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Country Visit: Latvia
Report of the Personal Representative of the OSCE Chairperson-in-Office on
Combating Anti-Semitism
Rabbi Andrew Baker

July 3-5, 2013

A view from the Jewish Community and civil society

The date of my visit coincided with the annual observance of Holocaust Remembrance Day in Latvia on July 4. The date marks the anniversary of a vicious Nazi attack in 1941 shortly after the German army's arrival in the country. The focus of commemoration is a ceremony on the site of the former synagogue in which state leaders, prominent politicians and diplomats participate together with Latvian Holocaust survivors. (I was invited to speak at this ceremony and a copy of my remarks is appended to this report.)

There were some Latvians who assisted and collaborated with the Nazis as members of commando groups and later as Latvian Legionnaires and soldiers in the Waffen SS. In 1998 Latvia along with its fellow Baltic States established an international historical commission tasked in part with examining the country's Holocaust-era past. Since Latvia was annexed to the Soviet Union even before the end of World War II there was never the possibility of confronting this chapter in its history in an open and critical way until independence was reestablished in the 1990s.

When asked about the problems of anti-Semitism, Latvian Jews still largely focus on this problematic history and the various present-day reactions to it.

March 16, 1944 marked the date of a battle between the Latvian Legionnaires and the Soviet Army, and in post-Communist Latvia it is celebrated by these veteran soldiers with a march through the center of Riga. For a short time from 1998 it was declared an official commemoration day, and senior government officials participated in or received these veterans, some of whom donned their old Legionnaire or SS uniforms for the occasion. However, as a result of both international criticism and greater self-reflection, the mainstream political leadership steadily began to distance itself from this event, as I noted in my 2009 report. Nevertheless, the event still takes place and draws attention.

Many Latvians justly feel that they were persecuted during the half-century occupation by the Soviet Union and those feelings are also at play during this annual event. With a significant Russian minority especially in the capital city of Riga tensions between Latvians and Russians frequently surface.

Some of these nationalist groups include anti-Semitic slogans and speeches in their demonstrations. Nevertheless, the Jewish Community tries to maintain a low profile during these events. One Jewish leader says it is now basically a "political quarrel" [between Latvians and Russians] and thinks the Jewish community is wise not react even if there are some who criticize them for remaining silent.

Physical incidents of anti-Semitism are rare and will merit a strong reaction by government authorities. However, confronting anti-Semitism in public discourse and on the Internet is less robust. This is so even as the more traditional means of fomenting anti-Semitism in books and newspapers have largely gone on-line. While laws that allowed authorities to restrict printed materials also apply to the electronic media, Jewish groups say little is done to enforce them.

Some Jewish representatives also believe the presence of the right wing, All for Latvia Party, in the governing coalition is contributing to the problem.

Educational efforts in Latvia include the development of teaching materials in cooperation with ODIHR, but community representatives say that the small number of materials actually printed—which result in only one copy per school—mean that they cannot be effectively used. The adoption of a new state curriculum will cede more autonomy to local schools, and thus there is a concern that this will result in still less attention given to teach about the Holocaust.

Government Measures

Ombudsman

The Ombudsman works closely with the security police on incidents of discrimination and has organized a number of training programs for police officers. While the Ombudsman has not received any direct complaints of anti-Semitism, it does monitor the effectiveness of the police in their fight against anti-Semitism with regard to following legal and criminal procedures.

The Ombudsman has also conducted an examination of the use of aggressive words on the Internet, which has demonstrated that such hateful language peaks at the time of the March 16th events.

The office has registered only a limited number of racial discrimination cases. The Ombudsman is eager to do more but, while independent, is reliant on the Parliament for his budget, and additional support is not forthcoming.

Minister of Foreign Affairs

The Ministry has taken an active interest in the hate crime data provided by the security police, and its analysis determined that much of the Internet hate speech correlated with the difficult economic situation in recent years. The Minister believes that police and judges have made significant progress during the last five years in understanding and dealing with anti-Semitic issues. He noted that anti-Semitic incitement on the Internet is less evident than is that leveled by Latvians and Russians against each other.

Efforts to resolve Jewish communal property claims have stymied. Proposed legislation to settle these claims failed to pass Parliament in 2006, and since then discussions with the

Latvian Jewish Community, supported by international Jewish organizations and with mediation efforts undertaken by the US State Department Special Envoy, have been unsuccessful in agreeing on new legislation or a clear path forward. When issues of Jewish property claims appear in the media they will generate anti-Semitic reactions in parts of the society, according to the Minister.

The Minister acknowledged that the complicated, coalition government has hampered progress on restitution and suggested that direct conversations between Jewish community leaders and the individual parties could be helpful.

Ministry of Justice

With regard to legislation intended to address hate crimes, Article 78 of the Criminal Code regarding “acts against peace or promoting genocide” provides for a penalty of up to ten years. In other cases, matters of race or ethnicity are considered an aggravating factor when imposing punishment.

However, as racism is interpreted very narrowly, new legislation is being drafted that will broaden its reach. (It is a reflection of this problem that only a small number of criminal cases of anti-Semitism have been recorded which, since 2007 amount to five convictions, four found not-guilty, and one case still pending.) In the development of new legislation the Ministry has established a working group that includes NGOs and other stakeholders and that will seek the advice of ODIHR and the European Commission. Officials also noted the need for insuring that police and judges have a better understanding of racism, discrimination and hate crimes and improving the ability of judges to take into account international conventions in their deliberations and rulings.

Interest was expressed in cooperating with ODIHR in training judges and prosecutors, something that might be implemented in 2014 when sessions will be organized to acquaint them with the new legislation once it comes into force.

The EU/FRA working definition of anti-Semitism was shared with and accepted by Ministry officials as a tool that can be useful in their training.

Ministry of Interior

The security police has a narrow competence with regard to policing the Internet, with a focus on counter-terrorism and hate crime investigations as defined by Chapter 9, Section 78 of the criminal code—crimes against humanity, peace, genocide and promoting racial hatred. Based on the assembled statistics from 2005 to 2012 there has been a slow increase with 90 cases investigated during this period and 16 cases investigated during the first half of 2013. Most involve expressions against Latvians or Russians, while three are related to hateful expressions against Jews. The Ministry reports that anti-Semitic discourse often accompanies public discussion on Jewish property restitution.

Latvian law prohibits the display of Nazi symbols.

The state police maintain a special unit that monitors the Internet with a goal of identifying hidden threats or acts of violence on-line. When they find hate speech based on religious or ethnic or national grounds it is referred to the security police. The security police may also receive complaints directly from NGOs or individuals and can depending on their investigation initiate criminal proceedings.

One problem in the investigation of hate crimes is the lack of expertise. Police routinely seek the advice from independent experts in the NGO community such as the Latvian Center for Human Rights, but those experts are few. This may further impede police and prosecutor efforts to prove the hate motivated nature of crimes.

Ministry of Culture and Department of School Integration (joint meeting)

The Ministry of Culture is responsible for intergovernmental coordination on promoting non-discrimination and inter-ethnic and inter-cultural understanding. The Ministry will collect information on discrimination, including anti-Semitism. A governmental document, "Guidelines on National Identity, Civil Society and Integration Policy 2012-2018," has been prepared together with an action plan. Anti-Semitism is not explicitly mentioned in the document but would fall under the category of anti-discrimination and social inclusion.

References to anti-Semitism and the Holocaust appear several times in school curricula for both primary and secondary school students in classes on social science, history and geography. These topics are also included in the teacher training materials for in-service courses. Last year 25 Latvian teachers participated in Holocaust education training courses offered by Yad Vashem in Jerusalem and some 95 teachers are on a waiting list to participate in 2014. Latvia also cooperates with the International Holocaust Remembrance Alliance and other organizations in the field of Holocaust remembrance as well as with the Embassy of Israel. Ministry officials also confirmed that the ODIHR teaching materials prepared in cooperation with the Anne Frank House have been shared with schools, but because of the limited availability there is only one copy in each school library. They would like to have more printed and in use.

It was noted that the action plan on social integration (cited above) did not include any recommendations on Holocaust education and hope was expressed that this would be corrected before the final document was completed later in the year.

Among other activities that play a positive role were mentioned a four times yearly meeting of a council of national minorities, training sessions for journalists and workshops with NGOs and teachers on hate crimes.

Recommendations

- Secure the necessary resources to print sufficient copies of the ODIHR teaching materials to combat anti-Semitism so that they can be truly put to use in the schools.
- The Ministry of Justice should follow through with the ODIHR in securing experts and assistance in the training of judges and prosecutors in 2014.

- The Ministry of Interior should follow through with its initial expression of interest in cooperating with ODIHR in implementing the TAHCLE police training program.
- Increase financial support for the office of the Ombudsman.
- Noting that anti-Semitic discourse regularly accompanies discussion of Jewish property restitution issues, a final government resolution to the outstanding property claims might have the additional benefit of putting an end to the discourse.

Meetings in Riga:

Representatives of civil society, community and non-governmental organizations

- Arkady Suharenko, Chairman of the Jewish Community
- Gita Umanovska, Executive Director of Council of Jewish Communities of Latvia
- Ilya Lensky, Director of the Museum "Jews in Latvia"
- Dace Saleniece, Tolerance Center
- Anhelita Kamenska, Latvian Center for Human Rights
- Daiga Zvaigznite, Chairman of "Ebreju draugi" (Friends of Jews)
- Dmitrij Krupņikov, Member of the Executive Board of Council of Jewish Communes
- Ruvín Ferber, Director of the Center for Judaic studies

Ombudsman's Office

- Juris Jansons, Ombudsman
- Charlotte Bērziņa, Head of Division of Equal Treatment
- Laura Bagātā, Consultant of Communication and International Co-operation

Ministry of Foreign Affairs

- Edgars Rinkēvičs, Minister
- Einars Mikelsons, Head of Human Rights Division, International Organizations and Human Rights Department
- Reinis Brusbārdis, Third Secretary, International Organizations and Human Rights Department

Ministry of Justice

- Mārtiņš Lazdovskis, State Secretary
- Inguss Kalniņš, Understate Secretary

Ministry of Interior

- Viktors Elksnis, Understate Secretary
- Arturs Jansons, Representative of the Security Police
- Rihards Polaks, Representative of the Security Police
- Solveiga Salienice, Representative of the Security Police
- Armands Logins, Representative of the State Police

- Imars Spilva, Representative of the State Police

Ministry of Culture

- Solvita Vēvere, Director of Society Integration Department,
- Deniss Kretalovs, Senior Desk Officer, Society Integration Department

Ministry of Education and Science

- Olita Arkle, Desk Officer, General Education Department

Accompanied by OSCE/ODIHR

- Anne Giebel - Adviser on combating anti-Semitism, Tolerance and Non-Discrimination Department
- Dmitry Ivanov - Associate Programme Officer, Tolerance and Non-Discrimination Department

Rabbi Andrew Baker
Personal Representative of the OSCE Chair-in-Office on Combating Anti-Semitism
Commemoration Remarks
Riga, Latvia
July 4, 2013

The Psalmist tells us that the span of a lifetime is “three score and ten.” By this measure the events which we commemorate today are receding into history. Those eyewitnesses to the crimes of the Holocaust are now few in number. The obligation to remember has now passed to their children and their grandchildren. Those first person accounts with their power and immediacy have been supplemented and will soon be replaced entirely by museums and textbooks and official ceremonies such as this one.

Those crimes—the attempted murder of an entire people on the European continent which came to be known as the Holocaust and for which a new term, “genocide,” was coined—were carefully planned and publicly announced. Hitler’s intentions were spelled out, and once in power anti-Jewish measures were imposed and stepped up day by day. In occupied or allied countries Germany’s “war against the Jews” was fought alongside its military campaign. There were resisters and even rescuers among the local population but mostly the Nazis could count on docile by-standers and the help of local collaborators.

Latvia was no exception.

In nearly all of these countries anti-Semitism was commonplace. It drew on a combination of conspiracy theories about Jews, traditional Christian hostility to Judaism, and xenophobic nationalist movements and was further inflamed by a powerful Nazi propaganda machine. Certainly this unprecedented mass murder could not have happened without the Nazis. But it would not have been so complete without this anti-Semitism.

In the lifetime that has passed since those dark days we have witnessed much that is good. The Communist oppression which replaced Nazi rule in this region of Europe has been lifted. Democracy has taken root. Membership in NATO and the European Union has knitted us together and provided security and optimism. Inter-ethnic conflicts have not disappeared, but peaceful means are the tools of choice to resolve them.

Yet while much has changed anti-Semitism has not disappeared.

Despite their small numbers, Jews still face physical and verbal harassment and even violent attacks in some European countries. In some places anti-Semitic sentiments come in the guise of anti-Israel or anti-Zionist rhetoric. In others economic uncertainty and political inability have opened the door to new right-wing extremist parties which are strongly xenophobic and openly anti-Jewish.

A recent survey of 6,000 Jews in nine EU countries (including Latvia) conducted by the EU Agency for Fundamental Rights found some disturbing results. Concerned about anti-Semitism, Jews in a number of countries ponder whether they should stay or leave. Forty-eight percent of Jews in Hungary, 46 percent of Jews in France and 40 percent of Jews in Belgium say they have considered emigrating. Twenty-two percent of all these European Jews say they now avoid attending a Jewish event or visiting a Jewish site for fear of encountering anti-Semitism.

Of course the nature and source of the problem may vary country by country. But the solution—at least broadly prescribed—is the same. We need to step up security. We need more and better education not only for tolerance in general but also on the specific challenge of anti-Semitism. And we need to encourage more voices to speak up and speak out in the political arena, on the Internet, in social media and in all those new and traditional venues where anti-Semitic and other hate speech have become endemic.

The lessons that we draw from today's solemn commemorations are not only about the past. They are very much about our future.