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

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**Opinion on Latvia  
adopted on 9 October 2008**

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## EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Latvia on 11 October 2006 (due on 1 October 2006), the Advisory Committee commenced the examination of the State Report at its 32<sup>nd</sup> meeting, held from 26 to 30 May 2008. In the context of this examination, a delegation of the Advisory Committee visited Latvia from 9-13 June 2008, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its Opinion on Latvia at its 33<sup>rd</sup> meeting on 9 October 2008.

The Advisory Committee notes with satisfaction the efforts made by the Latvian authorities in recent years to promote the integration of society. It welcomes the steps taken to improve the legal and institutional framework for protection against discrimination and racism and expects that the monitoring of the actual situation in this field will receive increased attention in the future. While acknowledging the efforts made by the Government to support preservation of the national minorities' specific cultures and identities, the Advisory Committee takes note with concern of the significant reduction, in recent years, of state financial support for the organisations of national minorities.

The Advisory Committee welcomes the inclusion of "non-citizens" identifying themselves with a national minority in the personal scope of application of the Framework Convention. It regrets however, as regards the extent of the rights available to "non-citizens" under the Framework Convention, that these persons are excluded from the protection of key provisions of the Framework Convention, in particular those relating to effective participation in public life, notably through active and passive electoral rights at the local level. Given the very large number of persons concerned and the specific context of Latvia and its minorities, the Advisory Committee strongly encourages the authorities to reconsider this approach and to ensure that no disproportionate restrictions are applied to these persons' access to the protection offered by the Framework Convention.

The Advisory Committee is concerned that persons belonging to Latvia's minorities cannot benefit from important provisions of the Framework Convention relating to the use of their minority languages, in dealings with the administrative authorities, notwithstanding the existing real need. This situation is not in conformity with the provisions of the Framework Convention. In addition, the Advisory Committee is concerned that Latvian legislation does not permit the use of minority languages alongside Latvian in local topographical indications. More generally, while acknowledging the legitimate aim of protecting and strengthening Latvian as the State language, the Advisory Committee considers that all due attention should be paid to the effective enjoyment of the right of persons belonging to national minorities to freely use their minority languages.

The Advisory Committee considers that it is essential to avoid language-based discrimination of persons belonging to national minorities in the labour market, and calls upon the authorities to avoid applying disproportionate language proficiency requirements to access certain posts in the public sphere. Furthermore, it is deeply concerned by the increasingly frequent application of such requirements, especially with regard to private sphere occupations, as well as by the authorities' overall approach to the monitoring of the implementation of the language-related

rules. The Advisory Committee encourages Latvia to favour a more constructive approach in this sphere, in particular through measures aimed to improve the accessibility of quality Latvian language teaching for those concerned. More generally, the effective participation of persons belonging to national minorities in social and economic life should receive increased attention. The situation of the Roma, who continue to face difficulties in employment, education and access to services, should be adequately addressed as a matter of urgency.

Difficulties have also been noted in the field of education. While recognising positive examples of quality education available to persons belonging to national minorities in certain municipalities, the Advisory Committee notes with regret a disturbing trend in this field. For example, as a result of specific legislative measures, the share of minority languages as the language of instruction has been significantly reduced in recent years. Difficulties are also reported as regards the availability of qualified teaching staff for bilingual education and of adequate educational materials. The obligation to use Latvian in the context of the secondary school final examination and the plan to introduce compulsory and exclusive use of Latvian in state funded private universities that have been using minority languages as languages of instruction, are a source of concern, as reported by national minorities, notably the Russians.

Shortcomings relating to the effective participation of persons belonging to national minorities in the decision-making process need to be addressed. The participation through the Council for Minority Participation or equivalent structures should be strengthened and made more efficient. A governmental structure in charge of national minority issues should be maintained, with an increased decision-making role on minority-related issues. The access of "non-citizens" identifying themselves with a national minority, to public affairs, should be improved as a matter of priority. All the necessary steps should be taken, including at the legislative level, to provide them with electoral rights at the local level.

In spite of the efforts made to accelerate the naturalisation process and notwithstanding progress noted in this regard, the number of "non-citizens" remains particularly high and the lack of citizenship continues to have a detrimental impact on the enjoyment of full and effective equality and social integration. The large number of 'non-citizen' children is a matter of deep concern. Particular efforts are needed in order to promote conditions more conducive to a genuine motivation for naturalisation. The Advisory Committee urges Latvia to address this situation as a matter of priority, to identify its underlying causes and to take all the necessary measures to promote naturalisation.

## **I. PREPARATION OF THE CURRENT OPINION**

1. The initial State Report of Latvia (hereinafter the State Report), due on 1 October 2006, was received on 11 October 2006. The Advisory Committee commenced the examination of the State Report at its 32nd meeting, held from 26 to 30 May 2008.
2. In the context of this examination the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the authorities of Latvia on 4 June 2008. The Advisory Committee obtained replies to its questions in the course of the visit referred to below.
3. Further to an invitation from the Government of Latvia and in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a delegation of the Advisory Committee visited Latvia from 9 to 13 June 2008 in order to obtain supplementary information on the implementation of the Framework Convention from government representatives, NGOs and other independent sources. In preparing this Opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted this Opinion at its 33rd meeting on 9 October 2008 and decided to transmit it to the Committee of Ministers.
5. This Opinion is submitted to the Committee of Ministers pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee" as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers."

## **II. GENERAL REMARKS**

6. The Advisory Committee notes that the State Report provides a good overview of the main aspects of the legislative framework and practical measures pertaining to the protection of national minorities in Latvia. However, the State Report does not reflect the views of the national minorities and other members of civil society on the current situation of national minorities in Latvia.

7. The Advisory Committee obtained a fuller picture of the situation during the above-mentioned visit to Latvia (see paragraph 3 of the present Opinion). The Advisory Committee finds that the visit, organised at the invitation of the Government of Latvia, provided an excellent opportunity to have a direct dialogue with relevant sources. The additional information provided by the Government and by other sources, including by representatives of national minorities, was particularly useful, especially as concerns the implementation of relevant norms in practice. The meetings took place not only in Riga but also in Daugavpils. The Advisory Committee acknowledges the co-operative spirit shown by the authorities of Latvia in the process leading to the adoption of this Opinion.

8. According to the authorities, the draft State Report was discussed with a group of independent experts on national minorities' related issues and, following its adoption, the intention was to circulate it among the public. The Advisory Committee acknowledges the efforts made by the Government to open the reporting process to expert bodies and to request suggestions from them. At the same time, the Advisory Committee was informed that the authorities did not consult the representatives of the national minorities during the process of drawing up the Report, which was submitted to the national minorities only after its adoption. Against this background, the Advisory Committee hopes that the authorities will favour a more inclusive approach in future and that prompt and effective consultations with national minorities will take place in forthcoming cycles of monitoring. The Advisory Committee also encourages the Government to take further measures to improve awareness of the Framework Convention. It invites the authorities to make the present Opinion public upon its receipt in order to promote an inclusive and transparent monitoring process.

9. On a general level, the Advisory Committee wishes to point out that, in examining the implementation of the Framework Convention by Latvia, it has paid particular attention to Latvia's historical and political background, as it is described in the State Report. In addition, it has examined Latvia's minority policy and the particular situation and needs of its minorities, including "non-citizens" identifying themselves with a national minority, in the light of the declarations submitted by Latvia upon ratification of the Framework Convention. Equal attention has been paid to Latvia's successes and remaining challenges in the field of minority protection policy.

10. The Advisory Committee finds it commendable that the authorities have provided detailed information in the State report on the progress made in the process of naturalisation. The Advisory Committee acknowledges that, in the specific context of Latvia, this process is highly relevant for the implementation of the Framework Convention. While, on the one hand it has a significant impact on the scope of application of the Framework Convention and of Latvia's

minority protection policy, it is, on the other hand directly connected with the aim of achieving social cohesion and integration of the Latvian society, which implies understanding, co-operation and effective participation of all persons who live on the territory of Latvia.

11. It should also be pointed out that, during the preparation of the present opinion, elements of Latvian legislation which are of particular importance for the protection of national minorities were being revised. It is notably the case of language related rules pertaining to the use of the state language in jobs and professions of public and private sectors and in higher education. The Advisory Committee notes with concern that most representatives of the national minorities expressed concerns regarding the possible consequences of the planned changes on the language-related rights of persons belonging to national minorities.

12. In the following part of the Opinion, it is stated in respect of certain provisions that, “based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations”. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. On the contrary, the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

### **III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1 TO 19**

#### **Article 1**

13. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 2**

14. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 3**

##### **Personal scope of application of the Framework Convention “Non-citizens” access to the protection afforded by the Framework Convention**

15. The Advisory Committee underlines that, in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Government of Latvia is deemed to be the outcome of such an examination.

16. Whereas the Advisory Committee notes, on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it concludes, on the other hand, that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

17. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

18. The Advisory Committee notes that, upon ratifying the Framework Convention on 26 May 2005, Latvia stated, in a Declaration<sup>1</sup> concerning the personal scope of application it intended to give the Convention, that the "notion 'national minorities', which has not been defined in the Framework Convention for the Protection of National Minorities, shall, in the meaning of the Framework Convention, apply to citizens of Latvia who differ from Latvians in terms of their culture, religion or language, who have traditionally lived in Latvia for generations and consider themselves to belong to the State and society of Latvia, who wish to preserve and develop their culture, religion or language. Persons who are not citizens of Latvia or another State but who permanently and legally reside in the Republic of Latvia, who do not belong to a national minority within the meaning of the Framework Convention for the Protection of National Minorities as defined in this Declaration, but who identify themselves with a national minority

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<sup>1</sup> Declaration contained in the instrument of ratification deposited on 6 June 2005.



that meets the definition contained in this Declaration, shall enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law."

19. The Advisory Committee welcomes the fact that Latvia has explicitly opted for a flexible approach to the personal scope of application of the Framework Convention and notes that this scope includes both citizens of Latvia and "non-citizens" satisfying the conditions laid down in the previously cited Declaration. It is important to underline that such an approach is in line with the spirit of the Framework Convention. The principle underlying this approach is confirmed, in national law, by Article 2 of the "Law on the status of those former USSR citizens who are not citizens of Latvia or any other state" (1995, subsequently amended in 2000), which provides, *inter alia*, that "non-citizens" shall be entitled to "preserve their native language and culture, within the limits of national cultural autonomy and traditions, provided that this is not in violation of the laws of the Republic of Latvia."

20. The Advisory Committee regrets that the above-mentioned Declaration refers to specific exceptions prescribed by law. It notes that the exceptions resulting from national law have the effect of restricting "non-citizens" access to the rights enjoyed by citizens having the same ethnic affiliation and, thereby, create two categories of persons, afforded different degrees of protection, within the same ethnic group (in this connection see the observations in respect of Article 4 below). Since these exceptions affect a very large number of persons and cover key-sectors such as participation in public life and access to jobs and professions in the civil service, the Advisory Committee cannot but encourage the authorities to interpret the final phrase of the previously cited Declaration in accordance with the spirit of the Framework Convention. This would also be consistent with the current efforts, at European level, to develop a more nuanced approach to the application of the citizenship criterion in the protection of national minorities, in particular in the specific context resulting from the dissolution of a former larger multi-ethnic State.<sup>2</sup>

21. The Advisory Committee also considers that relevant national legislation that may constitute the basis for such exceptions should be interpreted and applied so as not to entail any disproportionate restrictions, in respect of "non-citizens", of the protection offered by the Framework Convention.

22. As to the real extent of the rights to which "non-citizens" of Latvia are entitled under the terms of the above-mentioned Declaration, a more detailed examination of the effects of this Declaration, in the light of the various provisions of the Framework Convention, is necessary. The Advisory Committee refers to its observations relating to the different articles, as set out below.

23. In addition to Article 114 of the Latvian Constitution,<sup>3</sup> the domestic legal framework for the protection of national minorities in Latvia has its basis in the "Law on the unrestricted development and right to cultural autonomy of Latvia's nationalities and ethnic groups", which dates from March 1991 (hereinafter the law on national minorities). The State Language Law (1999), the Citizenship Law (1995) and the "Law on the status of those former USSR citizens

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<sup>2</sup> See also Venice Commission, Report on "non-citizens" and minority rights, CDL-AD(2007)001, 18 January 2007, paragraph 137.

<sup>3</sup> Under this article of the Latvian Constitution (1992) persons belonging to national minorities have the right to preserve and develop their language and their ethnic and cultural identity.

who are not citizens of Latvia or any other state" (1995) are also of particular importance to the protection of persons belonging to national minorities.

24. According to official data, numerous national minorities<sup>4</sup> currently live in Latvia, including four groups present in greater numbers - the Russians, Belarusians, Ukrainians and Poles - and other smaller groups: the Lithuanians, Jews, Roma, Germans, Estonians, etc. It should be pointed out that Latvia recognises the existence of numerous ethnic groups, including more recently settled groups such as the Tatars and the Armenians. In addition, associations of persons of African or Asian origin receive funds from the state budget and, although these persons are not recognised as national minorities, participate in events and consultation processes intended for the national minorities. The Advisory Committee welcomes this open approach, which shows that the Declaration on the personal scope of application of the Framework Convention is interpreted in a flexible way, and encourages the authorities to pursue it in future.

25. At the same time, it can be noted that there are other groups in Latvia which are not deemed to be protected by the Framework Convention, such as the Latgalians (inhabitants of the Latgale region). This group's language, both spoken and written, is protected under Latvian law as a historical variant of Latvian (Article 3.4 of the State Language Law) and receives some state support. In view of the uncertainty as to whether these persons consider themselves different from the majority population in terms of their ethnic, cultural or religious identity, the authorities are encouraged to initiate consultations with them concerning the protection afforded by the Framework Convention.

26. Similarly, the Advisory Committee takes note of the specific protection enjoyed in Latvia, as an indigenous people, by the Livonian/Liv group. No particular interest in the protection afforded by the Framework Convention has been expressed, during their dialogue with the Advisory Committee, by this group's representatives.

### **Collection of ethnic data**

27. A new census will be carried out in Latvia from 1 March to 31 May 2011, and the preparations are currently well underway. The competent authorities have already consulted various central and local authorities, scientific establishments and non-governmental organisations about the indicators to be obtained through this census.

28. In this connection, the Advisory Committee wishes to underline the importance of respect for the principles enshrined in Article 3 of the Framework Convention, namely free expression of ethnic affiliation and the optional nature of questions relating to such affiliation. Also, the

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<sup>4</sup> The statistics of the Office of Citizenship and Migration Affairs as at 1 January 2008 show that, of a total population of 2 276 282 persons, Latvians represent 59.1% (1 345 100 persons, 99.8% of whom are citizens), Russians 28% (638 410 persons, 57.5% of whom are citizens), Belarusians 3.7% (83 799 persons, 37.2% of whom are citizens), Ukrainians 2.5% (57 281 persons, 30.4% of whom are citizens), Poles 2.4% (54 121 persons, 75.1% of whom are citizens), Lithuanians 1.4% (30 780 persons, 64% of whom are citizens), Jews 0.4% (10 168 persons, 64% of whom are citizens), Roma 0.4% (8 593 persons, 93.1% of whom are citizens), Germans 0.2% (4 371 persons, 51.2% of whom are citizens), and the other ethnic groups each less than 0.1% of the population. The results of the census carried out in 2000 show that Latvian is the mother tongue of 58.2% of the population, whereas 39.6% declared Russian as their mother tongue, including some persons belonging to the Jewish, Belarusian, Ukrainian and Polish minorities.

authorities should take all the necessary measures to ensure timely public information and awareness-raising regarding the importance of the census, the issues at stake and the methodology used, as well as to train the census-takers so as to guarantee full respect for the above principles. It is essential to consult national minorities' representatives when selecting the methods and questionnaires to be used in collecting data relating to ethnicity. The inclusion of persons belonging to national minorities among the census-takers and the availability of census-forms in minority languages could also contribute to the reliability of the statistics obtained with regard to the ethnic composition of the population.

29. In the light of the above-mentioned principles set out in Article 3 of the Framework Convention, the Advisory Committee finds that the obligation, under Article 10 of the Law on the Population Register (1998), to record individuals' ethnic origin in the register, is not compatible with Article 3 of the Framework Convention. It notes in addition that, as the Register only provides a pre-established list of "nationalities" the persons concerned are not entirely free to indicate the ethnic origin of their choice. It should however be noted that the list includes the categories of 'undetermined' and 'unknown' and that this leaves a possibility for the individuals concerned not to choose one of entries available. The Advisory Committee also notes that each person's ethnic origin, which is, as a rule, determined by that of their parents, can be modified only once, in that the person concerned may choose either the other parent's ethnic origin or that of their grandparents, but solely on production of documentary evidence thereof. In the Advisory Committee's view, this situation raises issues of compatibility with Article 3 of the Framework Convention and requires adequate consideration by the authorities. At the same time, the Advisory Committee emphasizes the importance, during the collection, processing and distribution of information on individuals' ethnic origins, of upholding the guarantees laid down, inter alia, in the Committee of Ministers' Recommendation No. R (97) 18 concerning the protection of personal data collected and processed for statistical purposes.

30. The Advisory Committee is pleased to note that it is no longer compulsory for passports to indicate the holder's ethnic origin, which is mentioned only where the holder so requests. The Law on Personal Identification Documents (adopted in May 2002) indeed provides that individuals' ethnic origin may be entered in their passports at their request. According to official statistics, ethnic origin was entered in 85% of the passports issued to Latvian citizens between 2002 and 2007, and in 70% of passports issued to "non-citizens"<sup>5</sup> at the request of the persons concerned.

31. The Advisory Committee nonetheless notes that the sole choice open to the persons concerned is whether to have their ethnic origin entered in their passport or not, since the ethnic origin will be that recorded in the population register. The Advisory Committee is concerned by this practice, which is not compatible with the principle of free self-identification, as ensuing

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<sup>5</sup> According to official sources (website of The Office of Citizenship and Migration Affairs), Latvian alien's (non-citizen's) passport is a person's identity document, ensuring its holder the rights to reside in the territory of Latvia, travel abroad, as well as other rights, including consular protection. This document is delivered in accordance with the provisions of the "Law on the status of those former USSR citizens who are not citizens of Latvia or any other state".

from Article 3 of the Framework Convention and the Latvian law on national minorities.<sup>6</sup> The Advisory Committee considers that the latter principle must be observed whatever the occasion or the circumstances of expression of an individual's ethnic affiliation are. It encourages the authorities to verify the legislation and the practice in question and take the necessary measures to bring them into line with this principle of key importance for the protection of national minorities (see also paragraph 28).

#### **Article 4**

##### **Protection against discrimination**

32. Article 91 of the Latvian Constitution guarantees the equality of all residents of Latvia before the law and the courts and the implementation of human rights without any kind of discrimination. In 2004 a clear ban on discrimination, notably on grounds of race, skin colour, religious beliefs or ethnic origin, was added to the Labour Code. The amendments made to the Law on Social Security in 2005 extend the prohibition of discrimination on grounds of race or ethnic origin to this field.

33. It can, however, be noted that Latvia does not have a general law on protection against discrimination, since the country's anti-discrimination legislation is fragmentary, consisting of provisions scattered among various legal instruments, and that in some areas, such as the provision of public goods and services, the guarantees against discrimination are incomplete. The Advisory Committee also notes that, by the end of 2007, Latvia had not yet completely transposed into national law Directive 2000/43/EC of 29 June 2000 on protection against discrimination,<sup>7</sup> although, in recent years, a number of changes have been made to the law so as to reinforce such protection

34. At the institutional level, the Advisory Committee notes the establishment of the Ombudsman with its Office, which since 2007 has replaced the former National Human Rights Office (NHRO). The Ombudsman is responsible, *inter alia*, for promoting protection of the rights and legitimate interests of individuals, the respect for the principles of equal treatment and the prevention and respect of all forms of discrimination and also has an advisory and awareness-raising role with regard to human rights. An anti-discrimination department has been set up within the Office. The Advisory Committee notes that, out of 345 written and oral complaints on alleged discrimination received in 2007 by the Office of the Ombudsman, 53 were on the grounds of race or ethnicity (13 written, 40 oral), 20 on the grounds of language (17 written, 3 oral) and 12 on the grounds of religion (11 written, 1 oral). The number of complaints of this kind registered in the first half of 2008 remained high.

35. The Advisory Committee welcomes the creation of this institution and trusts that it will play an active and effective role in protecting persons belonging to national minorities against ethnic discrimination. In particular, the Advisory Committee encourages the Ombudsman to pay

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<sup>6</sup> Under the terms of the law on national minorities, all permanent residents of Latvia over the age of 16 are entitled to state their ethnic origin in an official document or restore it to their chosen ethnic origin, in accordance with the relevant legal procedure.

<sup>7</sup> European Council Directive 2000/43/EC of 29 June 2000 on implementing the principle of equal treatment between persons, irrespective of racial or ethnic origin.

due attention in his work to all issues of interest for persons belonging to national minorities or affiliating themselves with a national minority, including language and citizenship-related issues. It encourages the parliament to take the appropriate steps to provide the Office of the Ombudsman with all the financial and human resources necessary to the fulfilment of its tasks.

36. Discrimination on ethnic basis appears not to be a frequent occurrence in Latvia. As a rule, where discrimination is reported, it seems to be linked not to the victims' ethnic origin but to their Latvian language proficiency. However, some sources consider that acts of discrimination are fairly widespread, more often than not in employment matters, but that the cases are little known and are not recognised as discrimination, particularly where they are linked to the victims' proficiency in Latvian. Opinions differ in Latvia as to whether a difference in treatment, due to failure to comply with the language requirements established on the basis of the State Language Law, constitutes discrimination. The Advisory Committee is of the view that this difference in treatment comprises elements of discrimination, though indirect, since it affects in particular persons belonging to one or more specific ethnic groups (see also paragraphs 163-166 below on this subject). Nonetheless, the commonly held view is that Roma are the group most exposed to discrimination, and cases concerning them continue to be reported in fields such as employment, education and access to services (see also observations under Article 15 below).

37. Although the authorities seem to assume that, in principle, belonging to a national minority has no impact on a person's economic, social or cultural situation, the information received by the Advisory Committee indicates that persons belonging to national minorities encounter greater difficulties than members of the majority in obtaining access to jobs and certain services. Surveys carried out at the instigation of the NHRO in 2006 show for example that within the non-Latvian population the percentage of respondents asserting that they have experienced discrimination is higher (13%) than among the majority (9%). Although these results represent a significant improvement compared with the outcome of similar surveys performed in the past (2000), the above figures reflect a different perception of discrimination among persons belonging to minorities. In addition, the available statistics on unemployment levels within the various communities show that, despite a gradual convergence of the indicators, the percentage of unemployed persons is higher among the national minorities. Regional disparities can also be noted, and unemployment is highest in the region of Latgale (9.5% in March 2008), which is inhabited by a substantial number of persons belonging to national minorities<sup>8</sup>.

38. The Advisory Committee regards this situation as a matter of concern in the light of the principles of non-discrimination and equality. It wishes to remind the Latvian authorities that, as stipulated in the law on national minorities, Latvia guarantees all of its permanent residents, whatever their ethnic origin, the right to work and to be paid for working and prohibits any form of restriction of this right for reasons linked to an individual's ethnic origin.

39. The Advisory Committee is convinced that, in the specific context of Latvia, while the persons concerned must take active steps to meet the specific requirements of the jobs to which they aspire, these guarantees also entail an effort by the authorities to adopt a more balanced

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<sup>8</sup>See in this respect Advisory Committee on the Framework Convention for the Protection of National Minorities, *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life, as well as in public affairs*, adopted on 27 February 2008, ACFC/31DOC(2008)001, paragraphs 30 et 31.

approach. In particular, the authorities should opt for a more flexible interpretation of the language requirements applicable to occupations, so as, firstly, to foster a gradual, albeit more effective, implementation of the linguistic legislation in force and, secondly, to facilitate access to employment for all members of the population (see for details observations under Article 15 below).

40. The Advisory Committee welcomes the measures taken by the Government in recent years to promote and support better social and economic integration of the Roma. It notes that the national programme "Roma in Latvia, 2007-2009", which was adopted in October 2006 and aims to improve the situation of the Roma in the fields of education and employment and to reduce prejudice within society in respect of this community, met with a positive response from the Roma and their organisations. Among the projects implemented in this context in 2007, mention can be made in particular of the activities in the field of education, which are mainly carried out by NGOs: training of teachers working with Roma pupils and training of Roma educational assistants, training seminars for Roma women and activities to heighten awareness of Roma identity and Roma issues within the general population and the central and local public administrations.

41. The Advisory Committee has nonetheless been informed that only a very small part of the funding foreseen for this programme has been allocated and the financial resources have been devoted almost entirely to projects run by NGOs, with, in the end, fairly limited participation by the authorities. In addition, although employment is one of the programme's priorities, it has received little attention from the authorities concerned, and no specific activity was undertaken in this field in 2007. The Committee notes that the Roma continue to be affected by negative stereotyping and discrimination, particularly in the field of employment, but also in access to services and in education.

42. More generally, the Advisory Committee considers that the Latvian authorities should attempt to arrive at a better assessment of the socio-economic situation of the national minorities by means of studies, enquiries and surveys or any other scientifically valid method and by disaggregating the resulting data by age, sex and geographical area. If necessary, they should take specific steps to ensure the full and effective equality of persons belonging to these minorities in the socio-economic field.

43. Furthermore, the legislation to combat discrimination should be supplemented, and more resolute steps should be taken to reinforce its implementation in practice. It is also important that trends in this area should be effectively monitored through the systematic collection of data on reported cases of discrimination, their handling by the relevant bodies and, where applicable, the measures and sanctions applied. There is also a need for more determined efforts to heighten public awareness of the principles of equality and non-discrimination and of the remedies available in these matters. Such measures should also be taken by the authorities, in addition to the efforts made by civil society actors in this field, with regard to employers, public services, the media and, in a targeted manner, the police and justice system personnel.

44. In this connection, the Advisory Committee notes that Latvia's case-law regarding discrimination is very limited. Although positive developments have been noted in this respect, the available remedies for securing observance of the principles of non-discrimination and equal

treatment, whether the courts or the human rights protection body, are seldom used by victims of discrimination. The Advisory Committee is deeply concerned about the fact that, in September 2006, the former National Human Rights Office was fined by the State Language Centre's inspectors for having distributed public information brochures in Russian and English. It also notes that the information materials produced by such bodies can be supplied in a language other than Latvian only at the express request of the individual concerned. Such restrictive measures go against an effective fight against discrimination and must be re-examined.

45. In this context the Advisory Committee notes with interest that a Latvian court (the court of Jelgava in 2006) delivered a first judgment giving a finding of discrimination on ethnic grounds and awarded compensation to the victim, a Roma woman who had been refused employment. The Advisory Committee deems it particularly important that the Latvian courts pay all due attention to the ethnic or racist motives of offences brought before them, and that public awareness of such cases and the relevant judgements should be promoted.

**Application of the protection of the Framework Convention to “non-citizens” identifying themselves with a national minority**

46. While acknowledging that the number of cases of alleged discrimination is limited in Latvia, the Advisory Committee underlines that many of the concerns expressed in this Opinion with regard to other articles, particularly the use of minority languages under Articles 10 and 11 and participation in public life under Article 15, are also linked to the application of Article 4 of the Framework Convention. It also notes the potentially discriminatory effect, against individuals affiliating themselves with national minorities, of the “non-citizenship” institution, as it results from in Latvia’s Declaration *vis-à-vis* the personal scope of application of the Framework Convention (see the comments under Article 3 above).

47. The Advisory Committee notes in this respect that over 370,000 persons identifying themselves with a national minority<sup>9</sup> still do not hold Latvian citizenship – or any other citizenship either - even though they were born and have been living in Latvia for decades. By virtue of their legal status as “non-citizens”, such individuals are excluded from the application of certain key provisions of this Convention under exceptions relating to them in Latvian legislation. The Advisory Committee first of all notes their exclusion from the right to participate in public affairs by voting and/or standing in local, parliamentary and European elections, and also by occupying civil service posts, a right which the Advisory Committee deems essential for the protection of persons belonging to minorities, given that it is necessary for exercising many other rights included in the Framework Convention.

48. Given Latvia’s historical, and political background, the Advisory Committee is of the opinion that the citizenship criterion, which was introduced to define the scope of the rights granted to persons belonging to national minorities, raises more problems than in other national situations and could therefore be replaced by other criteria, such as permanent and legal residence in the country (see also the comments under Article 15 below).

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<sup>9</sup> The procedure for acquiring Latvian citizenship by naturalisation was introduced in February 1995. Over 127,000 individuals were naturalised in Latvia between February 1995 and January 2008, According to the data supplied by the Bureau for Citizenship and Migration, at 1 January 2008, out of a total of 2276,282 persons making up the population of Latvia, there were 372,421 non-citizens, including 245,000 ethnic Russians.

49. The Advisory Committee is particularly concerned about the above situation, which it considers inconsistent with the principles set out in Article 4 of the Framework Convention. It notes that, while the Declaration by Latvia explicitly extends the protection of the Framework Convention to its “non-citizens” under domestic legislation, these “non-citizens” are excluded from some major rights granted under the Framework Convention to persons belonging to national minorities. The Advisory Committee must stress that, as evidenced by Article 1 of the Convention, the rights and freedoms which it protects are human rights and form an integral part of the international human rights protection system.<sup>10</sup> It recalls in this connection that, as required under Article 2 of the Convention, Contracting States undertake to apply its provisions “in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States”.

50. In view of the particularly large number of “non-citizens” and their longstanding links with Latvia, the authorities are encouraged to opt for a more open attitude in interpreting and applying legislation on national minorities *vis-à-vis* “non-citizens”. The Advisory Committee considers it essential to ensure full compliance with the principles of non-discrimination and equality in this regard. In particular, they should not be excluded from rights which would enable them to participate effectively in the life of society. It might therefore be useful to revise the legislation, policies and practices pertaining to “non-citizens” electoral rights at the local level and to these persons’ access to civil service-related posts and occupations (see also comments under Article 15 below).

#### **Language requirements for naturalisation**

51. According to most of the persons with whom the Advisory Committee had discussions, the retention of the test to assess the command of the Latvian language for access to citizenship and the language requirements imposed in this context still represent a major obstacle for very many non-Latvians. Official statistics show that the percentage of persons failing the above-mentioned test has increased significantly in recent years.<sup>11</sup>

52. It is not for the Advisory Committee to pronounce on the level of language requirements imposed in this context. It does, however, note that opinions diverge on this subject and that the representatives of the national minorities in particular consider these requirements excessive. It has also been informed that more recent measures relating to the practical conditions under which the language tests are held alongside the unwelcoming attitude of some politicians have had the effect of intimidating test candidates and deterring persons who may benefit from naturalisation.

53. According to further information supplied by the Naturalisation Board, the tests in question have gradually improved since their introduction in 1995, the latest (third) model having

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<sup>10</sup> See also the Venice Commission Report on Non-Citizens and Minority Rights, CDL-AD (2007) 001, paragraphs 76, 90, 142 and 144, second indent.

<sup>11</sup> Between 2001 and 2004 the percentage was 5 or 6% of those sitting the test, but the figure rose to 30% in 2006. At the same time, the same sources indicate that of all individuals recorded in official statistics as being unemployed at the beginning of 2008 (52,321 persons), 13% had no certificate of command of Latvian, 12% had a certificate of lowest-level command of Latvian, 15% a medium-level certificate and 6% a top-level certificate, while 54% had taken courses in the Latvian language (information from the Commission for Examination of the Level of Command of the State Language).



been developed in co-operation with international experts on the basis of existing international standards in this field, including those of the Association of Language Testers in Europe (ALTE). The authorities' aim is to ensure that applicants for citizenship are able, as a precondition for their integration in Latvian society, to communicate satisfactorily in Latvian in common everyday situations. The Advisory Committee was also informed that the procedure for and the content of the Latvian language tests had recently been audited by an auditor appointed by the Association of Language Testers in Europe. It is hoped that the results of this audit, which should be communicated in the near future, will enable the competent authorities to optimise the Latvian system for verifying command of the state language.

54. The Advisory Committee welcomes this information. It considers it essential to ensure the conformity of the tests with existing international standards in this field, while taking into account the specific situation in Latvia (see above, paragraphs 20 and 50). Furthermore, it urges the authorities to ensure that all the conditions are fulfilled to give candidates for citizenship, during the actual testing, the requisite confidence to prove their knowledge of the language and their desire to integrate in Latvian society. In this connection, it is also essential that the Government continues to pay the attention due to the supply and accessibility of appropriate Latvian language courses and take active measures to create a climate of goodwill and strong encouragement for naturalisation (see also observations under Article 14 below).

## **Article 5**

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

55. The Advisory Committee notes that the Latvian legislation in force enshrines clear legal guarantees concerning the preservation and development of the culture and identity of persons belonging to national minorities. Article 114 of the Latvian Constitution guarantees these persons the right to preserve and develop their language and their ethnic and cultural identity. In addition, Article 10 of the 1991 law on national minorities provides that state institutions shall promote the creation of financial conditions for the development of the education, language and culture of the national and ethnic groups living in Latvia and that specific sums shall be allocated for this purpose in the state budget. The Advisory Committee wishes however to point out that, according to most of its interlocutors, the 1991 law is outdated and has proved ineffective.

56. The Advisory Committee notes the active role played in this field by the Secretariat of the Special Assignments Ministry for Integration (hereinafter the Secretariat for Integration). It notes, in particular, the efforts made by this body to assist national minority organisations to acquire the necessary project development and management capacity.

57. It also takes note of the partnership developed by the Ministry of Culture with the Latvian Association of National Cultural Unions (LANCU), which brings together 21 associations and unions of different ethnic groups, with a view to financing these organisations' cultural activities. The State Report sets out many examples of cultural projects and events organised by the various communities under the aegis of this association. In this connection, it should be noted that projects with a multicultural dimension take pride of place among those granted state support.

58. At the local level, the Advisory Committee welcomes the efforts made by certain municipalities to support the preservation and development of the national minorities' cultural heritage and notes, in particular, the example of the municipality of Daugavpils. The local council, which has a department for integration, pays particular attention to the various communities' cultural activities, schools for minority children and intercultural exchanges. The cultural centre supported by the municipality, which is available for use by all the communities, provides persons belonging to both the minorities and the majority with numerous opportunities for running cultural activities and vocational training courses, as well as for meetings and events enabling the communities to get to know each other better. Certain minorities also have their own cultural centres. It is essential for both the preservation and development of the national minorities' identities and the improved integration of society that Latvia should have more initiatives of this kind.

59. The Advisory Committee notes that, for certain communities, such as the Poles and the Germans, bilateral co-operation and support from "kin-states" are useful, effective means of promoting the efforts to preserve and develop their language, culture and specific traditions. It must nonetheless be underlined that this support, no matter how significant, is no substitute for the role to be played by the state, pursuant to national law and the commitments entered into at an international level, in preserving and developing the cultural identities of the national minorities living within its borders (see also the OSCE High Commissioner's "Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations", June 2008).

60. The Advisory Committee welcomes the support, including of a financial nature, provided to the Jewish community at both central and local level for the maintenance of memorial sites, museums and other institutions of importance to the preservation of this community's identity. It has, however, taken note of the difficulties reported by the representatives of this community as regards their children's participation in school examinations held on their religious days. The Advisory Committee understands that solutions have been found in the past to avoid such difficulties and encourages the authorities to continue to show openness and understanding for such concerns in future.

### **Financing**

61. Despite the positive observations above, the Advisory Committee is concerned about a recently noted trend towards a decrease in state funding for national minorities' cultural development, which makes the effective implementation of the above-mentioned legislative guarantees increasingly difficult.

62. Official sources have confirmed a worrying decrease since 2006 in the funds earmarked in the state budget for national minority organisations. Although grants to national minority NGOs totalled LVL 144,600 in 2006 and increased slightly in 2007 to LVL 153,000, the sum allocated to them in 2008 was reduced to LVL 91,059. The official statistics also show a significant decrease in the funds allocated to projects and organisations (Roma and multi-ethnic) which seek to promote the inclusion of Roma in Latvian society (from LVL 30,000 in 2006 to LVL 18,000 in 2007 and LVL 20,000 in 2008).

63. Another problem raised by the minorities' representatives is the stability and continuity of state grants for their cultural activities. Firstly, making grants available solely on the basis of competition between projects does not allow all the groups to have access to funds and to run their cultural activities on a regular and stable basis. This concerns in particular the numerically smaller national minorities, who also drew attention to the cumbersome procedures for obtaining access to funding. Secondly, the Advisory Committee took note of worrying allegations that the authorities are considering ending state grants for national minorities' organisations. According to the minorities' representatives, a measure of this kind would make it virtually impossible for them to continue their activities and render particularly difficult the development of their communities' cultural lives.

64. In response to these concerns, the Integration Secretariat informed the Advisory Committee of its recent efforts to develop a support programme for the national minorities, which, if approved by the Government, would allow a reinforcement of the place given to the minorities in the state budget and, on that basis, facilitate forecasting and planning of the supply of grants. The Advisory Committee welcomes the fact that this programme was submitted for comment to the national minority organisations before being transmitted to the Government for approval. It hopes that the authorities will give it due consideration and, in that context, seek to identify the best solutions to the financial difficulties confronting the national minority organisations.

65. The authorities should examine the financial resources allocated to the national minorities and, if appropriate, take the necessary measures to ensure that they constitute an adequate response to the existing needs. Minority representatives should be involved in this analysis and should be duly consulted when decisions are taken in this field, not least regarding the procedures for obtaining state grants.

### **Cultural centres**

66. The existence of cultural centres appears to be a matter of priority for Latvia's national minorities. Although some minorities in certain municipalities, such as Daugavpils, have access to premises and facilities enabling them to develop their activities, including through reliance on the support of their "kin-states", that is not the case for others nor in all regions inhabited by minorities. For instance, the representatives of the Estonian and Moldovan/Romanian minorities reported difficulties in maintaining their cultural centres. Other minorities, such as the Belarusians, who do not have such a centre, suggested setting up a "house of nationalities" financed by the state, which would be open to all the minorities.

67. The Advisory Committee encourages the authorities to examine the situation of the minorities' cultural centres and the needs in this area and to seek, in co-operation with the minorities' representatives, solutions making it possible to respond to these needs.

## **Article 6**

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

68. The Advisory Committee welcomes the measures taken by Latvia to strengthen legal protection against racially or ethnically-motivated manifestations of discrimination, hostility or

violence. In October 2006, the legislation to combat racism was reinforced by the introduction in the Criminal Code of provisions (Article 48) making a racist motive an aggravating factor where committing a criminal offence. Article 78 of the Criminal Law on incitement to national, ethnic and racial hatred, which was amended in July 2007, contains increased penalties for the cases where such incitement is associated with violence, fraud or threats, as well as when it has been perpetrated by a public servant, an enterprise or organization's staff member, or by using automated data processing systems. Similarly, the new Article 149<sup>1</sup> of the Criminal Code, entered into force in July 2007, provides sanctions for the repeated violation of the prohibition against discrimination based on racial or ethnic belonging, as well as on other grounds.

69. With regard to implementation of this legislation, it can be noted that dozens of investigations into alleged offences under Article 78 of the Criminal Code have been opened in recent years, concerning both cases of inciting racial, national or ethnic hatred, in particular on the Internet and in the print media, and acts of racist violence. The Advisory Committee considers it regrettable that sometimes severe incidents continue to be classified as hooliganism and the racist motives are only rarely taken into account by the competent authorities, whether it be the police or the courts. Moreover, the number of cases culminating in conviction of a racially motivated offence is very small, and sentencing of the perpetrators fairly lenient. The Advisory Committee notes a positive development in that in January 2007, for the first time, prison sentences were pronounced for assaults of a racist nature.

70. Despite these positive developments, the Advisory Committee is concerned about reports that racist incidents continue to be recorded in Latvia and that the current trend is for their number to increase. At the same time, the expression of intolerant or hostile views concerning the Russians, the Jews and the visible minorities, but also concerning persons belonging to the majority, is increasingly frequent on the Internet, in discussion groups or in comments concerning newspaper articles published on the Internet. It encourages the authorities to step up measures to monitor and sanction manifestations of or incitement to racism and intolerance on the Internet, while respecting the right to freedom of expression.

71. The Advisory Committee considers it essential that the authorities ensure that all the conditions are met to combat and penalise such acts in an appropriate manner. The Advisory Committee welcomes the adoption, in May 2005, of a Code of conduct and professional ethics intended for the members of the police force. Also, it notes the creation of an Office of Internal Security, in May 2003, charged with supervising the work of the police force and the respect of the human rights, as well as investigating and sanctioning any abusive behaviour of its agents.

72. While welcoming these encouraging developments and the projects implemented by the civil society to heighten awareness among the police and justice system personnel regarding questions of intolerance and racism, the Advisory Committee deems that more determined efforts are required in this field. Providing public information about the existence of criminal law penalties for acts of a racist nature and the remedies available to victims should also be a key policy focus.

### **Tolerance and intercultural dialogue**

73. The Advisory Committee notes that intercultural dialogue has continued to progress within Latvian society, which in general appears to be characterised by a climate of tolerance and respect, as well as by good interethnic relations at a local level. Many interlocutors spoke positively about many mixed marriages across communities and persons belonging to different communities living together. As the authorities point out, since the restoration of independence, the policy for “integration of the society” has become a key priority for Latvia.

74. The Advisory Committee considers that, in a multiethnic society such as Latvia's, these efforts are of particular importance to social stability and the development of a climate of tolerance, respect and mutual understanding between all members of the population, irrespective of their ethnic origin. It notes with satisfaction that a number of programmes to foster enhanced social integration are currently being implemented, such as the National Programme to Promote Tolerance (2005-2009) or the National Action Plan for the Roma (2007-2009). In addition, a policy planning document in the field of social integration, establishing the "Basic principles for social integration policy, 2008-2018" has been drawn up.

75. From an institutional standpoint, the development and the implementation of these programmes are co-ordinated by the Special Assignments Ministry for Social Integration, which was established in 2002, with the Secretariat for Integration responsible for promoting multicultural dialogue and co-operation among Latvia's different ethnic groups. Since 2001 social integration projects have been financed, *inter alia*, through a "Society Integration Foundation" whose budget comprises state funds and international and private donations.<sup>12</sup> Nevertheless, representatives of national minorities have reported difficulties in accessing funds through this Foundation.

76. The Advisory Committee also welcomes the efforts of certain multiethnic municipalities (such as Daugavpils) to maintain a climate of tolerance and co-operation and to enable the assertion of different cultural identities, through close co-operation between the local authorities concerned and national minority associations.

77. In the field of education, it notes with satisfaction that issues related to diversity, tolerance and fighting against racism are included in the standards proposed for educational content and pedagogical materials of primary and secondary education, as well as for the continuing education of the teaching personnel

78. Notwithstanding these positive developments, the Latvian authorities continue to be confronted with considerable challenges. Questions linked to ethnic origin, naturalisation and language use continue to constitute particularly sensitive issues in Latvian public debate, whether in the media, the education system or the political sphere, and give rise to heated discussions within elements of Latvian society, particularly during election periods.

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<sup>12</sup> According to official sources since the creation of the Foundation some EUR 10 000,000 (overall amount, including EU funds) have been allocated to integration-related bodies and projects .

79. Although, in general, the minorities and the majority now live together in harmony, it is still premature to talk of full integration, especially as regards the primarily Russian-speaking population. The Advisory Committee is particularly concerned about the fact that some media organs and certain politicians continue to use rhetoric designed to stir up tensions between the Latvians and persons belonging to national minorities, in particular the Russians. It deems it highly regrettable that some members of parliament express views characterised by intolerance, and indeed hostility, in respect of national minorities, including in the course of parliamentary debates.

80. Whether their target audience is the majority or the primarily Russian-speaking population, the certain media continue to convey messages harmful to the other community, despite the many projects run by the authorities and NGOs to promote tolerance and mutual understanding. The Advisory Committee considers it of special importance that media professionals develop rules of ethical journalism and appropriate mechanisms to prevent and/or monitor such media discourse.

81. In addition, cases of intolerant and discriminatory, or even racist, speech and acts aimed at Roma, certain religious groups and, increasingly, persons belonging to visible minorities more recently arrived in Latvia (persons originating from Asia, Africa and the Caucasus) continue to be reported. The Advisory Committee recalls, in this context, that the scope of application of Article 6 is wide, and includes also persons belonging to other groups which have not been traditionally living in the country, including non-citizens, refugees and asylum-seekers.

82. The Advisory Committee is also concerned about the manifestations of anti-Semitism reported in Latvia in recent years. Whereas, in general, anti-Semitism is not a trait of contemporary Latvian society, these acts are occurring despite the specific measures recently taken by the authorities to raise public awareness of the Jewish community's history and cultural identity. It notes that these manifestations, which remain isolated, can be observed in particular on the Internet. The Advisory Committee encourages the competent authorities to endeavour to ensure that school curricula better reflect the history and concerns of the Jewish community, as well as the various aspects of anti-Semitism.

83. The authorities also regard learning of the Latvian language by persons belonging to national minorities as a key means of integration, and special efforts are being made in this field, *inter alia* through the establishment of a National Agency for Latvian Language Training. The Advisory Committee regards as legitimate the efforts made to promote the learning and use of Latvian by persons belonging to national minorities. Nevertheless, it considers that the approach chosen to strengthen the state language, as well as the systematic control and the punitive measures taken in this field by the State Language Centre and its inspectors are likely to prove counter-productive (see also comments under Article 10 below).

#### **The naturalisation process**

84. As part of the effort to reinforce integration measures, the Advisory Committee welcomes the improvements that have been made to the rules and procedures for naturalisation. It notes that, as indicated by the authorities, the amendment to the Citizenship Law as approved by referendum in 1998 and other legislative measures have increased the number of persons eligible for Latvian citizenship. In addition, measures have been taken to encourage persons to naturalise.

For example, persons over the age of 65 are exempted from the written part of the Latvian language test. Also, pupils from minority schools who have sat the school leaving examination in Latvian are exempted from the Latvian language test. The Advisory Committee also welcomes the reduction in the fees payable for applications for naturalisation in respect of certain categories of individuals and the efforts expended to provide the population in question with appropriate information, including campaigns aimed at “non-citizen” parents of children born in Latvia after 21 August 1991. An Information Centre on Naturalisation has been opened, with bureaus in the relevant municipalities.

85. These measures<sup>13</sup> have led to increased numbers of applications and a more regular rate of naturalisation for a number of years now, particularly during the period preceding Latvia’s accession to the EU and just afterwards. According to information from the Ministry of Foreign Affairs, at the time of the Advisory Committee’s visit, Latvian citizens accounted for some 82% of the country’s population.

86. While welcoming these efforts and the particularly active role played by the Department for Naturalisation, the Advisory Committee is deeply concerned about the slowing rate of naturalisation during the last years (the largest number of naturalisations, 19,169, was registered in 2005, but the figures then fell to 16,349 naturalisations in 2006 and 6,826 in 2007: information from the Naturalisation Board) and about the large number of permanent residents in Latvia who are still confined to the status of “non-citizens”, running a high risk of exclusion.

87. The difficulties noted with regard to the naturalisation procedures, particularly in terms of Latvian language testing and its environment, are perceived by most of those concerned as hampering their efforts at integration and causing discrimination against them. According to certain non-governmental sources, the language requirements are too high and the procedural conditions have been made unduly difficult, so that many non-Latvians feel unable ever to obtain citizenship (see also the comments on Article 4 above, paragraphs 51-54).

88. The Advisory Committee notes that, according to the applicable legislation, children born in Latvia after 21 August 1991 of “non-citizen” or stateless parents shall be recognised (under the age of 15, with no requirement to sit the Latvian language test) as Latvian citizens, upon demand by their parents. The Advisory Committee is, however, deeply concerned by the situation of considerable numbers of “non-citizens” children born in Latvia after 21 August 1991, who continue to be without citizenship. It is particularly disturbing that such a situation persists, in spite of the measures taken to facilitate their access to citizenship and the promotion campaign organised by the authorities in this field. The Advisory Committee urges Latvia to address this situation as a matter of priority, to identify the underlying causes and to take all the necessary measures to remedy it.

89. The Advisory Committee notes that the negative political atmosphere surrounding naturalisation, which is particularly obvious in the run-up to elections, has also been a factor in lessening interest in obtaining Latvian citizenship. Certain legislative initiatives have gone so far as to consider suspending the naturalisation procedure and provide for the acquisition of citizenship by individual parliamentary decision, exclusively for persons married to Latvian

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<sup>13</sup> For more details, see the information provided on the Bureau for Naturalisation website ([www.np.gov.lv](http://www.np.gov.lv)).

citizens. Other proposals, from the Ministry of Justice *inter alia*, have recommended making the conditions and procedures for access to citizenship more difficult, particularly by tightening up the language requirements. These circumstances help explain in part the reluctance of many “non-citizens”, particularly elderly persons, to initiate the naturalisation procedure. The Advisory Committee understands also the importance, in this regard, of Latvia’s accession to the EU and the possibility open to Latvia’s “non citizens” to travel within the EU member States without particular restrictions. It also notes that, more recently, the labour market in various EU countries has been opened to Latvia’s “non-citizens”. The Advisory Committee understands that this context explains, at least partly, why the rate of applications for obtaining Latvian citizenship has significantly decreased in recent years (from 21,297 applications in 2004 to 3,308 in 2007). It would, however, like to stress that the domestic political atmosphere, including the political discourse about the language issue and public perceptions relating to the Latvian language testing process and its environment, deter people from making use of the naturalisation procedure. The Advisory Committee considers that the authorities should carefully examine this situation and in particular the factors influencing the naturalisation process and identify more suitable ways to promote its acceleration.

90. The Advisory Committee considers that the current situation in Latvia raises concerns under Article 6 (2) of the Framework Convention and that letting such a situation persist can only seriously hamper the social integration of the individuals concerned, as well as the spirit of tolerance, intercultural dialogue and mutual understanding within the Latvian society. In the Advisory Committee’s view, it is essential to act on the factors that deter people from making more use of the naturalisation procedure, and this requires a more active and determined approach from the Latvian authorities. This implies, on the one hand, additional steps to facilitate and encourage naturalisation, including investing more in language training for non-Latvians, and, on the other hand, the protection of “non-citizens” against any unjustified obstacle to naturalisation.

#### **Article 7**

91. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations

#### **Article 8**

92. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 9**

### **Legislative framework**

93. In Latvia the audiovisual sector's legal framework has its basis in the 1995 Law on the public radio and television services, as amended in 1997, as well as in the Law on the press and other mass media and the decisions of the National Radio and Television Council. Amendments to the Law on radio and television concerning language-related matters were passed in 1997 and 1998.



94. The Advisory Committee notes that, under the terms of Article 62.3 of this law, public radio and television stations can allocate up to 20% of annual broadcasting time to programmes in the languages of the national minorities. The Advisory Committee had also noted that, originally, Article 19.5 of the law imposed a limit of 25% of total broadcasting time for programmes broadcast in a language other than Latvian. On that basis, a number of Russian language radio stations that did not comply with this limit were suspended by the National Radio and Television Council, which also reprimanded Latvian television channels that broadcast too many films in Russian. The language quotas for radio and television were, however, repealed by the Latvian Constitutional Court on 5 June 2003. This decision by the Constitutional Court is to be welcomed as a positive development in this field.

### **Broadcasting in minority languages**

95. The Advisory Committee notes that, in practice, public and private television stations broadcast programmes in Latvian and also in minority languages, particularly Russian. The State Report even mentions a trend towards a reduction in the quantity of programmes broadcast in Latvian, with a clear tendency for the number of programmes in Russian to increase in absolute and percentage terms.

96. According to official information, in 2006-2007 programmes in Russian accounted for 25.90% (26% with other languages other than Latvian) of television broadcasting time, and 31% (34% with the other languages) of radio broadcasts. In this connection, it can be noted that, of the 30 private radio stations operating in the country, nine broadcast in Russian, whereas, of the 26 private television stations, several channels are specifically aimed at the Russian-speaking population of Latvia and the region. In addition, 40 cable television operators broadcast their principal programmes in Russian.

97. Concerning the efforts made by the public radio and television service to reflect and promote the diversity of Latvian society, the Advisory Committee notes with satisfaction that, apart from the first public radio and television channels' programmes devoted to integration of Latvian society, more specific programmes are broadcast by the public radio station "Latvian Radio 4". The Advisory Committee is also pleased to see that the content of this station's weekly programme on intercultural dialogue and the activities of the various ethnic communities' cultural organisations is produced by persons from these ethnic backgrounds. In addition, each week this station broadcasts twelve programmes lasting 30 minutes each in various national minority languages, giving an annual total of 100 hours' broadcasting time.

### **The print media**

98. The Advisory Committee notes with satisfaction that most of the national minorities in Latvia have their own publications, issued in either their minority language or in a bilingual format. The funding primarily comes from the communities' own resources, supplemented by state grants and, in some cases, financial contributions from "kin-states". The Roma of Latvia also have their first newspaper, published in Latvian.

99. The Advisory Committee nonetheless notes that the positive situation described above must be tempered by the financial difficulties some minorities face in keeping their publications alive. This applies in particular to the numerically smaller minorities, which have been obliged in certain cases to either cease publication or reduce the publication frequency.

## **Article 10**

### **Legal and practical framework for the use of languages**

100. The State Language Law and the rules for its implementations contain detailed provisions governing and safeguarding the status of the state language, whereas the rules concerning the status of minority languages and their protection are confined to provisions of a more general nature. In accordance with Article 26.1 of the State Language Law, it is the State Language Centre which supervises compliance with the law through its inspectors. The Centre operates under the auspices of the Ministry of Justice.

101. The Government decides the degree of proficiency in Latvian required for each of the occupations concerned by the language requirements (currently some 3,500 public-sector occupations and over 1,000 professions<sup>14</sup> in the private sector). Specific procedures are also laid down for testing language proficiency.

102. In the course of the Advisory Committee's discussions with the Latvian authorities, it was stated that the State Language Law establishes strict limits on state interference in the private sector. Under the law, the use of the state language is mandatory only in cases where the activities of private undertakings, organisations or institutions affect a legitimate public interest (public security, health or morality, health care, protection of consumer rights and employment rights, safety in the workplace, public administrative supervision) and taking into account the rights and interests of the private undertakings concerned (Article 2.2). Employees of private institutions, organisations and undertakings who, under the legislation in force, perform certain public duties in the course of their work must also be proficient in and use the state language to the extent necessary to fulfil those duties (Article 6.3).

103. According to various non-governmental sources, in practice, the scope of the obligation to use the state language in the private sphere far exceeds the confines of the law, as a result of a broad interpretation of the concept of legitimate public interest referred to in the law. According to the information received by the Advisory Committee, the fields and occupations in which use of Latvian is compulsory do not always correspond to a clearly identifiable legitimate public interest (see paragraph 106 below).

104. In addition, the Advisory Committee is concerned to note that, since December 2006, the language proficiency level has been raised for a number of occupations, which has since posed recruitment difficulties, particularly in areas inhabited by minorities in more substantial numbers. In these circumstances the language inspectors have registered an increased number of breaches of the State Language Law in the fields concerned.

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<sup>14</sup> Information from the Cabinet of Ministries Regulation n° 296/2000, Appendixes I and II.

105. Since the legislative measures and proposals concerning use of Latvian follow one upon another and monitoring by the language inspectors is being increased significantly, with the application of numerous penalties in different fields (the central and local public administration, education, health care, services, retailing, etc.),<sup>15</sup> this problem remains a subject of heated public debate.

106. In early 2008, new legislative proposals were tabled in this field. Firstly, the list of private sector occupations to which the language proficiency requirements apply would be extended to over 205 jobs and occupations, such as electrician, refuse collector, postal delivery worker or cleaner. Secondly, parliament has already approved, at a first reading, certain amendments to the Administrative Offences Code. It stipulates the liability for such offences incurred by central and local administrative authorities and by companies in the event of a breach of the legislation making Latvian the only language to be used in distributing public information. These amendments also cover an employer's failure to comply with the obligation to determine and verify proficiency in Latvian for occupations and jobs entailing contacts with the public. Provision is also apparently made for an increase in the number of inspectors responsible for supervising compliance with the State Language Law and in the funds allocated for this purpose. The Advisory Committee indeed notes with regret that, whereas the funding for these coercive mechanisms has been increased on a number of occasions in recent years, the funds allocated to teaching of Latvian have been significantly reduced.

107. The Advisory Committee welcomes that, given these developments, a growing number of people within the country are speaking out in favour of a more flexible approach in this field. It notes with interest that certain ministries have now adopted a more nuanced stance on the subject, either by proposing a relaxation of the language requirements applied to occupations in their field of activity (the Interior Ministry) or by underlining the boundaries to be preserved regarding state interference in the private sphere (the Ministry of Foreign Affairs).

108. The Advisory Committee was informed that Russian-speaking persons with insufficient command of Latvian also encounter difficulties in the health field. According to the information received by the Advisory Committee, there is no Russian translation of the instruction leaflets for a significant number of medicines, whereas these leaflets are available in Latvian and other languages, such as Estonian or Lithuanian. The Advisory Committee finds that such practices, not only result in a significant limitation of the right to freely use the minority language in private and in public, but have, moreover, a discriminatory potential with respect to a large number of persons belonging to national minorities. It urges the authorities to examine the situation and to find ways to eliminate the difficulties noted.

109. The Advisory Committee recognises that protection of the state language is, in itself, a legitimate aim. It considers, however, that the related requirements are excessively high, as the notion of legitimate public interest is interpreted too broadly, in particular for the professions concerned in the private sector. It is therefore of the opinion that this policy should be implemented in a way that respects the identity and the linguistic needs of persons belonging to

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<sup>15</sup> In 2006 alone 721 persons (civil servants, private sector employers, etc.) were penalised for having breached the language legislation. In 2007, the inspectors of the State Language Centre have also visited minority schools, to verify the application, in the recruitment of teachers by the schools in question, of the Latvian language proficiency requirements set up by the rules in force.

the national minorities and that the authorities must constantly seek to strike a balance between protection of the state language and these persons' rights. The Advisory Committee points out that Article 1.4 of the State Language Law cites as one of its objectives "the integration of the national minorities into Latvian society, while respecting their right to use their mother tongue or any other language."

110. Moreover, in view of the complex socio-political and historical context in Latvia, the Advisory Committee deems it important to give promotional measures preference over those of a punitive nature in order to pursue in an effective manner the legitimate objective of strengthening knowledge and use of the state language by all members of the population. The Advisory Committee urges the authorities to favour a positive and constructive approach, all the more so since recent information reflects a number of encouraging developments: an increase in the number of people who know Latvian, its increased use in various circles and, above all, the fact that the non-Latvians' attitude to use of Latvian has become more favourable. It also wishes to emphasise that authorising the use of minority language, in addition to Latvian, in the different circumstances in which the conditions set out in the Framework Convention are met, does not affect in any way the compulsory status of the State language.

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

111. The Advisory Committee notes that, upon ratifying the Framework Convention, Latvia issued a Declaration that it would apply the provisions of Article 10, paragraph 2, of the Convention without prejudice to the provisions of the Constitution and of current national legislation governing use of the state language.

112. The Latvian legislation in force does not permit use of minority languages in relations with local administrative authorities, as provided for in Article 10.2 of the Framework Convention. Indeed, the State Language Law<sup>16</sup> requires that Latvian be used in all institutions, courts and public agencies, organisations and undertakings, at the central and local levels, in speech and in writing, in the course of events organised by these bodies and in their documents. Documents submitted to these bodies in another language are accepted on condition that they are accompanied by a translation. Their employees must have an appropriate level of proficiency in Latvian and use this language to the extent necessary for the performance of their official duties and responsibilities. The Advisory Committee notes that, within the meaning of the State Language Law (Article 5), any language other than Latvian qualifies as a "foreign language".

113. The Advisory Committee notes however that a degree of flexibility is applied in practice, particularly in certain municipalities where persons belonging to minorities constitute a substantial proportion of the local population. In such cases, since the minorities are present in local elected bodies and among local government staff, the population concerned can naturally use their minority language - notably Russian - when communicating orally with these authorities. As a rule, where need be, the municipalities concerned provide translation services free-of-charge. However, as required by law, Latvian is the only language permitted to be used in written communications.

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<sup>16</sup> The State Language Law, adopted on 9 December 1999 and entered into force on 1 September 2000.

114. Although this information concerning the flexibility sometimes noted in the field may be deemed encouraging, such cases solely constitute exceptions to the rule and are no substitute for genuine legal guarantees of the effective application of Article 10.2 of the Framework Convention in Latvia. In addition, the State Language Centre's inspectors, responsible for verifying compliance with the rules on use of Latvian laid down in the State Language Law, may take action against these practices. The Advisory Committee is deeply concerned about this situation, since it affects a considerable number of persons, belonging to different national minorities, in their efforts to participate in local public affairs and in their enjoyment of public services like all other taxpayers (see also observations under Article 15 below).

115. The Advisory Committee considers that, by virtue of the above-mentioned Declaration, the provisions of national law requiring that Latvian alone should be used in the public sphere as a whole, including in the areas which persons belonging to minorities inhabit traditionally or in substantial numbers, have the effect, with regard to Latvia and its minorities, of draining certain key provisions of the Framework Convention of their substance. It also notes that, by reason of its practical consequences, the Declaration in question does not take sufficiently into account the fact that, on acceding to the Framework Convention, the States Parties also adhere to its objectives and its spirit. In addition, the Advisory Committee points out that, in accordance with Article 2, the Framework Convention must be applied "in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States."

116. In the light of the above, the authorities are invited to review the legislation governing the use of languages in Latvia so as to enable the effective implementation of Article 10.2 of the Convention where the conditions set out therein are met and depending on local demand and specificities.

**Use of minority languages by prisoners and persons detained on remand in contacts with prison administration**

117. Despite the encouraging information on this subject contained in the State Report, the Advisory Committee received some worrying reports about the difficulties sometimes encountered by Russian-speaking prisoners and persons detained on remand in communicating with the prison administration or other authorities within the prisons system. According to these reports, letters sent to these bodies which are not drawn up in Latvian are returned to the sender without being processed and the language used for replies is the state language.

118. The Advisory Committee is of the opinion that the authorities should verify the situation and take all the necessary measures to eliminate any obstacle, including of a linguistic nature, to the right of the persons belonging to national minorities who are in prison, to communicate, in particular by written correspondence, with the prison administration in a language they understand.

## Article 11

### **Use of minority languages in individuals' first names and surnames**

119. The legislation provides that persons' first names and surnames shall be pronounced in accordance with Latvian linguistic traditions and written in accordance with the rules of modern Latvian. The law permits the original or historical form of the name, transcribed into the Latin alphabet according to the Latvian language rules in force, to be added to passports or birth certificates. In accordance with the State Language Law and the Law on Identity Documents, the historical or original form of the first name/surname can be registered only at the request of the person concerned or his/her parents on production of documentary evidence thereof. According to the official statistics, the original versions of first names/surnames were added, at the request of the person concerned, to 0.8% of passports issued to Latvian citizens between 2002 and 2007 and to 1.9% of passports issued to "non-citizens".

120. At the same time, according to the minorities' representatives, the rules on transcribing first names/surnames continue to pose problems. This is the case, in particular, where transcription results in changes to the original first name/surname<sup>17</sup> and the differences come to light when persons belonging to minorities have to submit to certain institutions, alongside their passport, old personal documents using the original versions of their names (see also the observations in respect of Article 17 below). The regulations on transcribing first names/surnames from another language into Latvian have been challenged on a number of occasions in the Latvian courts, in particular on the ground of violations of Articles 91 (ban on discrimination) and 114 (protection of the minorities' linguistic, ethnic and cultural identities) of the Latvian Constitution. The Latvian Constitutional Court has also adopted an important judgment on these issues.<sup>18</sup>

121. In the light of the above, the Advisory Committee considers that the question of the use of the minorities' languages in first names and surnames is not entirely settled and should be examined by the authorities so as to eliminate any remaining causes of tension. In this connection, it is essential to consult the minorities' representatives.

### **Use of minority languages for displaying signs, inscriptions and other information of a private nature visible to the public**

122. The Advisory Committee notes that, according to Article 20.3 of the State Language Law, 'the text on stamps and seals, as well as the text on letterheads of state and municipal institutions, courts and agencies belonging to the judicial system, state and municipal enterprises and companies in which the state or a municipality holds the largest share of the capital, shall be only in the state language except for the cases referred to in paragraph 4 of this Article. This provision applies also to private institutions, organisations, enterprises (or companies), as well as to self-employed persons who under law or other normative acts perform certain public functions,

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<sup>17</sup> The minorities' main objections concern the addition, to the first name or surname, of a masculine/feminine suffix and the deletion of double consonants during transcription.

<sup>18</sup> See the Constitutional Court's judgment of 21 December 2001 on the conformity of Article 19 of the State Language Law and of Government Regulation No. 295 of 22 August 2000 with Articles 96 and 116 of the Constitution.

if the performance of these public functions involves the use of stamps, seals or letterheads'. According to certain minority representatives, these provisions are also applied to their associations, which are not allowed to display their stamps, seals or other specific signs in their minority languages alongside Latvian. The Advisory Committee finds that, in so far as the application of the relevant legislation would not allow such display, such practice would not be in conformity with the provisions of Article 11. 2 of the Framework Convention. It calls upon the authorities to take the necessary steps to ensure the conformity of the legislation and the practice with these provisions.

### **Use of minority languages in local topographical indications**

123. Upon ratifying the Framework Convention, Latvia issued a Declaration that it would apply the provisions of Article 11, paragraph 3, of the Convention without prejudice to the provisions of the Constitution and of current national legislation governing use of the state language. The State Language Law provides that place names shall be created and utilised in the Latvian language. In so far as it does not permit the use of minority languages alongside Latvian in local topographical indications, the Latvian legislation in force is not in conformity with the provisions of Article 11, paragraph 3 of the Framework Convention.

### **Articles 12 and 14**

#### **Intercultural education**

124. The Advisory Committee notes that Article 41.2 of the Law on Education (adopted in 1998 and amended on several occasions) provides for including in the curricula contents geared to promoting knowledge of the cultural heritage of minorities by pupils belonging to these groups and facilitating their integration in society. In national minority schools, pupils study not only their own languages but also the history and culture of their communities.

125. Moreover, as the authorities point out, reflecting the culture of minorities and promoting tolerance are two of the criteria which schoolbooks have to fulfil in order to secure official approval. Similarly, the new educational standards recently introduced particularly emphasise this intercultural dimension, which is now also part of the further training provided for teachers working in both minority and majority schools.

126. While these efforts are commendable, the Advisory Committee notes that the minorities consider that little mention is made of their cultures and traditions in courses for the majority. According to the persons with whom the Advisory Committee had discussions, such teaching is still marked by prejudices against minorities and their contribution to the diversity of Latvian society. The Advisory Committee encourages the authorities to review the situation and to increase their efforts to ensure that education is an effective means of promoting intercultural dialogue and mutual respect among all the communities living in Latvia.

#### **Equal opportunities in access to education**

127. The Advisory Committee notes that, in accordance with current legislation, persons belonging to national minorities in Latvia have access to education at all levels, and that efforts have been made to meet their specific educational needs. Minorities, for instance, have their own

schools or special classes within the public education system, in which pupils can learn their language and acquire knowledge of their own specific identity and culture.<sup>19</sup>

128. A minimum of 12 pupils is required to open and maintain such classes for minorities in urban areas. According to the authorities, the local authorities, which take the final decisions in this field, adopt a more flexible approach in practice. For example, the Riga Belarusian school has no more than 60 pupils in all. The Advisory Committee welcomes this approach, noting that the minorities concerned are also supported by the Ministry of Education, which has advised the local authorities not to apply the numerical requirements too rigidly.

129. The Advisory Committee welcomes the fact that the Ministry of Education has set up several bodies to work on education for national minorities, in consultation with those concerned. A Consultative Council for Minority Education was set up in 2001 to facilitate dialogue between the Ministry and the schools in question, minority representatives and the pupils' parents, and four bilingual educational centres have been opened in Daugavpils, Liepaja, Riga and Rezekne. Furthermore, a Working Group was set up in 2004 to communicate with the Association supporting schools that teach classes in Russian. However, the Advisory Committee regrets that the positions and proposals of the representatives of the national minorities relating to the educational reform, and particularly during the discussions on the language components of the curricula, were not taken into account.

130. The Advisory Committee welcomes the good examples presented to it in this field. It expresses its satisfaction with the information on the availability and quality of education for national minorities in Daugavpils municipality. It notes that most primary schools in this town offer bilingual education and that at the secondary level, in addition to a school teaching in the Latvian language, there are several national minority schools and three schools with classes for national minorities.

131. The Advisory Committee also took note of the growing concern about teaching quality, noting that this dimension is increasingly determining parents' choice of school, beyond any language considerations. It should be noted that, following the judgment by the Constitutional Court mentioned in paragraph 138, which found that supervision of the quality of bilingual teaching had been inadequate, this matter has become a priority for the authorities. In this connection, a National Agency has been set up to monitor the quality of general education.

132. The Advisory Committee welcomes the attention which this Agency is paying to the quality of education for minorities and the progress reported in this field over the last few years. It however notes that the opportunities for receiving instruction in minority languages have been reduced and that, according to certain minority representatives, the quality of this teaching could still be improved. According to these sources, the main problems are the inadequate numbers of qualified teaching staff and the shortage of educational resources. Despite the authorities' efforts to train teachers for bilingual education and develop appropriate educational programmes and resources, such efforts are apparently insufficient.

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<sup>19</sup> According to the State Report, in the 2005/2006 school year Latvia had, out of a total of 983 schools providing general education, 152 Russian schools, 97 bilingual schools, 4 Polish schools, one Ukrainian school and one Belarusian school.



133. The Advisory Committee therefore considers it essential to identify all possible means of providing such pupils with the requisite schools, teaching staff and educational material to meet their specific needs in the education field (language needs in particular). In this connection, it is important to adopt a flexible and dynamic approach and to consult with minority representatives systematically and effectively.

134. The Advisory Committee notes that certain national minority schools, especially the German and Polish ones, enjoy substantial support from their “kin-states”, reflected not only in subsidies for maintenance of school premises but also provision of teaching staff and educational materials. While welcoming such support and acknowledging the usefulness and importance of bilateral co-operation in this field, the Advisory Committee would like to stress that the aid received from “kin-states” in no way decreases the Latvian State’s responsibility to implement effectively the rights of persons belonging to national minorities in the educational field. It encourages the authorities to make sure that the teaching in minority education establishments is not of lesser quality than that of the teaching provided to the majority population.<sup>20</sup>

135. Where Roma people are concerned, the Advisory Committee is pleased to note that under the national programme “Roma people in Latvia 2007-2009” the authorities have been prioritising education for, and especially improved integration of, Roma children at school. While welcoming the projects implemented and the particularly active involvement of NGOs in these efforts, the Advisory Committee notes that Roma children still face a difficult situation in the educational field and continue to meet with discrimination and sometimes exclusion. It urges the Government to continue and extend the projects already under way, and calls upon the competent authorities to become more directly and actively involved in these efforts, including at the financial level.

### **Teaching of and in minority languages**

136. Under its public primary education system, Latvia provides several models for bilingual curricula which are differentiated according to the proportion of subjects that can be taught in a minority language and Latvian. Schools may choose any one of these models or develop their own model, complying with the proportions required by legislation in connection with the teaching language (see paragraph 138 below). The Advisory Committee notes with satisfaction that such programmes are available for several minority languages, including Russian, Estonian, Polish, Ukrainian, Lithuanian, Belarusian, Hebrew and Romani.

137. In the public education system, eight minority languages are taught in schools/classes for national minorities at the primary and secondary levels. Nevertheless, Russian is in a dominant position among these languages as a teaching language (27.28% of the total number of pupils in general education were taught in the Russian language in the 2005/2006 school year, as compared with 0.303% of pupils for Polish, 0.089% for Ukrainian and 0.033% for Belarusian). Moreover, the Advisory Committee noted that, while current legislation permits the use of minority languages as teaching languages in national minority schools, as a general rule teaching is bilingual and more and more subjects are being taught in Latvian.

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<sup>20</sup> Article 112 of the Latvian Constitution stipulates that everyone has the right to education.

138. The Advisory Committee regrets the fact that, since the reform of the Latvian education system in 2003, and despite strong opposition from the national minorities, more restrictive language conditions have been placed on the education provided for minorities. In particular, a new provision was introduced in the 2004-2005 school year making it compulsory to teach a minimum 60% of the public secondary school curricula for national minorities in Latvian. An application was lodged with the Constitutional Court relating to this issue, and in May 2005 the Court confirmed the constitutionality of the provisions of the Law on Education introducing this requirement.<sup>21</sup> The Advisory Committee notes with interest that in its judgment the Court argued that the past division within the education system had to be replaced by a more unified system, that the aim was social integration and intensified use of the state language, and that the quality of education for all pupils, whatever their ethnic origin, had to be guaranteed and monitored.

139. The Advisory Committee notes that as far back as 1998, when the Latvian Parliament adopted a new Law on Education, it decided to introduce a transition period towards a mainly Latvian-language curriculum for all state-funded schools. Consequently, the general approach in respect of national minority primary and secondary schools deriving from the aforementioned legislation, as amended, is to prioritise bilingual teaching, observing the predominance of the Latvian language and legislative requirements<sup>22</sup> relating to the proportion of Latvian in school programmes. According to the authorities, this should help the young people in question to acquire language and general knowledge to facilitate their rapid integration in Latvian society, providing them with increased opportunities for access to the labour market.

140. Another measure confirming the official approach is the obligation, which was imposed on all pupils in 2007, including on those having received their secondary education in a minority language, to sit the secondary school leaving examination in Latvian. While this measure has raised concerns within the minorities, the authorities point out that, in practice, there is a fair degree of flexibility, and candidates can, if necessary, opt for using their minority language in answering the examination questions. According to the authorities, the results obtained in these examinations over the last few years are generally similar in both Latvian and minority-language schools, and the language chosen for the examination apparently has no particular effect on the results obtained. Official statistics show that only 39% of pupils having studied in national minority schools choose a minority language for the school leaving examination, usually Russian or Polish. This choice is probably influenced by the fact that proper knowledge of Latvian is a prerequisite for both rapid occupational integration and higher education in the public system, where courses are given in Latvian. It is important to mention also that those pupils without Latvian citizenship who choose a minority language for the school leaving examination are not exempted from the written Latvian language test for naturalisation.

141. More broadly, the Advisory Committee notes a downwards trend in the number of classes or schools providing teaching in/of minority languages. According to the authorities, this downwards trend reflects a more general trend in Latvia towards reducing school numbers, following the overall drop in pupil numbers. They also consider that the trend is in line with the

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<sup>21</sup> Decision adopted by the Latvian Constitutional Court on 13 May 2005, Case No. 2004-18-0106.

<sup>22</sup> Law on Education adopted in 1998 and amended in 2004.

reduced demand for teaching in minority languages, with a concurrent increase in demand for education in Latvian.<sup>23</sup>

142. The Advisory Committee has also noted that, due to the lack of resources, the number of “Sunday schools” had gradually decreased (from 33 in 2001 to 14 in January 2006) and that these schools receive very little or no support from the authorities. Representatives of minorities such as the Ukrainians, informed the Advisory Committee that it is impossible to maintain these schools for lack of the requisite resources for premises and the recruitment of teachers.

143. While taking note of the merits of the Government’s explanations, the Advisory Committee notes the concern felt by the minorities at these developments, which all tend towards reinforcing the dominance of Latvian in minority education and decreasing the opportunities for studying in a minority language. While the Advisory Committee sees the legitimacy of the aim of promoting the state language and its teaching as an instrument for integration in society, it considers that the measures taken in this context should be more balanced and take better account of the needs and rights of persons belonging to national minorities. In addition, the authorities should ensure that effective consultations are held with the national minorities when such measures are adopted. The Advisory Committee would like to point out that, following the ratification of the Framework Convention by Latvia, it is essential that the interpretation of the legal framework pertaining to minority education takes due account of the principles set out in this Convention (see also comments under Article 15 below).

#### **Teaching the state language**

144. The Advisory Committee took note of the National Programme for the teaching of Latvian which was launched in 1995 and of the many measures adopted since, including the setting up in 2004 of a National Agency for the Learning of the Latvian language, in order to increase the level of knowledge and use of Latvian. It notes that this Agency has developed specific methods for learning Latvian, aimed at both children and adults. Particular efforts have been expended in this field under campaigns designed to expedite the naturalisation process (see also comments under Article 10 above).

145. The Advisory Committee has also taken note of the discontent expressed by minority representatives regarding the methodology and quality of Latvian language teaching for pupils belonging to minorities. It notes, in addition, that the funding provided for Latvian teaching programmes for adults has reduced in recent years and appears to be inadequate, especially when compared to the extent of the language requirements imposed in various sectors of public and private life and the resources earmarked for monitoring compliance with these requirements. Similarly, it should be noted that according to many in the community at large, the ways chosen by the authorities to promote the learning of the state language are not always the most suitable and therefore not effective, and some even deem them counterproductive (see also the comments on Articles 4, 6 and 10).

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<sup>23</sup> According to official information, in the 2007/2008 school year 72.4% of first-year pupils began their schooling in Latvian.

146. The Advisory Committee considers it important that the need for improving the teaching of Latvian receives all due attention. In particular, it finds it essential to adopt a flexible methodology that can be tailored to the various categories of individuals concerned, in accordance with their age and specific socio-cultural situation.

### **Article 13**

#### **Private teaching in minority languages**

147. The Advisory Committee takes note with interest of the case-law of the Latvian Constitutional Court regarding the application of the non-discrimination principle when granting subsidies to private educational and training establishments. In its decision of 14 September 2005 the Court ruled that like all private schools, those set up by national minorities and accredited with the competent institutes are also eligible for state subsidies. Following this decision, Governmental Decree No. 498 of 27 November 2001 on the granting of subsidies to private schools was amended to include accredited national minority private schools among the beneficiaries of state subsidies. Consequently, the State Budget Law for 2006 was amended to include the requisite additional funds for implementing the Constitutional Court's decision in the budget of the Ministry of Education and Science.

148. The Advisory Committee nevertheless notes with concern that, at the time of its visit to Latvia, new draft legislation on higher education provided for compulsory use of Latvian as the teaching language in private universities. According to recent information, such measures would only concern, among private universities established by national minorities, the ones that benefit from state subsidies.

149. The Advisory Committee welcomes the fact that the authorities are granting subsidies to national minority private schools. Nevertheless, it is concerned about the trend towards extending the obligation to use Latvian in private education, and considers that the arguments put forward by the authorities in support of the envisaged measures – state subsidies – are insufficient to justify such interference in the private sphere. While it is legitimate for the minorities' private educational and training establishments to be supervised in order to ensure compliance with the harmonised educational standards established by legislation for the whole education system, it is also important, as pointed out in the Explanatory Report to the Framework Convention, that the provisions of this legislation be based on objective criteria and conform to the principle of non-discrimination.

150. The Advisory Committee therefore encourages the authorities to avoid any legislative measures which would not be in conformity with the right of persons belonging to national minorities to set up and administer their own private educational and training establishments as set out in Article 13 of the Framework Convention. Also, it considers it important that such measures do not hinder the efforts made by minorities, through the private education system, to meet their needs.

## Article 15

### **Institutional framework for the participation of national minorities in public life**

151. At the institutional level, the main governmental body responsible for developing and implementing government policy to protect national minorities has been, since 2002, the Secretariat<sup>24</sup> of the Special Assignments Minister for Social Integration (“the Secretariat for Integration”), set up under the direct authority of the Prime Minister. The Advisory Committee regrets the Government’s decision, adopted on 22 September 2008, to close this structure.

152. The Advisory Committee has understood that the Secretariat’s institutional position was too low and that it had only limited influence on the Government’s decisions on measures and policies concerning minorities, its duties being mainly of an executive nature. Nevertheless, the role played by the Secretariat for Integration in co-ordinating government support for national minority organisations and the co-operation which it has maintained with these organisations, have been positively viewed by minority representatives. The Advisory Committee also welcomes the fact that persons belonging to national minorities had been included in its staff.

153. The Advisory Committee considers that the existence of an institutional partner for minority organisations within the Government is essential in order to ensure that the needs and expectations of persons belonging to national minorities in various sectors are heard and taken into account when decisions relevant to them are adopted. It therefore encourages the authorities to retain such a structure and increase their support for it by conferring greater decision-making responsibilities to it (see also the comments on Article 5 above).

154. The persons belonging to national minorities in Latvia participate in public life and make their voices heard in the public space via their representative organisations. 245 organisations representing national minorities and their regional sub-divisions are registered with the Secretariat for Integration. The establishment in September 2006 of the Council for the Participation of National Minority Organisations (hereafter “Council for Minority Participation”), which brings together representatives appointed by some twenty national minority organisations and a number of multiethnic organisations from various parts of the country, constituted a positive step forward.

155. However, the Advisory Committee notes that most of the minority representatives feel that while this Council was set up as a consultative body of the Secretariat for Integration, it is in fact a structure whose function is limited to providing minorities with information once the actual decisions have been taken. Its participatory role would seem fairly limited in practice, as would its real influence on decisions taken by the authorities in the field of protecting minorities.

156. The Advisory Committee agrees with the minority representatives that the Council is a necessary and useful instrument for ensuring participation by national minorities in the decision-making process, and encourages the authorities to seek ways of making it more present and

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<sup>24</sup> According to official information, the Secretariat was responsible for devising and implementing government policies in the field of social integration, protection of national minorities, reinforcement of civil society, support for Latvians living abroad, the protection of Livonians (Livs) as well as for the government policy to eliminate racial discrimination.

effective, in co-operation with the minorities themselves. Furthermore, it is important to ensure that it can genuinely influence, in substantive terms, the preparation and taking of decisions on measures affecting the situation of minorities, rather than confining it to a consultation role in order to comply with the obligations arising from the monitoring procedure under the Framework Convention.

157. The Advisory Committee notes that, since 2003, another consultative council has been operating under the Ministry of Special Initiatives in favour of Integration as a joint body covering representatives of the minorities and the community at large and also of various central and local government institutions involved in the protection of minorities. This body is mandated to provide the Government with expert contributions during the drafting of policies and measures to protect minorities and promote their integration. According to non-governmental sources, the aforementioned Council seldom meets and has been rather ineffective hitherto. The Advisory Committee considers it necessary for the authorities to identify ways to make it more efficient and useful. Consultation with representatives of the minorities on this body would be highly beneficial.

#### **Participation by minorities in elected bodies and presence in government structures and public administration**

158. The Advisory Committee notes that persons belonging to national minorities and their concerns are present in Latvia's political life, and welcomes that there are no obstacles in Latvian legislation that prevent national minorities from setting up political parties. It notes in this regard that, of the 100 current members of the Latvian Parliament (*Saeima*), 18 identify themselves as belonging to national minorities: 15 Russians, 1 Jew, 1 German and 1 Karelian.

159. The Advisory Committee however finds it regrettable that participation in elections by persons belonging to minorities is hampered by the obligation to use Latvian exclusively during the electoral period to broadcast information on the electoral process. Although the Central Electoral Board attempted to transmit such information also in Russian during the 2005 municipal elections, some Latvian political forces objected that this approach infringed the Law on the State Language and the information campaign in Russian was discontinued, as a result. The Advisory Committee considers that, in order to facilitate genuine and informed participation in elections by the whole electorate, the authorities should review the application of the State Language Law.<sup>25</sup>

160. In municipalities where minorities account for a substantial proportion of the local population, minorities are represented in local elected bodies and in local authority staff. They are also represented on the Committees for social integration within the local councils in such municipalities.

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<sup>25</sup> See also in this respect Advisory Committee on the Framework Convention for the Protection of National Minorities, *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life, as well as in public affairs*, adopted on 27 February 2008, ACFC/31DOC(2008)001, paragraphs 75 to 79.

161. At the executive level, on the other hand, persons belonging to national minorities are generally less well represented, with fairly sporadic involvement in ministerial duties. Where public authority staff is concerned, although there are no full, detailed statistics on this question, the surveys that do exist point to a disproportionately low representation of such persons in the civil service, whether at central or local level.

162. The Advisory Committee recalls that effective participation by national minorities in public life and their effective integration, as well as the reinforcement of social cohesion, involve participation by these persons in the management of public affairs within the various government bodies. It considers that the authorities should pay greater attention to this issue and increase their efforts to promote civil service recruitment of persons belonging to national minorities *inter alia* by adopting a more flexible approach to the language requirements set out in this field and to the monitoring of their implementation.<sup>26</sup>

**Participation in social and economic life. Requirements linked to proficiency in the state language for access to employment**

163. The Advisory Committee was informed that, whereas Latvia is confronted with a labour shortage in a number of important areas, certain persons belonging to national minorities encounter difficulties in obtaining access to employment. The Advisory Committee notes that there is a consensus in Latvia that these difficulties are, in most cases, linked to job-seekers' inadequate command of Latvian, and only very rarely to their ethnic origin. The Advisory Committee understands that differential treatment of such persons by their employers, whether in the public or the private sector, is more often than not a response to the specific requirements of the legislation in force in Latvia on use of the state language in many jobs and occupations. It was also informed about the systematic, rigorous monitoring of observance of these rules, performed by the inspectors of the State Language Centre, and the sanctions incurred for breaching them.

164. The Advisory Committee is deeply concerned about the fact that, instead of reinforcing the promotional measures taken in the past to support and accelerate teaching of the state language to persons living on a permanent basis in Latvia and who do not have sufficient command of Latvian, in recent years priority has been given to strengthening linguistic requirements in the employment field, to extending them to even more occupations and to punitive measures regarding monitoring of their observance and sanctions for breaching them (see also observations under Article 10 above).

165. The Advisory Committee regards this situation as a matter of concern in the social and economic life. As stated previously, this raises concerns also in the light of the principles of non-discrimination and equality (see also observations under Article 4 above).

166. The Advisory Committee calls upon the Latvian authorities to adopt a more flexible approach in the application and monitoring of the legislation on the use of the state language in jobs and occupations in the public and private sectors. It considers it essential to avoid any disproportionate requirements or undue obstacles to the access of persons living on a permanent

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<sup>26</sup> *idem*

basis in Latvia, and who do not have sufficient command of Latvian, to employment. The Advisory Committee considers that more attention should be paid and increased resources provided to the teaching of the state language for such persons (see also observations under Articles 12-14 above).

167. The Advisory Committee is concerned that the Roma continue to experience a difficult social and economic situation. It appears, in particular, that the number of employed Roma, officially and unofficially, is very limited. According to the information received, these persons' low educational attainment, as well as prejudices and discriminatory attitudes against the Roma on the labour market, are the main obstacles to their access to employment. The Advisory Committee has also been informed of cases of institutional exclusion of Roma by the State Agency for Compulsory Health Insurance (HCISA) from medical treatment and reimbursable medicines. It notes that, in 2007, the Office of the Rights' Defender received two complaints in this respect. The Advisory Committee urges the authorities to pay all the attention due to this situation and to take adequate measures in order to remedy the shortcomings noted. In addition, they should take all the steps required to ensure that such cases do not occur in future.

**Participation in public affairs by “non-citizens” identifying themselves with national minorities**

168. The Advisory Committee notes that Latvian legislation limits to citizens the participation in local and general elections, referendums and elections to the European Parliament. Accordingly, the Declaration entered by Latvia on ratifying the Framework Convention enables it to confine to citizens only the application of the provisions of Article 15 of the Framework Convention on participation in public affairs. The direct consequence of this is that a large number of “non-citizens” who are included in the protection provided by the Framework Convention by virtue of the fact that they identify with national minorities protected by Latvia cannot exercise, unlike citizens belonging to the same ethnic communities, the right to participate in the taking of decisions relevant to them, by voting or standing for election. And this, despite the fact that these persons, some of whom have been living in Latvia for decades, do not possess any other citizenship, and that their situation results from the dissolution of a former larger multi-ethnic State.

169. The Advisory Committee recalls that at 1 January 2008 “non-citizens” represented 16.36% of the Latvian population. It notes that several proposals geared to authorising “non-citizens” to vote in local elections have been put forward in the last few years but that all these attempts have failed. The situation has been particularly disturbing in that since Latvia's access on to the EU in 2004, citizens from other EU states merely have to reside in Latvia for a minimum of three months to be entitled to take part in local elections.

170. The Advisory Committee is particularly concerned about this state of affairs, which does not adequately take into account the situation of the individuals in question and has prevailed since the country regained its independence in 1991, despite repeated appeals from national and international human rights organisations. It underlines once again that by excluding “non-citizens” from active and passive electoral rights at the local level, two categories of individuals enjoying different degrees of protection under the Framework Convention are created within the same ethnic community. The Advisory Committee considers this approach problematic from the standpoint of both Article 15 of the Framework Convention and other key provisions of the latter,



in particular Article 4, which requires states to comply with the principles of non-discrimination and equality.

171. The authorities are invited to reconsider their approach to the participation of “non-citizens” identifying themselves with national minorities in local public life and to take all the necessary steps, including legislative ones, to eliminate any restriction and discrimination against such persons in this respect. One possibility would be to take account of criteria other than citizenship, such as that of permanent residence in Latvia, in order to extend the number of persons eligible for electoral rights at the local level.

172. The Advisory Committee also notes that persons belonging to national minorities who do not hold Latvian citizenship cannot be recruited to the civil service. While understanding the fact of restricting access to certain posts in the civil service, as a position of principle, to the citizens of a given state, the Advisory Committee holds that the specific situation of Latvia and its minorities lends itself to a more nuanced and flexible approach. In particular, in order to avoid limiting the access of such persons to too many posts, it encourages the authorities to avoid adopting an overly restrictive interpretation of the “civil service” concept (see also the comments on Articles 3 and 4 above).

#### **Article 16**

173. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 17**

##### **Establishing and maintaining contacts across frontiers**

174. The Advisory Committee is pleased to note that Latvia's “non-citizens” enjoy freedom of movement within the Schengen Area, to which Latvia now belongs. It also notes that their conditions of movement within the European Union, with regard to countries not members of the Schengen Area, are governed by specific bilateral agreements.

175. The Advisory Committee has, however, noted the difficulties encountered by certain persons belonging to national minorities when travelling abroad. On the one hand they report problems linked to the manner of transcribing the original forms of their names in their passports, and on the other hand, they mention the issue of entry visas and the related costs.

176. The Advisory Committee considers that the authorities should seek appropriate solutions to the visa problems and take all available measures, in particular through bilateral co-operation, so as not to impede the right of persons belonging to national minorities to establish and maintain contacts across frontiers with persons sharing their ethnic, linguistic, cultural or religious identity.

#### **Article 18**

##### **Bilateral co-operation in the field of protection of national minorities**

177. The Advisory Committee notes that with one exception (the bilateral agreement with Poland), protection of national minorities is not included as such in the bilateral agreements

concluded by Latvia with its neighbours. Such matters as education, culture and science are nevertheless covered by a number of transfrontier co-operation agreements listed in the State Report.

178. The Advisory Committee considers that co-operation with neighbouring countries can be a useful and effective means of reinforcing the protection of persons belonging to national minorities, and encourages Latvia to pay greater attention to this issue. In this context, it welcomes the steps taken towards the conclusion of an agreement with the Government of the Russian Federation on ways to facilitate circulation across the frontier by the inhabitants of the border region and encourages the authorities to pursue, as a matter of priority, their efforts in this regard (see also the observations in respect of Article 11 above).

#### **Article 19**

179. According to the information currently available to it, the Advisory Committee does not consider that the implementation of this Article requires any particular comment.

#### **IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE**

180. The Advisory Committee believes that the main findings and comments set out below could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

##### **In respect of Article 3**

181. The Advisory Committee *finds* that Latvia has opted for a flexible approach of the personal scope of application of the Framework Convention, which includes also “non-citizens” who identify themselves with a national minority. In the light of the Declaration submitted by Latvia upon ratification of the Framework Convention, it *considers* that the relevant national legislation should be interpreted and applied so as not to entail any disproportionate restrictions of the protection offered by the Framework Convention in respect of “non-citizens”.

182. The Advisory Committee *finds* the obligation, under Latvian legislation, to record individuals' ethnic origin in the population register particularly problematic from the perspective of the principle of self-identification. The Advisory Committee *considers* that the authorities should take the necessary measures to bring the legislation in question and the corresponding practice in line with this principle. The Advisory Committee *finds it* positive that it is no longer compulsory to state the ethnic origin of persons in passports.

##### **In respect of Article 4**

183. The Advisory Committee *finds* that the anti-discrimination legislation does not fully cover all relevant areas and *considers* that the authorities should take the necessary steps to complete it. The Advisory Committee *finds it* positive that the Office of the Ombudsman was established. It *considers it* essential that the authorities provide all the resources required for its effective operation and that the Ombudsman pays all due attention in its activities to minority-related issues. It also *considers* that the authorities should make increased efforts to monitor the implementation of the legislation in force, including through gathering data on reported cases of discrimination.

184. The Advisory Committee *finds* that the difficulties in obtaining access to employment faced by persons living on a permanent basis in Latvia and who do not have a sufficient command of Latvian are a matter of concern, in the light of the principles of non-discrimination and equality. This also appears to be a major obstacle to these persons' effective participation in social and economic life. The Advisory Committee *considers it* essential, in order to facilitate access to employment for all, to avoid any excessively broad interpretation of the State language Law provisions regarding the occupations concerned by the compulsory use of the Latvian language, and opt for a more flexible application of these requirements.

185. The Advisory Committee *finds* that there is a need for a better assessment of the economic and social situation of persons belonging to national minorities. In particular, it *considers* that the difficulties and manifestations of discrimination faced by the Roma in sectors such as employment, education and access to public services require resolute measures from the authorities.

186. The Advisory Committee *finds* that, from the point of view of the non-discrimination principle, the exclusion of Latvia's "non-citizens" from the application of certain key provisions of this Convention, by virtue of Latvia's Declaration upon ratification and as a result of exceptions relating to them in the Latvian legislation, is problematic. The Advisory Committee *considers* that, in view of the particularly large number of "non-citizens" and their long-standing links with Latvia, the citizenship criterion raises more problems than in other countries. The authorities should, therefore, consider other criteria, such as permanent and legal residence in the country, to define the scope of the rights provided to persons identifying themselves with a national minority. It *considers* that it would be useful to revise the relevant legislation, policies and practices in order to facilitate these persons' access to rights which would enable them to preserve and develop their identity and participate fully in public life, including with active and passive electoral rights at the local level.

187. The Advisory Committee *finds* that, in spite of the efforts made by the authorities to accelerate the naturalisation process, the Latvian language proficiency requirements imposed in the context of the naturalisation procedure are perceived as a major obstacle to the access to Latvian citizenship. The Advisory Committee *considers* that the authorities should examine the situation, including the practical conditions under which the language tests are held, and take all necessary steps to ensure that candidates for citizenship can effectively prove their knowledge of the Latvian language during the testing as well as their genuine desire to integrate in Latvian society. In addition, more resolute efforts are required to improve the accessibility and quality of Latvian language courses and to create, in society, a climate more favourable to naturalisation.

#### **In respect of Article 5**

188. While welcoming the existing legal guarantees and the efforts made so far, at central and local levels, to support the preservation of the identity and cultures of persons belonging to national minorities, the Advisory Committee *finds* that the financial difficulties currently faced by the national minority organisations are a source for concern. They result, in particular, from a significant decrease in recent years in the funds earmarked in the state budget for them. The Advisory Committee *considers* that the authorities should review the allocation of financial resources to national minorities, in co-operation with their representatives, and take the necessary measures to provide a more adequate response to the existing needs. It also *considers* that the difficulties faced by the various communities in maintaining their cultural centres should receive the Government's full attention.

#### **In respect of Article 6**

189. The Advisory Committee *finds* it commendable that Latvia has taken measures to strengthen legal protection against racially or ethnically-motivated discrimination, hostility or violence, as well as the fact that Latvian courts have paid increased attention, in recent years, to the racist motivation of crimes. However, the Advisory Committee *finds* that the increasing number of racist incidents and increasingly frequent expressions of intolerance or hostility on the Internet, in particular towards the Russians, the Jews and the visible minorities, but also regarding the majority population, is a source of concern. It *considers* that the authorities should take more resolute action in this field, both in terms of prevention and monitoring and sanctioning of such acts.

190. The Advisory Committee *finds* that the Latvian society is, in general, characterised by a climate of tolerance and respect, in particular at the local level. It *finds*, however, that the full and effective integration of the Russian-speaking population, as well as of persons belonging to groups which have not been traditionally living in the country, including non-citizens, refugees and asylum-seekers, remains a challenge for Latvia. The rhetoric used by certain politicians and parts of the media is not conducive to an atmosphere of respect and mutual understanding between ethnic Latvians and persons belonging to minority groups. The Advisory Committee *considers* that the authorities should step up their efforts to raise awareness about human rights and promote respect for diversity amongst all those concerned.

191. The Advisory Committee *finds* that the domestic political atmosphere, including the political discourse about the language issue and public perceptions relating to the Latvian language testing process and its environment, deter people from making use of the naturalisation procedure. It *considers* that the authorities should carefully examine this situation and in particular the factors influencing the naturalisation process and to identify more suitable ways to promote its acceleration.

#### **In respect of Article 9**

192. The Advisory Committee *finds* that the persons belonging to national minorities benefit from legal and practical opportunities to have access to the audiovisual media and receive and impart information in their minority language, both in the public and private sectors. At the same time, it *considers* that the financial difficulties faced by certain minorities, in particular the numerically smaller ones, to maintain their print media deserve increased attention from the authorities.

#### **In respect of Article 10**

193. The Advisory Committee *finds* that legislative provisions imposing the exclusive use of the state language in the public sphere and in an increasing number of occupations or jobs in the private sector, as well as their implementation modalities, are a matter for serious concern. While acknowledging the legitimate aim of protection of the state language, the Advisory Committee *considers* that these measures represent a significant limitation of the right to use freely the minority language as provided by the Framework Convention. It *considers* that the authorities should seek to strike a balance between protection of the state language and the language related rights of the persons belonging to national minorities. In particular, the Advisory Committee *considers* it important that the authorities adopt a more flexible approach towards the monitoring system of the implementation of the Law on the State Language and opt for more constructive measures in this area.

194. The Advisory Committee *finds* that, as a result of the Declaration submitted by Latvia upon ratification of the Framework Convention, and by virtue of the state language-related legislation, persons belonging to national minorities cannot benefit, except in very few cases, from the right to use the minority language in dealings with the administrative authorities, as provided for by the Framework Convention. The Advisory Committee *considers* that, as a result, a considerable number of persons, belonging to the various national minorities are prevented from effectively participating in public affairs at the local level and from adequately accessing

public services. The domestic legislation in question should be reviewed so as to enable the effective implementation of Article 10.2 of the Convention.

### **In respect of Article 11**

195. The Advisory Committee *finds* that the issue of the use of minority languages in the individuals' first names and surnames has not been fully settled. It *considers* that the authorities should further examine this question and find ways to remedy the remaining shortcomings, in consultation with the representatives of national minorities.

196. The Advisory Committee *finds* that, as a result of the Declaration submitted by Latvia upon ratification of the Framework Convention, and by virtue of the national language-related legislation, persons belonging to national minorities cannot benefit from the right to use minority languages, alongside Latvian, for local topographical and other indications.

### **In respect of Articles 12 and 14**

197. The Advisory Committee *finds* that educational material and contents could better reflect the diversity of the Latvian society and *considers* that the authorities should strengthen their efforts in this regard.

198. While welcoming positive examples of steps taken to provide national minorities with adequate opportunities for quality education, the Advisory Committee *finds* that the availability of teaching in minority languages is diminishing and that there is a shortage of qualified teaching staff for bilingual education and adequate educational resources. It *considers* that the authorities should review the situation in co-operation with the representatives of the national minorities, and identify ways to ensure that the educational offer corresponds to the actual needs.

199. The Advisory Committee *finds* that the developments recorded in recent years have resulted in predominance of the Latvian language (with a requirement of minimum 60% of the secondary public school curricula for national minorities in Latvian) and more restrictive conditions placed on the use of minority languages in education. It also *finds* that the compulsory use of Latvian for the secondary school leaving examination raises problems for persons belonging to national minorities. The Advisory Committee *considers* that the authorities should take better account of the language-related needs and rights of persons belonging to national minorities through consultation and effective participation of minority representatives in the decision-making in this sphere.

200. The Advisory Committee *considers* that, although they are legitimate, the measures taken to reinforce the status and the use of the Latvian language should not result in depriving persons belonging to national minorities of the exercise of linguistic rights protected by the Framework Convention. It *considers*, at the same time, that the authorities should pay increased attention to the quality of teaching of Latvian for persons belonging to national minorities and adopt a flexible methodology, more adapted to the various categories of individuals concerned and their specific needs.

**In respect of Article 13**

201. The Advisory Committee *finds* it commendable that the state provides subsidies to private educational establishments set up by national minorities. Nevertheless, it *finds* that the reported trend towards extending the obligation to use Latvian in state-funded private universities that have been using minority languages as languages of instruction is a source of concern. It *considers* that the authorities should avoid undue interference in the private sphere and any measures which do not adequately respect the right of persons belonging to national minorities to set up and manage their own private educational establishments as set out in Article 13 of the Framework Convention.

**In respect of Article 15**

202. The Advisory Committee *finds* that the decision to close the government structure in charge of coordinating minority protection policies (the Secretariat for Integration), is a source of concern. It *considers* that the authorities should ensure the continuing operation of such a governmental structure, which should be provided with greater decision-making responsibilities.

203. The Advisory Committee *finds* that the Council for Minority Participation has a too limited role in the decision-making process with regard to measures affecting national minorities and *considers* that the authorities, in co-operation with the minorities' representatives, should identify ways of making it more effective.

204. The Advisory Committee *considers* that the authorities should find ways to enable more effective participation of persons belonging to national minorities and their political organisations in Latvia's political life. They should also review the application of the State language Law in order to make possible the use of minority languages in the context of the electoral process.

205. The Advisory Committee *finds* that there is a disproportionately low representation of persons belonging to national minorities in the civil service and *considers* that the authorities should do more to promote the recruitment of such persons in the civil service, including by reconsidering the approach to the language requirements to be applied in this context.

206. The Advisory Committee *finds* that the Roma continue to face a difficult social and economic situation, discrimination and even, in some cases, institutional exclusion from access to public services. It *considers* that the authorities should address these problems without further delay.

207. The Advisory Committee *finds* problematic that a large number of "non-citizens" who have longstanding links with Latvia and who are included in the protection provided by the Framework Convention, cannot exercise the right to participate effectively in decision-making on issues relevant to them, by voting or standing for election. Given the specific situation of Latvia and its minorities, the Advisory Committee *finds* this approach problematic from the standpoint of the Framework Convention. It *considers* that the authorities should take the necessary measures in order to provide "non-citizens" who identify themselves with national minorities with active and passive electoral rights at the local level.

**In respect of Article 18**

208. The Advisory Committee *finds* that Latvia should pay greater attention to bilateral co-operation in the field of protection of persons belonging to national minorities and it encourages the authorities to develop further the co-operation with the neighbouring countries in this field. Increased attention should be paid in this context to facilitating cross-border contacts by persons belonging to national minorities.



## V. CONCLUDING REMARKS

209. The Advisory Committee believes that the following concluding remarks reflect the main substance of this opinion and could thus serve as a basis for the relevant conclusions and recommendations which will be adopted by the Committee of Ministers.

210. The Advisory Committee notes with satisfaction the efforts made by the Latvian authorities in recent years to promote the integration of society. It welcomes the steps taken to improve the legal and institutional framework for protection against discrimination and racism and expects that the monitoring of the actual situation in this field will receive increased attention in the future. While acknowledging the efforts made by the Government to support preservation of the national minorities' specific cultures and identities, the Advisory Committee takes note with concern of the significant reduction, in recent years, of state financial support for the organisations of national minorities.

211. The Advisory Committee welcomes the inclusion of "non-citizens" identifying themselves with a national minority in the personal scope of application of the Framework Convention. It regrets however, as regards the extent of the rights available to "non-citizens" under the Framework Convention, that these persons are excluded from the protection of key provisions of the Framework Convention, in particular those relating to effective participation in public life, notably through active and passive electoral rights at the local level. Given the very large number of persons concerned and the specific context of Latvia and its minorities, the Advisory Committee strongly encourages the authorities to reconsider this approach and to ensure that no disproportionate restrictions are applied to these persons' access to the protection offered by the Framework Convention.

212. The Advisory Committee is concerned that persons belonging to Latvia's minorities cannot benefit from important provisions of the Framework Convention relating to the use of their minority languages, in dealings with the administrative authorities, notwithstanding the existing real need. This situation is not in conformity with the provisions of the Framework Convention. In addition, the Advisory Committee is concerned that the Latvian legislation does not permit the use of minority languages alongside Latvian in local topographical indications. More generally, while acknowledging the legitimate aim of protecting and strengthening Latvian as the State language, the Advisory Committee considers that all due attention should be paid to the effective enjoyment of the right of persons belonging to national minorities to freely use their minority languages.

213. The Advisory Committee considers that it is essential to avoid language-based discrimination of persons belonging to national minorities in the labour market, and calls upon the authorities to avoid applying disproportionate language proficiency requirements to access certain posts in the public sphere. Furthermore, it is deeply concerned by the increasingly frequent application of such requirements, especially with regard to private sphere occupations, as well as by the authorities' overall approach to the monitoring of the implementation of the language-related rules. The Advisory Committee encourages Latvia to favour a more constructive approach in this sphere, in particular through measures aimed to improve the accessibility of quality Latvian language teaching for those concerned. More generally, the effective participation of persons belonging to national minorities in social and economic life should receive increased

attention. The situation of the Roma, who continue to face difficulties in employment, education and access to services, should be adequately addressed as a matter of urgency.

214. Difficulties have also been noted in the field of education. While recognising positive examples of quality education available to persons belonging to national minorities in certain municipalities, the Advisory Committee notes with regret a disturbing trend in this field. For example, as a result of specific legislative measures, the share of minority languages as the language of instruction has been significantly reduced in recent years. Difficulties are also reported as regards the availability of qualified teaching staff for bilingual education and of adequate educational materials. The obligation to use Latvian in the context of the secondary school final examination and the plan to introduce compulsory and exclusive use of Latvian in state funded private universities that have been using minority languages as languages of instruction, are a source of concern, as reported by national minorities, notably the Russians.

215. Shortcomings relating to the effective participation of persons belonging to national minorities in the decision-making process need to be addressed. The participation through the Council for Minority Participation or equivalent structures should be strengthened and made more efficient. A governmental structure in charge of national minority issues should be maintained, with an increased decision-making role on minority-related issues. The access of "non-citizens" identifying themselves with a national minority to public affairs should be improved as a matter of priority. All the necessary steps should be taken, including at the legislative level, to provide them with electoral rights at the local level.

216. In spite of the efforts made to accelerate the naturalisation process and notwithstanding progress noted in this regard, the number of "non-citizens" remains particularly high and the lack of citizenship continues to have a detrimental impact on the enjoyment of full and effective equality and social integration. The large number of 'non-citizen' children is a matter of deep concern. Particular efforts are required in order to promote conditions more conducive to a genuine motivation for naturalisation. The Advisory Committee urges Latvia to address this situation as a matter of priority, to identify its underlying causes and to take all the necessary measures to promote naturalisation.