

Third report on Latvia

Adopted on 29 June 2007

Strasbourg, 12 February 2008



For further information about the work of the European Commission against Racism and Intolerance (ECRI) and about the other activities of the Council of Europe in this field, please contact:

Secretariat of ECRI
Directorate General of Human Rights and Legal Affairs
Council of Europe
F - 67075 STRASBOURG Cedex
Tel.: +33 (0) 3 88 41 29 64
Fax: +33 (0) 3 88 41 39 87
E-mail: combat.racism@coe.int

Visit our web site: www.coe.int/ecri

TABLE OF CONTENTS

FOREWORD	5
EXECUTIVE SUMMARY.....	6
I. FOLLOW-UP TO ECRI'S SECOND REPORT ON LATVIA.....	7
INTERNATIONAL LEGAL INSTRUMENTS	7
CONSTITUTIONAL PROVISIONS AND OTHER BASIC PROVISIONS	8
- <i>Official identification documents</i>	8
CRIMINAL LAW PROVISIONS	9
CIVIL AND ADMINISTRATIVE LAW PROVISIONS.....	12
SPECIALISED BODIES AND OTHER INSTITUTIONS	14
THE NATIONAL PROGRAMME "INTEGRATION OF SOCIETY IN LATVIA".....	16
EDUCATION AND AWARENESS-RAISING.....	17
ACCESS TO EDUCATION FOR ETHNIC MINORITIES	18
RECEPTION AND STATUS OF IMMIGRANTS, REFUGEES AND ASYLUM SEEKERS	20
- <i>Immigrants</i>	20
- <i>Refugees and asylum seekers</i>	20
VULNERABLE GROUPS.....	22
- <i>Non-citizens and the Russian-speaking population</i>	22
- <i>The Roma communities</i>	22
- <i>Visible minorities</i>	24
CONDUCT OF LAW ENFORCEMENT OFFICIALS	24
MONITORING THE SITUATION	25
II. SPECIFIC ISSUES	26
THE NEED TO FIGHT RACISM AND INTOLERANCE IN LATVIA	26
- <i>Racist violence</i>	27
- <i>Use of racist expressions in the public discourse</i>	28
THE SITUATION OF THE RUSSIAN-SPEAKING POPULATION.....	31
- <i>The issue of citizenship</i>	31
- <i>The issues relating to the State language</i>	33
- <i>The participation of the Russian-speaking population in public and political life</i>	36
BIBLIOGRAPHY	38
APPENDIX.....	41

Foreword

The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

The country-by-country approach deals with all member States of the Council of Europe on an equal footing. The work is taking place in 4/5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998 and those of the second round at the end of the year 2002. Work on the third round reports started in January 2003.

The third round reports focus on "implementation". They examine if ECRI's main recommendations from previous reports have been followed and implemented, and if so, with what degree of success and effectiveness. The third round reports deal also with "specific issues", chosen according to the different situations in the various countries, and examined in more depth in each report.

The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to propose, if they consider it necessary, amendments to the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.

The following report was drawn up by ECRI under its own and full responsibility. It covers the situation as of 29 June 2007 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.

Executive summary

Since the publication of ECRI's second report on Latvia on 23 July 2002, progress has been made in a number of the fields highlighted in that report. In 2006, criminal law to combat racism was reinforced through the introduction of an aggravating circumstance for all offences committed on racist grounds. In 2004, a clear prohibition of racial discrimination was included in the Labour Code. Several programmes have been adopted and are being implemented, including the National Programme "Integration of Society in Latvia", the National Programme for the Promotion of Tolerance in Latvia (2005-2009) and the National Action Plan on Roma in Latvia (2007-2009). Efforts have been made to increase the number of non-citizens being granted Latvian citizenship, either by encouraging or facilitating naturalisation. Measures have been taken to encourage the learning of the State language by members of ethnic minorities, including through the establishment of the National Agency for Latvian Language Training. An anti-discrimination unit was created within the Office of the Ombudsman.

However, a number of recommendations made in ECRI's second report have not been implemented, or have only been partially implemented. The number of racially-motivated attacks targeting visible minorities has been increasing while the response to such attacks by the authorities including within the criminal law justice system cannot be deemed adequate. The use of racist discourse, by some politicians and in the media remains a problem. Such racist discourse is geared towards immigrants, particularly newcomers, asylum seekers and refugees, certain ethnic groups such as Roma, and religious minorities such as Muslims and Jews. Some media and politicians also try to stir up interethnic tensions between Latvians and the Russian-speaking population. The naturalisation process remains slow and there is an urgent need to solve the problems linked to the status of non-citizens which makes people concerned feel like "second-class citizens". There remain a number of problems as to the full integration of the Russian-speaking population, partly due to discrimination on the grounds of language in access to employment and to obstacles to the participation of this population in public and political life in Latvia. Roma communities continue to suffer from racism and discrimination, particularly in access to employment and education.

In this report, ECRI recommends that the Latvian authorities take further action in a number of areas. ECRI asks for a more pro-active approach in countering racist violence and the use of racist discourse in politics and in the media, notably through implementing criminal law provisions against racism. ECRI recommends finding rapid and humane solutions for persons who live under the status of non-citizens. It asks for a balanced implementation of the State Language Law by giving priority to constructive and non-obligatory measures in favour of learning Latvian while preserving the use of minority languages. ECRI recommends fostering an integrated society in Latvia whereby the Russian-speaking population, Roma communities and immigrants feel accepted as an intrinsic element.

I. FOLLOW-UP TO ECRI'S SECOND REPORT ON LATVIA

International legal instruments

1. In its second report on Latvia, ECRI recommended that Latvia ratify the following international legal instruments: Protocol N° 12 to the European Convention on Human Rights (ECHR), the Framework Convention for the Protection of National Minorities, the European Social Charter (Revised), the European Charter for Regional or Minority Languages, the European Convention on Nationality, the Convention on the Participation of Foreigners in Public Life at Local Level and the European Convention on the Legal Status of Migrant Workers.
2. The Latvian authorities have explained that they do not consider it possible to ratify in the near future Protocol N° 12 to the ECHR, which provides for a general prohibition of discrimination and which was signed on 4 November 2000. ECRI notes with regret that a Bill submitted by a number of parliamentarians for the ratification of Protocol N° 12 was rejected by the Parliament in September 2006.
3. ECRI is pleased to note that Latvia ratified the Framework Convention for the Protection of National Minorities on 6 June 2005. This instrument entered into force in Latvia on 1 October 2005. The Latvian authorities have explained that they are currently examining the possibility of ratifying the European Social Charter (Revised). The Ministry of Welfare is currently examining the compatibility of national legislation with the Charter, and plans to submit a draft law on the ratification of the Charter by January 2009.
4. As regards the European Charter for Regional or Minority Languages, the Convention on the Participation of Foreigners in Public Life at Local Level and the European Convention on the Legal Status of Migrant Workers, the Latvian authorities have declared that they do not consider it possible to ratify these instruments in the near future. The Latvian authorities have indicated that a draft law on the ratification of the European Convention on Nationality was rejected by the Parliament on 25 May 2006.
5. Latvia has not yet signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which has entered into force since ECRI's second report. The Latvian authorities have reported that there are no immediate plans for signature or ratification of this instrument.
6. ECRI notes with satisfaction that Latvia ratified the Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems on 14 February 2007 and that these two instruments entered into force on 1 June 2007.

Recommendations:

7. ECRI reiterates its recommendation that Latvia ratify the following international instruments as soon as possible: Protocol N° 12 to the European Convention on Human Rights, the European Social Charter (Revised), the European Charter for Regional or Minority Languages, the European Convention on Nationality, the Convention on the Participation of Foreigners in Public Life at Local Level, and the European Convention on the Legal Status of Migrant Workers.

8. ECRI recommends that Latvia ratify as soon as possible the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
9. In its second report on Latvia, ECRI recommended that the Latvian authorities make the declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which allows the Committee on the Elimination of Racial Discrimination to receive communications from individuals. The authorities have informed ECRI that there are no immediate plans for making the declaration under Article 14 of the CERD.

Recommendations:

10. ECRI reiterates its recommendation that Latvia make the declaration provided for in Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, which allows the Committee on the Elimination of Racial Discrimination to receive communications from individuals.

Constitutional provisions and other basic provisions

11. ECRI is pleased to note that the Constitutional Court has applied the principle of non-discrimination as provided for in the Constitution and international legal instruments ratified by Latvia on several occasions. For example¹, in its second report ECRI asked the Latvian authorities to review the provision according to which the State and municipalities take part in the financing of private schools in accordance with the respective regulations of the Cabinet of Ministers only “if these institutions implement educational programmes in the state language.” In November 2005, the Constitutional Court ruled that this provision was discriminatory as far as the requirement that the programmes were to be “in the state language” was concerned. ECRI notes with satisfaction that the authorities have taken the necessary steps to ensure that such a restriction does not apply anymore.

- *Official identification documents*

12. In its second report on Latvia, ECRI noted that the mention of nationality (here in the meaning of ethnic/national origin and not citizenship) had been removed from identification documents but also that there were reportedly delays in issuing replacement documents. ECRI encouraged the Latvian authorities to speed up this process.
13. ECRI has been informed by the authorities that while the requirement to record a person’s ethnic origin was removed, the possibility of mentioning one’s ethnic origin (e.g. Latvian, Russian or Jewish) on identification documents and particularly in passports of the Republic of Latvia, still exists but only at the holder’s request (Article 5-4 of 2002 Law on Personal Identification Documents). Even though ECRI is not in possession of detailed information on the use of this option, it understands that there are a number of Latvian citizens who make use of this possibility. Therefore, passports which mention the ethnic origin of a person are still being issued and are still in circulation. Governmental as well as non-governmental sources have indicated that this is not a problem because the mention is on a voluntary basis. However, ECRI has received allegations

¹ As regards another decision of the Constitutional Court on the reform of education, see below, Section II Specific issues, The situation of the Russian-speaking population.

according to which some people who wanted to indicate Latgalian as their ethnic origin have seen their request refused by the authorities who apparently do not recognise it as an ethnic origin distinct from Latvian. Others have indicated that they would not be entitled by the authorities to choose to indicate an ethnic origin different from the one which was indicated on their birth certificates. The authorities have explained that a person may freely change his or her personal records, including ethnicity, by producing evidence of the fact. This means that any person able to provide documentary evidence of his/her belonging to a particular ethnic group, may obtain the relevant mention in his/her passport once the changes have been made in the population register. The benefit of keeping the possibility of mentioning one's ethnic origin on a passport is not self-evident, particularly because it does not seem to serve the purposes of monitoring discrimination on grounds of ethnic origin or addressing inequalities².

Recommendations:

14. ECRI recommends that the Latvian authorities closely examine the implementation and impact of the optional mention of the ethnic origin of a person on Latvian identification documents, including passports. ECRI recalls that any mention of ethnic origin should not only respect the principle of voluntary identification but also the principle of *self*-identification of the person as belonging to a particular ethnic group³.
15. In its second report, ECRI urged the authorities to ensure that the public was made aware of the possibility of adding one's original name to the Latvian version on identification documents, and that this possibility be thoroughly respected. On 2 March 2004, the Cabinet of Ministers adopted Regulation No. 114 "On the spelling and use in the Latvian language of persons' names, as well as their identification", with an aim to clarify the rules applying in this field. Despite this measure, ECRI notes that some persons have still expressed dissatisfaction at the way their names of non-Latvian origin are written on identification documents.

Recommendations:

16. ECRI encourages the Latvian authorities to reinforce their efforts to inform and explain to the persons concerned the language rules applying to names in official documents and to guarantee the right to reproduction of the original form of a name in addition to the Latvian version.

Criminal law provisions

17. In its second report on Latvia, ECRI recommended that the Latvian authorities introduce a provision into criminal legislation explicitly enabling the courts to take into account the racist motives of the offender as an aggravating circumstance when sentencing.
18. ECRI notes with satisfaction that on 21 October 2006 racist motivation was introduced into the list of aggravating circumstances to be taken into account by the courts when sentencing (Article 48 of the Criminal Code). Therefore, committing an offence on racist grounds may now be considered as an aggravating circumstance for all criminal offences in Latvia.

² See below, Monitoring the situation.

³ See also below, Monitoring the situation.

19. In its second report on Latvia, ECRI recommended that the criminal law provisions prohibiting racist speech address not only incitement to racial hatred but also cover cases where such speech takes the form of degrading or humiliating expressions based on characteristics such as national or ethnic origin. ECRI notes that until now no specific provision dealing with racist speech other than incitement to racial hatred has been introduced in the Criminal Code.
20. ECRI notes with interest that on 28 April 2005 a provision was added to Article 71 of the Criminal Code criminalising genocide, in order to prohibit incitement to genocide. The sentence provided for in this case is a deprivation of liberty for a term not exceeding eight years.
21. In June 2007, Articles 78 and 150 of the Criminal Code were replaced by new provisions aimed at combating incitement to racial hatred and racial discrimination. As a result of this amendment, the distinction between racial discrimination on the one hand and racist speech on the other hand has become clearer. The three new provisions which entered into force on 19 July 2007 are the following: firstly, Article 78-1 (Incitement to National, Ethnic and Racial Hatred) stipulates that actions, knowingly intended to incite national, ethnic or racial hatred or enmity, are penalised by imprisonment for a term not exceeding three years, or community service, or with a fine not exceeding sixty times the minimum monthly wage. Under Article 78-2, when such acts are accompanied by violence, fraud or threats, or committed by a group of persons, a State official, or a responsible employee of a corporation, or when they are committed by using a data processing system, the applicable sentence is deprivation of liberty for a term not exceeding ten years. Secondly, Article 149¹ (Breaches of Prohibition of Discrimination) prohibits discrimination on the grounds of racial or ethnic membership, or other breaches of prohibited discrimination as provided in legislative enactments, if repeated within a one-year period. The applicable sanction is a fine not exceeding thirty times the minimum monthly wage⁴. Lastly, Article 150 (Incitement to Religious Enmity) prohibits offence against a person's religious feelings, or inciting enmity in relation to that person's attitude towards religion or atheism. The applicable sanction is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage⁵.

Recommendations:

22. ECRI encourages the Latvian authorities in their efforts to review and fine-tune the criminal law provisions aimed at combating racism. Particular attention should be paid in this regard to racially motivated speech. In this respect, the Latvian authorities should take account of the section on criminal law provisions contained in ECRI's General Policy Recommendation No 7 on national legislation to combat racism and racial discrimination.
23. In its second report on Latvia, ECRI encouraged the Latvian authorities to provide further training on the subject of racist expressions to all actors involved in the criminal justice system, from the police to the prosecuting authorities and judges,

⁴ When such acts are committed under the same aggravating circumstances as those described under Article 78-2 (see above), the applicable sanction is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding fifty times the minimum monthly wage.

⁵ When such acts are committed under the same aggravating circumstances as those described under Article 78-2 (see above), the applicable sanction is deprivation of liberty for a term not exceeding four years, or community service, or a fine not exceeding eighty times the minimum monthly wage.

and to further raise their awareness of the need to actively counter manifestations of such phenomena. At the same time, ECRI stressed that ways to encourage victims of such acts to come forward should be considered.

24. As regards implementation of the existing criminal law provisions to combat racism and racial discrimination, the Latvian authorities have indicated that since the entry into force of the Criminal Code in 1999, Article 150 (Violation of equality rights of persons on the basis of their attitudes towards religion) and 151 (interference with religious rituals) have never been applied. From 1999 until the end of 2006, proceedings under Article 78 (violation of national or racial equality and incitement to national or racial hatred) were introduced in 26 cases, out of which 13 were initiated in 2005. These cases mostly concern instances of racist speech, but also racist violence. The majority of the cases initiated in 2005 and 2006 are still under investigation while some have been re-qualified as hooliganism or closed for a lack of evidence or on other grounds. In 2007, a total of 12 cases were initiated on the basis of Article 78 of the Criminal Code. There is only a small number of those cases which have been brought to court and ended up with conviction of the perpetrators (see below as concerns the sentences handed down in cases of racist speech or racist violence).
25. Anti-racist NGOs have indicated that these figures do not reflect the real level of racist speech and violence in the country. They have put forward several factors to explain this situation as regards racist attacks. A first element to be taken into account is that too often, the police investigate racist attacks as “hooliganism” (prohibited in Article 231 of the Criminal Code) instead of applying Article 78-2 (racist violence). Therefore, the racist motivation of the perpetrators is not sufficiently taken into account, even where it is very obvious or easy to prove, as for instance in some cases where skinheads were involved. However, ECRI is pleased to note that apparently, in recent months, police have tended to take the racist motivation of a physical attack more into account when investigating. Good practices such as training for police and judges as regards combating hate crime have been put into place by some NGOs or intergovernmental organisations. The authorities have indicated that the Latvian Judicial Training Centre organises legal training, seminars and courses for judges on several issues including racism and discrimination issues on a regular basis. However, a lot more remains to be done to raise the awareness of the police, the prosecution services and judges of the need to fight racism⁶.
26. Several elements have been cited as the main obstacles to full implementation of Article 78 with regard to racist speech. When the police are confronted with a complaint, they often refer it to experts in order to determine whether the speech can be qualified as incitement to racial hatred even in cases where the racist motivation is self-evident. The Latvian authorities have themselves stressed that there is a need to improve the expertise of police and prosecutors as regards racist speech in order to avoid requesting external expert advice before acting. Another argument sometimes put forward to justify the lack of prosecutions is freedom of expression, implying that people should be free to say and write anything they wish. However, ECRI recalls that the European Court of Human Rights has admitted in successive judgements that, under certain conditions, State authorities may restrict the exercise of this freedom by taking criminal sanctions against the authors of racist acts⁷. Lastly, the lack of trust in police and

⁶ See also below, Section II Specific Issues - The need to fight racism and intolerance in Latvia.

⁷ See also ECRI's General Policy Recommendation N° 7 on national legislation to combat racism and racial discrimination, Paragraph 3: “The constitution should provide that the exercise of freedom of

the criminal justice system in general on the part of victims has also been put forward as an explanation for the low number of racist acts being reported to the police. People apparently feel discouraged from bringing a case before the court as they tend to believe that this would only be a waste of time.

27. Another problem concerns the sentences handed down in cases of racist speech or racist violence. Anti-racist NGOs consider that until now the sentences pronounced under Article 78 and particularly 78-2 (racist violence) have been too lenient. It is only very recently that two persons were sentenced to a non-suspended prison sentence of respectively 6 months and 8 months for a violent racist attack. Except for that case, maximum sentences given usually range from fines to suspended prison sentences. NGOs and the press have welcomed that fixed prison sentence as an indication that from now on courts will hand down more adequate sentences in cases of racial violence. ECRI feels that the police, prosecutors and judges lack awareness about the implementation of criminal law provisions aimed at combating racism and intolerance, about what should be considered as racist and about the need to combat such phenomena through criminal law⁸.

Recommendations:

28. ECRI strongly recommends that Latvian police and judicial authorities fully investigate and prosecute racially motivated offences by acknowledging and taking into account the racist motivation of an offence.
29. ECRI recommends that the Latvian authorities take a more pro-active approach in providing adequate training to judges, prosecutors and the police. It recommends, in this regard, that the authorities make them fully aware of the issues pertaining to racism and racial discrimination so that they can better address them when the need arises. ECRI thus strongly encourages the Latvian authorities to provide sufficient funds for such endeavours.
30. ECRI recommends that the Latvian authorities continue and reinforce their efforts to inform the public about the existence of criminal law provisions for sanctioning racially motivated acts. It recommends that they take steps to encourage victims and witnesses to report such acts.

Civil and administrative law provisions

31. In its second report on Latvia, ECRI encouraged the Latvian authorities to consider the adoption of a comprehensive body of civil and administrative legislation prohibiting racial discrimination in all fields of life.
32. ECRI notes with interest that the Latvian authorities have taken steps to complement the existing legislation prohibiting racial discrimination. The aim is to extend this prohibition to several fields of life and to improve the enforcement mechanisms of such legislation, in accordance with the two relevant European Union directives (Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive

expression, assembly and association may be restricted with a view to combating racism. Any such restrictions should be in conformity with the European Convention on Human Rights". See also the Explanatory Memorandum to Paragraph 3 and Paragraph 18 of General Policy Recommendation N° 7 which indicates the acts that the national legislation should penalise.

⁸ See also below, Section II Specific issues - The need to fight racism and intolerance in Latvia.

2000/78/EC establishing a general framework for equal treatment in employment and occupation). The Secretariat of the Minister for Special Assignments for Society Integration is the body responsible for the transposition of these two directives.

33. In particular, ECRI is pleased to learn that on 22 April 2004, the Labour Code was amended in order to introduce a clear prohibition of discrimination, including on the grounds of race, skin colour, religious belief and national origin. The Labour Code now contains a definition and prohibition of direct and indirect discrimination, as well as a provision allowing for a shared burden of proof in discrimination cases. In 2005, similar provisions were incorporated into the Law on Social Security. ECRI notes that other pieces of legislation are to be amended to introduce the prohibition of discrimination. It understands that amendments to several laws, including the Law on State Civil Service and the Civil Law, are still pending before the Parliament⁹. Amendments were also brought or are to be adopted in order to improve the enforcement mechanisms for the prohibition of discrimination. For instance, the competencies of the Ombudsman have been extended to the field of combating discrimination¹⁰. It is also planned to grant NGOs the competence for acting on behalf of victims of discrimination before the relevant courts. ECRI welcomes all these developments which are bringing Latvian legislation closer to what it recommends in its General Policy Recommendation N° 7 on national legislation to combat racism and racial discrimination.
34. ECRI notes with interest that in a case concerning a Roma woman who was discriminated against in access to work on ethnic grounds, on 25 May 2006 the Jelgava City Court sentenced the employer to pay compensation for mental pain and anguish of approximately 1 000 lats (1 400 euro) to the victim. The then Latvian National Human Rights Office (now the Ombudsman)¹¹ represented the victim before the Court in accordance with the new legal provisions on combating discrimination in the field of work. This case is all the more significant since it was the first case ever where a court recognised the existence of racial discrimination and sanctioned the perpetrator accordingly. Furthermore, this case is generally quoted as a positive precedent by human rights NGOs. In fact, it seems that it has played a role in changing the mentality of victims of racial discrimination who are now more ready to seek legal advice with NGOs or the Ombudsman and to use the legal remedies available to them than they were previously.
35. As a result of the Jelgava City Court case and a number of initiatives by both governmental and non-governmental agencies, such as the organisation of seminars for judges on the legal provisions prohibiting discrimination, including by the Latvian Judicial Training Centre and the Human Rights Institute of the University of Latvia, it is possible to say that the general level of awareness of the problem of racial discrimination, particularly in the field of work, has been raised in recent years. However, human rights NGOs and experts in anti-discrimination issues consider that these positive developments should only be deemed as a first step and that it is necessary to further inform the legal community as well as the general public of the existence of legal provisions prohibiting racial and other forms of discrimination in all fields of life. Indeed, ECRI notes that the Jelgava

⁹ As concerns amendments to the Criminal Code on the prohibition of racial discrimination, see above, Criminal law provisions.

¹⁰ For further detail, see below, Specialised bodies and other institutions.

¹¹ See below, Specialised bodies and other institutions.

case remains isolated. In view of the numerous allegations according to which members of visible minorities - and particularly Roma¹² - suffer from discrimination in employment and other fields such as housing, there are still improvements to be made in the adoption and implementation of civil and administrative law provisions prohibiting racial discrimination.

Recommendations:

36. ECRI strongly encourages the Latvian authorities in their efforts to adopt a comprehensive body of civil and administrative legislation prohibiting racial discrimination in all fields of life. In particular, ECRI encourages the Latvian authorities to adopt, in areas other than employment, provisions similar to those provided for in the Labour Code concerning the shared burden of proof and the victim's right to compensation in racial discrimination cases. These other areas include notably housing, education, goods and services intended for the public and access to public places, health, social protection, exercise of economic activity and public services. ECRI draws attention to its General Policy Recommendation No 7 on national legislation to combat racism and racial discrimination which provides guidelines in this respect.
37. ECRI recommends that the Latvian authorities take further steps to train judges and lawyers appropriately in order to encourage the full implementation of the new provisions concerning the prohibition of racial discrimination. ECRI also recommends that the authorities provide the public with information, for example through an awareness raising campaign, about the existence of the new provisions outlawing racial discrimination.

Specialised bodies and other institutions

38. In its second report on Latvia, ECRI noted that at that time there were no plans to set up a specialised body with specific responsibility in the field of combating racism and intolerance as recommended in ECRI's General Policy Recommendation No 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level. ECRI encouraged the Latvian authorities to address this issue, either by considering the creation of a specialised body dedicated to combating racism and intolerance, or by allocating additional funds and personnel to the National Human Rights Office in order to establish a specialised section in this area.
39. ECRI notes with satisfaction that in December 2005 an anti-discrimination unit was created within the National Human Rights Office, competent for receiving complaints of, among other things, racial discrimination, including for cases between private parties. The National Human Rights Office may try first to settle the dispute itself, for instance through a conciliation procedure. In cases where this procedure fails, it can bring the case before courts and represent the victim of racial discrimination in judicial procedures. In fact, the only time when a Latvian court recognised the existence of a discrimination on the grounds of ethnic origin, the National Human Rights Office was representing the victim¹³.
40. On 1 January 2007, the National Human Rights Office became the Ombudsman, according to the 6 April 2006 Ombudsman Law. Under Article 4 of the Law, "the Ombudsman shall be independent in his or her activities and shall be governed

¹² Concerning the situation of Roma in Latvia, see also below, The Roma communities.

¹³ For more detail about this case, see above, Civil and administrative law provisions.

exclusively by the law". The first Ombudsman was elected by Parliament on 1 March 2007. Article 11 of the Law provides that, among others, the Ombudsman shall have the functions to promote compliance with the principles of equal treatment and prevention of any kind of discrimination. Article 13-10 indicates that "upon termination of a verification procedure and establishment of a violation, (the Ombudsman has the right to) apply to a court in such civil cases where the nature of the action is related to a violation of the prohibition of differential treatment". This means that the Ombudsman is competent for all issues related to equal treatment and violation of the principle of non-discrimination, be it in cases between an individual and public authorities or in cases between two private parties, for example a private employer and its employee. ECRI notes that while the scope of action of the former National Human Rights Office has been significantly enlarged due to its transformation into an Ombudsman, it has also received additional funds and means to deal with all its new functions. It is also a positive fact that the Ombudsman keeps a clear statutory competence and leadership role in combating racial discrimination in Latvia. ECRI believes however that the anti-discrimination unit should be given all necessary means to continue its work.

41. As concerns the work of the National Human Rights Office before it became an Ombudsman, ECRI notes that according to the statistics provided by this office, it has dealt only rarely with complaints of discrimination in general. The discrimination complaints on racial grounds are even more rare. For instance, for the year 2006, the National Human Rights Office received in total 1 926 written applications and made 3 517 oral consultations, out of which only 109 written applications and 238 oral consultations concerned discrimination in general. When it comes to discrimination on the grounds covered by ECRI's mandate, i.e. race, colour, language, religion, nationality or national or ethnic origin, the numbers are rather low: 9 written applications and 40 oral consultations concerned discrimination on the grounds of race or nationality, 14 written applications and 14 oral consultations concerned discrimination on the grounds of language, and there were no complaints at all concerning discrimination on the grounds of religion. According to civil society associations, rather than an indication of the real situation as concerns racial discrimination in the country, this reflects more the fact that the general public is sufficiently aware neither of their rights nor of the existence and competencies of the Ombudsman in the field of combating racial discrimination.
42. ECRI has been informed by the office of the Ombudsman that it plans to fine-tune its statistics. In fact, ECRI believes that more detailed figures which would include statistics on the ethnic or national origin, religion, language and nationality of the people with whom the Ombudsman is in contact, are needed. It would be interesting to look at, for instance, the percentage of ethnic minorities who complain of ill treatment from the police or in prisons to see whether they are over-represented in terms of the percentage they make up in the population as a whole. More generally, such data could be used to bring possible existing indirect discrimination against minority groups to the forefront. This would allow the Ombudsman to propose concrete measures aimed at combating this kind of discrimination¹⁴. It is also planned that the Ombudsman take steps in order to improve accessibility of its office to the general public and to potential victims. For instance, the office will probably review its website, notably so as to make it accessible in several languages including Russian. Several awareness-raising

¹⁴ See also below, Monitoring the situation.

campaigns about the powers of the Ombudsman are planned in 2008 including information packs, seminars, conferences and TV advertisement. Finally, the possibility of creating local branches of the Ombudsman throughout the country will also be envisaged.

Recommendations:

43. ECRI recommends that the Latvian authorities continue to provide support to the Office of the Ombudsman, especially in view of its mandate for fighting discrimination. It recommends in this regard that the authorities carry out awareness-raising campaigns throughout the country, on the Ombudsman's powers in general and on its functions concerning fighting racial discrimination in particular. ECRI also recommends that the authorities provide the Ombudsman with sufficient funds and human resources and that they support the Ombudsman's efforts to improve the accessibility of this institution in different languages and in the different regions of Latvia.

The National Programme "Integration of Society in Latvia"

44. In its second report, ECRI already noted with interest the existence of a National Programme entitled "Integration of Society in Latvia". Its aim is to strengthen a democratic, inclusive and civil society and to promote values such as human rights for all groups of the society, mutual respect, understanding and social responsibility. The "Society Integration Policy Basic Principles 2008-2018" is a state policy-planning framework document in the area of societal integration for the period 2008-2018 which was drafted in consultation with NGOs. All these programmes are to be implemented notably thanks to the work of the Minister for Special Assignments for Society Integration, and the funding of the Society Integration Foundation. The programme currently implemented is generally welcome as a very positive initiative by NGOs and representatives of minority groups. However, some have the feeling that in Latvia integration measures remain too much focused on the promotion of the State language and do not deal enough with ethnic integration as such or integration of newcomers, including immigrants on the one hand and asylum seekers and refugees on the other hand¹⁵. Others have stressed that it is essential that integration issues remain high in the political agenda and that measures should be taken to ensure that funds and institutions like the Minister for Special Assignments for Society Integration do not disappear in the future.

Recommendations:

45. ECRI strongly recommends that the Latvian authorities maintain and reinforce all their efforts in favour of the integration of the Latvian society, on a long-term basis. A particular emphasis could be put on promoting inter-ethnic relations and on reception of immigrants, including newcomers, as well as asylum seekers and refugees¹⁶. The authorities should pay a particular attention to ensure coordination and co-operation in the implementation of integration measures both within the government and between the public authorities involved and the relevant partners from civil society.

¹⁵ See however, the "Step by step" project mentioned below, Refugees and asylum seekers.

¹⁶ See below, Reception and status of immigrants, refugees and asylum seekers, and Section II Specific Issues - The situation of the Russian-speaking population.

Education and awareness-raising

46. ECRI notes with interest the existence of a National Programme for the Promotion of Tolerance in Latvia (2005-2009). This medium-term policy instrument was drafted in the context of several international documents including ECRI's second report on Latvia and its General Policy Recommendation N° 7 on national legislation to combat racism and racial discrimination. Its overall objective is the formation of a tolerant Latvian society, the elimination of intolerance and the further development of a multicultural society under conditions of European integration and globalisation. Its secondary objectives are the promotion of inter-agency co-operation in the field of combating intolerance; an active public participation in monitoring actions to combat intolerance; and the distribution of reliable, widely accessible and exhaustive information about manifestations of intolerance and activities to promote tolerance. Some of the measures which have been taken in the framework of these programmes are discussed in other parts of this report.
47. As concerns school education, many positive steps have been taken to promote diversity, for instance in the framework of the National Programme for the Promotion of Tolerance in Latvia and the National Programme "Integration of Society in Latvia". The authorities have indicated that issues such as education on diversity, human rights, anti-racism education, and teaching on several minorities' culture and history are disseminated and dealt with in several subjects including history, literature and civic education, in accordance with the Cabinet of Ministers' Regulation N° 1027 of 19 December 2006 on standards for primary education and other regulations on standards for secondary education. A recent survey on diversity in textbooks shows that further efforts are needed to ensure that the teaching material used in all schools, both in minority and mainstream institutions, and at all levels could be improved by removing racist stereotypes and prejudice which remain in some cases. The Ministry of Education has explained to ECRI that following two studies on diversity they are reviewing the curriculum to better reflect diversity, notably in the subjects of social sciences. School textbooks are published following approval by the Centre for Curriculum Development and Examinations within the Ministry of Education, which checks whether books respect children's rights including the right to racial equality. The Centre also checks that history textbooks reflect the national and ethnic minorities' role in the historical processes. ECRI also notes the existence of interesting pilot projects in some classes on teaching the Holocaust in school, complementary to the general history courses on this subject, which could be extended to the whole school system.

Recommendations:

48. ECRI recommends that the Latvian authorities continue and reinforce their efforts to promote diversity in school education. In particular, ECRI encourages the Latvian authorities to ensure that the issues of mutual respect, racism and racial discrimination are properly addressed in school curricula and in teacher training on human rights. In this respect ECRI draws attention to its General Policy Recommendation N° 10 on combating racism and racial discrimination in and through school education, which provides guidelines in this field.
49. ECRI recommends that the Latvian authorities pursue their work on quality control of school curricula and textbooks. Textbooks should not contain any racist prejudice or stereotypes concerning any minority group. ECRI encourages the

Latvian authorities to revise school curricula and textbooks, particularly history books, so as to make pupils aware of the advantages of a multicultural society.

Access to education for ethnic minorities

50. Latvia has an educational system composed of a majority of public schools with instruction entirely in Latvian and 200 public schools with instruction partly in Latvian and partly in a language other than Latvian (hereafter: minority schools). Of these minority schools, 179 give instruction partly in Latvian and partly in Russian. There are also a few schools giving instruction partly in Latvian and partly in one of the following languages: Polish, Hebrew, Ukrainian, Estonian, Lithuanian and Belarusian. Taking into account the fact that Latvian is the official language and from the standpoint of guaranteeing equality of opportunities, ECRI points out the need to ensure a high standard of education in minority schools. If not, that jeopardises the chances of pupils from minority schools of being competitive on the employment market or for entry to higher education¹⁷.
51. The Education reform to give more weight to teaching in Latvian in minority secondary schools was implemented in September 2004. In grades 10-12 of state and municipal general education institutions the number of subjects taught in Latvian has increased from three to five. On the one hand the existence of bilingual schools potentially improves minority children's chances of having a better command of Latvian when they leave school. On the other hand the move to make Latvian the compulsory language of instruction for 60% of the subjects taught in minority schools has caused deep concern.
52. The introduction of this reform of the system and programmes at secondary minority schools led to massive protests and demonstrations in the streets in 2003 and 2004. Some members of ethnic minorities were afraid of Latvian taking over to such an extent that their children would no longer be proficient in their mother tongue. It was also alleged that the Russian-speaking population was not sufficiently involved and consulted during the rushed adoption of the new legislation on education even though this legislation has huge consequences for the future of this population. Now that the reform is being implemented, the massive protests have stopped, but tensions still remain. A main concern remains among the Russian-speaking population about the proportion between instruction in Latvian and Russian and the overall quality of education in minority schools.
53. Representatives of parents of children in minority schools consider that in general the teachers who now have to teach in Latvian subjects they used to teach in another language do not have sufficient command of Latvian yet. Reportedly, there is also a lack of adequate teaching material. In general, representatives of Russian-speaking families consider that the quality of education in minority schools suffers from the lack of preparation of the teachers. They explain that the pupils attending these schools already feel the negative consequences in their school results. The authorities, on their part, admit that there are still some problems to solve in a small number of schools, particularly as concerns the training of teachers. However, they consider that the reform has had no adverse effect on the level of education of children attending minority schools. ECRI notes that on 13 May 2005, the Constitutional Court ruled that the above-mentioned reform was not unconstitutional as such, provided that an effective education

¹⁷ Concerning access to education of Roma children, see below, Vulnerable groups – The Roma communities.

quality monitoring mechanism be introduced. Following this decision, on 18 October 2005, the State Agency for General Education Quality Assurance was established. One of its main tasks is to monitor the quality of education in minority schools and it should therefore be able to draw attention to any problems existing in this field. ECRI notes that a public survey is being conducted on the consequences of the reform. There is a Consultative Council for Issues of National Minorities Education, founded in 2001, whose tasks include the promotion of the integration of national minorities into Latvian society and the preservation of national cultures. One of the Council's objectives is to help in maintaining dialogue between the Ministry of Education, teachers, pupils in minority schools and their parents.

54. A number of parents belonging to ethnic minorities increasingly make the choice to send their children to Latvian schools, even though their own command of Latvian is not always sufficient to assist the children in their homework. However, teachers of those Latvian schools have not been sufficiently prepared to teach to children whose parents belong to ethnic minorities. The authorities have indicated that they are aware of these difficulties and that they envisage taking measures to solve them in the nearest future. Apparently measures which could be taken in this field include relevant training of professors and language courses for parents who do not master Latvian.

Recommendations:

55. ECRI strongly recommends that the Latvian authorities maintain their efforts to improve education in Latvian for children of ethnic minorities, and particularly Russian-speaking children, in order to guarantee that when they leave school they will have equal access to higher education and employment. In this respect, ECRI draws attention to its General Policy Recommendation N° 10 on combating racism and racial discrimination in and through school education which provides guidelines in this field.
56. At the same time ECRI strongly recommends to the Latvian authorities that adequate room be left in minority schools for teaching minority languages and cultures. The Latvian authorities must therefore do everything possible to ensure that the new system of bilingual education in minority schools is not perceived by the ethnic minorities as a threat to their cultures and languages.
57. In general ECRI recommends adopting an approach in which all measures concerning the schooling of children of ethnic minorities, particularly measures to promote the teaching of Latvian, are taken progressively, in consultation with the minorities concerned and with due regard for their interests.

Reception and status of immigrants, refugees and asylum seekers

- *Immigrants*

58. The Immigration Law came into force on 1 May 2003. It widens the range of persons who are entitled to receive temporary and permanent residence permits and contains a number of measures to safeguard personal rights during any detention of migrants without legal status¹⁸.
59. The number of immigrants living in Latvia is rather low. In 2005 for instance, there were 7 659 (about 0.4% of the total population) foreigners with temporary residence permits. ECRI notes that a Programme for the Development of a Comprehensive Migration and Asylum Management System (2005-2009) was adopted at governmental level. Its aims include harmonising respective national legislation and the activities of various institutions and bodies dealing with these issues. The increasing emigration of the Latvian labour force to other EU countries in recent years seems to have caused a shortage in the labour force in Latvia and a need to attract foreign workers. However, public surveys show that the general public in Latvia is rather reluctant and distrustful when asked about the influx of immigrants coming to work in Latvia. For instance in a recent survey, 70% of respondents admitted being negative towards the arrival of labour migrants from other countries. This negative attitude is worrying in a context whereby labour immigration is likely to increase due to the recent entry of Latvia into the European Union and against the background of the use of intolerant discourse by the media and politicians towards immigrants, particularly newcomers, as mentioned in another part of this report¹⁹. Furthermore, immigrants belonging to visible minorities, for instance Africans or Asians, are vulnerable to racist violence²⁰.

Recommendations:

60. ECRI recommends that the Latvian authorities reinforce their efforts to adopt an immigration policy which contains measures to promote the integration of immigrants in Latvia, notably through combating stereotypes and prejudice among the general public against immigrants. The Latvian authorities should make sure that integration measures seek to foster mutual respect between immigrants and the majority society, which must be made aware of the cultural enrichment and economic contribution resulting from immigration in Latvia.

- *Refugees and asylum seekers*

61. In its second report on Latvia, ECRI noted that a new draft Asylum Law was pending before the Parliament and that it provided for an accelerated procedure whereby applications would be submitted to border control officials. ECRI was concerned that such a procedure might enhance the risk of violation of the principle of non-refoulement. ECRI was also concerned that safeguards against the use of detention pending expulsion had still not been introduced, which

¹⁸ See also below, Refugees and asylum seekers.

¹⁹ See below, Section II Specific Issues - The need to fight racism and intolerance in Latvia : Use of racist expressions in the public discourse.

²⁰ See below, Section II Specific Issues - The need to fight racism and intolerance in Latvia : Racist violence.

resulted in the possible detention for indefinite periods of time of asylum seekers who could not be deported for technical reasons.

62. ECRI notes that the revised Asylum Law was adopted on 7 March 2002 and that it brought many positive amendments to the asylum procedure. Those amendments as well as others which followed, for instance in 2005, alongside with amendments to immigration legislation²¹, have improved the legislation on asylum seeker and refugee status, in particular as regards conditions and criteria for the detention of asylum seekers, and access to education and healthcare for asylum seekers. The Parliament is currently modifying the Law in order to transpose relevant EU directives. The United Nation Commissioner for Refugees (UNHCR) and relevant human rights NGOs consider that additional improvements are needed, in particular as regards further clarification of the criteria and conditions for the detention of asylum seekers, the accelerated procedure which gives insufficient time-frames for submitting an appeal, and access to free legal aid. ECRI notes that the authorities intend to prolong the time-frame within the accelerated procedure as they also consider it to be too short to guarantee the rights and interests of asylum seekers. ECRI also notes with interest that from 1st January 2007 the 2005 Law on legal aid guarantees the right to legal assistance for asylum seekers.
63. The Office of Citizenship and Migration Affairs explains in its 2005 Public Report that due to economic conditions in Latvia and its geographic location, the country is not a country of destination for most asylum seekers and therefore the number of applications for asylum is low. For instance, the office received 20 applications for asylum in 2005 and only 8 in 2006. Since 1998, a total of 190 persons have applied for asylum. There are currently 15 persons with refugee status and 18 persons with an alternative status in Latvia.
64. In 2005, a project called "Step by Step" was launched under the auspices of the European Union initiative EQUAL. Amongst other things, it aims at fostering the social integration of asylum seekers. ECRI welcomes this project which includes many initiatives such as awareness-raising activities for youngsters on the situation of asylum seekers, training on cultural diversity for professionals working with asylum seekers, and a survey on societal attitudes towards asylum seekers. This study, alongside others, has shown that asylum seekers and refugees suffer from racist stereotypes and prejudice, which are reflected in public discourse and particularly in the media and in politics²². Asylum seekers and refugees belonging to visible minorities, for instance Africans or Asians, are also vulnerable to racist violence²³. In general, the UNHCR and human rights NGOs stress the need for additional training for officials and social workers who are in contact with asylum seekers and refugees both on procedural aspects and on the need to counter prejudice against this group of persons.

Recommendations:

65. In view of the current revision of the Asylum Law, ECRI reiterates its recommendation that the authorities further improve this legislation, in particular as regards the criteria and conditions for the detention of asylum seekers, the

²¹ See above, Immigrants.

²² See below, Section II Specific Issues - The need to fight racism and intolerance in Latvia : Use of racist expressions in the public discourse.

²³ See below, Section II Specific Issues - The need to fight racism and intolerance in Latvia : Racist violence.

accelerated procedure which gives insufficient time-frames for submitting an appeal, and access to free legal aid.

66. ECRI encourages the Latvian authorities to pursue their efforts to facilitate the integration of asylum seekers and refugees notably through combating stereotypes and prejudice among the general public against these groups of persons. It recommends that the Latvian authorities provide all officials in contact with asylum seekers and refugees with training on human rights, including the principle of non-discrimination, and on the procedure to grant asylum.

Vulnerable groups

- *Non-citizens and the Russian-speaking population*

67. This issue is dealt with in Section II of this report.

- *The Roma communities*

68. In its second report, ECRI recommended that the Latvian authorities adopt several measures to improve the situation of Roma/Gypsies (hereafter: Roma) in Latvia in different areas, including employment, education and combating racist stereotypes against Roma²⁴. ECRI is concerned that the situation of Roma in Latvia has not improved overall since the publication of its previous report. Officially, there are 8 500 Roma in Latvia, even though according to some estimates, there could be as many as between 13 000 and 15 000. It is difficult to assess the exact figures as an undetermined number of Latvian Roma have left for other European Union countries. The majority of Roma have to contend with numerous difficulties, resulting in the marginalisation of Roma communities in Latvia. Human rights NGOs, representatives of Roma communities and the Latvian authorities agree that these communities continue to suffer from racism and discrimination in Latvia. Several studies, surveys and polls substantiate these claims.
69. ECRI deplors the fact that a large number of Roma still live in difficult, if not very difficult conditions. It seems that for several reasons but particularly because of the racist prejudices that persist among certain employers, Roma suffer racial discrimination in recruitment. On a positive note, as already mentioned above²⁵, in a case concerning a Roma woman who was discriminated against in access to work on ethnic grounds, a court sentenced the employer to pay compensation for mental pain and anguish to the victim²⁶. Furthermore, ECRI notes allegations that some Roma are prevented, because of their ethnic origin, from accessing public services such as social housing as well as public places in some cases, also mainly due to racist prejudice against them.
70. As regards access to education for Roma children, ECRI is very concerned to learn that the school drop-out rate among them is very high. There are very few Roma children who pursue their studies beyond the primary school level. ECRI is especially concerned to learn that Roma children are occasionally faced with hostile reactions from some teachers, and some non-Roma pupils and parents.

²⁴ Concerning the last point, see below, Section II Specific issues - The need to fight racism and intolerance in Latvia - Racist violence and Use of racist expressions in the public discourse.

²⁵ See Civil and administrative law provisions.

²⁶ For more detail about this case, see above, Civil and administrative law provisions.

ECRI also notes that, according to NGOs and Roma representatives, Roma culture and the Romani language are not yet sufficiently taught and promoted, especially in schools attended by Roma²⁷.

71. From 2000 onwards, some schools have opened special classes with the first laudable intention to give additional support to children in difficulty in order to allow them to reintegrate mainstream classes as soon as possible. However, the situation has rapidly deteriorated into a *de facto* ethnic segregation as these remedial classes have been attended solely by ethnic Roma, sometimes all gathered in the same class irrespective of their age and actual level of knowledge. Parents of Roma children have sometimes approved such a solution, finding that it is too difficult for their children to endure the hostility of non-Roma in mainstream classes. However, ECRI is pleased to note that some initiatives have been taken to encourage mainstream school attendance by Roma children. One example is the pilot education project of “Roma children at school: You are welcome”, funded by the European Union and the State through the Society Integration Foundation, which included the establishment of four Romani parents support centres. Other initiatives supported by State funds include a project on Roma teaching assistants, and the organisation of seminars to discuss the integration of Roma children in schools. While many of these controversial Roma classes have been closed, ECRI regrets that some of them apparently still exist.
72. There seem to be generally tense relations between members of the Roma communities and the police. ECRI notes that there are allegations that the police discriminate against Roma, particularly in stops and controls of identity and in the field of combating drug-related criminality. Some studies show that Latvian police tend to resort to practices of racial profiling²⁸. ECRI notes that in June 2003, four police officers were tried for the murder of a Roma man. However, the Court of first instance declared the police officers not guilty for lack of evidence. The judge was given a reprimand for violation of the principle of accessibility of the courts, as the widow of the Roma man, the translator and journalists had been refused access to the audience. The prosecutor has brought an appeal against the acquittal of the police officers and the decision is still pending. In this field, ECRI draws the authorities’ attention to the recommendations made below, in the section on the conduct of law enforcement officials.
73. ECRI welcomes the efforts of the national authorities which have taken initiatives relating specifically to Roma. The three-year National Action Plan on Roma in Latvia (2007-2009) contains specific measures for the inclusion of Roma. The Action Plan aims at tackling unemployment and problems in access to education for Roma and at combating racism and racial discrimination against Roma. The Action Plan is at an early stage and it is too soon to say whether it will be successful. ECRI notes that the Action Plan was adopted in consultation with Roma representatives and that three Roma NGOs take part in the Programme Council supervising its implementation. The Action Plan is generally welcomed as a first positive step in the right direction. Of course a lot will depend on the means that the State will provide for its implementation with regard to genuine political will as well as human and financial resources. It seems that for the first year (2007) the Action Plan was allocated 53 755 lats, which seems insufficient in view of the ambitious objectives of the document.

²⁷ See also above, Education and awareness-raising.

²⁸ See also below, Conduct of law enforcement officials.

Recommendations:

74. ECRI strongly encourages the Latvian authorities to continue to take all necessary measures to assist members of Roma communities in obtaining employment. It is imperative that such a policy to facilitate employment for Roma be accompanied by measures to prohibit any discriminatory conduct by employers who refuse to take on Roma on the grounds of their ethnic origin.
75. ECRI strongly recommends that the Latvian authorities take steps to combat racial discrimination against Roma with regard to access to public places and access to goods and services, ensuring in particular that any discriminatory act in these areas is duly remedied. The authorities should take measures to sanction racial profiling and any other form of racial discrimination by the police against Roma.
76. ECRI urges the Latvian authorities to reinforce their efforts, in conjunction with Roma communities, to encourage regular school attendance by Roma children and to tackle the problem of the high school drop-out rate. In particular, ECRI recommends that the Latvian authorities take steps to close any remaining special classes for Roma and to find solutions to integrate Roma students in mainstream classes. In this respect, ECRI recommends that the Latvian authorities pursue and step up their efforts to promote Roma culture and the Romani language among teachers and pupils.
77. ECRI strongly recommends that the Latvian authorities duly implement and reinforce where necessary the National Action Plan on Roma in Latvia (2007-2009). The authorities should provide all necessary human and financial resources to this end. They should consider adopting an all-encompassing long-term national strategy to combat the social exclusion of Roma.

- **Visible minorities**

78. This issue is dealt with in Section II of this report: The need to fight racism and intolerance in Latvia.

Conduct of law enforcement officials

79. In its second report on Latvia, ECRI recommended the creation of an independent mechanism, separate from the police structures, for investigating allegations of police misconduct. In addition, it encouraged the Latvian authorities to provide law enforcement officers with further initial and on-going training to promote awareness of all issues related to discrimination.
80. Even though ECRI understands that there are complaints of misconduct against the police, the authorities have indicated that they have received no complaints of racial discrimination or racially-motivated misconduct on the part of the police. However, as mentioned in several other parts of this report, there seem to be communication problems between the police and members of some minority groups²⁹. Allegedly, members of the Roma communities are victims of racial

²⁹ See below, Section II Specific issues - The need to fight racism and intolerance in Latvia - Racist violence.

profiling on the part of the police³⁰. For instance, they are reportedly disproportionately stopped by police officers in the streets. Another problem seems to be the lack of trust among the visible minorities towards the police, due in some cases to previous negative experience, which means that they tend to report neither cases of racist attacks against them on the part of private individuals nor racially-motivated misconduct on the part of police officers³¹. ECRI notes that it is possible to bring a complaint of police misconduct before several authorities including the newly established Security Bureau within the security police, prosecutors and the Ombudsman.

81. ECRI notes that courses in human rights are provided for law enforcement officers. Training on diversity and policing as well as on how to combat hate crimes has also been organised in the framework of several projects³². It is generally recognised that the representation of minority groups, including the Russian-speaking population, within the police, for instance in the city of Riga, is more or less satisfactory and considered by the authorities as an asset which should be sustained. The same cannot be said for Roma representation within the police.

Recommendations:

82. ECRI urges the Latvian authorities to take steps to prohibit racial profiling by the police. ECRI draws the authorities' attention to its General Policy Recommendation N° 11 on combating racism and racial discrimination in policing, which provides guidelines in this field.
83. ECRI strongly encourages the Latvian authorities to allocate all the necessary resources to law enforcement officers to enable them to operate under appropriate conditions, with strict respect for the human rights and dignity of the people they arrest or who come into contact with them. This presupposes improving training in human rights and raising awareness of racism and racial discrimination issues. Further emphasis should also be placed on training in cultural diversity.

Monitoring the situation

84. ECRI notes with satisfaction that some scientific studies, polls and surveys were recently published in Latvia in fields of interest to ECRI, such as studies on interethnic relations, on integration, on intolerance, and on diversity in schools. Other studies have been or are being conducted for instance on the reasons why some non-citizens do not apply for citizenship³³. Many of these studies have been carried out by the authorities themselves or at least ordered and financed by them as well as by international partners, including the European Union. ECRI believes that these studies are helpful in identifying the main problems in Latvia as concerns racism and racial discrimination. They should therefore be used as a basis for preparing policies and strategies for combating racism and racial discrimination in Latvia.

³⁰ See also above, The Roma communities.

³¹ See also above, Criminal law provisions, and below, Section II Specific issues - The need to fight racism and intolerance in Latvia - Racist violence.

³² See also above, Criminal law provisions.

³³ On this last point, see below, Section II Specific issues - The situation of the Russian-speaking population – The issue of citizenship.

85. ECRI considers that it is important that studies which include statistics be undertaken to ascertain whether there is any direct or indirect discrimination against minority groups based on ethnic origin, religion, nationality (meaning citizenship), or language and if so, to find the best way of dealing with such discrimination. Particular attention should be paid to language discrimination as there are signs of direct and indirect discrimination on the labour market³⁴.
86. The Data Protection Inspector is responsible for ensuring compliance with legislation which prohibits, in principle, the gathering of sensitive data, including information on racial or ethnic origin, although exceptions are possible. The Data Protection Inspector has taken action on several occasions to prohibit the holding of certain files based on sensitive data which did not have a legitimate aim, particularly where religious data is concerned. ECRI notes that the Latvian law allows for the collection of data broken down according to categories such as ethnic origin, language and religion when there is a legitimate aim, such as combating direct or indirect discrimination, when the people concerned give their explicit, free and informed consent and provided that the data remains anonymous. Studies of this type would make it easier to choose effective measures to rectify the problems identified.

Recommendations:

87. ECRI strongly encourages the Latvian authorities to continue supporting and financing studies, surveys and polls on subjects which are of relevance to the fight against racism and racial discrimination, including work on interethnic relations, on integration, and how minority groups are perceived by the majority population.
88. ECRI recommends that the Latvian authorities consider the ways and means of introducing a coherent and complete data gathering system for monitoring the situation of minority groups by collecting relevant information broken down according to categories such as ethnic origin, language, religion and nationality. Such data should be gathered in different areas of policy, and the authorities should ensure that this is done in all cases with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. These systems should also take into consideration the gender dimension, particularly from the point of view of possible double or multiple discrimination.

II. SPECIFIC ISSUES

The need to fight racism and intolerance in Latvia

89. In this section, ECRI wishes to express its concern at reports from several sources according to which both racist violence and racist speech have been more prevalent in recent years in Latvia. Therefore, it would like to draw the Latvian authorities' attention to this worrying trend and make specific recommendations in this field, which are complementary to those already made in other parts of this report³⁵.

³⁴ See below, Section II Specific issues - The situation of the Russian-speaking population – The issues relating to the State Language.

³⁵ See above, Criminal law provisions.

- **Racist violence**

90. In its second report, ECRI already expressed its concern at the presence of Latvian and Russian racist extremist groups, including neo-Nazi groups, and at their activities in Latvia. ECRI called for a more vigorous response on the part of the Latvian authorities to the activities of such organisations.
91. ECRI has received worrying information from many different sources according to which the number of racially-motivated attacks has been on the rise since its last report. These attacks often take the form of verbal abuse accompanied by physical assault, sometimes resulting in a person being seriously injured. According to NGOs, there are a number of persons, particularly among the Roma community, who do not report such attacks to the police³⁶, which makes it difficult to ascertain the real extent of this problem. There are also reports of antisemitic acts against property belonging to Jewish communities, including several cases of vandalism of Jewish cemeteries and the deliberate destruction of a religious monument.
92. According to several sources, including representatives of visible minorities, members of visible minorities are feeling increasingly unsafe in some surroundings in Riga, particularly in the city centre and in the old town, mainly at night-time but also in daylight. They reportedly experience an increasingly aggressive behaviour on the part of groups of youngsters, often dressed and behaving as skinheads. During a public event on racism held in February 2006, the Latvian Minister of Foreign Affairs said that "Latvia is no longer protected from expressions of racism, which is particularly noticeable on the streets of Riga during the dark hours of the day and during the dark months"³⁷.
93. The most vulnerable groups to such racist violence are visible minorities such as Africans, persons of African descent, Central and other Asians, and Roma, as well as Jews. For instance, a Rabbi experienced such a perilous situation in 2005, whereby he managed to escape a group of youngsters who were pursuing him and shouting antisemitic slogans at him. During the same year, similar events allegedly occurred to an Indian, an American of African descent and an Egyptian. Even more worrying are reports according to which the police do not always behave in an appropriate manner when victims come to complain to them about these racist attacks. In fact, there seem to be cases of police harassment of members of visible minorities who have come to police stations to bring a complaint. The publicly known case of a group of Somalis who went to the police in January 2007 to report that they had been beaten up is a regrettable example. According to several sources, they were sent from one police station to another before they could bring their complaint³⁸.

³⁶ See above, Criminal law provisions, and Vulnerable group – The Roma communities.

³⁷ Press release from the Latvian Ministry of Foreign Affairs, Latvia's Foreign Minister: "Mutual cooperation between government, media and community can help diminish prejudice", 10 February 2006.

³⁸ Concerning the police, see also above, Criminal law provisions, and Conduct of law enforcement officials.

94. ECRI has been informed by the Latvian authorities that, according to them, the number of skinhead groups in Latvia is rather low and that there is a special unit in the police keeping their activities under review. They consider that the situation is under control as these activities are not too intense. However, ECRI is concerned at numerous reports on the part of civil society according to which the authorities do not really control the situation. According to non official sources, skinheads and right wing extremist groups' activities are on the rise both among ethnic Latvians and ethnic Russians, notably under the influence of regular contacts with similar groups outside Latvia. These groups are reportedly more visible and more organised throughout Latvia. It seems urgent for the police to monitor closely the situation in this field and for other authorities to try to find solutions to counter the extreme-right tendencies amongst young people and other segments of society.
95. More generally, the main concern of experts in the fight against racism is the widespread denial of the problem of racist violence both on the part of the public and the authorities. Claiming that Latvia is a tolerant society, they tend to remain indifferent and/or undermine the problem by speaking of "isolated cases" without really recognising, or being aware of, the real number of violent manifestations of intolerance in the country. However, ECRI finds it encouraging that the President of Latvia as well as some high-level officials have made several statements drawing attention to the increasing level of intolerance in Latvia and to the need for urgent measures to respond to this trend. ECRI has also mentioned in other parts of the report that police, prosecutors and judges have begun to receive training on how to combat hate crime. It seems that police patrols have increased on the streets of Riga, a factor which should help in preventing racist attacks from taking place. While welcoming these positive developments, ECRI considers that there is an urgent need for additional measures to combat racist violence, particularly to deal with the existence and activities of groups of skinheads.

Recommendations:

96. ECRI urges the Latvian authorities to monitor the situation as regards the presence and activities of the right wing extremist and skinhead groups in Latvia. Measures should be taken to address this problem in a proactive way, including through educational initiatives at school aimed at alerting young people of the dangers of racism and the need to fight against it. Such measures could be taken in co-operation with relevant NGOs working at grass-roots level.
97. ECRI urges the Latvian authorities to make further efforts to take a more comprehensive approach to the phenomenon of racist violence, that does not focus exclusively on the promotion of tolerance and which includes the implementation of criminal law provisions aimed at combating racist violence. ECRI believes that an effective response to racist violence in Latvia also requires efforts to identify and address the causes underlying this violence.

- Use of racist expressions in the public discourse

98. In its second report on Latvia, ECRI underlined that it was fundamental that mainstream political parties take a clear stance against any extremist groups operating in Latvia.
99. ECRI notes that apparently no specific measures have been taken to deal with political parties whose members are responsible for racist acts or speech. However, numerous sources indicate that the recourse to racist expressions in

public discourse, on the part of politicians as well as the media, more particularly in the written press and on the Internet, remains a problem and could even be on the increase. In the field of racism, intolerant speech takes two main forms in Latvia.

100. The first type of racist speech is geared towards immigrants, particularly newcomers, asylum seekers and refugees, and certain ethnic groups such as Roma. Religious minorities including Jews and Muslims are also a target of this discourse. Some politicians and the media express stereotypes and prejudice, and in some cases outright hate speech, towards these minority groups. As concerns Muslims, the main problem seems to lie in cases of sweeping statements associating Muslims with terrorism and in the existence of otherwise islamophobic speech, which are reflected in the media. All this has led for instance, to initially negative reactions in the neighbourhood of a Muslim place of worship when it was opened. Antisemitic discourse is apparently increasing in Latvia, particularly on the Internet, for instance in the context of commemorations of the second world war events and the debate around the issue of a draft law on compensations for confiscated properties belonging to members of the Jewish communities before the second world war.
101. The second type of racist speech in Latvia relates to the interethnic relations between Latvians and the Russian-speaking population³⁹. Some media and some politicians, including from mainstream media and political parties, try to stir up interethnic tensions, mainly to attract voters and readers. They use intolerant speech to describe one group or the other. For instance, some Latvian media and politicians portray the Russian-speaking population as responsible for all the problems in the country, or as traitors or occupants who have no right to stay in the country and who should be expelled. On the other hand, some Russian-speaking media and politicians use generalisations to say that all Latvians are fascist, nationalists and intolerant people who impose "apartheid" on other ethnic groups. Regrettably, the intention is apparently to generate artificial tensions between two communities who live side by side in a peaceful manner. Such intolerant discourse is in stark contrast to the general behaviour of the society. In fact, surveys and polls clearly show that the two communities co-exist peacefully, with no serious tensions, even though they tend to keep to themselves⁴⁰. Such inflammatory speech can only be detrimental to the situation in the country. It is obvious that the conduct of media professionals as well as politicians has a great influence on the level of tensions in society at large.
102. ECRI notes with interest that the Latvian authorities have taken measures to promote tolerance within Latvian society⁴¹. There are also reports of positive initiatives by the media, particularly in response to several interventions from representatives of minorities who have complained to them about the existence of racist material. When representatives of minority groups have asked to have racist material removed or to be given a right to reply, the media concerned have usually responded in a positive way. Some media are also willing to publish information on the situation concerning racism and intolerance in Latvia. To mention only a few positive examples, in 2003, due to complaints from several sources, an advertisement for a political party was considered to be racist by a court and TV channels were not allowed to broadcast it anymore on these

³⁹ See also below, The situation of the Russian-speaking population.

⁴⁰ See below, The situation of the Russian-speaking population.

⁴¹ See also above, Education and awareness-raising.

grounds. ECRI also notes the interesting initiative from civil society to adopt on 30 May 2006 a Declaration on Respect, Tolerance and Co-operation on the Internet, which was signed by the editors of Internet portals and representatives of associations, foundations, and public institutions. However ECRI has been informed that in practice, the presence of intolerant speech, particularly on public forums published on some portals which have signed the Declaration, has not really decreased since then.

103. ECRI believes that further steps should be taken to counter this phenomenon of the exploitation of intolerant discourse in politics and in the media. Where appropriate, Latvian authorities should make use of criminal law tools. This issue is addressed in another part of this report⁴². However, ECRI considers that there are complementary measures which could be taken to ensure that politicians and the media are not tempted to exploit interethnic tensions to further their own agenda. Such measures include self-regulatory mechanisms.
104. As far as the media are concerned, ECRI notes that there is no generally applicable code of conduct which could include guidelines on how to deal with the problems of racism and intolerance. Nor is there a self-regulatory mechanism which could intervene in the case of intolerant material published in the media. ECRI has been informed that in some instances the National Human Rights Office (now the Ombudsman) contacted a media to draw its attention to the inflammatory aspect of the material it had published. The Minister for Special Assignments for Society Integration has also tried to intervene in some cases, but with the result that some commentators described this action as a censorship of the press by the government. The main interest in setting up an internal code of conduct and a self-regulatory mechanism is to monitor and respond to the problem of racist discourse before other institutions, such as the government, have to intervene.
105. The Parliament has a Code of Ethics according to which a Member of Parliament should not appeal to race, gender, skin colour, nationality, language, religious beliefs, social origin or state of health to justify his/her argumentation. ECRI draws attention to the principles laid down in the Charter of European Political Parties for a Non-Racist Society and hopes that these principles would be reflected in political life in Latvia. ECRI insists on the fact that political parties must resist the temptation to approach issues relating to members of minority groups or to interethnic relations in a negative fashion and should instead emphasise the positive contribution made by different ethnic and minority groups to Latvian society, economy and culture. Political parties should also take a firm stand against any form of racism and racial discrimination.

Recommendations:

106. ECRI urges the Latvian authorities to take steps to counter the use of racist discourse in politics and in the media. To this end it recalls, in this particular context, its recommendations formulated above concerning the need to ensure an effective implementation of the existing legislation against incitement to racial hatred. The authorities could envisage launching a general debate on the need for self-regulatory mechanisms in the political and media fields as concerns the problem of intolerant speech.

⁴² See above, Criminal law provisions.

107. In addition, ECRI calls on the Latvian authorities to adopt ad hoc legal provisions specifically targeting the use of racist discourse by representatives of political parties, including, for instance, legal provisions allowing for a ban on free access in the pre-election period to public radio and television for those political parties whose members are responsible for racist acts or speech. ECRI also recommends that the Parliament amend its Code of Ethics to explicitly ban incitement to racial or religious hatred by Members of Parliament and to foresee adequate sanctions for the violation of this norm. Furthermore, ECRI draws the attention of the Latvian authorities to the relevant provisions contained in its General Policy Recommendation N°7 on national legislation to combat racism and racial discrimination, which provides guidelines in this field.
108. ECRI encourages the Latvian authorities to impress on the media, without encroaching on their editorial independence, the need to ensure that reporting does not contribute to creating an atmosphere of hostility and rejection towards members of any minority groups, including members of the Russian-speaking population, as well as immigrants - particularly newcomers – asylum seekers and refugees, certain ethnic groups such as Roma, and religious minorities such as Muslims or Jews. ECRI recommends that the Latvian authorities engage in a debate with the media and members of other relevant civil society groups on how this could best be achieved.

The situation of the Russian-speaking population

109. In its second report on Latvia, ECRI encouraged the Latvian authorities in their efforts to integrate ethnic Latvians and other ethnic groups – and particularly the Russian-speaking population - into one society, and hoped that this issue would be given the necessary political support as well as adequate resources. ECRI regrets that despite numerous initiatives taken by the authorities and described below as well as in other parts of this report, the situation has not really changed since its last report as far as the Russian-speaking population is concerned⁴³. While recognising that integration is an on-going mutual process requiring long-term policies whose results are not always easy to evaluate, ECRI would like to address in this section some aspects of integration which concern more particularly the Russian-speaking population and for which the Latvian authorities should continue and reinforce their efforts. Firstly, ECRI wishes to address the issue of citizenship, secondly the issues relating to the State language⁴⁴ and finally the issue of participation in public life for members of the Russian-speaking population.

- *The issue of citizenship*

110. In 1995 there were approximately 740 000 persons living in Latvia who did not hold Latvian citizenship. The law “on the Status of Former Soviet Union Citizens who are not citizens of Latvia or any other State” provided that this group of persons could exchange their former USSR passports or other personal documents containing the personal code of resident of Latvia, for Latvian non-citizen passports. The Law therefore created a special legal status, that of non-citizen, and defined the basic rights and obligations attached to this status. The number of non citizens is currently approximately 392 816 or 17 % of the total

⁴³ As concerns intolerant speech towards the Russian-speaking population, see above, The need to fight racism and intolerance in Latvia, Use of racist expressions in the public discourse.

⁴⁴ The issue of access to education of Russian-speaking children is dealt with in another part of the report, see above, Access to education of ethnic minorities.

population (as of 1 January 2007). In its second report on Latvia, ECRI expressed concern at the slow pace of naturalisations of non-citizens. It considered that measures were urgently needed to enlarge the take-up of Latvian citizenship through the naturalisation process. The Latvian authorities have informed ECRI that since 1995, 127 244 persons have been granted Latvian citizenship. This means that the decrease in the number of non-citizens in Latvia is more linked to demographic factors - such as emigration - than to the actual rate of naturalisation.

111. The authorities have pointed out many legislative and other steps which have been taken to increase the number of persons being granted Latvian citizenship, either by naturalisation or by registration of their citizenship (mainly for children of non-citizens). The Latvian Naturalisation Board has multiplied the number of initiatives aimed at encouraging non-citizens to apply for naturalisation for themselves or for registration of their children born after 1991 as Latvian citizens. The naturalisation process has been facilitated on several occasions, either by reducing the fee for some social groups or by facilitating the exam procedure for some people, including disabled and elderly persons. In co-operation with international partners, the Latvian government provides Latvian language courses free of charge for naturalisation applicants who have to pass the Latvian language proficiency exam.
112. The latest changes to naturalisation regulations have been described by the authorities as facilitating the naturalisation of non-citizens. However, ECRI notes that some representatives of non-citizens have complained that the procedure remains cumbersome and time-consuming.
113. According to information available to ECRI, the main problem is that many people simply do not apply for naturalisation, for various reasons. Some of them lack motivation to apply, as they do not see any real benefit in becoming Latvian citizens. Others put forward ideological reasons for refusing to apply under the current conditions (i.e.: having to pass a Latvian language proficiency exam and an exam on history and the institutions of the Latvian State). They consider that this procedure is unfair and humiliating. Until now, no real solution has been found by the authorities to convince all these persons - who constitute a significant proportion of non-citizens - to apply for naturalisation. ECRI notes that Latvia does not recognise, except in very limited cases, the right to dual citizenship, a factor which may prevent those non-citizens who would be ready to take both Latvian and Russian (or other) citizenship from applying. The ratification of the European Convention on Nationality – which allows for multiple citizenship - would therefore be a step in the right direction in this respect⁴⁵. The naturalisation process remains slow. It cannot therefore be considered as a rapid solution to the unsatisfactory status of non-citizens as it stands in Latvia.
114. Generally, the authorities present the status of non-citizens as an advantageous position for the latter because it gives them specific rights including many fundamental social and economic rights, the right of exit and entry and the right to family reunification. This comes in stark contrast to the general position of non-citizens who consider that this status is insulting and humiliating. They stress that they are treated as “second-class citizens” and insist on the fact that until now they remain stateless even though most of them have resided for the most part of, if not all their lives in Latvia. Many underline that, after having voted in favour of independence, they were deceived by the authorities which did not grant them

⁴⁵ See the Recommendation made above, International Legal Instruments.

the automatic right to citizenship that was promised to them. Representatives of non-citizens and human rights NGOs stress that rather than benefiting from their own set of advantages, non-citizens suffer from significant discrimination in comparison to Latvians.

115. ECRI notes that the number of differences between Latvian citizens and non-citizens remains significant as far as some political, civil, social and other rights are concerned. Access to various professions within the civil service, such as public prosecutor, prison guard or labour inspector, remains closed to non-citizens, even if some improvements have recently been registered in this field. In addition, a non-citizen does not have access to several professions in the private sector linked to the judiciary, such as that of sworn advocate, sworn notary or their assistants. There are also differences concerning the restrictions relating to the right to acquire land with the exception of acquisition via inheritance. A major difference between Latvians and non-citizens lies in the fact that non-citizens are not entitled to participate in political elections neither as voters nor as candidates⁴⁶. All these disparities have become even more difficult to accept than before since the entry of Latvia into the European Union in 2004. Many non-citizens who have lived all their lives and pay taxes in Latvia do not understand why they should not be granted the rights they have been asking for since the independence in 1991 (such as the right to vote in municipal elections) and which are now available to EU citizens.
116. ECRI considers that there is an urgent need to solve the problems linked to the status of non-citizens as described above. This situation weighs on interethnic relations in Latvia and leads to people who make up a large part of the population living in Latvia (around 17%) feeling “tolerated” at best by the society within which they have been living for a long time.

Recommendations:

117. ECRI urges the Latvian authorities to do their utmost to further facilitate the naturalisation process for non-citizens. To this end, they should consider making the requirements for the existing naturalisation procedures more flexible. They should also continue encouraging the take-up of Latvian citizenship by non-citizens through the naturalisation process.
118. ECRI urges the Latvian authorities to look into the problem of the status of non-citizens with a view to finding rapid and humane solutions for persons who live under such a status. In particular, ECRI reiterates that the imbalance between the situation of non-citizens and the Latvians in a number of fields and for a number of rights should be addressed and remedied as a matter of priority. In particular, the Latvian authorities should review the list of professions which are not currently accessible to non-citizens.

- The issues relating to the State language

119. In its second report, ECRI addressed a number of issues relating to language law in Latvia. In particular, it asked that the 1999 State Language Law, which provides that Latvian is the State language, be kept under review as concerns the mandatory use of Latvian by public institutions on the one hand, and private organisations where there is a legitimate public interest on the other hand. ECRI

⁴⁶ See below, The participation of the Russian-speaking population in the public and political life.

considers that the State should encourage and help all persons living in Latvia, including the Russian-speaking population, to learn and speak Latvian so as to be able to integrate into society and enjoy genuine equality of opportunities. At the same time it should avoid any assimilation which would deprive ethnic minorities of the possibility or capability of using their own language. In Latvia, language has become an emotional and sometimes controversial issue, particularly between those who wish to defend Latvian as the only official language and as a tool for integration of the Latvian society, and those who fear that such a position is detrimental to minority languages and particularly to Russian. Therefore, solving the language issue is of key importance if Latvia is to avoid it becoming a cause of interethnic tensions and achieve a society where the different communities interact and live harmoniously⁴⁷.

120. The inspectors of the State Language Centre are responsible for supervising the implementation of the provisions of the State Language Law and for imposing fines under the Administration Violation Code in cases of violation of this Law. ECRI notes the existence of some criticism about State language inspectors who reportedly act sometimes in a “over-zealous” manner when imposing fines. Furthermore some representatives of the Russian-speaking population have alleged that in some cases, the publication in Russian of useful official information (for instance a municipal booklet on social benefits) has been prevented by the authorities, possibly under pressure from nationalist elements, despite the fact that such information would be of great use to those who speak only Russian. The Latvian authorities have assured ECRI that the State language inspectors intervene only where it is strictly necessary (for instance when there is a legitimate public interest in private organisations, as required by the Law). The authorities have not heard of cases of unlawful prohibition to publish a document in Russian. ECRI notes with interest that the OSCE High Commissioner on National Minorities published a “Practical Guide for the State Language Inspectors on the Implementation of the Latvian State Language Law” which gives all necessary guidelines ensuring that international human rights standards are respected in this field.
121. All studies on discrimination in employment in Latvia show that language is the main factor of discrimination in the workplace. Language skills play a significant role in access to employment and have an impact on the level of wages. It means that those who do not have a sufficient command of Latvian suffer from this disadvantage. This is partly due to the fact that the State Language Law requires that people should have a sufficient level of knowledge of the Latvian language, which varies according to the type of occupation of the person in question. It is for the employer, under the control of the State Language Centre, to check whether the employee has a sufficient command of Latvian with respect to his/her function. In this context, it is therefore essential that non-Latvian native speakers be given all opportunities to learn Latvian.
122. The lack of Latvian language proficiency also hinders communication with public bodies. The State Language Law requires that, with the exception of emergency situations, all documents issued in Latvia and submitted to public bodies in another language than Latvian shall be accepted if they are accompanied by a certified or authenticated translation. Reportedly, some detainees have complained about problems in fulfilling this requirement, which makes it difficult for them to enter into contact with public bodies. More generally, many

⁴⁷ See also above, Use of racist expressions in the public discourse.

representatives of the Russian-speaking population have asked for the possibility for members of this population to communicate with the authorities in Russian in places where they live compactly.

123. ECRI notes with satisfaction that the Latvian authorities have continued to implement and develop the National Programme for Latvian Language Training. In particular, in September 2004, the Government transformed the Unit implementing the National Programme into a permanent state institution, the National Agency for Latvian Language Training. This body is competent for developing teaching material to learn Latvian as a second language; to train Latvian language teachers; to organise courses of Latvian as a second language for a variety of target audiences including persons who try to increase their job opportunities by improving their Latvian or who wish to apply for naturalisation⁴⁸. This agency is also responsible for creating teaching material for schools. ECRI finds the initiative by this institution to publish from 2005 onwards a bilingual newspaper called “Keys” in Latvian and Russian particularly positive. This magazine appears to be an interesting project which should contribute to bridging the gap between the Latvian and Russian communities⁴⁹. In general, it is encouraging to note an overall improvement in Latvian language skills among the Russian-speaking population. It seems that while 22% of the total population in Latvia did not speak Latvian at all in 1996, only 12% were in this situation in 2003, and hopefully even fewer now.
124. As Latvian plays a crucial role in the integration of the labour market, it is all the more important that the level of knowledge of Latvian among non-native speakers and particularly Russian-speakers improve rapidly. However, encouragement to learn Latvian should not result in neglect of the minority languages and cultures that need preserving in the interests of basic cohesiveness of Latvian society. In this regard, ECRI believes that the ratification by Latvia of the European Charter for Regional or Minority Languages would be a step in the right direction.

Recommendations:

125. ECRI urges the Latvian authorities to take all necessary measures to ensure a balanced implementation of the State Language Law by the State language inspectors, particularly by giving due regard to human rights principles as indicated in the OSCE “Practical Guide for the State Language Inspectors on the Implementation of the Latvian State Language Law”.
126. ECRI strongly encourages the Latvian authorities to give priority to constructive and non-obligatory measures, inciting the Russian-speaking population to learn and use Latvian in all cases where it should be used according to the law. Accessible and quality language training should remain a key element of such measures. In particular, the National Agency for Latvian Language Training should be given all the necessary human and financial resources to maintain and develop its activities.
127. ECRI recommends that the Latvian authorities take care to preserve and encourage the use of minority languages without infringing on the status and teaching of the official language. Ways should be found to reassure ethnic

⁴⁸ See above, The issue of citizenship.

⁴⁹ Concerning the last point, see also below, the participation of the Russian-speaking population in the public and political life.

minorities that learning Latvian is not tantamount to an attack on the use of their native languages.

- ***The participation of the Russian-speaking population in public and political life***

128. ECRI considers that Latvian society needs to be more integrated, particularly as concerns the Russian-speaking population. There remain a number of obstacles to the full participation of this population to the public and political life in Latvia which have to be removed as soon as possible. This population forms around 35% of the total population. Around 28.5% of the total population are ethnic Russians, while the remaining number (6.5%) corresponds to persons mainly from other former USSR Republics such as Belarus and Ukraine. ECRI stressed in its second report that language regulations governing political representation, difficult access to public employment, lack of citizenship as well as lack of proficiency in the Latvian language are amongst the factors explaining the current limited participation of members of the Russian-speaking population in public life in Latvia. Some obstacles have been removed but many remain, preventing members of the Russian-speaking population from fully participating in Latvian society.
129. As concerns lack of citizenship and as noted above, those Russian-speakers who are still non-citizens do not have the right to participate as voters or candidates in political elections despite numerous calls from this group and international bodies to give resident non-citizens at least the active and passive right to vote in municipal elections. ECRI regrets that in 2006, once more, a draft law to this effect was rejected by the Parliament⁵⁰. The authorities explain that they prefer that non-citizens apply for naturalisation and obtain the right to vote as citizens of Latvia. However, as noted above⁵¹, there are also difficulties as concerns naturalisation. People who complain about the refusal to grant the right to vote to non-citizens coupled with the slow process of naturalisation explain that this situation stems from the will not to dramatically change the political scene by giving to 17% of the population the possibility of influencing the electoral results.
130. As concerns the participation in political life of those members belonging to ethnic minorities who are Latvian citizens, ECRI expressed its concern in its second report on Latvia that the linguistic requirement for elected representatives might prove to be an additional barrier to the participation of non-ethnic Latvians in public life in Latvia. ECRI is pleased to learn that on 9 May 2002, the Saeima (Parliament) Election Law and the Law on Municipal, Regional and Local Elections were amended in order to remove the requirement for a candidate to those elections to attest his/her fluency in Latvian. However, even with the removal of this requirement, the representation of non-ethnic Latvians in political life remains weak. In its second report, ECRI noted that out of 100 Members of Parliament, only 16 were non-ethnic Latvians. The Latvian authorities have indicated that now there are 18 Members of Parliament who belong to ethnic minorities and four who have not indicated their ethnicity. It seems that ethnic minorities are seriously under-represented in public life. Another issue which was brought to the attention of ECRI is the lack of consultation of ethnic minorities, and in particular the Russian-speaking population, in the political decision-making

⁵⁰ See also above the recommendation by ECRI to ratify the Convention on the Participation of Foreigners in Public Life at Local Level, (International Legal Instruments).

⁵¹ See above, The issue of citizenship.

process, even for those decisions which are of direct relevance to them. The authorities have stressed that they always try to consult ethnic minorities but it seems that this is not yet done in a satisfactory way.

131. Finally, ECRI would like to reiterate its concern at the considerable separation existing between Latvian-language and Russian-language media in Latvia⁵². As stated in its second report, ECRI believes that this runs counter to efforts to favour the mutual integration of all groups constituting Latvian society. Latvian-language and Russian-language press report on different issues and events or on the same issues and events in a strikingly different fashion. This is particularly true with issues such as language, education, history or politics. A part of the Latvian-language press tends to ignore the point of view of minority groups, while Russian-language media are reported to be critical of the Latvian authorities and to tend to focus on minority issues. ECRI regrets that the situation has not changed much in this respect. Even though it is not rare for the relationship to be constructive at an individual level, in general, the Russian-speaking population remains too separate from the Latvian-speaking population for linguistic and many other reasons. In some regions where the Russian-speaking population forms a majority (such as in Daugavpils, where they represent more than 80% of the whole population), many of them tend to keep to themselves, without real contacts with ethnic Latvians and without really being aware of, or interested in the life of the ethnic Latvians. In general, Latvians themselves should be encouraged to make further efforts to learn more about the ethnic minorities living in their country. However, as noted in other parts of this report⁵³, some initiatives have been taken on the part of the authorities or by private parties to foster dialogue and mutual understanding between the two populations, notably through the media. Many more measures of that sort must be taken in order to achieve a fully integrated Latvian society whereby people of different backgrounds do not only live side-by-side but also interact in a peaceful and constructive manner.

Recommendations:

132. Noting that most non-citizens have resided in the country for most or all of their lives, ECRI urges the Latvian authorities to confer eligibility and voting rights to resident non-citizens in local elections.
133. ECRI recommends that the Latvian authorities take all necessary measures to encourage and ensure the participation of ethnic minorities in the political process, in political elected bodies and in the public service.
134. ECRI strongly recommends that in their efforts to foster an integrated society in Latvia the Latvian authorities put a particular emphasis on the situation of the Russian-speaking population and take all necessary measures which will help this population to become and feel accepted as an intrinsic element of Latvian society. To this end, the authorities should continue and reinforce their efforts to establish means for constructive co-operation with representatives of the Russian-speaking population.

⁵² Concerning intolerant speech in the media, see above, Use of racist expressions in the public discourse.

⁵³ See above, The need to combat racism and intolerance in Latvia.

BIBLIOGRAPHY

This bibliography lists the main published sources used during the examination of the situation in Latvia. It should not be considered as an exhaustive list of all sources of information available to ECRI during the preparation of the report.

1. CRI (2002) 21: *Second Report on Latvia*, European Commission against Racism and Intolerance (ECRI), Council of Europe, 23 July 2002
2. CRI (99) 8: *Report on Latvia*, European Commission against Racism and Intolerance (ECRI), Council of Europe, 13 March 1999
3. CRI (96) 43: *ECRI General Policy Recommendation n° 1: Combating racism, xenophobia, antisemitism and intolerance*, European Commission against Racism and Intolerance, Council of Europe, October 1996
4. CRI (97) 36: *ECRI General Policy Recommendation n° 2: Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level*, European Commission against Racism and Intolerance, Council of Europe, June 1997
5. CRI (98) 29: *ECRI General Policy Recommendation n°3: Combating racism and intolerance against Roma/Gypsies*, European Commission against Racism and Intolerance, Council of Europe, March 1998
6. CRI (98) 30: *ECRI General Policy Recommendation n°4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims*, European Commission against Racism and Intolerance, Council of Europe, March 1998
7. CRI (2000) 21: *ECRI General Policy Recommendation n°5: Combating intolerance and discrimination against Muslims*, European Commission against Racism and Intolerance, Council of Europe, March 2000
8. CRI (2001) 1: *ECRI General Policy Recommendation n°6: Combating the dissemination of racist, xenophobic and antisemitic material via the Internet*, European Commission against Racism and Intolerance, Council of Europe, December 2000
9. CRI (2003) 8: *ECRI General Policy Recommendation n°7: National legislation to combat racism and racial discrimination*, European Commission against Racism and Intolerance, Council of Europe, December 2002
10. CRI (2004) 26: *ECRI General Policy Recommendation n°8: Combating racism while fighting terrorism*, European Commission against Racism and Intolerance, Council of Europe, March 2004
11. CRI (2004) 37: *ECRI General Policy Recommendation n°9: The fight against antisemitism*, European Commission against Racism and Intolerance, Council of Europe, June 2004
12. CRI (2007) 6: *ECRI General Policy Recommendation n°10 on combating racism and racial discrimination in and through school education*, European Commission against Racism and Intolerance, Council of Europe, December 2006
13. CRI (2007) 39: *ECRI General Policy Recommendation n°11 on combating racism and racial discrimination in policing*, European Commission against Racism and Intolerance, Council of Europe, June 2007
14. CRI (98) 80 rev 4: *Legal measures to combat racism and intolerance in the member States of the Council of Europe*, European Commission against Racism and Intolerance, Council of Europe, 31 December 2005
15. CommDH(2004)3: Commissioner for Human Rights, *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Latvia, 5-8 October 2003*, Council of Europe, 12 February 2004
16. CommDH(2007)9: Commissioner for Human Rights, *Memorandum to the Latvian Government: Assessment of the progress made in implementing the 2003 recommendations of the Council of Europe Commissioner for Human Rights*, Council of Europe, 16 May 2007

17. Parliamentary Assembly Recommendation 1772 (2006), *Rights of national minorities in Latvia*, Council of Europe, 17 November 2006
18. Parliamentary Assembly Resolution 1527 (2006), *Rights of national minorities in Latvia*, Council of Europe, 17 November 2006
19. Parliamentary Assembly Recommendation 1766 (2006), *Ratification of the Framework Convention for the Protection of National Minorities by the member States of the Council of Europe*, Council of Europe, 4 October 2006
20. Doc. 11094: Parliamentary Assembly Committee on Legal Affairs and Human Rights, *Rights of national minorities in Latvia*, Council of Europe, 8 November 2006
21. ACFC/SR(2006)001: *Report submitted by Latvia pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities*, Council of Europe, 11 October 2006
22. CERD/C/63/CO/7: *Concluding observations of the Committee on the Elimination of Racial Discrimination: Latvia*, United Nations, 10 December 2003
23. *2006 RAXEN Data Collection, National Report*, EUMC Racism and Xenophobia Information Network (RAXEN), National Focal Point for Latvia, 2006 (under publication)
24. Ministry of Interior of the Republic of Latvia, Office of Citizenship and Migration Affairs, *Public Report 2005*
25. *Summary of the PHARE National Programme 2003 Projects "Promotion of Society Integration in Latvia" and "Development and Strengthening of Civic Society in Latvia"*, Society Integration Foundation, February 2007
26. *Closing Conference of PHARE 2002 Projects Facilitation of the Integration of the Society in Latvia and Development and Strengthening of the Civic Society in Latvia, December 20, 2005, Conference Centre of Reval Hotel Latvia*, Society Integration Foundation
27. Artis Pabriks, *Occupational Representation and Ethnic Discrimination in Latvia*, The Soros Foundation - Latvia, 2002
28. Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia*, Riga 2003
29. Gita Feldhune, *Report on measures to combat discrimination – Country Report Latvia*, European Network of Legal Experts in the non-discrimination field, 10 December 2004
30. Latvian Centre for Human Rights and Ethnic Studies, *Diversity in Latvian Textbooks*, November 2004
31. EUMC RAXEN_CC National Focal Point Latvia (Latvian Centre for Human Rights and Ethnic Studies), *Minority Education in Latvia*, EUMC, Vienna 2004
32. Baltic Institute of Social Sciences, *Integration of Minority Youth in the Society of Latvia in the Context of the Education Reform*, Riga 2004
33. Baltic Institute of Social Sciences, *Ethnic Tolerance and Integration of the Latvian Society*, Riga 2004
34. Jean-Yves Camus, *The use of racist, antisemitic and xenophobic arguments in political discourse*, European Commission against Racism and Intolerance (ECRI), Council of Europe, March 2005
35. Baltic Institute of Social Sciences, *Ethnopolitical Tension in Latvia: Looking for the Conflict Solution*, Riga 2005
36. Dace Lukumiete, *ENAR Shadow Report 2005 – Racism in Latvia*, ENAR
37. Svetlana Djackova, *Latvian Language Proficiency and the Integration of Society*, Public Policy Providus, Soros Foundation - Latvia, the Open Society Institute Justice Programme and the Local Government and Public Service Initiative, 2004
38. Ilvija Puce, *Report on the Situation of Fundamental Rights in Latvia in 2005*, EU Network of Independent Experts on Fundamental Rights, 15 December 2005
39. Maria Golubeva, *The Case for Diversity Mainstreaming in the National School System*, Centre for Public Policy Providus and the Soros Foundation - Latvia, 2006

40. Nils Muižnieks (dir.), *Latvian-Russian Relations: Domestic and International Dimensions*, University of Latvia 2006
41. *The Last Prisoners of the Cold War – The Stateless People of Latvia in their own Words*, The Greens/European Free Alliance in the European Parliament, Riga 2006
42. Organisation for Security and Co-operation in Europe High Commissioner on National Minorities, *Implementation of the Latvian State Language Law – A Practice Guide for the State Language Inspectors*, The Hague 2006
43. Baltic Institute for Social Sciences, *Integration Practice and Perspectives*, Riga 2006
44. The Baltic Times, *Roma woman breaks legal barrier for minorities*, 31 May 2006
45. U.S. Department of State, *Latvia: Country Reports on Human Rights Practices – 2006*, Released by the Bureau of Democracy, Human Rights and Labour, 6 March 2007
46. U.S. Department of State, *Latvia: International Religious Freedom Report 2006*, Released by the Bureau of Democracy, Human Rights and Labour, 15 September 2006
47. International Helsinki Federation, *IHF Report 2006 – Human Rights in the OSCE Region*

APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Latvia

ECRI wishes to point out that the analysis contained in its third report on Latvia is dated 29 June 2007, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Latvia was subject to a confidential dialogue with the Latvian authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Latvian authorities requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.

“Third report on Latvia Comments by Latvian Government

The trend towards racism and intolerance is increasing throughout the world. In recent years people from various ethnic backgrounds and of various skin colours have travelled into Latvia. In general it may be said that historically, Latvian society has been tolerant towards members of other nationalities. However, individual incidents occur when radically-oriented groups or individuals attack people having a different skin colour or other external signs of difference. Although racial hatred is an element of some of these attacks, it is also common for foreigners to be attacked for reasons of material benefit. Law enforcement agencies face the complex task of determining whether in a particular attack there are signs of racial hatred as well as material benefit. With the benefit of experience, training, and court precedents, law enforcement agencies are learning to apply section 78 of the Criminal Law.

Concerning ECRI’s comment that Roma communities in Latvia suffer from racism and discrimination, particularly in access to employment and education, we would like to stress that Latvian government continues to pay particular attention towards this ethnic group. About 95% of Roma are citizens of Latvia. State financed education is available also in Roma language what is not the practice in all European states.

Regarding ECRI’s recommendation to find rapid solution for persons who live under status of non-citizens Latvia would like to reiterate that Latvian legislation allows practically every non-citizen to become a citizen and Latvian government has on several occasions simplified naturalization exams. It is an individual decision whether to apply for Latvian citizenship or not.

International legal instruments

2.

Latvia signed the Twelfth Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms on 4 November 2000; however, it has not been ratified. The draft bill for approval of the Protocol has been submitted to the *Saeima* (Latvian Parliament). At the *Saeima* sitting of 21 September 2006, a decision was made not to refer the draft Bill to the Committee stage. Bearing in mind that a new *Saeima* was elected on 7 October 2006, the draft bill must be resubmitted to the *Saeima*.

4.

The Republic of Latvia signed the European Convention on Nationality on 30 May 2001. At the *Saeima* sitting of 25 May 2006, a decision was made not to pass the Bill to the Committee stage. To continue progressing the Bill, it will need to be resubmitted to the *Saeima*.

Official Identification Documents

13.

In accordance with the law on the *Protection of Personal Information* and the law on *Personal Identification Documents*, a person's ethnic origin need only be indicated voluntarily in personal identification documents, and at the request of the individual. By implementing the principle of voluntariness, the possibility of discriminating

against any person on the grounds of ethnicity is eliminated, without denying any person the right to national self-determination.

14.

In Latvia, the existing census system is based on documentary evidence, rather than on information provided orally. A person may freely alter his or her personal records, including ethnicity, by producing evidence of the fact. When issuing a passport, should a person require information regarding their ethnicity to appear on their passport, the information is obtained from the residents' census system. Any person able to provide documentary evidence of their membership of a particular ethnic group, may receive the relevant annotation in their passport once the previously-mentioned alterations have been effected on the census system.

Criminal Law Provisions

Amendments to the Criminal Law were adopted on 17 May 2007, with Section 78 being expressed in a new formulation. Until now, this section was headed "Violation of National or Racial Equality and Restriction of Human Rights"; the new formulation reads "Incitement to National, Ethnic and Racial Hatred". The new formulation of the Criminal Law also includes ethnic origin.

The Criminal Law also includes a new Section 149.¹ for offences involving discrimination, which attaches criminal liability to discrimination on the grounds of race or ethnicity.

It is commendable that cases are eventually receiving judicial consideration, regardless of the problems of proving direct intent, and of separating racist offences from hooliganism. This encourages the trust of victims in the judicial system, and the desire to report of such events.

19.

Point 19 of the Report indicates that in its second report on Latvia, the ECRI recommended that Latvia broaden the norms in the Criminal Law, so as to include not only racist language as an incitement to racial hatred, but also derogatory language based on national or ethnic origin. We advise that on 19 July 2007, the "Amendments to the Criminal Law" came into force, which amended Section 78 of the Criminal Law: "Incitement to National, Ethnic or Racial Hatred", providing liability for actions which are knowingly directed towards incitement to national, ethnic or racial hatred or enmity. We would point out that currently the indications to which the ECRI refers in Point 19 of their Report, namely derogatory speech based on national or ethnic origin, conform with Section 78 of the Criminal Law. We therefore regard a separate section on the use of racist language as being unnecessary.

At the same time, we would point out that the indications mentioned in Point 19 of the Report do not conform to Section 156 of the Criminal Law (on Defamation) and section 158 (Defamation and Bringing into Disrepute in the Mass Media), qualifying together with Section 48 Part 1, Paragraph 14, which provides an aggravating factor for liability: a criminal offence committed with a racial motive. The concept of "honour" in the Latvian legal system is understood as an evaluation of character by society, measured in terms of an individual's behaviour, attitude towards social and spiritual values, society, and peers. The concept of "dignity" is a person's self-evaluation, based on imbued and characteristic qualities. Both these moral categories are closely interrelated, and determine a person's reputation, which incorporates a person's own thoughts about themselves as well as the thoughts of

others about that person. For example, honour can be offended verbally, when, in the presence of the victim or a third party, an evaluation of the victim's physical, spiritual or moral characteristics is expressed in an impolite manner. Along with that, the nationality and ethnicity mentioned above do not bear the qualifying features.

21.-22.

In 2007, a number of changes were made to the legislation of the Republic of Latvia to satisfy the requirements set out in Council Directive 2000/43/EC of 29 June 2000, which implements the principle of equal treatment of persons, irrespective of racial or ethnic origin. Their purpose was to ensure that every person in Latvia could feel secure and enjoy dignity, regardless of gender, age, social status, political persuasion, sexual orientation, race, ethnicity, or any other characteristics.

The amendments to the *Criminal Law* adopted in June 2007 will help to distinguish between Chapter IX (Crimes against Humanity and Peace, War Crimes and Genocide) and Chapter XIV (Criminal Offences Against Fundamental Rights and Freedoms of a Person). Until now, liability for incitement to enmity on the grounds of ethnicity or race was not distinguished from liability for offences of a discriminatory nature against the fundamental rights and freedoms of an individual person. However, Section 150 of the *Criminal Law* only included membership of a religious faith as an element of the criminal offence, thereby leaving outside the regulatory ambit of the law other prohibitions of discrimination (e.g. Discrimination on the basis of gender, language, disability or other reasons). To avert this situation, the *Criminal Law* has been supplemented with a new Section 149, providing liability for discrimination on the grounds of race or ethnicity, or offences against discriminatory prohibitions in other regulatory enactments.

The most difficult fact to prove is that actions have been knowingly aimed at inciting racial hatred. The motive of racism is an additional factor in determining guilt.

In the period from 2000 to the present, the Security Police have referred 19 persons to the Office of the Prosecutor-General for investigation. Of those, 13 persons have been convicted pursuant to Section 78 of the Criminal Law. The remaining cases are still under investigation.

The Ministry of the Interior has no information to indicate a possible increase in racially motivated attacks in the territory of Latvia. Such a trend was observed in 2005 and 2006. However, the occurrence of racially motivated speech is very rarely encountered in the Latvian media. At the moment, this phenomenon is observable in various internet portals and discussion forums. However, it must be noted that in media, particularly the press and internet portals, comments which promote ethnic intolerance between speakers of the Latvian and Russian languages may be observed. During the past two years, several criminal cases have been instigated for offences involving racial inequality, and several persons have been convicted for offences of this type. The tendency to re-label racial attacks as hooliganism has significantly reduced.

No information is available to the Ministry of the Interior to support possible racially-motivated actions by the State Police or its individual units, in the performance of their functions. Regardless of the fact that information available to law-enforcement institutions tends to support the fact that a significant number of Roma people are involved in crimes associated with drug-dealing, this is not utilised as a basis for increased monitoring of this ethnic group.

26.

Pursuant to the *Criminal Law*, the process director (investigator or prosecutor) is not permitted to conduct an inquest in a case.

28.

The most difficult fact to prove is that actions have been knowingly aimed at inciting racial hatred. The motive of racism is an additional factor in determining guilt. There is better understanding about the issues of racism between police personnel, judges and prosecutors.

29.

The Latvian Judicial Training Center organizes on regular bases legal education seminars and courses for judges on several issues including racism and discrimination issues.

30.

Information is available in the Latvian media concerning attacks on foreigners, as well as existing legislative requirements relating to incitement to racial hatred and its investigation. The press is regularly informed of changes in legislation, including changes to Section 78 of the *Criminal Law*.

Civil and Administrative Law Provisions

32.

Section 4.3 of the Statute for the Secretariat of the Special Assignments Minister for Society Integration Affairs (SSAMSIA) provides that SSAMSIA is the leading state administration institution for the combating of racial discrimination, and accordingly determines SSAMSIA to have responsibility for the adoption of Council Directive 2000/43/EC of 29 June 2000 in Latvia. Section 5.1.5. of the Ministry of Welfare Statute determines that Ministry's responsibility for the regulation of legal relations, thereby also determining that Ministry's responsibility for the adoption of Council Directive 2000/78/EC of 27 November 2000 in Latvia.

37.

The Latvian Judicial Training Center and Human Rights Institute of the Latvian Institute organizes on regular bases seminars and courses on racism and discrimination issues, including International conventions and EU law in the field of racism.

Specialised bodies and other institutions

41.

Point 41 of the Report notes that The Latvian National Human Rights Office received 14 written submissions in 2006, and provided 14 oral consultations on discrimination on the basis of language, but it is not indicated how many of the complaints were about wrongs affecting the rights and lawful interests of a user of the official State language, i.e. about consumer rights and information on available goods, or also about wrongs affecting the rights of a Latvian language-speaking worker in work groups in which the official State language is not spoken.

The National Programme “Integration of Society in Latvia”

44.

Work began in 2006 on development of the basic principles of the society integration policy for the period 2008-2018, and participating in the work are state administration institutions, and a range of non-governmental organisations from various Latvian regions. In addition to funding from the Society Integration Foundation; utilising an instrument for allocation of grants, SSAMSIA regularly provides support from state government resources for the development of civil society, the activities of rural non-governmental organisations, Latvian national minority NGO activities aimed at the preservation and development of ethnic identity and culture, and NGO activities promoting inter-cultural dialogue and tolerance. SSAMSIA, by implementing projects supported by the European Commission (*Latvia - equal in diversity*, I and II), supports projects on education and informing society regarding the encouragement of tolerance. In 2005 and 2006, 13 NGO projects received support totalling EUR 200,589 under the *Latvia - equal in diversity* I and II projects.

45.

Society Integration Policy Basic Principles 2008-2018 is a state policy-planning "umbrella" document in the area of societal integration for the period 2008-2018. *Society Integration Policy Basic Principles 2008-2018* outlines the aims of the Society Integration Policy, which are to strengthen a democratic, inclusive and civil society; a society having the main values of observance of human rights for all groups in society, mutual respect, understanding and social responsibility.

Society Integration Policy Basic Principles outlines two performance indicators for the achievement of its objectives:

Indicator I: formation of an inclusive society;

Indicator II: strengthening of a democratic and civil society.

Education and awareness-raising

46.

Development until now (2005-2006) of a national programme to promote tolerance confirmed the need to activate its content, including new opinions from the academic environment and NGOs, as well as reflecting the actual situation in the action plan in the National Programme for promoting tolerance, and the activities of new participants in the process, as well as the latest challenges. Work on activating the programme content, similarly to that on developing the basic principles for activating the state programme *Society's Integration in Latvia*, proposes widespread involvement by the public. Work is planned to conclude in late 2007.

47.

The Education Content and Examination Centre (ECEC) is currently making a research about the promotion of ethnic identity in the 3, 6, 9 and 12 grades. The bilingual centres (in Riga, Daugavpils, Rēzekne and Liepāja) together with ECEC are elaborating the elements of the ethnic diversity which could be included in the curricula. In the framework of this research 500 respondents from Latvian schools have answered the question how much from the topics about multiculturalism and tolerance they are learning in the school. The research will be issued in January 2008.

The topics about multiculturalism, antiracism, anti-semitism, xenophobia are included also in the programmes of the further education courses for the pedagogues.

The ECEC is planning to include the issues about tolerance and multiculturalism in the school exams.

The ECEC as well as independent experts are assessing the content of the teaching materials according to objective criteria to ensure that books must be free from racist stereotypes and prejudice.

Access to Education for Ethnic Minorities

50.-54.

In comparison with the evaluation given in the report, the situation with regard to national minority education has improved. There is observable progress in national minority schools in the acquisition of Latvian teaching language and bilingual education. The results compiled by the Education Content and Examinations Centre (hereinafter ECEC) from state checking work conducted in secondary education schools indicate that students at national minority schools who have used examination materials in the Latvian language in various subjects over the past two years, have overall produced similar results to students using examination materials in their native language.

The Cabinet Regulation No. 1027 of 19 December 2006, *Regulations on state standards in primary education and standards in primary educational subjects* achievement levels for compulsory educational subjects to be taken by students contain formulations which provide diversity, multiculturalism and the development of tolerance, and are directed towards manifestations of racism and ethnic discrimination. Such points are also included in ECEC regulations on the evaluation of learning sets and the developing general secondary education project. With that, regulations essential compulsory are being set at the state level, and will continue to be set for subject teachers, authors and publishers of teaching materials.

Implementing the preservation of ethnic identity, the state has increased the recommended optional number of lessons in primary schools, which has been recommended for the development of ethnic identity and encouragement to acquire the native language.

The analysis of the centralised exams in the school year 2006/2007 made by Education Content and Examinations Centre show that the results in Latvian and in minority secondary schools are practically the same.

After the implementation of the minority education reform in spring 2007 the secondary schools passed for the first time the centralised exams. The language of the exam was Latvian but the pupils had the right to choose the language of the answers - Latvian or Russian.

39% of the minority school pupils have chosen to answer the questions in Russian and 61% - in Latvian language.

The tendency has been observed that minority school pupils have chosen to pass the exam in Mathematics and Chemistry mainly in Latvian, but exam in Biology and History mainly in Russian.

Although the language of the exam was Latvian, the minority school pupils have showed in some subjects even better results than the pupils in Latvian schools, f.e. in Mathematics and Physics.

The results of the exams show that the language of the exam has not influenced the results.

The office of the OSCE High Commissioner on National Minorities has affirmed that the 60/40 proportion is in line with minority rights standards and asserted that the reform is "painful, but necessary." Moreover, commenting on a similar situation in Estonia, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities concluded that the 60/40 model is basically in line with the convention.

It should be noted that already for the past ten years the National Agency for Latvian Language Training offered for the teachers of national minority schools continuous education courses in bilingual education. Priorities for the Agency's pedagogical operations are: bilingual education methodology for teachers of national minority schools; Latvian language as a second language methodology development and teacher training; and primary school bilingual education methodology development and teacher training. The Agency has ensured that all national minority secondary school teachers are provided with Latvian language training courses free of charge. The relevant textbooks and methodology material have also been published for grades 1-12 in Latvian and in Russian.

In 2005 the National Agency for Latvian Language Training developed a two-year (2006-2008) training programme for secondary school teachers. The aim is to raise the teacher professional mobility in secondary education; to provide methodological support for minority secondary school teachers as well as teachers who work with minority students in Latvian schools; to allow non-Latvian teachers to perfect their knowledge of Latvian, help them organise a tutorial system for pupils in difficulty, provide support in preparing for examinations, and last, not least to help them establish co-operation processes between minority and Latvian schools.

Latvia attaches great importance to implementation of such education policy which both preserves the linguistic rights of national minorities living in

Following start of the education reform the question of quality of general education in minority schools' became a public priority. In 2005 the State Agency for General Education Quality Assurance was established. It draws up instruments for measuring the quality of education. One of its most important tasks is to follow up on the quality of implementing national minority curricula, including the provision of the textbooks.

According to the data of the Ministry of Education and Science in some subjects minority schools show even better results than Latvian schools.

56.

„Education in national minority languages is a precondition for maintaining the cultural identity of national minorities in Latvia. The Latvian government provides state funded education in eight national minority languages, even where only a small number of children are seeking instruction in a certain language.

As the knowledge of Latvian is an indispensable prerequisite for a successful career both in the state and private sectors, the aim of minority education reform is to create an education system able to provide equal opportunities in the labour and education markets for graduates from both Latvian and minority schools.

The Government of Latvia has constantly been exerting efforts to promote the dialogue with representatives of national minorities with the aim of improving respective instruction programmes and conducting to the implementation of the reform. Amendments to the *Education Law* of 2004 were discussed prior to their enactment, and were co-ordinated with the National Minority Education Consultative

Council of the Ministry of Education and Science, which includes representatives of non-governmental organisations, societies, universities, national minority educational facilities and parents of students. The Ministry of Education and Science has fostered a dialogue with teachers, students and parents, representatives of non-governmental organisations and the public, while introducing changes in educational content.”

Refugees and Asylum Seekers

61.-63.

The *Asylum Law*, which came into force on 1 September 2002, provides a clear description of the procedure for seeking asylum, for a person arriving at a border checkpoint from abroad, and the associated reviewing procedure, as well as the competences of institutions involved, which provides that the decision for granting or refusing asylum is not made by the State Border Guard Service, but by the Office of Citizenship and Migration Affairs Refugee Affairs Department (hereinafter: "the Department"). The previously mentioned Law, by clearly defining the requirements under which the decision to grant or refuse asylum in the Republic of Latvia is made, regulates the review of asylum applications via an abbreviated process. The *Asylum Law* provides persons who have been refused asylum the right to appeal a negative Departmental ruling in court.

The *Asylum Law* provides clearly defined criteria for the detention of asylum seekers, as well as the length of the detention period. In accordance with the provisions of the Law, the State Border Guard may detain an asylum seeker for a period not exceeding 10 days; further extension to the detention period only being possible by order of a judge. The total period of detention shall not exceed the period for review of the asylum application.

Vulnerable groups

The Roma communities

71.

As part of the state programme *Roma in Latvia 2007-2009*, various measures are already being implemented which promote the involvement of Roma children in the education process. The following activities are taking place:

Project: *Roma Teacher's Assistant*,

Seminar: *Integration of Diversity in School*,

Seminar cycle for teachers: *The Roma child at school*.

The projects referred to are being implemented by non-governmental organisations, administering funds from the state budget.

Implementation of the state programme *Roma in Latvia 2007-2009* action plan is being supervised by the Programme Council, on which three Roma non-governmental organisations are represented.

The information included in the Para 68 is in contradiction with this information provided by Government of Latvia as well as with the Para 73 in the ECRI's report.

SPECIFIC ISSUES

The need to fight racism and intolerance in Latvia

Racist violence

93.

In relation to the event referred to at Point 93, the police, in accordance with legislative requirements, invited the victims to provide additional information about the attack, rather than requiring the victim to regularly attend police headquarters.

94.

In relation to the activities of members of the "skinhead" movement, we must indicate that these have not attracted significant public support. In addition, a number of essential measures are being implemented to prevent mass "skin-head" actions, which could potentially create a threat to national security. There is reason to state that the law enforcement agencies are closely monitoring the activities of "skin-heads" and other extremist movements. "Skin-head" attacks for the most part occur spontaneously, and have not been planned in advance.

It is possible that intensified fight of state institutions against racist manifestations and harsher penalties will restrain individual persons from displaying an interest in "skinhead" ideology by instigating attacks on foreigners or members of religious groups.

95.

It must be emphasized that racist attacks are isolated cases in Latvia. The Government is not hiding this information, on the contrary the Ministry of Interior and court instances can provide with precise statistics about these incidents. It is also truth that in general Latvian society historically has been tolerant towards the national minorities.

Use of racist expression in the public discourse

100.

We have no information about the racist speeches by the politicians. There are isolated cases of the hate speech in the internet but this is also the phenomenon of the freedom of speech. The amendments in the Criminal Law have been made in 2007 regarding the incitement to national, ethnic and racial hatred in the data processing system.

Regarding ECRI's comment about the anti-Semitic discourse in the context of commemorations of the second war event, Latvia would like to emphasise the following: the 16 March is privately commemorated by old soldiers who during the II World War served in Latvian legion, which was included in German troops. Such kind of events, like in other democratic states are in line with constitutional rights for association. There is also no nation in the world that would not commemorate the victims of this unjust war. Latvian Government clearly condemns the activities of those, predominantly young, people with right-wing or left-wing extremist ideas that can in no way be associated with honouring the memory of those fallen. The Government will also in the future strictly turn against any illegal activities of extremists.

108.

It must be stressed that Russian media sometimes is very hostile towards Latvians and Latvian government. We have not observed the hostility towards Russians in the Latvian media.

The issue of citizenship

110.

Since 1995, **127 244** persons have been granted the citizenship of Latvia. The number of non-citizens as of 12 September 2007 is **377 475**.

112.

The Republic of Latvia *Law on Citizenship* has not been amended in relation to the language examination since 16 March 1995. On 2 June 2007, Cabinet Regulation No. 353 of 29 May 2007, *Regulations on the tests of knowledge provided in the Citizenship Law for examining Latvian language skills, knowledge of the basic provisions of the constitution of Latvia, text of the Latvian National Anthem and Knowledge of Latvian History* came into force, which provide changes to the examination procedure, but does not change the content of the language examination.

These requirements provide relief for persons having an officially recognised disability status. Completely exempt from testing are persons with Group 1 Invalidity persons, and persons with Group 2 invalidity having a progressive psychiatric illness. The requirements also provide relief in completing the testing for other persons with an officially recognised disability. The requirements provide that the Head of the Naturalisation Board is authorised to determine a simplified testing procedure, or to relieve from testing persons who have an officially recognised disability.

113.

Point 113 of the Report notes that motivational reasons for non-citizens not wishing to acquire citizenship, are quite different, and in some cases, even ideological. Nevertheless, in the Recommendations (Point 117 of the Report), Latvia is urged to put the naturalisation process to maximum effect, ignoring the fact that acquiring citizenship is an individual decision for every person, and in its way, a demonstration of loyalty to the state. The Ministry of Justice is of the opinion that the legislative enactments which regulate the naturalisation process, as well as the status of the official State language, and its protection by the state, are in accordance with international requirements.

114.

The scope of rights of Latvian non-citizens is very close to those of Latvian citizens - in most cases they enjoy the same scope of rights as Latvian citizens - they cannot be expelled save in special cases provided in law, and they enjoy the consular protection of the Republic of Latvia abroad. Once a person has lawfully obtained the status of a Latvian non-citizen, she/he can freely reside on a permanent basis in a foreign country retaining all the rights and privileges of Latvian non-citizen, *inter alia*, to move freely and return back to Latvia at any time. Non-citizens enjoy all human rights prescribed by the Constitution of Latvia. In fact, the only substantial difference between Latvian citizens and non-citizens is the right to vote and the right to work in the civil service or occupy posts that are linked with national security. Consequently, the status of „non-citizen” cannot be equated with that of „stateless person” under international law.

115.

Like in any other state there are certain professions and posts, which are available only to citizens, mainly on the basis of national security considerations (restrictions to hold posts in state and civil service, public administration and court system). Moreover, these restrictions are not indefinite, but are subject to periodic scrutiny, when different interests are examined and evaluated with regard to the proportionality of restrictions and their aims. As a result, the restrictions on several professions have already been lifted: for example, at the end of 2006 the restriction has been lifted with respect to the employment in the State Revenue Service.

Non-citizens are both entitled to participate in privatization and to acquire land. Certain restrictions exist only with respect to land in frontier area, in the territories of natural reserves, in dune shelter belts of the Baltic Sea and of the Riga Sea Gulf, and in minerals' deposits of state significance. It should be emphasized that these restrictions do not apply to cases of inheritance.

117.

The naturalization procedures have been simplified on several occasions. The naturalization exams have been simplified on several occasions. Since June 2001, graduates of national minority schools who have passed the Latvian language exam are not required to take language test for naturalisation. Applicants who have reached the age of 65 are exempted from the written part of the language test. On 15 August, 2006, the amendments to the Regulations of the Cabinet of Ministers concerning examinations for the persons who naturalize were adopted, facilitating the examination procedure especially for disabled and elderly persons.

118.

Non-citizens are subject to restrictions relating to the right to acquire land, not on property rights in general. The restrictions apply to the right to acquire property in the form of real estate in areas adjacent to the state border, the Baltic Sea gulf sand-dune protection areas or other protected zones near bodies or streams of water. We would particularly point out that the said restrictions on real estate transactions do not apply to the acquisition of land via inheritance.

The issues relating to State language

120.

The statement included in this paragraph about the "over-zealousness" of state language inspectors is misleading. Staff of the state language inspectorate act only in accordance with their competence, and strictly in accordance with the law; however, persons summoned to administrative liability are guaranteed the opportunity of defending their interests, according to the procedure provided by law.

121.

Latvian is the only official state language and Latvia is the only country in the world where Latvian language can develop and fulfil its functions. Considering political and demographic processes in the region, Latvia is among countries where consistent implementation of reasonable language policy principles is essential for the maintenance of the language. The purposes of the State Language Law are: the preservation, protection and development of the Latvian language, the integration of national minorities in the society of Latvia while observing their rights to use their native or any other language.

Moreover, no attention is paid in the report to the fact that workplace discrimination occurs due to lack of proficiency in the Russian, English, or other languages.

122.

According to State Language Law, state and local government institutions shall accept documents in foreign languages if a translation certified as provided by the cabinet Ministers, or certified by a notary, in the state language is attached thereto. However, this provision shall not apply to documents submitted 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, or calls for emergency assistance in cases of fire, traffic accident or other emergencies. Also, documents received from other countries may be accepted and reviewed without a translation into the state language.

The Law “On local governments” provides that the working language of a local government council and institutions established by it shall be Latvian. If a resident having a problem with understanding Latvian wishes to express him/herself in another language, then, according to the statute of the local government, this either the person him/herself or the local government shall provide an interpreter. During official meetings only Latvian may be spoken. In accordance with Paragraph 2 of Article 10 of the State Language Law, state and local government institutions may accept and review submissions from persons in the state language only. It should be noted that in municipalities with a large percentage of national minorities (Riga, Daugavpils), the local government provides translation services free of charge to persons who do not speak Latvian.

Local governments may not prohibit national minorities to use their language in daily contacts, publicly and in verbal communication with local government employees, if the concerned employee understands the national minority language.

127.

The recommendation at Point 127 for responsible institutions in Latvia to promote the use of national minority languages to the same level as the official state language is incorrect, as it does not conform to the basic principles of societal integration, namely, it denies the role of the official state language as a resource for societal integration.

The participation of the Russian -speaking population in public and political life

128.-130.

It must be mentioned that some Russian members of the population continue to demonstrate a lack of loyalty to the state, which manifests itself in the unwillingness to acquire citizenship.

132.

Commenting the ECRI’s recommendation to confer the eligibility and voting rights to non-citizens, Latvia would like to emphasise the following:

The Latvian authorities do not consider that granting voting rights at local level to non-citizens in Latvia would strengthen the incentive to naturalise; the contrary is much more likely. The research project entitled “The effect of regional aspects on tackling citizenship issues” carried out by the Naturalisation Board revealed that one of the major obstacles for applying for Latvian citizenship is the lack of motivation, including the negligible differences between the rights of citizens and non-citizens.

Latvia prefers citizens to non-citizens with many rights, at the same time acknowledging that any restrictions must have strong justification and shall be in accordance with international standards.

Furthermore, there are no international standards on voting rights to non-citizens and at present it is not a widely accepted practice among the CoE Member States.

133.-134.

A big step forward has been made during the last few years on the issue of public participation. NGOs and every member of society have the opportunity to participate in the policy-making and legislative process. It is very important that representatives of national minorities (citizens and non-citizens) as well as the rest of Latvian community are allowed to form nongovernmental organizations. An extensive legislative and actual basis is provided for it. Summarizing, the main forms of political involvement for citizens and non-citizens are:

- Active participation in political parties;
- Active participation in non-governmental organizations;
- Participation in political demonstrations and industrial strikes;
- Participation in consultative councils, committees of the government;
- Participation in consumer unions in the public sector;
- Involvement of representatives in implementing social policies;
- Different forms of public activities.

Within its competence the Secretariat of the Special Assignment Minister for Society Integration promotes participation of Latvia's national minorities in civil society, ensuring their participation in areas directly affecting them. A Consultative Council of Ethnicities and Social Integration operates within the Secretariat, which task is to consult and inform the Special Assignment Minister for Social Integration, analyse and recommendations on issues related to ethno-policy and the rights of national minorities in Latvia. This is one of 109 consultative councils, in which national minority communities are represented. A regulation on statute of a group of representatives of national minority and inter-ethnic NGOs has been drafted. The task of the group is to support the Secretariat in coordinating the implementation of the standards enshrined in the Framework Convention for the Protection of National Minorities. Citizens and non-citizens of Latvia have equal opportunity to participate in the Consultative Council of Ethnicities and Social Integration and the Group of Representatives of National Minority NGOs.

The Secretariat of the Special Assignment Minister for Society Integration ensures intensive exchange of information and educational projects in promoting awareness about national minority culture and ethnic identity, implements regular projects (preparing and distributing informative material and organising seminars) to inform national minority NGOs of legislative amendments concerning structure and basic principles of operations of national minority organizations.

Consultative support for national minority NGOs has been ensured. Taking into consideration suggestions made by public organizations, the Secretariat's staff on a regular basis provides consultations to visitors. Each month 40 - 68 consultations and informative support are provided to a large number of visitors (covering about 500 people a month), as well as visiting consultative sessions are organised in co-operation with local governments."

