

## **APPENDIX**

**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Latvia**

ECRI wishes to point out that the analysis contained in its third report on Latvia is dated 29 June 2007, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Latvia was subject to a confidential dialogue with the Latvian authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Latvian authorities requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.



## “Third report on Latvia

### Comments by Latvian Government

The trend towards racism and intolerance is increasing throughout the world. In recent years people from various ethnic backgrounds and of various skin colours have travelled into Latvia. In general it may be said that historically, Latvian society has been tolerant towards members of other nationalities. However, individual incidents occur when radically-oriented groups or individuals attack people having a different skin colour or other external signs of difference. Although racial hatred is an element of some of these attacks, it is also common for foreigners to be attacked for reasons of material benefit. Law enforcement agencies face the complex task of determining whether in a particular attack there are signs of racial hatred as well as material benefit. With the benefit of experience, training, and court precedents, law enforcement agencies are learning to apply section 78 of the Criminal Law.

Concerning ECRI’s comment that Roma communities in Latvia suffer from racism and discrimination, particularly in access to employment and education, we would like to stress that Latvian government continues to pay particular attention towards this ethnic group. About 95% of Roma are citizens of Latvia. State financed education is available also in Roma language what is not the practice in all European states.

Regarding ECRI’s recommendation to find rapid solution for persons who live under status of non-citizens Latvia would like to reiterate that Latvian legislation allows practically every non-citizen to become a citizen and Latvian government has on several occasions simplified naturalization exams. It is an individual decision whether to apply for Latvian citizenship or not.

#### International legal instruments

2.

Latvia signed the Twelfth Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms on 4 November 2000; however, it has not been ratified. The draft bill for approval of the Protocol has been submitted to the *Saeima* (Latvian Parliament). At the *Saeima* sitting of 21 September 2006, a decision was made not to refer the draft Bill to the Committee stage. Bearing in mind that a new *Saeima* was elected on 7 October 2006, the draft bill must be resubmitted to the *Saeima*.

4.

The Republic of Latvia signed the European Convention on Nationality on 30 May 2001. At the *Saeima* sitting of 25 May 2006, a decision was made not to pass the Bill to the Committee stage. To continue progressing the Bill, it will need to be resubmitted to the *Saeima*.

#### Official Identification Documents

13.

In accordance with the law on the *Protection of Personal Information and the law on Personal Identification Documents*, a person’s ethnic origin need only be indicated voluntarily in personal identification documents, and at the request of the individual. By implementing the principle of voluntariness, the possibility of discriminating against any person on the grounds of ethnicity is eliminated, without denying any person the right to national self-determination.

14.

In Latvia, the existing census system is based on documentary evidence, rather than on information provided orally. A person may freely alter his or her personal records, including ethnicity, by producing evidence of the fact. When issuing a passport, should a person require information regarding their ethnicity to appear on their passport, the information is obtained from the residents' census system. Any person able to provide documentary evidence of their membership of a particular ethnic group, may receive the relevant annotation in their passport once the previously-mentioned alterations have been effected on the census system.

### **Criminal Law Provisions**

Amendments to the Criminal Law were adopted on 17 May 2007, with Section 78 being expressed in a new formulation. Until now, this section was headed "Violation of National or Racial Equality and Restriction of Human Rights"; the new formulation reads "Incitement to National, Ethnic and Racial Hatred". The new formulation of the Criminal Law also includes ethnic origin.

The Criminal Law also includes a new Section 149.<sup>1</sup> for offences involving discrimination, which attaches criminal liability to discrimination on the grounds of race or ethnicity.

It is commendable that cases are eventually receiving judicial consideration, regardless of the problems of proving direct intent, and of separating racist offences from hooliganism. This encourages the trust of victims in the judicial system, and the desire to report of such events.

19.

Point 19 of the Report indicates that in its second report on Latvia, the ECRI recommended that Latvia broaden the norms in the Criminal Law, so as to include not only racist language as an incitement to racial hatred, but also derogatory language based on national or ethnic origin. We advise that on 19 July 2007, the "Amendments to the Criminal Law" came into force, which amended Section 78 of the Criminal Law: "Incitement to National, Ethnic or Racial Hatred", providing liability for actions which are knowingly directed towards incitement to national, ethnic or racial hatred or enmity. We would point out that currently the indications to which the ECRI refers in Point 19 of their Report, namely derogatory speech based on national or ethnic origin, conform with Section 78 of the Criminal Law. We therefore regard a separate section on the use of racist language as being unnecessary.

At the same time, we would point out that the indications mentioned in Point 19 of the Report do not conform to Section 156 of the Criminal Law (on Defamation) and section 158 (Defamation and Bringing into Disrepute in the Mass Media), qualifying together with Section 48 Part 1, Paragraph 14, which provides an aggravating factor for liability: a criminal offence committed with a racial motive. The concept of "honour" in the Latvian legal system is understood as an evaluation of character by society, measured in terms of an individual's behaviour, attitude towards social and spiritual values, society, and peers. The concept of "dignity" is a person's self-evaluation, based on imbued and characteristic qualities. Both these moral categories are closely interrelated, and determine a person's reputation, which incorporates a person's own thoughts about themselves as well as the thoughts of others about that person. For example, honour can be offended verbally, when, in the presence of the victim or a third party, an evaluation of the victim's physical, spiritual or moral characteristics is expressed in an impolite manner. Along with that, the nationality and ethnicity mentioned above do not bear the qualifying features.

21.-22.

In 2007, a number of changes were made to the legislation of the Republic of Latvia to satisfy the requirements set out in Council Directive 2000/43/EC of 29 June 2000, which implements the principle of equal treatment of persons, irrespective of racial or ethnic origin. Their purpose was to ensure that every person in Latvia could feel secure and enjoy dignity, regardless of gender, age, social status, political persuasion, sexual orientation, race, ethnicity, or any other characteristics.

The amendments to the *Criminal Law* adopted in June 2007 will help to distinguish between Chapter IX (Crimes against Humanity and Peace, War Crimes and Genocide) and Chapter XIV (Criminal Offences Against Fundamental Rights and Freedoms of a Person). Until now, liability for incitement to enmity on the grounds of ethnicity or race was not distinguished from liability for offences of a discriminatory nature against the fundamental rights and freedoms of an individual person. However, Section 150 of the *Criminal Law* only included membership of a religious faith as an element of the criminal offence, thereby leaving outside the regulatory ambit of the law other prohibitions of discrimination (e.g. Discrimination on the basis of gender, language, disability or other reasons). To avert this situation, the *Criminal Law* has been supplemented with a new Section 149, providing liability for discrimination on the grounds of race or ethnicity, or offences against discriminatory prohibitions in other regulatory enactments.

The most difficult fact to prove is that actions have been knowingly aimed at inciting racial hatred. The motive of racism is an additional factor in determining guilt.

In the period from 2000 to the present, the Security Police have referred 19 persons to the Office of the Prosecutor-General for investigation. Of those, 13 persons have been convicted pursuant to Section 78 of the Criminal Law. The remaining cases are still under investigation.

The Ministry of the Interior has no information to indicate a possible increase in racially motivated attacks in the territory of Latvia. Such a trend was observed in 2005 and 2006. However, the occurrence of racially motivated speech is very rarely encountered in the Latvian media. At the moment, this phenomenon is observable in various internet portals and discussion forums. However, it must be noted that in media, particularly the press and internet portals, comments which promote ethnic intolerance between speakers of the Latvian and Russian languages may be observed.

During the past two years, several criminal cases have been instigated for offences involving racial inequality, and several persons have been convicted for offences of this type. The tendency to re-label racial attacks as hooliganism has significantly reduced.

No information is available to the Ministry of the Interior to support possible racially-motivated actions by the State Police or its individual units, in the performance of their functions. Regardless of the fact that information available to law-enforcement institutions tends to support the fact that a significant number of Roma people are involved in crimes associated with drug-dealing, this is not utilised as a basis for increased monitoring of this ethnic group.

26.

Pursuant to the *Criminal Law*, the process director (investigator or prosecutor) is not permitted to conduct an inquest in a case.

28.

The most difficult fact to prove is that actions have been knowingly aimed at inciting racial hatred. The motive of racism is an additional factor in determining guilt.

There is better understanding about the issues of racism between police personnel, judges and prosecutors.

29.

The Latvian Judicial Training Center organizes on regular bases legal education seminars and courses for judges on several issues including racism and discrimination issues.

30.

Information is available in the Latvian media concerning attacks on foreigners, as well as existing legislative requirements relating to incitement to racial hatred and its investigation. The press is regularly informed of changes in legislation, including changes to Section 78 of the Criminal Law.

#### **Civil and Administrative Law Provisions**

32.

Section 4.3 of the Statute for the Secretariat of the Special Assignments Minister for Society Integration Affairs (SSAMSIA) provides that SSAMSIA is the leading state administration institution for the combating of racial discrimination, and accordingly determines SSAMSIA to have responsibility for the adoption of Council Directive 2000/43/EC of 29 June 2000 in Latvia. Section 5.1.5. of the Ministry of Welfare Statute determines that Ministry's responsibility for the regulation of legal relations, thereby also determining that Ministry's responsibility for the adoption of Council Directive 2000/78/EC of 27 November 2000 in Latvia.

37.

The Latvian Judicial Training Center and Human Rights Institute of the Latvian Institute organizes on regular bases seminars and courses on racism and discrimination issues, including International conventions and EU law in the field of racism.

#### **Specialised bodies and other institutions**

41.

Point 41 of the Report notes that The Latvian National Human Rights Office received 14 written submissions in 2006, and provided 14 oral consultations on discrimination on the basis of language, but it is not indicated how many of the complaints were about wrongs affecting the rights and lawful interests of a user of the official State language, i.e. about consumer rights and information on available goods, or also about wrongs affecting the rights of a Latvian language-speaking worker in work groups in which the official State language is not spoken.

#### **The National Programme "Integration of Society in Latvia"**

44.

Work began in 2006 on development of the basic principles of the society integration policy for the period 2008-2018, and participating in the work are state administration institutions, and a range of non-governmental organisations from various Latvian regions. In addition to funding from the Society Integration Foundation; utilising an instrument for allocation of grants, SSAMSIA regularly provides support from state government resources for the development of civil society, the activities of rural non-governmental organisations, Latvian national minority NGO activities aimed at the preservation and development of ethnic identity and culture, and NGO activities promoting inter-cultural dialogue and tolerance. SSAMSIA, by implementing projects supported by the European Commission (Latvia - equal in diversity, I and II), supports projects on education and

informing society regarding the encouragement of tolerance. In 2005 and 2006, 13 NGO projects received support totalling EUR 200,589 under the Latvia - equal in diversity I and II projects.

45.

*Society Integration Policy Basic Principles 2008-2018* is a state policy-planning "umbrella" document in the area of societal integration for the period 2008-2018. *Society Integration Policy Basic Principles 2008-2018* outlines the aims of the Society Integration Policy, which are to strengthen a democratic, inclusive and civil society; a society having the main values of observance of human rights for all groups in society, mutual respect, understanding and social responsibility.

*Society Integration Policy Basic Principles* outlines two performance indicators for the achievement of its objectives:

Indicator I: formation of an inclusive society;

Indicator II: strengthening of a democratic and civil society.

### **Education and awareness-raising**

46.

Development until now (2005-2006) of a national programme to promote tolerance confirmed the need to activate its content, including new opinions from the academic environment and NGOs, as well as reflecting the actual situation in the action plan in the National Programme for promoting tolerance, and the activities of new participants in the process, as well as the latest challenges. Work on activating the programme content, similarly to that on developing the basic principles for activating the state programme *Society's Integration in Latvia*, proposes widespread involvement by the public. Work is planned to conclude in late 2007.

47.

The Education Content and Examination Centre (ECEC) is currently making a research about the promotion of ethnic identity in the 3, 6, 9 and 12 grades. The bilingual centres (in Riga, Daugavpils, Rēzekne and Liepāja) together with ECEC are elaborating the elements of the ethnic diversity which could be included in the curricula. In the framework of this research 500 respondents from Latvian schools have answered the question how much from the topics about multiculturalism and tolerance they are learning in the school. The research will be issued in January 2008.

The topics about multiculturalism, antiracism, anti-semitism, xenophobia are included also in the programmes of the further education courses for the pedagogues.

The ECEC is planning to include the issues about tolerance and multiculturalism in the school exams.

The ECEC as well as independent experts are assessing the content of the teaching materials according to objective criteria to ensure that books must be free from racist stereotypes and prejudice.

### **Access to Education for Ethnic Minorities**

50.-54.

In comparison with the evaluation given in the report, the situation with regard to national minority education has improved. There is observable progress in national minority schools in the acquisition of Latvian teaching language and bilingual education.

The results compiled by the Education Content and Examinations Centre (hereinafter ECEC) from state checking work conducted in secondary education schools indicate that students at national minority schools who have used examination materials in the Latvian language in various subjects over the past two years, have overall produced similar results to students using examination materials in their native language.

The Cabinet Regulation No. 1027 of 19 December 2006, *Regulations on state standards in primary education and standards in primary educational subjects* achievement levels for compulsory educational subjects to be taken by students contain formulations which provide diversity, multiculturalism and the development of tolerance, and are directed towards manifestations of racism and ethnic discrimination. Such points are also included in ECEC regulations on the evaluation of learning sets and the developing general secondary education project. With that, regulations essential compulsory are being set at the state level, and will continue to be set for subject teachers, authors and publishers of teaching materials.

Implementing the preservation of ethnic identity, the state has increased the recommended optional number of lessons in primary schools, which has been recommended for the development of ethnic identity and encouragement to acquire the native language.

The analysis of the centralised exams in the school year 2006/2007 made by Education Content and Examinations Centre show that the results in Latvian and in minority secondary schools are practically the same.

After the implementation of the minority education reform in spring 2007 the secondary schools passed for the first time the centralised exams. The language of the exam was Latvian but the pupils had the right to choose the language of the answers - Latvian or Russian.

39% of the minority school pupils have chosen to answer the questions in Russian and 61% - in Latvian language.

The tendency has been observed that minority school pupils have chosen to pass the exam in Mathematics and Chemistry mainly in Latvian, but exam in Biology and History mainly in Russian.

Although the language of the exam was Latvian, the minority school pupils have showed in some subjects even better results than the pupils in Latvian schools, f.e. in Mathematics and Physics.

The results of the exams show that the language of the exam has not influenced the results.

The office of the OSCE High Commissioner on National Minorities has affirmed that the 60/40 proportion is in line with minority rights standards and asserted that the reform is "painful, but necessary." Moreover, commenting on a similar situation in Estonia, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities concluded that the 60/40 model is basically in line with the convention.

It should be noted that already for the past ten years the National Agency for Latvian Language Training offered for the teachers of national minority schools continuous education courses in bilingual education. Priorities for the Agency's pedagogical operations are: bilingual education methodology for teachers of national minority schools; Latvian language as a second language methodology development and teacher training; and primary school bilingual education methodology development and teacher training. The Agency has ensured that all national minority secondary school teachers are provided



with Latvian language training courses free of charge. The relevant textbooks and methodology material have also been published for grades 1-12 in Latvian and in Russian.

In 2005 the National Agency for Latvian Language Training developed a two-year (2006-2008) training programme for secondary school teachers. The aim is to raise the teacher professional mobility in secondary education; to provide methodological support for minority secondary school teachers as well as teachers who work with minority students in Latvian schools; to allow non-Latvian teachers to perfect their knowledge of Latvian, help them organise a tutorial system for pupils in difficulty, provide support in preparing for examinations, and last, not least to help them establish co-operation processes between minority and Latvian schools.

Latvia attaches great importance to implementation of such education policy which both preserves the linguistic rights of national minorities living in

Following start of the education reform the question of quality of general education in minority schools' became a public priority. In 2005 the State Agency for General Education Quality Assurance was established. It draws up instruments for measuring the quality of education. One of its most important tasks is to follow up on the quality of implementing national minority curricula, including the provision of the textbooks.

According to the data of the Ministry of Education and Science in some subjects minority schools show even better results than Latvian schools.

56.

„Education in national minority languages is a precondition for maintaining the cultural identity of national minorities in Latvia. The Latvian government provides state funded education in eight national minority languages, even where only a small number of children are seeking instruction in a certain language.

As the knowledge of Latvian is an indispensable prerequisite for a successful career both in the state and private sectors, the aim of minority education reform is to create an education system able to provide equal opportunities in the labour and education markets for graduates from both Latvian and minority schools.

The Government of Latvia has constantly been exerting efforts to promote the dialogue with representatives of national minorities with the aim of improving respective instruction programmes and conducting to the implementation of the reform. Amendments to the *Education Law* of 2004 were discussed prior to their enactment, and were co-ordinated with the National Minority Education Consultative Council of the Ministry of Education and Science, which includes representatives of non-governmental organisations, societies, universities, national minority educational facilities and parents of students. The Ministry of Education and Science has fostered a dialogue with teachers, students and parents, representatives of non-governmental organisations and the public, while introducing changes in educational content.”

### **Refugees and Asylum Seekers**

61.-63.

The *Asylum Law*, which came into force on 1 September 2002, provides a clear description of the procedure for seeking asylum, for a person arriving at a border checkpoint from abroad, and the associated reviewing procedure, as well as the competences of institutions involved, which provides that the decision for granting or refusing asylum is not made by the State Border Guard Service, but by the Office of Citizenship and Migration Affairs Refugee Affairs Department (hereinafter: "the Department"). The previously mentioned Law, by clearly defining the requirements under which the decision to grant or refuse asylum in the Republic of Latvia is made, regulates the review of asylum

applications via an abbreviated process. The *Asylum Law* provides persons who have been refused asylum the right to appeal a negative Departmental ruling in court.

The *Asylum Law* provides clearly defined criteria for the detention of asylum seekers, as well as the length of the detention period. In accordance with the provisions of the Law, the State Border Guard may detain an asylum seeker for a period not exceeding 10 days; further extension to the detention period only being possible by order of a judge. The total period of detention shall not exceed the period for review of the asylum application.

## **Vulnerable groups**

### **The Roma communities**

71.

As part of the state programme *Roma in Latvia 2007-2009*, various measures are already being implemented which promote the involvement of Roma children in the education process. The following activities are taking place:

Project: *Roma Teacher's Assistant*,

Seminar: *Integration of Diversity in School*,

Seminar cycle for teachers: *The Roma child at school*.

The projects referred to are being implemented by non-governmental organisations, administering funds from the state budget.

Implementation of the state programme *Roma in Latvia 2007-2009* action plan is being supervised by the Programme Council, on which three Roma non-governmental organisations are represented.

The information included in the Para 68 is in contradiction with this information provided by Government of Latvia as well as with the Para 73 in the ECRI's report.

## **SPECIFIC ISSUES**

### **The need to fight racism and intolerance in Latvia**

#### **Racist violence**

93.

In relation to the event referred to at Point 93, the police, in accordance with legislative requirements, invited the victims to provide additional information about the attack, rather than requiring the victim to regularly attend police headquarters.

94.

In relation to the activities of members of the "skinhead" movement, we must indicate that these have not attracted significant public support. In addition, a number of essential measures are being implemented to prevent mass "skin-head" actions, which could potentially create a threat to national security. There is reason to state that the law enforcement agencies are closely monitoring the activities of "skin-heads" and other extremist movements. "Skin-head" attacks for the most part occur spontaneously, and have not been planned in advance.

It is possible that intensified fight of state institutions against racist manifestations and harsher penalties will restrain individual persons from displaying an interest in "skinhead" ideology by instigating attacks on foreigners or members of religious groups.

95.

It must be emphasized that racist attacks are isolated cases in Latvia. The Government is not hiding this information, on the contrary the Ministry of Interior and court instances can provide with precise statistics about these incidents. It is also truth that in general Latvian society historically has been tolerant towards the national minorities.

#### **Use of racist expression in the public discourse**

100.

We have no information about the racist speeches by the politicians. There are isolated cases of the hate speech in the internet but this is also the phenomenon of the freedom of speech. The amendments in the Criminal Law have been made in 2007 regarding the incitement to national, ethnic and racial hatred in the data processing system.

Regarding ECRI's comment about the anti-Semitic discourse in the context of commemorations of the second war event, Latvia would like to emphasise the following: the 16 March is privately commemorated by old soldiers who during the II World War served in Latvian legion, which was included in German troops. Such kind of events, like in other democratic states are in line with constitutional rights for association. There is also no nation in the world that would not commemorate the victims of this unjust war. Latvian Government clearly condemns the activities of those, predominantly young, people with right-wing or left-wing extremist ideas that can in no way be associated with honouring the memory of those fallen. The Government will also in the future strictly turn against any illegal activities of extremists.

108.

It must be stressed that Russian media sometimes is very hostile towards Latvians and Latvian government. We have not observed the hostility towards Russians in the Latvian media.

#### **The issue of citizenship**

110.

Since 1995, 127 244 persons have been granted the citizenship of Latvia. The number of non-citizens as of 12 September 2007 is 377 475.

112.

The Republic of Latvia Law on Citizenship has not been amended in relation to the language examination since 16 March 1995. On 2 June 2007, Cabinet Regulation No. 353 of 29 May 2007, *Regulations on the tests of knowledge provided in the Citizenship Law for examining Latvian language skills, knowledge of the basic provisions of the constitution of Latvia, text of the Latvian National Anthem and Knowledge of Latvian History* came into force, which provide changes to the examination procedure, but does not change the content of the language examination.

These requirements provide relief for persons having an officially recognised disability status. Completely exempt from testing are persons with Group 1 Invalidity persons, and persons with Group 2 invalidity having a progressive psychiatric illness. The requirements also provide relief in completing the testing for other persons with an officially recognised disability. The requirements provide that the Head of the Naturalisation Board is authorised to determine a simplified testing procedure, or to relieve from testing persons who have an officially recognised disability.

113.

Point 113 of the Report notes that motivational reasons for non-citizens not wishing to acquire citizenship, are quite different, and in some cases, even ideological. Nevertheless, in the Recommendations (Point 117 of the Report), Latvia is urged to put the naturalisation process to maximum effect, ignoring the fact that acquiring citizenship is an individual decision for every person, and in its way, a demonstration of loyalty to the state. The Ministry of Justice is of the opinion that the legislative enactments which regulate the naturalisation process, as well as the status of the official State language, and its protection by the state, are in accordance with international requirements.

114.

The scope of rights of Latvian non-citizens is very close to those of Latvian citizens - in most cases they enjoy the same scope of rights as Latvian citizens - they cannot be expelled save in special cases provided in law, and they enjoy the consular protection of the Republic of Latvia abroad. Once a person has lawfully obtained the status of a Latvian non-citizen, she/he can freely reside on a permanent basis in a foreign country retaining all the rights and privileges of Latvian non-citizen, inter alia, to move freely and return back to Latvia at any time. Non-citizens enjoy all human rights prescribed by the Constitution of Latvia. In fact, the only substantial difference between Latvian citizens and non-citizens is the right to vote and the right to work in the civil service or occupy posts that are linked with national security. Consequently, the status of „non-citizen” cannot be equated with that of „stateless person” under international law.

115.

Like in any other state there are certain professions and posts, which are available only to citizens, mainly on the basis of national security considerations (restrictions to hold posts in state and civil service, public administration and court system). Moreover, these restrictions are not indefinite, but are subject to periodic scrutiny, when different interests are examined and evaluated with regard to the proportionality of restrictions and their aims. As a result, the restrictions on several professions have already been lifted: for example, at the end of 2006 the restriction has been lifted with respect to the employment in the State Revenue Service.

Non-citizens are both entitled to participate in privatization and to acquire land. Certain restrictions exist only with respect to land in frontier area, in the territories of natural reserves, in dune shelter belts of the Baltic Sea and of the Riga Sea Gulf, and in minerals' deposits of state significance. It should be emphasized that these restrictions do not apply to cases of inheritance.

117.

The naturalization procedures have been simplified on several occasions. The naturalization exams have been simplified on several occasions. Since June 2001, graduates of national minority schools who have passed the Latvian language exam are not required to take language test for naturalisation. Applicants who have reached the age of 65 are exempted from the written part of the language test. On 15 August, 2006, the amendments to the Regulations of the Cabinet of Ministers concerning examinations for the persons who naturalize were adopted, facilitating the examination procedure especially for disabled and elderly persons.

118.

Non-citizens are subject to restrictions relating to the right to acquire land, not on property rights in general. The restrictions apply to the right to acquire property in the form of real estate in areas adjacent to the state border, the Baltic Sea gulf sand-dune

protection areas or other protected zones near bodies or streams of water. We would particularly point out that the said restrictions on real estate transactions do not apply to the acquisition of land via inheritance.

### **The issues relating to State language**

120.

The statement included in this paragraph about the "over-zealousness" of state language inspectors is misleading. Staff of the state language inspectorate act only in accordance with their competence, and strictly in accordance with the law; however, persons summoned to administrative liability are guaranteed the opportunity of defending their interests, according to the procedure provided by law.

121.

Latvian is the only official state language and Latvia is the only country in the world where Latvian language can develop and fulfil its functions. Considering political and demographic processes in the region, Latvia is among countries where consistent implementation of reasonable language policy principles is essential for the maintenance of the language. The purposes of the State Language Law are: the preservation, protection and development of the Latvian language, the integration of national minorities in the society of Latvia while observing their rights to use their native or any other language.

Moreover, no attention is paid in the report to the fact that workplace discrimination occurs due to lack of proficiency in the Russian, English, or other languages.

122.

According to State Language Law, state and local government institutions shall accept documents in foreign languages if a translation certified as provided by the cabinet Ministers, or certified by a notary, in the state language is attached thereto. However, this provision shall not apply to documents submitted 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, traffic accident or other emergencies. Also, documents received from other countries may be accepted and reviewed without a translation into the state language.

The Law "On local governments" provides that the working language of a local government council and institutions established by it shall be Latvian. If a resident having a problem with understanding Latvian wishes to express him/herself in another language, then, according to the statute of the local government, this either the person him/herself or the local government shall provide an interpreter. During official meetings only Latvian may be spoken. In accordance with Paragraph 2 of Article 10 of the State Language Law, state and local government institutions may accept and review submissions from persons in the state language only. It should be noted that in municipalities with a large percentage of national minorities (Riga, Daugavpils), the local government provides translation services free of charge to persons who do not speak Latvian.

Local governments may not prohibit national minorities to use their language in daily contacts, publicly and in verbal communication with local government employees, if the concerned employee understands the national minority language.

127.

The recommendation at Point 127 for responsible institutions in Latvia to promote the use of national minority languages to the same level as the official state language is incorrect, as it does not conform to the basic principles of societal integration, namely, it denies the role of the official state language as a resource for societal integration.

## The participation of the Russian -speaking population in public and political life

128.-130.

It must be mentioned that some Russian members of the population continue to demonstrate a lack of loyalty to the state, which manifests itself in the unwillingness to acquire citizenship.

132.

Commenting the ECRI's recommendation to confer the eligibility and voting rights to non-citizens, Latvia would like to emphasise the following:

The Latvian authorities do not consider that granting voting rights at local level to non-citizens in Latvia would strengthen the incentive to naturalise; the contrary is much more likely. The research project entitled "The effect of regional aspects on tackling citizenship issues" carried out by the Naturalisation Board revealed that one of the major obstacles for applying for Latvian citizenship is the lack of motivation, including the negligible differences between the rights of citizens and non-citizens.

Latvia prefers citizens to non-citizens with many rights, at the same time acknowledging that any restrictions must have strong justification and shall be in accordance with international standards.

Furthermore, there are no international standards on voting rights to non-citizens and at present it is not a widely accepted practice among the CoE Member States.

133.-134.

A big step forward has been made during the last few years on the issue of public participation. NGOs and every member of society have the opportunity to participate in the policy-making and legislative process. It is very important that representatives of national minorities (citizens and non-citizens) as well as the rest of Latvian community are allowed to form nongovernmental organizations. An extensive legislative and actual basis is provided for it. Summarizing, the main forms of political involvement for citizens and non-citizens are:

- Active participation in political parties;
- Active participation in non-governmental organizations;
- Participation in political demonstrations and industrial strikes;
- Participation in consultative councils, committees of the government;
- Participation in consumer unions in the public sector;
- Involvement of representatives in implementing social policies;
- Different forms of public activities.

Within its competence the Secretariat of the Special Assignment Minister for Society Integration promotes participation of Latvia's national minorities in civil society, ensuring their participation in areas directly affecting them. A Consultative Council of Ethnicities and Social Integration operates within the Secretariat, which task is to consult and inform the Special Assignment Minister for Social Integration, analyse and recommendations on issues related to ethno-policy and the rights of national minorities in Latvia. This is one of 109 consultative councils, in which national minority communities are represented. A regulation on statute of a group of representatives of national minority and inter-ethnic NGOs has been drafted. The task of the group is to support the Secretariat in coordinating

the implementation of the standards enshrined in the Framework Convention for the Protection of National Minorities. Citizens and non-citizens of Latvia have equal opportunity to participate in the Consultative Council of Ethnicities and Social Integration and the Group of Representatives of National Minority NGOs.

The Secretariat of the Special Assignment Minister for Society Integration ensures intensive exchange of information and educational projects in promoting awareness about national minority culture and ethnic identity, implements regular projects (preparing and distributing informative material and organising seminars) to inform national minority NGOs of legislative amendments concerning structure and basic principles of operations of national minority organizations.

Consultative support for national minority NGOs has been ensured. Taking into consideration suggestions made by public organizations, the Secretariat's staff on a regular basis provides consultations to visitors. Each month 40 - 68 consultations and informative support are provided to a large number of visitors (covering about 500 people a month), as well as visiting consultative sessions are organised in co-operation with local governments."