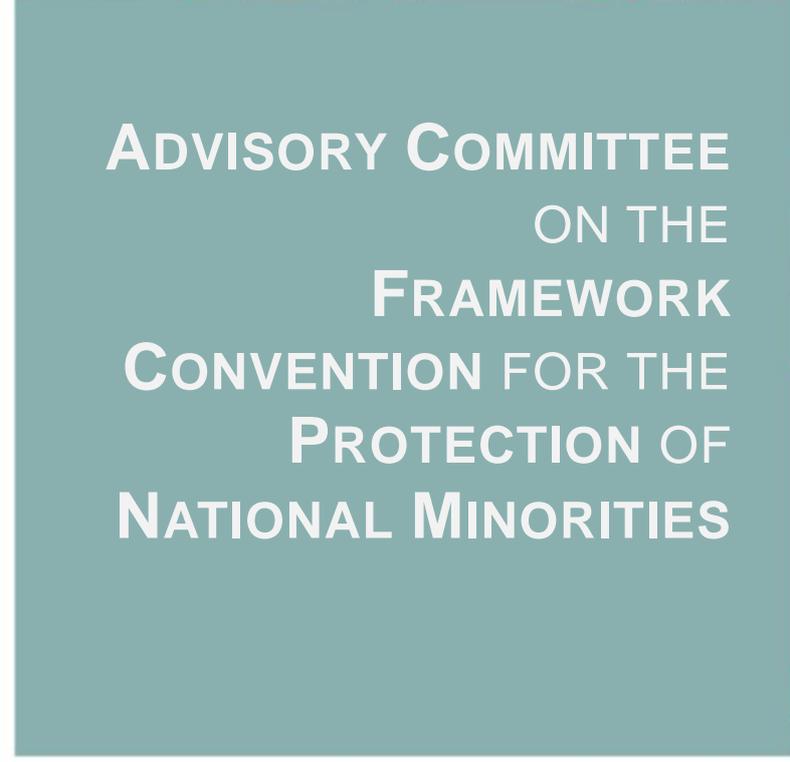




# FOURTH OPINION ON LATVIA



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

Adopted on 9 October 2023

COUNCIL OF EUROPE



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## SUMMARY

The level of implementation of the Framework Convention in Latvia underwent a marked decline during the monitoring period. The authorities further reinforced an exclusive narrative of Latvian national identity inextricably linked to the Latvian language, rather than emphasising the feeling of belonging to a multi-ethnic and multi-lingual civic nation. Given that the authorities understand the Latvian language to be the sole basis on which to build a cohesive and integrated society, they took further measures to restrict the use and learning of minority languages.

The Advisory Committee fully acknowledges Latvia's legitimate concerns regarding national security caused by the Russian Federation's aggression against Ukraine. This threat has decisively marked the societal and political climate. However, public discourse does not always distinguish between the actions of the Russian Federation and the domestic concerns of persons belonging to the Russian national minority, which is highly diverse. This leads to undue restrictions in their access to minority rights as protected under the Framework Convention.

Following a widely contested reduction of minority language education in 2018, a second reform adopted in 2022 will result in the phasing out of teaching in minority languages in most public and private preschools, schools and universities by 2025. While exceptions apply to a small number of schools teaching in Polish and Ukrainian, the termination of teaching in Belarusian and Russian will affect about 20% of all children of schooling age. With plans also underway to discontinue the teaching of Russian as a foreign language, the offer will be reduced to extracurricular courses of language and culture. Should all these measures be implemented as planned, Latvia's system of minority education will no longer comply with the Framework Convention's provisions regarding equal access to education, the right to set up private minority educational establishments, and the right to being taught the minority language or for receiving instruction in this language. 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.

Language proficiency requirements for most professions and public offices remain in place and are strictly enforced, including for teachers. The practice of public institutions to provide information on websites in the Russian language is being rolled back. The limited offer of public broadcasting in the Russian language has been further reduced and plans to discontinue it altogether are being discussed in the Latvian Parliament (*Saeima*). The use of languages other than Latvian in advertising for national elections has been prohibited. Previous recommendations by the Advisory Committee pertaining to language quotas in broadcasting as well as to the use of minority languages in identity documents, public administration and topographical signage have not been implemented.

The automatic granting of Latvian citizenship to new-born children constitutes a significant and long-awaited step forward. However, the status of permanent residents holding non-citizen status, which entails restricted rights to political participation, is still held by one in ten residents of Latvia. Positive steps have been taken to further strengthen the status of Livonians as an indigenous people. The Livonian language, as an autochthonous indigenous language, does not fall under the restrictions regarding minority language use. In a welcome move to preserve and promote the endangered language, topographical signage in the Livonian language is being installed along the Livonian coast. Roma are granted generous support for cultural purposes. Five Roma mediators working in municipalities have an important role in supporting Roma families, but their employment status is precarious. Important social questions such as barriers regarding access to education, substandard housing, problems accessing health care, and lack of participation in employment also remain insufficiently addressed.

**Recommendations for immediate action:**

- The Advisory Committee urges the authorities to widen their approach to integration of society beyond promoting the use of the Latvian language by incorporating a greater emphasis on intercultural dialogue and minority rights and thus strengthening the feeling of belonging to Latvian society among everyone, including persons belonging to national minorities whilst enabling expression and promotion of minority identities.
- The Advisory Committee urges the authorities to guarantee equal access of Roma children to quality inclusive education within the mainstream school system by undertaking annual monitoring, including from a gender perspective, of the enrolment and attendance of Roma children in preschools and schools. Furthermore, it is necessary to provide a sufficient number of qualified and adequately paid Roma mediators and teaching assistants, and to ensure that Roma children are appropriately supported.
- The Advisory Committee urges the authorities to substantially review the decision to transfer to full education in the Latvian language in the light of its possible negative consequences for equal access to quality education of children belonging to national minorities. The authorities are called upon to closely monitor the impact of any measures on children's educational outcomes, paying particular attention to preschool and primary level as well as to children with special educational needs.
- The Advisory Committee urges the authorities to ensure the right of persons belonging to national minorities to set up and manage their own private educational establishments providing instruction in minority languages at all levels of education.
- The Advisory Committee urges the authorities to reconsider, in close consultation with representatives of the national minorities concerned, the decision to phase out the bilingual teaching model. Provided there is sufficient demand, the choice to receive a part of the instruction in a minority language and the option to learn a minority language within the core curriculum, rather than solely in interest-related optional courses, need to be maintained at all levels. Education policies should be developed on the basis of independent and professional evaluations, taking into account the demand and the proficiency of children belonging to national minorities in both Latvian and their minority language. Furthermore, such policies require the effective participation of minority representatives in decision-making, as well as the timely development of appropriate education materials, teaching methodologies and teacher training.

### III. KEY FINDINGS

#### Monitoring process

1. This fourth cycle opinion on the implementation of the Framework Convention by Latvia was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fourth state report, submitted by the authorities on 27 October 2021, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Riga and Daugavpils from 27 February to 3 March 2023.

2. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit, and to the other interlocutors it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 8 June 2023, was transmitted to the Latvian authorities on 12 June 2023 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Latvian authorities on 16 August 2023.

3. The Advisory Committee's last opinion and the resolution of the Committee of Ministers on Latvia were translated into Latvian and published on the website of the Ministry of Foreign Affairs.<sup>1</sup> The Advisory Committee regrets that the texts have not been translated into minority languages. It also regrets that no follow-up event has taken place. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fourth cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial.

#### General overview of the current situation

4. Latvia's perspective on minority rights is inextricably linked to population losses during the Second World War and the historical experience of Soviet occupation, which entailed a semi-official policy of Russification and significant changes in the demographic composition of the population due to large-scale migration to Latvia from the Russian and other Soviet republics as well as mass deportations of the local population. As a result, the numerical size of the Russian minority in Latvia increased significantly between 1944 and 1991. The schooling system was separated into Latvian schools, where Russian was a mandatory part of the curriculum, and schools with Russian as a language of instruction, attended by students belonging to the Russian, but also Belarusian, Polish, Ukrainian and many other minorities. Over the years, the Russian language became dominant in the education system and also among persons belonging to most of the national minorities. Since the restoration of independence in 1991, the Latvian authorities have aimed at reintroducing the Latvian language as the only language of public communication. It has been granted constitutional protection "as a manifestation of national identity" and is actively promoted in all spheres of public life as the only official language.

5. In addition to the historical circumstances, Latvia's minority rights discourse vis-à-vis the Russian minority has been marked by tense bilateral relations with the neighbouring Russian Federation which, by its refusal to recognise Soviet occupation, calls into question the basis of Latvia's sovereignty. The situation has exacerbated since Russia's illegal annexation of Crimea in 2014 and the aggression against Ukraine in February 2022. The Advisory Committee strongly condemns the Russian Federation's aggression against Ukraine and deplors that the Russian Federation used minority rights as a pretext for the invasion.<sup>2</sup> In the light of these developments, the Advisory Committee wishes to recall Article 21 of the Framework Convention and stress that the Framework Convention, including any recommendation or assessment by the Advisory Committee in relation to a particular state, shall not be interpreted as implying any right for other states or any other actor to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of states.

6. The Advisory Committee fully acknowledges Latvia's legitimate concerns regarding national security. It also recognises the legitimacy of promoting and protecting Latvian as the state language. However, the Framework Convention being a human rights instrument granting rights to individuals belonging to national minorities living in Latvia here and now, the Advisory Committee cannot but conclude that Latvia's

<sup>1</sup> See news published on 4 April 2023 on the [website of the Ministry of Foreign Affairs](#).

<sup>2</sup> Advisory Committee on the FCNM (23 May 2022), [Statement on the Russian Federation's aggression against Ukraine](#).

approach to building societal cohesion primarily on the basis of the Latvian language, accompanied by a large range of measures on minority rights adopted in this monitoring cycle, unduly restricts these persons' rights and is therefore not in conformity with Latvia's obligations under the Framework Convention. Alongside the continued restrictive policies in the areas of non-discriminatory access to employment, participation in public affairs including elections, language use in media, identity documents, contact with the administration and topographical signage, the authorities introduced highly problematic reforms in the area of minority language education during this monitoring cycle. The Advisory Committee also notes the continuous endeavour by the Latvian authorities to ensure societal cohesion and integration. However, the predominant focus on the use of Latvian language whilst reducing possibilities for persons belonging to national minorities to access minority rights are rather conducive to the opposite development and risk worsening inter-ethnic relations.

### **Assessment of measures taken to implement the recommendations for immediate action**

7. Regrettably, none of the recommendations for immediate action made in the third monitoring cycle has been implemented. The Advisory Committee's first recommendation for immediate action pertained to the promotion of integration of society as a two-way process and the establishment of a dedicated structure to co-ordinate social cohesion policies in all relevant sectors. During the monitoring cycle, Latvia's integration policy was based on consecutive guidelines and action plans, which all place the Latvian language at the centre of integration efforts. This approach, coupled with a lack of effective participation of persons belonging to national minorities in the design of integration policies, fails to address the Advisory Committee's concerns about the need for mutual accommodation and protection of minority rights in line with the Framework Convention.

8. The language proficiency requirements for a wide range of professions and public offices and for board members of associations remain in place. Requirements have only been lowered for railway employees, who are in strong demand. During 2022, 139 teachers did not pass the tests conducted by the Language Inspectorate and were suspended from their jobs. Restrictions for persons holding non-citizen status in accessing certain types of employment and public offices and for voting in local and national elections also remain in place.

9. Teaching in and of minority languages has been significantly reduced first in the context of the 2018 education reform, which established a maximum share of 50% teaching in minority languages at primary level, 20% at lower secondary level, and full education in Latvian at upper secondary level. In 2022, the authorities decided to completely phase out education in minority languages, keeping only the option of extra-curricular courses of minority culture and language of three hours per week. As exceptions apply for languages that are official languages of the European Union (EU) and those falling under bi- and multilateral agreements, the restrictions apply to the Belarusian and Russian languages. Even bearing in mind the above, it is not entirely clear how education in and of Polish and Ukrainian will look in the future. Estonian, German, Lithuanian and Hebrew are already taught only as subjects in the respective schools. As the reforms affect both public and private educational establishments at all levels from preschool to university, and no exceptions are made for children with special educational needs, the reforms endanger not only the right to receive education in or of a minority language, but also the right to equal access to education in general.

10. Access to education continues to be a problem among Roma children. However, the Ministry of Education and Science monitors Roma children's enrolment and performance in schools only once in three years, meaning there is a lack of up-to-date data. This applies particularly to the situation regarding children diagnosed as having special educational needs, who until recently were mainly placed in special schools. With the shift to inclusive education, the number of Roma children in the few remaining special schools has decreased, but it is not clear how children genuinely requiring support are taken care of in mainstream schools.

### **Assessment of measures taken to implement the further recommendations**

11. Further recommendations made in the third cycle were also insufficiently addressed. Changing one's ethnic affiliation in the Register of Natural Persons is still subject to providing proof of descent and – additionally for Latvian ethnicity – the highest level of Latvian language skills. The Advisory Committee's recommendation pertaining to the spelling of personal names in identity documents has similarly not been implemented. Personal names of persons belonging to national minorities are still written following the grammatical rules of the Latvian language.

12. The authorities have taken measures to combat stereotypes and prejudice and to counteract manifestations of xenophobia in society. However, negative attitudes vis-à-vis persons belonging to national minorities, most prominently Roma, continue to be widespread and hate crime as well as hate speech on the internet are insufficiently addressed.

13. Language quota requirements in the broadcasting media remain in place. While radio broadcasting in minority languages remains at a satisfactory level, the hours of TV broadcasting in particular in the Russian language were reduced significantly. This is compensated only partially by the establishment of an online platform in the Russian language run by the public broadcaster. With a few exceptions, no public support to private or community media publishing in minority languages is provided.

14. Persons belonging to the Roma minority continue to be subject to inequality and discrimination in the areas of employment, housing and health care. The Action Plan for Implementing Measures of the Roma Strategic Framework 2022-2023 was developed in close co-operation with Roma civil society organisations, who also participate in its implementation and evaluation. Most of the funding for social measures contained in the plan, however, stems from the EU or consists of general measures targeted at the population overall.

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15. In the following part of the opinion, a number of articles of the Framework Convention are not addressed. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of application

16. Latvia's approach to the scope of application of the Framework Convention as reflected in the Declaration contained in the instrument of ratification of 6 June 2005 has remained unchanged.<sup>3</sup> The fourth state report lists Germans, Jews, Lithuanians, Poles, Roma and Russians as examples of minorities that have historically lived in Latvia, but states also that minorities without a long-term presence in Latvia "enjoy the rights guaranteed for ethnic minorities".<sup>4</sup>

17. Livonians are considered an indigenous people of Latvia and their status is recognised in the 1992 Law on Free Development and Right of Cultural Autonomy of Latvian National and Ethnical Groups. "Liv traditions" are referred to in the preamble to the Latvian Constitution<sup>5</sup> and the Livonian language is recognised in the Official Language Law as the only language alongside Latvian that is considered "domestic", while all others are considered "foreign".<sup>6</sup> The status of Livonians as an indigenous people has been further strengthened by the Law on Latvian Historical Lands adopted in 2021, which stresses the State's and municipalities' responsibility for the preservation and development of the identity, culture and language of Livonians as an indigenous people.<sup>7</sup> The Advisory Committee welcomes this renewed commitment to the status of Livonians as an indigenous people and to the protection of Livonian identity and heritage (see also Article 5).

18. Persons identifying as Latgalians are not regarded as a national minority by the Latvian authorities and have not expressed a wish to be recognised as such. However, they would welcome continued support for their culture and language (see Article 5). The Latgalian language is recognised as a historical variant of the Latvian language and its protection has equally been strengthened by the Law on Latvian Historical Lands of 2021.

19. The legal situation of permanent residents holding non-citizen status, so-called "non-citizens", has remained unchanged. Permanent residents holding non-citizen status who belong to national minorities enjoy a broad range of rights, including minority rights, but are excluded from serving in a number of public offices, the police and the armed forces, from standing in elections or voting in parliamentary and local elections (see Article 15), and from accessing certain social benefits (see Article 4).<sup>8</sup> The number of "non-citizens" has further decreased (from 214 206 persons in 2018 to 175 401 in 2023), but still constitutes 9% of Latvia's population. The non-citizen status affects approximately 45% of residents registered in the population register as Belarusians, 30% of Ukrainians and 26% of Russians.<sup>9</sup> Approximately 47% of permanent residents holding non-citizen status were born in Latvia.<sup>10</sup>

<sup>3</sup> See [Declaration contained in the instrument of ratification deposited on 6 June 2005](#).

<sup>4</sup> [Fourth State Report on the Implementation of the Framework Convention by Latvia](#), received on 27 October 2022, para. 63.

<sup>5</sup> "Since ancient times, the identity of Latvia in the European cultural space has been shaped by Latvian and Liv traditions." (Preamble, introduced to the Constitution in 2014).

<sup>6</sup> "Any other language used in the Republic of Latvia, except the Liv language, shall be regarded, within the meaning of this Law, as a foreign language" Section 5 of the 1999 Official Language Law.

<sup>7</sup> [Law on Latvian Historical Lands](#), adopted on 16 June 2021 (In Latvian).

<sup>8</sup> For a detailed assessment of the status of permanent residents holding non-citizen status and identifying as belonging to national minorities, see the Advisory Committee's analysis under Articles 3, 4, 6 and 15 of its first, second and third Opinions.

<sup>9</sup> See [website](#) of the Office of Statistics. In addition, 20% of Lithuanians, 18% each of Jews and Poles, as well as 14% of Estonians and 4% of Roma had non-citizen status in 2023. While data on other minorities is not publicly available, the Advisory Committee was informed that a number of permanent residents holding non-citizen status also identify as Moldovan.

<sup>10</sup> See [website](#) of the Office of Statistics. About one quarter of permanent residents holding non-citizen status were born in the Russian Federation.

20. Since 1 January 2020, the non-citizen status is no longer given to new-born children. Children born to “non-citizens” are automatically granted Latvian citizenship, unless the parents of the child have agreed to apply for the granting of citizenship of another country.<sup>11</sup>

21. While the number of applications for naturalisation sharply declined in 2020 and 2021, probably due in part to the Covid-19 pandemic, it slightly exceeded the pre-pandemic levels in 2022.<sup>12</sup> A sharp rise in March 2022 suggests that interest in naturalisation increased following Russia’s aggression against Ukraine.<sup>13</sup> The Office of Citizenship and Migration Affairs continues to organise information days on naturalisation, including in the regions. In 2021, an online tool to test one’s Latvian language skills and other knowledge needed for naturalisation was made available. Courses to acquire the necessary Latvian language skills are offered for persons registered as unemployed by the Employment Agency and through other initiatives funded by the state or municipalities.<sup>14</sup> Between 2017 and 2019, approximately 4 700 persons annually passed the national Latvian language proficiency test. A total of 136 800 persons have passed the test between 2001 and 2021.<sup>15</sup> Nevertheless, interlocutors stated that the number of courses on offer does not meet the demand.

22. The Advisory Committee reiterates its longstanding viewpoint that the personal scope of application should, where appropriate, also extend beyond citizens, particularly where exclusion on grounds of citizenship may lead to unjustified and arbitrary distinctions, such as when exclusion concerns persons without citizenship belonging to national minorities who permanently reside on a given territory.<sup>16</sup> It should be considered for each right separately whether there are legitimate grounds to differentiate its application based on citizenship.<sup>17</sup> While citizenship may be a legitimate requirement in fields such as representation in parliament and certain public offices, the Advisory Committee maintains its view that the current legislation unduly excludes permanent residents holding non-citizen status from a number of minority rights.

23. The Advisory Committee welcomes the decision to terminate the issuing of the status of “non-citizens” to new-born children. As regards the naturalisation of remaining permanent residents holding non-citizen status who belong to national minorities, the Advisory Committee positively notes the awareness raising efforts and the new online testing tool. Given that many “non-citizens” are older, it considers that awareness-raising measures and Latvian language courses should be tailored to this group’s specific needs.

24. The Advisory Committee strongly encourages the authorities to pursue an open and inclusive approach to the Framework Convention’s scope of application and reiterates its call to consider further extending the protection under the Framework Convention to permanent residents holding non-citizen status. Awareness-raising measures on naturalisation and Latvian language courses should be continued and tailored to the needs of the population still holding non-citizen status.

### Data collection and census

25. The population and housing census in 2021 was held, for the first time, as an exclusively register-based census. Data on ethnic affiliation is obtained from the Register of Natural Persons. As of January 2022, the register contained approximately 1.88 million residents, of which 63% were Latvians, 24.2% Russians, 3.1% Belarusians, 2.2.% Ukrainians, 1.9% Poles, and 1.1% Lithuanians. A share of 4.4%

<sup>11</sup> [Law on the Termination of the Granting of the Status of a Non-Citizen to Children](#), adopted on 17 October 2019.

<sup>12</sup> Written information provided by the authorities in March 2023.

<sup>13</sup> LSM.lv (6 June 2022), [Interest in acquiring Latvian citizenship grows](#).

<sup>14</sup> State report, para. 20.

<sup>15</sup> National Centre for Education, [Number of people who have passed the national language proficiency test](#) 2001-2021. Fewer exams took place in 2020 and 2021, which can be attributed to the Covid-19 pandemic.

<sup>16</sup> [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 15. See also the Venice Commission Report on Non-citizens and Minority Rights (CDL-AD(2007)001) adopted at its 69th plenary session (Venice, 15-16 December 2006).

<sup>17</sup> [ACFC Thematic Commentary No. 4](#), para. 30. See also ACFC 1st Opinion on Latvia, paras. 15-22.

affiliated with other ethnicities or indicated no ethnic affiliation. A total of 163 persons identified as Livonians.<sup>18</sup>

26. Compared to the census in 2011, Latvia's population decreased by 9.6%. The population of persons affiliating with national minority ethnicities such as Russian, Belarusian, Polish, Roma and Jewish decreased significantly (between 18% and 35%), whereas the number of persons affiliating as Latvian decreased by 5.9%. As regards ethnic distribution, the percentage of persons indicating Latvian ethnicity increased by 1.5% whereas the shares of all other ethnicities decreased slightly.

27. As information on language use is not collected in any register, such data was not obtained during the 2021 census. In the External Migration Survey conducted in 2017, approximately 61% of respondents indicated Latvian and 36% Russian as their "native language".<sup>19</sup> These figures are similar to the results of the 2011 census.<sup>20</sup>

28. Disaggregated data on the languages spoken by persons belonging to national minorities other than Russian is not available, but the Advisory Committee met with persons identifying with a wide range of ethnicities for whom Russian would be either the first language, or their second language after their minority language. These include persons belonging to the Jewish community, 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.

29. Recording one's ethnic affiliation in the Register of Natural Persons is optional and usually done by the parents upon birth or when new identity documents are issued in accordance with the Law on the Register of Natural Persons.<sup>21</sup> Only one ethnicity can be indicated. Persons aged 15 and older are entitled to change their ethnicity record only once and only upon proof that either one of their parents or grandparents were registered with the desired ethnic affiliation. Changing the record to "Latvian" additionally requires a proof of the highest level of proficiency in the Latvian language.<sup>22</sup> A person wishing to change the ethnicity record to "Livonian" but unable to prove the ethnic "origin" otherwise can do so on the basis of an opinion of a Livonian organisation.<sup>23</sup> Since 2016, not only citizens and permanent residents holding non-citizen status but also other residents with valid residence permits can change their record to "Latvian" or "Livonian" under the same conditions.

30. Reiterating that the right to free self-identification contained in Article 3 of the Framework Convention is a cornerstone of minority rights, the Advisory Committee finds that the requirements for entering and changing ethnic affiliation in the Register of Natural Persons run contrary to the Framework Convention. It recalls that "[s]elf-identification begins with the free decision of the individual which, if no justification exists to the contrary, is to be the basis of any personal identification. In the view of the Advisory Committee, a person's free self-identification may only be questioned in rare cases, such as when it is not based on good faith".<sup>24</sup>

31. Many of the Advisory Committee's interlocutors, particularly young people, mentioned that they identify with two ethnic affiliations, usually "Latvian" and that of a minority. Since it could be reasonably expected that an increasing share of Latvia's population will express this form of ethnic self-identification in future, the Advisory Committee considers that an approach providing for multiple affiliations would allow it to be better reflected.<sup>25</sup>

32. The Advisory Committee strongly encourages the authorities to review the requirements for entering and changing ethnic affiliation in the Register of Natural Persons with a view to ensuring full implementation

<sup>18</sup> See websites of the Statistical Office: [Percentages for largest minorities](#) and [absolute numbers for all minorities](#). The numerically smaller minorities include 4 784 Roma, 4 231 Jews, 2 407 Germans, 1 980 Armenians, 1 832 Tatars, 1 536 Estonians, 1 516 Azerbaijanis, 1 493 Moldovans, 1 227 Uzbeks and 906 Georgians. Other groups with more than 100 persons registered include Chuvash, Mordvins, Turks, Chinese, Kazakhs, Tajiks, Lezgins, Ossetians, Mari, Bashkirs, Udmurts; Koreans, Komis, Karelians and Chechens, as well as persons affiliating with other EU nationalities, the United States of America and India.

<sup>19</sup> Office of Statistics (2019), [Results of External Migration Survey](#).

<sup>20</sup> See website of the Statistical Office, [Language mostly spoken at home on 1 March 2011](#).

<sup>21</sup> [Law on the Register of Natural Persons](#), adopted on 14 December 2017.

<sup>22</sup> [Law on the Change of a Given Name, Surname and Nationality Record](#), adopted on 8 April 2009, Sections 3-6. Language proficiency requirements are lower for persons aged 75 and above or persons with disabilities.

<sup>23</sup> *Ibid*, Section 6, para. 4.

<sup>24</sup> [ACFC Thematic Commentary No. 4](#), paras. 9-10.

<sup>25</sup> See also UNECE Conference of European Statisticians Recommendations for the 2020 Censuses of Population and Housing, pp. 148-150. See also [ACFC Thematic Commentary No. 4](#), para. 16.

of the right to free self-identification in line with Article 3 of the Framework Convention, including the possibility of declaring multiple affiliations.

## Article 4 of the Framework Convention

### Legal and institutional framework on non-discrimination

33. Latvia's legal framework on non-discrimination is based on Article 91 of the Constitution, which contains a general prohibition of discrimination without listing any specific grounds of discrimination. In line with case law of the Constitutional Court and Latvian constitutional doctrine, the list of forbidden grounds under the Constitution should be interpreted broadly to include, for example, "race", ethnic origin, religion, and language. On its face, Article 91 of the Constitution applies to discrimination in the public sector and does not obligate private individuals. Discrimination clauses covering both the public and private sectors are contained in sectorial legislation such as the Labour Law, the Law on Social Security, the Electronic Mass Media Law, and the Law on Education, which prohibit discrimination, *inter alia*, on the grounds of "race", and either "ethnic origin" or "national origin".<sup>26</sup> Citizenship, or belonging to a national minority are not explicitly included as a ground of discrimination in any of these laws, though some laws contain open-ended lists.<sup>27</sup> Several sectorial laws prohibit also discrimination on the ground of language.<sup>28</sup> Both direct and indirect discrimination are prohibited and defined. Neither multiple nor intersectional discrimination are explicitly prohibited and defined. The fragmented character of the anti-discrimination framework reportedly complicates enforcement of the prohibition of discrimination.<sup>29</sup>

34. The Ombudsperson functions both as a National Human Rights Institution and Equality Body and deals with infringements of human rights, non-discrimination as well as the principle of good governance.<sup>30</sup> The Ombudsperson can review individual complaints and advise the parties on amicable settlements or make recommendations, advise victims in court cases, and file complaints in courts on issues of public interest. The Office has 51 staff and one consultant on Roma issues. The Office's annual budget increased from € 1.37 million in 2017 to € 1.78 million 2021 and is considered sufficient by the Ombudsperson. The Ombudsperson's website is available also in the Russian language. The Ombudsperson received a small number of discrimination complaints and the share of alleged cases on ground of ethnicity is very low.<sup>31</sup>

35. In 2021, the Ombudsperson reacted to a complaint about a possible discrimination against students of minority education programmes with regard to the lack of available remote learning content in online platforms, specifically the "Your Class" platform. The Ombudsperson found unequal treatment in access to the learning content and sent a letter to the Ministry of Education and Science asking to remedy the situation.<sup>32</sup> As of May 2023, the website contains some content in Russian but is not fully available in Russian or any other minority language. In the same year, the Ombudsperson provided an opinion on a legal norm preventing state and local government institutions from sending health-related information (in this case, information newspapers on vaccination) to residents in minority languages (see also Article 10). He concluded that it was proportionate and legally justified to provide information in other languages than Latvian only to persons actively requesting it rather than disseminating it to all residents without knowing whether the person understands Latvian or not.<sup>33</sup> The Ombudsperson informed the Advisory Committee

<sup>26</sup> If not mentioned otherwise, information in this section is based on European network of legal experts on gender equality and non-discrimination (2022), [Country report non-discrimination - Latvia](#).

<sup>27</sup> The Labour Law, the Law on Social Security and the Law on Electronic Mass Media contain open-ended lists, the others contain closed lists.

<sup>28</sup> These include the Labour Law, the Law on the Protection of Children's Rights, the Administrative Procedure Law, the Criminal Procedure Law, and the Law on Administrative Liability.

<sup>29</sup> European network of legal experts on gender equality and non-discrimination (2022), [Country report non-discrimination - Latvia](#), p. 7.

<sup>30</sup> The Ombudsperson's Office was accredited with A status in 2015. See [European Network of Human Rights Institutions](#).

<sup>31</sup> The Ombudsperson received 29 discrimination complaints in 2021, 32 in 2020 and 52 in 2019. The share of cases of alleged discrimination on grounds of ethnicity is very low (none in 2021, five in 2020, and three in 2019). One complaint on the ground of "language" is recorded for 2020. See European network of legal experts on gender equality and non-discrimination (2022), [Country report non-discrimination - Latvia](#), p. 85.

<sup>32</sup> Ombudsperson of the Republic of Latvia (2022), Annual Report 2021, p. 88. See the "Your Class" platform at [www.tavaklase.lv](http://www.tavaklase.lv).

<sup>33</sup> *Ibid.*, p. 19.

during its visit that he tends to receive more complaints from ethnic Latvians on the ground of employers demanding the knowledge of Russian than vice-versa. He also stressed the increase in societal polarisation since the beginning of the Russian Federation's aggression against Ukraine and that he received many complaints about anti-Latvian and anti-Ukrainian hate speech (see Article 6).

36. In 2020, the Ombudsperson published a survey "On the prevalence of discrimination in employment. Comparative report 2011 and 2020". The respondents considered age as the most widespread ground of discrimination (58%) followed by, inter alia, ethnic origin (31%), language proficiency (26%), "race" (9%), and skin colour (9%). Russian speakers stressed ethnic origin and language proficiency more frequently than other respondents did. In case of discrimination in employment, most respondents would turn to the State Labour Inspectorate and only 11% to the Ombudsperson's Office, though the rate increased from 6% in 2011.<sup>34</sup>

37. In 2022, the Ombudsperson's Office produced leaflets in the Romani language explaining how to bring a complaint to the institution. An information campaign on Facebook was launched under the title "Nationality is an opportunity. Roma – one of us". Roma representatives were pleased about the Ombudsperson's attention to their issues particularly in recent years.

38. The Ombudsperson conducts outreach activities through its website and Facebook, as well as through visits in schools, including those attended by children belonging to national minorities. Trust in the Ombudsperson among the population overall has increased and is high compared to other public institutions.<sup>35</sup> The Society Integration Foundation (SIF) also conducts awareness raising to promote respect for persons belonging to groups exposed to discrimination, such as the campaign "Openness is a value".<sup>36</sup> Despite these efforts, the low number of discrimination complaints on the ground of ethnicity contrasts with the findings of the 2019 Eurobarometer survey, where 25% found that discrimination on ground of ethnicity was "widespread" and 35% found this was the case for discrimination against Roma. The same study found that in case of discrimination people would rather turn to the police (20%) than to the Ombudsperson's Office (17%).<sup>37</sup> A SIF report from 2022 concludes that, despite progress over the past years, there is a relatively low level of awareness in Latvian society of where to turn to in case of discrimination. Awareness is particularly low among respondents who indicate their family language to be Russian. The report therefore underlines the importance of reaching out to target audiences in their everyday language of communication.<sup>38</sup>

39. The Advisory Committee emphasises that comprehensive anti-discrimination legislation covering both the private and public sphere is essential to guarantee persons belonging to national minorities the right of effective equality before the law and of equal protection of the law as enshrined in Article 4 of the Framework Convention. It regrets that Latvia's sectoral non-discrimination legislation contains a number of *lacunae* such as the prohibition of multiple or intersectional discrimination, which often affects women or persons with disabilities belonging to national minorities. The Advisory Committee also regrets that the fragmented nature of the legislation complicates its enforcement.

40. While the Advisory Committee welcomes that overall public trust in the Ombudsperson has increased, it considers that the small number of discrimination complaints could still reflect a lack of awareness of the institution or a lack of trust in its effectiveness among persons belonging to national minorities. The Advisory Committee considers that intensified engagement with persons belonging to national minorities, including in minority languages, is needed to realise the full potential of this institution.

41. The Advisory Committee calls on the authorities to review their legislation in order to ensure full implementation of the principle of non-discrimination for persons belonging to national minorities. The relevant legislation should include a definition and prohibition of multiple and intersectional discrimination and a comprehensive list of prohibited grounds, including language. Increased awareness raising and confidence-building among persons belonging to national minorities vis-à-vis the Ombudsperson's Office should be conducted.

<sup>34</sup> EU Agency for Fundamental Rights (FRA) (2021), [Franet National contribution to the Fundamental Rights Report 2021](#), Latvia, pp. 8-9.

<sup>35</sup> NRA.lv (13 January 2021), *Zūd uzticība informācijai kā tādai* (Trust in information as such is disappearing).

<sup>36</sup> European Commission Website on Integration (10 August 2018), [Latvia: Openness is a Value – Campaign for Diversity, Tolerance and Non-Discrimination](#).

<sup>37</sup> European Commission (May 2019), Special Eurobarometer 493, Discrimination in the European Union, [Country sheet Latvia](#). The most frequent grounds for discrimination were found to be age (40%) and disability (37%).

<sup>38</sup> Society Integration Foundation (2022), [Nīderlandes, Kanādas, Zviedrijas valstu izvērtējums: diskriminācijas novēršanas prakses](#) (Evaluation of the Netherlands, Canada, Sweden: antidiscrimination practices), p. 57.

### Equal access to rights

42. A number of legal provisions and practices, both dating from previous monitoring cycles and newly introduced during the last years, raise questions regarding the effective equality in accessing rights for persons belonging to national minorities. These concern language requirements for professions, pension rights of permanent residents holding non-citizen status, the right to private and family life of relatives of Russian citizens holding permanent resident status, access to information in minority languages, and equal access to education.

43. As noted in the Third Opinion, the language requirements applied to about 3 600 professions and positions adversely affect the possibility of persons belonging to national minorities whose first language is not Latvian to access employment in the private and public sectors. The regulations also affect persons who are already in employment. Following random tests by the State Language Centre in 2022, 139 teachers have been administratively sanctioned and suspended for not knowing Latvian at the required level.<sup>39</sup>

44. Approximately 25 000 permanent residents of Latvia are previous “non-citizens” or Latvian citizens who have acquired Russian citizenship. In September 2022, in the wake of the Russian Federation’s aggression against Ukraine, the Latvian Parliament (*Saeima*) adopted amendments to the Law on Immigration, providing that the permanent residence permits of Russian citizens belonging to this category will expire and can only be re-issued to persons holding a proof of Latvian language skills at A2 level dating back no later than 2001.<sup>40</sup> Persons not meeting the requirements for permanent citizenship will have to apply for temporary residence status, which does not give access to the same social and health care protection and poses additional costs with every renewal. Assuming that many of the affected persons have relatives who are Latvian citizens belonging to national minorities, the Advisory Committee is concerned about the potential negative effects of this measure on these citizens’ effective enjoyment of the right to private and family life. Persons belonging to the Russian minority are worried that relatives could be deported in case they are not able to pass the language test, including due to a lack of testing possibilities.<sup>41</sup> In the Advisory Committee’s view these requirements introduce legal uncertainty and are likely to impose an impossible or disproportionate burden on persons belonging to national minorities and their families without consideration being given to the circumstances of those affected.

45. As described in Article 10 of this Opinion, many public institutions have in the course of 2022 ceased the voluntary practice of providing information on websites also in the Russian language. As this also applies to the social and health spheres, the Advisory Committee is concerned that this measure may limit the possibilities of persons belonging to national minorities not sufficiently fluent in Latvian, especially the elderly, to access their social rights.

46. The Advisory Committee is also concerned about a potentially discriminatory effect of the education reforms described in Articles 12 to 14 on persons belonging to national minorities. It is particularly worried about the detrimental effects of these reforms on the implementation of the right to equal access to quality education at preschool and primary school levels by children belonging to national minorities whose first language is Russian, including children with special educational needs.<sup>42</sup>

47. Finally, the Advisory Committee is concerned about a potentially discriminatory effect arising from the differential treatment of minority languages depending on whether or not they are also EU official languages and whether or not they are covered by bi- or multilingual agreements. Belarusian and Russian do not fall under either of these categories. The Advisory Committee emphasises that from the perspective of the Framework Convention, the level of protection of minority rights, including in minority language education, should be guided by the needs and interests expressed by persons belonging to national

<sup>39</sup> LSM.lv (23 November 2022), [139 teachers fined for deficient language skills in Latvia](#).

<sup>40</sup> Law on Immigration, adopted on 31 October 2022. Persons aged 75 and older, children below 15, individuals with education in Latvian and persons with certain health diagnoses are exempt from the language tests. The amendments also state the conditions under which citizens of the Russian Federation and of Belarus can obtain temporary resident permits. See also LSM.lv (12 December 2022), [Around 25,000 people will face language test to extend residency rights](#).

<sup>41</sup> Reuters (9 May 2023), [Russian citizens take language test to avoid expulsion from Latvia](#).

<sup>42</sup> See also UN Committee on Economic, Social and Cultural Rights (30 March 2021), Concluding observations on the second periodic report of Latvia, [E/C.12/LVA/CO/2](#) and UN Human Rights Council / Special Procedures (8 February 2023), [Latvia: UN experts concerned about severe curtailment of minority language education](#).

minorities and should not depend on external circumstances, such as whether or not a minority language is an EU official language or covered by a bi- or multilateral agreement (see also Articles 13 and 14).

48. The Advisory Committee calls on the authorities to respect the principle of equality before the law and equal protection of the law and to ensure that insufficient proficiency in the state language does not constitute an obstacle to equal access to rights by persons belonging to national minorities.

### Promotion of effective equality for Roma

49. According to the authorities, Roma in Latvia continue to face discrimination, most prominently in the labour market, and experience inequalities in the fields of education, health care and housing. As a result, Roma are at higher risk of poverty and social exclusion than the population in general.<sup>43</sup>

50. Positive action to promote effective equality has so far been largely absent from the Latvian legal system, and there are no specific measures aimed at ensuring or promoting full equality or to compensate for disadvantages linked with racial or ethnic “origin” or other potential grounds of discrimination.<sup>44</sup> This notwithstanding, a range of welfare measures targeted at population groups in vulnerable situations benefit also persons belonging to the Roma minority in the areas of employment and education (see Article 12) and, to a lesser extent, housing and health care (see Article 15).

51. The policy objectives in this area were set out in the National Identity, Civil Society and Integration Policy Guidelines 2012-2018, the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020 and the Guidelines for the Development of a Cohesive and Civically Active Society 2021-2027. These policy documents were accompanied with action plans, the most recent ones being the Action Plan for Implementing Measures of the Roma Strategic Framework 2022-2023 and the Action Plan for a Cohesive and Civically Active Society 2022-2023.<sup>45</sup>

52. The policy documents and action plans were prepared in co-operation with civil society organisations, which continue to advise the authorities on implementation within the framework of the Advisory Council for the Promotion of Participation of Roma (see Article 15). The co-ordination role is with the Ministry of Culture, which since 2016 has run the EU-funded project “Latvian Roma Platform”, a mechanism for co-ordination and implementation of Roma inclusion measures at national, regional and local levels. The Latvian Roma Platform is also tasked with developing the new action plan for the period 2024-2027.

53. Within the framework of the Latvian Roma Platform, Roma mediators provide services in up to six municipalities, acting as intermediaries between local Roma families and the authorities and facilitating access to public services. Interlocutors of the Advisory describe this practice as a promising approach to fostering social inclusion that is worth developing further. To reach the full potential, more mediators are needed, and they would need better methodological and technical support as well as regular training.<sup>46</sup> Also, the salaries of mediators are relatively low, and they are not reimbursed for phone calls or transport costs.

54. In their exchanges with the Advisory Committee, representatives of the Roma minority said that while the above-mentioned strategies and measures went in the right direction, they perceive a lack of determination on the side of the authorities to effectively improve the situation of Roma in Latvia’s society. By far the largest share of the budget spent on Roma inclusion measures either stems from EU funds or consists of general policy measures for socially disadvantaged groups. No targeted measures specifically addressing Roma are financed from the budgets of the Ministry of Education and Science or the Ministry of Health. The Latvian Roma Platform receives 95% of its funding from the European Commission and only 5% from the state budget. The project-based approach leads to a high level of uncertainty, including

<sup>43</sup> [Plan for Implementing Measures of the Roma Strategic Framework for 2022-2023](#), p. 7.

<sup>44</sup> European network of legal experts on gender equality and non-discrimination (2022), [Country report non-discrimination - Latvia](#), p. 56.

<sup>45</sup> See [Guidelines on National Identity, Civil Society and Integration Policy 2012-2018](#), [Par Nacionālās identitātes, pilsoniskās sabiedrības un integrācijas politikas īstenošanas plānu 2019–2020. gadam](#) (National Identity, Civil Society and Integration Policy Guidelines 2019-2020), [Par Saliēdētas un pilsoniski aktīvas sabiedrības attīstības pamatnostādņem 2021–2027 gadam](#) (Guidelines for the Development of a Cohesive and Civil Society for 2021-2027), [Plan for Implementing Measures of the Roma Strategic Framework for 2022-2023](#), and [Par Saliēdētas un pilsoniski aktīvas sabiedrības attīstības plānu 2022-2023 gadam](#) (Action Plan for implementation of the Guideline for the Development of a Cohesive and Civil Society for 2022-2023).

<sup>46</sup> Ministry of Culture (July 2019), Final Report on the Latvian Roma Platform coordination meeting in the framework of the project “Latvian Roma platform IV”, pp. 2-3 and 7-8.

for such important measures as Roma mediators and teaching assistants. According to interlocutors, overly bureaucratic procedures lead to delays in the implementation of projects foreseen in the action plans. Furthermore, most support schemes listed in the action plan, such as active employment measures, social housing, or the introduction of local family assistants, benefit all eligible citizens and are not specifically tailored to the needs of Roma. Another problem is the lack of data on discrimination and effective equality of Roma, which would allow for more effective planning of policies and measures.

55. The Advisory Committee considers that the high dependence on project-based EU funding and limited long-term investment from the state budget is hampering access to full and effective equality for Roma. Proven good practices such as the local Roma mediators would clearly benefit from a sustainable long-term perspective provided by regular support from the state budget. The lack of employment, health care and housing programmes targeted at the specific circumstances of Roma, for instance the disproportionately low level of education (see Article 12), is likely to be an obstacle to the take-up of these measures by Roma and their impact in the long-term. The availability of relevant data and analyses on the situation of Roma, including Roma women, is key to ensuring evidence-based policy making.

56. The Advisory Committee calls on the authorities to increase public investment in effective, targeted and evidence-based measures to address discrimination and inequalities faced by Roma in a sustainable way. In particular, the system of Roma mediators should be institutionalised, professionalised and expanded to meet the needs that exist within Roma communities.

## Article 5 of the Framework Convention

### Protection and promotion of minority cultures and languages

57. Latvia's Cultural Policy Guidelines for the period 2021-2027 aim "to provide a sustainable and accessible culture for the development of Latvia as a nation-state and for the growth of every individual".<sup>47</sup> Explicit reference is made to the Livonian and Latgalian cultures and languages. As far as national minorities are concerned, the Guidelines mainly aim at increasing equitable access to the general cultural offer. They also mention the existing government support to national minorities within the framework of "societal integration", and to institutions such as the Mikhail Chekhov Russian theatre in Riga. In addition, there are institutions funded by municipalities such as the respective Houses of Culture of the Russian, Ukrainian and Polish minorities in Daugavpils. The state report also lists a wide range of cultural festivals and projects, including with an intercultural dimension and with the participation of minority youth.<sup>48</sup> Funding is disbursed through the "National Minorities and Society Cohesion Programme" administered by the Society Integration Foundation, and minority NGOs can apply for funding through the general "NGO Fund".<sup>49</sup>

58. The Ministry of Culture also provides institutional funding to the Ita Kozakēviča Latvian National Cultural Association, an umbrella organisation of more than 20 national minority associations. The organisation runs a cultural centre in Riga, which hosts concerts, exhibitions and other cultural events organised by its member associations. Activities have been resuming after the pandemic, but increased running costs due to inflation and high energy prices are posing challenges for the centre.

59. There are indications that the presence of the Russian language in the cultural sphere is decreasing. Following an order by the Ministry of Culture, for example, the Latvian Puppet Theatre will no longer offer performances in the Russian language, a step which the authorities justify by reference to the phasing out of Russian minority language teaching in education (see Article 14).<sup>50</sup>

<sup>47</sup> Compendium Cultural Policies and Trends (8 May 2022), [Cultural Policy News from Latvia](#). For the Latvian version of the 2021-2027 Guidelines, see the [website of the Ministry of Culture](#). The [Cultural Policy Guidelines "Creative Latvia"](#) for the period 2014-2020 are available in English.

<sup>48</sup> State report, paras. 82-85.

<sup>49</sup> Through the "National Minorities and Society Cohesion Programme", approx. €31 300 per year were disbursed in 2019-2021 and €84 300 in 2022.

<sup>50</sup> LSM.lv (2 April 2023), [Leļļu teātrī no rudens vairs nebūs izrāžu krievu valodā](#) (Puppet theatre will no longer perform in Russian from autumn).

60. The Roma Culture Centre, located in the centre of Riga, receives regular support from the Ministry of Culture for running its museum on Roma history and culture, international festivals and awareness-raising measures on the Roma Holocaust.<sup>51</sup>

61. Another positive development is the adoption of the Law on Goodwill Reimbursement to the Jewish Community in Latvia adopted by the *Saeima* in February 2022. Payments of €40 million over 10 years are foreseen to remedy “the historically unjust consequences” of the Holocaust and provide social and material assistance to survivors. It also includes funding to revitalise the culture of Latvia’s Jewish community, including funding for projects dedicated to religion, culture, education, health care, and the preservation of historic heritage.<sup>52</sup> The Advisory Committee welcomes the fact that, with the adoption of this law, the long-standing issue of Jewish community property has been resolved to the satisfaction of the Jewish community.

62. The 2021 Law on Latvian Historical Lands states support for Livonian identity, culture and language in its preamble and makes provision for bilingual signage (see Article 11). The Livonian cultural space in Kurzeme and the Livonian culture in Vidzeme have been designated part of the national intangible heritage in 2018 and 2022, respectively, and their inclusion in the UNESCO register of intangible cultural heritage is in preparation. In the context of the UNESCO decade of indigenous languages, Latvia has declared 2023 as a year of Livonian heritage.

63. The Livonian language is critically endangered, with only approximately 40 speakers left.<sup>53</sup> The community holds an annual summer school, which Livonians regard as a key activity to protect and promote their language. It is supported by the Ministry of Education and Science on the basis of annual grants. In addition, the Livonian Institute at the University of Latvia has developed online courses, a Livonian keyboard, and other digital tools to support the acquisition and use of the language. Representatives of the Livonian minority said they would appreciate increased sustainable financial support to meet the demand of both adults and young people to acquire the Livonian language beyond the annual summer school. So far, both the funding from the Ministry of Culture for Livonian associations and that from the Ministry of Education and Science for the summer school and the Livonian Institute is project-based. The same applies for small grants the municipality of Ventspils has been regularly providing for the annual Days of Livonian Culture.

64. The legal protection of Latgalian linguistic and cultural heritage has equally been strengthened through the 2021 Law on Latvian Historical Lands, including through the display of bilingual topographical signage (see Article 10). Latgalian is taught as an interest-related optional course in 17 schools and projects to promote the use of Latgalian in media are supported by the Society Integration Foundation.

65. The Advisory Committee reiterates that ensuring the rights in the Framework Convention requires positive action in order to preserve the essential elements of minority identities, including languages. This presupposes, in particular in the case of numerically smaller minorities, active promotion and encouragement of the use of minority languages, and the creation of an overall environment that is conducive to their use, in order to prevent them from disappearing from public life. In this vein, the Advisory Committee welcomes the increased efforts by the Latvian authorities to promote the Livonian indigenous language and culture. It notes, however, that budgets are mostly allocated on an annual basis which makes it difficult for the respective associations, which work on a volunteer basis, to develop long-term plans. In particular, any efforts to revitalise the Livonian language would need to be based on a comprehensive language plan in order to be sustainable.

66. The Advisory Committee calls on the authorities to revisit the support scheme for minority cultures and languages in a way that allows associations to apply for multi-year projects and have access to long-term baseline funding. This applies particularly to well-established, regular and significant activities such as the Livonian summer school.

## Article 6 of the Framework Convention

<sup>51</sup> See information brochures [On the genocide of Roma people in Latvia \(1941–1945\)](#) and [Overview of Roma culture in Latvia](#) available on the website of the Ministry of Culture.

<sup>52</sup> See [press release](#) of the *Saeimas* published on 10 February 2022.

<sup>53</sup> Livonian belongs to the Finnic branch of the Finno-Ugric language family, whereas Latvian is a Baltic (Indo-European) language.

### Intercultural dialogue and integration of society

67. Throughout the monitoring period, the authorities have taken a wide range of measures to foster intercultural dialogue and promote mutual respect and understanding in society, following policy documents, namely the National Identity, Civil Society and Integration Policy Guidelines 2012-2018 and Implementation Plan 2019-2020, and the Guidelines for the Development of a Cohesive and Civically Active Society 2021-2027.<sup>54</sup> The respective guidelines are accompanied by action plans and budgets and are regularly monitored and evaluated on the basis of quantifiable indicators. The implementation of the action plans is co-ordinated by the Ministry of Culture; funding to non-governmental organisations and media outlets is disbursed through the Society Integration Foundation (SIF).

68. Within the framework of the Guidelines 2021-2027, measures are foreseen under three directions of action: “national identity and belonging”, “culture of democracy and inclusive citizenship” and “integration”. The latter covers measures related to both migrants and to persons belonging to national minorities. It aims at promoting understanding of the diversity of the society and reducing stereotypes. Activities under this heading include creative camps and festivals for national minorities, promotion of the awareness of Roma history and culture, and campaigns to raise awareness of discrimination and prevent hate speech.<sup>55</sup>

69. The primary emphasis in these policy documents and strategies is given to the promotion of the Latvian language as a “uniting basis of society in everyday communication”, with a wide range of measures promoting the Latvian language and knowledge about Latvian history and culture targeted at migrants, persons belonging to national minorities, and the diaspora. In contrast, the documents foresee very few measures aimed at fostering appreciation of diversity, including linguistic diversity, among persons belonging to the majority and encouraging an open dialogue concerning multiple perspectives on historical events.<sup>56</sup>

70. The Advisory Committee regrets that integration is not sufficiently perceived as a process of mutual accommodation requiring efforts both from persons belonging to national minorities and from those belonging to the majority, and based on respect of diversity as society’s integral and valued part. It reiterates that it is essential “that all segments of society, majorities and minorities alike, are addressed in order for integration strategies to effectively facilitate the formation of societal structures where diversity and respect for difference are acknowledged and encouraged as normal, through recognition, mutual accommodation and active engagement on all sides.”<sup>57</sup>

71. The Advisory Committee acknowledges that integration is a process that requires all members of a given society to accept common public institutions and have a shared sense of belonging to a common state and an inclusive society.<sup>58</sup> It equally acknowledges that knowledge of the state language is an important element in ensuring inclusion of everyone, including persons belonging to national minorities. However, this approach needs to be coupled with the acceptance that persons with distinct identities are granted equal rights to participate and express their identities also in the public space. Use of one’s first language is rightly cited as a core element of identity maintenance for ethnic Latvians, but it should be recognised that the same also applies in the case of residents of Latvia whose first language is not Latvian.

72. According to a survey published in 2020, negative ethnic stereotypes are rather common in Latvian society. For example, the statement “representatives of some racial or ethnic groups are simply born less intelligent than others” is agreed with by one in three Latvians and one in four Russian-speaking persons.<sup>59</sup> The groups most affected by negative stereotypes are Muslims, persons of African descent and Roma.

<sup>54</sup> See [Guidelines on National Identity, Civil Society and Integration Policy 2012-2018](#), [Par Nacionālās identitātes, pilsoniskās sabiedrības un integrācijas politikas īstenošanas plānu 2019–2020. gadam](#) (National Identity, Civil Society and Integration Policy Guidelines 2019-2020), [Par Saliedētas un pilsoniski aktīvas sabiedrības attīstības pamatnostādņem 2021–2027 gadam](#) (Guidelines for the Development of a Cohesive and Civil Society for 2021-2027).

<sup>55</sup> See [Par Saliedētas un pilsoniski aktīvas sabiedrības attīstības plānu 2022-2023 gadam](#) (Action Plan for implementation of the Guideline for the Development of a Cohesive and Civil Society for 2022-2023).

<sup>56</sup> See [Par Saliedētas un pilsoniski aktīvas sabiedrības attīstības pamatnostādņem 2021–2027 gadam](#) (Guidelines for the Development of a Cohesive and Civil Society for 2021-2027).

<sup>57</sup> [ACFC Thematic Commentary No. 4](#), para. 54.

<sup>58</sup> OSCE High Commissioner on National Minorities (2012), [The Ljubljana Guidelines on Integration of Diverse Societies](#), Guideline 8.

<sup>59</sup> LSM.lv (23 March 2021), [Latvian intercultural prejudices and stereotypes: study results explained](#).

Approximately 42% of respondents believe that Roma cannot be trusted and many associate them with a deviant lifestyle.<sup>60</sup> Racism is particularly apparent with regard to non-white refugees and migrants.<sup>61</sup>

73. Prejudice also exists against persons belonging to the Jewish community.<sup>62</sup> In April 2023, the government adopted a Plan for the Reduction of Racism and Antisemitism. The plan also endorsed the application of the working definition of antisemitism of the International Holocaust Remembrance Alliance (IHRA) in Latvia, a decision the Advisory Committee welcomes.<sup>63</sup>

74. The 2020 survey on “intercultural stereotypes” also found that an overwhelming majority of ethnic Latvians and Russians have no negative feelings toward each other. Among ethnic Latvians, 11% of respondents expressed negative or very negative feelings towards Russians, whereas only 1% of Russians expressed negative feelings towards Latvians.<sup>64</sup> More recent surveys including this question do not exist, but it is obvious that relations between Latvians and Russians have been strongly impacted by the Russian Federation’s aggression against Ukraine. According to an opinion poll conducted in December 2022, approximately 60% of respondents, regardless of their ethnic affiliation, found that the aggression against Ukraine is increasing tensions between Russians and Latvians.<sup>65</sup>

75. In their exchanges with the Advisory Committee, representatives of the Russian minority shared their perception that the discourse about their minority is increasingly framed in a context of national security. The fact that according to surveys a significant share of Latvia’s Russian-speaking population did not immediately side with Ukraine in early 2022<sup>66</sup> and the open support of the aggression by some individuals affiliating with the Russian minority understandably sparked mistrust towards this community.<sup>67</sup> At the same time, many prominent persons belonging to the Russian minority as well as the “Harmony” Party primarily representing Latvia’s Russian speakers immediately condemned the aggression. While the Prime Minister and the mayor of Riga said that Latvia’s Russian-speaking citizens should not be held responsible for Russia’s aggression against Ukraine, Russian minority representatives told the Advisory Committee they would have wished for more such clear statements also by other prominent politicians.

76. Representatives of the Russian minority also perceived certain political decisions taken in the course of 2022, for instance on the removal of Russian as part of the curriculum (see Articles 12-14), as reactions to the Russian Federation’s aggression against Ukraine, leading some to the impression of being punished for the illegitimate and illegal actions of a foreign state. Some representatives of the Russian minority also criticised the dismantling of the Soviet-era monument in Riga marking the Red Army’s victory in 1945. Discussions are also ongoing about the fate of further monuments, street names, or inscriptions in Russian linked to the Soviet period or to Imperial Russia.<sup>68</sup>

77. The Advisory Committee regrets how the heightened threat to Latvia arising from the Russian Federation’s aggression against Ukraine has further undermined efforts to build a more inclusive society through the application of minority rights principles. The Advisory Committee fully acknowledges the legitimacy of Latvia’s security concerns and the necessity to take appropriate measures. However, it is concerned that the needs and interests of persons belonging to the Russian minority to express their identity are too sweepingly associated with the threat emanating from the Russian Federation and that the

<sup>60</sup> Mārtiņš Kaprāns, Inta Mieriņa, Andris Saulītis (2020), [Starpkultūru stereotipi un aizspriedumi Latvijā](#) (Intercultural stereotypes and prejudices in Latvia).

<sup>61</sup> In this context, see also Amnesty International (2022), [Latvia: Return home or never leave the woods. Refugees and migrants arbitrarily detained, beaten and coerced into “voluntary” returns.](#)

<sup>62</sup> LSM.lv (23 March 2021), [Latvian intercultural prejudices and stereotypes: study results explained.](#)

<sup>63</sup> [Plāns rasisma un antisemitisma mazināšanai 2023. gadam](#) (Plan for reducing racism and anti-Semitism for 2023).

<sup>64</sup> The Baltic Times (20 January 2021), [Most Latvians and Russians in Latvia have no negative feelings for each other – study.](#)

<sup>65</sup> [Kvantitatīva Latvijas iedzīvotāju aptauja par iedzīvotāju drošības sajūtu, cenu pieaugumu, Krievijas karu Ukrainā](#) (Quantitative survey of the Latvian population on their sense of security, rising prices, Russia’s war in Ukraine), December 2022.

<sup>66</sup> Una Bergmane (11 March 2022), [Latvia’s first response to Russia’s war in Ukraine.](#) Support for Ukraine increased throughout the year and reached 63% among Latvian Russians (and 93% of ethnic Latvians) in December 2022. [Kvantitatīva Latvijas iedzīvotāju aptauja par iedzīvotāju drošības sajūtu, cenu pieaugumu,](#) December 2022.

<sup>67</sup> Re:Baltica (23 February 2023), [A Year of War. The Deniers, the Agitators, the Glorifiers - Who are They?](#)

<sup>68</sup> See for instance LSM.lv (22 February 2023), [De-Russianizing street names stirs historical discussion;](#) LSM.lv (26 April 2023), [Pushkin’s monument in Riga to be relocated;](#) Una Bergmane (24 March 2023), [Seven lessons from Latvia a year after Russia’s invasion of Ukraine.](#) In March 2023, the Russian inscription on the Riga train station dating from the Soviet era was removed.

authorities have not made greater efforts to distinguish between the actions of a foreign state and the concerns of persons belonging to the Russian national minority in Latvia.

78. The Advisory Committee is also concerned that the official focus on prioritising the status of the Latvian ethnic nation within the Republic of Latvia undermines inclusivity and a sense of belonging to an ethnically and linguistically diverse civic nation.<sup>69</sup> It firmly believes that an approach based on genuine acceptance of diversity, including in the linguistic sphere, and on full and effective participation of persons belonging to minorities would be more effective in promoting an integrated, cohesive and inclusive society. Otherwise, the measures aimed to further the integration of society risk having the opposite effect.

79. The Advisory Committee urges the authorities to widen their approach to integration of society beyond promoting the use of the Latvian language by incorporating a greater emphasis on intercultural dialogue and minority rights and thus strengthening the feeling of belonging to Latvian society among everyone, including persons belonging to national minorities whilst enabling expression and promotion of minority identities.

### Protection from hostility and violence

80. The incitement to national, ethnic, racial or religious hatred or enmity on grounds of “gender, age, disability of a person or any other characteristics” is prohibited in Articles 78 and 150 and other relevant sections of Latvia’s Criminal Code.<sup>70</sup> In line with Article 48 (14) of the Criminal Code, aggravating circumstances apply to crimes committed with racist, national, ethnic, or religious motives and “due to social hatred”.

81. In addition, a number of legal provisions provide for administrative punishment for incitement to hatred in the media and during public events. In particular, the Law on Administrative Liability of 2018 establishes hatred against distinctive features of a person, such as race, religious beliefs, nationality or other clearly obvious distinctive features of the person as aggravating circumstance for different administrative offences.<sup>71</sup>

82. The number of criminal proceedings for incitement to hatred continues to be low. The number of adjudicated criminal proceedings on incitement to hatred under Articles 78 and 150 of the Criminal Code was seven in 2019, four in 2020, six in 2021, and 10 in 2022. From these 27 cases, four were directed against Jews, eight against Latvians and the Latvian nation, and one against Russians and Roma; eight were linked to hatred against Ukrainians or Latvians and Ukrainians.<sup>72</sup>

83. To address criticism about the low rate of criminal investigations of hate crime, capacity building and research were conducted within the framework of a project for the judiciary, State Police and Prosecutor General’s Office. In 2021 and 2022, several thematic activities were organised and 23 specialists took part in training sessions.<sup>73</sup> One of the conclusions of research conducted within the project was that from 121 applications alleging incitement to hatred registered with the Police from 2016 to 2020, 80% referred to insults on the internet. In 71% of cases the authorities refused to initiate criminal proceedings, mostly for lack of evidence. In two cases (1.65%), administrative infringement proceedings were initiated.<sup>74</sup>

<sup>69</sup> See also ACFC Third Opinion on Latvia, para. 11.

<sup>70</sup> Crimes under Article 78 fall in the category of “Crimes against Humanity and Peace, War Crimes and Genocide” (Chapter IX) and come under the jurisdiction of the State Security Service. Article 150 is part of Chapter XIV on “Criminal Offences against Fundamental Rights and Freedoms of a Person” and falls within the remit of the State Police. Among other provisions, there is a prohibition of “Invitation to Genocide” (Section 71.1) and “Acquittal of Genocide, Crime, against Humanity, Crime against Peace and War Crime” (Section 74.1). For further details see ACFC Third Opinion on Latvia, and Jekaterina Tumule and Aleksandrs Milovs (2022), [Hate speech and Euroscepticism in Latvia. National Report](#), pp. 11-12.

<sup>71</sup> [Law on Administrative Liability](#), adopted on 25 October 2018, Section 21 (5).

<sup>72</sup> Written information provided by the authorities on 30 March 2023. The crimes against Ukrainians and against Ukrainians and Latvians all happened in 2022 and were linked to glorifying and justifying war crimes.

<sup>73</sup> See [website](#) of the Programme “Capacity building and awareness rising to prevent and counter intolerance in Latvia (CALDER)”.

<sup>74</sup> Written information provided by the authorities in February 2023.

84. Only limited data is available on the prevalence of incitement to hatred, but research as well as information received by the Advisory Committee during the monitoring visit suggest that it constitutes a serious problem, in particular on social media and websites. For instance, according to a report published in 2022, hate speech on ethnic grounds focusing on ethnic Latvians as well as on Russians or “Russian speakers” is widespread.<sup>75</sup> It peaks in the context of specific dates, such as 9 May, political decisions on issues around integration or education, and most recently the Russian Federation’s aggression against Ukraine. The report also found that negative stereotypes of and prejudices against Roma are reinforced by the media, who often portray Roma as offenders. The public reactions towards such discriminatory comments are usually weaker because anti-Roma hate speech is perceived as normalised within society. Antisemitic hate speech and conspiracy theories such as in the context of the Covid-19 pandemic are widespread.<sup>76</sup>

85. The Advisory Committee emphasises that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of hostility or violence as a result of their ethnic, cultural, linguistic or religious identity. States have the obligation to take all necessary preventive measures as well as to ensure that cases of alleged hate crime and criminal hate speech are effectively investigated. Law enforcement and criminal justice authorities need to collect disaggregated data on such cases and make these publicly available.<sup>77</sup>

86. In this light, the Advisory Committee is concerned about the gap between the perceived high prevalence of acts of incitement to hatred, most prominently hate speech on the internet, on the one hand, and the very low rate of criminal proceedings and convictions on the other. Particularly during the current context of the aggression against Ukraine, it considers it important that persons belonging to all national minorities can trust the law enforcement mechanisms to investigate alleged acts of incitement to hatred. Additional and more systematic efforts on the part of the authorities, going beyond a project-based approach, are needed to identify and eliminate the challenges in investigating and prosecuting hate crimes. These next steps could include comprehensive initial and in-service training for police officers, prosecutors and judges that is specifically focused on detecting and handling such crimes.

87. The Advisory Committee calls on the authorities to ensure the effective investigation, prosecution and sanctioning of acts of incitement to national, ethnic, racial or religious hatred, to further increase systematic training for law enforcement authorities, and to build confidence in the mechanisms available.

## Article 9 of the Framework Convention

### Media in minority languages

88. The language quota requirements of the Law on Electronic Mass Media described in the Third Opinion have not changed. The law stipulates that at least 65% of all broadcasts produced by public and private national and regional electronic mass media shall be in the official language. The law further stipulates that foreign-language films be voiced over, dubbed or subtitled in Latvian and that television broadcasts in foreign languages, except for live broadcasts and news, be provided with subtitles in the Latvian language.<sup>78</sup> An amendment in 2018 stipulated that transfrontier channels that can be received in Latvia must have an audio channel available in the Latvian language.<sup>79</sup>

89. On public radio, the 24/7 channel *Latvijas Radio 4 – Doma laukums* offers content in 11 languages.<sup>80</sup> Some content is also available in Latgalian and Livonian. The channel provides educational and informational programming for all age groups about current affairs of Latvia. It is available in linear broadcasting in 52.7% of Latvian territory, covering mainly Riga and the Latgale region. Since early 2022,

<sup>75</sup> Jekaterina Tumule and Aleksandrs Milovs (2022), [Hate speech and Euroscepticism in Latvia. National Report](#), pp. 17-19.

<sup>76</sup> *Ibid.*, p. 19.

<sup>77</sup> See also [Recommendation CM/Rec\(2022\)16 of the Committee of Ministers to member States on combating hate speech](#), adopted on 20 May 2022, paras. 12 and 58.

<sup>78</sup> [Electronic Mass Media Law](#), adopted on 12 July 2010, section 28 and section 32, para. 3. See also IRIS Legal Observations of the European Audiovisual Observatory (January 2015), [Amendments to the Latvian Electronic Media Law](#).

<sup>79</sup> [Electronic Mass Media Law](#), adopted on 12 July 2010, section 32, para. 5.

<sup>80</sup> Russian, Estonian, Polish, Lithuanian, Belarusian, Ukrainian, Hebrew, Georgian, German, Armenian and Tatar.

additional content in Ukrainian targeted at refugees from Ukraine is provided. *Latvijas Radio 4* mainly broadcasts in Russian, the level of which has remained the same since 2018. Since 2022, *Latvijas Radio* also has a mobile application, which is also available in the Russian language. Programmes produced by the channel, including in the Russian language, are also available in podcast format through streaming platforms such as Yandex Music.<sup>81</sup>

90. On public TV, the second channel *LTV7* offers some programming in the Russian language, which has however decreased considerably during the monitoring period, from 1 169 hours per year in 2018 to only 318 hours in 2022. Since 2021, both the *LTV7* programmes in Russian and the audio content from *Latvijas Radio 4* are available on the multimedia platform RUS.LSM, which is managed by the public broadcaster. Approximately 2.5 hours of news programmes in Russian are produced on weekdays, as well as one special report per month and two documentaries per year. The platform also provides some content in Polish and Ukrainian.

91. At a policy level, the Mass Media Policy Guidelines 2016-2020 set diversity of formats, genres, but also languages, as one of the five fundamental principles of Latvia's media policy.<sup>82</sup> The Guidelines identify the "existence of several information spaces as one of the main problems in Latgale", Latvia's eastern region inhabited by many persons affiliating with the Russian minority or other persons whose first language is Russian. To respond to this finding, the authorities planned to strengthen the supervisory function of the National Electronic Mass Media Council. The Guidelines also set the target of maintaining the number of national newspapers in Russian at the same level (3) and reducing the number of regional newspapers in Russian from 14 in 2015 to 13 in 2018.<sup>83</sup> The Advisory Committee is not aware of an evaluation or follow-up to these Guidelines.

92. Based on 2016-2022 Guidelines, the Media Assistance Fund provides support for the creation of "socially significant content", including in a category targeted at minority audiences. According to written information provided by the authorities in February 2023, a total of 15 projects amounting to €380 000 were approved from 2017 to 2020 in the ethnic minority audience category. This appears to be a rather small share of the total funding available, which in 2023 amounts to €4.2 million. Also, funding is usually provided for media production in the Latvian language.<sup>84</sup> During the Covid-19 pandemic, the authorities provided support to private local and regional media outlets, including those producing in minority languages.<sup>85</sup> The authorities also offset the delivery tariff for printed media, regardless of the language.

93. A report published in 2022 found that, before the war in Ukraine, content produced by TV channels originating from the Russian Federation was consumed by 63% of Latvian residents, including 82% among persons belonging to national minorities and 51% among persons identifying as ethnic Latvians. According to the report, "46% of Russian speakers did not access media in the Latvian language at all."<sup>86</sup>

94. Since the illegal annexation of Crimea by the Russian Federation in 2014 and particularly following the start of the aggression against Ukraine in February 2022, the authorities have restricted the retransmission of TV channels originating in the Russian Federation. In 2014, 2016 and 2021, the National Electronic Mass Media Council suspended the retransmission of the TV channel Rossiya RTR on the basis of statements inciting hatred and ethnic conflict.<sup>87</sup> In 2022, the *Saeima* adopted several amendments to the Law on Electronic Mass Media and the Electronic Communications Law, resulting in the suspension of 130 TV channels originating from the Russian Federation and restrictions to 169 websites with content endangering national security.<sup>88</sup> Nevertheless, there remain available a number of private channels (for

<sup>81</sup> Written information provided by the authorities to the Advisory Committee in February 2023.

<sup>82</sup> See website on [Media Policy](#) of the Ministry of Culture.

<sup>83</sup> [Mass Media Policy Guidelines of Latvia](#), p. 8.

<sup>84</sup> Written information provided by the authorities in February 2023.

<sup>85</sup> State report, para. 45.

<sup>86</sup> Latvian Centre for Human Rights (2022), [Hate speech and Euroscepticism in Latvia](#), p. 26.

<sup>87</sup> See IRIS Legal Observations of the European Audiovisual Observatory (July 2021), [European Commission: Decision to suspend broadcast of Rossiya RTR in Latvia compatible with AVMS Directive](#).

<sup>88</sup> IRIS Legal Observations of the European Audiovisual Observatory (September 2022), [Latvia: Extension of the media restrictions on Russian channels](#). It is also worth noting that the Latvia authorities invited exiled independent journalists and media from the Russian Federation to continue working from Riga. See Euronews (23 February 2023), [Latvia provides a base for exiled independent Russian journalists](#). See also IRIS Legal Observations of the European Audiovisual Observatory (February 2023), [Revocation of TV Rain's broadcasting permit for threats to national security and public order](#).

example LRT+ and TV24) that produce content specifically for audiences in Latvia and offer programming partially in Russian.

95. During its monitoring visit in early 2023, the Advisory Committee learned that little is known about the actual media consumption patterns after the suspension of TV channels originating from the Russian Federation. It appears that the few existing private Russian-language portals based in Latvia are in high demand, but they depend either on advertising or on international funds.<sup>89</sup> A study conducted in autumn 2022 showed that 76% of respondents affiliating as belonging to an “ethnic minority” are interested in consuming Latvian media content in the Russian language. Some 14% of this category used Virtual Private Networks (VPN) or other means to continue using blocked Russian media.<sup>90</sup>

96. In January 2023, the government approved a National Concept on Strategic Communication and Security of the Information Space 2023-2027. It states that “a significant proportion of minorities in Latvia has for a long time adhered to disinformation and propaganda channels controlled by Russia. In order to prevent the exclusion, maintain and promote the belonging of these groups of society to Latvia, after denying access to these channels, it is important to continue providing alternative high-quality news and entertainment content to these audiences in the short term through the existing Latvian media while not increasing additional content in minority languages that is funded from the state budget. In the medium and long term, it is necessary to promote the integration of this group of society into the European media and information space, by increasing the content in Latvian, thus contributing to the consolidation of the Latvian society based on the official language.”<sup>91</sup>

97. Based on this official policy, the *Saeima* discussed in March 2023 amendments to the Law on Public Electronic Media, which would phase out financing of public radio and TV broadcasting in the Russian language by the end of 2025. Broadcasting would be possible only in Latvian and official languages of the EU, the European Economic Area, and candidate countries to the EU.<sup>92</sup>

98. The Advisory Committee reaffirms that “the possibility to receive and impart information in a language one can fully understand and communicate in is a precondition for equal and effective participation in public, economic, social, and cultural life. [...] The presence of minority languages in public media further strengthens social cohesion, as it reflects an overall inclusive policy towards minorities”<sup>93</sup>. “In order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages [...]. This entails granting support to the media and programmes for, by, and about national minorities in minority and majority languages, as well as in bi- or multi-lingual formats.”<sup>94</sup> The Advisory Committee recalls, furthermore, that “it is important for the formation of an open and pluralist media environment that issues of concern to minority communities generally are given weight in the broader public media debate and that persons belonging to such minorities are portrayed as integral members of society”.<sup>95</sup>

99. In this light, the Advisory Committee considers that the level of domestically-produced content in the Russian language should be increased rather than reduced. Based on an assessment of the level of demand, support both to public broadcasting and to private media outlets should be increased to give persons belonging to national minorities the possibility to be provided with content tailored to their informational, cultural and linguistic needs. The level of demand for such content would need to be established in close consultation with persons belonging to national minorities. In the view of the Advisory Committee, the availability of high-quality and independently and domestically produced media content in the Russian language is not only in the interest of the Russian minority but would also contribute to social cohesion within Latvia.

<sup>89</sup> See, for instance, the portal [www.Chayka.lv](http://www.Chayka.lv), based in Daugavpils.

<sup>90</sup> Latvijas Fakti (2022), [Research on Media Content Usage Habits of Latvian Citizens](#).

<sup>91</sup> [National Concept on Strategic Communication and Security of the Information Space 2023–2027](#), approved on 24 January 2023, p. 18. On this issue, see also BNN (28 March 2023), [Expert: if no Russian content is generated, target audience will not switch to Latvian content](#).

<sup>92</sup> See draft amendment on the [website](#) of the *Saeimas*.

<sup>93</sup> [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 40

<sup>94</sup> *Ibid.*, para. 41.

<sup>95</sup> [ACFC Thematic Commentary No. 4](#), para. 63.

100. The Advisory Committee calls on the authorities to increase the support for the production of quality domestic media content in minority languages, including Russian, in public broadcasting as well as by private media outlets.

## Article 10 of the Framework Convention

### Use of minority languages in relation with public authorities and in the private sector

101. As described in previous Opinions, in accordance with the Official Language Law, languages other than Latvian can only be used in very limited circumstances and Latvian continues to be the sole language authorised in the work of municipal authorities and councils and in their contacts with inhabitants, irrespective of the proportion of the population affiliated with a national minority.<sup>96</sup> Officials who do not respect the obligation to use exclusively the Latvian language in official communication risk being fined by the State Language Centre, which ensures compliance with the provisions of the Official Language Law.<sup>97</sup>

102. Although there was no obligation to do so, many public institutions and municipalities used to maintain websites providing information in the Russian language. During the Advisory Committee's visit, interlocutors said that since the start of the Russian Federation's aggression against Ukraine more and more institutions are removing or no longer updating the Russian-language content on their websites.

103. During the Covid-19 pandemic, the authorities provided some health-related information in the Russian language, which however was possible only within the rather restrictive provisions of the Official Language Law. For example, it was judged contrary to the law to disseminate information leaflets on vaccination in the Russian language, as the Official Language Law allows for the provision of information in languages other than Latvian only upon individual demand.<sup>98</sup>

104. The Advisory Committee deeply regrets that the legal framework on the use of minority languages in relations with public authorities remains not in line with Article 10 of the Framework Convention. It is particularly concerned about the fact that the existing language legislation limited the possibilities for the authorities to disseminate information in Russian during the Covid-19 pandemic.

105. As far as the use of minority languages in the private sector is concerned, language requirements continue to apply for a large number of professions (see Article 4). Moreover, in August 2022 the Minister of Justice announced the ministry would start working on a law limiting the use of the Russian language at work and in public places, prescribing the use of the Latvian language for communication between businesses and in workplaces.<sup>99</sup> In September 2022, a draft Law on "Ensuring the Status of Latvian as Single State Language" was submitted to the *Saeima*, which sought to prohibit the use of languages other than official languages of the EU in the public or private provision of a wide range of services. However, the draft has only been considered in a first reading and was not taken up again after the October 2022 elections.<sup>100</sup>

106. The Advisory Committee reiterates that states may adopt laws and policies aimed at strengthening and protecting the official language. This legitimate aim, however, must be pursued in a manner that is in line with the rights contained in the Framework Convention, and its general spirit of encouraging respect and mutual understanding within society. Measures aimed at promoting official languages must be

<sup>96</sup> The Advisory Committee notes that, upon ratifying the Framework Convention, Latvia issued a Declaration that it would apply the provisions of Article 10, paragraph 2, of the Convention without prejudice to the provisions of the Constitution and of current national legislation governing use of the state language. See on this also ACFC First Opinion on Latvia, para. 115.

<sup>97</sup> See ACFC Third Opinion on Latvia, paras. 120-123.

<sup>98</sup> See Euronews (30 August 2021), [How distrust and disinformation have left Latvia lagging on vaccine rollout](#); LSV.lv (30 April 2022), [Government decides against Russian-language vaccination newspaper](#). See also Article 4 about the Ombudsperson's confirmation of this decision.

<sup>99</sup> The Baltic Times (14 August 2022), [Justice Ministry working on a bill reducing use of Russian language in workplaces](#).

<sup>100</sup> *Latviešu valodas kā vienīgās valsts valodas statusa nodrošināšanas likums* (Draft Law on ensuring the status of the Latvian language as the only state language), [1594/Lp13](#) (in Latvian), 21 September 2022.

implemented in a way that respects the identity and the linguistic needs and interests of persons belonging to national minorities.<sup>101</sup>

107. The Advisory Committee further reiterates that “[t]he right to use one’s language in private and in public, orally and in writing, freely and without interference, is considered one of the principal means to assert and preserve linguistic identity. While the right to use a minority language in private must never be interfered with, Article 10(1) also limits state interference in the public use of a minority language, such as in public places and in the presence of others. Language legislation may restrict the sole use of minority languages only in cases where the activities of private undertakings, organisations or institutions affect a legitimate public interest, such as public security, health, protection of consumer and employment rights, or safety in the workplace.”<sup>102</sup> The necessity and proportionality of any such measure must be established on the basis of effective consultation and ensure that the rights and interests of the individuals concerned are taken into account in each case.

108. Against this background, the Advisory Committee finds that the above-mentioned restrictions on the use of minority languages in the public and private sectors are not in compliance with Article 10 of the Framework Convention as they are not necessary or proportionate in light of the aim of strengthening or protecting the official language.

109. The Advisory Committee reiterates its call to review the legislative and policy framework related to the use of languages in dealings with administrative authorities to ensure an adequate balance between the promotion of the official language and access to language rights of persons belonging to national minorities, in line with Article 10 of the Framework Convention. The Advisory Committee further calls on the authorities to ensure the right of persons belonging to national minorities to use freely and without interference their minority language, in private and in public.

## Article 11 of the Framework Convention

### Use of surnames and first names in minority languages

110. Latvian legislation still provides that first names and surnames in personal identity documents are transcribed in accordance with Latvian phonetic and grammar rules, through which non-Latvian names are often substantially altered.<sup>103</sup> Should the original or historical form of the name differ from the actual rules, it can be additionally included in personal identity documents transcribed into the Latin alphabet, but only if documentary evidence is provided.<sup>104</sup>

111. The right to use one’s personal name in a minority language and have it officially recognised is a core linguistic right of persons belonging to national minorities, linked closely to personal identity and dignity.<sup>105</sup> While authorities may require that personal identity documents contain a phonetic transcription of the personal name into the official alphabet if it contains foreign characters, “the transcription should be as accurate as possible and should not be disconnected from the essential elements of the minority language.”<sup>106</sup> The Advisory Committee therefore deeply regrets that the situation has not been brought in line with Article 11 of the Framework Convention.

112. The Advisory Committee calls on the authorities to implement without further delay the right of persons belonging to national minorities to use their personal names in a minority language and have it recognised in official documents.

### Display of minority language signs and topographical indications

<sup>101</sup> [ACFC Thematic Commentary No. 3](#), para. 53.

<sup>102</sup> *Ibid.*, para. 52.

<sup>103</sup> For example, masculine (-s) or feminine (-a or -e) endings are added to all names and surnames. See also ACFC First, Second and Third opinions on Latvia, Article 11.

<sup>104</sup> State report, paras. 104-106.

<sup>105</sup> [ACFC Thematic Commentary No. 3](#), para. 61.

<sup>106</sup> *Ibid.*, para. 62.

113. Latvian legislation still stipulates that place names must be either in the Latvian language, which includes its Latgalian variant, or in the Livonian language.<sup>107</sup> These rules are also applicable to private institutions, organisations or companies performing public functions. Contraventions to the applicable rules are subject to fines, as confirmed by the Constitutional Court in 2017.

114. The 2021 Law on Latvian Historical Lands encourages the use of toponyms in Livonian and Latgalian. On this basis, 171 signs with Livonian place names and 79 signs in Latgalian are being put up throughout the year 2023. The Advisory Committee welcomes these legal and practical measures, which convey the message that a given territory is shared in harmony by various population groups.

115. As pointed out in earlier Opinions, the Advisory Committee regrets that the display of topographical signage in languages other than Latvian, including its Latgalian variant, and Livonian continues to be prohibited, which is not in conformity with the provisions of Article 11, paragraph 3 of the Framework Convention. It is regrettable that the commendable approach of the Law on Latvian Historical Lands is not applied to other minorities traditionally present on Latvian territory.

116. The Advisory Committee reiterates its call on the authorities to bring their legislative framework regarding the use of minority languages in topographical signage in line with Article 11 of the Framework Convention, thus extending the good practice applied for Livonian and Latgalian.

## Article 12 of the Framework Convention

### Equal access to education for Roma

117. The low level of education of Roma is identified as a significant concern both by the authorities and by civil society representatives. Access to education for Roma is not only included in the Action Plan for Implementing Measures of the Roma Strategic Framework 2022-2023, but also as one of the priorities in the Education Development Guidelines for 2021-2027.

118. According to the authorities, inclusion of Roma children in education has improved over the last years. While in the last monitoring cycle 15.9% of young Roma dropped out from education before the end of compulsory education, the rate has decreased to 7.5%, which is only slightly above the national average. The Ministry of Education and Science is monitoring educational attainment of Roma, including the educational programmes followed and reasons for early dropouts only once in three years. It has also developed a methodology for mapping Roma children in preschool age.<sup>108</sup> Roma representatives argue that annual monitoring is needed to closely follow school enrolment and attendance especially of compulsory preschool starting at the age of five years. Also, insufficient data is available on the reasons for dropouts and potential differences in gender.<sup>109</sup>

119. According to the last available official data from the school year 2016/17, one third of Roma children attended special schools, most of them due to diagnosed learning or speech disorders.<sup>110</sup> The authorities informed the Advisory Committee that this number has significantly decreased due to the mandatory inclusion of children with special educational needs and some forms of disability in mainstream schools. A study by the Ombudsperson's Office published in 2022, however, found that in certain municipalities there is still a disproportionately high share of Roma children enrolled in either special schools or special programmes.<sup>111</sup>

120. The Guidelines for Education Development 2015-2020 underline the importance of inclusive education and set the objective of developing a support system so children with special educational needs can be educated in mainstream classrooms. Since 2018, special schools – some of which function as

<sup>107</sup> The Advisory Committee notes that, upon ratifying the Framework Convention, Latvia issued a Declaration that it would apply the provisions of Article 11, paragraph 3, of the Convention without prejudice to the provisions of the Constitution and of current national legislation governing use of the state language. See on this also ACFC First Opinion on Latvia, para. 123.

<sup>108</sup> Written information submitted by the authorities in February 2023. According to [Eurostat data](#), the general share of early leavers from education in 2021 was 6.7%.

<sup>109</sup> Centre for Education Initiatives (May 2022), Roma Civil Monitor, Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Latvia, p. 17.

<sup>110</sup> European network of legal experts (2022), Country Report Latvia, p. 43.

<sup>111</sup> Ombudsperson of the Republic of Latvia (2022), [Romu situācija Latvijā](#) (Roma situation in Latvia).

boarding schools – have successively been transformed into “special education development centres”, providing education for a significantly smaller number of children with severe disorders and impairments, and providing methodological and pedagogical support for the education of the remaining children in mainstream education.<sup>112</sup> The Ministry of Education and Science informed the Advisory Committee that they expect the number of Roma children attending special schools to have significantly reduced. Recent data on the percentage of Roma children diagnosed as having special educational needs and which schools they attend is, however, not available. There is also no information on which kind of support is provided to children diagnosed with special educational needs in the framework of mainstream education.

121. According to Roma NGOs, one of the core problems is the fact that many Roma children enter the education system with insufficient preparation, including a lack of Latvian language skills as most speak Romani at home.<sup>113</sup> The fact that a disproportional number of Roma children is categorised by the local Pedagogical and Medical Boards as having special needs suggests that these may not sufficiently differentiate between the lack of knowledge of Latvian and other needs affecting a child’s ability to learn.<sup>114</sup>

122. The Advisory Committee was informed that Roma mediators (see Article 4) and teaching assistants play an important role in promoting co-operation between Roma families and schools. However, there are currently only five Roma mediators working, employed on a project-basis by the Ministry of Culture, and one Roma teacher, employed by the Ministry of Education and Science. According to Roma representatives, more mediators with better qualifications are needed, also to conduct mentoring programmes that provide parents with the basic literacy and technical skills needed to support their children at school. The authorities reported that it was difficult to recruit Roma as teaching assistants as few Roma have the necessary qualifications formally required to perform this role. According to Roma NGOs, targeted training offers and more attractive working conditions could help to address the shortage of Roma professionals working with children and families in the education sector.

123. The Advisory Committee is deeply worried about the situation regarding Roma children’s access to education, which even in the light of the limited available data appears highly problematic. It is not clear whether all children of mandatory preschool age are actually enrolled in and attend preschools, how many children drop out of mandatory education and for which reasons, and whether Roma children still disproportionately attend special schools or programmes. Moreover, the limited data does not allow for monitoring any gender-based differences.

124. The Advisory Committee urges the authorities to guarantee equal access of Roma children to quality inclusive education within the mainstream school system by undertaking annual monitoring, including from a gender perspective, of the enrolment and attendance of Roma children in preschools and schools. Furthermore, it is necessary to provide a sufficient number of qualified and adequately paid Roma mediators and teaching assistants, and to ensure that Roma children are appropriately supported.

### **Interculturalism, plurilingualism and equal access to quality education**

125. Since the Advisory Committee’s Third Opinion, minority language education in Latvia has undergone profound changes. From a system of separate minority schools with a considerable amount of teaching in and of minority languages, Latvia will transition to teaching exclusively in the Latvian language and significantly reduced teaching of minority languages. The changes apply to all levels from preschool to tertiary education and both to private (see Article 13) and to public educational establishments (see Article 14), as well as to the education of children with special educational needs. As exceptions apply for EU languages and languages covered by bi- and multilateral agreements, the changes affect Russian more than other languages.<sup>115</sup>

<sup>112</sup> European network of legal experts (2022), Country Report Latvia, p. 40.

<sup>113</sup> On the languages spoken by Roma in Latvia, see Council of Europe (2019), [CAHROM Thematic visit on Roma integration, policy development and coordination practices in countries with a small Roma population](#). Riga – Jelgava – Jurmala, Latvia, Appendix 4.

<sup>114</sup> See also Ombudsperson of the Republic of Latvia (2022), [Romu situācija Latvijā](#) (Roma situation in Latvia).

<sup>115</sup> See Articles 13 and 14 for details of the respective reforms, including exceptions for official languages of the European Union and languages covered by bi- or multilateral agreements.

126. The bilingual system introduced in 2018 allowed for a maximum of 50% of teaching in minority languages in primary school (grades 1-4) and 20% at lower secondary level (grades 5-9). At upper secondary level (grades 10-12), education was in Latvian. Following the 2022 reform, full instruction in Latvian at all levels is being introduced between September 2023 and 2025.

127. In preschool minority language programmes, the Latvian language was introduced in 2018 as “the main means of communication in play-based lessons, except specially organised activities with the aim of learning the national minority’s language and ethnic culture.”<sup>116</sup> A complaint against this law was launched at the Constitutional Court, which decided in 2020 that the law was in line with the constitutional provisions on the rights to equality, education and preservation of minority identity.<sup>117</sup> With the 2022 reform, preschools will also fully transition to the Latvian language, with the exception of interest-related courses of three hours per week outside the curriculum and financed by municipalities as provided also for schools.

128. The transition taking place from September 2023 (for preschools and grades 1, 4 and 7) gradually until 2025 will affect a total of 178 preschools and 130 schools that currently are implementing minority language programmes, most of them in the Russian language.<sup>118</sup> According to data provided by the authorities, the reforms affect approximately 17% of all pedagogical staff and 24% of all children of preschool and school age.<sup>119</sup>

129. In response to the Advisory Committee’s Third Opinion, the authorities point out that abandoning the “linguistically segregated education system” will result in more equal chances on the labour market for children belonging to national minorities.<sup>120</sup> During the Advisory Committee’s monitoring visit in 2023, the transition to full education in the Latvian language was also described as a step to improve societal integration and cohesion on the basis of the Latvian language and to ensure the preservation of the Latvian language and the Latvian nation in “its own state”.<sup>121</sup>

130. Representatives of national minorities, however, were very critical regarding the new system’s ability to ensure equal access to education and voiced doubts that this reform would contribute to a more integrated society. As 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.

131. As stated in the Council of Europe’s 2022 Recommendation on the Importance of plurilingual and intercultural education for democratic culture, “[w]hen the language of the home is not the language of the society at large [...], plurilingualism is a precondition for access to education. [...] All the languages present in schools and other educational institutions should be explicitly acknowledged, respected and valued, and the linguistic and cultural diversity of pupils and students should be used to support plurilingual and intercultural learning across the curriculum. [...] When pupils and students speak a minority or migrant language at home, it is necessary to find ways of including those languages in the individual’s educational experience in ways that benefit all pupils/students. Only when this is done can education be considered fully inclusive.”<sup>122</sup> Research not only shows that time spent developing literacy and other skills in a minority

<sup>116</sup> Preschool education in Latvia is compulsory for children aged five and six. Apart from preschools implementing programmes in the Russian language, there is one each implementing a programme in Belarusian, Polish and Ukrainian.

<sup>117</sup> Judgement of 19 June 2020 on case no. 2019-20-03.

<sup>118</sup> See state report, p. 23. See Article 14 below on the situation of other minority languages.

<sup>119</sup> Written information provided by the authorities in February 2023. In absolute numbers, the reform affects 992 teachers and 13 345 children in preschools, and 4 905 teachers and 43 377 students in schools.

<sup>120</sup> Comments of the Government of Latvia on the Third Opinion of the Advisory Committee on the Implementation of the Framework Convention by Latvia, 14 January 2019, para. 117.

<sup>121</sup> Preamble of the Latvian Constitution. See also ACFC Third Opinion on Latvia, para. 11.

<sup>122</sup> [Recommendation CM/Rec\(2022\)1 of the Committee of Ministers to member states on the importance of plurilingual and intercultural education for democratic culture](#), Explanatory Memorandum, pp. 21 and 25. The Recommendation gives the following definition of plurilingualism (p. 12): “Plurilingualism” is ‘the potential and/or actual ability to use several languages to varying levels of proficiency and for different purposes’ [...]. As a ‘communicative competence to which all knowledge and experience of language contributes and in which languages interrelate and interact’, plurilingualism develops ‘as an individual person’s experience of language in its cultural contexts expands, from the language of the home to that of society at large and then to the languages of other peoples [...]’”. See also UN Special

language does not undermine the development of the same skills in a majority language,<sup>123</sup> it also tends to suggest that bilingual forms of teaching lead to better educational outcomes among children belonging to national minorities, including in acquiring the official language. One explanation for this finding is that education, at least partially, in one's minority language enhances self-esteem and promotes general intellectual and language skills, which then transfer into the official language.<sup>124</sup> Moreover, education in two or more languages gives strong functional, cognitive and emotional assets<sup>125</sup> and multilingual competence is recognised as one of the key competences to foster employability, personal fulfilment, active citizenship, intercultural understanding and social inclusion.<sup>126</sup>

132. The Advisory Committee is particularly concerned about the possible negative impact of the complete absence of children's first language if it is not Latvian from the education process for children with special educational needs, in particular speech, language and communication needs. Requiring these children having difficulties with their first language to learn exclusively in the official language may result both in attrition of their first language and in the incomplete acquisition of the official language.<sup>127</sup> The Advisory Committee notes that additional funding is provided for teachers assisting children with special needs and who have undertaken minority special education in the previous school year in their first year of transitioning to education in Latvian.<sup>128</sup> It emphasises, however, that also in the long-term, children with disabilities or other special needs must not be put in a disadvantaged position as a consequence of speaking a minority language.<sup>129</sup>

133. Representatives of the Russian minority and of other minorities supportive of bilingual education in the Russian and Latvian languages expressed doubts as to whether the new system would lead to less separation between children belonging to minorities and those identifying with the majority. On the contrary, they fear that the (former) minority schools will remain unattractive for children who are already fluent in Latvian because of the high share of students – and also teachers – for whom Latvian is not a first language, resulting possibly in a lower educational standard.<sup>130</sup> At the same time, they anticipate that schools that have always taught only in Latvian may not find it attractive to accept a high share of children whose first language is Russian. Moreover, the concentration of persons belonging to the Russian minority in certain neighbourhoods or regions may pose practical obstacles to ethnically mixed education.

134. Anticipating such challenges, in July 2022 a group of parliamentarians suggested making amendments to the Law on Education with a view to monitoring and prohibiting the separation of students according to their ethnic and linguistic backgrounds and taking measures to increase joint multilingual education of minority and majority students.<sup>131</sup> These were, however, not taken into account in the legislative process.

135. The Advisory Committee considers that the straightforward removal of teaching in minority languages from the curriculum of (former) minority schools is highly unlikely to result in a truly integrated Latvian education system, or in equal access to quality education for all. In the Advisory Committee's view, the promotion of respect for diversity and intercultural understanding must not only be taught as a subject in class but must be lived through joint teaching and learning wherever possible. Furthermore, it considers that it is more conducive to genuine integration when children's competence in a language other than the state language is not considered a deficit, but as an asset for individuals and for the entire society. Plurilingual education is closely linked to intercultural competences, which in turn contribute to equitable and inclusive education, educational success, participation in democratic culture and societal integration.

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Rapporteur on Minority Issues (March 2017), *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*, Doc. HRC/NONE/2017/12.

<sup>123</sup> See for instance Council of Europe (2010), [The linguistic and educational integration of children and adolescents from migrant backgrounds](#), p. 16.

<sup>124</sup> Council of Europe (2020), [Good practices of multilingual and minority language medium education](#), p. 7.

<sup>125</sup> [ACFC Thematic commentary No. 1](#), Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, p. 25.

<sup>126</sup> See Council of the European Union (22 May 2018), Recommendation on key competences for lifelong learning ([2018/C 189/01](#)), para. 13.

<sup>127</sup> Carol Zhang (2021), [Linguistic minorities with disabilities and the right to native language instruction](#), Chicago Journal of International Law, Vol. 22, No. 1, pp. 360-361.

<sup>128</sup> See [Cabinet decision on amendments to the Regulations on Financing Special Education](#), adopted on 29 August 2023 (in Latvian).

<sup>129</sup> See UNICEF (2012), [The rights of children with disabilities to education](#), p. 86.

<sup>130</sup> See also LSM.lv (8 November 2022), [Up to 30% of teachers speak Latvian poorly, says authority](#).

<sup>131</sup> *Priekšlikumi likumprojekta "Grozījums Izglītības likumā" 2. lasījumam* (Proposals for the 2nd reading of the draft law "Amendments to the Law on Education") ([1519/Lp13](#), in Latvian), 1 July 2022.

136. The Advisory Committee urges the authorities to substantially review the decision to transfer to full education in the Latvian language in the light of its possible negative consequences for equal access to quality education of children belonging to national minorities. The authorities are called upon to closely monitor the impact of any measures on children's educational outcomes, paying particular attention to preschool and primary level as well as to children with special educational needs.

137. The Advisory Committee calls on the authorities to promote plurilingualism in education and joint learning of children belonging to the majority and those belonging to national minorities at all levels of the education system, with a view to strengthening the intercultural competences of everyone and the integration of society as a whole.

## Article 13 of the Framework Convention

### Private educational establishments

138. In 2021, Latvia had 16 private preschools and 17 private schools implementing state-accredited programmes in minority languages, most of them using the Russian language. Following amendments to the Law on Education in March 2018, instruction in private schools had to fulfil the same requirements regarding the proportion of teaching in the Latvian language as public schools, i.e. 50% in grades 1-6, 80% in grade 7-9, and 100% in grades 10-12.

139. In 2022, the Law on Education was amended again, this time providing that both public and private schools transition to full instruction in the Latvian language, from preschool level to grade 12. As in the field of public education (see Article 14), certain exceptions apply for schools teaching in languages that are official languages of the EU or subject to bi- or multilateral agreements. There is also a possibility to offer interest-related optional courses of minority language and culture of three hours per week (see Article 14).<sup>132</sup>

140. Following the amendments adopted in 2018, complaints were filed with the Constitutional Court, which ruled that the amendments were compatible with the right to education, the rights of minorities and the prohibition of discrimination as enshrined in the Latvian Constitution.<sup>133</sup> The complainants subsequently lodged applications with the European Court of Human Rights, which they updated as a response to the further amendments in 2022.<sup>134</sup>

141. In its Opinion of June 2020 on the 2018 legal amendments to the Law on Education, the Venice Commission advised the authorities to exempt private schools from the mandatory proportions of the use of the Latvian language applied to state schools implementing minority education programmes.<sup>135</sup>

142. The Advisory Committee recalls that according to the Explanatory Report to the Framework Convention, "the obligation to recognise the right of persons belonging to national minorities to set up and manage their own private educational and training establishments is subject to the requirements of their educational system, particularly the regulations relating to compulsory schooling."<sup>136</sup> In this light, the Advisory Committee recognises that, in line with Latvia's education system, the authorities can impose an obligation on private schools to ensure that their students acquire proficiency in the state language. However, it runs counter to the very principle of private minority schools to impose in detail by which means the proficiency in Latvian is to be reached. The fact that students at private schools have to pass the state

<sup>132</sup> "In private educational institutions general education and vocational education at the level of basic education and secondary education shall be acquired in the official language" (Law on Education, Section 1).

<sup>133</sup> [Judgement of 13 November 2019 on case no. 2018-22-01](#). See also references to the Advisory Committee's jurisprudence in the [dissenting opinion](#) by Justice Artūrs Kučs.

<sup>134</sup> A case on the 2022 reform was initiated by the Constitutional Court on 27 December 2022 ([No 2022-45-01](#)). In a [statement](#) regarding this case published on 23 May 2023, the Ombudsperson took the view that the requirement for private education to be fully in Latvian is in breach of Article 114 of the Constitution, read together with Article 13(1) of the Framework Convention.

<sup>135</sup> European Commission for Democracy through Law (Venice Commission), Latvia – Opinion on the recent amendments to the legislation on education in minority languages, adopted on 18 June 2020, ([CDL-AD\(2020\)012](#)), para. 96.

<sup>136</sup> Explanatory Report to the Framework Convention, para. 72.

exams in the Latvian language can be reasonably expected to be a sufficient incentive for private schools to offer the requisite teaching in and of the official language.

143. The Explanatory Report further points out that “[t]he relevant national legislation must be based on objective criteria and conform to the principle of non-discrimination.”<sup>137</sup> As pointed out before (Article 10), the Advisory Committee acknowledges the legitimate concern to protect and promote Latvian as the official language and is aware of the relative strength of in particular the Russian language in society. It fails to see, however, that the restrictions imposed on private schools by the reforms in 2018 and 2022 were based on objective criteria, such as for instance research pointing out that graduates of private schools had particularly poor Latvian language skills.

144. Finally, the Advisory Committee is concerned about the differential treatment of minority languages depending on whether or not they are also EU official languages and whether or not they are covered by bi- or multilingual agreements. Belarusian and Russian do not fall under either of these categories. The Advisory Committee emphasises that from the perspective of the Framework Convention the level of protection of minority rights, including in minority language education, should be guided by the needs and interests expressed by persons belonging to national minorities and should not depend on external circumstances, such as whether or not a minority language is an EU official language or covered by a bi- or multilateral agreement (see also Articles 4 and 14).

145. In conclusion, the Advisory Committee finds that the restrictions imposed on private schools set up by persons belonging to national minorities constitute a clear violation of Article 13 of the Framework Convention as they do not allow for the main purpose of setting up such schools, namely the provision of education in the respective minority language.

146. Important restrictions with regard to language education were also introduced in 2018 for higher education. Amendments to the Law on Higher Education Institutions extended the obligation that study programmes have to be taught in Latvian only also to private universities and colleges. Only narrow exceptions apply for EU languages and for language and culture studies.<sup>138</sup> Following an application by 20 members of the Saeima, the Constitutional Court had to deal with the question of whether these amendments imposed disproportional restrictions on the founders of private institutions to provide education services on a commercial basis. The Constitutional Court separated the case into two sets of proceedings. Regarding the issue of compliance of the amendment with the right to education under Article 112 and to academic freedom under Article 113 of the Constitution, it held in its first judgement in June 2020 that the new regulation on the use of foreign languages at private institutions of higher education was incompatible with both constitutional provisions as there would have been alternative, less restrictive means of achieving the legitimate aims, such as requiring certain quality criteria and providing for exceptions in certain fields of science or at certain levels of study.<sup>139</sup> For an assessment of compliance with the right to property (Article 105 of the Constitution), the Constitutional Court referred a question to the Court of Justice of the European Union and, based on this court’s judgement of September 2022,<sup>140</sup> rendered its judgement in February 2023. It concluded that the obligation to provide instruction in the Latvian language is incompatible with the Constitution for study programmes in official languages of the EU, but compatible for study programmes in “foreign languages other than official languages of the EU”.<sup>141</sup>

147. Following the June 2020 judgement of the Constitutional Court, revised amendments were adopted in April 2021. These, however only slightly expanded the possibility for teaching in EU languages, while the use of non-EU languages remained limited to language and culture studies. In addition, strict quality requirements were introduced for all study programmes taught in languages other than Latvian.<sup>142</sup> The new amendments were also contested in the Constitutional Court, which again found the provisions to be incompatible with Articles 112 and 113 of the Constitution and void as of 1 July 2024. Among other things, the Constitutional Court found that the restriction on fundamental rights imposed by the provisions had not been adopted in due procedure, which would have entailed a review of their compliance with Article 114 of the Constitution (rights of ethnic minorities) and with the Framework Convention.<sup>143</sup> In its above-mentioned Opinion on the 2018 education reform, the Venice Commission recommended that the

<sup>137</sup> Ibid.

<sup>138</sup> Law on Higher Education Institutions as amended in 2018, available in English on the website of the Venice Commission ([CDL-REF\(2020\)010](#)).

<sup>139</sup> [Judgement of 11 June 2020 on case no. 2019-12-01](#).

<sup>140</sup> Judgement of the Court of Justice of the European Union of 7 September 2022, *Boriss Cilevičs and Others*, [C-391/20](#).

<sup>141</sup> [Judgement of 9 February 2023 on case no. 2020-33-01](#) (in Latvian) and [press release](#) (in English).

<sup>142</sup> [Law on Higher Education Institutions](#) as amended in 2021, Section 56.

<sup>143</sup> [Judgement of 28 June 2023 on case no. 2021-45-01](#) (in Latvian), para. 17.2.2. and 17.2.3.

authorities “consider enlarging the possibilities for persons belonging to national minorities to have access to higher education in their minority language, either in their own higher education institutions, or at least in state higher education institutions”.

148. The Advisory Committee emphasises that the right of persons belonging to national minorities “to set up and manage their own private educational and training establishments” enshrined in Article 13 of the Framework Convention applies also to higher education. In this light, it reiterates its above assessment regarding private schools and concludes that the restrictions imposed on private universities are in violation of Article 13 of the Framework Convention.

149. The Advisory Committee urges the authorities to ensure the right of persons belonging to national minorities to set up and manage their own private educational establishments providing instruction in minority languages at all levels of education.

## Article 14 of the Framework Convention

### Minority language teaching in public schools

150. In the school year 2021/2022, approximately 22% of children enrolled in grades 1-12 in Latvia followed education in minority language schools or programmes. Most of them received education in the Russian language (44 027, down from 55 830 in 2017/2018), 1 146 in Polish (down from 1 224), 213 in Ukrainian (down from 251), and 136 in Belarusian (down from 158).<sup>144</sup> In addition, there is one school each teaching Estonian, German and Lithuanian as subjects, and two schools with some teaching of Hebrew.

151. The share of teaching in minority languages has gradually decreased over the past 20 years. Since 2004, a minimum of 60% of the teaching load at secondary level had to be in the Latvian language. Following a reform in 2018, this share increased to 80% for grades 7 to 9 and 100% for grades 10-12. In grades 1-6, a minimum of 50% of the teaching load had to be in Latvian. Specific rules apply to official languages of the EU and languages covered by bi- or multi-lateral agreements.<sup>145</sup> Most minority schools have also been transformed into two-stream schools teaching both a Latvian and a minority language programme.<sup>146</sup>

152. Whilst acknowledging the need to improve the knowledge of Latvian among students belonging to national minorities, the Advisory Committee expressed concern in its Third Opinion about the then pending 2018 reform and called on the authorities to “ensure continued availability of teaching and learning in and of languages of national minorities to meet the existing demands”.<sup>147</sup> In the state report submitted in October 2021, the Latvian authorities explained that the gradual increase of state language teaching was necessary to ensure the acquisition of the state language and reassured the Advisory Committee that “public and private ethnic minority schools will be able to continue teaching bilingual programmes.”<sup>148</sup>

153. However, in September 2022 the Law on Education and the Law on General Education were amended so as to phase out education in minority languages between 2023 and 2025 and move to Latvian as the only language of instruction at all levels from preschool to grade 12. Exceptions apply for educational institutions teaching subjects in official languages of the EU. Additional language and culture teaching is also possible in the framework of bi- and multilateral agreements. Moreover, teaching of Russian as a second foreign language is due to be phased out by 2026.<sup>149</sup>

<sup>144</sup> See data available at the [website of the Ministry of Education and Science](#) (in Latvian).

<sup>145</sup> Latvia has applicable bilateral agreements with Israel, Poland and Ukraine, as well as a multilateral agreement with Estonia and Lithuania.

<sup>146</sup> See data available at the [website of the Ministry of Education and Science](#) (in Latvian). The number of schools teaching only a Russian minority language programme decreased from 94 in 2017/2018 to 24, while the number of dual-stream schools increased from 54 to 107.

<sup>147</sup> ACFC Third Opinion on Latvia, paras. 150-156.

<sup>148</sup> State report, para. 30.

<sup>149</sup> The first foreign language in Latvian schools already has to be a language of the EU, usually English. As a second foreign language, starting in grade 4, nearly half of Latvian schools offer only Russian. See LSM.lv (21 November 2022), [Russian language might no longer be an option at schools in Latvia](#). The Advisory Committee is not aware of any restrictions applying to third foreign languages.

154. To compensate for the phasing out of bilingual education, Article 47 of the amended Law on Education provides that “a local government shall provide the opportunity for minority pupils who are acquiring a pre-school education programme or a basic education programme (...) to study the content of minority education in interest-related education programme for the minority language and cultural history free of charge.”<sup>150</sup> According to the authorities, this “interest-related education” will take the form of facultative courses of three hours per week. It is not clear to the Advisory Committee if this provision entails a subjective right for pupils belonging to national minorities to receive such education and, if so, under which conditions. For instance, as of October 2023, there is no regulation on a minimum number of pupils for opening a class. The regulation on the financing of these interest-related courses was adopted by the Cabinet of Ministers only a few days before the beginning of the 2023/24 school year and limits state financing to the respective first year after pupils transition to Latvian-only education.<sup>151</sup> It is unclear to the Advisory Committee how these courses will be financed thereafter.

155. In the state report, the authorities explain that education policy in Latvia is based on two main considerations: the need to strengthen the status of the Latvian language as the only official language specified in the Constitution, and the integration of society. Knowledge of the official language is seen as the basis for public safety, unity and equal opportunities. The gradual increase in the use of Latvian in education is aimed at ensuring a more successful implementation of the new competence-based learning content and approach.<sup>152</sup> The authorities emphasise, furthermore, that the Framework Convention does not create any subjective right to receive a certain proportion of the education in a minority language and that Latvia continues to fulfil its positive obligation to guarantee the possibility for persons belonging to national minorities to study their language, literature and culture.<sup>153</sup>

156. The amendments regarding education in public schools adopted in 2018 were challenged in the Constitutional Court.<sup>154</sup> In the respective judgement, the new system was found to be in line with the Constitution with respect to all contested provisions, namely the right to education (Article 112), the equality principle (Article 91), and the right of persons belonging to ethnic minorities to preserve and develop their language and identity (Article 114). Following the judgement, several complainants launched applications with the European Court of Human Rights. In its judgement of 14 September 2023, the European Court of Human Rights found that the 2018 amendments did not constitute a violation of Article 14 (prohibition of discrimination) in conjunction with Article 2 of Protocol No. 1 to the Convention (right to education).<sup>155</sup> After the 2022 reform, new complaints were addressed to the Constitutional Court and the European Court of Human Rights.

157. In June 2020, the Venice Commission adopted an opinion on the 2018 reform. It concluded that increasing the proportion of the teaching in Latvian in public schools is an appropriate means to achieve the legitimate aim of raising the Latvian language proficiency of students belonging to national minorities, provided the reform is accompanied by additional measures such as “appropriate teaching methodologies, educational materials as well as teachers who are proficient in Latvian.”<sup>156</sup> In relation to upper secondary education, it found that the increase in Latvian language teaching was proportionate as long as a sufficient proportion of education in the minority language is ensured so students can attain an “adequate level of proficiency in their mother tongue.” With a view to all levels of education, the Venice Commission recommended that the authorities “constantly monitor the quality of education received by pupils attending minority education programmes in order to ensure that the changes introduced into the education system do not undermine the quality of education and disproportionately reduce the opportunity for pupils to have good command of their minority language”.<sup>157</sup>

158. During the Advisory Committee’s monitoring visit in early 2023, minority representatives’ concerns over the 2018 reform had been superseded by those relating to the transition to full instruction in the Latvian

<sup>150</sup> [Law on Education](#), Section 47.

<sup>151</sup> [Cabinet of Ministers Regulation No. 382](#) (in Latvian), adopted on 28 August 2023.

<sup>152</sup> State report, paras. 24, 29 and 112.

<sup>153</sup> Comments of the Government of Latvia on the Third Opinion of the Advisory Committee on the Implementation of the Framework Convention by Latvia, 14 January 2019, para. 110.

<sup>154</sup> [Judgement of 23 April 2019 on case no. 2018-12-01](#).

<sup>155</sup> [Valiullina and others v. Latvia](#), applications nos. 56928/19 and 2 others), judgement of 14 September 2023.

<sup>156</sup> European Commission for Democracy through Law (Venice Commission), Latvia – Opinion on the recent amendments to the legislation on education in minority languages, adopted on 18 June 2020 ([CDL-AD\(2020\)012](#)), para. 74.

<sup>157</sup> *Ibid.*, paras. 92 and 120.

language adopted in 2022. On the contrary, teachers at minority schools praised the system introduced in 2018 as striking a fair balance between learning of the state language and the minority language with a view to ensuring linguistic competences in both languages. Both minority representatives and education professionals were taken by surprise by the abolition of teaching in minority languages, as the authorities had previously conveyed the message that the 2018 reform has “completed” the transition to a unified system of education.<sup>158</sup> Also, official data showed that the Latvian language skills of minority students have been constantly improving and the 2018 reform was expected to improve this situation further.<sup>159</sup> So far, however, no full-scale evaluation of the educational outcomes following the reform could take place as the transition period had only ended in 2021.

159. Many interlocutors perceived the decision on the new 2022 reform as a punishment for the Russian Federation’s aggression against Ukraine (see Article 6). Representatives of national minorities and associations representing parents of children learning in minority language programmes also complained about the lack of opportunities to participate in decision-making during the preparation of the legislative amendments (see Article 15).

160. During the Advisory Committee’s monitoring visit, teachers and headteachers were also deeply concerned about the fact that the Ministry of Education and Science had not yet adopted the necessary regulations. Consequently, schools did not know how to organise timetables and allotment of teaching hours for the school year 2023/24. Just a few days before the beginning of the school year, a regulation was adopted providing for a top-up on the salaries of teachers supporting pupils in the first year of their transition to education in Latvian.<sup>160</sup> With the transition period of the 2018 education reform having just ended, and a parallel large-scale transition to competence-based learning underway,<sup>161</sup> education professionals felt under a lot of pressure and stress. They lacked methodologies adapted to the specific needs of students whose first language is not Latvian and expressed a need for more in-service training. There is also a limited availability of printed textbooks and learning materials, including for the Latvian language, which poses difficulties for teachers and students. Finally, there is a serious lack of Latvian language teachers and teachers competent to teach subjects in the Latvian language. At the same time, minority language teachers not able to teach in Latvian fear losing their jobs. With Russian being entirely phased out as a language of instruction and as a second language by 2025, three hours a week of optional courses are unlikely to add up to a full teaching load.

161. During its monitoring visit, the Advisory Committee learned from students currently enrolled in minority language programmes as well as from concerned parents that they perceive a great deal of uncertainty about the future. Worries expressed concerned both the short-term effects of the hasty introduction of the reform and short transition period, and the long-term consequences of losing access to learning in and of children’s minority language.

162. The Advisory Committee takes note of the Latvian authorities’ argument that Article 14 of the Framework Convention does not create a direct positive obligation for states to offer a certain proportion of the education in a given minority language. Nevertheless, it considers that the most recent reform of 2022, which will result in the disappearance of Russian and Belarusian minority language education from the obligatory curriculum in public schools, goes against both the spirit and the letter of Article 14 of the Framework Convention.

163. The Advisory Committee recalls that the obligation under Article 14(2) of the Framework Convention to endeavour to ensure instruction of or in minority languages is subject to conditions, namely traditional settlement or substantial numbers, and if there is sufficient demand. In the case of Latvia, both the Russian and the numerically smaller minorities have been traditionally residing on Latvian territory. Though the share of children enrolled in minority language programmes has declined during the monitoring period, the Advisory Committee is confident that the fact that 22% of students (more than 45 000 in total) followed such programmes in 2021/2022 indicates a sufficiently high demand on its own. The demand for continued teaching in the Russian language was also clearly expressed by the Advisory Committee’s interlocutors from the Russian and other minority communities.

<sup>158</sup> [Judgement of 23 April 2019 on case no. 2018-12-01](#), para. 4 (Statement of the Ministry of Education and Science).

<sup>159</sup> Latvian Language Agency (2021), *Language situation in Latvia 2016-2020*, pp. 27 and 63.

<sup>160</sup> [Cabinet of Ministers Regulation No. 483](#) (in Latvian), adopted on 29 August 2023.

<sup>161</sup> A new curriculum for grades 1-9 was introduced between 2020 and September 2022.

164. One of the authorities' arguments for education in Latvian only is the transition of Latvia's education system to a competence-based curriculum. Indeed, Article 14(2) mentions that states should provide minority language education "within the framework of their education systems." However, the ability to use different languages appropriately and effectively for communication is widely recognised as a core competence to be acquired in education.<sup>162</sup> While no studies on educational outcomes in minority languages were available, official data shows that the Latvian language skills of minority language students have been steadily improving over the past years.<sup>163</sup> Therefore, the Advisory Committee fails to see why a certain degree of instruction in minority language should be incompatible with Latvia's education system.

165. In line with Article 14(2), states parties shall endeavour to create "adequate opportunities" for "being taught the minority language or for receiving instruction in this language." Even though Article 14(2) imposes no obligation upon states to do both, its wording does not prevent the state parties from implementing instruction in the minority language as well as teaching of the minority language. Bilingual instruction may be one of the means of achieving the objective of this provision.<sup>164</sup> Furthermore, the alternative between teaching "in" and "of" the language given in Article 14(2) does not imply that a state party can always fulfil its duties by merely providing for instruction of minority languages.<sup>165</sup> In the view of the Advisory Committee, the replacement of Latvia's bilingual system with a facultative offer of three hours of minority language and culture does not provide such "adequate opportunities". The optional nature of the minority language teaching usually comes with the fact that lessons take place in the afternoon, performance is not graded or visible in school reports, and minority languages are in competition with other elective subjects. Furthermore, the Advisory Committee is deeply concerned that access to these interest-related courses is not clearly regulated and that their funding is not secured beyond the respective first year after transitioning from minority language programmes into education in Latvian.

166. Furthermore, languages that are not official languages of the EU, notably Belarusian and Russian, cannot be taught as a first foreign language, and there are plans to apply the same limitation to the teaching of these languages as a second foreign language. It is unlikely that the facultative offer will suffice for children to attain a sufficiently high level of oral and written proficiency in their minority language and thus preserve this essential element of their identity (see Article 5). It is also uncertain whether and how such lessons are provided at preschool level, which is a critical stage for language acquisition.

167. With a view to the question which foreign languages shall be included into the obligatory school curriculum, the Venice Commission concluded that the "preference given to certain foreign languages, for instance other EU languages, is not per se a violation of the Framework Convention as long as the rights granted by this Convention are respected", and as long as "the state offers adequate opportunities for persons belonging to minorities whose mother tongue is not an EU language to attain a sufficiently high level of oral and written proficiency in their language".<sup>166</sup>

168. Regarding the provision on educational programmes implemented according to bi- or multi-lateral agreements, the Venice Commission concurred with the Constitutional Court that these agreements did not have practical relevance as, according to the authorities, "this provision is in no way understood as providing for a possibility to establish schools implementing an education programme with a proportion of teaching in a minority language different from that laid down [in the] Education Law." Against this background, the Venice Commission found that the conclusion of such agreements pursued a legitimate aim and expressed its conviction "that the authorities would avoid introducing in the future unjustified differences in treatment between minorities on the basis of such agreements."<sup>167</sup>

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<sup>162</sup> See Council of the European Union (22 May 2018), Recommendation on key competences for lifelong learning (2018/C 189/01); for methodologies, see [Council of Europe Platform of resources and references for plurilingual and intercultural education](#) and the website of the [European Centre for Modern Languages of the Council of Europe](#).

<sup>163</sup> On the lack of systematic analysis on the impact of altering the language of instruction on the quality of education, see also the [dissenting opinion](#) of Justice Artūrs Kučs in the case No. 2018-22-01 on private schools.

<sup>164</sup> [ACFC Thematic Commentary No. 1](#), Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, p. 24.

<sup>165</sup> See also European Commission for Democracy through Law (Venice Commission), Latvia – Opinion on the recent amendments to the legislation on education in minority languages, adopted on 18 June 2020 ([CDL-AD\(2020\)012](#)), para. 79.

<sup>166</sup> *Ibid.*, paras. 110 and 113.

<sup>167</sup> *Ibid.*, paras. 106-108, and [Judgement of 23 April 2019 on case no. 2018-12-01](#), para. 21.3.

169. Following the education reform of 2022, both cases of preferential treatment have gained immense practical relevance. According to the newly amended Section of the Law on Education, minority languages may no longer be taught “in educational institutions which are implementing minority educational programmes on the level of pre-school education and basic education”, i.e. from preschool to grade 12. However, according to Section 9 of the Law on Education, education may still be acquired in another language “in educational institutions which are implementing educational programmes according to the bilateral or multilateral international agreements of the Republic of Latvia”, and “in educational institutions in which study subjects of general education programmes are completely or partially implemented in a foreign language in order to ensure the learning of other official languages of the European Union in conformity with the conditions of the relevant State education standard”.<sup>168</sup> This means that the reform does not result in any reduction of teaching in Polish, which is both an EU language and covered by a bilateral agreement, nor in Ukrainian, which is covered by a bilateral agreement of 2017. The Belarusian and Russian languages, however, are not covered by such agreements and will no longer be used as medium of instruction.<sup>169</sup>

170. As regards the preferential treatment of foreign language teaching in EU languages, the Advisory Committee concurs with the above-mentioned position of the Venice Commission, that preference given to certain foreign languages, for instance other EU languages, is not per se a violation of the Framework Convention. It emphasises, however, the difference between foreign language and minority language education. The latter is provided for the purpose of preserving and promoting the identity of persons belonging to national minorities. Therefore, the teaching in and of a minority language depends on a different methodology, usually targeted at first-language speakers. Most importantly, teaching in and of minority languages must comply with the legal conditions laid down in Article 14 of the Framework Convention, namely traditional settlement or substantial numbers and sufficient demand.

171. Concerning the preferential treatment of minority languages covered by bilateral agreements, the Advisory Committee emphasises that such agreements, in addition and without prejudice to existing instruments and mechanisms of multilateral co-operation, can effectively complement the protection measures at national level, including in the field of education.<sup>170</sup> However, the implementation of minority rights as granted by the Framework Convention must not depend on the existence of such agreements or any bilateral considerations and that bi- and multilateral agreements shall not be the basis for discrimination in the area of minority language education.

172. Against this background, the Advisory Committee considers that the enjoyment of educational rights of persons belonging to national minorities shall be ensured in compliance with Article 14 of the Framework Convention and shall not depend on external circumstances such as whether or not a minority language is an EU official language or subject to a bilateral agreement (see also Article 4).

173. The Advisory Committee also wishes to recall the specific Latvian context, where education in minority languages is not only a remnant of the Soviet past but pre-dates the Soviet occupation, with the Republic of Latvia having established minority schools already in 1919. After the restoration of independence in 1991, Latvia gradually developed a bilingual education system with ever-increasing shares of teaching in the state language, the results of which seemed to satisfy the authorities. The Advisory Committee is not aware of any official pronouncements stating that the formula found in 2018 was simply an intermediate step on the way to full instruction in Latvian. Therefore, there was a reasonable expectation by persons belonging to national minorities that the system established in 2018, even though not satisfactory, would continue to exist for as long as there was an appropriate demand.

174. As pointed out in Article 10 of this Opinion, states have a certain margin of appreciation in choosing the respective balance between the legitimate aim to protect and promote the state language and the obligation to provide for minority language teaching. However, the Advisory Committee is of the view that, given the circumstances described above, the replacement of an established and widely used bilingual system with a monolingual one accompanied by optional minority language courses is not proportionate to this legitimate aim. Finally, the regression to an absolute minimum of minority language teaching can be interpreted as running against the purpose and spirit of the Framework Convention.

<sup>168</sup> [Law on Education](#), adopted on 29 October 1998, Section 9.

<sup>169</sup> See ACFC Third Opinion, para. 186 listing all bilateral agreements, including one concluded with Belarus in 2010 on “co-operation in training management specialists at Masters level”.

<sup>170</sup> See Article 18 of the Framework Convention. See also OSCE High Commissioner on National Minorities (2008), [Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#), Rules 18 and 19, and European Commission for Democracy through Law (Venice Commission), Latvia – Opinion on the recent amendments to the legislation on education in minority languages, adopted on 18 June 2020, ([CDL-AD\(2020\)012](#)), para. 108.

175. Apart from these principled objections about the compatibility of the 2022 reform with Article 14 of the Framework Convention, the Advisory Committee is deeply worried about the likely practical consequences arising from the short transition period between 2023 and 2025. Given the still pending adoption of the relevant ministerial guidelines, the enormous shortage of teachers able to teach (in) the Latvian language, and the fact that the methodologies, training and education materials necessary to implement the 2018 reform are not fully in place, there is a risk that students belonging to national minorities and following education in their languages will be in a disadvantaged situation for some time to come (see also Article 12). This situation causes additional stress to teachers and negatively affects students and their parents.

176. The Advisory Committee urges the authorities to reconsider, in close consultation with representatives of the national minorities concerned, the decision to phase out the bilingual teaching model. Provided there is sufficient demand, the choice to receive a part of the instruction in a minority language and the option to learn a minority language within the core curriculum, rather than solely in interest-related optional courses, need to be maintained at all levels. Education policies should be developed on the basis of independent and professional evaluations, taking into account the demand and the proficiency of children belonging to national minorities in both Latvian and their minority language. Furthermore, such policies require the effective participation of minority representatives in decision-making, as well as the timely development of appropriate education materials, teaching methodologies and teacher training.

## Article 15 of the Framework Convention

### Participation of persons belonging to national minorities in public affairs

177. Until 2019, a Minorities Advisory Council existed under the authority of the President of Latvia with the aim of promoting dialogue on ethnic, cultural, linguistic and religious identity issues of national minorities. To the regret of minority representatives, this practice was discontinued under the current President.

178. Three consultative councils on national minority issues continue to exist at ministerial level.<sup>171</sup> Firstly, the “Advisory Council for the Promotion of Participation of Roma” advises the Ministry of Culture on the implementation of Roma inclusion measures (see also Article 4). It has seven members drawn from a broad spectrum of Roma and non-Roma NGOs.

179. Secondly, the “Advisory Committee of Ethnic Minority Organisation Representatives” consisting of 16 NGO members has a consultative role on minority and integration policies co-ordinated by the Ministry of Culture. According to representatives of the Ministry, there was only limited interest among minority organisations in joining the current composition of the committee, so all applicants were accepted. Members include three representatives each of the German and Ukrainian minorities, two representatives of the Polish minority, one representative each of the Belarusian, Georgian, Jewish, Polish and Russian minorities, and four representatives of umbrella associations.<sup>172</sup> While some of the members positively assessed the work of the body, others found that the committee acted more as a platform for sharing information rather than for effective consultation on future policies.

180. Thirdly, an “Advisory Council for Ethnic Minority Education” exists at the Ministry of Education and Science. Out of its 19 members, 11 are principals of minority language schools, two are researchers, and one each represents the Ministry of Culture and the Latvian Institute of Old Believers. The remaining four members come from associations of the Jewish, Roma, Polish and Russian minorities, respectively. Representatives of the Russian minority found it highly problematic that the voice of parents and children benefiting from Russian minority language education is clearly underrepresented in the body. Rather than being an effective consultation mechanism for future policies, the body’s main role was seen as exchanging information.

181. The Advisory Committee reiterates that “[t]he degree of participation of persons belonging to national minorities in all spheres of life can be considered as one of the indicators of the level of pluralism and democracy of a society.”<sup>173</sup> The involvement of representatives of national minorities in decision-making should encompass a wide range of areas, not only culture, including those not exclusively or directly

<sup>171</sup> Information on the composition of the consultative bodies was provided in writing by the authorities in February 2023.

<sup>172</sup> These are the Ita Kozakēviča Latvian National Cultural Association, the Ventspils Association of National Cultural Societies, the Jelgava Association of National Cultural Societies, and the Rēzekne municipal theatre-studio “Joriks”.

<sup>173</sup> [ACFC Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 8.

concerning minority issues. Against this background, the Advisory Committee regrets that the practice of a consultative body on national minority issues at the level of the President was not continued. Given the importance of this issue for Latvia across all policy fields, it considers that it is not good practice to confine minority issues to the respective remits of the Ministries of Culture and Education.

182. The Advisory Committee further reiterates that persons belonging to national minorities should be given real opportunities to influence decision-making, the outcome of which should adequately reflect their needs and interests.<sup>174</sup> Regarding the membership of consultative bodies, it emphasises that appropriate attention should be paid to their inclusiveness and representativeness. “This implies, inter alia, that where there are mixed bodies, the proportion between minority representatives and officials should not result in the latter dominating the work.”<sup>175</sup> While the “Advisory Council for the Promotion of the Participation of Roma” appears to reflect the diversity within the Roma minority to a sufficient extent, the composition of the other two Advisory Councils raises questions. First, it would be important to establish why more minority associations did not take an interest in applying for membership in the “Advisory Committee of Ethnic Minority Organisation Representatives” at the Ministry of Culture. As a result, the membership does not seem to reflect very well the composition of the minority population. It is problematic that some of the members see the body as not in a position to effectively influence decision-making in the important fields of culture and societal integration. Secondly, the “Advisory Council for Ethnic Minority Education”, with about two thirds of the members representing public officials, is unlikely to be able to independently channel the concerns of persons belonging to national minorities, and particularly those of parents and children, to the authorities.

183. In June 2023, the *Saeima* adopted amendments to the Law on Pre-Election Agitation, stipulating that pre-election campaigns be conducted exclusively in the state language. The amendments foresee that use of languages other than Latvian will not be allowed in electronic media programmes and broadcasts, public outdoor and indoor use, press publications, and pre-election campaign materials. Exceptions are foreseen for the use of EU official languages in the context of municipal elections and elections to the European Parliament.<sup>176</sup>

184. The Advisory Committee strongly regrets the adoption of amendments to the Law on Pre-Election Agitation. It considers any prohibitions on the use of minority languages in pre-election campaigns to be highly problematic, since it restricts both the right of persons belonging to minorities to participate effectively in public affairs as guaranteed by Article 15, and the right to receive and impart information and ideas in the minority language without interference by public authorities, as guaranteed by Article 9 of the Framework Convention. State Parties should ensure that parties representing or including persons belonging to national minorities have adequate opportunities in election campaigning, including in minority languages, which may imply the display of electoral advertising in minority languages.<sup>177</sup> The Advisory Committee further notes that the European Court of Human Rights considers that restrictions on the use of non-official languages in pre-election campaigns raise concerns regarding the right to freedom of expression.<sup>178</sup>

185. The situation has remained unchanged as regards the restrictions for permanent residents holding non-citizen status to participate in local and national elections. As pointed out in previous Opinions, the Advisory Committee considers that the granting of political participation rights, at least at local level, would be an important signal fostering the inclusion of “non-citizens” in Latvian society.<sup>179</sup> It regrets that despite repeated recommendations by the Advisory Committee as well as other international bodies,<sup>180</sup> long-term residence is still not considered a criterion for the right to vote in local elections.

186. In its Third Opinion, the Advisory Committee urged the authorities to ensure the effective participation of persons belonging to national minorities in the public administration, including by reviewing whether the relevant citizenship and language requirements are indeed necessary and proportional for all of the occupations in state and public service positions that are not accessible to permanent residents holding

<sup>174</sup> *Ibid.*, para 71.

<sup>175</sup> [ACFC Thematic Commentary No. 2](#), para. 109.

<sup>176</sup> [Law on pre-election campaigning](#), adopted on 29 November 2012 (in Latvian).

<sup>177</sup> [ACFC Thematic Commentary No. 2](#), para. 77.

<sup>178</sup> See *Mestan v. Bulgaria*, application no. 24108/15, judgement of 2 May 2023 (in French).

<sup>179</sup> See First, Second and Third ACFC Opinions on Latvia, Article 15.

<sup>180</sup> See for instance UN Committee on the Elimination of Racial Discrimination (25 September 2018), Concluding observations on the sixth to twelfth periodic reports of Latvia, [CERD/C/LVA/CO/6-12](#).

non-citizen status and to persons who are not sufficiently fluent in Latvian. The Advisory Committee is not aware of such a review having taken place. Also, language requirements for board members of associations, including those representing national minorities, remain in place. As pointed out in its Third Opinion, the Advisory Committee considers this problematic with respect not only the right to effective participation, but also to freedom of association.<sup>181</sup>

187. The Advisory Committee calls on the authorities to ensure the effective participation of persons belonging to national minorities in all sectors of public life, including elections. Lack of full proficiency in the state language should not unduly limit participation in public life. Consultative bodies on national minority issues need to ensure broad representation of all national minorities and be able to effectively influence public decision-making.

188. The Advisory Committee calls on the authorities to withdraw the ban on the use of languages other than Latvian in pre-election campaigning as it restricts the right of persons belonging to national minorities to effectively participate in public affairs.

### Participation of Roma in socio-economic life

189. The participation of Roma in socio-economic life continues to be limited by discrimination (see Article 4), poverty and exclusion, as well as low levels of education (see Article 12). While some recent data exists in the field of employment, the last studies on health care and housing have been conducted during the previous monitoring cycle.

190. According to 2021 data, only 18.7% of Roma (15 years and older) are employed, compared to 55.2% in the general population.<sup>182</sup> The group of unemployed Roma is dominated by long-term unemployed (39% compared to 25% in the general population). A share of 91% of unemployed Roma had only lower secondary or primary education. Data on potential differences between Roma women and men is not available. Some 35 Roma did participate in “motivational enhancement and support measures” provided to unemployed persons from 2020 to 2022, and a considerable share of those taking part in the programme have subsequently engaged in education, employment, or started looking for job. However, the low level of education, including cases of adult illiteracy, restricts their access to the general support measures (see Article 4), as a certain minimum education is needed to qualify for professional development and skills acquisition courses.<sup>183</sup> According to Roma women organisations, special adult education programmes are needed to enable Roma women to access the labour market.<sup>184</sup> Apart from the low levels of education, discrimination and stereotypes are clearly the main obstacle for Roma to find employment. As a result of widespread unemployment, many Roma families depend on social welfare payments. While a 2022 report by the Ombudsperson concluded that the knowledge of Roma about social benefits was satisfactory, it noted that many had difficulties filling in the necessary paperwork due to a low level of education or illiteracy. The report confirmed the important contribution of Roma mediators in this regard. At the time of the study, only three out of the seven municipalities with a significant Roma population had such mediators, who were employed on contracts of less than one year and co-funded by EU projects.<sup>185</sup>

191. In the field of housing, official data shows that the average household size among Roma is significantly larger than among the population in general. In 2022, for instance, 13.6% of Roma households consisted of six or more persons, while this is the case for only 3.6% of households overall. Dwellings inhabited by Roma were also less often equipped with flush toilets, bathrooms and central heating, and 17.1% of Roma had no access to running water.<sup>186</sup> All measures regarding housing listed in the Plan for Implementing Measures of the Roma Strategic Framework are mainstream measures such as renovation and energy efficiency support. According to a report published by the Ombudsperson in 2022, the situation regarding access to housing for Roma has remained largely unchanged over the past years. The Ombudsperson recommends that municipalities make use of Roma mediators to improve the

<sup>181</sup> See Third ACFC Opinion on Latvia, Article 7, paras. 100 and 102.

<sup>182</sup> Office of Statistics, [Share of Roma in total population and characteristic indicators thereof 2011-2022](#).

<sup>183</sup> [Plan for Implementing Measures of the Roma Strategic Framework for 2022-2023](#), p. 8. See also Ombudsperson of the Republic of Latvia (2022), *Romu situācija Latvijā* (Roma situation in Latvia).

<sup>184</sup> Women’s NGOs Cooperation Network of Latvia, [Alternative Report for the 75th CEDAW session](#), p. 5.

<sup>185</sup> The report included the seven municipalities with more than 240 residents listed as Roma in the Register of Natural Persons. Ombudsperson of the Republic of Latvia (2022), *Romu situācija Latvijā* (Roma situation in Latvia).

<sup>186</sup> Office of Statistics, [Share of Roma in total population and characteristic indicators thereof 2011-2022](#).

communication between Roma living in subsidised housing and the municipality, and to consider increasing and improving the social housing stock.<sup>187</sup>

192. Official data on the health situation of Roma in Latvia is not available, nor are specific studies on Roma women or girls. Despite universal coverage with basic health care, NGOs report that Roma face barriers in accessing quality health care related to cultural differences, poverty and illiteracy.<sup>188</sup> To address the reportedly high rate of teenage pregnancies, young Roma women would benefit from peer-to-peer programmes for education on sexual and reproductive health.<sup>189</sup> In the few places where Roma mediators exist, they try to support Roma also in this area. In Ventspils, for example, the Roma mediator helps clients suffering from HIV/AIDS to regularly visit the respective clinic in Riga free of charge and informs individuals about HIV/AIDS prevention.<sup>190</sup> The authorities informed the Advisory Committee that they aim to improve access to health care through provision of training for Roma mediators.

193. The Advisory Committee emphasises that effective participation in social and economic life requires that state parties remove barriers which prevent persons belonging to national minorities from having equal access to various spheres of economic life and social services. Moreover, effective participation also requires that state parties actively promote the participation of persons belonging to national minorities in economic and social life, which includes the right to benefit from economic development, health services, social security and other forms of benefits.<sup>191</sup>

194. The Advisory Committee regrets that there are still obstacles to the full participation of Roma in socio-economic life in Latvia. It also regrets the lack of regularly collected data, including of data disaggregated by gender. It notes that besides discrimination (Article 4), a low level of education, including among adults, is a root cause of this situation. In addition to increased attention to ensuring access to quality education by Roma children (see Article 12), it would therefore be important to continuously provide a low threshold offer of literacy and professional development courses specifically targeted at adult Roma, including Roma women. In addition to the existing universal benefits in the areas of employment, housing and health care, the advisory Committee considers it necessary to develop additional measures targeted specifically at Roma, including Roma women, in close consultation with Roma representatives. The effective participation of persons belonging to the Roma community is particularly important in sensitive areas such as sexual and reproductive health care. Given the positive evaluation of the contribution of Roma mediators in supporting Roma families at local level, the Advisory Committee regrets that Roma mediators' services are provided in only six municipalities and that even these depend on annual renewal of project funding.

195. The Advisory Committee calls on the authorities to strengthen participation of Roma in socio-economic life through targeted measures such as increased adult education, improvement of the housing situation, and better access to sexual and reproductive health care, developed in close co-operation with Roma representatives, including women. Roma mediators should be employed with a long-term employment perspective in all municipalities with a significant Roma population, and with dedicated funds from the state budget.

<sup>187</sup> Ombudsperson of the Republic of Latvia (2022), *Romu situācija Latvijā* (Roma situation in Latvia).

<sup>188</sup> Centre for Education Initiatives (May 2022), Roma Civil Monitor, Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Latvia, pp. 20-21.

<sup>189</sup> Submission to the Advisory Committee by the Roma Cultural Centre, March 2023. See also Committee on the Elimination of Discrimination against Women (10 March 2020), Concluding observations on the combined fourth to seventh periodic reports of Latvia ([CEDAW/C/LVA/CO/4-7](#)), para. 37(b).

<sup>190</sup> Ombudsperson of the Republic of Latvia (2022), *Romu situācija Latvijā* (Roma situation in Latvia).

<sup>191</sup> [ACFC Thematic Commentary No. 2](#), paras. 26-27.

### III. CONCLUSIONS

196. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Latvia.

197. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### **Recommendations for immediate action:**<sup>192</sup>

- The Advisory Committee urges the authorities to widen their approach to integration of society beyond promoting the use of the Latvian language by incorporating a greater emphasis on intercultural dialogue and minority rights and thus strengthening the feeling of belonging to Latvian society among everyone, including persons belonging to national minorities whilst enabling expression and promotion of minority identities.
- The Advisory Committee urges the authorities to guarantee equal access of Roma children to quality inclusive education within the mainstream school system by undertaking annual monitoring, including from a gender perspective, of the enrolment and attendance of Roma children in preschools and schools. Furthermore, it is necessary to provide a sufficient number of qualified and adequately paid Roma mediators and teaching assistants, and to ensure that Roma children are appropriately supported.
- The Advisory Committee urges the authorities to substantially review the decision to transfer to full education in the Latvian language in the light of its possible negative consequences for equal access to quality education of children belonging to national minorities. The authorities are called upon to closely monitor the impact of any measures on children's educational outcomes, paying particular attention to preschool and primary level as well as to children with special educational needs.
- The Advisory Committee urges the authorities to ensure the right of persons belonging to national minorities to set up and manage their own private educational establishments providing instruction in minority languages at all levels of education.
- The Advisory Committee urges the authorities to reconsider, in close consultation with representatives of the national minorities concerned, the decision to phase out the bilingual teaching model. Provided there is sufficient demand, the choice to receive a part of the instruction in a minority language and the option to learn a minority language within the core curriculum, rather than solely in interest-related optional courses, need to be maintained at all levels. Education policies should be developed on the basis of independent and professional evaluations, taking into account the demand and the proficiency of children belonging to national minorities in both Latvian and their minority language. Furthermore, such policies require the effective participation of minority representatives in decision-making, as well as the timely development of appropriate education materials, teaching methodologies and teacher training.

#### **Further recommendations:**<sup>193</sup>

- The Advisory Committee calls on the authorities to review their legislation in order to ensure full implementation of the principle of non-discrimination for persons belonging to national minorities. The relevant legislation should include a definition and prohibition of multiple and intersectional discrimination and a comprehensive list of prohibited grounds, including language. Increased awareness raising and confidence-building among persons belonging to national minorities vis-à-vis the Ombudsperson's Office should be conducted.
- The Advisory Committee calls on the authorities to respect the principle of equality before the law and equal protection of the law and to ensure that insufficient proficiency in the state language

<sup>192</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>193</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

does not constitute an obstacle to equal access to rights by persons belonging to national minorities.

- The Advisory Committee calls on the authorities to increase public investment in effective, targeted and evidence-based measures to address discrimination and inequalities faced by Roma in a sustainable way. In particular, the system of Roma mediators should be institutionalised, professionalised and expanded to meet the needs that exist within Roma communities.
- The Advisory Committee calls on the authorities to revisit the support scheme for minority cultures and languages in a way that allows associations to apply for multi-year projects and have access to long-term baseline funding. This applies particularly to well-established, regular and significant activities such as the Livonian summer school.
- The Advisory Committee calls on the authorities to ensure the effective investigation, prosecution and sanctioning of acts of incitement to national, ethnic, racial or religious hatred, to further increase systematic training for law enforcement authorities, and to build confidence in the mechanisms available.
- The Advisory Committee calls on the authorities to increase the support for the production of quality domestic media content in minority languages, including Russian, in public broadcasting as well as by private media outlets.
- The Advisory Committee reiterates its call to review the legislative and policy framework related to the use of languages in dealings with administrative authorities to ensure an adequate balance between the promotion of the official language and access to language rights of persons belonging to national minorities, in line with Article 10 of the Framework Convention. The Advisory Committee further calls on the authorities to ensure the right of persons belonging to national minorities to use freely and without interference their minority language, in private and in public.
- The Advisory Committee calls on the authorities to implement without further delay the right of persons belonging to national minorities to use their personal names in a minority language and have it recognised in official documents.
- The Advisory Committee reiterates its call on the authorities to bring their legislative framework regarding the use of minority languages in topographical signage in line with Article 11 of the Framework Convention, thus extending the good practice applied for Livonian and Latgalian.
- The Advisory Committee calls on the authorities to promote plurilingualism in education and joint learning of children belonging to the majority and those belonging to national minorities at all levels of the education system, with a view to strengthening the intercultural competences of everyone and the integration of society as a whole.
- The Advisory Committee calls on the authorities to ensure the effective participation of persons belonging to national minorities in all sectors of public life. Lack of full proficiency in the state language should not unduly limit participation in public life. Consultative bodies on national minority issues need to ensure broad representation of all national minorities and be able to effectively influence public decision-making.
- The Advisory Committee calls on the authorities to withdraw the ban on the use of languages other than Latvian in pre-election campaigning as it restricts the right of persons belonging to national minorities to effectively participate in public affairs.
- The Advisory Committee calls on the authorities to strengthen participation of Roma in socio-economic life through targeted measures such as increased adult education, improvement of the housing situation, and better access to sexual and reproductive health care, developed in close co-operation with Roma representatives, including women. Roma mediators should be employed with a long-term employment perspective in all municipalities with a significant Roma population, and with dedicated funds from the state budget.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in English and French, as well as Latvian, Polish, Romani, Russian, Ukrainian, and many other languages.

This opinion contains the evaluation of the Advisory Committee following its 4<sup>th</sup> country visit to Latvia from 27 February to 3 March 2023.

[www.coe.int/minorities](http://www.coe.int/minorities)

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