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

Second Opinion on Latvia, adopted on 18 June 2013

EXECUTIVE SUMMARY

Latvia continues to pay attention to the protection of national minorities and provides considerable support to the cultural activities of minority communities. Minority language education continues to be provided with state funding, including in pre-schools. Latvian language proficiency among minority communities has significantly improved since the first monitoring cycle.

The public debate related to national minorities has become more polarised in recent years. Discussions among the public related to the rights of national minorities, in particular language rights, are often linked to questions of loyalty to the state and willingness or lack thereof to integrate, which is unhelpful for the formation of social cohesion. The number of “non-citizens” remains high and determined efforts must be made to actively promote and facilitate the naturalisation process.

The Integration Guidelines of October 2011 introduce the notion of ‘constituent nation’, referring to ethnic Latvians and Livs, which is replicated in recent amendments to the Citizenship Law. Provisions that differentiate between groups based solely on their ethnicity are viewed as ethno-centric and discriminatory by minority communities and have raised tension in society. The Language Law continues to restrict the use of minority languages, while the mandatory use of Latvian in all official communication and the required level of proficiency in an increasing number of positions in the public as well as private sector are monitored strictly by the State Language Centre. Following the transfer of functions of the special government body on minority protection issues to the Ministry of Culture in early 2011, attention devoted to the rights of national minorities at central level has diminished. A significant percentage of the minority population continues to be excluded from participating in local elections and has no access to public positions due to their status as “non-citizens”. The employment gap between ethnic Latvians and other communities remains substantial and inequalities in accessing social services for many persons belonging to national minorities persist.

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

SECOND OPINION ON LATVIA

1. The Advisory Committee adopted the present Opinion on 18 June 2013 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 3 September 2012, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Riga and Rezekne on 25 – 28 March 2013.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Latvia. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Latvia, adopted on 9 October 2008, and in the Committee of Ministers' corresponding Resolution, adopted on 30 March 2011.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Latvia.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Latvia as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.
6. The Advisory Committee would also like to bring to the attention of State parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

I. MAIN FINDINGS

Monitoring process

7. The Advisory Committee welcomes the constructive approach taken by the Latvian authorities during the second monitoring cycle. While, regrettably, no follow-up event was organised subsequent to the adoption of the First Opinion on Latvia in October 2008 or the Committee of Ministers Resolution in March 2011, the Opinion was translated into Latvian and the Comments of the Government reflect a thorough analysis and engagement with the findings made. The second State Report, submitted in September 2012, provided comprehensive information. The Advisory Committee regrets, however, that minority representatives appear not to have been comprehensively or effectively consulted in its preparation. While a final draft was shared with relevant consultative councils prior to its adoption by the Government, only minor changes were possible at this stage of the procedure and minority representatives would have preferred the opportunity to express themselves separately, such as in an annex, to voice adequately their concerns as well as positive experiences.

8. The Advisory Committee expresses its gratefulness for the very helpful and constructive attitude taken by authorities, including at senior level, during the visit. A range of meetings with governmental and non-governmental representatives in Riga and Rezekne facilitated frank discussions and allowed the Advisory Committee to gain additional information and insight.

General legislative and institutional framework

9. While Latvia's anti-discrimination legislation has significantly progressed since the first monitoring cycle, there have been no significant changes regarding the legislative framework pertaining to the protection of national minorities. Access to rights under the Framework Convention continues to be limited for "non-citizens" belonging to national minorities, while they otherwise enjoy a level of protection above international standards related to stateless persons. Procedures for the acquisition of citizenship of children born to "non-citizens" were simplified in 2011 as well as in May 2013, following amendments to the Citizenship Law. At the same time, the new Citizenship Law introduces special access to Latvian and dual citizenship for persons belonging to the 'constituent nation', i.e. ethnic Latvians and Livs, and otherwise permits dual citizenship for selected countries only, such as EU and NATO member states. Minority representatives have criticised the amendments which they consider proof of a broader intention to differentiate between ethnic Latvians and others. The government structure that had been in charge of coordinating minority protection policies ceded its functions to the Ministry of Culture in early 2011. This development is viewed by most observers as having curtailed the level of attention and resources devoted to minority protection issues at central level.

Promotion of full and effective equality

10. While comprehensive information on the population, including with regard to education and employment levels, was gathered during the census in 2011, there is still no systematic collection of information on the access to rights of different ethnic groups in Latvia. Roma continue to experience significant inequalities in important spheres of life. An assessment made by the Ombudsman suggests that measures taken to promote their effective equality had not been suitable to addressing their continued exclusion, that Roma

representatives should be more closely involved in the implementation of projects, and that more efforts should be made to understand the real causes of inequality.

11. The differences in rights attached to the status of citizens and “non-citizens” have increased as the list of public and state positions that require EU citizenship was extended. There were just below 300 000 “non-citizens” in Latvia in early 2013 and the number of applications for naturalisation remains low, with an average of 2 000 per year since 2007. According to consecutive surveys conducted by the Office of Citizenship and Migration Affairs, less than 2% of respondents do not wish to acquire citizenship, while around 50% lack the confidence to go through the procedure or do not have adequate information to do so. An average of 40% of applicants fail the required language examination. Authorities have pledged to increase the offer of free Latvian language courses and to engage in more information campaigns to facilitate access to naturalisation. A persistently negative public debate on “non-citizens” and their apparent lack of willingness to integrate is further marginalising this part of the population. Concerted efforts must be made to genuinely encourage their naturalisation and integration in a cohesive society.

Combating discrimination and promoting tolerance

12. While the number of cases involving discrimination and ethnically based hostility or violence in courts remains low, there is consistent anecdotal evidence suggesting that quite a number of such cases go unreported, due to lack of trust in the police and the fear that possible litigation will be unsuccessful. A working group on hate crime has been established under the Ministry of Justice to review relevant Criminal Law provisions. Overall, there is insufficient understanding on the manifestations of discrimination and hate crime in society among law enforcement officials, prosecution services and the judiciary, and efforts to systematically gather and evaluate data as well as relevant training activities should be significantly increased. Following parliamentary elections in 2010, the overall environment and public debate surrounding issues pertaining to minority protection has radicalised. A referendum in February 2012 on the status of the Russian language in Latvia further heated the debate, leading to the use of the Latvian language being widely interpreted as sign of loyalty or disloyalty to the state. As a result, incidences of hate speech, directed mainly at Russians and Latvians, have increased on the Internet, but also in public debates and including public officials.

13. New Integration Guidelines were adopted in October 2011 and an Action Plan prepared that contains a set of concrete measures aimed at promoting social cohesion, including through more gathering of information and an increase in activities and platforms of dialogue among different groups. The Guidelines also contain references to the “Latvian nation state” and underline differences between Latvians and other groups, which are unhelpful to the promotion of an integrated society and are viewed by minority representatives as ethno-centric. Efforts should be made to de-emphasise the issue of language proficiency as the sole sign of integration and adopt a broader approach towards social cohesion that accommodates and respects diversity as part of the Latvian state and society, and facilitates the public discussion of minority rights without isolating proponents as disloyal. An Advisory Council is being established to oversee the implementation of the Integration Guidelines; minority representatives should be closely involved and consulted on all related matters.

Support to the development of minority cultures and media

14. Support for cultural activities of national minority associations continues to be provided, mainly by local authorities, as well as by the Ministry of Culture and the Society

Integration Foundation. Minority representatives report, however, that most funding is available for projects related to the teaching of Latvian and that little attention is paid to the maintenance or development of their specific minority identities, languages and cultures. They further appear not to be aware of the exact requirements for submitting grant applications, nor of the training and support opportunities that the Ministry of Culture and other entities have made available. While overall access to media in the languages of numerically smaller national minorities is diminishing due to economic reasons, some magazines remain in print, albeit in very low numbers. Mainstream media continue to be divided into Latvian and Russian language media with a pronounced division also between the audiences. While internally quite uniform, they broadcast considerably different sets of news and viewpoints on issues of concern and have little interaction, which exacerbates the division between the two language groups. The representation of national minorities in the media continues to be marked by stereotypes and prejudice and the Mass Media Council, mandated to regulate all radio and TV broadcasts, including with regard to content, has no minority representation and is viewed as biased by minority communities.

Language rights

15. There have been no changes in the legislative framework related to the use of languages. The State Language Centre continues to monitor the extent to which individuals and companies comply with the mandatory use of Latvian in all official communications, and the list of professions demanding high levels of Latvian language proficiency continues to be broadened. While pledges have been made to resort to more friendly controls, the number of sanctions imposed has increased considerably since 2009 and maximum fines have been raised. State institutions have been reprimanded for disseminating public information material in Russian, even in situations where the use of other languages is explicitly permitted, such as those entailing public safety. There is insufficient awareness among relevant officials and the public at large about existing guarantees for the use of minority languages and the concept of “public interest” that is routinely referred to in the context of the implementation of the state language policy, lacks clarity. As a result, a number of measures taken by the State Language Centre have been successfully questioned in court and the Ministry of Justice has prepared a report on what constitutes legitimate public interest which is being considered by the Government.

16. A new regulation on personal identity documents envisages the possibility to include the original or historical form of a personal name, transcribed in Latin alphabet, and the possibility to allow the additional inclusion of personal names in minority languages in birth certificates is being considered. There is continued controversy among minority communities related to the issue of names being changed in the process of transcription into Latvian and difficulties continue to be reported for elderly persons who have different versions of their names printed in newly issued documents and in, for instance, old property titles. There have been no changes regarding the mandatory use of Latvian in topographical signs.

Education rights

17. The Latvian education system continues to be divided into two main streams, as children follow either Latvian language or minority language schooling, mainly in Russian. Latvian language proficiency among pupils has overall considerably increased and requirements for examinations at all schools are identical as of 2012. While intercultural elements have been introduced in the general curricula of all schools, few efforts are made to promote modern bilingual and multilingual methodologies to create a more integrated

system where children of different backgrounds study together, developing friendships and gaining awareness and respect for diversity. The Advisory Council on National Minority Education Matters meets regularly and minority representatives are involved in relevant decision-making, including in the development of action plans to enhance social cohesion and the integration of Roma children in schools. Efforts have been made to promote their school attendance and achievement, but early drop-out remains a challenge and instances of segregated education continue. The employment of teaching assistants to accompany Roma children through their studies in general schools should be extended and appropriately resourced.

18. According to minority representatives, the quality of education offered in minority language schools continues to be affected by a lack of suitable education material in minority languages, such as textbooks, and an insufficient number of adequately trained teachers, particularly as regards subjects that should be taught bilingually or in Latvian language. As a result, an increasing number of parents decide not to enrol their children in minority language schools in order for them to learn better Latvian and have more opportunities in the labour market, which jeopardises the continuation of minority language schools. More opportunities should be created to promote the adequate and parallel learning of official and minority languages in the education system, which would correspond also with the increased demands for more Russian language education among young Latvians.

Effective participation in public life

19. While a number of advisory mechanisms exist to promote the participation of minority communities at central, ministerial and local level, their impact in particular at central level is reported to be limited and has deteriorated following the suspension of the special governmental body in charge of issues related to minority protection. There is little awareness of the role and mandate of the various councils among the population. Members are usually appointed rather than elected, meet irregularly, and do not have an effective opportunity to influence decision-making. Despite their long-standing links with Latvia, “non-citizens” cannot vote in local elections and are excluded from an increasing number of public positions. Data gathered by the State Employment Agency continues to show a considerable gap in employment between Latvians and other groups and more efforts must be made to promote the employment of minority representatives in the public and private sector, including through more targeted vocational and language training and specific attention being paid to those regions where unemployment is particularly high. There are continued inequalities for citizens and “non-citizens” also with regard to access to social services, including in the calculation of pensions for persons who worked in countries with which no bilateral agreements related to pension benefits have been signed.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

Findings of the first cycle

20. In its first Opinion, the Advisory Committee welcomed the overall flexible approach taken by the authorities in including “non-citizens” who identify themselves with a national minority in the personal scope of application of the Framework Convention, while noting that the exceptions prescribed by law for “non-citizens”¹ restricted their effective access to rights in key sectors. It invited the authorities to ensure, in line with the spirit of the Framework Convention, that any exceptions were interpreted and applied so as not to inflict disproportionate restrictions of the protection offered by the Framework Convention in respect of “non-citizens”.

Present situation

a) Positive developments

21. The Advisory Committee notes no changes in the overall approach of the Latvian authorities towards the personal scope of application of the Framework Convention, which is reflected in the Declaration contained in the instrument of ratification of 6 June 2005. Accordingly, the so-called “non-citizens” shall “enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law”. Latvia continues to recognise four larger groups of national minorities, the Russian, Belorussian, Ukrainian and Polish minorities, as well as smaller groups such as Lithuanians, Jews, Roma, Germans, Estonians, Azerbaijanis, Armenians, Georgians and Tatars. In addition, special protection is granted to the numerically small group of Livs.

b) Outstanding issues

22. The above-mentioned Declaration, however, continues the policy of limiting the enjoyment by the so-called “non-citizens” of rights protected by the Framework Convention (see below comments on Articles 4, 10, 14 and 15), despite the fact that their level of protection generally is above international standards for the protection of stateless persons.²

23. The Advisory Committee further observes that representatives of persons belonging to the Latgalian community in Latvia continue to make claims for recognition under the Framework Convention. While acknowledging the view of the Government as well as some experts that the Latgalian language constitutes a historical variant of Latvian and that speakers are not united by a common ethnic or cultural background, the Advisory Committee wishes to reiterate that the application of the Framework Convention with respect to a group of persons does not necessarily require its formal recognition as a national minority or the existence of a specific legal status for such groups of persons. In this regard, the Advisory Committee notes the views expressed by a number of persons belonging to the Latgalian community that recognition under the Framework Convention could substantially

¹ Latvia created the notion of “non-citizens” with adoption of the *Law on the status of those former USSR citizens who are not citizens of Latvia or any other state* of 1995. According to UNHCR, “non-citizens” in Latvia are stateless in accordance with international law and are included in the global UNHCR Statelessness statistics. See, for instance, <http://www.unhcr.org/4e5228096.html>. Persons with this status are referred to as “non-citizens” in this report.

² See 1954 Convention Relating to the Status of Stateless Persons, ratified by Latvia in 1999.

reinforce their on-going efforts to promote their language and culture (see below comments on Articles 10 and 14).

Recommendations

24. The Advisory Committee invites the authorities to enter into a dialogue with representatives of the Latgalian community with a view to jointly establishing suitable steps towards the more effective promotion of their language and culture, including by considering extending the protection of the Framework Convention – in particular as regards language rights – to this group.

25. The Advisory Committee strongly encourages the authorities to review the continued limitation of access to rights under the Framework Convention for persons belonging to national minorities by virtue of their status as “non-citizens”.

The right to free self-identification

Findings of the first cycle

26. In its first Opinion, the Advisory Committee invited the authorities to take necessary measures to bring legislation and practice into line with the principle of free self-identification and remove the obligation to record individuals' ethnic origin in the population register. It welcomed, however, the fact that it was no longer compulsory to state one's ethnic origin in passports.

Present situation

a) Positive developments

27. The Advisory Committee is pleased to note the organisation of the population and household census in March 2011, which provides a range of valuable information on the make-up of the population. As regards ethnicity, respondents were free to choose what ethnicity to affiliate with, irrespective of the record in the population registry, and there was an option to indicate “not known” or “not chosen” as a response. It was possible for the first time to indicate whether Latgalian language is being used on a daily basis, which over 160 000 persons confirmed.³ The adoption in February 2012 of the Resolution of the Cabinet of Ministers No. 134 removed the option for individuals to indicate their ethnicity in passports and other identity documents. This development was in line with recommendations expressed by the Advisory Committee as well as other monitoring bodies,⁴ given that the optional ethnicity entry had not been based on the right to free self-identification but rather had to reflect the previously recorded ethnicity in the population registry (see further comments below).

b) Outstanding issues

28. With regard to the census, the Advisory Committee regrets that, according to the responsible authority, it was not carried out in consultation with national minority organisations but arranged strictly in line with instructions from the Cabinet of Ministers. Questions on ethnicity and languages did not provide for the option of multiple answers. Respondents had to choose from a closed list of possible answers, which had been prepared in line with a relevant Cabinet of Ministers Resolution. The Advisory Committee received expressions of concern from persons belonging to the Latgalian community that, unlike during the previous census in 2000, they were not able to indicate their ethnicity as Latgalian. The Advisory Committee reiterates in this context the centrality of the right to free self-identification as provided by Article 3 of the Framework Convention and refers to

³ See Data of the Population Census at <http://data.csb.gov.lv>.

⁴ See ECRI Report on Latvia (fourth monitoring cycle) December 2011, paragraph 55.

the relevant international recommendations, according to which questionnaires should include open questions related to ethnicity, without suggesting possible answers.⁵ In addition, respondents should be free to indicate more than one affiliation or a combination of affiliations if they wish so.

29. The Advisory Committee is further concerned by the renewed public debate relating to the indication of one's ethnic origin in personal identity documents following the adoption of the above-mentioned Cabinet of Ministers Resolution. Shortly afterwards, draft amendments were submitted by the nationalist alliance, arguing that the possibility of indicating one's ethnic affiliation would strengthen the national identity of ethnic Latvians and should be restored. The amendments were first refused but eventually adopted on 29 January 2013, thus reintroducing the optional ethnicity entry as of 1 April 2013. While acknowledging that there is no obligation to do so, the Advisory Committee reiterates its concern about the lack of respect for the right to free self-identification if one chooses to indicate one's ethnic origin.⁶ In fact, some persons have made efforts to change their records and obtain the opportunity to indicate 'Latvian' as their ethnic origin, despite records showing a non-Latvian ethnicity. The Advisory Committee notes that a draft law stipulating procedures whereby a person not recognised as an ethnic Latvian could officially change his/her ethnic belonging to ethnic Latvian were discussed in Parliament in February 2013 but rejected on 1 March. The Advisory Committee expresses its deep concern about this renewed focus on ethnic affiliation and origin in public debate, which it considers detrimental to the promotion of social cohesion in Latvia. It further considers that any unwarranted emphasis on ethnicity could deepen polarisation in society by negating experiences of multiple affiliation and possibly creating the basis for future cases of discrimination (see below Articles 4 and 6).

Recommendation

30. The Advisory Committee calls on the authorities to review their legislative framework related to the indication of ethnic origin in personal identity documents and ensure that any such entry is made in line with the right to free self-identification, as stipulated in Article 3 of the Framework Convention.

Article 4 of the Framework Convention

Protection against discrimination

Findings of the first cycle

31. In its first Opinion, the Advisory Committee invited the authorities to take the necessary steps to ensure that the anti-discrimination legislation fully covered all relevant

⁵ See Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, prepared in co-operation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, at <http://www.unece.org/fileadmin/DAM/stats/documents/ece/ces/ge.41/2006/zip.1.e.pdf>, paragraphs 425 and 426. See also ACFC Third Thematic Commentary on Language Rights, May 2012.

⁶ The 2009 Law on the Change of a Given Name, Surname and Nationality Record allows for a change in nationality record once within two generations (Section 3). Section 6 provides that the birth certificate of the father or mother or an extract of the Birth Register proving the kinship with the relatives of the direct ascending line, and documents confirming the nationality of the person have to be submitted with the application as evidence. http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/On_the_Change_of_a_Given_Namex_Surname_and_Nationality_Record.doc. The Advisory Committee regrets, in this context, to have heard reports of school children being questioned about their ethnic origin by classmates and asked to show their identity documents as proof of their Latvian origin.

areas and that the implementation of the legislation was duly monitored, including through collecting data on reported cases of discrimination. While welcoming the establishment of the Office of the Ombudsman, it called on the authorities to provide the Office with adequate resources to ensure its effective operation. In addition, it considered that resolute measures should be made to address the manifestations of discrimination faced by the Roma in sectors such as employment, education and access to public services.

Present situation

a) Positive developments

32. The Advisory Committee is pleased to note that Latvia has made significant progress since the first monitoring cycle in terms of its anti-discrimination legislation, having adopted a wide range of amendments to various pieces of legislation, broadening the grounds on which discrimination is prohibited and completing transposition of the EC Equality Directives.⁷ It is further pleased to note that the Office of the Ombudsman, which is entrusted with the main responsibility for the implementation of the principle of equal treatment and designated as Latvia's specialised body in line with the Race Equality Directive, is increasingly being consulted by members of the population. According to the office, its advice was sought 4 600 times in 2011, including by phone, and 6 100 times in 2012. The number of officially lodged complaints to the Ombudsman averages at about 20 per month, few of which, however, relate to allegations of discrimination. The Ministry of Culture, whose Department for Society Integration Affairs took over responsibilities related to society integration issues and the promotion of civil society on 1 January 2011, is also tasked with "ensuring the "observance of rights of minorities, including Roma, by facilitating elimination of racial and ethnic discrimination."⁸

b) Outstanding issues

33. Despite the above-mentioned amendments to over 30 legal acts, providing for varying degrees of protection in the different areas of law, such as consumer rights protection, social security and commercial activity, no overall comprehensive legislative framework prohibiting racial discrimination in all fields of life has been developed.⁹ The Advisory Committee is particularly concerned by the fact that discrimination on grounds of nationality or citizenship is not prohibited by any of the acts, despite the particular situation in Latvia where the Ombudsman concluded in 2008 that there were a considerable number of differences in rights between citizens and the so-called "non-citizens", such as regarding access to public employment or land property, which could not be considered proportional.¹⁰ In addition, the number of cases of alleged discrimination being brought to the attention of the Ombudsman or any of the responsible State Inspectorates, such as the State Education Quality Inspectorate or the Health Inspectorate, or indeed the Courts, remains extremely low, despite ample reports of such incidents, in particular concerning Roma. This seems to suggest that the general appreciation for the multiple manifestations of discrimination in daily life among responsible officials as well as the population at large remains underdeveloped.¹¹

⁷ See for a more detailed analysis ECRI Report on Latvia, fourth monitoring cycle, December 2011; ENAR Shadow Report 2011-2012; and *Equality Law in Latvia: Current Trends and Challenges*, Aleksejs Dimitrovs in *The Equal Rights Review*, Vol. Nine (2012).

⁸ See http://www.km.gov.lv/lv/nozares_info/integracija.html.

⁹ See ECRI Report on Latvia (fourth monitoring cycle), December 2011, paragraph 22.

¹⁰ http://www.tiesibsargs.lv/files/atzinums_par_pilso%C5%86u_un_nepilso%C5%86u_ties%C4%ABb%C4%81m_2008_09.pdf.

¹¹ The Guidelines on National Identity, Civil Society and Integration Policy 2012 – 2018 and the Action Plan contain multiple references to the necessity to increase knowledge and awareness on manifestations of

34. The Advisory Committee further finds that the Ombudsman Office, given its wide remit of responsibilities, remains understaffed and under-resourced as the budget has not been increased since substantial cuts were made in 2009 and 2010, following the economic crisis. In addition, it notes with regret reports from a number of minority representatives and independent observers that trust in the influence and abilities of the Ombudsman among the population and persons belonging to national minorities in particular, is still very low, and that there is a general perception that the current Ombudsman, appointed in March 2011, has little interest or desire to become involved in potentially contentious public debates surrounding issues of relevance to national minority communities. The Advisory Committee considers that the existence of efficient monitoring mechanisms on issues pertaining to non-discrimination and effective equality, such as an active and independent Ombudsman Office, is a prerequisite for the full implementation of the Framework Convention.

35. The Advisory Committee notes in this context that, despite expressing his concern about the situation of Roma in Latvia who continue to face discrimination in many spheres of life, the Ombudsman is considered to have made only limited concrete contributions to promote their full and effective equality in society. It finds that urgent measures must be taken to raise the awareness of the Ombudsman's mandate and legal remedies available in case of discrimination among the population and in particular among groups who are considered especially exposed to possible discriminatory attitudes, such as the Roma.¹²

Recommendations

36. The Advisory Committee calls on the authorities to strengthen the legislative framework prohibiting discrimination to include discrimination on grounds of citizenship and to ensure that the existing mechanisms against discrimination work efficiently.

37. The Advisory Committee further calls on the authorities to increase the human and financial resources of the Ombudsman Office to promote its ability to independently and effectively perform its important mandate, and to increase efforts to promote awareness and confidence among the population, in particular persons belonging to national minorities, to approach the Ombudsman and other responsible institutions, including law enforcement and the judiciary.

38. In addition, comprehensive training and awareness-raising activities must be organised for all relevant public officials, including in law enforcement, social services, and the judiciary, to ensure that manifestations of discrimination are adequately identified and effectively sanctioned through the available legal remedies.

Collection of data and promotion of effective equality

Findings of the first cycle

39. In its first Opinion, the Advisory Committee called on the authorities to identify appropriate means to better assess the situation related to access to rights of persons belonging to national minorities, including as regards their economic and social situation, with a view to developing more targeted measures to promote full and effective equality in society.

discrimination in Latvia among relevant officials and the population, as “case-law is limited there are no regular surveys and information campaigns which would make this problem more visible in public consciousness” (Section 3.1.1.).

¹² A 2006 employment related case filed by the Ombudsman's Predecessor, the National Human Rights Office, on behalf of a Roma woman who was found to be discriminated based on ethnic grounds remains the only such case ever brought to court.

Present situation

a) Positive developments

40. The Advisory Committee is pleased to note the wide range of information, including on education and income levels in the population, gathered during the census in 2011, which is crucial for targeted policy planning and development. It further welcomes the appreciation expressed by relevant officials in the Ministry of Culture that baseline data on the situation and particular challenges faced by the different groups in society is necessary in order to develop targeted programmes for integration and the promotion of equality. In this context, it welcomes in particular the engagement of the Society Integration Foundation¹³ in a variety of research activities related to discrimination and its manifestations in Latvia, which are to commence in summer 2013 with support from independent experts and civil society.

41. The Advisory Committee further notes with interest that specific and concrete measures for the promotion of effective equality of Roma are included in the Action Plan on the Guidelines on National Identity, Civil Society and Integration Policy (2012-2018), including the establishment of a system to collect and collate statistical data on the situation of Roma in socio-economic areas of life.¹⁴ The Advisory Committee expects that these plans will be supported with adequate human and financial resources and implemented in close consultation with representatives of Roma communities so as to effectively promote the equality of members of these groups, including in areas such as employment, housing and social assistance. It is pleased to note the establishment of a Roma Advisory Council in the Ministry of Culture to ensure the effective co-ordination of project activities with the community.

b) Outstanding issues

42. There is still no systematic collection of information by relevant institutions on issues involving systemic inequalities among different groups in society. The Advisory Committee believes that such gathering and evaluation of data would significantly raise the awareness of relevant officials and service providers of the current challenges faced by different groups in society and the most effective methods of addressing them. With regard to Roma, the Advisory Committee regrets that the initiatives planned to promote their inclusion in important spheres of life such as education, housing and health care in the context of the special National Plan on Roma (2007 – 2009), were discontinued, as only parts of the pledged funds in 2008 and 2009 were allocated.¹⁵ It further notes the assessment, prepared by the Ombudsman Office in August 2012, of the purposefulness and effectiveness of usage of EU and national budgetary funds allocated for the promotion of Roma rights, which indicates that the exclusion of Roma was not systematically addressed and that funds had mainly been spent on short-term cultural events for small groups of people, without adequate control mechanisms for the allocation of funds and without effect on the promotion of effective equality of Roma.¹⁶ The Advisory Committee welcomes the fact that this assessment was made and expects that it will be effectively taken into account when

¹³ The Society Integration Foundation is a public foundation established to financially support and promote integration. It also supports the implementation of development programmes by the public and NGO sector and participates in international activities aimed at the promotion of a democratic and harmonious civil society. See <http://www.lsif.lv>.

¹⁴ See *Information on Roma integration policy measures in Latvia* at http://ec.europa.eu/justice/discrimination/files/roma_latvia_strategy_en.pdf.

¹⁵ See Sigita Zankovska-Odina, *Situation of Roma in Latvia* (2009).

¹⁶ See Letter of the Ombudsman to the Human Rights Committee of the Saeima of 30 August 2012, concluding that "...financial resources allocated for the improvement of situation of Roma community and their integration for the period from 2007 to 2012 were spent uselessly and inefficiently."

planning and implementing further activities aimed at the promotion of equality and integration of Roma (see above comments).

Recommendation

43. The Advisory Committee reiterates its recommendation to develop appropriate methods, in line with international and national data protection standards, of collecting and assessing information on the access to rights of persons belonging to national minorities to ensure that targeted measures can be taken to promote their full and effective equality, in line with Article 4 of the Framework Convention.

Equality of “non-citizens” and the naturalisation process

Findings of the first cycle

44. In its first Opinion, the Advisory Committee considered that the exclusion of Latvia’s large number of “non-citizens” from the application of key provisions of the Framework Convention, by virtue of Latvia’s Declaration upon ratification, was problematic from an equality point of view and invited the authorities to consider other criteria, such as permanent and legal residence in the country, to define the scope of the rights provided to persons identifying themselves with a national minority. It further observed that the Latvian language proficiency requirements were perceived as imposing a major obstacle in the naturalisation procedure and invited the authorities to ensure that applicants could effectively prove their knowledge of the Latvian language and their genuine desire to integrate in Latvian society. In addition, it considered that more resolute efforts were required to improve the accessibility and quality of Latvian language courses.

Present situation

a) Positive developments

45. The Advisory Committee welcomes the fact that research is undertaken by the Naturalisation Board of the Office of Citizenship and Migration Affairs into the opinions of “non-citizens” regarding the naturalisation process (in 2010) as well as into the reasons why the number of applications for citizenship has remained low since 2007 (in 2012). It expects that the results of these surveys will be taken into account in order to effectively address the obstacles encountered by persons wishing to acquire Latvian citizenship so as to effectively promote their opportunities to become Latvian citizens. By 28 February 2013, 140 069 persons had been granted citizenship by decree of the Cabinet of Ministers since the beginning of the naturalisation process on 1 February 1995, including 14 198 children.¹⁷ The Advisory Committee is pleased to note the organisation of monthly information days at the exam centres in Riga, Liepāja and Daugavpils, organised by the Office of Citizenship and Migration Affairs, as well as the running of a free hotline that provides information related to the naturalisation procedure.

46. The Advisory Committee further notes that the procedure for submitting an application for acknowledgement of a child as a Latvian citizen was simplified in July 2011 by Cabinet of Ministers Regulation, requiring fewer documents and facilitating the submission of the application directly at the registry office, jointly with the registration of birth.¹⁸ In addition, amendments to the Citizenship Law were adopted in May 2013, providing for further simplifications in the procedures for naturalisation, such as the possibility for only one parent to apply for acknowledgement of a child as Latvian citizen, as well as an increase of categories of applicants who are to be exempt from the testing of

¹⁷ See Statistics of the Office of Citizenship and Migration Affairs at <http://www.pmlp.gov.lv/en/statistics/citizen.html>.

¹⁸ See information provided in the State Report, paragraph 270.

Latvian language, history and culture. The Advisory Committee expresses its expectation that the adoption of amendments to the Citizenship Law will effectively address some of the obstacles to the acquisition of Latvian citizenship that still remain for the so-called “non-citizens” and will lead to a genuine facilitation of the process. It considers noteworthy in this context that only 1.7% of the “non-citizens” who participated in the above survey considered lack of interest as a reason for “non-citizens” not acquiring citizenship, implying that the vast majority of the so-called “non-citizens” do wish to be naturalised and become citizens of Latvia.

b) Outstanding issues

47. The Advisory Committee is deeply concerned by aspects of the recently adopted amendments to the Citizenship Law which favour ethnic Latvians and Livs in their access to Latvian and dual citizenship. It finds that the introduction of the notion of ‘constituent nation’, which first appears in the recently adopted Integration Guidelines (see below comments on Article 6) and has resurfaced in the discussions related to the indication of ethnic origin in identity documents, is inappropriate in the current environment and likely to further antagonise parts of the population. The Advisory Committee further notes that the Latvian Constitution does not contain such differentiation but refers to the People of Latvia, including all citizens, as holders of sovereign power. It appeals to the authorities to maintain and promote inclusive citizenship policies that encourage the naturalisation of all “non-citizens”, irrespective of their ethnicity, in full accordance with Article 4 of the Framework Convention. In addition, it regrets that dual nationality is accessible for citizens of selected countries only, such as EU and NATO member states, and that recommendations to automatically grant citizenship to all children born in Latvia who would otherwise be stateless were not taken into account. The Advisory Committee considers that such a provision would be squarely in line with Articles 3 and 7 of the Convention on the Rights of the Child as well as Article 1 (1)(a) of the 1961 Convention on the Reduction of Statelessness. Lastly, it is concerned by the fact that the decision to refuse citizenship, which in the previous Law had to be established through court, now rests with the Government, without possibility for appeal.

48. The Advisory Committee acknowledges the view of the Latvian authorities that the status of citizens is naturally different from that of “non-citizens” and that the level of rights attached to the latter must not be raised to achieve effective equality, as this could demotivate “non-citizens” from seeking naturalisation – which is considered the natural solution to the temporary status of “non-citizen”.¹⁹ It is concerned, however, by tendencies that point towards an increase in the levels of inequality between citizens and “non-citizens”. Access to employment as a municipal police officer, for instance, has been barred to “non-citizens” as of 1 March 2011. The fact that EU citizens are at the same time gaining increasing rights in Latvia, including with regard to access to public employment and participation in local elections (see below comments on Article 15) sharpens the sense of inequality among “non-citizens” as they find it difficult to comprehend that Latvian citizenship is considered a precondition for their accessing an increasing number of positions and rights, while it is not for other non-citizens, who often have much looser ties with and shorter periods of legal residence in Latvia. The Advisory Committee considers this approach to negatively affect the overall sense of equality in society, particularly as no efforts have been made to provide adequate reasoning to the affected part of the population, which is detrimental to the goal of integration.

¹⁹ See State Report, paragraph 10, and Comments of the Latvian authorities to the First Opinion of the Advisory Committee on the Framework Convention.

49. The Advisory Committee further is concerned by the lack of progress in resolving the status of “non-citizens”.²⁰ While they may indeed have the right to naturalise “at any moment”, as argued in the State Report, considerable obstacles still exist for the enjoyment of this right. The above-mentioned survey of 2012 indicates that a non-negligible number of persons do not have sufficient information on the naturalisation procedure and levels of knowledge required for the Latvian language and history examinations, in particular within families where no member holds Latvian citizenship. Information on naturalisation is obtained primarily through friends and acquaintances (33.3%) with a relatively small proportion (15.5%) obtained via mass media. Given the established and publicly acknowledged divide between language groups in society, the Advisory Committee considers that much more targeted outreach and public information campaigning must be undertaken to ensure that all persons who may be interested are duly informed and indeed encouraged to apply for naturalisation. The Advisory Committee further notes that close to half of the respondents indicated that their naturalisation had been delayed because they lacked the confidence to go through the procedure.²¹ This, in view of the Advisory Committee, further suggests that more positive and reassuring messages should be circulated about the procedure and levels of examinations. The Advisory Committee welcomes in this context the introduction of on-line trial tests which can be used to acquaint applicants with the established requirements. Alternative methods of encouragement and promotion of self-confidence, however, must be identified for the elderly population, which is less inclined to use the Internet.

50. The Advisory Committee further notes with concern that the percentage of applicants failing the language test has averaged at around 40% in the last years, and that available language courses organised by relevant institutions are reportedly still insufficient in number and usually over-enrolled and wait-listed. It expects that the Latvian authorities will increase the number of language courses, which considerably fell following the economic crisis in 2008, to ensure that active Latvian language knowledge, in particular amongst the adult population, is adequately enhanced. It considers that resource allocation for language learning must be prioritised over funding provided for inspections operated by the State Language Centre (see also comments under Article 10) and notes in this context that the budget for the number of inspectors and inspections appears to have been significantly less affected following 2008.²²

51. Lastly, the Advisory Committee expresses its deep concern at the persistently negative public debate surrounding “non-citizens” and their willingness or lack thereof to acquire Latvian citizenship. Following the collection of some 12 000 signatures in support of the granting of automatic citizenship to all “non-citizens” who don’t opt out, the Central Election Committee voted against the organisation of a referendum on the issue and changes have been made since to the Law on the Organisation of Referenda.²³ The Constitutional Court is currently reviewing the question whether the CEC overstepped its mandate when considering the constitutionality of such a possible referendum. The Advisory Committee

²⁰ “Non-citizens” constitute 13.5% of the population as of 1 January 2013, or a total of 297 883 persons. The proportion of “non-citizens” is particularly high among Ukrainians (54%), Belarusians (53%) and Tatars (52%), while only 35% (Ukrainians), 41% (Belarusians) and 31% (Tatars) of the respective minority population are citizens. The proportion of citizens is particularly high among Roma, with 94%.

²¹ 9.6% indicated “had no confidence”, 18.2% “hoped for easing of the procedure”, and 19.5% thought that “they are not able to pass the examinations”.

²² See Tables 6, 31 and 32 in the Appendix to the State Report.

²³ Draft amendments were introduced to Parliament in December 2011, raising the number of signatures required for initialising a referendum to 30 000, and increasing the mandate of the CEC to review the constitutionality of draft laws. The amendments were criticised by the Ombudsman to be too restrictive for popular initiatives and the President also expressed reservations.

notes with concern that this debate is hardening views on both sides and that the issue of loyalty to the Latvian state and independence is increasingly being raised against the so-called “non-citizens”. Given the practical obstacles to naturalisation that remain for a sizeable part of the “non-citizen” population (see above), the Advisory Committee considers that urgent efforts must be made by authorities to change the public debate into a more constructive discussion on how to encourage “non-citizens” to apply for naturalisation and genuinely welcome them as citizens of Latvia. It notes in this context that the percentage of “non-citizens” in the different parts of Latvia varies significantly and is particularly low in regions such as Rezekne, where concerted efforts by the local authorities have been made to promote the integration of national minorities with respect for diversity.²⁴

Recommendation

52. The Advisory Committee urges the authorities to take all necessary measures to actively promote and facilitate the naturalisation of the “non-citizens” through targeted information and training campaigns as well as the dissemination of positive and inclusive messages in the public sphere. Attention must be paid to ensure that the new Citizenship Law is implemented in a non-discriminatory manner and does not disproportionately curtail access to rights under the Framework Convention.

Article 5 of the Framework Convention

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

Findings of the first cycle

53. In its first Opinion, the Advisory Committee welcomed the existing legal guarantees and efforts made to support the preservation of the identity and cultures of persons belonging to national minorities, while expressing concern about the financial difficulties faced by minority organisations following a significant decrease in funds earmarked for them. It invited the authorities to review the allocation of financial resources to national minority organisations and to take the necessary measures to provide a more adequate response to existing needs, including with regard to the maintenance of cultural centres.

Present situation

a) Positive developments

54. The Advisory Committee notes that a multitude of events pertaining to national minority cultures and identities are organised each year and supported by different levels of government, mainly the Ministry of Culture, the Society Integration Foundation, and local authorities, many also co-financed through EEA and EU funds. It is pleased to note in particular that regular research and assessments are being conducted on the various grant schemes and their effectiveness in supporting the maintenance and development of national minority cultures and the promotion of a multicultural society. It notes in this regard the assessment made by the Advanced Social and Political Research Institute of the University of Latvia related to the implementation of the Framework Convention, which establishes the need to revise the notion of “ethnic culture” to include not only the traditional understanding of culture but also contemporary manifestations of culture and the principle of cultural interaction.²⁵ It is further commendable that some training and other capacity building initiatives are being organised to raise the potential of national minority associations to compete in tenders and effectively take part in shaping the cultural life in Latvia, and that

²⁴ The overall proportion of “non-citizens” in Rezekne constitutes less than 5%.

²⁵ See State Report, paragraph 125.

particular efforts have been made to involve minority youth. The Advisory Committee was informed by minority representatives that local authorities, such as in Riga and Rezekne but also in other areas are particularly helpful and supportive in assisting the organisation of national minority cultural activities.

b) Outstanding issues

55. While welcoming the continued government support for the organisation of cultural events of minority associations, the Advisory Committee notes that most minority associations indicated that they receive insufficient and irregular support, and that assistance is only available from local authorities. According to most minority interlocutors, support from central government has become largely unavailable or inaccessible for them since the functions of the Secretariat of the Special Assignment Minister for Social Integration (SSAMSI) were ceded to the Ministry of Culture in early 2011. In addition, minority representatives express their concern that applications for funding must adhere to certain formal requirements and must be presented in Latvian language, putting their submissions from the start at a disadvantage to other non-governmental applicants. The Advisory Committee is concerned by the low level of awareness among minority communities of the initiatives taken at central level to assist organisations in the preparation of their application in line with set presentation criteria. It considers that information on available grants and relevant assistance mechanisms for non-governmental organisations must be made significantly more accessible through targeted out-reach activities throughout the country to ensure that minority organisations feel sufficiently encouraged to apply for funding.

56. The Advisory Committee is further concerned by reports from minority representatives that the main focus of government support is to promote Latvian language knowledge among minority communities. While free Latvian language courses are highly appreciated by minority communities, representatives argue that inadequate attention is being paid to the importance of maintaining and promoting their specific identities, cultures and languages, which could ultimately lead to their assimilation. The Advisory Committee reiterates that Article 5 of the Framework Convention calls for the exclusive allocation of adequate funds for the preservation and development of minority cultures and traditions, while integration promotion measures such as language courses should be offered through other support measures. In addition, there is an impression among minority representatives that central government is mainly administering EU funds for broader social projects without being particularly interested in promoting genuine social cohesion and interaction between ethnic groups and without consulting minority representatives about their views on what themes should be promoted and what type of activities could best address their concerns.²⁶ The Advisory Committee notes that no minority organisation is currently represented in the Council of the Society Integration Foundation and considers that more efforts should be made to involve minority representatives in decision-making processes, including those related to financing schemes (see also below comments on Article 15).

Recommendations

57. The Advisory Committee calls on the authorities to enhance their support for cultural activities and projects aimed at preserving specific national minority identities and cultures, and ensure that minority associations throughout Latvia are adequately informed about available opportunities and encouraged to apply for grants.

²⁶ See Ilona Kunda in *How Integrated is Latvian Society, An audit of Achievements*, Riga 2010, on the manner in which the Society Integration Foundation administers financial mechanisms without evaluating the potential of implementers to promote innovation and progress in areas that are particularly controversial in ethnic integration topics.

58. The Advisory Committee further invites the authorities to more effectively consult minority representatives with regard to cultural and integration policy questions to ensure that their views and concerns are adequately considered and effectively taken into account. Efforts should be made in this regard to ensure the representation of minority organisations in supervisory bodies overseeing allocation of support.

Article 6 of the Framework Convention

Protection against discrimination, hostility or violence on ethnic grounds

Findings of the first cycle

59. In its first Opinion, the Advisory Committee commended measures taken to strengthen the legal protection against ethnically motivated discrimination, hostility or violence, and the fact that Latvian courts had paid increased attention to the racist motivation of crimes. It expressed concern, however, about the increasing number of racist incidents and expressions of intolerance or hostility on the Internet, in particular towards Russians and Jews, and invited the authorities to take more resolute action, both in terms of prevention and monitoring and sanctioning of such acts.

Present situation

a) Positive developments

60. The Advisory Committee is pleased to note that a number of workshops for police officers have been organised to raise awareness on human rights, non-discrimination and combating hate crimes, including in co-operation with civil society. The Advisory Committee further welcomes the establishment of a working group on hate crime in late 2012 under the coordination of the Ministry of Justice tasked with identifying the existing shortcomings in the national legislation on hate crime, including hate speech. The working group concluded in early 2013 that improvements to the Criminal Law had to be made and is currently developing proposals for adequate steps to be taken. The Advisory Committee notes that the Supreme Court has released an overview of case law related to hate crime to be reviewed in this process.

b) Outstanding issues

61. While acknowledging that no case of racially motivated violence has been registered since February 2008, the Advisory Committee notes the perception of minority representatives and independent observers that incidents of racist violence, particularly against foreign students and Roma, remain underreported, often because of fear of the victims to approach the police. While some training of police officers has taken place, substantially more efforts are required in the view of most interlocutors also with regard to capacity building among lawyers, prosecution services and the judiciary to promote a suitable environment for successful litigation in cases involving ethnically based hostility, including hate speech, and racial discrimination. It is further regrettable that no independent institution has been created to monitor and systematically gather information on allegations of discrimination and hostility, and to oversee the response capacity of law enforcement, including as regards possible complaints against the police. The Advisory Committee notes with concern that racist motivation was not found to constitute an aggravating factor, even in self-evident cases, such as the desecration of Jewish graves with the explicit admission of nationalist motivation by the defendant.²⁷ It is further concerned by the extremely low number of investigations opened under Article 78 (incitement to hatred) despite substantial

²⁷ See ECRI Report on Latvia (fourth monitoring cycle), December 2011, paragraph 17.

evidence of hate speech mainly targeting Russians, Latvians, and Jews, particularly on the Internet.²⁸

62. The Advisory Committee notes in this context that the Security Police reportedly refused to initiate an investigation into threatening emails and articles posted on the fringe Internet site ‘Tautas Tribunals’ (People’s Tribunal) against one Member of Parliament, referring to Russians as “Nazi-like parasites of a murderers’ state” and suggesting that he and “his ethnic brothers” will soon face “revenge as they deserve”,²⁹ as no realistic threat was recognised. It was informed by relevant officials in the Ministry of Interior that the question whether or not to investigate an offence as hooliganism or as incitement to hatred depends primarily on the testimony of the offender, and that independent experts continue to be involved to determine whether an offence is to be considered a hate crime or not. The Advisory Committee is concerned by this practice. Not only is it unclear what criteria are being used to select these independent experts,³⁰ but it also leads to lengthy procedures, even in self-evident cases, which prevents a clear message being sent to the public that hate speech is considered a serious offence which is promptly investigated and effectively sanctioned.³¹ The Advisory Committee finds that concerted efforts must be made to develop sufficient expertise on issues related to hate crime and hate speech within the police and ensure that such incidents, including when propagated via the Internet, are effectively and promptly addressed. It further considers that the dissemination of hate messages and hate speech is not adequately addressed in the legislative framework, given the particular difficulties in applying Article 78, which requires proof of direct intent to incite hatred and is consistently interpreted very narrowly, and expects that the above-mentioned working group on hate crime will address this inadequacy.

63. The Advisory Committee is further deeply concerned by the continued appearance of disrespectful and intolerant messages directed mainly at Russians and other minorities in the public debate, including by public authorities and in Parliament. It regrets the choice of words by some politicians, such as the former Minister of Culture suggesting that the cultural policy of Latvia cannot be founded on multiculturalism but rather on the Latvian language and national symbols, as well as by nationalist Members of Parliament referring to the “threat of Russification” and likening ethnic Russians in Latvia to “enemies of the state”, labelling part of the population as “civil occupants”.³² It is further concerned by the renewed discussions in Parliament surrounding the yearly commemoration of the Latvian Legion on 16 March and the repeated request by the governing coalition to reinstate this

²⁸ See, for instance, the sites www.tautastribunals.lv and www.sargivalodu.lv, which were found by Kurzeme Regional Court to regularly use contents focussing on national hatred and enmity, including incitement to hostility against certain nationalities, made worse by the use of an automatic data processing system. Case No. 11840001908 of 8 April 2009.

²⁹ See Report on threats and response from the Security Police at <http://rus.delfi.lv/news/daily/politics/ugrozys-ageshinu-pb-ne-nashla-sostava-prestupleniya.d?id=43227926>.

³⁰ See, among others, ECRI (Footnote 26), referring to well-known right-wing extremists being used as experts.

³¹ See, for instance, the case of Uldis Freimanis who publicly called for violence against Jews on 16 March 2011. The Jewish Community lodged a case with the police who, reportedly, closed the case on 1 August 2011, stating that the case “did not constitute a criminal offence”. Pursuant to an appeal by the Council of the Jewish Communities of Latvia and supported by the Anti-Defamation League, the case was reopened. It, however, led to no decision until July 2012, when Mr. Freimanis passed away. The case was subsequently dismissed on 24 July 2012.

³² See the reaction of one Member of Parliament to statements made by the Council of Europe Human Rights Commissioner and the US Ambassador to Latvia concerning the granting of citizenship to children, reported in Integration Monitor of 22 January 2013. See also <https://twitter.com/janisdombrava/status/291843582107742208>.

date as official holiday as a "day of remembrance".³³ Given the stated aim of promoting social cohesion and an integrated society based on respect for diversity, the Advisory Committee regrets that this event continues to spark heated debate in Parliament which can but further widen the gap in understanding and acknowledging history that continues to antagonise and divide society (see below comments).

Recommendations

64. The Advisory Committee urges the Latvian authorities to strengthen their legal provisions and response capacity within law enforcement to adequately, promptly and effectively address the numerous incidents of hate speech against minorities, particularly on the Internet.

65. The Advisory Committee further calls on the authorities to step up their efforts to publically condemn and appropriately sanction all expressions of intolerance and disrespect towards minorities. Public figures should in particular refrain from making such statements themselves which are directly transmitted to the public by the media and have a negative impact on social cohesion.

Integration and the promotion of tolerance

Findings of the first cycle

66. In its first Opinion, the Advisory Committee found that Latvian society, in general, was characterised by a climate of tolerance and respect, but that the effective integration of the Russian-speaking population, as well as persons belonging to groups that had not been traditionally living in the country, remained a challenge. It considered that the rhetoric used by certain politicians and parts of the media was not conducive to an atmosphere of respect and mutual understanding between ethnic Latvians and persons belonging to minority groups, and called on the authorities to step up their efforts to promote respect for diversity. Regarding the naturalisation procedure, the Advisory Committee invited the authorities to examine public perceptions surrounding the Latvian language testing process and their impact on integration of society, with a view to creating a climate more favourable to naturalisation.

Present situation

a) Positive developments

67. The Advisory Committee notes that Integration Guidelines were adopted in October 2011 as the main strategy for the promotion of integration in Latvian society after a number of years of preparation and lack of progress in this area. It welcomes in particular the Action Plan that was adopted jointly with the Guidelines and contains a concrete set of goals to be achieved with regard to societal integration as well as specific benchmarks on how to evaluate progress. It is further pleased to note in this context the establishment of a Consultative Council, with participation from civil society, to monitor implementation of the Guidelines and the Action Plan and provide guidance on how to further promote societal integration. In addition, it notes the increased activities to promote intercultural understanding and tolerance in society, including as regards awareness-raising on the holocaust supported by different authorities. As a result, representatives of the Jewish community report an overall increase in understanding and acceptance of Jewish concerns in Latvian society as well as a slight decrease in cases of vandalism against Jewish cemeteries and other expressions of anti-Semitism.

³³ The Latvian Legion, created in 1943, was part of the Waffen SS during World War II. It is commemorated on 16 March because on 16 March 1944 both divisions of the Latvian Legion fought for the first time against the Soviet Army.

68. The Advisory Committee further observes the positive role played by local authorities, such as the Riga City Council and the Rezekne City Council in the promotion of tolerance and inter-ethnic understanding. A special Riga City Society Integration Programme and Plan was adopted in September 2012 in close consultation with representatives of different communities in the city. It is encouraged by the positive feedback received by the City Council from residents of Riga in regularly organised discussion forums, and the open approach taken by the city in publicly debating issues of concern, including as regards different forms of discrimination in society today. It further welcomes the continued support allocated by the City Council to various projects and activities of minority associations, as well as the on-going Latvian language training for residents which is highly popular. According to officials, the vast majority of Riga residents speak some level of Latvian which they wish to improve.

b) Outstanding issues

69. The Advisory Committee notes the overall quite critical assessment of the Integration Guidelines among minority representatives as well as civil society, and is concerned by the broad agreement among observers that the document was adopted without effectively consulting minority representatives, and without sufficiently taking into account the numerous proposals for amendments that were received (see also below comments on Article 15). It further regrets the introduction of the concept of ‘constituent nation’ in the beginning of the document, referring to Latvians and their national cultural identity as the constituent factor in Latvia. This concept has widely been interpreted as a reflection of a new ethno-centrism in Latvia and has caused apprehension among minority representatives who view themselves as being made “secondary” in the very idea of integration of society. The Advisory Committee deeply regrets this development and considers that the reference to the ‘constituent nation’ in an integration strategy is indeed inappropriate, especially since the concept does not have a basis in Latvia’s Constitution (see above comments on Article 4). While acknowledging that the Guidelines contain a number of other and more inclusive messages, such as the reference to “Latvian people” in the same introduction, which explicitly includes the “non-citizens”, the Advisory Committee is deeply concerned by the contradictory use of terms in the document which risks alienating parts of the population.³⁴ It considers that concerted efforts must be made to develop appropriate policies that are aimed at forming a society in which diversity is respected and everyone, including all persons belonging to national minorities, contributes to building and maintaining a common and inclusive civic identity.³⁵

70. In addition, the Advisory Committee is concerned by the differentiation that is made throughout the document between Latvians and “others”.³⁶ While, again, some messages are inclusive and point to the complementariness of identities,³⁷ other parts of the document persistently focus on the Latvian language, Latvian culture and Latvian identity as central to society and foundation of national identity. This focus is viewed sceptically by many minority representatives as they consider that too little attention is paid towards their cultures, languages and identities to promote genuine social cohesion, rather than mere

³⁴ The same group of “non-citizens” is, for instance, also referred to as immigrants who were part of the occupation and do not share the same values, a statement that is clearly detrimental to promoting cohesion. See *Guidelines on National Identity, Civil Society and Integration Policy (2012 – 2018)*, Riga 2012: Introduction: Problems and Goals, paragraphs on “immigrants” and “two-community society”.

³⁵ See also in this context HCNM Ljubljana Guidelines on Integration of Multi-Ethnic Societies, November 2012.

³⁶ The very preamble of the document reads: “Latvia needs every Latvian and Latvian citizen (including those who do not live in Latvia) – every inhabitant of Latvia”.

³⁷ “An individual can simultaneously have a number of identities (that of a national minority, Latvian, European, global).”

cultural integration in the Latvian cultural space. Indeed, public opinion surveys reflect significant ethno-centrism among ethnic Latvians. 44% in 2011 considered that Latvia should be populated only by Latvians and only 22% considered that all ethnic groups should be treated equally.³⁸ The Advisory Committee welcomes in this context the recognition in the Integration Guidelines that “respect for Latvia’s culture could be positively encouraged if the contribution of national minorities is highlighted in the understanding of culture”.³⁹ It expects that this assessment will be translated into adequate steps to genuinely promote social cohesion in Latvia through inclusive approaches, and welcomes initiatives aimed at broadening the involvement and engagement of the majority population in integration projects.⁴⁰

71. The Advisory Committee further notes with concern the increased negative atmosphere in public debate following the referendum in February 2012 on whether or not the Russian language should be recognised as an official language. While 75% of respondents voted ‘no’, 25% supported such a change and it is estimated that the majority of the “non-citizens” would have also voted “yes” if allowed to participate.⁴¹ The Advisory Committee is deeply concerned by the division in society that is reflected by the outcome of the referendum, indicating a sharp sense of exclusion and alienation in a large part of the population - which appears to further increase the perception of threat among others. It further notes in this context that the referendum in February 2012 followed an earlier referendum, initiated by the nationalist alliance in Parliament to amend the Constitution to provide for public education only in Latvian language. Although the initiative did not obtain a sufficient number of signatures in the second stage, it is viewed by most observers as having prompted the call to introduce Russian as a second state language in order to raise awareness about the concerns of minority communities.⁴² In the current environment, the Advisory Committee finds that close attention must be paid to the development of adequate platforms for genuine dialogue to ensure that the different viewpoints in the population, including with regard to the linguistic rights of persons belonging to national minorities as well as with regard to diverging perceptions of history, are effectively listened to and included as legitimate expressions of opinions in a democratic state, rather than isolated further (see also below comments on Articles 10 and 15). In this context, the Advisory Committee refers again to the increasing radicalism in public debate which appears to place any discussion of minority rights in danger of being abused for political purposes by accusing proponents of disloyalty to the State. The Advisory Committee further considers that any limitation of rights of persons belonging to national minorities through majority decisions such as referenda contradicts the very essence of the Framework Convention.

72. Lastly, the Advisory Committee notes that completion of the restitution of Jewish religious and communal property is still outstanding and that no progress has been reported following the establishment of a task force for this purpose in 2008. Following repeated attempts by Jewish representatives to raise awareness in society and advance their cause, an agreement appears to have emerged at the end of 2012 on the number of properties involved

³⁸ See Survey conducted in 2011 by the Faculty of Social Sciences at the University of Latvia and public opinion survey organised by SKDS in 2012.

³⁹ See Guidelines page 28 which also states that “in promoting the consolidation of Latvian cultural space, the integration policy has to be based on the principle of recognition and dialogue of different cultures accepted by the society”.

⁴⁰ See the 2010 assessment of the grant scheme “Strengthening Civil Society and the Promotion of Society Integration” which recommends more inter-cultural activities and more involvement of the general public. See State Report, page 37.

⁴¹ Only citizens are allowed to participate in referenda according to Article 80 of the Constitution.

⁴² See, among others, Denis Hanovs and Valdis Tēraudkalns in *Denying the Other in the Cyber Space: Democracy and Political Culture in Latvia. Analysis of the Internet Campaign “For Mother Tongue” (November 2011)* in Ethnicity 2012/6.

which is hoped to lead to the adoption of a law that regulates the restitution of publicly owned property to the Jewish community.

Recommendations

73. The Advisory Committee calls on the Latvian authorities to prioritise inclusion and dialogue in the implementation of the Integration Guidelines and its Action Plan. Increased efforts must be made to involve representatives of all communities in discussion processes on how to further integrate Latvian society with respect for diversity, including on relevant themes such as the acknowledgement of multiple perspectives related to history and the role of minority rights in Latvian society today.

74. The Advisory Committee further invites the authorities to focus their integration efforts and related public discourse on assuring minority representatives that their presence in and contribution to society is welcome and valued and that the goal is broader social cohesion with respect for the specific identities of national minorities rather than mere cultural integration.

75. Lastly, the Advisory Committee encourages the speedy completion of the process of restitution of publicly owned property to the Jewish community.

Article 9 of the Framework Convention

Minority languages and participation of minorities in the media

Findings of the first cycle

76. It is first monitoring cycle, the Advisory Committee welcomed the opportunities granted to persons belonging to national minorities to access audio-visual media in their minority language, both in the public and private sectors, but considered that the financial difficulties faced by certain minorities, in particular the numerically smaller ones, in maintaining their print media deserved increased attention from the authorities.

Present situation

a) Positive developments

77. The Advisory Committee notes that the overall media environment in Latvia continues to be characterised by a multitude of outlets, operating mainly in Latvian or Russian and thereby providing good access for speakers of those languages. The Electronic Mass Media Law, adopted in 2010 to supersede the 1995 Radio and Television Law, lowers the overall proportion of radio and TV broadcasting that must be in the official language to 65%. The fifth television channel and Channel 4 radio continue to broadcast mainly in Russian, as well as some other minority languages, being publicly referred to as ‘integration channels’. Following technical advances, the reception of Russian-language Channel 4 radio has now been improved and reportedly also covers the Latgale region. As regards print media, the Advisory Committee notes the continued edition of five non-commercial magazines by national minority organisations, albeit with a very limited outreach.⁴³ The Advisory Committee further notes the establishment of the Electronic Mass Media Council as an independent institution that shall represent the public and oversee its activities to comply with the Constitution. In addition, the establishment of a Public Advisory Council is foreseen in the law to ensure the participation of the public in the process of elaborating a national strategy for the development of media.

⁴³ See State Report, paragraph 16.

b) Outstanding issues

78. The Advisory Committee observes that, despite the continued high number of media outlets in Latvia, the overall environment is still marked by the presence of two parallel systems, in the Latvian and Russian languages, featuring quite divergent content. The Advisory Committee is concerned at the reported division between the audiences of those two media spaces, who receive news often marked by considerable differences in geo-political viewpoints and have very little interaction. According to minority representatives, there is very little information on minorities and their particular issues of concern in the Latvian-language media, which exacerbates the division between both language groups as persons belonging to national minorities are discouraged from accessing Latvian-language media. The Advisory Committee further notes that the state programming in minority languages is still considered by communities to be of low quality, featuring mainly issues related to sports or folklore but providing little coverage of current issues of political relevance in Latvian society. It further notes reports suggesting that the reception of Latvian broadcasts in the Eastern parts of the Latgale region remains highly problematic, resulting in parts of the population relying entirely on neighbouring countries for news and entertainment.⁴⁴ The Advisory Committee appreciates that this situation is acknowledged as problematic by the Electronic Mass Media Council and notes efforts to increase the audience of Latvian minority language TV by promoting its quality and outreach.

79. With regard to print media, the Advisory Committee regrets that in the course of 2012, the three Russian language newspapers were merged into just one, *Vesti Sevodnja*. While acknowledging that privatisation can be beneficial to the freedom of expression in the media, the Advisory Committee is concerned that the number of smaller media outlets is continually decreasing due to economic reasons. This has a particular impact on persons belonging to numerically smaller minorities and reduces pluralism and diversity in the media, which, given the divide in public opinion on important themes related to integration (see above comments on Article 6), may lead to further polarisation. In addition, the perceived lack of attractive and independent media in Latvia increases the popularity of TV channels and other media from neighbouring countries, which does not promote intercultural understanding and dialogue among the various audiences surrounding issues of common interest. The Advisory Committee reiterates the crucial role played by the media in the integration of society and emphasises that an active and diverse media scene, including in languages of national minorities, may considerably influence the sense of belonging and participation of minority communities.⁴⁵ It regrets in this context the absence of bilingual media outlets to ensure that both language groups consume the same content of information, even if in different languages.

80. The Advisory Committee further notes with regret reports that the representation of minority communities in the media is frequently marked by stereotypes and prejudice. Roma representatives, for instance, consider it disrespectful that the ethnicity of criminal offenders with Roma origin is regularly revealed in the press.⁴⁶ Russian minority representatives argue that public media outlets often use terminology that associates Russian speakers with “enemy powers” and “alien occupation”, which is offensive to Slavic

⁴⁴ See Anda Rožukalne, 2012, *a Year of Media Instability in Latvia*, 25 January 2013 <http://en.ejo.ch/6545/ethics/2012-latvia-media>.

⁴⁵ See also the ACFC Third Thematic Commentary on the Language Rights of Persons belonging to National Minorities, May 2012.

⁴⁶ In 2011, the Ombudsman Office conducted a study on the reflection of Roma in the media. It concluded that comparatively little information about Roma communities is available, relating in most occasions to Roma musicians or criminal news. It further remarked that references to Roma in the mass media regularly prompt comments of readers revealing open hostility and incitement to physical violence against Roma.

minorities. The Advisory Committee notes in this regard the role of the Electronic Mass Media Council to regulate radio and TV broadcasts, including with regard to content and ethical journalism. It regrets that there is no minority representation in the Council and is concerned by allegations that the Council is not playing its role of independent observer but has acted with particular firmness against Russian-language media professionals.⁴⁷ The Advisory Committee notes with interest current discussions surrounding the establishment of a Media Ombudsman Institution and appreciates the acknowledgement within the Electronic Mass Media Council that more efforts should be made towards the development of a code of ethics for all journalists as well as relevant training activities to ensure that no hostile and offensive language is used in the media and promote an adequate balance between editorial independence and ethical oversight. In addition, the establishment of a Public Advisory Council, as foreseen in Section 63 of the Electronic Mass Media Law, should be accelerated and attention should be paid to promote the due representation of minority communities and concerns in the Council.

Recommendations

81. The Advisory Committee calls on the authorities to increase their efforts, while fully respecting the freedom of expression, to promote an attractive and diverse media environment with effective opportunities for persons belonging to national minorities, including the numerically smaller ones, to access quality media in their minority languages.

82. The Advisory Committee further invites the authorities to effectively ensure that the views of minority communities are reflected in oversight bodies established for the media and that the ethics of journalism are adequately and independently monitored to promote the positive role that the media can play in the formation of social cohesion.

Article 10 of the Framework Convention

Legal framework, policy and practice regarding the use of languages

Findings of the first cycle

83. In its first Opinion, the Advisory Committee expressed its serious concern about legislative provisions and implementation modalities that imposed the exclusive use of the state language in the public sphere and in an increasing number of occupations in the private sector. While acknowledging the legitimate aim of protecting the state language, the Advisory Committee considered these measures to represent a significant limitation of the right to use minority languages freely as provided by the Framework Convention, and called on the authorities to seek to strike a balance between the protection of the state language and the language related rights of persons belonging to national minorities. In particular, the Advisory Committee invited the authorities to adopt a more flexible approach towards the monitoring system of the implementation of the Law on the State Language and to opt for more constructive measures in this area.

⁴⁷ A journalist was fined in 2010 for “disrespect towards the state language” when attempting to conduct an interview with a State Minister in Russian language, as had been agreed. The Administrative District Court overruled the imposition of fines against the media professional and the TV channel two years later. While the Electronic Mass Media Council, as its predecessor, does not itself impose fines, it issues opinions and, as communicated to the Advisory Committee, provides information to the Security Police or relevant Inspectorates if considered necessary.

Present situation

a) Positive developments

84. The legislative framework continues to provide for the mandatory use of Latvian in all official communication. While reiterating the legitimacy of measures to protect and promote the official language as the main tool of public communication, the Advisory Committee welcomes the information provided by officials from the State Language Centre that efforts are being made to develop more constructive ways, including incentives and “friendly controls”, to ensure adequate use of the official language, in line with current legislation. It further appreciates the information provided in the State Report about the relatively low sanctions applied by the State Language Centre in most cases. The list of professions in the public and private sector requiring proficiency in the official language continues to be adjusted according to the extent to which they affect a legitimate public interest. In this regard, the Advisory Committee notes that the Ministry of Justice has prepared a report on what constitutes legitimate public interest, which is currently being discussed by the Government. It expects that these efforts will provide more legal clarity surrounding the concept of ‘public interest’, which has prompted an increasing number of successful appeals against decisions of the State Language Centre.⁴⁸ The Advisory Committee acknowledges in this context the role of the courts in overseeing the activities of the State Language Centre in interpreting the applicable legislative framework.

b) Outstanding issues

85. The Advisory Committee regrets that issues related to the use of languages continue to trigger heated public debate, particularly following the above-mentioned referendum of February 2012. It notes that the number of fines and sanctions imposed by the State Language Centre has significantly increased since 2009,⁴⁹ along with the amount of complaints received, and that violations are particularly common as regards the failure to speak Latvian with the required proficiency in the performance of a particular professional duty. Amendments to the Administrative Violations Code in June 2011 increased maximum fines four times, while also introducing new liabilities.⁵⁰ In addition, the list of professions demanding high levels of Latvian language proficiency continues to be broadened, including as regards the private sector (see further comments under Article 15). The number of cases where state institutions were fined for disseminating information material in Russian equally increased in recent years, even in situations where the provision of information in other languages is explicitly permitted by law.⁵¹ At the end of 2012, an administrative case was opened by the State Language Centre against the State Police for displaying brochures on public safety issues, such as protection against robbery and prevention of drug abuse, also in Russian language. While the case was later closed by the State Language Centre, it still prompted consternation among observers, as the use of other languages is explicitly permitted in case of emergency or for the purpose of safety. The Advisory Committee is

⁴⁸ In April 2013, the Administrative Regional Court replaced a fine with a warning as it found the violation identified by the State Language Centre to be insignificant. On 28 March 2013, the Administrative District Court cancelled a fine imposed by the State Language Centre against a board member of a small enterprise for not speaking Latvian at the required level, because it found that no legitimate public interest had suffered given the language proficiency of other employees. This judgment has been appealed.

⁴⁹ See Table 8 in the Appendix of the State Report.

⁵⁰ Section 201 (32) (1) introduces liability of legal persons for failing to ensure translation into the official language of radio or TV broadcasts in cases not already covered by the Electronic Mass Media Council.

⁵¹ In 2009, the Ministry of Health and the Ministry of Welfare were issued a warning by the State Language Centre for issuing respectively individual invitations to women of certain age groups for oncological check-ups, and information about the changes in the calculation of pension benefits in Russian language. An administrative case was opened against the Central Statistical Board for having issued public information on the 2011 census in Latvian and Russian, in line with relevant international recommendations.

further concerned by reports that employees of the State Language Centre have increased their inspections of kindergartens and pre-schools, establishing violations in 13 kindergartens in Riga in the course of 2012, which has led to a number of teachers leaving schools. The Advisory Committee is deeply concerned by the above developments and the determined use of penalties and sanctions by the State Language Centre, which have increased perceptions of fear and distress among minority communities and are exacerbating the divide in society about language issues.

86. While acknowledging the concern among officials that the Latvian language, despite its increased use, is still vulnerable to being overtaken by the much more widely spoken Russian language if concessions are made towards the latter's use, the Advisory Committee again observes that the current approach of restricting the use of other languages is incompatible with the Framework Convention and considers moreover that it may be counterproductive. It wishes to reiterate that Article 10 of the Framework Convention does not foresee the use of minority languages – under specific circumstances – *instead* of the official language but *in addition to* it. The Advisory Committee finds that clear legal guarantees for the use of minority languages under conditions in line with Article 10 of the Framework Convention would reduce the current level of agitation surrounding the issue and would ultimately benefit society. In this regard, the Advisory Committee notes that a number of minority representatives, particularly in the regions, are unaware of their rights, for instance, to use minority languages in addition to the official language to advertise cultural events, in line with Section 21 of the Official Language Law. This lack of awareness adds to a sense of being wrongfully deprived of rights and may indeed prompt the resistance of some individuals to speaking Latvian despite being able to do so, a point that was mentioned by officials of the State Language Centre. The Advisory Committee finds that concerted efforts must be made to promote the use of the official language through positive measures and incentives rather than focussing on limiting the use of other languages through penalties and sanctions, without providing information to the general public on when indeed the use of minority languages is permitted.

87. The Advisory Committee further notes with interest developments in the Latgale region, where an increasing number of community representatives are demanding a special status for the Latgalian language. It notes that according to the Official Language Law, all languages other than Latvian and Liv are to be considered foreign languages, while Latgalian enjoys constitutional protection as a variant of Latvian (see above comments). The Advisory Committee reiterates its view that the introduction of clear legal guarantees and criteria for the use of languages other than the official language would promote a sense of appreciation and belonging among community representatives, thereby promoting their integration. It notes with interest in this regard calls by some regional officials in the Latgale region to ratify the European Charter for Regional and Minority Languages to establish, among others, clarity regarding the use of Latgalian and introduce measures to protect the language, including within the education system (see further comments on Article 14). The Advisory Committee considers that such a step could also benefit the remaining Liv language speakers.

Recommendations

88. The Advisory Committee urges the authorities to review their legislative and policy framework in order to create a balance between the goal of promoting the official language and the language rights of persons belonging to national minorities. In addition, existing methods of monitoring implementation of the official language policy should be modified, favouring a more constructive and incentive-based approach over the applied system of inspections and sanctions. More efforts should be made to adequately raise awareness among officials and the public at large of the conditions under which minority languages

may be used as well as the circumstances in which a legitimate public interest is affected, to reduce the level of tension in society surrounding language issues.

89. The Advisory Committee further calls on the authorities to provide more funding for positive measures such as the organisation of free Latvian language courses to ensure that persons belonging to national minorities have an effective opportunity to learn the state language, and that they are encouraged to do so.

Use of minority languages in relations with administrative authorities

Findings of the first cycle

90. In its first Opinion, the Advisory Committee noted that persons belonging to national minorities could not benefit, except in very few cases, from the right to use their language in dealings with administrative authorities as provided for by the Framework Convention, which prevented them from effectively participating in public affairs at the local level and from adequately accessing public services. It called on the authorities to review the domestic legislation in question so as to enable the effective implementation of Article 10.2 of the Convention.

Present situation

a) Positive developments

91. While the legislative framework continues to essentially prohibit the use of minority languages in relations with administrative authorities, the Advisory Committee welcomes the continuation of pragmatic solutions to ensure contact of persons belonging to national minorities with authorities, including in writing. In a number of areas and institutions, letters submitted in minority languages, mainly Russian, are accepted and responded to in Latvian, with a cover note summarising the content in Russian. The Advisory Committee considers this to be commendable practice and is pleased to note reports that correspondence is increasingly received in Latvian language, including in areas with a significant minority population, indicating a surge in language proficiency and confidence. It further welcomes the overall impression, shared also by minority representatives that oral communication is mostly being conducted in the language chosen by the individual, depending, however, on the ability and will of the official.

b) Outstanding issues

92. The Advisory Committee regrets that the legislative framework has not been adjusted to reflect Article 10.2 of the Framework Convention and that a considerable lack of clarity with regard to the extent to which minority languages are allowed in communication with administrative authorities or public services continues. Cases have been reported where doctors refuse to speak in Russian to a patient, despite the fact that the Law on Rights of Patients explicitly provides that a patient shall be provided with information in a comprehensive manner.⁵² In 2009 a police officer refused to respond to an emergency call in Russian language, telling the caller that he had to talk in Latvian. The State Police imposed disciplinary punishment on the police officer which was later upheld by the Administrative Court.⁵³ In a similar case, the State Police is reported to have refused consideration of a complaint made by a mother about the behaviour of the police during the arrest of her son,

⁵² State Report, paragraph 163.

⁵³ In addition, the Administrative Court considered the police officer's conduct as discriminatory, emphasising that the individual right to receive assistance cannot be made dependent on the police officer's foreign language skills. See Administrative District Court Riga A 42881209 of 28 April 2011. See also Latvian Centre for Human Rights, Second Alternative report, June 2013. Reportedly, an appeal has been lodged.

because the letter was written in Russian.⁵⁴ The Advisory Committee regrets these cases as they again show the great level of confusion with regard to the legislative framework on the use of languages, reflecting the necessity to develop clear implementation procedures and guidelines on when the use of minority languages is permitted, and to ensure that civil servants are adequately informed about the rights of individuals.

Recommendation

93. The Advisory Committee calls on the authorities to establish clear standards regarding the conditions for the use of minority languages in contact with public authorities, in line with Article 10.2 of the Framework Convention, and to ensure that all officials in charge are sufficiently informed of the linguistic rights of persons belonging to national minorities.

Article 11 of the Framework Convention

Personal names in minority languages

Findings of the first cycle

94. In its first Opinion, the Advisory Committee considered that the use of minority languages in first names and surnames had not been fully settled and invited the authorities to further examine this question with a view to remedying the remaining shortcomings, in consultation with national minority representatives.

Present situation

a) Positive developments

95. The Advisory Committee notes the adoption of a new regulation on personal identity documents, which entered into force on 1 April 2012, providing a possibility to include the original or historical form of a personal name, transcribed in Latin script, into personal identity documents, if documentary evidence is provided. This possibility existed before only with regard to passports.⁵⁵ The Advisory Committee further notes the indication made by Ministry of Justice and State Language Centre officials during the visit, that the additional inclusion of the personal name in a minority language in birth certificates, upon the request of parents, may be considered.⁵⁶ The Advisory Committee would welcome this step as an indication of the willingness of officials to respect diversity in society, which may carry symbolic value for parents when registering their child, and expects that it will be adequately implemented. In addition, it may also alleviate practical problems that continue to exist with regard to the different language versions contained in new and old documents carried by persons belonging to national minorities, including with regard to important spheres of life, such as property titles or academic achievements. The Advisory Committee again welcomes the important role played by the judiciary in enforcing the applicable legislation.⁵⁷

⁵⁴ See Integration Monitor of 21 February 2013.

⁵⁵ See Comments of the Government on the First AC Opinion on Latvia, paragraphs 119-121.

⁵⁶ Section 19 of the Official Language Law foresees the possibility of introducing the historical form of a name in the birth certificate already and the Constitutional Court held in 2001 that it is in line with the Constitution. It should be clarified, however, that the minority language name is to be transcribed into Latin script in accordance with the transliteration table established by the ICAO, as now done in passports and identity documents, and no proof of ethnicity of the child should be required.

⁵⁷ On 26 October 2012, the Administrative District Court in Riga ordered the Office of Citizenship and Migration Affairs to include a patronymic on the second page of the passport. See http://www.tiesas.lv/files/AL/2012/10_2012/26_10_2012/AL_2610_raj_A-00377-12_26.pdf.

b) Outstanding issues

96. The Advisory Committee notes the continued dissatisfaction among minority communities related to the issue of names being changed in the process of transcription into Latvian, for instance with regard to male or female endings as well as the replacement of double letters with single ones, which is also reflected in an increasing number of court cases. The Advisory Committee considers that concerted efforts should be made (such as those referred to above) to accommodate the natural desire of parents to name their child according to their language and traditions. As this wish is akin to the very identity and dignity of a person, it should be respected even in cases where no “sufficiently serious difficulties” with the transcribed version of the name can be established.⁵⁸ The Advisory Committee reiterates in this context that Article 11.1 of the Framework Convention does not require states to recognise personal names exclusively in minority languages.

Recommendation

97. The Advisory Committee calls on the authorities to review their legislation related to personal names in line with Article 11.1 and in close consultation with minority representatives. In addition, appropriate steps should be taken to facilitate the introduction of personal names in minority languages in birth certificates, in accordance with international transliteration rules and upon request of the parents.

Use of minority languages in local topographical indications and private signs

Findings of the first cycle

98. In its first Opinion, the Advisory Committee observed that persons belonging to national minorities could not benefit from the right to use minority languages, alongside Latvian, for local topographical and other indications, including private signs.

Present situation

a) Positive developments

99. The Advisory Committee notes that the legislative framework which provides that topographical and other information of public interest shall be in the Latvian or Liv languages, unless otherwise provided, is still in place. Other languages may be used in providing private information at publicly accessible locations. The Advisory Committee is pleased to note that the original names of two Polish schools have been restored and some cultural institutions in the Rezekne region carry Latgalian names.

b) Outstanding issues

100. There have been no developments as regards the possibility to indicate street names and other topographical signs in minority languages in the conditions prescribed in Article 11 and in addition to the official language. The Advisory Committee regrets this lack of progress and wishes to reiterate that the possibility of having local names, street names and other topographical indications intended for the public in minority languages, alongside the official language, has a significant symbolic value for integration, as it reaffirms that the minority belongs to the given region as an appreciated and welcome part of society. This promotes a sense of trust among minority communities and enhances social cohesion.

⁵⁸ See also ACFC Third Thematic Commentary on the Language Rights of Persons belonging to National Minorities, May 2012. The Supreme Court held in July 2012 that the existing system of writing foreign names complies with the Constitution and international standards, and that violations could occur only in exceptional cases where the spelling of the name created “sufficiently serious difficulties” or the name acquired an unpleasant meaning. http://www.tiesas.lv/files/AL/2012/07_2012/09_07_2012/AL_0907_AT_SKA-0184-2012.pdf

Recommendation

101. The Advisory Committee calls again on the authorities to bring their legislative framework into line with Article 11 of the Framework Convention and provide more opportunities for the use of minority languages in publicly accessible locations, including on sign-posts, as an effective tool to promote social cohesion.

Article 12 of the Framework Convention

Equal access to education and intercultural content

Findings of the first cycle

102. In its first Opinion, the Advisory Committee welcomed steps taken to provide national minorities with access to quality education but found that the availability of minority language instruction was diminishing and that there was a shortage of qualified teaching staff and adequate educational resources for bilingual education. It further considered that educational material and contents could better reflect the diversity of Latvian society and invited the authorities to strengthen their efforts in this regard.

Present situation

a) Positive developments

103. The Advisory Committee welcomes the inclusion of intercultural and civic education content in the general curricula of all schools, as well as in the obligatory part of professional development courses for teachers.⁵⁹ It further welcomes the continued functioning of the Advisory Council on National Minority Education Issues, which meets regularly and ensures that the views and concerns of national minority communities are taken into account during relevant decision-making processes. Moreover, the Advisory Committee is pleased to note the adoption by the Ministry of Education and Science of an action plan for the enhancement of social cohesion in the education area (2012–2014) which envisages joint NGO activities and school exchanges in addition to promoting a supportive and inclusive social environment for diversity and “access and flexibility” in Latvian language learning. The Advisory Committee commends this initiative and expects that it will be implemented in close consultation with national minority representatives, as foreseen, to “encourage and promote trust between the State and people of Latvia and between the people of Latvia themselves”.

104. The Advisory Committee further notes with interest a first bilingual class opening in Riga as a pilot project initiated by Riga City Council. Children whose native languages are Latvian and Russian study together in one class, following respectively the programme of schools with Latvian language of instruction and the programme of minority language schools. The Advisory Committee welcomes this initiative as it considers bilingual education in principle not only to constitute an effective language learning method but also an efficient tool to promote inter-cultural understanding and interaction, which can help overcome division in society if using appropriate methodology. As regards Roma, the Advisory Committee is pleased to note that the use of trained teaching assistants in a number of relevant schools was overall evaluated as very successful in improving the academic achievement of Roma children.⁶⁰ It further welcomes the fact that the Integration Guidelines and Action Plan include additional support activities to raise the educational attainment of Roma. In this context, the Ministry of Education and Science is also in the process of developing a Social Cohesion Action Plan for Roma (2014-2020). According to

⁵⁹ See Comments of the Government on the First AC Opinion.

⁶⁰ See State Report, paragraph 207.

officials, the allocation of approximately 700 000 EUR is being discussed, among others for the increased use of teaching assistants in schools where Roma children attend, and the provision of additional support for education material.

b) Outstanding issues

105. Overall, the Advisory Committee notes that the Latvian education system is still marked by division into two main socio-linguistic groups, as children follow either the Latvian language programme or a minority language programme, mainly Russian. The 2004 education reform introduced the obligatory use of Latvian as language of instruction in 60% of subjects at minority language secondary schools. While the number of students wishing to study bilingually has increased, the overall attitude among minority communities towards the reform is still negative and the improved language skills seem not to have translated into closer relations among the two language groups. Some research suggests that highly skilled minority youth tend to leave Latvia and go to Russia for post-graduate degrees as the overall negative public discourse surrounding language, which has been exacerbated by the education reform, drives them away.⁶¹ The Advisory Committee considers that more efforts are required to develop an integrated education system that combines adequate opportunities for effective and high-quality minority language learning with official language proficiency while promoting social integration and interaction among pupils from different backgrounds. It notes with interest in this regard the increased use of dual-stream schools, which provide education to different language groups in one school, thereby offering opportunities for exchanges and joint extracurricular activities. The appropriate use of bilingual and multilingual education methods could further respond to the increased interest among young Latvians to improve their Russian language skills to further their opportunities in the labour market.

106. The Advisory Committee notes with regret reports from minority representatives that teachers are often still insufficiently trained to teach in diverse classrooms and that only few activities or school projects are undertaken to increase levels of tolerance or mutual understanding between different language groups, even at dual-stream schools where all children attend the same premises. The Advisory Committee further regrets that no independent review of textbooks and other education material has been undertaken to ensure that the content is not offensive to particular minority communities and does not contain inappropriate language.⁶² The Advisory Committee reiterates in this context the particular importance of adequate methodology to promote the understanding of multiple perspectives in the teaching of history. It further notes that the quantity of available textbooks for minority language teaching is considered insufficient by teachers in most minority language schools, particularly as regards the languages of numerically smaller minorities, and that a considerable number of schools continues to rely for education material on donations from Embassies. The Advisory Committee considers that more efforts must be made to provide minority language schools with adequate quantity and quality of education materials, and underlines the particular importance of continued pedagogical training for minority language teachers, including as regards bilingual and inter-cultural teaching methodologies. In addition, efforts must be made to ensure that adequate training opportunities are made

⁶¹ See, also for general background on inclusive strategies in educational institutions, Brigita Zepa, *Education for Social Integration*, in *How Integrated is Latvian Society, An Audit of Achievements*, Riga 2010.

⁶² While education material evaluation criteria in Latvia envisage that textbooks have to respect constitutional and general international human rights values, minority representatives and teachers continue to report that the contribution of national minorities to Latvian society is not adequately reflected in textbooks and that information on minority cultures and traditions is often based on stereotypes and prejudice, particularly as regards the teaching of history.

available for minority language teachers to ensure that instruction in lesser-used minority languages is not limited only to philological subjects.⁶³

107. While the vast majority of Roma children study in general schools, the Advisory Committee regrets to note that 17% attend special educational establishments such as correctional programmes of boarding schools or special classes in general education schools. In addition, 26 children are enrolled in Roma ethnic classes in Kuldīga Primary School⁶⁴ in the school year 2012/2013 and some 70 children attend Roma ethnic classes in Ventspils Evening School. The Advisory Committee reiterates its established opinion that such segregated education of Roma raises serious issues of compatibility with Articles 12 and 4 of the Framework Convention and should be discontinued immediately.⁶⁵ It welcomes in this context a call by the Ombudsman in March 2013 to abolish Roma segregation at Ventspils Evening School.⁶⁶ The Advisory Committee is further concerned by reports that of the 20 teaching assistants who were trained, only a few have received government funding to work in schools or kindergartens since.⁶⁷ It considers that the practice of engaging teaching assistants to accompany Roma children, where necessary, in their studies at general education establishments should be enhanced and appropriately funded, especially as available information shows that irregular attendance and early drop-out remain important barriers to education.⁶⁸

Recommendations

108. The Advisory Committee urges the authorities to further enhance the intercultural content of education at all schools, including through the introduction of integrated and multilingual education methodologies and the promotion of a supportive environment for diversity, as envisaged in the Social Cohesion Plan, including as regards the teaching of history.

109. The Advisory Committee further calls on the authorities to ensure that education material in sufficient quantity and quality is available in minority language schools and teachers are adequately trained, including as regards the teaching of non-philological subjects in minority languages.

110. The Advisory Committee calls on the authorities to ensure that segregated education for Roma children is discontinued immediately and that adequate support and funding is made available for measures aimed at improving their performance at school, including through the employment of teaching assistants.

⁶³ See also Latvian Centre for Human Rights, Second Alternative report, June 2013, referring to an independent assessment of the implementation of the minority education policy in 2011.

⁶⁴ The aim of establishing Roma ethnic classes at Kuldīga Primary School was reportedly to introduce some bilingual studies. According to observers, however, the main language of instruction is Latvian and no subjects are taught in Romani.

⁶⁵ See for background ACFC First Thematic Commentary on Education under the FCNM, March 2006.

⁶⁶ See Letter of the Ombudsman of 28 March 2013 at <http://www.tiesibsargs.lv/lv/sakumlapa/tiesibsargs-ajcina-ventspils-pilsetas-domi-likvidet-romu-segregaciju-skolas>.

⁶⁷ According to information provided by the NGO Centre for Education Initiative, eight teaching assistants worked in 2009/2010, only one worked with state funding in 2010/2011 and 2011/2012 and two were funded in 2012/2013 by Jelgava local authorities.

⁶⁸ According to information by the Ministry of Education to ECRI, 13.7% of Roma children do not complete primary education. See ECRI Report (fourth monitoring cycle), December 2011.

Article 14 of the Framework Convention

Teaching of and in minority languages

Findings of the first cycle

111. In its first Opinion, the Advisory Committee observed that the education reform had resulted in the predominance of the Latvian language in secondary public school curricula for national minorities, and that more restrictive conditions had been placed on the use of minority languages in education. It considered that the compulsory use of Latvian for the secondary school leaving examination raised problems for persons belonging to national minorities and called on the authorities to take better account of the language-related needs and rights of persons belonging to national minorities through consultation and effective participation of minority representatives in the decision-making in this sphere.

Present situation

a) Positive developments

112. The Advisory Committee welcomes the continued efforts of the authorities to provide persons belonging to national minorities with adequate opportunities for minority language instruction, including at pre-school, and notes the continued provision of state funding for all general education schools.⁶⁹ It further notes that, since 2007, an increasing number of students have chosen to pass the 12th grade exam in Latvian. As of 2012, the requirements for Latvian language examinations at all schools are identical. It welcomes the involvement of the Advisory Council on National Minorities' Matters in Education in all relevant decisions related to the implementation of the education reform and is pleased to note that the Ministry of Education and Science has recently also engaged in consultations with parents to increase their role in decision-making processes relating to schools.

b) Outstanding issues

113. The Advisory Committee notes with concern that due to the decentralised system, where it is usually local authorities who decide on the type of schools to be opened or maintained, minority language instruction is reported to be particularly difficult in those regions where a high percentage of the persons belonging to national minorities are “non-citizens” and therefore do not have the right to participate in local elections (see below comments on Article 15).⁷⁰ The Advisory Committee considers that clear guidelines should be provided to all schools concerned on the number of pupils required for the opening of a minority language class to ensure that the general right to minority language instruction provided for by Article 41 of the Law on Education is implemented equally throughout Latvia.⁷¹ The Advisory Committee is further concerned by continued reports that the quality of education offered in minority language schools is lower than in other schools, given the lack of adequate provision of education materials and suitably trained teachers (see above comments on Article 12). According to minority representatives, minority language instruction is only offered in Russian and Polish, while instruction in lesser-used minority languages is in fact limited to the teaching of the language, while all other subjects are taught either in Latvian or in Russian. This forces parents to choose between Latvian or

⁶⁹ According to information received during the visit, of 198 469 students enrolled in the school year 2011/2012, 55 435 students followed a minority language programme, including in dual-stream schools, 53 254 of which in Russian language. Of 90 859 children attending pre-school, 22 333 attended minority language institutions, among them 21 880 in Russian language.

⁷⁰ Minority representatives consider the decision of local authorities not to open a Russian-language class in Tukums, Western Latvia, despite the persistent demand by parents, to be linked to the fact that nearly 50% of the minority population cannot participate in elections.

⁷¹ The recommended number of pupils remains at 12; however, implementation is not monitored.

Russian language for their children, which has important consequences for their later integration in the labour market. As most parents wish for their children to learn both those widely spoken languages, in addition to the minority language as well as English, a considerable number chooses not to enrol their children in minority language schools to provide opportunities for them at least in the other languages, which ultimately puts the schools at risk of closure.⁷²

114. The Advisory Committee is further concerned by a renewed public debate related to minority language education, this time prompted by the call by some Members of Parliament to discontinue state funding for minority language pre-schools. The Advisory Committee reiterates the importance of early learning in the mother tongue for the cognitive development of children, including as regards the subsequent learning of other languages. It further notes that minority representatives are deeply concerned by this development, which they see as another initiative to diminish their established rights, and welcomes the decision by the Ministry of Education and Science to create a working group on pre-school education which has been examining how to improve Latvian-language instruction at Russian-language preschools. The Advisory Committee was concerned to learn from the Polish-language pre-school in Rezekne, which was opened in 2002 and has since been very popular, receiving more applications than it can accommodate, that it received information from the municipality that the pre-school needed to be closed. The Advisory Committee notes with interest that, following an initiative of parents and minority representatives, a public discussion on the issue with the school administration and the municipality has been planned.

115. The Advisory Committee further notes surveys and studies conducted in the Latgale region, suggesting that 77% of respondents wish Latgalian language to be taught at school, either as the medium of instruction, as a compulsory second language or as an optional subject.⁷³ It finds that the introduction of Latgalian language education in general schools would indeed constitute an appropriate step to implement the guarantees for Latgalian provided in the Official Language Law.⁷⁴

Recommendations

116. The Advisory Committee calls on the authorities to continue their efforts to provide high quality education in minority languages, including at pre-school level, and to ensure that Article 41 of the Law on Education is implemented consistently throughout Latvia, irrespective of the representation of minority communities in local authorities.

117. The Advisory Committee further invites the authorities to consult closely with representatives of minority communities, including parents, to ensure that their interests and concerns with regard to languages of instruction and supervision of quality standards in minority language schools are effectively taken into account.

Official language learning

Findings of the first cycle

118. In its first Opinion, the Advisory Committee considered that generally legitimate measures to reinforce the status and use of the Latvian language should not result in

⁷² Due to demographic developments, Latvia has been closing a considerable number of schools, using the “money follows pupil” principle.

⁷³ See Sanita Lazdiņa and Heiko Marten “Latgalian in Latvia: A Continuous Struggle for Political Recognition, Journal on Ethnopolitics and Minority Issues in Europe, 24 April 2012.

⁷⁴ Section 3 (4) of the Official Language Law reads: “The State shall ensure the maintenance, protection and development of the Latgalian written language as a historic variant of the Latvian language”.

depriving persons belonging to national minorities of the exercise of their linguistic rights protected by the Framework Convention. It further invited the authorities to pay increased attention to the quality of teaching of Latvian for persons belonging to national minorities and adopt a flexible methodology, adapted to the specific needs of the various categories of individuals concerned.

Present situation

a) Positive developments

119. The Advisory Committee is pleased to note the continued increase in Latvian language proficiency among the population at large. A study conducted by the Latvian Language Agency and published in 2011 shows that more than 90% of respondents with Russian language as mother tongue indicated that they know Latvian,⁷⁵ which corresponds with unofficial estimates. The Advisory Committee notes that a Cabinet of Ministers resolution which regulated at the end of 2011 that 40% of subjects in primary schools should be taught in the official language or bilingually, has in fact only affected the work of two schools, as most other schools have already increased their Latvian language instruction to prepare students adequately for secondary school education. The Advisory Committee further welcomes the continued involvement of the Latvian Language Agency to improve the quality of Latvian language learning as well as the organisation of language courses for teachers and parents.

b) Outstanding issues

120. The Advisory Committee is concerned by reports that some minority language schools have felt such pressure to prove their willingness to increase the amount of subjects taught in Latvian language that they have done so without adequate professional resources. According to minority representatives, a number of subjects that on paper are taught in Latvian are in fact taught in a mixture of Russian and Latvian, particularly in Latgale region. This places the pupils at a disadvantage, as it not only limits their Latvian language learning but also the effectiveness of education generally. While welcoming efforts to increase access to Latvian language learning at school, the Advisory Committee considers that more attention should be paid to ensuring the quality of education offered, including by employing native speakers as teachers of Latvian language or classes with Latvian as the medium of instruction. In addition, the Advisory Committee refers to continued reports that Latvian language proficiency is particularly underdeveloped among the adult and elderly population and considers that more courses should be offered for parents to ensure that their involvement in the decision-making processes concerning schools is duly promoted.

121. The Advisory Committee notes the overall positive attitude of minority representatives towards the centralised Latvian language exam beginning in the year 2011/2012. It notes, however, concerns of minority representatives that the exam appeared to place disproportionate emphasis on the knowledge of Latvian grammar and vocabulary rather than analytical skills and was therefore not suited to high-school level. While generally agreeing with the necessity of centralised exams, minority representatives point further to official statistics showing that the results of graduates from minority language schools are still slightly lower than those of Latvian schools, particularly outside Riga, suggesting that the preparation for students to switch from minority language to Latvian was in many schools not adequately accompanied and that most students would have required more time. The Advisory Committee considers in this regard that continued surveys and efforts to comparatively monitor the standards in all schools should be carried out to facilitate targeted support in schools that experience particular difficulties.

⁷⁵ See State Report, paragraph 80.

Recommendation

122. The Advisory Committee invites the authorities to pursue their efforts to promote Latvian language proficiency among pupils in all schools, while applying more flexibility to ensure that only suitably trained teachers are employed to teach in Latvian and that the quality of education itself does not suffer. In addition, more opportunities for Latvian language learning for adults, including parents, should be provided.

Article 15 of the Framework Convention

Institutional framework for the participation of national minorities in decision-making

Findings of the first cycle

123. In its first Opinion, the Advisory Committee expressed its concern about the decision to close the government structure in charge of coordinating minority protection policies and invited the authorities to ensure the continuation of such a body. In addition, it considered the role of the Council for Minority Participation in relevant decision-making processes too limited and called on the authorities, in co-operation with national minority representatives, to identify ways of making it more effective.

Present situation

a) Positive developments

124. The Advisory Committee is pleased to note the continued existence of a number of advisory councils and other consultative mechanisms facilitating the participation of national minorities in decision-making processes. While the role of non-governmental organisations and initiatives has generally increased and a number of platforms have also been created at local level to engage the population in public discussions, the Civic Alliance of Latvia, a legal entity with 127 members, including eight minority organisations, attends Cabinet of Ministers and ministerial working group meetings, as well as meetings of the Parliament committees. In addition, the Consulting Council on National Minorities resumed its functions at the end of 2008 as the President's Advisory Council on National Minorities. The Advisory Committee welcomes in particular reports that the President has been regularly attending bimonthly meetings with the Council in recent years and has taken an active interest in issues brought to his attention, facilitating subsequent meetings with relevant ministries and working groups. It is further pleased to note the proactive role taken by the President to involve minority youth and engage in dialogue with schools on issues of relevance to minority communities.

125. The Advisory Committee further welcomes the functioning of a number of ministerial level advisory groups, such as the Special Advisory Council for Roma within the Ministry of Culture, created at the end of 2012 and representing six Roma non-governmental organisations, as well as the Advisory Council on National Minority Education Affairs (see above comments on Articles 12 and 14). In addition, the Committee of National Minority Organisations' Representatives for the Monitoring of the Implementation of the Council of Europe Framework Convention continues to represent 21 national minority organisations from different parts of Latvia. Consultative councils on issues relating to society integration have also been set up at local level throughout Latvia, including with participation of national minority organisations, such as in Riga, Liepāja and Ventspils, and a Consultative Council to monitor the implementation of the Integration Guidelines with the participation of civil society is being established through open application procedure.

b) Outstanding issues

126. The Advisory Committee regrets the common perception among minority representatives that the transfer of functions of the Special Assignment Ministry to the Ministry of Culture in 2011 has considerably reduced the level of attention and resources devoted to issues pertaining to minority protection at central level (see also above comments on Article 5). Minority representatives report that the Committee of National Minority Organisations is not genuinely consulted and that most meetings are used to inform representatives of decisions that were taken, rather than to seek input actively and in good time. The Integration Guidelines adopted by the Ministry of Culture are frequently raised as an example in this context. Most observers agree that efforts to seek the views of minority representatives were not comprehensive and came too late, and that most identified concerns were not taken into account. The Advisory Committee is concerned by this lack of genuine dialogue at central level and the apparent sense of exclusion experienced by minority communities, which is detrimental to the promotion of an integrated and cohesive society. A number of interlocutors of the Advisory Committee view the efforts of the so-called “Congress of Non-citizens”, an NGO founded in March 2013 to represent the interests of “non-citizens”, as a response to the isolation felt by a significant part of the minority population, and regrets that no efforts have been made to engage in a constructive dialogue with the group to prevent their further marginalisation.

127. The Advisory Committee underlines the importance of regularly and effectively consulting representatives of minority communities to ensure that their concerns on all issues of relevance for them are understood and taken into account. Such comprehensive consultation is particularly crucial in Latvia because a significant part of the minority population are “non-citizens” and are therefore unable to participate in decision-making through elections (see below comments). The Advisory Committee is concerned by the impression among minority communities that the organisations and individuals that are most loyal to the authorities are chosen to represent them. As far as possible, members should be elected from among their communities rather than appointed by government and efforts should be made to reach out to the communities and inform them of the specific functions of the various councils and the importance of being represented in them, with a view to genuinely promoting participation. The Advisory Committee considers therefore that particular attention should be paid to promote the effectiveness of consultation at higher political level, including by ensuring that the various consultative councils have clear mandates and competences which are well understood by the population, and that their members are indeed representative of the views and concerns of minority communities.

Recommendation

128. The Advisory Committee calls on the authorities to enhance their efforts to facilitate the effective and timely participation of minority representatives in all decision-making on issues of concern to them. In addition to ministerial level and local consultation, effective mechanisms must also be in place to ensure their effective participation at central level on broader and inter-ministerial issues of public relevance such as integration of society.

Representation of national minorities in elected bodies and public administration

Findings of the first cycle

129. In its first Opinion, the Advisory Committee called on the authorities to enable the more effective participation of persons belonging to national minorities and their political organisations in public life, including by reviewing the application of the State Language Law vis-à-vis the use of minority languages in electoral processes. In view of the particularly large number of “non-citizens,” their long-standing links with Latvia and their

inclusion in principal under the protection of the Framework Convention, it further invited the authorities to consider revising relevant legislation, policies and practices in order to provide non-citizens with active and passive electoral rights at the local level. Considering the disproportionately low representation of persons belonging to national minorities in the civil service, it also called on the authorities to increase their efforts to promote the recruitment of such persons in the civil service, including by reconsidering the established language requirements in this context.

Present situation

a) Positive developments

130. The Advisory Committee is pleased to note reports of a moderate increase in the proportion of persons belonging to national minorities in the civil service, including, with the appointment of the new Minister of Education and Science in April 2013, at the highest level.

b) Outstanding issues

131. The Advisory Committee regrets the lack of progress relating to voting rights at local level despite repeated international recommendations to this effect as well as international experience showing that the granting of political rights to non-citizens fosters their integration.⁷⁶ It reiterates its call on the authorities to consider long-term residence as a criterion for the right to vote in local elections. The Advisory Committee further regrets that the Central Election Commission continues to provide electoral information only in the official language, including in areas that are substantially inhabited by minority populations. It disagrees with the view of officials that the presence of minority language media, including social media, can fulfil the function of ensuring that minority communities are adequately informed in a language they understand.⁷⁷ This information policy disregards the fact that some parts of Latvia continue not to be covered by Latvian broadcasts (see above comments on Article 9) and risks excluding parts of the elderly population that are not engaged in electronic media. The Advisory Committee finds that the continued exclusion of a significant part of the population from effectively participating in public life exacerbates their isolation and rather than promoting their interest in acquiring Latvian citizenship may lead to their further radicalisation.

132. The Advisory Committee is further concerned by amendments to the Law on the Status of a City Council or a Regional Council Deputy which stipulate that, as of 2013, regional courts can terminate the mandate of elected Council members if they are not able to prove official language knowledge at C1 level. The Advisory Committee considers this an inappropriate interference into the democratic process and finds that other means must be identified to promote Latvian language proficiency among local elected bodies. It notes in this context also the heated and rather negative public debate surrounding the official language proficiency of some Members of Parliament following the 2010 elections.⁷⁸ Lastly, the Advisory Committee is concerned by the fact that the list of public service positions that are not accessible to “non-citizens” continues to be expanded without consideration of proportionality in individual cases, which raises issues of compatibility with Articles 15 and 4 (see comments on both articles).⁷⁹

⁷⁶ See, for instance, Recommendation 317 (2011) of the Congress of Local and Regional Authorities on Latvia of October 2011.

⁷⁷ See ACFC Second Thematic Commentary on Effective Participation, February 2008.

⁷⁸ See Latvian Centre for Human Rights, Second Alternative report, June 2013.

⁷⁹ Following amendments to the 1991 Law on Police adopted in September and October 2010, “non-citizens” can no longer serve as municipal or port policemen.

Recommendations

133. The Advisory Committee calls on the authorities to grant the right to vote in local elections to long-term resident “non-citizens”. This would be an indication of inclusiveness that could foster integration. In addition, it strongly encourages the authorities to value democratic participation, including as regards access for all to information on elections, over the interest of promoting the exclusive use of the official language.

134. The Advisory Committee urges the authorities to promote and ensure the effective participation of persons belonging to national minorities in the administration, including by reviewing whether the citizenship requirement is indeed necessary and proportional for all of the occupations in state and public service that are not accessible to “non-citizens”, and by actively encouraging applicants with minority background.

Participation in social and economic life and language requirements in employment*Findings of the first cycle*

135. In its first Opinion, the Advisory Committee observed that the Roma continued to face specific challenges and discrimination in the socio-economic sphere, preventing in some cases their access to public services, and called on the authorities to address this situation without further delay. It further expressed its concern about the obstacles encountered by persons belonging to national minorities who lived on a permanent basis in Latvia but had insufficient command of Latvian in accessing employment. It called on the authorities to opt for a more flexible application of the State Language Law provisions regarding the compulsory use of Latvian in certain occupations in order to facilitate access to employment for all.

Present situation

a) Positive developments

136. The Advisory Committee notes that the State Employment Agency organises a range of vocational training opportunities for the unemployed. It welcomes in particular the continued organisation of Latvian language courses, which are highly popular among minority communities.⁸⁰ It is pleased to note that funding was made available for some 4 500 persons to participate in the courses in 2011 and 2012 and that over 80% of attendees afterwards pass the state language exam and receive the certificate.⁸¹ In 2012, funding for official language courses for another 2 000 persons was allocated by the Cabinet of Ministers to the Society Integration Foundation. In addition, there is Latvian language training available for different professional groups via e-learning from the Latvian Language Agency. The Advisory Committee further notes that the pay gap between the different ethnic groups in Latvia remains relatively small and that the employment gap between ethnic Latvians and other groups, which considerably broadened as a result of the economic crisis in 2008, appears to have stabilised since 2011.

b) Outstanding issues

137. The Advisory Committee regrets that information gathered by the State Employment Agency continues to indicate a significant employment gap between Latvians and other ethnic groups in 2011/2012.⁸² It is further concerned by recent data confirming that the

⁸⁰ Until end October 2012, 11 178 unemployed persons had applied for the 4 525 available places for the “State language learning” course in 2012.

⁸¹ See Letter of the State Employment Agency to the Latvian Centre for Human Rights of 6 December 2012.

⁸² The share of ethnic Latvians among the general population is 62%, while it is close to 55% among the unemployed. Ethnic Russians constitute 27% of the population and 29% among the unemployed. The share of Roma among the unemployed is 0,7%, more than twice their percentage in the general population, despite the

employment situation generally remains particularly difficult in the Latgale region, where the proportion of national minorities among the general population is particularly high.⁸³ It considers that more efforts should be made to bestow local and regional authorities with the competences to take appropriate action in order to recover from the economic crisis and to provide appropriate funding for such measures to be implemented.⁸⁴ It further notes that the increased integration of minorities in the labour market during the boom years between 2002 and 2007 had, according to relevant research, an overall positive impact on their integration in society, including their language proficiency, as they were able to learn Latvian at professional level on the job.⁸⁵ While acknowledging the importance of Latvian language skills for accessing the labour market, the Advisory Committee finds that more attention should be paid to promoting minority employment through broader measures, beyond mere language training, such as through the creation of incentives for the development of a multi-ethnic work force in the public and private sector, and targeted recruitment campaigns to attract qualified minority representatives.

138. The Advisory Committee further notes with concern that the list of professions, including in the private sector, requiring high language proficiency (C1 level) has repeatedly been expanded and includes well over 1 000 professions, following the expiry of the transition period in September 2011.⁸⁶ It is particularly concerned by the repeated reference to the concept of “lawful interest of the public”, despite the lack of clarity on what exactly this concept entails. The Advisory Committee is pleased to note that the issue has been reviewed by Administrative Courts (see above comments on Article 10) revealing that no such interest could be established or that the violations established by the State Language Centre were to be considered insignificant. It reiterates its opinion that language proficiency requirements constitute a barrier for the access to employment for persons belonging to national minorities and must not be disproportionate. Where proficiency in the official language may indeed be a legitimate precondition for a number of positions, requirements must in each case be proportionate to the public interest pursued, which must be clearly defined, and must not go beyond what is necessary to achieve that aim.⁸⁷

139. The Advisory Committee further notes research pointing to differences among ethnic groups also with regard to access to social services, mainly due to the fact that Latvians are better informed of their rights and have the relevant networks to insist on obtaining the social assistance that is available.⁸⁸ It refers in this context in particular to the large elderly population among national minorities that still faces considerable language barriers. Regarding access to pensions, the Advisory Committee regrets that the 2009 Andrejeva Judgment of the European Court on Human Rights has not led to a comprehensive solution regarding the calculation of pensions of citizens and “non-citizens”.⁸⁹ It notes the

fact that a significant number of Roma is not registered by the State Employment Agency. It is further noteworthy that the share of persons not willing to indicate their ethnic affiliation has multiplied four times between 2008 and 2012, according to statistics gathered by the Employment Agency.

⁸³ See unemployment rates published by the State Employment Agency in March 2013, showing unemployment at 21.4% in Latgale region, 7% in Riga region, and between 12 and 14% in other regions. See <http://www.nva.gov.lv/index.php?cid=6>.

⁸⁴ See ACFC Second Thematic Commentary on Effective Participation, February 2008, and Congress 2011 Recommendations (above Footnote 73)

⁸⁵ See for background Mihails Hazans *Ethnic Minorities in the Latvian Labour Market, 1997 – 2009*, in *How Integrated is Latvian Society, An Audit of Achievements*, Riga 2010.

⁸⁶ See State Report paragraph 169.

⁸⁷ See ACFC Third Thematic Commentary on Language Rights, May 2012.

⁸⁸ See Feliciano Rajevska in *Social Policy and Integration*, in *How Integrated is Latvian Society, An Audit of Achievements*, Riga 2010.

⁸⁹ In *Andrejeva v. Latvia* (No. 55707/00) of 18 February 2009, the Grand Chamber held that the “refusal of the authorities to allow the applicant to benefit from state pension rights acquired before 1991 when working for

Government's view that the judgment has been implemented by signing bilateral agreements with the Russian Federation and a number of other countries in which "non-citizens" spent periods of employment under the Soviet Union, but remains concerned by the fact that these agreements do not cover all former republics of the Soviet Union and are therefore not suitable to address the situation vis-à-vis all "non-citizens".⁹⁰ It notes with interest reports of a new case relating to the calculation of pension benefits having been registered at the European Court of Human Rights following the rejection of the Constitutional Court in February 2011 of the complaints of five "non-citizens" relating to relevant sections of the State Pension Act.⁹¹

Recommendations

140. The Advisory Committee calls on the authorities to enhance their efforts to promote access to employment of persons belonging to national minorities through broader measures, beyond language training, and to ensure that particularly affected regions receive targeted support to address the specific effects of the economic crisis on their local economy.

141. The Advisory Committee further invites the authorities to review the legislative and administrative framework regulating access to social services, including social security benefits, to ensure that persons belonging to national minorities are not disadvantaged due to their limited Latvian language knowledge or status of "non-citizens".

Articles 17 and 18 of the Framework Convention

Bilateral cooperation

Findings of the first cycle

142. In its first Opinion, the Advisory Committee considered that Latvia should pay greater attention to bilateral cooperation in the field of minority protection and encouraged the authorities to develop further the co-operation with neighbouring countries, in particular to facilitate cross-border contacts by persons belonging to national minorities.

Present situation

143. The Advisory Committee welcomes the adoption of a number of bilateral agreements facilitating co-operation with neighbouring countries, including the agreement between Latvia and the Russian Federation on the simplification of cross-border travel for border residents, which entered into force in June 2013.

Recommendation

144. The Advisory Committee encourages the authorities to pursue their efforts to promote co-operation on issues pertaining to minority protection in the spirit of good neighbourly relations.

state bodies having their headquarters outside Latvia, on the grounds that she did not have Latvian nationality" amounted to a violation of Article 14 in conjunction with Article 1 of Protocol 1.

⁹⁰ Ms Andrejeva was paid the compensation awarded by the Court. Her pension was, however, not recalculated, as she passed away before the Agreement with Russia entered into force on 19 January 2011. At the time of adopting this Opinion, the execution of this judgment was still being supervised by the Committee of Ministers in accordance with Article 46 of the ECHR.

⁹¹ See Constitutional Court Judgment No. 2010-20-0106 at http://www.satv.tiesa.gov.lv/upload/judg_2010_20_0106.htm.

III. CONCLUDING REMARKS

145. The Advisory Committee considers that the present concluding remarks could serve as a basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Latvia.

Positive developments

146. Since the adoption of the Advisory Committee's first Opinion in October 2008, Latvia has continued to pay attention to the protection of persons belonging to national minorities. The population and housing census conducted in March 2011 provides a range of valuable information, including on education and income levels, which is crucial for the development of targeted policy development. Minority representatives were free to choose what ethnicity to affiliate with or not to indicate a choice. The procedure for the acquisition of citizenship by children of "non-citizens" was simplified in 2011 and 2013.

147. Considerable progress has been made in recent years in amending various pieces of anti-discrimination legislation and the Ombudsman Office is increasingly being consulted by the population. A number of government bodies are engaged in research activities related to discrimination and its manifestations in Latvia, including with support from civil society. Workshops have been organised for police officers to raise awareness of human rights and a working group was established under the Ministry of Justice tasked with identifying existing shortcomings in national legislation related to hate crime, including hate speech.

148. A multitude of national minority cultural events continues to be organised each year with support of various levels of government. Training and capacity building is also organised for national minority associations to raise their potential to take part effectively in cultural life. Municipal authorities and city councils play a positive role in many parts of Latvia, including Riga, in promoting tolerance and inter-ethnic understanding through the organisation of public debates on common issues of concern, as well as by supporting cultural and other projects that foster awareness of the specific identities of national minorities among the population and encourage interaction and exchange.

149. The Latvian language proficiency among minority communities has significantly increased and most people are able to communicate in Latvian, including in official settings. In a number of regions and institutions, pragmatic solutions have been found to enable minority representatives to submit correspondence in minority languages and obtain a response in Latvian, with a summary provided in the minority language. Courts have questioned the validity of fines imposed by the State Language Centre in a number of cases, and efforts have been made by the Ministry of Justice to provide more clarity to the notion of "legitimate public interest" in the context of the implementation of the state language policy.

150. Minority language education continues to be provided with state funding at general education schools, including pre-school, and over 25% of students follow a minority language programme. The number of students in minority language schools who wish to study bilingually is increasing and a first bilingual class for children whose native languages are Latvian and Russian has opened in a school in Riga. The Ministry of Education and Science has developed comprehensive policy plans for the promotion of cohesion in education and is engaged in furthering the integration of Roma children through the employment of teaching assistants.

151. The role of non-governmental organisations has generally increased and public platforms have been created, also at local level, to engage with the population and raise

civic influence on governance. In addition, a number of advisory councils and other consultative mechanisms continue to exist, facilitating the participation of national minorities in decision-making, particularly at local level. The Advisory Council on National Minority Education Matters is actively involved in ministerial discussions and policy development and the President has been regularly attending meetings of the Consulting Council on National Minorities, taking an active interest in issues brought to his attention, which is highly appreciated by minority communities.

Issues of concern

152. The enjoyment of rights under the Framework Convention by “non-citizens” continues to be limited as a result of the Declaration made by Latvia at the time of ratification. The rate of naturalisations has remained low since 2007. According to a survey, a large proportion of the almost 300 000 “non-citizens” in early 2013 lacks the confidence to go through the procedure, as an average of 40% of applicants fails the required language examination. More efforts must be made to genuinely encourage and facilitate the acquisition of citizenship by all “non-citizens”. Amendments to the Citizenship Law adopted in May 2013 introduce the notion of ‘constituent nation’, referring to ethnic Latvians and Livs, and contain new requirements that could complicate the naturalisation of “non-citizens”. In addition, the negative public debate surrounding “non-citizens” and their alleged lack of loyalty and desire to integrate has intensified in recent years and is made worse by statements of some public officials. There is a sharp sense of inequality experienced by many permanently residing “non-citizens”, as access to an increasing number of public positions is barred to them at a time when EU citizens are gaining increased rights after six months of residence.

153. The Integration Guidelines adopted in October 2011 are widely criticised as ethno-centric and unconstructive in promoting social cohesion, as they differentiate between ethnic Latvians and others. Attention must be paid to involve closely minority representatives in the implementation and ensure that measures are aimed at the promotion of a cohesive society with respect for diversity rather than cultural integration of minorities into the ‘Latvian nation state’. The negative public debate related to minorities is exacerbated by increased incidents of hate speech on the Internet, targeting mainly Russians and Latvians. There is insufficient capacity within law enforcement to effectively address hate crime, while criminal law provisions remain inapt. Despite ample reports of ethnically based hostilities and discrimination experienced by some groups such as Roma, only few cases are brought to the attention of the Ombudsman and even less to the courts, as awareness of and trust in the available remedies is limited.

154. Support for minority cultural activities has diminished at central level following the discontinuation of the special government body in charge of minority protection issues in early 2011. There is insufficient awareness among minority communities of assistance schemes and capacity building opportunities made available at local as well as central level. Support for activities aimed at improving Latvian language skills is reportedly more readily available than for the preservation and development of specific minority identities, cultures, and traditions. There is no effective consultation or involvement of minority representatives in the allocation of support for project activities. As a result of a decrease in funding, access to print media in the languages of numerically smaller minorities has diminished. The media environment overall remains divided between the two main socio-linguistic groups with little interaction and few bilingual options, which expands the divide in society. The representation of national minorities in the media is often still based on stereotyping and prejudice, while the Mass Media Council, mandated among others to oversee the content of TV and radio broadcasts, is not considered objective by minority representatives.

155. There have been no changes to the legislative framework related to languages. The use of Latvian is mandatory in all official communication and the State Language Centre continues to monitor implementation imposing sanctions and fines for lack of compliance, which exacerbates existing tensions surrounding language rights. The list of professions demanding high levels of Latvian language proficiency continues to be extended, including in the private sector. There is insufficient awareness among minority communities as well as the population at large about the conditions and terms under which the use of minority languages is permitted. State institutions have been reprimanded for disseminating public information material in Russian even in situations where this is explicitly allowed, such as concerning public health and safety. The notion of legitimate public interest that is repeatedly being referred to in this context remains ill-defined and overused.

156. The education system remains divided among language groups with limited interaction, as pupils follow either the Latvian language or minority language programme of instruction, mainly in Russian. While the education reform has increased the official language skills of students with minority background, it has not enhanced inter-ethnic understanding and friendship. A significant number of minority language schools suffer from lack of education material and adequately trained teachers, including as regards subjects that should be taught in the official language or bilingually. Continued efforts should be made to work in close consultation with minority representatives towards an integrated education system that, with adequate bilingual and multilingual education methodologies, combines opportunities for effective and high-quality minority language learning with official language proficiency, while promoting social integration and interaction among pupils from different backgrounds. This would also meet demands among pupils attending Latvian language schools. While efforts have been made to promote the school attendance and achievement of Roma pupils, their integration in general schools remains a challenge. The employment of skilled teaching assistants to accompany Roma children throughout their studies should be extended and appropriately resourced.

157. According to minority representatives, attention devoted to minority concerns has overall diminished following the transfer of functions of the special government body to the Ministry of Culture. While a number of consultative mechanisms exist, few provide for effective participation in decision-making, particularly at central level, as insufficient efforts are made to conduct consultations in a timely manner and comprehensively take into account the concerns that were expressed. There is little awareness among minority communities of the various councils and their functions. Many persons belonging to national minorities are excluded from voting in local elections due to their status as “non-citizens.” Minority representation in public service remains disproportionately low and the employment gap between Latvians and others continues to be substantial. Inequalities continue to exist also with regard to social services, including as regards the calculation of pension benefits for some “non-citizens” belonging to national minorities. The exclusion of “non-citizens” from significant aspects of public life has resulted in their isolation and concerted efforts must be made to engage with this part of the population.

Recommendations

158. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Actively encourage and promote the naturalisation of all “non-citizens” through targeted awareness-raising and outreach activities and the increased offer of free

Latvian language courses; review the list of public positions that are barred to “non-citizens” in line with strict necessity and proportionality criteria and inform the affected population of the underlying motives;

- Enhance support for activities at central and local level aimed at the preservation and promotion of national minority identities, cultures, and traditions and closely involve representatives in relevant allocation procedures;
- Strengthen legal provisions and response capacity within law enforcement to promptly and effectively respond to hate crime; promote awareness among minority communities and the population at large of the available legal remedies against discrimination and ethnically based hostility and encourage their use;
- Promptly and unequivocally condemn and sanction all expressions of intolerance and disrespect towards national minorities, particularly by public officials; refocus the integration debate on inclusion and dialogue irrespective of ethnic affiliation, and reassure minority communities that diversity is welcome and respected;
- While fully respecting the freedom of expression, promote a more diverse media environment with adequate opportunities for persons belonging to national minorities to access quality media in their languages; ensure that the content of media is independently monitored with participation of minority representatives and enhance the role of media in the formation of social cohesion, including through the increased use of bilingual media outlets;
- Review the legislative and policy framework related to the use of languages to create an adequate balance between the promotion of the official language and the language rights of persons belonging to national minorities; modify methods of monitoring implementation towards a more constructive and incentive-based approach; raise awareness among officials and the public at large of the conditions and terms under which minority languages may be used and clarify the notion of ‘legitimate public interest’ in this context;
- Promote the development of an integrated education system that offers access to quality education in the official and minority languages for all students; ensure that minority language schools are provided with adequate supplies of education material and suitably trained teachers; discontinue all segregated education of Roma without delay and increase the employment of teaching assistants to promote school attendance and achievement;
- Grant the right to vote in local elections to permanently residing “non-citizens” to promote their sense of integration and belonging; strengthen the mandate of existing consultation mechanisms for minority communities and ensure that the views and concerns of representatives are timely and effectively taken into account in all relevant decision-making at central and local level;
- Actively promote the recruitment of minority representatives in the public and private sector, including through the enhanced offer of free Latvian language and other vocational courses; promote full and effective equality in access to social services for all persons belonging to national minorities, including “non-citizens”.