

NATIONAL LEGAL MEASURES TO COMBAT RACISM AND INTOLERANCE IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

LATVIA, Situation as of 1 December 2006

General Overview

Preliminary Note: this table is accompanied by an explanatory note

COUNTRY:	Constitutional provisions	Specific legislation	Criminal law	Civil and Administrative law
LATVIA				
Norms concerning discrimination in general	Yes.	Yes.	Yes.	Yes. Law on Citizenship Law on Education Law on Religious Organisations Law on the Unrestricted Development of Nationalities.
Norms concerning racism	Yes.	No.	Yes.	Yes.
Relevant jurisprudence	No.	No.	Yes.	No.

EXPLANATORY NOTE

LATVIA / GENERAL OVERVIEW

Latvia is a parliamentary democracy. Although its existence as a State is widely recognised to have continued for more than 70 years, it regained its independence in 1991 after more than 50 years of Soviet occupation. Independence from the USSR was declared on 4 May 1990. On 21 August 1991, Latvia finalised the transition to independence in the form of a constitutional declaration which stated that its legal status would thenceforth be defined by the Constitution of the Republic of 15 February 1922, known as the *Satversme*. The 1922 Constitution was subsequently

supplemented by a Constitutional Law of December 1991, which provides for basic human rights and freedoms, since the 1922 Constitution contained few references to human rights.

The Supreme Council of the Republic of Latvia proclaimed in the "Declaration on the Accession of the Republic of Latvia to International Instruments Relating to Human Rights" (adopted on 4 May 1990) that it was conscious of the need for the creation of conditions favouring stability, well-being, peaceful and friendly relations and

“... the observance of human rights and freedoms for all without distinction as to race, sex, language, religion, or national or social origin and desir[ed] that the laws of the Republic of Latvia conform to the norms of international law relating to human rights”.

The Declaration acknowledged the special significance of guaranteeing human rights consecrated in international instruments adopted by the United Nations and its specialised agencies, as well as those adopted at the Helsinki, Madrid and Vienna meetings of the Conference on Security and Co-operation in Europe. According to this document, the Republic of Latvia acceded to the following international instruments (among others):

- Universal Declaration of Human Rights
- International Covenant on Economic, Social, Cultural, Civil and Political Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention against Discrimination in Education
- Convention on the Elimination of All Forms of Discrimination against Women
- Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief
- Declaration on the Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War
- Convention on the Prevention and Punishment of the Crime of Genocide.

Furthermore, according to Part II of the Declaration and

“... acknowledging the role of the Council of Europe and the European Parliament in guaranteeing human rights, the Supreme Council of the Republic of Latvia will be guided in its legislative activities by the documents relating to human rights adopted by these organisations”.

In 1990, the Supreme Council of the Republic of Latvia adopted a Declaration of Condemnation and Impermissibility of Genocide and Anti-Semitism in Latvia, in which the Supreme Council of the Republic of Latvia declared that "the State of Latvia will not tolerate any sign of anti-Semitism and nationality-based discrimination in Latvia, being incompatible with the tradition of our people". In June 1997, the Latvia Saima (Parliament) ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), together with Protocols Number 1, 2, 4, 7 and 11.

Since this ratification many further steps have been taken to combat discrimination in general and racial discrimination in particular. Beside the legislative actions other practical measures have been taken in order to implement practically the legal provisions.

One important measure was the installation of a National Office for Human Rights according to the requirements of the European Union.

In fact in the past there have been a number of reports about acts of racial discrimination in Latvia. They mostly referred to the nation's "traditional" minorities such as Russians and Roma. Discrimination reports mostly were concerning discrimination in the field of employment (refusing of employment of a woman whose father was a Roma) and the distribution of public living space (communal administration refusing to give a public flat to a family because of belonging to the Roma).

The government of Latvia has installed a national program especially dedicated to the fight against discrimination against Roma as a particularly vulnerable group in Latvian society. The program includes several measures such as seminars, public information events, brochures, exhibitions etc.

In 2001, Latvia adopted the National Programme "Integration of the Society in Latvia". The Programme contained projects in the areas of public information, culture, education and others.

Constitutional law: Latvia

Preliminary Note: this table is accompanied by an explanatory note

Constitutional provisions	Scope	Relevant jurisprudence	Remarks
Art. 89 Protection of Fundamental Rights	The State shall recognise and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia.		
Art. 91 Equality before the law	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. 114	Persons belonging to		

Rights of ethnic minorities	ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity.
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EXPLANATORY NOTE

LATVIA / CONSTITUTIONAL LAW

After the publication of ECRI's second report, the Latvian Constitution has been changed in many fields. A section containing fundamental rights was added as the eighth book of the constitution. These new regulations include special legislation concerning discrimination. One important aspect is the protection of rights of ethnic minorities to prevent their cultural heritage, ethnic background and language.

As in Latvia the number of people not belonging to the group of ethnic Latvians is very high (see figures above) the acceptance of cultural diversity is an important step towards the protection of minority rights in Latvia.

On the other hand a law has been created to promote the Latvian language as principal language. This was justified with necessity of having one common language as a basis for efficient integration of ethnic minorities in the country.

Criminal Law: Latvia

Preliminary Note: this table is accompanied by an explanatory note

Offence	Source	Scope	Sanction	Relevant jurisprudence	Remarks
Violation of national or racial equality, restriction of human rights.	Art 78 Criminal Code.	Acts directed towards instigating national or racial hatred or enmity, or restriction, directly or indirectly, of economic, political, or social rights of individuals or creation, directly or indirectly, of privileges for individuals based on their	Imprisonment not exceeding three years or a fine not exceeding sixty times the minimum monthly wage. If committed -with violence -by a group -by a state official -by a responsible employee: Imprisonment		

		racial or national origin.	not exceeding ten years.
Genocide.	Art. 71 Criminal Code (former Art. 68.1 of the old Criminal Code).	Acts for purposes of the destruction in whole or in part of any group of persons identifiable as such by nationality, ethnic origin, race, social class or a defined collective belief or faith, by killing members of the group, inflicting upon them physical injuries hazardous to life or health or causing them to become mentally ill, intentionally causing conditions of life for such people as result in their physical destruction in whole or in part, utilising measures the purpose of which is to prevent the birth of children in such group, or transferring	Imprisonment for at least three years up to 20 years or imprisonment for life.

		children on a compulsory basis from one group of persons into another.			
Violation of equality rights of persons.	Art. 150 Criminal Code.	Discrimination of persons on ground of the attitudes of these persons towards religion.	Deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage.	No.	
Interference with Religious Rituals.	Art. 151 Criminal Code.	Discrimination of persons on ground of the attitudes of these persons towards disturbance of religious rituals.	Community service, or a fine not exceeding ten times the minimum monthly wage.	No.	
Insult of a person's national feeling.	Art. 157/158 Criminal Code.	Libel/Insult of a person's national feelings (in mass media).	Imprisonment up to one year, community service or a fine.	No.	General regulation also applying to racial discrimination.

EXPLANATORY NOTE

LATVIA / CRIMINAL LAW

The Criminal Law contains provisions (Article 71, 78, 150, 151, 157 and 158) concerning incitement to national, racial, and religious discrimination, providing criminal responsibility for such conduct. The provisions have been effective for only eight years, as the effective Criminal Law was adopted in 1998. The Criminal Code, in force before the adoption of the Criminal Law, did not contain these provisions.

Changes are being prepared in the Administrative Violations Code and in the Criminal Law in line with the Race Directive (2000/43/EC).

In December 2005, the Saeima rejected the proposal submitted by a left-wing MP to introduce a norm to the Criminal Law which would stipulate that an offence committed on racial grounds is an aggravating factor.

2005 marks the highest ever number of officially initiated alleged hate crimes within a year (13). If during earlier years recorded evidence of racial violence incidents did not exist, then in 2005 five incidents of allegedly racial violence, namely verbal and/or physical assaults on individuals were reported to the police. All the assaults were committed by groups of teenage boys and young men. In a few cases it was established that they followed the ideas of the Skinhead movement.

Civil and Administrative Law: Latvia

Preliminary Note: this table is accompanied by an explanatory note

Provision	Scope	Consequences of breach	Relevant jurisprudence	Remarks
Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups (adopted on 19 March 1991)	<p>§3 - The Republic of Latvia guarantees to all permanent residents in the Republic, regardless of their nationality, equal rights to work and wages. Any direct or indirect actions aimed at restricting, on the basis of nationality, the opportunities of permanent residents to choose their profession or to choose a trade based on their corresponding skills and qualifications, are prohibited.</p> <p>§5 - All permanent residents of the Republic of Latvia are guaranteed the</p>			

	right to establish their own national societies, associations and organisations. The government has the responsibility of promoting their activity and material resources.		
Law on Citizenship (adopted on 11 August 1994)	Refer to the explanatory comments accompanying this Table.		
Amendments to the Law on Citizenship (adopted on 22 March 1995)	Refer to the explanatory comments accompanying this Table.		
Law on citizenship Sec. 11 Restrictions on Naturalisation	Propaganda of fascist, chauvinist, national-socialist, communist or other totalitarian ideas or incited ethnic or racial hatred or discord, if such has been established by a judgment of a court and the act has taken place after 4 May 1990.	The acting person shall not receive Latvian citizenship.	
Law on education 1998.	Art. 3: Every citizen of the Republic of Latvia and every person entitled to receive a non-citizen's passport issued by the Republic of Latvia, every person granted permanent	Replaces the Law on Education of 1991.	

residence permit,
as well as citizens
of the EU
member States
granted temporary
residence permit
and their children,
have equal rights
to obtain
education
regardless of their
financial and
social standing,
race, nationality,
gender, religious
and political
affiliation, health
condition,
employment and
place of
residence.

Law on
Religious
Organisation
(1995)

Art. 4 -
Consecrates the
equality of all
inhabitants
irrespective of
their attitude to
religion:
(1) The explicit or
implicit
restriction of the
rights of
inhabitants or the
creation of
privileges of
certain
inhabitants, as
well as the
infringement of
their feelings or
the instigation of
hatred due to their
attitudes to
religion, shall be
prohibited.
(2) No person
shall be allowed
to ignore the law
because of his or

Persons guilty
of a violation of
these provisions
shall be held
liable in
accordance with
the procedure
prescribed by
law.

her religious conviction.
(3) No reference shall be made to a person's attitude to religion or to his or her religious affiliation in the identification documents issued by the State.
(4) Government and municipal authorities, non-governmental organisations, companies and business associations shall be prohibited from demanding information from their staff or other persons concerning the attitude of those persons to religion or their religious affiliation.

Labour Law (2001).

Section 7.
Principle of Equal Rights
(1) Everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration.
(2) The rights provided for in Paragraph one of this Section shall be ensured without any direct

	or indirect discrimination – irrespective of a person's race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status or other circumstances.		
Radio and TV Law.	Art. 17: A Programme may not include instigation to national, racial, gender or religious hatred, or insult.		Same regulation for advertising.
Law on Meetings, Parades and Pickets.	Art. 10: During the mentioned events it is prohibited to instigate to disobey the law, preach violence, national or racial hatred.		
Law on the Residents` Register.	Art. 12: race or skin colour shall not be included as information in the Residents` Register.		
Law on the Press and other Forms of Mass Media. Art. 7: Prohibition of the publication of information which is State secret or another secret especially			

protected by law, which calls for violence and overthrow of the existing power, promotes war, cruelty, racial, national or religious superiority and intolerance, incites to commit a crime.

EXPLANATORY NOTE

LATVIA / CIVIL AND ADMINISTRATIVE LAW

The adoption of a “Law on the Status of Former Soviet Citizens who are not Citizens of the Republic Latvia or any other State” was a major positive development in 1995, ending years of uncertainty about the legal status of more than 700,000 persons. This Law reiterates guarantees of basic human rights and provides non-citizens who were permanent residents on or before 1 July 1992, with the rights to change their place of residence, to leave and return to Latvia, and to invite close relatives to join them for the purpose of family reunification. Legislation also required the registration of non-citizens regardless of their housing status, helping to resolve cases of persons who were previously unregistered because they lived in former Soviet military or dormitory housing. The law also provides for the issuance of new travel documents specifying these rights. Persons covered by this law are entitled to receive non-citizen’s or alien’s passports (after surrendering their Soviet passports), which allow the holders to travel abroad and return to Latvia without producing any additional documents.

The restrictions concerning free choice of employment for non-Latvians have been abolished by the introduction of a new Labour Law in 2001 providing equal rights in the field of employment. Precondition is a legal status of detention in Latvia. The Labour Law explicitly mentions the ethnic origin/race to be no reason for discrimination.

In September 2000 a new Language Law came into force. It aims at stronger role and promotion of the Latvian language as an important component of a better integration of minorities into the Latvian society avoiding the development of parallel societies because of understanding problems. The law declares Latvian to be the only official language in Latvia.

In fact, the regulations are criticised for their strict promotion of the Latvian language in the employment sector.

Some ethnic Russians have also complained of *de facto* discrimination resulting from the property laws which limit land ownership to citizens. Moreover, non-citizens were given fewer privatisation certificates (which can be used to purchase stocks and will eventually be used to privatise housing and land) than citizens. However, the law does allow land ownership by companies in which non-citizens own shares and the Parliament has recently liberalised the real estate market by legislation specifying numerous situations in which non-citizens may exceptionally own land. Non-citizens may also take 99-year leases of land.

As already mentioned above, the development of promoting the Latvian language has become stronger over the last few years with enforcing the new Law on Education 1998. In the field of minority education this law tries to find a balance between protection of minority rights and minority identity on one hand and integration of non-Latvians into the Latvian society on the other hand. In former times the education system was strictly divided mainly into two completely different systems: The Latvian and the Russian system. The distinction did not only refer to the language of instruction but also to the curriculum.

The division of the school system has also been kept after the reform. But now even in the Russian schools it is ensured that a sufficient number of classes in the Russian and other minority schools are taught in Latvian. This is seen necessary, on one hand, to give minorities a chance to find their long-term place in Latvian society. On the other hand the mother tongue still plays an important role to prevent the personal ethnic identity from getting lost.

Ethnic intolerance issues and the sometimes strained relations among different ethnic groups in Latvia must be seen in the context of basic and dramatic transformations in all spheres of life, including economic reforms, developments in all spheres of political and social life and the revision of legal institutions and the system of basic values. Individual instances of aggressive nationalism, racism and anti-semitism has been observed in Latvia. but they are not in any way characteristic of the society in general. They resulted from the low cultural development of some groups in society, psychological factors created by past experiences, as well as by the difficult economic conditions faced by a great part of the population and the rapid division of the population into rich and poor.

There have been also some instances of desecration of Jewish mass graves, anti-semitic inscriptions ("*Judenfrei*") on Jewish public buildings and anti-semitic statements in a youth newspaper, "The New Time". Every instance was publicly censured in the press by government institutions. On some occasions, criminal prosecutions were initiated, but no convictions were obtained.