



european network against racism

ENAR Shadow Report 2007

ENAR SHADOW REPORT 2007

Racism in Latvia

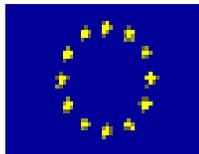
Boris Koltchanov
(based on materials collected by the Latvian Centre
for Human Rights)

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. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

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.

Published by the European Network against Racism (ENAR) in Brussels, October 2008, supported by a grant from Compagnia di San Paolo, from the European Commission and from Foundation Open Society Institute (Zug).

ENAR reserves the right not to be responsible for the accuracy, completeness or quality of the information provided in this report. Liability claims regarding damage caused by the use of any information provided, including any information which is incomplete or incorrect, will therefore be rejected.



1. Executive summary

The present shadow report highlights the situation of racism and discrimination in Latvia in several areas (such as employment, housing, education, racial violence and crimes etc.) in 2007 and assesses the core political and legal developments in the area of anti-discrimination, migration and integration, criminal justice and social inclusion. The report is largely based on information collected by the NGO Latvian Centre for Human Rights.

Latvia continued transposing the Race Equality Directive requirements into its national legislation. Latvia lacked a comprehensive data collection system on the situation of various groups in different areas of social life and economy, as well as information about instances and patterns of discrimination. Available statistics and research data indicate disparities in some areas, including the labour market. However, the number of discrimination complaints and court cases is small. Public awareness is low and the lack of a systematic data collection and research mechanism make assessment of discrimination very difficult.

The Ombudsman's Office, established on the basis of the National Human Rights Office (LNHRO) on 1 January 2007, is responsible for promoting the observance of the principle of equal treatment and prevention of any type of discrimination. The number of discrimination complaints received by the Ombudsman's Office did not increase compared to the number of complaints received by LNHRO in 2006 and is small in actual numbers. In 2007, the Ombudsman's Office did not use its right to represent the interests of a victim to the court and there are concerns over the Office's effectiveness in solving discrimination complaints.

There was a slight increase in the number of officially registered crimes under Section 78 of the Criminal Law (intentional acts aimed at incitement to racial, ethnic and national hatred) comparing to previous years: 16 cases registered in 2007, 14 in 2006, 13 in 2005. The majority of the cases were hate speech cases, predominantly racist comments made by individuals (mainly aged 16-20) on the internet, some of the comments were posted in 2004 or 2005. In 2007, law enforcement bodies attempted to prosecute incidents of racial violence as cases of instigation of ethnic or racial hatred. In 2007, the first ever prison sentences (six and eight months) for a racially motivated attack were handed down by the court. In the end of 2007 the first publically known allegedly racially motivated attack against the Roma was registered. No crimes were registered under Section 150 (incitement to religious hatred) and 151 (interference with religious rituals) of the Criminal Law. Moreover, for the first time an advertisement has been recognised as discriminatory on the grounds of race, skin colour, national or social origin and a fine has been imposed for the violation of the advertising ethics in Latvia.

The issue of migration and integration of refugees and newcomers remained largely unaddressed in 2007. Survey data reveal high level of prejudices and intolerance towards visual minorities and newcomers. A draft document on the Concept of Migration Policy in the Context of Employment has been under consideration since 2006, yet the Government postponed its adoption, while existing integration and language learning programmes are mainly focusing on traditional minorities.

2. Table of contents

1. Executive summary.....	3
2. Table of contents	5
3. Introduction	6
4. Communities vulnerable to racism	7
5. Manifestations of racism and religious discrimination	10
5.1 Employment	10
5.2 Housing	15
5.3 Education	16
5.4 Health	19
5.5 Policing and racial profiling.....	21
5.6 Racist violence and crime.....	21
5.7 Access to goods and services in the public and private sector.....	23
5.8 Media, including the internet.....	24
6. Political and legal context	28
6.1 Anti discrimination.....	28
6.2 Migration and integration	33
6.3 Criminal justice	35
6.3.1 Racism as a crime	35
6.3.2 Counter terrorism.....	38
6.3.3 Racial profiling	38
6.4 Social inclusion	39
7. National recommendations	41
7.2 Anti discrimination.....	41
7.3 Migration and integration	41
7.4 Criminal justice	42
7.5 Social inclusion	42
8. Conclusion	43
9. Bibliography	45
10. Annex 1: List of abbreviations and terminology.....	49

3. Introduction

In 2007, the issues of racism and discrimination received only limited public attention in Latvia. The number of officially registered racist incidents remained more or less the same, emphasising the need for the state to monitor the situation, and to elaborate and implement effective measures against racism. While the majority of registered cases were instances of hate speech comments on the internet, 2007 also saw the first ever prison sentence for a racially motivated attack handed down by the court.

In 2007, Latvia continued transposing the requirements set forth by the Race Equality Directive into national legislation, however the process was not completed by the end of the year. Latvia lacked policy measures aimed at ensuring equal treatment in all spheres of social life and economy, including private and public enterprises. In the meantime, assessment of implementation of the principle of equal treatment is complicated by the continuous lack of statistical and research data on the situation of various groups in different areas of social life and economy.

The present report highlights the situation of racism and discrimination in Latvia throughout 2007, as well as responses to this situation. The first section of the report provides an overview of the existing data on manifestations of discrimination in the fields of employment, education, housing, racial profiling, racial violence, access to goods and services in the public and private sector, and the media, including the Internet. The second section reviews developments in the legal and political context in four main areas: anti-discrimination, migration and integration, criminal justice, and social inclusion. While providing update of core political and legal developments in 2007, the report, where possible, also includes NGOs' assessments of these developments. While the report does not focus specifically on developments in 2008, some key developments have been highlighted such as legislation, policy documents and litigation initiated or discussed already in 2007.

The report to a great extent is based on data collected by the staff of the NGO Latvian Centre for Human Rights during 2007 and 2008 (hereinafter – LCHR). This information includes published and unpublished reports, interviews and roundtable discussions with minority NGOs. Additional information for the purpose of this report was also collected.

4. Communities vulnerable to racism

Ethnicity, language and citizenship

The population of Latvia is ethnically diverse. According to the data of the Central Statistical Bureau, the population of Latvia on 1 January 2008 was 2 270 894¹, including 59.2% of ethnic Latvians, 28.0% ethnic Russians, 3.7% Byelorussians, 2.5% Ukrainians, 2.4% Poles, 1.3% Lithuanians, 0.5% Jews, 0.4% Roma; 2% of population belong to other ethnicities or refused to declare any ethnicity.

Ethnic affiliation alone does not provide sufficient information for further analysis of the situation. Some experts believe that in Latvia's context, data about respondents' native language, Latvian language proficiency and citizenship is more important than ethnicity².

The latest comprehensive statistical data that include information about the native language of Latvia's residents is the data of Population Census held in 2000. According to the results of the 2000 Population Census, 58.2% of the population claimed that Latvian was their native language, 39.6% - Russian and 2.2% - other language. Russian is a native language for 79.1% of ethnic Jews, 72.8% - Byelorussians, 67.8% - Ukrainians and 57.7% Poles³.

The number of non-citizens in Latvia has decreased from 731 078 in 1995⁴ to 372 421 on 1 January 2008⁵, including through naturalisation of more than 125 000 individuals⁶. While a surge of naturalisation applications followed Latvia's accession to the EU, interest in naturalisation decreased recently, with the Naturalisation Board receiving 3 308 naturalisation applications in 2007⁷. On 1 January 2008, citizens of Latvia constituted 81.70%, non-citizens of Latvia – 16.37%, citizens of Russia – 1.25%, foreign citizens and stateless persons – 0.68% of the population⁸.

Jews

According to the data of the Latvian Population Register, 10 168 Jews were living in Latvia on 1 January 2008⁹. Expressions of anti-Semitism in public by national-

¹ Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 19 June 2008.

² „Ethnic Data against Discrimination”, seminar organised by the Latvian Centre for Human Rights, Riga, 18 September 2007.

³ Valsts valodas politikas pamatnostādnes 2005. – 2014. gadam. Available: http://izm.izm.gov.lv/upload/file/Normativie_akti/IZM_010305_Valsts_valodas_polit_pamatnost_2005-2014.doc (19.06.2008)

⁴ Naturalization Board Data, <http://www.np.gov.lv/index.php?id=418&top=418>, accessed 19 June 2008.

⁵ Ibid.

⁶ Naturalization Board Data, <http://www.np.gov.lv/?id=461&sa=461&top=417>, accessed 19 June 2008.

⁷ Naturalisation Board data, available at: http://www.np.gov.lv/lv/faili_lv/naturalizacija_lv.pdf accessed 19 June 2007

⁸ Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 19 June 2008.

⁹ Data of the Population Register of the Office of Citizenship and Migration Affairs of the of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/ird/ISVN_Latvija_pec_TTB_VPD.pdf, accessed on 19 June 2008.

radicals is not unusual in the public sphere, - mostly on the internet, but also verbally, and occasionally in media, as well as other instances.

Roma

Research data and interviews with representatives of Roma show that Roma are clearly experiencing disadvantages and discrimination in all areas¹⁰. According to official statistics, at the beginning of 2008, there were 8 582 Roma living in Latvia. However, according to Roma representatives, there are 15,000 – 20,000 Roma in Latvia¹¹.

Migrants

The number of migrants is relatively small: in 2007, 3 541 individuals moved to Latvia (2 801 in 2006), while 4 183 individuals left the country (5 252 in 2006), thus as in previous years, leaving Latvia a migration donor¹². Besides, most of the migration in Latvia comes from with the countries of Europe and former USSR¹³.

Asylum seekers and refugees

Since 1998, when the asylum procedure was launched in Latvia, 203 individuals applied for asylum¹⁴. Since 1998, the refugee status was granted to 15 individuals, while alternative status was granted to 20 individuals. During 2007, 34 individuals requested asylum in Latvia (8 in 2006); 3 individuals were granted alternative status, 5 – refugee status (2 in 2006), while 11 applications were declined and 2 individuals withdrawn their applications¹⁵.

According to the public opinion survey “Attitudes towards Civil Society”, conducted by the Marketing and Public Opinion Research Centre SKDS, 52% of respondents believe that discrimination is a topical issue for Latvia’s society, while 27.8% believe there is no discrimination in the country. Respondents of the survey highlighted three key discrimination grounds in Latvia: age (42%), disability (39%), race/ethnic affiliation (30%). Among those who pointed out that discrimination is a topical issue for Latvia’s society, 17% believe that discrimination on the ground of race and ethnic affiliation is topical, 1.2% believes that discrimination on the ground of religion is topical¹⁶.

Research “Integration of New Members of Society” commissioned by the Secretariat of the Special Assignments Minister for Social Integration Affairs in cooperation with International Organisation for Migration revealed an alarming

¹⁰ Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.15.

¹¹ Ibid.

¹² Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 19 June 2008.

¹³ Ibid

¹⁴ Data of the Office of Citizenship and Migration Affairs of the the Ministry of Interior of Republic of Latvia: <http://www.pmlp.gov.lv/lv/statistika/patveruma.html;jsessionid=CCA53FD41678EC37DFAC1DCFDE4EB97E> , accessed on 19 June 2008.

¹⁵ Ibid

¹⁶ Market and Public Opinion Research Centre SKDS (2007), Public opinion survey “Attitudes toward Civil Society”,(Riga, 2007). Available in Latvian at: http://www.integracija.gov.lv/doc_upl/atskaite_integracija_072007.pdf

prejudice against various groups¹⁷. A significant part of the respondents in Latvia stated that representatives of certain groups should not be allowed to move into the country (e.g. Muslims – 35%, Chechens – 33.8%, Kurds – 28.8%, Palestinians – 19.4%, Africans – 20.2% and Chinese – 17.1%), or could be allowed into Latvia only as tourists (e.g. Muslims – 39.2%, Chechens – 38.4%, Kurds – 44.3%, Palestinians – 46.5%, Africans – 48.3%, Chinese – 52.4% and Azeri – 29.3%)¹⁸.

¹⁷ Kvalitatīvo Pētījumu Studija, *Pētījums "Jauno Sabiedrības Locekļu Integrācija"* (Rīga, 2008). Summary and presentation in Latvian available at the homepage of the Secretariat of the Special Assignments Minister for Social Integration Affairs: http://www.integracija.gov.lv/doc_upl/Beglu_petijums_kopsavilkums.doc
http://www.integracija.gov.lv/doc_upl/begli_2008.ppt

¹⁸ Ibid.

5. Manifestations of racism and religious discrimination

5.1 Employment

There is a lack of data and information (official or unofficial) on discrimination on the grounds of race and religion in the sphere of employment. There is no official information available on income differences based on ethnicity, native language, race or religion, while information on economic activity differences is limited to ethnicity and citizenship.

In 2007, the Ombudsman's Office (national equality body) received no complaints about discrimination on the grounds of race, language or religion in employment¹⁹. Also, the State Labour Inspectorate (hereinafter - SLI, a state body responsible for the control of the implementation of labour legislation) received no complaints about discrimination on the grounds of race, language or religion in employment²⁰. Very few NGOs work on anti-discrimination issues, providing legal consultations to public, and no information on complaints about alleged ethnic discrimination in employment in 2007 is available. A low awareness on discrimination and possible remedies, as well as fear of being victimized explain to a certain extent the small number of complaints. In addition, discrimination awareness is low among most Latvian NGOs which is another reason that explains the lack of information on the issue. Neither the Free Trade Union Confederation of Latvia, nor NGOs, including the Latvian Centre for Human Rights and the Legal Service of the Russian Community received complaints about discrimination on the grounds of race, language or religion in employment²¹.

In 2007 there were no employment discrimination cases in Latvia's courts related to ethnicity, race, religion or language. The first-ever ethnic discrimination case in employment brought to court in 2006 did not reach satisfactory outcome by the end of 2007. In 2006, the court established the fact of discrimination by the company, ruled in favour of the victim (a Roma woman) and determined a compensation Ls 1 000 (EUR 1 435)²². However, by the end of 2007, the victim still was not able to receive the compensation, because the company ceased all activities²³.

¹⁹ Information provided by the Office of the Ombudsman on 18.01.2008

²⁰ Information provided by the State Labour Inspectorate on 24.01.2008

²¹ Information provided by the State Labour Inspectorate on 04.09.2007, the Free Trade Union Confederation of Latvia on 19.09.2007, the Legal Service of the Russian Community on 23.08.2007, the Latvian Human Rights Centre on 20.09.2007.

²² Djackova Svetlana, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2006, http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2006.pdf, p.9

²³ Information provided by the lawyer of the Ombudsman's Office, who represented the victim in the case. 27 June 2008

The data of the State Employment Agency includes information about those who officially registered as unemployed and their ethnicity²⁴. The State Employment Agency does not register race, native language, religion or belief of unemployed²⁵. 52 321 unemployed were officially registered with the State Employment Agency as of 31 December 2007. Official data show some disparities between unemployment levels of ethnic Latvians and ethnic minorities, although these disparities have a tendency to diminish gradually.

**Table: Officially registered unemployed according to their ethnicity
Data of the State Employment Agency**

	2005		2006		2007	
	% of the unemployed (30.06.2005)	% of the total population (30.06.2005)	% of the unemployed (30.06.2006)	% of the total population (30.06.2006)	% of the unemployed (31.07.2007)	% of the total population (31.07.2007)
Latvian	51.9	58.8	52.7	59.0	53.5	59.0
Russian	33.0	28.6	31.7	28.5	31.4	28.3
Belarusian	4.1	3.8	4.0	3.8	4.0	3.7
Ukrainian	2.6	2.6	2.5	2.5	2.6	2.5
Polish	2.5	2.5	2.4	2.4	2.4	2.4
Lithuanian	1.5	1.4	1.4	1.4	1.4	1.4
Jewish	0.1	0.4	0.1	0.4	0.1	0.5
Roma	0.7	0.4	0.8	0.4	0.7	0.5
Other	1.2	1.5	1.0	1.6	1.0	1.2
No ethnicity indicated	2.4	-	3.4	-	2.9	0.5

Source State Employment Agency

Information on employment provided by the Central Statistics Bureau (CSB) points at some disparities along ethnic and citizenship lines²⁶. No statistical information on employment concerning race, native language, religion or belief is available. The share of senior specialists is greater among ethnic Latvians (15.7%) and citizens (14.7%), than among ethnic non-Latvians (9.4%) and non-citizens (6%). The share of unemployed with university education is higher among ethnic non-Latvians (15.7%) and non-citizens (17.3%) than among ethnic Latvians (10.5%) and citizens (11.8%), while the share of unemployed with basic or lower education is higher among ethnic Latvians (31.9%) and citizens (27.7%) than among ethnic non-Latvians (18.2%) and non-citizens (19.2%). Reasons of economic inactivity are also different to some extent.

There is no official information available on the employment situation of foreigners, including immigrants, refugees and asylum-seekers.

The number of Latvian work invitations issued to third-country nationals by the State Employment Agency increased three-fold: while 1058 permits were issued

²⁴"Race" refers to physical features of an individual, while "ethnicity" refers to his/her belonging to an ethnic group, defined in categories such as culture, language, religion, history, traditions.

²⁵ Information provided by the State Employment Agency on 05.09.2007

²⁶ Information provided by the Central Statistical Bureau on 18.10.2007.

in 2006, 3113 permits were issued in 2007²⁷. The main countries of origin are Ukraine (961), Moldova (847) and Uzbekistan (343). These people are employed mainly in construction (1865) and manufacturing (603) sectors²⁸. In 2007, the State Border Guards filed 101 administrative violation protocols (in 2006 – 131) for employment of foreigners without working permits²⁹.

Employment opportunities of non-native speakers of the Latvian language are affected by the state language proficiency requirements. The level of state language proficiency required for various professions is determined by regulations adopted by the Cabinet of Ministers³⁰. The extent of state language proficiency is approved in the mandatory and official procedure for testing language fluency in the public sector (~ 3 500 professions), while in the private sector, the extent of the state language proficiency is required for those employees and self-employed persons who perform certain public functions, as well as if the activity affects legitimate public interest (e.g., medical staff, lawyers, notaries, guards and taxi drivers, around 70-80 professions). The Regulations also stipulate, that employees in private enterprises and self-employed whose professions are not included in the list and who are in close contact with consumers should be able to provide information on goods and services in the state language.

The State Language Centre (hereinafter – SLC) is a state body under supervision of the Ministry of Justice which is authorized to control the implementation of the State Language Law. Following the 2006 elections, the new Justice Minister from the national conservative union For Fatherland and Freedom/Latvian National Independence Movement, announced as a priority strengthening the work of the language inspectors of the SLC. The budget of the SLC was doubled in 2007 to over 200 000 Ls, up from 105 000 Ls in 2006, and the number of inspectors was increased. There are indeed indications that during the last few years the SLC has intensified its activities in controlling the state language usage not only in the state and municipal institutions, but also in other areas of life, such as commerce. Information about fines imposed on a school director, salesperson, janitor or taxi driver occasionally appear. During 2007, 721 persons were given administrative violation citations (comparing to 553 in 2006). Of these, 507 employees of various enterprises received penalties for not using the state language at the level needed for fulfilling their professional and professional requirements (446 in 2006). In addition, 184 responsible officials were fined for not ensuring the proper labelling in the state language of goods or

²⁷ Data of the State Employment Agency available in Latvian at: http://www.nva.gov.lv/docs/11_48170857260831.19686559.doc , accessed on 19 June 2008

²⁸ Ibid

²⁹ <http://www.leta.lv/search/?phase=darba+at%C4%BCaujās&id=75C2BE6B-2F41-46C2-9D36-DC81C96EEFA0>

³⁰ Cabinet of Ministers' Regulations Nr. 296 on Requirements on Proficiency Degree in the State Language Required for Performance of Professional and Positional Duties and the Procedure of Language Proficiency Tests. Available in Latvian at: www.likumi.lv

instruction manuals, by providing full translation into Latvian. The 30 others were penalized for other violations of the State Language Law³¹.

Research and survey data provide some information on the situation of minority groups in employment, indicating a certain level of concern.

Research on “Causes and Length of Unemployment and Social Exclusion” concluded that unemployed persons without the Latvian language proficiency certificate are exposed to a greater risk of long-term unemployment. Roma employees are especially vulnerable because of relatively low level of education and often suffer from ethnic prejudice and discrimination on the grounds of gender and age³².

The Migrant Integration Policy Index published by the British Council and the Migration Policy Group in September 2007 notes that access to employment and labour market integration measures for non-Latvians are unfavourable. The report emphasised that the state does not set national policy targets to reduce non-Latvians’ unemployment, promote their vocational training, or improve their employability by teaching them Latvian³³.

The research project: “Specific Problems of Labour Market in Latvia and its Regions”³⁴ addressed the issue of discrimination in the labour market. According to the research data, language and ethnicity feature as possible grounds for violation of the principle of equal treatment. Employers are generally more optimistic about non-discrimination in the labour market. 85% of employers believe there is no discrimination on the grounds of the state (Latvian) language proficiency, while only 51% of employees subscribe to this view. 93% of employers believe there is no discrimination on the ground of ethnicity, while 77% of employees support this statement. Both employers and employees admit the problem of discrimination on the ground of ethnicity against Roma. 68% of employees admitted that even in cases when their rights in employment have been violated, they would not seek help from any organisation that might assist with such problems³⁵. The research data hints at possible discrimination in salaries paid to ethnic Latvians and ethnic non-Latvians, although more comprehensive data is needed to make a definitive conclusion³⁶.

³¹Eriņa, A. (2008) “Pērn par Valsts valodas likuma pārkāpumiem administratīvi sodīts 721 darbinieks”, in: *National News Agency LETA*, (08.01.2008)

³²Institute of Philosophy and Sociology of the University of Latvia, Baltic International Centre for Economic Policy Studies, Institute of Sociological Research (2007), *Causes and Length of Unemployment and Social Exclusion*, available at: <http://sf.lm.gov.lv/esf> (22.10.2007)

³³British Council and Migration Policy Group (2007) *Migrant Integration Policy Index*, p. 106, available at www.integrationindex.eu (16.01.2008)

³⁴Latvian Agricultural University, Daugavpils University, Riga Stradina University, Ventspils University College, Vidzeme University College (2007), *Specific Problems of Labour Market in Latvia and its Regions*, available at: <http://sf.lm.gov.lv/esf> (22.10.2007)

³⁵Latvian Agricultural University, Daugavpils University, Riga Stradina University, Ventspils University College, Vidzeme University College (2007), *Specific Problems of Labour Market in Latvia and its Regions*, p.4, available at: <http://sf.lm.gov.lv/esf> (22.10.2007)

³⁶Latvian Agricultural University, Daugavpils University, Riga Stradina University, Ventspils University College, Vidzeme University College (2007), *Specific Problems of Labour Market in Latvia and its Regions*, p.76, available at: <http://sf.lm.gov.lv/esf> (22.10.2007)

The data of opinion poll commissioned by the National Human Rights Office (Ombudsman Office as of 1 January 2007), 23% of respondents claimed that they have experienced unfair treatment during the last three years³⁷. Of those, the greatest share (30%) claimed their right to work has been violated³⁸. This view is shared by 28% of citizens and 37% of non-citizens, 20% of ethnic Latvians, 40% of ethnic Russians and 32% of other ethnicities who claim to have experienced unfair treatment during the last three years³⁹.

EXAMPLES OF NGO GOOD PRACTICE

Within the framework of project Latvia – Equality in Diversity II (LED-II) administrated by the IUMSILS and implemented in co-operation with various organisations, a Roma employment support project “New opportunities for Roma women”, a conference for trade unions and employers in Riga “Non-discrimination in Employment” and seminars for trade unions and NGOs outside the capital “Discrimination prevention in Europe and Latvia: theory and practice” were organised.

In August 2007, NGO “Zelta kamolins” implemented a project “New opportunities for Roma women”, aimed at providing professional support the motivation of Roma women to work or start up a business enterprise. 40 Roma women participated in the project. The project was financed by the European Commission and supported by Association of Businesswomen and IUMSILS⁴⁰.

On 13 June 2007 the Latvian Centre for Human Rights (LCHR) organized a conference on “Non-discrimination in Employment” targeted at trade unions and employers. The aim of the conference was to raise awareness among social partners on discrimination, inform of mediation practises in resolving discrimination cases, to highlight the role of trade unions in combating discrimination in the EU and Latvia⁴¹. Representatives of trade unions, State Employment Agency, Employer’s Confederation took part in the conference. In August 2007 the LCHR organised three seminars “Discrimination Prevention in Europe and Latvia: Theory and Practice”. The seminars were held outside the capital (in Liepaja, Jelgava and Daugavpils) and targeted local NGOs and trade unions. The seminars provided updated information on EU standards and Latvia’s legislation and practice in anti-discrimination, as well as possible role of NGOs and trade unions in combating discrimination, including in employment⁴².

³⁷ Baltic Institute of Social Science (2006), *Study on human rights in Latvia*, p.20
<http://www.vcb.lv/index.php?open=petijumi&this=250906.252> (22.10.2007)

³⁸ Latvian National Human Rights Office (2006), *Study on human rights in Latvia*, p.3
<http://www.vcb.lv/index.php?open=petijumi&this=250906.252> (22.10.2007)

³⁹ Latvian National Human Rights Office (2006), *Study on human rights in Latvia*, p.33
<http://www.vcb.lv/index.php?open=petijumi&this=250906.252> (22.10.2007)

⁴⁰ Information provided by the Secretariat of the Special Assignments Minister for Social Integration on 08.10.2007

⁴¹ Summary and conference materials are available at the homepage of the Latvian Centre for Human Rights:
<http://www.humanrights.org.lv/html/lv/aktual/29242.html?yr=2007> (22.10.2007)

⁴² Summary and seminar materials are available at the homepage of the Latvian Centre for Human Rights:
<http://www.humanrights.org.lv/html/lv/aktual/29247.html?yr=2007> (22.10.2007)

These were the first seminars in Latvia targeting trade unions on issues of discrimination.

5.2 Housing

There is a general lack of publicly available evidence on racism and discrimination in the housing sector in Latvia in 2007. State bodies, including the Central Statistics Bureau of Latvia, do not collect data on housing disaggregated by ethnicity, race, religion, native language, legal status or nationality. The only available data on ethnicity in the housing sector was collected during the last national census, conducted in 2000. The only study on the Roma situation (2003) revealed that the Roma clearly experience disadvantages, and have a high risk of becoming victims of discrimination in housing⁴³.

The office of the Ombudsman received no complaints or allegations of racism or discrimination in housing in 2007⁴⁴. The Latvian Centre for Human Rights, a non-governmental organization providing legal assistance to victims of racism, received no complaints of racism or discrimination in housing in 2007.⁴⁵ The Housing Board of the Riga City Council received no complaints about discrimination on the ground of ethnicity/race, language or religion in the sphere of housing and it has no data on the situation of minorities/migrants in the sphere of housing or the ethnic composition of tenants of de-nationalised houses, because legislation does not envisage collection of such data⁴⁶.

While official and unofficial data on racism or discrimination in housing are lacking, the housing conditions of some guest workers in Latvia came to the attention of mass media. Most often guest workers are living in unrepaired and poorly furnished dormitory-like flats, three to five individuals per room⁴⁷. A TV news story showed an employer's rented flat for guest workers. The flat was very small with workers living in cramped conditions in one room, sleeping on mattresses⁴⁸. In some instances, guest workers are accommodated within the territory of the enterprise, in buildings adjusted to serve as a dormitory, and in one case according to internal enterprise rules, guest workers [Thailanders] were not allowed to leave the territory of the enterprise on their own⁴⁹.

Survey data on the type of housing disaggregated by ethnicity, length of residence and motives for changing the place of residence are available from labour market research "Geographic Mobility of the Labour Force" conducted in

⁴³ Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003),

⁴⁴ Information provided by the Office of the Ombudsman on 21.01.2008

⁴⁵ Information provided by the Latvian Centre for Human Rights on 20.09.2007

⁴⁶ Information provided by the Housing Board of the Communal Department of the Riga City Council on 22.01.2008

⁴⁷ Jolkina, A. (2007) „Peļņā uz Latviju”, in *Sestdiena*, (17.11.2007), p. 24 - 29

⁴⁸ J.Geste *They work for Latvia* De facto, LTV 24.06.2007

⁴⁹ Pujēna, S. (2007) „Ne par kādu naudu vietējos nedabūsi”, in *Latvijas Avīze*, (27.11.2007), p. 7

2007 under the auspices of the Ministry of Welfare with the EU Structural funds⁵⁰. 14 111 addresses were chosen for the survey sample and 8 005 valid questionnaires were gathered during the research. The questions included type of housing (rented room in a flat, rented private flat, rented house or part of house, hostel or service hotel, or social flat) by ethnicity, length of residency by ethnicity and motives for changing the place of residence by ethnicity. The results show that 59.7% of Latvians live in private flats, while the relevant figures were 75.4% for Russians and 70.9% for other minorities. At the same time, 16.6% of Latvians live in a private house or part of a house, while the corresponding figures were 5.7% for Russians and 7.9% for other minorities. 2% of Latvians lived in social housing, while the corresponding figures were 6% for Russians and 0% for others.

5.3 Education

There is serious lack of information about the situation of minorities in education in Latvia. No information is available on court cases about discrimination in education on the grounds of ethnicity, race, language or religion in education in 2007. The Ombudsman's Office received one complaint about differential treatment of a Roma girl in a school. This is the first complaint received by the Ombudsman's Office (formerly National Human Rights Office) about possible discrimination in the sphere of education on the ground of race or ethnicity. The case was under consideration by the Ombudsman's Office. Neither the Ministry of Education and Science, nor NGOs providing legal assistance – the Latvian Centre for Human Rights and Legal Service of the Russian Community – received complaints regarding racism or discrimination in education⁵¹. No statistical information about race, religion, legal status or citizenship of Latvia's pupils is available. There is a long-standing practice of gathering statistical information about ethnicity of Latvia's residents, including in education; however, important data disaggregated by ethnicity (such as educational achievement, drop-out rate, percentage of youth studying in universities, allocation of university grants) is not available. The only available official data in education is the ethnic breakdown of pupils at public schools, the number of pupils according to the language of instruction, the number of minority schools and the number of pupils there⁵².

There are three main types of public schools in Latvia: Latvian-language schools, Russian-language schools (implementing bilingual Latvian/Russian minority education programmes since 2004) and a few other minority schools (bilingual as well).

⁵⁰ Z. Krišjāne, project leader (2007) *Geographic Mobility of the Labour Force* Riga: University of Latvia. Available in English at: http://www.darbatirgus.gov.lv/doc_upl/DGM_petijums_gala_eng_1_dala.pdf (19.06..2008)

⁵¹ Information provided by the Office of the Ombudsman on 19.09.2007, the Ministry of Education and Science on 27.09.2007, Latvian Centre for Human Rights on 20.09.2007, Legal Service of the Russian Community on 23.08.2007

⁵² Ministry of Education and Science, statistics in Latvian available at <http://izm.izm.gov.lv/registri-statistika/statistika-vispareja/2005.html> (19.06.2008).

Since 2006 the Ministry of Education and Science (hereinafter - MoES) does not publish on its website ethnic breakdown of students in general education schools, referring to 'sensitivity' of impersonalised statistical data. However, these data were available upon request.

The total number of pupils in general full-time education schools continues to decrease. In the academic year 2007/2008, 73.37% of pupils in full-time general education were enrolled in Latvian language schools, 26.06% were enrolled in Russian language schools and 0.57% in schools with another language of instruction⁵³. The share of minority students in Latvian language schools has continued to increase gradually, and in academic year 2007/2008, 17% of pupils in Latvian-language schools were representatives of ethnic minorities or did not indicate their ethnicity.

The issue of minority education reform remained topical in 2007. The reform was launched in 2004 and its aim was to switch minority schools from providing instruction mainly in minority languages to providing most of the instruction in Latvian language starting from the 10th grade (i.e. – in secondary school) in general education establishments and from the 1st grade in vocational schools. In 2007, the reform was periodically criticised in the Russian language media, by minority activists and those politicians who draw significant support from minority voters, yet there were neither mass-scale public protests, nor individual complaints to state institutions and NGOs, nor court applications concerning education. As in 2006, low public activism concerning the issue was linked to the lack of belief that NGOs and parents could actually influence the decision-making in the education sphere⁵⁴, the lack of awareness of effective forms of participation⁵⁵.

The Constitutional Court ruled in 2005 that minority education reform does not breach the Constitution and international human rights standards on the condition that the norms are applied flexibly to students who otherwise risk dropping out of school and effective quality monitoring mechanism of minority education is introduced⁵⁶. However, by the end of 2007, no mechanism for quality evaluation and monitoring of implementation of minority education reform was introduced. The Ministry of Education and Science (MoES) claims that implementation of the minority education reform did not significantly influence educational achievements, because the results of the state centralised exams in secondary schools in 2007 show that the average marks in majority and minority schools are very similar, - average marks of the centralised exams in physics, chemistry and mathematics is slightly higher in minority schools, while results in

⁵³ Information provided by the Ministry on Education and Science 01.09.2008.

⁵⁴ Djackova Svetlana, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2006, http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2006.pdf, p.15

⁵⁵ Latvijas Cilvēktiesību centrs, *Vecāku efektīvā līdzdalība izglītības politikā*, http://www.dialogi.lv/pdfs/zinojums_gala_2006_oktobris.pdf, accessed 6 July 2007, p.2-3.

⁵⁶ Ruling of the Constitutional Court on minority education reform, <http://www.likumi.lv/doc.php?id=108255>, accessed 4 July 2008.

biology, history and English are slightly lower than in majority schools⁵⁷. However, comparison of two sets of data referring to majority and minority schools in 2007 alone does not provide any insight into whether and how the reform influenced minority schools since the reform's inception; monitoring the effect of the reform would require continuous, comparable data on educational achievements, drop-out rates and university entries of minority schools' graduates both before and after the launch of the reform, as well as similar data on majority schools.

The NGO Association of Russian Culture, Education and Science conducted an independent study on education quality in Russian language schools after the implementation of minority education reform 2004. The study compared differences between average results of Russian and Latvian language schools' graduates in three centralised exams – mathematics, English and history in 2005, 2006 and 2007. According to the study, the quality of education in Russian language schools has dropped considerably in mathematics and history⁵⁸.

The situation of the Roma in education continues to raise concern. According to the data provided by the Ministry of Education and Science upon request, 1333 ethnic Roma pupils were studying in general education establishments in the academic year 2007/2008, including 957 (71.79%) in Latvian language schools, 371 (27.83%) in Russian language schools and 5 (0.38%) in Polish schools⁵⁹. Earlier studies and statistical data show that educational indicators for the Roma minority are dramatically lower than for representatives of other groups, including low enrolment and early drop outs⁶⁰. While the Roma population has positive natural increase, the number of ethnic Roma in general education schools actually decreased from 1494 in 2004 to 1333 in 2007⁶¹, - a trend that could reveal the failure of mainstream schools to integrate Roma⁶². An additional challenge is posed by recent large-scale emigration of Latvian citizens, including ethnic Roma, to "older" EU countries, when dropping out of school is explained by emigration of parents, allegedly taking their children with them, although Latvian education authorities are not able to establish the fact of emigration of parents and children or check whether the children attend the school in the new place of residence⁶³.

Segregation of Roma children in education was never an official policy at national level. However, according to unofficial data, there were three cases of separate

⁵⁷ *Results of centralised examinations. Ethnic minority schools*, the Centre for Curriculum Development and Examinations. Available in Latvian at: <http://www.isec.gov.lv/eksameni/oldinfo.htm> (04.07.2008)

⁵⁸ Association of Russian Culture, Education and Science (2007) Research on results of education reform, available in Russian at <http://rus.delfi.lv/temp/mk/memorandum1.pdf> (08.07.2008)

⁵⁹ Information provided by the Ministry on Education and Science 01.09.2008.

⁶⁰ See: Latvian Centre for Human Rights and Ethnic Studies (2003), *The situation of Roma, 2003*, p.68 and Centre for Education Initiatives (2005), *Roma Identity in a Multicultural School*

⁶¹ Statistical data of the Ministry of Education and Science, available at: <http://izm.izm.gov.lv/registri-statistika/statistika-vispareja/2007.html>

⁶² Lukumiete Dace, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2005, http://www.enar.eu.org/en/national/latvia/Latvia_2005.pdf, accessed 6 July 2007, p.19.

⁶³ Unofficial information obtained from education officials in Jelgava, August 2007.

education in 2007: two pedagogical correction classes (45 pupils at Kuldīga Elementary School and 16 pupils at Mezmalas Secondary School) and general education of Roma ethnic minority classes (94 pupils at Ventspils Evening Secondary School)⁶⁴. Roma ethnic minority classes at Ventspils Evening Secondary School are following the same education programme as other classes, while providing opportunity to preserve Roma ethnic identity and culture in the education process⁶⁵. Teachers in grades 1-6 use a bilingual education method, providing instruction in both Latvian and Roma languages⁶⁶. Roma ethnic minority classes in Ventspils celebrated their 20th anniversary on April 2008⁶⁷.

EXAMPLES OF NGO GOOD PRACTICE

According to information provided by the Centre for Education Initiative, eight Roma were trained as teacher assistants. Three of them were working in 2007/2008 academic year – two as teacher assistants in kindergartens, while one became a kindergarten teacher⁶⁸. Other Roma teacher assistants do not work, due to lack of funding. In 2006/2007 eight Roma teacher assistants were employed in seven general education establishments⁶⁹. The National Programme „Roma in Latvia” envisages that until 2009, 12 Roma teacher assistants will be trained for kindergartens⁷⁰.

5.4 Health

There is a serious lack of data or research on the situation of minorities in healthcare.

The main state institution responsible for reviewing complaints about health care and violations of patient's rights is the Health Inspectorate under the auspices of the Ministry of Health⁷¹. The Health Inspectorate did not receive complaints about discrimination regarding health and social care affecting migrants, refugees, asylum seekers and ethnic minorities⁷². Other relevant state bodies (Public Health Agency, Ministry of Welfare) also did not receive complaints on discrimination in health care on ethnic/race, language or religious grounds⁷³.

⁶⁴ There have been nine segregated practices in academic year 2005/06 and three segregated practices in academic year 2006/07. Data collected by the Latvian Centre for Human Rights in September, October 2007

⁶⁵ National News Service LETA, 10 April 2008.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Information provided by the Centre for Education Initiatives on 20.09.2007

⁶⁹ Information provided by the Centre for Education Initiatives on 20.09.2007

⁷⁰ State programme Roma in Latvia 2007 – 2009, available at

[http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_\(romi\)_Latvija.pdf](http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_(romi)_Latvija.pdf) (26.09.2007)

⁷¹ The Health Inspectorate was established in 01.10.2007 by merging the State Sanitary Inspectorate, the State Pharmacy Inspectorate and the Medical Care and Work Ability Expertise Quality Control Inspection Board (Latvian acronym – MADEKKI). Homepage of the Health Inspectorate: <http://www.farminsp.gov.lv/?setl=2> (09.07.2008)

⁷² Letter No 1/23/13-10/78 of 04.10.2007 from the Health inspectorate

⁷³ Letter No. 8/2299 of 10.09.2007 from the Public Health Agency, Letter No. 9-16-05/3640 of 09.10.2007 from the Ministry of Welfare

One complaint concerning the denial of free healthcare to a child without a permanent residence permit was received by The Ministry for Children and Family Affairs. The Medical Treatment Law envisaged that persons without permanent residence permits have to pay to receive medical care⁷⁴. The Ministry found that this provision of the law contradicts Article 24 of the Convention on the Rights of the Child⁷⁵.

The Ombudsman's Office in 2007 received the first 2 complaints about possible discrimination in the sphere of health and social care on the ground of race or ethnicity. Representatives of the Roma community submitted complaints about alleged refusal without valid grounds by the State Agency for Compulsory Health Insurance (HCISA) to reimburse medicines for disabled Roma. Claimants alleged this was done due to the ethnicity of the individuals concerned. The Ombudsman's Office has requested information from the HCISA and the cases were under consideration.

Some minority representatives express concern about accessibility of information on medicines. A significant part of the patients, especially the elderly, are Russian speakers with very little or no knowledge of the Latvian language. However, in many instances medicines are not provided with annotations and instructions for use in Russian, or this information is printed extremely small font and is almost illegible, while in the shops and pharmacies information on goods in Russian is often glued over with annotations in Latvian⁷⁶.

There is nearly no data on health disaggregated by race, ethnicity, legal status, religion or belief. The only relevant statistical data published by the Central Statistics Bureau is the data on births, deaths, and the natural increase of the population by ethnicity. Ethnic Roma is the only group of population with positive natural increase since independence. Mortality rates for ethnic Russians are disproportionately high, while ethnic Russian birth rates are disproportionately low⁷⁷.

⁷⁴ The Medical Treatment Law (Chapter IV, Article 17) states that (1) the amount of medical assistance guaranteed by the State in accordance with the procedures prescribed by the Cabinet of Ministers shall be provided to 1) citizens of Latvia, 2) non-citizens of Latvia, and 3) to citizens of the European Union, the European Economic Zone and Switzerland who reside in Latvia due to employment or are self-employed persons, and to their families; 4) foreigners who have permanent resident permits in Latvia; 5) refugees and persons who have been granted alternative status; and 6) detained persons, imprisoned persons, and those who have been sentenced deprived of liberty. (2) Medical treatment in the amount mentioned in the first part of this article shall be provided at the time and place necessary according to the assessment of medical personnel, and at a diagnostic, medical, and patients care level available at the respective institution. (3) Children of persons listed in the first part of this article have rights to receive free of charge medical assistance guaranteed by the State and paid from medical service receivers charges. (4) Persons who are not listed in first and third part of this article receive medical care for pay.

⁷⁵ Article 24. 1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

⁷⁶ Latvian Centre for Human Rights, *Alternative report on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities in Latvia* (Riga, 2008), p.25, available at: http://www.humanrights.org.lv/upload_file/Shadow_Report_LCHR.pdf, accessed 6 June 2008.

⁷⁷ Central Statistical Bureau (2007) *Demography 2007* p. 22.

The Public Health Agency has compiled aggregate data for the period covering 1 January 1987 through 31 December 2006 on the incidence of HIV and AIDS by ethnicity and HIV/AIDS deaths by ethnicity. 3631 cases of HIV infection, 447 AIDS cases and 217 mortalities from infection are reiterated since 1987. The data reveals a clear overrepresentation of minorities – Russians, Roma and other minorities – in the total number of persons who are HIV positive. Data shows that the number of HIV positive Latvians was 810 (22.3 %), Russians 1693 (46.3 %), Roma 269 (7.4 %) and others 153 (4.2 %)⁷⁸.

5.5 Policing and racial profiling

There was no new information, including official or research data, regarding racial profiling or discrimination in policing in Latvia throughout 2007. However, earlier studies indicated that representatives of the Roma minority, people from the Caucasus, dark-skinned persons and immigrants have a greater risk to become victims of racial profiling⁷⁹. Evidence from the previous years, including cases of police brutality, unofficial reports on stops and searches, police raids, media criminal reports, unofficial statements by police officers, as well as institutional practices of information gathering revealed some signs of racial profiling⁸⁰. Widespread prejudices against some groups could also contribute to discrimination in police work. According to the results of research “Integration of New Members of Society” majority of respondents in Latvia stated that representatives of certain groups (e.g. Muslims, Chechens, Kurds, Palestinians, Africans, Chinese) should either not be allowed into the country at all, or could only be allowed into Latvia as tourists⁸¹.

5.6 Racist violence and crime

Racially motivated crimes in Latvia are registered under one clause – Section 78 of the Criminal Law (Violation of National or Racial Equality and Restriction of Human Rights). In 2007, both the State Security Police and the Information Centre of the Ministry of Interior registered 16 crimes under Section 78 of the Criminal Law (13 such crimes were registered in 2005, 14 - in 2006). The majority of the cases are hate speech cases, predominantly racist comments by individuals (mainly aged 16-20) on the internet, some of the comments were posted on the internet in 2004 and 2005.

⁷⁸ Letter No. 8/2299 of 10.09.2007 from the Public Health Agency

⁷⁹ Latvian Centre for Human Rights, Preparatory Research Brief, *Addressing Ethnic Profiling and Discrimination in Policing in Latvia* (2005); Lukumiete Dace, Latvian Centre for Human Rights, *ENAR Shadow Report 2005*, p.24-26.

⁸⁰ Ibid.

⁸¹ Kvalitatīvo Pētījumu Studija, *Pētījums “Jauno Sabiedrības Locekļu Integrācija”* (Rīga, 2008). Summary and presentation in Latvian available at the homepage of the Secretariat of the Special Assignments Minister for Social Integration Affairs: http://www.integracija.gov.lv/doc_upl/Beglu_petijums_kopsavilkums.doc
http://www.integracija.gov.lv/doc_upl/begli_2008.ppt

Out of 16 cases registered in 2007, 5 cases were related to racial violence, of which 4 cases were re-classified to hooliganism under Section 231.2. The remaining cases were hate speech cases on the internet (9), in a public discussion (1) and one case was related to racial insults (1). In 6 cases the Security Police decided not to start criminal proceedings⁸².

In the latter 6 criminal cases offenders were issued a prosecutor's injunction with fines imposed in the range of 4-5 minimum monthly wages (from 320 to 480 Ls). In all cases the defendants pleaded guilty for having posted several commentaries in discussion groups or in response to articles. The racist comments were aimed at inciting hatred against Latvians, Russians, Africans, and Jews.

There is no Victim's Register in Latvia and no information is recorded on victim's ethnic or religious background. No statistics are collected on the ethnic or religious background of the offender.

Further breakdown of the cases as to the stages of investigation or outcome is as follows. Of 16 registered cases, 8 were forwarded to the prosecutor's office, 4 cases were re-qualified to hooliganism by the Security Police and sent back to the State Police, 2 cases were closed and 2 cases were under investigation at the end of 2007⁸³.

CASES OF RACIST VIOLENCE AND CRIME

The first ever prison sentence for a racially motivated attack under Section 78.2 was handed down by the Riga Regional Court on 30 January 2007. In June, 2006 two young men attacked a local black man of Rwandan origin in Riga. The State Police initially classified the offence as hooliganism under Section 231.2, however, due to the persistence of the victim and the NGO Afro-Latvian Association the charges were re-qualified to intentional acts aimed at incitement of ethnic and racial hatred (Section 78.2). The court sentenced the two men to 6 and 8 months imprisonment respectively⁸⁴.

Criminal proceedings against a 24 year old neo-Nazi received wide media attention raising public debate in Latvia. In a public discussion in February 2007 the neo-Nazi publicly stated that Jews and Roma people are 'non-humans' and it would be preferable to exterminate them. On 22 August 2007 the prosecutor of the Prosecutor's Office of the Riga Regional Court decided to terminate criminal proceedings against the neo-Nazi⁸⁵. While the plaintiffs submitted a complaint, the Chief Prosecutor of the Prosecutor's Office of the Riga Regional Court upheld the decision of the prosecutor supporting her view that the statements of the neo-Nazi were an expression of freedom of speech protected by the Latvian

⁸² Information provided by the Security Police on 08.01.2008

⁸³ Information provided by the State Security Police on 08.01.2008

⁸⁴ Latvia/Rīgas apgabaltiesas Krimināllietu kolēģija/K 04-0113-07/18 (30.01.2007)

⁸⁵ Latvia/Rīgas Tiesa apgabala prokuratūra/Nr.11840001107 (22.08.2007)

Constitution and by the European Convention for Human Rights and Fundamental Freedoms⁸⁶. Representatives of the Roma and Jewish communities criticised the decision of the prosecutor and expressed their concern about the lack of reaction from official bodies to the case. The Special Assignments Minister for Social Integration and members of Jewish Association sent a letter to the Prosecutor General asking to evaluate the decision of the prosecutor of the Riga Regional Court. On 6 March 2008 Riga Regional Court sentenced the neo-Nazi to 1 year and six months of imprisonment for incitement of ethnic hatred.

In December 2006 a group of skinheads racially insulted, pushed and threw a bottle at a dark skinned Brazilian tourist, who was accompanied by two local Latvians. State Police classified the offence under the Section 78.2, the same qualification was upheld by the Security Police, while the prosecutor's office re-classified it to hooliganism (Section 231.2). On 29 May, 2007 two juveniles, aged 17, were sentenced to suspended imprisonment by the Riga Centre District Court – one received two years suspended imprisonment with one year probation while the second was sentenced to three years suspended imprisonment with two years probation⁸⁷.

In October 2007, the media widely reported on a racially motivated attack by a group of 7-8 youths against two 13 year old Roma girls who were kicked and called „blacks”. Both sustained injuries and were placed in a children's hospital. This was the first publicly reported attack against Roma. The Chairman of the Latvian Roma Association voiced concern about potential classification of the offence. The Ombudsman's Office stated that the crime had a racist background, while the Security Police considered that the evidence collected by the State Police did not prove that the attack on Roma girls was a racist crime. Criminal proceedings have been opened according to the Chapter 13 of the Criminal Law on „crimes against person's health”.⁸⁸ In February 2007 four skinheads suspected of this attack were detained. The Police initiated criminal process under Part 2 of Section 78 of the Criminal Law – incitement of racial hatred associated with violence⁸⁹.

5.7 Access to goods and services in the public and private sector

There is a general lack of publicly available information on racism and discrimination on the grounds of ethnicity, race, language or religion in access to goods and services in the public and private sector in 2007. Legal norms regulating language usage in communication with public bodies and also practices of language usage can affect access to goods and services. According

⁸⁶ Latvia/Rīgas Tiesas apgabala prokuratūra/Nr.3/1032-07 (12.09.2007)

⁸⁷ Latvia/Rīgas pilsētas Centra rajona tiesa/K-27-181-07/1 (29.05.2007)

⁸⁸ Jolkina, A., Iespējams, čigānu meitenes piekautas rasistisku motīvu dēļ. *Diena*, 17 October, 2007, p.6.

⁸⁹ National News Agency LETA 03.03.2008

to Section 10 of the State Language Law (in force as of 2000), “state and local government institutions, courts and institutions constituting the judicial system, and State or local government undertakings (companies) shall accept from persons and examine only documents as are in the official language,” while “documents from persons in a foreign language shall be accepted if attached thereto is a translation into the official language, certified in accordance with the procedures prescribed by the Cabinet, or notarially certified.” Exceptions are envisaged for urgent submissions to police and medical institutions, rescue services etc.

The Latvian Centre for Human Rights received a number of complaints from prisoners about the refusal of the Latvian Prison Administration (LPA) of the Ministry of Justice to accept and consider any complaints or applications in Russian language in 2007⁹⁰. LPA routinely returns complaints/applications in Russian back to senders, with an information note, explaining that the submission cannot be considered, because of the restrictions of the Section 10 of the State Language Law. In fact, Section 10 of the Law envisages that the above-mentioned language restrictions “do not apply to submissions of persons to police and medical institutions, rescue services and other institutions in cases of urgent calls for medical aid, commission of crimes or other violations of law, or calls for emergency assistance in cases of fire, accident or other emergencies.” The refusal of the LPA to consider submissions in Russian also means that information about “crimes or other violations of law” is left without consideration because of the language. The very size of Russian or Russian speaking population in prisons highlights the significance of the problem.

Representatives of some minority NGOs in Latvia pointed out that language legislation represents a significant obstacle for certain sections of ethnic minorities’ population (especially the elderly) in accessing information in and communicating with state and municipal institutions, including those dealing with social issues⁹¹. In some instances, the state and municipal institutions were ordered to remove information materials in Russian visible to the public⁹².

5.8 Media, including the internet

⁹⁰ Information of the Latvian Centre for Human Rights 20 June 2008.

⁹¹ Information obtained at Roundtable discussions in Jelgava (19.02.2007.), Ventspils (13.03.2007), Liepaja (15.03.2007), Daugavpils (24.08.2006), interview with Chairperson of Latvia’s Ukrainian Culture Society (15.02.2007), Chairperson of Latvia’s Russian Culture Society (13.02.2007), Chairperson of Uzbek Culture Society (21.02.2007), Chairperson of Jekabpils Russian Society „Rodnik” (14.03.2007). Refer to: Latvian Centre for Human Rights, *Alternative report on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities in Latvia* (Riga, 2008), pp.21-24, available at: http://www.humanrights.org.lv/upload_file/Shadow_Report_LCHR.pdf , accessed 6 June 2008.

⁹² E.g., in 2006 information stands of the client service centre „One Stop Agency” of the Riga City Council featured booklets in Russian about the rights and social assistance issues for youth left without parental help. On the basis of the Cabinet of Ministers’ Regulations „On the Usage of Languages in Information”, the Welfare Department of the Riga City Council issued an instruction, ordering the removal of the booklets and information materials from information stands of the Department and institutions under its subordination. *National News Agency LETA* (06.09.2006)

There is no official or unofficial comprehensive system of monitoring instances of racism or discrimination on various grounds in the media. Most of the criminal cases registered by the Security Police under Section 78 (intentional acts aimed at incitement to racial, ethnic and national hatred) in 2007 were hate speech on the internet cases, offenders being mainly 16-20 years old. 9 out of 16 cases registered in 2007 were internet hate speech cases; some of the cases referred to comments posted in 2004 and 2005. Internet cases involved postings in discussion groups on the social networks or comments to the news articles, inciting hatred towards Latvians, Russians, Jews and visibly different minorities. The majority of cases were resolved at prosecutorial stage: defendants pleaded guilty and were issued prosecutors' junction with fines ranging in amount of 320-480 Lats (460-690 Euros).

In 2007, two discrimination cases on grounds of race and ethnicity in advertisement have been reviewed by the Consumer Rights Protection Centre (CRPC)⁹³. Both cases have been appealed by the defendants.

In April 2007, a legal services firm published an advertisement in a local newspaper offering a 50% discount to Russian speakers and refusing legal services to sexual minorities. The CRPC concluded that the advertisement is discriminatory and fined the publisher in the amount of Ls 1 500 (~EUR 2 134) under Latvian Administrative Violation Code⁹⁴. The publisher appealed the decision and the case will be reviewed in 2008.

In March 2007, an advertisement was recognised as discriminatory for the first time in Latvia. „FAMAR-DESI” Ltd (owner of a construction materials shop chain) published an advertisement, which featured a dark-skinned man dressed in builder's clothes who in broken Latvian says “Me to want to repair yours house”. A commentary next to the picture stated: “Everything for construction and repair work except for imported labour force”. On March 19, the Consumer Rights Protection Centre (CRPC) started to evaluate whether the advertisement complies with legal requirements and with Section 4 of the Law on Advertisements⁹⁵. Upon CRPC's request the Ombudsman's office provided an evaluation concluding that the advertisement was discriminatory, violated the Constitution and Latvia's international obligations and recommended CRPC to punish the enterprise for dissemination of material prohibited by law⁹⁶. The Ombudsman's office referred to national legislation as well as international human rights law, including the principles of the Race Equality Directive. Upon evaluating the content of the advertisement and the views of the parties involved,

⁹³ CRPC is a state body entrusted with protecting consumer rights and interests, as well as overseeing the trade of goods and provision of services. According to the Regulations of the Centre for the Protection of Consumer Rights, the Centre has the right to evaluate whether an advertisement complies with legal requirements and to make decisions based on such evaluation. <http://www.ptac.gov.lv/dl/law/MK632.doc> (19.06.2008)

⁹⁴ The Decision of the Centre for the Protection of Consumer Rights No E04-DAU-154, Daugavpils, 14.08.2007

⁹⁵ Point 1 of Part 2 of Section 4 of the Advertising Law stipulates: in advertising, it is prohibited to express discrimination against a person due to his or her race, skin colour, gender, age, religious, political or other convictions, national or social origin, financial status or other circumstances.

⁹⁶ The Office of the Ombudsman: <http://www.vcb.lv/default.php?open=jaunumi&this=220307.281> (10.09.2007)

CRPC concluded that the advertisement is discriminatory on the grounds of race, skin colour, national or social origin. CRPC fined the „FAMAR-DESI” Ltd in amount of Ls 5 000 (~EUR 7 144) under the Latvian Administrative Violation Code⁹⁷. This is the first time an advertisement has been recognised as discriminatory and such a high fine has been imposed for the violation of advertising ethics⁹⁸. Although the company complied with the court’s decision and paid the fine, it appealed the decision of CRPC in the Administrative District Court⁹⁹. The case will be reviewed by the court in 2008.

The publication of the advertisement received wide media attention raising public debate in Latvia. The Special Assignments Minister for Social Integration emphasised the role of the mass media in promoting tolerance¹⁰⁰. Another expert pointed out that the advertisement has a racist subtext, as it multiplies stereotypes by linking dark skinned people with imported labour, poor language skills and primitive manual labour¹⁰¹. Notwithstanding the CRPC decision and public reaction, the advertisement can still be seen on the homepage of the Latvian branch of the advertising agency ‘Inorek&Grey’¹⁰².

Litigation in the case of three national radicals charged with incitement to racial and national hatred continued in 2007 and early 2008. The defendants include the leader and two members of the extreme right-wing organisation Latvian National Front (LNF) who are also a publisher, an editor-in-chief and a journalist of national radical newspaper DDD (De-Occupation, De-Colonisation, De-Bolshevisation). They were charged with incitement to racial and national hatred under Section 78.1 for allegedly anti-Semitic and anti-Russian statements in several newspaper articles. The Security Police opened two criminal cases following the complaints by the then Parliamentary Secretary of the Secretariat of the Special Assignments Minister for Social Integration in October 2004 and by the chairman of the Daugavpils Russian National Association in May 2005, which were later merged in one case. On 28 May 2007 the Riga Regional Court acquitted the defendants. The court argued that the intent of the accused to incite hatred had not been proven to convict them of incitement to national hatred. The prosecutor has appealed the court ruling¹⁰³. On 28 February 2008, the Chamber of Criminal Cases of the Supreme Court upheld the decision of the Riga Regional Court. On 28 May 2008, Prosecutor of the General Prosecutors’ Office filed cassational protest over the decision, asking to abolish the decision of the Chamber of Criminal Cases of the Supreme Court of 28 February and to forward the case to the appeals court for new consideration.

⁹⁷ The decision of the Centre for the Protection of Consumer Rights No E03-RIG-132, Riga, 17.04.2007

⁹⁸ Leitāns, I. (2007) “Diskriminējošās reklāmas pasūtītāju Būvniecības ABC soda ar Ls 5000”, in: *Diena* (20.04.2007), p. 3

⁹⁹ Kļanska, D. (2007) “Būvniecība ABC pārsūdz PTAC noteikto naudas sodu par diskriminējošu reklāmu”, in: *National News Agency LETA* (17.05.2007)

¹⁰⁰ Statement of the Special Assignments Minister for Social Integration on 21.03.2007, available at <http://www.integracija.gov.lv/?id=30&sa=30&top=1&lang=&doc=1145> (22.10.2007)

¹⁰¹ Leitāns, I. (2007) “Par reklāmistu “humoru”, noniecinot tumšādainu, sods var sasniegt pat Ls 10 000”, in *Diena* (23.03.2007), p. 1

¹⁰² Available at: <http://www.grey.lv/portfolio/env/index.php?id=675> (19.06.2008)

¹⁰³ Latvia/Rīgas apgabaltiesas Kriminālietu kolēģija/K04-0082-07 (28.05.2007)

The two-year research “Challenge to Civil Society” addressed expressions of intolerance in Latvia’s print media and public speeches of politicians, identifying and analysing strategies of delegitimation and exclusion, which are targeted at particular groups. The research found that Russian-speakers and sexual minorities are the groups mostly exposed to rhetoric of delegitimation and exclusion. Other targeted groups include Latvian non-citizens, representatives of NGOs, individual ethnic minorities, as well as new immigrants¹⁰⁴. The research authors also note that the frequency of instances of public delegitimation and exclusion is influenced by events such as commemorative procession of Latvian Waffen SS legionaries or “March for Equality” organised by MOZAIKA (alliance of LGBT people and their friends)¹⁰⁵.

¹⁰⁴ Marija Golubeva, Anda Rozukalne, Iveta Kazoka, *Izaicinājums pilsoniskajai līdzdalībai* (Rīga, 2007). The research in Latvian is available at: <http://www.politika.lv/index.php?f=1249>
http://www.providus.lv/upload_file/Publikacijas/monitoringa_zinojums_17012008.pdf

¹⁰⁵ Adamsone, A., Pētījums: Mediji pret atšķirīgām sabiedrības grupām biežāk pauž nosodošu, nevis iekļaujošu attieksmi, in: *National News Agency LETA* (19.06.2008)

6. Political and legal context

The new government was approved by the Latvian Parliament on 20 December 2007. The governmental coalition consists of the same four political parties as before, - People's Party, Union of Greens and Farmers, Latvia's First Party/Latvia's Way and union For Fatherland and Freedom/LNIM. The new Prime Minister is Ivars Godmanis (Latvia's First Party/ Latvia's Way). The government declaration considers elaboration and implementation of new migration and employment policies as one of its urgent tasks, envisaging quotas for temporary labour migrants into particular spheres of economy from countries that will conclude bilateral agreements with Latvia on migration. The new government also acknowledged the need for public participation and stated its commitment to facilitate social integration, implement state and international programmes and projects aimed at strengthening civil society and promotion of tolerance. The union For Fatherland and Freedom/LNIM retained the position of the Minister of Justice. Combating discrimination and promotion of integration of minorities are among the priorities of the Special Assignments Minister for Social Integration Affairs, and the Secretariat of the Minister would work on the improvement of antidiscrimination legislation.

6.1 Anti discrimination

Political developments

On 1 January 2007 the Ombudsman's Office¹⁰⁶ was established on the basis of the National Human Rights Office (LNHRO), commencing its work according to the Law on Ombudsman¹⁰⁷. The Ombudsman's Office is the national equality body envisaged in accordance with Article 13 of the Race Equality Directive, undertaking the duties and rights of the LNHRO, including the promotion of observance of the principle of equal treatment and prevention of any type of discrimination. Additional objective of the Ombudsman's Office is to promote the observance of the principles of good administration. After long discussions about the leadership of the equality body, the first Ombudsman was confirmed by the Parliament only on 1 March¹⁰⁸. Throughout 2007, the Ombudsman's Office did not utilise its right to represent the interests of a victim to the court. The Discrimination Prevention Department of the Ombudsman's Office employs 4 staff members.

The Secretariat of the Special Assignments Minister for Social Integration (IUMSILS in its Latvian acronym) is responsible for transposition of the Race Equality Directive and is drafting legislation and policy documents on anti-

¹⁰⁶ The homepage of the Ombudsman's Office: www.tiesibsargs.lv

¹⁰⁷ adopted on 06.04.2006

¹⁰⁸ Saeima – Latvian Parliament, <http://www.saeima.lv/steno/Saeima9/070301/st070301.htm> (11.09.2007)

discrimination. IUMSILS also implements and coordinates activities aimed at promoting tolerance. The Department for the European Policy of Non-discrimination was established in 2005 and employed 3 persons in 2007. The Department was closed in October 2007 and its functions assigned to departments of IUMSILS. According to an official letter of the IUMSILS, the department was closed down, in order to ensure good governance and to optimise the fulfilment of tasks within the IUMSILS competence¹⁰⁹.

No measures to address a lack of disaggregated data and shortcomings in data collection in all areas were implemented by the state bodies in 2007. The awareness of the need of such statistics is still low among many state institutions claiming that such ethnic data collection is not important since 'ethnicity has no meaning' or that these data might be 'sensitive'¹¹⁰.

Legal developments

During 2007 and early 2008, Latvia continued the transposition of the Race Equality Directive 2000/43/EC into the Latvian legislation¹¹¹.

On 27 June 2007 the European Commission issued a reasoned opinion and sent a formal request to Latvia to fully implement EU rules banning discrimination on the grounds of race or ethnic origin. The Commission noted in particular that ethnicity is not mentioned among various prohibited discrimination grounds in the Law on Social Security, and stated that Latvia has not transposed all requirements of the Racial Equality Directive¹¹². On 14 August, the Latvian Government adopted its response to the European Commission. Government stated, that amendments to Section 2¹ of the Law on Social Security stipulate prohibition of discrimination in provision of social services on several grounds (e.g. race, skin colour, religion, national or social origin, or other grounds). The Government emphasised in its reply, that ethnicity, which is not explicitly mentioned in the Law, is covered by "other grounds". However, in order to complete the transposition of the Directive 2000/43/EC requirements, the Secretariat of the Special Assignments Minister for Social Integration drafted amendments to the Law "On Social Security", which envisage "ethnicity" to be added to the list of prohibited grounds of discrimination. The Government also stated that it plans to adopt, by the end of 2007, amendments to the Consumer Rights Protection Law and to the Civil Law (passed first reading in the Saeima on

¹⁰⁹ Information provided by the Secretariat of the Special Assignments Minister for Social Integration on 25.10.2007

¹¹⁰ Latvian Centre for Human Rights, unpublished report *Etnisku datu vākšana diskriminācijas novēršanai* (Riga, 2007).

¹¹¹ Previously, the requirements of the Race Equality Directive have been largely transposed into the Labour Law (in 2004), the Law on Social Security (01.12.2005), on the Latvian National Human Rights Office (LNHRO) (15.12.2005), the Law on the State Civil Service (02.11.2006) the Law on Associations and Foundations (02.11.2006). On 6.04.2006, the Saeima adopted the Law on the Ombudsman's Office (effective 01.01.2007) stipulating that the Ombudsman's Office overtakes the LNHRO's duties and rights.

¹¹² Grundule, L. (2007) „EK brīdina Latviju par pilnīgu rasu diskriminācijas aizlieguma direktīvas neieviešanu”, in: *National News Agency LETA* (29.06.2007)

23 November 2006), thus, in its view, transposing all norms of Directive 2000/43/EC¹¹³.

On 17 May 2007, the Saeima adopted amendments to the Latvian Administrative Violations Code¹¹⁴. The amendments include a new article 204.¹⁷ *Violation of the prohibition of discrimination* and envisage fines in the amount from LVL 100 (~EUR 142) to LVL 500 (~EUR 711) for violation of prohibition of discrimination stipulated in legislative acts, which can be imposed by State Labour Inspectorate (in relation to discrimination in employment, Section 215.3) or by court (in employment and all other cases, Section 213). The previous version of amendments adopted by the Saeima in the first reading (23 November 2006) included a list of prohibited grounds of discrimination such as gender, age, race, skin colour, nationality, or ethnic identity, political or other opinions, social origin, education, social and property status, kind of occupation, health status, or sexual orientation¹¹⁵. The list of prohibited grounds of discrimination was abolished due to the protests of some MPs and organizations, above all, religious confessions, against the inclusion of sexual orientation into the list of prohibited grounds of discrimination.

On 21 June 2007, the Saeima adopted amendments to the Criminal Law¹¹⁶. The amendments retained the provision prohibiting discrimination on the grounds of religion (Section 150), while other possible grounds of discrimination were left out in the 3rd (final) reading on 17 May 2007. Section 78 was supplemented with “ethnic hatred” and “violation of the principle of equal treatment “. The amendments were criticised by Latvia’s left wing politicians¹¹⁷. On 24 May the President of Latvia returned the amendments to the Parliament for review, pointing out that the amendments establish “unbalanced” legal situation: one type of discrimination (on the ground of religion) would be punishable under the Criminal Law, while other types of discrimination (such as on grounds of gender, language, race, ethnicity) would only be punishable by Administrative Violations Code¹¹⁸. On June 21, the Saeima adopted new amendments to the Criminal Law.¹¹⁹ Section 78 (Violation of National or Racial Equality and Restriction of Human Rights) has been renamed *Incitement to National, Ethnic and Racial Hatred*. Section 150 (Violation of Equality Rights of Persons on the Basis of Their Attitudes towards Religion) has been renamed as *Raising Religious Hatred*. Both sections were supplemented with new qualifying conditions – through use of automated data processing systems. A new form of sanction – community service has been added to Section 78.1 and Section 150.1&2. Automated data processing, which also includes use of computer systems, has been included in Section 78.2 and envisages a prison sentence not exceeding ten years. This

¹¹³ Full text of the response of the Latvian Cabinet of Ministries available at

http://www.mk.gov.lv/doc/2005/IUMSILNts_100807_nostajaEK.doc (14.08.2007)

¹¹⁴ Saeima – Latvian Parliament, <http://www.saeima.lv/steno/Saeima9/070517/st070517.htm> (06.09.2007)

¹¹⁵ Saeima – Latvian Parliament, <http://www.saeima.lv/steno/Saeima9/061123/st061123.htm> (02.10.2007)

¹¹⁶ Saeima – Latvian Parliament, <http://www.saeima.lv/steno/Saeima9/070517/st070517.htm> (18.10.2007)

¹¹⁷ Oškaja, I. (2007) „Сейм – за дискриминацию?”, in *Chas* (30.05.2007), p.3

¹¹⁸ Saeima – Latvian Parliament, http://www.saeima.lv/saeima9/lasa?dd=LP0015_v (18.10.2007)

¹¹⁹ Saeima – Latvian Parliament, <http://www.saeima.lv/steno/Saeima9/070621/st070621.htm> (06.09.2007)

development may raise application problems in the future as since 2005 courts and prosecutors have invoked Section 78.1 in at least 15 cases which have dealt with racist comments on the internet. The Criminal Law has been supplemented with a new Section 149.¹ *Violation of Prohibition of Discrimination* which criminalizes discrimination on the grounds of race or ethnic affiliation, or other prohibited forms of discrimination listed in legislative acts if this is repeatedly committed within a year.

On 6 March 2008, the Saeima adopted amendments to the Law “On Social Security”, adding “ethnicity” to the list of prohibited grounds of discrimination.

On 19 July 2008, the Saeima adopted amendments to the *Consumer Rights Protection Law*, stipulating that differential treatment depending on the consumer’s gender, race or ethnicity is prohibited in the provision of goods and services, thus transposing the requirements of the EU directives 2000/113/EC and 2000/43/EC. The amendments also envisage the right of a consumer to claim for compensation for pecuniary and non-pecuniary damage in court in cases of violation of prohibition of equality principle and victimization. The amendments will enter into force on 23 July 2008.

The draft law on the Rights of the Patients was passed in the second reading in the Saeima on 20 December 2007. Article 3 of the draft law envisages that in guaranteeing the rights of patients, differential treatment on the grounds of race or ethnic affiliation or other grounds is prohibited¹²⁰. The draft law refers to the Race Equality Directive. The earlier version of the draft law approved by the Saeima in the first reading envisaged a wider list of prohibited grounds of discrimination, including not only race, but also gender, age, skin colour, religious, political or other persuasion, ethnic or social origin, family status or sexual orientation. Section 3 also envisaged that as far as possible, medical treatment institutions and attending physicians should take into consideration the patient’s native language, personal interests and culture¹²¹. The draft law is yet to be approved by the Saeima in the third reading.

The draft amendments to the *Civil Law* passed in the first reading in the Saeima on 23 November 2006, include a non-exhaustive list of prohibited grounds of discrimination (gender, age, race, skin colour, ethnic origin, political or other beliefs and other grounds)¹²². The draft law includes definition and prohibition of direct and indirect discrimination, instruction to discriminate, and victimization in the area of provision of goods and services, which are available to the public or

¹²⁰ Saeima – Latvian parliament, [http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/webAll?SearchView&Query=\(Title=*Pacientu*\)&SearchMax=0&SearchOrder=4](http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/webAll?SearchView&Query=(Title=*Pacientu*)&SearchMax=0&SearchOrder=4) (17.01.2008)

¹²¹ Saeima – Latvian parliament, <http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/96DC7AFDC685D344C225723E0047B5AC?OpenDocument> (18.01.2008)

¹²² Saeima – Latvian Parliament, <http://www.saeima.lv/steno/Saeima9/061123/st061123.htmhttp://www.saeima.lv/steno/Saeima9/061123/st061123.htm> (07.09.2007)

in affairs related to provision of goods and services. Amendments to the Civil Law had not been reviewed by the parliament by the end of 2007.

On 1 June 2007 the Council of Europe Convention on Cybercrime and Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems came into force in Latvia. The parliament ratified the Convention and Additional Protocol on 5 October, 2006. The Latvian legislation has not yet been evaluated and amended in line with the Convention and Additional Protocol.

The NGO assessment

Latvia still has not fully transposed the requirements set forth by the Race Equality Directive. In the meantime, there is insufficient effort on the part of the state to introduce policies and measures tackling ethnic, racial and religious discrimination and raising awareness of rights and available remedies.

In particular, effectiveness and capacity of the national equality body in solving discrimination complaints continue to raise concern. The number of written and oral complains of alleged discrimination received by the Ombudsman's Office in 2007 (345) did not increase in comparison to 2006 (348). Among the discrimination complaints received in 2007, 53 alleged discrimination on the grounds of race or ethnicity (13 written, 40 oral), 20 on the grounds of language (17 written, 3 oral), 12 on the grounds of religion (11 written, 1 oral). Discrimination complaints represented 6.7% of all complaints received by the Office in 2007¹²³.

Ability of the Office to effectively solve discrimination complaints raises concern. Though the law provides the right for the Ombudsman's office to file civil and administrative cases in court and to represent interests of victims of discrimination in civil court proceedings, these rights in 2007 have not been used¹²⁴. In the meantime, prisoners' complaints about the refusal of the Latvian Prison Administration (LPA) of the Ministry of Justice to accept and consider any complaints or applications in Russian language in 2007 remained essentially unaddressed: the Ombudsman's Office explained to the complainants that LPA refuses letters in Russian language because of the restrictions of the Section 10 of the Language Law, which stipulates, that the state institutions can accept documents only in the state language or in a foreign language if attached thereto is a certified translation into the state language.

Court practice remains very limited in Latvia. There is a need for further capacity building of Latvian judiciary, NGOs and trade unions, as well as for raising public awareness on the right to equality, non-discrimination and available remedies.

¹²³ Information provided by the Office of the Ombudsman on 18.01.2008

¹²⁴ Information provided by the Office of the Ombudsman on 18.01.2008

6.2 Migration and integration

Political developments

In 2007, the issues of migration attracted increasing attention in public discussions, both in mass media and in politics. A substantial part of Latvia's economically active population has migrated to the "old" EU member states after Latvia's accession to the EU in 2004, causing noticeable shortage of labour and rising costs of production in the country. This brought to the agenda the issue of guest workers as a possible answer to labour shortages and rising salaries. Objections to the idea of greater involvement of third country nationals into Latvia's labour market are mainly stemming around claims that greater diversity would result in social and cultural problems, such as integration of foreign workers into Latvian society, issues of religion, language, culture and identity as well as potential conflicts. However, in 2007 Latvia still lacked any programs aimed at integration of third country nationals that could address these concerns.

The Concept of Migration Policy in the Context of Employment is under consideration since early 2006¹²⁵. The draft document was elaborated by an inter-institutional working group established in May 2006 and announced at the State Secretaries' meeting on 18 January 2007¹²⁶. The Committee of the Cabinet of Ministers accepted the Concept on 8 October 2007. The concept envisages protecting Latvia's labour market in general, while streamlining residence and work permits procedures, as well as developing simplified criteria for guest workers from outside the EU in instances of acute labour shortage. The concept tasked the Secretariat of the Special Assignments Minister for Social Integration (IUMSILS) with development of a draft policy-planning document on the issue of social integration of third country nationals¹²⁷. Consideration of the Concept by the Cabinet of Ministers (scheduled for 20 November 2007) was postponed upon suggestion of the Minister of Interior and because of objections from the ministers representing right-wing union For Fatherland and Freedom/LNIM¹²⁸. The latter stated that opening of Latvia's labour market to third country nationals is an inadequate "short-term fix, which in the long run could cause unwanted social, ethnic and economic consequences"¹²⁹.

On 2 January 2008, the Secretariat of the Special Assignment Minister for Social Integration (IUMSILS in its Latvian acronym) in co-operation with the

¹²⁵ Djackova Svetlana, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2006, http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2006.pdf, p.29

¹²⁶ Latvijas Republikas Ministru Kabinets, *Koncepcijas par migrācijas politiku nodarbinātības kontekstā kopsavilkums* (Rīga, 2007), www.mk.gov.lv/lv/mk/tap/?pid=30276797&mode=mkk&date=2007-06-18, accessed 19.06.2008.

¹²⁷ Latvia, Cabinet of Ministers (2007), <http://www.mk.gov.lv/lv/mk/tap/?pid=30276797&mode=mkk&date=2007-10-08> (accessed 19. 06.2008)

¹²⁸ Skruzis, J., Kārtējo reizi neskata koncepciju par migrācijas politiku nodarbinātības kontekstā, 2007, *National News Agency LETA*, 20 November

¹²⁹ Ibid.

International Organisation for Migration Riga office (IOM) started implementation of the European Refugee Fund co-financed project „Integration of new members of society”¹³⁰. The objective of this project is to develop and ensure an efficient and viable integration encouragement system to refugees and persons with alternative protection status in Latvia. The project will develop recommendations based on research in Latvia and international experience, provide consultations and training to refugees, assess regional opportunities, educate the society and develop a dialogue between the society and its new members – refugees. The project will end on 31 December 2008 and its total budget is EUR 166 519. So far within the framework of the project, a sociological study was conducted clarifying the needs, opportunities and obstacles of refugees and persons with alternative status on their way to successful integration in the Latvian society. The study surveyed 1249 Latvian residents and conducted in depth interviews with experts and 15 refugees and persons with alternative status¹³¹.

Legal developments

In order to transpose the EU Directive 2003/109/EC, the Saeima adopted the Law on the Status of European Community Permanent Resident in the Republic of Latvia on 25 May 2006. The Law stipulates granting and withdrawal procedures of EC permanent resident status in the Republic of Latvia, as well as provides the definition of third country nationals. The definition includes Latvian non-citizens¹³² in the category of third country nationals as well as persons who are not the citizens of the Republic of Latvia, other European Union member states, European Economic Zone or Confederation of Switzerland. From 21 July 2006 (when the Law on the Status of European Community Permanent Resident in the Republic of Latvia came into force, see below) to 1st July 2007 the EU permanent resident status was granted to 38 persons: 4 citizens of Belarus, 10 citizens of Russia, 19 Latvian non-citizens, 1 citizen of Lebanon, 1 citizen of the Ukraine, 1 citizen of Angola and 1 citizen of Mali¹³³. Two status requests were declined, because the applicants were not able to prove that they have regular and sufficient income¹³⁴.

¹³⁰ Description of the project in Latvian and a summary in English are available at the homepage of IUMSILS: <http://www.integracija.gov.lv/index.php?id=572&sa=-4&top=43>
<http://www.integracija.gov.lv/index.php?id=584&sa=-4&top=441>

¹³¹ Summary and presentation of the results of the study are available in Latvian at: http://www.integracija.gov.lv/doc_upl/Beglu_petijums_kopsavilkums.doc
http://www.integracija.gov.lv/doc_upl/begli_2008.ppt
http://www.integracija.gov.lv/doc_upl/Beglu_petijums_kopsavilkums.doc

¹³² Citizenship Law defines that Latvian non-citizen is a person who, in accordance with the Law on the Status of Those Former U.S.S.R. Citizens Who Does not Have Latvian Citizenship of Latvia or that of Any Other State”, has the right to a non-resident’s passport issued by the Republic of Latvia. According to the data of the Office of Citizenship and Migration Affairs, in 2007 there are 392 816 (17% of all residents) non-citizens in Latvia, <http://www.pmlp.gov.lv/images/documents/06.pdf> (17.10.2007)

¹³³ Information provided by the Office of Citizenship and Migration Affairs on 07.09.2007

¹³⁴ Para.1 of Part 1 of Section 3 of the Law on the Status of a Permanent Resident of the European Community in Latvia determines that third country nationals can request the status of a permanent resident of the European Community in Latvia if he/she has secure source or income, sufficient to provide for him/her self and for the family members at his/her financial maintenance.

The NGO assessment

Latvia lacks systematic policy approach to migration, while its main policy document on the issue has been under consideration for two years. Survey data reveal a negative attitude towards possible newcomers, especially visible and religious minorities¹³⁵. Statistical and research data on the situation of migrants in Latvia is lacking, while the state does not show adequate interest to address the issues of integration of newcomers. The EU's 11 Common Basic Principles¹³⁶ have not been discussed in Latvia in 2007.

6.3 Criminal justice

6.3.1 Racism as a crime

Political developments

In 2007, some manifestations of intolerance in Latvia received wide public attention, with high-ranking officials and representatives of NGOs calling competent authorities to deal with the problem.

Particular controversy arose around a case of a young neo-Nazi, who in a public discussion in February stated that Jews and Roma people are 'non-humans' and it would be preferable to exterminate them. Criminal proceedings against the neo-Nazi were terminated, because, arguably, his words represented an expression of freedom of speech protected by the Latvian Constitution and by the European Convention for Human Rights and Fundamental Freedoms¹³⁷. Representatives of the Roma and Jewish communities criticised the decision of the prosecutor and expressed their concern about the lack of reaction from official bodies to the case. The Special Assignments Minister for Social Integration and members of the Jewish Association sent a letter to the Prosecutor General asking to evaluate the decision of the prosecutor of the Riga Regional Court. On 6 March 2008 Riga Regional Court sentenced the neo-Nazi to 1 year and six months of imprisonment for incitement of ethnic hatred.

Media widely reported the first racially motivated attack against Roma in October 2007, when two 13 year old girls were attacked by a group of 7-8 youths, who

¹³⁵ Kvalitatīvo Pētījumu Studija, *Pētījums "Jauno Sabiedrības Locekļu Integrācija"* (Rīga, 2008). Summary and presentation in Latvian available at the homepage of the Secretariat of the Special Assignments Minister for Social Integration Affairs:

http://www.integracija.gov.lv/doc_upl/Beglu_petijums_kopsavilkums.doc

http://www.integracija.gov.lv/doc_upl/begli_2008.ppt

¹³⁶ Include a footnote reference to the Council document on the 11 CBP: http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf

¹³⁷ Decisions of the Prosecutor of the Prosecutor's Office of the Riga Regional Court (22.08.2007, Nr.11840001107) and the Chief Prosecutor of the Prosecutor's Office of the Riga Regional Court (12.09.2007, Nr.3/1032-07).

kicked them and called „blacks.” Both sustained injuries and were placed in a children’s hospital. The Chairman of the Latvian Roma Association voiced concern about potential classification of the offence, while the Ombudsman’s Office stated that the crime had a racist background. Initially, the Police considered the evidence collected did not prove the attack on Roma girls was a racist crime and criminal proceedings were opened according to the Chapter 13 of the Criminal Law on „crimes against person’s health.”¹³⁸. The four skinheads suspected of this attack were detained in February 2007 and the Police initiated criminal process under Part 2 of Section 78 of the Criminal Law – incitement of racial hatred associated with violence¹³⁹.

There was no national debate on EU Framework Decision on Racism and Xenophobia.

Legal developments

The Latvian Criminal Law criminalises incitement to hatred on the basis of race, ethnic, national origin (Section 78) and religion (Section 150). Interference with religious rituals is also criminalised (Section 151). The Criminal Law also provides for racist motive as an aggravating circumstance (Section 48) for all offences.

On 21 June 2007, the Saeima adopted amendments to the Criminal Law¹⁴⁰. The amendments retained the provision prohibiting discrimination on the grounds of religion (Section 150), while other possible grounds of discrimination were left out in the 3rd (final) reading on 17 May 2007. Section 78 was supplemented with “ethnic hatred” and “violation of the principle of equal treatment “. The amendments were criticised by Latvia’s left wing politicians¹⁴¹. On 24 May the President of Latvia returned the amendments to the Parliament for review, pointing out that the amendments establish “unbalanced” legal situation: one type of discrimination (on the ground of religion) would be punishable under the Criminal Law, while other types of discrimination (such as on grounds of gender, language, race, ethnicity) would only be punishable by Administrative Violations Code¹⁴². On June 21, the Saeima adopted new amendments to the Criminal Law¹⁴³. Section 78 (Violation of National or Racial Equality and Restriction of Human Rights) has been renamed *Incitement to National, Ethnic and Racial Hatred*. Section 150 (Violation of Equality Rights of Persons on the Basis of Their Attitudes towards Religion) has been renamed as *Raising Religious Hatred*. The Criminal Law has been supplemented with a new Section 149.¹ *Violation of Prohibition of Discrimination* which criminalizes discrimination on the grounds of

¹³⁸ Jolkina, A., Iespējams, čigānu meitenes piekautas rasistisku motīvu dēļ. *Diena*, 17 October, 2007, p.6.

¹³⁹ National News Agency LETA 03.03.2008

¹⁴⁰ Saeima – Latvian Parliament, <http://www.saeima.lv/steno/Saeima9/070517/st070517.htm> (18.10.2007)

¹⁴¹ Oškaja, I. (2007) „Сейм – за дискриминацию?”, in *Chas* (30.05.2007), p.3

¹⁴² Saeima – Latvian Parliament, http://www.saeima.lv/saeima9/lasa?dd=LP0015_v (18.10.2007)

¹⁴³ Saeima – Latvian Parliament, <http://www.saeima.lv/steno/Saeima9/070621/st070621.htm> (06.09.2007)

race or ethnic affiliation, or other prohibited forms of discrimination listed in legislative acts if this is repeatedly committed within a year. Both sections were supplemented with new qualifying conditions – through use of automated data processing systems. A new form of sanction – community service has been added to Section 78.1 and Section 150.1&2. Automated data processing, which also includes use of computer systems, has been included in Section 78.2 and envisages a prison sentence not exceeding ten years. This development may raise application problems in the future as since 2005 courts and prosecutors have invoked Section 78.1 in at least 15 cases which have dealt with racist comments on the internet.

In 2007 16 crimes were registered under Section 78 of the Criminal Law (13 such crimes were registered in 2005, 14 - in 2006). In 2007, no crimes were registered under Section 150 (incitement to religious hatred) and 151 (interference with religious rituals). The majority of the cases are hate speech cases, predominantly racist comments by individuals (mainly aged 16-20) on the internet, some of the comments were posted on the internet in 2004 and 2005. There is no Victim's Register in Latvia and no information is recorded on victim's ethnic or religious background. No statistics are collected on the ethnic or religious background of the offender. Racist motivation as an aggravating factor has not been applied in 2007.

In 2007 the Latvian Centre for Human Rights (LCHR) started a two year project "Combating hate crime in Latvia and the Czech Republic: legislation, police practise and the role of NGOs" aimed at developing NGO-police partnerships in Latvia and the Czech Republic with the participation of UK and Dutch experts in improving law enforcement response to hate crimes, including racist crimes. The project plans to publish national reports on 1) the legislative background and policing responses to hate crime, 2) situation of victims of hate crime in respective country, and a comparative Latvian/Czech report. The project envisages elaboration by police and NGOs of guidelines on the identification, registration and investigation of hate crimes and improvement of official data collection. The project is funded by the European Commission within "2005 Actions in support of civil society in the Member States which acceded to the European Union on 1st May 2004"¹⁴⁴.

Another project by the Latvian Centre for Human Rights funded by the EU Funding Transition Facility plans to create an NGO support network for victims of hate crime, develop unofficial data collection on hate crimes, organise training for police and NGOs on how to combat cyber hate, publish training material for police on hate crime¹⁴⁵.

The NGO assessment

¹⁴⁴ <http://www.humanrights.org.lv/html/lv/aktual/projekti/29052.html>

¹⁴⁵ <http://www.humanrights.org.lv/html/lv/aktual/projekti/29125.html>

Latvia has not developed a comprehensive system of registering racially and religiously motivated crimes. Since 2005, Latvian NGOs have been expressing their concern on the cases of racial incidents and the fact that several allegedly racially motivated attacks were qualified as hooliganism¹⁴⁶. In 2007, law enforcement bodies attempted to prosecute incidents of racial violence as cases of instigation of ethnic or racial hatred. A particular problem concerning application of Section 78 of the Criminal Law is apparently narrow interpretation involving subjective factor: the Section 78 refers to “intentional acts” aimed at incitement of hatred. Thus, prosecution of perpetrator who expressed racist ideas requires proving his intent to incite hatred. Another issue relates to hate speech cases, where the law enforcement and judicial authorities have continued to rely on outside expert opinion in evaluating whether incitement to the racial and ethnic hatred has occurred, and, thus far has not developed sufficient internal capacity to handle such cases. This also raises concerns about the absence of criteria in selection of outside experts.

6.3.2 Counter terrorism

No major public debates on counter terrorism measures took place in Latvia in 2007. There was no official or unofficial information publically available about the possible impact of counter terrorism measures and policies on religious or ethnic minorities in Latvia.

6.3.3 Racial profiling

In 2007, there were no political discussions on the use of and acceptability of racial profiling or specific methods for racial profiling, neither in relation to counter terrorism measures, nor in more general context. There were no legal developments concerning racial profiling.

Latvia does not have a centralised mechanism for registering complaints about the abuse of power related to racism and xenophobia perpetrated by police or other law enforcement officials. In the meantime, Complaints about police misconduct can be submitted to territorial (city/district) police division personnel inspection units which are subordinated to local police chief. The Internal Security Service of the State Police collects annual national statistics about the number of disciplinary investigations against police officers. In 2007, it registered

¹⁴⁶ Djackova Svetlana, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2006, http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2006.pdf, p.32

no complaints about abuse of power related to racism and xenophobia perpetrated by the police¹⁴⁷.

6.4 Social inclusion

Political developments

Latvia is lacking significant policy measures aimed at social inclusion of minorities (information concerning the situation of migrants is provided in section 6.2 of the present report).

Against the background of slowing rate of naturalisation¹⁴⁸, the issue of participation of Latvia's non-citizens in municipal elections remained on agenda in 2007. For the first time a political party – member of governing coalition has suggested in 2007 to discuss the possibility to grant voting rights in municipal elections to non-citizens¹⁴⁹. Recognising political sensitivity of the issue, the party suggested a referendum to decide it. However, other governing coalition parties are not ready for open discussions at the moment, because of concerns about possible impact of the move on election results in cities with significant share of minority population. Several non-governmental organisations addressed newly elected President of the Republic of Latvia, Valdis Zatlers, calling on him to support the proposal to grant non-citizens voting rights in municipal elections¹⁵⁰. However, in an interview with Latvian Radio on 17 July 2007, the President has stated that he does not endorse the proposal, arguing that Latvia needs full-fledged citizens.

Legal developments

There were no legal developments with a view to promote social inclusion of minorities (information concerning the situation of migrants is provided in section 6.2 of the present report).

On 13 March 2007, Saeima's Public Administration and Local Government Committee rejected the proposal of the opposition parties Harmony Centre and For Human Rights in United Latvia to make amendments to The Election Law on City and Town Councils, District Councils and Parishes Councils, which would allow non-citizens to vote in municipal elections¹⁵¹.

¹⁴⁷ Information provided by the Internal Security Office of the State Police of the Ministry of Interior on 16.10.2007

¹⁴⁸ In 2007, Naturalisation Board received 3 308 naturalisation applications. Naturalisation Board data, available at: http://www.np.gov.lv/lv/faili_lv/naturalizacija_lv.pdf (accessed on 19.06.2007)

¹⁴⁹ Libeka, M., Šlesera kompromisi. *Latvijas Avīze* 14.02.2007

¹⁵⁰ Vespere, K., Vairākas organizācijas aicinās Zatleru rosināt atļaut nepilsoņiem vēlēties pašvaldības, 2007, *National News Agency LETA*, 18 June

¹⁵¹ Kozule, E., Noraida priekšlikumu ļaut nepilsoņiem piedalīties pašvaldību vēlēšanās, 2007, *National News Agency LETA*, 13 March

NGO assessment

There is insufficient effort to address the issues of social integration and inclusion of minorities. Effective participation of minorities in public life remains a particular subject of concern. Notwithstanding opinion of representatives of several international organisations who recommended granting non-citizens voting rights in municipal elections, initiatives to resolve the issue remained stalled in 2007. The functioning of numerous consultative bodies involving representatives of minorities was not improved, as concerns over representation, decision-making and status have not been resolved. Despite clear underrepresentation of minorities in elected bodies and in public administration, there were no initiatives or public discussions on facilitating greater representation of minorities.

7. National recommendations

7.2 Anti discrimination

To the government:

- Ensure the full transposition of the Race Equality Directive into national legislation;
- Improve information exchange and coordination between the bodies responsible for anti-discrimination policies;
- Establish an inter-institutional working group to draft a strategy for tackling discrimination
- Elaborate a strategy of disaggregated data collection as a tool to analyse the situation and tackle discrimination
- Conduct awareness raising activities on the right to equality and non-discrimination

To 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 full potential of the Ombudsman's mandate provided by Law, including the right to file civil and administrative cases in court and to represent interests of victims of discrimination in civil court proceedings
- 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 capacity on anti-discrimination work
- Conduct awareness raising activities and training among NGOs and trade unions on anti-discrimination
- Develop cooperation and victim support networks on anti-discrimination

7.3 Migration and integration

To the government:

- Elaborate national policy on migration and integration of newcomers
- Ensure an efficient coordination of activities dealing with migration issues and various aspects of 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 in the society

7.4 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; define a state body responsible for collecting data on hate crimes
- Conduct studies on the evidence of racial profiling
- Initiate discussions on counter-terrorism measures and their possible impact on minorities

To NGOs:

- Study best practices on NGOs' response to hate crimes
- 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

7.5 Social inclusion

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
- Examine existing practices of language use in communication with public authorities and consider measures to promote better access to public goods in services for persons who are not sufficiently proficient in the state language
- Monitor the quality of education in minority schools in the context of education reform
- 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

8. Conclusion

Notwithstanding gradual progress, the transposition of the requirements set forth by the Race Equality Directive was not completed in 2007.

There was a slight increase in the number of officially registered crimes under Section 78 of the Criminal Law (intentional acts aimed at incitement to racial, ethnic and national hatred) comparing to previous years: 16 cases registered in 2007, 14 in 2006, 13 in 2005. The majority of the cases were hate speech cases, predominantly racist comments made by individuals (mainly aged 16-20) on the internet, some of the comments were posted in 2004 or 2005. Since 2005, Latvian NGOs have been expressing their concern on the cases of racial incidents and the fact that several allegedly racially motivated attacks were qualified as hooliganism¹⁵². In 2007, law enforcement bodies attempted to prosecute incidents of racial violence as cases of instigation of ethnic or racial hatred. In 2007, the first ever prison sentences (six and eight months) for a racially motivated attack were handed down by the court. In the end of 2007 the first publically known allegedly racially motivated attack against Roma was registered. No crimes were registered under Section 150 (incitement to religious hatred) and 151 (interference with religious rituals) of the Criminal Law. For the first time an advertisement has been recognised as discriminatory on the grounds of race, skin colour, national or social origin and a fine has been imposed for the violation of the advertising ethics in Latvia.

On 1 January 2007 the Ombudsman's Office was established on the basis of the National Human Rights Office (LNHRO), undertaking the duties and rights of the LNHRO, including the promotion of observance of the principle of equal treatment and prevention of any type of discrimination. While the number of discrimination complaints received by the Ombudsman's Office did not increase compared to complaints received by LNHRO in 2006 and remains small in actual numbers, capacity and effectiveness of the body in solving discrimination complaints continue to raise concern.

There was a continuous lack of comprehensive statistical and research data (official and unofficial) on the situation of various groups in different areas of social life and economy, as well as information about instances and patterns of discrimination. Although available statistical and research data indicate disparities in some areas (such as labour market), the number of complaints and court cases remain small. Low level of public awareness and lack of systematic data collection and research make assessment of discrimination on various grounds difficult.

¹⁵² Djackova Svetlana, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2006, http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2006.pdf, p.32

Civil society plays a significant role in combating racism and discrimination in Latvia, engaging in activities such as advocacy, bringing the issues to the public agenda, participation in drafting legislation, providing assistance to the victims and raising public awareness. More work needs to be done to improve the capacity of relevant NGOs as well as to develop NGO cooperation and victim support networks. Data collection and bringing cases of discrimination to the court remain crucial with a view to provide the evidence of discrimination to the public and to develop case law.

In the meantime, politicians and state authorities are holding a key role in combating racism and discrimination and promoting climate of tolerance and social inclusion of minorities and newcomers.

9. Bibliography

Ādamsons, A., Pētījums: Mediji pret atšķirīgām sabiedrības grupām biežāk pauž nosodošu, nevis iekļaujošu attieksmi, in: *National News Agency LETA* (19.06.2008)

Association of Russian Culture, Education and Science (2007) Research on results of education reform, available in Russian at <http://rus.delfi.lv/temp/mk/memorandum1.pdf> (08.07.2008)

Baltic Institute of Social Science (2006), *Study on human rights in Latvia*, p.20 <http://www.vcb.lv/index.php?open=petijumi&this=250906.252> (22.10.2007)

British Council and Migration Policy Group (2007) *Migrant Integration Policy Index*, p. 106, available at www.integrationindex.eu (16.01.2008)

Central Statistical Bureau (2007) *Demography 2007* p. 22.

Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 19 June 2008.

Centre for Curriculum Development and Examinations *Results of centralised examinations. Ethnic minority schools*, Available in Latvian at: <http://www.isec.gov.lv/eksameni/oldinfo.htm> (04.07.2008)

Centre for Education Initiatives (2005), *Roma Identity in a Multicultural School*

Djackova Svetlana, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2006, http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2006.pdf

Eriņa, A. (2008) "Pērn par Valsts valodas likuma pārkāpumiem administratīvi sodīts 721 darbinieks", in: *National News Agency LETA*, (08.01.2008)

Geste, J. *They work for Latvia De facto*, LTV 24.06.2007

Grundule, L. (2007) „EK brīdina Latviju par pilnīgu rasu diskriminācijas aizlieguma direktīvas neieviešanu”, in: *National News Agency LETA* (29.06.2007)

Institute of Philosophy and Sociology of the University of Latvia, Baltic International Centre for Economic Policy Studies, Institute of Sociological Research (2007), *Causes and Length of Unemployment and Social Exclusion*, available at: <http://sf.lm.gov.lv/esf> (22.10.2007)

Jolkina, A. (2007) „Peļņā uz Latviju”, in *Sestdiena*, (17.11.2007), p. 24 - 29

Jolkina, A., Iespējams, čigānu meitenes piekautas rasistisku motīvu dēļ. *Diena*, 17 October, 2007, p.6.

Kļanska, D. (2007) "Būvniecība ABC pārsūdz PTAC noteikto naudas sodu par diskriminējošu reklāmu", in: *National News Agency LETA* (17.05.2007)

Kozule, E., Noraida priekšlikumu ļaut nepilsoņiem piedalīties pašvaldību vēlēšanās, 2007, *National News Agency LETA*, 13 March

Kvalitatīvo Pētījumu Studija, *Pētījums "Jauno Sabiedrības Locekļu Integrācija"* (Rīga, 2008). Summary and presentation in Latvian available at the homepage of the Secretariat of the Special Assignments Minister for Social Integration Affairs:

Latvian Agricultural University, Daugavpils University, Riga Stradina University, Ventspils University College, Vidzeme University College (2007), *Specific Problems of Labour Market in Latvia and its Regions*, available at: <http://sf.lm.gov.lv/esf> (22.10.2007)

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

Latvian Centre for Human Rights, *Alternative report on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities in Latvia* (Rīga, 2008), available at: http://www.humanrights.org.lv/upload_file/Shadow_Report_LCHR.pdf, accessed 6 June 2008.

Latvian Centre for Human Rights, Preparatory Research Brief, *Addressing Ethnic Profiling and Discrimination in Policing in Latvia* (2005)

Latvian Centre for Human Rights, unpublished report *Etnisku datu vākšana diskriminācijas novēršanai* (Rīga, 2007).

Latvian National Human Rights Office (2006), *Study on human rights in Latvia* <http://www.vcb.lv/index.php?open=petijumi&this=250906.252> (22.10.2007)

Latvijas Cilvēktiesību centrs, *Vecāku efektīvā līdzdalība izglītības politikā*, http://www.dialogi.lv/pdfs/zinojums_gala_2006_oktobris.pdf, accessed 6 July 2007.

Leitāns, I (2007) "Par reklāmistu "humoru", noniecinot tumšādainu, sods var sasniegt pat Ls 10 000", in *Diena* (23.03.2007), p. 1

Leitāns, I. (2007) "Diskriminējošās reklāmas pasūtītāju Būvniecības ABC soda ar Ls 5000", in: *Diena* (20.04.2007), p. 3

Libeka, M., Šlesera kompromisi. *Latvijas Avīze* 14.02.2007

Lukumiete Dace, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2005, http://www.enar-eu.org/en/national/latvia/Latvia_2005.pdf, accessed 6 July 2007

Marija Golubeva, Anda Rozukalne, Iveta Kazoka, *Izaicinājums pilsoniskajai līdzdalībai* (Rīga, 2007). The research in Latvian is available at: <http://www.politika.lv/index.php?f=1249>

Market and Public Opinion Research Centre SKDS (2007), Public opinion survey “*Attitudes toward Civil Society*”, (Rīga, 2007). Available in Latvian at: http://www.integracija.gov.lv/doc_upl/atskaite_integracija_072007.pdf

Ministry of Education and Science, Statistical data, available at: <http://izm.izm.gov.lv/registri-statistika/statistika-vispareja/2007.html> accessed 19 June 2007

Naturalisation Board data, available at: http://www.np.gov.lv/lv/faili_lv/naturalizacija_lv.pdf accessed 19 June 2007

Naturalization Board Data, <http://www.np.gov.lv/?id=461&sa=461&top=417> , accessed 19 June 2008.

Naturalization Board Data, <http://www.np.gov.lv/index.php?id=418&top=418> , accessed 19 June 2008.

Office of Citizenship and Migration Affairs of the Ministry of Interior of Republic of Latvia:
<http://www.pmlp.gov.lv/lv/statistika/patveruma.html;jsessionid=CCA53FD41678EC37DFAC1DCFDE4EB97E> , accessed on 19 June 2008.

Oškaja, I. (2007) „Сейм – за дискриминацию?”, in *Chas* (30.05.2007), p.3

Population Register of the Office of Citizenship and Migration Affairs of the of the Ministry of Interior:
http://www.pmlp.gov.lv/lv/statistika/dokuments/ird/ISVN_Latvija_pec_TTB_VPD.pdf , accessed on 19 June 2008.

Pujēna, S. (2007) „Ne par kādu naudu vietējos nedabūsi”, in *Latvijas Avīze*, (27.11.2007), p. 7

Skruzis, J., Kārtējo reizi neskata koncepciju par migrācijas politiku nodarbinātības kontekstā , 2007, *National News Agency LETA*, 20 November

Vespere, K., Vairākas organizācijas aicinās Zatleru rosināt atļaut nepilsoņiem
vēlēt pašvaldības, 2007, *National News Agency LETA*, 18 June

Z. Krišjāne, project leader (2007) *Geographic Mobility of the Labour Force Riga:*
University of Latvia. Available in English at:
http://www.darbatirgus.gov.lv/doc_upl/DGM_petijums_gala_eng_1_dala.pdf
(19.06.2008)

10. Annex 1: List of abbreviations and terminology

LCHR - Latvian Centre for Human Rights

LNHRO - Latvian National Human Rights Office

SLI – State Labour Inspectorate

SEA - State Employment Agency

SLC - State Language Centre

OCMA - Office of Citizenship and Migration Affairs

MoES - Ministry of Education and Science

CEI -Centre for Education Initiatives

SSP - State Security Police

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

IOM – International Organization of Migration'

Ls – Lats, Latvian national currency



european network against racism

ENAR Shadow Report 2007