article.php?id=18615492> (visited on 6 December 2007)

²¹¹ <http://www.delfi.lv/archive/article.php?id=19645149> (visited on 6 December 2007)

²¹² <http://www.delfi.lv/archive/article.php?id=19659319> (visited on 6 December 2007)

²¹³ <http://www.ves.lv/vesti/0/29600> (visited on 6 December 2007).

²¹⁴ <http://www.ttc.lv/index.php?id=10&tid=50&l=EN&seid=down&itid=15818> in English (visited on 6 December 2007), <http://www.likumi.lv/doc.php?id=139372&mode=DOC> in Latvian (visited on 6 December 2007)

citizens the status by request without any preconditions were rejected by the ruling coalition. The President of Latvia refused to promulgate the law and criticized the Saeima for the adopted Law arguing that this is aimed not at integration of society but will rather provoke intolerance. In particular, the President stated: "there is only one Latvia, and there are no "ours" and "aliens", no "right" or "others"... The Saeima as the authorized representative of the nation has to protect its basic values - democracy, rule of law and respect towards human rights and freedoms"²¹⁵. Nevertheless, the parliamentary majority confirmed the adopted provision once again²¹⁶.

Implementation

The main state institution responsible for the state language policy is the State Language Centre. It controls observance of the State Language Law and other legislative acts relevant to language policy.

According to the Cabinet of Ministers "Statute of the State Language Centre" Nr.202 of 2005²¹⁷, its officials have the right to visit state and municipal institutions, private business enterprises; to meet officials, employees and self-employed persons; to require elimination of "language violations"; to summon persons to the Centre if violations of the State Language Law or other acts are discovered; to inspect authenticity of the state language proficiency certificate.

Prior to November 2001 officials of the State Language Centre had also the right "to take out and inspect state language proficiency certificates". This provision was interpreted as the right to conduct additional examinations of the holders of the state language proficiency certificates. The amendments to the " Regulations on the state language proficiency degree required for performance of professional and positional duties and the procedure of language proficiency tests" followed the views adopted by the UN Human Rights Committee in the case *Ignatane v. Latvia* mentioned above, and since November 2001 additional examinations cannot be conducted.

In August 2007 the Minister for Justice Gaidis Bērziņš informed that since 2009 the State Language Centre could merge with the Naturalisation Board, mentioning as a reason that "the rights and interests of users of the state language are endangered"²¹⁸. The Minister stressed that there were only 27 persons working in the Centre, therefore the state language cannot be effectively secured. On the other hand, the Naturalisation Board had a good network of local branches, but naturalisation was slowing down. Pro-minority NGOs and political parties expressed strong protest against the merger²¹⁹. The Cabinet of Ministers did not support the proposal so far, and most of the parliamentary factions did not find the proposal reasonable either²²⁰.

²¹⁵ "Latvian President Latvia Vaira Vīķe-Freiberga criticizes MPs for promotion of intolerance", Latvian Centre for Human Rights, 26 June 2006, <http://www.humanrights.org.lv/html/monitor/28763.html> (visited on 6 December 2007)

²¹⁶ According to the Constitution, if the President refuses to promulgate the law and returns it to the Parliament for repeated consideration, the Parliament has to vote for the disputed provisions once again. If the previous vote is confirmed, the President is obliged to promulgate the law.

²¹⁷ <http://www.likumi.lv/doc.php?id=104521&mode=DOC> (visited on 6 December 2007)

²¹⁸ <http://www.delfi.lv/archive/article.php?id=18605342> (visited on 6 December 2007)

²¹⁹ <http://www.delfi.lv/archive/article.php?id=18621747> (visited on 6 December 2007)

²²⁰ "Latvijas Avīze", 13 September 2007

In the meantime, in 2007 the funding for the State Language Centre increased twice in comparison with 2006²²¹. These additional funds were intended primarily for hiring more staff (language inspectors), as well as increasing their salaries²²².

Factual

General framework

On 12 November 2007 during the annual conference of the European Federation of National Institutions for Language (EFNIL) in Riga its vice-president, MP Ina Druviete declared that in future Russian could be recognised as minority language in Latvia²²³. This statement of Ina Druviete, who is widely known for her leading role in designing Latvia's language policy, caused overreaction on the part of some ministers. The Minister for Justice stated that there was no any binding international instrument imposing on Latvia an obligation to recognise any language as minority language, and that he proposal "will split the society"²²⁴. The Minister for Special Assignments for Society Integration Affairs declared that, according to the European Charter for Regional and Minority Languages, Russian cannot be recognised as minority language – such recognition could be granted only in respect of Old Believers who live in Latgale (eastern region of Latvia mostly inhabited by Russian-speakers) since XVIII century²²⁵. Also the President of Latvia mentioned that "these persons should feel themselves belonging to Latvia without any specific status". Ina Druviete herself commented that her statement was related to the languages of all minorities living in Latvia. Besides, status of the minority language could be granted just to rebut claims to the status of the state language²²⁶.

Liability-employment

In 2006 the State Language Centre conducted 1308 checks of observance of language legislation (5462 persons checked), in the first 11 months of 2007 – 1568 checks. In 2006 the Centre examined 557 administrative cases and imposed fines in 553 cases (total amount of Lats 8760 (approx. EUR 12,500). Within 11 months of 2007 already 609 persons were fined for "the language violations"²²⁷. In 2005 the Centre received and considered 431 complaints about the breaches of the language legislation, in 2006 – 414 complaints, and in the first 4.5 months of 2007 – 240 complaints²²⁸.

Some typical examples of the cases when persons are punished for violating the language legislation are described below.

On 25 November 2004 inspectors of the State Education Inspection and the State Language Centre arrived to Mežmala secondary school of Jurmala for an examination of Zhanna Kupchik, teacher in ethics. They called her from the classroom where she had a lesson and in the presence of the school headmaster asked to discuss in the Latvian language one of the topics of her subject. When she refused to do so explaining that according to school curriculum she teaches ethics in Russian, inspector of the State Language Centre imposed a fine of 10 Lats (approx. 14 EUR) for insufficient Latvian language proficiency²²⁹.

²²¹ "Latvijas Avīze", 8 May 2007

²²² Minister for Justice' reply to parliamentary question, Nr.1-7.2/2132, 16 May 2007

²²³ <http://www.delfi.lv/archive/article.php?id=19496832> (visited on 6 December 2007)

²²⁴ <http://www.delfi.lv/archive/article.php?id=19510760> (visited on 6 December 2007)

²²⁵ <http://www.ves.lv/rubric/11/28909> (visited on 6 December 2007)

²²⁶ <http://www.delfi.lv/archive/article.php?id=19532671> (visited on 6 December 2007)

²²⁷ <http://rus.delfi.lv/archive/index.php?id=19702982> (visited on 6 December 2007)

²²⁸ Minister for Justice' reply to parliamentary question, Nr.1-7.2/2132, 16 May 2007

²²⁹ <http://rus.delfi.lv/archive/article.php?id=9717852> (visited on 6 December 2007)

Ms Kupchik refused to pay the fine and appealed against the decision to the Ministry of Justice, however her complaint was rejected. She appealed against the decision in the District Administrative Court. She stated that her Latvian language proficiency was officially recognised to correspond to the highest level in 2000 and the level is a sufficient to work at school, therefore she was issued with a corresponding certificate. According to the regulations, the State Language Centre can only check validity of the certificate, but the examination of the language proficiency is within the competence of the Centre for Curriculum Development and Examinations. On 23 February 2006 the court rejected Ms Kupchik's claim to recognise the administrative act illegal. Ms Kupchik appealed against the judgment in the Regional Administrative Court. On 22 June 2007 her appeal was rejected. On 23 July 2007 Ms Krivcova, lawyer in the case, submitted a cassation complaint stating that a number of procedural norms have been violated, in particular the inspector's request to rehearse the lesson materials in the Latvian language, to write explanatory statement regarding administrative fine, etc²³⁰.

Zhanna Kupchik believed that the examination was organised because on many occasions she explicitly expressed her negative attitude towards the minority education reform and actively participated in protest actions²³¹. She assumed that officials used language inspections as an instrument against "inconvenient" teachers. At that time she was a member of the pro-minority party and in 2005 she was elected member of the Jurmala City Council.

In another case, in February 2007 the State Language Centre imposed a fine of Lats 35 (EUR 50) on Ms Bobrovska, headmaster of the Ludza Evening School, The Centre alleged that director repeatedly violated language regulations and insufficiently used the Latvian language in official communication²³².

On 17 January 2007 representatives of the State Language Centre visited the orphanage "Priedīte" in the city of Daugavpils. Ms Gražinska, deputy headmaster, and two staff members were fined for failure to use sufficiently the state language. The fines were Lats 10-15 (14-21 EUR). Mr Ivanov, director of the orphanage, and Ms Gražinska recognized that they use Latvian very rarely because for all children in the orphanage mother tongue is Russian. The staff of the orphanage stated that there were no conflicts related to the use of the Latvian language or situation when they could not assist visitors in the state language²³³.

Generally, the teachers of minority school are often targeted by the language inspectors. In particular, during the period of January – April 2007 the State Language Centre punished 18 teachers and one school headmaster for insufficient use of the Latvian language at work, besides, two school headmasters were fined for hiring people with allegedly insufficient state language knowledge²³⁴.

Liability – events

²³⁰ Communication with Ms Krivcova, 2 August 2007, Riga

²³¹ "Chas", 23 February 2006, http://www.chas.lv/win/2006/02/23/g_040.html?r=32& (visited on 6 December 2007).

²³² "Latvijas Avīze", 13 February 2007

²³³ Interview with Ms Gražinska conducted by Miroslav Mitrofanov, member of the Board of the Russian Community of Latvia, 20 March 2007, Daugavpils

²³⁴ "Telegraf", 10 May 2007, <http://www.telegraf.lv/index.php?act=archive&date=20070510&gid=23&id=30502> (visited on 6 December 2007)

In August 2007 the State Language Centre imposed a fine of Lats 25 (approx. EUR 35) for lack of translation into Latvian during the concert of “Eruption” and “Boney M” in the town of Ogre. Some words of the singers were being translated only into Russian²³⁵. It should be mentioned, however, that according to regulations in force private persons when organising public events must translate into the state language the information related to legitimate public interest, as well as information about the event. Nevertheless, fine was imposed on the concert’s organisers²³⁶.

Healthcare

In practice medical doctors almost always use Russian when it is necessary to achieve better understanding with the patients, and the complaints that medical staff refuses to communicate with the Russian-speaking patients in their native language are virtually non-existent. However, one should take into account that mostly doctors trained before 1990, when knowledge of Russian was *de facto* mandatory, are still employed in Latvian healthcare. Younger doctors who received their education after 1990 often have much poorer command in Russian, as teaching minority languages is not envisaged for them.

On the other hand, the situation with the instructions and annotations for medicaments is more controversial. According to Section 21 para.2 of the State Language Law, all information placed on the goods made in Latvia must be in the state language (exception is envisaged for the goods intended for export). Although the law does not prohibit duplication of information in other languages (in this case the Latvian-language text must dominate both in terms of position, form and content), in practice this is rarely done – in the case of medicaments it is probably connected with the small size of the packs and large amount of information to be placed. Section 21 para.3 of the State Language Law stipulated the obligation to supply Latvian-language translation for information, annotations and instructions of all imported goods. Corresponding departmental regulations establish detailed procedures for implementation of these provisions, in particular, for medicaments.

In practice, a lot of complaints have been recorded, in particular, from elderly people with low level of command in Latvian that important instructions and precautions are not available for them because the language they understand well is not used²³⁷. Moreover, in some cases the Latvian annotation required by law is stocked over the annotation in Russian provided by the producer²³⁸ and thus makes the text in Russian not available.

Paragraph 2

Legal

Article 104 of the Constitution establishes that “everyone has the right to address the state or local government institutions with applications and receive an answer to the points of fact”. Since April 2002 this article was supplemented with the provision that “everybody has the right to receive an answer in Latvian”.

Legislation in force does not guarantee use of other languages than the state one in oral communications with public authorities, and explicitly prohibits use of minority languages in written communications with public authorities. No exceptions or special provisions

²³⁵ <http://www.delfi.lv/archive/index.php?id=18755800> (visited on 6 December 2007)

²³⁶ <http://www.delfi.lv/archive/article.php?id=18830167> (visited on 6 December 2007)

²³⁷ “Telegraf”, 13 August 2004

²³⁸ “Chas”, 28 September 2004, http://www.chas.lv/win/2004/09/28/g_047.html?r=32& (visited on 6 December 2007)

are envisaged for the use of minority languages in areas inhabited by minorities traditionally or in substantial numbers, even for those areas where persons belonging to minorities historically constitute an overwhelming majority of the population.

The State Language Law of 1999²³⁹ prohibits state, municipal and judicial institutions to accept written applications, statements and complaints from private persons in any language other than Latvian except for some emergency situations (calls for emergency medical help, notifications about criminal deeds or other violations of law, calls for emergency help in cases of fire, crash or other accidents) (Section 10 para.2). Documents in “foreign languages” can be accepted only when a certified translation into the state language is attached (Section 10 para.3). Translation and certification are costly procedures, and the provision in fact deprives many persons belonging to minorities of the opportunity to protect their rights in the state institutions (e.g. prisoners or population of the poorest region of Latgale). Outgoing written communication is permitted only in the state language (except for communication with foreign countries – Section 8 para.1); the Latvian Administrative Violations Code of 1985²⁴⁰ provides for sanctions if other languages are used in documentation.

The Civil Procedure Law of 1998²⁴¹ establishes that legal proceedings are conducted in the state language. Documents in foreign languages submitted by the parties must be supplemented with a duly certified translation into the state language (Section 13). The Administrative Procedure Law of 2001²⁴² contains a similar provision (Section 110).

Information intended for the public provided by state and municipal institutions, courts and agencies belonging to the judicial system, state and municipal enterprises and companies in which the state or a municipality holds the largest share of the capital shall be only in the state language (Section 21 para.1 of the State Language Law). Some exceptions are envisaged from this rule, for example for the cases of international events, emergency situations, epidemics or dangerous infectious diseases, etc. Other languages are also permitted in information and information materials that are sent or distributed to physical or legal persons upon their request (para.3 of the Cabinet of Ministers “Regulations on the use of languages in information” Nr.130 of 2005²⁴³).

On 30 June 2006 the National Human Rights Office (NHRO) sent a letter to the Cabinet of Ministers in which the NHRO stated that such regulation violates human rights standards, does not correspond to the aims of the State Language Law and runs contrary to the stated goal of inclusion of national minorities into the society of Latvia. The NHRO asked the Cabinet of Ministers to permit the state and municipal institutions, when dealing with integration issues, to provide public information not only in the state language but also in minority languages without any specific request. Before that the NHRO and Secretariat of the Minister for Special Assignments for Society Integration Affairs were forced to stop dissemination of booklets on their activities in the Russian language under request of the State Language Centre.

On 22 August 2006 the Ministry of Justice declined the application of the NHRO. Based on analysis of the situation with the state language in the country, Ms Saulīte, press secretary of the Ministry of Justice, stated that currently it is impossible to amend legal

²³⁹ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007).

²⁴⁰ <http://www.likumi.lv/doc.php?id=89648&mode=KDOC> (visited on 6 November 2007)

²⁴¹ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13720> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50500&mode=KDOC> in Latvian (visited on 6 November 2007)

²⁴² <http://www.likumi.lv/doc.php?mode=DOC&id=55567> (visited on 25 November 2007)

²⁴³ <http://www.likumi.lv/doc.php?id=102667> (visited on 6 December 2007)

acts which regulate the usage of the state language²⁴⁴. The Cabinet of Ministers considered the dispute between these different state institutions and decided to refrain from amending relevant regulations²⁴⁵. Consequently, the Welfare Department of the Riga City Council withdrew from use all information booklets about the available social assistance in the Russian language, and decided to place the information on public billboard in the council's lobby that these booklets in Russian are available by request²⁴⁶. In May 2007 the Cabinet of Ministers came back to the issue, but again decided not to change the existing rules²⁴⁷.

On the contrary, in August 2007 the State Language Centre suggested to introduce fines for officials who provide public information in other languages, if the legislation stipulates that such information is to be provided in the state language only²⁴⁸. Draft amendments to the Administrative Violations Code are approved by the Government, but not yet submitted to the Saeima (Parliament).

Implementation

There is a different practice of implementation of the above-mentioned legislative provisions. In fact some local governments have engaged translators, who translate private persons' applications from minority languages into the Latvian language. In the meantime, other institutions follow the Law strictly and do not communicate with population in languages other than Latvian.

In January 2002 the NHRO declared that the State Language Law is to be interpreted taking into account international human rights standards. In particular, petitions, applications, complaints and appeals on legal issues (especially written by prisoners) should be treated as statements about violations of law and thus accepted by institutions and courts. Only some institutions follow reasoning mentioned in this statement (such as the Prison Administration), but even such institutions respond in the state language only.

Factual

In 2000 the courts, the Office of Citizenship and Migration Affairs and other official bodies systematically returned correspondence to prisoners who had written letters in Russian. Around 2/3 of Latvia's prison population is Russian-speaking and the state does not provide free language training or translation services. Thus, in Central Prison prisoners sent around 12,000 petitions, complaints and requests in 2000. Of those, only 1/3 were in Latvian²⁴⁹.

In May 2001 the leading Latvian-language daily "Diena" published information about how the Riga City Council treats incoming mail in different languages. According to the newspaper, the mail board of the Riga City Council does not register letters in Russian and send them back with request to write in the state language. Heads of the Council's

²⁴⁴ <http://rus.delfi.lv/archive/article.php?id=15314618&ndate=1156194000&categoryID=57860> (visited on 6 December 2007)

²⁴⁵ "Chas", 23 August 2006, http://www.chas.lv/win/2006/08/23/l_040.html?r=30&, (visited on 6 December 2007)

²⁴⁶ "Chas", 12 September 2006, http://www.chas.lv/win/2006/09/12/l_029.html?r=30& (visited on 6 December 2007)

²⁴⁷ "Vesti Segodnja", 21 May 2007, <http://rus.delfi.lv/archive/index.php?id=17930658> (visited on 6 December 2007)

²⁴⁸ <http://www.delfi.lv/archive/article.php?id=18615492> (visited on 6 December 2007)

²⁴⁹ Human Rights in Latvia in 2000. Latvian Centre for Human Rights and Ethnic Studies, Riga, 2001, http://www.humanrights.org.lv/upload_file/Cilvektiesibas%20Latvija%202000.pdf (visited on 15 December 2007)

committees can consider applications or complaints written in foreign languages, but in this case they must register these letters themselves. However, letters written in English, German or French are translated by the Council's translation service. There were no translators from Russian among the Council's staff at that moment, despite 43.8% of the Riga residents are ethnic Russians and even more people indicate Russian as their native language.

The City Council of Daugavpils reportedly employs a translator who helps the residents of the city to translate their documents being handed in to the Council from Russian into Latvian. However, only those residents whose income does not exceed minimum established by the City Council are eligible for this free service.

Paragraph 3

Legal

Section 11 of the Criminal Procedure Law of 2005²⁵⁰ establishes that legal proceedings in criminal matters are conducted in the state language. A person who participates in the proceedings, but does not know the state language, is entitled to use the language he/she understands and to use assistance of an interpreter free of charge. All documents to be issued to such person must be translated into a language which he/she understands. Some proceedings (e.g. interrogation) can even be conducted in other languages without interpreter, but documents on them must be translated into the state language. According to the State Language Law all documents must be submitted to court or the Prosecutor's Office with translation into the state language, except for complaints, if translation of such complaints is not necessary for the proceedings.

Factual

In December 2001 the Ministry of Interior proposed to the Cabinet of Ministers to submit amendments to the State Language Law with the aim to allow the police and border guards to send the evidence/testimonies without translation to the Prosecutor's Office or to court till 1 January 2004. Otherwise, the police would need approx. 1,620,000 Lats (approx. EUR 2,613,000) for translation in 2002. Nevertheless, the proposal was rejected.

Conclusions

Lack of legal status for minority languages, excessive interference of the state into the use of languages in private sphere and, most notably, lack of possibility to communicate with the state authorities in minority languages (except for very limited number of emergency situations) create a serious risk of incompliance of Latvia's acts of legislation with the Framework Convention. The following measures would contribute to better minority protection:

1. To establish a legal status for minority languages in national legislation.
2. To review obligations to know and use the state language in both public and private sphere, taking into account the principle of proportionality.
3. To review sanctions for violations of legislative acts concerning the use of languages, taking into account the principle of proportionality.

²⁵⁰ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=15650> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=107820&mode=DOC> in Latvian (visited on 15 December 2007)

4. To establish the right to communicate orally and in writing in minority languages with the state, municipal and judicial institutions in municipalities inhabited by persons belonging to national minorities historically or in substantial numbers.
5. To establish the right to communicate orally and in writing in minority languages with the state, municipal and judicial institutions for the persons belonging to national minorities with low income, as well as for prison inmates.
6. To establish an opportunity for state, municipal and judicial institutions to disseminate and provide information in minority languages alongside with the state language without any restrictions.

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.

Paragraph 1

Legal

Writing of personal names is determined by Section 19 of the State Language Law of 1999²⁵¹:

“(1) Personal names shall be reproduced in accordance with the Latvian language traditions and shall be transliterated according to the accepted norms of the literary language while observing the requirements of paragraph 2 of this Section.

(2) In a person’s passport or birth certificate, the person’s name and surname reproduced in accordance with Latvian language norms may be supplemented by the historical form of the person’s surname or the original form of the person’s name in another language transliterated in the Latin alphabet if the person or the parents of a minor so desire and can provide verifying documents.

(3) The spelling and the identification of names and surnames, as well as the spelling and use in the Latvian language for personal names from other languages, shall be prescribed by the Cabinet of Ministers regulations”.

Specific implementation of these provisions was determined by a special sub-legal act, i.e. the Cabinet of Ministers “Regulations on spelling and identification of names and

²⁵¹ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007)

surnames" Nr.295 of 2000²⁵². Compliance of Section 19 of the State Language and the aforementioned Regulations were contested in the Constitutional Court. In December 2001 the Court ruled that while Section 19 of the Law was in compliance with the Constitution, some provisions of the Regulations did not conform to the constitutional norms²⁵³ (see below for details).

In 2002, new Cabinet of Ministers "Regulations on spelling and use of personal names of other languages in the Latvian language" Nr.96²⁵⁴ were adopted. However, soon the both aforementioned Regulations were replaced by the Cabinet of Ministers "Regulations on spelling and use of personal names in the Latvian language, as well as their identification" Nr.114 of 2004²⁵⁵, which are in force at the moment of preparing this report.

This voluminous sub-legal act (43 pages, 152 paragraphs) contains detailed prescriptions on how the personal names which originate from other languages (without any distinctions made for Latvia's traditional minority languages) must be transformed. In particular, according to para.55 of the Regulations, "foreign" personal names, including the names of persons belonging to national minorities, should be reproduced "as close as possible to the pronunciation in the original language", however, in full accordance with the "traditions of reproduction" of foreign names in Latvian. Besides, para.56 envisages that instructions elaborated by the Institute of the Latvian Language and Literature of the Academy of Science, as well as recommendations of the Terminology Commission of the Academy of Science should be taken into account to carry out this reproduction. In general, the Regulations envisage the detailed array of methods to be applied so that to make the names of foreign origin to sound like Latvian names, at least in terms of grammar (mandatory endings different for male and female names, prohibition of double consonants, etc.).

On 23 May 2002 the Saeima (Parliament) adopted the new Personal Identification Documents Law²⁵⁶ that came into force on 1 July 2002. The new law, as well as the legislation in force before, provides that personal names and surnames must be written in documents according to the grammar of the Latvian language. According to Section 5 para.5 of this Law, the historical form of the person's surname or original form of the personal name and surname in a foreign language in Latin transliteration can be written in the passport, if the person so wishes. More detailed procedure of application of this provision was determined by para.4.2.2 of the Cabinet of Ministers "Regulations on the citizens' identity cards, non-citizens' identity cards, citizens' passports, non-citizens' passports and stateless persons' travel documents" Nr.378 of 2004²⁵⁷. Namely, the original form of the name is recorded on page 4 of a citizen's or non-citizen's passport (page 14 according to the legislation in force before). Original form of the name and/or surname can be recorded if the person in question provides "documentary confirmation" of this original form.

²⁵² http://www.minelres.lv/NationalLegislation/Latvia/Latvia_LangRegNames_English.htm in English (visited on 7 September 2007), <http://www.likumi.lv/doc.php?mode=DOC&id=10131> in Latvian (visited on 7 September 2007)

²⁵³ Judgment of 21 December 2001 in the case No.2001-04-0103, <http://www.satv.tiesa.gov.lv/upload/2001-04-0103E.rtf> (visited on 7 September 2007)

²⁵⁴ <http://www.likumi.lv/doc.php?id=59675&mode=DOC> (visited on 7 September 2007)

²⁵⁵ <http://www.likumi.lv/doc.php?id=85209&mode=DOC> (visited on 7 September 2007)

²⁵⁶ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13855> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=62793&mode=KDOC> in Latvian (visited on 6 November 2007)

²⁵⁷ <http://www.likumi.lv/doc.php?id=87685> (visited on 7 September 2007)

In November 2007 new Cabinet of Ministers "Passport Regulations" Nr.775 have been adopted²⁵⁸ to determine new forms of passports in accordance with the standards approved at the EU level. Para.8.1.2 of these Regulations contains the provision virtually identical to one in the previous Regulations, the only difference is that the original form of the name is recorded on page 3 (and not 4) of the passport.

Certain inconsistency between the normative provisions mentioned above is worth mentioning. Although paras.143 and 144 of the Cabinet of Ministers "Regulations on spelling and use of personal names in the Latvian language, as well as their identification" Nr.114 of 2004²⁵⁹ envisage the possibility of recording original form of the name or surname by request, other normative documents which determine the form of particular documents do not provide for such an opportunity. For example, para.143 in principle permits recording original form of the name/surname in all personal documents, while para.8.1.2 of the Cabinet of Ministers "Passport Regulations" Nr.775 of 2007 explicitly envisages such an opportunity only for passports but not for ID cards or other types of personal documents. Thus, in practice no possibility of recording original form of the name or surname is provided for both citizens' and non-citizens' ID cards. As regards other documents (e.g. driver's license, birth certificate, education documents, documents issued by the Land Registry, etc.), the Regulations Nr.114 of 2004 in principle provide such a possibility, but there is no information about relevant administrative practices.

Implementation

As mentioned above, the Latvian language grammar rules are particularly demanding (special endings must be added, different for male and female's names, some double letters are prohibited, application of diacritical signs when transliterating minority and foreign names is controversial, etc.). This general problem of proper application of the right of persons belonging to minorities to "official recognition of their names in minority language" enshrined, in particular, in the Framework Convention, is particularly complicated in Latvia because of large-scale exchange of personal IDs: in Soviet passports issued in Latvia, names in both Russian and Latvian were written, while the USSR passports issued outside Latvia contained records either only in Russian or in Russian and the language of the corresponding "Soviet national republic". Meanwhile, officially recognised spelling in Latvian citizens' and non-citizens' passports, as well as in virtually all other documents, are only in Latvian.

Thus, the key issue is what kind of "documentary evidence" should be provided to confirm the "original form" of the name and/or surname of the person belonging to minority. Official interpretation of this regulation was explained in the Minister for Interior Ivars Godmanis's answer to corresponding parliamentary question tabled by the minority MPs²⁶⁰. According to this explanation, merely "personal documents in the Latvian language such as birth certificate, marriage certificate, passports or parents' personal documents" can be considered as documentary confirmation of the original form of the name or surname. However, if the person in question does not possess any personal documents issued in Latvia, also personal documents issued abroad can be used to confirm the original form of the name/surname; in this case Regulations Nr.114 of 2004 mentioned above are applied to reproduce foreign names in accordance with the Latvian grammar.

²⁵⁸ <http://www.likumi.lv/doc.php?id=166435> (visited on 6 December 2007)

²⁵⁹ <http://www.likumi.lv/doc.php?id=85209&mode=DOC> (visited on 7 September 2007)

²⁶⁰ http://www.saeima.lv/Lapas/Dep_jaut9/ATB026.pdf (visited on 27 October 2007)

As to the name of a newborn baby, the answer stresses that the original form of a child's name is the name (and surname) written in his/her birth certificate. If a child is born in Latvia, "the original form of the name is in the Latvian language, and thus there is no reason for additional name record".

This position reveals that in practice the regulations on recognition of personal names in minority languages are considered as a sort of "transitional arrangements" that are to be gradually removed as soon as the situation with the IDs has been sorted out (or kept, in some limited degree, only for foreigners who move to Latvia). Indeed, record of original name is not envisaged in a birth certificate. In the meantime, the record of original name in a passport, though formally permitted, can be made only on the basis of corresponding record in a birth certificate – which is not permitted. This makes a vicious circle of gradual "wiping out" of personal names in minority languages in official documents.

Factual

In practice, difficulties and problems faced by the persons belonging to minorities in respect of spelling of their personal names, are of various natures and can be classified into several types.

First, distortion of original names is often perceived as undermining person's sense of identity and integrity of personality, breaking ties with his/her family and cultural ancestry, and in some extreme cases the "reproduced" ("Latvianised") name may sound insulting or pejorative in the original language.

Second, a number of practical problems arise when the person in question is provided with new ID containing the name different from she/he used to use before (diplomas and certificates on education, professional qualifications, ownership rights, mortgages and loans, inheritance matters, etc.) – particularly when the issues of the kind rise abroad, where officials are not aware of peculiarities of mass replacement of IDs and change of official language in Latvia.

Third, real threats to family life emerge because of differences in spelling wife's and husband's names, in particular, when Latvian citizens and residents marry foreigners.

It should be mentioned that often these problems hit not only persons belonging to minorities but also ethnic Latvians who marry foreigners.

The following cases illustrate problems and difficulties created by establishing the unified system of "Latvianisation" of the names and surnames.

In April 1999 Mrs and Mr Shishkin won their trial against the Office of Citizenship and Migration Affairs (OCMA) in the Supreme Court of Latvia. Spelling of their names as recorded in their IDs (the so-called non-citizens' passports issued to former USSR citizens who have neither Latvian nor other state's citizenship) was the subject of the complaint. Their Slavic surname, originally in Cyrillic script, transliterated in Latvian and transcribed into English, sounded incorrectly and clearly insulting (similar to well-known obscene word in the Russian language). It has to be noted that Ints Zitars, the then head of the OCMA, challenging the decision of the regional court, asserted: "if the positive decision will be taken for the complainants, 400,000 non-citizens' passports issued earlier might be considered invalid". The Supreme Court confirmed the decision of the regional court that commissioned the OCMA to exchange their passports and put down their proper surnames. However, since Supreme Court's decision the passports have not been issued because of bureaucratic obstacles. After a long period of time the OCMA sent an appeal to the Senate of the Supreme Court and despite the procedural terms had been

missed, the Senate sent the case back to the regional court. The regional court issued a decision that the OCMA ruled in accordance with the law. In purpose to avoid further humiliation with a “new” surname, Mrs Shishkina started the procedure of changing the surname to another one (her maiden name). The OCMA officials continued to abuse Mrs Shishkina with an unlawful and absurd requirement to get permit for the new surname from her sons who lived abroad. Mrs S received a new passport with her maiden name after Olafs Brūvers, head of the National Human Rights Office, stated that the OCMA officials’ requirements could be considered a violation of human rights²⁶¹.

In 2001 the Constitutional Court examined the first case regarding the issue of personal names spelling²⁶². Mrs Mentzen, Latvian by ethnic origin, whose husband is German, considered that the Cabinet of Ministers “Regulations on spelling and identification of names and surnames” Nr.295 of 2000²⁶³ and the corresponding section of the State Language Law run counter to the Constitution of Latvia. Her new surname is “Latvianised” as “Mencena” in her Latvian IDs. All other court instances rejected her complaint.

The Constitutional Court ruled that the practice of “Latvianisation” of personal names and surnames is in compliance with the Constitution. The privacy of personal life in this case is “limited in order to protect the right of other residents of Latvia to use the Latvian language within the whole territory of the country and to protect the democratic system of the state”. In the meantime, the Court recognised the so-called “equalisation” (changing the personal name according to modern grammar of the Latvian language) unconstitutional, if a person does not wish it. The legislation provides that “equalisation” can be used even if the personal name is already “Latvianised” and written in the passport. In fact, the Court decided that the personal name can be “Latvianised” only once²⁶⁴. The Court also recognised the provision determining the place where the original form of the personal name in Latin transliteration is recorded in citizens’ passports unconstitutional, and declared it invalid since 1 July 2002 (the day when the new Personal Identification Documents Law entered into force).

Mrs Mentzen submitted the case in the European Court of Human Rights²⁶⁵. In its decision²⁶⁶ the Court recognized that the applicant was exposed to a number of difficulties because of changed surname. However, the Court decided that these difficulties were “caused by the new written form as such, but rather from the difference between the adapted version and the original version of her surname.” In this particular case the applicant failed to prove actual and possible damage brought by compulsory changing of the name. In many other cases Latvian residents, overwhelming majority of whom belong to minorities, experienced substantial inconvenience abroad with their “Latvianised” names. The most recent case is one of the daily “Telegraf” columnists when he could not transfer money from his father’s bank account in Russia by a simple reason that he is *Shvedovs* and his father is *Shvedov*²⁶⁷.

²⁶¹ “Vesti Segodnja”, 3 July 2007, <http://rus.delfi.lv/archive/article.php?id=18353398> (visited on 7 September 2007)

²⁶² “Telegraf”, 21 November 2001

²⁶³ http://www.minelres.lv/NationalLegislation/Latvia/Latvia_LangRegNames_English.htm in English (visited on 7 September 2007), <http://www.likumi.lv/doc.php?mode=DOC&id=10131> in Latvian (visited on 7 September 2007)

²⁶⁴ Judgment of 21 December 2001 in the case No.2001-04-0103, <http://www.satv.tiesa.gov.lv/upload/2001-04-0103E.rtf> (visited on 7 September 2007)

²⁶⁵ “Telegraf”, 27 December 2001

²⁶⁶ *Mentzen v Latvia* (dec.), no.71074/01, ECHR 2004-XII

²⁶⁷ http://www.telegraf.lv/index.php?act=editors_column&id=675 (visited on 31 August 2007).

In 1998 the OCMA issued a non-citizen's passport to Mrs Kuharec, Ukrainian by ethnicity, where there was an entry "Kuhareca" in the section "Surname" on the main page. The applicant refused to take the passport and submitted a complaint to the OCMA. In the complaint, Mrs Kuharec emphasized that many years she used the surname spelling of which in Russian as well as in Ukrainian was "Kuharec" and enclosed to the complaint several documents (driver's licence, car registration certificate, certificate of privatisation vouchers, etc.) where Latvian authorities had entered her surname without the ending "a". In July 2001 the European Court of Human Rights registered Mrs Kuharec's complaint in which she referred to violation of the Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. On 7 December 2004 the Court recognized the complaint inadmissible. In its decision the Court indicated that upon spelling surname "Kuharec" according to peculiarities of the grammar of the Latvian language, she had been subject to minimum changes and the use of the Latvianized surname "Kuhareca" has not resulted in inconveniences in her social life.

Mr Russkih whose son was born in March 2001 was issued the son's birth certificate where the surname was written as "Ruskihs", i.e. with one "s" in the middle (since consonants cannot be duplicated in Latvian). In the father's ID issued prior to the adoption of the Regulations, his surname was spelled as "Ruskihs" - i.e. with added mandatory Latvian ending "s" but still with duplicated "s" in the middle. Thus, the son's name was distorted further. In response to the complaint addressed to the State Language Centre, a relevant expert institution, the plaintiff was notified that "his own surname was recorded in wrong spelling in his passport". Instead of fixing the problem with his son's name, he was invited to come to the passport office to change his own and his wife's name records in their IDs. The case is particularly sensitive, because the surname in question is ancient and directly related to the person's identity - it means "Russian" in the Russian language, with traditional ending widespread in Siberia. Mr Russkih declared he was not satisfied with the opportunity to have his original name only "in brackets" on some back page in his and his son's ID, and will contest this decision of the administrative authorities in court. The court of the first instance has dismissed Mr Russkih's claim. The regional court upheld the decision. Mr Russkih decided not to submit the cassation complaint because he did not believe that justice could be reached in the case.

Yadviga Rozhanska is a citizen of Latvia, Polish by ethnicity, born in Daugavpils. In 2000 she relocated to the UK and got married the citizen of the UK. In 2005 she came back for a purpose to change her surname to husband's one - "Bradford". After many bureaucratic obstacles and provocative questions by the officers of the Daugavpils branch of the Office of Citizenship and Migration Affairs (OCMA) she received a form with the surname "Bredforde" to be signed before the issuing of a new passport. Mrs Rozhanska refused to sign the document and suggested to fix mistakes in the surname, however, she was explained that "according to Latvian regulations her husband's surname is Bredfords and therefore she is Bredforde". She came to the office again with her husband and explained that in all documents and official records in the UK she is registered as "Bradford", and her two sons have surnames "Bradford". The officials agreed to change the surname, but just to "Bredforda"²⁶⁸. Mrs Rozhanska contacted the officers from the State Language Centre and they gave an advice not to change the surname if "she does not like the surname proposed by the OCMA", and was offered an option "to renounce the citizenship"²⁶⁹. She was also told, "you certainly can bring an action against us. But so far

²⁶⁸ In the Russian language, which is Mrs Rozhanska's native language, a word "bred" means "delirium".

²⁶⁹ Vesti Segodnja, 2 September 2005, <http://rus.delfi.lv/archive/article.php?id=12144000> (visited on 7 September 2007)

nobody has won"²⁷⁰. In August 2005 Mr Bradford sent a letter to the President of Latvia Vaira Vīķe-Freiberga with a proposal to amend the Law and to allow the citizens of Latvia to have the same surnames with their foreign spouses. In her response the president referred to current legislation and refused to discuss the amendments proposed. As to date, Mrs Rozhanska has not changed the surname and left the country²⁷¹.

Vanda Zamicka is a Latvian citizen of Roma ethnicity. Her birth certificate was issued on the original name – Zamickaya. In 1995 Mrs Zamicka received the passport where her surname was compulsory changed to Zamicka. Despite she argued that her surname was known as ancient noble name the authorities rejected the request not to change the name.

In 2003 she got married Mr Bergendahl, citizen of Norway. The marriage was registered in Latvia. Before the marriage, in August 2003, the State Language Centre issued a conclusion that, according to the Latvian legislation, the original name of Mr Bergendahl is "Bergendāls" and therefore Mrs Zamicka after the marriage and changing her surname to husband's one will become "Bergendāle". Moreover, the first name of her husband endured solid changes from Johnny Harald to "Jonni Haralls". Mrs Zamicka and Mr Bergendahl asked to fix mistakes in their surnames and Mr Bergendahl's name, however, they were explained that "according to Latvian regulations surname of her husband is "Bergendāls" not Bergendahl as it is in original form, and therefore she will become "Bergendāle"". As to changing the first name of Mr Bergendahl the officials explained that "according to the ancient history of Vikings name "Harald" (the name of Norwegian kings) was always spelled as "Haralls" and according to Scandinavian grammar and pronunciation rules name "Johnny" must be spelled as "Jonni".

The couple also faced a number of inconveniences because of their decision to have a double surname – "Zamicka-Bergendahl". First, in the Department on Registration of Civil Acts they met lack of understanding as well as lots of criticism from the officials with regard to their decision to have the double surname. The officials could not understand why the both, wife and husband, wished to have the first part of the surname – Zamicka. Mr Bergendahl explained that otherwise, not having the same name, they would encounter certain difficulties; for example, they will need to provide Norwegian authorities with the marriage certificate and other documents issued in Latvia translated into Norwegian language and duly notarised in order to prove that they are officially married. Finally they have received the official rejection to register their surname as "Zamicka-Bergendahl". Instead, they were issued the application form to be signed in which officials put a surname "Zamicka-Bergendāle" for the wife and a surname "Bergendāls-Zamickis" for the husband. After all, Mr Bergendahl went to Norway to change his surname to "Zamicka-Bergendahl", as Norwegian legislation allows changing a surname through taking a spouse's surname without discrimination on the grounds of gender. By request of Mrs Zamicka the officials put the name "Zamicka-Bergendahl" on page 4 in her passport, and it made possible for her husband to change his surname to "Zamicka-Bergendahl" in Norway²⁷².

In February 2004, Ruslan Pankratov, Russian by ethnicity, submitted an application to the OCMA challenging the spelling of his name and surname in the passport and requesting to change "Ruslans Pankratovs" to "Ruslan Pankratov" or, at least, to put the original form along with the "official" name in the first page under the photo. On 4 March 2004 OCMA

²⁷⁰ Ibid.

²⁷¹ Telephone communication with Ms Ludmila Stoma, 12 February 2007, Riga

²⁷² Telephone interview with Mrs Zamicka-Bergendahl, 13 March 2007, Riga

rejected the request of Mr Pankratov. On 13 December 2004 the District Administrative Court rejected Pankratov's claim to recognise the decision of the OCMA as unlawful. Mr Pankratov appealed against the judgment; however, on 2 March 2006 the Regional Administrative Court upheld it. The Supreme Court of Latvia upheld the decision of the regional court. In June 2006 Mr Pankratov submitted an application to the European Court of Human Rights. In the application he asked the Court to recognize violation of Articles 6 para.1, 8, 13 and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms²⁷³. In August 2007 the application was registered²⁷⁴.

Ruslan Pankratov is a professional psychotherapist, and he substantiates his claims with his expert conclusions on the adverse impact of forcible change of names on personal integrity. Ruslan Pankratov founded an NGO "Vernite nashi imena!" (Give back our names!)²⁷⁵, which reportedly unites approximately 2 500 persons²⁷⁶ - that gives assessment of the number of persons substantially affected by the problem in Latvia.

Mr Leonid Raihman is a Jew by ethnic origin; his surname has existed for a long time. Before January 1998 he had a passport with name and surname written as "Leonid Raihman" in the Russian language. In January 1998 he received a passport of non-citizen of Latvia with the name and surname written as "Leonīds Raihmans" in Latvian. In January 2001, after having passed through the naturalisation procedures, he received a passport of the citizen of Latvia with the same name - "Leonīds Raihmans". On 10 February 2004 Mr Raihman submitted an application to the State Language Centre asking to issue a decision that his name can be written without adding the ending "s", as Latvian grammar rules require for masculine names. On the basis of such decision he could have the right to receive a new passport with the name and the surname written as "Leonid Raihman". He argued that the spelling violated Article 91 (non-discrimination) and Article 114 (right to preserve cultural and ethnic identity) of the Constitution, as well as relevant articles of the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. On 20 February 2004 his application was rejected because the State Language Centre has determined that the Centre's decision, which would become obligatory for the passport issuing body, could not be considered as an administrative act. On 18 March 2004 Mr Raihman challenged the decision in the District Administrative Court. On 11 May 2004 the District Administrative Court rejected the claim. On 16 July 2004 the decision was upheld by the Regional Administrative Court. On 3 August 2004, the Supreme Court with its decision sent the case back to the District Administrative Court recognising that the State Language Centre's decision is an administrative act and the case must be considered on merits. On 5 November 2004 the District Administrative Court rejected the claim to change the name, arguing that the State Language Centre had made its decision based on the legal norms. On 21 January 2005 the judgment was upheld by the Regional Administrative Court. On 10 January 2006 the complainant appealed against the judgment to the Supreme Court. On 16 May 2006 the Supreme Court upheld the judgment. A communication to the UN Human Rights Committee has been submitted in June 2007. In the communication Mr Raihman stated that state's interference with his privacy was arbitrary and discriminatory and state failed to take appropriate measures to ensure the respect for the complainant's identity²⁷⁷.

²⁷³ Telephone interviews with Mr Pankratov, 28 February and 30 August 2007, Riga.

²⁷⁴ <http://rus.delfi.lv/archive/index.php?id=18826412> (visited on 7 September 2007), http://www.chas-daily.com/win/2007/08/31/1_019.html?r=30& (visited on 7 September 2007)

²⁷⁵ <http://www.zimeni.com/> (visited on 7 September 2007)

²⁷⁶ "Chas", 10 August 2006, http://www.chas-daily.com/win/2006/08/18/1_007.html?r=30& (visited on 7 September 2007)

²⁷⁷ A copy of the communication is on file with the Latvian Human Rights Committee

In his communication Mr Raihman brought many examples when he could not open bank account on his original surname, it was not recommended by travel agencies to buy tickets on the name "Raihman", hotels refused to register him by the original name, and Mr Raihman could not conclude and terminate contracts on the name "Raihman".

The examples above are only some selected cases illustrating various problems faced by the persons who happened to have "foreign" names, most of whom are persons belonging to national minorities. Several dozens of cases are currently at different stages of administrative or legal consideration both in national and international institutions. These facts reveal that the problem of name spelling is indeed very topical in Latvia, and diligent implementation of the corresponding provision of the Framework Convention requires serious changes in both legislation and practice.

Paragraph 2

Legal

The legislation currently in force does not prohibit displaying inscriptions and other information of a private nature visible to the public in minority languages.

The requirements prescribed by the Section 21 of the State Language Law of 1999²⁷⁸ for private persons are as follows:

"(4) Information included in statements, signs, posters, placards, announcements or other notices, if it affects the legitimate public interests and is intended for public awareness in places accessible to the public, shall be provided in the state language, except in cases prescribed in paragraph 5 of this Section.

(5) Observing the purpose of this Law, and the basic principles for the use of language contained in Section 2 of this Law, the Cabinet shall determine cases where a foreign language may be used alongside with the state language in information that is intended for public awareness in places accessible to the public.

(7) If a foreign language is used alongside with the state language in the information, the text in the official language shall be placed in the primary position, and it may not, in its form or contents, be smaller or narrower than the text in the foreign language".

According to the Cabinet of Ministers "Regulations on the use of languages in information" Nr.130 of 2005²⁷⁹, if private persons publicly provide information that affects the legitimate public interests, such information is to be provided in the state language or alongside with the state language. If the information does not affect legitimate public interests, free choice of language is applicable.

Implementation / factual

It should be mentioned that the language legislation of 1992 previously in force explicitly prohibited the use of minority languages in public displays throughout the country. The gradual return of minority language inscriptions started in October 2000, following the adoption of the legislation currently in force which was substantially influenced by the recommendations of the OSCE and the EU.

However, minority languages, in particular, Russian is still rarely used in the public information such as signboards, outdoor advertisements, posters, etc. despite it is in full

²⁷⁸ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007)

²⁷⁹ <http://www.likumi.lv/doc.php?id=102667> (visited on 6 December 2007)

conformity with the law and no particular difficulties are met during the process of registration of signboards and outdoors advertisements in minority languages²⁸⁰. The main reason for this reluctance is that private businesses prefer not to irritate the state institutions responsible for monitoring implementation of the language legislation.

The following example is revealing in this respect. In spring 2001, soon after the adoption of the new language legislation, one of the most popular Russian-language dailies offered free advertising to enterprises which display information on signboards in the languages of national minorities. The daily's campaign was aimed at encouraging private entrepreneurs to make use of the rights provided by law. However, some politicians and state officials sharply criticized this action. In particular, the then head of the State Language Centre Dzintra Hirša, while not denying that the action complied with the State Language Law, maintained that it "was a sign of disloyalty" and "can hinder the integration of the society"²⁸¹.

The Riga City Council's regulations adopted in 1997, in accordance with the legislation in force at that time, stipulated that all signboards and posters in Riga must be only in the Latvian language except for international events, events held by minority cultural associations and religious confessions, and situations where translation into other languages is necessary for safety and security reasons. In April 2002 one of the factions in the Riga City Council drafted amendments to these regulations suggesting that the provisions should be amended in conformity with the current State Language Law. However, the Riga City Council's Development department did not support the amendments. The new municipal regulations adopted in March 2005 do not contain provisions on languages any longer.

Paragraph 3

Legal

The current legislation provides for all place names, street names and other topographical indications to be in the state language only. The only exception is granted to the so-called "Liv coast", where the usage of the Liv place names can be used alongside Latvian ones.

This way, Section 18 para.1 of the State Language Law of 1999²⁸² envisages that "in the Republic of Latvia, place names shall be created and used in the state language." The Cabinet of Ministers "Regulations on creating, spelling and usage of place names, names of institutions, non-governmental organizations, companies (enterprises) and titles of events" Nr.294 of 2000 state that: "Place names in the Republic of Latvia shall be created and used in the Latvian language, but on the territory of the Liv coast they can be created and used also in the Liv language (para.2); each administrative territory, populated place, street and real estate can have only one official name (para.3)".

Conclusions

Latvian legislation allows displaying information visible to the public in minority languages, thus fulfilling the requirement set forth in paragraph 2. However, Latvia does

²⁸⁰ Interview with Mrs Bistrova, deputy director of the bookstore network "Polaris", 23 November 2007, Riga

²⁸¹ Minority issues in Latvia, No.30, <http://www.minelres.lv/MinIssues/info/2001/30.html> (visited on 6 September 2007)

²⁸² <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007)

not comply with the rest of the principles set out in the Article 11, since its legislation and practice does not recognise individuals' right to use names in minority languages and the right to their official recognition, and, albeit few exceptions, prohibits displaying topographical indications intended for the public also in minority languages. The following measures would contribute to better minority protection:

1. To recognise individual's right to use officially his/her personal name and surname in the spelling form he or she prefers; envision a streamlined procedure for restoration of desired spelling of individual's personal name and surname.
2. To amend the State Language Law so as to ensure for traditional local names, street names and other topographical indications intended for the public to be displayed also in minority languages, and set clear criteria determining what demand is sufficient for minority language to be used in such indications.

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the cultures, history, language and religion of their national minorities and of the majority.

2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Paragraph 1

Legal

Language legislation in Latvia aims at safeguarding the status and role within the society of Latvian as the only state language. Fostering the knowledge of the cultures, history, language and religion of Latvia's national minorities is not mentioned in law as a goal and task of the education system, and thus officially is not a priority. Latvia still lacks comprehensive state-supported programs and initiatives aimed at fostering such knowledge. Teaching subjects related to minority identity (such as minority culture, language, history) is envisaged merely within "minority education programmes" meant for pupils of minority schools (Section 41 para.2 of the Education Law of 1998²⁸³).

Teaching minority languages²⁸⁴ for students belonging to majority is optional. Out of *de facto* minority languages, Russian is offered by most Latvian-language schools as an option when students choose second foreign language²⁸⁵. Reportedly, since mid-90s more and more ethnic Latvian students choose Russian as a second foreign language. Sergejs Ancupovs, former adviser to the Minister for Education and Science, in his interview to Moscow-based radio broadcaster assessed that 60-70% of students in the Latvian-

²⁸³ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

²⁸⁴ As mentioned above, the legislation of Latvia does not define the status of "a minority language", and all languages spoken by the national minorities, in the view of the law, are foreign languages.

²⁸⁵ Teaching first foreign language starts in the 3rd grade of elementary school, usually it is English, more rare German. In 6th grade of primary school students are offered second foreign language, usually a choice between German, Russian, and French is offered, depending, most notably, on availability of teachers.

language schools choose Russian as a second foreign language²⁸⁶. According to more recent data of the Ministry of Education and Science, in 2006/2007 school year 69.4% of the students in the Latvian-language schools chose Russian as a second foreign language²⁸⁷. Other Latvia's *de facto* minority languages are not offered (with very few exceptions).

Implementation

In recent years attempts have been made to introduce teaching diversity into the curricula of the Latvian-language schools too, triggered, in particular, by the efforts of the European Union (and, to a less extent, by the Council of Europe). For example, the programme for teaching the "Social knowledge" course ("Sociālas zinības") includes the chapter titled "We in Latvia" ("Mēs Latvijā"), containing, along the acquaintance with the state symbols and holidays, traditions of the ethnic Latvian people, also ethnic diversity of the inhabitants of Latvia, comparison of Latvian folklore and traditions with the traditions of other ethnic groups, tolerance and respect towards the differences²⁸⁸.

Relevant goals have been formulated also for the course "Latvia's and World History" ("Latvijas un pasaules vēsture") for grades 6-9, such as formation of diverse societies as a result of historical processes, learning about the contribution of different ethnic groups into the culture of Latvia, promoting tolerance²⁸⁹.

However, these recent trends remain rather marginal in the general context of school education and are still very far from becoming the mainstream approach. Declared aspiration to cope with the "language-based separation" in the education and to create the "united school system" has so far resulted in attempts to transform the minority schools that have been existing in Latvia for centuries into the more or less "common" Latvian-language schools where, in addition to general curricula, minority language and some additional subjects relevant to minority culture are taught.

The terminology to describe the schools with the Latvian language of instruction and the schools implementing minority education programmes is revealing for understanding the current situation. High-ranking officials of the Ministry semi-officially speak about "schools with one language of instruction" and "schools with two languages of instruction", respectively. This well reflects the asymmetrical nature of introducing diversity in schools, and, ultimately, the "one-way" nature of the concept of integration.

In early 2005, the then Minister for Education and Science Ina Druviete suggested to discuss the possibility to introduce the bilingual (Latvian-English) education also in the Latvian-language schools, following the example of minority schools in Latvia, with the aim to substantially improve the knowledge of European languages²⁹⁰. However, this proposal caused sharp criticism on the part of various civil actors and triggered heated debate in media. As a result, neither Mrs Druviete nor her successors ever came back to this idea.

²⁸⁶ <http://old.radiomayak.ru/schedules/6852/16879.html> (visited on 19 August 2007).

²⁸⁷ Position of the Latvian government on the EC Communication "Towards a more multilingual Europe", 9 November 2007.

²⁸⁸ Website of the Centre for Curriculum Development and Examinations, http://isec.gov.lv/pedagogiem/program/pamskol/prog.shtml?soc1_9#5 (visited on 14 August 2007).

²⁸⁹ http://isec.gov.lv/pedagogiem/program/pamskol/prog.shtml?vest6_9 (visited on 14 August 2007).

²⁹⁰ <http://www.delfi.lv/archive/article.php?id=10005109> (visited on 14 August 2007)

This dominant trend can be explained by historical peculiarities: the Latvian-language schools have been established and developed, for the most time, as minority schools in the Russian empire and in the USSR (with the exception of the years of independence of Latvia in 1918-1940 and after 1991). Thus, preservation and promotion of the Latvian language and culture have naturally become one of the main tasks of these schools. This historical factor predetermined disproportionately heavy emphasis on humanitarian content, up to certain neglect of the sciences.

In the meantime, since the Soviet period, the Russian-speaking minority was traditionally over-represented in industry, transport, and other areas related to engineering and sciences, while areas related to humanities were dominated by ethnic Latvians. This was apparently determined by the fact that many Russian-speakers were sent to Latvia to fill vacancies in the course of industrialisation; in particular, many thousands of graduates from technical universities in Russia were employed in factories and research institutions. This factor caused also high priority assigned to the sciences and math in the then Russian-language schools.

These discrepancies can be felt even today. For example, the study conducted in 2006 by the Centre for Public Policy "PROVIDUS" has produced interesting results in this respect. The researchers studied the experience of those children of minority origin who started their education in minority language but later switched to the Latvian-language (majority) schools. The data revealed that these children were generally less successful in humanities and languages than their classmates who all the time studied in Latvian. In the meantime, they outran their ethnic Latvian classmates in sciences, and the later they switched to the Latvian-language school, the more articulate this predominance was²⁹¹.

Thus, strong traditions and high quality of teaching sciences and math remain one of the major values of the Russian minority schools. This is why the attempts to further "humanitarise" school education in Latvia are perceived with concerns. For example, in December 2004, the Minister for Education and Science claimed that "to improve the moral atmosphere in schools, we have to strengthen national identity... This is why we have to further develop humanities"²⁹².

Despite the shortage of engineers and technicians that emerged in recent years, partly due to the aforementioned trends in the education system, is officially recognised as a major problem for Latvia's economy, some measures declared by the government to cope with this problem are not consistent, and the "humanitarisation" trend remains dominant. Thus, in May 2007 the Ministry of Education and Science announced its decision to make music and art mandatory subjects in secondary schools. As the total workload of students is limited by law, these changes will be introduced at the expense of sciences and foreign languages²⁹³, in particular, this new education standard envisages abolition of teaching second foreign language in the course of implementation of minority education programmes. Many teachers and school headmasters expressed criticism towards this decision. The next reform is particularly painful for minority students, as they expect further reduction of the classes of native language²⁹⁴. Besides, the new standard might

²⁹¹ I.Austers, M.Golubeva, M.Kovaļenko, I.Strode, *Daudzveidība ienāk latviešu skolās. Mazākumtautību bērnu integrācija latviešu skolu vidusskolas klasēs (Diversity enters Latvian-language schools. Integration of minority children in Latvian-language secondary schools)*, 2006, <http://www.politika.lv/index.php?id=10066>, (visited on 14 August 2007)

²⁹² <http://www.delfi.lv/archive/article.php?id=9802491> (visited on 14 August 2007)

²⁹³ "Chas", 11 June 2007, http://www.chas.lv/win/2007/06/11/g_031.html?r=32& (visited on 16 August 2007)

change the notorious “language proportion” 60%:40%²⁹⁵ what makes minority schools’ administration once again to re-draw the entire curriculum to meet the “language proportion”.

On the contrary, teaching the Latvian language to minority students for many years tops the official agenda. The main body engaged in fostering the learning of the majority language is the National Programme for Latvian Language Training (in 2005 changed its name to the State Agency for Latvian Language Training)²⁹⁶.

The Programme was elaborated with active participation of the UNDP Office in Latvia and was approved by the Cabinet of Ministers in late 1995. The main task of the Programme has been to teach Latvian to minority schools’ teachers so as to enable them to teach minority pupils in the state language. The Programme also teaches Latvian to adults, develops language study materials for non-Latvians, elaborates examination standards and promotes Latvian in the media. 10,367 schoolteachers and 6,902 others (police, medical, railway workers and some other categories) had participated in the courses by the year 2000²⁹⁷. The Programme also organised summer integration camps and events in the media with the aim to promote dialogue and cooperation between ethnic Latvians and minorities. During 1999-2000, the program was to prepare teaching materials for about 12,000 minority schoolteachers “so that they will be ready to teach their subjects in Latvian”²⁹⁸.

The Programme/Agency has prepared and published a wide array of various Latvian language training materials for different audiences²⁹⁹.

However, assistance in the Latvian language learning offered by this programme is limited to a very narrow audience and is not available to the great majority of individuals whose native language is not Latvian. Neither does the programme support the learning of the cultures, history, language and religion of Latvia’s national minorities.

Besides, it is essential to stress that the declared goal of the Programme was not just promotion of the Latvian language among the minority students, but in fact speeding up switching to education merely – or at least primarily – in Latvian. In other words, the Programme’s aim was elimination (or at least severe curtailing) of minority education. This cannot but cause serious doubts about the legitimacy of these aims from the point of view of the Framework Convention, and about the legitimacy of these activities in the view of the Framework Convention’s letter and spirit.

This highlights a fundamental flaw of the minority education reform, i.e. the assumption that teachers of minority schools who used to teach in Russian can relatively easily and within limited time master the Latvian language to the extent that become able to switch to Latvian as the main language of instruction. Very substantial resources have been spent to achieve this goal, disregarding an essential argument of inevitable deterioration

²⁹⁴ “Vesti Segodnja”, 11 May 2007, <http://rus.delfi.lv/archive/article.php?id=17818406&ndate=1178830800&categoryID=3513828> (visited on 16 August 2007)

²⁹⁵ See chapter on Article 14 of this report.

²⁹⁶ See http://www.lvava.gov.lv/index.php?about_us (visited on 14 August 2007)

²⁹⁷ The National Programme for Latvian Language Training 1996-2000. Promotion of the Integration of Society: Impact Report by Artis Pabriks.

²⁹⁸ ‘What is National Programme for Latvian Language Training Doing?’ NPLLT info Nr.2/98-99.

²⁹⁹ http://www.lvava.gov.lv/index.php?darbibas_virzieni+fiziskam_personam+saraksts (visited on 15 December 2007)

of the quality of education when the teaching is switched to the language which is not a mother tongue for both teachers and students, and proficiency in which is not perfect for the both³⁰⁰.

However, despite teaching the Latvian language to minority students remains a declared priority, some practical measures adopted by the government are doubtful if not overtly counterproductive. For example, the 2004/2005 school year appeared the last one when the state budget allocated funds to divide the minority classes into two smaller groups for the lessons of Latvian, since the 2005/2006 school year this practice was terminated³⁰¹, although it is widely recognised that teaching languages in smaller groups is much more effective. Nevertheless, the sample minority education programme approved by the Ministry of Education and Science decree No.341 in July 2003 does not envisage this division³⁰².

Paragraph 2

Latvia does not provide specific teacher training for minority schools. Students of minority origin are not prevented from training as teachers within the mainstream teacher training in Latvian language³⁰³. However, this training is conducted according to the programmes designed for the majority schools and classes, and generally does not take into consideration peculiarities of teaching in minority schools and classes.

One group of students (approximately 30 persons) is prepared annually at the Slavonic philology department in the University of Latvia. Thus, the state ensures training of the limited number of teachers of the Russian language and literature – both for the majority schools and for the schools implementing education programmes for the Russian minority.

Somewhat paradoxically, training of Latvian language teachers for minority schools practically ceased in the early 1990s, as the dominant concept at that time was that minority schools as such will be gradually eradicated, and all students will be taught in Latvian. Despite the activities of the National Programme/State Agency for Latvian Language Training, the shortage of teachers of Latvian in minority schools remained a major problem. For example, in the autumn of 2000, 536 pupils in minority schools were not taught Latvian language at all, because of lack of teachers³⁰⁴. It should be mentioned that, because of relatively low income and prestige of the teacher's profession, shortage of teachers became widespread. Thus, in May 2007, only Riga schools had more than 70 teachers' vacancies, among them – 10 teachers of the Latvian language³⁰⁵. In June 2007, already 234 teachers were needed in Riga schools³⁰⁶. Before the new school year 2007/2008, despite all efforts of the Riga schools' administration, still 150 teachers' jobs remained vacant³⁰⁷. On the eve of this school year the situation became even worse – according to the Department of Education, Youth and Sports of the Riga City Council, the number of vacancies in Riga schools reached 157, while the Ministry of Education and

³⁰⁰ On the issue of the quality of education see below, as well as chapter on Article 14 of this report.

³⁰¹ "Chas", 28 October 2006, http://www.chas.lv/win/2006/10/28/g_003.html?r=32& (visited on 16 August 2007).

³⁰² <http://web2.izm.gov.lv/default.aspx?tabID=3&lang=1&id=408> (visited on 16 August 2007).

³⁰³ According to the law, in the state-funded higher education establishments Latvian is the main language of instruction, with few exceptions stipulated. Training of teachers for minority schools is not mentioned among these exceptions.

³⁰⁴ "Izglītība un Kultūra", September 2000.

³⁰⁵ <http://www.delfi.lv/archive/article.php?id=17832151> (visited on 14 August 2007).

³⁰⁶ <http://www.delfi.lv/archive/article.php?id=18289362> (visited on 14 August 2007).

³⁰⁷ <http://www.delfi.lv/news/national/politics/article.php?id=18705959> (visited on 15 August 2007).

Science assessed that 200 teachers were needed in Riga, 80 in Vidzeme, 70 in Kurzeme, 40 in Zemgale and 15 in Latgale³⁰⁸.

Although data on the share of vacancies in minority schools are not officially available, apparently, this problem disproportionately affects exactly minority schools, in particular, because of disproportionate requirements towards all teachers in respect of the command in the state language. According to Section 50 para.3 of the Education Law of 1998³⁰⁹, teachers in all public schools, including minority ones, are required to speak the state language at the highest level of proficiency, without any exceptions for those who teach their subject exclusively in minority language. The State Language Law of 1999³¹⁰ requires that all staff meetings in public (also minority) schools must be conducted in the state language (Section 7). These provisions are enforced in a quite robust manner. Teachers and school headmasters are regularly fined by the State language inspectors for non-compliance³¹¹.

On the contrary, no formal requirements are envisaged by law in respect of command in minority languages for the teachers working in the schools implementing minority education programmes. Thus, in principle, a teacher can teach the students belonging to minority without even basic knowledge of their mother tongue, and without any obligation to use it under any circumstances.

In general, the state's refusal to train teachers for minority schools represents a major danger for viability and the very existence of minority education in Latvia, even limited by law. Most of teachers in the schools implementing minority education programmes are in pre-pension (or retirement) age, and recruitment of new teachers is more than limited. Even young teachers originating from minority communities, for whom the minority language is a mother tongue, are unable to effectively teach their subjects in the minority language, as they do not receive any special training on corresponding terminology or methodology. Thus, the refusal to open training for teachers for minority schools cannot be evaluated otherwise than the "creeping final elimination" of minority education, contrary to its declared preservation in limited proportion.

As to the textbooks, most of the necessary textbooks for the biggest minority, the Russians, is published in Latvia. However, in the list of the textbooks approved by the Ministry of Education and Science for the year 2006/2007, are lacking textbooks for primary schools in Russian on informatics, geography for grades 6, 7 and 9, social science for grades 4 and 8, Christian studies, sports, literature for grade 9, music, and arts³¹². As to other minorities, only some isolated textbooks in their languages are published in Latvia. Use of the textbooks published in the neighbouring countries (e.g. in Russia) is rarely permitted, due to understandable reasons. Moreover, in 1997 the then Minister for Education and Science Juris Celmiņš issued an order which generally prohibited the use of the textbooks published in foreign countries³¹³, however, after protests of teachers and

³⁰⁸ <http://www.delfi.lv/news/national/politics/article.php?id=18814619> (visited on 29 August 2007).

³⁰⁹ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

³¹⁰ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13758> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=14740&mode=DOC> in Latvian (visited on 6 November 2007)

³¹¹ See corresponding chapter of this report.

³¹² <http://isec.gov.lv/pedagogiem/literatura/2006/litsar0.shtml?01#121> (visited on 14 August 2007)

³¹³ Order of the Ministry of Education and Science No.501 of 18 August 1997.

minority civil organisations the order was abolished in 2001³¹⁴. This situation heavily undermines the declared right of the schools implementing minority education programmes to choose the language of teaching of particular subjects within the proportions established by law.

Paragraph 3

Legal

Section 3 of the Education Law of 1998³¹⁵ declares equal rights to education regardless of social or financial status, race, ethnicity, sex, membership in religious and political organisations, status of health, occupation and the place of residence. However, Latvia lacks legislation and specific programs aimed at securing in practice equal opportunities for access to education for persons belonging to minorities.

Implementation / factual

The Society Integration Programme (the main governmental initiative aimed at building inclusive society) does not consider minority educational situation from the minority rights and anti-discrimination perspective and does not deal in substance with the problem of securing equal access to education at all levels for the persons belonging to minorities.

In practice, minorities tend to be underrepresented within education system, both within schools and within the state-funded university education institutions.

Within the body of pupils of elementary, primary and secondary schools the share of minorities is slightly smaller than the share of respective groups within the school-age population (5 to 19 years of age). Ethnic Latvians are slightly over-represented within the body of pupils of elementary, primary and secondary schools. Probably, one of the reasons for minorities' children under-representation in schools is unfavourable social and economic situation minority parents find themselves in (refer to the information provided under the articles 4 and 15). However, a further research is necessary so as to find the causes of minorities' under-representation in schools. This is not an easy task, since the data on ethnic origin of students is not collected and published since early 2000. Thus, we can refer merely to somewhat outdated figures. We find this lack of statistics highly unfortunate, in particular in respect of the ethnic composition of the body of the university students, and particularly – with regard to early school drop-outs (allegedly, largely as a result of the “minority education reform” of 1995-2004).

Table: School-age population compared to the body of pupils³¹⁶

Ethnic	Population 5 to 19 (2000)	Pupils (2001/02)
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³¹⁴ Order of the Ministry of Education and Science No.20 of 19 January 2001.

³¹⁵ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&tid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

³¹⁶ Sources: Data on population of 5 to 19 years of age: Results of the 2000 Population and Housing Census in Latvia. Central Statistical Bureau of Latvia. Riga, 2002, pp.61, 165, 166. Data on pupils of daytime elementary, primary and secondary schools, academic year 2001/2002: Statistics Department of the Ministry of Education and Science.

origin				
	Absolute numbers	Percent distribution	Absolute numbers	Percent distribution
Latvians	329031	64.69	229034	67.97
Russians	133511	26.25	83686	24.84
Belarusians	11635	2.29	6464	1.92
Ukrainians	9172	1.80	4690	1.39
Poles	10583	2.08	5742	1.70
Lithuanians	5102	1.00	2649	0.79
Others	9555	1.88	4676	1.39
Total	508589	99.99	336941	100.00

According to a 2002 study on ethnic representation in Latvia³¹⁷, the share of minorities among teaching staff of the thirteen surveyed state-funded universities tended to be around 17%, while two of the surveyed state universities employed no minorities among its staff at all (Riga School of Economics and Vidzeme University College), and one university (situated in the city of Daugavpils, where minorities constitute 84% of the population) employed 54.5% of minorities among its staff³¹⁸. Although far fewer data were available regarding the composition of the student body, study results suggest that minorities also tend to be under-represented among the students of state-funded university education establishments: generally around 14%, although in one university (Vidzeme University College) minorities constituted only 1.6%, while in only one surveyed state university (Latvian Maritime Academy) the share of minorities within the student body was 40%, thus approaching minorities' share of the country's overall population³¹⁹.

As the state-funded establishments apparently do not ensure adequate opportunities for minority university-level education, many minority members turned to private universities. Accordingly, the share of minorities within the staff of six surveyed private universities is around 45%, although in one university (Riga Teacher Training and Education Management Academy) minorities' share is only 8.5%, while at another (Institute of Transportation and Communications) it reaches 91%³²⁰. The study's data on private universities' student body was insufficient, because out of six surveyed only two universities provided information on ethnic break-up of their student bodies: 84 and 83.7% were minority representatives. Unlike other private universities surveyed, these two universities provided instruction only in Russian; therefore these data cannot characterise the situation in the private universities in general.

Table: Minority representation within the staff and the student body of universities³²¹

³¹⁷ A.Pabriks, Occupational Representation and Ethnic Discrimination in Latvia. Riga, 2002, <http://www.policy.lv/index.php?id=102472&lang=en> (visited on 14 August 2007), p.36.

³¹⁸ Ibid.

³¹⁹ Ibid.

³²⁰ Ibid.

³²¹ Ibid.

Status	Title	Minorities within staff (%)	Minorities within the student body (%)
State	J.Vitols Latvian Academy of Music	11.4	6.7
	Latvian Maritime Academy	21.0	40.0
	Latvian Academy of Art	4.0	NA
	Latvian Police Academy	NA	14.0
	Latvian Academy of Sports Education	23.5	NA
	Latvian Academy of Pedagogy	11.9	NA
	Riga School of Economics	0.0	NA
	Riga Technical University	30	NA
	Vidzeme University College	0.0	1.6
	Latvian University of Agriculture	14.9	8.0
	Latvian Academy of Culture	17.0	NA
	Latvian Academy of Medicine	16.2	NA
	Daugavpils Pedagogical University	54.5	NA
Private	Latvian Evangelical Lutheran Christian Academy	13.0	NA
	Riga Institute of Aeronautics	85.0	84.0
	Riga Teacher Training and Education Management Academy	8.5	NA
	Institute of Transportation and Communications	91.0	83.7
	RIMPAK Livonija	49.0	NA
	School of Banking	25.0	NA

In early 2007, journalists of the Russian-language media attempted to investigate how big the share of minority youth was among the university students. This study did not claim to be scientifically founded, as the journalists mainly used personal interviews, analysis of students' names and similar rather superficial methods. They concluded that the Russian-speaking students constituted not more than 20% in the state-funded universities. In her comments, the Minister for Education and Science Baiba Rivža did not contest these conclusions, and assumed that this is because "the number of graduates from the Latvian-language schools is bigger" (what is doubtful, in particular, in Riga), and mentioned other possible reasons (interest towards the chosen speciality, preference of many Russian-speakers to private universities)³²². However, rather the enrolment conditions, such as the same university entry tests in the Latvian language for both native-speakers and the youngsters belonging to minorities, seem to contribute into these disproportions.

The implementation of the principle of equal access to high-quality education has become a central issue in the debate on the "minority education reform" 1995-2004 which envisaged substantial reduction of the teaching in the mother tongue in primary school and, in its original version, complete switch to teaching merely in Latvian in secondary

³²² "Chas", 15 May 2007, http://www.chas.lv/win/2007/05/15/l_045.html?r=30& (visited on 16 August 2007).

school. In particular, this issue was thoroughly discussed at the trial in the Constitutional Court of Latvia in 2005. The applicants (20 opposition members of parliament) claimed that setting overly strict language proportions and thus depriving students of minority origin of the right to study predominantly in their native language will have an adverse effect on the quality of the education they receive, and thus will entail discriminatory effect: "in certain situations the restriction to use minority languages in public schools to his mind might be qualified as discrimination, namely, if education of a lower quality is being offered to persons, belonging to minorities... It is pointed out in the claim that the impugned norm violates the principle of legal equality, which has been fixed both in Article 91 of the Satversme and Article 26 of the International Covenant on Civil and Political Rights, as well as in several above mentioned legal norms. Taking into consideration the initial differences between the natives and the minorities, this principle – so as to implement the principle of complete equality – requires a differentiated attitude with regard to minorities. Therefore, when determining any restriction, its proportionality with the legitimate aim shall be assessed"³²³.

Although the Court ultimately ruled that the provisions on "the minority education reform" were in compliance with the Constitution and international obligations of Latvia, it recognized that the system of the education quality monitoring was virtually non-existent. In the Court's view, the state was obliged to establish such a system, so that to make sure that the implemented reforms do not lead to the deterioration of quality and hence have no discriminatory effect.

Following judgment of the Constitutional Court, a special State Agency on evaluation of the quality of general education has been established in 2005³²⁴. However, except for the Statute of the Agency and its Strategy for 2005-2008 (approved by the Minister of Education and Science in August 2006), no data on its activities are available both at the website or otherwise.

In May 2007, an NGO "Humanitarian perspective"'s executive director, member of the Consultative Council on minority education issues Jelizaveta Krivcova sent a letter to the State Secretary of the Ministry of Education and Science asking for information on the methodology and the results of the education quality monitoring implemented by the State Agency within the two years since its establishment. In her response, the deputy State Secretary Kristine Vagnere was unable to mention any results or concrete data, and mentioned merely a number of planned studies, most of which were not related to the monitoring of quality³²⁵.

While one cannot but admit that monitoring of the education quality is indeed an extremely complicated task, it is unfortunately apparent that no credible data on the impact of the minority education reform and the restrictions on the education in minority languages established by law are available so far. The only brief information based on the results of the unified graduation exams was published on the website of the Centre for Curriculum Development and Examinations in October 2007³²⁶ (probably as an immediate response to publication of the study conducted by NGO "ARKONA" – see more details in the chapter of this report on Article 14 of the Framework Convention). The information contains no explanation of the methodology applied, comparison with previous years was

³²³ Judgment of 13 May 2005 in the case No.2004-18-0106, <http://www.satv.tiesa.gov.lv/upload/2004-18-0106E.rtf> (visited on 13 August 2007)

³²⁴ <http://www.viknva.gov.lv/> (visited on 14 August 2007)

³²⁵ Letter of the Ministry of Education and Science Nr.1-18/3540 of 8 June 2007.

³²⁶ <http://www.isec.gov.lv/eksameni/info.shtml#0110> (visited on 6 December 2007)

also not carried out. Thus, the author's conclusion that "change of the language of instruction did not substantially affect achievement of schoolchildren", as well as official viewpoint about the effectiveness of the current minority education system and its advantages in comparison with the previously existed full-fledged minority schools, remain predominantly of political and ideological nature.

One of the very rare in-depth studies of the social effects of the minority education system and its reforms on the minority youth in Latvia and Estonia was conducted by Paul Downes, a researcher from the Educational Disadvantage Centre in Dublin³²⁷. Paul Downes considered reduction of education in minority languages in the context of early school drop-outs, social marginalisation, and vulnerability to drug addiction and HIV/AIDS. The researcher highlighted disproportionately high level of minorities among the HIV infected in Latvia in 1987-2001: Roma (who make up only 0.34% of the population) constituted 10.62% of them, while ethnic Russians (30% of the population) – almost 60%. Paul Downes stresses that switch to education in the language which is not a student's mother tongue puts under threat particularly those youngsters whose abilities are below average, and thus considerably increases the risk of their marginalisation and social exclusion.

One of the most critical aspects for ensuring equality between the majority and minority students is the graduation test in the Latvian language. Until recently, the content of the tasks, their level of difficulty and criteria for evaluation were different for students who studied Latvian as the native language, and for students who studied it as the second language. Since the 2003/2004 school year, the common part for examining writing skills has been introduced. In spring 2007, the Ministry of Education and Science announced its intention to introduce the fully unified standards and the same final exams in the Latvian language for Latvian-language schools and schools implementing minority education programmes. The Russian-language media evaluated this approach as explicitly discriminatory, as it obviously puts those students whose mother tongue is not Latvian into disadvantaged position³²⁸. Indeed, the results of the Latvian language graduation test remain one of the major criteria in the competition for enrolment into major universities.

Answering to the parliamentary question tabled by the pro-minority opposition, the Minister for Education and Science Baiba Rivža confined herself to the statement that, according to the Ministry's conclusions, "transition to the unified content of the state graduation exams in the Latvian language and literature did not have an adverse effect on the quality of the students' knowledge", and did not mention equality of opportunities at all³²⁹. When discussing the issue, experience of other European countries (in particular, Resolution on a similar question taken by the Romania's National Council for Combating Discrimination³³⁰) was not anyhow taken into account.

Conclusions

³²⁷ P.Downes, *Living with Heroin: Identity, Social Exclusion and HIV among the Russian-speaking Minorities in Estonia and Latvia*, 2003, partly published online in English at <http://candidates2003.emcdda.europa.eu/download/ee/kniga-narik-11-en.pdf>, and full text in Russian translation at <http://www.lichr.ee/docs/kniga-narik-russ.pdf> (visited on 14 August 2007)

³²⁸ "Chas", 11 June 2007, http://www.chas.lv/win/2007/06/11/g_031.html?r=32& (visited on 16 August 2007)

³²⁹ Letter of the Ministry of Education and Science, 31 May 2007, doc. Nr.1-2/3243.

³³⁰ Resolution of a Steering Board of Romania's National Council for Combating Discrimination on the petition No. 9055/14.12.2005, taken on 5 May 2006.

Latvia's current legislation and policies promote the status of the majority language, while teaching diversity and raising awareness about minority languages and cultures is insufficient. Latvia does not provide specific teacher training for minority schools what endangers viability and, in the long run, the very existence of these schools. Latvia lacks measures promoting equal opportunities for minorities' access to education, and minorities are underrepresented in the state-funded institutions of university education, both within the staff and the student body. Data necessary to determine representation of the persons belonging to minorities in the education system are not collected. Monitoring of quality of education that could offer guidance for the minority education policies, is still virtually non-existent, despite the establishment of the corresponding state agency.

The following measures would contribute to better minority protection:

1. To introduce curricula more actively and to support research and education projects to promote knowledge of cultures, history, languages and religions of Latvia's minorities among the minority population itself and among the majority; ensure that minorities have equal opportunities and are adequately participating in elaboration and implementation of these programmes.

2. As a matter of urgency, to develop a system of teachers training specific for minority schools, addressing both the need for subject matter teachers and Latvian language teachers in minority schools. To ensure necessary nomenclature and quality of the textbooks for minority education programmes, to make full use of the possibilities offered by inter-state cooperation in this respect.

3. To ensure adequate minority representation within the staff of state-funded universities through hiring and promotion policies; ensure that school graduation exams and university entry exams allow for minority representatives to use their mother tongue as a medium; envision special programmes, including grant schemes, for minority groups (particularly Roma) with significantly lower average education levels and inadequate representation within the student body, to ensure all necessary data collection to determine minority participation in education at all levels.

4. To develop effective and impartial system of monitoring quality of education, ensure active involvement of minority and professional NGOs in implementing this monitoring, to implement minority education policies on the basis of the results of this monitoring, so that to prevent adverse discriminatory effects on the students belonging to minorities at all levels. In particular, to carefully evaluate the advisability of introducing the unified graduation tests in the Latvian language for majority and minority students.

Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

Paragraph 1

Legal

The right to establish and manage private education and training establishments is recognised in Latvian legislation: the Education Law of 1998³³¹ entitles private physical and legal persons to found private schools (Section 24 para.3). This provision does not contain any restrictions on the basis of the language of instruction or other factors. The Law also stipulates that education in languages other than Latvian can be acquired in private education establishments (Section 9 para.2 subpara.1).

Implementation / factual

A number of private (also minority) education and training establishments have been set up since 1991. In the 2001/2002 academic year, 44 private elementary, primary and secondary schools were functioning in Latvia, attended by total of 2758 students. Out of them 21 school offered education in the Latvian language, 19 – in the Russian language, and 4 – bilingual education.

Table: Number of private schools registered in the Registry of educational establishments, 2006/2007 academic year (including elementary, basic and secondary schools)³³²:

Location (incl. district)	<i>Language of instruction</i>				Total
	Latvian	Russian	Bilingual	Other minority schools	
Aluksne	1	-	-	-	1
Cēsis	2	-	-	-	2
Jelgava	3	1	-	1 ³³³	5
Liepāja	2	2	-	-	4
Madona	1	-	-	-	1
Ogre	1	-	-	-	1
Preiļi	1	-	-	-	1
Rīga	8	16	4	1 ³³⁴	29
Valmiera	3	-	-	-	3
Ventspils	-	-	2	-	2
Total	22	19	6	2	49

Several private schools (e.g. those in Aluksne district, Madona, Preiļi) have been set up by the religious (mostly Catholic) communities.

Most of private schools are engaged in an association to represent their interests in a dialogue with the government³³⁵.

³³¹ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

³³² <http://web2.izm.gov.lv/default.aspx?tabID=20&lang=1&id=1182> (visited on 16 August 2007)

³³³ Polish school.

³³⁴ Jewish religious school.

³³⁵ <http://www.privatskolas.lv> (visited on 16 August 2007)

While the number of students in state and municipal schools decreases every year, private schools experience slow but steady increase in the number of pupils³³⁶. However, the total number of students attending private schools does not exceed 1% of all students, apparently, because of quite high fees.

Occasional proposals to regulate the use of languages in the private higher educational establishments (i.e. private universities) should be mentioned. This issue is debated, in particular, in 2007 in connection with the discussion on the need to elaborate a new draft Higher Education Law. Although these ideas have not so far resulted in any serious legislative initiatives, in future they may become a matter of concern.

Paragraph 2

Legal

Section 59 para.2 of the Education Law of 1998³³⁷ allows for public funding to be provided to private schools. However, in the original wording this provision prescribed discrimination against private minority schools: "State and municipalities may participate in financing of private education institutions if these institutions implement state accredited education programs in the state language." Thus, private schools where minority language is used as a medium of instruction were banned from receiving public funding. In the view of some experts, this discriminatory approach resulted in closing several private schools with the Russian language of instruction, as they could not compete with publicly funded schools³³⁸.

Although Article 13 paragraph 2 of the Framework Convention explicitly relieves a state party from an obligation to provide funding to minority private schools, this provision of Latvian legislation ran contrary to the general principle of equality of treatment, in particular, it violated Article 4 paragraph 1 of the Framework Convention, which prohibits "any discrimination based on belonging to a national minority". Should the member state decide to provide public funding for private schools, it must do this without any discrimination on the grounds of the language of instruction, provided that the private school in question is duly accredited and certified.

After several unsuccessful attempts to amend the law so that to avert discrimination, the oppositional members of the Saeima (Parliament) brought the case before the Constitutional Court. In its judgment of 14 September 2005, the Court held "...that it is necessary to stress that neither Article 91 nor Article 112 of the Satversme assign the State to fulfill the duty of financing private educational institutions. In its turn, if the State has taken the political decision and takes part in financing of the above institutions, the Constitutional Court is not authorized to question the decision of the legislator. However, in case if the State or local authority have decided to carry out some positive activities and support several private schools, then – by taking into account the fundamental rights - it shall be granted on the basis of equality. When taking the decision on the above financing, it is permissible to take into consideration e.g. financial

³³⁶ "Vesti Segodnja", 19 March 2007, <http://rus.delfi.lv/archive/article.php?id=17222533> (visited on 16 August 2007).

³³⁷ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

³³⁸ Communication with Dr.paed. J.Pliner, former director of the private school "Evrika", MP from a pro-minority opposition party, 20 August 2006, Riga

feasibilities of the local authority. Thus the impugned norm is not proportionate to its legitimate aim and is at variance with Article 91 of the Satversme". The Court ruled "to declare the phrase "the State language", included in Section 59 (the second sentence of the second Paragraph) of the Education Law as unconformable with Article 91 of the Republic of Latvia Satversme and null and void from the moment of publication of the Judgment"³³⁹.

Implementation / factual

Prior to 2006, private schools with the Latvian language of instruction received annual state support in the amount of more than 600,000 Lats (approx. 860,000 EUR)³⁴⁰.

Following the judgment of the Constitutional Court, the Cabinet of Ministers on 18 July 2006 amended corresponding regulations on allocation of funding for private schools³⁴¹. According to the assessment of the Ministry of Education and Science, approximately 400,000 Lats (approx. 570,000 EUR) had to be envisaged in the state budget to provide funding for minority private schools on equal basis with the Latvian-language schools³⁴².

Conclusions

The right to establish and to manage private educational institutions is recognised in Latvia. After the involvement of the Constitutional Court, public funding is available for minority private schools without discrimination prescribed by law.

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.

Paragraph 1

Legal

The legislation, in principle, recognises the right of persons belonging to minorities to learn his or her minority language: Article 114 of the Constitution³⁴³ stipulates that "persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity". Teaching subjects related to minority

³³⁹ Judgment of 14 September 2005 in the case No.2005-02-0106, <http://www.satv.tiesa.gov.lv/upload/2005-02-0106E.rtf> (visited on 16 August 2007)

³⁴⁰ <http://www.regnum.ru/news/507325.html> (visited on 20 August 2007)

³⁴¹ <http://rus.delfi.lv/archive/article.php?id=14987372> (visited on 16 August 2007)

³⁴² <http://web2.izm.gov.lv/default.aspx?tabID=2&lang=1&id=2225> (visited on 16 August 2007)

³⁴³ http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html in English (visited on 24 November 2007), <http://www.likumi.lv/doc.php?id=57980&mode=DOC> in Latvian (visited on 15 December 2007)

identity, indirectly including minority language, is envisaged within the so called “minority education programmes” (Section 41 para.2 of the Education Law of 1998³⁴⁴).

As mentioned above in the chapter on Article 12, teaching minority languages in majority schools is generally not envisaged (Russian is offered by most of the Latvian-language schools as an option when choosing second foreign language, while other minority languages are usually not offered at all). Thus, implementation of the right to learn his/her minority language is critically dependent on the existence and availability of the schools implementing minority education programmes.

The legislation of Latvia does not envisage guarantees for opening an educational establishment implementing minority education programmes. According to the law, the founder of the school (i.e. local municipality, except for private schools) is authorised to decide whether this school will implement the minority education programme or not. General quantitative criteria are applicable for all types of schools, these are determined by the Cabinet of Ministers “Regulations on minimum and maximum number of students in the classes/groups of state and municipal general education establishments, pre-school education establishments, special education establishments and social and pedagogical correction classes” Nr.735 of 2005³⁴⁵, with the latest amendments adopted in July 2007³⁴⁶. According to these amended rules, the number of students in one class in the primary school must be from 15 to 30 in biggest cities (so called ‘republican’ and the district centres), 12-30 in smaller towns, 8-30 in other localities, and 8-30 in so called ‘evening schools’. In secondary schools, the number of students must be 22-30 in the biggest cities, 12-30 in other localities, and 15-30 in so called ‘evening schools’. It is essential that no special provisions are envisaged in these Regulations for minority schools, what in practice in many instances makes opening of the schools implementing minority education programmes impossible, and hence children belonging to minorities are effectively denied the right to study their minority language (see some examples below).

In 2004 the Ministry of Education and Science set up an inter-ministerial working group with the aim to prepare recommendations for elaboration of a separate draft law on minority schools³⁴⁷. Some NGO representatives proposed the preliminary draft, but the group was dissolved soon after its first meeting³⁴⁸. NGO LASHOR (Latvian Association for the Support of Schools with Russian Language of Instruction)³⁴⁹ continued this work independently, and consistently advocated adoption of this law. In May 2006, Mr Igor Pimenov, chairman of LASHOR and a member of the former working group, presented the substance of the draft to journalists³⁵⁰. However, no consideration of the draft has been held either in the Ministry of Education and Science or in the parliamentary committees. A number of governmental officials and mainstream politicians expressed the view that this special law is unnecessary.

³⁴⁴ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

³⁴⁵ <http://www.likumi.lv/doc.php?id=118006> (visited on 17 August 2007)

³⁴⁶ <http://www.likumi.lv/doc.php?mode=DOC&id=160962> (visited on 20 August 2007)

³⁴⁷ Decree of the Ministry of Education and Science No.493 of 27 August 2004.

³⁴⁸ Minutes of the trial in the Constitutional Court, http://www.satv.tiesa.gov.lv/upload/Steno_2004-18-0106.rtf (visited on 20 August 2007).

³⁴⁹ <http://www.lashor.lv/rus/> (visited on 20 August 2007).

³⁵⁰ “Telegraf”, 18 May 2006, <http://www.telegraf.lv/index.php?act=archive&date=20060518&gid=23&id=21944> (visited on 20 August 2007)

Implementation / factual

Because of demographic changes (emigration, falling birth rate) and also parental choices (some minority parents in mid-90s preferred to send their children to the Latvian-language schools), a number of minority schools have been closed. In several cases, however, these decisions were made despite the apparent viability of these schools - i.e. sufficient number of students and qualified staff.

While liquidation of the Russian-language school No.35 in June 1993 went virtually unnoticed by the media and society at large, the closure of the next two Russian-language schools in Riga (No.26 in July 1994³⁵¹ and No.9 in July 1996³⁵²) which affected 1,633 students and 128 teachers caused mass protests and broad coverage in the Russian-language newspapers. School No.26 was closed in July 1994 despite mass rallies, the teachers' hunger strikes, a petition signed by 2,300 individuals and a letter signed by 450 parents. The closure of school No.3 in Talsi³⁵³ (the only Russian minority school in the Talsi district) in 1996 affected 100 pupils and 15 teachers. Closures, mergers and downgrading of the Russian minority schools occurred in 1995-2001 also in other towns and districts, *inter alia* Jekabpils and Jelgava, where the school was transferred into a former kindergarten building, vacating the original building for the Latvian-language classes. The move took place despite vociferous protests lodged by parents of the students, the Jelgava section of the Russian Society of Latvia, LASHOR, the parents of pupils at Valmiera (the Russian-language) school No.2, the Archbishop of the Orthodox Church, the Embassy of the Russian Federation, local Russian-language newspaper, and several political organisations.

Small minority communities residing in the predominantly ethnic Latvian towns and areas in Vidzeme, Zemgale and Kurzeme are particularly vulnerable in respect of the right to study minority language.

Thus, in 2001/2002 school year, because of insufficient number of children (only 3), the first class was not opened in the Russian minority school in Kalnciems, a small town in Jelgava district (Zemgale). In the next year, despite the number of applicants has grown to 9, the first class was not opened either. Persons belonging to the Russian-speaking minority constitute almost half of the town's population, but because of economic crisis in this formerly industrial town, high unemployment and emigration, the birth rate dropped drastically since early 90s. As a matter of fact, no alternatives were offered – many children from the Russian-speaking families did not speak enough Latvian to start studying in the Latvian-language schools, and attending minority schools in neighbouring cities was difficult because their unemployed parents could not cover travel expenses. Moreover, the local Russian-speaking community realises that refusal to open the first classes will soon entail closure of the entire school – which is the last minority school in Jelgava district³⁵⁴.

In 1997, the two Russian minority schools in the Cesis town in Vidzeme were merged into one³⁵⁵. In 2003, this merged school which remained the only Russian minority school in the town also faced a problem of insufficient number of children applying for the 1st grade

³⁵¹ "SM-Segodnja", 7 June, 28 June, 3 August 1994.

³⁵² "SM-Segodnja", 2 March, 12 March, 20 March, 4 April, 12 April 1996, "Bizness & Baltija", 4 March 1996.

³⁵³ "SM-Segodnja", 20 January 1995, 20 May 1995, 25 January 1996.

³⁵⁴ "Chas", 4 September 2002, http://www.chas.lv/win/2002/09/04/g_013.html?r=32 (visited on 17 August 2007)

³⁵⁵ "SM-Segodnja", 26 June 1997.

(less than 18), and the 1st grade was not opened³⁵⁶. This fact triggered utmost concerns of the Russian community in Cesis, as well as minority NGOs and political parties. In the next school year, due to active involvement of minority civil society, as well as forthcoming attitude of the city mayor, the first grade was opened³⁵⁷.

In the 2006/2007 school year, similar troubles hit the Russian-speaking parents in the Tukums town (Kurzeme) where 11 children were considered by local authorities not enough to open the first class³⁵⁸.

A protracted controversy around the Riga school No.17 is one more revealing example. This school is located in the prestigious building in the very centre of Riga, and since mid-90s the local municipality attempted to close this school or to remove it into another building, so that to free the building for a Latvian-language school³⁵⁹. Although the parents and minority civil society organizations have successfully “defended” the school for years, pressure on the parents and repeated hints on the part of officials that “soon the school will be closed anyway” have brought their fruits, and on the eve of the 2007/2008 school year it finally appeared that the number of students does not meet the criteria, and hence the school is to be closed³⁶⁰.

Generally, the trend of “squeezing out” the Russian minority schools from the center of Riga seems apparent. Thus, the Latvian-language Valdis Zalitis Primary School (Rīgas Valda Zālīša pamatskola) occupies the building of the closed Russian-language school No.35, the premises of the closed school No.9 have been allocated for the Riga Ukrainian School, the Latvian-language “Rīdze” Primary School was for several years located in the premises of the school No.17 received the entire building after the official liquidation of the latter³⁶¹. In the meantime, at least two Russian minority schools located in the Central district of Riga (namely, secondary school No.40 and Goerder School) are overcrowded and, because of the lack of premises, forced to work in two shifts – i.e. part of the students (as a rule, all grades from 1st till 5th) have to attend classes in the afternoon. Not a single Latvian-language school located in the Central district of Riga has evening shifts, nevertheless, all vacated premises have always been used not for elimination of the evening shifts but to improve conditions in those schools which are already in a relatively comfortable situation³⁶².

The Russian language and literature are taught in all schools implementing minority education programmes for the Russian minority. However, the quality of the Ministry’s work aimed at ensuring teaching Russian at times causes criticisms. This was the case, for example, with the test on the Russian language offered to the Russian minority graduates of 6th grade in 2006. The test was offered on audio disk with a very low quality

³⁵⁶ “Chas”, 28 October 2003, http://www.chas.lv/win/2003/10/28/l_026.html?r=30 (visited on 17 August 2007)

³⁵⁷ “Chas”, 2 September 2004, http://www.chas.lv/win/2004/09/02/g_041.html?r=32& (visited on 17 August 2007)

³⁵⁸ “Chas”, 17 August 2006, http://www.chas.lv/win/2006/08/17/g_048.html?r=32& (visited on 17 August 2007)

³⁵⁹ “Vesti Segodnja”, 18 February 1997, 8 July 1997; “Chas”, 15 May 2001, “Vechernjaja Riga”, 24 March 2003, <http://rus.delfi.lv/archive/article.php?id=5060836> (visited on 16 August 2007), etc.

³⁶⁰ “Vesti Segodnja”, 9 June 2007, <http://rus.delfi.lv/archive/article.php?id=18153133&ndate=1181336400&categoryID=3513828> (visited on 16 August 2007)

³⁶¹ “Chas”, 24 August 2007, http://www.chas-daily.com/win/2007/08/24/g_056.html?r=32& (visited on 20 August 2007)

³⁶² Interview with Viktor Gluhov, teacher of the secondary school No.40, vice-chairman of the Commission on Education, Culture and Sports of the Riga City Council, 20 August 2007.

of record, so that the students could not understand the text in their mother tongue; the narrator was speaking with a strong Latvian accent and made several vocal mistakes; the amount of suggested work was too big, and several tasks were related to the material to be taught only in the next years (grades 7-8)³⁶³. Besides, when some parents upset by the low marks received by their children asked to get acquainted with the tasks, they were refused on the basis of the ministerial instructions which declare the test “confidential” even after it has been already used³⁶⁴.

Another case which caused painful reaction of the Russian-language media and society was related to the publishing of the Russian translation of the book for schoolchildren “Personality and Democracy”. The book was written on the initiative of the then Minister for Special Assignments for Society Integration Affairs Nils Muižnieks and included 19 articles on prominent personalities who contributed into the development of democracy in Latvia, including not only ethnic Latvians but also ethnic Russians, Germans, Latgalians and Poles. 3000 copies were published in December 2005 in Latvian, and 1000 copies in Russian translation in March 2006. This excellent idea was marred by the quality of translation into Russian – numerous mistakes, ridiculous and senseless expressions, etc. “transformed the initial intention into mockery”³⁶⁵, as, apparently, the publishers did not bother to engage the native-speaking translators and editors.

In May 2007, the Latvian Association for Support of the Schools with the Russian Language of Instruction (LASHOR)³⁶⁶ suggested to introduce a mandatory test on the minority language in the secondary schools implementing minority education programmes, with the aim to raise importance of and attention paid to studying students’ mother tongue³⁶⁷, however, the Ministry declined this proposal³⁶⁸.

Paragraph 2

Legal

Recent changes to Latvia’s education system significantly curtail opportunities for receiving instruction in minority language, compared with opportunities which existed when Latvia signed the Framework Convention.

Historically schools with the instruction in different languages (*inter alia*, Russian and German, as well as Latvian) existed in Latvia even before the establishment of the independent state in 1918. In 1919, the People’s Council of Latvia adopted an education law which declared that all children belonging to minorities have the right to be educated in their “family language”, and local authorities were obliged to allocate funding for minority schools proportional to the share of residents belonging to a corresponding minority in their locality. Besides, a special Law on the Minority Educational Establishments was adopted. A number of different minority schools (including Russian, German, Jewish, Polish, Lithuanian, Belarusian) were functioning in Latvia and enjoyed high level of autonomy. After annexation of Latvia by the Soviet Union, all minority schools (except for Russian) have been gradually eliminated. Up to the restoration of

³⁶³ “Chas”, 25 May 2006, http://www.chas.lv/win/2006/05/25/l_048.html?r=30& (visited on 16 August 2007)

³⁶⁴ “Chas”, 19 May 2006, http://www.chas.lv/win/2006/05/19/l_017.html?r=30& (visited on 16 August 2007)

³⁶⁵ “Chas”, 31 May 2006, http://www.chas.lv/win/2006/03/31/l_052.html?r=30&, http://www.chas.lv/win/2006/03/31/l_043.html?r=30& (visited on 16 August 2007)

³⁶⁶ See <http://www.lashor.lv/> (visited on 16 August 2007)

³⁶⁷ Vesti Segodnja”, 11 May 2007, http://rus.delfi.lv/temp/vesti/VS_105_03.pdf (visited on 16 August 2007)

³⁶⁸ “Chas”, 11 May 2007, http://www.chas.lv/win/2007/05/11/g_009.html?r=32& (visited on 16 August 2007)

independence, a parallel system of education in Latvian and in Russian existed, from kindergarten to university level.

During the independence movement in the late 80s and the early 90s, as well as in the early years of independence Latvia has developed a system of state-funded minority language education: most of the state-funded schools with the Russian language of instruction were preserved, while support has been provided for the creation of schools or classes for seven other minorities (i.e. Polish, Ukrainian, Estonian, Jewish, Roma, Lithuanian, and Belarusian). The Education Law adopted soon after the restoration of independence guaranteed the right to schooling in Latvian, and envisaged also the possibility to study in minority languages.

However, very soon the concept of gradual switch of the entire education system to the Latvian language became dominant. It was reflected in a number of programmes, concept papers, as well as rhetoric of mainstream politicians³⁶⁹.

Since 1995, the law envisaged mandatory teaching of at least two subjects in the state language in minority primary schools, and at least three subjects – in secondary schools³⁷⁰. In the meantime, preparation of a new Education law has begun. The then Minister for Education Māris Grīnblats stated in his interview to the only official newspaper “Latvijas Vēstnesis”: “Our state is moving towards the model which envisages receiving secondary and higher education only in the Latvian language. In minority schools, including schools with the Russian language of instruction, in grades 1-9 the number of subjects taught in Latvian will be increased up to the half of all subjects taught. In no case the solution should be sought in “two-stream” schools³⁷¹, nor in mechanical mixture of ethnic Latvian and other ethnicity children in the same school, the same class”³⁷².

The discussion of the new draft continued for several years. Finally, in October 1998, already after the parliamentary elections had been held, the outgoing “lame duck” parliament adopted this new Education Law that substantially changed the legal framework for minority education.

Section 9 of this Law³⁷³ contained the provisions on the language of education. According to para.1, state and municipal educational establishments provide education in the state language. Para.2 stipulates that education in other languages can be received in private educational establishments (subpara.1), state and municipal educational establishments which implement minority education programmes – the Ministry of Education and Science shall determine the subjects within these programmes that must be taught in the state language (subpara.2), as well as in “educational establishments envisaged by other laws” (subpara.3).

According to original wording of para.9, subpara.3 of Transitional Provisions of the Education Law, after 2004 all public secondary and vocational education had to be in the state language only while existing primary minority schools have to be transformed into bilingual schools. In practice this meant that already existing state-financed minority

³⁶⁹ See e.g. the Declaration on the Activities of the Cabinet of Ministers, “Latvijas Vēstnesis”, 12 February 1997.

³⁷⁰ “Latvijas Vēstnesis”, 13 June 1996.

³⁷¹ Schools where some groups are taught in Latvian and other – in Russian, i.e. two parallel “language streams” exist.

³⁷² “Latvijas Vēstnesis”, 13 June 1996.

³⁷³ <http://www.ttc.lv/index.php?&id=10&tid=50&l=EN&seid=down&itid=13759> in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=50759&mode=KDOC> in Latvian (visited on 6 November 2007)

language secondary and vocational schools had to switch to instruction in Latvian only. However, another piece of legislation, the General Education Law of 1999³⁷⁴ allowed for general secondary education programmes to be combined with “minority education programmes, including teaching minority languages and subjects related to the identity of the minority and the integration of the society of Latvia” (Section 42 para.2). This provision left the matter of education in minority languages at the discretion of officials of the Ministry of Education and Science.

The Explanatory Report of the Framework Convention makes it explicitly clear that teaching of minority language should not be seen as a substitute for teaching in that language, therefore “teaching minority languages” (permitted by the Law on General Education) in secondary schools should not prevent the state from ensuring opportunity to study in minority languages in secondary schools³⁷⁵. However, “[o]pportunities for being taught the minority language or for receiving instruction in this language” envisioned in the Convention are conditioned to (1) “sufficient demand” from persons belonging to minorities as well as to (2) “as far as possible and within the framework of their [States Parties] education systems”. It can be argued that both requirements are fulfilled in Latvia (for information concerning demand see below under “Implementation / factual” headline). As for the second requirement, in 1995 (when Latvia has signed the Framework Convention), Latvia’s state-funded education system included secondary and vocational education in Russian language; thus, opportunities to study in minority language have already been available. Thus, if the Framework Convention is to be complied with, the state should ensure teaching in minority language.

It needs to be especially emphasised that the envisioned liquidation of state-supported minority education was also questionable from the legal point of view. Although Latvia had not ratified the Framework Convention at the moment of adoption of the new Education Law, its norms were legally binding for Latvia. As the Council of Europe’s Report has noted in 2001, “Although the Latvian parliament has not yet ratified [the Framework Convention], the current situation is covered by the 1969 Vienna Convention on the Law of Treaties, to which Latvia became party on 4 May 1993. According to this Convention, a State is obliged to refrain from acts which would defeat the object and purpose of a treaty when it signed that treaty”³⁷⁶. Crucially, the state-funded education system featured secondary and vocational education in minority language when Latvia has signed the Convention, and the demand for such education has not disappeared since then. Envisioned liquidation of education in minority languages would therefore violate Latvia’s international obligations.

The original version of the Education Law stipulated that orphans shall receive education in the state language (Section 56 para.2). In practice this meant that orphaned children whose education began in a different language must be transferred to a Latvian-language school, regardless of grade or age. Only in February 2004 was this provision changed, and since then an orphan can “continue education in the Latvian language or in the

³⁷⁴ <http://www.likumi.lv/doc.php?id=20243&mode=KDOC> (visited on 17 August 2007).

³⁷⁵ Para.77: “The alternatives referred to in this paragraph - “opportunities for being taught the minority language or for receiving instruction in this language” - are not mutually exclusive. Even though Article 14, paragraph 2, imposes no obligation upon States to do both, its wording does not prevent the States Parties from implementing the teaching of the minority language as well as the instruction in the minority language”.

³⁷⁶ Honouring of obligations and commitments by Latvia, report of the Parliamentary Assembly of the Council of Europe, Doc.8924 (10 January 2001), para.21, <http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FWorkingDocs%2FDoc01%2FEDOC8924.htm> (visited on 17 August 2007).

language in which he/she started education in Latvia's state or municipal educational establishment".

Adoption of the new law triggered serious concerns and unprecedented protests of Latvia's minority community (see below).

Besides, some international organizations expressed serious concerns about the new provisions. Thus, the UN Committee on the Rights of the Child stated in its concluding observations: "The Committee notes that bilingual education for minorities will be provided until the ninth grade only (end of primary education), and that comprehensive and professional secondary education, as well as vocational education, will be provided in the Latvian language only, with the exception of subjects related to language, identity, and culture of minorities, which can be taught in the minority language. While the State party declares that it is carefully monitoring this process, the Committee remains concerned that those children required to learn in a new language may experience difficulties in following the instruction"³⁷⁷. The Committee recommended that the Latvian government assist children who have language deficits and train teachers to ensure that children are not disadvantaged by the new medium of instruction.

Apparently, as a result of growing tensions and serious threats to the social peace and stability, as well as criticisms from international community, the government and parliamentary majority decided to partly liberalise the provisions of the law. Since the issue became highly politicised, it was not an easy task for the government to amend the law, avoiding criticisms on the part of the radical nationalists for "surrender to the Russians and international organizations".

In May 2003, in the wake of the first widely announced mass rally against the minority education reform (see below), the Cabinet of Ministers adopted amendments to its "Regulations on the state general secondary education standards" No.260 of 2000³⁷⁸. The amendments provided that after the end of the transition period (2004-2006), not less than 5 subjects in minority secondary schools (besides the Latvian language and literature) are to be taught in Latvian. Another provision stipulated that up to 40% of the curricula could be taught in minority languages, therefore, not less than 60% is to be taught in Latvian. It was implied that each school can determine the subjects to be taught in Latvian itself. In the meantime, it is essential that the amendments also envisaged that starting from the year 2007, "the content of all the state examinations and tests" must be in Latvian.

Somewhat contrary to the general practice of law-making, the amendments stipulated by the sub-legal act, i.e. the Cabinet of Ministers Regulations, contradicted the corresponding provision of the law then still in force. This is why the Cabinet has entrusted the Ministry of Education and Science to elaborate necessary amendments to the Education Law with the aim to eliminate the collision between its provisions and the General Education Law, as well as to ensure compliance with the amended Regulations.

On the basis of these amended Regulations, a new sample minority secondary education programme has been elaborated and approved by the Ministry of Education and Science on 15 July 2003³⁷⁹.

³⁷⁷ Concluding Observations of the Committee on the Rights of the Child: Latvia. 28/06/2006, CRC/C/LVA/CO/2, para.63, <http://daccessdds.un.org/doc/UNDOC/GEN/G06/428/94/PDF/G0642894.pdf?OpenElement> (visited on 17 August 2007)

³⁷⁸ <http://www.likumi.lv/doc.php?id=75011> (visited on 17 August 2007).

³⁷⁹ <http://web2.izm.gov.lv/default.aspx?tabID=3&lang=1&id=408> (visited on 17 August 2007).

Finally, amendments to para.9 subpara.3 of the Transitional Provisions of the Education Law have been approved by the Cabinet of Ministers on 12 August 2003³⁸⁰. The so-called procedure of Article 81 of the Constitution was applied (according to this provision, the government is entitled to amend the law in cases of urgent necessity during the break in the parliamentary sessions; such amendments are to be approved by the Saeima (Parliament) later).

During the following parliamentary debates, the amendments have been changed several times. Thus, in the second reading held on 22 January 2004, the majority supported the wording suggested by the parliamentary Education, Culture and Science Committee: the subjects, which could be taught in minority languages in secondary schools, are only minority languages themselves, as well as subjects, "related to minority identity and culture"³⁸¹. Pro-minority opposition in the parliament tried to prove that the new wording does not allow the schools to use their right to teach up to 40% of the curricula in minority languages, as only 10-15% at best of the curricula might be considered as related to minority identity and culture³⁸².

In just recent weeks before the vote, both high-ranking official of the Ministry of Education and Science³⁸³ and the Minister for Education and Science Kārlis Šadurskis himself in a popular Russian-language TV broadcast "From the position of power"³⁸⁴ assured the Russian-speaking audience that no further restrictions for using minority languages in secondary education will be made. The headlines of the media comments to the Saeima's decision published next day are revealing: "We are deceived. Empty schools ahead"³⁸⁵, "The Catcher in the Lie" (paraphrasing J.D.Salinger's "The Catcher in the Rye")³⁸⁶. Even the Latvian-language opinion-maker daily "Diena", usually supportive of the minority education reform, reacted with the critical comment of its staff columnist titled "Deception"³⁸⁷.

In the final vote on 5 February 2004, the wording of the amendments was changed once again. Ultimately, para.9 subpara. 3 of the Transitional Provisions stipulated that from 1 September 2004 all state-supported secondary education, including general secondary education, state and municipal professional education establishments, and vocational education must be "in the state language in accordance with the standards of the state secondary education", and "not less than 60% is to be taught in Latvian". Besides, since the year 2007 all the state examinations and tests are to be passed in Latvian.

In April-May 2005, the application submitted by the pro-minority parliamentary opposition was considered by the Constitutional Court. On 13 May 2005 the Court declared that para.9 subpara.3 of the Transitional Provisions of the Education Law complied with the Constitution of Latvia and provisions of international human rights treaties (including the Convention on the Rights of the Child).

³⁸⁰ <http://www.likumi.lv/doc.php?id=78067> (visited on 17 August 2007).

³⁸¹ Minority issues in Latvia, No. 79, 23 January 2004, <http://www.minelres.lv/MinIssues/info/2004/79.html> (visited on 17 August 2007).

³⁸² "Vesti Segodnja", 15 January 2004.

³⁸³ "Chas", 6 January 2004, http://www.chas.lv/win/2004/01/06/g_029.html?r=32& (visited on 17 August 2007)

³⁸⁴ "Chas", 10 January 2004, http://www.chas.lv/win/2004/01/10/l_042.html?r=30& (visited on 17 August 2007)

³⁸⁵ "Chas", 23 January 2004, http://www.chas.lv/win/2004/01/23/l_053.html?r=30& (visited on 17 August 2007)

³⁸⁶ "Telegraf", 23 January 2004.

³⁸⁷ "Diena", 23 January 2004.

During the proceedings the applicants mentioned the following arguments in support of their application:

1) lack of democratic participation in decision-making – persons belonging to minorities themselves were not involved in the discussion and decision-making concerning the use of languages in public secondary schools for minorities, especially in 1998, when the Education Law provided that all the curricula since 2004 should be taught in the state language (the provision amended in 2004); later schoolchildren and their parents were rather target audience than equal partners in the discussions with the representatives of the Ministry of Education and Science;

2) quality of education in public schools for minorities is endangered due to the lack of scientific basis for the switch to Latvian as the main language of instruction, lack of monitoring and reliable data;

3) according to data provided by the applicants, a big part of schoolchildren (up to 30%) will not be able to continue their education in secondary schools, as their level of the state language proficiency allows them to understand information about everyday life, but not information on scientific matters;

4) there is no special system of preparing teachers for teaching in the state language in minority schools (except for teachers of the Russian language and literature), therefore there is a risk that even persons, who are not able to speak in minority language, will teach in public schools for minorities;

5) the Ministry of Education and Science does not collect information concerning possible overload of schoolchildren belonging to minorities due to the switch to Latvian as the main language of instruction.

Despite the Court has decided that the contested provision of the Education Law complied with the Constitution and international treaties, some positive moments should be mentioned:

1) the Court recognised that ethnic minorities exist in Latvia and different treatment towards persons belonging to majority and minorities is necessary to guarantee their equality;

2) the Court established that effective mechanism for the evaluation of the quality of education was to be created;

3) the Court mentioned that till 1 September 2007 the subjects taught bilingually (in two languages simultaneously) can be included into 60% as subjects taught in the state language³⁸⁸.

Implementation

The envisioned drastic reduction (or even complete elimination still advocated by a number of mainstream politicians) of state-funded minority secondary and vocational education, and the transformation of minority primary schools into bilingual schools, has

³⁸⁸ Judgment of 13 May 2005 in the case No.2004-18-0106, <http://www.satv.tiesa.gov.lv/upload/2004-18-0106E.rtf> (visited on 13 August 2007)

been put forward ostensibly in order to “level the playing field” for minority pupils. However, this move is continuously opposed by an overwhelming majority of minority organisations, as well as criticised by minority parents for putting minority children at an educational disadvantage³⁸⁹.

Numerous surveys and sociological data revealed negative attitude towards the planned reform on the part of the minority parents.

Table: Attitude of the minority students’ parents towards the planned minority education reform³⁹⁰

	Fully support	Partly support	Do not support	No answer
Data collected by school administration, 2003	38%	24%	23%	15%
Data of the State Education Inspection, 2003	23%	25%	49%	3%
Data of the State Education Inspection, 2004	6,3%	22,6%	59,4%	11.7%

Apparently, the dynamics of negative attitude towards the reform was determined by the personal experience of students and parents, when practical preparations have started, as well as the details of the planned changes were becoming clearer.

It should be also mentioned that the wording of the questions offered by the Ministry of Education and Science (the State Education Inspection is a unit of the Ministry) was rather elusive and not always adequately reflected the genuine nature of the reform. Apparently, this is the reason why the data of independent researchers from the Baltic Institute of Social Sciences revealed even more negative attitudes:

Table: Attitudes of minority students, their parents and teachers from minority schools towards the minority education reform³⁹¹

	Students	Parents	Teachers
Fully support	4	3	9
Rather support	11	10	21
Rather do not support	26	28	36
Fully do not support	59	59	34

³⁸⁹ In particular, these concerns were repeatedly expressed at the conferences of parents of minority school’s pupils, organised annually since 2000 – see e.g. <http://www.lashor.lv/eng/dokumenty.php> in English (visited on 17 August 2007)

³⁹⁰ Data from the trial in the Constitutional Court, minutes of the sitting, http://www.satv.tiesa.gov.lv/upload/Steno_2004-18-0106.rtf (visited on 17 August 2007).

³⁹¹ Integration of Minority Youth in the Society of Latvia in the Context of the Education Reform. Baltic Institute of Social Sciences, Riga, 2004, http://www.bszi.lv/downloads/resources/minoritates/Minority_Engl.pdf (visited on 17 August 2007)

Moreover, the same survey established that half of all surveyed students participated in some protests actions against the minority education reform, and more than half of those who did not participate, regret about it³⁹².

These data are corroborated by a number of other surveys. Thus, according to survey "Our Values", 75% of minority parents wish their children to receive education in their mother tongue³⁹³.

Language is an important identity factor for the Russian linguistic minority youth: according to a research, 77% of respondents consider language as the basis for identity, ahead of ethnic origin (54%)³⁹⁴. Thus, the concerns that elimination or drastic reduction of education in Russian will seriously endanger minority's identity are widespread. The research data shows that while all respondents agree the greatest benefit of the envisioned move will be that students will learn Latvian better, most of minority schools' principals, teachers and pupils' parents believe the elimination of minority education will have negative effect on minority pupils' ability to learn the content of certain subject matter and their psychological feelings³⁹⁵. Besides, principals and teachers also stated that proficiency in the native language will suffer as a result³⁹⁶.

The same 2002 study also pointed to serious practical failures by the Ministry of Education and Science in preparing for the envisioned transition to Latvian in secondary education, i.e. - in preparation of teachers, study manuals, methodology, etc. With just two years left before the deadline of 2004, only 16% of minority schools were "fairly well prepared" to switch from minority language to Latvian³⁹⁷. Estimated level of readiness of minority students was rather low: only 10% of the schools' principals, 6% of teachers, 15% of pupils and 25% of their parents stated that the pupils "definitely will be able" to study in Latvian in secondary school.

In her presentation at the 3rd Latvian Conference of Parents, Mrs Tatyana Arshavskaya, member of the Board of LASHOR, concluded that the reform was not provided with necessary financial, human and scientific resources. She put the following statistics: only 10% of teachers had highest category of the Latvian language proficiency, and only 50% of teachers considered they have enough skills to teach their subjects in Latvian³⁹⁸.

Negative attitude towards the planned reform was reflected also in mass protests. The first protest rally was organised on 23 May 2003 by LASHOR³⁹⁹ after its leadership concluded that numerous attempts to establish constructive dialogue with the authorities had failed, and all proposals and alternatives offered by this NGO had been declined. Although the Department on Education, Youth and Sports Affairs of the Riga City Council sent a letter to all minority school administrations asking them not to allow participation

³⁹² Ibid.

³⁹³ V.A.Buhvalov, J.G.Pliner, Problems and perspectives of integration into Latvia's society of national minorities schools' pupils. Riga, 2000, pp. 42-45.

³⁹⁴ V.Volkovs, Krievvalodīgas jaunatnes dzimtās valodas vieta integrācijas procesā Latvijā (The Place of the Native Language of the Russian-speaking Youth in the Integration Process in Latvia), paper presented at the international conference "Ethnopolitics on the Road to Civil Society", 15-16 October 1998, Riga

³⁹⁵ Bilingvālās izglītības ieviešanas analīze (Analysis of the implementation of bilingual education). Baltic Institute of Social Sciences, Riga, 2002, <http://www.bszi.lv/downloads/resources/bilingvalaIzglitiba/bilingvalaIzglitiba2002.pdf> (visited on 17 August 2007)

³⁹⁶ Ibid.

³⁹⁷ Ibid.

³⁹⁸ T.Arshavskaya, Analysis of the implementation of bilingual education in Latvian schools, Riga, 2002, <http://www.lashor.lv/rus/arshavskaja.php> (visited on 17 August 2007).

³⁹⁹ <http://www.lashor.lv/> (visited on 17 August 2007).

of their students in the rally⁴⁰⁰, reportedly more than 12 000 people took part, and the meeting appeared the biggest mass rally since the restoration of independence of Latvia⁴⁰¹.

Soon after this rally a so-called Headquarters for the Defence of the Russian Schools has been established⁴⁰². The founders of the Headquarters decided not to register it officially as an NGO, in fear of bureaucratic obstacles. Nevertheless, they managed to create a network of activists throughout Latvia, and organized a series of mass rallies, including meetings, pickets, manifestations, flash-mobs, issuing of numerous leaflets, booklets and video-clips, as well as hunger strikes⁴⁰³. In general, more than 90 protest actions were held, and 32 of them were attended by more than 1000 participants⁴⁰⁴. Some major actions were attended by up to 40,000 participants. Besides, the activists of the Headquarters organised visits to some international organizations (the Council of Europe, the European Parliament, etc.) to inform the prominent European leaders about the alleged violations of minority rights in Latvia.

The problem of ensuring quality of education during the transition to teaching mainly in the Latvian language was considered crucial not only by the minority community affected by the reform, but also by a number of international actors⁴⁰⁵. The same point was made by the leading Latvian human rights lawyers⁴⁰⁶.

Several experts acknowledged that the government has disregarded the problem of quality, and has not taken adequate measures to prevent deterioration of education quality in the course of planning and implementing the reform (most importantly, this was explicitly recognised by the Constitutional Court – see previous paragraph of this report).

More specifically, the following problems must be briefly mentioned.

The legislation of Latvia does not define the very concept of bilingual education, and practitioners are allowed too broad margin of appreciation when interpreting this approach⁴⁰⁷.

In the absence of the research of particular situation in Latvia, political decisions are based on “common sense” – i.e. the sooner a student switches to studies in the official

⁴⁰⁰ Minority issues in Latvia, No. 69, 1 June 2003, <http://www.minelres.lv/MinIssues/info/2003/69.html> (visited on 17 August 2007).

⁴⁰¹ “Chas”, 26 May 2003, http://www.chas.lv/win/2003/05/26/l_009.html?r=30& (visited on 17 August 2007)

⁴⁰² <http://www.shtab.lv/main.php> (visited on 17 August 2007)

⁴⁰³ The list of major protest actions can be found in: Integration of Minority Youth in the Society of Latvia in the Context of the Education Reform. Baltic Institute of Social Sciences, Riga, 2004, p.8, http://www.bszi.lv/downloads/resources/minoritates/Minority_Engl.pdf, (visited on 17 August 2007)

⁴⁰⁴ Data from the trial in the Constitutional Court, minutes of the sitting, http://www.satv.tiesa.gov.lv/upload/Steno_2004-18-0106.rtf (visited on 17 August 2007)

⁴⁰⁵ See e.g. Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Latvia, 5-8 October 2003, CommDH(2004)3, 12 February 2004, para.97 and para.9 of the recommendations, <https://wcd.coe.int/ViewDoc.jsp?id=112881&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679> (visited on 15 December 2007); OSCE High Commissioner on National Minorities: Statement to the Permanent Council, HCNM.GAL/4/04, 28 October 2004, etc.

⁴⁰⁶ See e.g. I.Ziemele. Mazākumgrupu tiesiskās aizsardzības nodrošināšana Latvijā: dažas mācību stundas Eiropai (Ensuring legal protection of minority groups in Latvia: some lessons for Europe). Collection of articles “International Law and Human Rights in Latvia: abstraction or reality”, Riga: Tiesu namu aģentūra, 2005, 222.lpp.

⁴⁰⁷ Bilingvālā izglītība Latvijā: starptautiskā ekspertīze (Bilingual education in Latvia: International expertise). Ed. Indra Dedze. Riga: Soros Foundation Latvia, 2002, preface to the Latvian edition, <http://www.politika.lv/index.php?f=470> (visited on 15 December 2007)

language, the better she/he adapts and achieves better results. This “common sense” approach has been subject to well-reasoned criticisms by the leading academics⁴⁰⁸.

Argument that switching to teaching mainly in the state language will foster competitiveness of minority youth is based on the wrong presumption that this competitiveness is determined merely by proficiency in the state language, disregarding a number of other essential factors⁴⁰⁹.

One of the most frequent arguments in support of the reform is that studying in Latvian will make entry into the universities easier for minority students. There is, however, no documentary evidence at all that graduates from minority schools faced more difficulties to get enrolled even in the universities in the Latvian language of instruction before the reform (several experts who testified before the Constitutional Court have explicitly opposed this assumption, including the Minister for Education and Science Ina Druviete)⁴¹⁰. Besides, this argument completely disregards existence of private universities with instruction in Russian or English in Latvia, as well as growing number of Latvian students entering universities in other EU member states, America or Russia.

Dynamics of quality of teaching certain subjects in the Latvian language to minority students, in comparison with teaching the same subject in the native language, was possible to study, as teaching some subjects in Latvian in minority schools was prescribed by law since 1995. However, no systematic analysis has been even conducted by the Ministry of Education and Science. For example, the Minister for Education and Science Ina Druviete claimed that the impact of the reform on the quality of the students' knowledge could be evaluated only in about 5 years after the completion of the reform⁴¹¹. Moreover, head of the State Education Inspection Valda Puiše admitted in media that she “cannot rule out the possibility that the quality of education will lower” after the transition to the Latvian language of instruction in minority schools⁴¹².

However, certain indirect indications can be obtained from the analysis of the marks received at the state exams in various grades collected by the Centre for Curriculum Development and Examinations⁴¹³. In 2001-2004, minority students demonstrated the same or even higher level of achievements in the subjects which were then taught predominantly in their native language (physics, chemistry, math, biology). In the meantime, in those subjects which were taught predominantly in Latvian, the marks of minority students were at average for 20% lower than those of ethnic Latvian students⁴¹⁴.

A study of the dynamics of the education quality after the implementation of the reform was conducted by NGO Association of Russian Culture, Education and Science “ARKONA”⁴¹⁵. Full text of the research was published by the Russian version of the

⁴⁰⁸ E.g. T.Skutnabb-Kangas, “The status of minority languages in the education process”. Filling the frame: 5 years of monitoring the Framework Convention for the Protection of National Minorities. Council of Europe, 2004, 239 lpp.

⁴⁰⁹ See testimonies of Dr.paed. B.Zelcerman and Dr.paed. N.Rogaleva before the Constitutional Court, http://www.satv.tiesa.gov.lv/upload/Steno_2004-18-0106.rtf (visited on 17 August 2007)

⁴¹⁰ Certain disproportions in the representation of minorities among the students of the state universities mentioned in this report (see paragraph on implementation of Article 12) can be explained by other factors, including lack of substantively equal attitude towards minority students during entry exams (such as the same tests in the Latvian language for the Latvian-language native-speakers and students belonging to minorities), and not by the lower level of knowledge of the graduates of minority schools.

⁴¹¹ “Telegraf”, 31 January 2005.

⁴¹² “Rīgas Balss”, 6 April 2005.

⁴¹³ <http://www.isec.gov.lv/> (visited on 17 August 2007)

⁴¹⁴ Data from the trial in the Constitutional Court, minutes of the sitting, http://www.satv.tiesa.gov.lv/upload/Steno_2004-18-0106.rtf (visited on 17 August 2007)

leading news portal Delfi⁴¹⁶. Young researchers compared the results of the unified graduation exams on mandatory subjects in the Latvian-language schools with the results of the minority students in 2004-2007.

In mathematics, average marks of the minority graduates in 2004 were lower than those of graduates from the Latvian language schools for 4%, in 2005 – for 5%, in 2006 – for 8.1%, and in 2007 – for 9.4%. In turn, the results of the exam in English gave a different picture – every year the achievements of the minority schoolchildren were for 6.5%-7.5% lower than in the Latvian-language schools, just as before the reform. The researchers explain this stable difference with the fact that for ethnic Latvian students English is the first foreign language, while for the Russian-speaking children English is the second after Latvian. However, the most adverse effect of the reform was discovered for the history exam: while in 2005 the results of the minority graduates were at average 10% worse than those of the graduates from the Latvian-language schools, in 2007 this difference increased till 20.8%.

In December 2007 the same researchers published another study⁴¹⁷ which included more in-depth analysis of the methodology that could take into account a number of additional factors, such as the differences between smaller in size schools in rural areas (which predominantly have only Latvian language of instruction) and in urban environment, motivation of choice of subjects of optional exams (besides mandatory subjects), etc. Besides, the results of graduation exams in chemistry, biology and physics have been analysed. In general, the output of the study corroborated the data obtained in the previous research, i.e. that the achievements of the minority students substantially deteriorate faster the implementation of the reform.

One cannot but recognise that in practice minority education reform is being implemented with a reasonable degree of flexibility. In the meantime, after the issue of the reform has lost its utmost political topicality, the government seems to pay obviously insufficient attention to monitoring and ensuring quality of education and resolving practical problems. It is revealing that even columnist of the leading Latvian-language opinion-maker “Diena”, which has never been sympathetic towards the minorities’ claims, writes in May 2007: “In fact, it is not possible to evaluate the effectiveness of the reform... One gets an impression that ...[Minister for Education and Science] Baiba Rivža does not pay attention to the implementation of the reform. Three years passed since the reform had entered into force, but we still lack textbooks tailored to the bilingual education, and terminology dictionaries on different subjects are not available for the students”⁴¹⁸.

It is essential that the fragile balance achieved through painful and complicated process described above is not seen as a final arrangement by a substantial part of political elite, and concerns of the minority activists that the education in minority languages could be curtailed further as soon as the political conditions permit is not without ground. Even relatively liberally minded politicians time and again publicly support this idea. For example, MP Sandra Kalniete, former Minister for Foreign Affairs and former EC Commissioner, asked by a journalist whether she would agree with the point made by

⁴¹⁵ “Chas”, 25 September 2007, http://www.chas.lv/win/2007/09/25/g_028.html?r=32& (visited on 6 December 2007), “Vesti Segodnja”, 25 September 2007, <http://www.ves.lv/vesti/0/3686> (visited on 6 December 2007), <http://rus.delfi.lv/archive/article.php?id=19091695&ndate=1191186000&categoryID=57860> (visited on 6 December 2007).

⁴¹⁶ <http://rus.delfi.lv/temp/mk/memorandum1.pdf> (visited on 6 December 2007).

⁴¹⁷ “Vesti Segodnja”, 2 December 2007, <http://www.ves.lv/vs/review/29614> (visited on 6 December 2007).

⁴¹⁸ “Diena”, 29 May 2007.

Kristiāna Lībane-Šķēle, chair of the board of the People's Party that "integration can be successful only if the entire state-funded general education will be conducted in the state language", answered: "I fully agree with this"⁴¹⁹. Given that the People's Party and the "New Era" party (what Sandra Kalniete represents) are currently the biggest parliamentary factions, the assurances that the current legislation on minority education will not be made more stringent, do not enjoy much confidence on the part of minority parents.

Factual

Table: Number of schools and students by language of instruction⁴²⁰

Academic year	Schools by language of instruction				Total No of schools	Students by language of instruction**			Total No of pupils**	% study in Latvian
	Latvian	Russian	Mixed*	Other		Latvian	Russian	Other***		
1991/1992	585	219	178	4	986	183266	154736	208	338210	54.19
1992/1993	623	223	179	4	1029	181875	146457	328	328660	55.34
1993/1994	652	216	175	5	1043	191517	143904	461	335882	57.02
1994/1995	679	209	176	7	1071	199146	138002	727	337875	58.94
1995/1996	699	207	182	6	1094	209947	136740	854	347541	60.41
1996/1997	719	205	182	6	1112	219684	133882	908	354474	61.97
1997/1998	728	200	176	6	1110	228059	130912	1043	360014	63.35
1998/1999	728	195	145	6	1074	226166	120866	1173	348205	64.95
1999/2000	727	189	133	8	1057	230239	114469	1344	347052	66.34
2000/2001	724	178	128	7	1037	232859	110629	1334	344852	67.53
2001/2002	725	175	122	7	1029	232239	103350	1352	336941	68.93
2002/2003	720	166	124	7	1017	227552	96554	1397	325503	69.91

⁴¹⁹ "Latvijas Avīze", 24 May 2007. Somewhat ironically, the interview has the title "Sandra Kalniete: I support liberal policies".

⁴²⁰ Source: official statistics of the Ministry of Education and Science, <http://web2.izm.gov.lv/default.aspx?tabID=7&lang=1&id=25> (visited on 17 August 2007).

2003/2004	729	159	115	6	1009	219975	91209	1305	312489	70.39
2004/2005	724	155	108	6	993	214855	84559	1253	300667	71.46
2005/2006	727	152	97	7	983	205189	77471	1206	283947	72.26
2006/2007	727	148	92	7	974	194230	70683	1116	266111	72.99

* Mixed schools include two separate streams of education: Latvian and Russian.

** Data on students in evening (shift) schools were included for school years since 1993/1994 till 1997/1998.

*** Pupils studying in English (i.e. children of foreigners residing in Latvia) are not included.

In 2007/2008 school year, 253 478 students will start the studies⁴²¹. The data on the breakdown on the basis of the language of instruction were not yet published at the moment of writing.

The data above reveal that the total number of schoolchildren is steadily decreases since mid-90s, apparently due to the general de-population process in Latvia caused by negative natural increase, as well as relatively high emigration rates. However, the number of students in the Russian minority schools, as well as a number of these schools, is decreasing disproportionately, apparently, partly due to objective reasons and partly due to the policies implemented by the government and briefly described above.

Regional aspect of minority education deserves particular attention. Education in minority languages has been completely eradicated in 4 districts (rajoni) of Latvia. In 5 more districts no 1st grades with the instruction (at least partly) in Russian have been opened, and in 8 more districts only one 1st grade for the Russian minority students functions so far, often despite formally insufficient number of students.

Table: proportion of the persons belonging to the Russian minority and the students attending schools that implement Russian minority education programmes in the towns and districts of Latvia, 2005/2006 school year⁴²²

Town, district	Share of population belonging to minorities, %	Share of students attending schools implementing minority education programmes, %	Number of students attending schools implementing minority education programmes	
			1 st grade	10 th grade (secondary school)
Daugavpils	84,04	80,7	672	798
Daugavpils [rural] district	60,5	36,7	112	66
Rīga	59	50,2	2667	3811
Rēzekne	57,41	41,7	164	197
Krāslava district	51,77	33,3	67	83
Jūrmala	50,89	34,4	132	139

⁴²¹ <http://www.delfi.lv/news/national/politics/article.php?id=18749661> (visited on 21 August 2007).

⁴²² The table compiled by MP Vladimir Buzaev on the basis of data from the 2000 Population Census (<http://www.csb.gov.lv/csp/content/?cat=339>) and of the Ministry of Education and Science (<http://izm.izm.gov.lv/registri-statistika/statistika-vispareja/2005.html>).

Liepāja	50,64	35,1	243	319
Jelgava	49,03	29,4	180	146
Ventspils	48,42	34,1	119	150
Ludza district	43,7	33,6	76	100
Rēzekne district	43,08	33,6	100	94
Rīga district	36,26	17,1	155	133
Jelgava district	34,9	6,4	12	0
Jēkabpils district	32,7	15,5	78	106
Preiļi district	32,56	13,9	40	45
Dobele district	27	3,9	0	0
Bauska district	26,9	4,1	0	0
Aizkraukle district	24,3	7,0	21	35
Ogre district	24,03	8,3	54	35
Balvi district	23,4	5,3	6	32
Valka district	19,55	5,7	9	23
Alūksne district	18,1	4,2	5	0
Valmiera district	17,38	5,9	12	46
Saldus district	16,86	1,7	0	0
Tukums district	15,88	2,8	15	21
Gulbene district	15,6	1,2	0	0
Cēsis district	14,7	3,7	6	23
Madona district	12,85	2,4	8	22
Liepāja district	12,78	0,0	0	0
Limbaži district	11,7	0,7	0	0
Ventspils district	10,1	0,0	0	0
Kuldīga district	8,78	0,0	0	0
Talsi district	8,11	0,0	0	0

The trend to send their children to the Latvian-language schools that became apparent in mid-90s has probably contributed into emergence of these disproportions. However, according to some observers, this trend has been substantially slowed down in 2000⁴²³ and completely reversed after the minority education reform has been implemented – under new circumstances, the parents do not fear anymore that their children will not learn Latvian properly in minority schools, and care more about the quality of the training obtained. Minister for Special Assignments for Society Integration Affairs Oskars Kastēns evaluated in January 2007 that only some 10% of the Russian families in Latvia are “oriented towards assimilation and send their children to the Latvian-language schools”⁴²⁴. In 2006 for the first time the number of applicants for the 1st grade in the Russian minority schools in Riga exceeded the corresponding number for the previous year for 10.3% (247 children), and the total number of students in Riga’s Russian minority schools increased for 1 500⁴²⁵. This is a clear evidence of the fact that the demand for the education in minority languages, in particular in Russian, remains quite high, although greatly varies from one region to another. In many instances, this demand is not adequately met, notably due to the absence of mechanisms of effective participation of

⁴²³ “Vesti Segodnja”, 23 December 2000.

⁴²⁴ <http://rus.delfi.lv/archive/article.php?id=16619830> (visited on 17 August 2007)

⁴²⁵ “Chas”, 5 April 2006, http://www.chas.lv/win/2006/04/05/g_010.html?r=32& (visited on 17 August 2007)

the persons belonging to minorities in decision-making (see chapter on Article 15 of this report). Thus, disproportions revealed in the table above often reflect not the free choice of the language of instruction by the parents belonging to minorities but in fact the refusal of the authorities to ensure education in minority languages, despite the existing demand as well as possibilities.

As one can see from the table above, the number of other minority schools and students attending these schools remains relatively stable, and these schools are attended by approximately 0,5% of the entire number of schoolchildren. According to the Ministry of Education and Science, schools and classes of other minorities (Estonian, Jewish, Lithuanian, Roma) use either Latvian or Russian as the main language of instruction. Accordingly, data on students of such schools and classes is included into data on schools and classes with the Latvian or Russian language of instruction.

Table: Pupils in schools with language of instruction other than Latvian or Russian, 2006/2007 academic year⁴²⁶

	Riga	Daugavpils	Jekabpils r.d.**	Kraslava r.d.	Total:
Polish	302	326	92	68	788
Ukranian	252	-	-	-	252
Belarusian	76	-	-	-	76
Total	630	326	92	68	1116

Paragraph 3

Legal

See the chapter of this report on Article 12 paragraph 1 of the Framework Convention.

Conclusions

Taking into account a real situation in Latvia, existing demand and possibilities, as well as historical experience of existence of a broad network of state-supported education in minority languages, the ongoing minority education reform could lead to incompliance with provisions of the Framework Convention. The following measures would contribute to better minority protection:

1. To abolish the strict proportions for the use of languages, in particular, in state and municipal secondary and vocational schools, and to ensure the flexible approach when the schools themselves are entrusted to choose the proportions of the languages of instruction and/or the models of bilingual education.
2. To amend the Education Law so that secondary and vocational education in minority languages is guaranteed, if there is a demand for such education.
3. To determine in the Education Law firm criteria that would mandate the state and municipal authorities to establish and/or maintain schools and/or classes if parents

⁴²⁶ Source: official statistics of the Ministry of Education and Science, <http://web2.izm.gov.lv/default.aspx?tabID=7&lang=1&id=25> (visited on 17 August 2007)

representing a certain minimum number of potential pupils request so. Such criteria and their implementation should not discriminate against requests for schools and classes with minority languages of instruction, and should be lower than the general criteria for opening schools or classes.

4. To ensure minorities' participation in the process of decision-making and implementation concerning issues of minority education.

5. To develop and implement thorough system of monitoring quality of education, so that to ensure that any reforms of minority education framework to not lead to lower standards of education and thus do not discriminate against the youth belonging to minorities.

6. As a matter of urgency, to develop a system of teachers training specific for minority schools, addressing both the need for subject matter teachers and Latvian language teachers in minority schools, so that to ensure viability and quality of teaching in these schools. To ensure necessary nomenclature and quality of the textbooks for minority education programmes, to make full use of the inter-state cooperation in this respect.

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.

Legal

Latvian legislation does not provide for specific instruments ensuring minorities' effective participation in cultural, social and economic life and in public affairs. Although equal participation is implicitly included among the main stated goals of the integration concept and programme, concrete action plans both in respect of law-making and policies, based on available statistics and aiming at achieving equal representation and participation of minorities, are virtually non-existent (with the exception of some small-scale projects targeting Roma).

In the meantime, Latvian legislation impedes minorities' participation by reserving certain political, social and economic rights to citizens only, sometimes on doubtful basis (for further details concerning citizenship legislation and differences between the rights of citizens and non-citizens, please, refer to information provided under Article 4).

Besides, a number of provisions of Latvian language legislation also restrict minorities' participation by banning the use of minority languages in public bodies, as well as in communication between individuals and the state/municipal institutions, and imposing language proficiency requirements, disproportionate in a number of cases, in public and private employment (refer to information provided under Article 10).

Implementation

The main governmental initiative, aimed at building inclusive society is the Society Integration Programme. The programme covers a broad range of issues, including dialogue between an individual and the State, encouragement of naturalisation, development of the NGO sector and NGO involvement in decision-making, assistance to ethnic Latvians willing to repatriate and to ethnic minorities wishing to emigrate, measures to promote employment, reduce poverty, facilitate regional integration, transition to bilingual education for minorities, measures to strengthen Latvian language

and communication, development of culture and intercultural dialogue, improvement of information sphere. However, the programme does not explicitly include minority rights and anti-discrimination issues and only marginally addresses the problem of minorities' participation in cultural, social and economic life and in public affairs, including those affecting them.

Factual

Social and economic life

Generally, minorities are actively participating in the social and economic life and are well represented in the private sector of economy. In the meantime, statistical data show that minorities face certain difficulties in access to jobs in public sector: in 2002, 35% of all employed persons belonging to minorities worked in public sector, compared to 49% of ethnic Latvians employed in public sector⁴²⁷.

However, some studies on ethnic representation in Latvia hint at segregation tendencies also in the private sector: out of 17 surveyed large private companies 5 employed either no or very few (2-3%) minority employees, and 9 companies had no minorities within their top (5-7 persons) management⁴²⁸. Ethnic Latvians are over-represented in highly skilled non-manual occupations, such as senior officials and managers, professionals and technicians, while persons belonging to minorities have higher share among low-skilled and elementary occupations:

Table: Occupation in main job by ethnicity, 2005 (%)⁴²⁹

	Ethnic Latvians	Non-Latvians
Highly skilled non-manual	38.5	27.2
Low skilled non-manual	22.0	23.2
Skilled manual	27.9	34.1
Elementary occupations	11.6	14.2
Total	100	100

In the meantime, minorities in Latvia are continuously exposed to greater unemployment than ethnic Latvians.

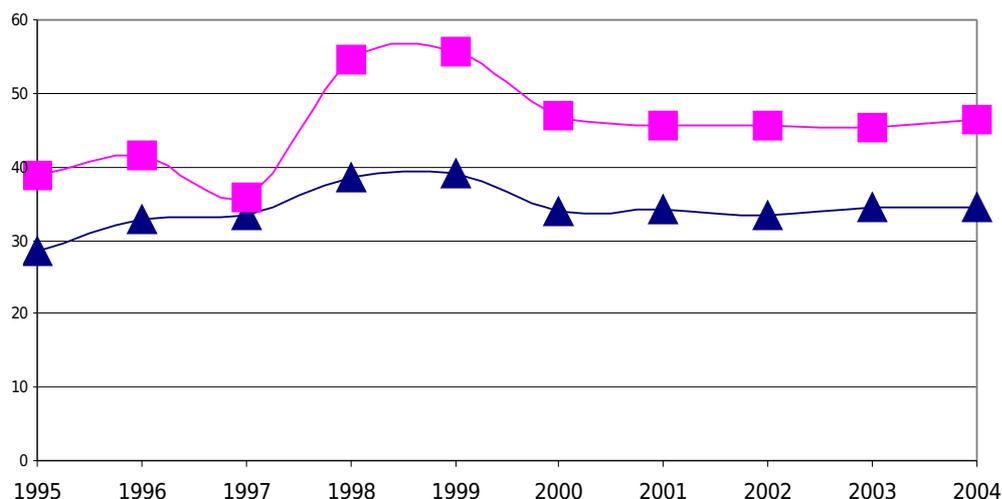
Official unemployment data suggests that minorities are more affected by unemployment. Data of the official unemployment statistics (number of unemployed per thousand) are

⁴²⁷ A.Aasland, Russians and the Economy. In: N.Muižnieks (ed.), Latvian-Russian Relations: Domestic and International Dimensions. Riga, LU, 2006, pp.53-63, <http://www.politika.lv/index.php?f=1069> (visited on 29 May 2007)

⁴²⁸ A.Pabriks, Occupational Representation and Ethnic Discrimination in Latvia. Riga, 2002, pp. 40-42, <http://www.policy.lv/index.php?id=102472&lang=en> (visited on 29 April 2007)

⁴²⁹ World Bank, Latvia: Sharing High Growth Dividend. A Living Standards Assessment. World Bank, Washington, 2006.

shown in the diagram below (▲ – ethnic Latvians, ■ – persons belonging to minorities):⁴³⁰



The different picture in 1997 can be explained with the adoption, in the very end of 1996, of the Cabinet of Ministers “Regulations on the status of the unemployed” which provided that the certified proficiency in Latvian was a necessary condition for a jobless person to be officially registered as unemployed. Thus, a number of *de facto* unemployed persons belonging to minorities who did not possess the required state language proficiency certificate were denied official registration. Such measure not only distorted official unemployment figures of the time, but probably also left psychological effect on some minority unemployed, discouraging them from approaching the Employment Service ever since. After the abolition of this provision, under the pressure of a number of European organizations, the overrepresentation of the persons belonging to minorities among the unemployed was immediately revealed again.

According to the Support of Unemployed Persons and Persons Seeking Employment Law⁴³¹, the State Employment Agency has no right to provide vocational training for unemployed in minority languages. Parliamentary opposition more than once tried to amend this provision, suggesting to organize vocational training in minority languages in areas with substantial minority population, in particular, in Latgale towns where persons belonging to minorities constitute a lion’s share of customers, and thus services provided in Russian, Latgalian and Polish are largely demanded. However, the parliamentary majority has consistently declined this proposal⁴³².

According to the same Law, unemployed non-native speakers have the right to receive Latvian language training free of charge. However, in last years foreign and state financial support for Latvian language training for adults, including unemployed persons, significantly decreased. While in 2004 there were 1,211,000 Lats (approx. EUR 1,730,000) in total, from which 819,000 Lats (68%) (approx. EUR 1,170,000) comprised support from foreign donors, in 2005 – 1,128,000 Lats (approx. EUR 1,611,000) and 345,000 Lats (31%) (approx. EUR 493,000) accordingly, and in 2006 – 230,000 Lats

⁴³⁰ Prepared by MP Vladimir Buzaev on the basis of the data of the Central Statistical Bureau of Latvia, <http://www.csb.gov.lv/> (visited on 30 April 2007)

⁴³¹ <http://www.ttc.lv/index.php?&id=10&l=LV&seid=down&itid=13800> in English (visited on 15 December 2007), <http://www.likumi.lv/doc.php?id=62539&mode=KDOC> in Latvian (visited on 15 December 2007)

⁴³² For media report on the last parliamentary debate on this amendment see “Chas”, 26 May .2006, http://www.chas.lv/win/2006/05/26/l_034.html? (visited on 5 May 2007)

(approx. EUR 329,000) and 169,000 Lats (73%) (approx. EUR 241,000).⁴³³ In other words, in the last 3 years state funding for Latvian language training has decreased more than 6 times.

As of 2005, official unemployment statistics does not offer breakdown by ethnicity any longer. Allegedly, the reasons behind this decision were related to the need to introduce EU common rules for collecting statistical data, but apparently it makes elaboration of the policies aiming at achieving equal participation of minorities in labour market virtually impossible.

However, the real picture might differ significantly, because the official figures represent only those individuals who approached the State Employment Agency and have been officially registered as unemployed. Those *de facto* unemployed who either failed to approach the Service or were denied the registration, do not appear in the official figures.

Survey data suggest even higher rates of minority unemployment. In 1994, the Norbalt Living Conditions Survey showed the unemployment rate of the biggest minority, Russians, as 19%, while for ethnic Latvians it was 14%⁴³⁴. In 1996, 26% of surveyed non-Latvians claimed to be unemployed, comparing to 14% of ethnic Latvians⁴³⁵. A research conducted in 1999 showed unemployment level among ethnic Russians (18%) and other minorities (17%) to be much higher than among ethnic Latvians (10 %), while among the working age population, 14% of ethnic Russians, 12% of other minorities and 7% of ethnic Latvians were unemployed⁴³⁶. The Norbalt II survey conducted in 1999, again revealed stable though lesser difference in unemployment between the Russian minority and ethnic Latvians – 15% vs 11%⁴³⁷.

A World Bank study based on the Latvian Labour Force surveys showed even larger ethnically based differences in unemployment than the Norbalt surveys. Although this difference had reduced by 2002, it was then still 10% for ethnic Latvians and 15% for the persons belonging to national minorities⁴³⁸. The data used in the course of the EU accession negotiations were very similar: in 2002, unemployment rate among ethnic Latvians was 9.9%, while among persons belonging to minorities – 15.2%⁴³⁹.

The most recent study revealed interesting dynamics of employment patterns of minorities in Latvia:⁴⁴⁰

Education	Gap in labour force participation rates by ethnicity (ethnic Latvians and non-Latvians), population aged 15-74, 2002-2005 (in %)
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⁴³³ V.Buzaev, "Employment. Differences between the rights of Latvian citizens and non-citizens", http://www.zapchel.lv/?lang=ru&mode=ellections&submode=razl&page_id=3453 (visited on 5 May 2007)

⁴³⁴ A.Aasland, Ethnicity and Unemployment in the Baltic States. *International Politics*, 35:3, 1998, pp.353-370

⁴³⁵ R.Rose, *New Baltic Barometer III: A Survey Study*, University of Strathclyde, Glasgow: 1997, p. 1

⁴³⁶ A.Aasland, *Ethnicity and Poverty in Latvia*. Riga, 2000

⁴³⁷ A.Aasland and T.Flotten, *Ethnicity and Social Exclusion in Estonia and Latvia*. *Europe - Asia Studies*, 2001, 53, pp.1023-1049.

⁴³⁸ M.Hazans. *Unemployment and the Earnings Structure in Latvia*. World Bank Policy Research Paper 3504, 2005.

⁴³⁹ European Commission. *Latvia Single Programme Document*, 2003, quoted in: F.Rajevska. *Relations between Social Exclusion and Human Security in Latvia*. *Sociālo zinātņu vēstnesis/Social Sciences Bulletin*, Daugavpils University, 2004, No.1, pp.61-84.

⁴⁴⁰ Institute for the Study of Labour (IZA), Bonn. *Study on the Social and Market Integration of Ethnic Minorities*, October 2007, http://www.iza.org/downloads/IZA_Report_Minorities_10-2007_final_sw.pdf (visited on 6 December 2007)

Less than secondary	4.8	1.0	2.1	-0.4
Upper secondary	2.1	1.1	-2.1	2.0
Tertiary	8.9	9.5	5.4	6.4

The report mentions that shortage of labour caused by large-scale work emigration from Latvia after the accession to the EU improved labour market position of minority groups: while in 2002 overall employment difference from the working age population (aged 15-74) was 6 percentage points, in 2005 it decreased to less than 3 percentage points. The general increase of employment between 2002 and 2005 has taken place primarily (and as far as women are concerned, exclusively) within the minority population⁴⁴¹.

Some sources claim unemployment rate among the Roma population in Latvia could be up to 80%⁴⁴². Although official numbers of unemployed Roma are much lower (23% of all Roma residents in Jurmala, 10% in Jelgava and below 5% in other cities), different Roma NGO leaders claim that only 10%, 5%, 3% or even 1% of Roma have permanent jobs⁴⁴³. European Commission against Racism and Intolerance (ECRI) evaluated the share of permanently employed Roma as 2%⁴⁴⁴. A draft bill proposed in October 2002 envisioned a reduced tax for enterprises, which employ persons belonging to Roma minority: the tax exemption would correspond to the proportion of employed Roma. The bill was rejected.

Pro-minority opposition parties tried to draw the government's attention to the need to address the problem of ethnically based inequality in employment and social situation, and, in particular, to make use of the EU funds to tackle this problem, as well as appealed directly to the European Commission⁴⁴⁵. However, no changes in policies followed.

While citizenship legislation axes off half of Latvia's minority population from opportunity to compete for governmental jobs, weak Latvian language skills is another factor limiting job opportunities of many non-Latvians. According to a 2000 survey, among those individuals whose mother tongue was not Latvian, 38% of non-citizens and 22% of citizens could not work in a job requiring Latvian language knowledge⁴⁴⁶. However, the state does not provide adult minority population with adequate opportunities to learn the state language (refer to information provided above, as well as under Article 12).

Public affairs

Lack of citizenship and, to a certain extent - language requirements, lead to a significant underrepresentation of minorities in public affairs, including composition of the Saeima (Parliament) and the municipal (local) councils, and to a more considerable extent of state

⁴⁴¹ Ibid, p.32.

⁴⁴² Minority issues in Latvia, No.57, <http://lists.delfi.lv/pipermail/minelres/2002-October/002356.html> (visited on 29 April 2007)

⁴⁴³ The Situation of Roma in Latvia. Latvian Centre for Human Rights and Ethnic Studies, Riga, 2003, <http://www.politika.lv/index.php?f=340> (visited on 29 April 2007)

⁴⁴⁴ ECRI Second report on Latvia, adopted on 14 December 2001, http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Latvia/Latvia_CBC_2.asp#TopOfPage (visited on 29 April 2007)

⁴⁴⁵ B.Tsilevich, Latvian inequality and European money, DELFI, 15 March 2006, <http://rus.delfi.lv/archive/article.php?id=13896049&ndate=1142373600&categoryID=4207244> (visited on 29 April 2007)

⁴⁴⁶ Ceļā uz pilsonisku sabiedrību, Latvijas iedzīvotāju aptauja 2000.gada novembris ("On the Road to a Civil Society, Opinion poll of Latvia's Inhabitants in November 2000"). Baltic Social Sciences Institute, Naturalisation Board, Riga, 2001, p.99

institutions, courts and municipal (local) administration. For the most part, opinions of minorities are being ignored in the process of policy making and implementation, especially in affairs directly affecting minorities. For example, a number of schools with Russian language of instruction has been closed down by local authorities despite the schools' apparent viability (sufficient number of pupils and qualified staff) and clearly expressed willingness of the parents to preserve them. Controversy over so called minority education reform implemented despite minorities' protests and despite the fact that most of the pupils, their parents and teachers of minority schools oppose the move is another and most salient example (see information provided under Article 14).

Parliament

Out of the members of 8th Saeima (Parliament) elected in 2002, only 17 (out of 100) were ethnic non-Latvians (14 Russians, 1 Pole, 1 Jew, 1 Karelian), besides, 4 MPs did not indicate their ethnic origin in documents⁴⁴⁷. 20 out of 21 MP, who considered themselves belonging to national minorities or did not indicate their ethnic origin, represented only one party in the Saeima - the coalition "For Human Rights in United Latvia", which explicitly claimed to represent the interests of minorities.

The elections of 9th Saeima in 2006 gave similar results: 15 ethnic Russians, 1 Jew, 1 Karelian and 1 German have been elected, besides, 4 MPs did not indicate their ethnic origin⁴⁴⁸. Once again, 20 out of 22 non-ethnic Latvian MPs represent two "pro-minority" factions - "The Concord Centre" and "For Human Rights in United Latvia".

These data give an evidence of relatively high level of political mobilisation of the citizens belonging to minorities, as well as on a rather high level of segregation and weak integration trends in the political life of Latvia.

It is revealing that virtually all candidate lists of the mainstream "ethnic Latvian" parties did not include candidates of minority origin, with very few exceptions. In other words, most of the lists were mono-ethnic Latvian. On the other hand, the share of the ethnic Latvian candidates on the lists of the "pro-minority" parties mentioned above was about one third ("For Human Rights in United Latvia") and almost a half ("The Concord Centre"), and three ethnic Latvian MPs were elected on the latter list.

Ministries

Minorities are significantly underrepresented within state institutions. According to the New Baltic Barometer of 1996, 31% of employed Latvians work in the "non-market" sector (i.e. state and municipal bureaucracy, military, state health sector, education etc.), comparing to only 12% of employed minorities⁴⁴⁹. A.Aasland's data mentioned above (35% of persons belonging to minorities vs 49% of ethnic Latvians working in public sector) are also revealing.

A research data shows that in 2001 ethnic Latvians constituted 92% of the staff of Latvia's ministries⁴⁵⁰. In contrast, all other ethnic groups are significantly underrepresented within Latvia's ministries: the share of all six largest minority groups within the ministries' staff is several times smaller than their share both within the total

⁴⁴⁷ Data of the Central Election Commission, <http://www.cvk.lv/cvkserv/sa8/Statistika8.pdf> (visited on 30 April.2007)

⁴⁴⁸ Data of the Central Election Commission, <http://web.cvk.lv/pub/public/28745.html> (visited on 30 April 2007)

⁴⁴⁹ R.Rose, New Baltic Barometer III: A Survey Study, University of Strathclyde, Glasgow: 1997, p.3

⁴⁵⁰ A.Pabriks, Occupational Representation and Ethnic Discrimination in Latvia. Riga, 2002, p.25, <http://www.policy.lv/index.php?id=102472&lang=en> (visited on 29 April 2007)

population and within the citizenry. Only in one ministry - the Ministry of Interior, the share of minorities among the staff (28.3%)⁴⁵¹ was close to minorities' share within the citizenry, though still falling far below their share within the total population.

Table: Representation in Latvia's ministries, 2001⁴⁵²

Ethnic origin	Per cent distribution		
	Population (%)	Citizenry (%)	Ministries (%)
Latvians	58.8	76.3	92.1
Russians	28.8	17.4	5.7
Belarusians	4.0	1.3	0.3
Ukrainians	2.5	0.4	0.17
Poles	2.5	2.2	0.65
Lithuanians	1.4	0.9	0.6
Jews	0.4	0.9	0.6
Total	99.8	99.7	99.85

Unfortunately, no data on ethnic composition of the ministries' staff are collected and published, this is why it is difficult to assess the dynamics of the situation. Allegedly, after the accession to the EU, when many former governmental employees of various ranks have moved to work in the EU institutions, the share of persons belonging to minorities in the ministries' staff has increased. However, there are no data to confirm this trend.

Courts, police and prisons

Minorities are also continuously underrepresented in courts. In early 1994, out of 152 judges in Latvia, 142 were ethnic Latvians, nine were ethnic Russian and one was Polish⁴⁵³. No official statistics on ethnic composition of the judiciary has been published since then.

Only ethnic Latvians are among the members of Latvia's highest judicial body, the Supreme Court, and of the Constitutional Court⁴⁵⁴.

Only one non-Latvian was approved to the position of judge by the Saeima (Parliament) in 1999 (48 judges were approved in total)⁴⁵⁵. According to the study conducted in 2001, out

⁴⁵¹ Ibid., p. 26

⁴⁵² Ibid., pp.13, 25

⁴⁵³ "Latvijas Vēstnesis", 29 January 1994.

⁴⁵⁴ Open Society Institute, EU Accession Monitoring Programme, Monitoring the EU Accession Process: Minority Protection 2001, Budapest, http://www.eumap.org/reports/2001/minority/sections/latvia/minority_latvia.pdf (visited on 1 May 2007)

⁴⁵⁵ Calculated by MP Miroslav Mitrofanov on the basis of the candidates' CVs. Answering the parliamentary question on the reasons of including ethnic origin in the judge candidates' CV, the Minister for Justice clarified that it was not made mandatory by any normative act, and the candidates themselves were free to include this information if they considered it relevant. After the official abolition of ethnicity record in passports, many judge candidates' CV offered for consideration by the parliament did not contain this record any longer, this is why this method of collecting data cannot be valid since then.

of 307 judges working in 35 surveyed courts, only 23 (or 7.49%) were of minority origin (18 Russians, 3 Polish and 2 Belarusian)⁴⁵⁶.

At the same time, minorities are fairly well represented in the State Police (34.2% of employees)⁴⁵⁷ and even overrepresented in the Prison Administration (63.1% of employees)⁴⁵⁸.

Table: Representation in courts, the State Police and the Prison Administration, 2001⁴⁵⁹

Ethnic origin	Per cent distribution				
	Population (%)	Citizenry (%)	Surveyed courts (%)	Police (%)	Prison Adm. (%)
Latvians	58.8	76.3	92.51	65.8	36.9
Russians	28.8	17.4	5.86	25.0	45.9
Belarusians	4.0	1.3	0.65	3.0	5.5
Ukrainians	2.5	0.4	0	2.1	4.2
Poles	2.5	2.2	0.98	2.0	5.0
Others	3.2	2.1	0	1.8	2.1
Total	99.8	99.7	100	99.7	99.6

Municipalities (councils, administration)

Minorities are underrepresented in the local government bodies - both in self-government councils and in administration.

According to the official statistics, among the members of municipal councils elected in 2001, ethnic Latvians made up 92,43%, Russians – 4,41%, Poles – 1,06%, Lithuanians – 1,04%, Belarusians – 0,67%, Ukrainians – 0,12%. Persons belonging to other groups constituted less than 0,1%⁴⁶⁰.

According to a research of 2001⁴⁶¹, in rural districts minorities constituted 6% of the councils' members and 12% of the administration staff, while in cities minorities constituted 12% of the councils members and 11% of the administration staff. Thus, the research found that in most cases, minority representation within the councils and administration is smaller than their share within population, or does not exist at all.

Table: Representation in municipal bodies (surveyed municipalities)⁴⁶²

⁴⁵⁶ A.Pabriks, Occupational Representation and Ethnic Discrimination in Latvia. Riga, 2002, p.26, <http://www.policy.lv/index.php?id=102472&lang=en> (visited on 29 April 2007)

⁴⁵⁷ Ibid., p.28

⁴⁵⁸ Ibid., p.30

⁴⁵⁹ Ibid., pp.13, 26, 28, 30

⁴⁶⁰ Data of the Central Election Commission, <http://web.cvk.lv/pub/public/27524.html> (visited on 1 May 2007)

⁴⁶¹ A.Pabriks, Occupational Representation and Ethnic Discrimination in Latvia. Riga, 2002, p.17-24, <http://www.policy.lv/index.php?id=102472&lang=en> (visited on 29 April 2007)

⁴⁶² Sources: Data on residents of surveyed municipalities: Statistical Yearbook of Latvia, 2001. Riga, 2002. Data on council members and employees: A.Pabriks, Occupational Representation and Ethnic Discrimination in Latvia. Riga, 2002, p.53, <http://www.policy.lv/index.php?id=102472&lang=en> (visited on 29 April 2007)

Ethnic origin	Absolute numbers			Per cent distribution		
	Residents	Municipal council members	Municipal employees	Residents	Municipal council members	Municipal employees
Latvians	935288	575	1594	65.12	91.41	89.5
Russians	336587	39	122	23.44	6.2	6.85
Belarusians	53016	1	16	3.69	0.16	0.29
Ukrainians	27106	1	12	1.89	0.16	0.67
Poles	40881	10	25	2.85	1.59	1.40
Lithuanians	22617	2	7	1.57	0.32	0.39
Others	20640	1	5	1.44	0.16	0.29
Total	1436135	629	1781	100	100	100

Unfortunately, similar statistics on the ethnic composition of municipal councils elected at 2005 elections is not published. However, study of some selected municipal councils reveal that basic trends remain the same. For example, as a result of the municipal elections in Riga, only 17 members of the City Council out of 60 are ethnic non-Latvians (15 Russians and 2 Ukrainians), two more are of the Liv origin, and one city councillor did not indicate her ethnic origin in documents.⁴⁶³

Other public bodies

Persons belonging to minorities very rarely become members of various monitoring and controlling public institutions. Composition of the National Council on Radio and Television is the most salient example. The members of the Council are appointed by the Saeima (Parliament), and usually members nominated by the parties of the ruling coalition are appointed. No person belonging to minorities has been elected member of this council until October 2007⁴⁶⁴ (with a single exception for a member of the Liv origin, nominated by the radical nationalistic party). In the meantime, the crucial role of this council in promoting integration, tolerance and intercultural dialogue is widely recognized.

Another example is the composition of the Council of the Society Integration Foundation. The main task of this Foundation is to allocate funds, coming both from the state budget and from foreign donors, including the EU funds, for the purpose of facilitating integration⁴⁶⁵. According to the law, the Council of the Foundation is composed of six ministers, one representative of the presidential administration, five municipal representatives (one from each Latvia's region), as well as five representatives of civil society. Despite the activities of the Foundation are directly related to integration of national minorities, there are no provisions to ensure presence of minority NGOs in the Board. NGO representatives are chosen by the Secretariat of the Minister for Special

⁴⁶³ Data of the Riga City Council, available at: <http://www.riga.lv/lv/Systems/DeputyCatalog/Default.aspx> (visited on 1 May 2007)

⁴⁶⁴ Open Society Institute, EU Accession Monitoring Programme, Monitoring the EU Accession Process: Minority Protection 2001, Budapest, http://www.eumap.org/reports/2001/minority/sections/latvia/minority_latvia.pdf (visited on 1 May 2007)

⁴⁶⁵ <http://www.lsif.lv/> (visited on 27 May 2007)

Assignments for Society Integration Affairs, and the procedure of nomination and appointment is not transparent⁴⁶⁶.

In May 2007, the Saeima (Parliament) considered amendments to the law on the Society Integration Foundation which, if adopted, will result, in particular, in increase of the NGO representation to 6 members (at the expense of one minister). However, also these amendments do not envisage any mechanism for ensuring minority participation

These are revealing examples of “integration without participation” typical for the situation in Latvia.

Measures to promote participation: consultative councils

While the legislation of Latvia contains a number of general provisions declaring the right of every citizen and civil society to participate in decision-making, neither specific provisions nor mechanisms to ensure effective participation of the persons belonging to minorities are envisaged.

A booklet published by the Secretariat of the Minister for Special Assignments for Society Integration Affairs under the title “Opportunities for Civic Participation of Ethnic Minority Non-Governmental Organizations (NGOs) offers a good evidence for this. Besides general data on ethnic composition of the population of Latvia and programmes of support for ethnic minority NGOs (for their cultural activities), it contains the list of the Latvian laws “which provide opportunities for civic participation”, principles of civic participation in decision-making provided by the State Administration Structure Law, as well as general opportunities of NGOs’ participation. Not a single concrete example of a mechanism or body established for ensuring minority participation is mentioned.

Few advisory bodies of *ad hoc* type have been established. However, their composition, mandate, functions and authorities are not anyhow clearly defined. No legal provisions exist to oblige any state body to consult these bodies about drafts concerning minority communities. No projects aimed at strengthening the consultation mechanisms and structures are under consideration.

At the national level, the establishment of the Consultative Council of Nationalities was stipulated by a special Resolution adopted by the Supreme Council (then the official name of the national parliament) still in January 1991. The main goal of the Consultative Council was defined as “participation of representatives of all national and ethnic groups in the law-making process with the aim of ensuring equal rights for these groups in economic, social, political and cultural spheres”⁴⁶⁷. The Resolution envisaged that each ethnic group would nominate its three representatives to sit in the Council. The Council would have the right to suggest draft laws, and its decisions would be of advisory nature. Establishment of this Council was envisaged also by the provision of the Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia’s National and Ethnic Groups of 1991⁴⁶⁸. However, neither the Resolution nor the Law determined the procedure for nomination and approval of the membership of this Council. Finally, after lengthy efforts of the minority associations, the personal composition of the Council had been proposed for the approval by the parliament, but the latter rejected it. No further attempts followed, and this council was never established.

⁴⁶⁶ Current composition of the Council see at <http://www.lsif.lv/files/padome/padome.doc> (visited on 4 September 2007)

⁴⁶⁷ Official information release of the Supreme Council press centre, 11 February 1991.

⁴⁶⁸ http://www.minelres.lv/NationalLegislation/Latvia/Latvia_CultAut_English.htm in English (visited on 6 November 2007), <http://www.likumi.lv/doc.php?id=65772&mode=KDOC> in Latvian (visited on 6 November 2007)

In autumn 1993, the President of Latvia Guntis Ulmanis (elected in July 1993) declared his intention to set up a minority consultative council similar to then recently established in Estonia. However, no developments followed until February 1996, when a group of both Russian speaking and ethnic Latvian intelligentsia published an open letter to President Ulmanis sharply criticising Latvia's policies towards minorities. President's first reaction to the appeal was articulately negative, he labelled the open letter as "distortion of facts" and "dirty political games"⁴⁶⁹. However, after the heated debate caused by the letter in Latvia's media and personal meeting with the signatories, the President published an extensive and more balanced reply in which he, in particular, announced his decision to establish the Minority Consultative Council⁴⁷⁰. The Association of National Cultural Unions of Latvia was to nominate six members of the Council, and 12 more members were invited by the President personally. The Council was summoned to its first meeting in July 1996⁴⁷¹.

The work of the Council remained of highly informal nature, no normative documents to regulate its status, membership and authority have been ever adopted. The Council was functioning until June 1998, i.e. until the election of the new President of Latvia, Mrs Vaira Vīķe-Freiberga. Despite initially expressed intention of the newly elected President to keep the Council, since June 1998 it was never summoned and actually ceased to exist, although no formal decision on its abolition has been ever taken.

Two specialised boards currently exist at the national level. The first one is the Consultative Council on minority education established in 2001 under the auspices of the Ministry of Education and Science. The Ministry's bureaucrats and school administration represent majority of its members, while relevant minority NGOs make up less than a half of the membership. Besides, the NGOs participating in the Council have been chosen by the Ministry itself, without any formal procedure of nomination or election. Reportedly, often these representatives do not represent the genuine views of the persons and groups affected, i.e. parents belonging to minorities and teachers of minority schools.

The meetings of the Council were irregular, in particular, by May 2006 the Council had not been summoned for more than half a year⁴⁷². Besides, according to the view of one of the most active members of the Council, Igor Pimenov, head of LASHOR (Latvian Association for Support of the Schools with the Russian Language of Instruction)⁴⁷³, the meetings of the Council, instead of the declared dialogue with the minorities, were turned into advertising of the Ministry's policies⁴⁷⁴.

According to the former Latvian Minister for Special Assignments for Society Integration Affairs, Dr Nils Muižnieks, the former Latvian Minister for Education, when asked what the Council thinks of certain issues, answered that "the Council will think what I want it to think"⁴⁷⁵.

⁴⁶⁹ "Biznes & Baltija", 14 February 1996, "Diena", 14 February 1996, "Subbota", 17 February 1996.

⁴⁷⁰ "Neatkarīga Rīta Avīze", 28 February 1996.

⁴⁷¹ "Panorama Latvii", 27 July 1996.

⁴⁷² "Telegraf", 19 May 2006, <http://www.telegraf.lv/index.php?act=archive&date=20060519&gid=23&id=21974> (visited on 1 May 2007).

⁴⁷³ See <http://www.lashor.lv/> (visited on 1 May 2007).

⁴⁷⁴ "Telegraf", 19 May 2006, <http://www.telegraf.lv/index.php?act=archive&date=20060519&gid=23&id=21974> (visited on 1 May 2007).

In early 2007 the composition of the Council was changed⁴⁷⁶, and most active and professional minority NGOs (in particular, LASHOR, as well Latvian Association of Teachers of the Russian Language and Literature – LAPRYAL⁴⁷⁷) were excluded and replaced by more “loyalist”, though never directly involved in minority education issues, NGOs⁴⁷⁸. This is a good confirmation of the assessments given above.

Another consultative board is attached to the Secretariat of the Minister for Special Assignments for Society Integration Affairs. Depending on the Minister’s decision, this board was replaced by the two – one consisting of the experts and academics, and another including representatives of civil society. Also here, no formal procedure of nomination and/or election exists, the tasks and functions of the body remain unclear, and the activities and even composition of the body remain largely unknown to civil society.

In early 2007, another consultative body has been established: the Consultative Council on the issues related to the content (curriculum) of minority education⁴⁷⁹. However, also here the composition (and the procedure for choosing members), the functions and working methods remain unclear. It is revealing that the activities of this consultative council are virtually not covered in the minority media, despite minority education remains very high on its agenda.

A number of consultative bodies have been established by municipal councils, particularly in big cities and towns. In some cases, these are “non-citizens consultative councils” which strive to compensate for the refusal to grant non-citizens voting rights at municipal elections and to involve non-citizens in the community life at local level. In other instances, these councils are related to implementation of local integration programmes, and their main task is to elaborate and implement various integration-oriented projects.

Conclusions

Latvia lacks legislation or other measures to ensure minorities’ effective participation, while citizenship and language legislation, as well as recruitment and promotion practices impede their participation. Available data suggest that minorities are underrepresented within the staff of the government ministries, courts, municipal councils and administration. Research data suggest that minorities are well represented in private sector of economy, the State Police and overrepresented in the Prison Administration. According to available data, unemployment rates among minorities are higher than among ethnic Latvians. No specific mechanisms to ensure effective participation of minorities are envisaged by law, some existing consultative bodies have no clear rules defining status, membership and authorities and are often used for propaganda purpose and imitation of genuine dialogue.

The following measures would contribute to better minority protection:

1. To facilitate further naturalisation of non-citizens, including adequate funding for preparatory training for applicants, easing naturalisation requirements for certain groups (i.e. - elderly, disabled persons), abolishing naturalisation fees for low-income applicants, further developing information campaigns in the media. To grant automatic citizenship

⁴⁷⁵ Presentation of Dr Muižnieks at the conference on minority participation mechanisms organized by the Romanian presidency of the Council of Europe in Brasov on 6 March, 2006.

⁴⁷⁶ Order of the Minister for Education and Science No.74 of 24 January 2007.

⁴⁷⁷ <http://www.lapryal.org/> (visited on 27 May 2007)

⁴⁷⁸ “Vesti Segodnja”, 16 February 2007.

⁴⁷⁹ “Diena”, 21 June 2007

upon request to those stateless permanent residents who were born in Latvia, to consider granting citizenship by registration to all graduates from all Latvia's secondary schools.

2. To grant Latvia's permanent resident non-citizens voting rights at municipal (local government) elections; abolish all existing restrictions of "non-political" rights of these non-citizens.

3. To implement long-term hiring and promotion programs aimed at increasing minorities' representation within the staff of Latvia's ministries, courts and other state institutions. For this purpose, to collect statistical data, ensuring effective protection of personal data, on representation of different ethnic and linguistic groups in different areas, including both public and private sector, and to elaborate policies, on the basis of these data, aiming at ensuring equal access to all sectors of labour market for persons belonging to minorities.

4. To provide adequate state funding to meet the need for Latvian language learning among adult non-native speakers, especially unemployed; ensure Roma professional training; ensure an opportunity for minority unemployed to receive professional training also in minority language; allow for minority languages to be used for communication with public authorities; abolish excessive language restrictions and requirements in education, private and public employment.

5. To adopt clear rules for the work of minority advisory councils, particularly in the field of education, which determine status, functions, working procedures and membership in these bodies, on the basis of transparent procedures of nomination and election, so that to ensure effective participation of minorities in decision-making, particularly on the issues directly affecting them.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Legal

Latvia has ratified the European Charter of Local Self-Government, and according to the Law on the European Charter of Local Self-Government of 1996⁴⁸⁰, Latvia accepts Article 5 and 10 of the Charter, thus forbidding the change of borders without consultations with the local government and allowing municipal districts to unite on voluntary basis.

The question of the need to complete the administrative territorial reform remains topical for already more than 10 years. The main principles of the ongoing reform have been enshrined in a special law on such reform⁴⁸¹, however, the heated debates are still continuing, and last substantial amendments to this law have been made in 2007.

Implementation / factual

Latvia's minorities are dispersed throughout the territory of the state, with largest concentration in the eastern part of the country (Latgale) and in urban areas, forming

⁴⁸⁰ <http://www.likumi.lv/doc.php?id=39139&mode=KDOC> (visited on 6 November 2007).

⁴⁸¹ <http://www.likumi.lv/doc.php?id=51528&mode=KDOC> (visited on 6 November 2007).

majority in large cities. Envisioned administrative reform will result in a merger of mainly traditional small rural districts (*pagasti*) into greater local administrative units.

The reform is not aimed at restricting the rights and freedoms of minorities and is supposed to be conducted on voluntary basis through negotiations between the local governments. Ethnic composition of population is not taken into consideration and no popular vote is envisioned on the issue.

In the course of implementation of the reform a number of united municipalities have been already created. Eventually, this process can alter ethnic proportions in some areas. For example, Pededze (Zaiceva) pagasts, historically populated mainly by ethnic Russians, will possibly be integrated into a new, greater administrative unit (Aluksne), where Russians will be a tiny minority. However, this process will hardly have a crucial influence on the political representation and participation of the persons belonging to minorities, as ethnic factor very rarely plays any role in municipal elections in rural districts subject to the reforming.

Conclusions

No patterns of deliberated alteration of the ethnic proportions of the population have been recorded in Latvia.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Legal

The legislation in force does not prohibit establishing and maintaining free and peaceful contacts across frontiers.

The Law on Associations and Foundations of 2003⁴⁸² does not limit the right of persons belonging to national minorities to participate in the activities of non-governmental organisations. According to Section 23 of this law, a non-governmental organisation (*biedrība*) can be founded by at least two natural or legal persons. No restrictions on the basis of citizenship, language, national or ethnic origin, etc. are envisaged by law in respect of implementation of this right. Registration of an association can be annulled on the basis of the court ruling, *inter alia*, if activities of the association breach the Constitution or legislation of Latvia. However, according to the Law on Political Parties of 2006⁴⁸³ only citizens of Latvia (not less than 200 citizens) have the right to found political parties (Section 12). Although non-citizens have the right to join a political party once it has been founded, citizens must constitute at least half of the party membership at any time, otherwise the party loses its status and rights envisaged by law (Section 26 para.3).

⁴⁸² <http://www.likumi.lv/doc.php?id=81050&mode=KDOC> (visited on 6 November 2007)

⁴⁸³ <http://www.likumi.lv/doc.php?id=139367> (visited on 6 November 2007)

In recent years pro-minority political parties submitted nine legislative initiatives aimed at broadening the possibilities for political participation of non-citizens, however, all these proposals were rejected by parliamentary majority⁴⁸⁴.

Implementation/factual

Since its establishment in 2001 the Society Integration Foundation funded programmes for support of repatriation, migration and co-operation only with ethnic Latvians leaving abroad⁴⁸⁵, and never supported projects aimed at cooperation with compatriots of other ethnicity.

However, the situation is expected to be changed because of large-scale emigration of Latvians of different ethnic origin after the accession to the EU, mainly to the UK and Ireland. In particular, Oskars Kastēns, Minister for Special Assignments for Society Integration Affairs, stated to media that one of the priorities in the new integration programme⁴⁸⁶ will become maintenance of stable links with compatriots, regardless of their ethnicity⁴⁸⁷.

Numerous events organised by the kin states and aiming, besides other goals, to strengthening ties with the corresponding minorities in Latvia are, as a rule, accepted and at times even supported by the government of Latvia, as well as municipalities.

The most ambitious project on the part of neighbouring states is the Moscow Cultural and Business Centre ("The House of Moscow") opened in the downtown of Riga in May 2004⁴⁸⁸. The construction of the Centre was fully funded by the city government of Moscow. Although most of the Centre's activities are conducted on commercial basis, it is also a major site for contacts between the Russian-speaking minorities in Latvia and the Russian Federation.

In recent years no cases were reported when registration of minority non-governmental organisations was denied, or minority NGOs were closed against the will of their members.

As a rule, contacts of the persons belonging to minorities with the ethnic compatriots abroad are also not impeded.

However, two incidents that are indirectly relevant to the issue could be mentioned.

In September 2004 Alexander Kazakov, one of the leaders of the non-registered NGO Headquarters for the Defence of the Russian Schools, was expelled from Latvia⁴⁸⁹. Kazakov was born and grew up in Latvia, studied and worked as a journalist and religious philosopher both in Latvia and in Russia. In early 1990s he opted for the citizenship of the Russian Federation and lived in Latvia with a residence permit issued on the basis of marriage with the Latvian citizen. In August 2004 his wife died. On 3 September Kazakov was invited to Security Police where he was notified that his residence permit has been annulled, and the Minister for Interior Ēriks Jēkabsons took the decision to put Mr Kazakov on the "black list" out of state security considerations, to immediately expel him

⁴⁸⁴ More detailed data is on file with the Latvian Human Rights Committee.

⁴⁸⁵ The text of the Programme for the support of ethnic Latvian diaspora see at <http://www.integracija.gov.lv/?id=270&top=43&sa=22> (visited on 6 November 2007).

⁴⁸⁶ Public discussions of the new draft programme were expected to start in the fall of 2007.

⁴⁸⁷ "Chas", 14 August 2007, http://www.integracija.gov.lv/doc_upl/14082007_CAS_intervija.pdf (visited on 6 November 2007).

⁴⁸⁸ <http://www.mkdc.lv/> (visited on 6 November 2007).

⁴⁸⁹ http://www.chas.lv/win/2004/09/04/l_026.html?r=30 (visited on 6 November 2007)

from Latvia and to prohibit further entry. Mr Kazakov was detained and on the next day escorted to the border with Russia where he was handed to the Russian authorities.

Alexander Kazakov questioned the legality of deportation in the court of law. Some procedural violations have been found at some of numerous court hearings held since 2004. In particular, on 9 November 2007 the Administrative District court recognised unlawfulness of Mr Kazakov's detention and awarded him 100 Lats (approx 142 EUR) as a compensation for moral damages⁴⁹⁰. However, Mr Kazakov remains on the "black list" under the initiative of the Ministry of Foreign Affairs as *persona non grata* and cannot visit Latvia since the day of deportation, despite his elderly parents live in Riga and face serious health problems.

In another case, a group of activists of the Latvian Anti-Fascist Committee, all of whom were persons belonging to minorities and two of whom were members of the Riga City Council, were denied entry to Estonia. The first incident occurred on 25 April 2007, when the members of the Committee, accompanied by several journalists, were heading to Tallinn for consultations with the partner organisation "The Night Watch"⁴⁹¹. Both citizens of Latvia and non-citizens were among the members of the group. They were informed that entry to Estonia is denied on the basis of security considerations. Indeed, the situation was quite tense at that time, and the outburst of violence related to the removal of the monument to the Soviet soldiers who perished in the WWII followed soon. However, a month later almost the same group of NGO activists and journalists was once again denied entry to Estonia. This time the border guards referred to some provisions of the Estonian law, but did not explain the reasons for putting the persons in question on the "black list"⁴⁹².

Although the decision was taken by the Estonian authorities, it is obvious that the corresponding information was provided by the relevant Latvian institutions.

In these cases we face general problems of the legal guarantees for the persons suspected in illegal activities by the security bodies that become more and more topical in the entire European context (UN and EU "black lists", secret detentions and illegal transfer of detainees, and other measures taken in the course of "war on terror") rather than specific conditions in Latvia. This is why it is difficult to offer an analysis of the situation from the point of view of the Framework Convention.

Conclusions

Legislation of Latvia relevant to the freedom of association adequately ensures legal status and activities of non-governmental organisations of national minorities. Peaceful trans-frontier contacts are generally ensured.

Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

⁴⁹⁰ Communication with Jelizaveta Krivcova, lawyer in the case, 19 November 2007, Riga.

⁴⁹¹ http://www.chas.lv/win/2007/04/26/l_032.html?r=30 (visited on 6 November 2007)

⁴⁹² http://www.chas.lv/win/2007/05/23/l_030.html?r=30 (visited on 6 November 2007)

Legal

Latvia concluded bilateral treaties on friendship and cooperation with all the neighbouring countries. Yet, only the Agreement between the Republic of Latvia and the Republic of Poland on Friendship and Co-operation of 1992⁴⁹³ comprises a provision directly concerning national minorities. The Agreement stipulates that both sides will support arrangements necessary to protect minority rights, especially the right to learn mother tongue and to receive instruction in mother tongue, as well as to receive and share information in the mother tongue. Besides, the Agreement stipulates that the names and surnames of persons of the other state's ethnic origin would be used keeping the original spelling and orthography. However, these provisions are to be implemented in the order stipulated in the national legislation, and domestic legislation has precedence in implementing these provisions.

Implementation / factual

Latvia neither encourages nor impedes transfrontier co-operation in order to ensure the protection of persons belonging to the national minorities.

See also relevant information in the chapter of this report on Article 17 of the Framework Convention.

Conclusions and recommendations

The issue of minority rights is particularly sensitive in Latvia because of historical, demographic and geopolitical circumstances. Politicisation of ethnicity and "oversecuritisation" of minority rights remain typical features of the general approach to implementation of declared society integration strategy.

The problems are aggravated by the citizenship concept based on stringent interpretation of legal continuity. The approach to citizenship chosen after the restoration of independence predetermines heavy under-representation of the persons belonging to minorities and their disproportionately low participation in political decision-making. This "democratic deficit" is not easy to overcome. Latvian political elite is reluctant to take effective measures in this respect, as it would undermine domination of almost all mainstream political parties and would actually amount to "political suicide" for some of them.

Nevertheless, substantial progress has been achieved since mid-90s, mostly owing to engagement of international actors, "political conditionality" related to the accession to the Council of Europe, EU, and to some extent NATO, as well as activities of emerging civil society in Latvia. In several areas positive role of judiciary, in particular the Constitutional Court, should be pointed out.

In the meantime, a number of outstanding problems still persist.

Respect to minority rights is declared both in the Constitution of Latvia (Article 114) and in a number of international instruments ratified by Latvia. However, in general the legislation of Latvia still lacks understanding of minority protection as an integral part of universal human rights, based on the principle of non-discrimination and aimed at achieving full and effective equality between persons belonging to national minorities and those belonging to majority.

⁴⁹³ LR Saeimas un MK Ziņotājs Nr.51, 31 December 1992. Law on ratification of this Agreement <http://www.likumi.lv/doc.php?id=66665&mode=DOC> (visited on 6 November 2007).

Latvia's only piece of minority-specific legislation (the Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups of 1991) is declarative and outdated. No new specific minority law has been adopted since.

The main barrier to successful implementation of the Framework Convention's principles are certain provisions of the legislation on use of languages and education, as well as declarations made upon ratification of the Framework Convention by Latvia. .

Principles of some articles of the Framework Convention are already being implemented in Latvia quite successfully. However, there is a number of articles which's provisions are not fully implemented in Latvia, even if in some cases certain progress can be seen (articles 1, 3, 4, 5, 6, 8, 9, and 18). Latvian legislation, related to the implementation of these articles, will have to be streamlined. Moreover, Latvian legislation and practices of its implementation related to the provisions of articles 2, 10, 11, 12, 14 and 15 will have to be seriously reconsidered and amended to make them comply with the Framework Convention.

In particular, we recommend the following changes to be made to Latvian policies, legislation and its implementation:

1. To withdraw the declarations contained in the instrument of ratification of the Framework Convention for the Protection of National Minorities.
2. To adopt the national Law on the Protection of Minority Rights based on the provisions of the Framework Convention and examples of good practice.
3. To establish a legal status for minority languages in national legislation.
4. To effectively provide an opportunity to be treated as a person belonging to national minority for any citizen and non-citizen of Latvia on the basis of his/her ethnic self-identification.
5. To exclude provisions concerning mandatory ethnicity record from all acts of legislation.
6. To obtain reliable data on ethnic self-determination of the population only by the population census; to provide effective methodology and adequate sensitive data protection for this purpose.
7. To adopt as soon as possible amendments to the Civil Law and Consumer Rights Law in order to combat discrimination in the field of supply of goods and services.
8. To adopt a national Anti-Discrimination Law, incorporating not only the EU anti-discrimination provisions, but also those of the International Convention on the Elimination of All Forms of Racial Discrimination, as well taking into account the Protocol No.12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.
9. To review acts of legislation that establish citizenship and/or state language proficiency requirements in different spheres in order to comply with anti-discrimination law and to prevent unjustified restrictions, taking into account legitimate public interests and the principle of proportionality.

10. To implement effectively the National Programme "Roma in Latvia" with a particular focus on full and effective equality of the persons belonging to the Roma minority and ensure active participation of Roma in the implementation of the programme.
11. To refer to persons belonging to ethnic minorities as persons at risk in the field of employment and guarantee adequate positive measures thereof.
12. To reconsider legislative provisions which limit the possibilities to use minority languages and to manifest minority identity in other ways beyond the limits set by legitimate public interest, so that to promote multilingual and multicultural environment in various areas of the society's life, including public field.
13. To review the Society Integration Programme in order to make the principle of non-discrimination and respect to minority rights cornerstones of the Programme, so that to promote the formation of civic nation and integration of the society on the basis of common values and respect to minority rights.
14. To increase direct financial support from the Society Integration Foundation for promotion of minorities' activities aimed at their participation in all fields of society's life and at preserving their language and education and to establish more transparent and effective mechanism of the state financial support for national minorities within the Society Integration Foundation.
15. To guarantee the opportunity to celebrate religious holidays for any believer, providing a certain number of days off per year, which are to be paid for by employer.
16. Instead of a limit not to be exceeded for the programmes in languages other than Latvian at Latvian Radio and Latvian Television, to consider provision that introduce a share of airtime to be compulsorily allocated to such programmes.
17. To review composition and principles of election of the National Council on Radio and Television so that to promote representation of national minorities in the Council.
18. To amend the Radio and Television Law by introducing clear criteria for the distribution of the national remit on broadcasting to account for the needs and interests of linguistic minorities.
19. To broadcast those TV programmes at the Latvian public television which are expected to have significant impact on society with subtitles in the Russian language.
20. To review sanctions for violations of legislative acts concerning the use of languages, taking into account the principle of proportionality.
21. To establish the right to communicate orally and in writing in minority languages with the state, municipal and judicial institutions in municipalities inhabited by persons belonging to national minorities historically or in substantial numbers.
22. To establish the right to communicate orally and in writing in minority languages with the state, municipal and judicial institutions for the persons belonging to national minorities with low income, as well as for prison inmates.

23. To establish an opportunity for state, municipal and judicial institutions to disseminate and provide information in minority languages alongside with the state language without any restrictions.

24. To recognise individual's right to use officially his/her personal name and surname in the spelling form he or she prefers; envision a streamlined procedure for restoration of desired spelling of individual's personal name and surname.

25. To amend the State Language Law so as to ensure for traditional local names, street names and other topographical indications intended for the public to be displayed also in minority languages, and set clear criteria determining what demand is sufficient for minority language to be used in such indications.

26. To more actively introduce curricula and to support research and education projects to promote knowledge of cultures, history, languages and religions of Latvia's minorities among the minority population itself and among the majority; ensure that minorities have equal opportunities and are adequately participating in elaboration and implementation of these programmes.

27. As a matter of urgency, to develop a system of teachers training specific for minority schools, addressing both the need for subject matter teachers and Latvian language teachers in minority schools, so that to ensure viability and quality of teaching in these schools. To ensure necessary nomenclature and quality of the textbooks for minority education programmes, to make full use of the inter-state cooperation in this respect.

28. To ensure adequate minority representation within the staff of state-funded universities through hiring and promotion policies; ensure that school graduation exams and university entry exams allow for minority representatives to use their mother tongue as a medium; envision special programmes, including grant schemes, for minority groups (particularly Roma) with significantly lower average education levels and inadequate representation within the student body, to ensure all necessary data collection to determine minority participation in education at all levels.

29. To develop effective and impartial system of monitoring quality of education, ensure active involvement of minority and professional NGOs in implementing this monitoring, to implement minority education policies on the basis of the results of this monitoring, so that to prevent adverse discriminatory effects on the students belonging to minorities at all levels. In particular, to carefully evaluate the advisability of introducing the unified graduation tests in the Latvian language for majority and minority students.

30. To abolish strict proportions for the use of languages, in particular, in state and municipal secondary and vocational schools, and to ensure the flexible approach when the schools themselves are entrusted to choose the proportions of the languages of instruction and/or the models of bilingual education.

31. To amend the Education Law so that state-supported secondary and vocational education in minority languages is guaranteed, if there is a demand for such education.

32. To determine in the Education Law firm criteria that would mandate the state and municipal authorities to establish and/or maintain schools and/or classes if parents representing a certain minimum number of potential pupils request so. Such criteria and their implementation should not discriminate against requests for schools and classes

with minority languages of instruction, and should be lower than the general criteria for opening schools or classes.

33. To ensure minorities' participation in the process of decision-making and implementation concerning issues of minority education.

34. To facilitate further naturalisation of non-citizens, including adequate funding for preparatory training for applicants, easing naturalisation requirements for certain groups (i.e. - elderly, disabled persons), abolishing naturalisation fees for low-income applicants, further developing information campaigns in the media. To grant automatic citizenship upon request to those stateless permanent residents who were born in Latvia, to consider granting citizenship by registration to all graduates from all Latvia's secondary schools.

35. To grant Latvia's permanent resident non-citizens voting rights at municipal (local government) elections; abolish existing restrictions of "non-political" rights of these non-citizens.

36. To implement long-term hiring and promotion programs aimed at increasing minorities' representation within the staff of Latvia's ministries, courts and other state institutions. For this purpose, to collect statistical data, ensuring effective protection of personal data, on representation of different ethnic and linguistic groups in different areas, including both public and private sector, and to elaborate policies, on the basis of these data, aiming at ensuring equal access to all sectors of labour market for persons belonging to minorities.

37. To provide adequate state funding to meet the need for Latvian language learning among adult non-native speakers, especially unemployed; ensure Roma professional training; ensure an opportunity for minority unemployed to receive professional training also in minority language; allow for minority languages to be used for communication with public authorities; abolish excessive language restrictions and requirements in education, private and public employment.

38. To adopt clear rules for the work of minority advisory councils, particularly in the field of education, which determine status, functions, working procedures and membership in these bodies, on the basis of transparent procedures of nomination and election, so that to ensure effective participation of minorities in decision-making, particularly on the issues directly affecting them.