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European Commission Against Racism and Intolerance

First report on Latvia

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INTRODUCTION

The European Commission against Racism and Intolerance (ECRI) was set up in 1994, at the instigation of the first Summit meeting of Heads of State and Government of the member States of Council of Europe, to combat the growing problems of racism, xenophobia, anti-Semitism and intolerance threatening human rights and democratic values in Europe. The members of ECRI were chosen for their recognised expertise in questions relating to racism and intolerance.

The task given to ECRI was to: review member States' legislation, policies and other measures to combat racism, xenophobia, anti-Semitism and intolerance and their effectiveness; propose further action at local, national and European level; formulate general policy recommendations to member States; and to study international legal instruments applicable in the matter with a view to their reinforcement where appropriate.

One aspect of the activities developed by ECRI to fulfil its terms of reference is its country-by-country approach, which involves carrying out an analysis of the situation in each of the member States in order to provide governments with helpful and concrete proposals.

The procedure adopted for the preparation of country-specific reports can be summarised thus:

- a. The preliminary collection of information as well as the preparation of the texts of the preliminary draft reports are carried out in small working groups of ECRI. Preliminary sources of information used are wide-ranging, including, inter alia, replies provided by governments to a questionnaire sent out by ECRI, input from the relevant national members of ECRI, information on national legislation collected for ECRI by the Swiss Institute of Comparative Law¹, information from international and national non-governmental organisations, various publications and the media.
- b. ECRI examines and discusses the preliminary draft report on each country in plenary session and adopts a draft report.
- c. The report is sent to the relevant government for a process of confidential dialogue conducted through a government-appointed national liaison officer. The draft country report is re-examined and possibly revised in the light of the comments provided by the latter.
- d. The report is then adopted in its final form by ECRI in plenary session, and transmitted through the Committee of Ministers of the Council of Europe, to the government of the country in question. Two months after this transmission, the report is made public, unless the government of the country concerned expressly requests that it is not made public.

To date, four series of ECRI's country-specific reports have been made public, in September 1997, in March 1998, in June 1998 and in January 1999 respectively². A fifth series of country-

¹ The report prepared by the Swiss Institute (ref: CRI (98) 80), covering relevant legislation in member States of the Council of Europe is available on the web site www.ecri.coe.int and, in hard copy, from ECRI's Secretariat.

² The first four series comprise reports on Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, the Russian Federation, San Marino, Slovakia, Slovenia, Spain, Switzerland and the United Kingdom.

specific reports was transmitted to the governments of the countries concerned in January 1999, and is thus now being made public³.

The following report contains ECRI's analysis and proposals concerning Latvia.

It should be noted that ECRI is carrying out its country-by-country procedure by preparing reports for all forty member States of the Council of Europe. This fifth series of reports, for which the procedure was completed by January 1999, will be followed during 1999 by the reports on the remaining member States of the Council of Europe. The order in which the reports are produced has no significance other than that these are the first reports to be completed.

The publication of this report represents the start of an on-going and active process of exchange between ECRI and the authorities of each of the member States, in order to identify solutions to the problems of racism and intolerance facing Europe. ECRI will also welcome the input of non-governmental organisations and other parties working in this field to ensure that its work is as constructive and helpful as possible.

As from 1999, ECRI has begun a follow-up procedure to its country reports, examining what action governments may have taken on the proposals they contained, up-dating their contents generally and focusing on specific issues of concern in greater depth. Some 10 countries will be addressed annually in this way, over the period 1999-2002.

³ Reports on Austria, Latvia, Romania and Ukraine.

REPORT ON LATVIA⁴

Introduction

Since the re-establishment of independence in 1991, Latvia has worked towards the establishment of democratic institutions, and towards ensuring respect for the rule of law and the protection of human rights. Considerable progress has been achieved in these fields but substantial work remains to be done.

Due to the economic, political and demographic processes which have taken place in Latvia during the last few decades, ethnic Latvians account for just over 55% of the total population. At present more than 120 ethnic groups are represented in Latvia. The non-Latvian population constitutes around 43% of the total population and about one-third of the total population mainly uses the Russian language.

The relationships between Latvians and non-Latvians have been widely affected by the issues of naturalisation and rights of non-citizens, which have been at the core of Latvian politics for the past several years. They have both been central issues in the parliamentary electoral campaigns and constituted some of the major issues in Latvia's relations with the OSCE and the Council of Europe.

Issues relating to ethnic intolerance, the sometimes tense relations between Latvian and non-Latvian ethnic groups and the existing nationalist strain must be seen in the context of basic and dramatic transformations in all spheres of political and social life. Instances of aggressive nationalism, racism and anti-Semitism have been observed in Latvia, and recent manifestations of such sentiments constitute a matter for concern. However, such instances do not appear to be characteristic of the society in general and seem to relate instead to ignorance, psychological factors created by past experiences as well as to the difficult economic conditions faced by a great part of the population and the rapid division of the population into rich and poor.

Some of the key areas identified by ECRI as meriting particular attention include:

- the need to keep the law on citizenship under review, with special regard to naturalisation, ensuring its fair and expeditious implementation and introducing the necessary changes;
- the persistence of arbitrary and unjustified restrictions for non-citizens in various fields;
- the need to closely monitor and to take action in relation to the activities carried out by the Department of Citizenship and Migration Affairs;
- the need to improve knowledge of the Latvian language among non-Latvian speakers.

⁴ Note: Any development subsequent to 19 June 1998 is not covered by the following analysis and is not taken into account in the conclusions and proposals.

I LEGAL ASPECTS⁵

A. International Legal Instruments

1. Latvia has not yet ratified the ILO Convention concerning Discrimination in Respect of Employment and Occupation, the European Social Charter, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities. It is understood, however, that these instruments are currently under study for possible ratification and ECRI hopes that this will be effected as soon as possible. The acceptance of Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, which would allow for individual complaints to be examined by the Committee for the Elimination of Racial Discrimination, would also be desirable.

B. Constitutional Provisions

2. The 1991 Constitutional Law on the Rights and Obligations of Citizens and Individuals, which supplements the Constitution of 1922, provides for equality of all persons in Latvia regardless of race, nationality, sex, language, party affiliation, political and religious persuasion, and social status. It is noted, however, that the Constitutional Law limits to Latvian citizens the right to vote in local elections, to hold state offices, the right to establish political parties and own land (Articles 8 and 9). During the past few years, however, several laws have been amended to allow non-citizens to own land in towns. Some of the above provisions may have a discriminatory effect on resident non-citizens (see Introduction and Section F).

C. Criminal Law Provisions

3. Article 69 of the Penal Code criminalizes acts aimed at instigating national or racial hatred or discord and degrading the national dignity of any person as well as acts aiming at the explicit restriction of civic rights or the creation of direct or indirect privileges of citizens depending upon their race or nationality⁶. It would be advisable to monitor the implementation of these provisions with a view to keeping their effectiveness under review.

D. Civil and administrative law provisions

4. The Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups guarantees to all permanent residents in the Republic, regardless of their nationality, equal rights to work and wages and prohibits any act aimed at restricting, on the basis of nationality, the opportunities of permanent residents to choose their profession or a trade based on their corresponding skills and qualifications. The right of permanent residents to set up their own national organisations and a duty on the Government to promote their activity and material resources are also established.

A Law on Religious Organisation consecrates the equality of all inhabitants irrespective of their attitude to religion.

ECRI strongly encourages the authorities to closely monitor the actual implementation of such provisions.

⁵ A full overview of the legislation existing in Latvia in the field of combating racism and intolerance is provided in the publication CRI (98) 80 prepared by ECRI by the Swiss Institute of Comparative Law

⁶ According to the Latvian authorities, three cases brought under this Article are currently under investigation.

E. Specialised bodies

5. The National Human Rights Office was established in 1995 as an independent institution established by law aimed at promoting and protecting human rights in accordance with the relevant legislation and international commitments of the Republic of Latvia. The main directions of the activities of the Office are: to educate and inform the Latvian society about human rights; to examine the existing human rights situation and suggest to the Government and Parliament ways to improve it; to receive, handle and investigate complaints about alleged human rights violations.

ECRI emphasizes the important role that such a body can play in promoting large-scale understanding and tolerance for non-citizens and minority groups as well as cultural and ethnic diversity in general among the population.

6. The President's Consultative Council on Ethnic Issues, with representation by the largest ethnic groups, meets regularly. Its decisions, which are of a recommendatory nature, are reported in the mass media.

II POLICY ASPECTS

F. Status of non-citizens

- Law on citizenship

7. After the 1991 Renewal of Citizenship resolution, which restored citizenship for those who held Latvian citizenship prior to the 1940 Soviet Union occupation and their descendants, the 1994 Citizenship Law sets out the criteria and time-table for naturalisation.

Some efforts have been made by the Latvian authorities, also in co-operation with the Council of Europe and other international instances, with a view to allowing almost 740,000 persons (i.e. almost 30% of registered residents) to apply to become Latvian nationals by 1 January 2003. Over 72% of the population in Latvia hold Latvian citizenship (approximately 40% of ethnic Russians are citizens). ECRI considers, however, that there is still a considerable margin for improvement.

8. The requirements imposed for naturalisation have been criticised as being overly strict. As of 1998, approximately 148,000 out of 680,000 stateless persons residing in Latvia (mostly former USSR citizens) became eligible to apply for Latvian citizenship through naturalisation in conformity with the Law on Citizenship and the naturalisation timetable or so-called "windows" system. However, only 9,330 persons (6.3%) have applied. Of these, 7,364 applicants have acquired Latvian citizenship while the remaining 1,966 applications are still under review. In particular, the tests of Latvian language and history seem to be demanding for applicants. The timetable or "windows" system does not currently⁷ allow all those who wish to apply for Latvian citizenship to do so.
9. ECRI feels that it should be ensured that the application of conditions and requirements are not made too severe in practice. ECRI also considers that the 1995 liberalizing amendments to the citizenship law, which granted automatic citizenship to certain categories of people⁸, could be further extended to other categories of non-citizens. The introduction of lenient requirements for older people, persons with lower levels of education as well as long-term residents should also be contemplated. In this respect,

⁷ That is, as of 19 June 1998 – see footnote 4.

⁸ These categories included ethnic Latvians returning to Latvia and persons who successfully completed their secondary education in a Latvian language school.

ECRI notes that, in June 1998, the Latvian Parliament adopted amendments to the citizenship law, following OSCE recommendations to remove the "naturalisation windows" system. According to these amendments, any non-citizen can apply for naturalisation immediately, Latvian citizenship is granted to stateless children born in Latvia after 1991 upon request of the child's parents, and the testing procedure for applicants aged 65 and over is simplified. A national referendum in October 1998 resulted in the acceptance of these amendments.

10. The Naturalisation Board has published and distributes free brochures in Latvian and Russian, which explain the naturalisation process and requirements. The Parliamentary Committee on the Implementation of the Citizenship Law meets weekly and reviews these issues. ECRI encourages the government to continue to devote high priority and adequate resources to implementing the naturalisation law in as fair and expeditious a manner as possible. To this end, it is paramount that the regulations on receipt and review of applications referred to in Article 17.2 be well publicized, that the right to appeal against refusal of naturalisation (Article 17.3) be actually granted and that there be a thorough parliamentary control on the implementation of the Citizenship Law as provided for in Article 29.

- *Law on the Status of Former Soviet Union Citizens Who are not Citizens of Latvia or Any Other State*

11. ECRI considers that the adoption, in April 1995, of the Law on the Status of Former Soviet Union Citizens Who are not Citizens of Latvia or Any Other State - which establishes a legal status for this group of non-citizens equivalent to that of permanent resident aliens, confers on them certain fundamental rights, and provides for issuing aliens' passports - might constitute an important step towards the removal of discrimination against these non-citizens.

ECRI is aware that the rights and status of this group of non-citizens are not determined exclusively by the provisions contained in this law, but that they also depend on a wide range of laws and regulations both at national and local level. It is stressed, however, that Article 2(3) of the Law puts State institutions under an obligation of ensuring that the rights of this group of non-citizens are not restricted in any act issued by State or local government institution. The implementation of this legislation should be very closely monitored.

12. While some of the restrictions to which non-citizens are subject are understandable, especially as regards certain political rights, many others - in the fields of employment, social rights and other political rights (e.g. vote is limited to citizens even in local elections), - appear to have an unjustifiable discriminatory character. It is therefore hoped that all possible measures will be taken in order to ensure that all unjustified and arbitrary discrimination against non-citizens is actually removed.
13. Non-citizens in Latvia appear to encounter even more serious problems in the fields covered by the activities carried out by the Department of Citizenship and Migration Affairs (DCMA). In this respect, ECRI notes that, although improvements have been made, there is evidence that some officials are still acting improperly and that, for example, residents are unjustifiably refused registration, courts decrees overturning negative DCMA decisions are not being followed, unnecessary documentation is requested and letters and enquiries are not answered. It is therefore highly desirable that proper training be given to DCMA staff members, that control mechanisms be established and adequate disciplinary action be taken as might be necessary. A simple complaint procedure whereby victims of improper behaviours on the side of officials can have their claims promptly dealt with and redressed could also be established.

G. Asylum and immigration

14. Due to the difficult legacy of the past fifty years under Soviet rule, Latvia has a cautious and restrictive immigration policy.

In 1997 Latvia became a party to the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol. Simultaneously, a “Law on Asylum Seekers and Refugees in the Republic of Latvia” was enacted. Additional measures necessary for the fulfilment of the international obligations undertaken are underway. One of the reasons for the delayed adoption of measures dealing with refugees appears to be the lack of a clear political support for the acceptance of refugees, stemming from a generally negative public opinion on the latter. ECRI therefore urges the Latvian authorities to take action to raise public awareness of the issues involved in asylum and refugee matters and to promote tolerance.

H. Education and training

- *School education*

15. The struggle to re-establish Latvian independence included a strong focus on multiculturalism in society and, especially, in education. Although the Latvian language was adopted as the official state language in 1988 and the study of the Latvian language has become compulsory for all students, during the 1994-95 school year 41% of all pupils in Latvia's elementary and secondary schools were taught in a language other than Latvian. Eight ethnic groups in Latvia have their own schools and classes (Russians, Poles, Jews, Lithuanians, Estonians, Ukrainians, Belorussians and Roma/Gypsies). ECRI notes that these schools for the general education of national minorities are state financed and considers that it is important that such funds are not reduced but are kept instead at a similar level as the funds of the other schools.
16. As regards the difficulties in obtaining textbooks in foreign languages, ECRI considers that while Latvian authorities have the right to monitor the quality of the education imparted in schools based in Latvia, the right of members of national minorities to carry out their own educational activities, including the use and teaching of their own language, cannot be properly guaranteed without providing adequate means.
17. The National Programme for Latvian Language Training has been implemented since 1996. This extensive programme for teaching Latvian as a foreign language was prepared with international financial assistance and under the co-ordination of UNDP. The aim is to provide Latvian language teachers with the necessary methodology and assist in preparing the necessary teaching materials for teaching Latvian to adults and children in non-Latvian schools. ECRI welcomes and encourages such initiatives. Further efforts and funds should also be devoted by the Government to improve the knowledge of the Latvian language in schools for national minorities; a greater number of teachers specialised in teaching Latvian as a foreign language appears to be necessary.

- **Training**

18. ECRI considers that further training aiming at the promotion of tolerance for cultural and ethnic diversity would be desirable for teachers, police, employers, social workers, journalists and other key groups. In addition, training of professional groups - on a national and local level - dealing with ethnic/cultural minorities would be extremely valuable. ECRI is aware of the efforts carried out in this direction by the National Human Rights Office and hopes that this particular area will be given priority in the coming years.

I. Media

19. The existence of minority language newspapers, broadcasts and TV programmes is guaranteed by Latvian laws. Individual incidents of intolerance are generally publicly condemned by the authorities and active public discussion on such incidents is promoted in the media. At the same time, however, there have been reports and complaints concerning negative stereotypes of the Roma/Gypsy community spread by the media, particularly by linking members of this community to criminal activities. ECRI encourages the authorities to take action to counter such phenomena and to promote instead the circulation in the media of positive examples.

J. Employment

20. There are some unjustified restrictions in employment opportunities for members of the community of non-citizens, for example as concerns such professions as barrister and lawyer's assistant, captains of aircraft, private detectives and armed security guards. There are also limitations as concerns posts in elected bodies of religious congregations. ECRI stresses once more that all discrimination between citizens and non-citizens which is arbitrary or unjustified should be abolished.
21. The Language Law requires employees of the State and of all "institutions, enterprises and institutes" to have a sufficient command of Latvian to be able to carry out their profession and to be able to deal with the public. It is noted that this provision is very far-reaching, as it includes also private institutions and enterprises. Special attention should therefore be paid to ensuring that legislation in this area is in line with human rights protected in the Council of Europe's conventions, including the protection of contractual rights, private life and freedom of expression and association as well as prohibition of discriminatory treatment in respect of these rights. Latvian language classes as part of job training courses (for example for recipients of unemployment benefits) could also be further developed.

K. Statistics

22. Since the re-establishment of independence, the Latvia Central Statistical Bureau (CSB) has worked extensively with the European Union and international statistics organisations in order to improve the quality of the statistical information and methodology in this country. ECRI encourages the efforts currently under way to establish an efficient system for collecting accurate information on the citizenship status of residents.
23. Statistics covering smaller groups and funding of local monitoring projects - which would pick up on the experience of the smaller ethnic minority groups and allow local policies to be drawn up for local areas and specific problems - might also be the subject of further consideration.

L. Other areas

- *The Jewish community*

24. There have been some instances of desecration of Jewish graves, anti-Semitic inscriptions on Jewish public buildings, bomb explosions and disturbing anti-Semitic statements in the press, particularly in right-wing youth papers. Such instances were publicly condemned in the press and, in some cases, prosecutions were initiated, but no convictions were obtained. Taking into consideration the strong nationalist strain in part of the population of Latvia as well as a general trend in Europe, ECRI encourages the authorities to closely monitor the incidence of these phenomena to make sure that appropriate action can be swiftly taken should problems arise in the future.

- *Civil society*

25. There seems to be an active presence of associative bodies operating in the fields of human rights in Latvia. The government is generally reported to willingly engage in dialogue with these groups. An interministerial working group is working on a draft integration programme which would promote closer involvement of various segments of the society in such areas as education, training, citizenship and strengthening of civil society. ECRI feels that further initiatives could be supported and encouraged, especially at local level, on the part of associations, non-governmental organisations, community groups etc., in particular in the fields of racism and intolerance, and that the relationships between such groups and the government could be further strengthened and developed.

General data as supplied by national authorities

For reasons of consistency, ECRI, in its CBC reports, has, in this box, reproduced statistical data only from the replies of Governments to ECRI's questionnaire. The questionnaire was sent to the Latvian authorities on 26 March 1996.

ECRI accepts no responsibility for the data below.

740,231 non-citizens of which 476,790 Russians; 88,151 Belorussians; 65,183 Ukrainians; 28,454 Lithuanians; 25,465 Polish; 8,456 Jewish; 822 Roma/Gypsies; 22,446 Other

Population: 2,516,517 (1995). This figure is taken from the Council of Europe publication "Recent demographic developments in Europe" (see bibliography)

BIBLIOGRAPHY

This bibliography lists the main published sources consulted during the examination of the situation in Latvia: it does not cover all the various sources of information (media, contacts within the country, national NGOs etc) which were utilised.

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