

2005 Data Collection

RAXEN National Report

European Racism and Xenophobia Information Network

National Focal Point for LATVIA

Latvian Centre for Human Rights (LCHR)

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1. Executive Summary

Within the first nine months of 2005, there have been no court cases related to racism, xenophobia and discrimination on the grounds of ethnicity, race, religion or language in the area of employment. However, this year court delivered first rulings in two cases of discrimination on the grounds of 1) sexual orientation and 2) multiple grounds - sex and property status based on the anti-discriminatory clauses of the Labour Law. In both cases court ruled that anti-discrimination clauses were violated.

The number of complaints of discrimination in employment received by special bodies remains very low: only the Latvian National Human Rights Office (LNHRO) has received two complaints on alleged discrimination on the grounds of ethnicity. The lack of complaints should not lead to the conclusion that there are no employment discrimination cases in the Latvian job market. A study "Unemployment and the Earning Structure in Latvia," which analyses the data of the Labour Force Survey in 2002, tentatively indicates that minorities are in a less favourable position in comparison to the majority in the Latvian job market. According to the author of the study, the unemployed from ethnic minorities have lower chances to find a job within a year; there is significant under-representation of minorities in public administration, and in 2002 the earnings of ethnic Latvians were 10 per cent higher than those of other ethnic groups.

Though public bodies have received a very small number of discrimination complaints, the information provided by the above-mentioned study indicates a strong need to conduct comprehensive studies in the field and strengthen the anti-discrimination capacity of designated institutions, as well as establish specific anti-discrimination mechanisms, such as equality officers. The need has not been addressed yet.

The state and NGO sector have made the first steps to address discrimination in employment by collecting and analysing data. In May, the Ministry of Welfare announced the first call of tender for thirteen research projects within the framework of the EU Structural Fund programme "Research in the Labour Market" and required to include ethnic, gender and regional dimensions in all project outcomes. The study conducted in partnership by two NGOs on possible discrimination in employment, including on ethnic grounds, will be finalised by the end of this year.

In the area of education the main developments remained implementation of the minority education reform 2004, which foresees transition to the Latvian language as a main language of instruction at public secondary schools. The scale and number of public protests and meetings diminished, however, but, the issue remained hotly debated in society, in particular when the Constitutional Court reviewed the claim of twenty left-wing MPs on the alleged incompliance of the reform with the Constitution of Latvia and international human rights obligations. Although the Constitutional Court decided that the legal norms in question were in compliance with the Constitution, provided that it was implemented with flexibility, it also noted that effective monitoring mechanisms of the quality of education had not been but should be in place. In another case filed by opposition MPs concerning a legal norm, which limited public funding only for those private schools that have Latvian as the main language of instruction, the Court established a violation of the anti-discrimination clause of the Constitution.

There has been some positive development in the situation of the most vulnerable, also in terms of education, group – Roma. The Secretariat of Special Assignments Minister for Social Integration (IUMSILS in its Latvian acronym) allocated almost EUR 28,000 for the development

of the National Programme for the Integration of Roma. Education was cited as a top priority of the programme. The IUMSILS has initiated drafting of the programme.

In 2005, no new legislative provisions addressing racism and xenophobia were adopted. Issues of racism and xenophobia remained poorly addressed at national level. However, the high number (in Latvia's context) of racially motivated assaults and appearance of more extreme and radical statements in the public sphere have prompted human rights and criminal law experts to discuss the possibly overly narrow interpretation of the respective legal norms provided by the Criminal Law currently in force. Some suggestions for necessary criminal law amendments to deal with hate crime in a more effective manner have been suggested publicly by experts, but no practical initiatives have as of yet been launched.

Work to introduce equality measures, in particular as required by the EU equality directives, in the Latvian legislation continued with various levels of success. Despite the deadline May 1, 2004, Latvia is still in the process of transposing the two EU equality directives – the Racial Equality Directive 2000/43/EC and the Employment Framework Directive 2000/78/EC.

There was no specific development in the area of housing, and no information about good practices in the area of fighting discrimination in housing is available. There is a general lack of statistics on the ethnic dimension in housing in Latvia.

There is no statistical data available on anti-Semitism. There was one complaint from a rabbi about verbal abuse in his address, one case of vandalism in the Jewish cemetery and a case initiated by the Security Police about publishing allegedly anti-Semitic statements in the national radical newspaper.

There is no statistics available on Islamophobia in 2005. No incidents have been recorded either.

2. Trends and Developments

There have been little positive developments regarding implementation, re-evaluation of currently available and, if necessary, introduction of new legal and practical measures to combat racism, discrimination and xenophobia in the fields of employment, education, housing, legislation and racial violence and crime. The issue of racism and xenophobia remains addressed poorly at national level. There is a lack of instruments and effective mechanisms to deal with discrimination, racism and xenophobia.

Positive developments in this sphere are hampered by the lack of data and research on these issues. A number of effective instruments, in particular, data collection, respective legislation and programmes, require improvements.

Lack and inconsistency of statistical data and research on discrimination, racism and xenophobia in all fields remains the object of concern. If in the field of employment there are first attempts to address the issue at both national and non-governmental level, then the situation regarding the data in other fields, remain problematic and no steps have been taken to analyse or improve the availability of data.

Lack of specialised public bodies dealing with racism, xenophobia and discrimination has been partly addressed by developing two draft laws on the expansion of the Latvian National Human Rights Office's mandate, i.e. one on the LNHRO, specifying that it is designated equality institution and one to transform it into the Ombudsman institution. The adoption of these laws is planned to be completed by the end of the year. In addition, a specialised anti-discrimination department was established in August 2005 under the Secretariat of the Special Assignments Minister for Social Integration. The Department is responsible for co-ordination and implementation of anti-discrimination policy and the promotion of a tolerant society. The National Programme for the Promotion of Tolerance (2005-2009) has become the key project for the promotion of tolerance. In this context one should mention the Anti-Racism week carried out in March and the Tolerance day on the 16th of November. However, the Department has not launched any concrete anti-discrimination initiatives yet.¹ The above-mentioned initiatives only formally and partly address the lack of specific anti-discrimination mechanisms, such as, equality officers, accessible and well known by broader public.

The number of discrimination cases reviewed by court remains very low, however, the cases of alleged discrimination in education handled by the Constitutional Court and the civil court decisions on the application of anti-discrimination clauses of the Labour Law constitute a positive development of emerging case law on discrimination.

The level of awareness on these issues by officials, law enforcement bodies, NGOs and broader public is low. There have been a few individual awareness raising projects implemented by NGOs and the IUMSILS within the framework of the National Programme for Tolerance. No systematic information campaigns or education projects have been launched at national level yet.

In late September, the European Commission in the framework of the European Community Programme to Combat Discrimination granted EUR 89,751 for the implementation of a project "Latvia – Equality in Diversity I" to the IUMSILS (the responsible for the implementation of the project is the European Anti-Discrimination Policy Department). "Latvia –Equality in Diversity

¹ Information obtained from the official of the Anti-discrimination Department of the Secretariat of the Special Assignment Minister for Social Integration on 06.10.2005

I' is the first project in Latvia funded by the EC aiming at funding of activities of state authorities and NGOs in the field of anti-discrimination, promotion of tolerance and awareness raising. The project activities will be implemented as of 1 November, 2005 latest.

The progress regarding adoption of European equality norms has been slow. Transposition of the requirements of the EU Racial Equality Directive is still incomplete, as amendment proposals are still in process of being adopted by parliament. The concern is that there is a lack of expert capacity and political will to adopt these amendments which previously have been repeatedly returned for re-elaboration to the responsible institution, the IUMSILS, and the Cabinet of Ministers for adoption.

In 2005, Latvia has faced an increase in the number of evident cases of intolerance on racial, ethnic and religious grounds in the Latvian society. Despite that, the issue has not become a priority, and the official attitude generally is one of denial of the problem. The non-governmental sector has been more active in responding to the situation. Two conferences on racism and xenophobia with participation also officials and law enforcement representatives were held. The increase of publicly evident incidents of racial, ethnic and religious intolerance may be possibly explained by an increased willingness to openly express intolerance on the part of some members of society and/or the fact people are more aware of their rights and report incidents.

There has been a some positive development in the situation of the most vulnerable group Roma. The IUMSILS allocated almost EUR 28,000 for the development of the National Programme on the Integration of Roma and started to draft the programme.

In 2005, no evidence of Islamophobia was registered in Latvia.

The issues concerning immigration affairs were not priority issues in Latvia in 2005, as the number of asylum seekers and undocumented immigrants remain very low. In 2005, eleven persons have applied for asylum in Latvia.

3. Employment

3.1. The situation regarding racism and xenophobia in employment.

Within the first nine months of 2005, there have been no court cases related to racism, xenophobia and discrimination on the grounds of ethnicity, race, religion or language in employment. However, this year court handled two discrimination cases in employment on the grounds of 1) sexual orientation² and 2) multiple grounds - sex and property status.³ In both cases, the court found violation of anti-discrimination clauses.

The number of complaints on discrimination in employment received by special bodies remains very low: the Latvian National Human Rights Office has received two complaints on alleged discrimination on the grounds of ethnicity.⁴

Little available data on employment there is indicates differences according to ethnicity, which may indicate possible discrimination.

Lack of statistical data and research on these dimensions remains the object of concern. The gap has been started to be addressed by two initiatives – *the study “Employment and Income in Latvia: National and Regional Differences According to Ethnic, Gender and Age Factors” conducted by the Latvian Centre for Human Rights and Ethnic Studies and the Baltic International Centre for Economic Policy Studies, to be finalised in the beginning of 2006, and the first call of tender for thirteen research projects announced by the Ministry of Welfare within the framework of the EU Structural Fund programme “Research in the Labour Market” in 2005.*

3.1.1. New sources of data and information.

There are no new sources of data and information.

3.1.2. Most significant official and non-official statistical data. Comments on current trends.

Within the first nine months of 2005, there have been no reported court cases related to discrimination in employment on the grounds of ethnicity, race, religion or language in Latvia.

The Latvian National Human Rights Office is the only public body that received complaints about discrimination on the grounds of ethnicity in employment within nine months of 2005. The LNHRO, however, commented that the two complaints were too “vague and nothing serious.”⁵

The State Labour Inspectorate has never received any complaints on discrimination and racism or registered any violations of anti-discrimination clauses including in 2005.⁶

The only available official ethnic data regarding the situation of minorities in employment is the data of the State Employment Agency on the ethnic composition of officially registered unemployed. *The data indicates small disparities between the unemployment rate’s among various minorities and their proportion among the majority (see Table 1 in annex).*

² Riga Ziemeļu District Court, ruling issued on 29.04.2005

³ Cēsu Regional Court, ruling issued on 05.07.2005

⁴ Information provided by the Latvian National Human Rights Office on 06.10.2005

⁵ Information provided by the Latvian National Human Rights Office on 06.10.2005

⁶ Information provided by the State Labour Inspectorate on 30.09.2005

There are no official data available on the employment situation of immigrants (including foreigners), refugees and asylum seekers in Latvia apart from the number of foreigners who hold temporary residence permits and have been issued work permits. The Refugee Affairs Department has not received any applications requesting work permits.⁷ There have been cases of illegal employment of foreigners. In 2005, seventeen persons, mainly citizens of the Russian Federation and Ukraine staying and working in the country illegally, were identified. The identified persons administratively fined for working without work permits. The number of foreigners working illegally has decreased from 258 in 2003 to 64 in 2004.⁸

In comparison with the previous years, there have been no significant changes regarding the statistical data about discrimination and racism in employment. The LNHRO remains the only public body to have received two complaints about discrimination on ethnic grounds. One of the main issues - the lack of consistent and reliable data on ethnic and other dimensions in employment - is still unresolved, although a number of initiatives have been launched to address the gap. Positive evaluation should be given to the fact that two discrimination cases in employment, although not on the grounds of ethnicity, race, religion or language, were reviewed by court and ruled grounded.

3.1.3. Significant reports related to discrimination in employment published in 2005.

Two studies exploring the situation of minorities in the Latvian job market commenced in 2002 were made available in 2005: Mihails Hazans "Unemployment and the Earning Structure in Latvia" funded by the World Bank and Mihails Hazans "Looking for the Workplace: the Elderly, Discouraged Workers, Minorities, and Students in the Baltic Labour Markets" prepared for the European Commission's 5th Framework project "Regional Labour Market Adjustment in the Accession Candidate Countries" funded by the Austrian Institute of Economic Research (WIFO). Both studies analyse Labour Force Survey data of 2002 according to several factors, including ethnicity. *The data of 200, available in 2005, reveals discrepancies in the situation of minorities and majority in the job market, for instance, in 2002, the unemployment rates of ethnic minorities relative to ethnic Latvians were 1.5 times higher.* According to the study, the ethnic gap is caused to a large extent, but not entirely, by lack of Latvian language skills. The data also highlights substantial segregation of ethnic groups in economic activities: overrepresentation of Latvians in public administration and overrepresentation of non-Latvians in the fields of transport and communication. Net earnings of ethnic Latvians were 10 per cent higher than those of other ethnic groups.⁹ Another indication is that women belonging to ethnic minorities relative to ethnic Latvian women are more likely to feel discouraged about their future perspectives.¹⁰

⁷ Information obtained from the Labour Department of the Ministry of Welfare on 06.10.2005 and the official of the Refugee Affairs Department of the Office of Citizenship and Migration Affairs on 06.10.2005

⁸ Information obtained from the State Border Guard on 11.10.2005

⁹ Hazans, M. (2005), Unemployment and the Earning Structure in Latvia, World Bank Policy Research Working Paper No 3504, Washington: World Bank ECA Region and University of Latvia, pp. 38, 39, 90, http://wdsbeta.worldbank.org/external/default/WDSContentServer/IW3P/IB/2005/02/25/000090341_20050225101553/Rendered/PDF/wps3504.pdf

¹⁰ Hazans, M. (2005), Looking for the workplace: the elderly, discouraged workers, minorities, and students in the Baltic labour markets, Riga: University of Latvia and Baltic International Centre for Economic Policy Studies, p.17, <http://econwpa.wustl.edu/eps/lab/papers/0507/0507008.pdf>

The Riga Graduate School of Economics published a research paper “The Impact of Ethnic Differences in the Business Environment in the Context of Social and EU Integration in Latvia” funded by the EU Phare programme. Within the project, a survey of about 500 employers was conducted and a number of social and psychological experiments were made. The research concludes that there are no actual differences in business practises of people belonging to different ethnic groups. The study revealed that many ethnic Latvian employers have stereotypes about business practices of Russian-speaking employers – Latvian employers tend to evaluate the Russian enterprises (e.g. in terms of reputation, organizational culture) more negatively.¹¹

3.1.4. Special public bodies that record and process complaints or allegations of racism and/or discrimination in employment.

There are no special public bodies that deal exclusively with recording and processing of complaints or allegations of racism and/or discrimination in employment. However, a person who believes to have been discriminated against because of his/her ethnicity, race or religion in the field of employment may turn to the following public bodies.

The Latvian National Human Rights Office (LNHRO)

The LNHRO is an independent state body established in 1995 for promotion of human and citizen’s rights and freedoms according to the Latvian Constitution and Latvia’s binding international agreements in the area of human rights.¹² Any person may submit a complaint of possible violation of human rights to the Latvian National Human Rights Office. Investigation of complaints is confidential and free of charge. It results either in voluntary agreement of both parties on a possible solution (conciliation), or in a recommendation. The LNHRO’s recommendations are not binding.¹³

Statistical data on complaints is available in quarterly and annual reports published by the LNHRO.¹⁴ According to their own categories, the number of complaints on discrimination on any grounds in all areas constitutes a very small share of the total number of complaints registered by the Latvian National Human Rights Office: in 2004 eighty five (1.7 per cent) out of 5,092 complaints alleged discrimination, of those only one was about discrimination on ethnic grounds in employment;¹⁵ while in the second quarter of 2005, seventeen (1.2 per cent) out of total 1,384 complaints were alleging discrimination, of those two complaints alleged discrimination on ethnic grounds in employment.¹⁶

At present, the Law on the Latvian Human Rights Office does not envisage representation of victims of discrimination at court.¹⁷ The legal staff of the LNHRO provides legal consultations. (see Section 5.1. and 5.1.1)

¹¹ Kļīlis, R. (2004), Biznesa vides etnisko atšķirību nozīmība Latvijā sociālās un ES integrācijas kontekstā, http://www.dialogi.lv/pdfs/soc_ethn_biz.doc

¹² Latvia, Law on the National Human Rights Office (05.12.1996), Article 1, <http://www.likumi.lv/doc.php?id=41595>

¹³ The Latvian National Human Rights Office, <http://www.vcb.lv> (30.09.2005)

¹⁴ Available for download at <http://www.vcb.lv/index.php?open=info&it=gadazinojumi>

¹⁵ Valsts Cilvēktiesību birojs, Valsts Cilvēktiesību biroja 2004. gada ziņojums, pp. 90 - 92, http://www.vcb.lv/zinojumi/2004.gada_zinojums.pdf

¹⁶ Valsts Cilvēktiesību birojs (2005), *Aktuālie cilvēktiesību jautājumi Latvijā 2005. gada 2.ceturksnī*, pp. 29- 30, <http://www.vcb.lv/zinojumi/2005.g.2.cet.doc>

¹⁷ Information provided by the Latvian National Human Rights Office lawyer on 27.04.2005

The representative of the LNHRO claimed that there is an on-going cooperation with the state organisation responsible for implementation of government policy in the field of employment - the State Labour Inspectorate (see further below) -- where the LNHRO provides advice on prevention of discrimination cases. However, the representative was not able to provide any specific examples of such co-operation.¹⁸

There are two draft laws in the Saeima the adoption of which will expand the LNHRO's mandate and will increase its capacity in anti-discrimination area. (See section 5.1. and 5.1.1.).¹⁹ One of these laws, the draft Law on Ombudsman (Article 14), foresees the transformation of the LNHRO into an Ombudsman institution and provides that Ombudsman Office staff may lodge an application with court on the behalf of the alleged victim and present person's interests at court.²⁰

State Labour Inspectorate (SLI)

The State Labour Inspectorate (SLI) is a state supervisory and control institution with an institutional legacy from the Soviet Union. One of the functions of the SLI is to control the fulfilment of obligations of employers and employees, determined by the employment agreements; promote cooperation among them, as well as carry out activities to avoid misunderstanding between employers and employees. The following persons and institutions are subjected to the supervision and control of the SLI: entrepreneurs, state and municipal institutions, religious and social organizations, employers and their representatives, dangerous equipment and their owners, workplaces at the enterprises and the other places at the enterprise available for employees during their work process. The SLI is represented regionally. The SLI decisions are not binding.²¹

The number of the registered violations of legal norms concerning labour relations by the State Labour Inspectorate constitutes almost 20 per cent of total violations a year and is slowly growing. The majority of registered violations (80 per cent) are regarding health and safety regulations at work.²² However, neither the complaint registration forms nor the comprehensive database used by the State Labour Inspectorate allow the distinction of discrimination cases.²³

Court

A person, who considers him/herself a victim of differential treatment, can apply to the court. In accordance with the Law on Judicial Power, a three-level court system exists in Latvia: District (City) Courts; Regional Courts; and Supreme Court. The Supreme Court forms the highest level of the court system in Latvia and the judgements thereof are final.²⁴

As for September 2005, there have been two court cases based on the anti-discrimination clauses in employment.

¹⁸ Information provided by the Latvian National Human Rights Office representative on 29.09.2005

¹⁹ Saeima - Latvian Parliament, http://www.saeima.lv/saeima8/mek_reg.fre, (13.10.2005)

²⁰ Latvia, The draft Law on Ombudsman, (http://www.saeima.lv/saeima8/mek_reg.fre)

²¹ Latvia, Law on the State Labour Inspectorate (13.12.2001), http://www.vdi.gov.lv/norm_akti/VDIlikums2005.doc

²² State Labour Inspectorate, Latvia Annual Report 2004, p. 7, <http://www.vdi.gov.lv/publikac/2004/AnnualReport2004.pdf>

²³ Information provided by the State Labour Inspectorate on 30.09.2005

²⁴ Latvia, Law on Judicial Power (15.12.1992), <http://www.likumi.lv/doc.php?id=62847>

Other

In case of discriminatory practices of public institutions, a person can turn to the same public institution that has treated the person differently, or to a higher institution, or to the public prosecutor's office. Article 76 (2) of the Administrative Procedure Law, which entered into force on 01.02.2004 provides for a challenge of the administrative act before a higher institution, and then, or, if is such higher institution does not exist, directly to administrative court.²⁵ There is no publicly available evidence of such cases.

3.1.5. Positive measures addressing the needs of religious minority groups at the workplace.

No information on positive measures addressing the needs of religious minority groups at the workplace was identified. There are no legal or administrative provisions aimed at fostering implementation of positive measures addressing the needs of religious minority groups at the workplace.

For a number of years, including December 2004, there have been attempts to propose the recognition of Orthodox Christmas as a national holiday alongside with Christmas, Good Friday and Easter Monday, based on the argument that there are 360,000 Russian Orthodox in Latvia. The Saeima, as in previous years, did not support the proposal.²⁶

3.1.6. Immigrants in trade unions.

Trade Unions are independent public organizations that may be established by residents of the Republic of Latvia who work or study. Trade unions should be registered at the Register of Enterprises. The law does not envisage specific criteria for members of trade unions. Neither does the law provide legal obstacles for immigrants to establish their own trade unions and join established trade unions.²⁷

The Free Trade Union Confederation of Latvia (LBAS in its Latvian acronym) unites trade unions of twenty-four industries, with 170,000 members at more than 3,000 enterprises, institutions and organizations. None of these trade unions has been created by immigrants. There is no data available that immigrants take part in trade unions.²⁸

3.1.7. Official bodies monitoring working conditions. Data or reports regarding the working conditions of immigrants, refugees or asylum seekers.

The official body, which monitors working conditions, is the State Labour Inspectorate (see Section 3.1.3). The distribution of registered violations reveals that the State Labour Inspectorate

²⁵ Feldhune G. (2003), Report on measures to combat discrimination in the 13 candidate countries (VT/2002/47), Country Report, Latvia, May 2003, MEDE European Consultancy, Migration Policy Group, pp. 18-21

²⁶ Kozule, E. (2004) "Pēc atkārtota balsojuma tomēr noraida ierosinājumu pareizticīgo Ziemassvētkus atzīt par svētku dienu," *National News Agency LETA*, (09.12.2004)

²⁷ Latvia, The Law on Trade Unions (13.12.1990), <http://www.lbas.lv/NormativieAkti/00.html>

²⁸ Information obtained from the representative of the Free Trade Union Confederation of Latvia on 29.09.2005

is predominantly involved in dealing with complaints and violation regarding working conditions rather than legal aspects of labour relations.²⁹

According to the State Labour Inspectorate they have neither received any complaints nor registered any violations regarding the working conditions of immigrants, refugees or asylum seekers.³⁰ There is no information available on data and reports regarding the working conditions of immigrants, refugees or asylum seekers.

3.1.8. Evidence or information regarding trafficking of illegal workers or children to be used as forced labour.

There is no publicly available evidence or information regarding trafficking of illegal workers or children to be used as forced labour.

3.2. Significant initiatives/good practices against racism and discrimination in employment in 2005. The existence (absence) of specific anti-discrimination mechanisms.

Though public bodies have received a very small number of discrimination complaints, the information provided by a study “Unemployment and the Earning Structure in Latvia” about the situation of minorities in the Latvian job market, indicates a strong need to conduct comprehensive studies in the field and strengthen the anti-discrimination capacity of designated institutions, as well as establish specific anti-discrimination mechanisms, such as equality officers. The need has not been addressed yet.

In May, the Ministry of Welfare announced the first call of tender for thirteen research projects within the framework of the EU Structural Fund programme “Research in the Labour Market.” The Ministry of Welfare required the inclusion of ethnic, gender and regional dimensions in all project outcomes. One tender is a research on the dimensions of ethnicity, language, age and gender and monitoring of potential discrimination to identify the required active and pro-active measures and amendments to legislation. In July, in some research projects, including the specific research on possible discrimination, the second call of tender was announced. The projects will be implemented until spring 2007.³¹

Within the framework of the EU EQUAL programme implemented by the Ministry of Welfare through the project tenders announced in fall 2004, the Office for Citizenship and Migration Affairs launched EQUAL project “Step by step.” The project is implemented in Riga and Liepaja in collaboration with the Liepaja City Council, International Organization for Migration (IOM), NGO „Charity CARITAS LATVIJA” and Red Cross in Latvia. The duration of the project is from January 2005 till December 2007. There are four core activities in the project: to elaborate a model for professional and social integration of asylum seekers; establish a collaboration network between state bodies, local governments and NGOs dealing with the asylum seekers’ issues; to elaborate a strategy for training of staff working with asylum seekers; to promote information about asylum-related issues. As for October, the Office of Citizenship and Migration Affairs (OCMA) has established working groups on legislation and training and had concluded agreements on international collaboration with institutions responsible for asylum issues. The Liepaja City Council has formed working groups of experts charged with the elaboration of social

²⁹ State Labour Inspectorate, Latvia Annual Report 2003, Latvia Annual Report 2004, http://www.vdi.gov.lv/publikac/statist_en.shtml

³⁰ Information obtained from the representative of the State Labour Inspectorate on 29.09.2005

³¹ Information obtained from the official of the Ministry of Welfare on 04.10.2005

and professional integration of the asylum seekers. The IOM has launched a sociological survey on problems faced by asylum seekers in the Latvian society.

Since October 2004, the Latvian Centre for Human Rights and Ethnic Studies (LCHRES) in cooperation with the Baltic International Centre for Economic Policy Studies has been implementing a research project “Employment and Income in Latvia: National and Regional Differences According to Ethnic, Gender and Age Factors.” The ultimate objective of the research is to identify possible discrimination in the labour market as well as develop recommendations for the Latvian government and the relevant public bodies. The main outcomes will be a policy paper and awareness raising seminars.

In June, the Latvian Centre for Human Rights and Ethnic Studies organised a two-day seminar on the role of NGOs in combating discrimination on the grounds of racial or ethnic origin, age, disability, religion or belief and sexual orientation. The seminar was funded by the EU Action Programme to Combat Discrimination and implemented by the *Human European Consultancy* and the Migration Policy Group and local partners. The objective of the seminar was to develop the capacity of civic society dealing with anti-discrimination. After participating in training by international experts, six national trainers provided training at the seminar. The programme covered five major modules: the concept of discrimination, the EU institutions and anti-discrimination law; the role of NGOs in combating discrimination; anti-discrimination law in the national context, including employment and occupation related legislation, as well as the remedies; methods of combating discrimination; skills and tools when working towards combating discrimination. More than fifty people (state officials, NGOs) took part in the seminar.

In the framework of the European Social Fund’s National programme „Training for Raising Qualification of the Unemployed and Jobseekers” 2,563 unemployed and jobseekers attended state language courses in the first six months of 2005 (in 2004, about 1,800 attended the courses). The majority of participants studied at the beginner and intermediate level.³²

³² Information obtained from the State Employment Agency on 12.10.2005

4. Education

4.1. The situation regarding racism and xenophobia in education (including vocational training and life-long learning)

The main developments in the area of education remained the implementation of minority education reform 2004 foreseeing transition to the Latvian language as the main language of instruction at public secondary schools. The scale and number of public protests and meetings decreased, but the issue remained hotly debated in society, in particular when the Constitutional Court reviewed the claim of twenty left-wing MPs on the alleged incompliance of the reform with the Constitution of Latvia and international norms. In 2005, the Constitutional Court reviewed two submission alleging that legal norms amounted to discrimination of ethnic minorities in education.

A positive step has been made regarding integration of Roma into mainstream schools. The Secretariat of Minister for Special Assignments for Social Integration (IUMSILS in its Latvian acronym) began to draft the National Programme for the Integration of Roma.

4.1.1. New sources of data and information.

There are no new sources of data and information available in Latvia concerning racism, and discrimination, nor the situation of immigrants, refugees, asylum seekers and minorities in education.

4.1.2. Most significant official and non-official statistical data. Comments on current trends on the basis of comparison with statistical data from previous years, if they exist.

As of September 2005, the Constitutional Court had reviewed two complaints about alleged discrimination against ethnic minorities in education (see Section 1.4.)

Other official sources of data and information in education report that there have been no complaints about discrimination in education on the grounds of ethnicity, race, language or religion in 2005.³³

The situation concerning statistical data regarding racism and discrimination and the situation of immigrants, refugees, asylum seekers and minorities in education remains problematic. First, it is related to difficulties regarding general statistics in education: there is a lack of data on the number of illiterates, the precise number of children who do not attend school, etc. Second, existing general official data are usually not disaggregated according to ethnicity, for instance, statistics on educational performance and attainment of students by ethnicity.

The only available data in education is the ethnic breakdown of students at public schools, the division of students according to the language of instruction and their ethnicity, the number of minority schools and the number of students there.³⁴ The data draws attention to the situation of Roma in education. For the last two years the number of Romani children registered at mainstream schools continues to decrease: in the school year 2004/2005 there were 1,464 Romani

³³ Information obtained from the Latvian National Human Rights Office and the Ministry of Education and Science Republic of Latvia on 06.10.2005

³⁴ The Ministry of Education and Science, Statistics, <http://www.izm.gov.lv/default.aspx?tabID=7&lang=1&id=1268>, (06.10.2005)

children, in 2003/2004 - 1,508 Romani children.³⁵ Taking into account that Roma in Latvia is the only ethnic group, which has positive demography (more births than death) and that according to official sources very few Roma have left Latvia,³⁶ this may indicate that the existing school practices fail to integrate Roma into the mainstream educational system (a possibility that Roma have migrated to other countries cannot be fully excluded, though) and the tendency should be carefully examined.

Difficulties faced by Roma in the Latvian educational system are revealed by the study “Romani Identity at Multicultural School” conducted by the NGO Centre for Education Initiatives and presented in 2005. The report does not provide for specific numbers, but indicates the main problems faced by Roma: low enrolment, early drop-outs, and others.³⁷

Tensions over the goals and methods of implementation of the education reform 2004, whose aim is the switch to the Latvian language as the main language of instruction at the secondary school starting from Grade 10, as stipulated by the Education Law from 1998, remained, but were de-escalated. In comparison with 2004, when wide scale protest meetings against the implementation of the minority education reform were organised four times, each time gathering at least a thousand to few thousands participants (according to various sources),³⁸ the number and scale of protest actions against the education reform has significantly decreased in 2005. There were few protest actions against the implementation of minority education reform each time gathering about 100 -400 people each time and two conferences against the reform were held. On 30.01.2005, the Headquarters for the Defence of Russian Language Schools organised a national meeting of secondary school students. About 330 students took part in the conference. The participants of the conference adopted a petition to European human rights organisations, the Constitutional Court demanding that the reform be cancelled.³⁹ On 17.04.2005, about 400 persons participated in the second Congress of the Defenders of Russian-language Schools. The Congress was organised by the Headquarters for the Defence of Russian-language Schools. The Congress decided to keep campaigning against the implementation of the reform, as well as set new goals: achieve official status for the Russian language, to achieve the automatic granting of Latvian citizenship to all Russian-speakers living in Latvia through registration.

The main concern expressed by protesters regarding the minority education reform is the impact of the reform on the quality of education. In February the Headquarters for the Defence of Russian-language Schools in Latvia conducted an opinion poll among parents of the students who study at mainstream secondary schools, subjected by the reform in 2004. About 250 parents from seventy schools took part in the poll. According to the poll the quality of education after the inception of the minority education reform has deteriorated: 67 per cent of parents claimed that the level of academic attainment of their children has worsened.⁴⁰

The State Education Inspectorate counter-argued the data and stated that in September – October 2004, of 223 schools implementing the reform, only one reported significant difficulties with

³⁵ Data from the MoES, Statistics on number of students at mainstream schools in accordance with their ethnicity in 2004/2005, <http://www.izm.gov.lv/default.aspx?tabID=7&lang=1&id=1268>, (15.09.2005)

³⁶ Central Statistical Bureau of Latvia, *Demographic Year Book of Latvia* 2004, p. 44

³⁷ The Centre for Education Initiatives (2005), *Romani Identity at Multicultural School*, <http://www.iic.lv/petijums1.pdf>

³⁸ Latvian Centre for Human Rights and Ethnic Studies, Annual Report 2004 by the Latvian National Focal Point, p.10

³⁹ Чуянова, Э. (2005) “Реформа - факт для тех, кто слаб,” in: *Chas*, (31.01.2005), p. 4

⁴⁰ Guščins, V. (2005) “Izglītības reforma: zināšanas ir otršķirīgas”, in: <http://www.politika.lv/index.php?id=110856&lang=lv>, (01.03.2005)

implementation of the reform. However, the State Education Inspectorate admitted that there are problems concerning text books, methodologies and teaching aids.⁴¹

4.1.3. Most significant reports related to racism in discrimination in education published in 2005 by public bodies, academic researchers or NGOs.

Three researchers conducted the research “Family Background and Schooling Outcomes Before and During Transition: Evidence from the Baltic Countries” funded by the CERGE-EI Foundation under a program of the Global Development Network. The research attempts to determine the role of parents’ education and ethnicity in the motivation of their children to study at secondary school in three Baltic States in two time periods: Soviet times and the transition period. The study reveals that after elimination of Russian as the language of instruction from state-financed higher education institutions, enrolment rates of ethnic minorities (predominantly Russian speakers) into higher education institutions in Latvia have dropped.⁴²

In 2005 the Centre for Education Initiatives finalised the study “Romani Identity at Multicultural School.” The study was conducted on the basis of two activity projects implemented by the Centre since 2003. The projects and the study were implemented with the financial support of the EU Phare programme and Latvian government administered by the Society Integration Foundation, co-funded by the Open Society Institute and nine local municipalities. The project looks into issues faced by Romani children in education in nine districts of Latvia in the time period 2003-2005. The study states that the educational model of the inclusion of the Romani children in mainstream schools implemented by the Centre in the framework of two projects was effective and led to successful integration of all Romani children into mainstream schools. The analysis of expectations of Roma towards education and work of teachers were conducted. The study revealed that teacher’s personality plays an important role in the integration of Romani children into mainstream schools.⁴³

4.1.4. New developments in 2005 regarding state provisions for minority and multicultural education.

In 2005, the Constitutional Court reviewed two cases, where minority discrimination in education were alleged. The Constitutional Court ruling on the implementation of minority reform established no violation of the Constitution. The second ruling on providing state funding for private schools with Latvian as a main language of instruction established a violation of equal rights and abolished the norm.

Ruling of the Constitutional Court on minority education reform.

On 13.05.2005, the Constitutional Court after two-day long process dismissed as ungrounded a claim submitted by all twenty left-wing MPs (People’s Harmony Party, the union For Human Rights in the United Latvia and the Latvian Socialist party), which challenged constitutionality of Article 9.3 of the Transitional provisions of the Education Law and its compliance with

⁴¹ The State Education Inspectorate, Annual report 2004, <http://www.ivl.gov.lv/?sadala=92>

⁴² Hazans, M., Rastrigina, O., Trapeznikova, I. (2005), *Family Background and Schooling Outcomes Before and During Transition: Evidence from the Baltic Countries*, <http://econwpa.wustl.edu/eps/lab/papers/0505/0505002.pdf>

⁴³ The Centre for Education Initiatives (2005), *Romani Identity at Multicultural School*, <http://www.iic.lv/petijums1.pdf>

international norms.⁴⁴ The disputed article provides that “as of 01.09.2004 studies in the tenth grade of the state and local government general educational institutions, which implement minority education programmes, and in the first academic year of the State and local government professional educational institutions, shall be commenced in the state language in accordance with the National standard on public general, vocational and professional education. The National Standards on public general, vocational and professional education provide that at least 3/5 of the total number of classes shall be taught in the state language.”⁴⁵

The Constitutional Court dismissed the claim arguing that the disputed Article complies with the Constitution of Latvia and international norms. The Court noted that the case cannot be reviewed out of the context of the complex ethno demographic situation in Latvia formed by the Soviet occupation.⁴⁶

Regarding the lack of effective participation of minorities in decision-making process, which was pointed out by the plaintiff as well as a number of international bodies, human rights and education experts as one of the major reason for concern regarding the implementation of reform, the Court ruled that it is not competent to evaluate effective participation of all stake-holders in discussing draft laws in the pre-parliament phase, since the constitutionality of the norm itself is questioned. Although the Court ruled that the disputed Article is constitutional, provided it is implemented flexibly, *it noted that effective education quality monitoring mechanism had been lacking and should be introduced.*⁴⁷

Ruling of the Constitutional Court on funding for private schools

On 14.09.2005, the Constitutional Court issued the ruling regarding the claim submitted by all twenty MPs of the left-wing People’s Harmony Party, the union For Human Rights in the United Latvia and the Latvian Socialist party against alleged incompatibility of Article 59.2 of the Education Law with Article 91 of the Constitution of Latvia and Article 2 (in relation to Article 2 of the First Protocol) of the European Convention of Human Rights and Fundamental Freedoms. The challenged Article provided that “private schools are financed by their founders. State and municipalities take part in financing of these institutions in accordance with the respective regulations of the Cabinet of Ministers if these institutions implement educational programmes in the state language.”⁴⁸

⁴⁴ Article 1, 91 and 114 of the Constitution of Latvia; Article 14 and Article 2 of the Protocol 1 of the European Convention on the Protection of Human Rights and Protection of Fundamental Freedoms, Articles 26 and 27 of the UN International Covenant on Civil and Political Rights, Article 5 of the International Convention on the Elimination of All Forms of Racism, Article 2 and 30 of the Convention of the Rights of Child, as well as Article 18 of the Vienna Convention on the Law of Treaties

⁴⁵ Latvia, Law on Education (29.10.1998), <http://www.likumi.lv/doc.php?id=50759>

⁴⁶ *The Court refers to the fact that as of 1940 till 1991 Latvia was occupied by the USSR, which resulted in the significant increase of non-Latvians in the territory of Latvia due to migration processes and implementation of russification policy in many areas, including education. During the period, in Latvia education was provided either in Russian or Latvian. Minority children in most cases attended schools with Russian as a language of instruction, even if their mother tongue was not Russian but another minority language*

⁴⁷ Ruling of the Constitutional Court on minority education reform (13.05.2005), <http://www.likumi.lv/doc.php?id=108255>

⁴⁸ Latvia, Law on Education (29.10.1998), Articles 59.2, 91, <http://www.likumi.lv/doc.php?id=50759>,

The Constitutional Court ruled that the disputed Article is discriminatory and the wording “in the state language” was announced null and void as of the publication of the ruling.⁴⁹ Subsequently the Ministry of Education and Science (MoES) announced that the Ministry would ask for additional funding in the amount of at least EUR 596,120 from the next year state budget to provide funding for Russian private schools.⁵⁰

On 01.03.2005, the Saeima Subcommittee on Social Integration voiced support for development of the National Programme for the Integration of Roma, where education was cited a top priority. On 16.09.2005, Saeima supported granting additional funding for a number of the activities of the IUMSILS, including about EUR 27,660 for the development and launching of the National Programme on Roma. The IUMSILS has begun drafting of the programme.⁵¹

To ensure the transposition of the EU Directive 2003/9EC the Cabinet of Ministers adopted the regulations No 586 On the Procedure for Ensuring Education for Juvenile Children of Asylum Seekers or Juvenile Asylum Seekers of 09.08.2005. After being faced with first real request, the Ministry of Education and Science commented that the procedure remains unclear as to schools, which would provide education to asylum seekers and methodology of teaching the Latvian language to foreigners. The representative of the MoES, however, reassured that education to asylum seekers will be provided.⁵²

4.1.5. Issues of religious symbols in schools.

There are no legal norms, which regulate use of religious symbols in schools. However, all schools have house rules that may include dress code. No cases of schools, banning the use of religious symbols in schools have been identified.

According to the officials of the Ministry of Education and Science, there have been no incidents pertaining to the use of religious symbols in schools reported in 2005.⁵³

4.2. Initiatives/good practices and positive measures.

In 2005 the MoES held six seminars with principles of mainstream minority schools implementing minority education reform. The main task of the seminars was to examine the successes and failures of the first year of the minority education reform. 102 representatives of schools took part in the seminars. No serious difficulties faced by schools in the implementation of the minority education reform were admitted. The conclusions of the seminars are available on the webpage of the MoES.⁵⁴

⁴⁹ Ruling of the Constitutional Court on funding for private schools (14.09.2005), [http://www.satv.tiesa.gov.lv/LV/Spriedumi/02-0106\(05\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/02-0106(05).htm)

⁵⁰ Jakovļeva, I. (2005) “Krievu privātskolu finansēšanai būs nepieciešami vairāk nekā 400,000 latu,” in: *National News Agency LETA*, (23.09.2005)

⁵¹ Secretariat of Minister for Special Assignments for Social Integration, <http://www.integracija.gov.lv/?id=616&sadala=30&setl=1>, (06.10.2005)

⁵² Information provided by the representative of the Integration Department of the Ministry of Education and Science Republic of Latvia on 10.10.2005

⁵³ Data obtained from the officials of the Ministry of Education and Science Republic of Latvia on 23.09.2005

⁵⁴ Ministry of Education and Science Republic of Latvia, <http://www.izm.gov.lv/default.aspx?tabID=7&lang=1&id=1462>, (29.09.2005)

On 03-04.06.2005, the MoES held a two-day conference “Language in Education – Opportunities and Challenges.” Domestic and international language and minority experts presented reports on the situation and practices in bilingual education in Latvia and abroad.⁵⁵

In August to September the IUMSILS in the framework of the Latvian National Programme for Tolerance held a series of seminars about issues concerning tolerance for teachers and school children in various regions of Latvia. About 300 people attended the seminars.

From 14 to 21 March 2005, the Europe-wide Action Week Against Racism was celebrated throughout Europe. The Secretariat of the Special Assignments Minister for Social Integration and the European Youth Human Rights Network (EYHR-net) organised the action “Tunnel Against Racism” - a pastiche tunnel, which walls were plastered with slogans of intolerance and racism. All interested persons could step in victim’s shoes to experience feelings of victims of racism by going through the tunnel. The action also included a street campaign "Fortunately, We are Different!" and "Get Acquainted with Diversity of Cultures!" On 22 March, a youth discussion about racism, xenophobia and discrimination in Latvia, organised by the EYHR-net, was held at the National Minority Culture and Information Department of the IUMSILS. After the action in Riga, the tunnel was organised in another two cities of Latvia.

The NGO Centre for Public Policy PROVIDUS from November 2004 to April 2005 implemented the project “Intercultural education at schools in Latvia: tasks, problems, visions.” The project brought together policy makers, researchers, NGOs and minority schools. Three round-table discussions were organised about decision making process in the minority education policy, intercultural education in Latvian schools and equal access to education in diverse societies. Summaries of discussions and articles about "Minority education and intercultural education in further" were published on the Internet portal www.policy.lv.

The Education Development Centre implemented a project “School as a multicultural democratic community” from October 2004 till August 2005. It was the follow-up of two Soros Foundation Latvia projects "Open school" and "Individual and society.” The main objectives of the project were to promote integration of society through supporting and strengthening school as a multicultural democratic community and fostering cooperation among different schools using curricula and methods of intercultural, bilingual and civic education. During the project seminars, lectures, interviews, consultations and workshops were held. The project was implemented in fifteen schools in various parts of Latvia with different languages of instruction, teachers and families of various ethnicities and coming from different socio-economic levels. A new school cooperation network in three regions of the country covering very diverse and socially insufficiently integrated regions was established.

The Centre for Education Initiatives implemented the project “Romani child in welcoming school” during October 2004 - July 2005. The project was the follow-up of the project "Qualitative education for Romani children" in 2003/2004. The main objectives of the project were to include Romani children in mainstream schools through establishing local structures, such as the Romani Parent Support Centres, and training mainstream school teachers to work with Romani children. In total, 501 persons participated in the project. Seminars, a conference "Romani Identity at Multicultural School," workshops for parents, meetings, consultations for

⁵⁵Ministry of Education and Science Republic of Latvia,
<http://www.izm.gov.lv/default.aspx?tabID=7&lang=1&id=1459>, (29.09.2005)

parents of Romani children, teachers and other participants were held. As a result fifty-four Romani children were integrated into pre-school and mainstream school.

The Education Development Centre implemented the project “Development of teaching aids on the Holocaust for social science and Latvian history classes.” The project was implemented in the time period May 2004 – September 2005. The financial support was provided by the U.S. Department of State and the U.S. Embassy in Latvia through SEED (Support for Eastern European Democracy), a private person from the USA, the Task Force for International Co-operation on Holocaust Education, Remembrance and Research, and the Latvian Ministry of Education and Science. Four books were published: Social Science for primary school (in Latvian and Russian), Latvian History for secondary school, teaching guidelines and collection of sources. The project was concluded with distribution of materials and teacher training workshops.

The European Refugee Fund is currently implementing the project “One Europe Without Stereotypes.” The duration of the project is 11.08.2005 – 31.12.2005. The funding is provided by the Open Society Centre for Environment Management "Bartava" and the European Refugee Fund. The main goal of the project is to study prevailing stereotypes about refugees and asylum seekers and raise public awareness about the issues through demonstrating practices and experiences of other countries. The project plans to train the staff of refugee and asylum seeker reception centre. The reality show “Refugee” was played within the framework of the project.

5. Legislation

5.1. Legislative provisions addressing racism and xenophobia

In 2005, issues of racism and xenophobia remained poorly addressed at national level. However, the actual occurrence of racially motivated assaults and appearance of more extreme and radical statements in public sphere have prompted human rights and criminal law experts to discuss the potentially overly narrow interpretation of the respective legal norms provided by the Criminal Law currently in force and some experts have publicly suggested necessary criminal law amendments to deal more effectively with hate crime.

Work to introduce equality measures, in particular the EU equality directives, in the Latvian legislation continued with various levels of success.

Lack of a strong anti-discrimination body is addressed by the development of two draft laws. The draft Law on Ombudsman provides for the expansion of the Latvian National Human Rights Office's mandate and has passed first reading by the Saeima in June. It is planned to be adopted in the late fall. The draft amendments to the Law on the Latvian National Human Rights Office foresee the expansion of the Office's functions in the area of anti-discrimination to be the designated special body as requested by the EU Racial Equality Directive 2000/43/EC.

5.1.1 Legal provisions introduced in 2005, transposing Directives 2000/43/EC and 2000/78/EC

In 2005, Latvia continued its efforts to transpose both Directives 2000/43/EC and 2000/78/EC. If the main requirements of the Employment Framework Directive 2000/78/EC have been transposed into the Labour Law (amendments effective 08.05.2004), then transposition of the requirements of the Racial Equality Directive 2000/43/EC is still in process.

After lengthy discussions about possible ways of transposing of the EU directives into national legislation - either to adopt one comprehensive anti-discrimination law or individual anti-discrimination norms, which would cover the requirements of both EU directives – 2000/43/EC and 2000/78/EC, it was decided to elaborate provisions of the directives into a number of amendments to individual laws.

In 2002, the IUMSILS was made responsible for implementation of the Racial Equality Directive. The working group under the auspices of the IUMSILS developed draft amendments to eight laws, which would cover the requirements set by the Racial Equality Directive: the Law on Social Security, the Law on State Civil Service, the Law on Customers' Rights, the Law on the Latvian National Human Rights Office, the Law on Associations and Foundations, the Civil Law, the Criminal Law and the Administrative Violation Code.⁵⁶ The main goal of the developed draft amendments is the transposition of the EU Directive 2000/43/EC on equal treatment of all persons irrespective of their race or ethnicity, and the introduction of effective law enforcement mechanisms. There are no official conclusions that the above-mentioned amendments would fully transpose all requirements set by the Racial Equality Directive. However, the draft project developed by the IUMSILS's working group includes other laws, such as the Education Law, in the list of laws that should be amended to fully cover the requirements of the Racial Equality Directive.

⁵⁶ Information provided by the head of the Legal Department of the IUMSILS on 03.10.2005

The draft amendments are at various levels of progress. In June 2005, the draft amendments to the Administrative Violation Code and the Criminal Law passed first reading by the Saeima.

In September 2005, the Saeima forwarded to its respective committees draft amendments aimed at the transposition of the Racial Equality Directive to six laws: the Law on Social Security, the Law on State Civil Service, the Law on Customers' Rights, the Civil Law, the Law on the Latvian National Human Rights Office and the Law on Associations and Foundations. The content of the draft amendments concerning the list of grounds of discrimination varies.

- The draft amendments to the Law on Social Security (Article 1, 2, 13) provide definitions of discrimination, includes harassment as a form of discrimination, define the types of discrimination (direct and indirect), provide prohibition of any type of discrimination on the basis of race, colour of skin, sex, age, disability, state of health, religion, political or other beliefs, social class, ethnicity, property and family status and other grounds.
- The draft amendments to the Law on State Civil Service (Article 2.4) provide general prohibition of discrimination and victimization and grounds indicated by the Labour Law.
- The draft amendments to the Civil Law provide definitions of discrimination (direct and indirect) and victimisation, includes harassment as a form of discrimination and prohibition of discrimination in providing goods and services for public. The draft amendments prohibit discrimination on the following grounds: sex, age, race, colour of skin, language, religion, political or other beliefs, social class, ethnicity, education, social and welfare status, occupation, state of health, sexual orientation and other grounds.
- The draft amendments to the Law on the Latvian National Human Rights Office (Article 1403a) foresee the expansion of the Office's functions in the area of anti-discrimination to be the designated special body as requested by the EU Racial Equality Directive 2000/43/EC.
- The draft amendments to the Law on Associations and Foundations (Article 10.3) provide that in case of discrimination a non-governmental organisation may also represent the interests of an individual at court.⁵⁷

In October 2005, the Saeima returned the draft amendments to the Civil Law to the Cabinet of Ministers for further elaboration. The main argument was that list of grounds of discrimination was too broad. The Cabinet of Ministers has to submit the re-elaborated draft amendments to the Saeima till 01.01.2006.

Amendments to the Labour Law in line with the Council Directives 2000/43/EC and 2000/78/EC were adopted on April 22 and came into force on May 8 in 2004. The ministry responsible for the implementation of the Employment Framework Directive 2000/78/EC is the Ministry of Welfare of the Republic of Latvia.

The law now defines direct and indirect discrimination, includes harassment as a form of discrimination, victimisation and prohibits instruction to discriminate. While the law prohibits discrimination on the grounds of “gender, race, skin colour, age, disability, religious, political or other beliefs, national or social origin, property or family status, and other grounds,” it fails to explicitly name sexual orientation as a prohibited ground for discrimination. The amendments provide for the right to effective remedy, including payment of moral compensation in case of unlawful differential treatment. *Employers are required to take reasonable measures to adjust*

⁵⁷ Saeima - Latvian Parliament, <http://www.saeima.lv/bi8/lasdk?dd=20050908>, (05.10.2005)

working environment for disabled persons. On 15.09.2005, the draft amendments, which include sexual orientations as a possible ground of discrimination, passed first reading by the Saeima.⁵⁸

There is no official conclusion that the adopted amendments fully cover the requirements set by the Employment Framework Directive. However, there are views that to ensure transposition of all requirements of the Employment Framework Directive into national legislation, amendments to other laws, such as the Law on State Civil Service, should be adopted.

The annual report of the EU Directorate General for Employment, Social Affairs and Equal Opportunities "Equality and Non-discrimination" notes that Latvian Labour Law does not explicitly ban sexual orientation discrimination.⁵⁹

5.1.2. Legal provisions transposing Council Framework Decision on Combat Trafficking in human beings (2002/629/JHA).

Various articles of the Criminal Law of Latvia (amendments to the Criminal Law adopted on 25.05.2005) cover the requirements of the Council Framework Decision. Requirements set by Article 1 and 3 of the Framework Decision are covered by Articles 154, 159 - 165 of the Criminal Law, which determine offences for trafficking in human beings for the purposes of labour exploitation or sexual exploitation and penalties for these offences.

Article 2 of the Framework Decision is transposed in Articles 15 and 20 of the Criminal Law. While requirements of Articles 4 and 5 of the Framework Decision are included in the law "Amendments to the Criminal Law" effective as of 01.10.2005. The amendments provide introduction of liability of legal persons and sanctions on them.

The requirements set by Article 7.1 of the Framework Decision concerning protection and assistance to victims are covered by the Article 7 of the Criminal Procedure Law. Requirements of Article 7.2 of the Framework Decision are covered by the Criminal Procedure Law and Articles 51 and 52 of the Law on the Protection of Children's Rights.⁶⁰

5.1.3. Legal provisions transposing Council Directive 2004/38/EC on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States

Latvia has not transposed legal provisions set by the Council Directive 2004/38/EC on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The Office of Citizenship and Migration Affairs has launched work at transposing the Directive 2004/38/EC in 2005. A comprehensive law, which would transpose the requirements set by the Directive, will be developed by the OCMA. It is planned that first revision of the draft law by the State Secretaries' Meeting may take place by the end of the year.⁶¹

⁵⁸ Saeima - Latvian Parliament, <http://www.saeima.lv/pages/html-saturs.jsp?id=5410>, (05.10.2005)

⁵⁹ EU Directorate General for Employment, Social Affairs and Equal Opportunities, Annual report 2005 "Equality and Non-discrimination," http://europa.eu.int/comm/employment_social/fundamental_rights/public/pubst_en.htm

⁶⁰ Information provided by the head of Judicial Department of the Ministry of Interior on 29.09.2005

⁶¹ Information provided by the head of the Migration Policy Department of the Office of Citizenship and Migration Affairs on 04.09.2005

5.1.4. Legal provisions transposing Council Directive 2003/9/EC of 27 January laying minimum standards for the reception of asylum seekers.

The informative report “On Transposition of EU Directives 2001/55EC, 2001/51/EC, 2002/14/EC, 2002/90/EC, 2003/9/EC into National Legislation of the Republic of Latvia” developed by the Interior Ministry states that Latvia has fully transposed the directive 2003/9/EC by introducing a number of amendments into already effective legal norms:

- the Law on Asylum (amendments adopted on 20.01.2005)
- the Law on the Protection of Child’s Rights (amendments adopted 17.03.2005)
- Regulations of the Cabinet of Ministers No 406 On Asylum Seeker’s Identification Documents and Procedure of Their Issuing (amendments adopted 08.02.2005)

The amendments to the Law on Asylum define the status of the asylum seeker and alternative status more precisely, the asylum seeker is no longer to required submit only a written application to claim refugee or alternative status, but can to it in verbal form; stipulate the right of the asylum seeker to receive primary health care and essential treatment of illness covered by the state, the rights of juvenile children of asylum seekers or juvenile asylum seekers to education, the right of refugees to family re-unification and confidentiality of information (Articles 3, 7, 10, 11, 29 adopted on 20.01.2005).

Besides the amendments to the Law on Asylum, new regulations to ensure the implementation of the amendments to the Law on Asylum were developed and adopted:

- Regulations on the Amount of Allowance for Asylum Seekers to Cover Their Expenses for Food, and Personal Hygiene and Procedure of Their Reimbursement (regulations of the Cabinet of Minster No 119 of 08.02.2005.)
- Procedure for Providing Education to *Minor* Children of Asylum Seekers or *Minor* Asylum Seekers (regulations of the Cabinet of Ministers No 586 of 09.08.2005.)
- Procedure on Mandatory Medical and Laboratory Inspection, Mandatory and Forced Isolation and Treatment in Cases of Infectious Disease (regulations of the Cabinet of Ministers No 413 of 14.06.2005.)

The report was compiled in response to the letter of the European Commission No C(2005)1628/16 addressed to the Permanent Representative of the Republic of Latvia to the EU addressing the lack of a report on measures taken by Latvia to transpose a number of EC directives, including EC Directive 2003/9/EC.

5.1.5. Legal provisions and administrative regulations regarding the operation and legal status of most important religious congregations.

In Latvia the state is officially separate from the church (Constitution of Latvia, Article 99) and there is no official state religion. In 2004, the Board of Religious Affairs had registered over 100 religious organisations, some of which are united into over thirty confessions and religious associations (churches). The biggest churches are Evangelic Lutheran (539,327 members), Roman Catholics (395,067 members), Orthodox (350,000), Old Believers (7,635), Baptist (7,123), Seventh-day Adventist (3,950), Methodists (1,010), Judaists (667) and Muslims (355).⁶²

In 2004, the Board of Religious Affairs denied registration to five religious organisations: two evangelic congregations, a charismatic church, two Muslim organisations. In 2005, the Board of

⁶² The information provided by the representative of the Board of Religious Affairs on 10.10.2005

Religious Affairs denied registration to five organisations: two Muslim organisations (one of them was denied registration repeatedly), two Christian congregations, and a pagan brotherhood. The denials are issued on the basis of Article 11 of the Law on Religious Organisations, which provides the right to deny registration if a religious organisation has not submitted all required documents and if the submitted documents do not correspond to the statutes of the religious organisation as provided by law.⁶³

Operations and legal status of religious congregations are regulated by the Law on Religious Organizations and other respective laws and regulations of the Cabinet of Ministers.

Latvian legislation does not provide legal definition of traditional and non-traditional or new religions, however, religions are distinguished by several laws and government authorities in practice.

- The Law on Religious Organisations (Article 6.3) provides that as of 1 September 2004 the state funds the instruction of Christian studies in public schools, which may be taught by teachers of five religious confessions (Evangelical Lutheran, Roman Catholic, Russian Orthodox, Old Believer, Baptist). Children, whose families do not opt for Christian studies, may study ethics.
- The Civil Law (Article 51) stipulates that eight confessions (Evangelical Lutheran, Roman Catholic, Russian Orthodox, Old Believer, Methodist, Baptist, Seventh-day Adventist, Judaist) can register marriages.
- Chaplain's service can be performed by the representatives of nine religious confessions (Latvian Evangelical Lutheran, Roman Catholic, Russian Orthodox, Baptist, Old Believer, Methodist, Judaist, Seventh-day Adventist, Pentecostal). (Regulations of the Cabinet of Ministers No 277 "Regulations on the Services of Chaplains" of 02.07.2002, Article 5).
- The regulations on the Council on Sacred Affairs provide that the Council, which is an independent institution responsible for the co-ordination of co-operation between state and church, is composed of the chair (Prime Minister), co-chair, as well as leaders or representatives of Lutheran, Roman Catholic, Russian Orthodox, Methodist, Baptist, Seventh-day Adventist, Judaist, Old Believers invited by the chair (Article 1 and 2).

Latvian legislation does not provide equal treatment of all religions regarding the establishment of the church - ten or more congregations of one confession, that are registered in the Republic of Latvia, except congregations of those confessions and religions that do not belong to the already registered religious associations and begin their activities in Latvia for the first time, may establish a religious association (church). And only registered religious associations may establish teaching institutions for religious staff, cloisters or missions (Article 71 (1) and 72 of the Law on Religious Organisations).

Besides, religious organisations that do not belong to the already registered religious associations and begin their activities in Latvia for the first time are required to re-register each year for the first ten years, in order for the Department of Religious Affairs "to examine their loyalty towards Latvia and the compliance of their activities with relevant laws."⁶⁴ In addition, congregations of one confession may only register one religious association (The Law on Religious Organisations, Article 8). These regulations hamper the official establishment of religions that are not considered traditional in Latvia.

⁶³ The information provided by the representative of the Board of Religious Affairs on 10.10.2005

⁶⁴ Latvia, Law on Religious Organisations, Article 8.4 (07.09.1995), <http://www.likumi.lv/doc.php?id=36874>

A concordat with the Holy See in Vatican regarding the status of the Latvian Roman Catholic Church was ratified in 2002, causing criticism about the privileged status for the Catholic Church in Latvia. In 2004, the state signed agreements with seven traditional confessions: the Latvian Evangelical Lutheran Church, the Latvian Orthodox Church, the Latvian Baptist Church, the Latvian Old Believers' Pomor Church, the Jewish Community of Riga, the Seventh-day Adventist Church, and the Latvian Methodist Church and seven identical draft laws legalising agreements between the state and the churches were submitted to the parliament in June, but not adopted during the year. Draft laws have received serious criticism, including for non-compliance with the hierarchy of legal norms, as they contain a provision stipulating that if the agreements contain other provisions than those in the legislative acts of Latvia, the provisions of agreements shall apply. The draft laws are still in process of development.

There are several state institutions which deal explicitly with religious affairs:

- **Board of Religious Affairs** is a state institution under the supervision of the Ministry of Justice, which in accordance with law and other legal norms ensure implementation and co-ordination of state policy in the field of religion. (Regulations of the Cabinet of Ministers No 321 on the By-laws of the Board of Religious Affairs)
- **Council of Sacred Affairs** – the Council was established in accordance with the decree of the Prime Minister No 322 on the Establishment of the Council of Sacred Affairs in 2001. The Council is an independent, consultative institution which co-ordinates co-operation between state and church (Article 1, Regulations on The Council of Sacred Affairs). The main aim of the Council is to promote understanding among representatives of various confessions and religions. However, as already noted, the regulations provide that representatives of only eight churches are members of the Council.
- **Consultative Council on New Religions** under the Board of Religious Affairs, whose task is to study new religions, follow up on their activities, evaluate their compliance with national legislation and inform the society accordingly. In 2004 and 2005, no session of the Consultative Council was convened.

The Law on Religious Organisations (Article 15.1 and 15.2) provides that religious organisations have the right to engage in commercial activity in accordance with the Law on Entrepreneurship and must pay taxes in accordance with the effective Latvian legislation.

Article 16 stipulates that religious organisations may own movables and real estate. Real estate of religious organisations, which is not used for the purpose of commercial activity, is exempted from real estate tax (Article 1.2.4 of the Law on Real Estate). In 2004, the following religious organisations owned churches: Lutherans, Catholics, Orthodox, Old Believers, Baptists, Seventh Day Adventists, Pentecostal, the New Age, Salvation Army, Methodists.

There are no legal norms regulating provision of state funding to religious organisations, except for the Law on the Sacred Place of International Importance in Aglona (religious centre of Roman Catholics in Latvia). The law provides that also municipality and state provide funding for organising annual celebrations of Assumption of the Blessed Virgin Mary at Aglona religious shrine. In 2005, the state granted EUR 75,500 to organise the celebrations.

In 2005, the state has also provided funding – in total EUR 41,400 - to Roman Catholics and Evangelical Lutherans to implement repair and construction works.⁶⁵

⁶⁵ Amendments to the State Budget 2005, Annex 14, promulgated 16.09.2005

5.1.6. “Readmission” agreements or protocols between Latvia and non-EU Member States. Data on deportations and voluntary repatriation.

Latvia has readmission agreements with the following non-EU countries: the Republic of Armenia, the Republic of Bulgaria, the Republic of Croatia, the Principality of Liechtenstein, the Kingdom of Norway, Romania, the Confederation of Switzerland, Ukraine, the Republic of Uzbekistan. Signing of the readmission agreements with other non-EU countries, in particular the Russian Federation and Belarus, is among the top priorities of the migration policy. Latvia has applied the readmission agreements with non-EU countries only once in 2004 when a person was returned to Ukraine.⁶⁶

Since 1998, there were 141 applications for asylum. Of these eight persons have been granted the status of the refugee and nine persons – alternative status. Of nine, who had been granted alternative status, five lost the status in 2004, as they returned to their countries of origin.⁶⁷ According to the data of the State Border Guard within first six months 2005 99 illegal immigrants were deported from Latvia, in 2004 – 135 (see Table 2 in annex).

5.1.7. Legislative and administrative provisions limiting health services access to immigrant groups and asylum seekers and refugees.

The amendments to the Asylum Law effective as of 20.01.2005 provide that the asylum seeker has the right to receive medical treatment in cases of emergency and basic health services expenses of which are covered by the state. It is ensured by the regulations of the Cabinet of Ministers No 13 Regulations on Funding for Health Care of 12.01.1999 and the decree of the Ministry of Welfare No 240 Decree on Provision of Basic Health Services and Their Reimbursement of 23.08.2000.

Refugees and persons with alternative status may receive health services in accordance with the Law on Health Care which provide that foreigners and stateless persons who do not have the personal code⁶⁸ in their passports and who are not registered in the Register of Residents, but who reside in legally in Latvia, must pay for any health services received in Latvia (the Law on Health Care, Chapter IV, Article 19).

According to Article 10.8 of the Law on Asylum the asylum seeker is obliged to undergo medical screening in the interests of public health (Procedure on Mandatory Medical and Laboratory Inspection, Mandatory and Forced Isolation and Treatment in Cases of Infectious Disease (regulations of the Cabinet of Ministers No 413 of 14.06.2005)).

There is no information available that any legislative and administrative provisions have limited health service access to immigrants, asylum seekers and refugees.

⁶⁶ Information provided by the State Border Guard on 29.09.2005

⁶⁷ Information provided by the Office of Citizenship and Migration Affairs on 10.10.2005

⁶⁸ *According to the Law on the Registration of Population, persons (Latvian citizens and non-citizens), when registered in the Register of Residents, receive a unique personal code, which is transcribed in person's passport. Stateless persons and foreigners with residence permits are registered in the Register of Residence, however, they are not given personal codes.*

5.1.8. Legislative provisions for immigrant, refugees and asylum seekers from non-EU Member States regarding voting rights in municipal elections.

Despite recommendations of a number of international organizations⁶⁹ voting rights in municipal elections are restricted to citizens of EU Member States.

The Law on City Council, District Council and Rural Council Elections, in force since 17.02.1994 and including amendments adopted on 11.11.2004, provides that in the Republic of Latvia the following subjects have the right to elect council: 1) Latvian citizen; 2) citizen of the European Union who is not a Latvian citizen, but who is registered in the Population Register (Chapter 2, section 5).

After the last municipal elections in March 2005, a number of representatives of several Russian NGOs turned to the European Parliament and embassies of the EU member states located in Latvia charging that the municipal elections were not democratic because Latvian non-citizens⁷⁰ were not allowed to take part in the elections.⁷¹

5.1.9. Most significant reports related to the above legislation.

In 2005, a book “How democratic is Latvia. Audit of Democracy” was published by the University of Latvia. A number of experts evaluated legal norms and their enforcement in several areas. The first chapter “Citizenship, Law and Rights” deals with questions about political nation and citizenship, rule of law, civic and political rights, as well as economic and social rights. *The first chapter “Citizenship, Law and Rights” of the book concludes that the most serious problem in this area is the disproportionately large number of permanent residents who are not citizens (of Latvia or any other country), and the ensuing limitations to full political participation by a large share of the population. Regarding freedom of religion, the chapter notes that the state has prioritised more traditional and large-sized confessions, while the newly registered confessions have an unstable status with the need to be repeatedly registered in order to prove their loyalty towards the state.*⁷²

In 2005, the Latvian Centre for Human Rights and Ethnic Studies published its annual report on human rights in Latvia in 2005. The report includes the main developments in the fields, of minority rights, asylum seekers, citizenship and others. *The annual report of the Latvian Centre for Human Rights and Ethnic Studies does not draw any general conclusions on the situation of human rights in Latvia. Individual thematic chapters of the report draw attention to problems in specific areas. The chapter on asylum seekers and illegal immigrants expresses concern*

⁶⁹ The Parliamentary Assembly of the Council of Europe on 24.06.2005 adopted a Resolution 1459 (2005) Abolition of restrictions on the right to vote and Recommendations 1714; the Annual Report of the Committee on Elimination of Racial Discrimination on Latvia in 2003 (2005), <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/ERES1459.htm>

⁷⁰ *The status of Latvian non-citizens is defined in the Law On Those Former USSR Citizens Who Are not Citizens of Latvia or Another Country. Persons, who have been granted the status of a Latvian non-citizen, at the time when Latvia regained independence in 1992, resided in the territory of Latvia, however, did not have citizenship links with pre-war (World War II) Latvia. The Latvian non-citizen, in contrast to the stateless person, holds a passport of the Republic of Latvia (alien's passport). The fundamental rights of non-citizens are no different than those of citizens. Though there are several restrictions, for instance, non-citizens do not have the right to participate in elections*

⁷¹ “EP sūdzas par liegumu nepilsoņiem vēlēēt pašvaldības”, in: *Diena*, (04.04.2005), p. 4

⁷² Rozenvalds, J. (2005) How Democratic is Latvia. Audit of Democracy (University of Latvia), book available at http://www.politika.lv/polit_real/files/lv/Demokrat_en.pdf

*regarding the short time limits for the submission of appeal in case the refugee or alternative status has been denied and lack of clear and uniform criteria according to which asylum seekers are allowed to remain in Latvia.*⁷³

5.2. Significant initiatives/good practices for legal practitioners in 2005.

There have been a number of initiatives/good practices for legal practitioners in 2005, however, the majority of these initiatives are trainings for specific groups of lawyers and very few of them were aimed at promotion of equality measures.

On 15.02.2005, the Soros Foundation Latvia organised a seminar and a panel discussion about “Issues of Fundamental Rights in Immigration Cases.” The seminar was implemented within the framework of the Project “Analysis and Discussions on Court Judgements.” The study on immigration related court decisions in the light of Article 8 (right to family and private life) of the European Convention on Human Rights and Fundamental Freedoms was presented in the seminar.⁷⁴ Representatives of the Republic of Latvia’s Supreme Court, the International Organization for Migration in Latvia, the Office of Citizenship and Migration Affairs, the Latvian Centre for Human Rights and Ethnic Studies were the key speakers. Participants included a wide range of legal practitioners.

⁷³ Annual report of the Latvian Centre for Human Rights and Ethnic Studies (2004), <http://www.humanrights.org.lv/html/news/publications/28368.html?yr=2005>

⁷⁴ Immigration related court judgments in the light of Article 8 (right to family and private life) of the European Convention on Human Rights and Fundamental Freedoms, http://www.politika.lv/polit_real/files/lv/petijums_ect_imigr.pdf

6. Housing

6.1. The situation regarding racism and xenophobia in housing.

As in previous years, there is no publicly available evidence on discrimination and racism in housing. However, lack of publicly available evidence may not be indicative of absence of discrimination in the area. A number of opinion polls reveal that society's level of intolerance towards people of certain ethnicities and religions, such as Roma, Jews and Muslims, as their neighbours is very high.⁷⁵ The facts that Roma live in segregated areas/districts in some towns⁷⁶ and that the LNHRO sometimes receives complaints from the Latvian inhabitants who, being granted a municipal dwelling in a neighbourhood populated by the Roma, perceive it as a violation of their own human rights⁷⁷ indicate a high possibility of discrimination cases in housing area.

6.1.1 New sources of data and information.

There are no new sources of data and information available in Latvia concerning racism and discrimination, and the situation of immigrants, refugees, asylum seekers and minorities in housing.

6.1.2. Most significant official and non-official statistical data.

There is a general lack of publicly available evidence of racism and discrimination in the housing sector in Latvia, including 2005. The Central Statistical Bureau of Latvia does not collect data on housing by ethnicity, legal status, and nationality. The ethnic dimension is registered only in the data on households collected for the national census.⁷⁸ The last census was conducted in 2000. All authorities dealing with housing issues claim that they do not collect statistical data on ethnic, citizenship and legal status dimensions in housing.⁷⁹

The LNHRO has not received any complaint about discrimination in housing in 2005.⁸⁰

6.1.3. New provisions for reception centres for asylum seekers. Reports regarding these facilities.

There are no new provisions addressing specifically reception centres for asylum seekers. There are amendments to the Law on Asylum, which provide that the Cabinet of Ministers regulates the procedure on the amount of financial allowance to be provided to the asylum seeker to cover expenses for food, articles of daily necessities and hygiene.⁸¹

⁷⁵ Baltic Institute of Social Sciences (2004), *Ethnic Tolerance and Integration of the Latvian Society*, p. 65

⁷⁶ Latvian Centre for Human Rights and Ethnic Studies (2003), *The Situation of Roma in Latvia*, p. 16

⁷⁷ Information provided by the Latvian National Human Rights Office on 12.10.2004.

⁷⁸ Information provided by Social Statistical Department on 29.09.2005

⁷⁹ Information provided by representative of the Housing Development Department of the Ministry of Regional Development and Local Government on 21.09.2005, state agency "Housing Agency" on 22.09.2005, Department of Social Services and Social Assistance of the Ministry of Welfare on 22.09.2005

⁸⁰ Information provided by the Latvian National Human Rights Office on 30.09.2005.

⁸¹ Latvia, amendments to the Law on Asylum, Article 20, (20.01.2005), <http://www.likumi.lv/doc.php?id=100667>

There have been no reports by official bodies or NGOs regarding these facilities published in 2005. In 2005, the only in Latvia asylum seeker reception centre has not accommodated any asylum seeker.⁸² There have been a number of publications about the camp for illegal immigrants Olaine and the asylum reception centre “Mucenieki” in 2005. The arrival of seven undocumented Somalis, who have been placed in Olaine, received wide coverage in the media in the beginning of August.⁸³

6.1.4. Most significant reports regarding racism and discrimination in housing.

There is no information available on reports regarding racism and discrimination in housing published in 2005 by public bodies, academic researchers or NGOs.

6.2. Significant initiatives/good practices against racism and discrimination in housing in 2005.

There is no information available on any initiatives/good practices against racism and discrimination in housing.

⁸² Radovics, V. (2005) “Bēgļu centrs joprojām tukšs,” in: *Neatkarīgā*, (13.09.2005)

⁸³ Radovics, V. (2005) “Bēgļu centrs joprojām tukšs,” in: *Neatkarīgā*, (13.09.2005), Puķītis, M. (2005) “Latvijas notikums – somālieši jeb Vai iespējamās bēgļu straumes,” in: *Nedēļa*, (23.08.2005)

7. Racist violence and crimes

7.1. The situation regarding racist violence and crimes.

In 2005, Latvia has faced an increase in the number of known evident cases of intolerance on racial, ethnic and religious grounds in the Latvian society: five allegedly racially motivated incidents were reported to the police. At the same time, statements made by various actors in the public sphere (media, Internet, Parliament) became more radical and extreme.

The situation has resulted in growing concern about increased intolerance in the Latvian society by foreign diplomats and local human rights and legal experts. In July the USA Department of State posted information on racist attacks in Latvia on its homepage.⁸⁴ The same month, 180 Latvian citizens and residents signed an open letter in the leading national daily “Diena” calling the Latvian society to turn against racism, anti-Semitism and homophobia in Latvia.⁸⁵ Human rights and legal experts have begun a debate on possible gaps in effective legislation and required measures to raise the capacity of law enforcement bodies to effectively respond to hate crimes.

7.1.1. New sources of data and information. Accessibility of criminal justice data and police data on racist crime.

There are no new sources of data and information available in Latvia concerning racist violence and crime.

Data and statistics collected by the Ministry of Interior on the initiated cases are available on the web page of the Information Centre of the Ministry of Interior.⁸⁶ The data and statistics collected by the Ministry of Justice on sentenced offenders are available on the Ministry’s webpage.⁸⁷ However, the data provided by both sources do not record crime motive, including racial motivation.⁸⁸

Any private and legal person may lodge a written or verbal application with the Information Centre of the Ministry of Interior to request the data and statistics about cases under respective articles of the Criminal Law. In 2005, two media sources published a full list of cases under articles of the Criminal Law, which deal with offences on ethnic, racial and religious grounds.⁸⁹

⁸⁴ The US Department of State, http://travel.state.gov/travel/cis_pa_tw/cis/cis_947.html, (09.10.2005)

⁸⁵ “Atklāta vēstule Latvijas sabiedrībai,” in: *Diena*, (23.07.2005)

⁸⁶ The Information Centre of the Ministry of Interior, <http://www.ic.iem.gov.lv/statistika/78.php>, (09.10.2005)

⁸⁷ Statistics of the Court Rulings, <http://court.jm.gov.lv/statresult/index.html>, (09.10.2005)

⁸⁸ Latvia, Criminal Law (17.06.1998), <http://www.likumi.lv/doc.php?id=88966>

⁸⁹ Internet portal www.politika.lv, (14.06.2005), (<http://www.politika.lv/index.php?id=111486&lang=lv>) and *Latvijas Avīze* (19.07.2005)

7.1.2. Most significant relevant official and non-official statistical data or lists of incidents. Victims and perpetrators. Data on anti-Semitism and Islamophobia. Comparison and comment.

Hate speech

In the first nine months of 2005 the Security Police have initiated and/or investigated seven criminal cases for incitement to ethnic and racial hatred.⁹⁰

- In February the General Prosecutor's Office initiated a criminal case under Article 78.1 of the Criminal Law for distribution of CDs, featuring songs calling to ethnic hatred, at schools. The case was initiated on the basis of an application of two MPs. The case is under investigation, perpetrators not identified.
- In February the Security Police initiated a criminal case under Article 78.1 of the Criminal Law for posting song lyrics containing ethnic hatred on the Internet. The Security Police in their Internet monitoring discovered the lyrics. Perpetrators have not been identified yet. The case is under investigation.
- In February the Security Police initiated another criminal case under Article 78.1 of the Criminal Law for posting songs which lyrics contain ethnic hatred on the Internet. The case has been forwarded to the Prosecutors Office of the Riga Regional Court.
- In February 2005, the Security Police initiated a criminal case under Article 78.1 of the Criminal Law against two journalists of the newspaper "DDD" (Deoccupation, Decolonisation, Debolshevisation) published by the extreme right organisation Latvian National Front for incitement to ethnic hatred on the basis of allegedly anti-Semitic statements in "DDD's" publications. The Police started to look into the matter after the (now former) Parliamentary secretary of the Secretariat of the Minister for Special Assignments for Social Integration submitted a complaint about the newspaper's possible violations of the law in October 2004. In September 2005, the two journalists were released from the status of suspects because the Security Police failed to bring criminal charges against them in the time period foreseen by law.⁹¹
- In March the Security Police initiated a criminal case under Article 78.1 of the Criminal Law for publications calling to ethnic hatred posted on a personal webpage. The case has been forwarded to the Prosecutors Office of the Riga Regional Court to start prosecution.
- In April 2005, the Security Police initiated a criminal case against the daily "Chas," printed in Russian in Latvia for incitement to ethnic hatred in a number of its publications. The case was initiated on the basis of the application submitted by an MP. The MP accused the daily of propagating the supremacy of Russians over Latvians. The case is under investigation.⁹²
- At the end of July the Security Police initiated a second criminal case against two journalists of the national radical newspaper "DDD" for alleged incitement to ethnic hatred in its publications. The head of the Russian National Association asked the Security Police to examine journalists' publication where they used words "cancer cells," "occupants" and "Latvia's external enemies" when talking about Russians in Latvia.⁹³

⁹⁰ Information on all cases obtained from the Spokesperson of the Security Police on 06.10.2005 and the Information Centre of the Ministry of Interiors on 11.10.2005

⁹¹ "Drošības policija atceļ aizdomās turētā statusu laikraksta DDD veidotājiem", in: *National News agency LETA*, (09.09.2005)

⁹² Kuzmina, I. (2005) "Krimināllieta pret Čas" in: *Latvijas Avīze*, (01.04.2005), p. 4

⁹³ Rutka, A. (2005) "Drošības policija par nacionālā naida kurināšanu ierosinājusi kriminālietu pret laikrakstu DDD", in: *National News Agency LETA*, (25.08.2005)

List of incidents reported as racially motivated

In 2005, *in comparison with any other year*, there was a comparatively higher number of incidents of allegedly racial violence, namely verbal and/or physical assaults on individuals reported to the police. However, none of these incidents has been classified as a racist crime by the Security Police, since racial motivation is not singled out in Latvian legislation.

- In April a rabbi was pursued in Riga by a group of youngsters who shouted anti-Semitic slogans at him. The rabbi sought refuge in a nearby supermarket, where security guards called the police. The police decided not to start a criminal investigation because the victim had sustained no physical injuries and no *corpus delicti* could be established.
- In March, a group of skinheads assaulted a dark-skinned Indian in the street of Riga. The victim suffered blows to the head. The incident was reported to the police, and a criminal case was initiated against one of the alleged offenders. Although the victim himself was convinced of the racist motives behind the attack, the case was initiated on the grounds of hooliganism, not racism. The case has been forwarded to the Prosecutors Office.
- In June, a group of skinheads chased a dark-skinned man along the streets of the Old City while shouting offensive phrases. The victim sought refuge in a nearby restaurant. The State Police did not initiate a criminal case, arguing that the victim was not physically injured.⁹⁴ Two youth were accused of verbally abusing the dark skinned man and charged with petty hooliganism under Administrative Violations Code. On 22.08.2005 the Riga Centre District Court issued a verbal warning to the youth, thus imposing a lower penalty than foreseen by the Article.
- In July, a staff member of the U.S. Embassy in Latvia was verbally and physically abused by a group of eight young people in a street in the Old City. According to the victim, the attack was clearly racially motivated. In August police officers detained three young men who were directly involved in the incident. The State Police charged them with hooliganism under Article 231.2 of the Criminal Law. The investigation established that the youths subscribe to the ideas of the skinhead movement. The youths claimed that the assault was not planned in advance and was motivated by the wish of two young men to become a full-fledged members of the group.
- In July four men verbally abused a dark-skinned Egyptian citizen and then attacked him physically. The police detained the attackers and initiated a criminal case under Article 78.2 of the Criminal Law. It foresees up to ten years of imprisonment for committing acts intentionally directed towards instigating national or racial hatred or enmity, where they are committed by a group of persons and accompanied by violence. However, after the investigation the Security Police re-qualified charges to Article 231.2 of the Criminal Law – hooliganism leading to body injuries. The case has been forwarded to the Prosecutors Office.⁹⁵

In first ten months of 2005, three cases related to racial violence and crime initiated in previous years were concluded:

- In February, the Riga District Court issued the sentence in the case of vandalism in the Jewish cemetery in 2003. Six youngsters involved in vandalism at the Jewish cemetery were sentenced to suspended sentences up to four years in prison.
- In June, the Riga Regional Court convicted an 18-year-old man to 6 months suspended imprisonment for incitement to ethnic hatred under Article 78.1 of the Criminal Law. The young man published the lyrics of two songs containing despising attitude towards Latvians and propagating supremacy of the Russian nation on the Internet. The young

⁹⁴ Markovs, I. (2005) "Rasistisku motīvu vadīti jaunieši uzbrūk Afrolatviskās asociācijas vadītājam", in: *National News Agency LETA*, (07.06.2005)

⁹⁵ Information on all cases provided by the Security Police on 16.09.2005 and 09.10.2005.

man admitted his guilt. The case was initiated by the Security Police on the basis of the application submitted by the chair of the national radical organization Union of National Forces.⁹⁶

- In October, after a year long investigation the Security Police refused to initiate a criminal case for calls to exterminate Jews published on the web page of ultra nationalists. The Security Police claim that in the case the corpus delicti could not be established. The Security Police started investigation of the case on the application of a criminal law expert.⁹⁷

Incidents related to anti-Semitism and Islamophobia

There is not official data available on anti-Semitism and Islamophobia.

The media reported on a few incidents of vandalism at Jewish cemeteries and synagogues.

- In September police officers detained a young man who painted the graffiti on the walls of the Synagogue.
- In October, the Jewish cemetery in Liepāja was vandalised. Perpetrators have not been identified yet.

There have not been any incidents on ethnic or religious grounds reported by members of the Jewish and Muslim community to their leaders.⁹⁸

Victims and perpetrators

In all cases registered as instigations to ethnic hatred the victims are an ethnic/religious group, predominantly Latvians (5), but also Jews (1) and Russians (1).

The identities of perpetrators have not been identified in all cases regarding instigation of ethnic hatred on the Internet and distribution of CDs. In the remaining cases the accused persons are journalists from the extreme national Latvian newspaper and the daily printed in Russian.

The victims in the cases, reported as racially motivated by the victims, but registered as hooliganism by the Security Police, are people of African, Asian or Afro-American origin, visibly different from the majority. The perpetrators in all cases are groups of teenage boys and young men. In a few cases it was established that they follow the ideas of the Skinhead movement.

Leaders and members of the NGO Afro-Latvian Association “Afrolat” report on receiving threatening phone calls and e-mails and verbal racial offences addressed to them in public.⁹⁹

Comments

In 2005, the numbers of both the officially registered hate crimes and the incidents reported as racially motivated by victims have increased. In the preceding five years including 2004, there were one or two cases a year registered under Article 78 of the Criminal Law (incitement to ethnic or racial hatred). In the first nine months of 2005, the Security Police has already initiated seven criminal cases under Article 78. In previous years there was no public evidence on allegedly racially motivated attacks, while in 2005 there were five reports.

⁹⁶ Ozolnieks, E. (2005) “Jaunietim par nacionālā naida kurināšanu piespriež sešu mēnešu nosacītu cietumsodu”, in: *National News Agency LETA*, (13.06.2005)

⁹⁷ Arāja, D. (2005) “Drošības policija atsaka kārtējo lietu par nacionālā naida kurināšanu. Juristi aicina vainīgos sodīt administratīvi”, in: *Diena*, (05.10.2005), p. 1

⁹⁸ Information provided by the leaders of the Jewish and Muslim Communities on 10.10.2005

⁹⁹ Presentation of the Afrolat leader in the conference “Freedom vs. Security: How to Respond to Threats in a Democratic Way,” meetings with Afrolat members on 17.09.2005

The number of convictions under Article of 78 remains extremely low, although in 2005, there was one conviction.¹⁰⁰

There are several reasons for concern. Like in previous years the Security Police have initiated criminal cases under Article 78 of the Criminal Law if evidence is related to the printed material (press, Internet, CD). The interpretation of the legal norms entails that incidents reported by individuals on physical or verbal assaults with a racial motive have been qualified as hooliganism.

The growing number of allegedly racially motivated incidents and the response of law enforcement representatives to these incidents have initiated debates about the effectiveness of instruments provided by Latvian legislation and the capacity of police to respond to racially motivated crimes. The legal framework contains serious gaps. Article 78 of the Criminal Law is among the most important legal norms dealing with hate crime, but is restricted to incitement of racial or ethnic hatred. Law enforcement representatives and human rights and legal experts note that the major obstacle in its implementation is the high threshold of proof, requiring the proof of intent. No criminal provisions exist defining ordinary offences with a racist element as specific offences. Neither does the law define racist or hate motives as an aggravating factor. The lack of effective hate crime recording and monitoring system leads to serious underestimation of the number of hate crime. Apart from possible criminal law amendments, the possibility to provide penalties in the Administrative Violation Code have also been discussed by experts. No practical law amendments have been launched yet.¹⁰¹

7.1.3. Most significant reports on racist crime, anti-Semitism and Islamophobia.

There have not been any reports specifically on racist crime, anti-Semitism and Islamophobia published in 2005 by public bodies or NGOs.

The Baltic Institute of Social Studies published a report on possibilities of ethnic conflicts in Latvian society “Ethnopolitical Tension in Latvia: Looking For a Conflict Solution.” The study was carried out with the financial support of the U.S. Embassy to Latvia. The study focuses on the relations between the two biggest ethno-linguistic groups in Latvia – Latvians and Russian-speakers. It concludes that there are some signs of ethnic conflict in Latvia, and the basis for this conflict is the lack of agreement on issues of ethnic policy, as well as dissatisfaction of non-Latvians with ethnic policies implemented by the state.¹⁰²

7.2. Response of the police, and other criminal justice and non-criminal justice agencies to the needs of victims of racist crime. Significant initiatives/good practices.

Very little, if any, attention is paid to responding to the needs of victims of racist crime by the police and other criminal justice and non-criminal justice agencies. After the number of allegedly racially motivated incidents in Riga in summer 2005, the State Police reported that a special unit has been established to deal with such incidents. Besides, the number of policemen who patrol in

¹⁰⁰ Information obtained from the Security Police on 05.10.2005

¹⁰¹ Arāja, D. (2005) “Drošības policija atsaka kārtējo lietu par nacionālā naida kurināšanu. Juristi aicina vainīgos sodīt administratīvi,” in: *Diena*, (05.10.2005), p. 1

¹⁰² Baltic Institute of Social Studies (2005), *Ethnopolitical Tension in Latvia: Looking For a Conflict Solution*, http://www.bszi.lv/downloads/resources/Etnopol_krize/Repot.pdf

the area where all incidents of allegedly racially motivated assaults were registered was increased.¹⁰³

The Minister of Interior met with the rabbi, after information about the verbal assault on the rabbi was reported in the media, to discuss the measures to deal with intolerance and apologizes for the assault.¹⁰⁴

There were two conferences where a number of presentations were made about the situation regarding hate crime in Latvia and provided platform for discussions for public enforcement bodies, officials, NGOs and minorities.

In August the public policy forum PROVIDUS held the 6th public policy forum "Freedom vs. Security: How to Respond to Threats in a Democratic Way." The main topics of the forum were freedom of speech versus security in Latvia, practices implemented by state institutions to deal with manifestations of intolerance and the level of intolerance in the Latvian society. The Head of the Analytical Department of the Latvian National Human Rights Office presented the report "Racist Crimes in Latvia and State's Reaction." The report discussed the latest racially motivated incidents, law enforcement bodies' response to these incidents in the framework of Latvian legislation. It was concluded that legal norms dealing with racist crime should be improved.¹⁰⁵

In September the Latvian Centre for Human Rights and Ethnic Studies held the seminar "Peaceful Protests, Hate and Social Cohesion: Policy, Legislation and Law Enforcement -The Experience of Riga and Amsterdam." The seminar was organised in the framework of a three-years anti-discrimination project funded by the Foreign Affairs Ministry of the Netherlands. The leadership and police of both cities reported on their experiences, good practices and problems in the field. The Director of the Latvian Centre for Human Rights and Ethnic Studies made presentation "Racism, Hatred and Latvian Legislation in the European Context: Legal and Civil Aspects of Law." The presentation provided insight into the current situation as well as suggested specific measures to be taken to improve legislative and civil measures to deal with hate crimes.

¹⁰³ Information obtained from the State Police on 16.09.2005, "Policijas patruļas Vecrīgā uzmanīs rasistus", in: *Latvijas Avīze*, (19.07.2005), p. 1

¹⁰⁴ Ozolnieks, E. (2005) "Rabīns Glazmans: Latvijā var runāt par reliģiskās neiecietības un antisemitisma gadījumiem", in: *National News Agency LETA*, (17.06.2005)

¹⁰⁵ Biksiniece, L. (2005) "Neiecietības izraisītie incidenti Latvijā un valsts reakcija uz tiem", in: <http://www.politika.lv/index.php?id=111742&lang=lv>

List of abbreviations

AFROLAT - Afro-Latvian Association

EYHR-net - European Youth Human Rights Network

IOM - International Organization for Migration

IUMSILS - Secretariat of Minister for Special Assignments for Social Integration

LBAS - Free Trade Union Confederation of Latvia

LCHRES - Latvian Centre for Human Rights and Ethnic Studies

LNHRO – Latvian National Human Rights Office

MoES - Ministry of Education and Science Republic of Latvia

SLI – State Labour Inspectorate

OCMA - Office of Citizenship and Migration Affairs

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Annex

Table 1. Unemployed persons by ethnicity, %

Unemployed persons	2002	Resident population	2004* (31.03.2004)	Resident population** (in the beginning of 2004)	2005* (30.06.2005)	Resident population**
Latvians	50.8	58.2	51.5	58.6	51.9	58.8
Russians	35.4	29.2	33.9	28.8	33.0	28.6
Belarussians	4.7	4.0	4.5	3.9	4.1	3.8
Ukrainians	2.9	2.6	2.7	2.6	2.6	2.6
Poles	2.8	2.5	2.6	2.5	2.5	2.5
Lithuanians	1.6	1.4	1.6	1.4	1.5	1.4
Jews	0.1	0.4	0.1	0.4	0.1	0.4
Roma	-	-	0.5	0.4	0.7	0.4
Other ethnicities	1.7	1.7	1.4	1.4	1.2	1.5
Not indicated ethnicity	-	-	1.2		2.4	

Sources: * Data obtained from the State Employment Agency on May 2004 and on 12 October 2005;

** Central Statistical Bureau of Latvia <http://data.csb.lv/pxweb2004/Dialog/varval.asp?ma=04-15&ti=4%2D15%2E+PAST%C2V%CEGO+IEDZ%CEVOT%C2JU+NACION%C2LAIS+SAST%C2VS+GADA+S%C2KUM%C2+&path=../Database/gadagramata/04.%20Iedz%EEvot%E2ji/&lang=3>
(14.11.2005)

Table 2. Number of illegal immigrants by departure state deported from Latvia in 2004 and the first six months of 2005.

Departure State	2004	2005* (23.08.2005)
Russia	44	36
Ukraine	26	18
Lithuania	37	9
Estonia	4	9
Belarusian	8	6
Moldova	3	4
Georgia	4	4
Israel	1	4
Armenia	2	3
Azerbaijan	1	1
The USA	1	1
Uzbekistan	1	1
Kazakhstan	1	-
German	1	-
Slovakia	1	-
Mexico	-	1
India	-	1
stateless	-	1

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Update of the Report
October – December 2005

1. Employment

As reported in the Annual Report, there have been very few registered complaints and court cases dealing with discrimination, in particular on the grounds of ethnicity, race, language and religion in Latvia in 2005. There is no information available on court cases concerning racism or discrimination on the grounds of ethnicity, race, language and religion in the designated reporting period.¹⁰⁶

The Latvian National Human Rights Office confirmed that, in 2005, they have received two complaints on alleged discrimination on the grounds of ethnicity and language in employment. As reported in the Annual Report, the complaints were received in the first half of 2005. The representative of the LNHRO commented that the two complaints were “too vague and nothing serious” and no measures were taken.¹⁰⁷

As reported in the Annual report, in May 2005, the Ministry of Welfare announced the first call of tender for thirteen research projects within the framework of the EU Structural Fund programme “Research in the Labour Market.” One of the tender’s requirements was the inclusion of ethnic, gender and regional dimensions in outcomes of all research projects. The majority (eleven of thirteen) research projects have been launched. The average length of the projects is eighteen months. The research project, which will specifically focus on potential discrimination in the Latvian labour market, will be launched in January, 2006 and is planned to be completed in seventeen months.¹⁰⁸

In November, an international conference “Migration: Theological, Human Rights and Socio-economic Aspects” was held by the Latvian Christian Academy with the support of the European Union. The conference is a part of the European Centre’s for Workers’ Questions (EZA in its German acronym) projects. The main subjects of the conference were issues concerning the workforce migration from Latvia to other EU countries; however, a possible influx of guest workers and its consequences on country’s socio-economic and demographic situation were also discussed.¹⁰⁹

¹⁰⁶ Information provided by the Statistics Department of the Ministry of Interior on 03.01.2006

¹⁰⁷ Information provided by the Latvian National Human Rights Office on 03.01.2006

¹⁰⁸ Information provided by the Ministry of Welfare of the Republic of Latvia on 06.01.2006

¹⁰⁹ The Latvian Christian Academy, <http://www.kra.lv/english.htm>

2. Education

The LNHRO received no complaints on discrimination in education on racial, ethnic, religious grounds within the period October –December 2005.¹¹⁰

In October, a working group under auspices of the Ministry of Education and Science was established with the aim to elaborate legal norms regulating use of the language of instruction in tertiary institutions. After receiving critical comments from a number of human rights experts on the working group's proposal to regulate use of the state language not only in tertiary institutions funded by the state, but also in private higher education institutions, the working group elaborated draft amendments to the Law on Tertiary Institutions which provide that the state language is the only language of instruction at state universities. However, the draft amendments stipulate the following exceptions when programs offered by state universities may be taught in foreign languages: 1) programs for foreign students and programs implemented in the framework of EU and international co-operation; 2) up to 20% of all offered programs may be taught in one EU official languages; 3) programs, implementation of which requires use of a foreign language.¹¹¹

In December, the centre for public policy PROVIDUS presented a study “The Case for Diversity Mainstreaming in the National School System” by Maria Golubeva. The Soros foundation – Latvia provided the financial support for the study. The study focuses on understanding and implementation of diversity mainstreaming in both Latvian legal norms and practice. One of the main conclusions of the study is that there is a gap between the principles of multicultural education defined in legal documents and everyday practice in the school system. The study provides a number of recommendations for further actions, including collection of disaggregated statistics.¹¹²

¹¹⁰ Information provided by the Latvian National Human Rights Office on 03.01.2006

¹¹¹ Ministry of Education and Science of the Republic of Latvia,
<http://www.izm.gov.lv/default.aspx?tabID=2&lang=1&id=8>

¹¹² Public policy portal www.politika.lv , http://www.politika.lv/polit_real/files/lv/dazadint_en.pdf

3. Legislation

On 15 December, the amendments to the Law on the National Human Rights Office were adopted in third final reading in the Saeima. The amendments foresee the expansion of the Office's functions in the area of anti-discrimination to be the designated special body as requested by the EU Racial Equality Directive 2000/43/EC.¹¹³

On 15 December, the draft amendments to the Ombudsman Law passed second reading in the Saeima. The draft amendments foresee the transformation of the LNHRO into an Ombudsman institution and provide that Ombudsman Office staff may lodge an application with court on the behalf of the alleged victim and present person's interests at court.¹¹⁴

On 27 October, the draft amendments to the Law on Social Security passed second reading in the Saeima. The draft amendments provide definitions of discrimination, include harassment as a form of discrimination, define the types of discrimination (direct and indirect), provide prohibition of any type of discrimination on the basis of race, colour of skin, sex, age, disability, state of health, religion, political or other beliefs, social class, ethnicity, property and family status and other grounds. The main goal of the amendments is the transposition of requirements set by the EU Directive 2000/43/EC on equal treatment of all persons irrespective of their race or ethnicity.¹¹⁵

On 16 November, the Latvian National Human Rights Office opened a new unit – Discrimination Prevention Department. The key tasks of the unit are to provide support to persons subjected to discrimination, promote tolerance in society and raise public awareness about discrimination. There are four staff members in the department.¹¹⁶

On 8 December, the Saeima rejected the proposal submitted by a left-wing MP to introduce a norm to the Criminal Law, which would stipulate that an offence committed on racial grounds is an aggravating factor.¹¹⁷

¹¹³ "Paplašina Valsts Cilvēktiesību biroja funkcijas diskriminācijas novēršanā" in: *National News Agency LETA*, (15.12.2005)

¹¹⁴ "Parlaments akceptē Tiesībsarga likumu otrajā lasījumā," in: *National News Agency LETA*, (15.12.2005)

¹¹⁵ Homepage of the Saeima – Latvian Parliament, http://www.saeima.lv/steno/2002_8/st_051027/st2710.htm

¹¹⁶ Homepage of the Latvian National Human Rights Office, <http://www.vcb.lv/eng/default.php?open=jaunumi&this=221105.204>

¹¹⁷ Homepage of the Saeima – Latvian Parliament, http://www.saeima.lv/bi8/lasa?dd=LP1180_3

4. Housing

The Ministry of Welfare of the Republic of Latvia, as well as the Ministry of Regional Development and Local Government of the Republic of Latvia, the State Housing Agency possess no data on ethnic dimension in housing. The general lack of ethnic dimension in collected statistics has been already reported.

The LNHRO has received no complaints on discrimination on the grounds of ethnicity, race, language and religion in housing in 2005.¹¹⁸

¹¹⁸ Information provided by the Latvian National Human Rights Office on 03.01.2006

5. Racist violence and crime

The number of initiated hate speech cases continued growing in the designated reporting period. Besides seven hate speech cases initiated by the Security Police in the first nine months of 2005, the Security Police have initiated six more cases (hate speech cases only as well) under Article 78 of Criminal Law (“Violation of National or Racial Equality and Restriction of Human Rights”) in the period October – January, 2005:

- 1) a case concerning a letter containing statements allegedly fuelling ethnic hatred against Russians. The letter was addressed and sent to the Saeima. The case is under investigation by the Security Police;
- 2) a case concerning comments published on the internet discussion forum allegedly fuelling ethnic hatred against Russians. The case is under investigation by the Security Police;
- 3) a case concerning statements made during a TV show allegedly fuelling ethnic hatred against Russians. The case has been forwarded to the Prosecutors Office, two persons are under criminal prosecution;
- 4) a case concerning comments on the Internet allegedly fuelling ethnic and racial hatred against various racial and ethnic groups. The case has been forwarded to the Prosecutors Office. One person is under criminal prosecution;
- 5) a case concerning ethnic hatred graffiti. The case is under investigation by the Security Police;
- 6) a case concerning comments on the Internet allegedly fuelling ethnic hatred against Latvians.¹¹⁹

The Security Police refused to initiate cases under Article 78 of the Criminal Law on 16 occasions in 2005.

In the period October- January 2005, progress has been observed in processing some of hate speech cases initiated in the period 1 January – 30 September 2005.

During the whole of 2005, court issued three convicting sentences under the Article 78 of the Criminal Law “Violation of National or Racial Equality and Restriction of Human Rights.”

1. The first ruling was issued on 4 February 2005, in the case initiated against six persons for calling to ethnic hatred against Jews, including vandalism in the Jewish cemetery, in September 2003. The court found the accused guilty under various articles of the Criminal Law; five accused persons were found guilty under Article 78.2 - “Violation of National or Racial Equality and Restriction of Human Rights in a group of persons.” The sentences were suspended imprisonment, terms ranging from two to four years.

2. The second ruling was issued on 27 April 2005, in the case of a person accused in calling to ethnic hatred against Latvians in the statements published in his personal homepage in February 2003. The person was convicted under the Article 78.1 to six months suspended imprisonment.

3. The third ruling was issued on 13 June, 2005, in the case of a person accused in calling to ethnic hatred against Latvians in the song lyrics placed on the Internet in October, 2004. The court found accused guilty under the Article 78.1 and sentenced him to six months suspended imprisonment.¹²⁰

¹¹⁹ Information provided by the Security Police on 04.01.2006

¹²⁰ Information provided by the Riga Regional Court on 17.01.2006

The maximal sentence under the Article 78.1 is up to three years of imprisonment, under Article 78.2 – up to ten years of imprisonment.¹²¹

There are no publicly available or registered cases of racial/ethnic/religious violence within the period October – January, 2005.¹²²

Information about developments in two of allegedly racially motivated incidents, reported in the Annual Report 2005, became publicly available at the end of 2005. Both incidents were reported as racially motivated by victims; however, the Security Police brought charges against perpetrators for hooliganism. The final decisions in both cases raise even more concern.

1. The case of alleged racial violence against the Indian origin man was closed under the Article 5.1.2 of the Criminal Violation Code, which stipulates that “the initiated criminal case should be closed if no criminal offence has taken place.”

As reported in the Annual Report, in March, a group of skinheads assaulted a dark-skinned Indian in the street of Riga. The victim suffered blows to the head. The incident was reported to the police, and a criminal case was initiated against one of the alleged offenders. Although the victim himself was convinced of the racist motives behind the attack, the case was initiated on the grounds of hooliganism, not racism.

2. The case of alleged racial violence against an Egyptian citizen was closed by the Prosecutors Office under the Article 5.3.1 of the Criminal Violation Code, which stipulates that “Prosecutor may take a decision to refuse to initiate a case or a decision to close the criminal case, if:

1) the person has committed a criminal offence that contains features of offence under the Criminal Law, however, it has not resulted in such a damage which should be criminalized.”¹²³

As reported in the Annual Report 2005, in July four men verbally abused a dark-skinned Egyptian citizen and then attacked him physically. The police detained the attackers and initiated a criminal case under Article 78.2 of the Criminal Law. It foresees up to ten years of imprisonment for committing acts intentionally directed towards instigating national or racial hatred or enmity, where they are committed by a group of persons and accompanied by violence. However, after the investigation the Security Police re-qualified charges to Article 231.2 of the Criminal Law – hooliganism leading to body injuries.

On 26 September 2005, a weekly “Nedēļa” published an interview with a head of the Asian Studies Department of the University of Latvia about the head’s views on Islam. In his statements, the academician stated, “Islam is a deviation of Christianity’s high standards” and claimed that Islam is directly linked to hostilities. One of Muslims organisations in Latvia - the Latvian Association of Muslims - sent a letter to the administration of the University of Latvia asking the resignation of the head of the Asian Studies Department of the University of Latvia. The Latvian Association of Muslims stated that the interpretations of Islam in the academician’s interview with the magazine “Nedēļa” of 26.09.2005 incite religious hatred and enforce stereotypes about Islam. The administration of the University of Latvia responded, “there are [in the interview] no signs of religious intolerance” and announced that it will not take any measures against the academician. The Minister of Education and Science believed that the statements may

¹²¹ Criminal Law, <http://www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13709>

¹²² Information provided by the Security Police on 04.01.2006, information provided by leaders of the Afrolat and a Muslim organisation 04.01.2006

¹²³ Information provided by the Prosecutors Office on 11.01.2006

not serve as grounds for dismissal, however, the academician should have been more cautious with expressing his personal views in public.¹²⁴

On 16 November, the Secretariat of the Special Assignments Minister for Social Integration in co-operation with state and non-governmental institutions and the campaign of the European Commission “For Diversity. Against Discrimination” held a number of activities within the framework of the International Tolerance Day. The IUMSILS presented awards to participants of the youth essay contest “Promote Tolerance! Support Understanding! What Can I Do to Prevent Racism, Xenophobia, Sexism and Other Forms of Intolerance?” and the journalist contest “Zebra.” Besides, high school students could attend the Synagogue of the Riga Jewish Community. The public portals www.politika.lv and www.dialogi.lv organised an online Internet survey about the level of tolerance in society.¹²⁵

On 15 November, a conference “Family, Marriage and Harmony in Society in the Context of Diversity and Intolerance,” was held by the Latvian Association of Anthropologists. The main focus of the conference was on intolerance towards sexual minorities in Latvia, however, some presentations were devoted to intolerance as such and intolerance on racial and ethnic grounds. The presentations are available at the public policy portal www.politika.lv in Latvian.¹²⁶

In December, a survey “Views on Interethnic Relations in Latvia” was presented. The survey was conducted by the public internet portal www.dialogi.lv in co-operation with the marketing and public opinion research centre *SKDS* and NGO *The Baltic Forum* with the aim to study the views of Latvia’s residents regarding ethnic issues, particularly related to relations between Latvians and Russian speakers. According to the results of the survey, only a small portion of respondents would support radical political movements or radical solutions in ethnic issues. The survey also revealed views of two biggest ethnic groups – Latvians and Russians – about each other.¹²⁷

¹²⁴ Jakovļeva, I, “Musulmaņu kopiena pieprasa uz laiku atbrīvot LU lektoru Taivānu,” in: *National News Agency LETA* (10.11.2005)

¹²⁵ European Commission Anti-discrimination web page, <http://web20.s112.typo3server.com/3313.0.html>

¹²⁶ Public policy portal [politika.lv](http://www.politika.lv), <http://www.politika.lv/index.php?id=111251&lang=lv>

¹²⁷ Public policy portal www.dialogi.lv, http://www.dialogi.lv/pdfs/atskaite_082005_dialogi.pdf

6. Conclusions

There have been no big changes or new statistics available in the designated reporting period, which would lead to the significantly different conclusions as stated in the Annual Report. However, some positive developments, as well as stabilisation of some tendencies observed in the first nine months of 2005 should be noted.

There are few positive developments within the designated reporting period regarding public anti-discrimination bodies: in the fall 2005 Latvia established the first two specialised anti – discrimination units - the Discrimination Prevention Department under the Latvian National Human Rights Office and the Department for the European Policy of Non-discrimination under the Secretariat of Special Assignments Minister for Social Integration. However, it is too early to make any judgements regarding work of these units.

The speed of transposition of anti-discrimination legal norms set in the Racial Equality Directive 43/2000/EC and the Employment Framework Directive 78/2000/EC into national legislation remained unreasonably slow – a progress was observed concerning the adoption of the draft amendments to two out of eight laws: the amendments to the Law on the National Human Rights Office passed final reading in the Saeima and the draft amendments to the Law on Social Security passed second reading in the Saeima.

The number of hate speech cases initiated by the Security Police continued growing – the Security Police initiated six more cases. Although it is the highest ever number of initiated criminal cases under Article 78 of the Criminal Law, it definitely does not cover all manifestations of hate speech.

The first publicly known alleged manifestation of Islamophobia was registered in the designated reporting period October – December, 2005.