

Country Visit: Latvia
Report of the Personal Representative of the OSCE Chair-in-Office
on Combating Anti-Semitism, Rabbi Andrew Baker, May 22-26, 2009
(Prepared July 5, 2009)

Background:

Holocaust memory plays a significant role in understanding the problem of anti-Semitism in Latvia today. The tragic history of Latvian Jewry includes a community that was decimated by the Holocaust, one in which Latvian collaborators assisted the Nazis in their murder of an estimated 95,000 Jews during the country's occupation. The current Jewish population is estimated to be about 11, 000. Only since 1991 has it been possible for Latvia to confront openly and critically this period in its history. By all accounts it has made substantial strides in addressing this issue. An international historical commission has extensively researched this historical period. The Government organizes annually an official Holocaust commemoration ceremony. The two major sites of mass murder on the outskirts of Riga are preserved and memorialized as are other sites around the country.

March 16th, the anniversary of a 1944 battle between Soviet and German troops, which included among them Latvian Waffen SS veterans, has long been a source of controversy in the independent, post-Communist state. In the early 1990s Latvian veterans, including some who donned their SS uniforms, paraded on this day in central Riga. They were warmly received by Government officials who hailed them as heroes of Latvian independence. For the local Jewish community, which also included Holocaust survivors, this was an affront to their memory and experience, and their outrage was echoed by international voices as well. Ironically, this may have hastened the process of self-reflection and self-examination which included the establishment of the historical commission. Today there are fewer living veterans and the anniversary date is more likely to be dominated by acrimonious exchanges between young Russians and Latvians.

In 2006 legislation designed to settle remaining Holocaust-era Jewish property claims was introduced to the Parliament with the initial support of the Prime Minister. However, populist opposition to the draft law prevented its passage. A senior government official described the situation as a "public relations disaster" and said that much greater care must be given this in the future. A government commission is in the process of examining claims and preparing a report for the new Government, but in the current economic climate no one anticipates any immediate action. According to representatives of civil society, diplomats and

government officials any discussion of restitution issues generates significant negative, anti-Semitic reactions primarily manifest on Internet web sites. However, extremist groups among Latvians and Russians whose venom is directed at each other are the main focus of attention for authorities monitoring radical elements in society and potential sources of hate crimes and hate speech. Ironically, these very different groups do find common cause when it comes to anti-Semitism and Holocaust denial.

The View from Civil Society:

There have been a small number of recent attacks on Jewish targets, including the vandalizing of the cemetery and of the Holocaust memorial in Rumbula Forest. More troubling to the Jewish community has been the anti-Semitic discourse of a few prominent writers who have repeated blood libel charges, promoted revisionist views of the Holocaust and who vocally oppose restitution efforts. After seeking legal advice, community leaders have concluded that hate incitement laws pose too many difficulties to be able to seek a successful prosecution.

There are community-sponsored efforts to promote Holocaust education and education about Jewish history in Latvia which supplement government programs. They appear to be bearing some fruit, and positive soundings are received from areas beyond Riga. Unlike some countries, events in the Middle East have not served as a trigger for anti-Semitic events in Latvia, with only a small percentage of the population holding an opinion on the Israeli-Palestinian conflict.

NGO representatives describe a situation where there has been recent but belated attention paid to addressing the problems of hate crimes and incitement. Hate crimes are according to them not always followed up by police or prosecutors. Anti-Semitic hate crimes seem to be rather rare, but anti-Semitic articles appear in tabloids, books and on Internet sites. NGO representatives note that small extremist and skinhead groups share anti-Semitic views. A draft law on Holocaust denial is working its way through Parliament. A total of 57 cases concerning incitement on the Internet (primarily directed toward Latvians and Russians, but also Jews) have been initiated by government authorities. The NGO representatives report a growing number of educational efforts to combat intolerance and cite the good work of progressive teachers, but at the same time they urge the "mainstreaming" into the curricula of these programs. They also report that Holocaust education is part of the Latvian school curriculum but is not always taught.

The Latvian Centre for Human Rights conducts its own seminar for police and is co-operating with ODIHR on the development of training for prosecutors as well.

The recent investigation into a case of trivializing the Holocaust was cited as an example of positive developments. But they also point to the continued publication of slightly veiled anti-Semitic articles in one newspaper and the presence of Russian language editions of anti-Semitic books (printed abroad) as evidence that the problem needs to be addressed systematically.

According to one university professor the problem of anti-Semitism in Latvia is partially a result of forces coming from both the East and the West, citing the corrosive impact of xenophobia and right wing extremists from Russia and deeply rooted prejudices that date back to the anti-Jewish propaganda during the Nazi occupation. One response, now underway, is the preparation of a definitive historical study on the place of Jews in Latvian society.

Discussion with Government Ministries:

Education Ministry officials report that the subject of Jewish history and the Holocaust are part of the school curricula in Latvian primary and secondary schools, as are human rights and tolerance education. Teacher training in Holocaust education are carried out in partnership with the Shamir Association and History Teachers' Association of Latvia (LVSA). Additionally the subjects of tolerance, civil society and democracy are also part of the school materials. The Ministry also convenes a consultative council on national minority education on a bimonthly basis. The Ministry has few specialists on tolerance education. ODIHR's teaching materials on combating anti-Semitism are now under review by Ministry officials. In recognition of one concern of the small Jewish community, which maintains only two schools in the country, the Ministry announced that henceforth national examinations would not be given on Saturdays.

Interior Ministry officials indicated that in the last ten years they have come to recognize the special nature of hate crimes and develop ways to respond to them, often in consultation with police colleagues in the United States and in other EU countries. The State Police, which is the first responder to all crimes, reports an average of 7-8 such crimes per year. The Security Police, which has responsibility for investigating hate crimes, also monitors the activities of radical and extremist groups. It reports that anti-Semitism is mostly encountered in hateful speech—primarily on the Internet—rather than in violent incidents on the street. Both Ministry officials and NGOs have indicated that there is some difficulty in bringing hate crimes forward for prosecution, which stems from the uneven testimony supplied by outside experts on what constitutes hate crimes and the difficulty in proving intent.

The Justice Ministry reports that the Jewish community is identified in the law on religious organizations and the 2007 law on traditional religions. Under these

provisions Jewish marriages are accepted by civil authorities and a rabbi's communication with his congregants is considered privileged. There are twenty registered Jewish congregations in Latvia. Ministry officials described hate crimes as a "new phenomenon" in Latvia and cited the lack of "visible minorities" as reason for the low number of incidents. At the same time they are not sanguine about the future and want to prepare for problems that may lie ahead. In this regard they make particular reference to the usefulness of providing training to judges, something that ODIHR should consider in the future. In these meetings the Working Definition of Anti-Semitism (adopted by the EUMC and employed by ODIHR) was shared with government officials and civil society representatives.

Recommendations:

More should be done to educate prosecutors and judges to the special nature of hate crimes and to carry out their roles, respectively, in bringing cases to trial and ruling appropriately. Attacks on persons may still result in convictions and punishment even where the special prejudicial nature of the crime is not acknowledged. However, as most instances of anti-Semitism are likely to occur in public discourse, it is important for these officials to have a clearer and more complete understanding of it. This underscores the value of circulating the working definition of anti-Semitism through the appropriate ministries.

Both governmental authorities and civil society representatives cited difficulties in the procedural prosecution of hate crimes, in particular with the role of outside experts whose testimony is necessary to prove the aggravated nature of these crimes. While a genuine gray area does exist, it appears that the problem is more serious leading police to calculate the cost and likelihood of conviction before bringing charges. The current system would benefit from a review in order to streamline the process and make the policing and prosecution of hate crimes more effective.

It is anticipated that new discussions and proposals to address remaining claims by the Jewish community for the restitution of property will resurface in the coming months. However the Government chooses to handle the substance of the issue, it should work carefully with political leaders and civil society to minimize an anti-Semitic backlash that most observers believe will accompany the public discussion.

Several areas of fruitful cooperation with ODIHR were identified and should be the basis for further discussion. These include the development of training for prosecutors and judges on the nature of hate crimes and the meaning of anti-Semitism. Additionally, the educational materials that ODIHR has developed to promote tolerance and combat anti-Semitism could be adapted for use in the Latvian educational curriculum.

Program:

Accompanied by Mr Norbert Hinterleitner, expert of ODIHR's Tolerance and Non-Discrimination Department; from MFA - accompanied by Ms Kristine Ostrovska, First secretary of Human Rights Policy Division

22 May

Welcome by Ms. Kristīne Ostrovska, Human Rights Policy Division, MFA

Meeting with Mr. Māris Riekstiņš, Minister of Foreign Affairs, Kr. Also present from Latvian side: Mr. Gints Jegermanis, Ambassador, Head of Policy Planning Unit, MFA

24 May

Meeting with Representatives of the Latvian Jewish Community

25 May

Meeting with NGO Representatives,

Mr. Nils Muižnieks, Director of Social and Political Research Institute
Ms. Ilze Brands-Kehris, Director of Latvian Centre for Human Rights
Mr. Mārcis Skadmanis, Researcher from Latvijas Dialogi

Meeting with Professor Ruvim Ferber, Head of the Board, Center for Judaic Studies, Latvian University

Meeting with Ms. Kristīne Vāgnere, Undersecretary of State, Minister of Education and Science Also present from Latvian side:
Ms. Dace Saleniece, Centre for Curriculum Development and Examinations
Ms. Olita Arkle, General Education Department, Desk Officer

Dinner hosted by Mr. Andris Teikmanis, State Secretary of the Ministry of Foreign Affairs: Also present from Latvian side: Mr. Gints Jēgermanis, Ambassador, Head of Policy Planning Unit, MFA

26 May

Meeting with Ms. Ilze Pētersone, State Secretary of the Ministry of Interior

Also present from Latvian side:

Ms. Tija Rinmane, Director of European Affairs and International Cooperation Department
Mr. Valdis Voins, Chief of the State Police

Mr. Andris Dzenis, Head of Central Public Order Police Department of the State Police

Artūrs Jansons, Representative from Security Police

Meeting with Ms.Inga Skujiņa, Undersecretary of State of the Ministry of Justice

Also present from Latvian side:

Ms Jekaterina Macuka, Head of the Division for Religious and Public Affairs

Ms. Ruta Klimkāne, Head of Society Integration Department of the Ministry of Children, Family and Society Integration Affairs