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ACFC/OP/III(2018)001REV

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

**Third Opinion on Latvia
adopted on 23 February 2018**

EXECUTIVE SUMMARY

Society in Latvia continues to struggle with the consequences of past divisions, with the principal national groups – the Latvian majority and the Russian minority – holding different geopolitical viewpoints and cultural identities. The authorities have based efforts to integrate society on the promotion of the Latvian language, the sense of belonging to the State of Latvia, respect for the unique cultural space of Latvia, the formation of a common social memory, and civic participation. The process of integration into society is hampered, however, by ethnic Latvians' lack of trust towards national minorities and a sense of being under threat. The tendency of the Latvian majority towards ethnic isolation does not create the favourable dynamics required for an integrated society where diversity is respected and valued. Differentiation, in the Preamble of the Constitution, between the ethnic "Latvian nation" and the civic polity of "people of Latvia", increasingly more visible in public discourse, impedes progress towards the creation of a cohesive society based on civic identity, and increases the sense of exclusion of national minority groups, further consolidating ethnic hierarchies rather than social cohesion.

The authorities spare no effort in ensuring the predominance of the Latvian language in public life. Increasingly strict proficiency requirements are applied to virtually all professions, adversely affecting the possibility of non-native speakers of Latvian – including in particular persons belonging to national minorities – accessing many positions within the public domain. Latvian is the only language authorised in dealings with the administrative authorities, in topographical signs and other inscriptions and in personal identity documents. Language proficiency requirements have been used to terminate the mandates of elected municipal

council members. Moreover, members of ruling boards of NGOs are required to be proficient in Latvian at native speaker level.

A large number of schools offering instruction in minority languages continue to operate in Latvia, and the proportion of children studying national minority programmes has remained stable in the last decade, at over 25% of the total number of children. Schools using lesser-spoken national minority languages, such as Belarusian, Estonian, Hebrew, Lithuanian, Polish and Ukrainian, receive increased subsidies on account of higher costs. Notwithstanding these positive steps, measures have been taken to increase the use of Latvian in teaching in schools using national minority languages as languages of instruction. All students, including those who have studied in national minority programmes, are obliged to sit centralised exams in a large variety of subjects in the Latvian language. Plans to narrow the scope of national minority language teaching in grades 7 to 9 to 20% of lesson hours within a week and in grades 10 to 12 only to lessons of minority languages and ethno-cultural subjects are of particular concern. “Loyalty clauses” for teachers and school directors introduced in 2015 and 2016 into the Education Law create a climate of suspicion and apprehension, which is not conducive to building trust among different segments of society.

Roma continue to face serious and entrenched difficulties and discrimination, in particular with regard to access to housing, employment, health-services and education, which further perpetuate existing discrimination and inequality. Alarming, one third of all Roma children are enrolled in special education, which severely reduces their chances of accessing higher education and employment.

Issues for immediate action:

- **promote the integration of society as a two-way process, in particular encouraging active participation of all segments of society in all relevant fields, such as education, culture and employment, particularly in the public sector, and enhance intercultural contacts with society as a whole, beyond the promotion of proficiency in Latvian; consider the establishment of a dedicated structure, whose functions would include co-ordination of social cohesion policies in all relevant sectors;**
- **encourage effective participation of persons belonging to national minorities in public life and administration; review whether language proficiency standards regulating access to public employment are necessary and proportional for all of the occupations in state and public service positions that are not accessible to “non-citizens” and to persons not fluent in Latvian; make sure that language proficiency standards regulating access to elected positions and those within the civil society organisations do not create undue obstacles;**
- **ensure the continued availability of teaching and learning in languages of national minorities throughout the country with a view to meeting existing demand; representatives of national minorities, including parents, should be consulted closely to ensure that their interests and concerns with regard to languages of instruction in minority language schools are effectively taken into account;**

- **step up efforts to identify and remedy the shortcomings faced by Roma children in the field of education with a view to ensuring that they have equal opportunities for access to all levels of quality education; take measures to prevent Roma children from being wrongfully placed in special schools.**

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

THIRD OPINION ON LATVIA

1. The Advisory Committee adopted the present Opinion on Latvia in accordance with Article 26(1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report, received on 6 December 2016, and on other written sources and information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Riga, Daugavpils and Jūrmala from 20 to 24 November 2017.

2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Latvia. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.

3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Latvia, adopted on 9 October 2008 and 18 June 2013 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 30 March 2011 and 9 July 2014.

4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Latvia.

5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Latvia as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of States Parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming to increase transparency and to share the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities).

I. MAIN FINDINGS

Monitoring process

6. Latvia continues a mainly constructive approach towards the monitoring process under the Framework Convention. The second Opinion of the Advisory Committee was published shortly after its adoption together with the government's comments in January 2014. The second Committee of Minister's resolution was adopted in July 2014.

7. The Advisory Committee welcomes the fact that its second Opinion was translated into Latvian. In order to facilitate the widest possible distribution of its third Opinion on the implementation of the Framework Convention by the Latvian authorities, including among minority communities themselves, the Advisory Committee encourages the Latvian authorities to translate the third Opinion into the Latvian language as well as into Russian and other national minority languages.

8. The Advisory Committee is pleased to note that representatives of some national minorities, notably those represented at the Ministry of Culture Advisory Committee of Representatives from National Minority Non-governmental Organisations, were given an opportunity to provide their comments on the State Report before it was submitted to the Council of Europe. In addition, the contributions of the minority and civil society organisations were also shared with the Secretariat of the Framework Convention.

9. The Latvian authorities generally co-operated very constructively with the Advisory Committee during its monitoring visit. The Advisory Committee visited Riga, Daugavpils and Jūrmala from 20 to 24 November 2017. The visit, which was organised at the invitation of the Latvian Government in parallel with the visit of the European Commission against Racism and Intolerance, provided an opportunity to engage in direct dialogue with the parties concerned. The Advisory Committee welcomes in particular co-operation shown by the authorities during the visit. That includes the useful information provided in the State Report. The wealth of input from civil society organisations was not only well focused, but also demonstrated Latvia's vibrant civil society.

General overview of the implementation of the Framework Convention after three monitoring cycles

10. Latvia has maintained a consistent policy based on an open approach with regard to the personal scope of application of the Framework Convention, albeit restricted to persons holding Latvian citizenship. The authorities have introduced measures to reduce the number of "non-citizens" residing in Latvia on a permanent basis. In particular, steps to facilitate the acquisition of Latvian citizenship at birth and by elderly persons are welcome. The authorities continue to vigorously promote the pre-eminence of the Latvian language in all areas of public life, with the effect of diminishing opportunities to use other languages, in particular those used by persons belonging to national minorities. Consequently, the space for individuals to express publicly their ethnic and linguistic affiliation has been diminishing.

11. Society in Latvia continues to struggle with the consequences of past divisions, with the principal national groups – the Latvian majority and the Russian minority – holding different geopolitical viewpoints and cultural identities. The rewording of the Preamble to the *Satversme* (Constitution) of Latvia¹ introduced the term “the Latvian nation”² with a clear reference to ethnic Latvians in addition to the hitherto used “people of Latvia”, a civic polity vested with sovereign power.³ This differentiation, increasingly visible in public discourse, hinders progress towards a cohesive society based on civic identity and increases the sense of exclusion of national minorities, further consolidating ethnic hierarchies rather than social cohesion.

12. The authorities have based efforts to integrate society on the promotion of the Latvian language, the sense of belonging to the State of Latvia, respect for the unique cultural space of Latvia, the formation of a common social memory, and civic participation, as defined in the National Identity, Civil Society and Integration Policy Guidelines 2012–2018.⁴ Building on the experience and limited progress achieved so far, the authorities are currently elaborating new Society Integration Policy Guidelines 2018–2020. These efforts are hampered, as demonstrated by a number of research projects,⁵ by ethnic Latvians’ lack of trust towards national minorities and a sense of being under threat. A tendency of the Latvian majority towards ethnic isolation has not evolved significantly in recent years, and does not create a favourable dynamic which might lead towards an integrated society where diversity is respected and valued.

Legislative and institutional framework

13. The Constitution guarantees the equality of all persons living in Latvia before the law and the enjoyment of rights without any discrimination. Specific provisions on non-discrimination and prohibition of differential treatment are incorporated in various laws, including the Law on Social Security, the Criminal Law, the Consumer Rights’ Protection Law, the Education Law, and the Law on the Prohibition of the Discrimination of Natural Persons Performing Economic Activities, Support for Unemployed Persons and Persons Seeking Employment Law. Regrettably, discrimination on grounds of ethnicity and citizenship continues not to be explicitly prohibited by any of the acts, notwithstanding the existing jurisprudence of the Constitutional Court of Latvia, which stipulates that a difference in treatment is not

¹ Amendments to the Constitution of 19 June 2014.

² The beginning of the preamble reads: “The State of Latvia, proclaimed on 18 November 1918, has been established by uniting historical Latvian lands and on the basis of the unwavering will of the Latvian nation to have its own State and its inalienable right of self-determination in order to guarantee the existence and development of the Latvian nation, its language and culture throughout the centuries, to ensure freedom and promote welfare of the people of Latvia and each individual.”

³ Article 2 of the Constitution.

⁴ See National Identity, Civil Society and Integration Policy Guidelines 2012–2018, p. 7, available at https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas_integracija/Petijumi/En_Pamatnostad.pdf.

⁵ See University of Latvia Advanced Social and Political Research Institute, “How Integrated is Latvian Society? An Audit of Achievements, Failures and Challenges”, Riga, 2010, available at https://www.lu.lv/fileadmin/user_upload/lu_portal/zinas/Integracija_anglu.pdf, Baltic Institute of Social Sciences, “How democratic is Latvia? Audit of Democracy, 2005–2014”, Riga, 2014, available at https://www.szf.lu.lv/fileadmin/user_upload/szf_faili/Petnieciba/sppi/demokratija/ENG_Audit_of_Democracy_2015.pdf.

impartial and reasonable if it does not have a legitimate purpose, or if there is a disproportionate relationship between the chosen means and goals.

14. The Office of the Ombudsman continues to receive a substantial number of complaints alleging discrimination on the grounds of “race”, ethnicity, skin colour and ethnic affiliation. No complaints from Roma have been lodged with the ombudsperson in recent years, which could indicate their insufficient knowledge of and confidence in the Office of the Ombudsman to provide effective remedy in cases of alleged discrimination. In fact, the competence of the ombudsperson is limited to issuing non-binding recommendations.

Promotion of full and effective equality

15. All persons permanently residing in the Republic of Latvia are entitled to receive social service and local government social assistance benefits irrespective of ethnicity, “race” or religion. Persons in need of social assistance are not required to specify their ethnicity, religion or family status. Consequently, no data on the recipients of the above-mentioned social services or social assistance disaggregated by ethnicity, religion or family status is collected.

16. Roma continue to face serious and entrenched difficulties and discrimination, in particular as regards access to housing, employment, health-services and education, which further perpetuate existing discrimination and inequality. Alarming, one third of all Roma children are enrolled in special education, which severely impedes their access to higher education and employment. Although the employment situation of Roma has improved in the last decade, Roma still remain largely excluded from the labour market.

Combating discrimination and promoting tolerance

17. The number of hate crimes recorded by police in Latvia is low. Data on the prevalence of racially motivated crimes and on the number of cases relating to hate crime and incitement to racial hatred is systematically collected and reported. Furthermore, Latvia actively participates in the Hate Crime Working Group established by the European Union Agency for Fundamental Rights. Legal provisions on hate crime contained in the Criminal Code were strengthened in 2014. Numerous training programmes and awareness-raising activities among the public and law enforcement agencies on the need for more sustained efforts to prevent and sanction hate speech and combat hate crime have been undertaken.

18. Public figures, including political leaders, have occasionally made pronouncements exacerbating ethnic divisions within the country, particularly before elections, with a view to mustering support. On a number of occasions, such divisive and discriminatory public statements by politicians inciting ethnic hatred or discord have been brought before courts in Latvia.

19. The authorities’ efforts to promote the cohesion of society and tolerance have only been partially successful. Over 40% of third-country nationals report having experienced discriminatory treatment, whether that is verbally on the street or in public transportation, during interaction with public authorities, in contacts with border guards and police, or in health care institutions.

Language policy

20. The authorities spare no effort in ensuring the predominance of the Latvian language in public life. Increasingly strict proficiency requirements are applied to virtually all professions, adversely affecting the possibility of Latvian non-native speakers – including in particular persons belonging to national minorities – accessing many positions within the public domain. Latvian is the only language authorised in dealings with the administrative authorities, in topographical signs and other inscriptions and in personal identity documents. Language proficiency requirements have been used to terminate the mandates of elected municipal council members. Moreover, members of ruling boards of NGOs are required to be proficient in Latvian at native speaker level.

21. Significant efforts and resources have been allocated to provide Latvian language classes for persons seeking to improve their language skills. As a result more than 90% of respondents whose first language is Russian know Latvian, with almost half of the respondents rating their knowledge of Latvian as good.⁶ Latvian language proficiency among younger persons belonging to national minorities is significantly better. Attitudes towards the use of Latvian among persons belonging to national minorities are, for most part, neutral or positive.⁷

Education

22. Policies designed to provide persons belonging to national minorities with opportunities for minority language instruction have continued to be pursued. The proportion of children studying in national minority programmes has remained stable in the last decade, at over 25% of the total number of children. Financial support for such initiatives, based on the ‘money follows student’ principle, guarantees the equal treatment of all schools regardless of whether they are public or private. Funding for schools teaching bilingually in Latvian and Belarusian, Estonian, Hebrew, Lithuanian, Polish or Ukrainian has been increased to take into account higher costs incurred by schools with small numbers of students learning less spoken languages in Latvia, as well as the higher cost of acquiring teaching and learning materials and of training qualified teachers.

23. The authorities have taken measures to increase the use of the Latvian language in teaching in schools with instruction in national minority languages. Starting with the 2017-2018 school year, all students, including those who had studied in national minority programmes, are obliged to sit centralised exams in subjects such as mathematics, chemistry, biology, physics, information technology, geography and economics in the Latvian language. Children taking grade nine exams no longer benefit from having a choice of language in which to take their exams. Plans to reduce the scope of national minority language teaching to 20% of lesson hours per week by the 2020/2021 school year in grades 7 to 9 and to reduce teaching only to lessons of minorities’ own languages and ethno-cultural subjects in grades 10 to 12 are of particular concern. Moreover, the 2015-2016 amendments to the Education Law which

⁶ Latvian Language Agency survey on “The Language Situation in Latvia: 2010-2015”, available at http://www.valoda.lv/en/wp-content/uploads/2017/10/LSL_ENG_2017_web.pdf.

⁷ Study of the Ministry of Culture “Participation of minorities in democratic processes in Latvia” (2015), cited in the “Combined sixth to twelfth periodic reports submitted by Latvia under article 9 of the Convention, due in 2007”, p. 15.

introduced “loyalty clauses” for teachers and school directors create a climate of suspicion and apprehension, which is not conducive to building trust among different segments of society.

Participation and consultative mechanisms

24. Persons belonging to national minorities participate actively in the political life of the country. In the 2010 municipal elections, they successfully ran for office at all levels of local and national government and for executive posts of local mayors. Persons identifying with the Russian national minority are members of the *Saeima*, the Parliamentary Assembly of the Council of Europe and of the European Parliament. Regrettably, there has been no progress on the voting rights of “non-citizens” at a local level despite repeated international recommendations, including those made by the Advisory Committee.

25. Numerous advisory bodies, whose competences cover various issues affecting national minorities, continue to exist at national and municipal levels. It has to be noted however that the manner in which members of these bodies are selected and appointed does not guarantee adequate representation of national minorities. In fact, numerous national minority representatives continue to voice concerns that the organisations and individuals that are most loyal to the authorities are chosen to represent them.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

Recommendations from the two previous cycles of monitoring

26. The Advisory Committee welcomed the overall flexible approach taken by the authorities in including “non-citizens”⁸ who identify themselves with a national minority in the personal scope of application of the Framework Convention. It strongly encouraged the authorities to review, in line with the spirit of the Framework Convention, the continued limitation of access to rights in key sectors for persons belonging to national minorities because of their status as “non-citizens”.

Present situation

27. The Advisory Committee notes no changes in the overall approach of the authorities towards the personal scope of application of the Framework Convention, which is reflected in the Declaration contained in the instrument of ratification of 6 June 2005.⁹ Consequently, persons belonging to the Armenian, Azerbaijani, Belarusian, Estonian, Jewish, Georgian, German, Lithuanian, Moldovan, Polish, Roma, Russian, Tatar and Ukrainian minorities can access minority rights and thus benefit from the protection of the Framework Convention.¹⁰ In addition, special protection is granted to the numerically small group of Livonians (Livs).¹¹

28. The Advisory Committee recalls that the above-mentioned Declaration continues the policy of limiting the enjoyment by so-called “non-citizens” of rights protected by the Framework Convention, and in particular as regards those protected under Articles 4, 10, 14 and 15. This is notwithstanding the fact that their level of protection generally is above international standards for the protection of stateless persons.¹²

29. At the beginning of 2017, Latvian citizens numbered 1 670 670 persons, “non-citizens” 222 847, citizens of other countries 56 423 (including 42 160 citizens of the Russian

⁸ Latvia created the notion of “non-citizens” with the adoption in 1995 of the Law on the status of those former USSR citizens who are not citizens of Latvia or that of any other state. Persons with this status are referred to as “non-citizens” in this opinion.

⁹ See “Declaration contained in the instrument of ratification deposited on 6 June 2005”.

¹⁰ According to the Central Statistical Bureau, at the beginning of 2017, the population of Latvia was 1 950 116 persons, having declined by 170 000 persons since the beginning of 2010. Ethnic Latvians accounted for 1 209 000 persons (62% of the total population). Persons of Russian ethnicity numbered 495 528 and accounted for 25.4%, Belarusians – 64 257 (3.3%), Ukrainians – 43 623 (2.2%), Poles - 40 583 (2.1%) and Lithuanians - 23 327 (1.2% of the population). Other, less numerous ethnic groups included Roma (5 191), Jews (4 873), Germans (2 529), Tatars (1 996), Armenians (1 982), Estonians (1 731), Moldovans (1 432) and Azerbaijanis (1 317). There were also 157 Livonians (Livs) residing in Latvia – see Central Statistical Bureau, “Demografija 2017”, pp. 9-10 and pp. 32-33, published on 9 October 2017, available at:

http://www.csb.gov.lv/sites/default/files/nr_11_demografija_2017_17_00_lv_en.pdf.

¹¹ Livonians (Livs), constitute an indigenous (autochthonous) population of Latvia. Under Section 4 of the Official Language Law, “the State shall ensure the maintenance, protection and development of the Livs’ language as the language of the indigenous (autochthon) population”.

¹² See 3rd State report, p. 5.

Federation), stateless persons 176. Furthermore, according to the data collected during the Census of 2011, the language mostly used at home was Latvian, which was used by 62.1% of the population. The second most spoken language at home was Russian (37.2% of the population). Other languages were spoken at home by 0.7% of the population.¹³

30. The Advisory Committee would like to remind the authorities in this context that the citizenship criterion cannot be considered the only condition for enjoying minority rights under the Framework Convention, and that excessive citizenship requirements can have discriminatory effects in some areas of life. Using a citizenship requirement in a general provision dealing with the scope of application of minority rights is not fully in line with the aim and spirit of the Framework Convention.¹⁴ Minority rights are human rights and cannot as a principle be reduced to the rights of citizens. In particular, the Advisory Committee considers that the authorities should review the use of the citizenship criterion and limit its use only to those provisions, such as those relating to electoral rights at national level, where such a requirement is relevant. This would be consistent with on-going efforts at the European level to develop a more nuanced, i.e. flexible and contextualised, approach to the application of the citizenship criterion in the protection of national minorities, as is consistently pursued by the Advisory Committee in its opinions and suggested by the Venice Commission.¹⁵

31. The Advisory Committee notes the fact that in practice, citizens and “non-citizens” enjoy virtually equal access to rights, apart from the right to serve in the armed forces, the police and a number of other public offices, and to stand in elections or vote in parliamentary and local elections (see Article 15). The Advisory Committee considers that ratifying the Council of Europe Convention on Nationality would be a step in the right direction of bringing Latvian legislation in line with recognised European standards on citizenship.

32. Efforts undertaken recently by the Latvian authorities to reduce the number of “non-citizens” residing in Latvia on a permanent basis are welcome. In particular, the Advisory Committee notes with satisfaction the changes introduced by 2013 amendments to the Citizenship Law¹⁶ (1994) prescribing that “non-citizens” can, on their own initiative, register their child born in Latvia as a citizen of Latvia (a declaration of one parent is sufficient). Furthermore, the fees for the naturalisation application have been reduced for a number of categories of persons belonging to socially vulnerable groups (such as pensioners, the unemployed or persons with a low income) and completely abolished for orphans and persons living in social care institutions. Also, persons who have received primary education in the Latvian language have been exempted from taking tests on fluency in Latvian and on knowledge of the basic principles of the Constitution of the Republic of Latvia, the text of the

¹³ See Results of the population and housing census 2011, published in 2015, p. 97, available at http://www.csb.gov.lv/sites/default/files/publikacijas/2015/Nr%2012%20Latvijas%202011.gada%20Tautas%20skaitisanas%20rezultati_Results%20of%20the%202011%20Population%20and%20housing%20census%20in%20Latvia%20%2815_00%29_LV_EN.pdf.

¹⁴ See ACFC Thematic Commentary No. 4 on the scope of application of the Framework Convention on the Protection of National Minorities (2016), para. 29.

¹⁵ See the Venice Commission report, “Non-Citizens and Minority Rights”, CDL-AD(2007)001, 18 January 2007 and “Compilation of Venice Commission opinions and reports concerning the protection of national minorities”, CDL(2011)018-e, 6 June 2011.

¹⁶ Citizenship Law, available at http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Citizenship_Law.doc.

national anthem and the basics of Latvia's history and culture, while persons over 65 years of age have a waiver in the writing skills test in the Latvian language.

33. While welcoming the authorities' efforts to facilitate access to citizenship, the Advisory Committee acknowledges the fact that the motivation and resolve to acquire citizenship of Latvia may be weakened by particular advantages enjoyed by persons with the so-called "non-citizens' passports" held by persons with the status of Latvian "non-citizen", who may travel visa-free not only to the European Union but also to the Russian Federation. The Advisory Committee regrets that the rate of naturalisation has stalled in recent years at below 1 000 persons per annum, having peaked in 2005, when 19 169 persons obtained Latvian citizenship through naturalisation. The overall decrease in the number of "non-citizens" in Latvia is primarily due to natural causes, as over 40% of "non-citizens" are older than 60 years. The Advisory Committee also notes that the retention of the oral Latvian language exam for applicants over 65 years of age, combined with the lack of confidence in their language proficiency, are likely to significantly discourage a number of persons seeking naturalisation.

34. Awareness-raising campaigns in many Latvian cities, including information days in Riga, Daugavpils, Liepaja and Ventspils have been organised, where persons interested in naturalisation can receive information on legal requirements and on the procedure. Information leaflets on naturalisation have been published, and training courses preparing for exams required of persons seeking naturalisation have been organised in the framework of the European Fund for the Integration of third-country nationals and the Society Integration Foundation. Latvian language courses have been proposed by the Society Integration Foundation in the framework of the programme "Learning of Latvian for Adults", and by the State Employment Agency. Between 2010 and 2014, 38 688 persons received tuition on the Latvian language. A further 3 260 persons took part in such courses in 2015 and 2 602 in 2016. The Advisory Committee notes that in the first ten months of 2017, around 25% of persons failed to pass the Latvian language test, which seems to indicate continuing difficulties concerning language tests required for naturalisation.¹⁷ In this context, however, it has to be noted that information on the requirements regarding the knowledge of Latvian and of the basic principles of the constitution, the national anthem and Latvia's history and culture is available on the website of the Office of Citizenship and Migration Affairs in Latvian, English and Russian.

35. The Advisory Committee notes in this context that, according to the information contained in the State report,¹⁸ from the start of the naturalisation process on 1 February 1995 until 1 July 2016, 144 093 persons have obtained Latvian citizenship. The number of registered "non-citizens" residing permanently in Latvia was 247 104 on 1 July 2016. The overall percentage of "non-citizens" decreased from 29% to 11.6% in the period 1995–2016.

¹⁷ According to the information obtained from the Office of Citizenship and Migration Affairs during the visit, in the first ten months of 2017, 620 persons passed the Latvian language test, 204 failed it and 349 were exempt from it. The number of persons who passed the test on the Constitution, history, culture, and the national anthem of Latvia was 695 during the same period, with 170 persons failing the test and 45 being exempt. Information on all the requirements for the test is available on the website of the Office of Citizenship and Migration Affairs at <http://www.pmlp.gov.lv/en/home/services/citizenship/naturalizacija/>. Interested persons may test their knowledge by taking a mock test online.

¹⁸ 3rd State report, p. 51.

36. A significant number of children residing in Latvia do not hold any citizenship. In early 2015, there were 7 846 such children, including 6 130 children under the age of 15.¹⁹ It has to be noted, however, that the number of “non-citizen” children has dropped significantly after the adoption of the 2013 amendments to the Citizenship Law, which allows the granting of Latvian citizenship to children of “non-citizens” or stateless persons upon request of one parent expressed at the time of the birth registration at the Civil Registry Office. In fact, in 2016, parents of 52 newly-born children did not seek Latvian citizenship at the time of their births²⁰ (there were 33 such children born in the first ten months of 2017). The Advisory Committee regrets that the proposal of the President of Latvia to amend the Law on the Former Citizens of the USSR who are Not Citizens of Any Other Country, which aimed at granting automatic citizenship to “non-citizen” children and was presented in the *Saeima* on 12 September 2017, has been rejected by Members of Parliament. This would have been a welcome step, signalling the openness of the authorities to embrace all permanent inhabitants of Latvia as equals and thus move towards a genuinely inclusive society.

Recommendations

37. The authorities should pursue an open and inclusive approach to the Framework Convention’s personal scope of application so that it is extended to long-term residents without Latvian citizenship, in particular to “non-citizens.”

38. Incentives should be provided to permanent residents of Latvia who are not citizens of any country to seek naturalisation in Latvia. In particular, the Advisory Committee strongly encourages the authorities to automatically grant citizenship to children born to all “non-citizen” parents in Latvia.

39. The authorities should continue their dialogue with representatives of the Latgalian community with a view to more effectively promoting their language and culture, including by considering extending the protection of the Framework Convention – in particular as regards language rights – to this group.

The right to free self-identification

Recommendations from the two previous cycles of monitoring

40. The Advisory Committee called on the authorities to review their legislative framework related to the indication of ethnic affiliation in personal identity documents and ensure that any such entry is made in line with the right to free self-identification, as stipulated in Article 3 of the Framework Convention.

Present situation

41. The Advisory Committee notes that Regulation No. 134 of the Cabinet of Ministers on Personal Identity Documents was amended on 29 January 2013, giving each person the right to choose whether to indicate ethnic affiliation in his/her personal identity documents.

¹⁹ Latvian Centre for Human Rights (2016), Submission to the Universal Period Review.

²⁰ See the website of the Office of Citizenship and Migration Affairs (in Latvian) at http://www.pmlp.gov.lv/lv/assets/documents/ledzivotaju%20re%C4%A3istrs/07022017/ISVG_Latvija_pec_DZGada_VPD.pdf.

Furthermore, under the Law on the Change of the Given Name, Surname and Nationality Record, a person is also entitled to change his/her “ethnic origin” record.²¹ Persons seeking to indicate ethnicity in their personal identity documents are required under Section 6 of the law to provide a “birth certificate of the father or mother or an extract from the Birth Register which proves the kinship of the person with the relatives of the direct ascending line, and the documents which confirm the nationality of the person.” Furthermore, the law does not allow for the possibility of indicating multiple ethnic affiliations.

42. A person wishing to change the entry on his or her ethnic affiliation to “Latvian” is obliged to prove the highest (third) level of fluency in the official language, or – in the case of persons with disabilities or those over 75 years of age – an average (second) level of fluency in the official language. A person seeking to change his or her record of ethnicity to Livonian (Liv), in cases where he/she is not capable of providing proof of ethnicity through kinship with a person of a direct ascending line and whose ethnicity is recorded as Livonian (Liv), must provide an opinion of an organisation specified by the Cabinet of Ministers regarding his/her ethnic affiliation. The Advisory Committee finds these requirements to run contrary to the right to free self-identification, as stipulated in Article 3 of the Framework Convention.²² It notes further that the establishment of such a difficult procedure to change one’s ethnicity record to Latvian can be viewed as an exclusion mechanism. For these reasons, the Advisory Committee considers that the possibility of indicating one’s ethnicity (even voluntarily) in personal identity documents risks running counter to the aim and spirit of the Framework Convention.

Recommendation

43. The Advisory Committee reiterates its call on the authorities to review legislative provisions related to personal identity documents and ensure that the right to free self-identification, as stipulated in Article 3 of the Framework Convention, is fully respected.

Article 4 of the Framework Convention

Protection against discrimination

Recommendations from the two previous cycles of monitoring

44. The Advisory Committee called on the authorities to take the necessary steps to ensure that anti-discrimination legislation covered all relevant areas fully, including discrimination on grounds of citizenship, and to ensure that the existing mechanisms against discrimination work efficiently.

45. The Advisory Committee also called on the authorities to increase the human and financial resources of the Ombudsman’s Office to promote its ability to act independently and effectively, and to increase efforts to promote awareness and confidence among the

²¹ See Law on the Change of the Given Name, Surname and Nationality Record, available at http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Citi/On_the_Change_of_a_Given_Name_Surname_and_Nationality_Record.doc.

²² See ACFC Thematic Commentary No. 4 on the scope of application of the Framework Convention on the Protection of National Minorities (2016), paras. 9 and 10.

population, in particular persons belonging to national minorities, to approach the ombudsperson.

Present situation

46. Equality before the law and enjoyment of rights without any discrimination for all persons living in Latvia is guaranteed by the Constitution.²³ Furthermore, provisions on non-discrimination and prohibition of differential treatment are incorporated in a number of specific laws.²⁴

47. The Advisory Committee notes with concern that discrimination on grounds of ethnicity and citizenship continues not to be prohibited by any of the acts, notwithstanding the existing jurisprudence of the Constitutional Court of Latvia which recognised that the objective of the principle of the prohibition of discrimination, integrated in the Constitution, is to prevent the possibility that a person's fundamental rights might be restricted based on inadmissible criterion such as "race," ethnicity or gender in a democratic and law-governed country.²⁵ The jurisprudence of the Constitutional Court of Latvia also clearly explains that a difference in treatment is not impartial and reasonable if it does not have a legitimate purpose or if there is a disproportionate relationship between the chosen means and the goals set.²⁶

48. In this context the Advisory Committee further notes that language requirements are applied to virtually all professions and positions included in the classification of professions listed in appendices to the "Regulation of the Level of Proficiency in the State Language and the Procedure of Testing the Level of Language Proficiency for Professional Duties and Duties of Office for Receiving the Permanent Residence Permit and Obtaining the Status of Permanent Resident of the European Community, and State Fee for the State Language Proficiency Examination", i.e., to about 3 600 professions and positions. Professions requiring employees and service providers to attain a level of proficiency in Latvian include gravediggers, shepherds, horse groomers and bus drivers. These language requirements aim to meet "Latvian language policy objectives, namely, to ensure the right to freely use the Latvian language in any field in the entire territory of Latvia."²⁷ Such broad scope of the application of language requirements adversely affects the possibility of non-native speakers of the Latvian language to access many positions within the public domain. The Advisory Committee notes however, that in practice a high proportion of vacancies in the commercial sector are advertised identifying knowledge of the Russian language as a mandatory requirement for employment.

49. The Office of the Ombudsman continues to receive a substantial and growing number of complaints every year: 248 in 2013, 263 in 2014, 284 in 2015, and 387 in 2016.²⁸ A significant proportion of complaints alleged discrimination on the grounds of "race", ethnicity, skin colour and national origin (in 2016, 117 of 387 or 30.2%) and on the ground of multiple

²³ Article 91 of the Constitution stipulates that "All human beings in Latvia shall be equal before the law and the courts. Human rights shall be enjoyed without discrimination of any kind."

²⁴ See 4th ECRI report on Latvia, adopted on 9 December 2011 pp. 14-15.

²⁵ Judgement of the Constitutional Court of 29 December 2008 in the case N° 2008-37-037, para. 6, available (in Latvian) at <http://www.satv.tiesa.gov.lv/cases/>.

²⁶ Judgement of the Constitutional Court of 2 February 2010 in the case N° 2009-46-01, para. 7. available (in Latvian) at <http://www.satv.tiesa.gov.lv/cases/>.

²⁷ See 3rd State report, p. 32.

²⁸ Written submission from the Ombudsman's Office "Discrimination complaints (2017)".

discrimination (63 out of 387 or 16.3%). The Advisory Committee regrets that, according to the information provided by the ombudsperson, no complaints from Roma have been lodged in recent years. This could indicate their insufficient knowledge of and confidence in the Office of the Ombudsman to provide an effective remedy in cases of alleged discrimination. The Advisory Committee notes also in this context that the competence of the ombudsperson is limited to issuing non-binding recommendations. On the positive side, the Advisory Committee notes that the ombudsperson's annual reports are discussed in the *Saeima*, and are subject to public scrutiny.

Recommendations

50. The Advisory Committee calls upon the authorities to revise their approach to language proficiency standards regulating access to public employment so as to eliminate obstacles in law and in practice limiting the ability of non-native Latvian language speakers to access employment.

51. The Advisory Committee calls upon the authorities to continue to support and to cooperate with the Office of the Ombudsman in order to allow it to carry out its role effectively, in particular as regards the enforcement of recommendations.

52. The Advisory Committee strongly recommends that the authorities raise awareness amongst relevant officials as well as in broader society, especially among Roma, of applicable anti-discrimination standards, including with regard to multiple forms of discrimination, in close co-ordination with relevant civil society organisations. Efforts must target in particular persons belonging to those communities that are known to be most exposed to discrimination.

Collection of data and promotion of effective equality

Recommendations from the two previous cycles of monitoring

53. The Advisory Committee called on the authorities to identify appropriate means to more clearly assess the situation relating to access to rights of persons belonging to national minorities, including with regard to their economic and social situation, with a view to developing more targeted measures to promote full and effective equality in society.

Present situation

54. The Advisory Committee notes with satisfaction that the Central Statistical Bureau of Latvia regularly conducts various economic surveys which contain data disaggregated by ethnicity, first language and citizenship, age and gender.²⁹ Recent surveys include: "How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges", "Poverty in Latvia" and "NIG20. At-risk-of-poverty rate by citizenship and age."³⁰ These various surveys permit assessment of the situation of national minorities in the labour market and regarding educational level.

²⁹ Central Statistical Bureau of Latvia's website at <http://www.csb.gov.lv/en>.

³⁰ Central Statistical Bureau of Latvia, "NIG20. At-risk-of-poverty rate by citizenship and age", available at http://data.csb.gov.lv/pxweb/en/Sociala/Sociala_ikgad_monetara_nab/NI0200.px/?rxid=9777f82b-9f68-475c-9a33-a05b0175b0b5.

55. Other state agencies have also engaged in data collection in their fields of competence. For example, the Office of Citizenship and Migration Affairs published, *inter alia*, a survey on the “Distribution of Latvian population as to ethnicity and citizenship” (2015). The Society Integration Foundation collected data on areas such as employment, education, health care and the social inclusion of third-country nationals (see Article 15). The socio-economic situation of Roma (particularly regarding employment, education, health care and housing) has also been the subject of specific research. A survey conducted in 2015 entitled “Roma in Latvia” aimed to identify the current situation and circumstances that hinder Roma in their access to education, employment, health care, housing services, and to develop recommendations in order to address the identified shortcomings.³¹

56. The Advisory Committee notes that a series of national Roma integration policy measures developed, in particular, at a local level, have been included in the National Identity, Civil Society and Integration Policy Guidelines 2012–2018. These measures have been developed in accordance with the EU Common Basic Principles on Roma Inclusion,³² and the EU Framework for National Roma Integration Strategies up to 2020.³³ The guidelines define the policy goals in the areas of education, employment, support for Roma identities and culture, as well as issues of discrimination and tolerance.

57. The Advisory Committee notes, however, that Roma still continue to face serious and entrenched difficulties and discrimination, in particular as regards access to employment, health-services, education and housing. Over half of the surveyed Roma were denied employment due to their ethnicity (overall 82.3% of Roma reported that they personally, or someone within their family experienced such discrimination within the three years preceding the survey).³⁴ Although the employment situation of Roma has improved in the last decade (whereas less than 10% of Roma were employed in 2003, the “Roma in Latvia” survey for 2015 showed that 32.4% of Roma identified themselves as economically active), Roma still remain largely excluded from the labour market. It has to be noted that the State Employment Agency is not fully aware of the situation as its own data indicates only a marginal difference in the number of registered unemployed (8.5% for the general population and 8.7% for Roma³⁵). This is a clear discrepancy with the self-reported figures collected in the above-mentioned survey. Consequently, no policies have been elaborated and no funding earmarked to increase employment of Roma. Unsurprisingly, widespread unemployment has a knock-on effect on the living conditions of the Roma and their ability to access health and social services (see Article 15).

58. The Advisory Committee is pleased to note the activities undertaken since 2015 by the Latvian Centre for Human Rights in co-operation with the Ministry of Culture, within the

³¹ Research report “Roma in Latvia”, 2015, available at http://oldweb.km.lv/lv/doc/nozaru/integracija/Romi/romi_latvija_petijums_ENG.pdf.

³² See Council document 10394/09 for the Common Basic Principles on Roma Inclusion, available at <http://register.consilium.europa.eu/pdf/en/09/st10/st10394.en09.pdf>.

³³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, An EU Framework for National Roma Integration Strategies up to 2020, available at http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf.

³⁴ See Research report “Roma in Latvia”, 2015, p. 61.

³⁵ *Ibid.*, p. 66.

framework of the campaign of the European Council DOSTA! “Stop! Step over prejudices, get acquainted with Roma!” with the aim of raising public understanding of the culture, history and discrimination affecting Roma in Latvia.

Recommendation

59. The Advisory Committee urges the authorities to exert more efforts to prevent and combat, in close consultation with the relevant community representatives, the inequality and discrimination suffered by Roma. The authorities must step up their efforts to improve the living conditions of the Roma and to promote effective equality, paying particular attention to the gender dimension. Concerted efforts in this regard must be made to ensure adequate access to education, employment, healthcare and social services.

Article 5 of the Framework Convention

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

Recommendations from the two previous cycles of monitoring

60. The Advisory Committee called on the authorities to enhance their support for cultural activities and projects aimed at preserving specific national minority identities and cultures and to consult minority representatives more effectively with regard to cultural and integration policy questions to ensure that their views and concerns are adequately considered and effectively taken into account. It further called upon the authorities to ensure that national minority organisations are represented in supervisory bodies overseeing the allocation of support.

Present situation

61. The Advisory Committee notes that, since 2014, the Ministry of Culture has been distributing funding to projects on the promotion of civil society and support for national minority NGOs, with a separate targeted budget provided specifically for organisations of national minorities. The main mechanism used by the authorities is financial support to the umbrella organisation “Ita Kozakēviča Association of National Cultural Associations of Latvia” (ANCAL), which groups 26 cultural societies and associations of various ethnic groups residing in Latvia and which has been tasked to ensure maintenance and development of minority cultures and to facilitate cross-cultural dialogue, by implementing events of minority organisations (see Article 9). The ANCAL plays an important role within the Ministry of Culture Advisory Committee of National Minority Organisations’ Representatives. The Advisory Committee welcomes the information contained in the State report, that the ANCAL has been given a building in Riga to facilitate its activities.³⁶

62. Since 2012, the Latvian National Cultural Centre has developed a training programme called “Cultural ambassadors”, which aims to train Latvian cultural ambassadors on issues of cultural diversity, identity and societal cohesion. Since 2014, the centre has also organised “Minorities creative camps” for the leaders of national minorities to increase their organisational capacity and artistic performances in preparation for the Song and Dance

³⁶ See 3rd State report, p. 12.

Celebration. Since 2015, a programme focused on young people, entitled “Young ambassadors of culture” has been organised. Particular efforts are currently underway to prepare cultural events connected to the Latvian National Centenary in 2018.

63. Numerous national minority cultural centres, for example Belarusian, Polish and Ukrainian in Daugavpils, receive support from the Ministry of Culture and co-operate with the Latvian authorities and cultural institutions. Support is also provided to the Roma History and Art Museum and the “Roma Cultural Centre” association. The Advisory Committee regrets to note, however, that most of the projects tend to concentrate on traditional expressions of song, music, dance, handcraft and culinary exploits. These initiatives, although praiseworthy in themselves, risk presenting a solely folkloristic picture of national minorities. The Advisory Committee considers it important that support is extended, in addition to traditional cultural expressions, to also include contemporary displays of culture.

64. In Riga, the Mikhail Chekhov Russian Theatre, the oldest Russian theatre outside Russia (opened on 2 October 1883) continues to offer repertory in Russian. In addition, the Daugavpils Theatre and Puppet theatre and the New Riga Theatre include performances in Russian in their repertoire.³⁷ Since 2011, the number of amateur theatre groups performing in Russian increased from seven (three in Riga, four in Latgale region) to nine (two in Riga, seven in the Latgale region). Most museums in Latvia have web pages available in Russian and offer guide services in Russian. The Latvian National Symphony Orchestra offers a concert programme in the Latvian and Russian languages.

65. The Advisory Committee also notes other encouraging developments, such as support offered by the Ministry of Culture to persons wishing to preserve, learn and develop the Latgalian written language.

66. Public libraries continue to hold books and other publications in a number of languages of the national minorities of Latvia. Publications in the Russian language constitute around 40% of the total collection. At the National Library of Latvia, the Russian language collection constitutes around 33% of the holdings, with a further 2% in other minority languages.³⁸ Public libraries working in municipalities bordering Lithuania, Estonia and Russia provide a broader offer of books in the languages of the respective neighbouring countries than elsewhere.

67. The Advisory Committee notes that a House of NGOs was established in September 2013 in Riga by the Riga municipality. Since then more than 140 NGOs have organised over 2 920 events. Twelve national minority cultural NGOs carry out regular rehearsals, while 17 national minority cultural NGOs regularly hold temporary and permanent exhibitions there. The municipality finances these undertakings up to the sum of 7 000 EUR per event, with no more than 5% of input required from the NGO itself.

Recommendation

68. In addition to promoting projects aimed at presenting a traditional folkloristic image of national minorities, the authorities are asked to support projects of contemporary displays

³⁷ See State report, p. 13.

³⁸ See State report, p. 22.

of culture. Support should be extended to initiatives that involve national minority youth and those addressing everyday needs of persons belonging to national minorities.

Article 6 of the Framework Convention

Protection against discrimination, hostility or violence on ethnic grounds

Recommendations from the two previous cycles of monitoring

69. The Advisory Committee urged the authorities to amend legislative provisions and reinforce existing remedies to address hate speech against minorities, particularly on the Internet. The Advisory Committee further called on the authorities to step up their efforts to publically condemn and appropriately sanction all expressions of intolerance towards minorities.

Present situation

70. The Advisory Committee recalls that committing a criminal offence with a racist, national, ethnic or religious motive is considered an aggravating circumstance under Article 48, paragraph 14 of the Criminal Code of Latvia. It further notes that the Criminal Code was amended on 15 May 2014 and 29 October 2014, introducing significant changes in the legal framework applicable to hate crime (Articles 48, 78, 149 and 150 of the Criminal Code).

71. In line with these amendments, Article 78 of the Criminal Code stipulates criminal liability for incitement to national, ethnic, racial or religious hatred or enmity. Article 74 of the Criminal Code was amended to provide for criminal liability for “public glorification of genocide, crime against humanity, crime against peace or war crime, or for the glorification, denial, acquittal or gross trivialisation of genocide, crime against humanity, crime against peace or war crime, including genocide, crime against humanity, crime against peace or war crime committed by the U.S.S.R. or Nazi Germany against the Republic of Latvia and its inhabitants.”³⁹ Article 149 of the Criminal Code⁴⁰ provides for criminal liability for discrimination “due to racial, national, ethnic or religious belonging or for the violation of the prohibition of any other type of discrimination, if substantial harm is caused thereby.”⁴¹ Article 150 of the Criminal Code in turn stipulates criminal liability for an act aimed at inciting hatred or enmity depending on the gender, age, disability of a person or any other characteristics (including sexual orientation of the person), if substantial harm has been caused thereby. More severe punishment is possible if the above crimes have been committed by a public official or a

³⁹ See State report, pp. 16-17.

⁴⁰ Section 149.1 of the Criminal Code reads:

“(1) For a person who commits discrimination due to racial, national, ethnic or religious belonging or for the violation of the prohibition of any other type of discrimination, if substantial harm is caused thereby, - the applicable punishment is deprivation of liberty for a term up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the criminal offence provided for in Paragraph one of this Section, if it has been committed by a public official, or a responsible employee of an undertaking (company) or organisation, or a group of persons, or if it is committed using an automated data processing system, - the applicable punishment is deprivation of liberty for a term up to three years or temporary deprivation of liberty, or community service, or a fine.”

⁴¹ The grounds of “national” and “religious belonging” were added by the amendment, which entered into force on 29 October 2014.

responsible employee of an company, or a group of persons, or if it is committed by using an automated data processing system.

72. The Advisory Committee notes that when examining whether the accused has committed a criminal offence provided in Article 78 of the Criminal Code due to racist motives, the courts of Latvia are guided by the jurisprudence of the Supreme Court of the Republic of Latvia, which defines “racism” as “a conviction that such factors as “race”, skin colour, language, religion, national or ethnic belonging may serve as grounds for contempt for an individual or group of individuals, or an opinion that an individual or a group of individuals is superior over another individual or group.”⁴²

73. Furthermore, the Law on Electronic Mass Media Means was amended on 22 May 2013, stipulating that commercial notifications must not incite hatred or invite discrimination against any person or group of persons due to gender, age, religious, political or other opinions, sexual orientation, disability, “race” or ethnic belonging, citizenship or other circumstances. In addition, the Law On Meetings, Processions, and Pickets (Article 10, para. 2) provides that it is prohibited to act against the independence of Latvia, to incite to violent overthrow of the political system of Latvia, to call for disobedience of laws, propagate violence, national and racial hatred, Nazism, fascism or communist ideology, to propagate war or to glorify or incite to committing crimes and other offences. In accordance with amendments to this law, adopted on 14 November 2013, local authorities can adopt a decision prohibiting an event if it is established that holding it will endanger the rights of others, the democratic state system, public security, welfare or morals, and if the above-mentioned threats cannot be eliminated through placing restrictions on the course of the event.

74. Freedom of speech contained in Article 100 of the Constitution and in international human rights treaties is a fundamental right protected by law in Latvia. Freedom of speech does not encompass however “hate speech”, i.e. public verbal or written incitement to racial, national or ethnic hatred or enmity against any individual or group within society. The Advisory Committee notes that Latvia’s courts adjudicated a number of cases falling under Article 78 of the Criminal Code. These cases involved persons who had expressed hateful comments on various websites, news portals, social networks etc. Such comments are directed mostly against Latvians,⁴³ Jews,⁴⁴ Russians⁴⁵ and Roma.⁴⁶ Existence of the crime as provided for by

⁴² See Decision of the Chamber of Criminal Cases of the Supreme Court of the Republic of Latvia of 4 April 2007 in the criminal case No. 11511001005 (not published).

⁴³ See for example, judgement of the Riga City Latgale District Court of 21 September 2015 in the case No. 11840000915, judgement of the Riga City Kurzeme District Court of 17 December 2014 in the case No. 11840001414, available (in Latvian) at <https://manas.tiesas.lv>, judgement of Riga City Latgale District Court of 11 December 2014 in the case No. 11840001513, available (in Latvian) at <https://manas.tiesas.lv>.

⁴⁴ For example, judgement of Riga City Zemgale District Court of 18 September 2014 in the case No. 11840003713, available (in Latvian) at <https://manas.tiesas.lv>, judgement of the Cesis District Court of 29 July 2014 in the case No. 11840002510, available (in Latvian) at <https://manas.tiesas.lv>.

⁴⁵ Judgement of the Riga City Kurzeme District Court of 22 January 2014 in the case No. 11840004913, available (in Latvian) at <https://manas.tiesas.lv>.

⁴⁶ Judgement of the Valmiera District Court of 7 May 2015 in the case No. 11840003614, available (in Latvian) at <https://manas.tiesas.lv>.

Article 78 of the Criminal Law has also been assessed with respect to such acts as sending letters to public officials inciting enmity⁴⁷ and committing unlawful acts in a cemetery.⁴⁸

75. Recent convictions have included: a person who wrote comments on a news portal, which incited national, ethnic and racial hatred and enmity between various ethnicities, expressing contempt for them and using vulgar designations and comparisons;⁴⁹ sentencing another person to deprivation of liberty for four months for publishing comments on a website that expressed a negative, offensive and contemptuous attitude towards a certain ethnicity and promoted negative and hateful opinion in public about a certain ethnicity, thus causing enmity in public, inciting conflicts and promoting national hatred.⁵⁰ In another ruling, re-publishing of hateful comments expressed by another person has also been deemed to constitute a criminal offence to the same extent as when creating the text itself.⁵¹ The Advisory Committee notes in particular that Riga City Ziemeļu District Court emphasised, in a judgment, that expression of an opinion which divides persons according to any grounds, antagonises one part of society or which may cause antagonism or even hatred in relation to the respective groups of persons, conflicts with Article 14 and 17 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 91 of the Constitution.⁵²

76. The Advisory Committee notes a number of prominent cases where inflammatory statements by public figures have not led to the authorities taking any action, thereby creating an impression of impunity and ambivalence. Such statements included an interview given by a writer and published in a daily newspaper⁵³ and an opinion piece published in a daily newspaper "Latvijas Avīze", calling for the removal of 750 000 "Russian colonists" from Latvia as a precondition for accepting refugees.⁵⁴

77. The Advisory Committee notes with concern that a prominent film director and politician, a member of the *Saeima*, who in May 2017 published an article entitled "The aim: a Latvian Latvia,"⁵⁵ was sanctioned by the Parliamentary Commission on Ethics with the mildest

⁴⁷ Decision of the Supreme Court of 24 April 2014 in the case No. 11840000811, available (in Latvian) at <https://manas.tiesas.lv>.

⁴⁸ Judgement of the Riga Regional Court of 26 January 2015 in the case No. 11094119210, available (in Latvian) at <https://manas.tiesas.lv> (part of the judgment has not entered into force).

⁴⁹ Judgement of the Riga City Kurzeme District Court of 22 January 2014 in the case No. 11840004913, available (in Latvian) at <https://manas.tiesas.lv/eTiesasMvc/lv/nolemumi>.

⁵⁰ Judgement of Riga City Latgale District Court of 6 June 2014 in the case No. 11840001013, available (in Latvian) at <https://manas.tiesas.lv/eTiesasMvc/lv/nolemumi>.

⁵¹ Judgement of the Riga City Zemgale District Court of 18 September 2014 in the case No. 11840003713, available (in Latvian) at <https://manas.tiesas.lv>.

⁵² Judgement of the Riga City Ziemeļu District Court of 17 March 2016 in the case No. 11840000313.

⁵³ See "Rancans is not right about Russians, but it's not a crime". LETA, 2 October 2014, available at <http://rus.delfi.lv/news/daily/latvia/pb-rancans-ne-prav-naschet-russkih-no-eto-ne-prestuplenie.d?id=45046450>.

⁵⁴ Media report "Русских Латвии предложили срочно депортировать" <http://www.mixnews.lv/ru/society/news/2015-08-27/183298> (<http://vesti.lv/news/russkih-latvii-predlozhili-srochno-deportirovaty>).

⁵⁵ The article, which referred to Russians in an offensive way, was published in the "Nacionālās ziņas" and reproduced on the author's Twitter account, available at <https://twitter.com/EdvinsSnore/status/865495364370972672/photo/1>.

possible punishment – an oral warning.⁵⁶ The Advisory Committee considers that such leniency sends the wrong signal to society, emboldening politicians and other public figures to make inflammatory and divisive statements. The use of such discriminatory and offensive language by politicians and other public figures has a detrimental effect on inter-ethnic relations and on the integration of Latvian society. It ultimately weakens the state and its institutions. The Advisory Committee considers that politicians should strive to promote cohesion, tolerance and coexistence based on mutual respect and understanding.

78. Data on the prevalence of racially motivated crimes and on the number of cases relating to hate crimes and incitement to racial hatred is systematically collected by the Ministry of the Interior, law enforcement agencies, the Department of Analysis and Management of the Prosecutor General's Office, the Courts Administration unit of the Ministry of Justice and the Security Police of the Republic of Latvia and communicated to the Office of Democratic Institutions and Human Rights (ODIHR).⁵⁷ Furthermore, Latvia actively participates in the Hate Crime Working Group established by the European Union Agency for Fundamental Rights. The number of hate crimes recorded by the police is low. Within the last five years, the highest number of such crimes was recorded in 2013 (22) and the lowest in 2015 and 2016 (11 in each of these years).

79. Since 2014, training against hate crime has been included in the training programmes of law enforcement institutions. In addition, a number of specific awareness-raising activities aiming at capacity building among police officers have been organised. These included three seminars organised by the State Police College in 2013–2016 on “Identification and Prevention of Hate Crime.” The seminars brought together participants from the State Police, the Ombudsman’s Office, the Supreme Court, the Prosecution Office, the Ministry of the Interior, the State Inspectorate for the Protection of Children’s Rights, the National Centre for Education, and non-governmental organisations. Handbooks in the Latvian language on hate crime have been written and distributed to all participants in these events.⁵⁸

80. Civil society in Latvia has also stepped up its efforts to increase awareness among the public and law enforcement agencies on the need for more sustained efforts to prevent and sanction hate speech. Between 1 July and 31 October 2014, the Latvian Centre for Human Rights implemented the project “Strengthening of NGO Capacity to Limit Incitement to Hate on the Internet.” During that period, its experts monitored the content and comments published on internet news portals, online versions of newspapers and magazines as well as social networks with the aim of identifying hateful content and to test the effectiveness of the different reporting methods.

81. The Advisory Committee welcomes these undertakings. It notes also that in 2016, the ombudsperson published a study on the “Issues of Investigating Hate Crimes and Hate Speech in the Republic of Latvia” in which it recommended a more strategic approach to addressing hate crimes, strengthening the implementation of criminal law and conducting prevention activities. The study further noted that law enforcement agencies lack a uniform understanding

⁵⁶ Freecity.lv “Šnore got off with an oral warning for the statement about “Russian lice” (Шноре за высказывание о “русских вшах” отделался устным предупреждением (in Russian), published on 14 June 2017, available at <http://www.freecity.lv/politika/43283/>.

⁵⁷ OSCE ODIHR Hate Crime Reporting, available at <http://hatecrime.osce.org/latvia>.

⁵⁸ See State report, p. 24.

of the concept of hate crime and recommended the development of a methodology for recognising, identifying and investigating hate crimes.

Recommendations

82. The Advisory Committee urges the authorities to ensure that more vigorous, rapid and effective action be taken to prevent, investigate and prosecute offences committed with racial or xenophobic motives, and to provide for constant monitoring of these offences within society.

83. The Advisory Committee urges the authorities to combat stereotypes and prejudice in political discourse and to promote tolerance and inter-cultural dialogue throughout society as a whole. In particular, it is essential that specific targeted measures such as awareness-raising campaigns involving, among others, the media, be implemented without delay to counteract manifestations of xenophobia in society.

84. The Advisory Committee reiterates its call on the authorities to appropriately sanction all expressions of intolerance and publically condemn disrespect towards minorities.

Integration and promotion of tolerance

Recommendations from the two previous cycles of monitoring

85. The Advisory Committee found that Latvian society, in general, was characterised by a climate of tolerance and respect. The effective integration of society, however, remained a challenge. It called on the authorities to prioritise inclusion and dialogue in the implementation of the integration guidelines and its action plan. The Advisory Committee further invited the authorities to focus their integration efforts and related public discourse on assuring minority representatives that their presence in and contribution to society is welcome and valued and that the goal is broader social cohesion with respect for the specific identities of national minorities rather than mere cultural integration.

Present situation

86. The Advisory Committee notes that the authorities have continued their efforts to promote the integration of society. The elimination of discrimination and the promotion of inclusion of socially marginalised groups within society have been identified as key aims of the Guidelines on National Identity, Civil Society and Integration Policy 2012–2018 adopted in 2011. The Guidelines define measures aimed at the development of civic education and participation, improvement of proficiency in the Latvian language and its position in society, strengthening the Latvian cultural space as the foundation for societal integration and development of a sense of belonging to Latvia and Europe. During the process of drafting and updating the Guidelines, wide public outreach and discussions were ensured, including the engagement of advisory mechanisms on national minority issues set up by the Ministry of Culture.

87. The Guidelines define societal integration as inclusion of all persons living in Latvia into society irrespective of their national identities and self-identification, on the basis of the Latvian language, the sense of belonging to the State of Latvia, respect for the unique cultural space of Latvia, the formation of a common social memory, and civil participation. At the same

time integration, as understood in the Guidelines, means the openness and respect of the majority for the uniqueness of national minorities, as well as their rights to preserve their distinct identities. The purpose of integration is also to facilitate the inclusion of immigrants into society.

88. To achieve the goals set in the Guidelines, a number of awareness-raising initiatives have been implemented since 2012; training workshops have been organised for employees of the state administration and local government authorities, employers, journalists, and various other professionals. The authorities also conducted a significant number of educational activities addressed to different groups within society about the inclusion of persons belonging to national minorities, including Roma, and third-country nationals.

89. The monitoring of the implementation of the Guidelines has been entrusted to a collegial council chaired by the minister for culture. Its tasks include reviewing both documents prepared by the Ministry of Culture and the planned measures, and requesting information from other state agencies on their annual work plans for the implementation of the Guidelines and reports on their implementation. Regrettably, the institutional set-up and limited influence of the monitoring council leaves many policy areas of social integration outside of its effective supervision.

90. Building on the experience of the current Guidelines, the authorities are currently elaborating new Society Integration Policy Guidelines 2019–2020 in consultation with civil society partners. At the time of writing this Opinion, these new Guidelines have not been made public, and the Advisory Committee did not have an opportunity to review them. In this context the Advisory Committee further notes that an expert group on Society Consolidation Policy, set up under the auspices of the State President, published a report proposing modifications to the draft Guidelines recommending, for example, granting automatic citizenship to “non-citizen” children, encouraging state representatives to use the Russian language when responding to questions in Russian-language media and publicising stories on successful integration. It is with deep regret that the Advisory Committee notes that a proposal submitted by the President to the *Saeima* to grant citizenship automatically to newly born children of “non-citizen” parents was rejected in July 2017 (see Article 3). The expert group on Society Consolidation Policy further recommended development of a new mid-term planning document — Cohesive Society Guidelines in Latvia 2019–2025, which would propose new policy initiatives, as well as offer new possibilities for strategic communication.

91. The Society Integration Foundation, in co-operation with the Ministry of Culture, Judicial Training Centre and civil society organisations in 2013–2014 implemented projects within the framework of the programme “Different people. Various experiences. One Latvia,” directed towards combating discrimination and promotion of diversity. Activities undertaken within this framework included the establishment of a co-operation network between the state administration authorities and NGOs, the drafting of guidelines on the development of effective supervisory system of non-discrimination policy, the implementation of activities for improving public awareness, and the creation of a series of short films reflecting on discrimination based on gender, ethnicity, disability, “race”, religion, sexual orientation and age.

92. Since 2014, the International Day of Tolerance has been marked in Latvia on 16 November. Under the auspices of the Ministry of Culture, an annual forum to discuss current issues affecting national minorities has been organised, bringing together around 200 participants, including representatives of national minorities, civil society, public authorities, experts and other interested persons. The Ministry of Culture in co-operation with the Society Integration Foundation also regularly supports civil society activities designed to promote social justice, democracy, sustainable growth, cross-cultural dialogue, including combating racism, xenophobia and discrimination.

93. The efforts undertaken by the authorities to promote the cohesion of society and tolerance have only been partially successful. According to research conducted by the Society Integration Foundation in 2015, over 40% of third-country nationals (43.1%) reported having experienced a discriminatory attitude in at least one situation.⁵⁹ These include, most commonly, verbal comments on the street or in public transportation (21.5%), during contacts with public authorities or whilst contacting representatives of the public authorities, border guards, police (14%), and in healthcare institutions (12.4%). According to data collected by the Society Integration Foundation, “non-citizens” with a temporary residence permit were more likely to experience discrimination from public authorities than those with a permanent residence permit (15.5% and 9.9%, respectively). Reportedly, 17.3% of respondents have faced unfair or offensive attitudes on account of their ethnicity or religion.⁶⁰

94. The authorities continue to raise awareness about Roma and their role in Latvian society and history. Regular support was thus offered to projects implemented by Roma NGOs (two projects in 2013 and four projects in 2014). Projects implemented by Roma NGOs include an exhibition “Roma-Gypsy Holocaust in Latvia (1941-1945),” organisation of an International Roma Cultural Festival and a project entitled “Learn more about Latvian Roma – break the stereotypes and open for a joint dialogue.” Such projects aimed to facilitate the education of the broader public, including in particular young people, about Roma culture, life and history in Latvia so as to reduce preconceptions and negative stereotypes against persons belonging to the Roma community.⁶¹

Recommendations

95. The Advisory Committee calls on the authorities to involve representatives of all national minorities in discussions on how to integrate Latvian society. This process should be based on respect for diversity and understanding that persons belonging to national minorities are an equal and integral part of Latvian society.

96. The authorities are asked to finalise their drafting and publishing of the Society Integration Policy Guidelines 2019–2020 and to ensure that initiatives implemented under these Guidelines are carried out in close consultation with national minority representatives

⁵⁹ See Committee on the Elimination of Racial Discrimination “Combined sixth to twelfth periodic reports submitted by Latvia under article 9 of the Convention, due in 2007”, p. 29, 10 November 2017, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FLVA%2F6-12&Lang=en.

⁶⁰ Research “Portrait of third-country nationals in Latvia” (2015), the Society Integration Foundation, available (in Latvian) at http://www.sif.gov.lv/images/files/SIF/tres-valst-pils-port/Gramata_pilsonu_290615_web.pdf.

⁶¹ See State report, pp. 15-16.

in a manner that will promote and protect minority identities, cultures and languages as an essential part of Latvian society.

97. The authorities should aim to promote the integration of society as a two-way process, in particular by encouraging the active participation of all segments within society in all relevant fields, such as equal employment, education and culture, and promote intercultural contacts with other members of society, beyond the promotion of proficiency in the Latvian language. With that aim in mind, the authorities are asked to consider the establishment of a dedicated structure, such as a secretariat or a bureau, whose functions would include the development of action plans for the implementation of the Guidelines, and co-ordination of social cohesion policies in all relevant sectors.

Article 7 of the Framework Convention

Freedom of assembly and association

Present situation

98. The Advisory Committee notes that, according to the information contained in the State report, the authorities commissioned a research project to analyse opportunities for national minority participation and the activities of national minority NGOs.⁶² According to the data collected, there were, in 2015, 426 associations and foundations whose statutes include work with national minorities, of which 309 can be considered as national minority associations, with a further 117 associations working in areas of interest to national minorities, such as language training centres, folk dance studios, organisations for co-operation between Latvia and other countries, and friendship associations promoting contacts between Latvians and other ethnicities.

99. In accordance with amendments to Regulations on Positions and Professions which require Official Language Proficiency of 2009,⁶³ adopted by the Cabinet of Ministers on 21 February 2017,⁶⁴ members of ruling boards of NGOs are required to be proficient in the Latvian language at C1 level. The regulations, as amended, provide for possible exceptions from this requirement for board members of national minority NGOs. In accordance with the applicable procedure they may request that the State Language Centre⁶⁵ (operating under the Ministry of Justice) apply lower requirements for their board members. However, the Advisory Committee regrets that criteria to be applied by the State Language Centre when considering exemptions remain undefined, and the procedure itself constitutes a bureaucratic impediment to freedom of association.

⁶² See Baltic Institute of Social Sciences (BISS) study on "National Minority Participation in Democratic Processes in Latvia", available at http://www.km.gov.lv/lv/ministrija/sabiedribas_integracija.html (in Latvian, English and Russian).

⁶³ Regulations No. 733 of 7 July 2009 on the Degree of Knowledge of the Official Language and the Procedures for Examination of the Knowledge of the Official Language, (in Latvian: Noteikumi par valsts valodas zināšanu apjomu un valsts valodas prasmes pārbaudes kārtību; Latvijas Vēstnesis, 2009, 14. jūlijs, nr. 110).

⁶⁴ Amendments to Cabinet Regulation No. 7 of 7 July 2009 "On the level of knowledge of the state language and the state language proficiency check procedure for performing professional and official duties, obtaining a permanent residence permit and obtaining the status of a long-term resident of the European Union and a state fee for examining the state language proficiency", available (in Latvian) at <https://likumi.lv/ta/id/288898>.

⁶⁵ Organization website: <http://vvc.gov.lv/> (in Latvian only).

100. The Advisory Committee is concerned that the requirement of Latvian language proficiency on the part of the national minority board members may, in some cases, prevent some persons, in particular in the Latgale region (where Latvian language environment is restricted and Latvian language skills among persons belonging to national minorities are lower than average) from continuing to participate actively in civil society activities. This would be most regrettable, given, in particular, the important role that national minority NGOs play in many areas of social integration of society.

101. Some national minority NGOs encounter problems in organising events, in particular those which directly challenge the policies of the authorities. The Advisory Committee notes with concern that, for example, a street concert to protest against government plans to increase the proportion of teaching hours in the Latvian language in schools using Russian as the language of instruction, which the Latvian Non-citizens' Congress planned to organise on 25 April 2014, was banned by Riga City Council (see Article 14).⁶⁶ The court found the ban to be illegal only after the intended date of the event. The interlocutors of the Advisory Committee expressed their strongly-held views that the ban on staging a street concert to protest against government plans was politically motivated. Another demonstration planned by a Russian minority NGO was prohibited by Riga city authorities in May 2014. This prohibition was upheld by Latvian courts with the first instance court affirming that the applicant's website contained information "categorically demonstrating the supremacy of the Russian nation and indirectly denying Latvian people and language."⁶⁷ The Advisory Committee was informed that, following the exhaustion of domestic remedies (a higher court upheld the decision of the first instance court),⁶⁸ the NGO in question has lodged an application with the European Court of Human Rights, which is yet to rule on its admissibility and merits.

Recommendations

102. The Advisory Committee strongly recommends that the Latvian authorities do not use language proficiency requirements to create impediments preventing persons belonging to national minorities from exercising the freedom of association guaranteed by the Framework Convention.

103. The authorities should ensure that all persons belonging to national minorities can effectively and without undue obstacles enjoy the freedom of assembly, including as regards promotion of minority rights or representation of special interests, such as those related to education and language rights.

⁶⁶ Mixnews, "Congress of Non-citizens held a "minute of silence" instead of the concert" (Конгресс неграждан" вместо концерта провел "минуту молчания), 25 April 2014, available (in Russian) at http://www.mixnews.lv/ru/society/news/149141_kongress-negrzhdan-vmesto-koncerta-provel-minutu-mol4aniya/.

⁶⁷ Administrative District Court judgment in case No. A420275214, (R. v. Riga City Council, decision of 8 May 2014).

⁶⁸ Supreme Court's Department of Administrative Cases. Case No. A420275214 (R. v. Riga City Council, of 7 July 2015).

Article 8 of the Framework Convention

Right to manifest a religion

Present situation

104. The Advisory Committee regrets that no arrangements exist to facilitate the observance of Christmas celebrated by Orthodox and Ukrainian Greek-Catholic believers according to the Julian calendar, falling on 7 January in the Gregorian calendar. This is particularly problematic for many Belarusians, Russians and Ukrainians, many of whom are Orthodox or Ukrainian Greek Catholic Christians, and in particular for children of school age and working persons professing that religion. Numerous proposals tabled in the *Saeima* to amend legislation with respect to officially recognised holidays have been rejected (the last such proposal was made in November 2014).⁶⁹

105. Some progress has been made as regards restitution of Jewish religious property confiscated by the Nazi and Soviet totalitarian regimes in Latvia prior to the reestablishment of Latvia's independence in 1991. The Advisory Committee notes that, in 2015, the *Saeima* approved the return of five properties that used to belong to Riga's Jewish community before World War II to the Council of Jewish Communities of Latvia.⁷⁰ It has to be noted, however, that Jewish diaspora organisations have identified a total of 270 properties to which they lay claim.⁷¹

Recommendations

106. The Advisory Committee encourages the authorities to adopt a more flexible approach to the question of religious holidays, in consultation with those concerned, which would demonstrate sensibility to the religious sentiments of Orthodox and Ukrainian Greek Catholic believers and ensure respect for the right to manifest religion or belief, in line with Article 8 of the Framework Convention.

107. The Advisory Committee calls on the authorities to complete the process of restitution of property to religious communities without further delay.

⁶⁹ See, for example, the article "«Согласие» вновь потребует признания православного Рождества официальным праздником" ([Parliamentary faction] "Concord" will again demand recognition of Orthodox Christmas as an official holiday). LETA, 30 November 2014, available (in Russian) at http://rus.tvnet.lv/novosti/politika/276384-soglasije_vnov_potrebujet_priznanija_pravoslavnogo_rozhdjestva_oficialnim_prazdnikom.

⁷⁰ Public broadcasting of Latvia, "Saeima approves restitution of five Jewish properties", 25 February 2016, available at <http://eng.lsm.lv/article/society/society/saeima-approves-restitution-of-five-jewish-properties.a170834/>.

⁷¹ See PACE Resolution 1096 (1996) on "Measures to dismantle the heritage of former communist totalitarian systems" and PACE Resolution 1481 (2006) on "Need for international condemnation of crimes of totalitarian communist regimes."

Article 9 of the Framework Convention

Minority languages and participation of minorities in the media

Recommendations from the two previous cycles of monitoring

108. The Advisory Committee welcomed the opportunities granted to persons belonging to national minorities to access audio-visual media in their minority languages, both in the public and private sectors, and called on the authorities to increase their efforts to promote an attractive and diverse media environment with effective opportunities for persons belonging to national minorities, including the numerically smaller ones, to access quality media in their minority languages.

Present situation

109. The main legislative act regulating broadcasting in Latvia is the Electronic Mass Media Law adopted on 12 July 2010.⁷² In accordance with the law, the electronic mass media are free and independent in the production and distribution of programmes and broadcasts, as well as in their editorial activity. The Advisory Committee notes that in accordance with the law (Section 2, para. 2, clause 4), one of its main aims is “to promote the integration of society on the basis of the Latvian language; paying special attention that it should serve as the common language of mutual communication of all inhabitants of Latvia; determining the procedures appropriate for the public interests whereby the electronic mass media under the jurisdiction of Latvia shall use the official language during their broadcast time and concurrently envisaging the right to use languages of minorities and other languages in the electronic mass media.”

110. The Advisory Committee recalls in this context that language quotas for radio and television broadcasts were repealed by the Latvian Constitutional Court on 5 June 2003.⁷³ It notes, however, that Article 32 of the law introduces a requirement prescribing, with respect to state-wide and regional electronic mass media, that at least 65% of all programmes, except for the advertising and teleshopping, be in Latvian and that such programmes take up at least 65% of the transmission time. These language quotas apply to both public and private broadcasters. The law further stipulates that foreign films be voiced-over, dubbed or subtitled in Latvian and that television broadcasts in foreign languages, except for live broadcasts and news, be provided with subtitles in the Latvian language. Local mass media, defined as those broadcasting on less than 20% of the territory of Latvia, are not subject to such restrictions.

111. In 2014, the *Saeima* adopted amendments to the Electronic Mass Media Law stipulating that an overwhelming majority of commercial (private) radio stations, in particular those operating on the basis of licenses for broadcasting 50% or more time in the Latvian language to switch, as of January 2016, to broadcasting all content in Latvian. This would have affected 50 out of 67 radio broadcasters.⁷⁴ Following protests, on 17 December 2015, these

⁷² Electronic Mass Media Law, available (in English) at www.vvc.gov.lv/export/sites/default/docs/LRTA/.../Electronic_Mass_Media_Law.doc.

⁷³ See First Opinion of the Advisory Committee on Latvia, adopted on 9 October 2008, para. 94.

⁷⁴ Estimates provided in the explanatory note to the amendments, see *Saeima* document available at <http://titania.saeima.lv/LIVS11/SaeimaLIVS11.nsf/0/OE856AE90D704F79C2257CE6004BC796?OpenDocument> (in Latvian).

provisions were amended⁷⁵ postponing their entry into force until 2017 and circumscribing the number of affected radio stations to 37, i.e. those operating on the basis of licenses for broadcasting 51% or more time in the Latvian language. Another provision in the amendments to the law, which also came into effect on 1 January 2016, obliges radio stations to fill at least 90% of weekly airtime with their own content, apparently with the aim of restricting retransmission of foreign-produced content potentially disseminating content considered as propaganda.⁷⁶ With the aim of ensuring, *inter alia*, enforcement of the language quotas in broadcasting,⁷⁷ amendments to the Administrative Violations Code were adopted in 2014, increasing the maximum fine for violating licence terms from 2 100 EUR to 10 000 EUR.⁷⁸

112. The Advisory Committee is concerned that by opting for a punitive approach, the authorities send a negative message to speakers of national minority languages, in particular the Russian language. This indicates a lack of acceptance for its presence on the airwaves and, by extension, within public life in Latvia. Generally, the Advisory Committee considers that, even though promotion of the state language in public media is a legitimate aim (provided that adequate provisions are made for broadcasting in national minority languages), the conditions laid down in the current legislation breach the Framework Convention by going beyond licensing requirements and unduly interfering with private broadcasters and thereby limiting access to the media for persons belonging to national minorities.

113. Notwithstanding these restrictions, the Advisory Committee notes that, as already observed in its previous Opinion, the overall media environment in Latvia continues to be characterised by a multitude of outlets, operating mainly in Latvian or Russian and thereby providing good access for speakers of those languages to information in national minority languages. The Seventh television channel continues to broadcast in Russian and Radio Channel 4 broadcasts in Russian, as well as some other minority languages (including half hour monthly programmes in each of the following languages: Armenian, Belarusian, Estonian, Lithuanian, Georgian, German, Polish, Ukrainian and Tatar). These programmes cover news, national holidays, activities of various national cultural unions and topics connected to national culture and heritage and are produced with the assistance of the Ita Kozakēviča Association of National Cultural Associations of Latvia (ANCAL). On average, the total audience of Radio Channel 4 is estimated at 120 000–130 000 listeners per week.⁷⁹

114. Regarding print media, the Advisory Committee notes that in 2015, of the 252 newspaper titles published in Latvia, 204 were in Latvian and 41 in Russian. According to market research carried out by Kantar TNS in 2016, four out of five newspapers with highest circulation were published in Russian (the weekly MK Latviya, the TV guides Televizor/MK Latviya, Latviiskaya TV-Programma and Latviiskiye Vesti). The authorities also continue to support publications in other languages of national minorities, notably the “Ararat” (published seven to ten times per year), a Ukrainian newspaper “*Visņik*,” a Belarusian newspaper

⁷⁵ Amendments to the Electronic Mass Media Law of 17 December 2015, available at <http://likumi.lv/ta/id/278985>.

⁷⁶ See European Journalism Centre (EJC), “Latvia - Media Landscape”, 2018, available at <https://medialandscapes.org/country/pdf/latvia>.

⁷⁷ Stricter liability for violations in the media sphere, available at <http://saeima.lv/lv/aktualitates/saeimas-zinas/22722-palielina-administrativo-atbildibu-par-parkapumiem-mediju-nozare> (in Latvian).

⁷⁸ Code of Administrative Violations. Section 201.5.

⁷⁹ See State report, p. 12.

“*Pramen*,” a Polish quarterly magazine “*Polak na Łotwie*” and an Old Believers’ quarterly magazines “*Pomorskij vestnik*” and newspaper “*Mech Dukhovnyi*.”⁸⁰

115. The Advisory Committee notes that the observations it made in the previous Opinion, notably as regards the presence of two parallel media systems in the Latvian and Russian languages featuring quite divergent content, still hold true today. The division of the information space between Latvian and non-Latvian (mainly Russian) communities continues, with news and editorial comments often diverging considerably in geopolitical viewpoints. The authorities’ apprehension about the role played by Russian-language media broadcasting from Russia has increased. All the above factors do not contribute to intercultural understanding and dialogue among the various audiences surrounding issues of common interest in Latvia. The Advisory Committee reiterates the significance of a role played by the media in the integration of society and emphasises that an active and diverse media scene, including in languages of national minorities, may considerably influence the sense of belonging and participation of persons belonging to national minorities.⁸¹

Recommendations

116. The Advisory Committee once again calls upon the authorities to reconsider their approach to the quota requirements in the broadcasting media and develop, in close consultation with minority representatives and media professionals, more appropriate means to ensure that Latvian language speakers and speakers of national minority languages can benefit from a diverse but shared media space. Efforts to promote the state language should be pursued through incentive-based methods rather than through the imposition of quotas or sanctions and flexibility must be applied to ensure that minority languages are not disproportionately affected or excluded from the media.

117. The Advisory Committee calls on the authorities to take appropriate measures to ensure that persons belonging to national minorities, in particular numerically smaller ones, have wider access to radio and television broadcasts available in their languages.

Article 10 of the Framework Convention

Use of minority languages in relations with administrative authorities

Recommendations from the two previous cycles of monitoring

118. The Advisory Committee noted that persons belonging to national minorities could not benefit, except in a few cases, from the right to use their languages in dealings with administrative authorities as provided for by the Framework Convention, and expressed its serious concern about legislative provisions and implementation modalities that imposed the exclusive use of the state language in the public sphere and in an increasing number of occupations in the private sector. It urged the authorities to review their legislative and policy framework with a view to finding a balance between the goal of promoting the official language and the language rights of persons belonging to national minorities.

⁸⁰ See State report, p. 30.

⁸¹ See also the ACFC Third Thematic Commentary on the Language Rights of Persons belonging to National Minorities, May 2012.

119. In addition, the Advisory Committee asked the authorities to modify the existing methods of monitoring implementation of the state language policy to favour a more constructive and incentive-based approach over the applied system of inspections and sanctions. It also invited the authorities to devote more efforts to adequately raise awareness among officials and the public at large of the conditions under which minority languages may be used to reduce the level of tension in society surrounding language issues.

Present situation

120. The Advisory Committee regrets that the situation with regard to the use of minority languages in dealings with the administrative authorities has not changed during the current monitoring cycle. The Advisory Committee recalls that in accordance with the Official Language Law, languages other than Latvian can only be used in very limited circumstances: in relations with public administration institutions, such as submissions to police and medical institutions, rescue services and other institutions; in cases of urgent calls for medical aid, where crimes are being committed or other violations of law; or calls for emergency assistance in cases of fire, accident or other emergencies.

121. Notwithstanding that many local authorities, including in Riga, provide free interpretation services, Latvian continues to be the sole language authorised in the work of municipal authorities and councils and in their contacts with inhabitants, irrespective of the proportion of the population affiliated with a national minority. This provision of the law creates difficulties for some elderly residents, in particular those who have not studied the Latvian language at school. The Advisory Committee recalls in this context that according to the last census results 40.2 % of residents of Riga declared Russian ethnic affiliation and the Russian language is, according to the same source, spoken at home by 55.8% of inhabitants of Riga and 60.3 % of inhabitants of the Latgale region. Regardless of this linguistic reality, all submissions to public administration institutions must be in the Latvian language.⁸² In this context, the Advisory Committee recalls its earlier observations “that the current approach of restricting the use of other languages is incompatible with the Framework Convention and considers moreover that it may be counterproductive. It wishes to reiterate that Article 10 of the Framework Convention does not foresee the use of minority languages – under specific circumstances – instead of the official language but in addition to it. The Advisory Committee finds that clear legal guarantees for the use of minority languages under conditions in line with Article 10 of the Framework Convention would reduce the current level of agitation surrounding the issue and would ultimately benefit society.”⁸³

122. Officials who do not respect the obligation to use exclusively the Latvian language in their communication with their constituents risk being fined by the State Language Centre, a governmental authority established in 1992 under supervision of the Ministry of Justice, whose primary function is to ensure compliance with the provisions of the Official Language Law and relevant Cabinet of Ministers regulations. The Advisory Committee regrets to note, for example, that the mayor of Riga Mr Nils Ušakovs was fined 140 EUR for using the Russian language alongside Latvian on Riga City Council’s Twitter account. An appeal from Mr Ušakovs

⁸² See Section 10, para. 2 of the Official Language Law.

⁸³ See 2nd Opinion, para. 87.

to the Riga Regional Court was dismissed in March 2017.⁸⁴ Other examples of the State Language Centre issuing prohibitions to provide information in languages other than Latvian (usually Russian, but also in English), include booklets about adoption of the Euro as the new currency in Latvia,⁸⁵ reading aloud the names of stops in trams in Daugavpils,⁸⁶ or information leaflets with invitations to women to undergo oncological examinations.⁸⁷

Recommendation

123. The Advisory Committee urges the authorities to review the legislative and policy framework related to the use of languages in dealings with administrative authorities to ensure an adequate balance between the promotion of the official language and access to language rights of persons belonging to national minorities, in line with Article 10 of the Framework Convention. They should take steps to raise awareness among officials and the public at large of the conditions and terms under which minority languages may be used.

Article 11 of the Framework Convention

Personal names in minority languages

Recommendations from the two previous cycles of monitoring

124. The Advisory Committee called on the authorities to review their legislation related to personal names in line with Article 11(1) and in close consultation with minority representatives. It also asked that appropriate steps be taken to facilitate the introduction of personal names in minority languages in birth certificates, in accordance with international transliteration rules and upon request of the parents.

Present situation

125. The Advisory Committee regrets to note the absence of progress in the long standing controversy regarding the right of persons belonging to national minorities to spell their names and surnames in their minority language in official documents. Procedures for the transcription of personal names originating in other languages into Latvian and their use in personal documents are determined by the Official Language Law, the Law on Personal Identification Documents, Cabinet of Ministers regulation No. 114 of 2 March 2004 on “the transcription and use of personal names in the Latvian language, as well as their identification,” as well as the

⁸⁴ Mixnews.lv, “Without appeal: Ushakov was finally forbidden to communicate in social networks in Russian” (Без апелляции: Ушакову окончательно запретили общаться в соцсетях на русском), 13 March 2017, available (in Russian) at

http://www.mixnews.lv/ru/politics/news/218190_bez-apellyacii-ushakovu-okon4atelno-zapretili-obs4atsya-v-socsetyah-na-russkom/.

⁸⁵ Delfi.lv, “State Language Centre forbids distributing information about euros in Russian” (Центр госязыка запретил распространять информацию о евро по-русски), 15 November 15 2013, available (in Russian) at <http://www.delfi.lv/biznes/finances/centr-gosyazyka-zapretil-rasprostranyat-informaciyu-o-evro-po-russki.d?id=43818986>.

⁸⁶ Ruvr.ru, “Daugavpils trams left without Russian” (Трамвай Даугавпилса остались без русского языка), 2 August 2013, available (in Russian) at http://windowrussia.ruvr.ru/2013_08_02/Tramvai-Daugavpilsa-ostalis-bez-russkogo-jazyka-8709/.

⁸⁷ Mixnews.lv, “State Language Centre forbids to invite women to a cancer check in Russian” (Центр госязыка запретил приглашать женщин на проверку рака на русском), 17 October 2013, available at <http://www.mixnews.lv/ru/society/news/2013-10-17/135108>.

Cabinet of Ministers regulation No. 134 of 21 February 2012, “on personal identification documents.”

126. The existing practice of transcription of birth certificates and identity documents of personal names used by persons belonging to national minorities into the Latvian language does not take into account the grammatical rules of these languages. Personal names of these persons are written following the grammatical rules of the Latvian language. The Advisory Committee recalls that the way of spelling personal names is a right protected under the Framework Convention and constitutes an essential part of cultural traditions. For this reason, the Advisory Committee considers that the existing situation regarding the transcription of personal names is not in line with Article 11(1) and the overall principle of the inclusive interpretation of the Framework Convention. The Advisory Committee therefore encourages the Latvian authorities to take the necessary steps to bring the respective legislation fully in line with Article 11 of the Framework Convention.

Recommendation

127. The Advisory Committee strongly urges the authorities to implement, without delay, the right of persons belonging to national minorities to have their personal names recognised, including in official documents, and in particular to take urgent steps to amend the law governing the use of names in minority languages in a way that brings it fully into line with the provision of Article 11(1) of the Framework Convention.

Use of minority languages in local topographical indications and private signs

Recommendations from the two previous cycles of monitoring

128. The Advisory Committee called on the authorities to bring their legislative framework into line with Article 11 of the Framework Convention and to facilitate the display in minority languages of local names, street names and other topographical indications intended for the public.

Present situation

129. The Advisory Committee regrets that there has been no progress regarding the use of minority languages in topographical signs and other inscriptions. Section 18(1) of the Official Language Law provides that place names in Latvia must be created and used in the official language, notwithstanding the use of the Latgalian written language in the Kārsava region. Section 21(1), in turn, provides, *inter alia*, that this rule is applicable also to private institutions, organisations, undertakings (companies), and self-employed persons, who perform, on the basis of law or other regulatory enactments, specific public functions. No exceptions are foreseen to these provisions. The Advisory Committee deeply regrets this state of affairs, which it considers to be in contradiction to Article 11(2) of the Framework Convention. It is particularly concerned by reports concerning a homeowner in Liepāja who was fined for putting a plaque on her house in three languages (Latvian, Russian, English), instead of Latvian only. The Advisory Committee regrets that the case led to the person in question to contest the

relevant sections of the Official Language Law before the Constitutional Court, which examined them only on the grounds of privacy⁸⁸ and, on 17 November 2017, dismissed the complaint.⁸⁹

130. The Advisory Committee reiterates that denying the possibility of having local names, street names and other topographical indications in certain areas in minority languages alongside the official language, as well as inscriptions and other information of a private nature visible to the public, not only violates the obligation of the State Party under Article 11(3), but also neglects the significant symbolic value for integration that such bilingualism carries for persons belonging to national minorities as an affirmation of their presence as an appreciated and welcome part of society.

Recommendation

131. The Advisory Committee urges the authorities to bring without delay their legislative framework regarding the use of minority languages in topography as well as inscriptions and other information of a private nature visible to the public in line with Article 11 of the Framework Convention.

Article 12 of the Framework Convention

Equal access to education and intercultural content

Recommendations from the two previous cycles of monitoring

132. The Advisory Committee invited the authorities to enhance the intercultural content of education at all schools, including through the introduction of integrated and multilingual education methodologies and the promotion of a supportive environment for diversity. It further called on the authorities to ensure that education material in sufficient quantity and quality is available in minority language schools and teachers are adequately trained, including as regards the teaching of non-philological subjects in minority languages.

133. In addition, the Advisory Committee called on the authorities to change the practice of segregating Roma children from other children and to ensure that adequate support and funding is made available for measures aimed at improving their performance at school, including through the employment of teaching assistants.

Present situation

134. Building upon prior experience, in particular on the social sciences curriculum developed in 2004 in the framework of the joint project of the Ministry of Education and Science and the World Bank, the authorities developed in 2013–2014 new national primary education and secondary education standards, including such topics as tolerance, respect

⁸⁸ Article 96 of the Constitution: “Everyone has the right to inviolability of his or her private life, home and correspondence.”

⁸⁹ Decision to terminate the liability case No. 2017-01-01, available (in Latvian) at http://www.satv.tiesa.gov.lv/wp-content/uploads/2017/01/2017-01_01_Lemums_izbeigsana.pdf; Delfi.lv “Court refuses to consider the case of an inhabitant who was fined for putting-up a trilingual street sign” (Суд отказался рассматривать жалобу жительницы, оштрафованной за указатель улицы на трех языках), available (in Russian) at <http://rus.delfi.lv/news/daily/latvia/sud-otkazalsya-rassmatrivat-zhalobu-zhitelnicy-oshtrofovannoj-za-ukazatel-ulicy-na-treh-yazykah.d?id=49461003>.

towards difference and cross-cultural education, which have been integrated in the content of several subjects of both primary and secondary education. The Advisory Committee notes, however, that according to the Expert Group for Social Cohesion working under the auspices of the Presidential Advisory Council, the main focus is on ensuring knowledge of the Latvian language, whilst developing a political culture of co-habitation necessary in a multicultural society is not given adequate attention.⁹⁰

135. The Expert Group recommended that an in-depth study on the teaching of history at primary and secondary level education establishments also be carried out in order to ascertain “the risks and opportunities related to the teaching of this subject, including a review of the content load of the learning programmes.”⁹¹ This recommendation, albeit indirectly, confirms the need for a review of the history curriculum with a view to increasing public awareness of the history and cultural heritage of the various ethnic and religious groups living in Latvia, including through appropriate multi-perspective teaching of history of national minorities.

136. In accordance with the “Plan for Implementation of the Education Development Guidelines 2014–2020 for 2015–2017”⁹² the Ministry of Education and Science has taken steps to gather data on the quality of the education of Roma students during the 2016/2017 school year. Information was collected on the number of Roma students attending primary and secondary schools and support measures provided by educational institutions.

137. According to the data in the 2016/2017 school year there were 900 Roma students (0.4% of the total number of students) enrolled in 144 schools. The number of Roma children in schools has been dropping in recent years due to a general negative demographic trend and emigration.⁹³ In this context, it is noted that 21.5% of Roma students were provided with additional teaching measures, such as free textbooks and other teaching and learning materials, free transportation and free school meals in the 2016/2017 school year (down from 26.4% in the 2013/2014 school year).

138. Notwithstanding these efforts, the Advisory Committee regrets to note that more than a third of all Roma students (308 children) attended special schools.⁹⁴ Moreover, the dropout rate among Roma children remains high (15.9% of Roma students drop out, for the most part in grades seven to nine). The Advisory Committee was particularly struck by the fact that in Jurmala, which the delegation visited, not a single Roma child was enrolled in a showcase Art School (attended by the majority and minority children), whilst most of the Roma children from the Sloka neighbourhood in Jurmala attended a special school with very basic facilities provided. The Advisory Committee considers that the high proportion of Roma children enrolled in special education cannot be explained by any medical reason and points rather to socio-economic factors such as the inadequacy of the pre-school education opportunities for Roma children, who as a result enter primary school with little or no

⁹⁰ Report of the Expert Group for Social Cohesion, p. 16, available (in Latvian) at https://www.president.lv/images/modules/items/PDF/Sab_saliedetiba_Zinojums_nov2016.pdf.

⁹¹ Ibid., p. 22.

⁹² Adopted by the Cabinet of Ministers on 29 June 2015.

⁹³ See the State report, p. 56.

⁹⁴ See “Monitoring the learning outcomes of Roma students in the 2016/2017 academic year for the period from the academic year 2013/2014” (Romu tautības skolēnu mācību sasniegumu monitorings 2016./2017.mācību gadā par laika periodu no 2013./2014.mācību gada), unpublished.

knowledge of the Latvian language, the deficiencies in the testing methods and the prejudice against Roma among members of the testing commissions.⁹⁵ The Advisory Committee is alarmed that the reasons leading to the disproportionate enrolment in special schools have not been fully identified by the authorities and appropriately addressed.

139. In addition, the continuing absence of any opportunities to learn the Romani language at school not only weakens the Roma children's linguistic and cultural identity but also increases the perception of the lesser worth of the Roma culture, language and traditions in the majority and Roma populations alike. The Advisory Committee considers that this may be an important factor which contributes to the high drop-out rate, low attainment level and the small number of Roma children continuing education beyond primary level, in spite of the fact that most Roma children in Latvia are tri-lingual (Latvian, Romani and Russian). The Advisory Committee also notes positive examples of an inclusive approach to education, such as that practised in the Jāņa Raiņa High School in Daugavpils, which tries to work closely with their Roma graduates and employs one of them as a teaching assistant, thus giving a positive example to Roma children studying there.

Recommendations

140. The Advisory Committee reiterates its call on the authorities to ensure that all students, irrespective of their language of education, are provided with quality information on the history and cultural heritage of national minorities as an integral part of Latvian society, including through appropriate multi-perspective teaching of history. Efforts aimed at promoting mutual respect and intercultural dialogue should be pursued and expanded.

141. The authorities must redouble their efforts to identify and remedy the shortcomings faced by Roma children in the field of education, ensure that Roma children have equal opportunities for access to all levels of quality education. Measures should be taken to prevent children from being wrongfully placed in special schools. Placement in regular schools should be the rule. Special schooling should be reserved for exceptional cases only following diagnostic examinations based on appropriate testing methods that have been introduced with a view to securing objectivity and non-discrimination.

“Loyalty clauses” in education

142. The Advisory Committee notes that the Education Law was amended by two separate amendments on 18 June 2015 and 23 November 2016. Both amendments introduced loyalty clauses (first – as regards teachers,⁹⁶ second – as regards school directors⁹⁷). Both amendments were appealed to the Constitutional Court, which on 21 December 2017 ruled that both were in compliance with the Constitution.⁹⁸

⁹⁵ See Research report “Roma in Latvia”, 2015, p. 54, available at http://oldweb.km.lv/lv/doc/nozaru/integracija/Romi/romi_latvija_petijums_ENG.pdf.

⁹⁶ Section 48 (5) of Education Law stipulates that “a person, who is loyal to the Republic of Latvia and its Satversme,... has the right to work as a teacher.”

⁹⁷ Section 30 (4) of Education Law stipulates that “a person, who has impeccable reputation, who is loyal to the Republic of Latvia and its Satversme,... is entitled to work as a head of an educational institution.”

⁹⁸ See Constitutional Court judgement in case N° 2017-03-01 “On Compliance of the Fourth and the Sixth Part of Section 30, the Fifth and the Sixth Part of Section 48, Para 5 of Section 50, and Para 21 of the First Part of Section

143. In this context, the Advisory Committee notes that according to media reports, in June, 2016, Innova, a private school using Russian as a language of instruction located in Riga was denied accreditation on grounds of "loyalty" and "cohesion of society."⁹⁹ Following an appeal, and after changes to the school curriculum, the Innova School had its license restored in January 2017, having lost a high number of students in the meantime.¹⁰⁰ In another case, the Evrika School, another Riga-based Russian language educational establishment,¹⁰¹ active for 24 years, had its licence withdrawn in November 2017 by the State Education Quality Service.¹⁰²

144. The Advisory Committee considers that the "loyalty clauses" create a climate of suspicion and apprehension and are not conducive to the building of trust among different segments of society. They can become counter-productive through antagonising and demonising attitudes. More generally, the Advisory Committee considers that whereas ensuring quality of education and respect for the curricula and teaching of the official language are legitimate aims to be pursued by the authorities, the authorities must equally ensure that the right of persons belonging to national minorities to set up and manage private educational and training establishments, as enshrined in Article 13 of the framework Convention, is effectively guaranteed. It further recalls that in accordance with the European Convention on Human Rights "[i]n the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."¹⁰³

Recommendation

145. The Advisory Committee calls on the authorities to avoid using spurious grounds such as the "loyalty clauses" to put undue pressure on teachers and school directors. Loyalty clauses should not be used to stifle pluralism and impose uniformity of views among teachers and school directors.

Article 14 of the Framework Convention

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

146. The Advisory Committee called on the authorities to continue their efforts to provide high quality education in minority languages, including at pre-school level. It also invited the authorities to consult closely with representatives of minority communities, including parents, to ensure that their interests and concerns with regard to languages of instruction and

51 of Education Law with the First Sentence of Article 100 and the First Sentence of Article 106 of the Satversme of the Republic of Latvia", available (in English) at <http://www.satv.tiesa.gov.lv/en/press-release/1400/>.

⁹⁹ Mixnews.lv, "Russian school denied accreditation because of disloyalty", available (in Russian) at http://www.mixnews.lv/ru/exclusive/news/203166_gazeta-russkuyu-shkolu-lishili-akkreditacii-iz-za-neloyalnosti/.

¹⁰⁰ Mixnews.lv, "Disloyal school Innova got back its licence", available (in Russian) at http://www.mixnews.lv/ru/politics/news/216012_neloyalnaya-shkola-innova-vosstanovila-licenziyu/.

¹⁰¹ The school's director, Dr Pliners is a well-known critic of language policies of the Latvian government as applicable to the language of instruction in Latvian schools.

¹⁰² Vesti.lv, "Director: help save our Russian school", available (in Russian) at <http://vesti.lv/news/direktor-pomogite-spasti-nashu-russkuyu-shkolu>.

¹⁰³ European Convention on Human Rights and Fundamental Freedoms, Protocol 1, Article 2, ratified by Latvia in 1997.

supervision of quality standards in minority language schools are effectively taken into account.

Present situation

147. The Advisory Committee notes with satisfaction the continued efforts of the authorities to provide persons belonging to national minorities with opportunities for minority language instruction. In the 2016/2017 school year, among 763 general education day schools, 161 provided the teaching content bilingually (the national minority education programmes), of which 94 schools in Russian, four schools in Polish, one school in Ukrainian, one school in Belarusian. A further 57 schools offered both Latvian and the national minority education programmes (“dual stream schools”). Children acquiring education bilingually numbered 60 248 in the 2016/2017 school year (constituting 28.03% of the total number of students).

148. The number of children receiving education in Latvia has been dropping in recent years following a general negative demographic trend. Whereas in 2006, 71 881 children attended general education schools, in 2010 their number decreased to 58 094 and in 2015 to 57 400. The proportion of children studying national minority programmes has remained stable (respectively 27.1%, 26.9% and 28.4%). In this context, the Advisory Committee notes that in October 2015, the Cabinet of Ministers adopted new regulations on criteria for accepting pupils to general education schools.¹⁰⁴ The minimum number of children required to form a secondary school class was increased. In accordance with the new regulations, depending on the municipality, the minimum number varies between 12 and 22 children. As a result the number of schools in Latvia decreased from 805 in 2011 to 774 in 2015.¹⁰⁵ Schools where the Russian language is used as a language of instruction have been affected proportionately, with their number decreasing from 99 in 2011 to 94 in 2015.¹⁰⁶ The number of dual stream schools diminished in the corresponding period from 65 to 60. The reduction in the number of schools where the Russian language is used as a language of instruction had particularly negative consequences on the availability of Russian language learning in rural regions with a relatively small national minority population. The Advisory Committee notes with concern that further mergers and closures of schools are being considered. It is particularly worried by proposals made in a study commissioned by the Ministry of Education and Science for the optimisation of a high schools network.¹⁰⁷ In particular, according to this study, the number of high schools in Riga could be reduced from 82 to 43, reducing the accessibility of schools teaching in Russian as a national minority language in some districts.

¹⁰⁴ Cabinet Regulation No. 591 of 13.10.2015. on the order and criteria for accepting pupils to general education schools and special kindergartens, expelling them and requirements for passing to a next grade (Kārtība un kritēriji, kādā izglītojamie tiek uzņemti vispārējās izglītības iestādēs un speciālajās pirmsskolas izglītības grupās un atskaitīti no tām, un obligātās prasības pārcelšanai uz nākamo klasi).

¹⁰⁵ In 2002, there were 1 010 schools in Latvia, in 2009 – 838, in 2011 – 805, and in 2015 – 774.

¹⁰⁶ In 2002, there were 166 schools teaching in Russian (as a national minority language) in Latvia, in 2009 – 114, in 2011 – 99, and in 2015 – 94.

¹⁰⁷ Model for Establishment of an Optimal Network of General Education Institutions in Latvia (“Optimālā vispārējās izglītības iestāžu tīkla modeļa izveide Latvijā”), available (in Latvian) at http://www.izm.gov.lv/images/izglitiba_visp/download/Optimala-visparejas-izglitibas-iestazu-tikla-modeļa-izveide-Latvija.pdf; a map of reforms for Riga school network, available at http://www.izm.gov.lv/images/aktualitates/2017/Vidusskolenu_izv_Rigas_sk-min.pdf.

149. The Advisory Committee recalls that starting with the 2008/2009 school year, children in grade ten, and since 2010/2011 children in grade 12, in all schools learn Latvian language and literature according to the same, uniform curriculum. Since 2012 all students are required to pass the uniform centralised exam in Latvian language and literature.¹⁰⁸ It notes that the average level of achievement of children who had followed national minorities educational programmes has been attained by 52.8% those taking these exams, a figure significantly lower than 60% for all students overall.¹⁰⁹ The Advisory Committee notes further that average exam scores in schools with the Latvian as the language of instruction are significantly higher than those using national minority languages, particularly as regards grade 12 centralised exams. This difference is due in particular to a lower score in the Latvian language exam schools where national minorities educational programmes are taught. In contrast, children in such schools achieve significantly higher exam scores in mathematics.¹¹⁰

150. The Advisory Committee notes that until 2017, when taking State exams in grade 12, children were allowed to respond in Latvian or in a national minority language. In recent years the number of children choosing to respond in Latvian has been rising. According to the information provided by the State report,¹¹¹ whereas in 2013 72% of children chose to respond in Latvian, in 2015 this number has risen to 79% and in 2017 to 93%. The average results of centralised exams for students who had studied in national minority programmes have been improving in mathematics, history and biology. The Advisory Committee has even been informed by interlocutors it met during the visit about the greater employability of graduates of schools using a national minority language as a language of instruction. Given this positive trend, the Advisory Committee regrets that on 8 August 2017, the Cabinet of Ministers approved amendments to regulations on the procedure for centralised (Regulation No. 335 of 2010) and other (Regulation No. 1510 of 2013) state exams.¹¹² These amendments introduce an obligation for all students, including those who had studied in national minority programmes, to respond to exam questions in the Latvian language. Additionally, children taking grade 9 exams will no longer benefit from having a choice of language in which the tasks are presented. Whereas for non-centralised exams, the rules provide for a transitional period (until September 2019), centralised examinations have taken effect from the 2017/2018 school year.

151. In accordance with Section 41 of the Education Law¹¹³ schools teaching in a bilingual format may select one of five models providing for different proportions of teaching of subjects: in Latvian, in the language of the minority and bilingually. In all types of schools in

¹⁰⁸ Other centralised exams include mathematics, a foreign language, chemistry, biology, physics, information technology, geography and economics (see: "General Secondary Education in Latvia", available at http://visc.gov.lv/en/exam/gse_in_latvia.pdf).

¹⁰⁹ See Committee on the Elimination of Racial Discrimination, "Combined sixth to twelfth periodic reports submitted by Latvia under article 9 of the Convention, due in 2007", p. 20, 10 November 2017, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FLVA%2F6-12&Lang=en.

¹¹⁰ See Olegs Krasnopjorovs, "Why Is Education Performance So Different Across Latvian Schools?", p. 12, available at https://www.bank.lv/images/stories/pielikumi/publikacijas/petijumi/wp_3-2017_en.pdf.

¹¹¹ See State report, p. 39.

¹¹² Draft documents No VSS-619, VSS-620, State secretaries' meetings protocol, paras. 15-16, available at <http://tap.mk.gov.lv/mk/vssanaksmes/saraksts/protokols/?protokols=2017-06-08> (in Latvian)

¹¹³ Education Law, adopted on 29 October 1998 (with amendments) available (in English) at http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Citi/Education_Law.doc.

grades 7 to 9, the proportion of subjects taught in a national minority language or bilingually (in Latvian and a national minority language) shall not exceed 40% of the total weekly lesson load. Following the adoption of the Cabinet of Ministers Regulation of 21 May 2013 Regarding the State General Secondary Education Standard not fewer than five subjects are to be taught in the Latvian language (in addition to Latvian language and literature). The Advisory Committee notes with grave concern the recent endorsement by the Cabinet of Ministers of the Ministry of Education and Science of plans to reduce the scope of national minority languages teaching by 2020/2021 school year. According to these plans, teaching in languages in grades 7 to 9 would be lowered to 20% of lesson hours within a week and in grades 10–12 all teaching, except the lessons of minority languages and ethno-cultural subjects, would be taught in Latvian.¹¹⁴

152. The matter has raised significant concern throughout society in Latvia, and in particular among persons belonging to the Russian minority. The Advisory Committee notes in this context that three different petitions to the *Saeima* have been launched in recent months. The first, proposing to retain the current model of bilingual education, gathered more than 11 000 signatures in less than three weeks.¹¹⁵ Another petition aiming to ensure free choice of languages of instruction was suspended by the service providers within days of being launched by the ManaBalss.lv, a social initiative platform hosting it, over “doubts on the constitutionality” of the petition. Later, the portal decided not to resume the collection of signatures, referring to its rights not to support “questionable initiatives which might endanger state security, are related to changing the nucleus of the Constitution and are, in this case, in contradiction to the principle of promoting social cohesion.”¹¹⁶ The third petition which proposed restoring the system of minority schools linked with cultural autonomy institutions analogous to those having existed in Latvia in 1919–1934 was also suspended on similar grounds within days of being launched.¹¹⁷ The Advisory Committee considers that steps to improve command of the Latvian language among children studying in national minority languages are to be welcomed. It is of the opinion, however, that any measures taken should not be detrimental to the schools’ role of conveying essential elements of national minority identities, including culture, traditions and cultural heritage.

¹¹⁴ Baltic News Network, “Riga Mayor criticizes Latvian government’s plans for national minority schools”, available at <http://bnn-news.com/riga-mayor-criticizes-latvian-government-s-plans-for-national-minority-schools-176952>.

¹¹⁵ “Rules of Procedure of the Saeima” Article 131 provides that “at least 10,000 citizens of Latvia who shall have reached the age of 16 on the day of filing a submission have a right to file a collective submission with the Saeima”. Collective submission might be submitted electronically (“a collective submission that is filed electronically shall be supplemented with technical information confirming the signing of the collective submission and ensuring the possibility to verify the number of signatories, their names, surnames and ID numbers”); available at <http://www.saeima.lv/en/legislation/rules-of-procedure>.

¹¹⁶ Delfi.lv, “Manabals suspended the petition on the choice of language of instruction”, available (in Russian) at <http://rus.delfi.lv/news/daily/latvia/manabalsslv-ubral-iniciativu-o-vybore-yazyka-obucheniya-obeschaet-ne-publikovat-antikonstitucionnye-predlozheniya.d?id=49463347>.

¹¹⁷ Delfi.lv, Sadurskis: proposal for autonomy of Russian Schools absolutely unconstitutional (Шадурскис: предложение об автономии русских школ — абсолютно антиконституционное) <http://rus.delfi.lv/news/daily/latvia/shadurskis-predlozhenie-ob-avtonomii-russkih-shkol-absolyutno-antikonstitucionnoe.d?id=49459815>; <http://www.tvnet.lv/zinas/viedokli/703240-sadurskis-aicinajums-nodrosinat-krievu-skolu-autonomiju-ir-absoluti-antikonstitucionals>.

153. In accordance with bilateral agreements, support to minority schools is provided by Belarus, Estonia, Israel, Lithuania, Poland and Ukraine, assisting with teaching aids, the organisation of student summer camps, and the participation of guest teachers and renovation of school buildings (see Article 18). For example, the funding for the renovation and refurbishment of the Józef Piłsudski General Education School (grades 1 to 12) was shared in equal proportions by the Latvian authorities and a Polish Foundation “Wspólnota Polska.” Textbooks and other teaching and learning materials approved for use in schools in Poland, by the virtue of bilateral agreement, may be used in Latvian schools where the Polish language is used as a language of instruction. The Advisory Committee also notes that guest teachers from Poland are authorised to work in such schools and their number has varied between 8 and 12 in the years 2012–2017. Furthermore, funding for schools teaching bilingually in Latvian and Belarusian, Estonian, Hebrew, Lithuanian, Polish or Ukrainian has, since September 2017, been increased, by 30%, following the decision of the Minister of Education, to take into account the higher costs of acquiring teaching and learning materials and of the training of qualified teachers incurred by schools with small numbers of students learning less spoken languages.¹¹⁸

Recommendations

154. The Advisory Committee reiterates its call on the authorities to ensure the continued availability of teaching and learning in and of languages of national minorities throughout the country to meet existing demand.

155. The Advisory Committee also invites the authorities to consult closely with representatives of national minorities, including parents, to ensure that their interests and concerns with regard to languages of instruction and of examinations in schools using national minority languages as languages of instruction are effectively taken into account.

156. The authorities are asked to continue their endeavours to ensure an appropriate bilingual curriculum at the level of pre-school education and provide adequate funding for quality teaching of the Latvian language in pre-schools. Methodological support to teachers must be ensured in the fields of bilingual education as well as of language and content integrated learning.

Official language learning

Recommendations from the two previous cycles of monitoring

¹¹⁸ Amendment of 27 September 2016 to the Education Law delegated authority to the Ministry of Education and Science to allocate larger funds to the implementation of programmes for national minority education. Education Law was amended to say that, in order to promote the learning of national minorities’ ethnic culture, the state can provide additional financing to select educational establishments. These establishments must be carrying out minority education programmes based on the bilateral and multilateral international agreements, in which the number of minority students does not exceed 5% of the whole number of students studying in minority study programmes. Consequently, as of the 2016/2017 school year the following establishments, which carry out minority education programmes guaranteed by bilateral and multilateral international agreements, receive additional financing: State Polish Grammar School of Rēzekne - 526 children, J. Piłsudski State Polish Grammar School of Daugavpils - 349 children, Ita Kozakēviča’s Polish Secondary School of Riga – 296 children, Count Plāters’ Polish Primary School of Krāslava – 57 children, Riga Ukrainian Secondary School - 312 children, Šimons Dubnovs’ Jewish Secondary School of Riga – 299 children, Riga Lithuanian Secondary School – 383 children, (Riga Estonian Primary School – 179 children, Janka Kupala’s Belarusian Primary School of Riga - 167.

157. The Advisory Committee invited the authorities to pursue their efforts to provide opportunities for Latvian language learning for adults.

Present situation

158. The Advisory Committee notes with interest that a number of state and municipal agencies, including the Latvian Language Agency, the Society Integration Foundation and numerous municipal structures, have been continuing their efforts to provide Latvian language classes for adults seeking to improve their language competency. The Society Integration Foundation continues to offer the “Latvian Language Learning Programme for Adults,” aiming to raise proficiency in Latvian amongst the adult population of Latvia and facilitate access to financial support for attending professional Latvian language lessons at B2 level. According to the State report,¹¹⁹ the outcomes of these programmes have been positive, having increased the language proficiency of at least 70% of participants by one level. Since 2012, such courses have been particularly targeting inhabitants of the Latgale region (in particular in Cibla, Zilupe, Ludza, Daugavpils, Dagra, Krāslava), and in the Riga region. The Advisory Committee notes that this claim is supported by figures which demonstrate a growing success rate among persons taking language exams in the context of the citizenship application (see Article 3).

159. The Advisory Committee further notes that since 2012, the Latvian Language Agency has carried out five projects under the European Fund for the Integration of Third Country Nationals: “Accessibility of Latvian Language Learning for successful communication, integration and naturalisation,” “Provision of support for teachers who teach Latvian to national minority children in pre-school institutions,” “Provision of support for teachers working in a cross-cultural environment,” “Support for third country nationals before entering the country and during the adaptation period,” and “Support for third country nationals before entering the country and during the adaptation period 2.”¹²⁰

160. Furthermore, the Latvian Language Agency has continued to offer Latvian language improvement courses for teachers. Between 2012 and 2016, 8 084 teachers participated in such courses. In 2014 the authorities established a working group composed of teachers from municipal and private pre-school education institutions, as well as representatives of the National Centre for Education, Latvian Language Agency, Riga Teacher Training and Educational Management Academy, to evaluate the modalities for improving pre-school curricula and to develop the education programme for national minority children with a view to ensuring early acquisition of the Latvian language. Measures proposed included legislative changes (mandating seven targeted Latvian language lessons for 1.5–4 year old children, including five integrated lessons through play per week, and ten Latvian language lessons per week for 5–6 year old children), improvement of the Latvian language skills of the management and administration of the pre-school education institutions and fostering an environment conducive to Latvian language learning through play.

¹¹⁹ See State report, p. 53.

¹²⁰ The language learning and integration-related materials are accessible on the Agency’s website at www.valoda.lv and the portal www.sazinastilts.lv, and reportedly continue to be widely used. In 2014 the website was visited more than 110 thousand times (824 thousand page views), in 2015 — 161.5 thousand times (1 million page views), in 2016 — 174 204 times (1 105 794 page views).

161. Moreover, since 2011 Riga City Council has been financially supporting Latvian language courses for residents of the city. In the last five years financial support has been provided to 55 projects providing an opportunity for 7 650 adult residents of Riga to learn the language or improve their knowledge of Latvian free of charge.¹²¹ Similar additional support is provided by the Daugavpils municipality to 30 study groups annually.¹²²

162. As a consequence, according to a recent survey conducted by the Latvian Language Agency on “The Language Situation in Latvia: 2010-2015,” more than 90% of respondents whose first language is Russian know Latvian, with almost half of the respondents rating their knowledge of Latvian as good. Latvian language proficiency among younger persons belonging to national minorities is significantly better: 39% rate their skills as excellent or very good; 39% as good; 20% as satisfactory, elementary. The Advisory Committee considers this trend to be a very positive development, auguring the possibility of a more cohesive society which shares the same socio-linguistic environment in Latvia. It further notes that, according to the study cited above, attitudes in society towards the official language are positive: it is being recognised as the most important language in Latvia and proficiency in Latvian is increasingly recognised as a necessity not only for obtaining a language certificate, but also a job.¹²³ Moreover, the attitude towards the use of the Latvian language among persons belonging to national minorities is, for most part, neutral or positive.¹²⁴ Reportedly, 36% of non-native speakers indicated that they speak Latvian gladly, while further 45% indicated that their attitude towards Latvian is neutral.¹²⁵

Recommendation

163. The Advisory Committee reiterates its invitation to the authorities to pursue their efforts to promote easily accessible opportunities for learning Latvian among all inhabitants of Latvia. In particular, efforts to maintain opportunities for Latvian language learning for adults should be pursued.

Article 15 of the Framework Convention

Representation of national minorities in elected bodies and public administration

Recommendations from the two previous cycles of monitoring

164. The Advisory Committee called on the authorities to enhance their efforts to facilitate the effective and timely participation of minority representatives in all decision-making on issues of concern to them, in particular at a central level on transversal issues of public relevance such as integration within society.

¹²¹ The total funding for these courses amounted to 718 000 EUR.

¹²² See State report, p. 53.

¹²³ The respondents’ replies to the question “Why should all people in Latvia know Latvian?” were as follows: 45% – because they live in Latvia; 37% – because it is the official language; 13% – to make communication easier etc. The majority of the residents of Latvia regardless of their ethnic affiliation (70%) consider that children should learn Latvian as early as possible (at pre-school or primary school).

¹²⁴ Study of the Ministry of Culture “Participation of minorities in democratic processes in Latvia” (2015), cited in the “Combined sixth to twelfth periodic reports submitted by Latvia under article 9 of the Convention, due in 2007”, p. 15.

¹²⁵ Other respondents indicated that they speak Latvian without a special enthusiasm (7%), or unwillingly (5%).

Present situation

165. The Advisory Committee notes with satisfaction that parliamentarians identifying themselves with different national minorities were elected and participate in the work of the *Saeima*, the European Parliament and the Parliamentary Assembly of the Council of Europe. Persons affiliated with the Russian minority are also members of the European Parliament. In addition, persons belonging to national minorities participated in local elections to assemblies and executive positions at all levels. In the 2017 municipal elections, they successfully ran for mandates in assemblies at all levels and for executive posts of local mayors. Chairpersons of the Riga City Council and the Ludza Town Council are persons belonging to national minorities.

166. It has to be noted, however, that the proportion of representatives of national minorities among the decision-makers, namely, in national and local government establishments, does not represent the actual ethnic diversity of Latvia. Surveys carried out, for example, in the framework of the First Integration Audit (2010) indicate that a majority of politicians and other public figures affiliated with national minorities consider their participation as ineffective and formal. Similar opinions were voiced at the National Minorities Forum of Latvia in 2014.¹²⁶

167. The Advisory Committee regrets the lack of progress relating to voting rights of “non-citizens” at a local level despite repeated international recommendations, including those made in its last Opinion, as well as international experience showing that the granting of political rights to “non-citizens” fosters their inclusion. It reiterates its call on the authorities to consider long-term residence as a criterion for the right to vote in local elections. Furthermore, the Advisory Committee is deeply concerned that language proficiency requirements have been used to terminate mandates of elected local Council members. One such case concerns a local councillor Mr Ivans Baranovs from Balvi whose mandate was terminated on the grounds of insufficient command of the Latvian language.¹²⁷ Another case concerns the mayor of the second-biggest city, Daugavpils, Mr Rihards Eigims, who was fined in October 2017 for insufficient command of the Latvian language.¹²⁸ In addition, Mr Eigims has been asked to improve his Latvian language proficiency within six months, after which time he is to take a new exam. The Advisory Committee reiterates its view that it considers this an inappropriate interference with the democratic process and finds that other means must be identified to promote Latvian language proficiency in local elected bodies.

168. Lastly, the Advisory Committee reiterates its deep concern that the list of public service positions that are not accessible to “non-citizens” continues to be expanded without consideration of proportionality in individual cases, which raises issues of compatibility with Articles 15 (see also under Article 4).

Recommendations

¹²⁶ See Report of the Expert Group for Social Cohesion, available (in Latvian) at https://www.president.lv/images/modules/items/PDF/Sab_saliedetiba_Zinojums_nov2016.pdf.

¹²⁷ The final decision on the revocation of Baranovs' mandate was made by the Supreme Court on 13 December 2016. In June 2017, Mr Baranovs has been elected again a councillor in Balvi.

¹²⁸ <http://www.delfi.lv/news/national/politics/eigimu-soda-par-nepietiekamam-latviesu-valodas-zinasanam-vinsola-tas-uzlabot.d?id=49309353> (in Latvian) <http://rus.delfi.lv/news/daily/latvia/centr-gosyazyka-oshtrafoval-mera-daugavpilsa-ejgimsa.d?id=49308385> (in Russian).

169. The authorities should pursue and develop measures to promote participation of persons belonging to national minorities in public life at central and local levels, including “non-citizens.” In addition, it strongly encourages the authorities to value democratic representation over the interest of promoting the exclusive use of the official language.

170. The Advisory Committee urges the authorities to promote and ensure the effective participation of persons belonging to national minorities in the administration, including by reviewing whether the citizenship and language criteria requirements are indeed necessary and proportional for all of the occupations in state and public service positions that are not accessible to “non-citizens” and to persons not fluent in the Latvian language.

Institutional framework for participation of persons belonging to national minorities in decision-making

171. The Advisory Committee is pleased to note the continued existence of a number of ministerial level advisory groups, such as the Advisory Council on National Minority Education Affairs, the Ministry of Culture Advisory Committee of National Minority Organisation Representatives, and the Advisory Council for the Implementation of the Roma Integration Policy. In addition, the President’s Minorities Advisory Council, composed of representatives of 18 national minority NGOs, has continued to function within the President's Chancellery, promoting dialogue on issues related to ethnic, cultural, linguistic and religious identity of national minorities, as well as supporting national minorities towards socio-political participation.

172. Numerous advisory bodies, whose competences cover various issues affecting the participation of persons belonging to national minorities continue to exist at municipal level. Notably, Riga City Council’s Advisory Committee on Society Integration Affairs, which was established in 2010, continues to monitor the implementation of the Riga City Programme on Society Integration (approved by the Riga City Council in 2012) and its Operational Plan for 2015–2017 (approved by the Riga City Council in 2015).

173. Last but not least, the Advisory Committee notes the establishment in 2013 of the Consultative Council for the Integration of Third-Country Nationals, its aim being to promote discussion and co-operation between institutions in the area of inclusion of third country nationals, and to encourage their representatives to participate in the policy making process concerning society integration.

174. The Advisory Committee notes that the Ministry of Culture Advisory Committee of National Minority Organisation Representatives was appointed in its new composition on 13 March 2014, from among candidates nominated by NGOs. The Advisory Committee welcomes the information that since 2014, the committee has been chaired by the Minister of Culture and that it meets regularly, at least three times per year. The Advisory Committee is concerned, however, that the manner in which members of the committee are selected and appointed does not guarantee an adequate representation of national minorities. In fact, the concerns of numerous national minority representatives which were relayed by the Advisory Committee in its last Opinion, that the organisations and individuals that are most loyal to the authorities are chosen to represent them, continue to be voiced. The Advisory Committee considers that, as far as possible, members of various consultative bodies should be elected

from among their communities rather than appointed by government. The authorities should make efforts to reach out to the communities and inform them of the specific functions of the various councils and the importance of being represented in them, with a view to genuine participation.

175. The Advisory Committee notes with regret that the lack of genuine dialogue and the ensuing sense of exclusion experienced by minority communities is detrimental to the building of an integrated and cohesive society. The frustration of persons belonging to national minorities resulted occasionally in mass demonstrations and petition drives as a means to convey minority concerns and demands to the authorities (see Articles 13 and 14).

176. Notwithstanding the existence of the Roma Council, many Roma representatives voiced concerns about Roma being left out of consultation processes, especially at a local level. Roma interlocutors consider the authorities' approach paternalistic and showing a lack of sensitivity to Roma concerns.

Recommendation

177. The Advisory Committee reiterates its call on the authorities to take further measures to facilitate the effective participation of minority representatives in all decision-making on issues of concern to them. Authorities are advised to modify the manner in which members of various advisory committees are selected and appointed. Persons belonging to national minorities should be able to elect their representatives in these bodies. More attention should also be paid to involving Roma in consultations and the decision making process at the local level.

Participation in social and economic life

Recommendations from the two previous cycles of monitoring

178. The Advisory Committee observed that Roma continued to face specific challenges and discrimination in the socio-economic sphere, in some cases preventing their access to public services, and called on the authorities to address this situation without further delay.

Present situation

179. The Law on Social Services and Social Assistance, effective since 2003, guarantees the rights of persons permanently residing in the Republic of Latvia to receive social service and local government social assistance benefits. In accordance with this Law, all Latvian citizens and "non-citizens" who permanently reside in the country¹²⁹ and foreigners who have been granted a permanent residence permit, regardless of their ethnicity, "race" or religion, have the right to receive social services and social assistance funded from the State or local government budget. Persons in need of social assistance are not required to specify their ethnicity, religion or family status. Consequently, no data on the recipients of the above-mentioned social services or social assistance is collected from the perspective of ethnicity, religion or family status.

¹²⁹ Citizens of the members of the European Union and of the European Economic Area as well as Swiss citizens are also covered.

180. The situation of the Roma minority remains a matter of serious concern and the Roma remain the most vulnerable group. They continue to face difficulties and discrimination, in particular as regards access to employment, health services, main-stream and higher education and housing. According to the Research report on Roma in Latvia published in 2015, the unemployment rate among the Roma is seven times higher than the average in Latvia, and Roma are particularly affected by long-term unemployment and discrimination in the labour market.¹³⁰ The education gap between the Roma and the rest of the population remains significant and is one of the causes of unemployment. According to the same research report, only 34% of Roma have completed elementary education and 17.2% have obtained education higher than elementary education. According to the State Employment Agency data, education level of 67.4% of all the registered unemployed Roma was lower than the compulsory elementary education and 20% of them do not have reading or writing skills. The situation is further aggravated by the fact that there are no training programmes for Roma who have a low educational level.¹³¹ Negative stereotypes and mistrust towards Roma workers were also considered to be key barriers to their access to employment. The report of the Expert Group for Social Cohesion notes further that 82.3% of Roma alleged that they or their relatives had been refused work due to their ethnic affiliation.

181. Many Roma live in small communities on the outskirts of villages and towns, often facing difficult substandard living conditions. No significant progress has been achieved in providing improved housing and the availability of social housing is very limited and is primarily a municipal responsibility.¹³² The Advisory Committee regrets that there are no concerted efforts to remedy shortcomings in housing policies.

182. The Advisory Committee notes a report published by the “Papardes Zieds” association that examined the health-risk factors, such as abuse of dependence-causing substances (tobacco, alcohol and others), and that identified obstacles faced by Roma in accessing public healthcare services.¹³³ In this context, the Advisory Committee welcomes the efforts of the Health and Social Care Centre “Sloka” located in Jūrmala municipality, aimed at developing and putting into practice a social rehabilitation programme for the Roma living in Jūrmala. The centre provides opportunities for Roma to develop their social skills and assists with their inclusion in the labour market. Reportedly, similar efforts have been undertaken by the Jelgava Social Affairs Authority and the Daugavpils City Social Affairs Authority. The Advisory Committee further notes that new health-care legislation is currently being considered. Concerns have been conveyed to the Advisory Committee about a danger that the long-term unemployed might lose health insurance coverage. This would have a disproportionate effect on the Roma.

Recommendations

183. The Advisory Committee strongly recommends that the authorities, in close consultation with Roma representatives and community members, intensify their efforts to

¹³⁰ Research report “Roma in Latvia”, 2015, available at http://oldweb.km.lv/lv/doc/nozaru/integracija/Romi/romi_latvija_petijums_ENG.pdf.

¹³¹ See Report of the Expert Group for Social Cohesion, available (in Latvian) at https://www.president.lv/images/modules/items/PDF/Sab_saliedetiba_Zinojums_nov2016.pdf.

¹³² Research report “Roma in Latvia”, 2015, p. 104, available at : http://oldweb.km.lv/lv/doc/nozaru/integracija/Romi/romi_latvija_petijums_ENG.pdf.

¹³³ “The needs assessment report of the ethnic minority (Roma) teenagers and young adults.”

address problems confronting them in fields relevant to their participation in economic and social life. Programmes should include a gender dimension.

184. The authorities should aim to increase employment rates by using more targeted training programmes and by considering affirmative action, should promote awareness programmes among members of Roma communities about equal access to health care system and should design more targeted social housing policies.

Article 18 of the Framework Convention

Bilateral co-operation

Recommendations from the two previous cycles of monitoring

185. The Advisory Committee considered that Latvia should pay greater attention to bilateral co-operation in the field of minority protection and encouraged the authorities to pursue their efforts to promote co-operation on issues pertaining to minority protection in the spirit of good neighbourly relations.

Present situation

186. The Advisory Committee notes that Latvia has concluded a number of bilateral agreements containing clauses aiming to protect national minorities. In the field of education, in particular, these agreements contain provisions which serve as a basis for increased funding for teaching in and of lesser used national minority languages (see Article 14). Such agreements have been signed between Latvia and the following States: Israel,¹³⁴ Estonia, Lithuania,¹³⁵ Poland,¹³⁶ Belarus¹³⁷ and Ukraine.¹³⁸ The Advisory Committee wishes nonetheless to recall, in that respect, that the protection of national minority rights in any State is primarily a responsibility of that State. In no case should it be dependent on the condition of bilateral relations, or conclusion of specific agreements between States.

Recommendation

187. The Advisory Committee encourages the authorities to implement the existing bilateral agreements and to continue to promote bilateral co-operation on issues pertaining to minority protection in the spirit of good neighbourliness, friendly relations and co-operation between States, whilst respecting the role of multilateral standards and procedures.

¹³⁴ Agreement between the government of the Republic of Latvia and the government of the State of Israel on co-operation in education, culture and science (signed on 27 February 1994).

¹³⁵ Agreement between the government of the Republic of Latvia, the government of the Republic of Estonia and the government of the Republic of Lithuania on the creation of a common educational space in general secondary and professional education (until the level of higher education) (signed on 10 July 1998).

¹³⁶ Agreement between the Government of the Republic of Latvia and the government of the Republic of Poland on cultural and educational co-operation (signed on 29 March 2006).

¹³⁷ Agreement between the government of the Republic of Latvia and the government of the Republic of Belarus on co-operation in training management specialists at Masters level (signed on 23 September 2010).

¹³⁸ Agreement between the government of the Republic of Latvia and the government of Ukraine on co-operation in education, science, youth and sport (signed on 29 September 2017).

III. CONCLUSIONS

188. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Latvia.

Positive developments following three cycles of monitoring

189. Latvia continued to make efforts to reduce the number of “non-citizens” residing in Latvia on a permanent basis. A parent can register a child born in Latvia as a citizen of Latvia. The fees for the naturalisation application have been reduced for a number of categories of persons belonging to socially vulnerable groups. Furthermore, when applying for citizenship of Latvia, persons who have received primary education in the Latvian language are not required to take the test on fluency in the Latvian language and the test on knowledge of the Constitution and the basics of the history and culture of Latvia. Persons over 65 years of age do not need to take the writing skills test in the Latvian language. As a consequence the number of “non-citizens” residing in Latvia on a permanent basis has been diminishing.

190. Significant efforts and resources have been dedicated to provide Latvian language classes for adults seeking to improve their language skills. Recent studies indicate that more than 90% of respondents whose first language is Russian know Latvian, with almost half of the respondents rating their knowledge of Latvian as good. Latvian language proficiency among younger persons belonging to national minorities is significantly better still. Attitudes towards the use of the Latvian language among persons belonging to national minorities are, for the most part, neutral or positive. This positive development is a necessary step, but is insufficient to bring about a more cohesive society, sharing the same socio-linguistic environment.

191. Support is provided to numerous national minority cultural centres with the aim of maintaining and developing minority cultures and facilitating cross-cultural dialogue. Mikhail Chekhov Russian Theatre in Riga and other professional and amateur theatres continue to offer repertory in Russian. Most museums in Latvia have web pages available in the Russian language and offer guide services in Russian. The Latvian National Symphony Orchestra offers a concert programme in both the Latvian and Russian languages. Public libraries continue to hold significant collections in a number of languages of national minorities present in the country.

192. The media environment in Latvia continues to be characterised by a multitude of outlets, including many publishers and broadcasters in languages spoken by national minorities, in particular the Russian language. Four out of five newspapers with the highest circulation in Latvia are published in the Russian language. The Seventh television channel continues to broadcast programmes in Russian and public Radio Channel 4 broadcasts in Russian as well as some other minority languages

193. Sustained efforts have continued to provide persons belonging to national minorities with opportunities for minority language instruction. The proportion of children studying national minority programmes has remained stable in the last decade, at over 25% of the total number of children. There are no obstacles in Latvia to setting up private schools and a number of faith-based and civic organisations of national minorities make use of such possibilities.

Financial support for such initiatives, based on the ‘money follows student’ principle, guarantees the equal treatment of all schools regardless of whether they are public or private.

194. Funding for schools teaching bilingually in Latvian and Belarusian, Estonian, Hebrew, Lithuanian, Polish or Ukrainian has, since September 2017, been increased to take into account the higher costs incurred by schools with small numbers of students learning less spoken languages in Latvia, and the higher cost of acquiring teaching and learning materials and training qualified teachers. On the basis of bilateral agreements signed with a number of countries, textbooks and other teaching and learning materials from abroad can be used in schools in Latvia and guest teachers are authorised to work in such schools.

Issues of concern following three cycles of monitoring

195. Society in Latvia continues to struggle with the consequences of past divisions, with the principal national groups – the Latvian majority and the Russian minority – holding different geopolitical viewpoints and cultural identities. Persons belonging to each of these groups have significantly different perceptions of history and of the State in which they would wish to live. Attempts to create a cohesive society based on civic identity have not advanced significantly in recent years. Cases of inflammatory statements by public figures have not led to the authorities taking sufficient action, creating an impression of impunity and ambivalence, thus affecting negatively the interethnic climate. Restrictive policies and other pressures driven by a political agenda, rather than evidence-based decision-making, are particularly evident in the education system, the media, and with regard to the use of national minority languages in many areas of public life.

196. The right to free self-identification is not fully respected. Persons seeking to indicate ethnic affiliation in their personal identity documents are required, by law, to provide documents which confirm kinship with a direct ascendant confirming their nationality. Furthermore a person wishing to change his/her ethnicity record to “Latvian” is obliged to prove “the highest (third) level of fluency in the official language.” Establishment of such a difficult procedure to change one’s ethnicity record to Latvian can be viewed as an exclusion mechanism. Consequently, the possibility of indicating one’s ethnic affiliation (even voluntarily) in personal identity documents risks running counter to the aim and spirit of the Framework Convention.

197. Increasingly strict Latvian language proficiency requirements are applied to virtually all professions and positions included in the classification of professions. Such broad scope of application of linguistic requirements adversely affects the possibility of non-native speakers of Latvian, including, in particular, persons belonging to national minorities, accessing many positions within the public domain. Language proficiency requirements have been used to terminate mandates of elected municipal council members. Moreover, since February 2017, members of ruling boards of NGOs are required to be proficient in the Latvian language at C1 level. These language proficiency requirements constitute impediments to civic participation and freedom of association.

198. The situation with regard to the use of minority languages in dealings with the administrative authorities, in topographical signs and other inscriptions, and in the transcription of personal names in other languages into Latvian and their use in personal

documents, has not changed in Latvia during the current monitoring cycle. Denying the possibility of using national minority languages in these circumstances neglects the significant symbolic value for societal integration that such bilingualism carries for persons belonging to national minorities, as an affirmation of their presence as an equal and integral part of society.

199. Roma children suffer multifaceted discrimination at school. The continuing absence of any opportunities to learn the Romani language at school not only weakens the Roma children's linguistic and cultural identities, but also increases the perception of the lesser worth of the Roma culture, language and traditions in the majority and Roma populations alike. The dropout rate among Roma children remains high. The high proportion of Roma children enrolled in special education cannot be explained by any medical reason and points, rather, to socio-economic factors such as inadequacy of the pre-school education opportunities for Roma children, deficiencies in the testing methods and prejudice against Roma among members of the testing commissions. These reasons have not been fully identified by the authorities and appropriately addressed.

200. Schools using national minority languages have come under increased pressure to increase the use of the Latvian language in teaching. As of the 2017–2018 school year, all students, including those who had studied in national minority programmes, are obliged to sit the centralised exams in subjects such as mathematics, chemistry, biology, physics, information technology, geography and economics, in the Latvian language. Additionally, children taking grade 9 exams no longer benefit from having a choice of language in which the tasks are presented. Plans to reduce the scope of national minority language teaching to 20% of lesson hours per week by the 2020/2021 school year in grades 7 to 9 and to reduce teaching only to lessons of minorities' own languages and ethno-cultural subjects in grades 10 to 12 are of particular concern. Furthermore, the introduction in 2015–2016 of "loyalty clauses" for teachers and school directors creates a climate of suspicion and apprehension, which is not conducive to the building of trust among different segments of society.

Recommendations

201. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to further improve the implementation of the Framework Convention:

Issues for immediate action¹³⁹

- **promote the integration of society as a two-way process, in particular encouraging active participation of all segments of society in all relevant fields, such as education, culture and employment, particularly in the public sector, and enhance intercultural contacts with society as a whole, beyond the promotion of proficiency in Latvian; consider the establishment of a dedicated structure, whose functions would include co-ordination of social cohesion policies in all relevant sectors;**

¹³⁹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- **encourage effective participation of persons belonging to national minorities in public life and administration; review whether language proficiency standards regulating access to public employment are necessary and proportional for all of the occupations in state and public service positions that are not accessible to “non-citizens” and to persons not fluent in Latvian; make sure that language proficiency standards regulating access to elected positions and those within the civil society organisations do not create undue obstacles;**
- **ensure the continued availability of teaching and learning in languages of national minorities throughout the country with a view to meeting existing demand; representatives of national minorities, including parents, should be consulted closely to ensure that their interests and concerns with regard to languages of instruction in minority language schools are effectively taken into account;**
- **step up efforts to identify and remedy the shortcomings faced by Roma children in the field of education with a view to ensuring that they have equal opportunities for access to all levels of quality education; take measures to prevent Roma children from being wrongfully placed in special schools.**

Further recommendations¹⁴⁰

- review legislative provisions related to personal identity documents and ensure that the right to free self-identification, as stipulated in Article 3 of the Framework Convention is fully respected;
- combat stereotypes and prejudices in political discourse and promote tolerance and inter-cultural dialogue throughout society as a whole; take specific targeted measures to counteract manifestations of xenophobia in society;
- reconsider the approach to the quota requirements in the broadcasting media ; develop, in close consultation with minority representatives and media professionals, more appropriate means to ensure that Latvian language speakers and speakers of national minority languages benefit from a diverse and shared media space; pursue efforts to promote the State language through incentive-based and voluntary methods rather than through the imposition of quotas or sanctions;
- review the legislative and policy provisions related to the use of languages in relations with administrative authorities for topographical indications and other signage, as well as regards spelling of names and surnames in the minority language in official documents; continue efforts to raise awareness among officials and the public at large of the conditions and terms under which minority languages may be used;

¹⁴⁰ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- enhance efforts to prevent and combat inequality and discrimination suffered by the Roma; improve the living conditions of the Roma by increasing employment opportunities and promote integration within society.