

# Minority Protection in Latvia

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# Minority Protection in Latvia

## I. Executive Summary

Latvia has one of the highest proportions of minorities in Central and Eastern Europe: ethnic non-Latvians constitute more than 42 percent of the total population of 2.4 million; 29.4 percent of all residents are ethnic Russians.<sup>1</sup> Evaluation of the development of the minority situation in Latvia is far from simple, as recent years have witnessed progress in some areas and deterioration in others. Nevertheless, despite the inherent strains of balancing the rights of the large Russian-speaking minority with those of ethnic Latvians, Latvia has thus far managed diversity peacefully.

A decade after independence, citizenship continues to affect the rights of minorities in Latvia. Despite a jump in the naturalisation rate following liberalisation of the Law on Citizenship in 1998, Latvia still has about 550,000 stateless “non-citizens”, 547,515 of whom are ethnic non-Latvians.<sup>2</sup> By February 2001, only 40,000 of these former citizens of the Soviet Union, who are not citizens of Latvia or any other state, had undergone naturalisation. Nevertheless, in 2000 the number of applications for naturalisation actually dropped,<sup>3</sup> suggesting that complete resolution of the citizenship problem is unlikely in the near future.

Lack of citizenship has led directly to significant under-representation of minorities at both the parliamentary and municipal levels. Language requirements for political candidacy exacerbate this situation, in breach of Latvia’s international commitments, as recently noted by the UN Human Rights Committee. Municipal boards in many cities where minorities live in substantial numbers are overwhelmingly ethnic Latvian in composition,

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<sup>1</sup> Data of the Population Register as of 1 January 2001, see <<http://www.np.gov.lv/fakti/>> (accessed 17 June 2001). Depending on the context and/or the source of information, the terms “Russian-speaking minority”, “ethnic Russians”, and “ethnic minorities” are used variously in this report to refer to the large number of non-ethnic Latvians resident in Latvia, most of whom speak Russian as their first language. For a breakdown of the population by citizenship and ethnicity, see Appendix A.

<sup>2</sup> Population Register, 2001. See Appendix A.

<sup>3</sup> According to the Naturalisation Board, there were 10,692 applications in 2000 as against 15,170 in 1999. See <[http://www.np.gov.lv/fakti/stat\\_uznemti\\_98.htm](http://www.np.gov.lv/fakti/stat_uznemti_98.htm)> (accessed 17 June 2001).

and key civil service positions are rarely, if ever, occupied by Russian speakers. This situation has permitted the passage of a number of laws and provisions, which restrict certain political, social and economic rights and opportunities for non-citizens.<sup>4</sup>

Language is an especially important minority rights issue, since about 38 percent of the Latvian population does not speak Latvian as a first language.<sup>5</sup> Current legislation and practice reinforce the position of the Latvian language, while placing limits on the use of minority languages in education, radio and television, state employment and communications with public administrative bodies. The adoption in 2000 of a new Law on the State Language and implementing regulations met with guarded approval from the OSCE High Commissioner on National Minorities, who cautioned that the regulations would require future review.<sup>6</sup> The new regulations represent progress insofar as they delimit more precisely the extent to which the state can regulate language use in private enterprises and employment, events and public displays. However, the law explicitly declares all other languages (including those spoken by minorities) to be foreign and prohibits their use in communication with public bodies. This has created significant practical difficulties for some of the most vulnerable groups among Russian-speakers, such as pensioners, the unemployed, and prisoners.

While requiring Latvian language proficiency for most public sector and some private sector jobs, the state has not provided language training commensurate with the demand this necessarily creates. Lack of Latvian language proficiency has not only contributed to under-representation of ethnic Russians in decision-making bodies and state bureaucracies, but also to higher rates of minority unemployment.<sup>7</sup> Latvian legislation still regulates language use in private electronic media, requiring that no less than 75 percent of airtime be broadcast in the State language. On 14 June 2001, parliament introduced a series of fines for a variety of language offences including “disrespect for the state language.”

Education reform has been particularly controversial. The 1998 Law on Education envisions a shift to Latvian language instruction in all state-funded secondary and vocational

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<sup>4</sup> National Human Rights Office, *Opinion on Differences Between Rights of Citizens and Non-citizens*, Riga, December 1996, unpublished document (on file with the EU Accession Monitoring Program).

<sup>5</sup> Central Statistical Bureau of Latvia, “Provisional Results of the 2000 Population Census”, Riga, 2001. Data on “Population by ethnic nationality and more widespread language skills”, p. 39.

<sup>6</sup> In a press statement issued on 31 August 2000, OSCE High Commissioner on National Minorities Max van der Stoep stated that the regulations were “essentially in conformity with both the Law and Latvia’s international obligations” but that “certain specific matters will have to be reviewed upon Latvia’s anticipated ratification of Framework Convention for the Protection of National Minorities.”

<sup>7</sup> See A. Aasland, *Ethnicity and Poverty in Latvia*, Riga, Jumava, 2000.

schools by 2004, an eventuality noted with concern by the UN Committee on the Elimination of Racial Discrimination (CERD).<sup>8</sup> The law was adopted without consultation with minorities and the government has not as yet allocated sufficient funding to ensure the teacher training necessary for smooth transition. The law also discriminates against private minority language schools by excluding them as possible recipients of state subsidies.

Latvia lacks comprehensive minority rights legislation and has thus far failed to ratify the Framework Convention for the Protection of National Minorities (FCNM). Moreover, Latvia's anti-discrimination legislation is not in conformity with the requirements of the EU's Race Equality Directive. While the Constitution contains a general guarantee of equality and a number of laws contain provisions banning discrimination, these provisions are very difficult to invoke and anti-discrimination litigation is rare. There is no official body for monitoring minority protection, although civil society organisations have recorded numerous allegations of rights violations.

The EU accession process in general, and the European Commission in particular, have been instrumental in promoting the integration of minorities in Latvia, particularly in encouraging liberalisation in the areas of naturalisation and language legislation.<sup>9</sup> Enthusiasm to join the EU cuts across party lines and the Commission's voice is thus respected and heeded. However, while the Commission has consistently emphasised the importance of respect for minorities in Latvia, it has often chosen to do so in non-public fora, thus minimising the general public's awareness of, and ability to react to, these important interventions.

The Commission's Regular Report 2000 is highly descriptive, evaluative and even prescriptive with regard to the economic and administrative criteria, whereas Latvia's policies towards minorities are described only in broad strokes.<sup>10</sup> Latvia's accession priorities, as described in the 1999 Accession Partnership, are brief and arguably do

<sup>8</sup> *Concluding observations of the Committee on the Elimination of Racial Discrimination: Latvia*. 12 April 2001. CERD/C/304/Add.79, 2001, para. 18, <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/77873b5107fa32b38025686b00522802?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/77873b5107fa32b38025686b00522802?Opendocument)> (accessed 17 June 2001).

<sup>9</sup> In autumn 1999, the Commission forwarded a confidential letter to the Latvian government, criticising the draft Language Law for incompatibilities with EU principles – not in respect of minority protection, however, but over principles of free movement of goods. OSI Roundtable, Riga, 16 March 2001.

<sup>10</sup> For example, the report mentions that “[t]he Latvian Parliament decided in May 2000 not to ratify the Council of Europe Framework Convention for the Protection of National Minorities for the moment due to inconsistencies between Latvian legislation and certain provisions of the Convention”, but there are neither evaluations nor recommendations offered with regard to this decision. *2000 Regular Report on Latvia's Progress Towards Accession* (hereafter *2000 Regular Report*), p. 20.

not reflect the major concerns of Latvia's minorities.<sup>11</sup> Although the Commission bases its evaluations of government compliance with the political criteria largely on the assessment of other bodies, notably the OSCE and the Council of Europe, it has, in the view of some, lent little public support to the concerns expressed by these bodies.<sup>12</sup> Thus, the important Commission assessment in 2000 that Latvia has met its accession priorities in the area of language legislation, echoes the OSCE opinion, but without the latter's caveat.<sup>13</sup> Absent the requisite nuance, the Commission's relatively cursory public statements are susceptible to misinterpretation, particularly by those seeking endorsement of existing government policies.

By contrast, the EU-Latvian Joint Parliamentary Committee – established to monitor the progress of Latvia's integration into the EU – has three times called upon Latvia to ratify the FCNM.<sup>14</sup> Most recently, the Joint Committee also called on Latvia to “ensure development of the national minority education system in Latvia, and to establish conditions for adequate teaching of the state language within this system.”<sup>15</sup>

Substantial EU funding allocated for facilitating the integration of Latvian society has been rendered less effective by a lack of transparency in distribution. The “Program to Accelerate the Integration of Minority Groups” was allocated € 1 million in 1998 and € 0.5 million in 1999. However, since the management of these funds is entirely in the hands of government bodies, there is very little evidence available to the public of how funds have been spent and to what effect. Civil society in general, and minority NGOs in particular, are not recipients of these funds.

Decisions taken by EU member states also affect the integration of minorities in Latvian society. For example, all member states have signed bilateral treaties establishing

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<sup>11</sup> The primary political priority is the “integration of non-citizens including language training and provide necessary financial support.” Fears among Russian speakers that, inter alia, teaching in minority languages may be threatened are not addressed (DG Enlargement, *Latvia: 1999 Accession Partnership*, p. 4; p. 7). The priority is evaluated as “partially met” due to a continuing shortage of Latvian language teachers. See *2000 Regular Report*, p. 105.

<sup>12</sup> OSI Roundtable, Riga, 16 March 2001.

<sup>13</sup> DG Enlargement, *Latvia: 1999 Accession Partnership*, p. 4, “align the Language Law with international standards and the Europe Agreement.” *2000 Regular Report*, p. 23: “[b]oth the Language Law and the implementing regulations are now essentially in conformity with Latvia's international obligations. Furthermore, neither the Language Law itself nor the implementing regulations contain provisions that are manifestly incompatible with Latvia's obligations under the Europe Agreement.”

<sup>14</sup> In February and September 2000, and in February 2001.

<sup>15</sup> EU-Latvia Joint Parliamentary Committee, *Declarations and Recommendations*, 19 September 2000, JPC/Latvia/JJG/mal, Art. 16.

visa-free travel with Latvia, but only Denmark has extended this regime to include non-citizens. This amounts to a form of indirect discrimination – by restricting the right to free movement of Latvia’s minorities – and does not encourage the Latvian government in the direction of “respect for and protection of minorities.”

## II. Background

Latvia's substantial minority population is dispersed throughout the country, particularly in urban areas, forming majorities in some cities, including the capital Riga (c. 60 percent) and the second largest town, Daugavpils (c. 84 percent). However, the demographic contours are essentially linguistic rather than ethnic – the population breaks down to approximately 60 percent Latvian-speakers, with the remainder mainly Russian-speakers.<sup>16</sup> A lingering consequence of Soviet language policy is asymmetric bilingualism, wherein almost all Latvians are bilingual speakers of Latvian and Russian, while many Russian-speakers remain monolingual speakers of Russian. Even in 2000 the overall share of the population with a command of Latvian (81.7 percent) was lower than that with a command of Russian (84.4 percent).<sup>17</sup>

Since independence in 1991, Latvia has struggled with the challenge of promoting a new national identity in a manner which fully acknowledges the aspirations of its substantial Russian-speaking minorities. In no other field has this been as difficult or fundamental as that of citizenship. A 1991 resolution restoring citizenship only to persons who had been citizens of Latvia between the First and Second World Wars and their descendants, denied automatic citizenship to all others.<sup>18</sup> Although the resolution was not explicitly ethnicity-based, it disproportionately impacted ethnic non-Latvians, many of whom arrived in Latvia after 1945. More than 60 percent of the large ethnic Russian minority was affected – compared with only 1.6 percent of ethnic Latvians.<sup>19</sup> A recent report by UN CERD underlines the apparently indirect discriminatory effect of this regulation: “more than 25 per cent of the resident population, many of them belonging to non-Latvian ethnic groups, have to apply [for citizenship] and are in a discriminatory position.”<sup>20</sup>

Four years passed before a framework for the naturalisation of non-citizens was finally established with the entry into force of the Law on Citizenship in 1995. However, the law introduced a complicated “age windows” timetable for application, whereby only those born in Latvia and aged between 16 and 20 could apply first. Others, including

<sup>16</sup> A. Kamenska, *The State Language in Latvia: Achievements, Problems and Prospects*, Latvian Center for Human Rights and Ethnic Studies, Riga, 1995, p. 66. About 5 percent of families use languages other than Latvian and Russian as a first language.

<sup>17</sup> Central Statistical Bureau of Latvia, “Provisional Results of the 2000 Population Census”, Riga, 2001. Data on “Population by ethnic nationality and more widespread language skills”, pp. 36–41.

<sup>18</sup> Resolution On The Renewal of the Rights of Citizens of the Republic of Latvia and Fundamental Principles of Naturalisation, Adopted 15 October 1991.

<sup>19</sup> See E. Vebers (ed.), *The Ethnic Situation in Latvia (Facts and Commentary)*, Riga, 1994, p. 4.

<sup>20</sup> CERD/C/304/ADD.79, 2001, para. 12.



children born in Latvia to non-citizens, and elderly non-citizens, had to await their “window”, the last of which is to “open” in 2003.<sup>21</sup> Amendments passed in a 1998 referendum abolished the system and granted all stateless children born in Latvia since 21 August 1991 the right to receive Latvian citizenship by request of their parents. The amendments were in line with European Commission recommendations in its 1997 Opinion, that “the system no longer appears warranted” and that “the Latvian authorities must consider ways to make it easier for stateless children born in Latvia to become naturalised.” The 1998 referendum had the Commission’s full backing.<sup>22</sup>

Central to the current naturalisation process is a language requirement, measured by a written and oral test. Would-be citizens also have to pay a fee, fulfil a residency requirement, pass a history test, demonstrate a general understanding of fundamental legislation, and make an oath of loyalty to the state. Dual citizenship is prohibited.

Abolition of the much criticised “age-windows” system in 1998 led to a jump in citizenship applications the following year, but the rate of applications remains low and actually fell from a high of 15,183 in 1999 to 10,692 in 2000 (see Table 1). The low naturalisation rate has been recognised as a problem by the Council of Europe, whose Parliamentary Assembly recommended “more encouragement to non-citizens to take the language tests, by, for instance, running media campaigns.”<sup>23</sup> Likewise, the European Parliament has called for “streamlining [the] naturalisation procedure and us[ing] every opportunity to create an environment which encourages people to apply for Latvian citizenship,” declaring that “for the accession process to be successful, the number of people taking Latvian citizenship will have to increase markedly.”<sup>24</sup> The European Commission has consistently called for acceleration of the naturalisation process in its Progress Reports.<sup>25</sup>

<sup>21</sup> According to the 1995 Law on Citizenship, persons born in Latvia and aged 16–20 could apply from 1 January 1996; new windows, depending on age with the youngest first in line opened yearly through January 2000. Those born outside Latvia had to wait until 2001 for their applications to be considered, and until 2003 if they were over 30. Law on Citizenship, Art. 14(1).

<sup>22</sup> *Commission Opinion on Latvia’s Application for Membership of the European Union, 15 June, 1997*. The Opinion notes: “[t]he system of age brackets, initially devised as a way of preventing the administration from being overwhelmed by a flood of applications, has had an inhibiting effect. Given this ‘shortage’ of applications for naturalisation, such a system no longer appears warranted.”

<sup>23</sup> PACE Information report, Doc. 8426, 24 May 1999.

<sup>24</sup> *Report on Latvia’s Application for Membership of the European Union and the State of Negotiations*, European Parliament Session document A5-0239/2000, 15 September 2000.

<sup>25</sup> In its 1997 Opinion, the Commission concluded that “measures need to be taken to accelerate the rate of naturalisation of Russian-speaking non-citizens to enable them to become better integrated into Latvian society.” The passage was subsequently cited among the political criteria for accession in 1998 and 1999 regular reports. The Commission recently observed that “to facilitate and promote the integration of non-citizens, the effectiveness of Naturalisation process needs to be maintained.” *2000 Regular Report*, p. 24.

*Table 1*  
**Naturalisation from 1995 until 31 December 2000**

	1995	1996	1997	1998	1999	2000
Applications	2,856	2,572	3,030	5,590	15,170	10,692
Citizenship granted <sup>26</sup>	984	3,016	2,993	4,439	12,427	14,900
Including their underage children	33	138	167	305	2,073	2,416

SOURCE: Data of the Naturalisation Board

A 2000 survey revealed that 33 percent of interviewed non-citizens consider the naturalisation process a humiliation.<sup>27</sup> According to the survey, the primary reasons for low applications were lack of confidence in the ability to pass exams in Latvian language (59 percent) and history (54 percent), as well as inability to pay the naturalisation fee (47 percent),<sup>28</sup> which, at 30 Lats (c. € 55), was unaffordable for many candidates in a country where the minimum monthly wage is € 110.<sup>29</sup> In a clearly positive move, the Cabinet of Ministers has recently reduced the basic fee to 20 Lats (c. € 36), and reduced or eliminated fees for some categories.<sup>30</sup> Lack of information is another problem: 70 percent of those who doubt their ability to pass exams are unfamiliar with the examination requirements.

<sup>26</sup> Higher figures for 2000 reflect the time lag from point of application to receipt of citizenship (about 6 months).

<sup>27</sup> This observation was supported by research conducted by the Baltic Data House in August 1997: "Generally, respondents in all age groups perceive the non-citizen's status as an insult which makes you feel inferior, while the naturalisation procedures are perceived as humiliating and discriminatory." Baltic Data House, *Towards a Civic Society: Main Findings*, Riga, 1997, p. 8.

<sup>28</sup> Baltijas Datu Nams, *Projekts "Cela uz pilsonisko sabiedrību 2000", Atskaite* (Project "On the Road to Civic Society 2000", Report), Riga, 2000. Unless referred otherwise, data mentioned in this paragraph comes from this survey.

<sup>29</sup> Regulation No. 103 (adopted 6 March 2001) raised the minimum monthly wage from 50 to 60 Lats (€ 109) as of 1 June 2001. According to the European Commission, in 2000 "...the lack of language proficiency and the application fees remain obstacles to naturalisation." *2000 Regular Report*, p. 21.

<sup>30</sup> Governmental Regulations on the Naturalisation Application State Fee, adopted on 5 June 2001, Arts. 2–5. Fees for pensioners, some disabled persons, students at vocational and general schools, and universities, unemployed persons, and those on the minimum wage, members of families with three or more children. Orphans, persons in state care and "politically repressed persons" are relieved from paying.

Astonishingly, about one third of interviewed non-citizens do not plan to apply for citizenship, because they do not see any reason to become a citizen (36 percent). It has been suggested that a degree of mistrust towards, and alienation from, the state has grown among non-citizens in recent years.<sup>31</sup> Clearly, all possible measures should be taken to encourage faster naturalisation, including preparatory training for applicants, easing requirements for certain categories of applicants, and information campaigns through the media.

The Department of Citizenship and Immigration is responsible for registering residents and issuing non-citizens passports. General mistrust among minorities towards the state and its policies can to a great extent be attributed to a series of Department decisions six-seven years ago not to register residents or issue passports to non-citizens. Although courts frequently overturned these decisions, the Department repeatedly refused to implement the court's rulings.<sup>32</sup> While precise data are unavailable, the overwhelming majority of such cases involved minorities. Non-inclusion in the Registry of Residents deprives individuals of legal status on the territory of Latvia, and thus severely restricts access to a number of vital rights, including rights to legal employment, social assistance (including pension, childcare, sickness and unemployment benefits), travel, health care and the registration of marriages and births.

The gap between the Latvian and non-Latvian populations is further reflected in the media. The print media is practically divisible into Latvian and Russian language publications, differing markedly in content, tone, opinion and information sources. The mainstream Latvian-language press tends to ignore minorities and rarely presents minority concerns and viewpoints. Occasionally Russia and the Russian-speaking minority are portrayed negatively, although there are no studies on the frequency of this phenomenon. The Russian-language press, meanwhile, tends to be highly critical towards authorities, especially with respect to areas such as citizenship, registration, language and education policy. Historical issues, especially related to World War II, are also frequently treated differently in Latvian- and Russian-language press outlets.

Instances of speech indicating intolerance or contributing to stereotypes have been recorded in both the Latvian and Russian language press. Mainstream Latvian newspapers sometimes publish readers' letters featuring racial enmity. Russian-speakers are depicted

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<sup>31</sup> A. Antane, B. Tsilevich, "The Problem of Citizenship in Latvia", in *Managing Diversity in Plural Societies: Minorities, Migration and Nation-Building in Post-Communist Europe*, Forum Eastern Europe, Nepean, 1998. p. 44. See also Forced Migration Projects, pp. 42, 66–67.

<sup>32</sup> Unpublished data of the Latvian Human Rights Committee. See also "Violations by the Latvian Department of Citizenship and Immigration", *Helsinki Watch*, Vol. 5, No. 19, October 1993.

as “aliens”, people with a totally different culture and lifestyle, hostile towards ethnic Latvians and their language, culture and lifestyle.<sup>33</sup> The very presence of Russian speakers is sometimes seen as a danger to the continued existence of Latvians and independent statehood.<sup>34</sup> More egregious examples of hate speech are the preserve of low circulation papers, representing politically marginalised groups.<sup>35</sup> Perhaps the most notorious is the overtly National Socialist *Latvietis Latvija* (“A Latvian in Latvia”) which has issued calls to reject “the Zhids’ [a pejorative term for Jews] glorification of cosmopolitanism and demands of Russians for integration...” and “take up arms against those ‘Van der Stoels’, who arrive to destroy our nation and state...” The Constitutional Protection Bureau (an independent institution), initiated criminal proceedings against the paper in June 1999, but found no violation and the case was closed in summer 2000.

Hostile views are not confined to Latvian language publications. In January 2000, the Latvian Regional Organisation of Russian National Unity, a neo-Nazi group modelled on a group based in Russia, published an underground newsletter entitled *Za Russky Poryadok* (“For a Russian Order”). One article derided perceived Latvian sympathy for the Chechen cause, noting “if someone wants to fight with Russians, there is no need to go so far. WE ARE ALREADY HERE!” Another article asserted that in 1940 “our fathers once again returned here and only took back what has always belonged to Russia by right.”<sup>36</sup>

<sup>33</sup> An example from the mainstream *Lauku Avize* (“The Rural Newspaper”), “Latvia is the only country in Europe so depressingly flooded with strangers.” *Lauku Avize*, 7 September 2000. Another from *Nacionala Neatkariba* (“National Independence”): “Russia still threatens the existence and security of the whole world, being pride of its military power, but not being able to cover its own material and spiritual nakedness, poverty and stupidity,” *Nacionala Neatkariba*, February 1998.

<sup>34</sup> For example, on 20 December 1999 *Universitates Avize* (“the Newspaper of the University of Latvia”) published an extensive interview with a director of the publishing company Vieda (“Wisdom”) who declared: “the enemy of the Latvian nation is such a foreigner, who does not accept the will of the ethnically Latvian nation on the territory of Latvia... [and] who demands that the state finance education in foreign languages... Every nation, state has a right to use force against enemies, if they do not want to give up an invasion voluntarily.” A call for prosecution against the publisher was turned down by the prosecutor. Conclusion by Mr. Lejietis, sub-inspector of the Bureau for the Protection of Constitution, 25 February 2000.

<sup>35</sup> Issues No. 15 and 21 of *Latvietis Latvija*. Russian publications are not immune from such posturing: during the NATO strikes on Serbia in 2000, the Russian National Bolsheviks’ paper *Generalnaja Linija* (“General Line”) asserted that “in order to help the Serbs, it is not necessary to go to Yugoslavia... Vietnam on every corner. Yugoslavia on every corner.” See Issue No. 10 of *Generalnaja Linija*.

<sup>36</sup> Another paper, *Tribunal*, the newsletter of the Victory Society (Obshchestvo pobedy, established in April 2000 as a front for the Russian National Bolshevik Party), has glorified violence. For example, issue No. 4 has an article about Lattelekom, the Latvian telecommunications monopoly, entitled “Lattelekom should be bombed.” In August 2000 criminal proceedings were launched against the *Tribunal* editor and publisher for propagating violence and inciting national hatred – there was no clear outcome at the time of writing. See Latvian Centre for Human Rights and Ethnic Studies, *Human Rights in Latvia in 2000*, Riga, 2001, p. 44.

Some public officials – and particularly members of the Fatherland and Freedom party – have made statements cultivating intolerance and prejudice towards Russian speakers and questioning their loyalty. Though Fatherland and Freedom is a member of the ruling coalition, no steps have been taken by other coalition partners to counter anti-Russian remarks by members of this party. The recurring theme of these statements is that non-citizens in Latvia are “occupants and colonists” who should leave rather than integrate. Thus, on 23 November 1997 in an interview on the state TV program *Panorama*, Mrs P. Lace, then Vice-President of the party and since 2000 a Member of Parliament, declared “all non-citizens will have to leave Latvia before 2002. Yes, it will happen. Those are not just words.”<sup>37</sup> More recently, another Member of Parliament, Mr. J. Vidins, carried a poster referring to non-citizens as “colonists, speculators, panderers, gangsters and other rag-tags!”<sup>38</sup>

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<sup>37</sup> An appeal for criminal investigation on the grounds of incitement of ethnic hatred by MPs from the opposition Socialist party to the prosecutor was declined, although she was issued a warning.

<sup>38</sup> *Diena* (“The Day”, a daily newspaper), 14 October 1999.

### III. Minority Rights: Law and Practice

#### *International Instruments*

Latvia has signed and ratified a number of internationally binding treaties protecting the rights of minorities, with the notable exceptions of the Framework Convention on the Protection of National Minorities (FCNM), the European Convention on Nationality and the European Charter on Regional and Minority Languages.<sup>39</sup>

Although the FCNM was signed on 25 May 1995, in March 1999 a high ranking Ministry of Justice official argued that “ratification of the Framework Convention for the Protection of National Minorities is not possible in the immediate future due to [Latvia’s] peculiar ethno-demographic situation. [Ratification] could even be dangerous for the further development and welfare of ethnic Latvian people as well as for non-Russian minorities (Polish, Belarussian, Roma etc.), therefore we believe that signature of this Convention was itself a mistake.”<sup>40</sup>

A draft ratification bill was rejected by the Saeima (Parliament) in May 2000, attracting only 15 of 100 parliamentary votes. Rejection was justified on technical grounds, including the quality of translation of the Convention’s text. MPs of the ruling coalition maintained that Latvian laws already guarantee equal rights to all nationalities living in the country, and further made reference to Latvia’s “special demographic situation”.<sup>41</sup> The opposition party, “For Human Rights in United Latvia”, submitted a draft ratification bill a second time, but Parliament rejected it on 8 March 2001 (only 17 MPs voted for the bill).<sup>42</sup> While calling on MPs to reject the bill, a representative of the ruling coalition, Inese Birzniece (Latvia’s Way party), again stated that the quality of translation was poor, that it was not clear which state institution would be responsible for implementing the Convention or which groups it would apply to, and that Latvia’s ethno-demographic situation had been formed “in an unnatural way”.<sup>43</sup>

However, the real barrier to ratification is the incompatibility of a number of Latvian laws with the norms of the Convention, especially the prohibition on the use of minority

<sup>39</sup> See Appendix A to Overview Report.

<sup>40</sup> *Par pievienosanos Visparejai konvencijai par minoritatu aizsardzibu* (“Opinion Regarding Possible Joining [of] the Framework Convention for the Protection of National Minorities”) – internal document forwarded to the Government and particularly to the Latvian Prime Minister, Mr. G.Krasts. Document No. 427107-960. The Ministry had been asked for an evaluation by the Cabinet of Ministers.

<sup>41</sup> *Latvijas Vestnesis* (“The Official Gazette”), 16 May 2000. An account is given in *Minority Issues in Latvia*, No. 15, <<http://raoon.riga.lv/minelres/archive/05222000-20:04:24-4590.html>> (accessed 17 June 2001).

<sup>42</sup> *Chas* (“The Hour”, a daily newspaper), 9 March 2001.

<sup>43</sup> *Chas*, 9 March 2001.

languages in state and municipal institutions, and the envisioned liquidation of all state- and municipally-funded secondary and vocational education in minority languages (see below). In 2001, Council of Europe Report noted that “Although the Latvian parliament has not yet ratified [FCNM], the current situation is covered by the 1969 Vienna Convention on the law of treaties, to which Latvia became a party on 4 May 1993. According to this convention, a State is obliged to refrain from acts which would defeat the object and purpose of a treaty when it has signed that treaty.”<sup>44</sup>

Regarding the adoption of regulations implementing the Latvian Law on the State Language on 31 August 2000, the OSCE High Commissioner on National Minorities stated that “certain specific matters will have to be reviewed upon Latvia’s anticipated ratification of Framework Convention for the Protection of National Minorities.”<sup>45</sup> The OSCE Latvian mission notes that “[i]t has been said that the problem with ratification [of the FCNM] is that it would require a revamping of some laws including the State Language Law, and it would result in regional bilingualism of sorts in some areas. Nonetheless some of the difficult provisions of the Convention are already being locally implemented.”<sup>46</sup> Ratification of the Framework Convention nevertheless remains a priority, as is harmonisation of legislation with Convention provisions, particularly with regard to the use of minority languages before public authorities in areas inhabited by minorities in sufficient numbers, providing education through minority languages and lifting existing restrictions on privately owned broadcasting in minority languages.

### *Domestic Legislation*

The 1922 Constitution, restored in July 1993, was amended on 15 October 1998 by the Saeima to incorporate a chapter on “Fundamental Human Rights”. Article 114 of this chapter provides that “persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity.”<sup>47</sup>

The Law on Unrestricted Development of National and Ethnic Groups of Latvia and the Rights to Cultural Autonomy was passed on 19 March 1991 by the Supreme Council (Latvia’s pre-1993 Parliament). The law predates the basic UN and European minority rights instruments and was seen by a number of minority NGO activists as

<sup>44</sup> *Honouring of obligations and commitments by Latvia*, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe Report, Doc. 8924 (10 January 2001), para. 21.

<sup>45</sup> Statement of the OSCE High Commissioner on National Minorities, 31 August 2000. See *Minority Issues in Latvia*, No. 19, <<http://racoon.riga.lv/minelres/archive/09012000-18:08:59-13484.html>> (accessed 17 June 2001).

<sup>46</sup> Report by the Head of the OSCE Mission to Latvia to the Permanent Council of the OSCE on 1 March 2001. Unpublished document. (Hereafter “OSCE 2001”).

<sup>47</sup> Constitution, Chapter 8, Art. 114.

a great step forward at the time of passage.<sup>48</sup> However, the contemporary significance of the law is limited by its purely declarative nature: no concrete mechanisms are provided for the implementation of its principles and goals, and no acts have been subsequently adopted to address this deficiency.<sup>49</sup> Funding allocated by the state and some municipalities to minority NGO cultural activities is not related to the provisions of the Law. The Ministry of Justice has since proposed the drafting of a new Law on the Rights of National Minorities based on the principles enshrined in the Framework Convention, and a working group consisting of government officials, academics, and NGO representatives elaborated a new draft law between early 1999 and February 2000.<sup>50</sup> However, the Ministry of Justice has never made public its attitude towards the draft, and by mid-2001 it had not been submitted to the Saeima.

In the field of discrimination, Latvia's legislation to date falls short of the requirements of the EU Race Equality Directive.<sup>51</sup> The 1998 amendments to the Constitution introduced a general prohibition on discrimination: "all human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind" (Art. 91). Otherwise, anti-discrimination clauses exist in the Labour Code<sup>52</sup>, the Law on Education, the Criminal Code,<sup>53</sup> the Sentence Execution Code<sup>54</sup>

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<sup>48</sup> Information from the Chairman of the Association of National Culture Societies of Latvia (ANKOL), Riga, January 2001. Similar laws were passed in the other Baltic States at this time: the Lithuanian Law on National and Ethnic Minorities (23 November 1989) and the Estonian National Minorities Cultural Autonomy Act (26 October 1993).

<sup>49</sup> For example, the Law declares: "All Republic of Latvia permanent residents are guaranteed the right to establish their own national societies, associations and organisations. The government's responsibility is to promote their activity and material provisions." However, no legal provisions specify how and to what extent such support should be given and which state institutions are in charge. Thus, the issue is left completely to the discretion of the state officials. The Law on Unrestricted Development of National and Ethnic Groups of Latvia and the Rights to Cultural Autonomy, Art. 5.

<sup>50</sup> Information from the Head of the Working Group.

<sup>51</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The directive is part of the *acquis communautaire*.

<sup>52</sup> A new Labour Law, adopted by Parliament on 20 June 2001, contains a number of important anti-discrimination provisions, prohibiting direct or indirect discrimination in the right to work, and reversing the burden of proof to the employer in some cases. The Law, which is largely in line with the Race Directive, will enter into force in 2002.

<sup>53</sup> Article 78 of the Criminal Code envisions punishment for "conscious direct or indirect restriction of [a] person's economic, political or social rights or creation of indirect advantages on the grounds of [a] person's racial or national belonging" (unofficial translation).

<sup>54</sup> Sentence Execution Code, Art. 4 (2): "any discrimination of sentenced on the basis of race, ethnicity, language, gender, social or property status, political views, religious beliefs or other criteria is not allowed" (unofficial translation). Adopted on 23 December 1970, amended on 19 October 2000.



and the Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups.<sup>55</sup>

There have been no successful court cases concerning discrimination on the basis of language or ethnicity in Latvia. The qualifier “conscious” in the main anti-discrimination provision, Article 78 of the Criminal Code, requires victims to prove intent, which is a significant factor hampering the initiation of anti-discrimination litigation. If interpreted in a broad and democratic manner, existing legislation could be employed to prosecute discrimination, but Latvia’s legal community lacks expertise in this field of law and its implementation. Apart from the cited provisions, there is no general anti-discrimination legislation, and there are no provisions addressing discrimination in the Civil Code. Thus, the domestic framework addressing discrimination on the grounds of ethnicity is incomplete. Indeed, CERD has expressed “Concern [...] at the absence of a legal provision explicitly defining racial discrimination.”<sup>56</sup> Clearly, Latvia needs to strengthen the legislative framework governing anti-discrimination, in line with the provisions of the EU Race Equality Directive.

While litigation and complaints about discrimination are rare, survey evidence suggests that the phenomenon may be widespread. Results from one survey suggest that both Latvians and Russian-speakers expect similar, largely fair treatment in both the public and private sectors.<sup>57</sup> Another survey commissioned by the National Human Rights Office, however, suggests that a significant number of people believe they have experienced discrimination in the last three years: 24 percent of the total population.<sup>58</sup> Of those, 28 percent referred to ethnic origin and 24 percent to language as the basis for violations.<sup>59</sup> Non-citizen and minority respondents referred to these issues more frequently: 43 percent of non-citizens and 40 percent of non-Latvians cited ethnic origin, while 37 percent of non-citizens and 36 percent of non-Latvians cited language as the basis for violations of their rights.<sup>60</sup> Amongst non-Latvians, 31 percent claimed to have been discriminated against in the last three years, as against 18 percent of

<sup>55</sup> Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups, Art. 3: “any direct or indirect actions to restrict, depending on ethnicity, the opportunities of permanent residents to choose their profession or to hold a position according to their abilities and qualification, are prohibited” (unofficial translation).

<sup>56</sup> CERD/C/304/ADD.79, 2001, para. 10.

<sup>57</sup> See e.g., R. Rose, *Baltic Barometer IV: A Survey Study*, Glasgow, University of Strathclyde, Studies in Public Policy 338, 2000, pp. 45–46.

<sup>58</sup> *Cilvēktiesības* (“Human Rights”), survey by Baltic Data House in December 1999–January 2000, 2000, p. 48.

<sup>59</sup> Baltic Data House, 2000, p. 49.

<sup>60</sup> Baltic Data House, 2000, p. 44.

Latvians.<sup>61</sup> The two most commonly mentioned spheres were labour relations and social services (respectively 47 percent and 24 percent of all who claimed to have been discriminated against).<sup>62</sup>

In the absence of effective domestic redress, Latvian residents have turned to international mechanisms for human rights protection. A total of 78 complaints from Latvia have been registered under the individual complaints mechanism of the European Court of Human Rights.<sup>63</sup> Although, there is no data on the ethnic or linguistic affiliation or origin of the applicants, eight applications brought with the support of the Latvian Human Rights Committee (LHRC), a non-governmental organisation dealing with human rights violations, were ruled admissible by the court.<sup>64</sup> These applications raised issues concerning, *inter alia*, the right to non-discrimination.<sup>65</sup>

### *Identity*

In Latvia the right to preserve and develop minority identity is set forth in Article 114 of the *Constitution* (see above). However, Latvian legislation does not contain any provisions to implement this declaration.

In contrast, Latvia continues the Soviet-era practice of mandatory recording of a person's ethnic origin. A number of Latvian laws require mandatory registry of ethnic identity. Thus, the Law on Change of Name, Surname, and Ethnicity Record, adopted in June 1994, establishes the "blood" principle of ethnic determination, whereby ethnicity is traced back to an individual's predecessors. Those seeking to alter their ethnicity record are required to provide evidence that an ancestor was of the desired ethnicity.<sup>66</sup> In case of alterations to Latvian ethnicity, the applicant must also demonstrate superior command

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<sup>61</sup> Baltic Data House, 2000, p. 36.

<sup>62</sup> Baltic Data House, 2000, p. 37.

<sup>63</sup> A further 21 complaints were refused registration, and 67 are still in the registration process. Interview with an officer of ECHR Registry. Strasbourg, December 2000.

<sup>64</sup> See *Examples of Human Rights Violations in Latvia*, unpublished material of the Latvian Human Rights Committee, compiled by G. Kotov, 22 June 2000.

<sup>65</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Art. 14.

<sup>66</sup> Law on Change of Name, Surname, and Ethnicity Record, Art. 11(1): "The following documents shall be annexed to the application for changing the registered ethnicity: ... 2) the father's or mother's birth certificate, or its copy, proving the applicant's kinship with direct antecedents, as well as documents confirming the ethnicity of the applicant's relatives." (Unofficial translation).

of the state language.<sup>67</sup> The Law on the Registry of Residents features “ethnicity” as a mandatory category in the Registry of Residents, including registration of births.

A government regulation “On the Passports of Latvian Citizens” requires the obligatory recording in passports of, *inter alia*, ethnic origin.<sup>68</sup> A government regulation “On the Passports of Latvian Non-Citizens” contains a similar requirement.<sup>69</sup> This situation has been criticised by the CERD: “[i]t is noted with concern that the legislation of the State party requires a person’s ethnic origin to be recorded in his or her passport, which may expose members of some minorities to discrimination on grounds of their origin.”<sup>70</sup> The Committee “recommends the State party to reconsider the requirement to record ethnic origin in passports.”<sup>71</sup> Although there have been indications that this system is to be abolished, there had been no steps to do so as of August 2001.

### *Language*

Latvian language legislation aims to consolidate Latvian as the state language.<sup>72</sup> Safeguarding the linguistic rights of the many Latvian inhabitants who speak a different first language is not a declared policy goal.<sup>73</sup> On 15 October 1998, the Saeima amended Article 4 of the Constitution with the provision that “the Latvian language is the official

<sup>67</sup> Law on Change of Name, Surname, and Ethnicity Record, Art. 11(2): “If the applicant wants the ethnicity ‘Latvian’ to be registered in his/her passport or in some other personal identity documents, a certificate of education or some other document confirming that the applicant’s state language skills correspond to the third (highest) level, shall be annexed to the application for changing the registered ethnicity.” (Unofficial translation).

<sup>68</sup> “The following information about citizen shall be included: ... 5.5 ethnicity.” Governmental regulation *On the Passports of Latvian Citizens*, Art. 5.

<sup>69</sup> “The Holder’s ethnicity and the following identification features shall be included: 12.1 colour of eyes; 12.2 height (cm); 12.3 special features.” Governmental regulation *On the Passports of Latvian Non-Citizens*, Art. 12.

<sup>70</sup> CERD/C/304/Add.79, 2001, para. 16.

<sup>71</sup> CERD/C/304/Add.79, 2001, para. 24.

<sup>72</sup> The Law on the State Language establishes a framework for language regulation in Latvia, while the substance is provided by numerous governmental regulations. The regulations envisage introduction of 6 categories of the state language proficiency instead of the previous 3 categories. The highest, requiring the ability “to hold a conversation in a different styles” and “to use different means of linguistic expression”, is necessary for lawyers, heads of state institutions and enterprises and their senior staff amongst others.

<sup>73</sup> Thus the State Language Inspection, an institution under the Ministry of Justice for implementing state language policy, is charged with controlling compliance with normative acts, supervising the state language issues as well as ensuring preservation, protection and development of the Latvian language. It has no mandate to protect or promote minority languages.

language in the Republic of Latvia.<sup>74</sup> This was reinforced by the new Law on the State Language, which entered into force on 1 September 2000, the third significant alteration to language legislation since 1989.<sup>75</sup> Despite widely varying proportions of minorities throughout the country, the language laws are uniform, offering no more rights in areas with high concentrations of minorities than elsewhere. In addition, possibly discriminatory language provisions are present in legislation affecting private electronic mass media, private schools, communications with public bodies, and election rights.<sup>76</sup>

In a recent survey, many minority interviewees gave language as the second most significant factor in human rights violations in Latvia after ethnicity. Of 31 percent who consider themselves discriminated against within the last three years, 37 percent of non-citizens and 36 percent of non-Latvians cited language as the grounds for the violation.<sup>77</sup>

The current Law on the State Language has been debated since 1995, and was considerably liberalised following intensive dialogue with the OSCE and the European Commission.<sup>78</sup> Draft provisions, dropped from the adopted bill, proposed a regime of state regulation, monitoring and enforcement which would undoubtedly have contradicted other internationally protected human rights, in particular freedom of expression, freedom

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<sup>74</sup> A referendum was not required to amend Article 4 of the Constitution.

<sup>75</sup> The previous Law on Languages was adopted in May 1989 and substantial amendments were made in March 1992. The law took effect in May 1992.

<sup>76</sup> Largely due to international pressure, the more egregious language requirements have been abolished or abandoned in recent years. From 1996 to 1998, for example, knowledge of Latvian was required for unemployment registration, a condition abolished only after being found discriminatory by the OSCE and the Council of Europe. Proposed amendments to the Labour Code passed by Parliament in January 1998, granted the State Language Inspection the right to demand dismissal of an employee in the private sector, if the inspector found the employee's knowledge of the state language to be deficient, and to a court hearing should the employer refuse. Following severe criticism (such as in an open letter from CBSS Commissioner O. Espersen to President G. Ulmanis, 10 February 1998), the president refused to promulgate the amendments. See CBSS Commissioner's Annual Report June 1997–June 1998, <<http://www.cbss-commissioner.org/>> (accessed 17 June 2001).

<sup>77</sup> See Baltic Data House, 2000.

<sup>78</sup> The OSCE particularly criticised the draft for state regulation of the use of languages “in all enterprises (companies), institutions, civil institutions, civil institutions and organisations (including private cultural and religious organisations).” Office of the OSCE HCNM, Opinion on the compatibility of the draft Latvian State Language Law with international standards, 22 September 1997. While the draft law was under discussion in autumn 1999, the Commission forwarded a confidential letter to the Latvian government, criticising the draft for its incompatibilities with EU principles. Criticism was based not on minority rights standards, however, but on concern over principles of free movement of goods. The letter was also forwarded to relevant Parliamentary commissions and as a result certain provisions of the draft law were amended or dropped.

of religion, right to privacy, freedom of association and freedom from discrimination. Several provisions of the amended law nevertheless remain dubious from the point of view of minority rights, in particular restrictions on the use of minority languages before public authorities and in identification documents. Apart from Latvian, the law officially recognises Liv,<sup>79</sup> but considers all other languages, including Russian, to be “foreign”.<sup>80</sup> Language regulations governing the names of private enterprises and NGOs are stringent, and the wording of several provisions is rather vague.<sup>81</sup>

The Law envisages that all documents submitted to state institutions shall be in the state language only or shall be accompanied by a certified translation into the state language.<sup>82</sup> In practice this leads to a situation in which appeals, complaints, petitions, solicitations and cassations, submitted in the Russian language to various state institutions by Russian-speaking prisoners and persons under investigation, are routinely refused consideration.<sup>83</sup> Many of these people are not fluent enough in Latvian to compile such documents in Latvian, nor do they have the money to cover the costs of translation and notary certification.

Latvia’s language laws give the State Language Inspection the power to impose sanctions on individuals for errors of grammar and translation. For example, in August 2000, Victor Yolkin, chairman of a minority NGO Latvian Youth Club was fined Ls 100 (€ 157) for “incorrect usage of the state language”. The Latvian Youth Club had displayed information about its activities combating street crime and proliferation of drugs. The text was written in Russian with Latvian translation, as required by Latvian language legislation. Since professional translation in Latvia is very expensive, members of the NGO translated the information themselves. Experts at the Latvian Language Institute found more than 10 grammar and style mistakes in the one page translation and the State Language Inspection imposed the highest sanction provided by law.<sup>84</sup>

The OSCE Mission to Latvia has urged “liberal” implementation of the new law, noting that “[s]ome related changes should be made to the draft version of the Administrative Violations Code [...] For example, there are a few particular sections of the Code where

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<sup>79</sup> Liv is the language spoken by an autochthonous population of about 200 individuals dwelling in the regions adjacent to the Gulf of Riga. The language is related to Estonian.

<sup>80</sup> Law on the State Language, Art. 5.

<sup>81</sup> The *2000 Regular Report* (p. 23) notes that some of the provisions of the Language Law and the Regulations “are worded such that they could give rise to different interpretations”. It remains to be seen how they will be interpreted in practice by the implementing authority, the State Language Inspection.

<sup>82</sup> Law on the State Language, Art. 10(2).

<sup>83</sup> *Rigas Bals* (“The Voice of Riga”, Russian edition), 19 March 2001.

<sup>84</sup> State Language Inspection Decision No. 2421, 1 August 2000.

sanctions should be more clearly limited to cases where a “legitimate public interest” is involved.”<sup>85</sup>

*Private language use:* The Law on the State Language declares that the integration of minorities into Latvian society is a main objective of the law, and acknowledges the right of minorities to use their native or other languages (Art. 1(4)). However, use of minority languages in private is not unlimited – state intervention into the private sphere to regulate language use is envisaged to a degree determined by a “legitimate public interest”, e.g. in matters affecting public health, public safety and public order.<sup>86</sup> According to Article 2, the law does *not* regulate language usage in unofficial communications among individuals, “internal communication of ethnic and national groups”, and language use in religious activities.

*Communications with public authorities:* Where previous legislation permitted submissions in Russian, English and German, the new law explicitly prohibits state, municipal and judicial institutions from accepting written applications, statements and complaints from private persons in any language other than Latvian, except for some emergency situations.<sup>87</sup> As noted above, some of the most vulnerable groups among Russian speakers are adversely affected by this change. Documents in foreign languages can be accepted only when a notary-certified translation into the state language is attached,<sup>88</sup> imposing substantial costs on non-proficient speakers. This is in line with the 1999 Law on Civil Procedure,<sup>89</sup> which establishes that: “[l]egal proceedings are conducted in the state language. Documents in foreign languages are submitted by the parties as being attached with a duly certified translation into the state language.”<sup>90</sup>

*Public displays, names and surnames:* Unlike the previous 1992 language law, the 2000 regulations allow the display of public information in languages other than the state language alongside the latter. The Law requires personal names and surnames in identification documents to be spelled in Latvian, but allowances are made in the regulations

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<sup>85</sup> OSCE 2001.

<sup>86</sup> Law on the State Language, Art. 2(2).

<sup>87</sup> Law on the State Language, Art. 10(2): “The state and municipal institutions, courts and court system institutions, as well as state and municipal enterprises accept and consider documents from private persons only in the state language...” (Unofficial translation). Exempted are calls for emergency medical help, cases of criminal offences or other violations of law, as well as call for emergency help in cases of fire, crash or other accidents.

<sup>88</sup> Law on the State Language, Art. 10(3).

<sup>89</sup> Law on Civil Procedure, adopted in March 1999.

<sup>90</sup> Law on Civil Procedure Art. 13. Unofficial translation.

for accompanying original names in Latin transliteration on request.<sup>91</sup> However, Russians and persons belonging to other minorities using Cyrillic or non-Latin alphabets, are deprived of the opportunity to use their native names in their native alphabets in official documentation. New provisions requiring that the names of private enterprises and NGOs must be created and used in the Latvian language or the Latin alphabet entered into force in 2001.<sup>92</sup>

Amendments to the Administrative Violations Code introduced on 14 June 2001, stipulate fines for a variety of offences regarding the failure to fulfil legal requirements in the use of Latvian, including “disrespect towards the state language”. Fines are high, reaching up to 250 Lats (c. € 450). Since many of the provisions are subject to “legitimate public interest”, much will depend on implementation.<sup>93</sup>

### *Employment*

Notwithstanding Labour Code provisions, which prohibit discrimination in employment,<sup>94</sup> access to employment is rendered difficult for the Russian-speaking minority by legislative restrictions of certain jobs to citizens and by sometimes stringent language requirements. Article 6 of the Law on the State Language requires all employees in the public sphere to have a command in the state language corresponding to their duties. The same requirement is imposed on employees in the private sphere, to the extent determined by a “legitimate public interest”. Language proficiency demands for employees in the private sphere are established by government Regulations No. 296, 22 August 2000. Later amendments of November 2000 list professions in the private sector subject to

<sup>91</sup> Law on the State Language Art. 19(2): “In a person’s passport or birth certificate, the person’s name and surname reproduced in accordance with Latvian language norms may be supplemented by the historical form of the person’s surname or the original form of the person’s name in another language transliterated in the Latin alphabet if the person or the parents of a minor so desire and can provide verifying documents.” (Unofficial translation).

<sup>92</sup> Governmental Regulations No. 295 adopted on 22 August 2000.

<sup>93</sup> Latvian Centre for Human Rights and Ethnic Studies, *Human Rights in Latvia, 1 January 2001–30 June 2001*, 2001, p. 5, (hereafter “LCHRES 2001”).

<sup>94</sup> Labour Code, adopted on 14 April 1972, with latest amendments on 25 March 1997. Art. 1: “legal equality in labour relations is ensured regardless of one’s race, skin colour, gender, age, religious, political or other beliefs, national or social origin and property status.” Art. 15: “when hiring, no direct or indirect limitation or rights, as well as no direct or indirect advantages on the grounds of race, skin colour, gender, age, religious, political or other beliefs, national or social origin and property status, except for those limitations and advantages that are determined in other laws and normative acts, is allowed.” (Unofficial translation). A new Labour Law adopted on 20 June 2001 and due to enter into force in 2002, also contains a number of important anti-discrimination provisions. See Latvian Centre for Human Rights, “Human Rights in Latvia, 1 January 2001–30 June 2001, at <<http://www.riga.lv/minelres/archive.htm>> (accessed 27 August 2001).

language regulation, containing 34 categories falling within the “legitimate public interest”. The list includes various health care professionals, guards and security-related professions, as well as notaries and sworn advocates, but it also includes taxi drivers.<sup>95</sup>

June 2001 amendments to the Administrative Violations Code stipulate fines for employers who hire employees lacking sufficient proficiency in Latvian, thus “unjustifiably involv[ing] businesses in enforcing the language law.”<sup>96</sup>

In a 2001 report, CERD expressed concern about the deleterious effect that lack of citizenship has on the right to work and protection against discrimination in employment.<sup>97</sup> The official National Human Rights Office has identified four areas of private employment barred by law from non-citizens which are not in accordance with Latvia’s international obligations: advocate’s assistants, private detectives, aircraft captains and security guards.<sup>98</sup>

Available data suggest that Russian speakers and non-citizens are at greater risk of unemployment than ethnic Latvians and citizens. A factor significantly limiting job opportunities for many Russian speakers is weak Latvian language skills. For example, a recent survey found that of those whose native language was not Latvian, 38 percent of all non-citizens and 22 percent of all citizens could not work in a job requiring Latvian language knowledge.<sup>99</sup> Official data on the ethnicity of the unemployed has not been available since 1994, when 55 percent of all unemployed were of minority origin. Subsequent sociological surveys suggest that Russian speakers have continued to be over-represented among the unemployed: in 1996 14 percent of ethnic Latvians claimed to be unemployed, as against 26 percent of non-Latvians.<sup>100</sup> According to a 1999 survey, the level of unemployment among ethnic Russians (18 percent) and other minorities (17 percent) was again much higher than among ethnic Latvians (10 percent). As for the working age population, 14 percent of ethnic Russians, 12 percent of other minorities and 7 percent of ethnic Latvians were unemployed.<sup>101</sup>

<sup>95</sup> Amendments to the Regulations, passed by the Cabinet of Ministers on 21 November 2000.

<sup>96</sup> LCHRES 2001, p. 5.

<sup>97</sup> CERD/C/304/ADD.79, 2001, paras. 13, 14.

<sup>98</sup> Cited on the Latvian Human Rights Committee list of differences in the rights of citizens and non-citizens, <[http://www.riga.lv/minelres/count/non\\_cit-rights\\_2.htm](http://www.riga.lv/minelres/count/non_cit-rights_2.htm)> (accessed 17 June 2001).

<sup>99</sup> Baltic Social Sciences Institute, Latvian Naturalisation Board, *Cela uz pilsonisku sabiedribu, Latvijas iedzivotaju aptauja 2000. gada novembris* (“On the Road to a Civil Society, Opinion poll of Latvia’s Inhabitants in November 2000”) Riga, 2001, p. 99.

<sup>100</sup> Rose 1997, p. 1.

<sup>101</sup> See Aasland 2000.



## *Education*

The heretofore broad rights enjoyed by minorities in the sphere of education have recently come under increasing pressure. Soon after the restoration of independence, Latvia developed a broad system of state-funded minority language education, retaining Soviet-era schools with Russian instruction and supporting the creation of native language schools or classes for seven other minority groups (e.g. Polish, Ukrainian, Estonian, Jewish, Roma, Lithuanian, Belarussian). However, according to the 1998 Law on Education, after 2004 all public secondary and vocational education must be in the state language only, which means that existing minority language secondary schools have to switch to instruction in Latvian.<sup>102</sup> Teachers in all public schools are required to speak the state language at the highest level of proficiency,<sup>103</sup> and all staff meetings in public schools must be conducted in the state language.<sup>104</sup> Private schools with minority language curricula are subject to legislative discrimination: public funding may only be allocated to those private schools where “state accredited education programs in the state language are implemented.”<sup>105</sup>

Article 3 of the Law on Education declares equal rights to education regardless of race, ethnic origin and religious persuasion. However, while the right to receive education in the state language is guaranteed both by the Law on the State Language<sup>106</sup> and the Law on Education,<sup>107</sup> the latter permits, but does not guarantee, education in other languages in only two instances – in private schools (currently attended by less than one percent of students);<sup>108</sup> and in state and municipal education establishments where “minority education programs” are in place.<sup>109</sup> The latter programs are not defined in the law.<sup>110</sup> The Ministry of Education and Science is authorised to determine the subjects within minority education programs to be taught in the state language.<sup>111</sup>

<sup>102</sup> Transitional Regulations of the Law on Education, para. 9(3). Adopted on 29 October 1998.

<sup>103</sup> Decree No. 175 of the Minister of Education, adopted on 18 December 1996. The new six levels of proficiency are applied to those passing language tests since entry into force of the new Regulation on 1 September 2000; language proficiency certificates issued in 1992–2000 are still valid.

<sup>104</sup> Law on the State Language, Art. 7.

<sup>105</sup> Law on Education, Art. 59(2): “The State and municipalities may participate in financing of private education institutions if these institutions implement state accredited education programs in the state language.” Adopted on 29 October 1998.

<sup>106</sup> Law on State Language, Art. 14.

<sup>107</sup> Law on Education, Art. 9(1).

<sup>108</sup> The percentage of students attending private schools in Latvia is 0.86 percent according to official data of the Ministry of Education and Science on 2000/2001 academic year.

<sup>109</sup> Law on Education, Art. 9(2).

<sup>110</sup> Law on Education, Art. 41.

<sup>111</sup> Law on Education, Art. 41(3).

The Law on Education requires local governments to assume responsibility for pre-school, primary and secondary education,<sup>112</sup> but does not require the same bodies to establish and/or maintain minority schools/classes, even should minority parents so request. A separate Law on General Education allows for general secondary education programmes to be combined with “minority education programs, including teaching minority languages and subjects related to the identity of the minority and the integration of the society of Latvia”.<sup>113</sup> However, this provision leaves the authority to grant permission for education in minority languages entirely at the discretion of officials of the Ministry of Education.

According to the Law on Education, all orphans must attend schools with the Latvian language of instruction. Orphaned children whose education began in a different language must be transferred to a Latvian-language school.<sup>114</sup>

Probable violations of minority rights in the field of education include dismissal of teachers for observing Russian Orthodox religious holidays and higher university entrance exam thresholds for graduates of minority schools. In 1997, the director of Balozī (South of Riga) primary school was fired for defying a municipality warning and granting a day off to Russian pupils to celebrate the Russian Orthodox Christmas, upon the request of the pupils, their parents and the teachers.<sup>115</sup> Reportedly, in Daugavpils Pedagogical University, 1999 entrance exam requirements were lower for graduates of Latvian language schools than those of minorities’ schools.<sup>116</sup>

Perhaps most significantly, a measure in the 1998 Law on Education envisions gradual elimination of all state-financed minority education at the secondary school and vocational level and the transformation of existing primary minority schools into bilingual schools,<sup>117</sup> ostensibly in order to “level the playing field” for minority pupils. However, the move

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<sup>112</sup> Law on Education, para. 17(1): “Every municipality has an obligation to provide children residing on its administrative territory with a possibility to acquire pre-school, primary education at education institution which is closest to place of residence, and to provide youth with a possibility to acquire secondary education.” (Unofficial translation).

<sup>113</sup> Law on General Education, Art. 42(2), adopted on 30 June 1999, (unofficial translation).

<sup>114</sup> Law on Education, Art. 56(2).

<sup>115</sup> Information from the former director, Riga, December 2000.

<sup>116</sup> The pro-rector of Daugavpils Pedagogical University explained that the practice is to encourage graduates of Latvian schools, in the hope that they will return to work in their schools (especially in the countryside) after graduation. Reported in *Seichas* newspaper. See *Minority Issues in Latvia* No. 8, 30 September 1999.

<sup>117</sup> According to the OSCE, “bilingual curriculums are hampered in some areas by a lack of resources and a shortage of qualified Latvian language teaches persists throughout the country”, OSCE 2001.

has been criticised for putting minority children at an educational disadvantage.<sup>118</sup> In addition, training of Latvian language teachers for minority schools practically ceased in the early 1990s: in the autumn of 2000, 536 pupils in minority schools were not taught the Latvian language at all, because of a lack of teachers.<sup>119</sup> Given that university training for teachers in minority languages is also low, limited to a single group (c. 20 persons) annually at the Russian philology department in the University of Latvia, the future for education in Russian appears under threat. As the table below shows, the numbers are already decreasing.

*Table 3*  
**Number of Students by Language of Instruction**

Academic year	1995/96	1996/97	1997/98	1998/99	1999/2000
Latvian	203,607	212,017	219,794	233,939	238,652
Russian*	132,540	129,120	125,643	125,741	120,612
Other minorities**	1,513	1,664	1,817	2,042	2,168
Total	337,660	342,801	347,254	361,722	361,432
% learning in Latvian	60.3	61.8	63.3	64.7	66.0

\* Other factors contributing to this trend are emigration and a falling birth rate among Russians.

\*\* In some other minority schools the language of instruction is mostly Latvian or Russian.

SOURCE: *Minority Education in Latvia*. An information handout prepared by the Ministry of Foreign Affairs on the basis of data from the Ministry of Education; distributed at the Seventh Meeting of Governmental Offices for National Minorities in Jurmala, Latvia on 12–13 June 2000.

The importance of language to the identity of Russian youth is borne out by research in which 77 percent of respondents gave language as the basis for identity, ahead of

<sup>118</sup> These concerns were explicitly expressed in the parents' conference "To Learn in the Native Tongue" held on 25 November 2000 in Riga. Participants adopted a resolution calling on the Saeima and the Cabinet of Ministers to redirect educational reform and renounce assimilation of non-Latvians through education. In an interview, the chairman of Latvian Association in Support of Schools with Russian Language of Instruction (LASHOR) emphasised that "learning in a non-native tongue might significantly hinder development of child's abilities." *Chas*, 14 December 2000. See also article in *Biznes i Baltija* on 20 November 2000.

<sup>119</sup> *Izglitiba un Kultūra* ("Education and Culture"), Riga, September 2000.

ethnic origin (54 percent).<sup>120</sup> Furthermore, Latvian-language education traditionally emphasises Latvian culture, traditions, and history. Adding a “minority cultural component” in bilingual schools, as planned, is unlikely to counterbalance this general trend.

Finally, partly because of demographic changes (outmigration, a falling birth rate) and parental choices (some minority parents send their children to Latvian language schools), the Latvian authorities have closed a number of Russian-language schools. In several cases, these decisions were made despite the apparent viability of these schools – i.e. sufficient number of students and qualified staff.<sup>121</sup> The most recent closure was in Ēkabpils, where the City Council decided in 1999 to merge a Russian secondary school with another situated at the far end of the city. In April 2001, the primary school in Jelgava was transferred into a former kindergarten building, vacating the original building for Latvian language classes.<sup>122</sup> The move took place despite vociferous protests.<sup>123</sup> Responding to a protest letter from parents, the head of the Parliamentary Commission on Education and Culture said the move was “legally correct” and their appeal to international human rights organisations “naïve and worthless”.<sup>124</sup> Russian-language secondary schools in Jelgava had already been downgraded from secondary to primary school status in 1995.<sup>125</sup> The controversy and protests evoked by such actions suggest the need to set firm standards requiring local governments to open/maintain minority schools/classes if there is sufficient minority demand.

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<sup>120</sup> V. Volkovs, *Krievvalodīgas jaunatnes dzimtas valodas vieta integrācijas procesā Latvijā* (“The Place of the Native Language of the Russian-speaking Youth in the Integration Process in Latvia”), paper presented at the international conference *Ethnopolitics on the Road to Civil Society*, 15–16 October 1998, Riga.

<sup>121</sup> The closure of two Russian language schools in Riga (No. 26 in July 1994 and No. 9 in July 1996) affected 1,633 students and 128 teachers. School No. 26 was closed in July 1994 despite mass protests and hunger strikes by teachers, a petition signed by 2,300 individuals and a letter signed by 450 parents. The closure of school No. 3 in Tālsī in June 1996 affected 100 students and 15 teachers. Interviews with a member of No. 26 school council, former director of school No. 9, and a member of Tālsī municipal school department, Riga, July 2001.

<sup>122</sup> Jelgava town administration Decision No. 160-ri, adopted on 5 June 2001. Interview with the Director of the school, Riga, July 2001.

<sup>123</sup> Protests were lodged by parents of the school’s pupils; the Jelgava section of the Russian Society; the Jelgava section of HRUL (For Human Rights in United Latvia), the Parliamentary association of political organisations HRUL, LASHOR (Latvian Association for the Support of Schools with Russian Language of Instruction); the parents of pupils at Valmiera 2nd (Russian) school; the Archbishop of the Orthodox Church; the Embassy of the Russian Federation, and *Novaja Gazeta* (a local Russian language newspaper).

<sup>124</sup> Letter No. 9/5-4/60, 25 May 2001.

<sup>125</sup> Decree No. 48 of the Ministry of Education, 16 June 1995, affected Russian secondary schools in Jelgava. The third and seventh secondary schools were downgraded to first and second primary schools.

In June 2000, the Saeima voted to close Riga Aviation University (RAU) – the only state university where the Russian language was widely in use. RAU was one of the ten largest aviation institutes in the world. As a result of the closure, more than 300 lecturers became unemployed. Among a number of reasons for closure, according to the then Minister of Education and Science, was that “[i]n the university some norms of the language law were ignored for a long time ... [Namely, the] requirement to use the state language in university education – 76 percent of RAU students are educated in Russian.”<sup>126</sup>

The envisaged elimination of state supported secondary education in minority languages is the most controversial issue for minorities in Latvia today. It has been suggested that extending the system of bilingual education to secondary schools might be a reasonable compromise.

### *Media*

In the field of printed media, no regulations with regard to the language of publication exist. Popular Russian language newspapers include *Panorama Latvii* (20–35,000), *Chas* (16–20,000), *Vesti-Segodnja* (22–25,000), and *Bizness i Baltija*.<sup>127</sup> Until the end of 1999, one nation-wide newspaper, *Diena* (“The Day”) was published in both languages, thus bridging the linguistic gap in Latvia, but the Russian edition ended publication in 2000.<sup>128</sup> There are also several printed media issued irregularly, with small circulations, by other minority cultural and religious organisations and aimed specifically at their groups.<sup>129</sup>

On the other hand, the Law on Radio and Television obliges broadcasters to conduct TV and radio programmes predominantly in the state language. One of the two public TV channels must broadcast only in the state language, while the second channel can allocate up to 20 percent of time for airing in other languages. Although the great majority of this time is given to Russian language productions, half an hour radio broadcasts by representatives of other minorities (Armenian, Azeri, Belarussian, Estonian, Georgian, German, Greek, Jewish, Lithuanian, Polish, Tatar and Ukrainian) are aired almost every day.<sup>130</sup> On 29 October 1998, the Saeima amended the law affecting private radio and

<sup>126</sup> *Latvijas Vestnesis* (“The Official Gazette”), 28 September 2000.

<sup>127</sup> Circulation figures supplied by the newspapers.

<sup>128</sup> The Russian *Diena* was notably active and consistent in promoting the idea of integration. On closure, the Russian-language editorial board recommended that their readership switch to the Latvian edition.

<sup>129</sup> For example, *Russkoe slovo* (“Russian Word”), the newspaper of the Latvian Association of Russian Societies (LARO), circulation: 2,000; *Caadim*, a newspaper of the Jewish community of Latvia, circulation: 1,000.

<sup>130</sup> N. Muiznieks, *Minorities and the Media in Latvia*, contribution to research project organised by Article 19 and MRG. 1999. p. 5.

television broadcasts, thereby *reducing* the total permitted airtime in non-Latvian languages from 30 to 25 percent.<sup>131</sup>

The ceiling of 25 percent of airtime is regularly enforced by the National Council on Radio and Television Broadcasting, through the imposition of cautions, fines and sometimes temporary closure. *TV Riga* is an example of the latter: although the channel broadcast in both Latvian and Russian, programs in the latter language repeatedly exceeded the quota. The Council suspended the channel four times during 1998 and 1999 and brought *TV Riga* to court in April 2000, demanding cancellation of their licence. A negotiated settlement was eventually reached whereby the channel committed itself to observe strictly the 25 percent language quota. An October court decision confirmed the settlement, ruling further that the channel must remain closed for three months. Softer measures (e.g. warnings and fines) have been taken against other private broadcasters, including LNT, *Radio Pik* and *Radio Bizness i Baltija*. On 2 January 2001, the National Council on Radio and TV Broadcasting filed a case against the Radio station *Bizness i Baltija*, demanding withdrawal of their license for “permanently violat[ing] the Law On Radio and Television” by re-broadcasting radio programmes from Russia, disregarding language quotas and including Russian language advertisements in its Latvian language programmes.<sup>132</sup>

The primary effect of language restrictions in the electronic media is to turn Russian speakers towards modestly priced cable access, offering numerous TV programs from Russia – a loss to Latvia in terms of both revenue and successful integration.

### *Participation in Public Life*

Access to public participation for Latvia’s minorities is impeded by a number of factors, including lack of citizenship and language regulations governing political representation and access to public employment.

#### *Citizenship*

As of 1 January 2001, the number of stateless “non-citizens” in Latvia was 551,064 or 23.3 percent of the total registered population.<sup>133</sup>

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<sup>131</sup> Law on Radio and Television, Art. 19(5). Adopted on 24 August 1995.

<sup>132</sup> *Vesti-Segodnja* (“News Today”), 3 January 2001.

<sup>133</sup> Population Register, 2001, see Appendix A.

A unique form of legal status, that of “non-citizen”, was provided for permanent residents without citizenship in April 1995, with the adoption of the Law on the Status of Former Citizens of the USSR who are not Citizens of Latvia or Any Other State (“Status Law”). The Status Law legalised the continued residence of Latvia’s post-1992 “non-citizens” and defined their basic rights and obligations, including the right of exit and entry and to family reunion. However, the law, which remains in force, does not recognise non-citizens as stateless – legally they are neither citizens nor foreigners nor stateless – and establishes special “non-citizens passports” for them.<sup>134</sup> The situation worsened for some non-citizens in August 1998 with new amendments retrospectively disqualifying anyone registered as a permanent resident in any former USSR country at any time after 1992 from even this reduced status.<sup>135</sup> This norm led to the emergence of a group of “illegals”: persons who cannot legalise their status in Latvia, but nor can they be deported<sup>136</sup> – an as yet unresolved legislative conundrum.<sup>137</sup> In September 2000, the Status Law was amended to allow non-citizen status to be rescinded by decision of the Department of Citizenship and Migration Affairs. However, such decisions may be appealed and are suspended until the court has ruled.

A number of laws and secondary legislation reserve certain rights and opportunities to citizens only, such as the right to participate in national and local elections and to form political parties. Other laws restrict non-citizens’ property rights, the right to work in a number of professions, both in the state and the private sector, and the right to receive social and other benefits.<sup>187</sup> A 1996 analysis of such restrictions concluded that ten were contrary to both the Latvian Constitution and the International Covenant on Civil and Political Rights (ICCPR), which Latvia has ratified.<sup>139</sup> Since then, only five of the restrictions

<sup>134</sup> Law on the Status of Former Citizens of the USSR who are not Citizens of Latvia or Any Other State (hereafter “Status Law”), Art. 3, para. 1: “The personal identification document of a subject of this Law is a non-citizen’s passport issued by the Republic of Latvia.” Unofficial translation.

<sup>135</sup> Sub-paragraph added to Art. 1, para. 3: “This Law shall not apply to: ... 5) persons whose place of residence is registered without any time limitations in Member State of the Commonwealth of the Independent States after 1 July 1992.”

<sup>136</sup> As these people lack citizenship of any state, there are no agreements under which Latvia can deport them elsewhere. The Law on Entry and Residence of Foreigners and Stateless into the Republic of Latvia (adopted on 9 June 1992) does not specify where persons should be deported to.

<sup>137</sup> The Law on the Status of Stateless Persons (adopted in February 1999) is not applicable to these persons, because it deals specifically with those who entered Latvia legally and do not have citizenship in any state.

<sup>138</sup> For the full list of differences between the rights of citizens and non-citizens, see <[http://www.riga.lv/minelres/count/non\\_cit-rights\\_2.htm](http://www.riga.lv/minelres/count/non_cit-rights_2.htm)> (accessed 17 June 2001). For further comments to the list, see <[http://www.riga.lv/minelres/count/non\\_cit-rights\\_1.htm](http://www.riga.lv/minelres/count/non_cit-rights_1.htm)> (accessed 17 June 2001).

<sup>139</sup> *National Human Rights Office’s Opinion on Differences Between Rights of Citizens and Non-citizens*, Riga, December 1996, (unpublished document).

have been rescinded, and moreover, new restrictions have been introduced.<sup>140</sup> These gaps persist despite criticism by the European Commission.<sup>141</sup>

Discrimination against non-citizens is poorly covered by international standards – the International Convention on Elimination of Racial Discrimination (ICERD), for example, stipulates that differences in rights of citizens and non-citizens are not covered by the Convention.<sup>142</sup> Nonetheless, citizen-specific legislative distinctions which result in unjustifiable, indirect discrimination on grounds of race, ethnicity or language breach international norms. The most recent CERD report on Latvia registers “[c]oncern [...] about reports that there are still unjustified differences of treatment between citizens and non-citizens, mostly members of minorities, in the enjoyment of the rights provided for in article 5 (e) of the Convention [concerning discrimination in employment].”<sup>143</sup>

In the last three years, the Latvian Human Rights Committee, a non-governmental monitoring group, has received numerous complaints against state authorities in the area of state recognition of residents.<sup>144</sup> These include 1,235 complaints of refusal to issue residence permits, 747 cases of refusal to issue non-citizen’s passports, 843 complaints of non-inclusion in the Register of Residents,<sup>145</sup> and 621 threats of deportation.<sup>146</sup> By April 2001, more than 20,000 non-citizens had not yet exchanged their old Soviet passports for Latvian non-citizens identification documents.<sup>147</sup>

<sup>140</sup> For example, non-citizens are not allowed to work as a head of security firm or to study in some education establishments; neither are they eligible for licenses for air transportation abroad, protection of investments abroad, and avoidance of double taxation with other states.

<sup>141</sup> The Commission noted in 2000, “Several other elements limiting the integration of non-citizens still persist in the economic sphere. Non-citizens are still not allowed to practise some professions (lawyer, armed security guard and private detective) on the grounds of state security.” *2000 Regular Report*, p. 24.

<sup>142</sup> ICERD, Art. 1(2): “this Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.”

<sup>143</sup> CERD/C/304/ADD.79, 2001, para. 14.

<sup>144</sup> Registration of all permanent residents was made mandatory in 1991 by the Law on the Registry of Residents. For more background information see Section II above.

<sup>145</sup> In the early nineties, the Department of Citizenship and Immigration had unlawfully refused to enter into the Register more than 100,000 of Latvia’s permanent residents, almost all of whom were minorities (estimates of the Latvian Human Rights Committee). The denial was unlawful, because the Department refused to register individuals who qualified for registration according to the Law “On the Registration of Residents”. Explaining the actions of the Department, Charles Magee, Head of the OSCE Mission to Latvia, once pointed out that its functionaries “could have been under influence of the nationalist idea.” See *Estonia and Latvia: Citizenship, Language and Conflict Prevention*. The Forced Migration Projects of the Open Society Institute, 1997, p. 53.

<sup>146</sup> Latvian Human Rights Committee, unpublished data (on file with the EU Accession Monitoring Program).

<sup>147</sup> *Vesti-Segodnja* (“News Today”), 10 April 2001.



Related to the issue of access to citizenship and registration, are the numerous cases of legal status having been rescinded, threats of deportation, unlawful denial or reduction of access to social benefits, such as pensions or special status, on the basis of present or past legal status.<sup>148</sup> A great number of these cases have been brought through Latvia's domestic courts, generally unsuccessfully, and some have since been accepted by the European Court of Human Rights.

These cases further reveal a gap between the Latvian and Russian communities. Latvia's Russian language press regularly informs its readers about the legislation, court cases and their outcomes, including when state officials overtly disregarded the law and court decisions. By contrast, the Latvian language media has remained largely silent on these issues and their importance for minorities. As a result there is little sign that the majority is even aware of the scale of these problems.

### *Political Representation*

A debilitating effect of lack of access to citizenship in Latvia is the restricted influence of the Russian-speaking minority over the composition of decision-making bodies, and a subsequent powerlessness over and legislative and policy developments.

Although the rhetoric of ethnic protectionism, common in the early independence elections of 1993,<sup>149</sup> has given way in Latvia to the discourse of integration, minorities remain disproportionately under-represented in decision-making bodies and state institutions. Citizenship and language legislation go some way to explaining this situation, but nevertheless, the share of minorities within the top state structures is estimated to be far below even their 23 percent within the citizenry.<sup>150</sup>

No laws guarantee political representation to minorities. By contrast, minority representatives seeking election in national as well as municipal elections are required by law to demonstrate the highest level of fluency in the Latvian language to be registered as candidates, in breach of Latvia's international obligations.<sup>151</sup> Removing these requirements is one of the conditions set by the OSCE for removal of their Latvian mission, intended

<sup>148</sup> See Appendix B.

<sup>149</sup> Party manifestos in the 1993 elections spoke of independent Latvia as a "state for the survival of ethnic-Latvian nation" ("Fatherland and Freedom") and of "protection of interests of ethnic-Latvian nation in Latvia as a nation-state" ("Latvia's Way"). See *Official Gazette*, 14 May 1993.

<sup>150</sup> This is especially obvious in the highly prestigious new state institutions, such as the Ministry of Economic Reform and the Ministry of Foreign Affairs, which emerged after the restoration of independence and where minorities' representation is practically absent.

<sup>151</sup> Article 25(b) of the ICCPR (in combination with Article 2); Article 3 of Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (in combination with Article 14).

to take place later in 2001.<sup>152</sup> On 25 July 2001, the UN Human Rights Committee ruled that the Latvian municipal election law provision requiring candidates to obtain a Latvian language proficiency certificate from the State Language Board contravenes the International Covenant on Civil and Political Rights. The Committee requested Latvia to provide effective remedy for one candidate struck from the 1997 electoral lists due to this law, and to take steps to prevent similar violations from occurring in the future.<sup>153</sup>

There have been cases when candidates who fulfilled these conditions were barred from standing for election.<sup>154</sup> In one case, although the candidate presented her third level language certificate for inclusion on the Latgale parliamentary electoral list for October 1998, a State Language Inspector made a surprise visit on 7 August 1998 and tested her knowledge of Latvian. Her name was subsequently struck from the list. Appeals to the courts were unsuccessful, but the case has since been accepted by the European Court of Human Rights in Strasbourg.

Following municipal elections in March 2001, the newly elected mayor of Daugavpils was required by the State Language Centre to take a new language test in order to demonstrate Latvian language proficiency, although his language proficiency certificate was still valid.<sup>155</sup> Six deputies of Riga's city council were faced with the same request in 2001, but refused to take new tests, arguing they were not, by law, required to do so, as their language proficiency certificates were likewise valid at the time of entry on the candidate's list.<sup>156</sup>

Only 16 MPs out of 100 are ethnic non-Latvians (9 Russians, 3 Poles, 2 Jews, 1 Liv and 1 Lithuanian) and only one party in the Saeima explicitly claims to represent the interests of minorities.<sup>157</sup> The first ethnic Russian cabinet member since 1993 was appointed in 2000, a member of the nationalist-conservative Fatherland and Freedom alliance, some of whose leading members have been at the forefront of calls for "de-colonisation".

Granting permanent resident non-citizens voting rights at municipal elections, as recommended by the Council of Europe as recently as May 2001,<sup>158</sup> would facilitate the integration of Latvian society at the community level. Elimination of existing

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<sup>152</sup> LCHRES 2001, p. 2.

<sup>153</sup> RFE-RL Newswire, "UN Committee Says Latvian Leftist's Human Rights were Violated", 10 August 2001. The affected individual was Antonia Ignatane of the "Alliance for Equal Rights" party.

<sup>154</sup> ECHR Case No. 46726/99. See Kotov 2000, p. 7.

<sup>155</sup> Minority Issues in Latvia No. 28, <<http://raoon.riga.lv/minelres/archive//04192001-10:03:24-19071.html>> (accessed 9 August 2001).

<sup>156</sup> Information from the relevant deputies, May 2001.

<sup>157</sup> The party's title is "For Human Rights in United Latvia".

<sup>158</sup> LCHRES 2001, p. 2.

restrictions of “non-political” rights of the permanent resident non-citizens is one suggested method of ensuring general equality of treatment and access to labour market and further facilitating integration of Latvia’s society.

### *Public Employment*

Paradoxically, given the institutionalisation of ethnicity in Latvia, little official data is available on the ethnic breakdown of staff at state institutions. Latvia has few formal or informal mechanisms to facilitate the participation of minorities in institutions and processes that bring about decisions of a crucial importance for minorities. The state has not sought to address the problem of minorities’ under-representation, and even the Integration Programme, recently adopted to address certain problems experienced by minorities, ignores this issue. Very few persons of minority origin work within the Ministry of Education, which determines the content of minority education programmes and decides the language of instruction of subjects to be taught in minority schools.

Minorities are under-represented in public employment, particularly in the post-independence ministries of Foreign Affairs and Economic Reform.<sup>159</sup> This pattern is confirmed by the New Baltic Barometer of 1996, which puts 31 percent of employed Latvians in the “non-market” sector (i.e. state and municipal bureaucracy, military, state health sector, education etc.), as against only 12 percent of employed minorities.<sup>160</sup>

By January 1994, out of 152 judges in Latvia, 142 were ethnic Latvians, nine were ethnic Russian and one was Polish.<sup>161</sup> Updated data have not been published since. However, of 48 judges in total approved by the Saeima in 1999, only one was ethnically non-Latvian. All members of Latvia’s highest judicial body, the Supreme Court (“Augstaka Tiesa”), and of the Constitutional Court (“Satversmes Tiesa”), are ethnic Latvians.<sup>162</sup>

No Russian speaker has ever been a member of the National Council on Radio and TV Broadcasting, a supervisory body with a mandate to determine state strategy on the development of electronic media, to issue licences, and to monitor the compliance

<sup>159</sup> P. Koelsto and B. Tsilevich, “Patterns of Nation Building and Political Integration in a Bifurcated Postcommunist State: Ethnic Aspects of Parliamentary Elections in Latvia”, *East European Politics and Societies*, by the American Council of Learned Societies, Volume 11, No. 2, Spring 1997, p. 372.

<sup>160</sup> R. Rose, *New Baltic Barometer III: A Survey Study*, University of Strathclyde, Glasgow, 1997, p. 3.

<sup>161</sup> *Official Gazette*, 29 January 1994.

<sup>162</sup> Ethnicity is mentioned in the CVs of all candidates for the judiciary submitted for approval to parliament. When asked about the necessity for this record, the Minister of Justice explained that “mentioning ethnicity is not prescribed by any normative act”, and that the Ministry “simply forwards to the parliament all data which the candidate him/herself considers relevant”. See Reply of the Minister of Justice, Mr. V. Birkavš to an enquiry from parliamentary members of the “For Human Rights in United Latvia Party”, 7 October 1999. Enquiry No. 8/4-6119.

of private broadcasters with the Law on Radio and Television. On 30 September 1999, during a parliamentary election of Council members, the only candidate of Slavic origin was rejected, despite his acclaimed contribution to Latvian culture.<sup>163</sup>

Although minorities constitute more than half of the population of Riga, prior to the 11 March 2001 municipal elections only 8 out of 60 members of the City Council belonged to minorities, without a single Russian speaker in a top executive position. The last elections increased the representation of the Russian-speaking minority to 12 members of the City Council, and three high-rank executive positions were entrusted to Russian speakers (deputy mayor and the heads of two committees).

### *Protection from Racial Hatred*

There have been no recorded instances of racially or ethnically motivated violence in Latvia since the restoration of independence. Nevertheless, Latvia has recently witnessed the emergence of several small groups which propagate hate speech and/or vehemently negative stereotyping of Russian speakers and other minorities.

Provisions prohibiting incitement and/or propagation of hate speech include the 1990 Law on Printed and Other Mass Media,<sup>164</sup> the 1991 Law on Unrestricted Development of National and Ethnic Groups of Latvia and the Rights to Cultural Autonomy,<sup>165</sup> the 1995 Law on Radio and Television,<sup>166</sup> the 1995 Law on Religious Organisation,<sup>167</sup> as well as the Law on Non-Governmental Organisations and Their Associations, and the Law on Meetings, Processions and Pickets.

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<sup>163</sup> The candidate in question is a famous playwright and journalist, and one of the founders of the Latvian Popular Front.

<sup>164</sup> Law on Printed and Other Mass Media, Art. 7: "It is prohibited to publish information ... inciting to violence ... propagating war, cruelty, racial, national or religious superiority and intolerance and instigating one to commit other criminal offences", adopted 20 December 1990, (unofficial translation).

<sup>165</sup> Law on Unrestricted Development of National and Ethnic Groups of Latvia and the Rights to Cultural Autonomy, Art. 16: "Any activity directed toward national discrimination or the propagation of national superiority or national hatred is punishable in accordance with existing laws", adopted on 19 March 1991 (unofficial translation).

<sup>166</sup> Law on Radio and Television, Art. 17(3): "A broadcast must not contain: ... 4) instigation of national, racial, gender or religious hatred, and humiliation of national dignity and respect", adopted on 24 August 1995 (unofficial translation).

<sup>167</sup> Law on Religious Organisation, Art. 4(1): "The direct or indirect restrictions of the rights of residents or the creation of privileges to residents, as well as infringement of their feelings or the instigation of hatred due to their attitude to religion shall be prohibited. Persons guilty of violating this provision shall be held liable in accordance with the procedure prescribed by law" (Unofficial translation). Adopted on 7 September 1995.

The Latvian Criminal Code prohibits the propagation of ideas based on racial or ethnic superiority or hatred and provides for legal sanctions. Article 78 of the Code is directed against violation of ethnic and racial equality and restriction of human rights. The Code envisions up to three years imprisonment for “activities, consciously aimed at inciting ethnic and racial hatred or promotion of conflicts.” Article 79 prohibits destruction of cultural and national heritage.

On 29 May 2000, the Riga regional court handed down Latvia’s first conviction on charges related to hate speech. In the trial of nine members of the neo-Nazi group “Perkonkrusts” (Thundercross),<sup>168</sup> three were convicted explicitly of the charge of incitement to ethnic hatred. In March 2000, security police began an investigation into whether the overtly neo-Nazi paper “Patriots” incites inter-ethnic hatred. At the end of July the prosecutor’s office charged its editor with inciting inter-ethnic hatred. The court verdict was handed down in January 2001, sentencing the editor to eight months of imprisonment for incitement of inter-ethnic hatred.<sup>169</sup> There have as yet been no other convictions for the dissemination of ethnic hatred, although several Russian extremist groups have also encountered problems with law enforcement agencies.

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<sup>168</sup> Case No K-79/8, No 51603097, Court Verdict on 29 May 2000. The group was propagating anti-Semitism, promoting an idea of “Latvian Latvia”. After the group on three occasions attempted to blow up the Victory over Fascism monument, ten members were convicted, three on grounds of incitement to ethnic hatred. Other crimes of the group included illegal possession of explosives, blowing up hot water mains and hostage-taking. The case was initiated by the General Prosecutor’s office.

<sup>169</sup> *Diena*, 13 January 2001.

## IV. Institutions for Minority Protection

There are no official bodies with exclusive responsibility for promoting the protection of minority rights, monitoring racial discrimination or other violations of minority rights, or prosecuting such violations. Certain ombudsman-like functions are conducted by the National Human Rights Office, but these do not extend to systematic and effective protection of the rights of Russian speakers. A number of civil society organisations monitor minority rights violations, without consistent or effective government support to do so.

### A. Official Bodies

#### *The National Human Rights Office (NHRO)*

This office was established by the Law on the National Human Rights Office in 1995 as an ombudsman-type institution,<sup>170</sup> and declared “independent in its decision-making and the realisation of its goals”.<sup>171</sup> The role of the Office is to provide free legal advice, take immediate measures in case of human rights violations, analyse legislation, and provide objective information to the public on the rights and obligations of individuals as envisioned by Latvian legislation. In practice, its primary work is to consider individual complaints of human rights violations, including complaints against violations by state and municipal officials.<sup>172</sup> However, the Office does not fully utilise the powers granted to it. For example, the Office has the right to request information and explanation from state officials on matters related to alleged human rights violation.<sup>173</sup> Although officials do not always respond to NHRO requests, no official has been taken to court on this count, the Office instead persists in its attempts to contact them.<sup>174</sup>

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<sup>170</sup> Government Regulation No. 204 “On the National Human Rights Office”.

<sup>171</sup> Law on the National Human Rights Office (adopted on 5 December 1996), Art. 1(2). In practice, independence is assured by nomination: the Head of the Office is appointed by the Parliament for four years. The Head can be removed only by the Parliament and in a limited number of cases.

<sup>172</sup> Information from the Co-ordinator of Information and Analysis Section of the NHRO, Riga, April 2001.

<sup>173</sup> Law on the National Human Rights Office, Art. 6(1): “The Office is entitled to request information from any state or municipal institution and any natural and judicial person who may know of information in relation to the violations of human rights under investigation.” Art. 6(4): “An official who fails to provide information or explanations and fails to appear following a summons from the Office without justified excuse shall be liable in accordance with the Latvian Code of Administrative Violations” (unofficial translation).

<sup>174</sup> The General Prosecutor’s Office frequently delays or avoids responding to the Office. Information from the Co-ordinator of Information and Analysis Section of the NHRO, Riga, April 2001.

The National Human Rights Office publishes annual reports about its activities, in which it also highlights areas of human rights where the Office has done some analysis of the situation in Latvia. In its 1996 and 1997 annual reports the Office looked at minority rights in Latvia as well. Its conclusion was that both legislation and implementation generally were in compliance with international minority rights standards. It recognised that issues of education in minority languages are not properly addressed by Latvia's legislation; however, the Office emphasised that such issues are left to the discretion of individual states.<sup>175</sup>

The Office has no specialised program or activity aimed specifically at minorities. It does not differentiate visitors by ethnic origin, although by the estimates of its staff, about half of their visitors address them in Russian, either orally or in writing.<sup>176</sup> The Office's statistics show a growing number of complaints, from 1,642 in 1996 (of these – 607 written) to 5,163 in 2000 (816 written).<sup>177</sup> Nevertheless, according to a Baltic Data House survey, only 0.8 percent of those who believe their rights have been violated approach the Office for help.<sup>178</sup> According to the Office, verbal complaints have been received about the requirement to submit court applications in the state language, but these are not documented.<sup>179</sup> The 14-strong staff of the National Human Rights Office is entirely ethnic Latvian. In 2001, following an anonymous complaint, the National Human Rights Office filed a letter to the State Language Inspection concerning the fact that the city council of Daugavpils (a 90 percent Russian-speaking town in Eastern Latvia) held a press conference in Russian on 23 March 2001.<sup>180</sup>

The UN CERD recently expressed “[c]oncern [...] over the difficulties hampering the operation of the National Human Rights Office [...] since these have direct consequences for the implementation of article 6 of the Convention.”<sup>181</sup> According to the OSCE, the NHRO “has only been partially successful in establishing authority and credibility, perhaps because the limited scope of its mandate has diminished its relevance for many people.”<sup>182</sup> However, reportedly plans to develop a new Ombudsman's institution on the basis of the NHRO have been proposed at the President's Chancery.

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<sup>175</sup> See *1996 Annual Report* and *1997 Annual Report* of the National Human Rights Office. The annual reports of 1998 and 1999 did not look at minority rights.

<sup>176</sup> Information from the Co-ordinator of Information and Analysis Section of the NHRO, Riga, April 2001.

<sup>177</sup> See *1996 Annual Report* and *2000 Annual Report* of the National Human Rights Office.

<sup>178</sup> Baltic Data House, 2000.

<sup>179</sup> Information from the Head of the NHRO, December 2000.

<sup>180</sup> NHRO letter No. 1-14-1/62.

<sup>181</sup> CERD/C/304/ADD.79, 2001, para. 17.

<sup>182</sup> OSCE 2001.

*Municipal Institutions*

In April 2000 the city of Ventspils adopted its own integration programme and created a non-citizen's advisory council, whose members actively participated in the work of the City Council during the remainder of the year. The Liepaja city government established an "integration promotion working group" in 2000 which prepared a draft city integration programme. By year's end, the city council had not yet approved the programme, but it did hire an integration project coordinator. The Aizkraukle Social Integration Council registered itself as a non-governmental organisation in late October and works primarily with youth on integration projects.<sup>183</sup>

*Integration Section of the General Education Department  
Ministry of Education and Science*

Currently, matters pertaining to minority schools are dealt with by the Integration Section of the General Education Department of the Ministry of Education and Science established at the end of 1998.<sup>184</sup> Three officers are responsible for implementation of minority education programmes. Specifically, the Integration Section monitors implementation of bilingual education models by minority schools, co-ordinates Latvian language training of minority schools' teachers, and works to ensure teaching materials for bilingual education in minority schools. An Advisory Council on Minority Education Issues was established upon the initiative of the Integration Section in order to improve communication between various parties involved in minority education.<sup>185</sup> Twenty-two members of the Council represent various ministries, local governments, cultural societies and schools.

*Naturalisation Board*

The Naturalisation Board<sup>186</sup> was established in 1994 to implement the Law on Citizenship. The Board is currently entrusted with registration of citizens, resolution of issues relating to loss and restoration of citizenship, supervision of naturalisation and granting citizenship to stateless children born in Latvia after 21 August 1991. Since 1999 the Board has had a central role in the development of the National Program on the Integration of Society (see below). The Naturalisation Board is one of the rare state institutions in Latvia, whose work has not been criticised.<sup>187</sup> The Board regularly conducts information

<sup>183</sup> Latvian Centre for Human Rights and Ethnic Studies, *Human Rights in Latvia in 2000*, Riga, 2001: 41.

<sup>184</sup> Ministry of Education and Science Decree No. 678, 14 December 1998.

<sup>185</sup> Information from the Integration Section of the General Education Department of the Ministry of Education and Science.

<sup>186</sup> The Naturalisation Board website: <<http://www.np.gov.lv>> (accessed 17 June 2001).

<sup>187</sup> For the outreach work of the Naturalisation Board as well as analysis of media reports on its work, please refer to *Activity of the Information Centre in 2000. Report and Activity of the Information Centre in 1999 Report*.



campaigns, organises conferences and seminars, coordinates research, co-operates with the media to conduct outreach work, conducts an annual student essay competition “On the Way towards the Civil Society”, and implements other initiatives to inform and involve the public. Conferences on societal integration in Latvia organised by the Naturalisation Board with EU funding were reportedly of limited impact since few new issues were raised, no solutions were offered and minorities did not benefit in any substantial way.

### *The Citizenship and Migration Department*

The Department<sup>188</sup> was established in April 1991 to control migration from other USSR republics into Latvia. From 1992 the Department was entrusted with compilation of the Residents’ Register – a uniform residents’ registration system in the territory of Latvia. The Department is responsible for registering residents, as well as for the use, maintenance and update of the Register.<sup>189</sup> Following mass violations of registration regulations and negligence of court decisions in the early 1990s,<sup>190</sup> the Department’s leadership was changed and the institution itself was subordinated to the Ministry of the Interior.<sup>191</sup> Now the department registers the citizens and residents of Latvia with the Population Register, regulates and controls migration processes and issues passports and other identification or travel documents.

### *National Programme: “The Integration of Society in Latvia”*

In March 1999, the government initiated public discussion of a draft National Programme entitled “The Integration of Society in Latvia,”<sup>192</sup> outlining state policies aimed at societal integration in various fields, including integration of minorities. The document was criticised by minority activists for, *inter alia*, inconsistent notions of the concept of “integration” in different chapters, and the lack of consultation with minority representatives in the development of chapters directly affecting their interests.<sup>193</sup> The chapter on education

<sup>188</sup> See the Citizenship and Migration Affairs Department website: <<http://www.pid.bkc.lv>> (accessed 17 June 2001).

<sup>189</sup> According to the Law on the Registration of Residents, adopted on 11 December 1991.

<sup>190</sup> About 100,000 individuals, mostly minorities, were refused registration illegally. See “Violations by the Latvian Department of Citizenship and Immigration”, *Helsinki Watch*, Vol. 5, No. 19, October 1993.

<sup>191</sup> From 3 August 1993, Decision of the Cabinet of Ministers.

<sup>192</sup> See <<http://www.np.gov.lv/en/fjas/integracija.htm>> (accessed 18 June 2001).

<sup>193</sup> For statements of minority NGOs on the National Integration Program, see <<http://racoona.riga.lv/minelres/archive//04161999-15:26:55-14291.html>> (accessed 18 June 2001); <<http://racoona.riga.lv/minelres/archive//04221999-22:13:11-25909.html>> (accessed 18 June 2001).

was especially criticised.<sup>194</sup> Following considerable debate and many revisions, the document was approved in December 1999, thus formally recognising integration as state policy.

The National Programme does not focus on minorities specifically. It covers a broad range of issues, including dialogue between the individual and the State; encouragement of naturalisation; development of the NGO sector and NGO involvement in decision-making; assistance to ethnic Latvians willing to repatriate and to ethnic minorities wishing to emigrate; measures to promote employment, reduce poverty, facilitate regional integration; transition to bilingual education for minorities; development of culture and intercultural dialogue; and the “improvement of the information sphere”. The Programme suffers from the lack of a concrete implementation strategy.

Following lengthy deliberations, a Social Integration Foundation was established within the Ministry of Justice to implement the Programme and attract funding. The OSCE notes, “recent moves to establish a Social Integration Foundation to support the Programme are very important, since the continuing absence of a financing mechanism could have a debilitating effect on the commitment of the international donor community and on the overall sustainability of social integration.”<sup>195</sup> The Programme for Integration of the Society of Latvia has been criticised for being an overly “export-oriented” declaration of intent. With the active participation of minorities themselves and concrete funding, it could be transformed into a practical and concrete action plan.

### *National Programme for Latvian Language Training*

The Cabinet of Ministers approved a National Programme for Latvian Language Training (NPLLT) in late 1995.<sup>196</sup> The UNDP Office in Latvia participated actively in the elaboration of the Programme, whose overall objective is to promote Latvian language learning. The Programme focuses on teaching Latvian to minority schools’ teachers to enable them to teach minority pupils in the state language. Other objectives are to

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<sup>194</sup> The chapter essentially repeated the Programme for Transition of Secondary Education into the State Language, developed by the Ministry of Education and Science in 1998. On 12 May 1998, the Cabinet of Ministers decided to “take the Programme into consideration” and to “include the Program into the Societal Integration Project” (Minutes of the Cabinet of Ministers session of 12 May 1998, para. 38). Echoing the Programme for Transition, the chapter on education also considers the continued existence of Russian language education to be the primary obstacle to societal integration, and proposes replacing minority primary education with bilingual education, and eliminating minority secondary education by 2004.

<sup>195</sup> OSCE 2001.

<sup>196</sup> The programme is available at <<http://www.lvavp.lv>> (accessed 18 June 2001).

teach Latvian to adults, develop language study materials for non-Latvians, elaborate examination standards and promote Latvian in the media. By early 2000, 10,367 teachers and 6,902 other adults (police, medical, railway workers and others) had participated in the courses.<sup>197</sup>

For the period 1999–2000, the Programme envisioned preparing teaching materials for about 12,000 minority schoolteachers “so that they will be ready to teach their subjects in Latvian.”<sup>198</sup> The Programme budget of approximately \$ US 23.9 million was to be funded by foreign donors, with a gradually increasing domestic share of funding. A large portion of EU funds (€ 500,000 yearly from 1997 to 2001) went to finance projects of the NPLLT.<sup>199</sup> In 2001, the Latvian government became an active funder of the Programme, allocating Ls 428,000 (c. € 764,000). The language training offered by the NPLLT is focused primarily on teachers in minority schools and is not available to minority adults in general.

## B. Civil Society

A number of cultural organisations came into being in the late eighties, with varying approaches to the political transitions of the time. The Baltic-Slavic Society of Cultural Development and Cooperation (BSO), established in July 1988, was the first association of its kind and adopted a neutral stance towards Latvian independence. By contrast, the Latvian Society for Russian Culture (LORK) actively supported independence, but gradually came to oppose the government, following the 1991 citizenship resolution – in February 1996 several prominent LORK leaders, together with other minority intellectuals and three Latvian writers, signed a letter to President Ulmanis strongly criticising Latvian minority policy.

The most ambitious attempt to create a broad Russian front was undertaken in early 1991 by a small group of activists who formed the Russian Community of Latvia (ROL). The guiding principles of ROL were solidarity, justice, subsidiarity, and the need to help Russians adapt to conditions of a market economy in a Latvian national state. For a while, ROL managed to bring together leaders from many other Russian organisations and to launch several enterprises under its auspices, even a Slavic Bank. Before long, however, internal squabbles weakened the organisation and eventually tore it apart. ROL branches

<sup>197</sup> A. Pabriks, *The National Programme for Latvian Language Training 1996–2000*. Promotion of the Integration of Society: Impact Report.

<sup>198</sup> “What is National Programme for Latvian Language Training Doing?”, NPLLT information No. 2/98–99.

<sup>199</sup> *Tagad* (“Now”), Information Bulletin No. 1, 2000, p. 14.

in some Latvian cities, e.g. Daugavpils, declared their independence from the Riga leadership. The economic activities of ROL practically collapsed, and it gradually became only one among several competing Russian organisations emerging in 1991–1995. In February 1995 the Latvian Association of Russian Societies (LARO) was established, and somewhat later, the Centre of Russian Culture in Latvia, and the Russian Cultural Autonomy Association.

No organisation is sufficiently large or diverse to claim to represent the entire Russian-speaking population of Latvia, and relatively few NGOs deal with human rights in general and minority rights in particular. Those that do are active in disseminating human rights information, providing legal counsel and litigating, at times successfully, on behalf of Russian clients who complain of rights violations.

Human rights research and activism are a special focus for the Latvian Human Rights Committee and the Latvian Centre for Human Rights and Ethnic Studies (LCHRES).<sup>200</sup> Both organisations further offer legal advice and the former has actively brought a great number of minority rights complaints to the Latvian courts and to the European Court of Human Rights in Strasbourg. Other active institutes include the Centre for Educational and Social Research, Baltic Insight, which focuses particularly on the promotion of modern information technologies for human rights/minority NGOs' activities, with the aim of facilitating civil society in Latvia. Its main project since March 1997 has been MINELRES, an email discussion group and web site on minorities in Central and Eastern Europe.<sup>201</sup> The Association for Support of Russian Language Schools in Latvia (LASHOR) focuses especially on the issue of freedom of education. Two organisations involved in information dissemination on minority and human rights issues are the Daugavpils Human Rights Information Centre and the Human Rights Support Network.

Latvian NGOs complain that their work gets little support from the government. Given an appropriate forum, the authorities could benefit from engaging political organisations and NGOs representing minorities in an ongoing dialogue.

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<sup>200</sup> See <<http://www.ihf-hr.org/lchres.htm>> (accessed 18 June 2001).

<sup>201</sup> See <<http://www.riga.lv/minelres/>> (accessed 18 June 2001).

## V. Recommendations to the Government

*In addition to the recommendations elaborated in the Overview Report, the following measures would contribute to enhanced minority protection in Latvia:*

1. Consider extending the system of bilingual education to secondary schools, and expand programmes to ensure adequate teacher training for schools in minority languages, particularly Russian.
2. Ratify the Framework Convention and harmonise legislation with Convention provisions, particularly with regard to the use of minority languages before public authorities, education through minority languages, and privately owned broadcasting in minority languages.
3. Take all possible measures to encourage faster naturalisation, including preparatory training for applicants, easing requirements for certain categories of applicants, and information campaigns through the media. Measures must also be taken to counter the sense of alienation and mistrust of the state and its institutions prevalent among minorities as a result of past state policies.
4. Grant permanent resident non-citizens voting rights at municipal elections to facilitate the integration of Latvian society at the community level. Eliminate existing restrictions of “non-political” rights of permanent resident non-citizens to ensure general equality of treatment and access to the labour market.
5. Reconsider the “Program for Integration of the Society of Latvia” with a view to transforming it from the largely “export-oriented” declaration of intent into a practical and concrete action plan, based on the active participation of minorities themselves. Sufficient funds must be provided for implementation of this program.

## Appendix A

### Demography

*Table A1*  
**Residents of Latvia by ethnicity and citizenship in 2001**

	<b>Citizens</b>	<b>Non-citizens</b>	<b>Foreigners</b>	<b>Total</b>	<b>Percent</b>
Latvians	1,363,136	3,549	753	1,367,438	57.9%
Russians	307,323	368,380	17,733	693,436	29.4%
Belarussians	23,659	70,331	1,429	95,419	4.0%
Ukrainians	7,804	51,514	3,230	62,548	2.7%
Poles	39,676	18,957	371	59,004	2.5%
Lithuanians	15,988	15,924	1,113	33,025	1.4%
Jews	5,770	3,922	300	9,992	0.4%
Estonians	1,445	948	239	2,632	0.1%
Others	15,706	17,539	3,695	36,940	1.6%
<b>Total</b>	<b>1,780,507</b>	<b>551,064</b>	<b>28,863</b>	<b>2,360,434</b>	<b>100.0%</b>

SOURCE: Data of the Population Register as of 1 January 2001.

## Appendix B

### Selected Minority Rights Cases

1. Sergey Kluchnik, a Russian-speaking stateless person born in Latvia, was conscripted for mandatory military service in 1987, graduated from military aviation technical school and was appointed to Kazakhstan. In early 1994 he returned to Latvia where his father and sister are living to this day, and applied for registration at the Department of Citizenship and Migration Affairs. Instead, the Department confiscated his Soviet passport. Following repeated entreaties to the Department, a deportation order was issued against him. Numerous appeals to the courts to acknowledge his status as a Latvian non-citizen, including to the Supreme Court (Case No. 2-895/3 1995), were fruitless. The Court ruled that his case was outside their competence, and he should turn to the Department (Case No. AC-2-145/7 1997). The Department still refuses to legalise Sergey Kluchnik's presence in Latvia and the deportation order has not been reversed. Ethnic Latvians have not complained of this problem – a prominent example is Mr. Adamsons, a former border guard in the Russian army, who is now an MP. Sergey Kluchnik, by contrast, cannot even register his marriage and his daughter is consequently registered as fatherless. See, *Examples of Human Rights Violations in Latvia*, unpublished material of the Latvian Human Rights Committee, compiled by Gennady Kotov, 22 June 2000, p. 2, case 2.
2. Marina Agafonova, is a Russian speaking stateless person born in Latvia in 1960. In 1980 she contracted to work in the far North of Russia, where she married in 1981 and bore a daughter in 1982. In January 1992 Marina Agafonova returned with her family to Latvia, where her son was born. Despite repeated attempts, authorities refused to legalise her presence in Latvia. In February 1995, after one of her addresses to the Department of Citizenship and Migration Affairs, she was issued a deportation order for the whole family. Appeals through the Latvian court system did not bring any result (Supreme Court Case No. 2-1535/5 1995). With the assistance of LHRC she addressed the UN Committee of Human Rights concerning the violation of the right to enter her own country. After Latvia was requested to explain the case, Marina Agafonova's family expulsion order was cancelled and finally they were registered as permanent residents. See Kotov, 2000, p. 7, case 7.

3. Natalia Andreeva is a stateless ethnic Russian, born in 1942 in Kazakhstan. She was brought to Latvia in 1953 when she was 11 and spent all her life there. However, when she reached retirement age a functionary of the Social Insurance Department refused to include 17 years into her length of service record. If she were a Latvian citizen, these years of work would be undoubtedly included into her length of service record, which is used for pension calculation. This way, her monthly pension was reduced and amounted to just over US \$ 30. The functionary referred to transitional pension regulations, which envision that the years of work done by non-citizens outside of Latvia are not included into their length of service record. The enterprise she was working at from 1973 to 1990 was an "all-Union" ownership, although located in Latvia. Appeals to the court system did not yield any result (Supreme Court Senate Case No. 2-7609/10 1998). With the assistance of LHRC, Natalia Andreeva filed an appeal to the European Court for violation of the rights of the fair trial, effective remedies, non-discrimination on the grounds of national origin and peaceful enjoyment of his/her possessions, stipulated in the ECHR. On 17 March 2000 this appeal was registered in the European Court (ECHR Case No. 55707/00). See Kotov, 2000, p. 14, case 15.
  
4. Agafia Mikhailova is a Russian-speaking Latvian citizen, born in Russia in 1935. In January 1942 she was deported by the Nazis to Latvia, where she was used as a slave labour in agriculture until 1945. After the war she stayed in Latvia, because her father was killed and their house burnt down. On 1 September 1995 Livani City Council issued Mikhailova a certificate of a politically repressed person (the status related to some extra social benefits). The next year she went through naturalisation and became a citizen of Latvia. On 4 March 1997 Preili District Council refused to recognise Mikhailova as a politically repressed person. Her attempts to appeal the refusal of her status through courts were unsuccessful (Supreme Court Case No. 2-727 1997). The courts referred to the fact that she is a naturalised, but not a native-born Latvian citizen. With the assistance of LHRC, Agafia Mikhailova submitted her case to the European Court of Human Rights where it was registered in November 1999 (ECHR Case No. 52597/99). See Kotov, 2000, p. 9, case 10.