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**Report submitted by Latvia  
pursuant to Article 25, paragraph 1  
of the Framework Convention  
for the Protection of National Minorities**

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## 1 General Information about Implementation of the Convention in Latvia

### Introduction

1. The *Saeima* (Parliament of Latvia) ratified the 1994 Council of Europe Framework Convention for the Protection of National Minorities (the Convention) on May 26, 2005. It took effect in Latvia on October 1 of the same year.

2. Latvia's community of permanent residents consists of citizens, non-citizens, foreigners and stateless persons. Upon the ratification of the Convention, Latvia announced that the concept of "national minorities" in the context thereof "refers to the citizens of Latvia who, in terms of culture, religion or language, differ from Latvians, have traditionally lived in Latvia for many generations, consider themselves to belong to the state of Latvia and the Latvian society, and wish to preserve and develop their culture, religion or language".

The application of the Convention was broadened significantly by Latvia's declaration that persons who are not citizens of Latvia but who live in Latvia legally and on a permanent basis, while not being part of a national minority in the context of the above definition, will have access to the rights defined in the Convention, provided that they identify themselves with a national minority in accordance with the above definition and if the national law does not define special exceptions to the rule.

3. The status of Latvia's non-citizens is defined in the 1995 law "On the Status of Those Former USSR Citizens who are not Citizens of Latvia or Any Other State". Article 1 of this law defines non-citizens in the following way: those citizens of the former USSR or their children, residing in Latvia or are temporarily away from the country for a specified period of time, who are not or have not been citizens of Latvia or any other country, who had registered residence in Latvia as of July 1, 1992, as well as persons whose last registered place of residence before July 1, 1992 was Latvia, or persons who resided on the territory of Latvia for at least 10 years without interruption. This essentially means that each non-citizen of Latvia enjoys the rights defined in the Convention, provided that he or she associates himself or herself with a national minority. Moreover, Article 2 of the law "On the Status of Those Former USSR Citizens who are not Citizens of Latvia or Any Other State" foresees that non-citizens enjoy the human rights and obligations defined in the *Satversme*. Non-citizens also have the right to preserve their native language and culture within the framework of cultural autonomy, provided that this is not in violation of the laws of the Republic of Latvia.

4. **Latvia's population by ethnicity. Information of the Population Registry, Office of the Citizenship and Migration Affairs, data as of August 16, 2006.**

	<b>Citizens</b>	<b>Non-citizens</b>	<b>Foreigners, stateless persons</b>	<b>TOTAL</b>	<b>%</b>
Latvians	1 345 995	1 882	1 105	<b>1 348 982</b>	58,9%
Lithuanians	18 182	11 238	1 704	<b>31 124</b>	1,4%
Estonians	1 529	629	373	<b>2 531</b>	0,1%
Belarusians	30 239	53 673	2 095	<b>86 007</b>	3,8%
Russians	359 633	268 779	22 017	<b>650 429</b>	28,4%
Ukrainians	15 934	38 542	3 788	<b>58 264</b>	2,5%
Poles	40 860	13 691	588	<b>55 139</b>	2,4%
Jews	6 519	3 463	404	<b>10 386</b>	0,5%
Others	26 291	13 830	5 940	<b>46 061</b>	2,0%
<b>TOTAL</b>	<b>1 845 182</b>	<b>405 727</b>	<b>38 014</b>	<b>2 288 923</b>	100,0%

5. When Latvia ratified the Convention, it added two declarations to explain the way in which the Convention's provisions are implemented in Latvia. In one of the declarations, Latvia announced that it considers the requirements of Paragraph 2 of Article 10 of the Convention to be binding insofar as they are not in conflict with the *Satversme* and other legislative provisions in force in Latvia concerning the use of the state language. The second declaration, in its turn, stipulates that the requirements of Paragraph 3 of Article 11 of the Convention are binding insofar as they are not in conflict with the *Satversme* and other legislative provisions in force in Latvia concerning the use of the state language.

6. A public information campaign about the content and requirements of the Convention was launched in 2005 by the Secretariat of the Special Assignments Minister for Social Integration (SSAMSI). The campaign was aimed, among others, at ensuring the proper coordination of the implementation of the Convention's provisions. The seminar "On the Framework Convention for the Protection of National Minorities" was organized on February 24, 2005, which was attended by 29 national minority NGO (NM NGO) representatives from Riga, Daugavpils, Jekabpils, Tukums, and Jelgava. SSAMSI released a collection of documents, including the Convention itself, as well as the text of the law "On the Framework Convention for the Protection of National Minorities" in Latvian, Russian and English. A brochure in four languages (Latvian, Russian, Ukrainian, and Belarusian) focusing on the content of the Convention, the obligations and opportunities of each member state, as well as the monitoring process was also produced. On November 29, 2005, a conference "The Practice of Implementing the Council of Europe Framework Convention for the Protection of National Minorities" was organized. Specialists in public administration from Estonia and Lithuania took part, as did the former Chairperson of the Advisory Committee on the Framework Convention for the Protection of National Minorities, Rainer Hoffman. There were also representatives and experts from NM NGOs. There were also organized three seminars outside Riga – in Liepaja, Daugavpils and Rezekne.

7. A working group to draft the national report on the implementation of the Convention was established upon an ordinance by the Prime Minister of February 23, 2006. The working group included representatives of the Foreign Ministry, the Representative of the Government of the Republic of Latvia before International Human Rights Organizations, the SSAMSI, NB, NRTC, MCFA, MC, the Union of Local and Regional Governments of Latvia, the Ministry of Regional Development and Local Government, MES, and the Ministry of Justice.

8. The report includes information related to the period of time of up until mid-August 2006.

### **The Latvian legal system and the role of the Convention therein**

9. Latvian legal system is based on the doctrine of monism – international legislative acts, which have passed through the relevant procedure are recognised as a part of the national legal system. Such international legislative provisions have precedence over the national law. This principle was initially recognized in the Declaration on the Restoration of Independence of the Republic of Latvia (May 4, 1990), which Article 1 recognizes the priority of the basic principles of international law over the provisions of the national law. Pursuant to Article 13 of the January 13, 1994, law “On the International Agreements of the Republic of Latvia” if an international agreement approved by the *Saeima* contains provisions that are different than those foreseen by the legislative acts of the Republic of Latvia, then the rules of the international agreement shall prevail. According to the Latvian laws and basic legal principles, the provisions of international agreements ratified in accordance with the specified procedure can be applied directly.

10. Latvia’s national courts, including the Constitutional Court, on numerous occasions have referred to and applied in their judgments the provisions of binding international agreements.<sup>1</sup>

11. One of the objectives of the Administrative Procedure Law (2001) is to ensure the observance of the basic principles of a democratic state, the rule of law, in particular human rights, in specific public legal relations between the State and a private person. Article 6 of the Administrative Procedure Law states that in matters with same factual and legal circumstances, institutions and courts shall adopt same decisions (in matters where there are different factual or legal circumstances – different decisions), irrespective of the gender, age, race, skin colour, language, religious beliefs, political or other opinions, social origin, ethnicity, education, social and financial status, occupation or other circumstances of participants in the administrative proceedings. Article 17 of the Administrative Procedure Law states that an institution or a court may not use the method of analogy in adopting an administrative act, which infringes human rights of an addressee.

Article 15 of the Administrative Procedure Law defines the way in which legislative acts; the general principles of law, and the principles of international law are applied. Institutions and courts shall observe the following hierarchy of the external legislative acts:

- 1) The Satversme;
- 2) Laws, and Cabinet of Ministers’ regulations adopted in accordance with Article 81 of the Satversme;
- 3) Cabinet of Ministers’ regulations; and

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<sup>1</sup> The Constitutional Court can be found at <http://www.satv.tiesa.gov.lv>. The Supreme Court of the Republic of Latvia: <http://www.at.gov.lv>. A portal for Latvia’s courts: <http://www.tiesas.gov.lv>.

4) Binding regulations of local governments.

According to Paragraph 3 Article 15 of the Administrative Procedure Law, provisions of international law regardless of their source shall be applied in accordance with their place in the hierarchy of external legislative acts. In case of a conflict between a provision of international law and a provision of the Latvian law of the same legal force, the provision of international law shall apply.

**Latvia's institutional system**

12. In accordance with the Constitution of the Republic of Latvia, Latvia is an independent democratic republic, and the sovereign power of the State of Latvia is vested upon the people of Latvia. Legislative authority rests with the *Saeima*, which is composed of 100 people's representatives. The *Saeima* shall be elected in general, equal and direct elections, by a secret ballot based on proportional representation.

The President of Latvia is elected by the *Saeima* for a term of four years. The President is elected by a secret ballot with a majority of the votes of not less than fifty-one members of the *Saeima*. The President represents the State in international relations, appoints the diplomatic representatives of Latvia, as well as receives diplomatic representatives of other states. The President implements the decisions of the *Saeima* concerning the ratification of international agreements.

Executive authority in Latvia rests with the Cabinet of Ministers (CM). The President nominates the Prime Minister, who, together with the Cabinet (the Government) is approved by the *Saeima*. The CM establishes and manages the institutional system of direct administration. Each ministry is run by a minister. Ministries are the leading institutions in the relevant areas of public administration. Ministries organize and co-ordinate the implementation of laws and other legislative acts, as well as develop policy in the relevant sector.

13. The principles of Latvia's legal system and administration of justice, as well as the legal status of judges, are defined in the *Satversme*, the 1992 law "On administration of justice", and in procedural laws. Latvia has a three-level system of courts, including district (city) courts, regional courts, and the Supreme Court.

14. Article 92 of the *Satversme* provides that "everyone has the right to defend their rights and lawful interests in a fair court". The same article says that "everyone, whose rights have been infringed without basis, has a right to just satisfaction". In a judgment of December 5, 2001,<sup>2</sup> the Constitutional Court ruled that "the provision of Article 92 of the *Satversme* (...) includes a general guarantee – if the state has violated the rights of an individual, the latter has the right to compensation. As any human rights provision, the provision incorporated in the third sentence of Article 92 of the *Satversme* shall be applied directly and immediately."

15. On November 30, 2000, the law on the Constitutional Court was amended, providing that as of July 1, 2001, individuals have the right to apply to the Constitutional Court to rule on whether the national laws and international agreements to which Latvia is a party are in conformity with the *Satversme*; whether other legislative acts or their components are in conformity with provisions of higher-ranking legislative acts, as well as with those international agreements to which Latvia is a party that are in conformity with the *Satversme*. Constitutional complaints (petitions) may be submitted to the Constitutional Court by anyone who feels that

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<sup>2</sup> See [http://www.satv.tiesa.gov.lv/LV/Spriedumi/07-0103\(01\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/07-0103(01).htm).

his/her basic rights, as defined in the *Satversme*, are being violated by a legislative provision, which is not in compliance with a higher-ranking legislative provision. As of the moment of adoption of the present report, the Constitutional Court has not received any complaints referring to the provision of the Convention.

16. The Latvian National Human Rights Office (LNHRO) was established in 1995.<sup>3</sup> It is an independent institution, which protects and promotes human rights in accordance with an Annex to the United Nations Resolution 48/134 (December 20, 1993), “Principles Relating to the Status of National Institutions” (the so-called Paris Principles). Article 1 of the 1996 law “On National Human Rights Office” says that the LNHRO is an independent state institution that promotes observance of human rights in Latvia in accordance with the *Satversme* and international human rights agreements binding upon Latvia. In accordance with the law, the LNHRO examines written complaints alleging violations of human rights, as well as offers oral consultations. The LNHRO studies the national situation for observance of human rights, as well as develops programmes to promote such observance. The LNHRO analyzes conformity of the Latvian legislative provisions with the international human rights agreements binding upon Latvia. The LNHRO on a regular basis submits petitions to the Constitutional Court. In 2005, it offered its views to the Constitutional Court in five cases. Once a year, the LNHRO submits a written activity report to the *Saeima* and the CM, and once in a quarter – a written survey on current human rights issues. Since November 16, 2005, the LNHRO Discrimination Prevention Department has been established and is successfully operating.

17. The Law on the Rights’ Defender (the Ombudsperson) was adopted on April 6, 2006, with the aim of further developing human rights’ protection, as well as to ensure that the state authority is using its power expediently and in accordance with principles of rule of law and good governance. The law will take effect on January 1, 2007. The Office of the Rights’ Defender will become the successor of the LNHRO. One function of the Rights’ Defender will be to ensure that the principle of equal treatment is observed and discrimination is prevented. The Rights’ Defender will have the right to apply to court in cases of violation of the principle of equal treatment.

18. On December 27, 2002, the CM adopted Regulation No 612 establishing the Secretariat of the Special Assignments Minister for Social Integration (SSAMSI). One of the SSAMSI tasks is to co-ordinate the Government’s support for national minority cultural organizations, as well as to ensure implementation of international agreements to which Latvia is a party. A Department of National Minority Affairs has been established within the SSAMSI.

19. The State Culture Capital Foundation was established on the basis of a separate law in 1997. The Foundation helps to ensure a balanced development of all areas of culture and the arts, as well as preservation of Latvia’s cultural heritage.

20. The Latvia’s Society Integration Foundation (LSIF) was established in accordance with the Law on Society Integration Foundation adopted by the *Saeima* on July 5, 2001. The LSIF provides financial support for the processes of public integration in accordance with the guidelines of the relevant Government programme. The LSIF tasks are to attract, collect and manage resources, which are then distributed among public integration projects. It defines criteria and basic principles for the evaluation of public integration projects; defines criteria and methodological instructions related to the preparation of integration projects; announces and organizes tenders for financing public integration projects; develops and submits proposals to

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<sup>3</sup> See [www.vcb.lv](http://www.vcb.lv).

the CM on national budget resources necessary for the implementation of public integration process; ensures the complete transparency of its activities; publishes information in the official gazette *Latvijas Vēstnesis* on the amount of financing for public integration projects and the source of targeted financing; maintains and updates a publicly available database on the public integration projects submitted to and financed by the LSIF; receives and analyses information about prospective financing projects; manages its financing in a targeted and effective manner by controlling its use; prepares and publishes an annual activity report in *Latvijas Vēstnesis*.

### **Laws in the field of protection of national minorities**

21. Article 114 of the Latvian *Satversme* provides that “persons belonging to national minorities have the right to preserve and develop their language and their ethnic and cultural identity.”

22. Since Latvia’s accession to the European Union, it has also undertaken to comply with the Union’s legal system, which provides not only for improvements in the fields of economics, social solidarity, economic activities and environment protection, but also elimination of discrimination based on gender, racial or ethnic origin, religion, views, disability, age and sexual orientation.

23. According to the March 19, 1999 Law “On the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups” “Latvia’s residents are guaranteed, regardless of their national origin, equal human rights as provided for by international standards”. The Law guarantees to all Latvia’s permanent residents, regardless of their national origin, equal rights to work and remuneration therefor, as well as prohibits any actions aimed at restricting, based on national origin, the opportunities of the permanent residents to choose their profession or occupation meeting their skills and qualifications. Article 5 of the same law provides that all permanent residents of Latvia are guaranteed the right to organize their own national organizations, unions and associations. The State is obliged to facilitate their work and financial support.

24. The September 7, 1995 Law on Religious Organizations provides equal treatment of all residents irrespective of their attitudes towards religion. In accordance with the same law, national minority schools curated by the State or local governments, respecting the will of the students, their parents or guardians, and in accordance with the procedure established by MES, may teach religious subjects characteristic to the relevant national minority. The law also guarantees the right of parents to raise their children in accordance with their religious beliefs.

25. In 2004 and 2005 the 2001 Labour Law was amended in order to implement EU Council Directive 2000/43/EC 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, as well as the EU Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

26. While working on the draft law on the ratification of the Convention, an analysis of the compatibility of the Latvian legal system with the Convention’s provisions was performed, concluding that the national legal system is in conformity therewith. Thus, it was not necessary to adopt new legislative acts or amend the existing ones in order to ratify the Convention.<sup>4</sup>

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<sup>4</sup> Annotation to the draft law “On the ratification of the Framework convention on the protection of national minorities”, [http://www.mk.gov.lv/doc/2005/AManot\\_160505.doc](http://www.mk.gov.lv/doc/2005/AManot_160505.doc)



## History

27. Latvia's society is multi-ethnic. Traditional national minorities began to appear in the territory of Latvia in the 13<sup>th</sup> century, when German tradesmen, the Roman Catholic Church and crusaders began to wage a crusade against the Baltic and Finno-Ugric tribes of the Eastern Baltic region, including Latvia. The Latvian nation emerged over the course of the centuries alongside Baltic German, Russian, Jewish, Polish, Estonian and Lithuanian communities. A multi-cultural environment emerged in the larger cities, particularly in Riga. There were economic and social differences among the nationalities, but they never turned into conflicts of an ethnic nature.

28. In the 1920s and 1930s, national minorities (Russians, Jews, Baltic Germans, Belarusians, Lithuanians, etc.) made up one-quarter of Latvia's population. The Republic of Latvia guaranteed cultural autonomy for national minorities. Several national minorities were represented in the Saeima by the members of the national parties. National minorities in Latvia were treated significantly better than in other European states, as well as they were entitled to more rights. The laws of December 8, 1919, "On educational establishments" and "On the structure of national minority schools in Latvia" provided for state and local governments' financial support to national minority schools, as well as directed educational activities in Latvia towards the cultural-national autonomy. The national minorities actively used their guaranteed opportunities to establish national schools, associations, organizations, cultural institutions, as well as to publish media in their native language. Among the European states, only Latvia and Estonia provided financial support from the state budget to national minorities' education in their native languages.<sup>5</sup>

29. On 23 August 1939 the foreign ministers of Germany and the Union of the Soviet Socialist Republics ("USSR") signed a non-aggression treaty (the "Molotov-Ribbentrop Pact"). The treaty included a secret additional protocol, approved on 23 August 1939 and amended on 28 September 1939, whereby Germany and the Soviet Union agreed to settle the map of their "spheres of influence" in the event of a future "territorial and political rearrangement" on the territories of the then-independent countries of central and eastern Europe, including the three Baltic States of Lithuania, Latvia and Estonia. After Germany's invasion of Poland on 1 September 1939 and the subsequent start of World War II, the Soviet Union began exerting considerable pressure on the governments of the Baltic States with a view to taking control of those countries pursuant to the Molotov-Ribbentrop Pact and its additional protocol. Following an ultimatum to allow an unlimited number of Soviet troops to be stationed in the Baltic countries, on 16-17 June 1940 the Soviet army occupied Latvia.<sup>6</sup> As a result of World War II and occupation the ethnic composition of the Latvia's population has undergone significant changes. As a consequence of the Soviet and German policy 51,000 Baltic Germans had left Latvia. Following Latvia's occupation by the USSR in 1940 together with Latvians also Jews, Poles and other ethnic groups were deported. During the four years of German occupation of the Latvia's territory the Jewish community was totally eliminated. In 1941 the USSR authorities deported more than 15,000 people, including approximately one hundred of nurslings less than one year of age, as well as more than 3,000 children below 16 years of age. Even larger

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<sup>5</sup> D.Bleiere, I.Butulis, I.Feldmanis, A.Stranga, A.Zunda The History of Latvia, XX Century, Jumava, 2005, page 187.

<sup>6</sup> See *Tatjana Ždanoka v. Latvia*, (application Nr. 58278/00), European Court of Human Rights judgment of March 16, 2006, paragraph 12-13.

deportations were carried out by the USSR authorities in 1949, when 45,000 people were deported to Siberia.

30. At the end of World War II, in 1944-1945, the Soviet Union for the second time occupied the territory of Latvia. As a result of the USSR targeted policy some 1.5 million people from different regions thereof moved to Latvia, both voluntarily and forcibly. Approximately one-half remained here for life, thus creating significant changes in the ethnic composition. By 1989, the percentage of ethnic Latvians in Latvia had declined to 52% (as opposed to 77% in 1935).

31. Upon the restoration of its statehood in 1991, Latvia also restored the rights of national minorities, as well as commenced naturalization and integration into the Latvia's society of those immigrants who moved to Latvia during the Soviet Union's rule. Integration of society moved to the forefront of the priorities for the Latvian Government.

### **Development of Citizenship Institute**

32. Latvia has more than 10 years of experience with citizenship related issues. It must be noted that this was the time period of legal developments and accumulation of experience. The Government of Latvia continues this work, at the same time preserving the core principles of the national citizenship policy:

- Avoiding any kind of discrimination in the citizenship matters;
- Harmonising the lawful interests of individuals and the interests of the state;
- Prohibition of arbitrary deprivation of citizenship;
- Reducing the number of non-citizens.

33. Latvia's specific situation upon restoration of its statehood after 50 years of occupation was determined by several factors. The first one being the ethno-demographic situation, which emerged during the Soviet period (ethnic Latvians represented only 52% of the population). The second factor was fundamentally different approach to citizenship, and understanding of democracy in the Latvian society. This specific situation determined the substance of legislative acts regulating the institute of citizenship in the restored Latvian state, that is, to maintain the link with the pre-war Republic, recognizing that the body of Latvian citizens for the first time defined in accordance with the August 23, 1919, Latvian law "On Citizenship" continues to exist. Therefore, a procedure was set up for identifying the body of Latvian citizenship, registering in the Population Registry persons who were Latvian citizens on June, 17, 1940, and their descendants. Thus, Latvian citizenship by registration obtained 1,770,800 persons, including 288,864 Russians, 39,087 Poles, 21,017 Belarusians, as well as representatives of other ethnicities.

34. In its declaration of May 4, 1990, "On the Restoration of Independence of the Republic of Latvia" the restored state formulated its attitude towards all residents of Latvia, by guaranteeing social, economic and cultural rights, as well as political freedoms, as provided in generally recognized principles of international human rights. These equally applied to those citizens of the former USSR who expressed their wish to live in Latvia, but did not receive Latvian citizenship (approximately 730,000). In 1995 persons, who resided in Latvia permanently, but did not receive Latvian citizenship by registration, on the basis of a separate law were granted a specific status (the non-citizen), which implied protection of all of the fundamental rights and social protection guaranteed by the *Satversme*, as well as full consular protections abroad. Therefore, persons having this specific status of non-citizens, although not

being citizens of any other state, may not be considered as stateless persons in the context of international law.

35. With the adoption in 1994 of the Citizenship Law, the ways of obtaining citizenship were determined, at the same time maintaining the previously determined basic principles. Overall, the law should be seen as a pragmatic compromise, allowing Latvia to strengthen its security and independence whilst on the road towards European integration.

36. Pursuant to the Latvian Citizenship Law, anyone who has permanently resided in Latvia for five years can receive citizenship through naturalization following the procedure prescribed by law. The naturalization requirements for applicants listed by the Citizenship Law (five years of permanent residence in Latvia, a legal source of income, Latvian language skills, as well as knowledge about the *Satversme* and Latvia's history) are in line with the universally recognized international standards and the basic requirements for developing an integrated society. The necessary level of Latvian language skills for potential citizens defined by the Law is such as to allow the applicant to pursue his or her legally defined rights and obligations of a citizen following naturalization, by, in fact, effectively maintaining a legal link to the State of Latvia, living in Latvia's information environment, and functioning in society.

37. The OSCE High Commissioner on National Minorities has pointed out that Latvia has fulfilled all OSCE recommendations with respect to citizenship.

## **II. Information about the Implementation of the Convention in Latvia Article by Article**

### **Article 1**

*The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.*

38. Latvia has ratified a number of international conventions which are important in terms of the rights and freedoms of persons belonging to national minorities:

- The 1949 Statute of the Council of Europe;
- The 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, including Protocols No. 1, 2, 4, 6, 7, 11 and 14;
- The 1954 UN Convention relating to the Status of Stateless Persons;
- The 1961 European Social Charter;
- The 1961 UN Convention on the Reduction of Statelessness;
- The 1965 UN International Convention on the Elimination of All Forms of Racial Discrimination;
- The 1966 UN International Covenant on Civil and Political Rights;
- The 1966 UN International Covenant on Economic, Social and Cultural Rights;
- The 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage;
- The 1979 UN Convention on the Elimination of All Forms of Discrimination against Women;
- The 1989 UN Convention on the Rights of the Child;
- The 1995 CoE Framework Convention for the Protection of National Minorities;

- The 2005 CoE Framework Convention on the Value of Cultural Heritage for Society.

## **Article 2**

*The provisions of this framework Convention shall 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.*

39. See paragraphs 22, 38 and 238 of this Report.

## **Article 3**

*1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*

*2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

40. The right to civic participation by guaranteeing general, equal and direct election; freedom of speech and opinion; the right to receive information freely; the right to address state and local government institutions and to receive replies; to take part in their work is ensured by the *Satversme*, the 2002 Law on the Structure of Public Administration, the 1994 law “On local governments”, the 1991 law “On the free development and rights to cultural autonomy of Latvia’s national and ethnic groups”, the 1994 law “On the procedure for the examination of applications, complaints, and proposals by the state and local government institutions”, as well as various laws, regulations and instructions regulating the work of the various ministries.

Article 101 of the *Satversme* states that “every citizen of Latvia has the right, as provided by law, to participate in the work of the State and local government, and to hold a position in the civil service”.

Article 48 of the 2002 Law on the Structure of Public Administration provides that in order to achieve the purpose of this Law (ensuring democratic, legal, effective, open and publicly accessible governance), institutions shall involve representatives of society (representatives of civic organizations and other organised groups, competent persons) in their activities, by including such persons in working groups, advisory councils or by requesting their opinions. In matters important to the public, institutions have a duty to organise a public discussion. If an institution takes a decision that does not correspond to the opinion of a considerable part of society, the institution shall provide a special substantiation for such a decision. In ensuring participation of society in their activities, institutions may also utilise other types of public involvement specified by other legislative acts.

41. A key instrument in promoting the involvement of national minorities in decision-making processes are local governments’ society integration commissions (councils), which participate in drafting society integration programmes, promote civic participation, help to improve co-operation with the cultural organizations of national minorities, participate in the implementation of public integration projects, as well as deal with other issues of integration of society. Thus, for example, such commissions assisted in establishing a National Association Cultural Building in Rezekne in 2004. In Liepaja, a project called “Development of the values of an integrated society in Liepaja” was implemented so as to provide information via the mass media about issues of public integration and citizenship, as well as to organize Latvian language

courses for citizenship applicants. The town of Jelgava approved a society integration programme, and in 2005, the town implemented the “Warm homes” project – elderly non-citizens were provided with information about how they could become citizens. There are society integration commissions (councils) in the local governments of Latvia’s larger towns and cities. Officials from the Naturalization Board take active part in their work within the framework of their responsibilities.

42. For information about the participation of national minorities in decision-making processes see paragraphs 191 – 196 of this Report.

43. Article 114 of the *Satversme* provides that “persons belonging to national minorities have the right to preserve and develop their language and their ethnic and cultural identity”. Article 102 states that “everyone has the right to form and join associations, political parties and other public organizations”.

44. Article 23 of the 2003 law “On associations and establishments” provides that associations may be established by natural and legal persons, as well as partnerships having legal capacity. There must be at least two founders. For more information concerning legal regulation of associations and establishments see paragraph 105 of this Report.

45. The rights and obligations of the citizens of Latvia are equal regardless of the manner in which the citizenship was obtained (Article 4 of the Citizenship Law).

46. Following the wish of a passport or other identification document holder, the ethnicity of the holder may be entered therein (Paragraph 4 Article 5 on the 2002 Law on Personal Identification Documents).

Following the wish of a passport holder, the historic form of the surname’s gender of the holder, or the original form of the holder’s surname and/or name in a Latin alphabet transliteration may be entered in the passport (Paragraph 5 Article 5 on the 2002 Law on Personal Identification Documents).

#### **Article 4**

*1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*

*2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

47. The equality of all residents of Latvia before the law and the courts is guaranteed by existing legislative acts, which ban any form of discrimination and provide the principle of equality. Article 91 of the *Satversme*, for instance, states that “all human beings in Latvia shall be equal before the law and the courts. Human rights shall be implemented without discrimination of any kind.” Identical provisions are included in the 1992 law “On

administration of justice”. Article 4 of the law “On administration of justice” states that all persons are equal before the law and the court; they have equal rights to the protection of the law. A court shall adjudge a case irrespective of person’s origin, social or financial status, race or ethnicity, gender, education, language, attitude towards religion, type and nature of occupation, place of residence, or the political or other opinions. Article 92 of the *Satversme* provides that “everyone has the right to defend their rights and lawful interests in a fair court”.

48. Article 71 of the 1998 Criminal Law (CL) declares as a crime intentional acts for purposes of extermination in whole or in part any group of persons identified by nationality, ethnic origin, race, social organization, belief or faith, by killing members of the group, inflicting upon them physical injuries hazardous to life or health or causing them to become mentally ill, intentionally creating for such people living conditions that lead to their physical extermination in whole or in part, utilising means which purpose is to prevent the birth of children in such group, or transferring children on a compulsory basis from one group of persons into another. The same Article provides that the applicable sentence for committing such crime is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

Article 71.1. of the CL states that a public incentive to genocide is punishable by a prison term of up to eight years.

In accordance with Paragraph 1 of Article 78 of the CL, a person who commits acts knowingly directed towards instigating national or racial hatred or enmity, or knowingly restricting, directly or indirectly, economic, political, or social rights of individuals, or creating, directly or indirectly, privileges for individuals based on their racial or national origin, shall be sentenced to a deprivation of liberty for a term not exceeding three years, or a fine not exceeding sixty times the minimum monthly wage. A person who commits the same acts, if they are associated with violence, fraud or threats, or where they are committed by a group of persons, a State official, or a responsible employee of an undertaking (company) or organization, shall be punished by deprivation of liberty for a term not exceeding ten years (Paragraph 2 Article 78 of the Criminal Law).

49. Article 8 of the 2005 Law on Criminal Procedure ensures a unified criminal procedure with respect to all individuals involved in a criminal procedure, irrespective of their origin, social and financial status, employment, citizenship, race, ethnicity, attitudes toward religion, gender, education, language, place of residence, etc.

50. For information concerning equality in administrative proceedings see paragraph 11 of this Report.

51. Article 240 of the 1984 Administrative Offences Code provides that cases of administrative offences are adjudged on the basis of the principle that all individuals are equal before the law and the institution which is hearing the case, irrespective of their origins, social and financial status, race, nationality, gender, education, language, attitudes toward religion, type and nature of employment, place of residence, etc.

52. Latvia has established a specialized institution, operating in the area of combating discrimination – LNHRO. For more information see paragraph 16 and 17 of this Report.

53. During the Examination of Latvia’s second periodic report on the implementation of the UN Convention on the Rights of the Child, the UN Committee on the Rights of the Child, at its forty-second session (June 2, 2006), adopted concluding observations (CRC/C/LVA/CO/2), in

which the Committee welcomed the declaration by Latvia that all children in Latvia enjoy the same rights irrespective of their citizenship status, as well as the decision to remove the mandatory requirement to enter data concerning ethnic origin in passports.

The Committee also welcomed the various steps taken by Latvia to expedite the naturalization process of the children of non-citizens and stateless persons.

## **Article 5**

*1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*

*2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

54. Article 114 of the *Satversme* provides that “persons belonging to national minorities have the right to preserve and develop their language and their ethnic and cultural identity”. Article 8 of the 1991 law “On the free development and rights to cultural autonomy of Latvia’s national and ethnic groups” states that “all permanent residents of the Republic of Latvia are guaranteed the rights to observe their own national traditions, to use their national symbols and to commemorate their national holidays”. Article 10 of the same Law says that “the Republic of Latvia state institutions shall promote the creation of financial conditions for the development of education, language and culture of the national and ethnic groups residing within Latvia's territory, by allocating for such purposes certain amounts in the state budget”.

The basic principle enshrined in the national legislative acts with respect to the state language is that limitations necessary in a democratic society with respect to foreign languages do not threaten protection for national minority languages.

55. Article 4 of the *Satversme* and Paragraph 1 Article 3 of the 1999 State Language Law provide that the state language in Latvia is the Latvian language.

One of the purposes of the State Language Law, as mentioned in Article 1 thereof, is to ensure the integration of members of national minorities into the society of Latvia, while observing their rights to use their native language or other languages.

56. Paragraph 3 Article 2 of the State Language Law provides that the law does not apply to the use of language in unofficial communications of the Latvian residents, in internal communications of national and ethnic groups, or in services, ceremonies, rituals and other kinds of religious activity of religious organizations.

The State Language Law also provides for the maintenance, protection and development of the language of the indigenous (autochthon) population, as well as the right to choose a language with respect to applications submitted to institutions in specific cases (documents submitted to police and medical institutions, rescue services and other institutions in cases of urgent calls for medical aid, commission of crimes or other violations of law, or calls for emergency assistance in cases of fire, accident or other emergencies).

57. Paragraphs 2 and 3 of Article 11 of the State Language Law provides that “at events taking place in the territory of Latvia, in which foreign legal and natural persons participate, in

which organization also took part state or local government institutions, courts or relevant institutions, state or local government companies or enterprises having a majority capital share belonging to the state or local government, one of the working languages shall be the state language, as well as the event's organizer shall ensure translation into the state language. In cases determined by the CM, the State Language Center may exempt the event's organizer from such a requirement. The CM may determine cases when, taking into account the lawful interests of the public, an obligation to ensure translation into the official language may also be imposed upon organizers of other events taking place in the territory of Latvia. The CM Regulation No. 288 of August 22, 2000, "Regulation on ensuring interpretation at events", defines a series of events in which an interpretation into the state language is not necessary. The organizers of such events may be exempted from this requirement if the participants of an international event, for instance, have agreed upon a different working language, if national philological organizations organize scientific, cultural or educational events, or if there are open-air events where it is technically impossible to provide interpretation.

58. Paragraphs 2 and 3 of Article 18 of the State Language Law lists cases, when it is possible to use foreign language in the names of companies and events. The CM regulation Nr. 294 of August 22, 2000, "Regulation on the formation and use of toponyms, the names of institutions, organizations of society, companies (establishments)" foresees a number of possibilities to use foreign languages therein.

59. The 1997 law "On meetings, marches and piquet lines" regulates language use during meetings, marches and piquet lines. Article 19 of the same law guarantees freedom of speech and language during meetings, marches and piquet lines.

60. Court proceedings in Latvia take place in the state language. The right to use a foreign language in court is determined by laws regulating the administration of justice and court procedure (Article 13 of the State Language Law).

61. Language use in education is regulated by educational laws, which also foresee a number of exceptions to the use of the state language. Article 15 of the State Language Law states that scholarly papers may be submitted and publicly defended in a foreign language.

62. The language of media broadcasting is regulated by the 1995 Law on Radio and Television.

63. Article 19 of the State Language Law defines the way in which a person's name and surname is recorded in documents. The Law on Personal Identification Documents, CM regulation No. 114 of March 2, 2004, "Regulation on the transcription and use of personal names in the Latvian language, as well as their identification", as well as the CM regulation No. 378 of April 22, 2004, "Regulation on the personal identification documents of citizens, the personal identification documents of non-citizens, the passports of citizens, the passports of non-citizens, and the travel documents of stateless persons" make it possible for persons to indicate in the personal identification documents the original form of their names in another language if they so desire.

64. Paragraphs 5 and 6 of Article 21 of the State Language Law define those instances when other languages may be spoken to deliver public information in places open to the public. The CM regulation No. 130 of February 15, 2005, "Regulation on language use in providing information" stipulates the use of languages in the provision of public information.



65. Several institutions are involved in the developing and implementation of the state language policy. These institutions are subordinated to the Ministry of Education and Science (MES) and the Ministry of Justice.

The institution having main responsibility for developing and implementation of the state language policy, is the State Language Agency, which operates under the wing of the MES. There are also specialized institutions responsible for various extensive functions. The Translation and Terminology Center focuses on the importance of terminology in language development and on the proportion of translations in the development of terminology. The National Agency for Latvian Language Training was established to deal with the major proportion of ethnic minorities in Latvia's population and the importance of learning the state language as a resource for public integration. Among the MES institutions, which are involved in the state language policy implementation, there is also the Center of Curriculum and Examination, which offers attestation of the state language skills. The State Language Center, which is subordinated to the Ministry of Justice, performs functions of supervision and control of the use of the state language in the public sphere. At the initiative of the President of Latvia, on May 14, 2002, a special consultative body – the State Language Commission – was established.

66. Article 99 of the *Satversme* guarantees everyone's right to freedom of thought, conscience and religion. By incorporating this provision in the highest legislative act, the government has thus promised to defend the right of religious freedom of each individual, irrespective of his or her belonging to a national minority. These rights, on the one hand, are subjective rights of every individual, which he/she may implement procedurally. On the other hand, these are objective rights, which must be observed by all state institutions, and are not related to any specific subject. Article 99 of the *Satversme* also contains the second sentence, which defines the model for relations between the state and religious organizations, by providing that "the church is separate from the state". This clause makes it clear that the state and its institutions have no right to control the attitudes of citizens towards religion; that they do not register the religious belonging of individuals; that the state does not intervene in the internal activities of religious organizations (except in those cases when the law has been violated). The state protects the lawful activities of religious organizations, and it provides no material or financial support in order to assist religious organizations to disseminate their teachings and to maintain their apparatus. Therefore, Latvia has no official religion, and all persons are equal irrespective of their religion, as well as all religious organizations are equal in their rights.

The Law on Religious Organizations guarantees to the Latvian residents freedom of religion, which includes the right to determine one's own attitude towards religion; to join a religious denomination individually or with others; to refuse to join any denomination; to change one's religious or other beliefs freely; to engage in religious activities; and to express one's religious beliefs in accordance with the effective legislative acts. Personal documents issued by the State make no statement as to one's religion or denomination. State and local government institutions, public organizations, and companies and enterprises may not request information from employees or anyone else about religion or denomination (Paragraphs 3 and 4 of Article 4 of the 1995 Law on Religious Organizations).

## 67. Membership of registered religious organizations

No	Denomination	Number of congregation members (2002)	Number of congregation members (2003)	Number of congregation members (2004)	Number of congregation members (2005)
1.	Roman Catholic	433 480	429 675	395 067*	108 180*
2.	Lutheran	37 984	556 000	539 327	458 424
3.	Augsburg Lutheran	392	537	579	565
4.	German Lutheran			273	261
5.	Orthodox	350 000	350 000	350 000	350 000
6.	Old Believer	2 949	3 070	7 635	2 483
7.	Baptist	6 788	6 804	7 123	7 119
8.	Seventh Day Adventist	3 869	3 956	3 950	3 957
9.	Methodist	750	1 012	1 010	1 002
10.	Jewish	550	664	667	644
11.	Muslim	199	205	355	380
12.	Krishnaite	135	135	126	127
13.	New Apostle	973	982	1 007	1 076
14.	Pentecostal	3 721	3 519	4 225	4 189
15.	Evangelical Christians	-	-	1 495	1 716
16.	Evangelical Followers of the Messiah	-	-	50	50
16.	New Generation			5 170	5 075
17.	Buddhist	75	99	108	112
18.	Traditional Latvian religion ( <i>dievturi</i> )	603	633	633	607
19.	Jehovah's Witnesses	115	154	155	161
20.	Mormon	605	714	776	867
21.	Ancient Eastern Apostle	275	272	120	160
22.	Reform	95	164	163	164
23.	Baha'i Faith	48	49	50	48
24.	Presbyterians	14	12	15	20
25.	Followers of Visarionov	23	60	23	30
26.	Salvation Army			452	498
27.	Evangelical Christian			162	199
28.	Anglican			41	76
29.	Apostle			67	46
30.	Branhamist			25	27

31.	Sukyo Mahikari			83	72
32.	Other**			85	55
<b>Total :</b>		<b>948 390</b>			

\*- This is incomplete information, as some dioceses have not filed reports about their activities in the relevant year, as well as have not submitted information about members of their congregations.

Source of information : Ministry of Justice

### **The Secretariat of the Special Assignments Minister for Social Integration (SSAMSI)**

68. The Latvian Government's declaration of activity foresees the strengthening of mechanisms for dialogue with national minorities, facilitating the preservation and development of national minority languages and cultures, as well as providing financial support for national minority NGOs (NM NGO) throughout Latvia. SSAMSI was established in 2003 in pursuit of these aims. SSAMSI is the leading institution of public administration in the area of integration of society. It develops and implements government policy in the following areas: public integration, national minority rights, development of the civil society, preservation of the culture and traditions of the Livs, and elimination of racial discrimination. SSAMSI plans, co-ordinates and implements government support for national minority organizations, foundations and other NM NGOs insofar as their work is related to protecting national minority rights and preserving ethnical identity. SSAMSI also co-ordinates the implementation of the present Convention. SSAMSI provides government support to NM NGOs in order to preserve and develop ethnical identity of national minorities, enhance NM NGOs capacity, training, and offer information about their activities.

### **The National Programme "Integration of society in Latvia"**

69. The National Programme "Integration of society in Latvia" was drafted in 2001 to develop democracy, ensure the rule of law, promote the balanced activities of human rights institutions, and offer protection for national minority rights. This is a termless policy-planning document in the area of society integration. Since 2002, it has been the cornerstone for planning and implementing national society integration policies. The programme has five sections:

- Civic participation and political integration;
- Social and regional integration;
- Education, language, culture;
- Information;
- Implementation mechanisms.

The programme contains such activity directions as development of national minority education programmes, ensuring national minority participation, providing financing for national minority cultural initiatives, and expanding the cultural autonomy of and dialogue with national minorities.

70. The guidelines of the National Programme "Integration of society in Latvia" are the policy-planning document for 2006-2010, which will include the fundamental principles, development goals and priorities of government policy in the area of society integration. In 2005, information was collected from the public administration institutions concerning the process of society integration, as well as about the project work in the area of society

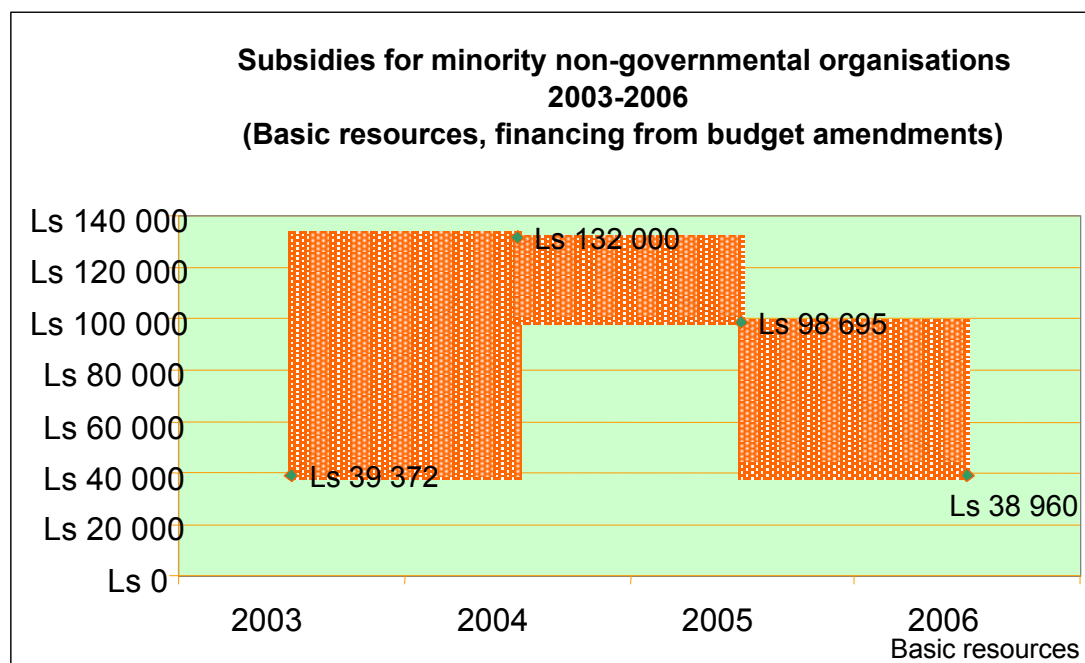
integration. It is planned that the guidelines of the National Programme “Integration of society in Latvia” for 2006-2010 will be adopted in November 2006.

### **Support for national minority organizations from the national budget**

71. One of SSAMSI’s activities is to provide support for the work and activities of national minority non-governmental organizations from the national budget. The SSAMSI has improved the system of financing for this purpose. Now it can study the needs of national minority development in an optimal and regular way. The SSAMSI also does regular work on improving government policies vis-à-vis national minorities. Subsidies are available to organizations, which are registered with the SSAMSI and have defined the following goals in their statutes:

- Defending the rights of national minorities;
- Preserving and developing the ethnic identity and cultural heritage of national minorities in Latvia;
- Promoting inter-ethnic dialogue.
- NM NGOs may receive subsidies on the basis of a respective system of awarding and supervising subsidies from the national budget. Applications for funding can be submitted to SSAMSI four times a year.

In 2003, subsidies for NM NGOs in the total amount of LVL 39,372 were provided. In 2004, the sum was increased to LVL 132,000, while in 2005, NM NGOs received LVL 98,695. The total planned amount in 2006 is LVL 38,960.



Source of information: SSAMSI

72. The subsidies have allowed NM NGOs to implement various educational projects, to publish informative materials about the importance of national minorities to Latvia’s society, as well as to organise events, which promote participation. In 2005, 249 subsidies with a total sum of LVL 98,695 were awarded to 73 NM NGOs representing 18 ethnic groups throughout Latvia.

73. SSAMSI regularly organizes educational and informational events (seminars, master classes, meetings, discussions, etc.) for leaders and representatives of NM NGOs, leaders of

national minority cultural groups, etc. Young people and representatives of national minority educational institutions are involved in these processes, the aim being to enhance the capacity of NM NGOs, to promote the preservation and development of ethnic culture, and to reduce the ethnic gap between Latvians and representatives of national minorities.

74. SSAMSI also organizes various educational events in the area of culture – exhibitions, meetings with famous individuals, events to popularize traditions and languages (concerts, poetry evenings, folklore performances, etc.).

#### **Administrative and technical assistance for NM NGOs**

75. Administrative and technical assistance is provided to NM NGOs so as to support their sustainable development and capacities. Infrastructure support has regularly been given to NM NGOs in terms of office equipment and facilities for various events. Assistance was given to representatives of as many as 50 NM NGOs and 10 performance groups each month. On average, support is given to 38 events per month, with participation by 800-850 persons.

76. Financial support from the government has facilitated the rapid development of the capacity of NM NGOs. Organizations are becoming stronger, and they can bring together new participants, as well as administer resources and actively pursue the integration-related goals that are listed in their statutes.

#### **Informing minorities about the European Union and its project tenders**

77. The SSAMSI, with financing from the national budget, has supported informative events related the European Union. On April 22, 2006 SSAMSI held a seminar on 2005 PHARE programme project tenders in the area of promoting ethnic integration. The seminars were held in Rezekne, Ventspils and Daugavpils, and there were lectures on financing, EU funds, development and administration of projects. Fact sheets were distributed, as were two books – “NGO financing opportunities in the European Union” and “The European Union and national minorities”.

78. The 1998 Education Law provides the use of educational resources to preserve national minority languages and cultures. Article 38 of the Law foresees that national minority educational programmes are a specific type of educational programmes. They are designed by educational institutions and involve content related to the relevant ethnic culture. Although Article 9 of the Education Law states that the Latvian language is the language of instruction in state and local government educational institutions. At the same time, it is allowed to use other languages, including national minority languages, when educational institutions implement the aforementioned minority educational programmes, as well as in private educational institutions.

#### **Article 6**

*1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*

*2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

### **The legislative acts of the Republic of Latvia**

79. Article 114 of the *Satversme* provides that persons belonging to national minorities have the right to preserve and develop their language and their ethnic and cultural identity. Article 91 of the *Satversme* states that “all human beings in Latvia shall be equal before the law and the courts. Human rights shall be implemented without discrimination of any kind.” This Article creates a legal basis for Latvia’s obligation towards its every resident and citizen to comply with the principle of prohibition of discrimination in the state polity and other areas within the framework of Latvia’s legal system. Other legislative acts further develop the principles of prohibition of discrimination enshrined in the *Satversme*.

80. Article 1 of the law “On the free development and rights to cultural autonomy of Latvia’s national and ethnic groups” provides that Latvian residents are guaranteed, regardless of their ethnic origin, equal human rights, which correspond to international standards.

81. For information concerning hate and intolerance crimes see paragraph 48 of this Report.

82. For information concerning the principle of equality in criminal proceedings see paragraph 49 of this Report.

83. For information concerning the principle of equality in employment see paragraph 25 and 232 of this Report.

84. Paragraph 1 Article 4 of the 1995 Law on Religious Organizations prohibits any direct or indirect limitation of individual rights, creation of advantages to individuals, as well as attack person’s feelings or incite hatred, based on his/her attitudes with respect to religion. For violating this principle responsible individuals are called to account in accordance with the procedure established by law. The rights of religious organizations as defined by law are protected by the state. The state, local governments, their institutions, and public and other organizations have no right to interfere in the religious activities of religious organizations. In such way persons are protected against threats or discrimination based on their religious beliefs. Paragraph 1 Article 6 of the Law on Religious Organizations provides that everyone has the right to dedicate himself/herself to religious study individually or with others in the educational institutions of religious organizations. Paragraph 4 Article 6 of the same law provides that national minority schools curated by the State or local governments, respecting the will of the students, their parents or guardians, and in accordance with the procedure established by MES, may teach religious subjects characteristic to the relevant national minority.

85. On June 5, 2003, the Constitutional Court delivered a judgment<sup>7</sup> in the case “On compliance of Article 19 paragraph 5 of the Law on Radio and Television with Articles 89, 91, 100 and 114 of the *Satversme*, as well as with Articles 10 and 14 (read together with Article 10) of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Articles 19 and 27 of the International Covenant on Civil and Political Rights”. The provision which defined the proportion of programs in foreign languages created by a broadcasting organization (25 per cent of the total broadcast time per twenty four hours) was declared as being incompatible with the *Satversme* and null and void.

86. On September 14, 2005, the Constitutional Court delivered a judgment in the case “On compliance of Article 59, second paragraph, second sentence in the part on financing of private

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<sup>7</sup> See [http://www.satv.tiesa.gov.lv/LV/Spriedumi/02-0106\(03\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/02-0106(03).htm).

educational institutions if educational programs are implemented in the state language of the Education Law with Article 91 of the Satversme and Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (read together with Article 2 of the Protocol No. 1 to the Convention)".<sup>8</sup> The court ruled that accredited private national minority schools, like other private educational institutions have the right to receive government subsidies.

87. It is also important to note the "Declaration on respect, tolerance and co-operation on the internet",<sup>9</sup> which was drafted and signed in 2006 by editors of Internet sites, representatives of associations and foundations, and representatives of government institutions. The aim thereof was to reduce and combat manifestations of intolerance and hostility on the Internet while, at the same time, respecting freedom of expression.

### **Public information activities about issues of ethnic integration**

88. The SSAMSI takes effective steps in promoting mutual respect, understanding and co-operation among Latvia's national minorities and ethnic Latvians.

In 2005, two methodological videos were presented, along with brochures called "Russian weddings" and "Svyatki." The events were attended by representatives from 42 NM NGOs from Riga, Jelgava and Liepaja, along with representatives of MC, and MES. The brochures and video were distributed in national minority schools.

In 2005, a collection of Russian folk songs (*chastushki*) was presented, the aim being to popularize national minority folklore in order to preserve ethnic identity and culture. This event was organised in collaboration with the Latvian Association of Russian Cultural Societies and was attended by 108 representatives of national minority groups, schools and ministries. In 2005, there were two lectures organized for the staff of minority schools, one in Ventspils, and the other in Balvi. Information was collected about co-operation with local governments, as well as a survey was conducted in all Latvia's regions among NM NGOs and local governments with the aim of collecting information about traditional national minority festivals organized in Latvia. This study was published in Latvian and Russian (1000 copies).

### **Aggregating information about activities of national minority public organizations in Latvia**

89. SSAMSI has an archive of articles, photographs, posters and other materials, and it regularly updates statistical data about national minorities in Latvia in SSAMSI database of national minority organizations. One of SSAMSI functions is to study the achievements of NM NGO performance groups and other cultural structures. In 2005, SSAMSI began collecting information in order to preserve the cultural heritage of national minorities in Latvia.

### **The Latvia's Society Integration Fund (LSIF)**

90. For information concerning LSIF see paragraph 20 on this Report.

### **National minority festival "Zelta Kamoliņš"**

91. The national minority festival for children and adolescents entitled "Zelta Kamoliņš" is being held in Latvia each year since 1995. It is a good example of integration and successful dialogue among young people of various ethnic origin. It has become a cultural and educational

<sup>8</sup> See [http://www.satv.tiesa.gov.lv/LV/Spriedumi/02-0106\(05\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/02-0106(05).htm).

<sup>9</sup> See <http://www.delfi.lv/news/comment/comment/article.php?id=14586994>.

event for representatives of various ethnic groups, promoting the mutual enrichment of national minorities and Latvian cultures and promoting the exchange of ideas of tolerance through diverse cultural contacts.

Seventeen festivals have been held since 1995, with participation by nearly 10,000 young people of 14 ethnic groups from Riga, Jelgava, Ogre, Jurmala, Daugavpils, Liepaja, Ventspils, Dobele, Cesis, Jekabpils, as well as from the Russian Federation. The festivals were initially financed by the Soros Foundation-Latvia, the Naturalization Board and private donors, but more recently the festival has received financing from state and local government budgets, as well as from the LSIF funds.

So far the organizers of the festival have mostly focused on regions with larger proportions of national minority residents, but it has been recently discovered that ethnic Latvians have expressed great interest in the “Zelta Kamoliņš” festival, as it has become an opportunity to learn about the traditional culture of ethnic groups in Latvia and to learn more about their neighbors. Participants in the festival also have said that they wish to become more involved in the Latvian environment and to establish more extensive contacts with Latvian peers.

### **National programme to promote tolerance (NPPT) 2005-2009. Latvia’s policy planning document in the area of combating discrimination**

92. Researches conducted in Latvia and elsewhere in the world show that the main forms of intolerance in Latvia involve ethnicity and religion.<sup>10</sup> A particular risk group are the Roma people. Surveys show that popular attitudes in Latvia toward the Roma are usually based on stereotypes and biases.<sup>11</sup> As elsewhere in Europe, there are sometimes flashes of anti-Semitism<sup>12</sup> and bias against Muslims. In the 1999 “European Values” study, for instance, it was found that 27.2% of Latvian respondents would not want the Roma as neighbours, 14.5% said the same about Muslims, and 5.2% said it about Jews.<sup>13</sup>

93. A significant share of Latvia’s residents believe that there are not just different attitudes toward people on the basis of ethnicity, but also different activities. A sociological study, which was commissioned by the LNHRO in 2000 showed that 24% of respondents (18% of Latvians, 31% of other nationalities) reported that they had suffered from discrimination in the previous three years. When asked about the causes for this discrimination, respondents most often mentioned nationality and language (28% and 24% respectively).<sup>14</sup>

94. The SSAMSI has drafted NPPT. An interinstitutional working group was set up to draft the programme pursuant to the ordinance No. 442 of September 30, 2003, by the Prime Minister “On the working group for drafting national programme to promote tolerance.” Members of the group represented the government, universities, and public organizations.

<sup>10</sup> ECRI, second report about Latvia (14 December 2001), CoE, 2003, pp. 19-20.

<sup>11</sup> Latvian Centre for Human Rights and Ethnic Studies. “The Situation of the Roma in Latvia”, Rīga, 2003, pp. 11-13.

<sup>12</sup> See Dribins, L. “Antisemitisms un tā izpausmes Latvijā. Vēstures atskats. Latvijas vēsturnieku komisijas raksti” (“Anti-Semitism and its Manifestations in Latvia: An Historical Look Back”, *Papers of the Latvian Commission of Historians*), Vol. 4, Rīga, 2001.

<sup>13</sup> “Kultūru daudzveidība un iecietība Latvijā. Dati, fakti, viedokļi,” (Cultural Diversity and Tolerance in Latvia – Data, Facts, Views), 2003, p. 20.

<sup>14</sup> See “Cilvēktiesību problēmas Latvijā. Socioloģiskais pētījums” (Human Rights Problems in Latvia: Sociological Study), Baltic Data House, 2000, p. 43.



The aim of the NPPT is to develop a tolerant society in Latvia, to eliminate intolerance, and to develop Latvia's multicultural society in the circumstances of European integration and globalization.

The NPPT sub-aims include amending the national laws with the aim of introducing effective legal instruments to eliminate all forms of intolerance and discrimination; promoting interinstitutional co-operation to eliminate intolerance; active public participation in monitoring this process; distribution of high-quality, accessible and all-encompassing information about manifestations of intolerance and about efforts to promote tolerance.

The NPPT will effectively reduce intolerance and the number of human rights violations. There will be preventive work to eliminate various kinds of discrimination; conditions will be established for public integration and the competitive development of the Latvian economy in the multiethnic European Union. Latvia's society will learn about the basic principles of intercultural communications, and develop skills in resolving ethnic, social and cultural conflicts.

With the aim to facilitate effectively the defined goal of the government's action plan to implement NPPT, SSAMSI altered the composition of the NPPT working group, creating NPPT co-ordination group, striving to invite the leading experts on tolerance issues in Latvia and national minority public organization leaders.

### **SSAMSI activities in the field of combating discrimination**

95. In order to implement the tasks defined in the NPPT and the government's action plan, the SSAMSI in its agenda for 2005, Article 7 "Promotion of tolerance and elimination of discrimination" defined its tasks, namely, to inform the society, raise its competence in anti-discrimination policy, to communicate qualitative information and to make the Internet resource on anti-discrimination policy in Europe and Latvia the matter of current interest, including the following:

- to plan, co-ordinate and fulfil SSAMSI anti-discrimination policy in the context of Latvia's commitments as an EU member state;
- to promote tolerance in Latvia's society, to prevent intolerance;
- to fulfil and co-ordinate SSAMSI international co-operation with the EU and international organizations on eliminating discrimination

96. In 2005, with the participation of SSAMSI several legislative amendments within the framework of anti-discrimination policy were adopted:

*Amendments to the Law on the National Human Rights Office* in order to define LNHHRO as an institution for promoting equality in Latvia.

*Amendments in the Law on Social Security:* Firstly, defining prohibition of discrimination as an underlying principle of the social security system. Secondly, the amendment defined the principle of prohibition of discrimination on the basis of such grounds as race, colour of skin and ethnic origin.

Proposals were brought forward in the *Saeima* reviewing amendments to the *Patient Rights Protection Law*, to promote equal attitude when rendering medical treatment services for patients on the basis of such grounds as race, colour of skin and ethnic origin, pursuant to the Directive 2000/43/EC.

SSAMSI has participated in drafting amendments also to other legislative acts, which are currently at different stages of review by the *Saeima* (*Amendment to the State Civil Service Law, Amendment to the Law on Associations and Foundations, Amendment to the Civil Law, Amendment to the Consumer Rights Protection Law*).

### **Promotion of tolerance and elimination of racial discrimination in Latvia: implementation of the 2005 NPPT action plan**

97. SSAMSI is responsible for the implementation of NPPT. NPPT action plan's list of activities, developed by the NPPT working group and implemented in co-operation with NGOs within the framework of the SSAMSI agenda for 2005, served as the basis for activities in 2005. NPPT co-operation partners were approved by the decree of the Special Assignments Minister for Social Integration altering the composition of the NPPT working group.

98. In 2005, the following activities were carried out within the framework of the NPPT action plan:

- Internet activities for promotion of tolerance in co-operation with [www.dialogi.lv](http://www.dialogi.lv) , [www.politika.lv](http://www.politika.lv);
- Research on intolerance in the Latvian mass media from 2004 to 2005;
- Informational and educational seminars on manifestations of racism, discrimination and intolerance and the best practice for combating these phenomena for employees of Latvian local governments and NGO leaders;
- Informational campaign for young people on religious diversity in Latvia;
- Celebration of the International Day of Tolerance – on November 16, 2005.

99. Detailed information on the performance of the NPPT action plan from August 1, 2005 to December 31, 2005:

- Internet activities for promotion of tolerance in co-operation with [www.dialogi.lv](http://www.dialogi.lv) , [www.politika.lv](http://www.politika.lv). [www.politika.lv](http://www.politika.lv) published six articles on current aspects of promotion of tolerance, as well as three discussions and a survey on tolerance in Latvia were carried out. Articles were supplemented with readers' comments, thus creating a dialogue with the target audience in a broader sense; the interactivity principle was introduced, which will undoubtedly give feed-back with the society in Latvia necessary for further elaboration of the NPPT, as well as secure its close connection with the current processes in the area of promotion of tolerance. Articles were written by the well-known experts on the issues of mass media, human rights and civic society in Latvia.
- Research about intolerance in the Latvian media: the research was carried out and submitted on December 10, 2005 by the teaching staff of the Faculty of Social Sciences of the University of Latvia. The interim report and results of the research were presented in August 2005 at the 6th Political Forum organized by the political centre PROVIDUS and attended by the SSAMSI staff members.
- Informational and educational seminars on manifestations of racism, discrimination and intolerance and the best practice for combating these phenomena for the employees of the Latvian local governments and NGO leaders. Starting from August 13, 2005, six seminars in different regions of Latvia have been organized.
- Informational campaign for youth on religious diversity in Latvia – this activity was carried out in accordance with the priority target audience of the NPPT action plan for 2005 – religious minorities living in Latvia. The campaign was carried out by the Latvian Bible Society in co-operation with the SSAMSI. Three types of activities were planned during the campaign: 1) to publish a set of informative postcards informing about the number of religious communities and

congregations in Latvia; 2) to create an online encyclopaedia on religious diversity for teachers of Latvia; 3) to organize an informational seminar “Religious identity as a factor promoting tolerance”, which took place on August 24, 2005. The seminar focused on the role of religious identity in the process of promoting tolerance in Latvia and Europe. The goal of the seminar was to analyze to what extent religious identities promote tolerance in Latvia, to consider practical measures for reducing mutual stereotypes, and to identify factors which would promote a possible dialogue among different religious communities. The seminar was attended by religion experts from Latvia’s higher educational establishments, representatives of Jewish, Muslim and Christian communities and new religious movements. On November 16, 2005 the final product of the project was presented to the public – the online “Encyclopaedia of religions” for the teachers, school children and religion experts of Latvia. The contents of the encyclopaedia will be regularly updated.<sup>15</sup>

- The drafting and distribution of a series of brochures “Tolerance as a goal”.
- A travelling exhibition “The Roma – vagrant tribes” – was created in co-operation with students from the Baltic Russian Institute and was opened in Ventspils on November 16, 2005. The exhibition was presented in Rezekne, Daugavpils, Liepaja and Riga until the end of 2005.
- In co-operation with the National Agency for Latvian Language Training (NALLT), on 10-20 November 2005 the Latvian literature teachers and lecturers participated in four discussions on examples of tolerance in the Latvian classical and modern literature.
- Two EU Directives 2000/43/EC and 2000/78/EC have been translated into Russian.
- A campaign “Against beastliness” was organized to promote tolerance in society.

#### **New policy initiative – development of national programme “Roma in Latvia” in 2005**

100. The draft national program “Roma in Latvia” for 2007-2009 (hereafter referred to as - the Program) was developed by the inter-institutional working group. The Program is a medium-term policy-planning document for three years from 2007 to 2009. The international practice in the integration of the Roma people and promotion of tolerance is reflected in the contents of the Program.

Taking into account the conclusions of researches carried out in Latvia up to now, the statistical data, the substantial experience of co-operation with the representatives of the Roma non-governmental organizations (hereafter- NGOs), as well as the EU practice, it was established that the integration of the Roma people in Latvia should be carried out in three directions: 1) education, 2) employment, 3) human rights.

The primary target audience of the Program is the Roma community in Latvia. The secondary target audience are implementers of Latvia’s national policy – civil servants, public sector employees, professional associations, educational establishments, mass media, trade unions and the Latvian society at large.

The key goal of the Program is to promote the integration of the Roma people in the Latvian society, by ensuring elimination of discrimination and effective implementation of equal opportunities for the Roma community in the areas of education, employment and human rights in accordance with Article 4, paragraph 2, subparagraph 2 of Convention.

The sub goals of the Program in the area of education are as follows: to create special opportunities for representatives of the Roma community to raise their level of education; to improve the process of preparation of 5-6 year old Roma children for school in pre-school

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<sup>15</sup> In 2006 the online encyclopaedia is available at [www.bibelsbiedriba.lv](http://www.bibelsbiedriba.lv) and [www.integracija.gov.lv](http://www.integracija.gov.lv)

education and elementary education establishments with inclusive educational practice; to raise the responsibility level of those Roma parents or guardians, who do not secure the compulsory education for their child.

The sub goals of the programme in the area of employment are as follows: to reduce the discrimination in the area of employment, to reduce the unemployment level in the Roma community, to ensure a social dialogue between the representatives of the Roma community and Latvian businessmen, as well as other parties involved in the employment process.

The sub goals of the programme in the field of human rights are as follows: to promote tolerance, to reduce negative stereotypes and prejudice in the society of Latvia about the Roma community, to raise public awareness of the cultural characteristics of the Roma community, to promote cultural development and to maintain the ethnic identity of the Roma community in Latvia, as well as to carry out activities for the involvement of the Latvian Roma NGOs in the civic society.

In order to reach the goals and sub goals effectively, the government, municipal and educational establishments, the Roma and other NGOs, employers' professional unions as well as the media must be involved.

The programme is introduced and implemented by the SSAMSI in co-operation with the relevant public administration institutions.

Once a year SSAMSI submits to the CM the Program's annual follow-up report. At least once a year the Roma NGOs present their positions and proposals regarding the implementation of the Program, which are forwarded to the CM along with the report.

From May 16, 2006 to June 19, 2006, a public discussion on the informative part of the Program was carried out through seminars in Preili, Tukums, Ventspils, Valmiera and Riga, as well as through discussions and comments at [www.politika.lv](http://www.politika.lv) and [www.dialogi.lv](http://www.dialogi.lv).

### **Usage of EU funds and implementation of international projects**

101. SSAMSI developed and submitted a proposal for the tender for support of national government activities related to promotion of tolerance and anti-discrimination policy announced within the framework of the EC restricted grants scheme. The proposal submitted included aspects for solving a number of issues of current concern to the society of Latvia: social rejection and discrimination of the Roma in Latvia; raising the competence of the Latvian teachers on the issues of tolerance; lack of reliable information on the promotion of tolerance. The staff of the Finnish Ministry of Labour took part in the drafting of the proposal, by providing consultations and assessing the quality of the project.

102. In September 2005, the EC approved SSAMSI project "LED I" (Latvia – Equal in Diversity I). The total amount of the project is EUR 89,751. 80% of the total amount was granted by the EC, 20% is covered by SSAMSI from the financing allocated in accordance with the amendments to the 2005 national budget. LED I is the first project launched in Latvia allocating the EC resources for the activities of public administration and NGOs aimed at reducing discrimination, promoting tolerance and informing society about the priorities of the EU anti-discrimination policy.

103. The time period for the implementation of the project is from November 2005 to September 30, 2006. LED I consists of six subprojects. Their goal is to teach, involve and inform risk groups subjected to discrimination and intolerance, as well as groups compiling

information on cultural diversity, providing consultations about legal status and rights in the labour market, and implementing education subprojects. LED I is co-ordinated by the SSAMSI, which set up a partnership network to implement the project including the following organizations: the University of Latvia, the Baltic Russian Institute, the Latvian Centre for Human Rights and Ethnic Studies, the society “Political Education Initiative”, the Soros Foundation-Latvia, [www.dialogi.lv](http://www.dialogi.lv), the National Agency for Latvian Language Training, national minority children and youth program “Zelta Kamolins”, and the LNHRO. LED I is funded from the EC grant scheme „*Restricted call for proposals for national authorities from the Community Action Programme to Combat Discrimination*” for 2005.

#### **Article 7**

*The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.*

104. Article 102 of the *Satversme* provides that “everyone has the right to form and join associations, political parties and other public organisations.” Article 5 of the law of 1991 “On the free development and rights to cultural autonomy of Latvia’s national and ethnic groups” provides that “all residents of the Republic of Latvia shall have guaranteed rights to form their national societies, unions and associations. The state shall have a duty to promote their activity and financial support.” The foundation of associations is regulated by the 2004 Law on Associations (Societies) and Foundations, which does not contain restrictions for the foundation of national minority associations. Associations and foundations may be registered by both citizens and non-citizens of Latvia.

105. In accordance with Article 23 of the Law on Associations (Societies) and Foundations, the founders of the association shall be natural and legal persons, as well as legally capacitated partnerships. The minimum number of the founders of association shall be two.

106. Article 26 of the Law on Associations (Societies) and Foundations provides that founders submit a registration application to the Registry of Enterprises to register the association (foundation). An application shall contain a decision on the establishment of association, statutes, and a list of the members of the board of directors. The registration application is signed by all the founders or at least two authorised representatives.

107. In accordance with Article 1 of the 1990 Law on the Registry of Enterprises of the Republic of Latvia, one of the functions of the Registry of Enterprises is to perform the registration of associations (societies) and foundations and to secure the maintenance of the registry. The Registry of Enterprises during the performance of its duties has never hindered persons belonging to national minorities from founding organizations and will preserve this position further, as well as will provide support in registering organizations by such persons.

108. The 1995 Law on Religious Organizations foresees that the founders of a parish (congregation) shall include not less than 20 Latvian citizens or persons who are registered in the Population Registry and who have reached the age of 18. The same person has the right to be a founder of one parish only. Pursuant to the Law on Religious Organisations, any resident of Latvia has the right to join a parish and perform activities therein. Furthermore, there are no special regulations establishing prerequisites for financial support for the activities of religious organizations.

## **National minority associations in Latvia**

109. Currently 227 interethnic/minority associations and foundations and their regional divisions are registered with the SSAMSI. Compared to 2002, the amount of interethnic/minority associations registered with the SSAMSI has significantly increased (from 160 to 227). There are 29 interethnic associations. The remainder represent the largest national minority communities in Latvia: Russian (25 communities), Polish (19 communities), German (16 communities), Ukrainian (14 communities), Jewish (14 communities), Gypsy (the Roma) (9 communities), Lithuanian (6 communities), and Belarusian (6 communities). The largest of them are the BELARUSIAN SOCIETY OF LATVIA, the Latvian Roma association "NĒVO DROM", the Council of Jewish Congregations and Communities in Latvia, the "Latvian Russian Society Association" (LaKSS), Ivan Zavoloko's Association of Old Believers, the Education, Culture and Information Centre of the Lithuanians of the Latgale Region, the Latvian Polish Society, the LATVIAN UKRAINIAN SOCIETY, and the German Society of Latvia. State support is also provided to the African, Arab, Azerbaijani, Georgian, Yakut, Romanian, Tatar, Turkmen, and Uzbek NGOs ("AFROLATVIAN ASSOCIATION", Arabic Cultural Centre, Latvian –Azerbaijani society „AZERI VAHDAT", Tatar National Cultural Society "VATAN", and others). National culture society associations are active in Riga, Ventspils and Jelgava.

### **Article 8**

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

110. In accordance with Paragraph 1 of Article 8 of the 1995 Law on Religious Organizations, religious organizations are registered with the Board of Religious Affairs. The founders of a parish (congregation) shall include not less than 20 Latvian citizens or persons who are registered in the Population Registry and who have reached the age of 18. Those religious congregations which start their activity for the first time in Latvia and which do not belong to the religious societies (churches) already registered in the country, must re-register in the Board of Religious Affairs on an annual basis during the first 10 years of their activity. The Board of Religious Affairs thus ensures that the relevant parishes are loyal to the state of Latvia and operate in compliance with the Latvian legislative acts. The 1995 Law on Religious Organizations provides for equal registration procedure for religious organizations, regardless whether the founders of religious organizations are national minorities or not.

### **Article 9**

*1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*

*2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*

*3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that*

*persons belonging to national minorities are granted the possibility of creating and using their own media.*

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

111. Any person or groups of persons, governmental institutions, all types of enterprises and organizations in Latvia have the right of freedom to express their opinions, to distribute information in the press and other mass media, and to receive information on any subject of interest or social life. Article 100 of the *Satversme* provides that “everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express their views. Censorship is prohibited.” The 1990 law “On the press and other mass media” guarantees the freedom of press and does not foresee any restrictions with respect to the national minority press. Paragraph 3 of Article 62 of the 1995 Law on Radio and Television provides that “Latvian Radio and Latvian Television programmes on the second distribution network shall be primarily in the state language. Of the annual broadcasting time, 20 per cent may be allocated to broadcasts in the languages of the national minorities, including in such broadcasting time also films and theatrical performances sub-titled in the state language.” Paragraph 5 of the same Article provides that “the amount of broadcasting time in foreign languages in programmes produced by broadcasting organisations shall not exceed 30 per cent of the total volume of the broadcasting time in a month’s period. This provision is not applicable to Latvian Television, Latvian Radio, cable television, cable radio, satellite television, and satellite radio, as well as to radio and television over the borders.”

112. Article 1 of the 1990 Law “On the press and other mass media” stipulates, that any person or groups of persons, governmental institutions, all types of enterprises and organizations in Latvia have the right of freedom to express their views, to distribute information in the press and other mass media and to receive information on any subject of interest or social life. Censorship of the press or any other means of mass media is prohibited.

113. Article 19 of the 1995 Law on Radio and Television provides that each broadcast shall take place in one language - the language of the broadcast. Fragments of a broadcast, which are in another languages, shall be provided with a translation (by dubbing, voice-over or sub-titling). This provision is not applicable to language instruction broadcasts or performances of musical works. The language of the broadcast, if it is not the state language, shall be indicated in the broadcast schedule listings (in programmes of broadcasts). Films demonstrated shall be dubbed in the state language, or with the original soundtrack and sub-titles in the Latvian language, while films intended for children shall be dubbed or with voice-over in the Latvian language. Television broadcasts in foreign languages, except live broadcasts, re-transmissions, broadcasts to foreign countries, news and language instruction broadcasts, shall have sub-titles in the Latvian language.

114. Some national minorities residing in Latvia issue their own newspapers, bulletins and magazines. For instance, the Ukrainian Diaspora issues the newspaper “*Вісник*” in the Ukrainian language 6 times per year since 2004. The newspapers edition is 1,000 copies; it is sponsored by the Ministry of Foreign Affairs of Ukraine and partially also the SSAMSI. The newspaper is distributed in all regions of Latvia, Ukraine, and in partnership organizations abroad. The Belarusian community issues the newspaper “*Прамень*” (1,000 copies, 8-9 times per year) with the help of sponsors. The Armenian community’s newspaper “*Арапат*” (2,500 copies per month, in Russian) is also issued in Riga, as well as old believers’ newspaper “*Меч*

духовный” and the magazine “Поморский вестник”. The Polish community in Riga issues the newspaper “Polak na Łotwie” (6 times per year, edition 650 copies) and in Daugavpils – the monthly newspaper „Słowo polskie” (edition around 1,000 copies). The Gypsy (the Roma) community newspaper „Nēvo Drom” (in the Latvian language) is the first newspaper of the Roma community in Latvia. The newspaper is issued in Tukums in 5,000 copies. Part of national minority publications is financed from the national budget.

115. The Latvian Radio-4 is broadcasting a program “News from the national cultural societies.”

### **The National Radio and Television Council**

116. Pursuant to Paragraph 1 of Article 41 of the 1995 Law on Radio and Television (hereafter also referred to as the RTV Law, the National Radio and Television Council (NRTC) is an independent institution – a fully autonomous institution – which represents the interests of the public in the field of electronic mass media and supervise the latter so that in their operations the latter observe the *Satversme*, the RTV Law and other laws, as well as that freedom of speech and information.

In reference to the implementation of Articles 6 and 9 of the Convention – the RTV Law does not discriminate national minorities in any way, for instance, to participate in a tender and receive a broadcasting permission, retranslation permission or to receive a special permission (license) for cable TV or radio activity (according to Paragraph 3 of Article 11 of the RTV Law “natural persons having legal capacity and legal persons registered in Latvia, the Member States of the European Union and European Economic Area, or associations of these persons may participate in the tender”).

Article 3 “Principles of operation of electronic mass media” of the RTV Law determines that all broadcasting organizations shall be free and independent in the production and distribution of their programmes insofar as they are not restricted by the *Satversme*, the RTV Law and other laws, national technical standards and international agreements binding upon Latvia, as well as it determines that no broadcast and no programme may be subject to censorship. In addition, Article 3 of the RTV Law provides that programmes of broadcasting organizations must be variegated and they must reflect the existing views and opinions of the public.

The language requirements for the RTV programmes are set out in Article 19 of the RTV Law:

“(1) Each broadcast shall take place in one language - the language of the broadcast. Fragments of a broadcast that is in other languages shall be provided with a translation (by dubbing, voice-over or sub-titling). This provision is not applicable to language instruction broadcasts or performances of musical works.

2) The language of the broadcast is determined according to the sound accompanying the broadcast concerned or by the language in which the broadcast has been dubbed or the voice-over has been made. The language of the broadcast, if it is not the state language, shall be indicated in the broadcast schedule listings (in the program of broadcasts).

(3) Films demonstrated shall be dubbed in the state language, or with the original soundtrack and sub-titles in the Latvian language, while films intended for children shall be dubbed or with voice-over in the Latvian language.



(4) Television broadcasts in foreign languages, except live broadcasts, re-transmissions, broadcasts to foreign countries, news and language instruction broadcasts, shall have sub-titles in the Latvian language. ”

Paragraph 2 of Article 62 of the RTV Law defines obligations for both public-broadcasting organizations in Latvia, “Latvian Radio and Latvian Television programmes on the second distribution network shall be primarily in the state language. Of the annual broadcasting time, 20 per cent may be allocated to broadcasts in the languages of the State ethnic minorities, including in such broadcasting time also films and theatrical performances sub-titled in the Official language.”

117. An important judgment from the Convention perspective was delivered by the Constitutional Court of the Republic of Latvia on May 15, 2003,<sup>16</sup> which abolished the provision of Paragraph 5 of Article 19 of the RTV Law, according to which “the proportion of foreign languages programs created by a broadcasting organization shall not exceed 25 per cent of the total air time per twenty four hours. On December 16, 2004, the *Saeima* adopted the amendment to Paragraph 5 Article 19 of the RTV Law in the following wording: “if the Cabinet of Ministers determines that in a part of the territory of the State there exists a threat to the use of the state language, or the use or distribution thereof is insufficient, the Cabinet of Ministers shall decide on the measures promoting the use of the state language in the relevant territory.” It should be stated that until now this provision has not been applied into practice.

An example of good practice was a survey organized by the NRTC, right after the delivery of the above mentioned Constitutional Court’s judgment, among the broadcasting companies within the jurisdiction of Latvia about their wish to change the general concept of their programs (which is a mandatory supplement to the broadcasting permission for every broadcasting company) after the restriction of foreign languages was abolished. At the same time the NRTC summarized the information from the local governments of Riga, Daugavpils city and region, Liepaja city and region, Jelgava city, Rezekne city, Kuldiga city, and Ventspils city and region, and identified the ethnic proportion of population in each specific city and region. After summarizing this information, the NRTC made a list of all radio and television broadcasting companies operating in each specific geographical region, analyzed the conceptual part of the general programme of every broadcasting company on the language usage, and analyzed the situation regarding the language usage.

118. Currently there are 30 commercial radio broadcasting organizations in the territory of Latvia, 9 of which are broadcasting 100% in foreign languages (in Russian), 26 commercial television broadcasting organizations, where the broadcasts with the target audience for national minorities are being made in the TV broadcasting organizations („TV 5 Riga”, “First Baltic Channel”, transmitted in all the three Baltic states, „TV Million”), and 40 cable television broadcasting companies, with main programs being broadcasted in Russian. The largest cable television operator in Daugavpils “Dautkom TV” offers five programmes in Latvian, 20 programmes in Russian, and one programme in the Ukrainian and Polish languages. Latvia’s largest cable television operator “Baltcom” offers six programmes in Latvian, one in Polish and 33 in Russian as part of its basic programme package for Riga. The second largest operator in Latvia “Izzi” offers 54 programmes, five of them being in Latvian, one in Ukrainian and in Polish, and 28 in the Russian language. In Liepaja, the cable operator “Ostkom” offers 46 programmes, five - in Latvian, one in Polish, and 22 in Russian<sup>17</sup>.

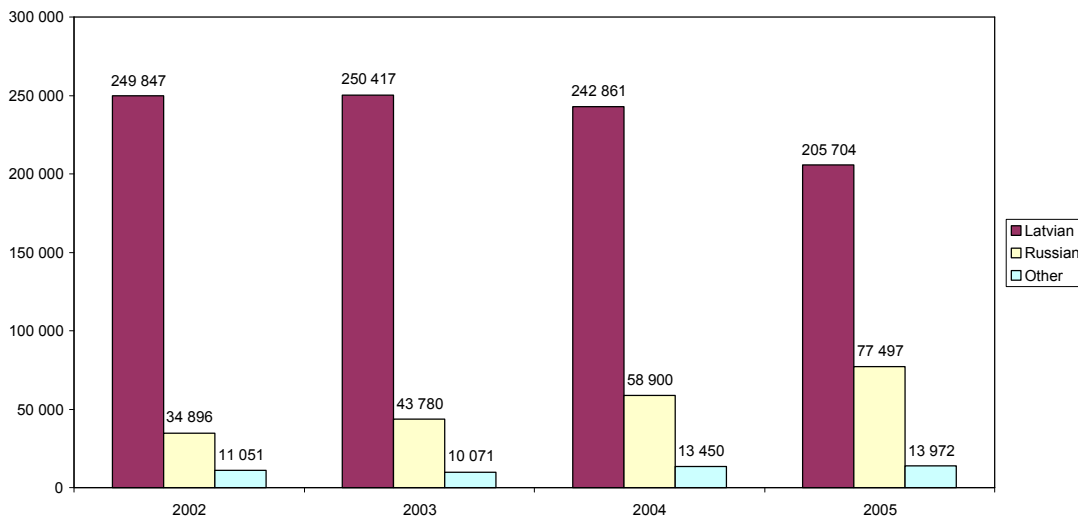
<sup>16</sup> See [http://www.satv.tiesa.gov.lv/LV/Spriedumi/02-0106\(03\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/02-0106(03).htm) for the text of the judgment.

<sup>17</sup> Sources: National Radio and Television Council and operators’ websites

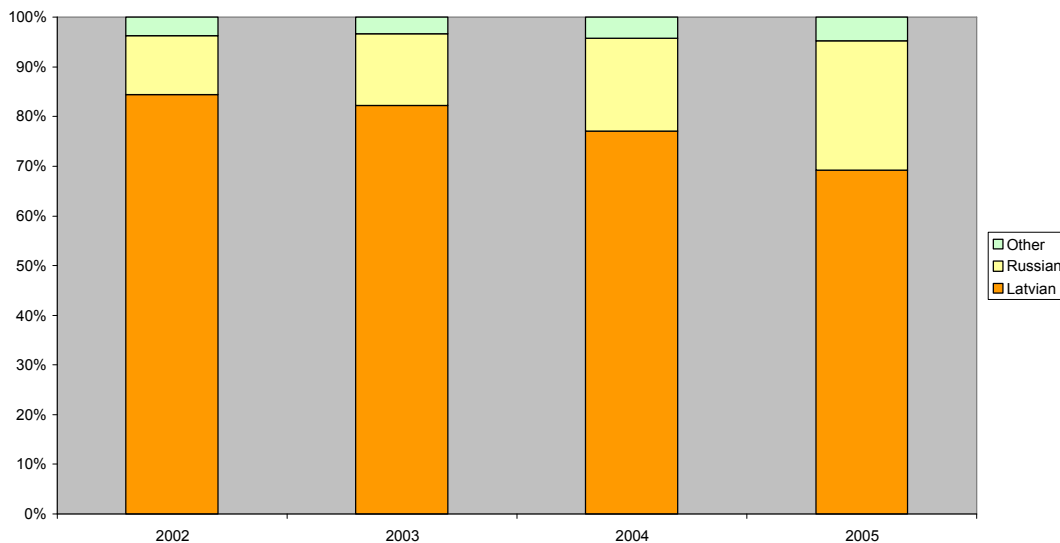
119. The 4th programme of the state radio broadcasting organization “Latvijas Radio”, which is also considered to be an integration programme, broadcasts mainly in the Russian language. However, it also offers programmes by national culture associations in 12 other languages: in Estonian, Lithuanian, Polish, Belarusian, Ukrainian, Hebrew and Yiddish, Georgian, Armenian, Azerbaijani, Greek, Tatar-Bashkir and German. The main subjects dealt with by these programmes are the issues of culture, national traditions, current news concerning the activities of the associations and links with the ethnic motherland. The total audience of Latvijas Radio 4 is 260,000 listeners.

120. As regards the languages used in the radio and television programmes, there is a clear tendency for the reduction in the number of the programmes transmitted in Latvian, whereas the absolute and proportional amount of programmes in the Russian language tends to increase:

**Radio Broadcast Hours by Language  
2002 - 2005**  
(Source: Central Statistical Bureau)

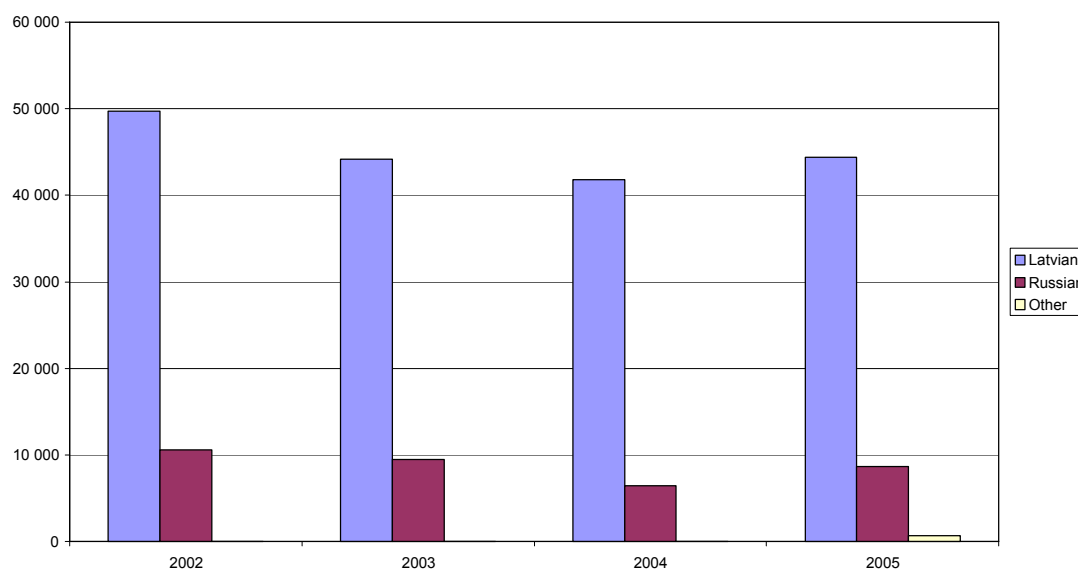


**Radio Broadcast Hours by Language  
2002 - 2005**  
(Source: Central Statistical Bureau)



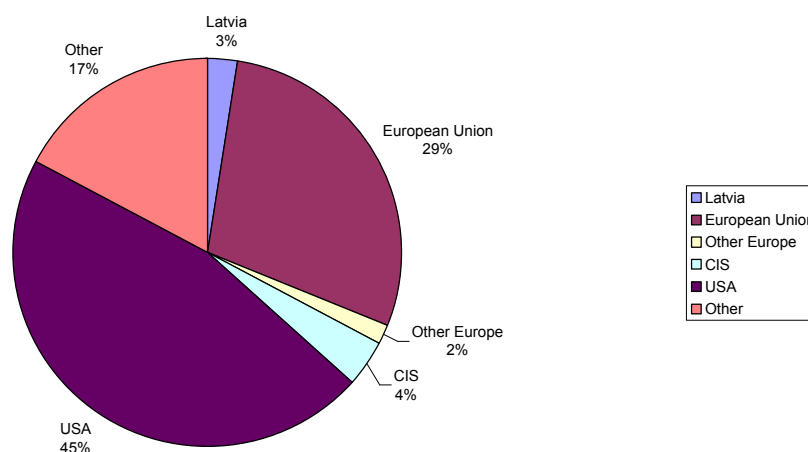
The situation with the overground television is different:

Television Broadcast Hours by Language 2002 - 2005  
(Source: Central Statistical Bureau)



121. Notable is the division of the broadcasted films by their country of origin. The films produced in the CIS exceed the amount of films produced in Latvia:

Films shown on TV in 2005 by Country of Origin  
(Source: Central Statistical Bureau)



## Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the

*Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

122. Upon the ratification of the Convention, Latvia declared that it considers the requirements of Paragraph 2 of Article 10 of the Convention to be binding insofar as they are not in conflict with the *Satversme* of the Republic of Latvia and other legislative provisions in force in Latvia concerning the use of the state language.

123. Article 114 of the *Satversme* provides that “persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity.”

124. Article 3 of the 1999 State Language Law determines that the state language in Latvia is the Latvian language. In Latvia, everyone has the right to file applications and communicate in the state language in institutions, public and religious organizations and undertakings (companies). The State ensures the maintenance, protection and development of the Latgalian written language as a historic variation of the Latvian language.

Article 4 of the 1999 State Language Law provides that the State shall ensure the maintenance, protection and development of the Liv language as the language of the indigenous (autochthon) population

Article 6 of the 1999 State Language Law states that employees of State and local government institutions, courts and institutions belonging to the judicial system, State and local government undertakings, as well as employees of companies having their largest capital share owned by the State or a local government, shall be fluent in and use the state language to the extent necessary for performance of their professional and official duties.

### **The use of language in private sector**

125. The 1999 State Language Law does not apply to the use of language in unofficial communications of the inhabitants of Latvia, in internal communications of national and ethnic groups, or in services, ceremonies, rituals and other kinds of religious activity of religious organizations.

Article 2 of the 1999 State Language Law determines that the use of the state language in private institutions, organizations, undertakings (companies) and with respect to self-employed persons shall be regulated, if their activities affect the lawful interests of the public (public security, health, morality, health care, protection of consumer rights and employment rights, safety in the work place and public administration supervision).

The employees of private institutions, organizations and companies, as well as self-employed persons, who according to the legislative acts carry out certain public functions, must know and use the state language to the extent, necessary to perform the relevant functions.

Article 10 of the 1999 State Language Law provides that any institution, organization and company (undertaking) shall accept from persons and examine documents, which are in the state language. Documents from persons in a foreign language shall be accepted if a translation into

the state language, certified by a notary in accordance with the procedures prescribed by the CM, is attached thereto.

### **The use of language in toponyms**

126. Article 18 of the 1999 State Language Law provides that toponyms in Latvia shall be created and the use thereof shall be in the state language. Names of places, institutions, public organizations and undertakings (companies) in the Liv coastal territory, and names of events taking place in this territory, shall be created and the use thereof shall be also in the Liv language.

### **The use of language in proceedings**

127. In accordance with the 2001 Administrative Procedure Law, the 1984 Administrative Offences Code, the 1998 Civil Procedure Law and the 2005 Criminal Procedure Law, administrative, civil and criminal proceedings take place in the state language. The participants in the process may submit documents in a foreign language by attaching thereto translations into the state language certified in accordance with the prescribed procedures. However, the complaints in criminal proceedings, if a person does not speak the state language, may be submitted in the language the person understands. In administrative and civil proceedings, a court may also allow individual procedural actions in another language, if a participant in the proceedings so requests and all other participants therein agree. The minutes of the court session and rulings of the court are written in the state language. In criminal proceedings, if an accused, a victim or a victim's representative, a witness, a specialist, an expert, an auditor or any other persons involved in the criminal proceedings by the official in charge of the criminal case do not have the command of the state language used in the court proceedings, such persons have the right to use the language they understand, utilising an interpreter provided free of charge by the official in charge of the criminal case. During the pre-trial proceedings, the investigative judge or the court ensures the presence of an interpreter when deciding upon issues within their competence.

128. The participants of the administrative and civil proceedings, except representatives of legal persons, who do not have a command of the state language used in the court proceedings, have the right to examine the case file and participate in procedural activities with the assistance of an interpreter. In criminal proceedings, in the event that a participant therein does not speak the state language, s/he has the right to receive a translation of procedural documents into the language s/he understands as prescribed by the law. The official in charge of the criminal case may carry out individual procedural actions in another language, by attaching a translation thereof into the state language.

129. Subparagraph 3 of Paragraph 1 of Article 303 and Subparagraph 3 of Paragraph 3 of Article 327 of the 2001 Administrative Procedure Law provide that the violations of the provisions concerning the use of language in legal proceedings are regarded as violations of procedural rights that may serve as a basis for the revocation of the judgment in the court of appeal or cassation instance.

### **The use of language in criminal proceedings**

130. According to Article 11 of the 2005 Criminal Procedure Law (CPL), the criminal procedure shall take place in the state language, however, Paragraph 3 of Article 11 of the CPL provides that a person involved in the criminal proceedings who does not understand the state language, in cases provided by law, shall be provided with translation of procedural documents

in a language s/he person understands. According to Paragraph 4 of Article 11 of the CPL, the official in charge of the criminal case may carry out certain procedural activities in another language, attaching a translation thereof into the state language.

131. In accordance with Paragraph 3 of Article 71 of the CPL, the accused has the right to participate in the proceedings before the first instance court using the language s/he understands, if necessary, using the assistance of an interpreter free of charge; Paragraph 3 of Article 97 of the CPL provides that a victim has the right to participate in all stages and kinds of the criminal proceedings, using the language s/he understands, if necessary, using the assistance of an interpreter.

132. Pursuant to Paragraph 2 of Article 101 of the CPL, before questioning or interrogation a witness has the right to receive from the official performing the procedural action information about his/her rights, obligations and responsibility, type of fixing the information, as well as on the rights to testify in the language s/he understands well, if necessary, using the assistance of an interpreter.

133. Pursuant to Paragraph 2 of Article 114 of the CPL, the investigation institutions, public prosecutor's office, court and places of deprivation of liberty, when performing procedural activities, which are not investigation activities and not connected with the decision-making, but rather with its enforcement, must ensure that persons have the right to use the language they understand, utilising the assistance of interpreters of the above-mentioned institutions. The official in charge of the case file may ask another person who has a command of the relevant language to perform the duties of an interpreter.

134. Paragraph 1 of Article 147 of the CPL provides that the interrogation starts with establishing the identity of the person being interrogated and the language to be used during the interrogation. It must be clarified, if the person being interrogated has a command of the language used in the proceedings and in what language the person can testify.

135. Pursuant to Paragraph 8 of Article 406 of the CPL, an accused who does not understand the language in which the indictment has been written is provided with the translation thereof in the language s/he understand. Paragraph 4 of Article 413 of the CPL provides that in the event an accused does not have a command of the state language in which the decision to forward the criminal case to the court has been written, the public prosecutor must provide him/her with a written translation of the decision in the language s/he understands.

136. According to Paragraph 1 of Article 535 of the CPL, the day of access to the judgment by the accused shall be considered the day the judgment becomes available at the court's registry, while in case of a person under house arrest or held at a social correction educational facility, the day this person is given opportunity to examine the judgment in a language s/he understands. Paragraph 3 of this Article provides that the court shall provide the accused with a written translation of the judgment in a language s/he understands.

137. According to Subparagraph 4 of Paragraph 1 of Article 575 of the CPL, one of the most serious violations, on the basis of which the court's ruling is revoked, is the violation of the accused rights to use a language s/he understands and use the assistance of an interpreter.

138. Places of imprisonment, when executing detention on remand as a measure of restraint, as well as deprivation of liberty as a sanction shall observe one of the basic principles of the Latvian Code on execution of sentences, which provides that discrimination of sentenced

persons on the ground of race, ethnicity, language, gender, social or financial status, political opinions, religious beliefs or other grounds shall not be permitted. In implementing this principle administration of places of imprisonment, when accepting new prisoners, shall take into consideration their language skills and attempt to place them in cells to enable those speaking the same language to communicate among themselves. The same principle shall apply when placing foreigners (as of 1 July 2005, 61 aliens were held in prison).

139. Prisoners in private contacts (visiting times with relatives, lawyer, priest etc.) and in contact with administration of places of imprisonment use the language of their choice. Administration of places of imprisonment shall not forbid prisoners to correspond with state institutions in a language they understand. For example, as of July 1, 2006, the Prison Administration received from prisoners 2,908 submissions and complaints, 60% of which were written in Russian, and were replied to in the state language.

#### **Use of language in the civil proceedings**

140. Pursuant to Article 13 of the 1998 Civil Procedure Law, litigation in a civil process takes place in the state language, but the court may permit certain procedural activities in another language if a participant in the case so requests, and all other participants therein agree to it. Minutes of court sessions and court rulings shall be written in the state language. If a participant in the case, except for representatives of legal persons, does not understand the language of the litigation, s/he shall have the right to examine the case file and take part in procedural activities using the assistance of an interpreter.

#### **Use of language in the administrative proceedings**

141. Pursuant to Article 110 of the Administrative Procedure Law, litigation in administrative proceedings shall take place in the state language, but the court may permit certain procedural activities to be carried out in another language if a participant in administrative proceedings so requests and other participants therein agree to it. If a participant in administrative proceedings, except for representatives of legal persons, does not understand the language of the proceedings, s/he shall have the right to examine the case file and take part in procedural activities using the assistance of an interpreter.

#### **Use of language in contact with state institutions**

142. Pursuant to Paragraph 3 of Article 10 of the State Language Law, state and local government institutions shall accept documents in foreign languages if a translation certified as provided by the CM, or certified by a notary, in the state language is attached thereto. However, this provision shall not apply to documents submitted to police and medical institutions, rescue services and other institutions in cases of urgent calls for medical aid, commission of crimes or other violations of law, or calls for emergency assistance in cases of fire, traffic accident or other emergencies. Also, documents received from other countries may be accepted and reviewed without a translation into the state language.

143. Article 3 of the 1994 Law “On local governments” provides that the working language of a local government council and institutions established by it shall be Latvian. If a resident having a problem with understanding Latvian wishes to express him/herself in another language, then, according to the statute of the local government, this either the person him/herself or the local government shall provide an interpreter. During official meetings only Latvian may be spoken. In accordance with Paragraph 2 of Article 10 of the State Language Law, state and local government institutions may accept and review submissions from persons in the state language

only. It should be noted that in municipalities with a large percentage of national minorities (Riga, Daugavpils), the local government provides translation services free of charge to persons who do not speak Latvian.

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

### **Use of language in the educational process**

145. At present there are more than 200 national minority schools operating in Latvia – 179 Russian schools, 7 Polish schools, 2 Jewish schools, one Ukrainian, one Estonian, one Lithuanian and one Byelorussian school, as well as Roma classes in a number of schools. Paragraph 2 of Article 2 of the General Education Law provides that „a general secondary education programme of the corresponding direction may be combined with the educational programme for national minorities, including therein the native language of the national minority, the educational content related to the identity of the national minorities, as well as integration of national minorities into Latvian society”.

MES determines subjects of the national minority curricula, which must be taught in the state language. MES has drawn up four models of national minority curricula, which differ depending on the national minority and proportion of the number of subjects taught in Latvian. Thus, the national minority curricula provide representatives of national minorities with opportunities to learn Latvian language and culture without losing awareness of their own national identity. Libraries in Latvia traditionally attempt to include in their collections books and other publications in the languages of the Latvian national minorities. Historically it has happened that the dominant percentage of the published literature next to Latvian has been Russian; also at present the latter makes up 40 – 45% of the total volume of library collections. Libraries close to the Lithuanian border have a wide selection of books in Lithuanian, to the Estonian border– in Estonian, to the Russian border– in Russian. Publications in different languages are offered to the residents of Riga by specialised public libraries – the foreign language library at the Congress building, and library of the literature of the Nordic countries. Books in Hebrew and Yiddish are concentrated at the library of the Riga Jewish community. Books in other languages (English, German, French, Swedish, Danish etc.) make up about 10% of the total volume of library collections.

### **Article 11**

*1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*

*2 The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*

*3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*



146. Upon the ratification of the Convention Latvia declared that the requirements of Paragraph 3 of Article 11 of the Convention are binding insofar as they are not in conflict with the *Satversme* and other legislative provisions in force in Latvia concerning the use of the state language

### **Regulation of personal names**

147. Article 19 of the 1999 State Language Law provides:

“(1) Personal names shall be reproduced in accordance with the Latvian language traditions and written in accordance with the existing rules of the literary language, observing the provisions of Paragraph two of this Article.

(2) In a passport or birth certificate, in addition to the name and surname of the person, reproduced in accordance with the existing rules of the Latvian language, the historic form of family name or the original form of the personal name in a different language, transliterated in the Roman alphabet, may be indicated, if the person or the parents of a minor person so wish and can verify it by documents.

(3) The written form and identification of names and surnames, as well as the written form and use in the Latvian language of foreign language personal names, shall be regulated by CM regulations.”,

148. Pursuant to Paragraph 3 of Article 19 of the 1999 State Language Law, in order to ensure the spelling of persons' names in accordance with the rules of the Latvian language, as well as in order to protect a person against unjustified alteration of his/her name and surname and against refusal of institutions to accept the ownership of a document by a person in which the spelling of his/her name differs from the entry in another (previously issued) document, on March 2, 2004, CM passed regulation No. 114 „On the spelling and use in the Latvian language of persons' names, as well as their identification”. This Regulation describes rules of Latvian literary language in transcribing persons' names of foreign language origins (name(s) and surname (double surname) of natural persons (expressing and using persons' names in the Latvian language sounds and letters, according to the rules of transcription of foreign language proper nouns), as well as basic rules for transcription of foreign language persons' names in Latvian, and procedures for spelling and identifying persons' names in documents regardless of their origin.

149. The Constitutional Court in its judgment of December 21, 2001<sup>18</sup> „On compliance of Article 19 of the State Language Law and Cabinet of Ministers' Regulation No. 295 of August 22, 2000, „Regulation on spelling and identification of names and surnames” with Articles 96 and 116 of the *Satversme* of the Republic of Latvia” concluded that Article 19 of the State Language Law is in compliance with Articles 96 and 116 of the *Satversme*. This Article provides that in cases where the original form of a foreign language person's name differs from the Latvian language rules, the name of this person shall be written in accordance with the Latvian language rules in force at the time concerned. The Constitutional Court held that the State, by providing a way to transcribe the original forms of foreign language persons' names in Latvian, at the same time must take proper care of and ensure the stability of persons' names. From the moment the transcribed person's name is entered in the Latvian passport, the person shall be entitled not only to use it, but also to defend it. The mistakes or impreciseness of staff of

<sup>18</sup> The full text of the Constitutional Court judgment is available at [http://www.satv.tiesa.gov.lv/LV/Spriedumi/04-0103\(01\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/04-0103(01).htm).

state institutions in applying regulations concerning the spelling and use of foreign language persons' names in Latvian, as well as new linguistic developments shall not serve as an excuse for changing the spelling of persons' names once transcribed and entered in the person's documents. Therefore, equalization of previously transcribed persons' names, if the person concerned does not wish it, amounts to disproportionate interference with the person's private life, despite legitimate aims. Thus, in its judgment the Constitutional Court held that the CM Regulation No. 95 of August 22, 2000, "Regulations on writing and identification of names and surnames" shall be revoked in the part concerning equalization of the previously transcribed persons' names that have been entered in the Latvian passports, if the person concerned does not wish it, as incompatible with Articles 96 and 116 of the *Satversme*.

In addition, the Constitutional Court held in the same judgment that paragraph 6 of the CM Regulation No. 310 of October 24, 1995, is incompatible with Articles 96 and 116 of the *Satversme* and thus revoked as of July 1, 2002, by concluding that entering the original form of the name and surname in the section of the passport „special marks” disproportionately interferes with a person's private life.

Similarly, the Constitutional Court held that paragraph 3.8 of the instruction, „On the procedure for applying „Regulation on passports of citizens of the Republic of Latvia” approved by Order No.52 of November 10, 1994 of the Director of the Department for Citizenship and Migration does not comply with Articles 96 and 116 of the *Satversme* and thus shall be revoked as of July 1, 2002. This provision provided that the original form of a foreign language person's name „may be entered” in a passport upon request of the Latvian citizen if „the form essentially differs compared to the person's previous documents”, which permitted not to take into account the person's request to enter the original form of the person's name in the passport.

150. The European Court of Human Rights (the European Court), too, has examined a number of complaints against Latvia regarding the transcription of persons' names in Latvian. Thus in the cases *Lidija Kuharec v. Latvia*<sup>19</sup> and *Juta Mentzen v. Latvia*<sup>20</sup> the applicants complained about the use of the Latvian transcription when entering their surname in the identity documents. The European Court found in the aforesaid cases that not all regulation of surnames and forenames will necessarily constitute an interference with person's private life, as well as that transcription of surnames of foreign languages' origin may not be compared to actually changing the surname.

The European Court concluded that the transcription of foreign language surnames in Latvia is provided by law (Article 19 of the State Language Law and CM regulations Nos. 174, 295 and 310), whose aim it is on the one hand to minimize the difference between the spelling of a surname and its pronunciation and, on the other hand, to adapt it to the specifics of the Latvian language grammar. The European Court specifically noted that Paragraph 2 of Article 19 of the State Language Law and paragraph 6 of the regulation No. 310 provide the relevant persons with an opportunity to indicate in their passports the original spelling of their surname, which is legally equal with the transcribed spelling. The European Court concluded that the legal regulation of the use of a surname does not mean its forcible change. The European Court also held that the use of the Latvian transcription corresponds to its legitimate aim, namely, “the protection of the rights and freedoms of others” and as such „is necessary in a democratic society”. The Court concluded that in this matter the Latvian authorities have not overstepped their margin of appreciation they are afforded in this sphere and rejected the applications.

<sup>19</sup> *Lidija Kuharec v. Latvia*, application No. 71557/01, decision of December 7, 2004.

<sup>20</sup> *Juta Mentzen v. Latvia*, application No. 71074/01, decision of December 7, 2004.

151. In the case *Siskina and Siskins v. Latvia*<sup>21</sup> the applicants complained that the spelling of their surnames in the passport's machine reading zone as „SISKINS” and „SISKINA”, i.e. without diacritical marks, interfered with their right to inviolability of private and family life. On the title page of both passports in the column ”Surname” the applicants' surnames were entered as „ŠIŠKINS” and „ŠIŠKINA”, which they did not contest. The latter aspect became the decisive factor for the outcome of the case, as the Court too found that in the main column „surname” of both contested passports was completed corresponding to the spelling of the surnames. The Court found that the spelling of the applicants' surnames in the passport's machine reading zone was done in accordance with the standards of International Civil Aviation Organization, which only aim is to facilitate the automatic identification of persons at the border crossing points, while the passport's machine reading zone in fact is not intended for visual reading. Thus the European Court concluded that the way the surname of the passport holder appears in the aforesaid lines does not interfere with the inviolability of the surname as an element of a person's civil standing, and rejected the complaint.

### **Use of language in titles, signs, posters and notices**

152. Paragraph 4 of Article 21 of the 1999 State Language Law provides that information included in titles, signs, posters, notices or other information, if it concerns lawful public interests and is intended to inform the public at publicly accessible locations, shall be provided in the state language; exceptions are permitted in cases determined by the Cabinet of Ministers.

Such exceptions are listed in CM regulation No. 130, „Regulation on the use of language in information”, which provides that persons and institutions shall be entitled to use a foreign language in providing information at publicly accessible locations accessible, including the national minorities' languages.

153. Paragraph 1 of Article 18 of the State Language Law provides that toponyms in Latvia shall be created and used in the state language. Paragraph 4 of Article 18 of the State Language Law provides names of places, institutions, public organizations and undertakings (companies) in the Liv coastal territory, and names of events taking place in this territory, shall be created and use thereof shall be also in the Liv language.

154. The Ministry of Justice has started work on new legislative initiative, that is, drafting new legal regulation on toponyms.

### **Article 12**

*1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*

*2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*

*3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

155. Article 10 of the 1991 law “On the free development and rights to cultural autonomy of Latvia's national and ethnic groups” provides that Latvian authorities shall encourage the

<sup>21</sup> *Siskina and Siskins v. Latvia*, application No. 59727/00, decision November 8, 2001.

creation of practical conditions for the development of education, language and culture of national and ethnic groups residing in the territory of Latvia, by allocating for this purpose certain amounts in the national budget. Issues related to education of national and ethnic groups are governed by the Education Law. National associations shall also have the right to establish national educational facilities at their own cost.

### **Sunday schools**

156. In 2001 there existed 33 national Sunday schools in Latvia: Azerbaijan, Jewish, Polish, Tatar-Bashkir, Ukrainian, Greek, Liv and Lithuanian, attended by representatives of the relevant nationalities and children of mixed families. The average number of students fluctuated between 20 and 40. The Polish and Jewish communities had the largest number of Sunday schools.

By increasing the number of state funded national minority schools, the number of Sunday schools decreased to 14 (data as of January 2006). Azerbaijanis, Jews, Ukrainians and Livs retained their Sunday schools. Roma, Belarus, the Old Faith and Russian Orthodox established new schools.

Sunday schools teach the national language, history, culture and geography. A number of schools also teach the basics of religion; organize music workshops and celebration of national holidays.

Heads of Sunday schools indicated the lack of funding as their main problem. At present, the main source of support are donations of the respective national community or founders, on rare occasions a local government or the ethnic homeland allocates some funding (donates books, teaching material, equipment, but do not remunerate teachers).

The SSAMSI supported few applications by national minority NGOs for grants specifically for the needs of Sunday schools. Accordingly, regular financial support is provided for the upkeep of Roma Sunday schools, established by the association *Nēvo Drom* and the Liepāja Ukrainian Sunday school (association *Rodīna*). In 2005, the SSAMSI funded the development of methodology for the Jelgava Jewish association's Sunday school.

### **Funding of conferences and studies**

157. The SSAMSI actively supports NGO initiatives to study their culture and history, as well as historic and contemporary intercultural relations. During the past three years publication of a number of studies and organization of important conferences and seminars has been funded. The total amount of grants allocated for these purposes exceeds LVL 85,000. The most important examples are the filming of the documental film „Christianity in Latvia”, publication of the book „Russian – Latvian links: folklore, mythology, language, literature” (will be published in the Autumn of 2006), organization of Latvian Roma congress, which is the first commonly organized step of the Latvian Roma community towards self awareness and a common strategy in the modern world. Between 2003 and 2006 SSAMSI has supported a number of publications and conferences dedicated to the study of the national minorities' culture and strengthening of intercultural contacts (a total of 33 projects).

### **National minority education**

158. Local governments and the state establish Education Boards providing the functions of administration of education in the relevant territory. The Boards are financed from local government budget and operate on the basis of a regulation approved by the relevant local government. Regional local governments are charged with facilitating improvement of professional qualifications of teachers and co-ordinating teachers' methodological work.

159. Article 14 of the 1999 State Language Law provides that the Republic of Latvia guarantees the right to education in the state language. The use of the state language in education is governed by laws regulating education.

160. Pursuant to Paragraph 4 of Article 15 of the 1994 law “On local governments” local governments ensure that pre-school and school age children shall have a place in educational facilities and provide financial support for extra curricular educational facilities.

161. Paragraph 1 of Article 17 of the 1998 Education Law provides that every local government shall ensure that children residing in its administrative territory have the opportunity to obtain pre-school and elementary education at the educational facility closest to the child’s place of residence, ensure that youths have the opportunity to obtain secondary education, as well as shall ensure opportunities to obtain education of interests and support extra-curricular projects, including children’s camps.

Paragraph 2 of Article 17 provides that in order to ensure children residing in its administrative territory a possibility to attend the educational facility of their choice, the local government shall enter into agreements as provided by the CM and participate in funding maintenance costs of those local government educational facilities attended by the children residing in its administrative territory.

In accordance with Education Law, local governments shall consider whether it is necessary to establish a school for national minority children.

In the event a child of pre-school or school age chooses to attend a national minority language school, the local government shall provide support the school providing instruction in the minority language is not a private educational facility.

162. Implementation of Article 12 of the Convention is ensured by Article 3 of the Education Law which provides, „every citizen of the Republic of Latvia and every person who has the right to a non-citizen passport issued by the Republic of Latvia, every person who has received a permanent residence permit, as well as citizens of the European Union States who have been issued a temporary residence permit, and their children, have equal right to acquire education, regardless of their property or social status, race, ethnicity, gender, religious or political convictions, state of health, occupation or place of residence.”

163. Latvia implements state funded educational programmes in the following national minority languages: Lithuanian, Estonian, Russian, Polish, Ukrainian, Belarus, Hebrew and Yiddish, and Roma. Due to the fact that the population of Latvia decreases annually, and birth rate indicators are low, the number of schools tends to decrease. In the case of schools established by local government the decision to close a school (or open a new school) is made by the local government, co-ordinating the decision with the MES.

#### 164. NUMBER OF GENERAL EDUCATION DAY SCHOOLS BY LANGUAGE OF INSTRUCTION

Year	Total	Latvian	Russian	Bilingual	Polish	Ukrainian	Belarusian
<b>2005./2006.</b>	<b>983</b>	<b>727</b>	<b>152</b>	<b>97</b>	<b>4</b>	<b>1</b>	<b>1</b>
<b>2004./2005.</b>	<b>993</b>	<b>724</b>	<b>155</b>	<b>108</b>	<b>4</b>	<b>1</b>	<b>1</b>
<b>2003./2004.</b>	<b>1009</b>	<b>729</b>	<b>159</b>	<b>115</b>	<b>4</b>	<b>1</b>	<b>1</b>

Source: MES

165. According to statistical data, DIVISION OF STUDENTS OF GENERAL EDUCATION DAY SCHOOLS BY ETHNICITY is as follows:

<b>School year</b> <b>Ethnicity</b>	<b>2005./2006.</b>	<b>2004./2005.</b>	<b>2003./2004.</b>
<b>Total number of students</b>	<b>283,947</b>	<b>300,667</b>	<b>312,489</b>
<b>Of those:</b>			
<b>Latvians</b>	184,790	197,353	215,377
<b>Belarusians</b>	4,147	4,775	5,494
<b>Roma</b>	1,415	1,464	1,508
<b>Jews</b>	590	651	676
<b>Estonians</b>	133	139	162
<b>Russians</b>	62,931	68,415	75,144
<b>Lithuanians</b>	1,871	1,930	2,455
<b>Poles</b>	3,982	4,114	5,314
<b>Ukrainians</b>	3,134	3,490	4,184
<b>Germans</b>	234	260	296
<b>Others</b>	1,539	1,718	1,879
<b>Not indicated</b>	19,181	16,358	X

Source: MES

166. The number of languages of instruction in schools attended by children of the above mentioned ethnicities is less than the number of the mentioned ethnicities. For example, the basic language of instruction in Jewish schools is Russian, in Lithuanian and Estonian schools – Latvian. In locations densely populated by Roma, Roma classes have been established, where, in addition to the elementary curriculum, taught in the state language, an in-depth teaching of the Roma language and writing is provided. It is important to note that the number of students who do not indicate their ethnicity is increasing.

167. Division of students in day schools by language of instruction in the 2005/2006 school year is as follows:

<b>Total number of students</b>	<b>283,947</b>
Of those:	
Instructed in Latvian	205,189 (72,26%)
Instructed in Russian	77,471 (27,28%)
Instructed in Polish	860 (0,303%)
Instructed in Ukrainian	252 (0,089%)
Instructed in Belarusian	94 (0,033%)

Source: MES

168. DIVISION OF DAY SCHOOLS STUDENTS BY LANGUAGE OF INSTRUCTION (WITHOUT SPECIAL SCHOOLS AND CLASSES)

School year	Total	Latvian	Russian	Bilingual		Poles	Ukrainian	Belarusian
				Latvian	Russian			
2005./2006.	274,256	181,097	66,859	16,930	8,083	860	252	94
2004./2005.	290,874	188,419	72,582	19,217	9,403	891	272	90
2003./2004.	302,667	193,136	78,158	19,687	10,381	920	302	83

Source: MES

169. Students of different ethnicities choose a school depending on the proximity to their place of residence, language spoken in the family or other circumstances. Dominant schools are those teaching in the state language or Russian.

170. DIVISION OF DAY SCHOOLS STUDENTS BY LANGUAGE OF INSTRUCTION AND ETHNICITY DURING THE 2005/2006 SCHOOL YEAR

	Schools instructing in Latvian	Schools instructing in Russian
Total number of students at general education day schools	283947	
	205,189	77,471
Of those (%): Latvians	85.27	12.42
Russians	4.42	69.23
Poles	0.37	3.41
Belarusians	0.42	4.14
Ukrainians	0.22	3.3
Roma	0.49	0.52
Estonians	0.03	0.08
Lithuanians	0.51	1.5
Not indicated	8.1	3.3

Source: MES

171. Majority of public discussions concerning preservation of national minority culture and language is related to the general education system, especially day schools. These discussions were triggered by the so-called education reform.

172. The education reform means continuance of those educational projects that were started in the mid-nineties by introducing in general education curricula a special type thereof – a national minority curricula (as provided in Article 41 of the Education Law). On February 5, 2004 Sub-paragraph 3 of Article 9 of the Transitional provisions of the Education Law was amended with a requirement – starting with the 2004/2005 school year at state and local government general education secondary educational facilities implementing national minority curricula, starting in Grade 10, instruction shall be in the state language in accordance with the state secondary education standard. The standard, in turn, stipulates that instruction in the state language is ensured in not less than three fifths of the total lesson load during the school year, including foreign languages. In grades 10 to 12 the number of subjects taught in Latvian shall increase gradually. The first cycle shall begin in the 2004/2005 school year and shall continue until the 2006/2007 school year. As of 2007 content of state written tests shall be in Latvian.

173. As of September 1, 2004 general secondary educational facilities implementing national minority curricula began to implement a curriculum of increased Latvian language percentage. Pursuant to the Education Law, in grades 10 – 12 of state and local government educational facilities the number of subjects taught in Latvian increased from three to five. Thus, 40% of all subjects are taught in the national minority language.

174. On May 13, 2005, the Constitutional Court delivered a judgment in the case No. 2004-18-0106<sup>22</sup> „On compliance of sub-paragraph 3 of Article 9 of the Transitional provisions of the Education Law with Articles 1, 91 and 114 of the *Satversme*, Article 2 of Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Article 14 (in relation to Article 2 of Protocol 1), Articles 26 and 27 of the International Covenant on Civil and Political Rights, Article 5 of the International Convention on the Elimination of all Forms of Racial Discrimination, Articles 2 and 30 of the Convention on the Rights of the Child, and Article 18 of the 1969 Vienna Convention on the Law of Treaties”. The Constitutional Court concluded that sub-paragraph 3 of Article 9 of the Transitional provisions of the Education Law complies with Articles 1, 91 and 114 of the *Satversme*, Article 2 of Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Article 14 (in relation to Article 2 of Protocol 1), Articles 26 and 27 of the International Covenant on Civil and Political Rights, Article 5 of the International Convention on the Elimination of all Forms of Racial Discrimination, Articles 2 and 30 of the Convention on the Rights of the Child, and Article 18 of the 1969 Vienna Convention on the Law on Treaties.

The case was initiated on July 22, 2004, by twenty members of the 8th *Saeima*, who indicated that the provision stipulating that at state and local government general secondary educational facilities teaching national minority curricula, starting in grade ten, instruction shall be given in the state language in accordance with the state general secondary education standards; at state and local government professional educational facilities, as of the first year, instruction shall be given in the state language in accordance with the state professional education standard or state professional secondary education standard, does not comply with the aforesaid international standards. The authors of the application alleged that the contested provision violated the principle of equality before the law. Considering the initial differences between the ethnic Latvians and national minorities, the principle of achieving full equality with respect to national minorities demands a different approach. Therefore, before introducing any restriction, its proportionality to the legitimate aim should be considered. The applicants claimed that the benefit resulting from implementation of the reform is less than the disadvantage caused to a person's rights and lawful interests; by applying the contested norm, rights of persons belonging to national minorities to take advantage of their culture together with other members of their relevant group, practice their religion and use their language have been interfered with.

The Constitutional Court in its judgment concluded that the contested provision is a gradual step towards eradication of the school division that was created during the Soviet times, as well as towards strengthening the use of the state language. The Constitutional Court also concluded that the contested provision, by introducing one of the methods of bilingual education, does not violate person's rights to preserve his/her identity and culture. To the contrary, the contested provision is the basis of and facilitates high quality knowledge that may be effectively used further, as well as the integration of society. The state language not only should be learned as a separate subject, but also used in acquiring the substance of teaching.

At the same time, the Constitutional Court pointed out that there must be a mechanism, which could evaluate changes in the quality of education process. Moreover, the quality control mechanism must be impartial, versatile, professional, regular, as well as based on scientific conclusions and methods. It is the duty of the State to provide for the collection of such data, which evaluation may lead to the adoption of considered decisions, as well as provide the

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<sup>22</sup> The full text of the Constitutional Court judgment is available at [http://www.satv.tiesa.gov.lv/LV/Spriedumi/18-0106\(04\).htm](http://www.satv.tiesa.gov.lv/LV/Spriedumi/18-0106(04).htm).



society, students and their parents with information about changes in the quality of education process, as well as the course of education process. Based on opinions obtained during the preparation and adjudication of the case the Constitutional Court expressed its doubts as to the effectiveness of the mechanisms existent at the time.

175. Following the 2003/2004 public debates and start of the reform the question of quality of general education became a public priority. Monitoring the quality of education became one of the most important MES tasks.

The most important activities in this area are as follows:

- In 2005 a National Agency for Monitoring Quality of General Education was established. It draws up instruments for measuring the quality of education. One of its most important tasks is to follow up on the quality of implementing national minority curricula.
- Each year MES compiles information on indicators characterising development of education. The Centre for educational content and examinations compiles data on students' achievements during state exams.
- The National Education Inspectorate monitors compliance of school work with the requirements of legislative acts, including issues of national minority education.
- In 2005 MES took part in organizing and holding 6 regional seminars and 2 conferences. Meetings were held with school directors, heads of regional bilingual education support centres to discuss the bilingual education process, and facilitate exchange of positive experience. The problems mentioned by heads of schools are not related to the use of the language of instruction but rather the need for new teaching material.
- In 2005 MES organized a conference on issues of bilingual education and the conference „Language in education: opportunities and challenges” in co-operation with the State Language Commission and the State Language Agency. The following issues were discussed: language policy in Latvia and world experience, bilingual education and the integration process.
- Involvement of society in positive debates and exchange of information is ensured by MES Consultative Council on National Minority Education Issues. In 2005, four meetings took place to discuss mainly the question of quality of education. In 2006, two meetings have taken place to discuss questions of training of teachers of national minority schools.

176. In order to preserve national minority language and culture it is important to encourage students and their parents to trust the Latvian education system and ensure a successful implementation of the education reform. A positive education reform process is promoted by the following activities:

- A number of bilingual education support centres are operating in Latvia, which are financially supported by local governments. The centres supervise the process and encourage sharing of positive experience. In seminars, teachers of bilingual education discuss problems and invite experienced practitioners and education specialists from Latvian universities and other educational facilities to encourage fruitful discussions.
- Schools have different kinds of curricula available to them, including, for example, corrective teaching programmes which serve to improve the knowledge of less successful students at the cost of the state budget.
- Publication of textbooks and training of teachers in bilingual education is within the competence of the National Agency for Latvian Language Training (NALLT), which ensures teaching of the state language and promotes preservation of national minority languages. Teachers for the past ten years have had access to continuous education courses.
- An important aspect – publication of textbooks and methodology material. All necessary

textbooks have been published for grades 1 – 12 in Latvian and in Russian, as the mostly spoken languages by the national minorities in Latvia.

- The preservation of national minority languages is also ensured by the bilingual education method, which is widely used by teachers of national minority schools.
- The NALLT is also active in promoting activities of youth clubs, organizing camps for youths, and camps for two generations – following the tradition of the Latvian Diaspora 2 x 2 and 3 x 3 camps, which are attended by children and their parents and work together in learning the state language. Special publications have been prepared for parents of national minority students targeted at promoting their trust in school teaching methods and inform of the diversity of the school processes.

177. One of the main objections of the public concerning the quality of national minority education is linked to the idea of students' insufficient proficiency of the state language. However, results of the 2006 Latvian language examinations in grades 9 of national minority schools attest the success of the examination process. Most of those taking the exams obtained C level (40%) and D level (33%), which confirms good basic language knowledge and skills. Only 116 (1.36%) elementary school students obtained F, or the lowest level. Altogether, 8,560 students<sup>23</sup> took the examinations at national minority schools.

178. Development of the Latvian education reform has been at the centre of attention of international organisations for some years. On 20 – 21 April 2006 the OSCE High Commissioner on National Minorities Rolf Ekeus visited Latvia, met with representatives of various institutions and heard the views on national minority issues. He welcomed the process of the education reform and indicated the need to establish a closer dialogue with the public. On 20 – 21 March 2006 a member of the CoE Parliamentary Assembly Committee on Legal Affairs and Human Rights, Adrian Severin, visited Latvia, who also welcomed the Latvian education process during his meeting at the Ministry of Education and Science.

### **On teaching materials for national minority curricula**

179. Pursuant to Article 17 of the 1998 Education Law, it is the duty of the local government to provide children in each administrative territory with the opportunity to obtain mandatory pre-school and elementary education at the educational facility closest to the child's place of

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<sup>23</sup> A – uses the language fluently and correctly in any situation of communication. Perceives and understands any authentic speech. Reads and understands texts of various styles and genres. Forms logical and well planned text correspondent to the given situation. Is able to express and argument his/her views verbally and in writing. B – Uses the language correctly in various situations of communication. Perceives and understands authentic speech expressed at a normal pace. Reads and understands texts of different kinds. Is able to form a planned text correspondent to the given situation. Is able to express and argument his/her views verbally and in writing. C - Uses the language in every-day and study situations correctly and correspondent to the given situation. Perceives and understands clear and correct speech. Reads and understands informative texts of different subjects. Is able to form understandable text. Is able to express his/her thoughts and views verbally and in writing. D- Uses the language in every-day and study situations for the most part correctly. Perceives and understands speech related to every-day experiences. Reads and understands simple informative texts. Is able to form simple text on every-day subjects. Is able to express his/her thoughts verbally and in writing. E- Restricted use of language in every-day and study situations. Perceives and understands simple speech related to every-day experiences. Reads simple text and is able to obtain necessary information from it. Is able to form simple text of every-day subjects. Speaks and writes information necessary in day-to-day situations. F – Primitive use of language and vocabulary. Perceives and understands words and phrases related to every-day experiences. Is able to recognize and read familiar words and phrases in texts. Is able to write only using familiar phrases and sentences. Is able to use basic phrases and simple sentences in speech and in writing.

residence. The duties of local governments also include procurement of teaching material for educational institutions. The amount of the necessary funding is prescribed by CM regulation No. 415 of September 25, 2001, „Standards of necessary funding for the operation of libraries”” and CM regulation No. 355 of 7 August 2001, ”Regulation on operations of library network of local importance”.

180. State participation in providing teaching material is regulated by CM regulation No. 97 of March 6, 2001, „Procedure, how the state to organizes and funds publication and procurement of teaching material”. Following amendments made thereto on May 23, 2006, the regulation provides that MES shall allocate to School Boards of regional and republic size cities 10% of the funds foreseen by the law on the state budget for the current year for the purpose of procuring teaching literature, which then are targeted at educational facilities established by local governments which implement national minority programmes in general elementary education or general secondary education.

181. The MES subordinate institution, the Education Content and Examinations Centre each year prepares and approves a list of teaching material (textbooks), and extensively co-operates with experts and authors of books. State funds allocated to schools are to be used specifically for the purchase of these books.

Many Latvia’s national minority educational facilities cooperate with the government and educational facilities of their homeland and receive literature and teaching material to improve their educational process. The Republic of Poland works very closely with Latvia and supports the Polish schools in Latvia, on the basis of the 1992 agreement between the Governments of the Republic of Latvia and the Republic of Poland on co-operation in areas of culture, education and science.<sup>24</sup> The Polish side supports the training of Polish schools teachers, provides teachers from Poland, participates in renovation of premises of Polish schools, as well as provides teaching material.

### **Providing teachers for national minority schools**

182. The study programmes of Latvian universities permit preparation of teachers having several qualifications. It is possible to develop a programme in universities so that one of the modules would be targeted at preparing specialists for teaching national minority languages. At present, it is possible to study Russian at three Latvian universities, Polish language specialists are trained at one university.

Education Law provides the need for teachers to improve their professional qualifications (Article 49). Article 52 of the Law provides that teachers may use 30 days during three years’ period to improve their education and professional skills, while retaining their basic salary.

Continued education programmes include subjects on forbearance and tolerance of the different, including subjects enhancing understanding of national minority culture.

### **Ensuring equal education opportunities for persons belonging to national minorities**

183. Education Law provides that all national minority residents of Latvia have the same opportunities to obtain education as ethnic Latvians.

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<sup>24</sup> See also paragraph 238 of this Report concerning the most recent bilateral agreements on cooperation in the area of culture, education and science.

### **Article 13**

1. *Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.*

2. The exercise of this right shall not entail any financial obligation for the Parties.

184. There are no restrictions in Latvia for persons belonging to national minorities to establish and head private educational and training facilities.

### **Funding of private national minority schools**

185. During the 2005/2006 school year there were 34 private schools operating in the Latvian general education system, of these 12 schools instructing in Russian (of these, 8 secondary schools), 3 bilingual (Latvian and Russian) schools, 1 Jewish secondary school. All private national minority educational facilities are located in Riga, except for one secondary school in Liepaja. At the beginning of the 2005/2006 school year 1,122 students were taught national minority curricula at private educational facilities, of those 719 students were enrolled in elementary education and 403 – in secondary education programmes.<sup>25</sup>

186. The Constitutional Court in its September 14, 2005 judgment in the case „On compliance of Paragraph 2 of Article 59 of the Education Law concerning participating in funding of private educational facilities implementing curriculum in the state language with Article 91 of the Satversme and Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (in relation to Article 2 of Protocol 1)”<sup>26</sup> held that accredited private national minority schools, similarly to other private educational facilities, shall be entitled to receive state subsidies.

187. In accordance with this Constitutional Court judgment, CM regulation No.498 of November 27, 2001, „Procedure, how the state funds elementary education, secondary education and higher education programmes taught at private educational facilities” was amended, extending the right to receive state subsidies to accredited private national minority schools, as well as establishing the procedure for receiving such subsidies.

188. Moreover, the law „On the state budget for 2006” was amended allocating additional funds to MES in the amount of LVL 404,648 to ensure the necessary funding for private educational facilities, mostly national minority educational facilities.

189. State funding of private schools in 2004 was LVL 536.2 thousands but in 2005 and 2006 – LVL 612.6 thousands.

### **Article 14**

1 *The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*

2 *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those*

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<sup>25</sup> Information provided by MES.

<sup>26</sup> Full text of the judgment may be found at [http://www.sarv.tiesa.gov.lv/LV/Spriedumi/02-0106\(05\).htm](http://www.sarv.tiesa.gov.lv/LV/Spriedumi/02-0106(05).htm)

*minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*

3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

190. See paragraphs 145, 156, 159, and 163-181 of this Report.

### **Article 15**

*The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*

191. Public participation in state affairs is ensured by the *Satversme*, which guarantees general, equal, direct elections, freedom of speech and opinion, the right to free access to information, to approach state and local government institutions and receive replies, and take part in their work; the 2002 Law on the Structure of Public Administration; the 1994 law “On local governments”; the 1991 law “On the free development and rights to cultural autonomy of Latvia’s national and ethnic groups”; the 1994 law “On the procedure for the examination of applications, complaints, and proposals by the state and local government institutions”, laws and regulations governing the work of various ministries and instructions.

### **Opportunities for involvement**

192. In Latvia, the national policy making and implementation process is open to NGO involvement, including NM NGOs. NGOs have an opportunity to influence state policy at any stage. The following mechanisms for involvement are operating:

- Recommendations to the Prime Minister, Cabinet of Ministers or State Chancery on amendments to legislative acts;
- Participation in consultations organised by ministries;
- Participation in working groups drafting documents;
- Participation in meetings of State Secretaries, meetings of Cabinet of Ministers, CM Committee meetings;
- Participation in Government consultative councils, committees, working groups;
- Delegating state tasks to NGOs;
- Public debate of issues important to society.

193. Information on opportunities for public involvement is published in Latvian and Russian at the CM web page [www.mk.gov.lv](http://www.mk.gov.lv), which also includes Government plan of action, Government declarations, as well as ministries’ plans of action.

### **Latvian Civic Alliance**

194. In 2004, the organization Latvian Civic Alliance was established, whose aim is to support the common interests of Latvian NGOs and develop a favourable environment for the NGO operations, as well as strengthen civil society in Latvia. The Latvian Civic Alliance is an independent alliance of organisations and private persons, which continuously identifies and defends interests of the non-governmental sector of Latvia, identifies current problems in the non-governmental sector and addresses them, supports and promotes participation initiatives of NGOs in Latvia, represents NGO interests in relations with state institutions, for example, by

regularly participating at the State Secretary meetings and providing information about them at its web site [www.nvo.lv](http://www.nvo.lv). The web site contains a great amount of useful NGO information.

### **Signing of Memorandum of co-operation between NGOs and the Cabinet of Ministers**

195. A significant event in the development of co-operation between the state and NGOs was signing of the Memorandum of co-operation between NGOs and the Cabinet of Ministers on June 15, 2005. This is a new form of a dialogue between the state and NGOs in Latvia. The aim of the Memorandum is to promote effective operation of state administration to meet public interests, ensuring participation of the civil society in the decision making process at all levels and stages of state administration. NGOs and the Cabinet of Ministers agreed to ensure evaluation of implementation of the national programme „Strengthening civil society 2005-2009”, including planning and preparing the necessary changes thereto, implementing joint projects, carrying out a comprehensive civic education of society on issues concerning state administration, as well as education of the state administration employees on NGO-related issues. During the process of drafting of the Memorandum more than 40 NGOs submitted their recommendations, which were taken into consideration. At present, 72 organisations have signed the Memorandum, 6 of which are national minority/inter-ethnic NGOs.

### **Promoting participation**

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

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

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

197. The draft of this Report was discussed with a group of independent experts on national minority issues, who evaluated the quality of the draft report, as well as formulated suggestions for further action. The experts formulated concrete suggestions concerning the public discussion planned to take place following the adoption of this Report by the Government. In fact, it was proposed to discuss the practical aspects of implementation of the Convention's provisions with the aim to discuss, through a dialogue, the progress achieved, identify potential problems, as

well as potential issues to be raised during the dialogue with the Experts Committee. Following the adoption of this Report it will be widely available to the public from both official and unofficial sources.

### **Promoting the naturalization process**

198. An important step in facilitating the process of naturalization was an amendment to Article 3.<sup>1</sup> of the Citizenship Law, which entered into force on January 1, 1999, and provided that children born to stateless persons or non-citizens after August 21, 1991, have the rights to Latvian citizenship. This was the expression of good will on the part of the Latvian state to grant all children born on the territory of Latvia, whose parents do not have any citizenship, the right to Latvian citizenship. As of July 31, 2006, 5,757 of such children have been recognized as Latvian citizens.

199. In 2004 SSAMSI and Ministry for Children and Family Affairs (MCFA) in cooperation with the Naturalization Board (NB) implemented a project, which aim was, firstly, to inform parents of the possibility for their children to receive Latvian citizenship, and, secondly, to address individually those parents, which for various reasons have not yet made a decision concerning their child's citizenship. The invitation was sent to approximately 15,000 families. Along with it, a booklet containing detailed information about the procedure for the recognition of a child as a Latvian citizen, as well as the necessary documents was attached thereto. The project was financially supported by the USA Embassy in Latvia. As a result, in 2004, 2,073 applications for the recognition of child as Latvian citizen were received, the figure being almost six times higher than in the previous year. In 2005, this opportunity was used by parents of 1,381 children, while in the first five months of 2006 – already by parents of 732 children. Presently, it is planned to send a similar letter to parents, whose children were born after 2004, as well as prepare an informative material about the possibility to register children of Latvian non-citizens and stateless persons as Latvian citizens, which may be distributed at the Matrimonial Offices, when parents come to register their newborn children.

200. SSAMSI pays special attention to projects of NM NGOs promoting naturalization. SSAMSI regularly supports activities of the association „Civil initiative 21” for which promotion of naturalisation is one of the priority areas.

201. Many towns in Latvia have adopted their own integration programmes taking into consideration local conditions and the composition of the local population. For example, in 2000, the Ventspils town council adopted a social integration programme which main task is to involve non-citizens in the process of town development. In order to strengthen relations between the local government and non-citizens and encourage their activity, a consultative body on non-citizen issues was established in Ventspils. Pursuant to Paragraph 1 of Article 61 of the law “On local governments” the body has the status of a local government commission.

### **Latvian Association of National Cultural Unions**

202. Founded in 1988, the Latvian Association of National Cultural Unions (LANCU) includes 21 various unions and association and its funding is under the supervision of the Ministry of Culture (MC).

203. On January 9, 2004, MC signed an agreement with LANCU, granting the latter a state subsidy of LVL 18,000 to ensure its operation. On January 13, 2006, MC signed an agreement with LANCU to grant a state subsidy of LVL 12,400 to ensure its activities.

204. In 2004, one of the largest implemented projects under the heading „Intercultural co-operation” was the festival „United in diversity – 2004”. Festival events which continued until December 11, 2004 involved national minorities represented in LANCU and living in Latvia – Armenians, Russians, Azerbaijanis, Germans, Moldovans, Ukrainians, Hungarians, Georgians, Tatars, Bashkirs, Belarusians, Poles, Lebanese, Jews, Uzbeks and Lithuanians.

205. 2005 (most important events)

4 May – opening of an exhibition „Latvia – a maritime state” and children’s concert, in which children born in Latvia after the restoration of its independence participated. 8 May – opening of an exhibition „Flowers” (Quiet nature) and a concert dedicated to the anniversary of defeat of fascism. April - „ARMENIADe-2005”. The Latvian Armenian organisation „LAO” organised a series of events to commemorate the 90th anniversary of the Armenian genocide. On November 26, as a part of the European Language Days the „Language carousel in *Vērmanģdārzs*” took place in co-operation with MES. Between November 30, and December 5, - the festival „United in diversity – 2005”. Festival events included 5 concerts, 2 exhibitions of paintings, a literary evening dedicated to the 125th anniversary of the poet A. Bloks, and a conference.

206. 2006 (most important events)

4 March – festival of Moldovan culture „Mercișor-2006 invites friends”, in Riga; 9 April – concert „A. Babadžanjan – 85”, in Riga; 23 April – Children’s sports festival of Latvia’s national minorities (organised by the Latvian Olympic Academy); 10 May - exhibition of paintings „A portrait of Riga”, in Riga.

207. Latvia has ratified the 1989 UN Convention on the Rights of the Child; pursuant to provisions of paragraph 1 of Article 2 thereof, it agreed respect and ensure the rights set forth in the Convention to each child within its jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

208. Main legislative acts in the field of children rights’ protection

- Draft law „Youth law”, adopted by the *Saeima* in the first reading on May 11, 2006. The draft law provides the most important directions, principles of implementation, mechanisms for inter-institutional co-operation of youth policy, governs rights and obligations of young people in areas of education, employment, health, the beneficial use of free time, describes mechanisms for granting financial support for youth organisations to ensure their activities, implement their projects, as well as for local governments, organizations and establishments to implement projects targeting young people.
- CM regulation No. 898 of November 29, 2005, „Statute of the state centre for protection of children’s rights”. The aforesaid CM regulation describes functions, duties and rights of the Inspectorate, its structure and administration, ensures the legal basis of its work and reporting.
- The Inspectorate (under the oversight of MCFA) ensures supervision and monitoring of observance of legislative acts in the area of protection of children’s rights.
- CM regulation No. 2 of January 3, 2006, „Amendment to the Cabinet of Ministers regulation No. 1001 of November 30, 2004, „Statute of co-ordinating council for youth policy”, according to which the membership of the council for youth policy is altered by including a representative of the Association of Latvian Students’ and Latvian Pupils’ Council (an organisation, which includes and represents all pupils in Latvia, including pupils belonging to national minorities).
- CM regulation No. 729 of September 27, 2005, „Regulation on procedure for acquisition of



specialized knowledge in the area of protection of children's rights and the content thereof".

- This regulation stipulates the procedure, how state and local government specialists dealing with cases concerning protection of children's rights acquire specialised knowledge in the area of protection of children's rights and the content thereof.

209. Important documents of activity planning in the area of children's rights

- The National Programme for Improving the Situation of Children And Family (annually approved by MCFA).
- The National Programme is a policy planning document having the purpose of promoting improvement of children and family situation by implementing targeted projects aimed at protecting and ensuring children's rights.
- National Programme priorities for 2005 were family support projects and involvement of children and youths in developing policy and a friendly environment.
- The National Youth Policy Programme (annually approved by MCFA). The programme is a policy-planning document having the purpose of helping young people to begin independent life as responsible members of society by implementing targeted projects aimed at developing self-initiative of young people.

210. MCFA observes the principle of equality of rights with respect to participants in project competitions to implement programmes under the National Programme for Improving the Situation of Children And Family and the National Youth Policy Programme.

### **Implementing the UN Committee on the Rights of the Child recommendations of 2 July 2006**

211. Paragraph 20 of the Concluding Observations adopted at the 42nd session of the Committee on the Rights of the Child with respect to Latvia's second periodic report on the implementation of the Convention on the Rights of the Child, notes that as the principle of non-discrimination is an important issue.

The Committee welcomed the declaration of the State party that all children in Latvia enjoy the same rights irrespective of their citizen-status as well as the decision to remove the mandatory requirement to record ethnic origin in passports. It reiterated, however, its previous concern that the principle of non-discrimination is not fully implemented in Latvia for children belonging to minorities, including Roma children, children with disabilities, and children living in rural areas, in particular with regard to their access to adequate health and education facilities.

Pursuant to Paragraph 21 of the Concluding Observations, the Committee on the Rights of the Child recommended:

- (1) Undertake effective measures to ensure that all children within Latvia's jurisdiction enjoy the rights enshrined in the Convention, in accordance with Article 2,<sup>27</sup> including through the adoption of legislation, which specifically prohibits all forms of discrimination;
- (2) Undertake comprehensive public education campaigns to prevent and to combat negative social attitudes and behavior based on sex, age, race, nationality, ethnicity, religion, and disability.

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<sup>27</sup> States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

212. The main projects of MCFA targeted at the implementation of the Committee's recommendations are as follows:

1. On June 13, 2006, the Cabinet of Ministers approved a policy planning document "Latvia fit for children" (prepared by MCFA) aimed at:

a) Improving quality of life for children from different social groups and reduce negative aspects which affect child's productive development;

b) Integrating principles of the UN document "A world fit for children" into Latvian legislative acts governing protection of children's rights, as well as policy planning documents.

2. By December 31, 2006, it is anticipated to draw up a programme addressing problems of street children, involving various state institutions and non-governmental organizations in the implementation of projects included therein.

3. It is anticipated to extend operations of the crisis telephone for children and teenagers – 8006008<sup>28</sup>.

### **Studies**

213. In 2005, MCFA supported publication of the summary conclusions of a study done by the University of Latvia Institute of Philosophy and Sociology, "Development of identity and participation of young people", which addressed participation of Latvian, Russian and other national minority youths in social and political projects.

214. The main purpose of the study was to support integration of youths of different ethnic origins into Latvian society and support young people's understanding, as well as encourage their participation in various social projects.

### **Informative and educational projects for representatives of national minorities**

215. Considering that the work specifics of the Naturalization Board (NB) are closely linked to non-citizens, almost 100% of which are representatives of national minorities, all NB activities are targeting national minorities.

216. At the NB information centers in Riga, the Daugavpils regional branch, Liepaja regional branch and Rezekne regional branch, interested persons may receive consultations on citizenship and social integration issues and take advantage of information available at libraries. Each year libraries of the NB information centers receive some 1,000 visitors.

217. Since 2002 NB operates a free of charge telephone line to provide consultations on possibilities to obtain Latvian citizenship. Between 2003 – 2005, 25,723 persons have taken advantage of this service, while during the first 5 months of 2006 – 3,185 interested persons.

218. NB web page, since its establishment in 2000, each year gradually becomes a more frequently used source of information. The web page is available in Latvian, Russian and English. Since 2003, it has been visited 273,000 times, including 130,000 times in 2005. The number of electronically asked questions has also increased. Compared to 2004, when 940

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<sup>28</sup> During the time period between February 1, 2006, and May 19, 2006, 83,683 calls were received, out of which in 9,275 cases consultations by psychologists were provided, while in 2,526 cases – necessary information.

questions were asked, in 2005 the number increased by a third – to 1,196 questions. During the first five months of 2006 this opportunity was used by 577 interested persons.

219. In order to ensure a direct link to citizenship applicants, NB organizes information days at educational facilities, local governments and large companies of large cities and regions of Latvia. Regional branches also do informative work with national minority organizations. Since 2003, a total of more than 350 information days have been organized, which were attended by an average of 20 interested persons. In 2006, a special information day was organized for representatives of Latvian Lithuanian association, as well as an information day – for representatives of ethnic groups living in Latvia in small numbers, which was attended by representatives of the Arab cultural centre, the Moldovan – Rumanian association, the Tatar association, the association “Afrolat”, as well as other interested persons. Information days are also organized at companies employing a large number of representatives of national minorities and non-citizens.

220. Information days take place each month at the NB Methodology and examination centre and examination sectors of regional branches, offering opportunity for interested persons to learn about the tests specified by the Citizenship Law, as well as pre-test their knowledge in a sample naturalization tests. At an average, each information day is attended by 25 – 30 persons.

221. In 2003, a traveling exhibition “Citizenship in Latvia” was organized, which is shown at libraries, local government institutions and educational facilities. The exhibition was renewed in 2005, by adding information on EU citizenship, and exposed at 7 local governments. By June 2006, it was shown at 3 local governments – in Riga, Jurmala and Liepaja.

Within the framework of celebrating the anniversary of Latvia’s declaration of independence, in November, Citizenship days events were organized at schools in Latvia – competitions, discussions, citizenship lessons and other events in which NB regional branches were actively involved. According to the information at the NB disposal, Citizenship day events are organized each year by 80% of educational facilities.

222. NB officials regularly provide information in central and regional mass media on issues of naturalization, citizenship, social integration. At the same time, NB regularly prepares and publishes information and methodical material, assisting the residents in receiving information on opportunities to obtain Latvian citizenship, their rights, as well as assists in preparing for the process of obtaining citizenship.

223. At present, a project has been prepared under which it is anticipated to publish an informative material – a special file containing information on various aspects of civil society and citizenship, which will serve as a teaching aid for teachers of different subjects.

224. An important event in raising the prestige of citizenship is organizing of ceremonies, during which copies of the CM Order on granting the citizenship by naturalization are handed out. These events have a significant role, as they emphasize the importance of obtaining Latvian citizenship, the belonging of the new citizen to Latvia, and strengthen the link between new citizens and local government. These ceremonies take place regularly throughout Latvia.

225. LSIF also has a role in facilitating the naturalization process. Thus, in 2004, LSIF financed 5 projects from the state budget for the total amount of LVL 20,000, which purpose was to inform non-citizens about the naturalization process and promote their motivation to obtain Latvian citizenship.

### **Organization of Latvian language courses free of charge**

226. In 2000, NB in co-operation with the UNDP drafted a project “Introduction of intensive Latvian language training to promote the naturalisation process in Latvia”. Under this project, in 2001, 1,692 citizenship applicants learned Latvian and started naturalization procedure; in 2002 – 530 applicants. During the implementation of the project a set of teaching aids was prepared.

In 2002, LSIF allocated LVL 32,000 for teaching 250 citizenship applicants who had no previous knowledge of the Latvian language.

In 2003, the *Saeima* allocated LVL 50,000 to organise language courses for persons wishing to obtain Latvian citizenship. The courses were organised in the largest cities of Latvia. This funding was used to teach 77 groups of 15 persons each.

In 2003, foreign funding was received in the amount of USD 238,454. These funds were used to teach 125 groups of 15 persons each.

In 2004, 191 groups were organized with foreign funding for 2,835 students, and in 2005 – 133 groups, in which 1,995 applicants for Latvian citizenship improved their Latvian language skills.

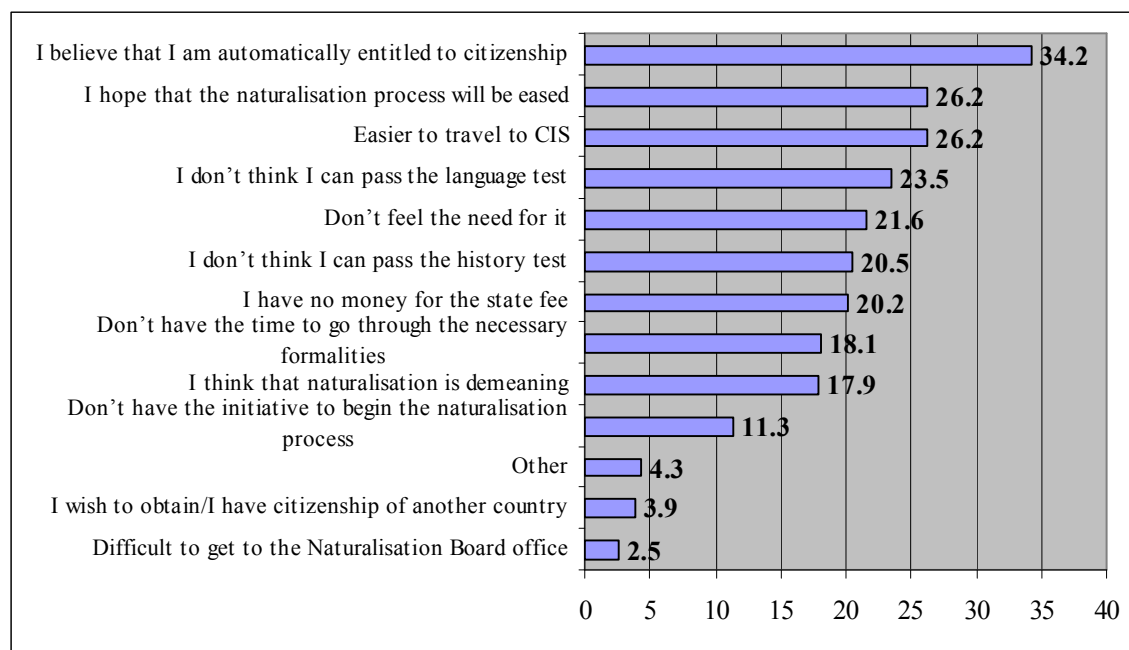
227. It should be noted that at present Latvian language is taught in courses organized under projects supported by LSIF. In 2004, LSIF allocated LVL 217,000 to teach Latvian to adults. In 2005, this amount was increased to LVL 261,000. In 2005, LSIF announced a project competition, during which it supported 32 projects aimed at teaching Latvian to adults. . It is anticipated that about 3,400 persons will attend courses organized under these projects. Supporting NGO projects in the area of ethnic integration, including promoting naturalization, is one of LSIF priorities.

### **Studies and surveys**

228. NB regularly carries out studies of its target audience. Thus, in 2003, NB implemented a project, “Importance of regional aspects in addressing citizenship issues”. Within the framework of the project, a survey was carried out in 80 municipalities aimed at determining the socio-economic, employment, language, migration and psychological situation in the specific municipality and a possibility to address citizenship related issues, as well as motivation of non-citizens in obtaining or not obtaining Latvian citizenship. 204 interviews with experts (representatives of local government, education system, culture, NGOs) were organised and a survey was conducted, in which 6,825 non-citizens’ respondents participated. At the end of the project a conference was held and a document was published in order to inform of the results the widest possible section of the society. The outcome of the survey has served as a basis for a number of projects promoting obtaining of Latvian citizenship, for example, reduction of the state fee for submitting application for naturalization, the direct mail campaign for parents with non-citizen children, improving and diversifying public information, and others. The project was implemented with the financial support of the Government of Finland.

This survey, too, determined the reasons why non-citizens do not obtain Latvian citizenship, although they are entitled to do so.

## 229. Why do you not take advantage of the opportunity to obtain Latvian citizenship?



230. It is obvious that the dominant reason for not obtaining Latvian citizenship is the hope that in future nothing will need to be done for this purpose. It should be noted that the number of non-citizens who mentioned as the main reasons lack of knowledge of the Latvian language and history, has significantly decreased. In 2000, this factor mentioned as the main reasons by 59% and 54% of non-citizens respectively. This shows that the NB activities have achieved the desired results.

231. During the second half of 2005 and the first four months of 2006 NB conducted a survey among students of educational facilities throughout Latvia. The survey covered young people undergoing the naturalisation process, who are still studying at one of the educational levels (elementary, secondary, higher education) with the aim to determine whether the knowledge gained at the educational facility is sufficient and good enough to pass the naturalization tests. Results are being aggregated and will soon be available on NB web page.

### Promotion of Social Inclusion and Employment

232. When developing and implementing social inclusion policy, special attention is being paid to specific national minorities. For example, Latvian National Policy Action Plan for Reducing Poverty and Social Exclusion (2004-2006) defined Roma as a group subjected to risk of poverty and social exclusion. When developing the National Social Inclusion Plan (2006-2008) a number of measures are being planned to include Roma children into the general education system, taking into account the especially low level of education amongst Roma, which later on prevents their inclusion in the labour market.

In order to promote employment, within the framework of active labour market measures and with the support of the European Social Fund, the National Employment Agency provides Latvian language training for those unemployed whose mother tongue is not Latvian, in order to assist these people in finding employment or taking part in continued professional training (see table for result indicators). Furthermore, printed informative and methodological materials on

the rights and obligations of the unemployed, as well as services of the National Employment Agency are published in Latvian and in Russian. Between 27.12.2005 and 11.07.2006 a study was conducted with the support of the European Social Fund to assess the finding of employment by those unemployed whose mother tongue is not Latvian.

### Article 16

*The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.*

233. Pursuant to Article 2 of the 1998 Law on Administratively Territorial Reform, its purpose is to establish territories able to develop economically with local governments providing qualitative services to its residents.

234. The Administratively Territorial Reform and activities taken within its framework do not have the purpose of changing ethnic composition of territories concerned.

235. There are individual local governments which have merged voluntarily (2001 – 2006):

<b>Region</b>	<b>Merged municipalities</b>	<b>New municipalities</b>	<b>Date</b>
Aizkraukle region	Town of Aizkraukle Aizkraukle community	Aizkraukle district	11.12.2001
Krāslava region	Town of Krāslava Krāslava community	Krāslava district	11.12.2001
Saldus region	Town of Brocēni and rural territory Remte community Blīdene community	Brocēni district	27.12.2001
Preiļi region	Rozkalni community Upmala community	Vārkava district	19.02.2002
Ogre region	Rembate community Town of Ķegums and rural territory	Ķegums district	15.10.2002
Ludza region	Town of Zilupe Zaļesje community	Zilupe district	09.12.2002
Dobele region	Tērvete community Bukaišo community Augstkalne community	Rērvete district	09.12.2002
Ogre region	Town of Ogre Ogresgals community	Ogre district	09.12.2002
Rīga region	Town of Sigulda Sigulda community More community (Cēsis region)	Sigulda district	09.12.2002
Jelgava region	Ozolnieki community Cenu community	Ozolnieki district	22.07.2003
Daugavpils region	Town of Ilūkste Pilskalne community Bebrene community Šēdere community	Ilūkste district	21.10.2003
Bauska region	Iecava community	Iecava district	16.12.2003
Ogre region	Town of Ikšķile and rural territory	Ikšķile district	18.05.2004
Rīga region	Ropaži community	Ropaži district	16.11.2004

Ogre region	Town of Lielvārde and rural territory	Lielvārde district	16.11.2004
Preiļi region	Sīļukalns community Galēni community Stabulnieki community Riebiņi community Silajāņi community Rušona community	Riebiņi district	16.11.2004
Rīga region	Stopiņi district	Stopiņi district	16.11.2004
Liepāja region	Town of Pāvilosta Saka community	Saka district	16.11.2004
Rīga region	Town of Salaspils and rural territory	Salaspils district	23.11.2004
Rīga region	Ādaži community	Ādaži district	21.03.2006
Rīga region	Carnikava community	Carnikava community	21.03.2006
Rīga region	Garkalne community	Garkalne district	21.03.2006

236. Districts where several local governments have merged, service centres are established according to the borders of previous municipalities to make it easier for residents to maintain contact with the local government and receive local government services, thus providing opportunity to receive such services also in localities further away from the district centre.

#### Article 17

1. *The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.*

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

237. On March 5, 1999, an agreement was signed between the Republic of Latvia and the Republic of Estonia on transfer of rights of land use.

Latvia and Estonia have a common border town Valka – Valga. Valka is a town where Latvia begins, and Valga is a town where Estonia begins. In fact, it is the same town separated by the border between two countries, which fact during the past 13 years has caused various specific problems for the town's local residents and visitors. Historically, before the restoration of independence of the two countries, many Latvians worked on the Estonian side, while Estonians – on the Latvian side.

With Latvia and Estonia joining the EU on May 1, 2004, in the circumstances of free movement of people, the free movement of people in Valka – Valga has also improved.

The Valka town council has planned to establish a consultative body (secretariat) that would be charged with the task of addressing issues concerning the development of both towns' common infrastructure, movement of labour force, and jointly developing education, culture, and sports areas.

Certain religious organisations have their spiritual centres abroad. In Latvia, they operate autonomously, but are subordinated to foreign spiritual centres; i.e. the foreign spiritual centre supervises activities of the religious organisation and appoints spiritual personnel. However, the

Law on Religious Organizations provides that, if the spiritual centre of a religious organisation registered in Latvia is located abroad, it may not own the organization's real estate property or property declared a cultural monument.

Religious organizations may invite foreign priests or missionaries to perform religious activities (rites) in Latvia. Thus, in 2005, 211 foreign priests and missionaries stayed in Latvia.

### **Article 18**

1. *The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*

2. Where relevant, the Parties shall take measures to encourage trans-frontier co-operation.

238. A number of inter-governmental agreements concerning issues of trans-border co-operation have been signed:

- On October 3, 2005, Agreement between the Governments of the Republic of Latvia and the Republic of Azerbaijan in Economic, Scientific, Technical and Cultural Co-Operation;
- On April 15, 2005, Agreement between the Governments of the Republic of Latvia and the United States of Mexico on Co-operation in Education, Culture and Sports;
- On March 21, 2005, Agreement between the Governments of the Republic of Latvia and the Republic of Bulgaria on Co-operation in Education, Science and Culture;
- On March 2, 2005, Agreement between the Governments of the Republic of Latvia and the Egyptian Arab Republic on Co-operation in Culture;
- On October 8, 2004, Agreement between the Governments of the Republic of Latvia and the Republic of Kazakhstan on Economic, Scientific and Technical Co-operation;
- On July 10, 1998, Agreement between the Governments of the Republic of Latvia, the Republic of Estonia and the Republic of Lithuania on Developing a Common Educational Space between the Baltic States in General Secondary and Professional Education (to the highest level of education).

### **Article 19**

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

239. Article 89 of the *Satversme* provides that „the state recognizes and protects a person's fundamental rights in accordance with the *Satversme*, laws and international agreements binding upon Latvia” In its turn, Article 116 of the *Satversme* defines permissible restrictions of human rights protected by the *Satversme*. Thus, the right to inviolability of private life, home and correspondence, the right to freedom of movement within the territory of Latvia and freedom to choose one's place of residence, the right to leave the country, the right to freedom of speech and opinions, the right to freely receive and disseminate information, the right to associate and freedom of meetings, the right to freely choose employment and the right to strike may be restricted in cases provided by law with the aim to protect the rights of other people, the democratic state system, public safety, welfare and morals. The aforesaid Article of the



*Satversme* provides that for the same reasons the expressions of one's religious views may also be restricted.

In addition to Article 116, Article 105 of the *Satversme* allows for restrictions on the right to property. This Article provides that "everyone has the right to property. Property may not be used contrary to the public interests. The right to property may be restricted only in accordance with law. Deprivation of property for public needs is allowed only in exceptional circumstances on the basis of a separate law and providing just satisfaction."

240. For information concerning hate and intolerance crimes see paragraph 48 of this Report.

- End of report -

### List of abbreviations

CIS	Commonwealth of Independent States
CL	Criminal Law
CM	the Cabinet of Ministers
CoE	Council of Europe
Convention	CoE Framework Convention for the Protection of National Minorities
EC	European Commission
ECRI	European Committee against Racism and Intolerance
EU	European Union
LANCU	Latvian Association of National Cultural Unions
LED I	Latvia – Equal in Diversity I
LNHRO	Latvian National Human Rights Office
LSIF	Latvian Society Integration Foundation
MC	Ministry of Culture
MCFA	Ministry for Children and Family Affairs
MES	Ministry of Education and Science
NALLT	National Agency for Latvian Language Training
NB	Naturalization Board
NGO	Non-governmental organization
NM NGO	National minority non-governmental organization
NPPT	National Program for Promotion of Tolerance
NRTC	National Radio and Television Council
OSCE	Organization for Security and Cooperation in Europe
PHARE	The programme, financed by EU to assist the applicant countries of Central and Eastern Europe in their preparations for joining the EU
RTV	Radio and television
<i>Saeima</i>	the Parliament of Latvia
<i>Satversme</i>	The Constitution of the Republic of Latvia
SSAMSI	Secretariat of the Special Assignments Minister for Social Integration
UN	United Nations
UNESCO	United Nations Education, Science and Culture Organization
USA	United States of America
USSR	Union of the Soviet Socialist Republics