

**Resolution CM/ResCMN(2014)9
on the implementation of the Framework Convention for the Protection of National Minorities
by Latvia**

*(Adopted by the Committee of Ministers on 9 July 2014
at the 1205th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention"),

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by Latvia on 6 June 2005;

Recalling that the Government of Latvia transmitted its State report in respect of the second monitoring cycle under the Framework Convention on 3 September 2012;

Having examined the Advisory Committee's second opinion adopted on 18 June 2013, as well as the written comments of the Government of Latvia received on 3 January 2014;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Latvia:

a) Positive developments

Since the adoption of the Advisory Committee's first opinion in October 2008, Latvia has continued to pay attention to the protection of persons belonging to national minorities. The population and housing census conducted in March 2011 provides a range of valuable information, including on education and income levels, which is crucial for the development of targeted policy development. Persons belonging to national minorities were free to choose what ethnicity to affiliate with or not to indicate a choice. The procedure for the acquisition of citizenship by children of "non-citizens" was simplified in 2011 and 2013. Since amendments to the Citizenship Law were adopted in May 2013, the number of children of "non-citizens" registered as Latvian citizens is reported to have increased by 30%. These amendments also provide for more categories of persons to be exempt from language proficiency examinations, and remove some of the previous naturalisation restrictions.

Considerable progress has been made in recent years in amending various pieces of anti-discrimination legislation and the Ombudsman Office is increasingly being consulted by the population. A number of government bodies are engaged in research activities related to discrimination and its manifestations in Latvia, including with support from civil society. Workshops have been organised for police officers to raise awareness of human rights and a working group was established under the Ministry of Justice tasked with identifying existing shortcomings in national legislation related to hate crime, including hate speech.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

A multitude of national minority cultural events continue to be organised each year with the support of various levels of government. Training and capacity building is also organised for national minority associations to raise their potential to take part effectively in cultural life. Municipal authorities and city councils play a positive role in many parts of Latvia, including Riga, in promoting tolerance and inter-ethnic understanding through the organisation of public debates on common issues of concern, as well as by supporting cultural and other projects that foster awareness of the specific identities of national minorities among the population and encourage interaction and exchange.

The Latvian language proficiency among minority communities has significantly increased and most people are able to communicate in Latvian, including in official settings. In a number of regions and institutions, pragmatic solutions have been found to enable persons belonging to national minorities to submit correspondence in minority languages and obtain a response in Latvian, with a summary provided in the minority language. Courts have questioned the validity of fines imposed by the State Language Centre in a number of cases, and efforts have been made by the Ministry of Justice to provide more clarity on the notion of “legitimate public interest” in the context of the implementation of the State language policy.

Minority language education in seven languages continues to be provided with State funding at general education schools, including pre-school, and over 25% of students follow a minority language programme, mainly in Russian. The number of students in minority language schools who wish to study bilingually is increasing and a first bilingual class for children whose native languages are Latvian and Russian has opened in a school in Riga. The Ministry of Education and Science has developed comprehensive policy plans for the promotion of cohesion in education and is engaged in furthering the integration of Roma children through the employment of teaching assistants.

The role of non-governmental organisations has generally increased and public platforms have been created, also at local level, to engage with the population and raise civic influence on governance. In addition, a number of advisory councils and other consultative mechanisms continue to exist, facilitating the participation of national minorities in decision making, particularly at local level. The Advisory Council on National Minority Education Matters is actively involved in ministerial discussions and policy development and the President has been regularly attending meetings of the Consulting Council on National Minorities, taking an active interest in issues brought to his attention, which is highly appreciated among minority communities.

b) Issues of concern

The enjoyment of certain rights under the Framework Convention by “non-citizens” continues to be limited as a result of the declaration made by Latvia at the time of ratification. There have been few naturalisations since 2007. According to a survey in early 2013, a large proportion of “non-citizens” lacked the confidence to go through the procedure, as, on average, 40% of applicants failed the required language examination.² More efforts must be made to genuinely encourage and facilitate the acquisition of citizenship by all “non-citizens”. The amendments to the Citizenship Law in May 2013 introduce the notion of ‘constituent nation’, referring to ethnic Latvians and Livs, as well as new national security related restrictions on naturalisation. In addition, a negative public debate surrounding “non-citizens” and their alleged lack of loyalty and desire to integrate has intensified in recent years and is made worse by statements of some public officials. Following legislative amendments that ban the access of “non-citizens” to a number of public positions, there is an increasing sense of inequality experienced by many permanently residing “non-citizens”, as they consider their employment rights limited in comparison with EU citizens who often have looser ties and shorter periods of legal residence.

The Integration Guidelines adopted in October 2011 are widely criticised as ethno-centric and unconstructive in promoting social cohesion, as they differentiate between ethnic Latvians and others. Attention must be paid to involve closely minority representatives in the implementation of the Guidelines and ensure that measures are aimed at the promotion of a cohesive society with respect for diversity, rather than cultural integration of minorities into the “Latvian nation State”. The negative public debate related to minorities is exacerbated by increased incidents of hate speech on the Internet, targeting mainly Russians and Latvians. There is insufficient capacity within law enforcement to effectively address hate crime, while criminal law provisions remain inapt. Despite ample reports of ethnically based hostilities and discrimination experienced by some groups such as Roma, only few cases are brought to the attention of the Ombudsman and even less to the courts, as awareness of and trust in the available remedies is limited.

² There were 282 876 “non-citizens” on 1 January 2014.

Support for minority cultural activities has diminished at central level following the discontinuation of the special government body in charge of minority protection issues in early 2011. There is insufficient awareness among minority communities of assistance schemes and capacity building opportunities made available at local as well as at central level. Support for activities aimed at improving Latvian language skills is reportedly more readily available than for the preservation and development of specific minority identities, cultures, and traditions. There is no effective consultation or involvement of minority representatives in the allocation of support for project activities. As a result of a decrease in funding, access to print media in the languages of numerically smaller minorities has diminished. The media environment overall remains divided between the two main socio-linguistic groups with little interaction and few bilingual options, which expands the division in society. The representation of national minorities in the media is often still based on stereotyping and prejudice, while the Mass Media Council, mandated among other matters to oversee the content of TV and radio broadcasts, is not considered objective by minority representatives.

There have been no changes to the legislative framework related to languages. The use of Latvian is mandatory in all official communication and the State Language Centre continues to monitor implementation, imposing sanctions and fines for lack of compliance which exacerbates existing tensions surrounding language rights. The list of professions demanding high levels of Latvian language proficiency continues to be extended, including in the private sector. There is insufficient awareness among minority communities as well as the population at large about the conditions and terms under which the use of minority languages is permitted. State institutions have been reprimanded for disseminating public information material in Russian even in situations where this is explicitly allowed, such as concerning public health and safety.

The education system remains divided among language groups, as pupils follow either the Latvian language or minority language programme of instruction, mainly in Russian. While the education reform has increased the official language skills of students with minority background, the limited interaction between students from different language backgrounds does not sufficiently promote inter-ethnic understanding and friendship. A significant number of minority language schools are reported to suffer from a lack of education material and adequately trained teachers, including as regards subjects that should be taught in the official language or bilingually. Continued efforts should be made to work in close consultation with minority representatives towards an integrated education system that, with adequate bilingual and multilingual education methodologies, combines opportunities for effective and high-quality minority language learning with official language proficiency, while promoting social integration and interaction among pupils from different backgrounds. This would also meet the demands of pupils attending Latvian language schools. While efforts have been made to promote the school attendance and achievement of Roma pupils, their integration in general schools remains a challenge. The employment of qualified teaching assistants to accompany Roma children throughout their studies should be extended and appropriately resourced.

According to minority representatives, attention devoted to minority concerns has overall diminished following the transfer of functions of the special government body to the Ministry of Culture. While a number of consultative mechanisms exist, few provide for effective participation in decision making, particularly at central level, as insufficient efforts are made to conduct consultations in a timely manner and comprehensively take into account the concerns that were expressed. There is little awareness among minority communities of the various councils and their functions. Many persons belonging to national minorities are excluded from voting in local elections due to their status as “non-citizens.” Minority representation in public service remains disproportionately low and the employment gap between Latvians and others continues to exist. Inequalities continue to exist also regarding access to social services, due, among others, to language barriers and a lack of information about available support among persons belonging to national minorities. The sense of exclusion of “non-citizens” from significant aspects of public life has resulted in their isolation and concerted efforts must be made to engage with this part of the population.

2. Adopts the following recommendations in respect of Latvia:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- step up measures to actively encourage and promote the naturalisation of all “non-citizens” through targeted awareness-raising and outreach activities and the increased offer of free Latvian language courses; review the list of public positions that are barred to “non-citizens” in line with strict necessity and proportionality criteria and inform the affected population of the underlying motives;

- enhance support for activities at central and local level aimed at the preservation and promotion of national minority identities, cultures and traditions and closely involve representatives of minority organisations in relevant allocation procedures;
- strengthen legal provisions and response capacity within law enforcement to promptly and effectively respond to hate crime; promote awareness among persons belonging to national minorities and the population at large of the available legal remedies against discrimination and ethnically based hostility and encourage their use;
- promptly and unequivocally condemn and sanction all expressions of intolerance and disrespect towards national minorities, particularly by public officials; focus the integration debate on inclusion and dialogue irrespective of ethnic affiliation, and reassure persons belonging to national minorities that diversity is welcome and respected;
- while fully respecting the freedom of expression, promote a more diverse media environment with adequate opportunities for persons belonging to national minorities to access quality media in their languages; ensure that the content of media is independently monitored with participation of minority representatives and enhance the role of media in the formation of social cohesion, including through the increased use of bilingual media outlets;
- regularly review the legislative and policy framework related to the use of languages to ensure an adequate balance between the promotion of the official language and the language rights of persons belonging to national minorities; ensure that the methods of monitoring implementation are based on a constructive and incentive-based approach; raise awareness among officials and the public at large of the conditions and terms under which minority languages may be used based on the clarified notion of 'legitimate public interest' in this context;
- promote the development of an integrated education system that offers access to quality education in the official and minority languages for all students; ensure that minority language schools are provided with adequate supplies of education material and suitably trained teachers; discontinue all forms of separate education of Roma without delay and increase the employment of teaching assistants to promote school attendance and achievement;
- continue the debate on granting the right to vote in local elections to permanently residing "non-citizens" to promote their sense of integration and belonging; strengthen the mandate of existing consultation mechanisms for minority communities and ensure that the views and concerns of representatives are timely and effectively taken into account in all relevant decision making at central and local level;
- actively promote the recruitment of persons belonging to national minorities in the public and private sector, including through the enhanced offer of free Latvian language and other vocational courses; promote full and effective equality in access to social services for all persons belonging to national minorities.

3. Invites the Government of Latvia, in accordance with Resolution Res(97)10:

- a. to continue the dialogue in progress with the Advisory Committee;
- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.