

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

COUNCIL OF EUROPE



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**Comments of the Government of Latvia on the Third Opinion of the Advisory Committee on the
implementation of the Framework Convention for the Protection of National Minorities by Latvia
received on 21 September 2018**

COMMENTS OF THE GOVERNMENT OF LATVIA ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Introduction

On 23 February 2018 the Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter – the Framework Convention) adopted its third opinion on the implementation of the Framework Convention in Latvia. The Opinion was submitted to Latvia through a letter of 23 May 2018 by the Directorate General of Democracy of the Council of Europe. Latvia submitted its third national report on the implementation of the Framework Convention on 6 December 2016.

Latvia appreciates the Advisory Committee's activities in monitoring the implementation of the Framework Convention, and reaffirms its readiness to continue the implementation of the obligations set by the Framework Convention through a constant dialogue with the Advisory Committee. Latvia thanks the Advisory Committee for recognizing the progress achieved in various public integration spheres. Latvia also undertakes to evaluate accordingly the recommendations of the Advisory Committee.

While assessing the implementation of any convention, it is essential to consider the situation in the specific country. Therefore, Latvia believes that an understanding of the historical context and the doctrine of state continuity is vital in order to evaluate the proportionality between the rights of persons belonging to national minorities but who are not citizens of the Republic of Latvia and the necessity to ensure that the fundamental principles of existence of Latvia as an independent and sovereign state are observed.

Executive summary

Scope of application of the Framework Convention

1. By ratifying the Framework Convention, Latvia has exercised its right to provide a definition of “national minority” and the scope of application of the Framework Convention, which is much broader than that of many other Member States of the Framework Convention. Latvia considers that the Declaration it submitted upon ratification of the Framework Convention is in line with the objectives and aims of the Framework Convention and the established international practice in this regard.

Issues relating to the non-citizen status

2. We wish to remind that, bearing in mind the continuity of Latvia as a subject of international law, following the restoration of Latvia's statehood the citizenship institute of Latvia was restored as it was before 17 June 1940, that is, before Latvia was illegally occupied. Therefore, after the restoration of independence, Latvia did not grant citizenship anew to persons who already had it before Latvia was occupied, but instead Latvia restored the *de facto* rights of these persons. Furthermore, international law in no way defines a duty for Latvia to automatically grant citizenship to persons and their descendants who have never been citizens of Latvia and who entered Latvia during the years of occupation.
3. The non-citizen status (status of former USSR citizens who do not have the citizenship of Latvia or that of any other State) is a temporary status established so that the persons could

over time obtain Latvian citizenship or choose another State with which to establish a legal relationship. Latvia has created all prerequisites for the persons of non-citizen status to obtain Latvian citizenship, that is, the Citizenship Law has been repeatedly amended to simplify the naturalization procedure and ease the requirements for a person who wishes to naturalize; therefore, non-citizens can at any given moment naturalize, obtain Latvian citizenship and enjoy the rights of being a Latvian citizen.

4. Therefore, the current limitations of rights of non-citizens must be seen in the context of Latvia's inclusive policy in the field of society integration. The right to work in the civil service or occupy posts that are related to national security and the right to vote are historically and legally linked to the institute of citizenship, belonging to the State, and certain legal body consisting of rights and obligations between the state and the individual. Therefore, Latvia believes that in these spheres it is not necessary to further equate the rights of citizens of the Republic of Latvia and those of non-citizens.
5. The position of Latvia in regard to the right of non-citizens to participate in local government elections remains unchanged: right to vote is inseparable from the status of citizenship and rights to vote in local government elections would bring the status of non-citizens and the status of citizens even closer. The main objective of the Latvian integration policy is to encourage naturalization and increase the number of Latvian citizens, and not the number of non-citizens with a broad range of rights.

Prohibition of discrimination

6. Latvia does not agree with the statement by the Advisory Committee that Latvian legislation fails to regulate the prohibition of discrimination based on the grounds of ethnicity or citizenship. First, we would like to stress that Article 91 of the Constitution of the Republic of Latvia provides for a general prohibition of discrimination, as is also noted by the Advisory Committee when quoting the judgement by the Constitutional Court in case No. 1008-37-03. Furthermore, we would like to emphasize that Article 89 of the Constitution establishes an inseparable link between the Constitution and Latvia's international obligations. The Constitutional Court has repeatedly stressed that the human rights norms enshrined in the Constitution must be interpreted as close as possible to the interpretation used in the practice of international human rights. In other words, the prohibition of discrimination enshrined in Article 91 of the Constitution covers all prohibition bases arising from international treaties binding upon Latvia, including the Framework Convention.
7. Furthermore, we would like to draw the Advisory Committee's attention to the fact that the prohibition of any kind of discrimination, including on the grounds of ethnicity, is laid down in several acts of legislation of the Republic of Latvia, including the Criminal Law, the Criminal Procedure Law, the Latvian Administrative Violations Code, the Labor Law, the Law on Judicial Power, the Law on Protection of Consumer Rights, the Law on the Rights of Patients, the Electronic Mass Media Law, and the Education Law. At the same time, we wish to point out that each State has right to decide which persons or groups of persons can become citizens of that State. The Citizenship Law in Latvia regulates the belonging to the Latvian citizenship, loss and restoration of citizenship, as well as the naturalization procedure.

Language policy

8. Considering the specific features of the historic development of Latvia and the fact that during the 20th century the overall number of Latvians in the State territory has reduced and that in certain large cities, including Riga, Latvians are still in the minority, as well as the fact that Latvian language only recently regained its status as the official State language, the necessity to protect the official language and solidify its use is closely connected to the democratic system of Latvia. Taking into consideration the fact that the state language status of the Latvian language has been provided for in the Constitution, as well as the fact that in the globalized world Latvia is the only country where the existence and development of the Latvian language and subsequently the base nation can be guaranteed, any restriction of the usage of the Latvian language in the territory of Latvia should be regarded as a restriction of the democratic system of the State (Constitutional Court judgement in case No. 2001-04-0103). Therefore, when a State defines its official language, it undertakes to guarantee that its citizens have the right to use this language without any limitations in not only their personal life but also the relationships with public institutions, by providing and receiving information in this language. Moreover, decisions made by State authorities on the protection of values important for the State, e.g. language, citizenship or cultural heritage, shall be considered to be political decisions (Constitutional Court judgement in case No. 2005-02-0106). Therefore, it is clear that the Official Language Law provides for the preservation, protection and development of the Latvian language, at the same time ensuring integration of minorities into the Latvian society and respecting the rights of the minorities to use their native or other languages.
9. Latvian legislation provides a clear regulatory framework for the use of the Latvian language in public administration institutions. It has also been formulated in which cases national minority languages can be used in communication with public institutions, for instance, police and health care institutions, rescue services and other institutions in cases of calling emergency medical services, or when a crime or other offence has been committed.
10. The Latvian media space is complex, and it would be more accurate to define it as diverse, not divided on the basis of language. The content differs significantly even among the Latvia-based Russian language websites, which are reaching an ever-growing audience and can be seen as significant sources of information. Studies show that parts of the minorities use media content in Latvian. Thus, one of Latvia's media policy objectives is to preserve/develop media diversity, which ensures that various societal groups see their interests reflected in the media content. Within the media support programmes developed by the State, there is a specific category where media can apply for support in order to promote the development of Latvian language media content inclusive for minorities.

National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020

11. On 17 July 2018 the Cabinet of Ministers approved the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020. It can be seen as a transitional period plan, so that in the next industry policy planning cycle (2021-2027) a harmonization can be achieved with the deadlines provided for in the National Development Plan. The main purpose of the plan is to ensure the continuity of the integration policy and the realization of the tasks set forth in the National Development Plan. The Plan intends to continue the tasks defined in the previous industry policy planning cycle, covering three directions: strengthening civil society and promoting integration; cultivating national identity – language

and cultural space; and coordinating integration policy and analysing public processes and new approaches therein.

12. In order to more efficiently engage Latvian people in solving challenges important for the whole society, the plan intends to develop various support programmes for minority involvement activities, e.g. family exchange programme for Latvian and minority children and youth; cooperation projects for intercultural non-governmental organisations (hereinafter – NGOs) and support projects for minority NGOs. Furthermore, the plan aims to develop and implement a public awareness campaign, which will increase the understanding of discriminations among various public groups, increase tolerance and cohesion among the general public and the various groups under the risk of discrimination, as well as develop an understanding of the significance of social inclusion and awareness of access to services for target groups.
13. In order to encourage trust between Latvians and national minorities, several measures are being taken with the aim to develop mutual dialogue and cooperation. For example, since 2013 the Ministry of Culture organizes the National Minorities Forum, which annually gathers around 200 national minority NGOs, representatives from public institutions, experts and interested persons from all Latvian regions. The results of the Forum are approved by the Advisory Council of the Minority Organizations of the Ministry of Culture, forming the basis for developing and planning new measures in next budget year. Therefore, the forum serves as a real-life influence mechanism leading to mutual trust and collaboration.

Roma issues

14. There are five Roma mediators working in Latvia since October 2017. Their main purpose is to encourage and ensure dialogue between Roma families and local and state government specialists in such areas as education, social affairs, employment, children's rights etc. A Roma mediator aids in learning of the Roma situation and important issues on a local level and, in cooperation with representatives of the local government's social affairs administration, education administration or other institutions, seeks proper solutions to promote the integration and social inclusion of the Roma under social or poverty risk. Furthermore, a Roma mediator also regularly informs local Roma about the social support options, e.g. certain activities supported by the European Social Fund and services provided by the local government, as well as motivates Roma people to gain an education and take a part in the labor market as well as cultural and youth events.
15. These mediators also encourage Roma children to get involved in the process of education, that is, they ensure regular meetings with representatives of the Education Administration and parents of Roma children and, as far as possible, learn about the actual situation in the field of Roma education on a local level. The Roma mediators also promote the access of Roma children to the support provided by the PUMPURS project, which is aimed at reducing the number of children who refuse to get involved in the process of education. Roma mediators also make sure that Roma children go to general education schools, and not special educational institutions.
16. In the academic year of 2017/2018, there were four Roma teacher assistants working at general education schools (Jelgava 4th Primary School, Lādezers Elementary School, Baumaņu Kārlis Viļķene Elementary School, and Jānis Rainis Daugavpils 6th Secondary School).

Education

17. The amendments to the Cabinet of Ministers regulation on the procedure of the State examinations (providing for the examinations to be taken in Latvian) and the amendments to the Education Law and the General Education Law (providing that from the academic year of 2019/2020 the minority education institutions will gradually transition to instruction primarily in the official language in secondary schools), do not contain discriminatory norms with respect to any of the minorities. On the contrary – these amendments encourage learning Latvian language. The amendments are aimed at giving equal opportunities to all school graduates without any discrimination. Upon abandoning the linguistically segregated education system, all school graduates will have equal opportunities in the labor market and education market, including professional and higher education institutions where education takes place in the official language.
18. The government will continue to support State-funded minority elementary and secondary education programmes in seven languages: Russian, Polish, Belorussian, Ukrainian, Estonian, Lithuanian and Hebrew, which is significantly more than in other European countries.
19. The following text provides Latvia's comments on the Opinion of the Advisory Committee on the implementation in Latvia of specific Articles of the Framework Convention.

Main findings

Legislative and institutional framework

Paragraph 11

20. We wish to emphasise that the purpose of the preamble of the Constitution is to remind of the creation of Latvia as a country as well as the Constitution itself, which was indeed a manifestation of the will of the Latvian nation. We would like to bring the Advisory Council's attention to the fact that in the preamble there is also a reference to Latvia, which "recognises and protects fundamental human rights and respects ethnic minorities". We also wish to point out that Article 114 of the Constitution, on the right of persons belonging to ethnic minorities to preserve and develop their language and their ethnic and cultural identity, has not been amended.

Paragraph 13

21. We wish to draw your attention to the fact that in this paragraph and the following text of the Opinion an inaccurate term is used for the Criminal Law of the Republic of Latvia. The correct term is "Criminal Law", and not "Criminal Code".

Article 3 of the Framework Convention

Scope of application of the Framework Convention

Paragraph 28 and 37

22. Latvia cannot agree with the statement that the Declaration submitted by Latvia during ratification of the Framework Convention limits the enjoyment by the non-citizens of the rights protected by the Framework Convention. Latvia has exercised its right to provide a

definition of “national minority” and the scope of application of the Framework Convention, which is much broader than that of many other Member States of the Framework Convention. Latvia considers that the Declaration it submitted upon ratification of the Framework Convention is in line with the objectives and aims of the Framework Convention and the established international practice in this regard.

23. We wish to remind that the text of the Declaration states that persons who are not citizens of Latvia or another State but who permanently and legally reside in the Republic of Latvia do not belong to a national minority within the meaning of the Framework Convention. However, a person identifying themselves with a national minority under the definition contained in the Declaration is entitled to the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law. Therefore, the Framework Convention also applies to non-citizens who identify themselves as part of a certain national minority.

Paragraph 29

24. We draw the attention of the Advisory Committee to inaccuracies in the Opinion regarding the number of Latvian citizens and non-citizens and the number of citizens of other countries. The statistical data in the Opinion differ from the information at disposal of the Office of Citizenship and Migration Affairs (hereinafter – the OCMA), which maintains the Population Register and is the primary data source. It can only be assumed that the Advisory Committee has used data provided by the Central Statistical Bureau (hereinafter – the CSB), which receives information from the OCMA for further data processing. Due to this, the Opinion states that at the beginning of 2017 there were 1,670,670 Latvian citizens and 222,847 non-citizens. This information is in conflict with the data at disposal of the OCMA: as of 1st January 2017, the Population Register showed that there are 1,779,045 Latvian citizens and 228,855 Latvian non-citizens.
25. The data of the OCMA and the CSB are incomparable, because the OCMA uses the registered data, but the CSB employs various data processing formulas. Therefore, for the purposes of avoiding misunderstandings and greater clarity as to the type of data processing, the Advisory Committee should include in its Opinions a reference to the information source (CSB).

Paragraph 31

26. The Advisory Committee has stated that the ratification of the European Convention on Nationality would be a step in bringing Latvian legislation in line with recognized European standards on citizenship. Latvia draws attention to the fact that the Citizenship Law clearly describes the totality of Latvian citizens and specifies all the ways by which Latvian citizenship can be obtained. In 2013, amendments to the Citizenship Law were adopted, increasing the scope of application of the double citizenship and significantly simplifying the process of naturalization and gaining citizenship. Along with the Law on Stateless Persons, adopted in 2004, Latvia is one of the few countries with an effective regulation on the issues of statelessness.
27. Therefore, Latvia believes that its legislation is in line with the majority of norms set forth in the European Convention on Nationality. We hereby also point out that many Council of Europe Member States have not signed this Convention and others have signed the Convention but have not ratified it.

Paragraph 34

28. Latvia wishes to point out that there is a mistake in the Opinion. In the footnote number 17, describing the statistics on the naturalization process over the course of first 10 months of 2017, the number of persons without sufficient command of Latvian is mixed with the number of persons who were exempt from the examination. Correct data for the time period: the test was not passed by 349 persons and 204 persons were exempt from taking the test.

Paragraph 39

29. Written Latgalian language is a historic variant of Latvian language and the Official Language Law already provides for the protection of written Latgalian language as it is worded in Section 3(4) of the Law: “The State shall ensure the maintenance, protection and development of the Latgalian written language as a historic variant of the Latvian language.”

Article 4 of the Framework Convention

Protection against discrimination

Paragraph 47

30. Latvia does not agree with the statement by the Advisory Committee that Latvian legislation fails to regulate the prohibition of discrimination based on the grounds of ethnicity or citizenship. First, we would like to stress that Article 91 of the Constitution of the Republic of Latvia provides for a general prohibition of discrimination, as is also noted by the Advisory Committee when quoting the judgement by the Constitutional Court in case No. 1008-37-03. Furthermore, we would like to emphasize that Article 89 of the Constitution establishes an inseparable link between the Constitution and Latvia’s international obligations. The Constitutional Court has repeatedly stressed that the human rights norms enshrined in the Constitution must be interpreted as close as possible to the interpretation used in the practice of international human rights. In other words, the prohibition of discrimination enshrined in Article 91 of the Constitution covers all prohibition bases arising from international treaties binding upon Latvia, including the Framework Convention.

31. Furthermore, we would like to draw the Advisory Committee’s attention to the fact that the prohibition of any kind of discrimination, including on the grounds of ethnicity, is laid down in several acts of legislation of the Republic of Latvia, including the Criminal Law, the Criminal Procedure Law, the Latvian Administrative Violations Code, the Labor Law, the Law on Judicial Power, the Law on Protection of Consumer Rights, the Law on the Rights of Patients, the Electronic Mass Media Law, and the Education Law. At the same time, we wish to point out that each State has right to decide which persons or groups of persons can become citizens of that State. The Citizenship Law in Latvia regulates the belonging to the Latvian citizenship, loss and restoration of citizenship, as well as the naturalization procedure.

Paragraph 49 and 52

32. The Opinion states that the Ombudsman’s competences are limited, as the Office gives non-binding recommendations. Latvia wishes to draw the Advisory Committee’s attention to the fact that, just like in most countries, Ombudsman’s recommendations have an advisory

nature (not only in Latvia). Such an approach arises from the role and essence of the institution of the Ombudsman.

33. The Advisory Committee has praised the fact that the Ombudsman's reports are discussed in the Parliament every year. We wish to inform you that, for the purposes of reaching the goals set forth in the Law on Ombudsman, the Ombudsman employs a wide range of tools, including public awareness raising, collaboration with media, as well as rights to turn to institutions, which are competent to make decisions binding upon private individuals. The discussion of the Ombudsman's annual report in the Parliament is only one of the aforementioned tools.
34. Additionally, we wish to point out that complaints to the Ombudsman's Office about discrimination on the basis of race, ethnicity, skin colour and ethnic origin provide for a small fraction of the overall complaints. Therefore, statistics shown in Paragraph 49 of the Opinion as to the number of complaints received at the Ombudsman's Office are rather surprising and incorrect. The statistics detailing the number of the received applications and initiated verification procedures at the divisions of the Ombudsman's Office are publicly available in the annual report of the Ombudsman. The Ombudsman does not gather information regarding applications received at the Ombudsman's Office based on possible breaches of prohibition of discrimination; therefore, statistical data as to the discrimination grounds are available only in verification procedures. Please see the table below (statistical data) detailing the verification procedures at the Ombudsman's Office from 2008 to 2016, initiated on the basis of race or ethnicity:

Year	Verification procedures			
	Total number of initiated verification procedures	Violation found	Violation not found	Procedure available only in archives
2008	15	3	1	11
2009	11		3	8
2010	3		3	
2011	9		9	
2012	14	6	8	
2013	3	1	2	
2014	5	1	4	
2015	2	2		
2016	0			

35. We also wish to inform you about the public awareness campaigns on the prevention of discrimination against Roma people:
- On 16 November 2017, as a part of the International Day for Tolerance, the European Union House in Riga held a public awareness raising campaign "Blueberries and Ballads" (*Mellenes un romances*), organized by the Latvian Women's NGOs Cooperation Network in cooperation with the Ministry of Culture and Society "Roma Cultural Centre". The event was attended by Roma activists, representatives from the State and local government authorities, NGO representatives and other interested persons. During the event, there was a discussion on the development of Roma culture and preservation of

the cultural heritage, as a result of which recommendations and initiatives for the promotion of preservation of cultural heritage of Latvian Roma people were prepared.

- It is expected that within the project “Latvian Roma Platform” and the Council of Europe campaign “Stop! Overcome Prejudice, get to know Roma” and in cooperation with NGOs, further events will be organized with the aim to promote Roma people’s understanding of their interests and rights.
36. We hereby draw your attention to the fact that the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020, approved by the Cabinet of Ministers on 17 July 2018, includes integration measures for various groups of people under the risk of social neglect, including Roma. Among other things, the plan includes activities to encourage the integration into society and the employment market of persons under the risk of social neglect, i.e. by promoting the society understanding of diversity, intercultural communication courses for various professions and support activities for the social inclusion of Roma people, as well as the inclusion into the education system of groups under the risk of social neglect.

Collection of data and promotion of effective equality

Paragraph 57 and 59

37. We wish to hereby inform that in order to enhance dialogue between the Roma community and civil society organizations and to develop effective coordination process on a national level of Roma integration policy, since 2016 the Ministry of Culture, with the support of the European Commission, has been carrying out a project “Latvian Roma Platform”. The project is aimed at local and regional activities, e.g. exchange of experience, informative seminars for local government specialists and Roma community representatives on available funding from the State and European Social Fund for Roma, trainings in local governments on the genocide, history and culture of Latvian Roma, as well as support for the regional Roma NGOs. As a result of the implemented activities:
- there has been an improvement in cooperation and dialogue between specialists from State and local institutions and Roma people;
 - mutual exchange of training and good practice between the involved parties has been supported;
 - there is better understanding in society, especially among regional specialists, on the Roma culture and history, including the Roma genocide during World War II;
 - there has been encouraged participation of Roma representatives in the implementation of the Roma integration policy.
38. Overall, more than 400 people have participated in the project’s activities, including around 210 representatives of the State and local institutions and NGOs which do not represent Roma people, as well as 190 Roma representatives from 24 largest Latvian cities. The events also gathered several Roma experts, NGO representatives and activists. For example, a person of Roma nationality is working in the Ministry of Culture as a project assistant, and a teacher’s assistant of Roma nationality works as the project’s external expert. It was one of the project’s priorities to include representatives from the local Roma civil society and Roma families.
39. Within the project, there have been several activities to improve the social situation of Roma people, educate specialists from local and State institutions as well as the wider population on Roma social condition, culture and history. For example, regular meetings of regional

experts and good practice visits to local governments with good practice examples in the field of integration of Roma people were taking place, including the fields of education, employment, healthcare and housing. Practical workshops on “Improving social situation of Roma families on local level” were organized in several Latvian cities, with the aim to improve local specialists’ knowledge of Roma integration issues and their access to social services, allowances and support programmes, as well as in order to advise the local government specialists and representatives of Roma civil society on the available support programmes of the European Social Fund. There were also targeted events to promote the capacity of the Roma civil society and improve their skills in developing and implementing projects; furthermore, there are practical guidelines and recommendations developed for Roma NGOs regarding development and implementation of project applications.

40. Within the project, five Roma mediators were trained. In 2017, they started to work in Valmiera, Ventspils, Jelgava, Dobeles and Riga. Their main purpose is to encourage and ensure dialogue between Roma families and local and state government specialists in such areas as education, social affairs, employment, children’s rights etc. A Roma mediator aids in learning of the Roma situation and important issues on a local level and, in cooperation with representatives of the local government’s social affairs administration, education administration or other institutions, seeks proper solutions to promote the integration and social inclusion of the Roma under social or poverty risk. Furthermore, a Roma mediator also regularly informs local Roma about the social support options, e.g. certain activities supported by the European Social Fund and services provided by the local government, as well as motivates Roma people to gain an education and take a part in the labour market as well as cultural and youth events.
41. Over the course of 7 months, Roma mediators worked with 134 Roma families and provided support to more than 170 Roma people. Furthermore, employees of local government institutions working closely with the Roma mediators acknowledged that the mediator helped them to improve dialogue with Roma families and to solve several difficult issues, also providing information about relevant needs and cultural issues of Roma people. The largest contribution of the Roma mediators is in the field of strengthening the role of education in Roma families, assisting Roma people to be involved in the labour market and solving their housing issues.
42. Pursuant to suggestions of the Roma civil society, a seminar on “Better access to labour market for Roma people” was organized in 2018. The purpose of the seminar was to encourage the cooperation between potential Roma employees and employers, as well as social partners. This also allowed the development of experience and information exchange on Roma involvement in the labour market. The seminar provided a platform to discuss Latvian Roma situation in the field of employment, as well as good practice in terms of Roma involvement in the labour market and promotion of activities that could help Roma people to be better involved in the labour market. The seminar was also attended by specialists from the State Employment Agency. As a result of the event, a report was drafted detailing discussion results from the plenary meetings and working groups, including practical suggestions for further work and development of cooperation. Based on the report’s suggestions, it is intended to develop support activities for Roma involvement in the labour market and to establish and develop a network of employers, including entrepreneurs who are willing to support Roma employment.

43. The 2017-2018 implementation plan for the Guidelines on National Identity, Civil Society and Integration Policy 2012–2018 states that the capacity of regional NGOs, including minority and Roma NGOs, shall be strengthened every year, promoting collaboration between these NGOs and local government and culture institutions (museums, libraries, houses of culture). As a result of calls for projects of regional NGOs, in accordance with the national Roma integration policy activities, every year Roma NGO initiatives have received support – at least one Roma integration project in each Latvian planning region (every year, about 7 Roma NGO projects directed towards Roma integration and promotion of inclusion, including reduction of negative stereotypes about Roma people through activities of intercultural dialogue). Regional support to Roma NGOs has allowed many local Roma associations to carry out their activities in line with their needs and available funding.
44. In 2019, project “Latvian Roma Platform III: Promotion of Cooperation and Participation” will include a seminar for the strengthening of capacity of Roma women and their involvement in the development of civil society and development of Roma integration policy. The seminar will be organized in collaboration with the Latvian Women's NGOs Cooperation Network.
45. We also wish to inform you that in providing medical services differential treatment based on a person’s race, ethnic origin, national or social origin is prohibited (Law on the Rights of Patients). Therefore, legislation does not specially separate healthcare services directed towards Roma, because such regulatory framework would discriminate other groups of people. Roma can receive the same healthcare services as everyone else.
46. The new Healthcare Financing Law, passed in the Parliament on 14 December 2017, ensures that from 2019 onwards State-funded healthcare will be available to both insured persons and persons under the risk of social neglect who cannot actively participate in the labor market. The minimum healthcare coverage funded by the State (emergency medical aid; childbirth aid; healthcare services provided by a family doctor; healthcare services related to treatment of diseases with significant impact on the society’s health indicators or which threatens the public health), also called the base basket of healthcare services, will be enjoyed by all residents regardless of their insurance status. The full basket of healthcare services will be received by persons who are legally employed (persons who make State-mandated social insurance contributions) and persons from any of the socially disadvantaged groups (e.g. an unemployed person registered with the State Employment Agency).
47. One of the sub-goals of the Public Health Guidelines 2014-2020 provides for effective management of the healthcare system and rational use of resources, with the aim to promote sustainability of the healthcare system and equal access to State-funded quality healthcare services for all residents of Latvia. Therefore, the following is expected during the 2014 – 2020 EU funds planning period:
 - implementing activities for the improvement of health of people under the risk of poverty and social neglect, and disease prevention on a national and local level;
 - improving access to medical practitioners and medical treatment support persons who provide services in the priority health areas to people who live outside Riga (it is expected to provide support to encourage physicians and nurses to work in regions);
 - improving access to quality healthcare services, especially for people under the risk of social and territorial neglect or poverty, through the development of healthcare infrastructure.

Paragraph 58

48. We wish to supplement the information provided under this Paragraph. Since 2016, the Ministry of Culture develops the project “Latvian Roma Platform” within which all coordination activities pertaining to Roma integration policy are implemented with the maximum involvement of representatives and activists from the Roma civil society (e.g. Roma mediators, teacher’s assistants, NGO employees). The activities of the project and the Council of Europe campaign “Stop! Overcome Prejudice, get to know Roma” are directed towards dialogue and collaboration between representatives of the Roma civil society and local and State institutions and non-governmental organizations working in the field of human rights protection and interest advocating (society “Latvian Centre for Human Rights” and Latvian Women's NGOs Cooperation Network) in order to improve Roma conditions in the field of education, employment, healthcare and housing.

Article 6 of the Framework Convention

Protection against discrimination, hostility or violence on ethnic grounds

Paragraph 76 and 77

49. Freedom of expression lies at the heart of our common European values. Without freedom of expression and freedom of press there can be no truly democratic society or meaningful dialogue. At the same time, the right to freedom of expression is not absolute and in no way protects hate speech.

50. In Latvia, hate speech and hate crimes are prohibited under Section 78 of the Criminal Law concerning triggering of national, ethnic and racial hatred; Section 149¹ concerning violation of the prohibition of discrimination; and Section 150 concerning incitement of social hatred and enmity. We also wish to stress that Article 91 of the Constitution of the Republic of Latvia provides for the general prohibition of discrimination. Latvian law enforcement authorities actively investigate any alleged incidents of hate speech, and, as is also noted in Paragraph 75 of the Opinion, all responsible persons are properly punished.

Paragraph 81

51. We wish to inform you that in 2017 the State Police, in collaboration with the State Police College and the Security Police, developed guidelines for the identification and investigation of hate crimes. The guidelines were developed by taking into consideration the opinions given by the Latvian Centre for Human Rights, the Ombudsman’s Office and the Prosecutor General’s Office on the aspects that should be taken into account when identifying the hate crime investigations, which fall under the institutional jurisdiction of the State Police, and to ensure the quality of such investigations.

Integration and promotion of tolerance

Paragraph 86-90 and 96

52. On 17 July 2018 the Cabinet of Ministers approved the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020. It can be seen as a transitional period plan, so that in the next industry policy planning cycle (2021-2027) a harmonization can be achieved with the deadlines provided for in the National Development Plan. The main

purpose of the plan is to ensure the continuity of the integration policy and the realization of the tasks set forth in the National Development Plan. The Plan intends to continue the tasks defined in the previous industry policy planning cycle, covering three directions:

- strengthening civil society and promoting integration;
- cultivating national identity – language and cultural space;
- coordinating integration policy and analysing public processes and new approaches therein.

53. The plan also includes activities to support a new approach in planning, supervising and implementing the integration policy. The main emphasis will be on planning integration policy based on data and evidence, ensuring regular monitoring of civil society development (measurements describing personal attitudes and worldviews; assessment of situation for the prevention of discrimination and anti-discrimination supervision system, comprehensive supervision system for the management of the new integration system). At the same time, innovative methods and tools will be developed for the implementation of integration policy (e.g. Baltic Integration Hackathon, development of interactive NGO e-platform, creative think tank on shared public values, and strategic communication concerning matters of public cohesion).
54. In the development of the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020, results and suggestions from many studies and surveys were used, as the situation was constantly analysed. For example, in 2015 and 2017 studies were conducted in the participation of national minorities in democratic processes in Latvia. In all Latvian regions, there have been several public discussions with both the representatives of advisory mechanisms and representatives of civil society. Furthermore, people from the general public were able to give their opinion as to the content of the plan and activities included therein.
55. By implementing activities in the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020 it is expected to achieve several improvements in the field of society integration, including the following:
- Latvian school students have practical knowledge on democratic governance mechanisms, fundamental human rights and liberties;
 - People are more informed about the fundamental principles of democracy and ways how to defend their interests. Public involvement in various society participation activities has increased, and exchange of information and opinions between NGOs and State institutions has improved;
 - Mutual trust and collaboration between various society groups has increased. The level of tolerance has increased, and the process of inclusion of socially neglected groups, including Roma people, into the socio-economic processes in Latvia has improved;
 - The command of Latvian language and practical use of the language in day-to-day activities in various target groups has improved: people sufficiently understand conditions for learning the language and qualitatively equipped premises for learning the language are available, the information about these premises is easily available, and innovative tools for learning the language are accessible;
 - People share celebrations, create joint traditions, and the development of these traditions unite the people in Latvia;
 - Support to minority cultures leads to a diverse and mutually interactive cultural space.

56. In order to more efficiently engage Latvian people in solving challenges important for the whole society, the plan intends to develop various support programmes for minority involvement activities, e.g. family exchange programme for Latvian and minority children and youth; cooperation projects for intercultural non-governmental organisations (hereinafter – NGOs) and support projects for minority NGOs. Furthermore, the plan aims to develop and implement a public awareness campaign, which will increase the understanding of discriminations among various public groups, increase tolerance and cohesion among the general public and the various groups under the risk of discrimination, as well as develop an understanding of the significance of social inclusion and awareness of access to services for target groups.
57. In order to encourage trust between Latvians and national minorities, several measures are being taken with the aim to develop mutual dialogue and cooperation. For example, since 2013 the Ministry of Culture organizes the National Minorities Forum, which annually gathers around 200 national minority NGOs, representatives from public institutions, experts and interested persons from all Latvian regions. The results of the Forum are approved by the Advisory Council of the Minority Organizations of the Ministry of Culture, forming the basis for developing and planning new measures in next budget year. Therefore, the forum serves as a real-life influence mechanism leading to mutual trust and collaboration.
58. National minority collectives actively participate in shared culture events, for example the Song and Dance Celebration. In 2018, 81 minority collectives with more than 1,200 participants were participating in the Celebration, whereas the International Folklore Festival “Baltica” gathered 22 minority collectives with 300 participants.
59. The progress study into the implementation of the National Identity, Civil Society and Integration Policy Guidelines 2012-2018 shows that the national minority integration indicators are gradually improving. In accordance with data from the 2017 study “Participation of minorities in democratic processes in Latvia”, over the course of the last couple of years, the sense of belonging to Latvia among the national minority youth has risen. The minorities are also increasingly more proud that they belong to Latvia, and these feelings are especially strong among Russians: this year 59% of the respondents were proud or were more proud than not that they belong to Latvia (in 2015 – 44%). Half of the respondents see themselves as Latvian patriots, and only 8% do not feel like they belong in Latvia. These results show that minorities are being successfully integrated in Latvian society.

Paragraph 88

60. Latvia wishes to add that since 2012 the Society Integration Foundation has developed and implemented several informal education training courses for various levels on intercultural communication and diversity management both for the public and private sector, including NGOs, representatives from legal professions (advocates, judges, and prosecutors), journalists and entrepreneurs.

Paragraph 92

61. Latvia wishes to clarify information provided in the Opinion. In 2013 and 2014-2015, the Society Integration Foundation implemented projects “Different People. Different Experiences. One Latvia” (not 2013-2014, as stated in the Opinion). The projects were aimed at the transfer of experience, in order to realise the principle of the prevention of

discrimination and the principle of equality, paying special attention to a unified understanding and approach in the fight against discrimination among professionals and the general public.

62. Within the framework of these projects, the Latvian Anti-discrimination Supervision Guidelines were drawn up and several studies were conducted, including “Use of statistical data to prove discrimination cases”, “Use of situation testing to prove discrimination cases”, “Study of diversity management in businesses” and “Roma people in Latvia”. There were also several public awareness campaigns, including advertisements in the streets of cities and short films on public prejudice and discrimination of certain persons based on gender, ethnic origin, race, disability, religion, sexual orientation or age. Various educational programmes were also carried out.

Paragraph 94

63. In addition to information in the Opinion regarding the raising awareness of Roma culture, history and role in Latvian society, we also wish to mention regional educational lectures on given by the Ministry of Culture regarding Roma genocide during the World War II in Latvia (there were 3 lectures – in Tukums, Jelgava and Ventspils). The lectures were attended by representatives of several local governments, specialists and teachers from places of education, social workers, youth and local Roma. In cooperation with the Roma Cultural Centre, an informative material on the Roma genocide in Latvia (1941-1945) was developed and published in Latvian and English. The material is available on the website of the Ministry of Culture and is regularly circulated in various events.

Paragraph 95-97

64. In order to encourage a discussion on society integration and civil involvement of national minorities as well as the involvement of national minorities in development and implementation of public integration policy documents, several activities to help develop a mutual dialogue and collaboration are being realised. The Minority Forum 2018 events are developed in close collaboration with representatives of the Advisory Committee of the Minority NGOs and Advisory Committee on National Minorities of the President Of Latvia (there is a special working group established for organising the Minority Forum, which regularly meets and discusses the content of the forum and other matters associated with organisation of the forum).
65. When developing the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020, there were several public discussions in all Latvian regions with both representatives of advisory mechanisms and civil society. All activities, which are directed towards promotion of the minority involvement, integration, social inclusion and strengthening of civil society (including strengthening of administrative capacity and raising the level of awareness as to the protection of individual interests and rights), have been coordinated with the representatives of the Advisory Committee of the Minority NGOs.
66. In order to more efficiently engage Latvian people in solving challenges important for the whole society, the plan intends to develop various support programmes for minority involvement activities, e.g. family exchange programme for Latvian and minority children and youth; cooperation projects for intercultural NGOs and support projects for minority NGOs (within support programmes for regional NGOs, NGO foundation programmes etc.) Furthermore, the plan aims to develop and implement a public awareness campaign

contributing to the various public groups' understanding of the increase of discrimination, thus leading to tolerance and public cohesion with various groups under the risk of discrimination and encouraging understanding as to the significance of social inclusion and awareness of access to services for target groups.

67. We also wish to draw your attention to the fact that, as set out in the National Development Plan of Latvia for 2014–2020, Latvia is the only country in the world where the Latvian nation, language and culture can exist and develop, however outside Latvia there are many people who feel a sense of belonging to Latvia, together creating a global network. Latvian language and culture together shape the bases of Latvian people; therefore, it shall be an aim of the society and State to take sustainable care of its language and values of national identity, civil society and integration of society.
68. Additionally, in response to the recommendation given by the Advisory Council to consider establishing a dedicated structure, whose functions would include the development of action plans for the implementation of the guidelines, as well as coordination of social cohesion policies in all relevant sectors, Latvia wishes to inform that the creation of any new institution must be evaluated in view of the aims of the State administration reform. The State administration reform plan, as developed by the State Chancellery, provides for the creation of a more effective system and for the merging of functions. Therefore, currently there are no grounds to plan the creation of a new institution.
69. We also wish to draw the attention of the Advisory Committee to the fact that a specialized structure exists in the shape of the Supervisory Council for Implementation of the National Identity, Civil Society and Integration Policy Guidelines. The Council, chaired by the Minister of Culture, was established in 2012 in order to ensure the supervision of the implementation of guidelines and to promote cooperation between public administration and other involved institutions. To this end, the Council coordinates the guideline implementation by, among other things, involving public institutions, local governments, social partners, NGOs, higher education and research institutions and experts in the process. The Council includes three NGOs that are operating in the field of civil society and integration, national identity: language and cultural space, and the creation of common social memory.

Article 7 of the Framework Convention

Freedom of assembly and association

Paragraph 99-103

70. The 21 February 2017 amendments to the Cabinet of Ministers Regulation of 7 July 2009 No. 733 “Regulation of the Level of the Proficiency in the Official Language and the Procedure of Testing the Level of Language Proficiency for Professional and Craft Duties for Receiving of Permanent Residence Permit, and Obtaining the Status of Permanent Resident of the European Community, and State Fee for Examination of Skills of the State Language” were made to ensure equal treatment of persons in identical situations and to guarantee the linguistic rights of the users of the official language, including members of the association board of administration, if their activities affect the legal interests of the society or if they carry out certain public functions. The previous legal framework was incomplete, as it provided a different treatment for the members of the board of management of a for-profit association and members of the board of management of a non-profit association. Gaining

profit (a company) or the status of a public benefit organization (NGOs, foundations etc.) cannot be a criterion to determine whether it is allowed to use or not to use the official language. The criteria must be common – public function or the lawful interest of the public.

71. If the actions of the national minority association affect the lawful interest of the public, Members of the board of management of the association must seek the State Language Centre approval for their level and degree of proficiency in the official language. Within a month from the receipt of the request, The State Language Centre provides a decision on the level and degree of proficiency necessary for the respective profession and job description. Such an exception for the national minority associations has been defined after taking into consideration operational directions of I. Kozakēviča Latvian Association of National Cultural Societies. These are the preservation and development of ancestral cultural heritage, the creation of harmonic interethnic relations, the consolidation of the people living in Latvia, the realization of dialogue, integration, tolerance, European principles and ideas on the mutual cooperation of the various national minorities, etc.
72. The amendments to the Regulation do not apply to use of the official language in informal communication; they apply to persons whose profession or job description includes the performance of public functions or affects the lawful interest of the society.
73. We wish to emphasize that these amendments in no way infringe the right to freedom of association. The freedom of association is enshrined in Article 102 of the Constitution where it is stated that everyone has the right to form and join associations, political parties and other public organisations. The aforementioned Cabinet of Ministers Regulation aims to preserve, develop and protect the democratic state system and official language as constitutional values, as well as prevention the infringement of the rights of others. The Constitutional Court has pointed out that in order to assess the proportionality of the restriction upon fundamental rights, it must be established whether the benefit gained by the society exceeds the damage inflicted upon an individual's rights and lawful interests (Constitutional Court judgment of 10 May 2013 in case No. 2012-16-01, Paragraph 28).
74. Upon examining this criteria, it can be recognized that the chosen measures are suitable for achieving the legitimate aim defined in Section 1 of the Official Language Law: to freely use the Latvian language in any sphere of life within the whole territory of Latvia. Restrictions are imposed upon certain persons (members of the board of management) by defining a specific level of proficiency of the official language only in cases when activities of these persons affect the legal interests of the society or if they carry out certain public functions. The public benefits prevail, because this ensures the possibility to use the official language in mutual communication. Therefore, by defining a level of proficiency of the official language (C1) for members of the board of management of associations and foundations, other people's rights are protected, that is, rights to freely use Latvian language in any sphere of life throughout the territory of Latvia (Section 1(3) of the Official Language Law).
75. We also wish to inform that, in order to ease the application of the aforementioned Cabinet of Ministers Regulation, including, for it to be easier to find the required profession, its code and the required extent of knowledge or level and grade of proficiency of the official language, in accordance with the language policy system of the Council of Europe and the "Common European Framework of Reference for Languages: Learning, Teaching, Assessment", it is planned to amend the Regulation in accordance with the Profession classificatory – a systematized list of professions, trades and specialties, established to

ensure the registration and verification of the labour force, in line with the international practice.

Article 8 of the Framework Convention

Right to manifest one's religion

Paragraph 104

76. In accordance with Article 99 of the Constitution of the Republic of Latvia, everyone has the right to freedom of thought, conscience and religion. This is also provided by the international human rights norms binding upon Latvia, including Article 9 of the Framework Convention on Human Rights and Fundamental Freedoms. At the same time, we wish to point out that it is not a duty of the State to ensure holidays for all religious groups on their religious celebrations.

Paragraph 105

77. After the restoration of independence, Latvia has secured legal grounds for restitution of properties nationalized and expropriated during the years of occupation to their lawful owners or their heirs, as well as legal successors of public and religious organizations. The Latvian legal framework in the field of private property restitution is one of the most liberal in Europe; heirs can apply for the return of the expropriated properties regardless of their citizenship and country of residence. Up to now, all private properties and 36 religious and communal properties have been returned to their lawful owners.

78. Within the existing legal framework, the process of restitution is completed. Therefore, currently the final and most complicated stage of the process of restitution is being addressed – the restitution of public properties with no heirs. Solutions are being found – in 2016, there were six additional properties returned, and the Latvian Jewish Community Restitution Fund was established. The purpose of the Fund is to manage real estate and funds received through the process of restitution.

Article 9 of the Framework Convention

Minority languages and participation of minorities in the media

Paragraph 109-117

79. The Latvian media space is complex, and it would be more accurate to define it as diverse, not divided based on language. The content differs significantly even among the Latvia-based Russian language websites, which are reaching an ever-growing audience and can be seen as significant sources of information. Studies show that parts of the minorities use media content in Latvian. Thus, one of Latvia's media policy objectives is to preserve/develop media diversity, which ensures that various societal groups see their interests reflected in the media content. Within the media support programmes developed by the State, there is a specific category where media can apply for support in order to promote the development of Latvian language media content inclusive for minorities.

80. To ensure the use of Latvian language in media, it is necessary to ensure regulatory measures, especially in regard to the rights to use limited resources (frequencies), and

availability of initiative-based mechanisms. The character of the Latvian media space shows that such a national policy will in the long-term protect and develop the official language and encourage integration on the basis of language. This will also allow preserving and developing minority group languages.

81. At the same time, we wish to point out that the State supports media diversity, and a wide range of foreign media is available in Latvia. Various television programmes in Russian are included in all basic television packages and are easily accessible through all cable operators. In several eastern regions of Latvia where many minority groups live, there are also various Ukrainian, Belorussian, and Russian television programmes available.
82. In addition to the overview on the number of media in minority languages available in the Latvian media space included in the Opinion, we wish to inform that 17 out of 52 radio stations registered in Latvia are broadcasted completely in minority languages, but 2 – partially in minority languages. One of the public radio stations (LR4) also targets minority listeners and mostly broadcasts in Russian. 9 out of 392 television programmes with a broadcasting or retranslation permission in Latvia broadcast wholly in Latvian, but 383 programmes are fully or partially available in any of the minority languages. LTV7 (public television programme) also broadcasts news and various analytical broadcasts in Russian. Public media portal lsm.lv creates content not only in Latvian but also in Russian and English. We hereby also point out that in 2015 there were 41 newspapers and 33 magazines published in Russian. Furthermore, it must be taken into consideration that more than 94% of the persons belonging to a national minority know the Latvian language and, therefore, have access to Latvian media content.
83. Therefore, Latvia does not agree with assessment of the Committee that the access to the media for persons belonging to national minorities is limited.
84. We also wish to point out that the Opinion uses an incorrect title of the Latvian Administrative Violations Code – in the text of the Opinion, the term “Administrative Violations Code” is used instead of “Latvian Administrative Violations Code”.

Article 10 of the Framework Convention

Use of minority languages in relations with administrative authorities

Paragraph 120-123

85. Considering the specific features of the historic development of Latvia and the fact that during the 20th century the overall number of Latvians in the State territory has reduced and that in certain large cities, including Riga, Latvians are still in the minority, as well as the fact that Latvian language only recently regained its status as the official State language, the necessity to protect the official language and solidify its use is closely connected to the democratic system of Latvia. Taking into consideration the fact that the state language status of the Latvian language has been provided for in the Constitution, as well as the fact that in the globalized world Latvia is the only country where the existence and development of the Latvian language and subsequently the base nation can be guaranteed, any restriction of the usage of the Latvian language in the territory of Latvia should be regarded as a restriction of the democratic system of the State (Constitutional Court judgement in case No. 2001-04-0103). Therefore, when a State defines its official language, it undertakes to guarantee that its citizens have the right to use this language without any limitations in not only their

personal life but also the relationships with public institutions, by providing and receiving information in this language. Moreover, decisions made by State authorities on the protection of values important for the State, e.g. language, citizenship or cultural heritage, shall be considered to be political decisions (Constitutional Court judgement in case No. 2005-02-0106). Therefore, it is clear that the Official Language Law provides for the preservation, protection and development of the Latvian language, at the same time ensuring integration of minorities into the Latvian society and respecting the rights of the minorities to use their native or other languages.

86. Latvian legislation provides a clear regulatory framework for the use of the Latvian language in public administration institutions. It has also been formulated in which cases national minority languages can be used in communication with public institutions, for instance, police and health care institutions, rescue services and other institutions in cases of calling emergency medical services, or when a crime or other offence has been committed.

Article 11 of the Framework Convention

Personal names in minority languages

Paragraph 125-127

87. Latvia repeatedly wishes to stress that the international legislation does not prevent countries from regulating the procedure for rendering personal names in personal identification documents and other official documents issued by these countries. As the European Court of Human Rights emphasised in *Mentzen v. Latvia*, the state language is one of the basic constitutional values, as is a country's territory, structure, and flag. Consequently, declares a specific language to be the official language, undertakes to guarantee its citizens the right to use it without intervention not only in their private life but also in communication with public authorities when sending or receiving information in that language.
88. The Latvian legislation (Official Language Law, Personal Identification Documents Law, Cabinet of Ministers Regulation No. 114 "Regulations regarding Writing and Using Personal Names in Latvian, as well as identification thereof" adopted 2 March 2004 and Cabinet of Ministers Regulation No. 134 "Regulation Regarding Personal Identification Documents" adopted 21 February 2012) provides for a clear procedure for rendering personal names of foreign languages into Latvian language and identifying them in personal documents. The Latvian legislation provides for the implementation of Article 11(1) of the Framework Convention and guarantees the rights of national minorities to use their own given name and surname in a minority language.
89. Latvia also wishes to inform that in accordance with sub-section 136.4 of the Cabinet Regulation No 761 of 3 September 2013, "Regulations on Civil Status Registers", an entry into the birth register is made on the basis of persons' application, if a person, along with the rendering of a personal name which is in a dialect or a foreign language, wishes to preserve the historical form of his or her surname or its form in other language. The original form of such a personal name is then written between slashes.
90. As regards parents' name and surname specified in the birth register, if a person's parents are foreign citizens, and a document certifying the original form of the personal name is produced, the parents' name and surname can be entered into the birth register in their

original form transliterated in Latin alphabet in addition to the parents' personal name rendered in Latvian.

91. It follows from the above that the original form of a foreign personal name can be indicated if the name of the person is to be written in Latin transliteration.

Use of minority languages in local topographical indications and private signs

Paragraphs 129-131

92. Latvia repeatedly stresses that when implementing Article 11 of the Framework Convention, countries have the right to take into consideration their specific conditions and their legal system. By attaching the Declaration to its ratification instrument, Latvia has only exercised its right to establish the scope of application of Article 11, Paragraph 3 of the Framework Convention, defining its application in line with the Constitution and other laws and regulations currently in force in the Republic of Latvia that govern the use of language. In addition, it should be noted that the Constitution and other normative acts provide for the preservation, protection and development of the Latvian language, while also ensuring the integration of national minorities into the society of Latvia and safeguarding their rights to use their native or any other language. Thus, the Declaration in no way restricts the aim of the Framework Convention to preserve national minority cultures and linguistic identity and develop that identity.
93. We hereby also wish to point out that the official language as a constitutional value must be protected and put to practice, and that there must be support for its daily use in the territory of Latvia and among Latvian people. The State must use all its efforts to encourage the solidification of the use of Latvian language in the territory of Latvia. Latvian language has not only an informative but also symbolic, historic and national significance. The requirement to use place-names and traditional and general-access information intended for the public (with specific precisely defined exemptions) in only the official language is based on a legitimate purpose to protect national interests important for the society. In this way, part of the general national policy on the use of the official language is put into practice, thus also ensuring for foreigners and non-natives a qualitative living environment and opportunities to fully participate in the public life and fulfil their interests. The use of the official language in topographical indications and private signs gives significant benefits and gains to the whole society, encouraging the use and learning of Latvian language in the day-to-day living environment, thus also helping to integrate national minorities more successfully. Use of the official language in the public space is one of the core foundations in order to achieve a more unified and cohesive society.

Article 12 of the Framework Convention

Equal access to education and intercultural content

Paragraph 134, 135 and 140

94. In order to ensure approbation of competence-based general education content in accordance with the description of the mandatory content of general education and implementation of the curriculum for primary education, elementary education and secondary education, a new general education curriculum was developed within the European Social Fund project

“Competence-based approach in education”. The general education curriculum was presented in Autumn 2017, followed by public discussions until February 2018. The received suggestions were used to further develop the curriculum. Regulatory framework is currently under development with an aim that starting from 1 September 2019 the new curriculum will be introduced in primary education. The new general education curriculum also includes such aspects as tolerance, respect to other cultures etc.

95. The content for the study field “Understanding of culture and self-expression in art” was also developed within the project, ensuring for all school students equal opportunities to gain an understanding of cultural expressions and cultural heritage of nations living in Latvia and encouraging mutual respect and intercultural dialogue. At the same time, a new curriculum is also developed for the subject “History and History of Latvia”, providing for a comprehensive learning of this topic, addressing various historic periods and events and their impact on the development of the world and Latvia.

Paragraph 137

96. We hereby inform that support activities available to Roma school students along with study supplies also include additional classes in all subjects.

Paragraph 138 and 141

97. It is planned that starting with 1 September 2020 education programmes “Special elementary education programme for students with learning disabilities” and “Special elementary education programme for minority students with learning disabilities” will be ensured solely in general education institutions, integrating students into the general education programmes and providing support activities for the prevention of learning difficulties. Therefore, 69 Roma students (22.4% of the overall Roma school students) will be integrated in education institutions with Latvian language as the language of instruction and 24 Roma students (7.8% of the overall Roma school students) will be integrated in education institutions with minority language, carrying out support activities to prevent learning difficulties.
98. We hereby also inform that, with respect to implementation of the special education programmes, the conclusions given by the State Pedagogical Medical Commission or Local Government Pedagogical Medical Commission or conclusions given by a speech therapist, educational or clinical psychologist as to the special needs of a school student are the primary sources of information when determining a suitable education programme. The Commission has competences in giving conclusions concerning the most suitable education programme for a school student with special needs; therefore, the most suitable education programmes are determined for the school students and the choice of the programme does not depend on the ethnicity.
99. The State Education Quality Service carries out the European Social Fund project “Support for Reducing Early Termination of Studies” to reduce the number of children and adolescents, including Roma, who terminate studies and fail to graduate from a school. It is expected that at least 80% of municipalities will be involved in the project, covering 614 places of general and professional education. The project encourages a sustainable system of cooperation between local government, school, teachers and parents for the purposes of early identification of children and adolescents with a risk of terminating studies, so that they could receive customized assistance. Teachers can develop professionally and strengthen their skill in working with youths. The methodical materials will also be developed along

with a unified data base ensuring regular exchange of information on a national, local government and school level as to the identified school students and pupils with a risk of abandoning studies, preventive measures carried out and results thereof. The project also supports youth NGO initiatives to address the issue of terminating studies among young people, to approach school students with the help of their peers and involve them in activities. The activities are directed towards early diagnostics and solving of problems to avoid situations where burning issues are solved in a manner that requires more resources and could be less effective. With the intermediation of local governments, an individual support will also be provided to children and youths who could terminate their studies due to lack of resources. In such cases, local governments could compensate their expenses for transportation, catering and dormitories as well as purchase individual learning supplies for them.

100. Recalling the commentaries on Paragraphs 57 and 59 of the Opinion, we inform that Roma mediators, among other things, encourage the involvement of Roma children in the process of education, that is, they ensure regular meetings with representatives of the Education Administration and parents of Roma children and, as far as possible, learn the situation in the field of Roma education on a local level. The Roma mediators also promote the access of Roma children to the support provided within project PUMPURS (aimed at reducing the number of children abandoning studies). Roma mediators also make sure that Roma children attend general education schools, and not special educational institutions.
101. In the academic year of 2017/2018, there were four Roma teacher's assistant working at general education institutions (Jelgava 4th Primary School, Lādezers Elementary School, Baumanis Kārlis Viļķene Elementary School, and Jānis Rainis Daugavpils 6th Secondary School).
102. At the moment, there are no schools in Latvia with purely Roma classes or classes with larger proportion of Roma school students than non-Roma students.

Paragraph 139

103. We hereby wish to inform that the State finances interest education classes as a part of informal education e.g. artistic self-expression, choir, folk dance classes, learning minority languages, study of ethnical culture etc. Each educational institution is entitled to use the offer by receiving funding for organizing interest education at the respective municipality. Therefore, Roma language studies and artistic self-expression is also promoted by the State.

“Loyalty clauses” in education

Paragraph 142-145

104. Latvia does not agree with the view of the Advisory Committee that amendments to the Education Law with “loyalty clauses” for schoolteachers restrict the right of persons belonging to national minorities to set up and manage private educational and training establishments, as provided under Article 13 of the Framework. In accordance with the judgment made on 22 December 2017 by the Constitutional Court where the Court assessed the compatibility of these amendments with the Constitution (case No. 2017-03-01), Consequently, a teacher has an essential influence upon the student not only in the process of acquiring a certain program of education but also in daily contacts. Thus, the obligation to be loyal to the State of Latvia and its Constitution, to not breach the prohibition of

discrimination and differential treatment, to raise decent, honest, and responsible persons – patriots of Latvia – and to strengthen their affiliation with the Republic of Latvia, essentially, is applied to the actions by a teacher and the head of the educational institutions and expression of their opinion in any form, if it can influence the students or the outcome of the process of education. Latvia as a democratic state governed by the rule of law, taking into account the historical experience and developing an open, tolerant, civically active society, must take care of defending and embedding democratic values in the process of education.

105. The loyalty issues must not be assessed from the perspective of discrimination, because the purpose of these clauses is the preservation and development of democratic values in line with the Constitution of Latvia. These clauses apply to all teachers, regardless of their ethnicity. At the same time it must be noted that since the passing of this regulation it has never been applied and not a single teacher has been laid off due to the failure to comply with them.

Article 14 of the Framework Convention

Teaching in and of minority languages

Paragraph 150

106. We hereby inform that changes in the procedure of the State examinations in minority languages have been gradual. From the academic year of 2006/2007, general secondary education materials for State examinations were prepared in Latvian but students studying in minority education programmes had an option to choose to take the 12th grade centralized examinations in either Latvian or Russian. The number of school students in minority education programmes wishing to take the centralized examinations in Latvian grew every year: from 76% in the academic year of 2013/2014 to 92% in the academic year of 2016/2017.

107. Considering this positive tendency, in 2017 the Cabinet of Ministers approved a new regulatory framework providing for the transition towards taking centralized examinations in Latvian. The transition towards taking non-centralized examinations in Latvian will be gradual and it is expected to be finalised in the academic year of 2019/2020 for 9th grade examinations and in the academic year of 2018/2019 for 12th grade examinations.

Paragraph 151-155

108. The amendments to the Cabinet of Ministers regulation on the procedure of the State examinations and the amendments to the Education Law and the General Education Law (providing that from the academic year of 2019/2020 the minority education institutions will gradually transition to instruction primarily in the official language in secondary schools), do not contain discriminatory norms with respect to any of the minorities. On the contrary – these amendments encourage learning Latvian language.

109. The amendments are aimed at giving equal opportunities to all school graduates without any discrimination. Upon abandoning the linguistically segregated education system, all school graduates will have equal opportunities in the labour market and education market, including professional and higher education institutions where education takes place in the official language.

110. These amendments comply with the international obligations of Latvia, which establish a duty to that each child has equal opportunities to obtain an education and that national minorities are able to study their native language, literature and other subjects associated with their own culture and history. Therefore, Latvia will continue to guarantee the support for preservation of the minority culture and identity, set by the Framework Convention.
111. Cooperation with parents of minority school students is ensured, including in the following activities of the Latvian Language Agency:
- parental expert group (6-7 parent representatives from Riga, Daugavpils, Liepaja) who are ready to participate in expert-examination and approbation of study materials;
 - consultations for parents of minority school students;
 - participation in parents' meetings with an educationally informative presentation/discussion;
 - updated sections of the website of the Latvian Language Agency (<http://maciunmacies.valoda.lv/metodiskie-materiali/vecakiem>) with new, relevant materials.
112. The collaboration with minority parents and teachers is also enhanced by the use of social media, including Facebook group for teachers (Let's Share Our Experience!) and Facebook group for parents (Let's Learn Together!).
113. We also wish to emphasize that minority school students still can choose to learn a part of the curriculum in their own native language, including their native language and literature and other subjects associated with the minority culture. Within the European Social Fund project "Competence-based approach in education", the educational content is being developed and new study materials are under progress for subjects "Minority Language" and "Minority Language and Literature".
114. In order to improve the Latvian language proficiency skills for minority school teachers to carry out the teaching process in Latvian or bilingually, the European Social Fund project "Competence-based approach in education" also provides for Latvian language courses. The project will ensure the learning of Latvian language on the highest level for minority teachers to carry out their professional duties, as well the as improvement of the teacher's professional competence in linguistically diverse environment. Methodical and study materials for students and teachers will be developed, which will generally improve the participation and motivation in studies conducted in Latvian. There will be 120-hour courses for primary education teachers (100 groups, 1,500 teachers) and 120-hour courses for elementary and secondary education teachers (125 groups, 2,000 teachers).
115. We wish to remind that the government will continue to support State-funded minority elementary and secondary education programmes in seven languages: Russian, Polish, Belorussian, Ukrainian, Estonian, Lithuanian and Hebrew, which is significantly more than in other European countries.

State language learning

Paragraph 158

116. The Opinion mentions that financial support for Latvian language learning is provided up to level B2. We wish to clarify that it is possible to learn Latvian language up to level C1 (included).

Article 15 of the Framework Convention

Representation of national minorities in elected bodies and public administration

Paragraph 167

117. The position of Latvia in regard to the right of non-citizens to participate in local government elections remains unchanged: right to vote is inseparable from the status of citizenship and rights to vote in local government elections would bring the status of non-citizens and the status of citizens even closer. The main objective of the Latvian integration policy is to encourage naturalization and increase the number of Latvian citizens, and not the number of non-citizens with a broad range of rights. Granting the rights to participate in local government elections to non-citizens would have a negative effect on the State's long-term integration policy and would reduce the willingness of non-citizens to naturalize.
118. We also wish to inform you that, according to Section 6 of the Official Language Law, employees of State and local government bodies must know and use the official language to a degree necessary for the performance of their occupational and office duties. It must also be emphasized that, according to the third sentence of Article 101(2) of the Constitution, the working language of local governments is the Latvian language. Therefore, the requirement to use the official language in local governments is enshrined constitutionally.

Paragraph 168 and 170

119. The current limitations of rights of non-citizens must be seen in the context of Latvia's inclusive policy in the field of society integration. The right to work in the civil service or occupy posts that are related to national security and the right to vote are historically and legally linked to the institute of citizenship, belonging to the State, and certain legal body consisting of rights and obligations between the state and the individual. Therefore, Latvia believes that in these spheres it is not necessary to further equate the rights of citizens of the Republic of Latvia and those of non-citizens.

Institutional framework for participation of persons belonging to national minorities in decision making

Paragraph 174, 175 and 177

120. The restored Advisory Committee of the National Minority NGOs has been active since 2014 with representatives from 16 most active national minority NGOs representing all major Latvian national minorities, as well as minor ethnic groups, including Armenians and Hebrews. In accordance with the regulation of the Advisory Committee of the Minority Non-Governmental Organizations, the Ministry of Culture organized an open call for NGOs on the possibility to nominate candidates for representation at the aforementioned Committee.
121. An NGO can nominate a candidate for representation at the Committee if the organization has been registered in the Republic of Latvia for at least two years. The candidate nominated by the organization must be an adult with at least two years of experience in the work of minority NGOs. A special commission for the assessment of candidates used specific criteria (objectives of the organization; registration of the organization in the Republic of Latvia for at least two years; conformity of the candidate to the requirements of the Committee regulation) to evaluate the representatives nominated by

the NGOs for work in the Committee. Out of 29 representatives of minority NGOs 16 representatives were selected. The selected representatives actively participate and give their opinion during the meetings of the Committee, representing the interests of their national minority.

Paragraph 176 and 177

122. The Advisory Council for the Implementation of the Roma Integration Policy (hereinafter – the Roma Council) was established in 2012 with the aim to secure coordination of planning and implementing the Roma integration policy among the parties involved, including co-responsible public administration institutions, Roma NGOs and NGOs working in the field of Roma integration. The members of the Roma Council are regularly informed on the current issues in the field of Roma integration on both the national and European Union (EU) level, e.g. international events, good practice examples and open calls for projects. During the meetings of the Roma Council, presentations and discussions were held regarding events of the project “Latvian Roma Platform”, content and results thereof and Roma education monitoring results. In these meetings, the annual informative report regarding implementation of the Roma integration policy is also presented, including the information from Roma non-governmental organizations and information about support for Roma integration provided by local governments.
123. There are various ways how the members of the Roma Council can influence the decision-making process on development and implementation of the Roma integration policy. Experts and representatives of the Council are regularly invited to discuss tasks and give practical recommendations in the field of Roma integration, e.g. by developing suggestions for the 2017-2018 implementation plan for the Guidelines on National Identity, Civil Society And Integration Policy and the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020. Furthermore, during the Roma Council sessions, the representatives of the Roma NGOs are able to address the Minister of Culture, give suggestions and discuss them with other members of the Council who represent the co-responsible ministries.
124. The invited experts and Roma representatives of the Council are compensated for their travel expenses in order to facilitate their participation in the meetings of the Roma Council. If a member of the Roma Council cannot participate, for any reason, in the meeting of the Council, the representative is invited to submit his or her suggestions in writing. The members of the Roma Council regularly participate in the annual meetings of the Latvian Roma Platform. The suggestions by the Roma civil society received during the meeting are considered when developing the Latvian Roma Platform activities for the next period.
125. The website of the Ministry of Culture (under the Roma section) holds relevant national and international documents, materials and informative reports concerning Roma integration activities, studies and other materials. The same section also holds a specialized material for employees of local governments concerning Roma culture, Roma mediators and good practice examples as well as information on the use of funding available under the EU structural fund programmes.

Paragraph 180, 181, 183 and 184

126. In 2018, a seminar “Better access to the labour market for Roma people” was organized in order to promote involvement of Roma people in the labour market, in accordance with

suggestions made by the Roma civil society. The objective of the seminar was to encourage collaboration between potential Roma employees and employers, as well as social partners and the State Employment Agency. During the seminar, there were discussions about the situation of Latvian Roma people in the field of employment, good practice examples with respect to involvement of Roma people in the labour market and activities for promotion of the said involvement, which could help Roma people to better fit in the labour market. Afterwards, a report was drawn (posted on the website of the Ministry of Culture) detailing the results of the seminar with practical suggestions for further work and development of collaboration. Based on the suggestions in the report, it is planned to develop support activities for Roma inclusion in the labour market, to establish and develop a network of employers with entrepreneurs who are willing to support Roma employment and to develop a more effective collaboration with the State Employment Agency.

127. We also wish to draw the attention to commentaries on Paragraphs 57 and 59 of the Opinion, which offer a detailed information on the work done by Roma mediators. In addition to the information already provided, we hereby inform that, according to the assessment of the work done by Roma mediators and its results, Roma families in several cities most value the work done by Roma mediators in solving educational and social matters and providing support for healthcare, employment and housing matters. The Roma mediators were also praised by employees of city local governments because they have improved the access of Roma people to various services and support activities, motivating Roma parents and their children to take a more active part in the process of education and maintaining a dialogue between the local government and its Roma community. Overall, all respondents of the survey (both from local government institutions and Roma community) had positive comments about the work done and results shown by Roma mediators. It is expected that Roma mediators will continue to work after the end of the project.