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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF LATVIA  
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES BY LATVIA**

(received on 3 January 2014)

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**Introduction**

On 18 June 2013 the Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter – Framework Convention) adopted the Opinion on the implementation of the Framework Convention in Latvia. This Opinion was transmitted to Latvia with the letter dated of 2 September 2013 by the Director General of the Directorate-General II – Democracy. Latvia submitted its second report on the implementation of the Framework Convention on 3 September 2012.

Latvia appreciates the activities of the Advisory Committee in monitoring the implementation of the Framework Convention and reaffirms its readiness to continue the implementation of its commitments under the Framework Convention while sustaining a permanent dialogue with the Advisory Committee. Latvia thanks the Advisory Committee for the recognition of the progress achieved by Latvia in the area of protecting the rights of national minorities as well as in various fields of society integration. Latvia undertakes to evaluate accordingly the recommendations of the Advisory Committee.

In a short period of time since regaining independence, Latvia has achieved considerable progress in economic development, ensuring the welfare of its population and building an inclusive society. In accordance with the Constitution and legislation of the Republic of Latvia, and its international treaties and commitments, Latvia ensures fundamental human rights and freedoms. Latvia's society is multi-ethnic, and it has a long-term history of interethnic tolerance. National minorities have lived in Latvia for generations and associate themselves as belonging to the state and society of Latvia, while retaining their separate national and cultural identity. Their diversity enriches Latvia's cultural space, and the right to preserve their distinctiveness is guaranteed by the Constitution. The policy of society integration implemented in Latvia is aimed at the openness of society towards national minority cultures and languages, at the same time strengthening their affinity with the Latvian state.

While evaluating the implementation of any convention, it is essential to take into account the situation in the specific country. Therefore, Latvia believes that a full comprehension of Latvia's historical situation and the doctrine of state continuity is of utmost importance, in order to evaluate the proportionality between the rights of persons belonging to national minorities but who are not citizens of the Republic of Latvia and the necessity to ensure that the fundamental principles of existence of Latvia as an independent and sovereign state are observed.

**Executive Summary**

1. Ratifying the Framework Convention, Latvia has exercised its right to provide a definition of “national minority” and the scope of application of the Framework Convention, which is much broader than that of many other Member States of the Framework Convention.

2. Latvian Government wishes to re-emphasise that Latvia is not a successor state to the USSR. Based on the continuity of the Republic of Latvia as a subject of international law and the fundamental principles of sovereignty following the restoration of Latvia's statehood, the citizenship institute of Latvia was restored as it was on 17 June 1940. Meanwhile a special temporary status was established for persons who were not eligible to automatically acquire Latvia's citizenship, that gave them a possibility for obtaining Latvian citizenship through naturalisation or by choosing another state for establishment of legal relationship. In two decades since regaining independence, much has been accomplished to overcome the legacy of divided society that had come into being during Latvia's occupation.
3. Latvia has created all prerequisites for stateless persons and persons of temporary non-citizen status (former citizens of the USSR without the citizenship of the Republic of Latvia or any other country) to acquire Latvian citizenship. One of the goals of Latvia's integration policy is to promote naturalisation and increase the number of Latvian citizens. To achieve this goal, the naturalisation process has been simplified various times – the structure and contents of naturalisation exams has been customised to the actual language use in everyday life, while Latvian language and history exams have been simplified, the accessibility of the naturalisation process has broadened, the number of documents to be submitted has been decreased and the process of examination a naturalisation case has been optimised.
4. Latvia has achieved remarkable progress in the promotion of the naturalisation process, reducing the number of non-citizens from 29% (730 000) in 1995 to 13.5% (290 510) in 2013. The naturalisation process is well underway, and the level of awareness and understanding of citizenship issues has increased among the public. Informative days are organised about opportunities and conditions for naturalisation, bulletins about naturalisation procedures are published, and an internet resource has been set up – an e-test of naturalisation exams in support of the preparation process.
5. The Government is implementing a consistent policy and unified approach in the area of society integration and promoting naturalisation. The Guidelines on National Identity, Civil Society and Integration Policy for 2012–2018 (hereinafter – Guidelines) have been adopted, envisaging a more rapid naturalisation by means of non-traditional forms of participation and awareness-raising. By coming into force of the latest amendments to the Citizenship Law the procedure for granting citizenship has been further simplified. For instance, Latvian citizenship to children of non-citizens and stateless persons is granted automatically: children of non-citizens and stateless persons are recognized as Latvian citizens together with child's birth registration. A child under the age of 15 who have not been registered as Latvia's citizen at the time of the birth registration can be registered as a citizen upon an application submitted by one of the parents. In addition, the requirements regarding permanent residence period for the naturalization applicants are simplified and the language test requirements and exemptions therefrom have been defined more precisely.
6. Therefore, the limitations of rights of non-citizens should be considered in the context with the Latvia's inclusive policy in the field of society integration. The right to work in the civil service or occupy posts that are related to national security and the right to vote are historically and legally linked to the institute of citizenship, belonging to the State, and certain legal body consisting of rights and

obligations between the state and the individual. Moreover the established limitations are proportional and in accordance with the practise of other states. Consequently, Latvia believes that in these spheres it is not necessary to further equate the rights of citizens of the Republic of Latvia and those of non-citizens.

7. The position of Latvia in regard to non-citizens' right to vote at municipal elections remains unchanged: voting rights are an integral part of citizenship. Granting the right to vote at municipal elections to noncitizens would bring the status of non-citizens and the status of citizens even closer, thus reducing any motivation for non-citizens to become naturalised, and would only extend the ambiguous situation and the special legal status of non-citizen. In addition, this is not contrary to international practice: only eight out of the Council of Europe's 47 member states have currently granted local voting rights to all the permanent residents without restrictions.
8. The integration policy of Latvia fully ensures the protection of national minority rights and allows to maintain and develop their culture, language and traditions. The involvement of representatives of national minorities and pursuing their interests in the process of policy- and decision-making is also facilitated through the five currently existing national level advisory councils.
9. Prevention of discrimination has a key role in exercising national minority rights. To ensure an effective enforcement of legal framework to prevent discrimination, training and awareness-raising activities for all relevant public officials are carried out in Latvia. It should be noted that some separate incidents cannot be considered as indicators to the lack of effectiveness of integration policy. Besides that monitoring of public debates and internet content is carried out on a regular basis in Latvia to identify possible hate crime. Latvian legislation provides a regulatory framework for appropriately investigating, combating and preventing hate crime. Nevertheless, the streamlining of legal provisions is an ongoing process, and efforts are currently made to improve domestic legal provisions on responsibility for any type of hate crime.
10. The rights and interests of national minorities are also ensured in the media. Latvia confirms that it will continue to promote a more diverse media environment with adequate possibilities for access to high quality media content in their languages for persons belonging to national minorities. In addition, Latvia notes that when devising electronic mass media policy, national minority interests are taken into consideration, and minority representatives are engaged in formulating and carrying out that policy.
11. While analysing the official language policy it is essential to understand that Latvia with its relative low number of population is the only country in the world where the Latvian language is spoken. Therefore, consistent implementation of language policy principles is vital for preserving the language and even for its survival in the long term. Thus it is understandable that the State Language Law provides for the preservation, protection and development of the Latvian language while guaranteeing the rights of national minorities to use their native language or any other language.
12. Latvian legislation provides a clear regulatory framework for the use of the Latvian language in public administration institutions. It has also been formulated in which cases national minority languages can be used in communication with public institutions, for instance, police and health care institutions, rescue services and other institutions in cases of calling emergency medical services, or when a crime or other offence has been committed.

13. Latvia not only sets out requirements on Latvian language proficiency but also ensures that the learning of the Latvian language is funded by the state budget. The Latvian Government gives priority to free Latvian language courses for everyone and is also planning to attract additional financial resources. From 2010 to 2012, almost 25 000 persons were taught the Latvian language for free, and the funding allocated by the state exceeds LVL 5.5 million (EUR 7.9 million). At the same time it should be noted that, alongside the official language teaching, the monitoring of official language usage's compliance with existing normative acts is an integral part of implementing an efficient official language policy.
14. One of the directions of action set out in the Guidelines of Education Development in Latvia for 2014 – 2020 is to promote the development of a multilingual personality both through foreign language learning and facilitating the acquisition of the native language and the official language. Latvia supports possibilities to acquire education by any national minority and indicates that a unified approach to education system is being pursued in Latvia. Textbooks are approved by applying unified evaluation criteria and regardless of the language of instruction, thus ensuring high quality of general education. The current systemic approach in national minority education is well-weighed and fulfils its purpose. This is also confirmed by the fact that pupils' exam results are improving.
15. In conclusion, Latvia would like to note that the state assumes responsibility for increasing welfare of all the residents of the country and for guaranteeing adequate social services. The residents of Latvia receive social guarantees and social assistance in accordance with common principles and to an equitable amount.
16. The following text provides Latvia's comments on the Opinion of the Advisory Committee on the implementation in Latvia of specific Articles of the Framework Convention.

### **Article 3 of the Framework Convention**

#### *Personal scope of the application of the Framework Convention*

#### **Paragraph 22 and 25**

17. Ratifying the Framework Convention, Latvia has exercised its right to provide a definition of “national minority” and the scope of application of the Framework Convention, which is much broader than that of many other Member States of the Framework Convention. Latvia considers that the Declaration it submitted upon ratification of the Framework Convention is in line with the objectives and aims of the Framework Convention and the established international practice in this regard.
18. At the same time, Latvia wishes to highlight that all prerequisites have been created so that persons who have been granted non-citizen status would be motivated to acquire citizenship and could do that. Latvian citizenship ensures a legal link with the state and a broader scope of rights and obligations.

#### **Paragraph 24**

19. Article 3, paragraph 4 of the State Language Law stipulates that the state shall ensure the maintenance, protection and development of the Latgalian written language as a historical variation of the Latvian language. Given that the Latgalian language is a historical variation of the Latvian language, the protection

of which is specifically regulated by the Law, Latgalians cannot be considered as a national minority within the meaning of the Framework Convention. Accordingly, in Latvia's opinion there is no legal basis for the recommendation of the Advisory Committee to expand the scope of application of the Framework Convention to the protection of the rights of Latgalian written language.

*The right to free self-identification*

**Paragraph 29 and 30**

20. In accordance with the amendments of 29 January 2013 to Cabinet regulation of 12 February 2012 No. 134 "Regulations on Personal Identification Documents", a person is entitled to choose whether to indicate his or her ethnic origin in personal identity documents and thereby to identify oneself with an ethnic group, or not to specify such data. Voluntary indication of ethnicity in personal identification documents is not contrary to international law. In addition, Latvia informs that according to the procedure laid out by the Law on the Change of a Given Name, Surname and Ethnicity Record, a person has the right to change one's ethnicity record, and thereby Latvia ensures the right to self-identification.

**Article 4 of the Framework Convention**

*Protection against discrimination*

**Paragraph 33 and 36**

21. Latvia cannot agree with the statement made by the Advisory Committee in paragraph 33 of its Opinion that comprehensive legislative framework prohibiting racial discrimination in all fields of life has not been developed. Amendments to the Section 149<sup>1</sup> Paragraph two of the Criminal Law that came into force on 1 April 2013 criminalise discrimination on the grounds of racial or ethnic origin and any other violations of prohibition of discrimination, if by such acts substantial harm is caused or they are associated with violence, fraud or threats, or where they are committed by a group of persons or a State official, or a responsible employee of an undertaking (company) or organisation, or if it is committed using an automated data processing system. This wording of the section has been drafted to apply to all possible types of discrimination, without differentiation. Thus also the recommendation in paragraph 36 of the Opinion 'to strengthen the legislative framework prohibiting discrimination to include discrimination on grounds of citizenship' is unfounded because Latvian legislation prohibits any kind of discrimination. Article 91 of the Constitution also stipulates that human rights shall be realized without discrimination of any kind.
22. To ensure effective enforcement of the anti-discriminatory provisions, Latvia carries out awareness-raising and training activities for the relevant public officials and as well as among population. For further information about the activities implemented see comments on paragraph 38.

**Paragraph 37**

23. One of the Ombudsman's functions is to enhance public awareness of human rights, the mechanisms for protecting these rights and the work of the Ombudsman. In fulfilling this function, the Ombudsman on a permanent basis highlights problems and issues in the area of human rights. Latvia considers that

public awareness is sufficient and direct access to the Ombudsman and other relevant institutions is ensured for all persons.

24. Latvia recognizes the necessity of increasing human and financial resources of the Ombudsman's Office to ensure a more efficient performance of its functions. In 2012, additional LVL 100 000 (EUR 142 287) were allocated towards enhancing the Ombudsman's capacity. At the beginning of 2013, the Ombudsman's Office assessed and updated the figures of the required funding and drew up an application on administrative capacity building measures, requesting additional LVL 162 304 (EUR 230 938) for 2014 and LVL 156 772 (EUR 223 066) in the coming years towards a full and efficient performance of public functions. Of that, the Cabinet has approved funding for administrative capacity building measures at the amount of LVL 64 777 (EUR 92 169). This confirms the efforts of the Latvian Government, within the limits of its possibilities, to strengthen institutional capacity affected by budget austerity measures due to the economic crisis.

### **Paragraph 38**

25. In addition to anti-discriminatory provisions included in Latvian legislation, Latvia also carries out awareness raising and training activities for society and public officials concerning the issues of elimination and prevention of discrimination.
26. Latvia also successfully directs the European Union's co-financing for training and providing information to public officials. For instance, since August 2013, the Society Integration Fund has been implementing a project, "Various people. Different experience. One Latvia", within the framework of the EU's PROGRESS programme. The project envisages training on discrimination prevention and equality issues for specialists from different areas. As a result of the project, a cooperation network will be set up among public administration institutions and non-governmental organisations, guidelines prepared for setting up an effective system for the monitoring of discrimination prevention policy, a study carried out and recommendations developed for policy makers. Activities have also been planned for enhancing the level of public awareness of discrimination prevention issues: thematic and analytical articles will be published, bulletins issued, creative activities for children and youth organized, and issues of equality brought to attention of society.
27. The Latvian Judicial Training Centre annually draws up a training programme for judges and court personnel. Training is provided in European Union law, human rights and international law every year; a number of various issues are addressed at the training sessions, including topics on prohibition of discrimination.

### *Collection of data and promotion of effective equality*

#### **Paragraph 42 and 43**

28. Latvia highlights that also in the follow-up to the implementation of the National Plan for Roma 2007–2009, support activities are being carried out towards Roma integration, increasing their level of education and employment, and in the field of health and social care. In 2011 the Ministry of Culture in consultation with members of the Roma community and experts including officials from the Ombudsman's Office produced a series of activities for Roma integration which has been included in the Guidelines on National Identity, Civil Society and Integration Policy (hereinafter – Guidelines) approved by the Government. A

number of support activities have been carried out in 2012 to put the Guidelines into practice: an Advisory Council for the Implementation of Roma Integration Policy has been established; initiatives for Roma monitoring have been evaluated in cooperation with the European Union Agency for Fundamental Rights; methodological support has been provided for teachers working with Roma children and pupils with insufficient knowledge of the Latvian language; project, "A Series of Practical Workshops for the Members of Roma Community in Five Cities of Latvia", by the Roma Culture Centre association, has been supported with the aim of promoting the protection of the human rights of Roma; another project supported is "Challenges to Roma Socio-Economic Integration in Daugavpils District" by the NEVO DROM D association, aimed at facilitating the dialogue between Roma community members and employers. With financial support from the Government, the above mentioned projects by Roma non-governmental organisations were also continued into 2013. The plans for 2014 are to support a project, "Support for Promoting Roma Community Integration and Participation", to issue a study "Situation of Roma in Latvia: Access to Education, Employment, health Care and Housing", and carry out other activities. It should be added that the set of activities has been aligned with the European Union's Roma integration guidelines, and the Advisory Council for the Implementation of Roma Integration Policy has been actively involved in the assessment of the said guidelines on the situation of Roma in Latvia. The Advisory Council is an effective instrument to ensure the assessment of the necessity and usefulness of the ongoing projects – project implementers regularly supply the Council members with information on the projects carried out and their results.

#### *Equality of "non-citizens" and the naturalisation process*

##### **Paragraph 47**

29. Amendments to the Citizenship Law which entered in force on 1 October 2013 comply with the international commitments of Latvia. The Amendments were adopted following two years of thorough discussions both at the Parliament and among the public. The Amendments clarify certain provisions of acquisition of citizenship and facilitate the naturalization process, for instance, by simplifying requirements of permanent residence for those who apply for naturalisation and standardizing the Latvian language naturalisation test requirements.
30. In terms of the Amendments dual citizenship means that citizens of certain countries will be able to acquire Latvian citizenship while retaining their current citizenship, and vice versa. Taking into account Latvia's historical background, the currently increasing mobility and objective conditions for the formation of dual citizenship, the Amendments to the Citizenship Law provide for combining Latvian citizenship with that of the states with which the Republic of Latvia has a common system of values, common political, economic and military interests, and long-lasting and stable cultural links have been established with Latvian communities abroad. Dual citizenship with any country can also be obtained by persons or descendants of persons who had Latvian citizenship prior to Soviet occupation in 1940. In addition, also citizens of countries not specified in the Citizenship Law may apply for dual citizenship, if a relevant permit is obtained from the Cabinet of Ministers.
31. At the same time the legislator has streamlined regulation in regard to granting citizenship to ethnic Latvians and Livs, with a greater emphasis on the existence



of an actual link with the country and a requirement to confirm proficiency in the Latvian language. Regarding naturalisation procedures, it should be noted that conditions for acquiring Latvian citizenship through naturalisation are the same for everybody irrespective of their racial or ethnic background.

32. Latvia does not agree with the Advisory Committee's Opinion that the recommendation on automatically granting citizenship to all children born in Latvia who would otherwise be stateless has not been taken into account. According to the Amendments, Latvian citizenship to children of non-citizens and stateless persons is granted automatically: children of non-citizens and stateless persons are recognised as Latvian citizens on the basis of the will expressed by one parent, together with child's birth registration. Furthermore, a child under the age of 15 who have not been registered as Latvia's citizen at the time of the birth registration can be registered as a citizen upon an application submitted by one of the parents. Adhering to international recommendations, yet at the same time taking into consideration the interests of a certain part of parents of non-citizen children, who wish to retain the non-citizen status for their children (which is due to the fact that, while in Latvia children of citizens and non-citizens are equal in their rights, when travelling to certain foreign countries, the non-citizen status is much more advantageous), the parents of non-citizens and stateless persons are offered a free choice to retain their child's status of non-citizen or stateless person respectively. Thus a new born becomes a non-citizen only if both parents express their will in this regard.
33. Latvia wishes to explain that under the Amendments of the Citizenship Law, deprivation of Latvian citizenship will not be any longer put in effect by a court decision, but on the grounds of an administrative act by an authority, which can in turn be contested in a superior institution, as well as appealed against before the administrative court. It should be noted that the decision on deprivation of citizenship does not take effect before appeals have been considered and the final ruling in the case in question has not come into force. Meanwhile, no significant amendments have been made to the procedure of refusal to grant citizenship through naturalisation. Like before, the initial decision on the eligibility of a person under the criteria set out in the law is taken by an official of an administrative institution whose decision can be appealed against before a superior official and further, with the administrative court. The final decision on granting Latvian citizenship to a person is taken by the Cabinet of Ministers. The said decision, like before, is a political one and cannot be appealed against; however, is cannot be arbitrary and must be motivated. At the same time, by Amendments to the Citizenship Law, the lawmaker has restricted the Cabinet of Ministers' freedom of action by prescribing that citizenship may only be refused to a person who by his/her behaviour or actions poses threat to the security and public order of the State of Latvia, its democratic and constitutional system, independence and territorial inviolability.
34. About the notion of 'constituent nation', see comments on Paragraph 69.

#### **Paragraph 48**

35. Latvia cannot agree with the opinion of the Advisory Committee that tendencies widening the gap between citizens and non-citizens can be observed. The existing restrictions as regards the rights to work in the civil service or occupy posts related to national security comply both with international legal regulation in this

regard, and also with practice in other states. Thus also the requirement to be a citizen while occupying a post in municipality police is justified.

36. Given the wide range of the rights of non-citizens, the only difference between Latvian citizens and non-citizens is the right to vote and be elected and the right to work in the civil service or occupy posts that are related to national security. The position of Latvia in regard to non-citizens' right to vote at municipal elections remains unchanged: voting rights are an integral part of citizenship. The goal of Latvia's integration policy is to promote naturalization and increase the number of Latvian citizens. Granting the right to vote to non-citizens at municipal elections would have a negative effect on the implementation of the national integration policy and would lessen the motivation of non-citizens to naturalize. If a person wishes to possess voting rights, he or she should decide in favour of naturalization, thereby obtaining the voting rights not only at the municipal level, but also in parliamentary and European parliamentary elections.
37. In addition, Latvia does not agree that differences between the rights of the European Union citizens and non-citizens have a negative effect on equality in society; furthermore, the scope of rights of the European Union citizens has not changed.
38. In addition, Latvia wishes to draw attention to the fact that the only international legal instrument granting the right to vote in local authority elections to the persons that are not citizens of the state concerned is the European Council Convention on the Participation of Foreigners in Public Life at Local Level, and, only eight out of the Council of Europe's 47 member states that have ratified the said Convention have currently granted local voting rights to all the permanent residents without restrictions.

#### **Paragraphs 49 and 52**

39. Latvia has created all preconditions for persons with temporary non-citizen status to be motivated in acquiring Latvian citizenship. In addition, the process of naturalisation has been repeatedly simplified so that no obstacles arise in persons' rights to naturalise.
40. Latvia emphasizes that in 2012 and 2013, information days about the naturalisation opportunities and requirements were regularly organized in Riga and regional divisions of the Office of Citizenship and Migration Affairs. In addition, many brochures regarding naturalization procedure were issued. In 2013, the project, "Provision of Informational Support to Third Country Nationals about the Opportunities to Obtain Citizenship", was also implemented under which on the Office of Citizenship and Migration Affairs website a guide-advisor feature was created about the opportunities to obtain Latvian citizenship. At the above mentioned website it has also been planned to create an interactive test, which could help to understand more completely what knowledge is required to obtain citizenship and improve candidates' understanding of issues that are unclear.
41. Latvia will continue to carry out information campaigns on naturalization issues to reach out to all those interested. It should be further noted that the Guidelines on National Identity, Civil Society and Integration Policy also envisage the speeding up of naturalisation through a range of untraditional participation forms and outreach activities.

#### **Paragraph 50**

42. The Government of Latvia gives priority to ensuring free language courses to all those interested and also plans to raise extra funds. The Guidelines on National Identity, Civil Society and Integration Policy also provide for measures to promote the Latvian language and hold Latvian language courses. The purpose of the Latvian language policy currently pursued is to ensure the accessibility of Latvian language learning and to improve Latvian language skills among national minorities, Latvians residing abroad and new immigrants.
43. At the Latvian Language Agency, 127 parents of national minority pupils learned Latvian in 2010, the respective number for 2011 was 101, and for 2012 - 64 parents beside 176 employees of pre-school institutions. The funding for Latvian language courses organised by the Latvian Language Agency was 13 775 LVL (19 600 EUR) in 2010 through 2012. A major contribution to teaching and enhancing the proficiency of the official language is provided through courses organised by the State Employment Agency. 8339 persons learned Latvian in those courses in 2010, 7065 persons in 2011 and 8608 in 2012. State funding for the courses was 5 559 345 LVL (7 910 235 EUR) in 2010 through 2012.
44. To increase the effectiveness of Latvian language training, to enhance the learners' motivation and responsibility, Latvia is constantly streamlining the process of language acquisition. At present, methodological support for the official language training is ensured and improved in line with the language proficiency requirements set out in the European Council's document, "Common European Framework of Reference for Languages: Learning, Teaching, Assessment".

#### **Paragraph 51**

45. Latvia recognises that it is vital to continue the development of the society integration process, and increasing the number of Latvia's citizens is one of positive outcomes of the society integration process. Latvia would like to reiterate that all preconditions have been created so that persons who had been granted non-citizen status would be motivated to acquire the citizenship of Latvia. Moreover, the naturalisation process has recurrently been made easier to remove all obstacles to the people's right to naturalise.
46. Latvia has achieved remarkable progress in promoting the naturalisation process by reducing the number of non-citizens from 29% (730 000) in 1995 to 13.3% (290 510) in July 2013. All the required measures will also be carried out in future, including awareness raising campaigns, to inform people and encourage them to naturalise.
47. As regards the decision by the Central Electoral Commission not to announce the second round of collecting signatures in support of a referendum on granting citizenship to Latvia's all non-citizens, Latvia wishes to emphasize that the decision was taken in accordance with Latvian legislation, including the Constitution. Procedures for a national referendum have been laid down in the Law on National Referendums, Legislative Initiatives and European Citizens' Initiative, and in accordance to that a national referendum shall be held if the relevant petition has been signed by not less than one-tenth of the citizens of Latvia eligible to vote in the previous Parliament elections. In addition, it should be noted that since the restoration of independence of Latvia, nine referenda have been held, which confirms that constitutional rights by citizens to initiate referenda are appropriately ensured.

## **Article 5 of the Framework Convention**

*Support for the preservation and development of the culture and identity of persons belonging to national minorities*

### **Paragraphs 55 – 58**

48. Latvia supports preservation of national minority culture and identity, and the total funding from the national budget for the programme, "Support for Non-governmental Organisations and Implementation of Society Integration Policy", which also finances national minority events, has not changed over the years 2012 and 2013 and amounts to 32 628 LVL (46 426 EUR). However it should be admitted that the national budget resources are limited and it is vital that co-financing is attracted. For instance, the Society Integration Fund is carrying out a programme co-financed by the European Economic Area, "NGO Fund" that gives opportunity to non-governmental organisations to submit project applications targeting the establishment of a cohesive society: the integration of an inter-cultural dialogue and national minorities, including strengthening of human rights and national identities.
49. Concerning support for national minority cultural events and the inclusion of national minorities in the decision-making process, see further comments on Paragraph 126 – 128.

## **Article 6 of the Framework Convention**

*Protection against discrimination, hostility or violence on ethnic grounds*

### **Paragraphs 61 – 65**

50. The monitoring of processes in society and on the web is carried out on a regular basis in Latvia to identify possible hate crimes. Latvia does not agree with the Advisory Committee's opinion on 'the extremely low number of investigations opened under Section 78' of the Criminal Law. On the contrary, statistics for the past years shows that the number of cases initiated under this provision has been increasing. If in 2009 and 2010, the Security Police brought up six criminal cases, then 12 criminal proceedings were launched in 2011 (ten of those on hate speech on the internet), 15 criminal proceedings in 2012 (13 of those on hate speech on the internet), and 16 criminal proceedings in the first half of 2013 (all on hate speech on the internet). The trend also demonstrates that Section 78 of the Criminal Law has been enforced in practice to appropriately investigate, fight against and prevent hate crime.
51. To enhance the domestic legal framework in relation to any type of hate crime, meetings of a permanent Criminal Law working group were held at the Ministry of Justice on 22 January and 30 April 2013 with participation of representatives from the justice system, law enforcement institutions, public administration, non-governmental organisations and the academia. The work on the assessment of legal regulation is underway.
52. In addition Latvia wishes to indicate that Paragraph 63 of the Advisory Committee Opinion contains inaccurate statements about the discussions in the Parliament and on 16 March as the Latvian Legion's day of remembrance. The matter of recognizing 16 March as an official day of remembrance was turned

down in the Parliament. It should be emphasised that 16 March is not an official remembrance day: on that day the fallen soldiers are privately commemorated in churches and cemeteries, and flowers are laid at the Freedom Monument. No symbols of totalitarian regimes are used. The Government of Latvia has consistently been voicing its firm attitude against any manifestations of extremism and radicalism.

*Integration and the promotion of tolerance*

**Paragraph 69**

53. Latvia informs that the concept of ‘constituent nation’ has been defined in the Guidelines on National Identity, Civil Society and Integration Policy (hereinafter – Guidelines) and in terms of content is in line with the European Common Basic Principles for Integration. The Second principle reads that "integration implies respect for the basic values of the European Union" and includes an explanation that Member States are responsible for assuring that immigrants understand, respect and benefit from the common European values and those of member states. In the context of the Guidelines, the term is to be interpreted in interconnection both with other notions and principles defines, and thus it has no exclusive and segregate content, but the meaning of value orientation. It has been stated in the text of the Guidelines that "the Latvian constituent nation and national minorities form the Latvian people. Latvian identity – the Latvian language, culture and social memory – unifies the Latvian people. It is the common foundation connecting all the people of Latvia, making it a democratic participatory community. Therefore, it is in the interests of the State of Latvia and its people not only to strengthen Latvian identity, which consolidates the community, making it stronger in the current circumstances of globalization, but also to broaden it so that national minorities and immigrants can also be embraced within it", while retaining their national identity, culture and language.

**Paragraphs 70 and 73**

54. Latvia wishes to draw attention to the fact that already in the early stages of drafting the Guidelines on National Identity, Civil Society and Integration Policy (hereinafter – Guidelines), civil society had a possibility to participate in the development of the new policy. Public consultations were organised, an opportunity was ensured to hand in one's proposals and objections, expert meetings and consultations took place with the Advisory Committee of National Minority Organisation Representatives, the Civil Society Council and the Council for the Implementation of Cooperation between non-governmental organisations and the Cabinet of Ministers; in addition, an Advisory Council on the Matters of National Identity and Society Integration was set up. Thus the Guidelines and their Action Plan reflect the result of broad and inclusive consultations.

55. Within the framework of putting into practice the measures set out in the Guidelines and the Action Plan cooperation is underway both with non-governmental organisations and national minority representatives. The involvement of national minorities and advancing their interests the process of policy- and decision making is facilitated through the currently existing five national level advisory councils. Three of them function under the aegis of the Ministry of Culture. Consistent with the Guidelines, for instance, support was provided for national minority group participation in the XXV All-Latvian Song Celebration and XV Dance Celebration and for preserving and development of

the national minority, including Roma, ethnic, local and European identity; projects were also supported, which targeted building and development of the dialogue between Latvian and national minority youth. Besides, a national minority forum titled "We are United by Latvia" was held in Riga on 16 November 2013 with the aim of opening a dialogue between representatives of various national minority groups living in Latvia and stimulating the preservation of the unique environment of cultures. There are plans to organise such a forum each year.

56. The above mentioned is indicative of public involvement and participation being an integral part of formulation and implementation of integration policy. Furthermore, an active civil society also contributes to the development of an inclusive and tolerant society.

### **Paragraph 75**

57. The state of Latvia cannot bear responsibility for human rights violations, including nationalisation of property perpetrated by occupational powers over a half-a-century period. However, upon restoring the legal system of the independent Latvia, the legislator, in line with principles of rule of law, carried out measures to compensate, within the limits of possibilities, to offset losses caused by earlier regimes and restore justice.
58. Since restoration of independence, Latvia has been providing a legal foundation for restitution the property nationalised and expropriated during the occupation period to rightful owners or their heirs, as well as successors of public and religious organisations. In the context of restitution of private property, Latvian legislation is among the most liberal in Europe: real estate could be claimed by heirs thereto irrespective of their current country of residence and citizenship. Apart from the vast-scale process of restitution of private property, Latvia has returned at least 26 real estate properties to successors to the rights of public and religious organisations of the Jewish community. Thus currently it is the matter of the last and most complicated stage in the restitution process – the restitution of heirless communal property, which cannot be addressed under the current legal framework. Both the Government of Latvia and the parties represented in the Parliament are maintaining a dialogue with the Jewish community of Latvia to find solutions acceptable for all.

### **Article 9 of the Framework Convention**

*Minority languages and participation of minorities in the media*

### **Paragraphs 78 – 82**

59. One of the objectives of the Electronic Mass Media Law (EMML) is also to promote the integration of society on the basis of the Latvian language, by determining the procedures appropriate for the public interests whereby the electronic mass media under the jurisdiction of Latvia shall use the official language during their broadcast time and concurrently envisaging the right to use languages of minorities and other languages in the electronic mass media (Section 2, Paragraph 2, Clause 4 of the EMML). In addition, under Section 71, Paragraph 1, Clause 18 of the EMML, one of the tasks of the public service remit has been set out as follows: envisage broadcasts for minority groups and persons with disabilities.

60. The National Electronic Mass Media Council (hereinafter – NEMMC) within its mandate will also in future facilitate a more diverse media environment with appropriate possibilities for access to a quality media environment in their languages for persons belonging to national minorities.
61. It should be further mentioned that a number of activities were implemented in 2012 and 2013 towards enabling a unified high-quality informational environment, for instance, broadcasting events of national importance on state television channel LTV7 with simultaneous interpretation in Russian, and producing informational and entertainment programmes in several languages by means of subtitling and sign language interpreting; besides, the formation of a united public media news portal in Latvian and Russian languages was launched.
62. It should be noted that when formulating the electronic mass media policy, the interests of national minorities were taken into account and minorities were involved in policy making and implementation. The Public Advisory Council, which is an advisory institution established by the NEMMC, includes representatives from associations, foundations, professional institutions and other organisations active in the field of the mass media, education, culture, science and human rights. National minority representatives are ensured a possibility of taking part in the competition for the selection of the NEMMC membership.

#### **Article 10 of the Framework Convention**

*Legal framework, policy and practice regarding the use of languages*

#### **Paragraph 84**

63. In Paragraph 84 of the Opinion the Advisory Committee points out that uncertainty over the meaning of the concept of ‘public interest’ has facilitated an increase in the number of successful appeals against decisions of the State Language Centre. This is not the case, as the number of the State Language Centre's decision appealed against and repealed has not increased considerably over the recent years. Besides, the State Language Centre Guidelines on the interpretation of the concept of ‘legitimate public interest’ used in the Official Language Law were approved on 8 April 2013.

#### **Paragraph 85**

64. In Paragraph 85 and elsewhere in the Opinion regrets have been voiced that issues related to the use of languages continue to trigger heated public debate, particularly following the referendum of February 2012. In regard to this Latvia strongly declares that Latvia as a democratic state ensures the rights of all citizens to initiate referenda in line with the Constitution and legislation. Allegations about increasing tension in society do not reflect the actual situation. The intensity of discussion and debate on the issues of the official language, identity and integration have increased during the organization and holding the referendum, which should be seen as a positive process. At the same time, the involvement of some external actors created a certain destructive impact. For instance, statements such as the one made on 11 March 2012 by Farid Mukhametshin, head of Russia's Federal Agency for Affairs of the Commonwealth of Independent States, Compatriots Residing Abroad and International Humanitarian Cooperation has a negative impact on the society consolidation process carried out by the Government of Latvia. However, it

should be highlighted that the intensity of the discussion subsided soon after the conclusion of the referendum. Moreover, not only, but also in the context of the referendum, Latvia draws the Advisory Committee's attention to problems identified in relation to the retransmission of Russian television channels and exerting influence over political processes by taking advantage of the liberal regulation of the European Union's audiovisual market. As regards this, a fact should be noted that an independent British media regulator, Ofcom, has recognised that Russian language channels broadcasting to Latvia, REN TV Baltic and Mir Baltic, licensed by Ofcom to Baltic Media Alliance Limited, have violated British media regulation by broadcasting videos that called for signing a petition in favour of the language referendum. The regulator noted that thereby the channels have not maintained their political neutrality.

65. Latvia also carries out activities of language teaching to preserve and protect the Latvian language as well ensuring a full involvement of all the residents in public and political processes. Latvian legislation clearly defines the use of the Latvian language. Enforcing liability for violations of provisions currently effective alongside the official language training is an integral part of an effective implementation of the national language policy.
66. It has been inaccurately stated in Paragraph 85 of the Advisory Committee's Opinion that the number of administrative sanctions imposed by the State Language Centre has significantly increased since 2009. We are drawing the Committee's attention to the fact that the number of sanctions has even slightly decreased over the recent years and, although the data for 2013 have not yet been collected, it can be predicted that the year 2013 will not see any increase either. 1062 penalties were imposed in 2011, and 1051 in 2012.
67. The number of public institutions penalized for distributing information in foreign languages has not increased either. For the breach of provisions of Section 201.35, Paragraph 7 of the Latvian Administrative Violations Code, providing public information in publicly accessible places also in a foreign language alongside the official language, if legislation prescribes providing that information in the official language only, in 2010, sanctions were applied in four cases, in 2011 once, and in 2012 in four cases.
68. It has also been inaccurately indicated in the Advisory Committee's Opinion that amendments to the Administrative Violations Code in June 2011 increased maximum fines four times. The said amendments also finally establish the liability of legal entities for violations of language use. The scope of the rights and obligations of legal and physical entities also determines the difference of the sanctions to be applied – the maximum amount of sanctions applied to legal entities (2000 LVL / 2846 EUR) exceeds the maximum amount of fines on physical entities (500 LVL / 711 EUR) four times.
69. The Advisory Committee states that the numbers of inspections on language use have increased in pre-school education establishments (kindergartens). Latvia wishes to emphasise that the number of inspections undertaken in those institutions depends on the number of complaints about insufficient proficiency in the official language of the staff that have been received and considered by the State Language Centre. Even if the number of language use inspections has increased in the abovementioned group of institutions over some comparatively short period of time, the increase has always had an objective and legitimate reason.



70. It should be further noted that the number of positions and professions that require the highest level of official language proficiency has been defined more precisely on 3 January 2012 by making amendments to Cabinet Regulation No. 733, adopted 7 July 2009, "Regulations Regarding the Amount of the Knowledge of the Official Language and the Procedures for Examination of the Knowledge of the Official Language for the Performance of Professional Duties and Duties of Office, Receipt of the Permanent Residence Permit and Obtaining of the Status of a Long-term Resident of the European Union and the State Fee for Examination of the Fluency in the Official Language". Official language proficiency requirements are proportionate and fully in line with the objectives of the language policy of Latvia, namely, to ensure the right to freely use the Latvian language in any walks of life in the whole territory of Latvia.

#### **Paragraph 86**

71. The fundamental principles of the official language policy enshrined in legislation and included in the Guidelines of the Official Language Policy for 2005 – 2014 are to preserve, protect and develop the Latvian language as the official language and, at the same time, to guarantee the right to use national minority languages in functions prescribed by the law. Latvia wishes to emphasise that the diversity of languages and cultures of all the residents of the country are respected and the preservation and development of national minority languages are also ensured. For instance, in education institutions where national minority education programmes are implemented, the learning of Russian, Polish, Ukrainian, Belarusian, Lithuanian, Estonian and Hebrew is ensured. In addition, optional classes are offered to promote the ethnic identity and culture of national minorities and the acquiring of language. Also by supporting national minority events the diversity of cultures and languages is protected in society.
72. It should be further noted that the proficiency of the Latvian language is gradually increasing among national minorities, the trends among young people are especially positive. This is also proved by the fact that the average score in the centralised Latvian language exam among 12th grade pupils has increased from 52% to 56% of the maximum points over the past three years.

#### **Paragraph 87**

73. Latvia draws attention to the incorrect use of the term, "Latgalian language", instead of which "Latgalian written language" should be used. In this context the reference to the European Charter for Regional and Minority Languages is not appropriate, because it has been clearly defined in Article 1, clause a) of the Charter that the term of "regional or minority languages means languages that are [...] different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants".
74. Section 3, Paragraph 4 of the Official Language Law stipulates that the State shall ensure the maintenance, protection and development of the Latgalian written language as a historic variation of the Latvian language. Further on, Section 4 regulates that the State shall ensure the maintenance, protection and development of the Livs language as the language of the indigenous (autochthon) population. Consequently, the European Charter for Regional and Minority Languages cannot be applied to the protection of Latgalian written language and the Livs language.

#### **Paragraph 88**

75. For Latvia, with its relatively low number of population, the implementation of a consistent language policy is a prerequisite for preserving the Latvian language. The Official Language Law and normative acts to put it into effect were developed in 2000 in close association with experts from the OSCE and the Council of Europe and were recognised as complying with international standards. It is the Constitution and the legal framework for language use that Latvia referred to when attaching to the ratification instrument the Declarations on the application of Article 10, Paragraph 2 and Article 11, Paragraph 3. In no way does the declaration restrict the aim of the Framework Convention to preserve and develop the cultural and linguistic identity of national minorities. The Official Language Law also provides for the preservation, protection and development of the Latvian language, whilst ensuring the integration of national minorities in Latvian society and honouring their right of using their native language or any other language.
76. Latvia has put into practice broad-scale language training measures. Moreover, when pursuing language policy in Latvia, sociolinguistic research is undertaken on a regular basis in various aspects of language use; the process of testing proficiency in the official language is constantly being improved; active work is underway to integrate third-country nationals through offering teaching and methodological aids for learning the official language and improving language proficiency. However, the enforcement of liability for violating the effective provisions is an integral part of efficiently implementing the national language policy.

#### **Paragraph 89**

77. Latvia not only establishes official language proficiency requirements but also ensures Latvian language teaching funded from national budget. One of the Latvian Government's priorities is to offer free language courses to all those interested, and there are further plans to attract additional financial resources.
78. The Latvian Language Agency provides free official language courses to teachers from national minority schools (professional competence building among bilingual teachers) and parents of pupils of national minority schools. The National Employment Agency for its part offers Latvian language courses as one of active employment seeking measures; besides, the unemployed are paid a scholarship during the learning period. See further comments on Paragraph 50 about free Latvian language courses and state funding.

#### *Use of minority languages in relations with administrative authorities*

#### **Paragraphs 92 and 93**

79. Public administration authorities in accordance with the Official Language Law use the Latvian language as the official language for communication. At the same time, there are clearly defined exceptions when a person has the right not to use Latvian in relations with authorities. Under Section 10, Paragraph 2 of the Official Language Law, the possibilities of using national minority languages concern submissions of persons to police and medical institutions, rescue services and other institutions in cases of urgent calls for medical aid, commission of crimes or other violations of law. In turn, documents from foreign countries may be accepted and examined without a translation into the official language.
80. As regards the use of languages in medical institutions, Latvia wishes to indicate that Section 4, paragraph 5 of the Law on the Rights of Patients, a patient shall

be provided with information in a comprehensible manner, explaining medical terms and taking into account the age, maturity and experience of the patient. The said regulation establishes the objective to be achieved by using all the available resources and means of conveying information.

81. As regards language use in security institutions, further regulation has also been set out in the Criminal Procedure Law providing for the rights of persons involved in criminal proceedings to use the language these persons can speak and to use an interpreters' services free of charge. For instance, under Section 321.<sup>1</sup> of the Criminal Procedure Law, a court is to ensure the possibility for the defendant and the victim to get familiar with an adjudication using the assistance of an interpreter. Section 406, Paragraph 8 stipulates that, if an accused does not understand the language in which a bill of indictment has been written, its translation is ensured in a language understood by the accused.
82. In view of the above, Latvia believes that the current legal framework ensures a clear and comprehensible procedure for the use of minority languages.

### **Article 11 of the Framework Convention**

#### *Personal names in minority languages*

#### **Paragraphs 96 and 97**

83. Each country is entitled to adopting regulations on the use of its official language in personal identity documents and other official documents. Latvian legislation (the Official Language Law, the Law on Personal Identification Documents, Cabinet Regulation No 114 of 2 March 2004 "Regulations on Spelling and Use of Personal Names in Latvian and Their Identification", and Cabinet Regulation No 134 of 21 February March 2012 "Regulations on Personal Identification Documents") provides for a clear procedure for rendering personal names of other languages into Latvian and the identification of those names in personal documents. Latvian legislation ensures the implementation of Article 11 Paragraph 1 of the Framework Convention and guarantees the rights of people belonging to national minorities to use their name and surname in the national minority language.
84. As regards the Advisory Committee recommendation to carry out the required measures to promote the possibility of also including personal names in minority languages in birth certificates, Latvia wishes to indicate that under subparagraph 136.4 of the Cabinet Regulation No 761 of 3 September 2013, "Regulations on Civil Status Registers", an entry into the birth register is made on the basis of persons' application, if a person, along with the rendering of a personal name which is in a dialect or a foreign language, wishes to preserve the historical form of his or her surname or its form in other language. The original form of such a personal name is then written between slashes.
85. As regards parents' name and surname specified in the birth register, if a person's parents are foreign citizens, and a document certifying the original form of the personal name is produced, the parents' name and surname can be entered into the birth register in their original form transliterated in Latin alphabet in addition to the parents' personal name rendered in Latvian.
86. It follows from the above that the original form of a foreign personal name can be indicated if the name of the person is to be written in Latin transliteration.

*Use of minority languages in local topographical indications and private signs*

**Paragraphs 100 and 101**

87. When implementing Article 11 of the Framework Convention, countries have the right to take into consideration their specific conditions and their legal system. By attaching the Declaration to its ratification instrument, Latvia has only exercised its right to establish the scope of application of Article 11, Paragraph 3 of the Framework Convention, defining its application in line with the Constitution and other laws and regulations currently in force in the Republic of Latvia that govern language use. It should be noted in addition that the Constitution and other normative acts provide for the preservation, protection and development of the Latvian language while also ensuring the integration of national minorities into the society of Latvia and safeguarding their rights to use their native or any other language. Thus the Declaration in no way restricts the aim of the Framework Convention to preserve national minority cultures and linguistic identity and develop that identity.

**Article 12 of the Framework Convention**

*Equal access to education and intercultural education*

**Paragraph 105**

88. One of the aims of the education system also reflected in the Education Development Guidelines for 2014 – 2020 is to promote the development of a multilingual personality by both learning foreign languages and facilitating the learning of the native and official language.
89. Latvia supports the opportunity for every national minority to obtain education and indicates that in Latvia an equal access to education is ensured. The system provides opportunities to learn minority languages; subjects in general educational institutions can be acquired in 7 minority languages (Polish, Russian, Ukrainian, Belarusian, Lithuanian and Estonian, as well as Hebrew). In addition, every student has the opportunity to choose an educational establishment, regardless of its language of instruction.
90. In the 2013/2014 academic year, 803 general educational institutions receive state funding, 109 of which implement programmes in minority languages (*i.e.* 99 schools carry out education programmes in Russian and bilingually, 4 in Polish and bilingually, 1 in Ukrainian and bilingually, 1 in Belarusian and bilingually, 2 in Hebrew, 1 in Latvian and Lithuanian, 1 in Latvian and Estonian). 65 educational establishments implement education programmes in both Latvian and a minority language, and two private schools have general education programmes in English (one school) and French (one school). In addition, there are 25 evening, extramural and extramural distance learning schools, 14 of which implement education programmes in both Latvian and a minority language. In the 2013/2014 academic year, 58 017 students were enrolled in education programmes for minorities, which constitutes 27.2% of the total amount of students.
91. As shown by the results of state exams, the current systemic offer in education for minorities is well thought out and fulfils its aim. A tendency can be observed that students' results in the 12<sup>th</sup> grade centralized examination in Latvian have

improved in the past three years. The average score of the said examination has increased from 52% to 56% of the total amount of points. In addition, there remains interest in learning Russian as a foreign language, for instance, in the 2012/2013 academic year 32.2% students in education programmes with Latvian as the language of instruction learned Russian as a foreign language.

#### **Paragraph 106**

92. Bilingual education currently is an integral part of the education system in Latvia thus promoting competitiveness, developing a more diverse personality and furthering tolerance in Latvian society. Consequently, it also ensures support to education in minority languages.
93. Latvia pays particular attention to teacher training, thus enabling the development of teachers' professional competency. Additional courses are provided for national minority teachers. The improvement of Latvian language skills is closely connected with teachers' professional work in class and extracurricular activities; therefore, courses are being organised to improve Latvian language proficiency for qualitative implementation of education content. Their knowledge of Latvian was increased by 223 teachers in courses in 2009 and by 572 teachers from 2010 to 2012. The Latvian Language Agency further offers minority language teachers a methodology covering the aspects of inclusive education (communication, cooperation, and group work) and cultural diversity (respect for other cultures and traditions, leading personalities in other people's culture and science).
94. As regards the access to quality learning materials in educational establishments for national minorities, Latvia indicates that textbooks are approved by the Education Content and Examination Centre following common assessment criteria, regardless of the education institution's language of instruction, and the material provides opportunities for quality education in schools of general educational. Learning materials used for minority education programmes are translated into minority languages, as a rule, in all subjects.

#### **Paragraph 107**

95. Latvia informs that 1047 Roma pupils (0,52% of the total number of pupils) were learning in the general education schools in the academic year 2012/2013. By a decision of the Kuldīga Town Council, starting from the year 2013/2014, separate classes for Roma children are not organized in the Kuldīga Primary School. Meanwhile, the pupils enrolled in the Ventspils Evening Secondary School begin their studies in one and the same class, not separated according to their ethnic background. The Ventspils Evening Secondary School had 83.2% Latvian, 5.5% Russian, 9.3% Roma and 1.2% Lithuanian pupils, which confirms that pupils of different ethnicity, including Roma, acquire study programmes. It should be further noted that Roma parents were aware of the right to also enroll their children in other schools of general education in Ventspils.
96. The meeting of the Ministry of Education and Science Advisory Council for National Minority Education commended the contribution by the Ventspils City Council and Education Authority to promoting Roma integration in Ventspils; the Council emphasized that Roma integration issues are important not only for ensuring that Roma pupils obtain quality education but also for promoting social inclusion of Roma in the community.
97. Latvia further informs that in Valdemārpils Secondary School, Jelgava Fourth Primary School, the Mežmala Secondary School of Jūrmala City, and Lādezers

Primary School, in the academic years 2013/2014, Roma children were provided with an opportunity to learn their native language with the help of teacher assistants of Roma background.

## **Article 14 of the Framework Convention**

### *Teaching of and in minority languages*

#### **Paragraphs 113 and 114**

98. The numbers of pupils are decreasing due to demographic reasons. Therefore, to optimise the education system, the "money follows the pupil" principle has been introduced since 2008. By application of the principle, a part of education institutions have been reorganised or sometimes closed. In total since 2008, 15 schools with the national minority education programme and schools with the programme in Latvian have been closed. It should be noted that schools with bilingual education programmes and schools with Latvian as the language of instruction are resourced at an equal level, while some municipalities, for instance Riga and Daugavpils City Councils apply preferential arrangements to financing minority education establishments.
99. In addition, Latvia wishes to point out that Tukums Third Secondary School was reorganised into Tukums Third Primary School in the academic year of 2010/2011, and no pupils were enrolled in the 10th grade. In 2009/2010, six pupils completed the 9th grade, and the 10th grade was not opened. The parents of those six students were not satisfied, for they were recommended to apply to the nearest school running national minority programmes – Kauguri Secondary School. Currently, 62 pupils learn at Tukums Third Primary School, following general primary education programmes for national minorities. The decision by the local authorities to reorganise the school is justified by the effectiveness of education system and cannot be linked to electoral rights in any way; besides only 6% of population of Tukums are non-citizens and thus have no rights to vote in local elections.
100. Paragraph 114 of the Opinion notes concern about the intention to close a Polish pre-school in Rēzekne. Latvia indicates that there is no Polish pre-school in Rēzekne; however, there is one in Daugavpils – the 29th Polish Pre-school with 136 children. It has not been planned to close that pre-school.
101. See further comments on education quality and teacher training in paragraphs 105 and 106.

#### **Paragraph 115**

102. Starting from the academic year of 2013/2014, opportunities have been offered for a broader autonomy of education institutions. By continuously modelling their curricula, education institutions have been provided with a possibility to choose subjects to which a higher number of lessons could be allocated depending on the profile of the programme the school has chosen and pupils' needs. These possibilities have been granted under Cabinet of Ministers Regulation No. 530 of 6 August 2013, "Regulations on the national basic education standard, basic education subject standards and basic education programme models". For instance, an educational institution implementing a basic education programme of a humanitarian or social profile, can decide on an additional number of lessons in a subject in that field and teach the Latgalian

written language as an extra. Thus facilitating the preservation of the Latgalian written language, the educational institution has the right to increase the number of lessons in the subjects currently set out in the education programme or to develop a standard for the subject, “Regional Studies”, get it approved at the national Centre of Education Contents and submit the education programme to the National Authority for the Quality of Education to obtain a licence.

### **Paragraph 117**

103. Latvia wishes to accentuate that national minority non-governmental organisations are included in the decision-making process on education issues. For instance, representatives delegated by the Advisory Council on the Issues of National Minority Education at the Ministry of Education and Science are invited to participate in the working group for drawing up the national standard for basic education and the working group for establishing the system for monitoring the quality of education. Teachers from national minority education institutions and pupils’ parents are taking part in those groups as delegated representatives. To ensure the improvement of national minority education programmes, the Ministry of Education and Science has set up a working group including representatives from minority general education institutions and pre-school institutions.

### *Official language learning*

### **Paragraphs 120 - 122**

104. Latvia pursues a long-term consistent policy to promote learning Latvian as the official language. The statistics also demonstrates that proficiency in the Latvian language is gradually increasing in schools. There is a trend for the centralised Latvian language exam results to improve over the past three years. The average score in the centralised Latvian language exam among 12th grade pupils has increased from 52% to 56% of the maximum points to be earned.

105. The status of the Latvian language as the only official language has been set out in the Official Language Law, which regulates the use of the official language in the public sphere. In turn, the provisions of the Education Law safeguard the preservation of a national minority language and culture in the education process. Recognizing that lack of command of the official language could reduce possibilities for residents of Latvia, among other things, to receive information and services, the state has provided major support to the learning of the official language and bilingual education, as well as the preparation of skilled teachers, the development and publishing of textbooks and methodological material, financed from the national budget, the European Union Structural Funds and the European External Assistance Programme.

### **Article 15 of the Framework Convention**

### *Institutional framework for the participation of national minorities in decision-making*

### **Paragraphs 126 – 128**

106. Latvia cannot agree with the opinion of the Advisory Committee that following the transfer of functions of society integration to the Ministry of Culture, attention and resources devoted to issues pertaining to minority protection have

decreased. The total amount of state budget funding allocated for the programme “Support to NGOs and Implementation of Society Integration Policy”, also providing support to the minority activities, has not changed during 2012 and 2013 and remains 32 628 LVL (46 426 EUR).

107. Latvia indicates that preservation and development of national minority cultures is a priority of the society integration policy. The Society Integration Department has re-established communication and cooperation with national minority associations, which was declined due to former structural reforms. A particular attention is paid to minority participation in Latvian cultural activities, as well as to other processes in society. For example, minority associations were strongly represented in the XXV Latvian Song and XV Dance Celebration; about 100 different collectives took part in various events. On 16 November 2013, a minority forum took place with approximately 200 participants in its conference part; a Guest Room of Various Cultures was also opened enabling minority associations to present their cultures to wider audiences throughout the day. Those are only separate events, but the minority responsiveness and participation in these events confirm that cooperation is progressing and does not play a marginal role in the Ministry of Culture strategy as a whole.
108. Latvia emphasizes that non-citizens have been granted economic, social and cultural rights, as well as other political rights, for example, to become a member of a political party or exercise their freedom of assembly or freedom of speech. Non-citizens can participate in decision-making processes by engaging in public discussions and through NGOs and minority associations. At the moment, five advisory councils on national minority issues are active at the national level: the President’s Advisory Council on National Minorities; the Advisory Council on Minority Education Affairs under the Ministry of Education and Science, the Minority NGO Committee under the Ministry of Culture (established as the Committee of National Minority Organisations’ Representatives for the Monitoring of the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities); the Advisory Council for Implementation of Roma Integration Policy under the Ministry of Culture; and the Advisory Council for Integration of Third-country Nationals under the Ministry of Culture. Thus the involvement of minority representatives and implementation of their interests in the policy development and decision-making process is ensured. Advisory councils stimulate the dialogue on minority issues surrounding ethnicity, culture, language and religious identity; ensure support for increasing national minorities’ social and political participation and promote implementation of quality education process.
109. As regards the Non-Citizens’ Congress, Latvia wishes to indicate that the activities of this non-governmental organization are not aimed at the protection of national minority interests but at granting citizenship to non-citizens. In addition, Latvia emphasizes that all preconditions have been created for persons with non-citizen status to obtain Latvian citizenship.
110. See further comments on Paragraphs 78 to 82 and Paragraph 117 about the involvement of national minorities in decision-making.

*Representation of minorities in elected institution and public administration*

**Paragraph 131**

111. Latvia reiterates that the position of Latvia in regard to non-citizens' right to vote at municipal elections remains unchanged: voting rights are an integral part



of citizenship. Granting the rights to vote to non-citizens at the local level would bring the status of non-citizens and the status of citizens even closer thus lessening any motivation for non-citizens to become naturalised, and would only prolong this temporary situation and the existence of the special legal status of non-citizens.

112. In addition, it should be noted that information on important social, economic and political issues is provided to public as required by the law governing the use of state language. The Guidelines on National Identity, Civil Society and Integration Policy also prescribe inhabitants access to Latvian public media across the entire territory of Latvia.

### **Paragraph 132**

113. In accordance with Article 4 of the Constitution of Latvia, Latvian is the official language of the Republic of Latvia. Thereby, the Latvian language has been granted a constitutional status in Latvia. The language to be used in public institutions is the official language. It will not be possible to fulfil these requirements if Latvia relaxes the requirements for proficiency in the official language for the civil servant candidates who belong to a national minority. Thus there are no grounds for the concerns expressed in Paragraph 132 of the Advisory Committee's opinion with regard to the amendments in the Law On the Status of the Deputy of the Republic City Council and County Council stipulating that, as from 2013, the court can revoke a deputy's mandate if the deputy's official language proficiency does not correspond to C1 level. In addition, only a citizen of Latvia can be a state civil service official, who's official language skills must be of a level appropriate to working in public institutions.

### **Paragraph 133**

114. The position of Latvia in regard to non-citizens' right to vote at municipal elections remains unchanged: voting rights are an integral part of citizenship. The aims of Latvia's integration policy are to promote naturalisation and to increase the number of Latvian citizens. Granting voting rights to non-citizens at the municipal level in the long term would negatively influence the integration policy implemented by the state and would reduce non-citizens' motivation to naturalise.
115. Latvia points out that, in case a person has been granted the citizenship of the Republic of Latvia, it is presumed that the Latvian language proficiency of that person is of a sufficient level so as to be able to understand public processes, including information regarding elections, and as a member of civil society to participate in the work of the state and local authorities.

### **Paragraph 134**

116. Latvian legislation in no way excludes persons without Latvian citizenship from the public sphere but rather imposes restrictions as to their work in civil service, ancillary civil service, court, public prosecutor's office, the state security system and the National Guard. The existing restrictions as regards the rights to work in the civil service or occupy posts that are related to national security have been set in accordance with international legal norms in this field and also the practice in other states. The state civil service is an integral part of the legal and

political system of the state and implements its basic principles and basic values.

*Participation in social and economic life and language requirements in employment*

**Paragraph 139**

117. The state of Latvia assumes responsibility for increasing welfare and addressing social security matters of all the residents of Latvia. Residents of Latvia receive social guarantees and social assistance according to common principles and to an equitable amount to improve the lives of persons who lack sufficient means of subsistence.
118. The Advisory Committee's concerns about the existing unequal opportunities regarding access to social services and social assistance due to language barriers are groundless. The Government wishes to reiterate that broad and comprehensive information about social services and benefits and their forms, support to the unemployed and job seekers and to other interested parties is available not only in Latvian, but also in Russian and in English. The said information is available on the websites of the Ministry of Welfare and the Welfare Department of the Riga City Council, and also in the form of various informative brochures. In addition, Latvia takes responsibility for providing retirement pension to all Latvian inhabitants; it is calculated following common and equivalent principles, which include taking into consideration work periods which have been accumulated within the territory of Latvia until 31 December 1990 by all persons whose permanent place of residence at that time was Latvia. Having assessed and being aware of its budget options, Latvia has also assumed responsibility for retirement pensions to those Latvian citizens whose length of service had accrued outside the territory of Latvia before 1 January 1991. The same principle is applied to other residents of Latvian when equating the insurance period with the period of time spent outside the territory of Latvia to study or due to repressions, that is, for reasons not based on voluntary principles. Latvia wishes to reiterate that it does not inherit any rights and responsibilities from the former USSR and, in accordance with the state continuity doctrine, the state does not have to assume any commitments emerging from the commitments of the occupying state; besides, Latvia reiterates its position expressed earlier that it is reasonable and objectively justified that the state takes special care of and responsibility for its citizens, whose basic needs the state has to provide for. The aforementioned position was found by the Constitutional Court in its judgment of Case No 2010-20-0106 of 17 February 2011 as compliant with the international obligations of Latvia in the field of human rights.
119. The Government of Latvia is certain that the situation underlying the conclusions and violations found in the case of *Andrejeva v. Latvia* by the European Court of Human Rights (ECHR) has been successfully resolved with the coming into effect on 19 January 2011 of the Agreement between the Republic of Latvia and the Russian Federation on cooperation in the field of social security. The said agreement provides for including the periods of employment accrued in the territory of the Russian Federation in the insurance period for calculating the amount of retirement pension for Latvia's non-citizens. Thus all the required measures have been taken both to execute the judgment in the case of *Andrejeva v. Latvia* and resolve the situations identical to the case in terms of factual and legal circumstances (the person lived in the territory of Latvia and was employed at a company of an all-union scale under

the authority of a USSR ministry) particularly taking into account the remark by the ECHR with regard to the importance of such bilateral inter-state agreements on social security in recognizing the accrued insurance period (see Paragraph 90 of Judgment in the case of *Andrejeva v. Latvia*). At the same time, it would be groundless to apply the ECHR conclusions in the case of *Andrejeva v. Latvia* to persons whose actual or legal situation differs considerably from that of Mrs Andrejeva irrespective of the fact that they currently reside in the territory of Latvia.

#### **Paragraph 140**

120. Support for Unemployed Persons and Persons Seeking Employment Law of Latvia provides for and governs support for unemployed persons, persons seeking employment and persons subject to the risk of unemployment, and does not specifically single out belonging to minorities. Section 2.<sup>1</sup> of the Law stipulates that when implementing active employment measures and preventative measures for unemployment reduction, differential treatment due to the sex, race and ethnic origin of a person is prohibited. Thus activities within the framework of employment and labour market policy are offered to any resident of the country who is seeking a job and has been registered as an unemployed.
121. Latvia wishes to highlight that no significant differences exist in employment between ethnic Latvians and persons belonging to national minorities. The current differences reflect the ethnic composition of population. The share of jobless ethnic Latvians and persons of other ethnicity in the total number of the unemployed has changed only slightly. The proportion of the unemployed has always been higher among ethnic Latvians, fluctuating between 52.7% of the total number of the unemployed in December 2008 and 54.6% in January 2013. Respectively, the number of unemployed persons of other ethnic background was 45.5% in 2013. It should be added that the share of the registered unemployed of other ethnicity is only 2.4% of the total number of population.

### **Articles 17 and 18 of the Framework Convention**

#### *Bilateral cooperation*

#### **Paragraph 143**

122. Latvia highly appreciates the Advisory Committee's acknowledgement of the achievements of Latvia in facilitating border crossing for border area residents, including the signing of the agreement between Latvia and the Russian Federation on the simplification of cross-border travel for border area residents. Latvia commits itself to further cooperation with neighbouring countries in order to address the current issues on a bilateral basis.