

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**Comments of the Government of Latvia on the Fourth Opinion of the Advisory Committee  
on the implementation of the Framework Convention for the Protection of National  
Minorities by Latvia  
received on 19 February 2024**

## **LATVIA'S COMMENTS ON THE FOURTH OPINION ON LATVIA OF THE ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES OF THE COUNCIL OF EUROPE**

1. On 9 October 2023, the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (hereinafter referred to as the "Convention") adopted its fourth opinion on the implementation of the Convention in Latvia (hereinafter referred to as the "Opinion"). Latvia appreciates the work done by the Advisory Committee in monitoring the implementation of the Convention and confirms its readiness to continue to fulfil its obligations under the Convention by maintaining an ongoing dialogue with the Advisory Committee. Latvia thanks the Advisory Committee for its appreciation of Latvia's progress in various areas related to the integration of society. Latvia takes note of the recommendations made by the Advisory Committee while providing its comments on the Opinion (hereinafter referred to as the "Comments"). The Comments consist of two parts: general comments on the Opinion as a whole and specific comments on the Advisory Committee's recommendations and conclusions.

### **General comments**

#### **The impact of the Soviet occupation on Latvia's demographic situation and the Latvian language**

2. The Advisory Committee has failed to consider the factual and historical situation of Latvia, ignoring the fact of the occupation by the Soviet Union and its negative impact on the indigenous peoples of Latvia. The Opinion is tendentious in some places, as it mainly singles out people of Russian origin, calling for an increase in their rights in several areas. The Opinion pays little attention to Latvia's other national minorities, referring to them in several places simply as "other" national minorities.
3. The summary of the Opinion contains an incomplete description of the situation, when describing the composition of Latvia's ethnic minorities and the opportunities provided by the state to nurture their languages and cultures. In the dialogue with the Advisory Committee, it has been repeatedly stressed that at the beginning of the 20<sup>th</sup> century, along with Russians (whose share of the population as a result of the Soviet occupation rose from 7.8% in 1920 (census data) to 34% in 1989 (census data), which was not a result of natural births but of immigration deliberately carried out by the occupying power with the aim of Russifying the Latvian population) there were also other traditional/historical national minorities living in Latvia, such as Belarusians, Poles, Lithuanians, Estonians, Jews, Roma and an indigenous people of Latvia or autochthons - the Livonians. No country can ensure official communication in all national minority languages, which is why proficiency in the country's official language plays an important role. Latvia has made a significant progress in ensuring that national minorities are taught the official language, and the Advisory Committee has been regularly informed thereof.
4. The Soviet occupation did not only mean a change of political regime. The deployment of the Soviet army in Latvia and the mass immigration from other parts of the USSR organised by the occupying power changed the composition

of the Latvian population from what it was before the occupation. Although Latvia has traditionally been home to various ethnic and religious groups, which made up as much as 25% of the Latvian population before the occupation, immigration after 1945 was unprecedentedly rapid. As a result, by the end of the 1980s, the ethnic Latvian share had fallen from 75% to around 50% compared to the late 1930s.

5. In the implementation of the Russification policy, little attention was paid to the teaching of Latvian language and culture. This created a large part of the population that had little or no knowledge of the Latvian language, Latvian history and culture and lived in the Soviet Russian-speaking information and cultural space. The policy of Russification changed not only the composition of the population but also the structure of society and the cultural environment.<sup>1</sup> The national minorities living in the territory of Latvia during the occupation of Latvia by the USSR suffered a similar fate as Latvians, and their languages were subjected to an identical policy of Russification.

### **The role of the official language in social integration**

6. The recommendation on the use of other languages in public communication is contrary to the Latvian Constitution (Satversme). Section 4 of the Constitution and Section 3 of the Official Language Law provide that the official language of Latvia is Latvian. Latvia disagrees with the Advisory Committee's assertion that the Latvian authorities are reinforcing an "exclusive narrative of Latvian national identity". Latvia wishes to emphasise that the main goal of the policy of a cohesive society is a national, solidarity-based, open and civically active society, whose existence is based on democratic values and human rights, the Latvian language and Latvian cultural space, as laid down in the Constitution.
7. The Advisory Committee ignores the premise that successful functioning of the state and the cohesion of society is only possible on the basis of one language – Latvian as the official language. The second sentence of Section 91 of the Constitution provides for the prohibition of discrimination on the basis of various criteria, including language. This criterion has been interpreted in legal scholarship as meaning that "[the prohibition of discrimination on grounds of language] also applies to the official language (whether or not it is the mother tongue) and its use, but not to foreign languages (their knowledge). [...] Any resident of Latvia has the right to demand that it be possible for him or her to communicate in public in the official language. [...] The provision in Section 4 of the Constitution that Latvian is the official language therefore means that the state must assume that all inhabitants speak it and that the State's policy must be such that it is also in fact the common language of communication of all inhabitants throughout the territory of the State in all relations and at all levels in the public sphere. In situations where this function of the official language is not actually provided, it is discrimination against the country's citizens."<sup>2</sup>

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<sup>1</sup> Toms Ķikuts, Reinis Pētersons and Andis Mizišs, [History in 1 minute: Latvia's post-war demography and the policy of Russification / Article \(ism.lv\), 28.10.2018.](#)

<sup>2</sup> *Comments on the Constitution of the Republic of Latvia. Chapter VIII. Fundamental human rights.* Prepared by authors' team, scientific leader Prof. R. Balodis. *Latvijas Vēstnesis [Latvian Herald]*, 2011, p. 110.

8. Therefore, every Latvian inhabitant belonging to a national minority is obliged to know and use the official language in the public sphere, while indigenous peoples are not obliged to know and use national minority languages.
9. The Advisory Committee's call to strengthen the Russian language in the Latvian public sphere ignores Latvia's demographic situation, which was greatly damaged by the Soviet Union's Russification policy. It is regrettable that the Advisory Committee has particularly singled out the Russian minority in contrast to other national minorities living in Latvia.
10. The Advisory Committee notes that the Russian invasion of Ukraine should not be linked to the rights of the Russian minority. Unfortunately, the Advisory Committee ignores the fact that by further strengthening the Russian language, the desire of a strong and self-sufficient minority to learn Latvian and integrate into Latvian society is being taken away. In this way, false information is passed on to the international community that the rights of the Russian minority in Latvia are not being guaranteed and are being violated, which is not true.
11. Latvia regrets that the Advisory Committee does not understand or does not want to understand the historical situation of Latvia. The recommendations are aimed at reducing the use of the Latvian language, which in the long term could lead to its destruction.

### **Official language referendum**

12. In 2012, an official language referendum was held, calling for Russian to become the second official language. 74.8% of voters voted **against** Russian as the second official language.<sup>3</sup> The outcome of the referendum confirms that both before and after the referendum, the responsible state institutions must do more, not less, to ensure that the will of the people – the use of the Latvian language – becomes a reality.

### **Education reform**

13. Latvia does not agree with the Advisory Committee's recommendations to review the decision to transfer to full education in the Latvian language and to phase out the bilingual teaching model. As already indicated above, the Latvian language is the only official language of the state, the status of which is enshrined in both the Constitution and the Official Language Law. The gradual transition to education in the official language has been implemented in Latvia since 1998; it has been a well-thought-out process based on two fundamental principles: bringing society together and strengthening the use of the Latvian language. The reform should also be seen as one of the means of overcoming the consequences of the occupation, when, due to the policy of Russification and immigration, Latvia had an education system with two different curricula – Latvian and Russian. Since 2004, bilingual programmes have been provided alongside Latvian language programmes in national minority schools.
14. First, in order to ensure that everyone can integrate into society and participate effectively in cultural, social and economic life, it is important for national minority pupils to learn the official language in pre-primary and primary education. Inadequate knowledge of the official language limits integration, the

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<sup>3</sup> [\*Final results of the referendum: 74.8% of voters voted against Russian as the second official language / Diena, 19.02.2012.\*](#)

free and independent choice of further education and hinders career development.

15. Both the Ombudsman's 2013 study "Bilingual Education"<sup>4</sup> and the 2021 study by Liepaja University "Latvian Language Acquisition Results of Preschool Children in Latvia: in Kurzeme, Riga and Latgale. Learning Latvian"<sup>5</sup> prove that bilingual education has not provided learners with as good Latvian language skills as they should have.
16. Secondly, the Latvian education reform is aimed at promoting the use of the official language, which is also a tool for building a cohesive and democratic society. The state must put every effort into ensuring that the education system provides the Latvian language proficiency at a level that enables young people who have completed primary or secondary education to receive state-funded vocational education or higher education that is conducted exclusively in the official language.
17. During the 20 years of education reform, Latvia has strengthened a unified education system accessible to all learners and the use of the official language in state, municipal and private educational institutions. Most of the normative acts and amendments to normative acts were adopted in 2018 (including amendments to the Law on Education, the Law on General Education, the Law on Higher Education Establishments and the Cabinet of Ministers Regulations on the operation of pre-school education institutions). The changes to the education system came into force successively over several years. Education institutions have had time to adapt and ensure that the proportion of the Latvian language use in national minority education institutions is increased gradually both within each level of education and with each subsequent level of education, which in turn contributes to the child's successful transition and integration first into primary education and then into the subsequent levels of education.
18. Latvia has provided support measures for both teachers and pupils – a wide range of professional development and teaching methodology courses and masterclasses have been organised to promote teachers' good practice, and individual counselling has been offered. A wide range of learning materials for national minority pupils of all ages has been prepared, available free of charge in both print and electronic formats.
19. Special support is provided for pupils in grades 1 to 3, with support from psychologists to ease emotional tensions. The National Centre for Education is developing e-courses on the [www.skolo.lv](http://www.skolo.lv) platform. New teaching materials have been provided in subjects where schools used teaching materials in national minority languages. Students of all ages are offered learning resources (including electronic) to improve their Latvian language skills, including in self-study.
20. At the same time, Latvia is fulfilling its international obligations to protect the rights of national minorities. The right of national minorities to learn their own language has been ensured at all stages of the education reform, i.e., national minority pupils can learn the language and cultural history of the national

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<sup>4</sup> The Ombudsman, [Bilingvala izglitiba 2014.pdf \(tiesibsargs.lv\)](#), 2014.

<sup>5</sup> Dace Markus, Dina Bethere, Marta Jakušina and Valērija Krasovska, [\(PDF\) Latvian language learning outcomes of preschool children in Latvia: in Kurzeme, Riga and Latgale \(researchgate.net\)](#), 2021.

minority within the framework of an interest-based education programme. The programme is funded by the state and local authorities.

21. National minorities have the right to use their mother tongue or other languages freely and without interference in informal communication and in internal communication between national and ethnic groups.
22. The Convention leaves states with margin of appreciation as how to give effect to the principles it lays down, considering the particularities of each country's constitutional system, peculiarities of the historical and geopolitical situation, and the constitutionally established principles of a democratic state governed by the rule of law. Latvia therefore considers that the promotion of the use of the official language in education, i.e., the transition to teaching in the official language at all levels of education, is being implemented in compliance with the right of persons belonging to national minorities to use their mother tongue.
23. The Advisory Committee refers extensively to the conclusions of the Venice Commission on the 2018 education reform. Bearing in mind that the Venice Commission's opinion is of a recommendatory nature, in Latvia's view, the Advisory Committee should take into account and refer to the 2023 judgments of the European Court of Human Rights (hereinafter referred to as the "Court") in *Valiullina and others vs Latvia*<sup>6</sup> and *Džibuti and others vs Latvia*<sup>7</sup>, in which the Court found no violation of the right to education and prohibition of discrimination in relation to the 2018 education reform in public, municipal and private education institutions. In both judgments, the Court emphasised that the state is not obliged to ensure that pupils have access to education in a language other than the official language. The Court held that the state is entitled to take measures to remedy the *de facto* inequalities in the use of the Latvian language in education created by historical circumstances – the segregated education system established during the occupation and the policy of Russification implemented during the occupation – while ensuring the right of minorities to preserve and develop their language, culture and identity. The Court also stressed that there is no European consensus on the right to education in a mother tongue other than the official language, and Member States have a wide margin of discretion in this area. Finally, the Court held that it does not follow from the Convention that states are under an obligation to provide education in a language other than the official language or to provide education in a language other than the official language in a certain proportion as a means of preserving and developing linguistic, ethnic and cultural distinctiveness, without regard to the national constitutional legal system.

### **Prohibition of discrimination**

24. The legislation in force in Latvia provides for the elimination of all forms of discrimination. Section 91 of the Constitution provides that all people in Latvia are equal before the law and the courts. Human rights shall be exercised without discrimination. The prohibition of discrimination is also contained in various sectoral laws, such as the Labour Law and the Law on Patient Rights.

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<sup>6</sup> *Valiullina and others vs Latvia*, judgment of 14.09.2023, application No. 56928/19 and 2 others (not yet in force).

<sup>7</sup> *Džibuti and others vs Latvia*, judgment of 16.11.2023, application No. 225/20 and 2 others (not yet in force).

25. Latvia also takes practical steps to prevent all forms of discrimination, such as guidelines, training and awareness-raising. The curricula are designed in line with international standards and the principle of diversity in education is implemented. Issues related to respect for human rights – tolerance, non-discrimination, ethnic-cultural diversity, gender equality – are integrated into the content of several subject standards and model curricula for primary and general secondary education.

### Scope of the Convention for Latvia

26. On 6 June 2005, when submitting its instrument of ratification of the Convention, Latvia, in accordance with Section 2 of the Law “On the Framework Convention for the Protection of National Minorities”, also submitted a declaration (hereinafter referred to as the “Declaration”) which, inter alia, states: “The notion “national minorities” which has not been defined in the Framework Convention for the Protection of National Minorities, shall, in the meaning of the Framework Convention, apply to citizens of Latvia who differ from Latvians in terms of their culture, religion or language, who have **traditionally lived in Latvia for generations** and consider themselves to **belong** to the State and society of Latvia, who wish to preserve and develop their culture, religion or language. Persons who are not citizens of Latvia or another state but who permanently and legally reside in the Republic of Latvia, who do not belong to a national minority within the meaning of the Framework Convention for the Protection of National Minorities as defined in this declaration, but who identify themselves with a national minority that meets the definition contained in this declaration, shall enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law”.<sup>8</sup> The Declaration describes the scope of Latvia’s international obligations under the Convention.
27. The scope of the Convention in Latvia does not extend to the group of Latvian population who, as a result of the Soviet immigration policy, migrated to and settled in Latvia after the Second World War. Similarly, the Convention does not apply to Latvian population who have the status of non-citizens. Non-citizen is a status deriving from citizenship and is not linked to or subordinate to a person’s ethnic origin. The validity of the Declaration has never been challenged; moreover, it has been invoked as valid by the Court.<sup>9</sup>
28. Notwithstanding the above, the Convention’s requirements are extended to Latvian non-citizens in several places in the Opinion (see, for example, paragraphs 8, 19, 42, 185, 186 and, in particular, 22 of the Opinion). Latvia calls on the Advisory Committee, when assessing the implementation of the Convention in Latvia, to focus on the rights of Latvia’s national minorities and not on the rights of all persons who speak a non-Latvian language, do not belong to Latvia’s national minorities and do not feel they belong to the Latvian State and society, and not to single out one particular national minority.
29. Latvia invites considering that as was noted by the Court in its judgment of 26 May 2021 in *Savickis and others vs Latvia*, the status of non-citizen was

<sup>8</sup> [Law on the Framework Convention for the Protection of National Minorities \(likumi.lv\)](https://likumi.lv).

<sup>9</sup> *Valiullina and others vs Latvia*, judgment of 14.09.2023, paragraphs 85–86, application No. 56928/19 and 2 others (not yet in force).

devised as a temporary instrument within the framework of restoration of independence so that the individuals concerned could obtain either Latvian citizenship or that of another State. Thus, the fact that non-citizenship status depends on non-citizens themselves should be given weight, as the legal framework allows them to naturalise [while persons who have lived in Latvia for years choose not to do so].<sup>10</sup> In light of the above, Latvia considers the Advisory Committee's call for the extension of the Convention rights to non-citizens unacceptable.

30. The Convention establishes the principle of equal protection of rights, which is ignored in the Opinion because the special rights of only one minority living in Latvia – the Russian minority – are highlighted among the entire historical group of national minorities in Latvia. Latvia calls on the Advisory Committee to explain the approach, which is contrary to the principles of the Convention, or to indicate which international instrument grants special status to the Russian minority in Latvia.
31. The Opinion mentions a number of national minorities living in Latvia, such as Russians, Belarusians, Ukrainians, Poles, Lithuanians (paragraph 25), as well as “persons identifying as Belarusians, Ukrainians, Armenians, Azerbaijanis, Moldovans or other titular nations of former Soviet Union republics, as well as persons belonging to ethnic minorities and indigenous peoples of the Russian Federation or other former Soviet Union republics” (paragraph 28). Latvia calls on the Advisory Committee to explain in its Opinion on whether and why members of all these nationalities should be considered to fall within the definition of national minorities provided for in the Declaration.
32. The Declaration states that the protection of the Convention is necessary for national minorities if they “wish to preserve and develop their [...] language”. The statement in the summary of the Opinion that “the cutback of provisions for the use of the Russian language also limits the access to rights of persons belonging to other minorities whose first language is Russian” is in fact offensive to other national minorities. During the occupation, other national minorities were denied the right to maintain and nurture their language and culture because of the policy of Russification. This historic breach is currently being rectified, providing opportunities for the restoration of elements essential to the identity. It is therefore difficult to see how the Convention's guarantees could be extended to ethnic Poles or Lithuanians who consider Russian to be their first language, for example. In particular, it is questionable whether, for example, a person who identifies himself as Polish has a right under the Convention, for example, to request education in Russian.

### **Russia's expanded war in Ukraine**

33. The Opinion consistently ignores the fact that the Russian Federation is carrying out a full-scale invasion and war in Ukraine. The use of the phrase “Russian Federation's aggression against Ukraine” in the Opinion understates the true extent of the events, and the use of this reference inaccurately portrays the context in which the policies assessed in the Opinion are being implemented in Latvia.

### **Comments on recommendations for immediate action**

<sup>10</sup> *Savickis and others vs Latvia*, judgment of 09.06.2022, application No. 56928/19 and 2 others.



### **Recommendation 1**

34. Latvia clarifies that although the Latvian language is one of the most important aspects of social integration, the approach to integration is not based solely on the use of the Latvian language. For more information, see the General Comments section on the role of the official language in the integration of society.

### **Recommendation 2**

35. Latvia requests that Recommendation 2 be supplemented by noting that in December 2022, the Ministry of Education and Science (hereinafter referred to as the “MoES”) carried out monitoring research on how Roma children are supported in pre-school education institutions. It was found that Roma children attend pre-school education institutions from the age of 1.5 years old, while compulsory preparation of Roma children for primary education is ensured from the age of 7 years old. In 2024, the MoES plans to conduct a study on “Roma pupils’ access to quality pre-primary, primary, general secondary, vocational and higher education”.

### **Recommendation 3**

36. Latvia disagrees with Recommendation 3, as the transition to a unified education system in Latvian is a necessary step to ensure the quality of education, overcome the consequences of the Soviet occupation and integrate society. For more information, see the General Comments section on education reform. At the same time, Latvia provides additional information:

36.1. Amendments have been made to the Cabinet of Ministers Regulation No. 477 of 15 July 2016 “Procedures for Financing Special Education Classes (Groups) of Special Education Institutions and General Education Institutions” to ensure a successful transition to learning in the official language for pupils with special needs. The amendments provide for additional funding for teaching assistants, speech and language therapists, and extended-day group teachers who provide support to pupils in the school year in which they are transitioning to education in the official language who have attended national minority special pre-school and primary education programmes in the previous school year.

36.2. Amendments have been made to the Cabinet of Ministers Regulation No. 376 of 21 June 2022 “Procedures for Calculation and Allocation of State Budget Target Grant for Teachers’ Salaries in General Education Institutions of Local Governments and General Secondary Education Institutions of State Higher Education Institutions”, providing funding for additional teaching assistants, speech therapists, as well as extended day group teachers, to provide learners with the necessary support in lessons/play lessons and individual and extended day group lessons, ensuring that learners in pre-school and primary education have the right to receive individualised and personalised support in learning the official language, as stipulated in the Law on Education and the Law on General Education. For the first semester of 2023, the state budget has allocated an extra EUR 1.7 million for salaries to provide additional teaching assistants, speech and language therapists and teachers in extended day groups in schools and pre-schools.

- 36.3. Amendments have been made to the Cabinet of Ministers Regulation No. 382 of 28 August 2001 “Procedure for Financing Interest Education Programmes”, providing for additional funding and possibilities to ensure the start of national minority language and cultural history interest education in the school year in which pupils switch to official language education, thus not reducing funding for pupils studying other interest education programmes.

#### **Recommendation 4**

37. Latvia disagrees with Recommendation 4, as members of national minorities have the right to establish and run their own private educational institutions, but they must be integrated into the Latvian education system. In addition, Latvia refers to the Court’s findings in the case of *Džibuti and others vs Latvia*, in which the Court unanimously held that there was no violation of the right to education and the prohibition of discrimination in relation to the reform of education in private educational institutions.<sup>11</sup>

#### **Recommendation 5**

38. Latvia disagrees with Recommendation 5, as the Latvian education reform is aimed at promoting the use of the official language, which is a tool for building a cohesive and democratic society. It is important to emphasise the broader context of the education reform in Latvia – the building of an effective political democracy and the role of language in the functioning of democracy, as well as the duty of the state to ensure an education system that enables everyone to participate successfully in democratic processes and to exercise their rights.
39. National minorities have the right to use their mother tongue or other languages in informal communication and in internal communication between national and ethnic groups. Therefore, in Latvia’s view, the promotion of the use of the official language in education, i.e., the transition to teaching in the official language at all levels of education, is being implemented in compliance with the right of persons belonging to national minorities to use their mother tongue.
40. In order to facilitate the transition to teaching in Latvian and the introduction of a unified school system, the MoES provides comprehensive support to educational institutions that started teaching in the official language in grades 1, 4 and 7 from 1 September 2023, as well as support in continuing the transition to teaching in the official language in all grades of primary education.
41. One form of support, aimed at strengthening cooperation with local authorities, identifying the needs of local authorities and teachers, and planning support measures, is professional conversations with teachers in municipalities and national cities. the MoES has an Advisory Council on Minority Education Affairs which is actively involved in the development of educational processes. The Advisory Council’s Mentoring Group is active and supportive, organising experience-sharing seminars for teachers and educational institutions. At the same time, state funding is provided to enable local and private educational institutions to teach national minority language and culture in the primary education phase in interest education and optional classes, as well as in a specialised course in the secondary education phase.

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<sup>11</sup> *Džibuti and others vs Latvia*, judgment of 16.11.2023, application No. 225/20 and 2 others (not yet in force).

## **Comments on the findings**

### **Paragraph 4**

42. The Opinion does not fully reflect the consequences of Russification. After the Second World War, not only Latvians but also national minorities living in Latvia were subjected to Russification, which often resulted in Russian becoming the *de facto* language of communication among them. It misleadingly describes “large-scale migration to Latvia from the Russian and other Soviet republics” without mentioning the context in which such migration was artificially induced (see, for example, the Declaration on the Occupation of Latvia adopted by the Latvian Parliament, or Saeima, on 22 August 1996: “The USSR government purposefully poured hundreds of thousands of migrants into Latvia and tried to destroy the identity of the Latvian people. As a result of this policy, the share of Latvians as the main ethnic group fell from 77% to 52%”<sup>12</sup>).
43. The reference in paragraph 4 of the Opinion that, as a result of the above-mentioned “migration” and deportations of the Latvian population, “the numerical size of the Russian minority in Latvia increased significantly between 1944 and 1991” ignores the definition of a minority in the Declaration, as it does not distinguish between the historically present Russian minority and the migrants who arrived during the Soviet occupation.

### **Paragraph 5**

44. Paragraph 5 of the Opinion should be supplemented with the important fact that the Russian Federation’s hybrid war and disinformation campaigns are also aimed at influencing the views of national minorities living in Latvia and that such actions pose a threat to both national security and the development of a cohesive society.
45. The wording of paragraph 5 of the Opinion (reference to Article 21 of the Convention) should be clarified to make it unambiguously clear that “any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of states” refers to the actions of the Russian Federation and not of Latvia.

### **Paragraph 6**

46. Latvia disagrees with the Advisory Committee’s observation that the predominant focus on the use of the Latvian language whilst reducing possibilities for persons belonging to national minorities to access minority rights, threatens to worsen inter-ethnic relations. This conclusion of the Advisory Committee, as well as other considerations in the Opinion, send the wrong messages to the wider public about ensuring Russian rights in Latvia.

### **Paragraph 7**

47. Latvia disagrees with the views expressed in paragraph 7 of the Opinion and would like to stress that a Monitoring Board for the Implementation of the Guidelines for the Development of a Cohesive and Civically Active Society has been established in 2021 with the aim of promoting the implementation of the Guidelines’ action lines (national identity and belonging, culture of democracy and inclusive citizenship, integration) in a coherent manner.

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<sup>12</sup> [Declaration on the Occupation of Latvia \(likumi.lv\)](https://likumi.lv).

48. The Ministry of Culture has two Advisory Bodies:

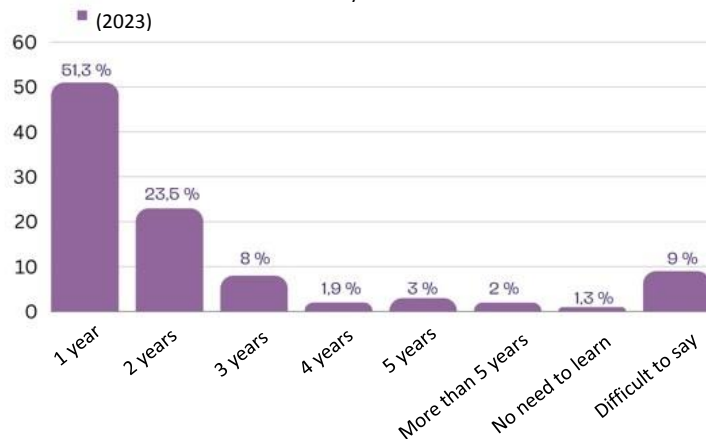
- Advisory Committee of Representatives from Minority Non-Governmental Organisations, which aims to promote the participation of national minority non-governmental organisations in civil society and the preservation and development of national minority cultural identity in accordance with the Convention;
- Advisory Council for Roma Participation, which aims to monitor the implementation of and develop Roma participation measures in accordance with the Guidelines for the Development of a Cohesive and Civically Active Society for 2021-2027 and the Council of the European Union (hereinafter referred to as the “EU”) Recommendation of 12 March 2021 on Roma equality, inclusion and participation.

49. In the preparation of the Guidelines for the Development of a Cohesive and Civically Active Society for 2021–2027, a discussion paper was prepared for consultation with inhabitants and two discussion cycles were organised in Latvian regions. Discussions were held in October 2019 (in 18 cities and towns, with 350 participants) and February 2020 (in five planning regions, with around 150 participants), with a total of at least 500 participants, including representatives of national minorities.

### Paragraph 8

50. Teachers’ proficiency in the official language is an essential prerequisite for quality education. A survey conducted in autumn 2023 shows that the knowledge of the official language is a matter of course for everyone in Latvia, not to mention the teaching profession (study by the Latvian Language Agency (hereinafter referred to as the “LLA”)).

After what time in the country should newcomers have learned Latvian?



### Paragraph 9

51. Latvia asks that the conclusion be deleted. Education reform does not undermine the right to equal access to education, but, on the contrary, promotes it. For more information, see the General Comments section on education reform.

### Paragraph 11

52. Latvia asks that the conclusion be deleted. The spelling of personal names in Latvia is in line with international obligations, as the Court concluded in *Mentzen vs Latvia*.<sup>13</sup>

### Paragraph 12

53. The Society Integration Foundation (SIF) has implemented the projects “Promoting Diversity”<sup>14</sup>, which implemented activities aimed at promoting tolerance and reducing discrimination, and CALDER<sup>15</sup>, which aimed at educating law enforcement officers.

### Paragraph 13

54. Latvia draws attention to the fact that there are no language quotas in the media and asks that the sentence “Language quota requirements in the broadcasting media remain in place” be deleted. Please distinguish between electronic media under Latvian jurisdiction broadcasting radio and television programmes, and television programmes under the jurisdiction of other countries that are retransmitted in Latvia.
55. Paragraph 13 of the Opinion should be supplemented by pointing out that Latvian inhabitants who speak and/or understand Russian currently have access to a wide range of media that inform about local events, educate and entertain in Russian. In addition, Latvia draws attention to the fact that the public media platform is available in different national minority languages, not only in Russian. In paragraph 13, it should also be pointed out that the largest and most widely read internet news portals in Latvia are also available in Russian, e.g., <https://rus.delfi.lv/>, [RUS TVNET – Место для диалога](#).
56. Public service media content is not only on an online platform. There is a separate radio programme in national minority languages only, and in linear broadcasting there are separate programmes for national minorities on one of the two public service media TV channels. At the same time, state support for the media is provided regardless of the language of the media outlet’s core business.
- 56.1. The Media Support Fund supports journalism projects in Latvian and is also open to media outlets that produce content in national minority languages on a daily basis.
- 56.2. Support for subscriptions is provided to all media, including publications in national minority languages.
- 56.3. The reduced VAT rate applies to all media, including those producing content in national minority languages.
57. It should be noted in the Opinion that, compared to the previous monitoring period, there is more Russian-language media content available in Latvia, both from journalists who have come here to seek refuge from the Russian Federation’s ongoing hostilities in Ukraine and from Western media, such as *Radio Brīvā Eiropa/Radio Brīvība*, which actively provide verified and reliable information in Russian. Since the outbreak of the war, the Media Hub Riga

<sup>13</sup> *Mentzen alias Mencena vs Latvia*, decision of 07.12.2004, Application No. 71074/01.

<sup>14</sup> [Promoting Diversity | Society Integration Foundation \(sif.gov.lv\)](#).

<sup>15</sup> [For the Prevention and Combating of Intolerance in Latvia \(CALDER\) | Society Integration Foundation \(sif.gov.lv\)](#).

initiative has helped more than 700 media professionals and their families who were forced to flee Ukraine, Belarus and the Russian Federation due to Russia's full-scale war in Ukraine. In December 2023, the Media Hub Riga was internationally recognised as one of ten human rights projects worldwide, receiving the Human Rights Tulip Award from the Dutch Ministry of Foreign Affairs.

#### **Paragraphs 14 and 54**

58. Paragraphs 14 and 54 of the Opinion should be supplemented by pointing out that healthcare services are provided to all inhabitants of Latvia regardless of ethnicity, as a result of which the budget of the Ministry of Health does not have separate financial resources earmarked for the Roma population. Exemptions from healthcare services are not based on a person's nationality, but on their socio-economic and health status, such as the exclusion of patients from co-payments (destitute people, people with certain infectious diseases, people with disability groups I and II, etc.).
59. Social work is a professional activity designed to help individuals, families, groups of people and society as a whole to promote or restore their ability to function socially, and to create the conditions that are favourable to that functioning, regardless of their ethnicity or other external characteristics. Social work and family assistant services help individuals/families to address psychosocial problems by improving their ability to function in different areas of life and to fulfil appropriate social roles, which are constantly influenced by the external environment and include societal expectations and objective demands.

#### **Sections 19 and 22**

60. We call on the Advisory Committee to clarify or delete this paragraph, otherwise it is in clear contradiction with the Declaration or even calls its validity into question. If the Advisory Committee considers otherwise, please include an explanation of the legal implications of the Advisory Committee's view. The Declaration excludes non-citizens from the scope of the Convention.

#### **Paragraph 23**

61. Although non-citizens are outside the scope of the Convention, Latvia provides the following additional information.
- 61.1. Section 19 of the Latvian Citizenship Law stipulates that a person who acquires Latvian citizenship through naturalisation shall certify his/her knowledge of the Latvian language and the basic rules of the Constitution, the text of the national anthem, and the basics of Latvian history and culture. According to Section 20 of the Latvian Citizenship Law, a person is fluent in the Latvian language if he or she completely understands information of a social and official nature, can freely tell about, converse and answer questions regarding topics of a social nature, can fluently read and understand any instructions, directions and other text of a social nature and can write an essay on a topic of a social nature given by the commission.
- 61.2. Section 21, Paragraph three of the Latvian Citizenship Law provides that a person who has reached the age of 65 years old shall be exempt from the written language proficiency test. Also, according to Paragraph 17 of the Cabinet of Ministers Regulation No. 973 of 24 September 2013 "Regulations

Regarding Testing the Fluency in the Latvian Language and Knowledge of the Basic Principles of the Constitution of the Republic of Latvia, the Text of the National Anthem, the Basics of the History and Culture of Latvia” (hereinafter referred to as “Regulation No. 973”), if the person taking the language proficiency and knowledge test has reached the age of 65, he/she is entitled to take the listening and reading proficiency test orally.

- 61.3. For people aged 65 and over, there is no written proficiency test, but only reading proficiency – comprehension of the text read (the person answers questions about the text read) – and listening/speaking proficiency, where the person listens to questions and converses about everyday situations using vocabulary appropriate to B1 level of language proficiency. People aged 65 and over take a knowledge test. The test is designed to be within the general school curriculum and can be understood by older people.
- 61.4. Thus, under the legislation, the procedure for testing language skills and knowledge is facilitated for persons aged 65 and over. In addition, the information days organised by the Office of Citizenship and Migration Affairs (hereinafter referred to as the “OCMA”) are intended for persons of different ages, during which interested persons are informed about acquiring Latvian citizenship through the naturalisation procedure, as well as can test their Latvian language skills and knowledge in a trial test.

#### **Paragraph 24**

62. The recommendations in paragraphs 23 and 24 of the Opinion are not justified. First, non-citizens fall outside the scope of the Convention. Second, the Ministry of Culture’s cohesion and civic engagement activities cover both citizens and non-citizens, as well as citizens of other countries residing in Latvia. The OCMA will continue to organise information events for persons wishing to acquire Latvian citizenship through naturalisation.

#### **Paragraph 32**

63. Latvia points out that currently information on a person’s nationality is included in the Register of Natural Persons if the person has chosen a nationality and wishes to have a specific nationality indicated in the Register. The (non-) existence of such an entry in the Register of Natural Persons should neither be a precondition nor an obstacle to a person becoming aware of his or her ethnic identity and exercising it. A person’s nationality is actually recorded in other documents, and the Register of Natural Persons is basically just an entry from these documents. If a person’s nationality is not recorded in documents, he or she chooses it in accordance with the Law on the Register of Natural Persons, where the basic principle is the inheritance of nationality from the person’s ancestors. A person may also choose not to provide information on nationality when initially providing information for inclusion in the Register of Natural Persons (Section 11, Paragraph six, Clause 4 of the Law on the Register of Natural Persons).
64. Considering the fact that in Latvia the nationality “Latvian” or “Livonian” is one of the preconditions for acquiring Latvian citizenship, it is necessary to maintain a system where a person makes a choice about his/her belonging to one of the nationalities for recording in the Register of Natural Persons. Latvia has a sufficiently effective procedure in place for cases where a person wishes

to change his or her ethnicity, which is laid down in the Law on the Change of a Given Name, Surname and Nationality Record.

### **Paragraph 33**

65. The Opinion notes that “Article 91 of the Constitution applies to discrimination in the public sector and does not obligate private individuals”. It is not clear by what methods of legal interpretation the Advisory Committee has reached this conclusion. The source of this finding would seem to be page 6 of the National Report on Non-Discrimination cited in footnote 26 of the Opinion. However, the report was prepared by one person and does not reflect the unanimous opinion of constitutional law experts in Latvia.

### **Paragraphs 34–41**

66. According to Section 4, Paragraph one of the Ombudsman Law, the Ombudsman shall be independent in his or her activities and shall be governed exclusively by the law. No one has the right to influence the Ombudsman in the performance of his or her functions and tasks. The Ombudsman points out that this principle not only applies to national institutions in Latvia but also to international organisations, including the Advisory Committee.

67. In addition, it should be noted that, contrary to the Advisory Committee’s assertion, the Ombudsman is one of the state institutions with the highest level of public trust. For example, one of the most recent rankings of state institutions in 2021 indicates that the Latvian public’s trust in the Ombudsman has improved the most in the last decade (from 28% to 56%), which is the highest among the state’s individual institutions.<sup>16</sup>

### **Paragraph 35**

68. In 2023, the State Employment Agency (hereinafter referred to as the “SEA”), when implementing the pupils’ summer employment measure, paid special attention to the justification of the Russian language proficiency requirement in the vacancies applied for by employers for the employment of pupils. The need for Russian was discussed with employers and, if not justified, removed from the requirements. In addition, the Ombudsman receives complaints from Latvians whose employers require them to use Russian.

69. In 2023, the State Employment Agency entered into a special agreement with employers to also take on young people without Russian language skills for summer jobs.<sup>17</sup> Such an agreement would not have been necessary if in reality, Latvian was the dominant language in Latvia. There is therefore no reason to conclude that the spread of the Russian language is limited. However, it can be reasonably concluded that Latvians in Latvia can be discriminated against if they do not know Russian.

70. In the Ombudsman’s experience, hate speech against people of different skin colour and ethnic origin mainly takes the form of anonymous comments on social networks. Trends in hate speech are influenced by current events. During the migration crisis at the border between the Republic of Latvia and the Republic of Belarus, hate speech against migrants and people of different skin colour increased rapidly. In 2022, there was a much greater outbreak of hate

<sup>16</sup> Bens Latkovskis, [The trust in information as such is disappearing \(nra.lv\)](#), 13.01.2021.

<sup>17</sup> [Russian language skills will not be required for pupils at work – the SEA agrees with some employers \(delfi.lv\)](#).



speech in the context of Russia's war against Ukraine. A wave of hate speech was observed on the internet and in social networks from people who had long consumed the Russian information space. These people supported Russia in its aggression against Ukraine, arguing that it was necessary to eliminate fascism in Ukraine. There was disbelief or even support for the crimes committed by Russia.

71. In raising the issue of hate speech, the Ombudsman participates in various conferences and discussions and provides information on the website of the Ombudsman's Office. For several years, lawyers from the Ombudsman's Office have regularly visited educational institutions to discuss tolerance, the fight against racism, anti-Semitism and inadmissibility of hate speech with young people. Several moot courts organised by the Ombudsman for law students have focused on hate speech.
72. Latvia requests that paragraphs 35 and 103 of the Opinion be supplemented to indicate that information in Russian about Covid-19 was available in regional newspapers and local publications and in several Russian-language publications and broadcast on radio stations and television channels.

### **Paragraph 38**

73. The Advisory Committee notes that the low number of discrimination complaints contrasts with the 2019 Eurobarometer survey, where 25% of respondents found that discrimination on the grounds of ethnicity was widespread. We believe that highlighting ethnicity in the context of the 2019 survey is inappropriate. First, the study only expresses a person's subjective feelings. In addition, 40% consider age (too young or too old) to be a common sign of discrimination, 39% consider disability to be a common criterion of discrimination, and 30% consider sexual orientation to be a common criterion of discrimination.<sup>18</sup> As a result, people's subjective feelings about discrimination on the grounds of age, disability and sexual orientation are more widespread.
74. The Advisory Committee refers to the 2022 SIF study on the Latvian public's poor knowledge of where to complain about discrimination. We believe that the fact that people who use Russian in the family do not know where to complain in cases of discrimination, is more a sign of their poor knowledge of the official language and their unwillingness to integrate, rather than a sign of possible discrimination against them. Moreover, this lack of knowledge should not be linked to ethnic group membership, as there is also often a lack of knowledge among Latvians about legal protection mechanisms.

### **Paragraph 40**

75. The Advisory Committee notes that the low number of discrimination complaints could indicate a lack of awareness of the Ombudsman or a lack of trust in the institution among national minorities. The Advisory Committee believes that cooperation with national minorities, including in their own languages, should be stepped up. The Ombudsman of the Republic of Latvia is independent and works in the interests of all Latvian inhabitants. Communicating with the population in Russian would mean discriminating against other national minorities and would ignore the principle that Latvian is

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<sup>18</sup> [Discrimination in the European Union – September 2019 – Eurobarometer survey \(europa.eu\)](https://ec.europa.eu/eurobarometer/surveys/index.cfm?id=688).

the language that unites all the inhabitants of Latvia and is the basis for integration.

76. The Ombudsman has done much to raise awareness by visiting Latvian municipalities and schools (including schools with historically national minority languages of instruction). Regular information campaigns are run on the website and Facebook page. The Ombudsman's Office is open to all residents of Latvia, regardless of nationality (also to migrants). Although written correspondence with applicants is in the official language, other languages can be used for oral consultations if necessary.

#### **Paragraph 41**

77. The Opinion points out that the Ombudsman should promote national minorities' awareness of and trust in the Ombudsman's Office. We point out that the Ombudsman does not process data on the ethnicity of persons who apply to the Ombudsman. However, there is no reason to assume that national minorities are less informed about the work of the Ombudsman and have less confidence in him/her. The Ombudsman regularly visits municipalities, social care institutions, schools, boarding schools and prisons and meets with a wide range of people, including those belonging to national minorities.
78. Latvia does not agree with the Advisory Committee's recommendation to include language as a criterion for discrimination. Language is already one of the criteria of discrimination protected by the second sentence of Section 91 of the Constitution. In addition, language as a criterion for discrimination is included in eight laws in different areas, such as the Labour Law, the Protection of the Rights of the Child Law and various procedural laws. At the same time, it should be stressed that national minorities have the right to take care of their own language, while in the public sphere national minorities are obliged to know the official language.

#### **Paragraph 43**

79. The requirement for teachers to speak the official language is not new. In addition, someone who has lived in a country for at least 30 years should have no difficulty learning the language. Already in 2013, during monitoring visits to Latvian schools, the Ombudsman drew attention to the fact that a number of teachers did not have sufficient knowledge of the Latvian language. After the monitoring, the Ombudsman concluded that the relatively low level of external control and the negligence of headmasters to comply with the legislation lead to the fact that teachers do not know the official language to the extent prescribed by the legislation and, when teaching a subject, do not comply with the legislation on a daily basis, including with regard to the language in which the subject is to be taught. The monitoring revealed that in schools where the management has a strong position in line with the legislation, the subject was taught according to the curriculum. The Ombudsman pointed out seven cases to the State Language Centre where teachers were unable to answer questions in the official language during a conversation with the Ombudsman's Office staff.

#### **Paragraph 44**

80. Latvia requests the deletion of paragraph 44 of the Opinion as it falls outside the scope of the Convention with regard to Latvia. The regulation referred to in paragraph 44 applies to Russian citizens who were previously citizens or non-citizens of Latvia but have renounced this status and wish to continue to reside

in Latvia. This does not apply in any way to ethnic Russians who are citizens and non-citizens of Latvia, and thus the regulation does not affect the guarantee of national minority rights.

#### **Paragraph 46**

81. The state policy should be such that the Latvian language is in fact also the common language of communication of all citizens of the country in all relations and at all levels in the public space throughout the territory of the country. Section 112 of the Constitution guarantees everyone the right to education. Thus, by not providing quality education in Latvian, the rights of learners are violated.

#### **Paragraph 47**

82. In response to the Advisory Committee's concerns about possible discriminatory effects and differential treatment of national minority languages, it should be pointed out that the amendments to the Education Law described above guarantee the elimination of differential treatment by ensuring that, regardless of whether or not the language and culture of Latvia's traditional/historical minorities is an official language of the EU, they are all guaranteed the opportunity to nurture and learn their national cultures and languages.

#### **Paragraph 48**

83. Latvia ensures that the official language is not an obstacle to equal access to rights for persons belonging to national minorities by ensuring systematic measures for learning the official language. Moreover, the results of the most recent (autumn 2023) public survey conducted by the LLA show that 16.7% of respondents whose mother tongue is not Latvian indicated that there are no factors that would hinder the use of Latvian, while the remaining respondents in this group indicated that the use of Latvian is not hindered by the lack of proficiency of the language but rather by other factors, such as lack of willingness, interest, motivation to speak the official language (13.6%), presence of other nationalities or immigrants, Russian or other language environment (13.4%), and various other factors (less than 10%).

84. Latvia objects to the repeated unequal emphasis in the Opinion on the rights of the Russian minority, because Latvia is concerned about the equality of all national minorities, not just the Russian minority. Latvia calls for an assessment of the achievements in equal access to rights for all national minorities.

#### **Paragraph 50**

85. Latvia adds information on equality measures – for example, with regard to ensuring patients' rights, Latvian law prohibits differential treatment based on a person's race, ethnic origin, colour, sex, age, disability, state of health, religious, political or other beliefs, national or social origin, property or family status, or other status. Differential treatment includes direct or indirect discrimination against a person, harassment of a person or an instruction to discriminate against a person.

#### **Paragraph 66**

86. Since 2018, the SIF has been administering the state budget programme "Minorities and Community Cohesion Programme", and this funding has been predictably available every year so far. In addition, minority NGOs can also

apply for funding under the state budget programme “NGO Fund”, which aims to strengthen the sustainable development of civil society and democracy in Latvia. However, in recent years, no minority NGO has applied for funding under the NGO Fund programme.

87. The aim of the Minorities and Community Cohesion Programme is to promote community cohesion, mutual cooperation and reduce prejudice against and between ethnic groups. The programme includes tasks:

- capacity-building of minority NGOs (project preparation, implementation);
- strengthening civic participation skills of ethnic minorities;
- raising people’s awareness of the diversity of society by reducing negative stereotyping of and between different ethnic groups;
- activities that promote a sense of belonging to Latvia.

#### **Paragraph 76**

88. Latvia calls for the supplementation of paragraph 76 of the Opinion with information that according to a “Kantar TNS” opinion poll conducted in May 2022, the population of Latvia supported the dismantling of the so-called Victory Monument.<sup>19</sup> We also call to add that, according to a 2023 survey commissioned by the Friedrich Ebert Foundation, Russian-speaking young people are more supportive than older generations of Russian speakers on polarising issues, including the removal of Soviet-era monuments.<sup>20</sup>

#### **Paragraph 80**

89. The use of terms in paragraph 80 of the Opinion should be clarified without confusing Section 78 and Section 150 of the Criminal Law. Section 78 of the Criminal Law deals with acts directed towards triggering national, ethnic, racial or religious hatred or enmity, while Section 150 of the Criminal Law deals with acts orientated towards inciting hatred or enmity depending on the gender, age, disability of a person or any other characteristics, if substantial harm has been caused thereby.

#### **Paragraph 82**

90. Latvia has already provided statistical data on Sections 78 and 150 of the Criminal Law, as well as on Section 74.1 of the Criminal Law. We indicate that “public denial, trivialisation, justification or condoning of genocide, crimes against humanity or war crimes, as well as glorification of persons who have committed such crimes, shall also be considered hate speech. In the case of hate speech of this content, the offence shall be qualified under Section 74.1 of the Criminal Law.”<sup>21</sup> Inaccurate indication of the information provided does not give a true picture of the completed criminal proceedings for the hate crimes requested by the Advisory Committee. Accordingly, the total number of completed criminal proceedings is as follows:

<sup>19</sup> [Half of the population supports the dismantling of the Victory Monument | tv3.lv](https://www.kantar.com/press-releases/half-of-the-population-supports-the-dismantling-of-the-victory-monument).

<sup>20</sup> Iveta Kažoka and Laima Bērziņa, *Social Cohesion Radar Report 2023*, page 93, <https://www.sif.gov.lv/lv/media/5598/download?attachment>.

<sup>21</sup> Dr. iur. Kristīne Dupate, “*Guidelines for the identification and investigation of hate crimes and hate speech*”, p. 13, [Naida\\_noziegumi.pdf \(lu.lv\)](#).

	2018	2019	2020	2021	2022
Section 74.1	0	0	2	0	6
Section 78	0	6	3	2	10
Section 150	0	1	0	4	0

### Paragraph 83

91. Decisions to refuse to initiate criminal proceedings have been taken on the basis of a finding that the offence does not have the content of a criminal offence (the acts are present but one of the four constituent elements of a criminal offence is not present). This nuance is very important, and the Opinion needs to be corrected accordingly. The circumstances precluding criminal proceedings are listed in Section 377 of the Criminal Procedure Law. The absence of content of a criminal offence is specified in the second paragraph of this Section.

### Paragraphs 86 and 87

92. In 2022 and 2023, the following training sessions have been held and the indicated number of prosecutors have participated:

Description/organiser	Event/training/seminar	Date	Number of participants – prosecutors	Location
Project “CALDER: CapAcity buiLding and awarEness Rising to prevent and counter intolerance in Latvia” implemented by the University of Latvia, the SIF, the Court Administration, the Public Prosecutor’s Office of the Republic of Latvia, and the State Police	Training on “Hate crime: recognition, investigation, prevention”	26–27.10.2022	4	Latvia
	Training on “Hate crime: recognition, investigation, prevention”	09–10.11.2022	4	Latvia
	Training on “Hate crime: recognition, investigation, prevention”	28–29.11.2022	4	Latvia
	Training on “Hate crime: recognition, investigation, prevention”	14–15.12.2022	8	Latvia
	Training, programme development on “Hate crime: recognition, investigation, prevention”	07–08.04.2022	4	Latvia
	Final conference “Hate crime: recognise, investigate, prevent!”	13.01.2023	7	Latvia
EU Agency for Law Enforcement Training (CEPOL)	“Hate Crime” training	21–24.02.2023	2	Greece
EU Agency for Law Enforcement Training (CEPOL)	Hate Crime; Encouraging reporting, improving recording and understanding bias indicators	05.07.2023	1	online

EU Agency for Law Enforcement Training (CEPOL)	Policing Hate Crime against LGBTI people	07.11.2023	1	online
European Judicial Training Network (EJTN)	“Antisemitism and Hate Crimes” training	21–22.04.2022	1	Poland
Public Prosecutor’s Office and the Investigative Training Centre of the State Police College	Think-tank on hate speech and hate crime investigations	11.11.2022	4	Latvia
Public Prosecutor’s Office of the Republic of Bulgaria	“Stop Hate Speech” Conference	5–6.12.2022	1	Bulgaria

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93. The Prosecutor’s Office plans to continue training prosecutors to more effectively investigate, prosecute and punish hate crimes. In Latvia, the Plan for the Reduction of Racism and Antisemitism 2023 was approved on 13 April 2023 and the measures contained therein have also been implemented in 2022, while the Plan for the Reduction of Racism and Antisemitism 2024–2027 is currently in its final stage of development.

#### **Paragraph 88**

94. Paragraph 88 of the opinion should clarify that Latvia does not have state media, but public service media.

#### **Paragraph 89**

95. The National Electronic Mass Media Council (hereinafter referred to as the “NEMMC”) has denied access to Yandex-related websites in Latvia, including “Yandex Music”, which also offers free access to Russian-made recordings of EU-sanctioned individuals and similar content. As a result, Latvian Radio broadcasts can no longer be listened to on the “Yandex Music” platform, but are available on other websites.

#### **Paragraph 94**

96. When analysing the changes in the Latvian media environment after Russia’s war in Ukraine, objectively valid reasons should be considered as to what programmes and resources are being cut and why. All programme and resource restrictions are made legally and in accordance with the law. Thus, 130 TV programmes have been restricted in total since 24 February 2022.

96.1. 7 television programmes were restricted for content violations, such as content inciting war or military conflict, content threatening national security or seriously endangering public order or safety, content inciting violence or hatred (Rossiya RTR, Rossiya 24, TV Center International (TVCI), RBK-TV, RTVi, Mir 24, BelRos). For programmes under EU jurisdiction, the European Commission has found that the NEMMC’s decisions are compatible with EU law.

96.2. 18 TV programmes were restricted due to sanctions imposed by the EU.

96.3. 100 TV programmes were excluded from the list of audio and audiovisual programmes to be retransmitted in Latvia as they were under the jurisdiction

of a third country (Russia) that threatened the security and territorial integrity of another country (Ukraine).

97. Decisions to restrict online content have been taken for the following reasons:
- a. illegally retransmitted TV programmes online – restriction on audiovisual content only. Sites illegally distribute content without a retransmission licence. In 2022, the NEMMC has restricted access to 321 websites that have distributed television programmes in Latvia without a retransmission licence;
  - b. EU-sanctioned content;
  - c. Websites that threaten national security. In this case, the NEMMC does not have the right to restrict the website without a decision of another competent authority. A two-institution assessment is required. In total, 213 such websites have been restricted by the NEMMC since 2022.

### **Paragraph 95**

98. Latvia disagrees with the statement in the Opinion that “little is known about the actual media consumption patterns after the suspension of TV channels originating from the Russian Federation”. In the autumn 2022 study on media content consumption habits of the Latvian population, commissioned by the NEMMC and conducted by the research company “Latvijas Fakti” (see “Latvia’s Facts. A study on the media consumption habits of the Latvian population. 2022” <https://www.neplp.lv/lv/media/5313/download?pielikums>), after the Russian media clampdown, 31% of respondents in the national minority audience group stated that television consumption had remained the same, 39% said it had decreased and only 1% said that it had increased. Overall, it was concluded that the majority (57%) of the surveyed Latvian population’s television viewing consumption remained unchanged after the Russian media blockade.
99. At the same time, the results of the survey show that one in four people in Latvia admitted that there is a lack of Russian state-sponsored television programmes (both TV and websites), which are limited in Latvia. In the Russian-speaking audience, one in two (51%) expressed this opinion. However, in the 16–30 age group, only 12% of respondents lack Russian state-supported media. 8% of the Latvian respondents have been looking for ways to continue using the limited Russian TV programmes. In the minority group, 14% of respondents were looking for opportunities to continue their limited use of Russian television programmes.
100. The most popular ways to watch restricted Russian TV programmes are VPNs, IPTV, satellite services or searching for restricted content on YouTube. The so-called Russian alternative media (Western, Ukrainian and Russian independent media in Russian) are already quite widely available in Latvia and, according to the survey, are used by a significant part of Latvian society: content produced by Russian-Western media such as Deutsche Welle, Current Time, BBC, etc., is used by one in three (32%) Latvian citizens, and 9% of respondents use them regularly. Of the minority population, 37% use these media. 31% use Ukrainian media in the Russian language, and 10% of the survey participants do it regularly. 26% of the Latvian population use content produced by independent Russian media, such as Meduza, Novaya Gazeta Europe, etc., and 7% use it regularly. 31% of ethnic minorities use it.

101. At the same time, the results of the survey show that 58% of the national minority respondents use media and information resources in Latvian (95% in Russian and 22% in English). In Latvia, of the 34 registered and active television programmes (public service, commercial) that produce content for Latvian audiences, 12 are 100% or almost entirely available in Russian, including news programmes on LRT+. However, there are 2 more programmes with content mainly in Latvian (LTV7 and TV24), which have informative analytical programmes in Russian. In addition, the 2 Estonian-registered programmes “TV3plus” and “Kanal7”, which are infotainment programmes in Russian, provide news for the Latvian audience, including local current affairs.
102. Thus, a total of 15 programmes registered in Latvia and/or intended for a Latvian audience, including 3 news programmes and a total of 6 programmes (LRT+, Kanal7, LTV7, TV24, TV3plus, 8TV) with news and informative analytical content at the national and regional level, are available in Russian in whole or in part. In comparison, there are only 3 programmes with news broadcasts in Latvian at the national level – “LTV1”, “TV3”, “ReTV” – and 2 at the regional and local level – “TV Kurzeme” and “Vidusdaugavas televīzija”. Of the 44 radio programmes registered in Latvia, a total of 17 are broadcast in Russian, which accounts for 39% of all stations. News broadcasts are planned on 14 national, regional and local programmes, including, in addition to “Latvijas Radio 4 – Doma laukums”, also “Baltkom radio”, “SWH+”, “Ef-Ei”, “Radio Rēzekne”, “Alise Plus”.
103. There are also 26 on-demand audiovisual services registered in Latvia, where broadcasts are available in Russian in whole or in part, including news and analytical programmes available on 3 services – “Replay/rus.lsm.lv”, “Latvijas ziņas ([www.lz.lv](http://www.lz.lv))”, “[RUS TVNET – Место для диалога](#)” – and films and TV series available on the following services – “Tet+”, “LMT Viedtelevīzija”, “Baltcom Filmas”, “Megogo”, “Movify”. After the programme restrictions, a total of 265 rebroadcast television programmes are available in Latvia, of which 126 are in Russian and only 57 in Latvian. Even now, after the restrictions on Russian TV programmes, the content available in Russian is significantly higher than in Latvian.
104. In line with the above, the conclusion that little is known about the actual media consumption patterns after the suspension of TV channels originating from the Russian Federation and that there is no precise data on the proportion of persons belonging to ethnic minorities who continue to watch restricted Russian television programmes, should be corrected.

### **Paragraph 99**

105. Latvia disagrees with paragraph 99 of the Opinion as it does not reflect the reality of the situation. Paragraph 7 of the “National Security Concept 2023” states: “[..] It must be ensured that the entire Latvian society is in a single information space, consuming single content, thus ending the division of society and promoting its cohesion on the basis of the official language. The future policy of protection and development of the information space of the country should be fundamentally based on the values of the Latvian language and the Constitution. A media policy and legal environment should be created that supports content in the official language [..] thus promoting the belonging of all Latvian citizens to a single information space based on the Latvian language



and other languages of the EU, the European Economic Area and EU candidate countries.”<sup>22</sup>

#### **Paragraph 104**

106. In Latvia’s view, the statement that the legal framework relating to the use of national minority languages in relations between representatives of national minorities and public authorities remains not in line with the Convention has been made without a broader assessment and analysis, without taking the totality of the circumstances into account.
107. Pursuant to Section 3 of the Law on the Framework Convention for the Protection of National Minorities, the Republic of Latvia considers Paragraph two of Article 10 of the Convention binding insofar as it does not contradict the Constitution of the Republic of Latvia and other laws and regulations in force in the Republic of Latvia that determine the use of the official language. Section 10, Paragraph two of the Official Language Law stipulates that State and local government institutions, courts and institutions constituting the judicial system, and State or local government undertakings (companies) shall accept from persons and only examine documents that are in the official language, except for in cases as prescribed in paragraphs three and four of this Section and in other laws.
108. Latvia draws attention to the fact that the provisions of this Section shall not apply to applications by persons to the police and medical authorities, rescue services and other authorities in cases of medical emergency, in cases of the commission of crimes or other offences, or when emergency assistance is summoned in the case of fire, accident or casualty. Thus, persons who do not know the official language are not, in certain cases, prevented from using the language they do know. In addition, according to Section 21, Paragraph five of the Official Language Law, the Government shall determine cases where a foreign language may be used concurrently with the official language in information that is intended for public awareness in places accessible to the public.
109. Latvia recognises the right of national minorities to the protection of their language and culture while ensuring an adequate balance with the rights and interests of the titular nation. Any decision affecting Latvia’s constitutional principles and values must take Latvia’s historical and geopolitical circumstances into account. The Constitutional Court has concluded that, considering the fact that in an era of globalisation Latvia is the only place in the world where the existence and development of the Latvian language, and together with it the existence of the main nation may be guaranteed, limitation of the usage sectors of the Latvian language as the state language in the state territory shall not be permissible and may be regarded as a threat to the democratic system.<sup>23</sup>
110. The implementation of national minority rights must not be aimed at the segregation of society and endanger the unity of society. The resignation of

<sup>22</sup> [Text of the Communication \(saeima.lv\)](https://www.saeima.lv).

<sup>23</sup> Para. 3.2 of the Conclusion Part of the Constitutional Court’s judgment of 21 December 2001 in Case No. 2001-04-0103.

persons of different identities within each of their identity spaces threatens the possibility of democratic discourse and joint action in a united society.<sup>24</sup>

### **Paragraph 107**

111. The Official Language Law does not apply to the use of languages in informal communication between inhabitants, in internal communication between national and ethnic groups, and in religious services, ceremonies, rituals and other religious activities.

### **Paragraph 109**

112. The recommendation to review legislative and policy framework related to the use of languages in dealings with administrative authorities and the recommendation that national minorities be allowed to freely use their language, in private and in public, suggest that the Advisory Committee has not fully familiarised itself with the real situation of language use in Latvia. It reflects both the policies of the Soviet occupation and the challenges of Latvia's integration policy, which have resulted in a segment of the population still living in Latvia without even a rudimentary command of the official language. All information lines for medical facilities, telecommunications and various services are available in Latvian and Russian. In shops and restaurants, you can still understand each other in Latvian and Russian. The Latvian legal and policy framework does not restrict the right of natural persons to choose the language of their communication, either in private or in public life. National minorities individual communication has not been restricted.

### **Paragraphs 110–112**

113. The spelling of personal names in accordance with the norms of the official language, irrespective of a person's affiliation to a certain group, protects against the unjustified alteration of names and surnames and the existence of different rendering variants, as well as guarantees the uniform recognition of personal names in the country. The grammar of a language in no way affects a person's right to self-determination, a person's name and surname are an integral part of his or her private life, and its restriction in the presentation or equation of a person's name or surname is permissible in order to achieve legitimate aims.

114. According to Section 19 of the Official Language Law, names of persons shall be presented in accordance with the traditions of the Latvian language and written in accordance with the existing norms of the literary language. There shall be set out in a passport or birth certificate, in addition to the name and surname of the person presented in accordance with the existing norms of the Latvian language, the historic family name of the person, or the original form of the personal name in a different language as transliterated into the Latin alphabet (in accordance with the transliteration table determined by the International Civil Aviation Organisation (ICAO)), if the person so wishes and can verify such by documents. The written form and identification of names and surnames, as well as the written form and use in the Latvian language of foreign language personal names, shall be regulated by the Cabinet of Ministers regulations.

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<sup>24</sup> Para. 23.2 of the Conclusion Part of the Constitutional Court's judgment of 23 December 2019 in Case No. 2018-12-01.

115. According to Paragraph 8 of the Cabinet of Ministers Regulation No. 134 of 21 February 2012 “Regulations Regarding Personal Identification Documents”, if a citizen or non-citizen of Latvia wishes, a personal identification document shall include the original form of the personal name in another language as transliterated into the Latin alphabet or the historical form of the surname of the family, or the historical form of the surname of the family as transliterated into the Latin alphabet. In view of the above, it is not envisaged to use their personal names in the minority language in the identity documents of persons belonging to national minorities.
116. Civil status registration is carried out in accordance with the requirements of the Official Language Law, i.e., the information in the Civil Status Register is entered in the official language.
117. According to Section 5, Paragraph eight of the Personal Identification Documents Law, identity card specimens, content, procedures for issue, as well as the term of validity shall be determined by the Cabinet of Ministers. In the personal identification document, information about the natural person is entered from the Register of Natural Persons, where it is entered in Latvian.
118. The Court<sup>25</sup> and the Court of Justice of the European Union<sup>26</sup> have held that the presentation of personal names in Latvian has a legitimate aim.

#### **Paragraphs 115–116**

119. Latvia refers to Article 4 of the Declaration and points out that Paragraph three of Article 11 of the Convention is binding insofar as it does not contradict the Constitution and other normative acts of Latvia which determine the use of the official language in relation to signs and topographical indications.

#### **Paragraph 124**

120. See further information on equal access to education for Roma children in the commentary on recommendation for immediate action No. 2.

#### **Paragraphs 125–137**

121. See information in the General Comments section on education reform.

#### **Paragraphs 130 and 131**

122. The Advisory Committee notes that time spent developing literacy and other skills in a national minority language does not undermine the development of the same skills in a majority language. Unfortunately, this is not an observation that is in line with Latvia’s cultural and historical situation, as confirmed by the Advisory Committee’s observation in Paragraph 130 that “teachers from minority language schools explained to the Advisory Committee, they had very positive experiences with a bilingual approach especially for younger children, where they would make use of the home language (usually Russian) to understand and internalise key concepts that underlie the different curriculum subjects, and then gradually introduce the Latvian equivalent terminology on this basis. At the time of the monitoring visit, teachers had still not been provided with appropriate methodologies regarding how to introduce concepts immediately in the child’s second language.” The need for “appropriate methodologies” to “introduce concepts immediately in the child’s second

<sup>25</sup> *Mentzen alias Mencena vs Latvia*, decision of 07.12.2004, application No. 71074/01.

<sup>26</sup> *Malgożata Runevič-Vardyn and Łukasz Wardyn v Vilnius miesto savivaldybės administracija*, Case No. C-391/09, [EUR-Lex – 62009CA0391 – EN – EUR-Lex \(europa.eu\)](#)

language” can only be a sign of the poor Latvian language skills of both pupils and teachers.

#### **Paragraphs 133 and 134**

123. The Advisory Committee notes that representatives of the Russian minority and other minorities who support bilingual education in Russian and Latvian anticipate that schools that have always taught only in Latvian may not find it attractive to enrol a large proportion of children whose first language is Russian. Latvian law does not give educational institutions the right to choose which pupils to admit. When starting primary education, it is organised according to the child’s declared place of residence, considering the application registration procedure. According to Section 31 of the General Education Law, an educational institution implementing basic education programmes may not organise entrance examinations for the enrolment of students for grades 1–9, except for state grammar schools and vocational education institutions.

#### **Paragraph 136**

124. We would like to draw attention to the fact that Latvia’s experience in ensuring the right of the Russian minority to education in Russian for 30 years has shown that without a transition to a unified education system in the official language, the right of minority children to quality education is not guaranteed.

#### **Paragraphs 138–149**

125. Latvia reiterates the reference to the 2023 judgments of the Court in cases *Valiullina and others vs Latvia* and *Džibuti and others vs Latvia* and the information provided on the education of Roma children (see Paragraphs 23 and 35 above).

#### **Paragraphs 150–176**

126. In analysing the teaching of national minority languages in public schools, Latvia requests that the information on education reform and the need for it as set out in the General Comments section on education reform be considered.

#### **Paragraph 164**

127. With regard to the point made in Paragraph 164 of the Opinion, Latvia repeatedly draws the Advisory Committee’s attention to the fact that, despite the fact that more than 30 years have passed since the Latvian language was established as the only official language of the State, until now the rights of national minority children to fully learn the official language and thus to fully participate in the Latvian community have not been ensured. Any hesitation on this issue on the grounds that knowledge of the official language is gradually improving is unacceptable.

#### **Paragraph 165**

128. Article 14(2) of the Convention sets out two alternatives: adequate opportunities for being taught a minority language or to receive instruction in that language in an area historically or largely inhabited by persons belonging to a minority. The provision does not oblige the State to provide both of the above measures; the state has a discretion to implement one or both. If the State provides adequate opportunities for being taught national minority language in special interest education, the obligations of Article 14(2) of the Convention are fulfilled.

129. The Advisory Committee should also consider Article 14(3) of the Convention, which states that the implementation of Article 14(2) shall be without prejudice to the learning of the official language or the teaching in this language. The lack of knowledge of the official language among children of the Russian minority, in the context of a long-standing bilingual education system, is proof enough that such a system is detrimental to the learning of the official language.
130. Latvia repeatedly draws the Advisory Committee's attention to the 2023 judgments of the Court in *Valiullina and others vs Latvia*<sup>27</sup> and *Džibuti and others vs Latvia*<sup>28</sup>, where the Court, referring to its well-established case law, emphasised that the State is not obliged to provide learners with the possibility to choose a language of instruction other than the official language. Moreover, the Court also drew that conclusion from the provisions of the Convention, concluding that the state is entitled to take measures to remedy the de facto inequalities in the use of the Latvian language in education created by historical circumstances – the occupation of the State, the segregated education and the policy of Russification implemented during the occupation – while ensuring the right of minorities to preserve and develop their language, culture and identity. The Court also stressed that, although the constitutional system in Latvia provides for higher protection of the rights of persons belonging to national minorities than is provided for in the European Convention for the Protection of Human Rights and Fundamental Freedoms, there is no European consensus on the right to education in a mother tongue other than the official language, and Member States have a wide margin of discretion in this area. Also, it does not follow from the Convention that states are under an obligation to provide education in a language other than the official language or to provide education in a language other than the official language in a certain proportion as a means of preserving and developing linguistic, ethnic and cultural distinctiveness, without regard to the national constitutional legal system. Although the Court's judgments have not yet entered into force, the conclusions relied on by Latvia were drawn by the Court in relation to parts of the complaint which, under the Convention, the Court will not review, even if the case is referred to the Grand Chamber of the Court.

### **Paragraph 169**

131. Paragraph 169 of the Opinion is worded inaccurately, giving the false impression that primary education in Latvia is completed by grade 12.

### **Paragraph 182**

132. Latvia calls for the addition of information that according to the 2022 study "Study on Latvian Minority NGOs"<sup>29</sup>, national minority NGOs are mostly active in the field of culture and are not active in policy-making. At the same time, we note that the Evika Siliņa's Government Action Plan includes a task to specifically strengthen the capacity and participation of regional and minority NGOs by providing coordinated support and training for NGO representatives,

<sup>27</sup> *Valiullina and others vs Latvia*, judgment of 14.09.2023, application No. 56928/19 and 2 others (not yet in force).

<sup>28</sup> *Džibuti and others vs Latvia*, judgment of 16.11.2023, application No. 225/20 and 2 others (not yet in force).

<sup>29</sup> Latvian Academy of Culture, "Study on Latvian Minority Non-governmental Organisations", <https://www.km.gov.lv/lv/media/32253/download?attachment>.

while also strengthening local communities and organisations working with, among others, representatives of ethnic minorities.

### **Paragraph 187**

133. The requirement to know the official language to a certain extent for the performance of professional and official duties is aimed at ensuring the normal functioning of state institutions and strengthening the Latvian language as the only official language in Latvia. Stable and effective functioning of State institutions that have been properly legitimised is one of the preconditions for the existence of a democratic order. Therefore, comprehensive and consistent use of the official language on an appropriate level in the work of these institutions is necessary.<sup>30</sup>

### **Paragraph 190**

134. According to the latest statistics for 2022, **18.3%** of Roma (aged 15 and over) are employed, compared to **54.7%** of the general population.<sup>31</sup>

135. The opinion notes that Roma women's organisations believe that specific adult education programmes are needed to enable Roma women to access the labour market. It should be emphasised that any person who has been granted the status of unemployed by the State Employment Agency (SEA) is entitled to participate in the employment measures provided for in the individual job search plan, considering the results of the profiling, as well as to receive other services from the SEA.

136. Although the 2022 report of the Ombudsman concluded that the knowledge of Roma about social benefits is satisfactory, it was pointed out that many have difficulties in filling in the necessary documents due to a low level of education or illiteracy, we would like to stress that social work and social assistance is aimed at solving individual cases; therefore, in cases when a person has difficulties in writing an application, understanding what documents are needed, social workers of municipal social services are involved in solving these problems and provide the necessary support.

### **Paragraph 191**

137. According to the latest statistics for 2023, **13.3%** of Roma households had six or more persons, compared to only **3.5%** for households as a whole. Roma dwellings were less likely to have water closets, bathrooms and central heating, and **17.3%** of Roma did not have access to running water.

138. Regarding housing, there are two measures of the "Plan for the implementation of the measures of the Roma Strategic Framework 2024–2027" (measures 4.17 "Rehabilitation of social housing and construction of new social housing" and 4.18 "Improving access to housing for people in need and the disadvantaged"). The first measure aims to support municipalities in the renovation and construction of social and rental housing, ensuring the availability of at least 1 500 renovated or newly built quality housing units in the country for socially and economically vulnerable people. The second measure aims to develop a new law aimed at addressing housing affordability issues, replacing the existing Law on Assistance in Solving Apartment Matters, the main objective of which

<sup>30</sup> Para. 17 of the Conclusion Part of the Constitutional Court's judgment of 7 December 2013 in Case No. 2012-24-03.

<sup>31</sup> [Roma \(Gypsy\) share of the population and characteristics 2011–2023. PxWeb \(stat.gov.lv\).](#)

would be to revise the types of assistance and the procedure for providing assistance currently foreseen in the law, as well as to expand the range of persons eligible for a municipal rental apartment or short-term housing service. Accordingly, both measures target the provision of housing for socially and economically vulnerable, distressed and disadvantaged people, including Roma.

**Paragraph 195**

139. Aware of the at-risk groups and their needs, the draft plan of the Ministry of Culture for the implementation of Roma Strategic Framework 2024–2027 includes a measure to involve Roma mediators in health promotion training to ensure the dissemination of information in the Roma community to improve health literacy, including sexual and reproductive health and prevention of substance abuse and addictive behaviours.

**Footnote 16**

140. The link leads to thematic commentary 4, not 3, of the Convention. Please cite the correct source.

**Footnote 18**

141. The list is not exhaustive, omitting some nationalities, e.g., there are 1,181 Indians living in Latvia, and Vietnamese (278 people) are not included in the nationalities of EU countries, the United States and India.