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

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**COMMENTS OF THE GOVERNMENT OF LATVIA  
ON THE FIRST OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES  
BY LATVIA**

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(received on 18 May 2009)

## **Introduction**

On 9 October 2008, the Framework Convention for the Protection of National Minorities (further – Convention) Advisory Committee adopted an Opinion on the implementation of the Convention in Latvia. This Opinion was delivered to Latvia with the letter by the Directorate-General for Human Rights and Legal Affairs of the Council of Europe of 28 November 2008. Latvia submitted its preliminary report on the implementation of the Convention on 11 October 2006.

Latvia appreciates the activities of the Advisory Committee in the process of monitoring the implementation of the Convention and reaffirms its readiness to continue the implementation of its commitments in permanent dialogue with the Committee. Latvia thanks the Committee for its expressed recognition with regard to the progress achieved by Latvia in different areas of society integration and undertakes to evaluate accordingly the recommendations and suggestions of the Advisory Committee.

At the same time, Latvia considers that, in evaluating the implementation of the Convention from the point of view of Latvia's historic experience, it is necessary to take into account the proportionality between the rights of those persons who belong to national minorities but who are not citizens of the Republic of Latvia and the necessity to ensure that the fundamental principles of Latvia as an independent sovereign state are observed.

## **A Summary of Latvia's Comments**

Ratifying the Convention, Latvia has retained its right to determine a definition for the term "national minority" and the scope of application of the Convention that is much broader than that of many other Member States. In this regard, it should be noted that the right to work in the civil service or occupy posts that are related to national security and the right to vote is historically and legally linked to citizenship, the concept which determines mutual acceptance by the state and the individual of certain rights and obligations. Consequently, in these spheres it is not necessary to equate the rights of citizens of the Republic of Latvia and those of non-citizens.

The goal of Latvia's integration policy is to encourage naturalisation and to increase the number of citizens of Latvia with full rights rather than to increase the number of non-citizens with many rights. Granting the right to vote at municipal elections to non-citizens would bring the status of non-citizens and the status of citizens even closer, thus lessening any motivation for non-citizens to become naturalised, and would prolong the existence of the 'special legal status' of non-citizens for indefinite period of time.

The position of the Advisory Committee that non-citizens should be granted not only the right to vote at municipal level, but also the right to stand for election in local, parliamentary and European elections is contrary to international law and the criteria set forth in the Convention itself. According to the principles of international law, Latvia has the right to determine its political and legal system and these questions are within the competence of Latvia as a sovereign state. It should be added in this regard that the rights, as proposed by the Advisory Committee, are not to be found in practice of any other state.

Article 4 of the Constitution of the Republic of Latvia states that Latvian is the official language of the Republic of Latvia. With that, the Latvian language has a constitutional status. Taking note of political and demographic processes in the region, Latvia is one of those states in which the implementation of a consistent language policy is crucial to the maintenance of its language. The State Language law (2000) and its implementing regulations have been elaborated in close cooperation with OSCE and Council of Europe experts and they are in compliance with international standards. The State Language law has not been changed since its adoption in 1999. Adding to its instrument of ratification the declaration on the application of paragraph two of Article 10 of the Convention and paragraph three of Article 11 of the Convention, Latvia referred to the Constitution of Latvia and to the above-mentioned legal acts governing use of the state language.

Furthermore, taking note of the wording of those provisions (“as far as possible”, “taking into account their specific conditions””, “in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers”, “where such a request corresponds to a real need” etc.), Latvia has made use of its right to explain their scope of application, taking into account Latvia’s specific circumstances. The declaration in no way limits the objective of the Convention of preserving and developing the cultural and linguistic identity of national minorities. The State Language law envisages the maintenance, protection, and development of the Latvian language while at the same time guaranteeing the integration of national minorities into society and observing the right of national minorities to use their ethnic or other languages. Latvia thus considers that its declarations comply with the objectives and spirit of the Convention.

Taking into account the above-mentioned and the principles of legal certainty and of non-discrimination, Latvia expresses its puzzlement at the recommendation by the Advisory Committee for it to be more flexible in the interpreting of language requirements, as determined for certain jobs and occupations, including for work in the civil service as applied to persons belonging to national minorities. For a period of more than eight years now, Latvia has implemented a broad range of Latvian language learning programmes. The application of responsibility for the non-observance of existing and enforceable normative acts in parallel with the state language learning process itself is an integral factor in the effective realisation of the state language policy.

The following text provides Latvia’s comments on the Opinion of the Advisory Committee on the implementation in Latvia of specific Articles of the Convention.

## Article 3 of the Convention

### *Personal scope of the application of the Framework Convention.*

### *“Non-citizens” access to the protection afforded by the Framework Convention.*

## Paragraph 20

Ratifying the Convention, Latvia has retained its right to determine a definition for the term “national minority” and the scope of application of the Convention that is much broader than that of many other Member States. In this regard, it should be noted that the right to work in the civil service or occupy posts that are related to national security and the right to vote is historically and legally linked to citizenship, the concept which determines mutual acceptance by the state and the individual of certain rights and obligations. Consequently, in these spheres it is not necessary to equate the rights of citizens of the Republic of Latvia and those of non-citizens. Thereby, and in the majority of states – as well as in Latvia – these rights are granted only to citizens of the State. According to international human rights instruments (for example, Article 25 of the United Nations International Covenant on Civil and Political Rights), the state, depending on the citizenship status of an individual, has the right to determine the range of political rights for that person which is not subject to the principle of non-discrimination on the grounds of citizenship.

Latvia has created all the pre-conditions to ensure that people who have been determined as having non-citizen status could obtain citizenship. The aim of the State, which also follows from international law, is to reduce the number of non-citizens. The status of *non-citizen* was created as a temporary status and it is not considered as a category of Latvian citizenship. Taking into account continuity of Latvia as a subject of international law, following the renewal of Latvia’s independence the right to citizenship of Latvia was determined by the Law on Citizenship of 1919. Thus Latvia did not grant citizenship anew to those persons who had been citizens prior to the occupation but renewed these rights *de facto*. Accordingly, citizens of the former USSR who had arrived in Latvia after 1940 could not possess and could not be granted the citizenship of the Republic of Latvia. This principle of citizenship continuity, which is consequent to the principle of state continuity, has been supported by the Parliamentary Assembly of the Council of Europe in its position on the accession of Latvia to the Council of Europe and by the Venice Commission in the declaration “On the consequences of State succession for the nationality of natural persons”<sup>1</sup>

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<sup>1</sup> The report of the Venice Commission “**Consequences of state succession for nationality**” (Adopted at its 28th Plenary Meeting, Venice, 13-14 September, 1996): “67. [...]These three States represent a special case since their claim to be identical with the three Baltic States annexed by the Soviet Union in 1940 was accepted by the international community. After having restored their statehood, the Baltic States based their nationality legislation to a large extent on legislation which had been in force in each of the countries before 1940. The Law on Citizenship of Estonia of 1938 and the Law on Citizenship of Latvia of 1919 have been re-enacted temporarily[...]” “100. [...] The practice adopted by these two countries can be explained by the need to preserve their national identity following more than fifty years of foreign annexation and the resulting massive influx of USSR citizens. It must be born in mind that these States recovered a political and legal identity which had been suppressed during the time of annexation.”

Thus, in adopting this policy, the goal of the state is not to merge the status of citizen and non-citizen with resultant maximum equation, but rather to motivate people to obtain citizenship, thereby providing them an exhaustive legal link to the state and a broader scope of rights and obligations.

### **Paragraph 25**

The Advisory Committee points to the necessity to protect the region of Latgale and its inhabitants and in this regard proposes to hold discussions so as to determine whether the inhabitants of the Latgale region conform to the overall criteria of and are to be protected under the Framework Convention for the Protection of National Minorities. In this regard, Latvia wishes to bring to attention Article 3, paragraph 4 of the State Language Law which states that the State shall ensure the maintenance, protection and development of the Latgalian written language as a historic variant of the Latvian language. Taking into account that the Latgalian language is considered as a historic variant of the Latvian language, the maintenance, protection and preservation of which is determined by the Law, Latgalians thus may not be considered as a national minority within the meaning of the Convention.

### *Collection of ethnic data*

### **Paragraphs 29 – 31**

According to Article 3 of the Population Register Law of Latvia, the main task of the Register is to ensure the registration of Latvian citizens, Latvian non-citizens, as well as of aliens, stateless persons and refugees who have received residence permits in Latvia in accordance with the procedures specified in the Law, by including and updating information in the Register regarding such persons.

On 10 March, 2009, the Cabinet of Ministers adopted Regulations No.225 “*Provisions for Primary Registration Forms of the Population Register and Procedure of Their Completion.*” The Regulations prescribe the procedure for completing the primary registration form, *inter alia*, Section 14 of the Regulations states that, in filling out the item on ‘nationality’, it should be observed that:

- (a) In the event an individual’s nationality is already registered in any other document, then the individual’s nationality is entered according to that document;
- (b) In the event an individual’s nationality is not determined, then the nationality is entered after the individual’s choice in accordance with two generations of upward immediate predecessors;
- (c) In the event an individual has not chosen a nationality, then “unspecified” is entered;
- (d) In the event of an adoption, the nationality of the child may be changed according to the nationality of the adopting parent and one generation of his upward immediate predecessors;
- (e) Nationality in the registration blank should be entered according to the Classification of Nationalities.

In this way, the individual has the right to choose or to indicate the nationality in the Population Register thereby identify himself/herself with a particular ethnic community, or not to indicate this information. The recording of information about individual in the Population Register is not the determining factor with regard to the individuals' belonging to a national minority. Although it is not possible to enter any possible nationality (except for those stated in the Classification of Nationalities and 'unspecified' or 'unknown'), the individual may, in pursuit of his/her due rights, certify the nationality with, for example, a travel document in which this information is indicated.

Taking note of the afore-mentioned, provision set out in the Article 10, paragraph 1, Section 9 of the Population Register Law (that data on an individual's nationality should be entered in the Register) is not contradicting Article 3 of the Framework Convention for the Protection of National Minorities.

Furthermore, if the data on the nationality of individual would not be registered in the Population Register, it would not be possible to aggregate data on the ethnic composition of the society, nor to undertake other studies that would take into consideration the ethnic composition of the population (for example, Paragraphs 27, 37, and 42 of the Opinion of the Advisory Committee).

#### **Article 4 of the Convention**

##### *Protection against discrimination*

#### **Paragraph 33**

In 2007, work was undertaken on the drafting and further development of legislation and the following amendments with regard to the policy of anti-discrimination and the implementation of directive 2000/43/EC were made:

- On 21 June 2007 the law "Amendments to the Criminal Law" (in force since 19.07.2007) was adopted, determining criminal liability for discrimination due to racial or ethnic origin, or the violation of discrimination prohibitions specified in other regulatory enactments if committed repeatedly within a period of one year (the applicable sentence is a fine not exceeding thirty times the minimum monthly wage). The Amendments also provide for severer punishment (deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding fifty times the minimum monthly wage) for the same acts, if by such acts substantial harm is caused or they are associated with violence, fraud or threats, or where they are committed by a group of persons or a State official, or a responsible employee of an undertaking (company) or organisation, or if it is committed utilising automated data processing systems;
- On 17 May 2007 the law "Amendments to the Latvian Administrative Violations Code" (in force since 21.06.2007) was adopted, determining the liability for violation of the prohibition of discrimination specified in regulatory enactments (the applicable sentence is a fine in an amount from LVL 100 up to LVL 500). For the same acts if committed repeatedly within a period of one year or if by such acts substantial harm is

caused or they are associated with violence, fraud or threats, or where they are committed by a group of persons or a State official, or a responsible employee of an undertaking (company) or organisation, or if it is committed utilising automated data processing systems, liability is determined under the provisions of 149.1 (entitled “Violation of Discrimination Prohibitions”) of the Criminal Law;

- On 19 June, 2008, the law “Amendments to the Consumer Rights Protection Law” was adopted, supplementing the Consumer Rights Protection Law with a provision that in supplying a product or a service, in selling a product or a service, differential treatment due to gender, race or ethnic origin of the consumer shall be prohibited.

In its turn, Article 2, Paragraph 1, of the Law “On Social Security” prescribes that in ensuring social services, differential treatment based on a person’s race, skin color, gender, age, disability, state of health, religious, political or other persuasion, national or social origin, property or marital status or other circumstances shall be prohibited.

Both the abovementioned regulations were adopted with the aim of ensuring prohibition of discrimination with regard to access to goods and services.

### **Paragraph 36**

The Advisory Committee has, without foundation, pointed to a possibility of discrimination in the employment legal relations due to insufficient knowledge of the Latvian language. Article 4 of the Constitution of Latvia states that Latvian is the official state language of the Republic of Latvia. Article 2, Paragraphs 1, of the State Language Law of the Republic of Latvia prescribes the use and protection of the official language in State and local government institutions, courts and institutions constituting the judicial system, as well as in other institutions, organisations and undertakings (companies), in the educational sphere and other spheres; whereas Article 2, Paragraph 2, of the same Law prescribes Language use in private institutions, organisations, undertakings (companies) and with respect to self-employed persons shall be regulated, if their activities affect the lawful interests of the public (public security, health, morality, health care, protection of consumer rights and employment rights, safety in the work place and public administration supervision) and to the extent that the necessary restriction which has been set in the lawful interests of the public is proportional to the rights and interests of private institutions, organisations and undertakings (companies).

According to Article 6 of the State Language Law, employees and officials of State and local government institutions, courts and institutions constituting the judicial system, State and local government, as well as employees of companies in which the greatest share of capital is owned by the State or a local government shall be fluent in and use the official language to the extent necessary for performance of their professional duties and duties of office. The extent of the knowledge of the official language required for the persons referred to and the procedures for testing fluency of the Latvian language shall be prescribed by the Cabinet of Ministers. Thereby, legal acts establish the extent of knowledge necessary for the profound fulfillment of ones professional duties.

### **Paragraph 37**

A similar research at the request of the Ombudsman was conducted in 2008. Altogether, it may be possible to conclude that representatives of minorities (but not representatives of Russian nationality) had encountered a greater level of discrimination – 41,4%. It

was observed that Russians and Latvians had encountered discrimination approximately to the same degree (25,8% and 25,9% respectively).

Latvia can not agree with the opinion of the Advisory Committee that there is a proportionally higher ratio of people from national minorities among the unemployed. According to data of the State Employment Agency as of 31 December, 2008, 52,7% of the total of those who are registered as unemployed are Latvian, 31,3% are Russian, 3,6% are Belarusian, 2,5% Ukrainian, 2% Polish. Furthermore 52,6% of the unemployed have acquired their education in Latvian language; 15,6% have a level of State language proficiency correspondent to intermediate level of competence but 6% master the State language at the highest possible level of assessment.

Concerning the essence of the problem with regard to unemployment in the Latgale region, it should be mentioned that it is not related to the issue of ethnic origin, but more to the disproportionate rate of regional development in the State and insufficiently developed small and medium sized enterprises with the result that insufficient new job opportunities are being created, there is a relatively low middle level of income, there is a low local mobility to the cities or regional centers displaying a high level of unemployment, and there is an undeveloped infrastructure, which hampers the employment possibilities for locals, as well as other reasons that are related to specific aspects of development of this region.

### **Paragraph 39**

Article 4 of the Constitution of Latvia states that Latvian is the official language in the Republic of Latvia. With that, the Latvian language has a constitutional status in Latvia.

The Latvian language is the only official State language and Latvia is the only country in the world, where the Latvian language may develop and function. Taking into account the various political and demographic processes in the region, Latvia is one of those states in which the implementation of a consistent language policy is crucial to the survival of the language itself. Results of surveys from 2008 confirm that over the past year the use of Latvian language in formal settings has stabilized, i.e., in areas where the use of Latvian is prescribed by Law, however, if the choice of language usage is left to individuals, the members of national minorities give preference to their native language. With this situation, the Latvian language remains in competitive circumstances and over the past years, throughout all ethnic groups, there has been a notable increase in the knowledge and use of Russian language. Bearing this in mind, it is not possible to apply more flexible language requirements in implementing the linguistic legislation in the State sector as well as private enterprises and organisations, which perform public functions or provide services in the interests of consumers.

### **Paragraph 41**

The main goal of the Roma programme is to foster integration of the Roma into Latvian society, to eliminate discrimination and to provide equal opportunities to the Roma community in areas of education, employment and human rights in accordance with that community's special provisions and corresponding to the requirements, and comments outlined in Section 2, Article 4, Paragraph 2 of the Framework Convention for the



Protection of National Minorities. Financial support for the Roma programme in 2007 was LVL 53755,00 but in 2008 - LVL 45543,00.

We would like to inform that in addition to the statement in the Opinion of the Advisory Committee regarding activities in the area of education, there have been additional activities in the areas of employment and human rights financed from the State budget and implemented within the framework of the Roma programme.

*Activities implemented in the area of employment under the Roma programme:*

Several Roma societies and inter-ethnic non-governmental organisations (NGOs) realised projects under the Roma programme to facilitate employment opportunities for the Roma community:

- In 2007 support was provided for driver training courses to assist the integration of Roma in the labour market (project carried out by the Association of Jelgava National Cultural Communities), as well as for Latvian language training courses for Roma in Daugavpils (project carried out by the Latvian Roma Association *Nevo Drom*) and “B” category driver training courses (organised by the Kurzeme regional Roma association ‘*Menessgaisma*’).
- In 2008 support was provided for informative seminar on “The Necessity of Education for Children; Issues of Employment and Social Assistance” for Roma in the city of Daugavpils and region (project carried out by the Roma cultural development association ‘*Me Roma*’).

*Activities implemented in the field of human rights under the Roma programme:*

A number of Roma and inter-ethnic NGOs implemented projects under the Roma programme to promote tolerance and reduce negative stereotyping and prejudice against Roma in the Latvian community:

- In 2007 the internet portal [www.romi.lv](http://www.romi.lv) was created (project realised by the Roma Cultural Development Centre).
- In 2007 financial support was provided for the “Roma autumn festival – ‘*Šarad*’” (organised by the association *Nevo Drom*), an informative seminar in Jelgava on “The role and place of the Roma community in Latvian society” (project realised by *Nevo Drom*) and the international Roma days (project realised by the Association of Jelgava National Cultural Communities).
- In 2008 financial support was provided for the Latvian Roma Association *Nevo Drom* for the implementation of a public information campaign on the Roma community in Latvia, as well as for the association “*Skola visiēm*” (*School for All*) project activities - creative workshops “We and the Roma” at Sabile high school.

Within the framework of the Roma programme, several Roma associations and inter-ethnic NGOs implemented projects to promote cultural development and preservation

of ethnic identity of Latvia's Roma community, as well as to foster participation of Latvia's Roma NGO's in the civil society:

- In 2007 financial support was provided for the creation of a Roma youth ensemble (realised by the 'Children's and Youth Music Club'), for the recording of Roma folk music performed by Dzintars Čiča and Roma musicians (project realised by the Centre for sports, culture and society integration '*Visbija*'), for a Festival of National Minority Folklore Ensembles (project implemented by the Association of Madona Roma Culture "*Brivais vejs*") and for the Roma Days in Sabile on the Remembrance of the Rescuer of Roma – Martins Berzins (project realised by the Roma Association of Kurzeme region "*Menessgaisma*").
- In 2008 financial support was provided to the projects "*Cultural Development of Latgalian Roma*" (realised by the Roma cultural development association '*Me Roma*'), "*Maintenance and popularisation of Roma traditions*" (realised by the Jekabpils Roma Association '*Šatra*'), "*Promoting preservation of Roma Ethnic Identity*" (realised by the Kraslava Roma Association), "*Cultural development of Sabile Roma community and youth integration into society*" (realised by the National cultural centre of Sabile district).

The results of projects that had been implemented in 2008 are as follows:

- Informative seminar "The importance of Education for Children, issues of employment and social assistance" for Roma of Daugavpils and the surrounding region;
- Christmas festivities for Roma of Daugavpils and region and their guests;
- Summer Camp 'Puda rača' for Roma youth;
- Cultural event "Roma Bonfire" together with Roma and representatives of other ethnic groups in Kraslava;
- Round table discussion on "The Role and Place of Roma in Contemporary Society" in Jekabpils.

#### **Paragraph 42**

In 2008 the Secretariat of the Special Assignment Minister for Social Integration (SSAMSI) provided financial support to the Baltic Institute of Social Sciences (BISS) to undertake a study on the impact of the State programme "Roma in Latvia" on the Latvian Roma community. The purpose was to present an evaluation of the Roma programme, and to determine to what extent its implementation has influenced the integration of the Roma community into Latvian society, *inter alia* in the social sphere.

In 2007 with financial assistance from the SSAMSI, the Institute of Philosophy and Sociology of the University of Latvia undertook a study "Scientific Research and Preparation of a Book on *Minorities in Latvia: History and the Present*" the purpose of which was to prepare a handbook on the minorities residing in Latvia for State and local

government officials and employees, NGO activists, representatives of minorities, educators and the media.

### Paragraph 43

In 2007 and 2008 acquisition of the European Union funds was still underway and since 2006 two LED (Latvia – Equality in Diversity) projects (LED II and LED III) were implemented.

For the implementation of the LED II project, a network of partner organisations was established, involving several universities and NGOs: the Baltic International Academy, the Office of the Ombudsman, the association Dialogi.lv, the association “National Minorities Programme “*Zelta Kamolins*”, the Latvian Bible Association and the Arab Cultural Centre. Associate partners including the University of Latvia, the Riga Stradiņš University and Rezekne Higher Education Institution also became involved in several sub-projects. The project consisted of seven sub-projects, the purpose of which were to train, to engage and to inform those risk groups against which discrimination and intolerance is manifested as well as those groups which form information on cultural diversity, and offer consultations on legal status, rights in the labour market and in the area of education.

Within the LEDII framework, the following seven sub-projects were implemented:

- New strategies for data collection in cases of discrimination (realised by the Latvian Centre for Human Rights);
- The project “We are Roma – Closing the Gap between the Latvian Community and the Roma Community” (realised by the association “National Minorities Programme “*Zelta Kamolins*”);
- The seminar series “Visual Minorities in Latvia – Arabophobia and Islamophobia. (realised by the Arab Cultural Centre);
- A regional conference on “Religious Diversity in Latgale – from Tension to Dialogue” (realised by the Latvian Bible Association);
- A seminar for the media and for trade unions on “Minimizing Discrimination against Sexual Minorities” (realised by the association “LGBT and the friends association ‘*Mozaika*’”);
- An informative campaign on racism for youth “Colour Racism with Various Colours!” (realised by the Baltic International Academy);
- A Summer School for students of journalism and journalists on “Spreading Diversity” (realised by the association *Dialogi.lv*).

In 2008 the LED III was supported by the European Community Programme for Employment and Social Solidarity “PROGRESS 2007-2013”. The project consisted of seven sub-projects, the purpose of which was to increase the spectrum of the goals of anti-discrimination policy and to determine the necessary pre-conditions in order to achieve wide participation of different levels in the promotion of issues related to diversity and tolerance. The following activities were implemented in the framework of LEDIII:

- The Secretariat of the Special Assignment Minister for Social Integration (SSAMSI) realised a series of activities for youth, the goal of which were to establish a better understanding and youth involvement in advancing the

issues of diversity and tolerance in the Latvian society. One of these activities was the essay competition “Latvia: Equality in Diversity”. The first stage of the competition required to submit essays on the theme ‘Latvia: Equality in Diversity’. The fifty best essay authors were invited to the second stage of the competition in which the youth were invited to demonstrate their knowledge of other cultures and about issues of diversity and anti-discrimination. The competition winners, four young people, received a prize of a three-day visit to Belgium and the Netherlands;

- The Latvian Centre for Human Rights realised an informative campaign for the mass media on “Media Diversity and New Data Collection Strategy”;
- The association “Culture. Tolerance. Friendship” realised information activities on diversity and equality for the youth of the Baltic States;
- The Latvian Bible Association organised activities for teachers “Meet the one you have taught!: Teaching of Religious Diversity”;
- The association “Dialogi.lv” realised the project “CyberLatvia – an Area Free of Hate” and accomplished monitoring and expertise of incitement to hate speech on the Internet;
- The Centre for Education Initiatives realised a project “Share your knowledge with a Roma child”.

One of the functions of the Ombudsman is “to enhance the public awareness of human rights, the mechanisms of protection of these rights and the work of the Ombudsman”. In fulfilling this function, the Ombudsman on a permanent basis brings to surface problems and issues in the area human rights. In 2008 a study on “Relations between Roma and the Police” was prepared. In view of topical issues indicated by the report, the Ombudsmans’ Office organises seminars and delivers lectures for police officers not only in Riga but in outer regions of Latvia as well.

Each year the Latvian Judicial Training Centre elaborates training programme for judges and court officials, with syllabi aimed for the specific audience. Each year all of these audiences are provided further studies in EU law, human rights and international law. Critical issues in these areas are addressed, including the issues of prohibition of discrimination. At the same time it should be noted that the content of these trainings is to a great degree dependent on current trends and practices (e.g, recent decisions of the European Court of Human Rights).

#### **Paragraph 44**

Case law on the issues related to the prohibition of discrimination is at a very early stage of development in the court system. As the number of actual cases increases, it will be possible to evaluate the quality and level of professional judiciary competence. It should be noted that the prohibition of discrimination and related cases may be reviewed through civil proceedings as well as through criminal and administrative processes. Taking into account the authority of the Ombudsman, as set out in Article 13, Section 10 of the Ombudsman Law, the Ombudsman may apply to a court in such civil

cases, where the nature of the action is related to a violation of the prohibition of differential treatment.

Taking into account that the number of cases submitted to the Ombudsman's Office continues to grow, this may be seen as an indicator of confidence by the community at large.

*Application of the protection of the Framework Convention to "non-citizens" identifying themselves with a national minority*

### **Paragraphs 46 – 50**

Latvia emphasizes that the opinion expressed by the Advisory Committee on the need to grant non-citizens the right not only to vote but also to be elected in local elections, as well as parliamentary and European elections, contradicts the international law and even the criteria contained in the Framework Convention. According to the principles of international law, Latvia has the right to determine its political and legal systems and these issues are within the area of authority of Latvia as a sovereign state. Furthermore, such practice is not encountered in any other state.

The existing restrictions with regard to the right to work in the State civil service or to hold positions that are subject to state security are in accordance with existing international regulations in this area as well as with common practice in other states. The Ombudsman, in his report as of September 2008, on the differences in the rights of citizens and non-citizens of Latvia, has determined that all the applicable restrictions for non-citizens to occupy civil service posts are legitimate, proportional and necessary, based on the reciprocal rights, obligations and responsibilities vis-à-vis the State. By taking into account the recommendations of international organisations, the government constantly reviews these restrictions. For example, at the end of 2006, the Saeima (Parliament) adopted amendments allowing non-citizens to hold posts of employees of the State Revenue Service (employees of civil servant rank may only be citizens).

The position of Latvia with regard to the electoral rights of non-citizens at the local level remains unchanged: the right to vote is an integral right of citizenship. The main goal of Latvia's integration policy is to promote naturalization and increase the number of citizens possessing full set of rights, rather than increasing the number of non-citizens possessing many rights. Granting the right to vote to non-citizens at local elections would have a negative effect on the implementation of the State integration policy and would lessen the motivation of non-citizens to naturalize and thus to integrate. A study, published in October 2008, analysing aspects of society integration and citizenship concluded that the most common reason for non-citizens not to naturalize and not to become citizens of Latvia in their view was the lack of tangible advantages, and that it was thus sufficiently advantageous to remain as non-citizens (expressed by 74% of non-citizens). The Ombudsman in his opinion of September 2008, on the differences in the rights of citizens and non-citizens indicates that in accordance with international law, the goal of the state is to decrease the number of stateless persons and of non-citizens. The status of a non-citizen was created as a temporary one and it is not to be considered as a form of Latvian citizenship. Therefore, by applying this policy the State does not aim at merging the two statuses (of citizen and of non-citizen) and equating them in the rights possessed, but rather the purpose of

the State is to motivate persons to obtain citizenship which would provide them an exhaustive legal link to the state and a broader scope of rights and obligations.

Latvia does not differentiate between citizens and non-citizens in the observation of their human rights. Non-citizens in Latvia possess more rights than the citizens of other states and also stateless persons in the European Union. Non-citizens enjoy the same social guarantees as citizens, and outside the State borders they are under protection of Latvia. Article 10 of the Law on Citizenship provides for the possibility of non-citizens to acquire their political rights through the process of naturalization. Thus, if a person wishes to possess electoral rights, a preference in favour of naturalization should be made, thereby obtaining the electoral rights not only in the local level, but also in parliamentary and European parliamentary elections.

Taking into account the above-mentioned, Latvia considers, that not granting the electoral rights at local level to non-citizens does not indicate to a possible discrimination, since the national legislation of the Republic of Latvia as well as legally binding international instruments provide for a sufficiently effective mechanism for a person, who wishes to participate in public affairs, to do so by obtaining citizenship through the process of naturalization. On the basis of the afore-mentioned, Latvia points out that, by obtaining the citizenship of the Republic of Latvia, it is presumed that the Latvian language proficiency of the naturalized person is of a sufficient level so as to be able to follow and understand all public affairs, including the information regarding elections, and to participate in state and local activities.

#### *Language requirements for naturalisation*

### **Paragraph 51**

With regard to the level of language proficiency required for naturalisation, Latvia wishes to inform that the Law on Citizenship prescribes the level of proficiency required for the attainment of citizenship. Applicants must be able to understand matters with regard to everyday activities and information of an official nature, they must be able to freely express, discuss and reply to questions on matters of an everyday nature, to be able to read with fluency so as to understand written instructions and papers concerning everyday matters, and to be able to write an article on any topic chosen by the (language examination) commission on matters of an everyday nature. The aforementioned is in accordance with the language proficiency system prescribed by the Council of Europe. Latvian legislation envisages a B1 level of achievement in Latvian language proficiency for the purpose of naturalisation, which is similar to the requirements in the United Kingdom of Great Britain and Northern Ireland, the Czech Republic, and the Republic of Finland. It should be noted that the requirements for naturalisation, their nature and scope, as well as examinations for naturalisation are subject to regulations prescribed in the national legislation of each individual state, therefore, regulations of various European countries determine different levels of proficiency required for obtaining citizenship, starting with A1 (Republic of France, Republic of Greece, Republic of Croatia) through to B2 (the Kingdom of Denmark).

Latvia agrees with the Advisory Committee's expressed conclusion, that it is important to continue developing social integration, and increase in the numbers of citizens of Latvia is one of the positive results of the integration process.

Comparing to 2001 – 2004, the number of those persons who do not succeed in the language proficiency test on the first attempt has increased. In analysing this indicator, it is important to take into account the number of persons submitting applications for naturalisation. For example, in 2001 there were 8672 applications and 17% of applicants were unable to complete the language proficiency test at the first attempt, whereas in 2003 there were 11,268 applications and 11% failed the language proficiency test at the first attempt. In 2004 there were 21,297 applications and of these only 3.8% failed the test at the first attempt. In 2006, however, of the 13,076 applications for naturalisation 20.2% of applicants failed the language proficiency test and in 2007 of only 3308 applicants, the failure rate was up to 33%.

In analysing these trends, it is important to indicate the number of persons who have been exempted from proficiency testing (individuals who have attained an elementary, secondary or higher education in educational institutions with Latvian as the language of instruction, persons with special requirements, persons who have reached the age of 65 are only required to pass the oral part of the examination).

In 2008, 17% of all applicants were exempted from language proficiency testing.

### **Paragraph 52**

The Advisory Committee has expressed a critical opinion, in its analysis of practical conditions of examination as well as in relation to alleged political pressure. Latvia wishes to emphasise that in the practice of the Naturalisation Board no complaints have been received from applicants on the delivery of examination process. In recent years several improvements have been made in the delivery methods of examinations, for example video surveillance and audio recording of applicant responses were introduced, the whole system of preparing and storing the test materials has been improved. The Naturalisation Board also provides a judicial instrument for challenging the results of examination – Commission of Appeal has been established to review complaints by applicants for examination results. Applicants have the right to dispute the ruling of the Naturalisation Board in court as well. It should be noted that to date there have been no court cases with regard to the aspects of naturalization examination process and its results.

### **Paragraph 53**

Latvia wishes to inform that on 21 December 2007 the Association of Language Testers in Europe (ALTE) issued a report on the eligibility of examination of Latvian language proficiency for naturalisation to the 17 minimum standards of ALTE for quality requirements of language proficiency testing and with a commentary and observation on each of the 17 standards. It was exactly the security of the testing process and logistics thereof that ALTE representatives rated as very good. The Naturalisation Board has evaluated the ALTE report and elaborated an action plan so as to address each recommendation in improving the examination process. Also, proposals for updating the work strategy of the Naturalisation Board since implementation of several of the ALTE recommendations require additional state budget resources.

#### **Paragraph 54**

With regard to the Advisory Committee's indication on the necessity to pay attention to the supply and accessibility of Latvian language courses, it should be noted that in 2006 the European Union Phare Programme "Promotion of Society Integration in Latvia" was initiated, and within its framework in 2007 there were 51 contracts signed on the implementation of projects. Of these, 20 projects were implemented in the field of ethnic society integration and acquisition of citizenship. In 2007 under a grant project for Latvian Language training, 1458 parents of national minority children attended a 120 hours course of Latvian language, 168 minority teachers improved their qualification in courses for bilingual education teachers, and 23 teachers completed courses on the methodology of teaching Latvian as a second language. Commencing 2003, acquisition of Latvian language is provided for also in the framework of the State budget supported Programme for Ethnic Integration "Latvian Language learning for Adults" of the Society Integration Foundation.

#### **Article 5 of the Convention**

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

#### **Paragraph 61**

Latvia wishes to point out that during 2008 cuts in the funding for national minority NGOs were related to re-organisation of the State administration system and cuts in budget resources for State institutions.

#### **Paragraph 62**

Latvia wishes to draw attention that the observation of the Advisory Committee expressed in Paragraph 62 on the issue of funding does not include the funding provided from the Ministry of Culture, nor from the State Culture Capital Foundation aimed for national minority cultural projects and activities.

In the period from 2006 – 2008, the Mikhail Chekhov Riga Russian theatre, the museum "Jews in Riga", the Ita Kozakevica Latvian National Cultural Association and other institutions related to culture of national minorities received subsidies from the State budget altogether at the amount of LVL 2,009,300, including approximately LVL 130,000 from the State Culture Capital Foundation and LVL 1,879,347 from the Ministry of Culture. In 2006, the amount from the budget of the Ministry of Culture for these purposes was LVL 349,408, but in 2008 - LVL 817,844, namely, the amount of funding increased 2.3 times.

The main goals of providing financial support to the national minority NGOs is to promote maintenance of minorities' ethnical identity and to develop interethnic dialogue. For implementation of these goals, in 2007, LVL 152,822 from the State budget were allocated to 96 organisations representing 17 ethnic communities, including interethnic organizations. In 2008, 98 projects at the total amount of LVL 91,520 were supported.



In 2007-2008 in the framework of the SSAMSI a tender for State grants was held and applications from representatives of the following ethnic communities were received – Russian, Belarusian, Ukrainian, Lithuanian, Estonian, African, Jewish, Polish, Slavic, Romanian, Armenian, Arabic, Azerbaijani, Georgian, and German.

Applications for grants from the State budget were received not only from ethnic but also inter-ethnic organisations and associations that represent the interests of several nationalities, for example, the Association of Jelgava National Cultural Groups, through which local minority NGOs (e.g. Jewish, Russian, Belarusian, Ukrainian and other) run their activities, the minority NGOs “Youth. Traditions. Eternity” and “National Minority Programme “*Zelta Kamoliņš*” that all implemented projects for all of Latvia’s national minorities.

It should also be noted that during 2008 cuts in the funding for national minority NGOs were related to re-organisation of the State administration system and cuts in budget resources for State institutions.

To strengthen the capacity of Roma NGOs for the implementation of Roma programme, in 2006, under a tender for State budget resources, funding in the amount of LVL 30,000 was provided for altogether eighteen projects, which were implemented by seven Roma and inter-ethnic NGOs that work in the area of Roma integration.

In 2007, financial support at the amount of LVL 18,320.67 was provided for nine Roma and four inter-ethnic NGOs. The total number of supported projects was 36, of which 33 were directly focused at the preservation of Roma culture and ethnic identity, and three projects were directed at strengthening the capacity of Roma NGOs. Another three projects were related to the exchange and promotion of information, for example, supporting the informative internet portal [www.romi.lv](http://www.romi.lv).

In 2008, the financing increased with funding being granted to 9 Roma and to 3 inter-ethnic NGOs at a total amount of LVL 19,999.12. The number of projects receiving support was 21, of which 17 were directed at the development of Roma culture and preservation of Roma ethnic identity, and 4 projects were directed at the capacity building of Roma NGOs.

### **Paragraph 63**

In 2009, it is intended to provide financial support for projects that are oriented towards national minority traditions and towards the preservation of their historical, cultural and spiritual heritage. Assistance would also be directed towards NGO capacity building. The planned funding for 2009 is at the amount of LVL 62,500.

National minority NGOs are regularly informed on the possibilities, criteria and conditions of funding opportunities.

*Cultural Centers*

**Paragraphs 66 – 67**

Currently a Programme on development strategy for Cultural Centers for the period 2009 – 2013 (further – Programme) has been drafted and it is expected to be adopted by the Cabinet of Ministers during 2009. The programme sets out responsibilities of State government and local authorities in development of Cultural Centers, which is mainly aimed at methodological support for enhancement of working quality, improvement of professional skills of employees, further education, accomplishment of legislation and other issues related to development. Regardless of the fact that the Programme does not single out national minority cultural centers, however, for example, the Daugavpils Belarus Cultural Centre, the Daugavpils Russian Cultural Centre “*Kalistratova nams*”, the Daugavpils Polish Cultural Centre and others may be considered as such.

In 2006 – 2008, the Secretariat of the Special Assignment Minister for Social Integration supported national minority NGOs which work within the framework of the above mentioned Cultural Centers. For example, the national minority NGO Russian Cultural Centre ‘*Kalistratova nams*’ received funding at the amount of LVL 964,23 in 2007 and LVL 2326,92 in 2008.

In Latvia, there are also national minority NGOs, which unofficially identify themselves as Cultural Centers and offer their facilities to the national minority NGOs for holding cultural events. The SSAMSI collaborated with these organizations and provided them financial support. Among these, there is a Romanian-Moldavian association “DOINA”, which received funding in the amount of LVL 2,517 in 2008.

**Article 6 of the Convention**

*Protection against discrimination, hostility or violence on ethnic grounds*

**Paragraphs 69-70**

A monitoring of social processes and virtual space in Latvia is taking place on a regular basis in order to gather information on possible hate crimes. The law enforcement institutions of Latvia have developed a permanent cooperation with NGOs to draw attention to issues related to hate crimes and elaborate prevention mechanisms, as well as participate in development and implementation of a common society integration policy. The law enforcement institutions also collaborate with international partners and participate in conferences and discussions that are dedicated to these issues.

The statistics of recent years show that the number of criminal cases initiated according to Article 78 (on instigation of national, ethnic and racial hatred) of the Criminal Law of Latvia are increasing:

Year	Criminal cases declined to initiate	Criminal proceedings initiated	Criminal prosecutions	Reclassified and forwarded according to jurisdiction	Cases dismissed	Under investigation
2003		1	1			
2004		1				1
2005	17	13	7		3	3
2006	10	14	8	2	3	1
2007	6	16	7	5	3	1
<b>Together</b>	<b>33</b>	<b>45</b>	<b>23</b>	<b>7</b>	<b>9</b>	<b>6</b>

Sentenced verdicts, according to Article 78 of the Criminal Law, have also been announced at the beginning of this year, namely, on 17 February, 2009, the Riga District Court ruled a suspended sentence to five years of imprisonment and a three years as a term of probation in a case of inciting racial hatred to four youths who identified themselves as ‘skinheads’. The Court also ruled that all four respondents must provide material compensation to the two victims at the amounts of LVL 12,000 and LVL 8,000 for the incident which took place in October 2007, when they attacked two under-aged girls of Roma descent, causing them light bodily injuries. In February 2008, youths attacked two Armenian people and used abusive phrases such as “bash the blacks!”. In both cases, the attacks were most likely incited by intolerance for people of different skin color.

### Paragraph 72

On 31 October, 2008, representatives of the Security Police participated in a joint practical training seminar organised by the Latvian Centre for Human Rights and the German organisation Jugendschutz.net on “Successful methods in the fight against hate speech on the Internet”, the purpose of which was to raise technical capacity for eradication of hate speech on the internet.

On 21 November, 2008, representatives of the Security Police also participated in a conference on “Combating Hate Crime: investigation, abatement, prevention” organized jointly by the Latvian Centre for Human Rights, the Czech Police and Helsinki Police. In the framework of the Conference broad discussions were held on practices of police and prosecutor’s offices of various European Union Member States in investigating, combating and preventing hate crimes.

In 2008 the Security Police also arranged training seminars on the identification of hate speech in the virtual space.

*Tolerance and inter-cultural dialogue*

**Paragraph 75**

Since 2002, as the Secretariat of the Special Assignment Minister for Social Integration (SSAMSI) was created, it, additionally to the Social Integration Foundation (SIF), allocated grants to support the activities of national minority organisations. In order not to duplicate the functions within the State Administration, since 2003, the SIF has focussed its activities on supporting larger scale projects on promotion of tolerance and integration, as well as on financing activities in the areas of integration which the SSAMSI did not cover (e.g. Latvian language training for adults). It must be taken into account that the administrative capacity of national minority NGOs does not always provide for a possibility of obtaining the SIF funding. At the same time it must be indicated that the SIF regularly organises informative training seminars and provide consultations both in the area of project planning and preparation as well as implementation, and these activities are available to any and all national minority NGOs.

In 2009, two programmes are planned to be implemented under the SIF funding in the framework of society integration projects:

- Latvian language courses for adults – LVL 30,000 (a 100% support from the State budget);
- Grants scheme “Strengthening the Civil Society and Advancing Society Integration” co-financed by the European Economic Zone financial instrument – EUR 688,236 (85% of the European Economic Zone financial instrument and 15% from the State budget). The purpose of the grants scheme is to advance understanding and co-operation among representatives of different nationalities, developing a positive setting for social, cultural, and informative conditions of Latvia’s national minorities, as well as facilitating the development of national minority NGOs.

**Paragraph 80**

In 2006, editors of internet portals, representatives of associations and foundations together with officials from State institutions drafted and signed the *Declaration on respect, tolerance and co-operation on the Internet*, the purpose of which is to limit and to combat all manifestations of intolerance and hate on the internet while applying no restrictions on the freedom of expression. Furthermore, at the beginning of this year an informative report “On limitation of circulation of legally inadmissible information in the virtual space” was submitted by a working group to the Government for consideration. The report contains concrete proposals for amendments to existing legislation, including, regarding the legal status of mass media that operate in the virtual space, so as to limit circulation of legally inadmissible information on the Internet.

## Paragraph 81

Latvia organises activities for promotion of understanding of the principles of tolerance and prohibition of discrimination in the community directed towards all ethnic or religious groups on a regular basis.

In accordance with the Decision 1983/2006/EC of the European Parliament and the Council of the European Union, the year 2008 was announced as the European Year of Intercultural Dialogue and the SSAMSI was appointed as the responsible institution for the implementation of the Year of Intercultural Dialogue in Latvia. To promote cultural diversity the main aims of the Year of Intercultural Dialogue were:

- To promote the policy of cultural diversity in schools, universities and among national minority NGOs;
- To intensify the expressions of existing cultural diversities in all areas of public life, especially with regard to race, ethnicity and religion, and to support cultural interaction projects;
- To involve Latvian mass media in the distribution of the concept of diversity;
- To support cultural diversity throughout Latvia's regions.

During the European Year of Intercultural Dialogue priority co-operation partners and focus groups of the SSAMSI included students, emerging teachers, social workers, as well as mass media employees, national and religious minorities and NGOs working in the priority areas for the year 2008. The major activities of the Year of Intercultural dialogue were:

- The opening conference of The Year of Intercultural Dialogue on 4 April, 2008;
- Latvian cities (Rēzekne, Daugavpils, Liepāja and Rīga) hosted a cycle of four seminars on "Cultural Diversity in Latvia: Significance and Development" for staff and emerging teachers of Latvian universities. The aims of the seminar cycle were:
  - [1] to initiate discussions among future teachers and representatives of various minority groups on issues of stereotyping and intolerance against these groups, as well as their root causes, and the role of the family in the development of the concept of cultural diversity and reduction of intolerance;
  - [2] to introduce the seminar participants with the priorities of the Year of Intercultural Dialogue, namely – to further intercultural dialogue within the framework of the EU, to facilitate development and tolerance of the contemporary dynamic and multi-ethnic EU community;
- With the aim of promoting cultural diversity in educational institutions, the SSAMSI organised an essay competition "A Journey through Cultural Diversity". Within the competition pupils had the opportunity to explore one of the following themes: "Cultural dialogue in your class – How does it work?", "When dialogue does not take place: Misunderstanding, Conflict and Possible Solutions in your classroom", or, "Traditions and Cultural Diversity in Latvia: Your Vision about Latvian Society in 20 years";

- Academically–practical conference “The Culture of Dialogue in Latvia: Ethnical Aspects” served as the closing event of the Year of Intercultural Dialogue on 14 November, 2008. The Conference discussed issues on the reality and existence of inter-cultural dialogue in Latvia, on the role and obligations of the State with regard to preservation of ethnic identity of national minorities. Within the framework of the Conference a round table discussion on “Dialogue in a Multi-Ethnic State: Changing Participants, Unchanging Priorities?” was held. A compilation of scientific articles on “Cultural Dialogue in Latvia: Barriers and Interactions” was published.

Since 2004, the Secretariat (SSAMSI) has marked the International Day against Racism and the International Day of Tolerance.

In 2007, in the framework of activities of the International Day against Racism an event “All Different, All Equal” was organised for pupils of grades 10 – 12. During the event, video clips were demonstrated and a discussion on “The Face of Racism on the Screen” took place. Students from several schools of Rīga, representatives of the Ombudsman’s Office and the association ‘Afrolat’ and others were present at the event.

In 2008, within the framework of the International Day against Racism, and in cooperation with the association “Dialogi.lv”, the SSAMSI implemented several activities, for example, through the mass media the society was informed on the issue of discrimination, professors and students were provided with professional knowledge on issues related to racism (two discussions, one role-play and a methodological seminar for university professors), as well as a poster was prepared, the purpose of which was to attract attention to issues of racism.

On 16 November, 2007, for the fourth consecutive year the International Day of Tolerance was observed in Latvia with the purpose to bring the public attention to the issues of tolerance in the community. Within the framework of the Day, the SSAMSI organised a seminar to strengthen respectful and tolerant acceptance and attitude among people. An analysis of press articles and publications from that day was also reviewed so as to identify the most tolerant publication of the day.

In order to facilitate understanding of culture-competences and intercultural issues among university students and professors, in 2008 the SSAMSI in cooperation with the association “Dialogi.lv” prepared a series of lectures on “Cultural Diversity, Cultural Dialogue, and Cultural Competence”. The Lecture series is envisaged for students, social workers, police, professors, educators, and journalists. The purpose of the course is to teach students about diversity in the society, cultural competence, possibilities of communication, policy planning documents in the area of tolerance and society integration. Lecture course materials were prepared as methodological study materials for both students and professors.

## **Paragraph 82**

The issues of anti-semitism and xenophobia are included in school curricula as well as in teacher further education programmes. In this area, a good level of co-operation has evolved among state institutions and NGOs. The SSAMSI has supported several minority NGO projects in the areas of inter-religious dialogue, Holocaust

remembrances, and other projects related to cultural-history remembrance, so as to remember and learn from lessons of the past on incitement to hate, intolerance, expressions of racism and to teach youth to avoid these sorts of conflicts in the future. During the period of 2006 – 2008, the State has supported 28 Jewish NGO projects at the amount of EUR 28,160.66.

The NGO “*Šamir*” regularly receives State support for various projects that are related to fostering understanding of anti-semitism, and towards facilitation of dialogue among the youth of different ethnic groups. The project “Teaching Holocaust History in Latvian Schools”, which commenced in July 2007, has received State funding on several occasions. The other eight NGO “Shamir” projects, all submitted over the past three years and received State funding at the amount of EUR 11,500, include the competition “Children describe the Holocaust”, the competition “Latvian children draw Ancient Synagogues” and the book-albums “Latvia: Synagogues and Jewish Cemeteries” which was published in 2006, as well as other informative materials.

On 2 June, 2008, the Judaic Studies Centre of the University of Latvia presented its project “Jews in Latvia: Names and Destinies, 1941 – 1945”. This project attempts to explore, clarify and reflect the destiny of Latvia’s Jews during the time of the Holocaust and the related events. The project had been developed since 2002 and had received support from various State institutions, private donors and organisations from Latvia, Great Britain, the USA and from Israel.

### **Paragraph 83**

On the State language policy, see paragraphs 39 and Paragraphs 144 – 146.

We would like to draw attention to the fact that, in accordance with the Article 6 of the State Language Law, the State Language Centre has the right not only to impose fines, but also to supervise the implementation of legislation in the area of State language, to visit State administration institutions, commercial associations and organisations, to meet with officials, employees, and self-employed persons; to require the prevention of breaches of the law; to request certificates of language proficiency or originals of a primary or secondary education certificate; to verify the authenticity of State language proficiency certificate; and to issue administrative protocols in the cases prescribed by the Law. In 2007, the State Language Centre conducted 3803 State language proficiency verifications, considered 525 complaints, and prepared 703 administrative protocols on breaches of the Law. Thus, the actual number of applied administrative penalty fines if compared to the number of investigations is comparatively small – at approximately 18% of the total of investigations.

### *The Naturalisation Process*

### **Paragraph 86**

In January and February 2009, the number of applications for naturalisation, compared to the last few months of 2008, has doubled. Naturalisation has become an attractive proposition mainly to two groups of individuals: those who wish to actively participate in the public life of the country (especially in view of the approaching local government

elections), and for those, for whom Latvian citizenship is necessary so as to be eligible for better work prospects in other EU countries.

Latvia has achieved notable progress in the facilitation of the naturalisation process, cutting the non-citizen proportion from 29% (730,000 people) in 1995 to 15.8% (357,811 persons) in January 2009. Statistical data from 1 January 2009 indicates that more than 82% of the residents of Latvia are citizens of Latvia. In most cases the naturalisation examination process has been simplified and the duration of the procedure on average does not extend beyond from three to six months. The requirements of the naturalisation examination conform to international standards (see Paragraphs 51 – 53). More than 40% of the applicants pay reduced naturalization fee or are exempt from paying this fee at all. The goal of Latvia's integration policy is to facilitate naturalisation. Latvia has adopted the necessary legislation and has undertaken activities to provide the opportunity for every resident of Latvia to attain citizenship, but it is an individual decision to do so, or not.

### **Paragraph 87**

See Paragraphs 51 – 54

### **Paragraph 89**

Latvia wishes to point to out that the rate of naturalisation has decreased not only by the opportunity for non-citizens of Latvia to travel freely throughout European Union member states, but also as of 2008, with the easing of travel restrictions from Russia, in the allowing of visa-free travel to Russia for Latvian non-citizens. Taking into account that many non-citizens in Latvia have relatives and family in Russia and that, on the other hand, citizens of Latvia require a visa to travel to the Russian Federation, this in fact reduces any motivation for individuals in these circumstances to become naturalised.

As previously mentioned in Latvia's commentary with regard to Paragraphs 46-50 of the Opinion of the Advisory Committee, the findings of a study published in October 2008 have concluded that the most common reason for non-citizens not wanting to obtain citizenship is the lack of practical benefit as it is sufficiently convenient to maintain the status of non-citizen – or so consider 74% of non-citizens. Compared with results of a study in 2000, the number of non-citizens has decreased considerably who do not believe in their ability to complete a Latvian language proficiency examination and an examination on Latvian history (accordingly -22% and -30%), as well as the number of respondents who consider the process of naturalisation to be humiliating and who do not feel any sense of belonging to Latvia (accordingly -12% and -8%). In this regard it is evident that neither psychological reasons nor contents-of-examination materials may be regarded as being among the major reasons for not applying for citizenship.

### **Paragraph 90**

See Paragraphs 86 – 89 and 51 - 54



## **Article 9 of the Convention**

### *The printed press*

### **Paragraphs 98 – 99**

In 2007 the Secretariat (SSAMSI) also supported several minority national NGO press publications. Among the most noteworthy magazines that received support were the Latvian Russian Cultural Association magazine “Daugava” – a bibliographic index for the period 1977 – 2006; the journal “Pomorskij Vestnik” of the Old Believers Society - twenty one issues from October 2007 through January 2008; and the release of issue No. 26 of the Ivan Zavoloko Old Believers association newsletter “*Meč duhovnij*”.

## **Article 10 of the Convention**

### *Legal and practical framework for the use of languages*

### **Paragraphs 100 – 101**

The State Language law (2000) and its implementing regulations have been elaborated in close cooperation with OSCE and Council of Europe experts and they are in compliance with international standards. The law was welcomed by OSCE High Commissioner on National Minorities, Secretary General of the Council of Europe and the Presidency of the European Union.

The preparation of a listing for employers in the private sector – of jobs and occupations in which state language proficiency is compulsory – was a suggestion of the international experts. As a result a Classification of Professions was compiled which identifies the required proficiency of the state language, in accordance with the requirements of the State Language Law, for certain jobs and occupations in the private sphere.

### **Paragraphs 102 – 103**

It is important to emphasise that the existing norms apply to the use of the state language only in the state sector - - in State and local government institutions, courts and institutions constituting the judicial system, State and local government enterprises. Language use in the private sector is not regulated unless the activities of a private organization or enterprise affect the lawful interests of the public or they perform specific public functions. Furthermore, a broad interpretation of these concepts is not possible since the Cabinet of Ministers Regulations No. 296 of 22 August, 2000, “Regulations Regarding the Extent of Official Language Knowledge Required for the Performance of Professional and Official Duties, and Procedures for Testing Fluency of the Language”, Annex 2, clearly identify what is meant by these concepts specifying the list of positions and occupations and the requisite level and grade of fluency in the official language required for them if in a private institutions, organisation or undertaking (company) performs specific public functions or if their activities affect the lawful interests of the public With respect to other positions and occupations in the private sector, employers are the ones tasked to determine the level

and grade of fluency of an employee in the official state language provided that employees, who in their work have direct contact with consumers, shall be able to provide the consumers with the possibility of receiving the necessary information regarding goods or services in the official language.

#### **Paragraph 104**

Latvia points out that the assertion by the Advisory Committee that the language proficiency requirements have posed recruitment difficulties, particularly in areas inhabited by minorities in more substantial numbers, is unfounded. The facts concerning the level of unemployment and on its possible causes – for example in the Latgale region – are evidence of the exact opposite. (see, Paragraph 37).

#### **Paragraph 106**

It must be emphasized that the amendments of 18 December, 2008 to the Administrative Violations Code do not change the already existing norms regarding the use of the state language. The purpose of the amendments is to specify administrative liability for violations of the existing norms of the State Language Law. The State Language law has not been changed since its adoption in 1999. The compliance of the State Language law with international standards has been approved by the Council of Europe experts (see, Paragraphs 100-101).

Two out of three new Articles included in the Latvian Administrative Violations Code relate to the use of the state language in information and in the texts of seals, stamps, and printed forms in the state sector. Only one Article relate to the private sector specifying liability for a breach of the already existing employers' obligation to determine the level and grade of fluency in the official language required for the performance of the relevant professional and official duties for employees of private institutions if they in their work have direct contact with consumers. Other amendments only specify the minimum fine for violations, already included in the Latvian Administrative Violations Code.

It should be mentioned that, due to the increasing inflation rate, in 2008 the minimum fines have been specified and, for certain administrative violations, even maximum fines increased in the different spheres provided for in the Latvian Administrative Violations Code. Thus, penalty increases for violations in the sphere of the use of the state language are not an exception. It would be an illogical situation if, for example, for violations relating to the use of the state language the minimum fine could be 1 LVL but the fine could be 2 LVL for riding in public transport without having purchased a ticket.

The amendments to the Administrative Violations Code as mentioned are not connected to the increase of budgetary resources or of language inspectors at the State Language Centre. In 2009 it is anticipated that the budget for the State Language Centre will even be decreased (LVL 289,200 in 2008; LVL 245,800 in 2009). On the other hand, the number of language inspectors remains at 16 since 2007.

Regarding the adoption of amendments to the Cabinet of Ministers Regulations No. 296 of 22 August, 2000, on the increase in the number of professions in which language proficiency levels have been formally determined, Latvia points out that these

amendments have been made eight years after the coming into force of the original legislation. During this period of eight years, Latvia has facilitated many language learning and training activities. Unfortunately, it must be noted that present lack of practical requirement and motivation affects the observation of and full implementation of the State Language Law.

Latvia not only sets the requirements for the knowledge of the state language, but also provides state funding for the Latvian language training (see Paragraphs 54, Paragraphs 144 – 146).

### **Paragraph 108**

The Advisory Committee mentions that instructions for the use of medicines are translated into Latvian but not into the Russian language, and considers this to be a potentially discriminatory attitude to representatives of national minorities. . Latvia considers that this viewpoint is not justified, as Article 5 of the State Language Law envisages that any other language that is used in Latvia, with the exception of the Liv language, is considered to be a foreign language. In accordance with Article 21, paragraph 3, of the State Language Law, all imported goods, on which the technical information and or instructions for use and guarantees are provided in a foreign language, this information is required to be added to by a translation into the state language. Taking note that the state language in the Republic of Latvia is Latvian, a translation of the critical information regarding the medication does get translated into Latvian so as to guarantee the rights of inhabitants to receive the appropriate information in the official state language. The Russian language is identified as a foreign language under Article 5 of the State Language Law and thus has the same status as any other foreign language, therefore the requirement to translate the instructions for the use of medicines only into Russian could be considered as being discriminatory to other minority languages.

The requirements for medicines labeling and for instructions for the use of medicines are prescribed in Article 21, paragraphs 2 and 3, of the State Language Law:

“(2) Information contained in the labels and marking of goods manufactured in Latvia, instructions for use, and statements on the manufactured product, its packaging or container shall be in the official language. If a foreign language is used concurrently with the official language, the text in the official language shall be placed in primary position, and it may not, in its form or contents, be smaller or narrower than the text in the foreign language These provisions do not apply to goods intended for export.

(3) Any imported goods, the labeling, instructions for use, guarantee documents or the technical certificate of which includes information in a foreign language, shall have attached thereto a translation of such information in the official language.”

At the same time, Article 22, paragraph 1, of the Law on Pharmacy prescribes that in the distribution of medicines, instructions for their use shall comply with the requirements set forth in the Regulations of the Cabinet of Ministers.

Medicines labeling and instructions for use of medicines are prescribed in the Cabinet of Ministers Regulations No. 57 of 17 January 2006 “Regulations on the procedure for

labeling of medications and for the provision of instructions for use” (further-Regulations No. 57), which have been drafted incorporating aspects of the European Parliament and Council Directive 2001/83/EK of 6 November, 2001, of the common code which applies to requirements for medicines that are intended for human consumption. Section 3 of Regulations No. 57 envisages that labeling of medicines at the immediate and direct level of contact with the consumer, at the outer packaging level and with regard to instructions for use must be provided according to the requirements of the State Language law. Similarly, Section 6 requires that the translation of information provided for consumer use and on immediate and outer packaging must be attached to the medication before the distribution of the medications (this does not apply to medications which are imported and held for export) takes place throughout Latvia. This requirement is guaranteed by the holder of the registration and license for the medicine (i.e. the owner). Regulations No. 57 envisage that instructions for use must be presented in a clear and understandable manner. If necessary, the consumer may turn for assistance to a health care specialist. Instructions for use must be clearly readable. These instructions may be printed in several languages, bearing in mind Section 7.5. of Regulations No. 57 on the need to provide all information identically in all languages.

The manufacturer (owner) shall ensure the compliance of medicines labeling and of instructions for use of medicines with the requirements of legal acts.

Legal acts prescribe that it is the responsibility of the State Agency of Medicines to ensure the accuracy of translations for labeling and instructions into the state language, as well as their compatibility with the requirements of Regulations No. 57. The examination of instructions or harmonisation of this information with Russian or any other language is not within the competence of the State Agency of Medicines.

The requirement to provide for instructions to be available in other languages could increase the cost of the product for the following reasons:

- Additional requirements for the manufacturer (owner)
- If the additional information is added with the result that the labeling must be changed (instructions for use of certain medicines appear on their packaging), the registered owner is required to inform the State Agency of Medicines about these changes (a payment for this service);

If instructions in Russian are envisaged for addition to medicines that have already been imported to Latvia, then such an activity is considered as part of the manufacturing process, and the traders in these medicines who will add instructions in Russian will require a license.

In addition, it should be mentioned that the legal acts governing the activities of pharmacies clearly define the competence of pharmacists – to provide the necessary information to clients on the characteristics of medicines, and on their safe and correct usage. .

**Paragraph 110**

See Paragraphs 39 and 106, as well as 54, and 144- 146.

*Use of languages in relations with administrative authorities*

**Paragraph 112**

The assertion in the Paragraph that the state language must be used in all state and local government institutions is incorrect. Article 10, paragraph 2, of the State Language Law envisages exceptions in which individuals have the right to turn to and address state institutions not using the Latvian language, that is, in case of submissions of persons to police and medical institutions, rescue services and other institutions in cases of urgent calls for medical aid, commission of crimes or other violations of law, or calls for emergency assistance in cases of fire, accident or other emergencies.

**Paragraph 115**

In adding the Declaration to its instrument of ratification, Latvia has only made use of its right to define the scope of application of Article 10, paragraph 2, of the Convention. Taking note of the wording of this provision (“as far as possible”, “in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers”, “where such a request corresponds to a real need” etc.), Latvia considers that its Declaration conforms to the objectives and spirit of the Convention.

**Paragraph 116**

Noting the present situation (see Paragraphs 39 and 106), Latvia does not consider it possible to review the legislation governing the use of the state language in relations with administrative authorities. .

*Use of minority languages by prisoners and persons detained on remand in contacts with prison*

**Paragraphs 117 – 118**

Under Article 104 of the Constitution, everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply. Article 10, paragraph 2, of the State Language Law prescribes that State and local government institutions, courts and institutions constituting the judicial system, as well as State or local government undertakings (companies) shall accept from persons and examine only documents that are in the official language, except in cases as prescribed in paragraphs three and four of this Article and in other laws. According to Article 10, paragraph 3, of the State Language Law, documents from persons in a foreign language shall be accepted if attached thereto is a translation into the official language, certified in accordance with the procedures prescribed by the Cabinet of Ministers, or notarially certified. Article 10, paragraph 4, of the State Language Law, on the other hand, prescribes that State and local government institutions, organisations and undertakings (companies) may accept and examine documents from foreign countries without a

translation into the official language. These provisions of the State Language Law do not apply to submissions of persons to police and medical institutions, rescue services and 'other institutions' in cases of urgent calls for medical aid, commission of crimes or other violations of law, or calls for emergency assistance in the case of fire, accident or other emergencies.

Situations in which documents may be submitted in a foreign language are applicable to emergency situations, in which an immediate response is required by a body performing investigatory operations or other competent agency, to protect the rights of individuals, as well as their property rights which could be affected as a result of previously unforeseen circumstances or of a deliberate violation of the law. In this regard there is a basis to consider, that the term 'other institutions' refer to those institutions which have at their disposal means and resources to protect the rights of individuals in emergency situations. One of these institutions is the State Prison Administration Board which, in accordance with Article 2, paragraph 4 of the Law on the State Prison Administration Board, is considered to be a body performing investigatory operations whose task is to prevent, deter, and detect criminal offences, as well as to determine persons committing criminal offences and the sources of evidence.

Taking note that imprisoned persons have limited financial means, and thus are not able to employ the services of translators, a separate decision is taken in each individual case on whether to accept and examine a document submitted in a foreign language. If the conditions under Article 10, paragraph 2, of the State Language Law are met, the documents are accepted and examined. If, on the basis of the application or on attached documentation, it is possible to conclude that there is evidence of a violation of law, the Ministry of Justice will forward the application to the State Prison Administration Board or to the Prosecutor's Office, which is authorised to examine documents submitted in a foreign language. In accordance with Article 16, paragraph 1, subparagraph 2, of the Law on Prosecutor's Office, having received information concerning a violation of law, a prosecutor in accordance with the procedures prescribed by law shall carry out an examination, if the rights and lawful interests of persons without the capacity to act, with restricted capacity to act, of disabled persons, minors, imprisoned persons or other such persons, who have limited capability to protect their rights, have been violated.

Imprisoned persons have the right to apply to the State Prison Administration Board, whose competence, in accordance with sub-paragraph 4.2 of the Cabinet of Ministers Regulations No. 827 of 1 November 2005 "Statute of the State Prison Administration Board", is to supervise and ensure the observance of the normative rights of imprisoned persons, as well as to meet liabilities in this sphere. Thus, a timely and appropriate response to possible violations of the law mentioned in the applications in a foreign language is ensured.

Latvia wishes to point out that Latvian language training programmes are organised and provided also for prisoners and detained persons. However, to be able to provide for translation services, additional funding would be required.

*Use of minority languages in individuals' first names and surnames***Paragraphs 119 – 121**

With regard to the writing of names and surnames it must be taken into account that, according to Article 9 of the Law on the Population Register, the information which is included in the Register is to be done so in the Latvian language, with the exception of foreign names and addresses, which should be written in the Latin alphabet, in accordance with travel documentation as issued abroad. Taking into account the above, it is required that, while filling in a primary registration form, names and surnames of citizens and non-citizens of the Republic of Latvia shall be written, in accordance with the rules of the Latvian language. In the case of passports, the information will be written according to the final version that appears in the Population Register.

According to Sub-paragraph 8.1.2. of the Cabinet of Ministers Regulations No 775 of 13 November 2007 "On Passports" if an individual so desires, the passport may include the following additional information: the name of the person in its original form in another language transliterated in the Latin alphabet or the surname may be shown in its historic form, if the writing of the name on the second page of the passport differs from the original, or differs from the name or natural surname original form. The writing of the individual's name if different is confirmed by additional documentary evidence. The individual's name and its transliteration into the Latin alphabet is done, in accordance with the table provided by the ICAO (International Civil Aviation Organization).

Additionally Latvia would like to advise that in the European Court of Human Rights case *Mentzen vs Latvia*, the Court ruled that the rendering of foreign names according to Latvian traditions and grammatical rules (e.g. Mentzen becomes Mencena) is a restriction on private life, but that this practice however has a legitimate aim: "to protect the rights of other inhabitants of Latvia to use the Latvian language on all of Latvia's territory and to protect the democratic order." The Court ruled that the state has not violated the right of individuals to determine the spelling of their own names and that the state courts are competent to intervene in such a sensitive issue, furthermore the Court ruled that the state language is one of its core constitutional values, no less than its state territory and its flag.

*Use of minority languages for displaying signs, inscriptions and other information of a private nature visible to the public***Paragraph 122**

In accordance with Article 20, paragraph 3, of the State Language Law, State and local government institutions, courts and institutions constituting the judicial system, State and local government undertakings, and companies in which the greatest share of capital is owned by the State or a local government, the texts of seals and stamps, and the texts of printed forms, shall be drawn up only in the official language, except in cases specified in paragraph four of this Section.

This provision is applicable also to private institutions, organisations, undertakings (companies), and self-employed persons, who, on the basis of laws or other regulatory

enactments, perform specific public functions, if the use of seals, stamps or printed forms is related to the performance of the relevant functions.

However, in accordance with the Cabinet of Ministers Regulations No 286 of 22 August 2000 on “Regulations on the use of foreign languages on seals, stamps, and in the texts of printed forms” those establishments, organisations or undertakings, in parallel to the state language, may employ a foreign language in their communications with international institutions which are working in Latvia and are foreign based, as well as in their communications with addresses abroad.

The aforementioned state language requirements are not applicable to other private institutions, organisations, or undertakings.

#### *Use of minority languages in local topographical indications*

##### **Paragraph 123**

In adding the Declaration to its instrument of ratification, Latvia has only made use of its right to define the scope of application of Article 11, paragraph 3, of the Convention. Taking note of the wording of this provision (“in the framework of their legal system”, “in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers”, “taking into account their specific conditions” “when there is a sufficient demand for such indications ” etc.), Latvia considers that its Declaration conforms to the objectives and spirit of the Convention.

Noting the present situation (see Paragraphs 39 and 106), Latvia does not regard it possible to review the language legislation in this area.

##### **Articles 12 and 14 of the Convention**

#### *Intercultural Education*

##### **Paragraph 126**

The Ministry of Education and Science has included different intercultural education issues, as part of the curriculum, in education programmes of schools with the Latvian instruction language. Civic education issues, values education, as well as subjects promoting respect and tolerance towards different cultures and values are included also in the compulsory part of professional development courses for teachers.

#### *Equal opportunities in access to education*

##### **Paragraphs 127 – 129**

Latvia provides state financed education in eight minority languages, even where only a small number of children are seeking instruction in a certain language. Latvia supports the opportunity for every national minority to obtain education in its language, and indicates that in Latvia an equal access to education is ensured. Latvia welcomes the Committee’s acknowledgment of the provision of financing to minority educational institutions, in particular to the Riga Belarusian School.



It should be noted that the work of the National Minority Education Consultative Council (further – Council) of the Ministry of Education and Science is being planned with great care, as well as co-operation with regional bilingual centers, national cultural associations, parents’ representatives and NGO representatives. In 2008 the Council organised meetings with school alumni, teachers, academics from higher education institutions, representatives of teachers’ associations and societies, researchers, parents’ representatives and leaders of the commission of the Chancery of the State President, UNESCO Latvia national commission representatives, representatives of the Secretariat of the Special Assignment Minister for Social Integration, the Ministry of Foreign Affairs and other institutions. In 2008 four meetings of the Council took place, but in 2007 – five. In co-operation with the Council, the following was achieved in 2008:

- Issues regarding multicultural aspects, tolerance and respect towards the different cultures and values, civic education and values education are included as a part of curriculum of each subject in secondary education
- Common requirements have been incorporated into teachers’ professional development courses. The intercultural aspect, democratic and civic education issues have been incorporated in the compulsory curriculum of further education courses of social science teachers, as well as in the compulsory curriculum for class teachers (as from 2009).
- Common requirements have been elaborated for the assessment of study aids and the approval of study aids. The inter-cultural aspect, tolerance, respect towards the different, civic education and values education are compulsory fields in the contents of teaching materials (approved by the Education Content and Examination Centre in 2008).
- In co-operation with Regional Bilingual Centres in Riga, Liepaja and Daugavpils a study has been conducted on “The Promotion of Ethnic Identity in 3<sup>rd</sup> Grade, 6<sup>th</sup> Grade, 9<sup>th</sup> Grade and 12<sup>th</sup> Grade of General Education Institutions which are Implementing Minority Education Programmes”. 2000 pupils from Riga, Rezekne, Daugavpils and Liepaja took part in the research. Parents and teachers were also interviewed, diagnostic work was undertaken in the fields of language, nature science, social sciences and art. The results of the study indicate that educational institutions offer pupils the opportunity to obtain and deepen their knowledge of the culture, language and history of minorities, that pupils make use of this opportunity provided by the school, that the parents are supportive of the actions for promoting national identity by the educational institutions, but are not well enough informed about the opportunities and do not get involved enough in co-operation, that inter-cultural educational approaches and methods must be included in the curricula for the further education of teachers. (December 2007 – February 2008).
- The Consultative Council of the Ministry of Education and Science has examined a proposal to make amendments to the Cabinet of Ministers regulations No. 353 of 29 May, 2007, “Regulations on the Testing of Knowledge of the Latvian Language, the Constitution of the Republic of

Latvia, the Words of the national anthem and the History of Latvia as stipulated in the Law on Citizenship”. The draft amendments provide that the final year student graduates of the secondary educational institution may present as confirmation of their knowledge about the history of Latvia a state-run history examination certificate.

### **Paragraph 131**

The quality of education during the implementation of the education reform is constantly being monitored and has been maintained at a consistently high level.

The decision of the Ministry of Education and Science to form an education quality monitoring institution, which focuses attention also on the quality of minority education and which has been positively regarded by the Advisory Committee, has really acquitted itself - the information and data analyses about the quality results (accreditation) of the schools which have been implementing minority educational programmes have been regularly provided. Since December 2005, when the compilation of data and analysis was first undertaken, the results have remained at a consistently high level, even when compared to schools with the Latvian instruction language.

The results of data analysis show that at present both the quality of learning by pupils as well as the professional activity or tuition by teachers has been rated as good and very good (from 4 levels of assessment these are the two highest). Also the school rankings, based on the grades achieved, of educational institutions which have implemented minority education programmes has been qualitatively high.

In comparison with the results of the accredited 136 schools with Latvian as the language of instruction and 26 minority education programme schools in the academic year 2006/2007, the highest total scores (75 – 80 points) were achieved precisely by schools which are implementing minority education programmes. This trend has continued for the years thereafter as well.

Since the formation of the National Agency for Monitoring Quality of General Education, during the academic years 2005/2006, 2006/2007 and 2007/2008 the accreditation of a total of 622 educational institutions was achieved. In the time period up until December 2008 only 3.7% out of the 622 accredited schools received the lowest score of education quality assessment (a score of 55 and less). Of the total number of accredited schools there are 60 two-stream educational institutions which have implemented two different educational programmes, separated according to the language of instruction, : in the Latvian language and in a minority language (in a minority education programme instruction takes place bilingually - in the Latvian language and in a minority language, usually Russian). 0.7% of these educational institutions received the lowest score of education quality assessment.

Minority education programmes where alongside the state language the Russian minority language is also used as a language of instruction have been implemented in 89 educational institutions. Only 2.2% of these educational institutions received the lowest score of education quality assessment. Minority education programmes where alongside the state language the Polish, Lithuanian, Estonian, Hebrew, Ukrainian, Roma (gypsy) or Belarusian minority language is also used as the language of instruction have

been implemented in 7 educational institutions. None of these educational institutions received the lowest score of education quality assessment.

In 466 educational institutions instruction is undertaken in only one language – in the state language. 3.4% of these educational institutions received the lowest score of education quality assessment.

It should be recorded that bilingual education (or using two languages for instruction) is implemented in state and local authority educational institutions which implement minority education programmes.

Taking into account the above-mentioned, it can be concluded that the results of the accreditation of minority education institutions and hence the quality of education is relatively high.

Moreover, the Ministry of Education and Science regularly collects and analyses also the results of state exams in schools which are implementing minority education programmes and compares them with the results in schools with Latvian instruction language. The results of the last two years show that the implementation of the education reform in schools which are implementing minority education programmes has not affected the study achievements in those schools. 2007/2008 was already the second school year that passed the exams according to the 60/40 model. In 2007/2008, the results of state exams in schools which are implementing minority education programmes in certain subjects were even better than in 2006/2007. The results in those schools in such complex subjects as biology, physics, chemistry, and mathematics were even better than in schools with Latvian instruction language. Furthermore, these results have been achieved notwithstanding the fact that about the same number of students in schools which are implementing minority education programmes has chosen to reply in these exams in Latvian, that is, not in their native language.

### **Paragraphs 132 – 133**

Latvia wishes to draw attention to the fact that at present there has not been any change in approach or any appreciable reduction in funding for the implementation of minority education programmes and the training of teachers who teach subjects bilingually and in Latvian.

A state requirement is that all general educational institutions including minority educational institutions realise common requirements, which have been determined by the Cabinet of Ministers regulations No.1027 of 19 December, 2006, “Regulations on the State Standards in Basic Education and Basic Education Subjects” and the Cabinet of Ministers regulations No. 715 of 2 September, 2008, “Regulations on the State Standards of General Secondary Education and General Secondary Education Standards”. Minority education institutions have the right to implement education programmes which they themselves have devised. Learning materials are issued according to common guidelines; these are translated into the Russian language also. The professional development of teachers is ensured for all audiences, including teachers who implement minority educational programmes. For example, in 2007 the Education Content and Examination Centre (further – ISEC) within its competence trained 187 minority education institution teachers for a total of 36 lessons/hours, in

2008 152 teaches for a total of 24 hours. The methodology of approaches to intercultural education, as well as the content which is relevant to minorities, has been included on the further education curriculum of teachers.

In 2009 a project *Support for the learning of the state language and bilingual education* financed by the European Social Fund (further – ESF) it so be carried out. The project is a targeted continuation of the previous project funded by the ESF: *The learning of the Latvian language as the state language at secondary education level*. Both projects mentioned as well as state-financed further education training courses for teachers envisage methodological support for teachers, prepare teaching materials for the learning of the state language and for the learning of other subjects in two languages (bilingually). At the same time the range of optional classroom activities and interest activities have been increased, including those for the learning of the minority language, and the promotion of amateur artistic and ethnic affiliation pursuits.

### **Paragraph 134**

Latvia values particularly highly the assistance provided by the member states of the European Union and other states at the co-operation level as stipulated in agreements between the states. This presents a broad range of opportunities for the participation in mutual exchange programmes for pupils and for teachers. Successful co-operation, as indicated in the Advisory Committees position, is taking place with the Republic of Poland and the Federal Republic of Germany. We wish to note that educational institutions also have a successful co-operation with the Republic of Lithuania, the Republic of Estonia, Ukraine and the Russian Federation, receiving assistance in the form of teaching aids (reference books, dictionaries, literature etc.) The state supports this contribution and ensures the provision of an appropriate standard of education quality in minority schools.

### **Paragraph 135**

SSAMSI has implemented several measures which have been provided for in the Action Plan of the Roma programme in order to promote the education of Roma and to ensure specific opportunities for the representatives of Roma community to raise their educational level. The programme for training of Roma educational assistants has been elaborated and implemented. As a result, 20 Roma educational assistants have been coached to work in joint classes of preschool and basic education institutions where Roma children are receiving instruction together with children of other nationalities. Informative seminars and discussions for teachers working with Roma pupils as well as for parents of Roma children on compulsory preschool preparation of 5-6 years old children were organised.

The Ministry of Education and Science has conducted a survey and data analysis on the achievements of Roma schools. The Ministry has proposed that local authorities should support the integration of Roma teachers' assistants into educational institutions attended by Roma (gypsy) pupils. The Ministry has compiled data on the numbers of Roma pupils who have difficulties in particular subjects. It should be pointed out that the integration of Roma (gypsy) pupils into general educational institutions is successfully taking place. In the 2007/2008 academic year 51% of Roma pupils were

receiving instruction in minority educational institutions, 49% in educational institutions where the language of instruction is Latvian.

*Teaching of and in minority languages*

**Paragraphs 136 – 137**

The Government confirms that educational institutions make use of the opportunities to carry out educational programmes which allow various proportions in the provision of tuition in subjects in various proportions in the Latvian language, in the minority language or in two languages. Data from the Ministry of Education and Science licensing commission indicate that in the academic year 2007/2008 of all the educational institutions which offer minority education programmes, 5% have obtained a license for a basic education programme where the subject list and lesson plan has been compiled in line with the requirements of Model One, 41.6% of educational institutions have chosen Model Two, 34.8% have chosen Model Three, 5.6% - Model Four and 13.5% are implementing their own plan of subjects and lessons. In 2007/2008, an estimated 26% of pupils chose education programmes in the minority language.

**Paragraphs 138 - 140**

Latvia wishes to remind that the education reform in minority schools has been introduced gradually, starting with 1995. Starting with the school year 1996/97 two subjects in primary schools and three in secondary schools were required to be taught in the Latvian language. In 1999, four bilingual education models were elaborated, of which each minority school could choose one, or also devise its own. Their introduction was gradual until 2002. After the transition period, from September 2004 onwards the number of subjects which had to be taught in the Latvian language in minority schools rose from 3 to 5, which constitutes 60% of the entire number of subjects. The choice of these subjects is left to the said minority school. Up to 40% of all subjects are still being taught in minority languages. In addition, the number of subjects which in secondary schools must be taught in Latvian was gradually increased, starting with Grade 10 in 2004, in 2005 it took place also in Grade 11, and in 2006 – in Grade 12. Since the National Agency for Latvian Language Training was established in 1995, teachers who work at minority schools have been offered both Latvian language courses as well as courses in the methodology of bilingual education. Appropriate methodology and school teaching aids have also been devised in the Latvian and the Russian language.

As a result of education reform, the level of Latvian language proficiency amongst the younger generation of non-Latvians has increased considerably. If in 1996 a recorded 49% of minority young people rated their knowledge of the Latvian language as very good, then in 2008 this rating was declared by 73% minority young people.

Moreover the claim that graduates of minority schools must complete a written Latvian language test in order to be eligible for citizenship is completely without foundation. In accordance with the Cabinet of Ministers Regulations No. 353 of 29 May, 2007, *“Regulations on the Testing of Knowledge of the Latvian Language, the Constitution of the Republic of Latvia, the Words of the National Anthem and the History of Latvia as stipulated in the Law on Citizenship”*, the graduates of classes of basic education institutions and of secondary education institutions which have undertaken minority

education programmes of study and who wish to naturalise may have their language proficiency assessed within the centralised Latvian language examination or through the centralised Latvian language and Literature examination in accordance with the normative acts on the procedures thereof. The compliance with the requirements of the Law on Citizenship as regards language proficiency of the student are confirmed by a certificate, which is issued on completion of a centrally organised examination, where the assessment of language skills proficiency is graded as A, B, or C level.

#### **Paragraph 141**

Because of the demographic situation the number of persons to be educated in the state is decreasing, therefore every educational institution must devote considered attention to the formation of its own strategy and choose which educational programmes to implement. In 2007 municipal and district local authorities abolished 10 general educational institutions, including one minority educational institution, reorganised 10 general educational institutions, and established 7 general educational institutions. In 2008, two minority schools were transformed into preschool educational institutions, one primary school, retaining its minority education programme, was attached to a two-stream educational institution, meanwhile 8 educational institutions with the Latvian language as the main language of instruction were abolished.

#### **Paragraph 143**

The minority education reform implemented in Latvia is fully compatible with the criteria and principles in this area as stipulated by the Convention. In accordance with the interpretation of Article 14 of the Convention as presented in the Explanatory Memorandum of the Convention as well as in the Thematic Commentary on Education of the Advisory Committee: *“Alternatives which are mentioned under this article – “opportunities to learn a minority language or to receive an education in this language” – do not exclude each other. Although Paragraph 2 of Article 14 does not include a requirement for States to carry out both conditions, this formulation does not prevent the Parties to realize the learning of the minority language as well as receiving education in the minority language. Bilingual education could be one of the means of objectively complying with these conditions. [...]”* In addition it is provided that *“the opportunities for learning a minority language or of obtaining an education in this language does not affect the learning of the official language or receiving an education in this language. In truth, proficiency in the official language is a factor of social equality and integration.”*

#### *Teaching the state language*

#### **Paragraphs 144 – 146**

Latvia has implemented a lasting and consistent policy of promoting the learning of the Latvian language as the state language. Annual sociolinguistic studies testify that as a result of this policy the number of Latvian language speakers is increasing, for example, in 2008 more than 70% of Latvia’s inhabitants between the ages of 15 and 34, for whom Latvian is not their native language, rated their knowledge of the Latvian language as very good.

The status of the Latvian language as the only state language is laid down in the Constitution and is confirmed in the State Language Law. The norms of the Law on Education ensure that minority languages and cultures are preserved during the process of education. Acknowledging that the lack of knowledge of the state language can, impede access of inhabitants of Latvia to various spheres of life, *inter alia*, to information and services, the state has provided a considerable support to teaching of the state language and to bilingual education, as well as to the training of qualified teachers, the preparation and publication of text books and methodological learning materials, drawing on funds from the state budget as well as from European structural funds, and also the European Community External assistance programme resources.

Latvia supports the Committee's conclusion that the integration of national minorities in Latvia's socio-political processes, employment market and education system is closely linked with access to the Latvian language learning from pre-school through lifelong learning, and informs about activities undertaken in this field.

Since 2006, an estimated 5192 teachers and pupils' parents, as well as representatives of medical profession and of local authorities, taking into account the state language proficiency requirements, have completed Latvian language as a second language courses. In addition, the National Agency for Latvian Language Training (further - NALLT) offers the professional development opportunities for adults' teachers, by organising courses for trainers as well as for course leaders. In total, 150 education professionals have received training.

NALLT prepares Latvian as a second language and as a foreign language learning materials for adults online as well: in 2008, with financing from the Refugee Fund, NALLT, in co-operation with the Centre for Computer Science prepared and published interactive electronic learning materials for beginners at first level; in the first half of 2009 free access will be available to NALLT prepared interactive electronic learning materials for the Latvian language as a second language and as a foreign language lower level learning resource for adults - *Palīgā*.

In the project financed by European structural funds "The Learning of Latvian language as the state language at secondary level" (further – the project) NALLT has ensured the further education of teachers, by organising, parallel to the "traditional" courses and seminars, creative camps, best practices schools, individual and group consultations. In total 1169 teachers have received training, also 2641 teachers have received consultations. As a result of the project, NALLT has prepared and introduced multifaceted learning materials and methodological materials for both teachers and students: 7 methodology aids in DVD format for teachers of chemistry, mathematics, biology, history, geography, physics, an economics foundation course for business, 3 instructive films for Latvian language and literature in secondary schools, 28 publications regarding bilingual education, and also Latvian language and literature for teachers and pupils. These publications have been distributed at introductory seminars and also issued to all minority schools in Latvia.

In addition, beginning with 2003, learning the Latvian language annually is also provided for within the framework of the State budget funded programme Ethnic integration programme *Latvian language for adults* of the Social Integration Fund of Latvia. Since 2003 the funding allocated under this programme totals LVL 1, 249, 025

and the number of supported projects – 172, but the number of people who have received training – 17, 214.

*Private teaching in minority languages*

**Paragraphs 148 – 150**

The draft law “Law on Higher Education” is not regulating the use of language in higher education programmes in those higher education institutions which are not funded from the state budget.

On the other hand, if a higher education institution established by a private person receives funding from the state budget, then all the regulations as regards the use of the state language in this higher education institution are applicable. The state function in the sphere of education (including higher education) is not only to create an educated and well-informed society but also to secure maintenance and development of the state language, thus, ensuring that all alumni can be fully integrated in the Latvian society and have equal opportunities in the labour market. In accordance with Article 6, paragraph 2 of the draft law “Law on Higher Education”, higher education institutions which have been established by private persons and which receive funding from the state budget may offer higher education programmes in other languages in cases where they offer higher education programmes:

1. the realisation of which is necessary in a foreign language in order to achieve the aims of the higher education programme – language and culture higher education programmes, including higher education programmes for language teachers;
2. in one of the official languages of the European Union within the framework of co-operation as envisaged in EU programmes and international agreements;
3. in one of the official languages of the EU, based on an agreement on a joint higher education programme or franchise with a higher education institution abroad;
4. which have been drawn up for implementation abroad or for foreigners and which are being implemented in one of the official languages of the EU.

It follows from the said legal norms that in certain cases, higher education institutions which have been established by private persons and which receive funding from the state budget, can implement higher education programmes in languages other than the state language.

Furthermore, paragraph 3 of the said article provides that in higher education programmes which are implemented in the state language, there may be some parts which, in accordance with the internal regulations of the higher education institution may be implemented in one of the official languages of the EU, if these are being carried out by guest lecturers, guest associate professors and guest professors from abroad.



## **Article 15 of the Convention**

### *Institutional framework for the participation of national minorities in public life*

#### **Paragraphs 151 – 153**

Under the circumstances in which the state is in economic crisis, the government has determined to abolish the Secretariat of the Special Assignment Minister for Social Integration and to transfer its functions to the Ministry for Children and Family Affairs. However it must be emphasised that, although the Secretariat was abolished as a separate institution, its functions, duties, initiated programmes and projects will continue to be implemented, in order to ensure an ever deepening process of social integration in the state. Moreover social integration issues now will be the responsibility not of a “Secretariat”, but of a “Ministry”, which has a permanent mandate in the decision-making processes of the Cabinet of Ministers.

#### **Paragraph 154**

On 22 December, 2008, the State President announced the renewal of the work of the Minorities Consulting Council (MCC). The goal of the MCC is to promote dialogue on issues of ethnic, cultural, linguistic and religious identity of national minorities, and also to support the promotion of socio political involvement by minorities. As Chairman of the MCC, the President appointed a representative of Latvia’s Lithuanian community.

On 20 January this year the President approved the composition of the MCC. It includes representatives of the various national associations and other organisations of the ethnic groups which are to be found in Latvia. There were already three meetings of MCC this year. It is anticipated that meetings will take place once every two months.

#### **Paragraph 155**

The duties of the Council for the Participation of National Minority Organisations (further – the Council) in 2007-2008 were to consult SSAMSI, disseminate information, undertake analyses, and to draw up proposals on issues relating to ethno-politics and the rights of national minorities in Latvia. . The task of the Council was to support SSAMSI in ensuring that the obligations laid down in the Convention were complied with, assisting with the preparation of the initial report on the implementation of the Convention and engaging in a dialogue with the Advisory Committee.

In 2007 there were two meetings of the Council. In the first meeting Latvia’s initial report on the implementation of the Convention was examined. The second meeting of the Council took place within the framework of the project “Dialogue on the Framework Convention for the Protection of National Minorities” and in collaboration with the association “Minority programme *Zelta kamoliņš*”.

#### **Paragraph 156**

On 15 July, 2005, a Cabinet of Ministers and NGO memorandum of co-operation was signed, which has become a new form of dialogue between the state and NGOs, giving

the NGOs an opportunity for involvement in the decision-making processes at state level. The number of minority NGOs, which have signed the NGO and the Cabinet of Ministers memorandum, has also risen - from 6 minority/interethnic NGOs to 11 organizations.

### **Paragraph 157**

On 11 April, 2003, a Nationalities and social integration consultative council was set up (further – the Nationalities Council), which was a consultative institution for the Special Assignment Minister for Social Integration.

The function of the Nationalities Council was to inform the Minister and SSAMSI on issues regarding the ethno-political and social integration in Latvia, as well as on the rights of national minorities. In 2008 there were four meetings of the Nationalities Council, which were attended by minority NGOs, including regional minority NGOs, regional media, regional organisations and educational institutions, state administration institutions and the academic sector.

*Participation by minorities in elected institutions and presence in government structures and public administration*

### **Paragraph 159**

Latvia indicates that in the case where a person has obtained citizenship of the Republic of Latvia it is presumed that the knowledge of the state language is good enough to be able to understand the social processes, including the information as regards electoral processes, and to participate in the work of the state and the local authorities.

### **Paragraph 162**

The state civil service is an integral part of the legal and political system of the state, and implements its basic principles and basic values. The basic principles of the legal system in Latvia are determined by the Constitution of the Republic of Latvia. In accordance with Article 4 of the Constitution, the state language in the Republic of Latvia is the Latvian language. This means that the Latvian language in Latvia has constitutional status. Meanwhile in Article 104 of the Constitution it is stated that everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply in the Latvian language. Article 8 of the State Language Law, paragraph 1, provides that in state and local authority institutions the language to be used in record-keeping and in documents is the Latvian language. It will not be possible to fulfill this requirement if Latvia will relax the requirements for proficiency in the state language for those civil service official candidates who represent a national minority. In addition, only a citizen of Latvia can be a state civil service official, who's Latvian language skills must be of a level that is appropriate to working in state institutions.

*Participation in social and economic life. Requirements linked to proficiency in the state language for access to employment.*

**Paragraphs 164, 166**

Grounds for the state language requirements in jobs and occupations see Paragraphs 39 and 162. As regards state language training, please see Paragraph 54 and Paragraphs 144 – 146.

**Paragraph 167**

See also Paragraphs 40 – 43.

In accordance with Article 1 of the Council of Ministers regulations No. 583 “Regulation on the compulsory health insurance state agency” the Health Compulsory Insurance State Agency (hereinafter Agency) is a state institution which is under the supervision of the Ministry of Health which was created in order to implement state policy in the provision of health care services and to manage the state compulsory health insurance financial resources. The Agency does not offer health care services. Health care services are offered by qualified medical persons according to medical symptoms. For its part, the Agency settles accounts for those health care services which in accordance with normative acts are paid for from the state budget, makes payments, in accordance with normative acts, for medicines, medical appliances and goods used in outpatient treatment and also ensures that medical treatment institutions which have concluded an agreement with the Agency for the provision of state funded medical care services, observe normative acts. Likewise a duty of the Agency is to ensure that the various categories of the population are offered equal opportunities for receiving state-funded medical treatment as provided for in normative acts.

The Agency, as a state administration institution, operates in the interests of the community. In cases where it unilaterally (i.e., without the agreement of the private individual) assigns rights or imposes obligations to a person, it must act in accordance with the Administrative Procedure Law. Accordingly, when taking decisions as regards individual persons, the Agency observes the general principles of law and the principles as laid down in the Administrative Procedure Law, including the principle of rule of law, which provides that any action taken by the institution must comply with the normative acts which are in force, within the authority assigned to it, and on the principle of equality, which envisages that, where equal factual and legal conditions exist, the institution adopts the same decisions independently of persons’ gender, age, race, skin color, language, religious beliefs, political or other views, social origin, nationality, education, social and financial status, type of occupation or other circumstances. The said legal principles ensure that decisions are taken without any kind of discrimination.

As regards the concrete issue which was mentioned in the opinion of the Advisory Committee, Latvia wishes to clarify that on 28 January, 2008, the Agency received a letter from the Ombudsman of the Republic of Latvia with a request to verify the situation regarding compensation for medication from the state budget for two Roma people. In reply to the request, the Agency on 13 February, 2008, sent its explanation in which it clarified the order in which compensation may be received for the issue of medication, and also explained that it has not been possible for the Agency to evaluate

any infringement of the rights of the said persons on the part of medical institutions and pharmacies due to limited access to information.

The Agency has not received any complaints from persons about the fact that they may have been discriminated against, on the grounds of their ethnic origin, by the Agency, any medical institution or pharmacy.

Taking into account the above-mentioned, it should be pointed out that the Agency, in taking note of the normative acts of the Republic of Latvia which are in force, does not have the right to allow or deny persons to receive medical care services or to receive compensation for the medication which is used in treatment. In line with its authority, the Agency has the right to control and to avert any illegal activities on the part of medical institutions and pharmacies, which may directed to persons, preventing them from receiving state budget funded health care services as provided for in normative acts, or to receive compensation from state budget resources for the medication used in treatment, as provided for by normative acts. At the same time, medical institutions and pharmacies are not permitted to apply a discriminatory attitude towards persons on the basis of their ethnic origin.

*Participation in public affairs by non-citizens who identify themselves with a national minority*

### **Paragraphs 168 – 171**

As Latvia has already indicated in its comments on Paragraphs 46 – 50 of the Advisory Committee opinion, the position of the Advisory Committee that non-citizens should have not only active, but also passive electoral rights at local level is contrary to the principles of international law. It is not also an accepted practice among the CoE Member States.

On regaining independence in 1991, Latvia renewed its core of citizens as it existed prior to 1940, applying the principle of state continuity. This approach was accepted by the Venice Commission as well as the Council of Europe Parliamentary Assembly, when Latvia joined the Council of Europe (see Paragraph 20).

The aims of Latvia's integration policy are to promote naturalisation and to increase the number of Latvian citizens with full rights, rather than to increase the number of non-citizens, albeit with many rights. Granting voting rights at local level to non-citizens would negatively influence the integration policy realised by the state and would not be an encouragement for non-citizens to naturalise and hence also to integrate.

### **Paragraph 172**

The existing restrictions as regards the right to work in the civil service or occupy posts that are related to national security are in accordance with international legal norms in this field, and also in accordance with the practice in other states.

**Article 17 of the Convention***Establishing and maintaining contacts across frontiers***Paragraphs 174 – 176**

Non-citizens of Latvia can travel without a visa within the Schengen Zone (including states which are not member states of the European Union – to Iceland and to Norway). In accordance with the European Union Regulation (EC) No 1932/2006, amending Regulation (EC) No 539/2001, non-citizens of Latvia can also travel without a visa to other EU member states which are not signatories to the Schengen Agreement (Bulgaria, Cyprus, Romania). Non-citizens of Latvia may not travel without a visa to the United Kingdom, because in Regulation (EC) No 1932/2006 (Clause 11 of the Preamble) it is stated that United Kingdom and Ireland are not bound by Regulation (EC) No 539/2001 and therefore also by Regulation (EC) No 1932/2006 adopted on 21 December, 2006. Taking into account that the regulation is binding to Latvia in accordance with the Treaty establishing the European Community, there is no question of concluding bilateral agreements with the said countries.

The same visa requirements, as to other citizens of Latvia are applicable to those persons who belong to a national minority and are citizens of Latvia.

See also Paragraph 89.

**Paragraph 178**

Latvia has actively taken part in ensuring that travel restrictions are eased for inhabitants of border areas. Taking into account that Latvia is a member state of the Schengen Zone and that in this way, free movement is guaranteed on the borders between Schengen member states, including Lithuania and Estonia; Latvia has concluded agreements with the Republic of Belarus and the Russian Federation on eased border crossing regulations for inhabitants of border zones. An agreement was concluded between the Republic of Latvia and the Republic of Belarus already in 1994. It must be noted that since Latvia joined the European Union this agreement remains in force inasmuch as it is not contrary to EU legislation. At present Latvia is conducting negotiations with Belarus on the conclusion of a new agreement which would be compatible with present day circumstances. An agreement on the facilitation of border crossing is also currently being negotiated between Latvia and the Russian Federation.