



european network against racism

ENAR Shadow Report 2009-2010

ENAR SHADOW REPORT 2009/2010

Racism and Discrimination in Latvia

**Boris Koltchanov,
based on materials collected by the Latvian
Centre for Human Rights**

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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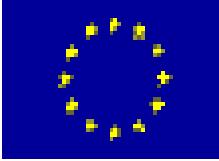
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I. Executive summary

The consequences of the economic and financial crisis currently experienced by Latvia, including redundancies, budget cuts and institutional consolidations, are being felt throughout the society and in the work of the state institutions. In particular, the figures for officially registered unemployed have increased three-fold over the last two years, while the total population decreased by one per cent, including through emigration.

There is very limited official and unofficial information regarding instances of discrimination in Latvia, and the number of discrimination complaints remains relatively small. However, a further analysis of the general situation in the country regarding implementation of the principle of non-discrimination is hampered by the lack of statistical and research data on the status of various groups within the society, including participation in public life and in the economy.

The number of officially registered hate crimes decreased to six in 2009 and three were recorded during the first seven months of 2010 (16 cases were registered in 2007 and nine in 2008). All the nine cases initiated in 2009-2010 are dealing with hate comments on the internet. In one of the most prominent and prolonged hate speech cases in Latvia, a young self-proclaimed neo-Nazi was acquitted of incitement to racial hatred on 21 May 2010. The defendant was charged with incitement to racial hatred for his public statement that Jews and Roma people were 'non-humans' and that it would be preferable to exterminate them, made at a discussion organised by Latvian Anti-fascist Committee on 22 February 2007.

Research data suggests the problem of ethnic discrimination may be more widespread than official or unofficial complaints information highlights. Research on third-country nationals living in Latvia less than five years shows that 41% of those surveyed have encountered discrimination (including 10% who often experience discrimination), while according to the EU-MIDIS survey data, discrimination on the ground of ethnicity is seen as the most widespread in the country (25% of respondents; ethnic Russians were surveyed in Latvia). The EU-MIDIS data also show that only 5% of those who personally experienced discrimination on the ground of ethnicity have actually reported the incident, while among those who did not report about the incident, 74% explained that "Nothing would happen" as a result of reporting.

Concerns raised during the previous years about the role and effectiveness of the work of the Office as the designated national equality body have not been addressed in 2009 – early 2010. Moreover, during the reporting period the work of the Ombudsman's Office was marred by internal conflict on issues of leadership and professional competence, while the Office's budget has been reduced by more than a half.

Latvia did not yet amend its pension legislation in order to comply with the ruling of the European Court of Human Rights (ECHR) and to avoid discrimination against non-citizens in provision of pensions (ECHR Grand Chamber Judgment, *Andrejeva v. Latvia* on 18 February 2009, No. 55707/00).

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III. Introduction

The effectiveness of Latvia's Ombudsman's Office as the designated equality body continues to raise concerns, while the assessment of the general situation in the country regarding implementation of the principle of non-discrimination is hampered by the lack of statistical and research data on the status of various groups within the society, including participation in public life and the economy.

Official and unofficial information on instances of discrimination is very limited, and the number of discrimination complaints remains relatively small. The number of officially registered hate crimes decreased from 16 cases in 2007, nine in 2008, six in 2009 and three during the first seven months of 2010. All nine cases initiated in 2009-2010 are dealing with hateful comments on the internet.

The present report highlights the situation regarding racism and discrimination in Latvia from January 2009 to June 2010. The first section of the report provides an overview of the available data on manifestations of discrimination in the fields of employment, education, housing, access to goods and services in the public and private sector, the media, including the Internet, as well as on hate crime. The second section reviews developments of the legal and political context in four main areas: anti-discrimination, migration and integration, criminal justice, and social inclusion. The report focuses on factual information and developments from January 2009 to June 2010, although in some instances, it also provides information on some legislation and policy developments beyond this time frame if relevant to processes taking place during this period. The report to a great extent relies on data collected by the staff of the NGO Latvian Centre for Human Rights during 2009 and early 2010.

IV. Communities vulnerable to racism and discrimination

Latvia has a diverse population in terms of ethnicity, language and citizenship status, while visible minorities and foreigners represent rather small part of the population.

Ethnicity and citizenship

According to the data of the Population Register, the population of Latvia on 1 July 2010 was 2,245,357¹, including 1,334,930 ethnic Latvians (59.5% of the total population), 616,840 ethnic Russians (27.5%), 79,668 Byelorussians (3.5%), 55,199 Ukrainians (2.5%), 51,995 Poles (2.3%), 29,693 Lithuanians (1.3%), 9,662 Jews (0.4%), 8,570 Roma 0.4%; 26,236 people did not affiliate to any ethnicity (1.2%)². Compared to January 2009, the population decreased by 22529 people, or 1%. The population is decreasing due to negative natural growth as well as emigration to Western EU countries and Russia. Compared to January 2009, the number of ethnic Russians decreased by 13,540, or 2%, while the number of people who prefer not to identify their ethnicity increased by 6,041, or 30%.

The data of the Population Register show that among 2,245,357 people registered as living in Latvia on 1 July 2010, 1,857,241 are citizens of Latvia (82.7% of the total population), 335,918 are non-citizens of Latvia (15%), 33,683 are citizens of Russia (1.5%), 18,515 - other foreigners and stateless persons (0.8%)³. While nearly all ethnic Latvians have Latvian citizenship (99.8%), the number of ethnic minorities that do not have citizenship is significant. The number of Latvian non-citizens decreased by half, or 395,160 individuals, since 1995⁴, including 133,778⁵ who received Latvian citizenship through naturalisation by 30 June 2010. The rate of naturalisation continues to decrease: only 3,004 persons were granted citizenship through naturalisation in 2008 and 2,080 in 2009⁶. In the meantime, the number of those failing naturalisation tests is increasing. Among the 2,446 citizenship applicants taking the language test in

¹ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/2010/ISPV_Pasvaldibas_iedzivotaju_skaitis.pdf, accessed 9 September 2010.

² Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/2010/ISPN_Pasvaldibas_pec_TTB.pdf, http://www.pmlp.gov.lv/lv/statistika/dokuments/2010/ISVN_Latvija_pec_TTB_VPD.pdf, accessed on 9 September 2010

³ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/2010/ISVN_Latvija_pec_TTB_VPD.pdf, accessed on 9 September 2010

⁴ Naturalization Board Data, <http://www.np.gov.lv/index.php?id=418&top=418>, accessed 19 May 2009.

⁵ Data of the Office of Citizenship and Migration Affairs, <http://www.np.gov.lv/lv/statistika/Naturalizacija.html>, accessed 9 September 2010.

⁶ Data of the Office of Citizenship and Migration Affairs, <http://www.np.gov.lv/lv/statistika/Naturalizacija.html>, accessed 9 September 2010.

2008, 698 or 28.2% failed (686, or 21.4% of 3,213 in 2007; 3,292 16.1% of 20,490 in 2004). Among the 2,459 citizenship applicants taking the history test in 2008, 452 or 18.4% failed (400, or 10.5% of 3,818 in 2007; 987 or 4.9% of 20,256 in 2005).

Jews

According to the data of the Latvian Population Register, 9,662 Jews were living in Latvia on 1 July 2010, including 6,328 citizens (65.5%) and 2,877 non-citizens (29.8%) of Latvia⁷. Expressions of anti-Semitism by radical nationalists in the public sphere are mostly confined to instances of hate speech, including the internet, and to some extent also verbally, and occasionally in the media, while the cases of anti-Semitic attacks against Jewish property decreased comparing to the 1990s.

Roma

According to official statistics, there were 8,570 Roma living in Latvia on 1 July 2010, among them 8,032 citizens (93.7%) and 486 non-citizens (5.7%)⁸. Roma representatives point out that the actual number of ethnic Roma is higher, and up to 15,000 – 20,000 Roma were believed to be living in Latvia at the beginning of the century⁹. Research data and interviews with representatives of Roma show that Roma are clearly experiencing disadvantages and discrimination in all areas¹⁰.

Migrants

Migrants represent a rather small part of the Latvian population. According to the data of the Central Statistical Bureau¹¹, during 2009, 2,688 individuals migrated to Latvia (3,465 in 2008, 3,541 in 2007 and 2,801 in 2006). In the meantime, 7,388 individuals emigrated in 2009 (6,007 in 2008, 4,183 in 2007 and 5,252 in 2006). Thus as in previous years, Latvia in 2008 was a net migration donor (-4700 in 2009, -2,542 in 2008, -642 in 2007, -2451 in 2006). Most of the migration to Latvia comes from European countries and the former USSR.

Asylum seekers and refugees

While the number of asylum seekers in Latvia is small, it has slight tendency to increase. Thus, 52 persons requested asylum in Latvia in 2009, compared to 51

⁷ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/2010/ISVN_Latvija_pec_TTB_VPD.pdf , accessed on 9 September 2010

⁸ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/2010/ISVN_Latvija_pec_TTB_VPD.pdf , accessed on 9 September 2010

⁹ Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.15.

¹⁰ Ibid.

¹¹ Grube D, Pērn Latvijas iedzīvotāju emigrācija uz citām valstīm pieaugusi par 23%, in: National News Agency LETA, (06.04.2010).

Rumpīte D, CSP dati par iedzīvotāju migrācijas aktuālajām tendencēm 2009.gadā, in: National News Agency LETA, (27.04.2010).

asylum requests in 2008, 34 in 2007 and eight in 2006¹². Refugee status was granted to five persons in 2009 (two in 2008 and five in 2007), while alternative status was granted to six persons (one in 2008 and three in 2007). In 2009, the greatest number of asylum applications was submitted by the citizens of Afghanistan (18) and Uzbekistan (11). Among the five persons granted refugee status in 2009, three are citizens of Russia, one of Kyrgyzstan and one of Byelorussia¹³. Since 1998, when the asylum procedure was launched in Latvia, 306 individuals applied for asylum. Since 1998, refugee status has been granted to 22 individuals, while alternative status has been granted to 27 individuals¹⁴. Since then, two former refugees were naturalised and became Latvian citizens.

Survey data on discrimination

Results of the study “Immigrants in Latvia: possibilities and conditions of inclusion”¹⁵ shows that while living in Latvia, 41% of third-country nationals have encountered discrimination (including 10% who often experience discrimination). Experiences of discrimination differ among various groups of third-country nationals living in Latvia: the groups that are less affected by discrimination in Latvia are nationals from Russia, Ukraine and Byelorussia (32%, including 4% of those who experience it often), and nationals from other republics of the former Soviet Union (36%, including 12% often), while higher levels of discrimination are experienced by individuals from the USA, Canada and Australia (48%, including 23% often), as well as the nationals of other countries (60%, including 14% often).

According to the results of European Union Minorities and Discrimination Survey (EU-MIDIS), ethnic Russian respondents in Latvia see discrimination on the ground of ethnicity as the most widespread in the country: 25% stated that this type of discrimination is “very or fairly widespread”, while 39% stated that it is “very or fairly rare” and 32% stated that it is “non-existent”. Unequal treatment on the grounds of age and disability were seen as the second and third most widespread grounds of discrimination: age discrimination was characterized as widespread by 23%, rare by 28%, non-existent by 45%, while disability discrimination was characterized as widespread by 21%, rare by 23%, non-existent by 44% of the respondents. Discrimination on other grounds was seen

¹² Data of the Office of Citizenship and Migration Affairs of the Ministry of Interior of Republic of Latvia: <http://www.pmlp.gov.lv/lv/statistika/patveruma.html> , accessed on 9 September 2010

¹³ Ibid

¹⁴ Ibid

¹⁵ Baltic Institute of Social Sciences *Immigrants in Latvia: possibilities and conditions of inclusion*, Riga, 2009, p.129, available at:

http://www.biss.soc.lv/downloads/resources/imigrantu_integracija/Imigranti_LV.pdf (accessed on 09.09.2010). The study methods included quantitative survey of 401 third country nationals who have lived legally in Latvia for no more than five years and 95 in-depth interviews (30 interviews with third-country nationals, 15 – with employers, 27 – with service providers who are foreigners, 10 – with intermediaries who deal with third-country nationals on an everyday basis, 13 – with policymakers at the state and local government level). The surveys were conducted in October-November 2009.

as significantly less widespread: sexual orientation discrimination was characterized as widespread by 9%, rare by 21%, non-existent by 45%, gender discrimination was characterized as widespread by 7%, rare by 22%, non-existent by 67%, while discrimination on the basis of religion or belief was characterized as widespread by 4%, rare by 15%, non-existent by 76%. 5% of ethnic Russian respondents have personally experienced discrimination on the ground of ethnicity during the last 12 months¹⁶. However, only 5% of those who personally experienced discrimination on the ground of ethnicity have actually reported the incident¹⁷. When asked about the reasons for not reporting instances of discrimination (multiple answers were allowed), 74% respondents pointed that “Nothing would happen” as a result of reporting, while others were “not sure where to report”, believed their case was “too trivial” or were “concerned about consequences” (27% each). Other reasons included “too much trouble/time”, “language difficulties” (14% each) or they “dealt with the problem themselves” or “fear intimidation” (10% each)¹⁸. Half of the surveyed Russians in Latvia were familiar with Latvia’s anti-discrimination authority¹⁹.

¹⁶ European Union Agency for Fundamental Rights *EU-MIDIS European Union Minorities and Discrimination Survey. Main Results Report*, 2009, p.176, 181, available at:

http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en .pdf (accessed on 09.09.2010)

¹⁷ *Ibid*, p.176

¹⁸ *Ibid*, p.183

¹⁹ *Ibid*, p.180

V. Manifestations of racism and religious discrimination

There is a continuous lack of official or unofficial information on discrimination on the grounds of race, ethnicity, religion and language in Latvia. Statistical data regarding the situation in various fields of life is not disaggregated by ethnicity, language, religion or other related features, ostensibly because the EU regulations do not require it to do so²⁰, and no efforts were made recently to improve the data collection. Another factor hampering an analysis of the situation is insufficient confidence in existing mechanisms of rights protection, which results in low interest of possible victims of discrimination in bringing their cases to enforcement bodies and investing their time and effort in the whole process or at least reporting their experiences.

During 2009, the Ombudsman's Office received 101 written complaints and provided 80 oral consultations about possible violations of the principle of equal treatment, including 14 written complaints and 12 oral consultations about discrimination on the grounds of race and ethnicity, 14 written complaints and gave 8 oral consultations about discrimination on the ground of language as well as one oral consultation about discrimination because of religious persuasion²¹. Most of these complaints concerned language usage and race/ethnic discrimination in employment²². During the first half of 2010 the Ombudsman's Office received 1 written complaint and provided 5 oral consultations about possible discrimination on the ground of race or ethnicity, 2 complaints and 1 consultation on the ground of language, 1 complaint and 8 consultations on the ground of religion²³.

In addition to a standard procedure of accepting discrimination complaints at its office in Riga, the Ombudsman joined with the Latvian Red Cross Youth, Society Integration Foundation and a number of NGOs in organising a bicycle tour 2010 "Bike for Tolerance" within the framework of the EU campaign "For Diversity, Against Discrimination". During the tour from 24 July till 1 August 2010, residents throughout the country were informed about discrimination on various grounds and urged to submit their complaints to a portable box, which was delivered back to the Ombudsman's Office²⁴. However, at the end of the country-wide tour, the Ombudsman's Office received no complaints about discrimination or other rights violations²⁵.

²⁰ Information provided by the CSB Household Budget Statistics Section on 23 March 2009

²¹ Ombudsman's Office 2009 Annual Report, p.124, available in Latvian at: <http://www.tiesibsargs.lv/files/downloads/Tiesibsarga%202009.gada%20zinojums.pdf> (accessed on 09.09.2010)

²² Information provided by the Ombudsman's Office on 16.08.2010

²³ Information provided by the Ombudsman's Office on 16.08.2010

²⁴ Homepage of the Ombudsman's Office: <http://www.tiesibsargs.lv/lat/tiesibsargs/jaunumi/?doc=257> (accessed on 09.09.2010)

²⁵ Information provided by the Ombudsman's Office on 16 August 2010.

V.i Employment

Information on instances of discrimination or the situation in employment of different groups is lacking both in official and unofficial sources.

Information available at the State Employment Agency includes data about officially registered unemployed and their ethnicity. Other relevant categories, such as race, native language, religion or belief are not included. 183,476 people registered at the State Employment Agency as of 31 May 2010, nearly 2,5 times increase comparing to 76,435 unemployed registered as of 31 December 2008 or three-fold increase comparing to 60,635 unemployed registered as of 31 July 2007.

Table: Officially registered unemployed disaggregated by ethnicity

	2007		2008		2010	
	% of the unemployed (31.07.2007)	% of the total population (31.07.2007)	% of the unemployed (31.12.2008)	% of the total population (01.01.2009)	% of the unemployed (31.05.2010)	% of the total population (01.07.2010)
Latvian	53.5	59.0	52.7	59.2	54,7	59,5
Russian	31.4	28.3	31.3	27.8	28,9	27,5
Belarusian	4.0	3.7	3.6	3.6	3,2	3,5
Ukrainian	2.6	2.5	2.5	2.5	2,3	2,5
Polish	2.4	2.4	2.0	2.4	1,8	2,3
Lithuanian	1.4	1.4	1.3	1.3	1,3	1,3
Jewish	0.1	0.5	0.1	0.4	0,1	0,4
Roma	0.7	0.5	0.6	0.4	0,5	0,4
Other	1.0	1.2	1.0	1.5	1,0	1,4
No ethnicity indicated	2.9	0.5	4.9	0.9	6,2	1,2

Source: State Employment Agency²⁶; Latvian Population Register²⁷

While the data continuously shows slight disparities between majority and minority groups, one can also notice the growing trend of people not declaring their ethnicity when registering as unemployed job seekers (from 3,729 to 11,463, or by 207% within 1,5 years). Given the fact that a number of researches showed greater exposure of minority groups to inequalities in employment in Latvia, it could be hypothesised that representatives of ethnic minorities form a large bulk of individuals who do not declare their ethnicity when seeking employment.

²⁶ State Employment Agency data at: http://www.nva.lv/docs/11_4c77711a151de5.16572395.xls#2!A1 , accessed on 9 September 2010

²⁷ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/2010/ISVN_Latvija_pec_TTB_VPD.pdf, accessed on 9 September 2010

During 2009, the State Employment Agency approved 1,156 work invitations to third-country nationals, - a decrease compared to 2,900 invitations in 2008 and 3,113 invitations in 2007.²⁸ During first half of 2010, the State Employment Agency approved 420 work invitations for third-country nationals²⁹. The main countries of origin were Ukraine (659 in 2009 and 215 in 2010), Russia (181 in 2009 and 101 in 2010), Byelorussia (48 in 2009 and 42 in 2010) and India (46 in 2009 and 13 in 2010), while the main economy sectors attracting the labour of third-country nationals are the processing industry (475 in 2009 and 224 in 2010), transports and logistics (289 in 2009 and 48 in 2010), and the hotel/restaurants sector (137 in 2009 and 31 in 2010)³⁰.

State language proficiency requirements for various professions and occupations in public (~3,500) and private (over 1000) employment set up by the Cabinet of Ministers³¹ according to the State Language Law³² are affecting access to the labour market for non-native speakers of Latvian language, including citizens and non-citizens of Latvia, EU citizens and third-country nationals. For details, please, refer to the previous year's report³³.

During 2009, the Ombudsman's Office received 14 written complaints and provided 12 oral consultations about possible violation of the principle of equal treatment on the grounds of race and ethnicity, 14 written complaints and gave 8 oral consultations about possible violations of the principle of equal treatment on the ground of language as well as one oral consultation about discrimination because of religious conviction³⁴. Most of these complaints concerned language usage and race/ethnic discrimination in employment³⁵. During the first half of 2010 the Ombudsman's Office received no complaints about discrimination in employment on the grounds of race, ethnicity or religion³⁶.

²⁸ The data of the State Employment Agency, available at: http://www.nva.gov.lv/docs/11_4c73696b48b430.01095075.doc and <http://www.nva.gov.lv/index.php?cid=2&mid=2&txt=1386&from=40>

(accessed on 09.09.2010)

²⁹ The data of the State Employment Agency, available at: http://www.nva.gov.lv/docs/11_4c73696b48b430.01095075.doc (accessed on 09.09.2010)

³⁰ Ibid

³¹ The Cabinet of Ministers' Regulations Nr.733 "On the Extent of the State Language Knowledge and the Procedure for Testing the State Language Proficiency for Fulfilment of Professional and Occupational Duties, Receiving Permanent Residence Permit and Obtaining the Status of the Permanent Resident of the European Community and on the State Fee for the State Language Proficiency Test", approved on 7 July 2009 (MK noteikumi Nr.733 "Noteikumi par valsts valodas zināšanu apjomu un valsts valodas prasmes pārbaudes kārtību profesionālo un amata pienākumu veikšanai, pastāvīgās uzturēšanās atļaujas saņemšanai un Eiropas Kopienas pastāvīgā iedzīvotāja statusa iegūšanai un valsts nodevu par valsts valodas prasmes pārbaudi"), available in Latvian at: <http://www.likumi.lv/doc.php?id=194735>

³² <http://www.likumi.lv/doc.php?id=14740&from=off>

³³ Latvian Centre for Human Rights, ENAR Shadow Report 2008 Racism in Latvia, p.12, p.34, available at: <http://cms.horus.be/files/99935/MediaArchive/national/Latvia%20-%20SR%202008.pdf> (accessed on 23.11.2010)

³⁴ Ombudsman's Office 2009 Annual Report, p.124, available in Latvia at:

http://www.tiesibsargs.lv/files/downloads/Tiesibsarga_2008_gada_zinojums.pdf (accessed on 09.09.2010)

³⁵ Information provided by the Ombudsman's Office on 16.08.2010

³⁶ Information provided by the Ombudsman's Office on 16.08.2010

According to information provided by the State Labour Inspectorate (SLI), during 2009 it received 28 complaints, which, besides other violations of labour legislation, mentioned also violation of the principle of equal treatment regarding various grounds. Following examination of these complaints, SLI confirmed that in two of the cases discrimination took place, although none were related to ethnicity, race or religion. During the first eight months of 2010, SLI received 18 complaints which also mention discrimination on various grounds. Examination of the cases led the SLI to conclude that no discrimination had taken place.³⁷ The database of cases of SLI does not include details about rejected applications, while details about the cases are available only on confirmed cases of rights violations³⁸.

During 2009 and 2010, the Free Trade Union Confederation of Latvia (LBAS) did not have data about cases of possible discrimination on the grounds of race, ethnicity, religion and language in the area of employment or possible discrimination of the EU or third-country nationals working in Latvia³⁹. LBAS established Consultative Points throughout the country within the EU-funded project "Practical Implementation of Labour Relations and Labour Security Legislation in Sectors and Enterprises"⁴⁰; however, while some oral consultations involved questions about possible discrimination, officially there were no discrimination complaints registered by the Consultative Points⁴¹. In a number of oral enquiries language was mentioned as a suspected ground of discrimination in labour relations⁴². One case communicated to Consultative Point involved religion as a discrimination ground: the governmental office in Riga fired its employee because being a Seventh-day Adventist he refused to work on Saturdays; after discussing the case verbally with the Consultative Point the victim decided not to make official written complaint or file a lawsuit⁴³.

According to information provided by a number of NGO's, they received no official written complaints about possible discrimination on the grounds of race, ethnicity, religion and language in the area of employment⁴⁴. In 2009, the Latvian Human Rights Committee was contacted by several people who were dismissed from their jobs who suspected they were fired because of their minority ethnicity and native language, however, these discrimination claims are particularly hard

³⁷ Information provided by the State Labour Inspectorate on 10.09.2010

³⁸ Information provided by the State Labour Inspectorate on 10.09.2010

³⁹ Information provided by the Free Trade Union Confederation of Latvia (LBAS) on 14.08.2009.

⁴⁰ Project information available in Latvian at the homepage of the Free Trade Union Confederation of Latvia: http://www.lbas.lv/projects/labour_relations_protection (accessed on 09.09.2010)

⁴¹ Information provided by the Consultative Points in September 2009 and September 2010.

⁴² Information provided by the Consultative Points in September 2009.

⁴³ Information provided by the Consultative Points in Riga.

⁴⁴ Information provided by the Resource Centre for people with mental disability "Zelda" on 27.07.2010, the Organization of people with disabilities and their friends "Apeirons" on 24.08.2010, the Latvian Umbrella Body for Disability Organisations "Sustento" on 24.08.2010, the Latvian Human Rights Committee on 07.09.2009 and on 02.09.2010, Afrolatvian Association 'Afrolat' on 23.09.2009 and on 03.09.2010, Council of Jewish Communities of Latvia on 03.09.2010.

to prove, because employers do not mention ethnicity or language as a formal reason, neither in writing, nor verbally⁴⁵.

Members of Roma minority are regularly informing the Roma union “Nevo Drom” about cases of ethnic discrimination in employment, yet the complainants are unwilling to make a written complaint or to file a court application, even when help is offered free of charge by representatives of “Nevo Drom”⁴⁶. According to “Nevo Drom”, a more recent case below may be particularly informative regarding discrimination in employment faced by ethnic Roma as well as regarding the type of response chosen by some victims of discrimination in Latvia⁴⁷.

A mobile phone operator announced vacancies for its shop branch in a small town in Western Latvia. The vacancy also envisaged training in Riga. One of the successful applicants was a 22 years old ethnic Roma male, who recently graduated high school (12 years). He did not disclose his ethnic affiliation. He successfully completed the training in Riga, which lasted few months. During the training, ethnic Roma were named as one of the risk groups that should be avoided. The youngster started to work at the branch, although its director was not aware of the employee’s identity. One day, ethnic Roma customers came into the shop and the young employee communicated to them in his mother tongue. Once the director heard Roma language, she immediately demanded them to leave the shop and begun questioning the young employee. The director asked: “what is your ethnicity?” He replied that he is Roma. The director announced: “you are fired!” The next morning the director demanded that the youngster signs the dismissal papers; the youngster declined, stating that he needs to speak to a lawyer first. The youngster was fired according to the Section 47 of the Labour Law, which regulates cases when an employee was employed for less than three months and thus, the employer did not have to explain the reasons for dismissal. Following his refusal to sign dismissal papers, he received phone calls from the husband of the director; the husband threatened that if the youngster does not sign the papers, there will be problems in Talsi both for him and his relatives. The youngster contacted the chairman of “Nevo Drom”, described the situation in detail, learned about legislation and procedures. He did not want to make written complaint and emigrated to England within one week after contacting “Nevo Drom”.

Results of the EU-MIDIS survey show that compared to other issues, employment is the area where ethnic Russians experience greatest discrimination on the ground of ethnicity: 14% of respondents indicated that they had encountered discrimination while looking for a job during the last five years (including 1% during the last 12 months); in addition, 3% indicated they had encountered discrimination at work during the last five years (including 1% during

⁴⁵ Information provided by the Latvian Human Rights Committee on 16 June 2009.

⁴⁶ Information provided Roma union “Nevo Drom” on 31.08.2010.

⁴⁷ Information provided Roma union “Nevo Drom” on 31.08.2010.

the last 12 months).⁴⁸ The research also shows that on average 8% of Russian job seekers were discriminated against because of their ethnicity at least once in the last 12 months when looking for work⁴⁹. On average 4% Russian respondents said they had been discriminated against because of their ethnicity at least once in the last 12 months while at work⁵⁰. As far as opportunities for people with ethnic Latvian and minority background in the labour market are concerned, 46% of Russian respondents stated that with equivalent qualifications, minority people are “as likely” and 38% are “less likely” to get a job, be accepted for training or be promoted in Latvia⁵¹.

According to the study *“Immigrants in Latvia: possibilities and conditions of inclusion”*, experiences and opportunities of third-country nationals in Latvia’s labour market may differ significantly depending on their status.⁵² Foreigners arriving in Latvia on the basis of temporary residence permits bound to their employment are dependant on their jobs and employers, who determine opportunities and restrictions of employees. This category of foreigners enjoys less protection in relation to their employers and may face violations of labour law and discrimination. Another category of foreigners are those arriving to Latvia as part of the family reunification process and may find it difficult to find employment. At the same time, all categories of foreigners included in the study indicated common problems such as insecure status, lacking social protection, as well as a lack of protection from various state bodies, which is related to insufficient information and language skills.

NGO Good Practice

Resource centre for immigrants from Ukraine

In 2009, NGO “Dialogi.lv” implemented the project “Resource centre for immigrants from Ukraine”, funded by the European Fund for the Integration of Third-country Nationals⁵³. The project targeted recent (within the last 5 years) immigrants from the Ukraine (both labour immigrants and family reunification), Latvian and Ukrainian state officials, entrepreneurs and researchers. The project

⁴⁸ European Union Agency for Fundamental Rights *EU-MIDIS European Union Minorities and Discrimination Survey. Main Results Report*, 2009, p.182, available at:

http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en_.pdf (accessed on 09.09.2010)

⁴⁹ European Union Agency for Fundamental Rights *EU-MIDIS European Union Minorities and Discrimination Survey. Main Results Report*, 2009, p.9, available at:

http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en_.pdf (accessed on 09.09.2010)

⁵⁰ Ibid

⁵¹ Ibid, p.179

⁵² Baltic Institute of Social Sciences *Immigrants in Latvia: possibilities and conditions of inclusion*, Riga, 2009, pp.207, 209, available at:

http://www.biss.soc.lv/downloads/resources/imigrantu_integracija/Imigranti_LV.pdf

⁵³ Description of the project in Latvian is available at: http://www.dialogi.lv/article_new.php?id=2851
<http://www.dialogi.lv/article.php?id=2930&t=0&rub=19>

Resource centre for immigrants from Ukraine: <http://www.ukrlatvian.lv/>
(all above accessed 09.09.2010)

aimed to address immigrants' needs regarding legal protection, socialisation and state language learning, qualification improvement training in professions where Ukrainian labour is employed, legal consultations, leisure time activities. The project included publicity information activities, discussions with Latvian employers and publications on the internet. The project was implemented in cooperation with the Union of Latvia's Ukrainian Societies, Latvian Maritime Academy, society "Transport Effectiveness Centre".

V.ii Housing

There is a lack of publicly available official or unofficial information on racism and discrimination in the housing sector in Latvia in 2009-2010.

State bodies, including the Central Statistics Bureau (CSB) of Latvia and municipalities, do not collect data on housing disaggregated by ethnicity, race, religion, native language, legal status or nationality. The only available data on ethnicity in housing was collected by the CSB in 2000 during the census, while the next census is scheduled for 2011.

There is very little data on complaints or allegations of discrimination on the grounds of race, ethnicity, religion or citizenship. Generally, neither NGOs nor state bodies nor local government bodies have such data. In 2009, three complaints about ethnic discrimination in housing were received by local governments: one in Riga⁵⁴ and two in Valmiera⁵⁵ (town in Northern Latvia). All three complaints concerned ethnic Roma tenants who were refused accommodation by flat owners, thus local governments had to intervene, arranging temporary shelter or social accommodation. However, there is no information about court cases or investigations of racial, ethnic or religious discrimination in housing handled by official and unofficial bodies in 2009 or 2010.

Results of the study "*Immigrants in Latvia: possibilities and conditions of inclusion*"⁵⁶ suggest that those foreigners who arrive to Latvia on the basis of work invitations usually do not face the problem of looking for accommodation, because it is a duty of their employer to provide housing. In the meantime, the study found that foreigners might experience difficulties in the rental market, because some flat owners are unwilling to rent their property to foreigners.

⁵⁴ Information provided by the social worker of the Rīgas Kurzemes rajona Sociālā dienesta Ģimenes atbalsta centrs on 07.09.2009 and 21.09.2009

⁵⁵ Letter of the Valmiera City Council Nr. 1-2-23/2211 (26.08.2009)

⁵⁶ Baltic Institute of Social Sciences *Immigrants in Latvia: possibilities and conditions of inclusion*, Riga, 2009, p. 75, 121, available in English at: http://www.biss.soc.lv/downloads/resources/immigrantu_integracija/Immigranti_EN.pdf. The target audience for the study was made up of third country nationals who have lived legally in Latvia for no more than five years. 95 in-depth interviews were conducted within the study: 30 interviews with third-country nationals, 15 – with employers, 27 – with service providers who are foreigners, 10 – with intermediaries who deal with third-country nationals on an everyday bases and 13 – with policymakers at the state and local government level.

V.iii Education

There is insufficient information about the situation of minorities and / or issues of discrimination in education.

According to the data of the Ministry of Education and Science, among 226,034 pupils attending general education schools in 2009/2010 academic year, 166,073 (73.47%) studied in schools with Latvian as the language of instruction, while others studied in schools implementing minority education programmes, including 58,456 (25.86%) in Russian and 1,505 (0.67%) in other minority schools⁵⁷. Despite a long-standing practice of gathering statistical information about the ethnic break-down of pupils in Latvia, there are no official or unofficial mechanisms for monitoring school attendance and educational achievement of pupils of different ethnic affiliation in majority and minority schools⁵⁸.

During 2009 and the first six months of 2010, the Ministry of Education and Science and the Education Quality State Agency received no complaints about cases of racism or religious discrimination in education. Similarly, according to information provided by several NGOs, there is no NGO data on complaints about cases of racism or religious discrimination in education.⁵⁹ One case related to the situation of minorities in education surfaced in 2009, when parents in Tukums (a small town in Western Latvia) complained that despite sufficient number of applications (15), the Town Council refused to open a first grade class with minority education programme at Tukums secondary school NR.3 (the only school providing minority programme in Tukums). Complaints were submitted to the Ministry of Education and Science, Latvian Human Rights Committee and Latvian Association for the Support of Schools with Russian language of Instruction.⁶⁰ Given the lack of support from the Ministry and unsuccessful court applications, the parents were not able to secure opening of minority class.

The study "Immigrants in Latvia: possibilities and conditions of inclusion"⁶¹, highlighted that while temporary status by definition grants different (lesser)

⁵⁷ Data of the Ministry of Education and Science, LR vispārīgā izglītības dienā skolēnu sadalījums pēc apmācības valodas 2009./2010.m.g.:

http://izm.izm.gov.lv/upload_file/Registri_statistika/apmac_val_skoleni_09.xls, (accessed on 09.09.2010)

⁵⁸ For details, please, refer to *Racism in Latvia*, ENAR Shadow Report 2007 http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2007.pdf and *Racism in Latvia*, ENAR Shadow Report 2008

http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2008.pdf

⁵⁹ Information provided by the Latvian Centre for Human Rights on 14.09.2010, the Latvian Human Rights Committee on 02.09.2010, Afrolatvian Association 'Afrolat' on 03.09.2010, Roma association 'Nevo Drom' on 03.09.2010, Council of Jewish Communities of Latvia on 03.09.2010

⁶⁰ Letter of the Ministry of Education and Science Nr. 1-17/6689 (26.08.2009), Information provided by the Latvian Human Rights Committee on 07.09.2009 and the Latvian Association for Support of Schools with Russian Language of Instruction on 16.09.2009

⁶¹ Baltic Institute of Social Sciences *Immigrants in Latvia: possibilities and conditions of inclusion*, Riga, 2009, p.65, available at:

http://www.biss.soc.lv/downloads/resources/imigrantu_integracija/Imigranti_LV.pdf (accessed on 09.09.2010)

amount of rights than are available to permanent residents or citizens, some aspects of this differential treatment can be interpreted as discrimination. In particular, the Education Law in 2009 did not envisage a free of charge education for of children of persons with temporary residence permits in Latvia.

This discriminatory provision was removed on 4 March 2010, when the Saeima adopted amendments to the Education Law⁶², which widened the list of persons eligible for education in Latvia, thus envisaging that elementary (basic) and secondary education of children of persons with temporary residence permits in Latvia shall be funded in the same way as education of Latvia's citizens or non-citizens⁶³. Amendments also added Article 3. *Prohibition of differential treatment* to the Law. Amendments entered into force on 26 March 2010.

Adaptation Programme and Development of Materials for Children of Third Country Nationals aged 6 to 12

The Ministry of Education and Science (MES) in cooperation with the Latvian Language Agency within the framework of the European Fund for the Integration of Third-Country Nationals has implemented the project "Adaptation Programme and Development of Materials for Children of Third Country Nationals aged 6 to 12". Two adaptation/ educational programmes and teaching materials for school children aged 6 to 9 and 10 to 12, as well as information material for parents in English and Russian have been developed within the project. The developed educational material "Latvia through Friend's Eyes" consists of: Pupil's book "My Diary of Latvia"; Working sheets "Latvia through Friend's Eyes"; Book of comics "Latvia through Friend's Eyes" and Teacher's book. Each adaptation programme is planned to be realized within 60 hours. The objective of the programmes is to assist children in the process of acquiring basic skills of the state language and practical intercultural skills, thus facilitating the adaptation process in the society and environment of Latvia. According to MES, 405 foreign children are attending Latvia's general education schools in the 2009/2010 academic year.⁶⁴ MES is also planning to continue the development of adaptation programme for older children⁶⁵.

V.iv Health

There is insufficient information regarding racism and discrimination in healthcare.

⁶² Izglītības likums (29.10.1998), <http://www.likumi.lv/doc.php?id=50759> (accessed on 09.09.2010)

⁶³ Grozījumi Izglītības likumā (04.03.2010) <http://www.likumi.lv/doc.php?id=206963&from=off> (accessed on 09.09.2010)

⁶⁴ Matisāne Inese (22.08.2010) *Ārvalstu bērniem palīdz integrēties Latvijas sabiedrībā un vispārējās izglītības iestādēs*, available in Latvian <http://lv.lv/?menu=doc&id=215481> (08.09.2010)

⁶⁵ The Ministry of Education and Science (07.06.2010) *Latvija var kļūt par tiltu trešo valstu valstspiederīgo bērnu integrācijai Eiropas Savienībā*, available in Latvian <http://izm.izm.gov.lv/nozares-politika/izglitiba/vispareja-izglitiba/aktualitates/5224.html> (08.09.2010)

Official bodies generally lack data about instances or complaints about racism, xenophobia, ethnic, racial or religious discrimination in the area of healthcare in 2009-2010, regarding migrants, refugees, asylum seekers or ethnic minorities. This lack of data was attested by the main relevant bodies in the field, such as the Health Inspectorate of the Ministry of Health⁶⁶, the Public Health Agency⁶⁷, the Patients' Ombudsman Office⁶⁸.

However, in 2009, according to the Patients' Ombudsman, some patients were dissatisfied with the fact that healthcare institutions do not display information in Russian alongside Latvian, which makes it difficult for some patients to comprehend information. Another problem concerned mutual lack of understanding with some members of the medical staff, because the latter were not able to speak Russian - the only intelligible language to these patients⁶⁹.

Similarly, several NGOs informed about lack of data on complaints or incidences of racism and discrimination in healthcare⁷⁰. However, there were three cases involving pregnant women without permanent legal status in Latvia (one with temporary residence permit and two asylum seekers) who faced obstacles in accessing puerperal help. NGO and media involvement was necessary in order to solve these situations⁷¹.

The quantitative survey of recent (less than 5 years) immigrants to Latvia conducted within the framework of the study "*Immigrants in Latvia: possibilities and conditions of inclusion*", shows that among those immigrants who have had health problems while in Latvia, 66% experienced difficulties in receiving health care services, 39% said that only expensive services have been available to them, 17% discovered that that medical institutions do not recognise their health insurance policies and 13% found that services or treatments they used to are not available in Latvia. The survey also pointed out the problem with regard to information: 10% of respondents stated that it was difficult to communicate with registration clerks and medical personnel, while 8% stated they did not know where to turn for help⁷². The authors of the study also highlighted that while the

⁶⁶ Letter Nr. 3.5-3/8717/2.3-9/662 of 31.08.2009 from the Health Inspectorate, Letter Nr. 3.5-4/11506/2.3-9/7370 of 08.09.2010 from the Health Inspectorate

⁶⁷ Letter Nr. 7-1/1883 of 24.08.2009 from the Public Health Agency

⁶⁸ Letter Nr. 52/2009-B of 07.09.2009 from the Patients' Ombud Office,

Information provided by the Patients' Ombud Office on 14.09.2010.

The Patients' Ombud Office is an independent organisation established in 2008 <http://www.pacientuombuds.lv/eng/> (accessed on 09.09.2010).

⁶⁹ Letter Nr. 52/2009-B of 07.09.2009 from the Patients' Ombud Office

⁷⁰ Information provided by the Resource Centre for people with mental disability "Zelda" on 04.09.2009 and on 27.07.2010, Latvian Human Rights Committee on 07.09.2009 and on 02.09.2010, Afrolatvian Association 'Afrolat' on 23.09.2009 and on 03.09.2010, Roma association 'Nevo Drom' on 29.09.2009 and on 31.08.2010, the Organization of people with disabilities and their friends "Apeirons" on 24.08.2010, the Latvian Umbrella Body for Disability Organisations "Sustento" on 24.08.2010, Council of Jewish Communities of Latvia on 03.09.2010.

⁷¹ Information provided by the Latvian Centre for Human Rights.

⁷² Baltic Institute of Social Sciences *Immigrants in Latvia: possibilities and conditions of inclusion*, Riga, 2009, p. 98, available in English at:

temporary status of foreign citizens grants them different (lesser) amount of rights than are available to permanent residents or citizens, some aspects of this differential treatment can be interpreted as discrimination. In particular, such a situation can be seen in relation to legally working third country nationals – although the guest workers are paying the same income tax and social security payments as the local residents, the social protection system is practically inaccessible for them, such as legal assistance, healthcare services, state social benefits, and social assistance⁷³.

NGO Good Practice

Education course for professionals working with third country nationals with disability of chronic illness

The Latvian Umbrella Body for Disability Organisations “Sustento” implemented in 2009 a project “Education course for professionals working with third country nationals with disability of chronic illness” funded by the European Fund for the Integration of Third-country nationals. Within the framework of the project a training course was developed and approved for employees of those institutions which provide services to third country nationals with disabilities. Training material with a complementary CD was also prepared within the framework of the project⁷⁴.

V.v Policing and ethnic profiling

During 2009 – early 2010, no new official or unofficial information emerged on racial profiling or discrimination in policing in Latvia. Although Russian speakers and Roma are overrepresented in prisons, the results of the EU-MIDIS survey show that ethnic profiling is virtually non-existent for ethnic Russians: among those surveyed Russians who were stopped by the police during the last 12 months, only 1% felt they were singled out because of their ethnicity⁷⁵. Given certain level of prejudices against the Roma, it is unclear whether the police employ ethnic profiling which targets this ethnic group specifically. Visibly or culturally different migrants in Latvia may potentially become targets of ethnic profiling, since studies show some level of prejudices against certain groups; at the moment, however, migrant groups are numerically quite small, represent

http://www.biss.soc.lv/downloads/resources/imigrantu_integracija/lmigranti_EN.pdf (accessed on 09.09.2010).

⁷³ Baltic Institute of Social Sciences *Immigrants in Latvia: possibilities and conditions of inclusion*, Riga, 2009, p. 65, available in English at:

http://www.biss.soc.lv/downloads/resources/imigrantu_integracija/lmigranti_EN.pdf (accessed on 09.09.2010).

⁷⁴ Information on the project in Latvian is available at <http://www.sustento.lv/resource/show/462> and <http://www.sustento.lv/resource/show/682> (27.08.2010)

⁷⁵ European Union Agency for Fundamental Rights *EU-MIDIS European Union Minorities and Discrimination Survey. Main Results Report*, 2009, p.191, available at: http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en.pdf (accessed on 09.09.2010)

mostly students, workers or professionals and so far there has been no information about these groups being targeted by the police.

V.vi Racist violence and crime

In Latvia, crimes motivated by racial and ethnic hatred are registered under Section 78 of the Criminal Law (intentional acts aimed at incitement of national, ethnic and racial hatred). All criminal cases initiated under the Section 78 by the Security Police during the reporting period are dealing with hateful comments on the internet: 6 cases in 2009 and 3 during the first 7 months of 2010.

During 2009 and the first half of 2010, two cases of racist violence against individuals and one case of property damage motivated by hate were tried by Latvian courts.

On 17 February 2009 the Riga Regional Court sentenced four skinheads for incitement to racial hatred to five years of suspended imprisonment with a three year probation period. The offenders attacked two young Roma girls in October 2007 and an Armenian couple in February 2008. The offenders were also ordered to pay compensation to the two Roma girls in the amount of LVL 12,000 (EUR 17,075) and LVL 8,000 (EUR 11,382)⁷⁶.

On 11 December 2009 the Riga Regional Court sentenced three youngsters to 6 months of imprisonment for racial violence and acquitted one minor. The court also ordered the offenders to pay 1,012.30 Ls (1,440 EUR) to the victim and 400 Ls (570 EUR) to the state, because the Legal Aid Administration of the Ministry of Justice had paid 400 Ls (570 EUR) in compensation to the victim during pre-trial proceedings⁷⁷. The incident took place in February 2008, when the offenders attacked a Roma man in the Riga Central Bus terminal motivating their attack by the alleged involvement of Roma people in the drug trade and insisting that only persons with white skin colour should live in Latvia. The judgment was appealed and the court hearing is scheduled for March 2011.

On 23 March 2010 Talsi District Court gave two youngsters suspended sentences for the desecration of graves in an old Jewish cemetery and the graves of Soviet Army soldiers in 2009. When detained by the State Police in January 2010, the youngsters mentioned their nationalistic views as a crime motive.⁷⁸ One offender was sentenced to two years suspended imprisonment with a two year probation period, and also ordered to participate in the

⁷⁶ Latvia/ Rīgas apgabaltiesas Kriminālietu tiesas kolēģija/Case Nr. 11088236107 (17.02.2009)

⁷⁷ Latvija/ Rīgas apgabaltiesas Kriminālietu tiesu kolēģija/ Case Nr. K 04-220/09-2, Nr. 11088045208 (10.12.2009)

⁷⁸ Aiztur par kapu apgānīšanu nacionālistisku motīvu dēļ [Detain for Desecration of Graves due to Nationalistic Motives], *Delfi.lv* 12 January, 2010, available at <http://www.delfi.lv/news/national/criminal/aiztur-par-kapu-demolesanu-nacionalistisku-motivu-del.d?id=29208857>

programmes run by the National Probation Service. Another offender was sentenced to one year and six months suspended imprisonment with a two year probation period. The court also ordered both offenders to compensate LVL 1,180 (1,685 EUR) for damages caused in the Jewish cemetery and one offender to compensate LVL 121 (173 EUR) for damages caused in the cemetery to the Soviet army soldiers. Both were sentenced according to Section 228 (desecration of a grave) of the Criminal Law; the court did not examine the nationalist motive of the crime⁷⁹.

A more recent case of violence allegedly motivated by ethnic hatred took place on 5 March 2010, when a 17-year old Russian-speaking youngster was attacked by five Latvian-speaking youths in the centre of capital Riga⁸⁰. The victim wore a winter cap with an inscription "Russia" and Russian coat of arms and the attackers shouted "Occupant!" at him during the beating. The victim claims that the beating continued for several minutes, yet the police did not show up and the passers-by did not interfere. The victim lost two of his teeth and also had to seek medical treatment for other injuries. Criminal proceedings regarding the criminal offence were initiated, although the police did not comment about possible hate motives of the crime.

V.vii Access to goods and services in the public and private sector

During 2009-2010 Latvia did not amend its pension legislation in order to comply with the ruling of the European Court of Human Rights (ECHR) and to avoid discrimination against non-citizens in provision of pensions. On 18 February 2009, the ECHR ruled that Latvia violated Article 14 (prohibition of discrimination) of the European Convention on Human Rights in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention as Latvia's courts had refused to grant the applicant (a non-citizen of Latvia) a retirement pension in respect of her years of employment (17 years) in the former Soviet Union prior to 1991 on the ground that she did not have Latvian citizenship⁸¹. According to the Latvian State Pensions Act, only periods of work in Latvia could be taken into account in calculating retirement pensions of non-citizens of Latvia, while the entire period of employment (including in other republics of the USSR) was to be taken into account in calculating pensions of citizens of Latvia.

⁷⁹ Latvia/Talsu rajona tiesa/Case Nr.11380068809/K36-0066, 23 May 2010.

⁸⁰ Diena (11.03.2010) Rīgas centrā piekauj jauniēt «Rossija» dēļ (A youngster got beaten up in the centre of Riga for "Russia")

<http://diena.lv/lat/politics/hot/pec-uzbrukuma-anatolijs-vairs-nenasas-cepuri-ar-uzrakstu-rossija> (accessed on 09.09.2010)

Vesti-Segodnya (10.03.2010) Латышские националисты пытаются отвлечься от социальных проблем, нагнетая русофобию (Latvian nationalists are trying to turn attention away from social problems by inciting Russophobia) <http://www.ves.lv/article/115881> (accessed on 09.09.2010)

⁸¹ Grand Chamber Judgment, Andrejeva v. Latvia (Application no. 55707/00), Strasbourg, 18 February 2009:

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=847435&portal=hbk&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649> , accessed on 23 November 2010

Despite winning the case in the ECHR, the claimant, Mrs. Andrejeva, did not see her pension re-calculated to include all the years of service during the Soviet era, as she died on 16 April 2010⁸².

The opposition twice submitted its proposals to amend the State Pensions Act granting Latvia's non-citizens the same pension rights; however, in both instances the proposals were rejected by the ruling coalition in the Parliament⁸³.

In response to the ECHR's ruling, the Ministry of Welfare prepared its draft amendments to the State Pensions Act, which envisages that the period of employment outside of Latvia within the former Soviet Union prior to 1991 will not be taken into account when calculating pensions of retiring citizens of Latvia, thus reducing the pensions of newly retiring citizens⁸⁴.

The draft amendments were criticised by the Equal Rights Trust (ERT), who on 30 September 2009 submitted to Latvia's Parliament an expert opinion on the draft amendments, criticising the proposal to reduce pensions of Latvian citizens as a way to eliminate discrimination of non-citizens, and expressing its belief that such regressive approach does not remedy the discrimination, because it is contrary to Latvia's international obligations and to the practice of the European Court of Justice⁸⁵.

Given the fact that the pension legislation was not amended more than a year since the ECHR ruling, a separate appeal regarding the same provision in the State Pensions Act was submitted to the Constitutional Court of Latvia on 5 March 2010; the applicants argued that a provision in the State Pensions Act does not comply with the Latvian Constitution and the European Convention on Human Rights and Fundamental Freedoms⁸⁶.

NGO Good Practice

Project "Different client in diverse Latvia"

⁸² Latvijas Vestnesis, Mantojumu zinas, 17.06.2010.

⁸³ Luckans, U., *Saeima noraida PCTVL ierosinātos grozījumus likumā par valsts pensijām*, in: LETA, 30.04.2009

Luckans, U., *Saeima noraida PCTVL ierosinātos grozījumus likumā par valsts pensijām*, in: LETA, 21.05.2009.

⁸⁴ Mezniece, I., *Pēc zaudēta procesa ECT rosina izmaiņas Pensiju likumā*, in LETA, 16.04.2009

⁸⁵ The Equal Rights Trust (ERT): "Levelling Down' Pensions in Latvia Does Not Remedy Discrimination", available at the homepage of the Equal Rights Trust:

<http://www.equalrightstrust.org/newsstory01102009/index.htm> (accessed on 09.09.2010)

ERT submission to the Saeima is available at:

http://www.equalrightstrust.org/ertdocumentbank/Microsoft%20Word%20-%20Latvia%20PisjmoDaudze%20_2_.pdf (accessed on 09.09.2010)

⁸⁶ LETA, *Vladimirs Buzajevs (PCTVL) iesniedzis Satversmes Tiesā pieteikumu* 05.03.2010.

Latvian Centre for Human Rights (LCHR) implemented a project "Different client in diverse Latvia",⁸⁷ funded by the European Fund for the Integration of Third-country nationals. The project aimed at raising intercultural competence and knowledge about non-discrimination among officials and employees of various state/governmental and municipal bodies (including police, healthcare and social workers) in order to ensure that third country nationals as new members of society receive high-quality services guaranteed by the state. In the course of implementation of the project four two-day seminars were conducted, providing training to 81 representatives of the above-mentioned target audiences (including 21 healthcare workers from 16 medical institutions, 21 social workers, 4 employees of Social Integration State Agency, 11 employees of the Health Inspectorate and 3 civil servants of the Ministry of Health). The project also developed a training course kit on intercultural education and anti-discrimination, which also includes training instructions and exercises⁸⁸.

V.viii Media, including the internet

Latvia does not have a system of monitoring manifestations of racism or discrimination on various grounds in the media, including the internet. However, the majority of criminal cases registered by the Security Police under Section 78 of the Criminal Law (incitement to national, ethnic and racial hatred) are hate speech cases, mostly comments in relation to articles on internet news portals, inciting hatred towards Latvians, Russians, Jews and visibly different minorities.

Following lengthy legal proceedings which begun in 2007, a young neo-Nazi was acquitted of incitement to racial hatred on 21 May 2010. The defendant, a self-proclaimed neo-Nazi, took part in the discussion organised by Latvian Anti-fascist Committee "The Problems of Nazism, Neo-Nazism and Xenophobia in Latvia" on 22 February 2007, where he publically stated that Jews and Roma people were 'non-humans' and that it would be preferable to exterminate them. The defendant was charged with incitement to racial hatred under the Section 78.1 of the Criminal Law⁸⁹. However, proceedings were terminated in 2007 by the Prosecutor's Office and the Chief Prosecutor of the Prosecutor's Office of the Riga Regional Court on the grounds that the statements of the neo-Nazi were an expression of freedom of speech protected by the Latvian Constitution and by the European Convention for Human Rights and Fundamental Freedoms⁹⁰. Proceedings were renewed following criticism by the representatives of Roma and Jewish communities and the Special Assignments Minister for Social

⁸⁷ Homepage of the Latvian Centre for Human Rights:
<http://www.humanrights.org.lv/html/lv/aktual/publ/30176.html> (accessed on 09.09.2010)

⁸⁸ Available in Latvian at the homepage of LCHR:
http://www.humanrights.org.lv/upload_file/gramata_SASKANOSANAI-2.pdf (accessed on 09.09.2010)

⁸⁹ Section 78.1 of the Criminal Law: "intentional acts aimed at inciting national, ethnic and racial hatred or enmity".

⁹⁰ Latvia/Rīgas Tiesas apgabala prokuratūra/Nr.11840001107 (22.08.2007)
Latvia/Rīgas Tiesas apgabala prokuratūra/Nr.3/1032-07 (12.09.2007)

Integration. On 6 March 2008 Riga Regional Court sentenced the neo-Nazi to one year and six months of imprisonment for incitement to ethnic hatred.

Following lengthy legal proceedings the case was decided by the Supreme Court of Latvia, which on 10 January 2009 sentenced the defendant to two years and one month of imprisonment for incitement to ethnic hatred, thus increasing the sentence issued by the first instance court by seven months⁹¹. However, in February 2010, the Criminal Chamber of the Supreme Court acquitted the neo-Nazi. The Criminal Chamber of the Supreme Court acknowledged that the “defendant was indicted of acts consciously aimed at incitement of national or racial hatred or discontent, while it follows from the description of the criminal offence incriminated to A.Jordans that he with his factual acts has indicated at the need to exterminate humans because of their ethnic belonging, expressed opinion about dealing with ethnicities, consciously publically expressed opinions, which express intolerance towards humans because of their ethnic belonging and expressed hateful attitude towards representatives of some ethnicities, namely – Romas and Jews because of their ethnic belonging, denying their right to live”⁹². The Criminal Chamber of the Supreme Court ruled that the indictment “does not indicate acts aimed at incitement of racial hatred and discontent, as well as incriminating acts, which according to the view of the prosecution are turning against concrete ethnic groups, indictment charged A.Jordans with incitement of national hatred or discontent”.

On 21 May 2010 the Senate of the Supreme Court upheld the acquittal ruling⁹³.

During 2009, Latvian courts tried two cases of hate speech on the internet. On 8 April 2009 Kurzeme Regional Court sentenced a 23 year old youngster to one year of suspended imprisonment with one year probation for having placed hateful comments against ethnic Latvians on the webpage owned by the radical right-wing party “Visu Latvijai!” (All for Latvia!)⁹⁴. The website advocated for toughening Latvian language policy, and was collecting signatures in support of these initiatives. On 20 October 2009 Riga Regional Court sentenced a 19 year old youngster to one year of suspended imprisonment with one year of probation for placing hateful comments on the internet against ethnic Russians, promoting a video displaying barbaric public killing by the Taliban and calling ethnic Latvians to learn from their experience⁹⁵.

During the first half 2010, Latvian courts tried two cases of hate speech on the internet. On 22 February 2010 the Riga Regional Court sentenced a 25-year-old youngster to one year of suspended imprisonment with two years probation for placing hateful comments towards ethnic Latvians on an Internet site of the

⁹¹ Skruzis J., Nacionālā naida kurināšanā apsūdzētajam Jordanam AT nosaka bargāku cietumsodu, in: National News Agency LETA 10.01.2009

⁹² Latvia/ Augstākās tiesas Krimināllietu tiesu palāta / Nr.11840001107 (22.02.2010)

⁹³ Latvia/ Augstākās tiesas Senāta Krimināllietu departaments/ Case Nr. 11840001107 (21.05.2010)

⁹⁴ Latvia/ Kurzemes apgabaltiesas Krimināllietu tiesas kolēģija/ Case Nr. 11840001908 (08.04.2009)

⁹⁵ Latvia/ Rīgas apgabaltiesas Krimināllietu tiesas kolēģija/Case Nr. 11840003809 (20.10.2009)

Latvian nationalists titled “Go Home!”⁹⁶. On 4 March 2010 the Riga Regional Court sentenced a 21-year-old youngster to two years of suspended imprisonment with two years probation for hateful and threatening comments on photos of two activists of the radical nationalist organisation Latvian National Front (LNF) published on the local social networking site; the photos showed the activists laying flowers with a crape beneath the Monument for Liberators of Riga from Nazi Invaders during celebrations of 9 May (Victory Day).⁹⁷

⁹⁶ Latvia/ Rīgas apgabaltiesas Kriminālietu tiesas kolēģija/Case Nr. 11840004009 (22.02.2010)

⁹⁷ Latvia/ Rīgas apgabaltiesas Kriminālietu tiesas kolēģija/Case Nr. 11840002909 (04.03.2010)

VI. Political and legal context

On 6 June 2009 elections to the European Parliament and local government (municipal) elections took place in Latvia. Issues related to economy, the economic crisis and social security to a large extent dominated pre-election discourse. Election results allocated Latvia's 8 seats in the European Parliament as follows: 2 seats went to the party "Civil Union" (24.32% of the votes), 2 seats to political union "Concord Centre" (19.57%), 1 seat to the union "For Human Rights in United Latvia" (9.66%), 1 to party "LPP/LC" (7.49%), 1 to union "For Fatherland and Freedom" / LNIM (7.45%) and 1 to party "New Era" (6.66%).⁹⁸ As for municipal elections, results varied across different municipalities, with no clear nation-wide winner.⁹⁹ In the capital, Riga, the biggest share of the votes (34.40%) went to political union "Concord Centre" (CC), - a party that puts protection of rights of minorities as one of their priorities. On 2 July 2009 Nils Usakovs, a leader of CC, was elected to the position of the Mayor of Riga.¹⁰⁰ Mr.Usakovs is the first ethnic Russian to hold this post.

VI.i Anti discrimination

The Ombudsman's Office continued its work during 2009-2010. Concerns raised during the previous years over the role and effectiveness of the work of the Office as the designated national equality body have not been addressed in 2009 – early 2010. Moreover, during the reporting period the work of the Ombudsman's Office was marred by internal conflict while its budget was reduced by more than half.

Given the fact that the Office has a broader mandate than the one required by the Race Equality Directive for a national equality body, it is important to note that it is not publically known what share of the Office's budget is allocated to the Discrimination Prevention Department specifically.

The Ombudsman is generally taking a passive approach in evaluating legislation and its implementation, while the Office's recommendations are in many instances not being followed by the state and municipal bodies. There is also no specific evidence whether the Ombudsman conducts follow-up to its own findings. While the Ombudsman Law grants it the right to represent the interests

⁹⁸ Results of 2009 European Parliament elections at the homepage of the Central Election Commission of Latvia: http://www.cvk.lv/cgi-bin/wdbcgiw/base/eiro9_veles9_rezultati.sak (accessed on 09.09.2010)

⁹⁹ Results of 2009 local government (municipal) elections at the homepage of the Central Election Commission: http://www.cvk.lv/cgi-bin/wdbcgiw/cvk/pv2009.pv09_rezultati.vis (accessed on 09.09.2010)

¹⁰⁰ The Chairman of the Riga City Council Nils Ušakovs http://www.riga.lv/EN/Channels/Riga_Municipality/Riga_City_Council/Mayor_of_Riga/default.htm (accessed on 09.09.2010)

of a discrimination victim in the court¹⁰¹, the Office utilised this right only once during 2009-2010, representing a person who was unjustly dismissed from job because of disability¹⁰².

The issue of effectiveness of the Ombudsman's Office and its leadership surfaced again during the internal conflict in 2009, when 26 employees of the Office demanded resignation of the Ombudsman, claiming that he is not competent in human rights issues and his decisions are not independent. The employees also complained about waste of budgetary funds in the Office¹⁰³.

In August 2009, the head of the Discrimination Prevention Department resigned in frustration from the position, alleging the Ombudsman is too passive, has no interest in human rights and does not understand the role of the Ombudsman¹⁰⁴.

Amid an economic crisis and spending consolidation in Latvia, the budget of the Ombudsman's Office was significantly reduced. The budget for 2009 has been reduced by 30% compared to the 2008 budget, and the number of staff reduced from 51 to 41 (without compromising the number of jurist consultants, who fulfil most duties)¹⁰⁵.

The Ombudsman's Office allocated budget in 2010 (LVL 558,901, or EUR 795,249) is 57% smaller than in 2008 (LVL 1,303,002 or EUR 1,854,015).

Table: Budget and staff of the Latvian Ombudsman's Office¹⁰⁶

Item	2007	2008	2009	2010
Budget allocation, LVL	1,300,164	1,303,002	904,433	558,901
Budget expenditure, LVL	1,203,212	1,257,384	903,807	-
Employees by the end of the year	49	51	41	39

In fact, one of the proposals regarding the future of Ombudsman's Office was to liquidate the institution altogether. One of the founders of the ruling "People's Party" suggested that because the state needs to save money for more vitally

¹⁰¹ The Ombudsman Law, Article 13: "In the performance of the functions and tasks specified by this Law, the Ombudsman has the right: ... 10) upon termination of a verification procedure and establishment of a violation, to apply to a court in such civil cases, where the nature of the action is related to a violation of the prohibition of differential treatment".

¹⁰² Information provided by the Ombudsman's Office on 16 August 2010

¹⁰³ Murmiece, I., "Dumpis uz tiesībsarga kuģa?" (Riot on the Ombudsman's ship?), in *Latvijas Avīze*, 04.07.2009

¹⁰⁴ Slišāne, K., Nesagaidot pārmaiņas Tiesībsarga birojā, darbu pamet Diskriminācijas novēršanas departamenta vadītāja in *LETA*, 12.08.2009

¹⁰⁵ Ombudsman's Office 2009 Annual Report, p.4, available in Latvian at:

<http://www.tiesibsargs.lv/files/downloads/Tiesibsarga%202009.gada%20zinojums.pdf> (accessed on 09.09.2010)

¹⁰⁶ Data source: Ombudsman's Office 2009 Annual Report, p.8, available in Latvian at: <http://www.tiesibsargs.lv/files/downloads/Tiesibsarga%202009.gada%20zinojums.pdf> (accessed on 09.09.2010)

important tasks, the Ombudsman's Office should be "closed for the time of economic crisis".¹⁰⁷ However, this proposal did not gain any significant support¹⁰⁸.

VI.ii Migration and integration

The issue of immigration into Latvia was not on public agenda during 2009 and the first half of 2010. Ever since independence, Latvia is gradually losing its population, including through emigration. The economic crisis further intensified the trend of emigration from Latvia. The main focus of public debates regarding migration, therefore, focused on the impact of emigration on Latvia's economy and society, the reasons why people are leaving, the situation of emigrants in reception countries, as well as prospects of repatriation. Certain attention during the migration debates is being paid to the fact that eventually, the economic crisis will be over and Latvia will experience an acute shortage of labour force in a few years time, especially if the country intends to increase its GDP. Because the mass scale return of Latvia's emigrants from Russia or Western Europe is highly unlikely, it has been suggested that in the future, labour migrants from other regions could fill this shortage.

Since 1 July 2009 the Ministry of Justice is responsible for development and implementation of society integration policies. During 2009 and 2010 the Ministry of Justice continued work on the Fundamental Principles of Society Integration Policy 2010-2017, which should replace the earlier State Programme "Society Integration in Latvia" (approved in 2001).¹⁰⁹ According to the draft, the main directions of society integration include: 1) the development of intercultural dialogue, such as communication skills and competences and the space for intercultural dialogue and the language skills, 2) strengthening state identity, including the facilitation of naturalization and civic participation, 3) preventing discrimination and promoting tolerance, 4) the integration of immigrants¹¹⁰. Besides society integration issues facing Latvia ever since regaining independence, the draft also highlights the prospects of immigrant integration issues in Latvia. The draft recognises that although Latvia's immigration policy so far was strict, conservative and aimed at protecting the labour market, in the next 15 years labour immigration will become inevitable and immigrant integration will be one of the major challenges for Latvian society. Given the complex nature of immigrant integration issues, the solution lies within the competences of several state bodies. However, there were no political discussions on immigrant

¹⁰⁷ Licitis, E., Gundars Bērziņš: politiķiem patīk ļauties dresūrai (Gundras Berzins: Politicians enjoy being disciplined), in *Latvijas Avīze*, 26.03.2010.

¹⁰⁸ Zvirbulis, G., Tiesībsargu neaiztiks (The Ombudsman will not be touched), in *Latvijas Avīze*, 27.03.2010

¹⁰⁹ Information about the development of the Fundamental Principles of Society Integration Policy 2010-2017 is available in Latvian at the homepage of the Ministry of Justice: http://www.tm.gov.lv/lv/noderigi/sabiedribas_integracija/sab_integr_aktuali.html?news_id=3599 (accessed on 9 September 2010)

¹¹⁰ Draft Framework and Programme, available in Latvian at the homepage of the Ministry of Justice: http://www.tm.gov.lv/publ_apsriesanas/lv/documents/TMPam_ietvars_030810.pdf http://www.tm.gov.lv/lv/noderigi/sabiedribas_integracija/TMPam_200810_sit_rakst.pdf (accessed on 9 September 2010)

integration, there is no conceptual agreement on the development of immigrant integration policy and Latvia does not have policy development document which would define the political, legal and institutional framework for integration of immigrants. The document will have to be approved by the Cabinet of Ministers. However, taking into consideration budget cuts, consolidations and redundancies in the state sector, it is not clear whether the document will be implemented in full.

VI.iii Criminal justice

VI.iii.i Racism as a crime

The issue of racially motivated crime did not receive much attention in Latvia during 2009-2010.

Following adoption of the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law¹¹¹, Latvian Parliament on 21 May 2009 adopted the amendments into the Criminal Law. Chapter IX (Crimes against humanity, peace, war crimes, genocide) was supplemented with Article 74.¹ (Justification of Genocide, crime against humanity, crime against peace and war crime), which envisages that “public glorification of Genocide, crime against humanity, crime against peace or war crime, or public denial or justification of Genocide, crime against humanity, crime against peace or war crime is punishable with a prison sentence of up to five years or community service”¹¹². The amendments came into force on 1 July 2009. Since then the Security Police has initiated three criminal cases under the Section 74¹, all of which are still being investigated¹¹³.

VI.iii.ii Counter terrorism

The issue of counter terrorism has not been a subject of major debates in Latvia during 2009-2010. According to the “National Security Concept” presented at the meeting of the State Secretaries on 10 June 2010 by the Ministry of Interior¹¹⁴, the level of terrorism threat remains low – there are no persons, groups or organisations in Latvia that are planning to use terror as an instrument to achieve their aims. However, Latvia is not isolated from processes taking place in Europe, where one can observe a general tendency of growing threats generated by Islamist extremists, who identify Latvia with European countries, processes as

¹¹¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF>

¹¹² (Krimināllikums (Criminal Law), available in Latvian at: <http://www.likumi.lv/doc.php?id=88966>)

¹¹³ Information provided by the Security Police on 23.08.2010

¹¹⁴ IeM: Par Nacionālās drošības koncepcijas projektu (About the Draft National Security Concept), in *Latvijas Vēstnesis*, 16.06.2010.

well as security and defence policies. Terrorism tendencies in NATO and EU countries show that the highest level of threat is still towards transports, infrastructure objects (especially civil aviation and railroads), as well as places of great concentrations of people. The strategic interest of Latvia is to provide its assistance in the fight against international terrorism, reducing the threat to NATO and EU countries, while timely developing a modern national anti-terrorism system. The Concept names four priorities in terrorism prevention: participation in international anti-terrorist operations, international cooperation, cooperation of state, municipal and legal entities, security of potential terrorism risk objects. Security Police is identified as the main anti-terrorism body in Latvia. On 24 August 2010 the Cabinet of Ministers accepted the “National Security Concept”¹¹⁵. There is no available information on possible impact of counter terrorism measures or policies on religious or ethnic communities in Latvia.

VI.iii.iii Ethnic profiling

During 2009-2010, there were no political discussions on the acceptability of ethnic profiling or its methods and there was no evidence on the use of racial profiling in practice in Latvia, neither in relation to anti-terrorism measure, nor in a more general context. There were no legal or policy developments in this regard in Latvia in 2009-2010.

VI.iv Social inclusion

A number of policy documents developed in Latvia during 2009-2010 are highlighting the notion of inclusion and other related concepts within its core priorities. In the meantime, there were no changes regarding the voting rights of Latvian non-citizens in municipal elections nor on the usage of minority languages in areas inhabited by minorities historically or in substantial numbers (please, refer to the previous report for greater detail regarding the status-quo¹¹⁶).

On 15 June 2010 the Saeima adopted “Latvia Long-term Development Strategy 2030”. The document states that tolerance is one of strategic principles, which includes openness and respect towards diverse cultures and lifestyles, as well as envisages reductions of all kinds of social exclusion and discrimination, such as income inequality, age and gender discrimination in the labour market, ethnic prejudices and linguistic institutional barriers. According to the document, one of Latvia’s long-term priorities is accessibility of the labour market and reduction of

¹¹⁵ Homepage of the Cabinet of Ministers:

<http://www.mk.gov.lv/lv/mk/tap/?pid=40179679&mode=mk&date=2010-08-24> (09.09.2010)

¹¹⁶ Latvian Centre for Human Rights, ENAR Shadow Report 2008 Racism in Latvia, pp. 21, 22, 32, 33, 34, available at: <http://cms.horus.be/files/99935/MediaArchive/national/Latvia%20-%20SR%202008.pdf> (accessed on 23.11.2010)

discrimination, which envisages support to enterprises and NGOs implementing anti-discrimination activities, as well as information about social diversity¹¹⁷.

On 24 August 2010 the Cabinet of Ministers approved the “National Security Concept”¹¹⁸. The concept highlights that one of the main threats to state security is a split of society along ethnic, linguistic and social lines, which is further exacerbated by the fact that there is no effective policy coordination mechanism and clearly defined fields of responsibility of state institutions on the issues of society integration, naturalisation and state language policy. According to the Concept, Latvia’s priorities in overcoming the dangers of a divided society are defined as: long-term society integration policy; strengthening of civic awareness and values; formation of unified informational space available for all.

Given the fact that the State Programme “Society Integration in Latvia” was approved in 2001, the need to develop new fundamental principles of society integration has been discussed among decision makers and experts during the last few years. However, because of various political and other considerations during previous years, as well as more recent budget cuts, institutional consolidation and staff redundancies, none of the project was approved. Since 1 July 2009 the Ministry of Justice is responsible for the development and implementation of society integration policies and during 2009-2010 the Ministry continued work on a draft document “the Fundamental Principles of Society Integration Policy 2010-2017”. The draft looks at a wide range of issues and identifies activity areas such as the development of intercultural dialogue, intercultural communication competences, state language proficiency, strengthening state identity, Latvian citizenship, promotion of society participation, prevention of discrimination and promotion of tolerance, integration of immigrants¹¹⁹. It is planned that the new draft Fundamentals of Society Integration 2011-2017 could be submitted for consideration at the meeting of the state secretaries by end of 2010. The document will have to be approved by the Cabinet of Ministers. However, taking into consideration budget cuts, consolidations and redundancies in the state sector, it is not clear whether the document will be implemented in full.

Riga City Council funds NGOs’ projects for society integration

Apart from government-level initiatives, some municipalities are also paying special attention to the issues of society integration, inclusion and cooperation

¹¹⁷ Homepage of Latvia 2030: http://www.latvija2030.lv/upload/latvija2030_saeima.pdf (accessed on 09.09.2010)

¹¹⁸ Homepage of the Cabinet of Ministers: <http://www.mk.gov.lv/lv/mk/tap/?pid=40179679&mode=mk&date=2010-08-24> (accessed on 9 September 2010)

¹¹⁹ Information about the development of the Fundamental Principles of Society Integration Policy 2010-2017 is available in Latvian at the homepage of the Ministry of Justice: http://www.tm.gov.lv/lv/noderigi/sabiedribas_integracija/sab_integr_aktuali.html?news_id=3599 (accessed on 9 September 2010)

with the civil society. In order to draw greater attention to the issues of society integration and to promote a welcoming and inclusive environment in Riga, a Society Integration and Project Section was established in March 2010 within the Education, Culture and Sports Department of the Riga City Council. The first call for proposals for NGOs “Society Integration Programmes” was announced in April 2010.¹²⁰ The call for proposals aims to financially support projects that promote integration in Riga and facilitates the formation of a cohesive society. The funding will be granted to the following thematic areas: development of civic participation and mutual cooperation; promotion of social integration; promoting tolerance and prevention of any discrimination. The maximum available amount is 5000 LV (~ 7115 EUR).

¹²⁰ Announcement of “Society Integration Programme” project competition at the homepage of the Education, Culture and Sports Department of the Riga City Council (in Latvian): http://www.ijsd.riga.lv/main/index.php?view=view&art_id=67 (accessed on 9 September 2010)

VII. National recommendations

VII.i General

To the government:

- Promote tolerance within the society and raise awareness on equality rights and remedies
- Improve collection of data disaggregated by race, ethnicity, native language, religion, citizenship and legal status regarding the situation in areas such as housing, income and occupation, education, health, access to goods and services in the public and private sectors
- Ensure that functions of the former Secretariat of the Special Assignments Minister for Social Integration (IUMSILS), now re-assigned to different state bodies, are carried out in full

VII.ii Anti discrimination

To the government:

- Review the work of the Ombudsman's Office as the national equality body and ensure its effectiveness
- Develop and implement a coherent anti-discrimination strategy, ensuring the full transposition of the Race Equality Directive;

To the Ombudsman's Office:

- Maintain a clear and consistent system of registration and categorisation of: discrimination claims, Ombudsman's opinions on substance of these claims and outcomes of these cases
- Realise the Ombudsman's full potential, such as the right to represent the interests of victims of discrimination in civil court proceedings
- Conduct follow-ups to the Ombudsman's own findings, such as legislative proposals
- Conduct studies on vulnerable groups and discrimination
- Improve cooperation and information exchange with state bodies and NGOs dealing with issues of anti-discrimination

To NGOs:

- Develop an anti-discrimination capacity and victim support networks
- Conduct awareness raising activities on anti-discrimination
- Collect information on instances of discrimination

VII.iii Migration and integration

To the government:

- Elaborate national policies on migration and on the integration of newcomers
- Make a comprehensive analysis of the legislative framework and the issues relevant to social integration of migrants, asylum seekers and refugees

- Improve data collection of the situation of migrants in various fields
- Promote a positive discourse on diversity in the context of migration

VII.iv Criminal justice

To the government:

- Elaborate a national policy strategy to combat hate crimes
- Implement training programmes for the police to strengthen its capacity to identify hate crimes and to raise its awareness on racism
- Elaborate a systematic approach to data collection on hate crimes and conduct studies on the evidence of racial profiling

To NGOs:

- Develop capacity to collect unofficial data on hate incidents
- Provide victim support and develop victim support networks
- Develop strategies for cooperation with the police in tackling hate crimes
- Develop strategies for cooperation with the media to promote an effective public response to racism and hate incidents
- Implement awareness raising activities

VII.v Social inclusion

- Improve data collection of the situation of different groups in various fields

To the government:

- Conduct studies on the ethnic dimensions of social inclusion
- Elaborate an action plan to facilitate naturalization
- Examine opportunities to grant non-citizens voting rights in municipal elections
- Consider measures to ensure access to public goods and services for persons who are not sufficiently fluent in the state language
- Monitor the effects of the change of language of instruction in schools implementing minority education programmes on quality of education
- Elaborate and include measures to promote principles of social inclusion, such as effective participation of minorities in public life, into all national programmes addressing social integration and anti-discrimination

VIII. Conclusion

The economic crisis made a significant impact on Latvian society, with redundancies, budget cuts and institutional consolidations influencing the situation of many people and the number of officially registered unemployed has tripled during the last two years, while the total population of the country decreased by one percent, including through emigration.

While the data on discrimination and racism in Latvia is rather limited and the number of actual complaints remains relatively small, an assessment of the situation is far from simple, given the fact that Latvia lacks the system of gathering data about the situation of different groups in various areas such as housing, income and occupation, education, health, access to goods and services in the public and private sectors. The number of officially registered hate crimes decreased to six in 2009 and three during the first seven months of 2010 (compared to 16 cases in 2007 and nine in 2008).

Latvia crucially needs to improve the already existing mechanisms for rights protection. While the number of instances of discrimination reported to governmental bodies and NGOs may be not very big, the research data suggests the discrimination problem may be more widespread than is being reported. Research results show substantial numbers of minorities encountering discrimination and many possible victims of discrimination are not convinced that reporting their cases will change anything. Unfortunately, concerns about the role and effectiveness of the Ombudsman's Office as the designated national equality body have not been addressed in 2009 – early 2010 and the work of Office was complicated by internal conflict on the issues of leadership and professional competence, while its budget reduced by more than a half.

Some civil society organisations in Latvia are playing a significant role in combating racism and discrimination, providing assistance to victims, informing the public and raising public awareness, as well as engaging with the state bodies in drafting legislation, providing expertise and training. Given the impact of the government's measures of fiscal and institutional consolidation on the work of institutions working with the issues of equality and tolerance, the NGOs have an increased responsibility. However, Latvia's civil society organisations differ significantly in terms of capacity and some NGOs are also experiencing difficulties because of financial crisis in the country. In the meantime, the ultimate authority to enforce justice and deliver remedies to the victims rests with the state, and thus, public figures and state authorities hold the key to promote a climate of tolerance and inclusion as well as to combat racism and discrimination.

IX. Bibliography

Baltic Institute of Social Sciences *Immigrants in Latvia: possibilities and conditions of inclusion*, Riga, 2009, available at: http://www.biss.soc.lv/downloads/resources/imigrantu_integracija/Imigranti_LV.pdf (accessed on 09.09.2010).

ECHR Grand Chamber Judgment, Andrejeva v. Latvia (Application no. 55707/00), Strasbourg, 18 February 2009: <http://cmiskp.echr.coe.int/tkp197/view.asp?> , accessed on 19 May 2009

European Union Agency for Fundamental Rights *EU-MIDIS European Union Minorities and Discrimination Survey. Main Results Report*, 2009, available at: [http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en .pdf](http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en.pdf) (accessed on 09.09.2010)

Fundamental Principles of Society Integration Policy 2010-2017, available in Latvian at the homepage of the Ministry of Justice: http://www.tm.gov.lv/lv/noderigi/sabiedribas_integracija/sab_integr_aktuali.html?news_id=3599 (accessed on 9 September 2010)

Grube D, Pērn Latvijas iedzīvotāju emigrācija uz citām valstīm pieaugusi par 23%, in: National News Agency LETA, (06.04.2010).

Homepage of Dialogi.lv: http://www.dialogi.lv/article_new.php?id=2851 (accessed 9 September 2010)

Homepage of Latvia 2030: http://www.latvija2030.lv/upload/latvija2030_saeima.pdf (accessed on 09.09.2010)

Homepage of NGO "Sustento" <http://www.sustento.lv/resource/show/462> (accessed 9 September 2010)

Homepage of the Cabinet of Ministers: <http://www.mk.gov.lv/lv/mk/tap/?pid=40179679&mode=mk&date=2010-08-24> (accessed on 9 September 2010)

Homepage of the Free Trade Union Confederation of Latvia: http://www.lbas.lv/projects/labour_relations_protection (accessed on 09.09.2010)

Homepage of the Latvian Centre for Human Rights: <http://www.humanrights.org.lv/html/lv/aktual/publ/30176.html> (accessed on 09.09.2010)

Homepage of the Ombudsman's Office:

<http://www.tiesibsargs.lv/lat/tiesibsargs/jaunumi/?doc=257> (accessed on 09.09.2010)

IeM: Par Nacionālās drošības koncepcijas projektu (About the Draft National Security Concept), in *Latvijas Vēstnesis*, 16.06.2010.

Latvia/ Augstākās tiesas Krimināllietu tiesu palāta / Nr.11840001107 (22.07.2010)

Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003)

Latvian Centre for Human Rights, ENAR Shadow Report 2008 Racism in Latvia, available at: <http://cms.horus.be/files/99935/MediaArchive/national/Latvia%20-%20SR%202008.pdf> (accessed on 23.11.2010)

LETA, *Vladimirs Buzajevs (PCTVL) iesniedzis Satversmes Tiesā pieteikumu* 05.03.2010.

Licitis, E., Gundars Bērziņš: politiķiem patīk ļauties dresūrai (Gundras Berzins: Politicians enjoy being disciplined), in *Latvijas Avīze*, 26.03.2010.

Luckans, U., *Saeima noraida PCTVL ierosinātos grozījumus likumā par valsts pensijām*, in: LETA, 30.04.2009

Luckans, U., *Saeima noraida PCTVL ierosinātos grozījumus likumā par valsts pensijām*, in: LETA, 21.05.2009.

Mezniece, I., *Pēc zaudēta procesa ECT rosina izmaiņas Pensiju likumā*, in LETA, 16.04.2009

Murniece, I., "Dumpis uz tiesībsarga kuģa?" (Riot on the Ombudsman's ship?), in *Latvijas Avīze*, 04.07.2009

Office of Citizenship and Migration Affairs of the Ministry of Interior of Republic of Latvia, Statistics: <http://www.pmlp.gov.lv/lv/statistika> , accessed 9 September 2010

Ombudsman's Office 2009 Annual Report, available in Latvian at:

<http://www.tiesibsargs.lv/files/downloads/Tiesibsarga%202009.gada%20zinojums.pdf> (accessed 09.09.2010)

Paparde, I. (2009) "Ja samaksāsi, varēsi dzemdēt", in *Neatkarīgā Rīta Avīze* (29.08.2009); <http://www.nra.lv/zinas/28958-ja-samaksasi-vari-dzemdet.htm> (accessed 9 September 2010)

Racism in Latvia, ENAR Shadow Report 2007

<http://cms.horus.be/files/99935/MediaArchive/national/Latvia%20-%20SR%202007.pdf> (accessed 23.11.2010)

Results of 2009 European Parliament elections at the homepage of the Central Election Commission of Latvia: http://www.cvk.lv/cgi-bin/wdbcgiw/base/eiro9.veles9_rezultati.sak (accessed on 09.09.2010)

Results of 2009 local government (municipal) elections at the homepage of the Central Election Commission: http://www.cvk.lv/cgi-bin/wdbcgiw/cvk/pv2009.pv09_rezultati.vis (accessed on 09.09.2010)

Rumpīte D, CSP dati par iedzīvotāju migrācijas aktuālajām tendencēm 2009.gadā, in: National News Agency LETA, (27.04.2010).

Skruzis J., Nacionālā naida kurināšanā apsūdzētajam Jordanam AT nosaka bargāku cietumsodu, in: National News Agency LETA 10.01.2009

Slišāne, K., Nesagaidot pārmaiņas Tiesībsarga birojā, darbu pamet Diskriminācijas novēršanas departamenta vadītāja in *LETA*, 12.08.2009

State Employment Agency, statistics data: <http://www.nva.lv/index.php?cid=6> (accessed 9 September 2010)

The Equal Rights Trust (ERT): “‘Levelling Down’ Pensions in Latvia Does Not Remedy Discrimination”:

<http://www.equalrightstrust.org/newsstory01102009/index.htm>

http://www.equalrightstrust.org/ertdocumentbank/Microsoft%20Word%20-%20Latvia%20PisjmoDaudze%20_2_.pdf (accessed on 09.09.2010)

Zvirbulis, G., Tiesībsargu neaiztiks (The Ombudsman will not be touched), in *Latvijas Avīze*, 27.03.2010

Delfi.lv 12 January, 2010, Aiztur par kapu apgānīšanu nacionālistisku motīvu dēļ [Detain for Desecration of Graves due to Nationalistic Motives], available at <http://www.delfi.lv/news/national/criminal/aiztur-par-kapu-demolesanu-nacionalistisku-motivu-del.d?id=29208857>

Vesti-Segodnya (10.03.2010) Латышские националисты пытаются отвлечься от социальных проблем, нагнетая русофобию (Latvian nationalists are trying to turn attention away from social problems by inciting Russophobia) <http://www.ves.lv/article/115881> (accessed on 09.09.2010)

Diena (11.03.2010) Rīgas centrā piekauj jauni «Rossija» dēļ (A youngster got beaten up in the centre of Riga for “Russia”) <http://diena.lv/lat/politics/hot/pec->

[uzbrukuma-anatolijs-vairs-nenesas-cepuri-ar-uzrakstu-rossija](#) (accessed on 09.09.2010)

X. Annex 1: List of abbreviations and terminology

CSB - Central Statistics Bureau

EU-MIDIS - European Union Minorities and Discrimination Survey

IUMSILS - Special Tasks Minister's for Social Integration Affairs Secretariat

LBAS - Free Trade Union Confederation of Latvia ()

LCHR - Latvian Centre for Human Rights

Ls – Lats, Latvian national currency

MES - Ministry of Education and Science

OCMA - Office of Citizenship and Migration Affairs

SEA - State Employment Agency

SLC - State Language Centre

SLI – State Labour Inspectorate

