



european network against racism

ENAR Shadow Report 2008

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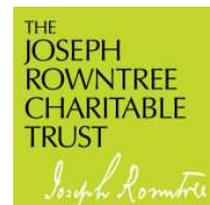
Racism in Latvia

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.

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I. Executive summary

While Latvia made some progress in transposing the Race Equality Directive requirements into its national legislation during 2008, significant issues remain unresolved regarding data collection and legislation. In the meantime, there is a danger that due to the economic crisis the issues of antidiscrimination and tolerance might be seen as less important.

There is very limited official and unofficial information about manifestations of discrimination in Latvia. Surveys data reveal prejudice towards certain groups and low awareness about rights and remedies. Available statistics and research data show some disparities in certain areas, including labour market. Further assessment of situation is hampered by a general lack of data disaggregated by race, ethnicity, native language, religion, citizenship and legal status regarding situation in areas such as housing, income and occupation, education, health, access to goods and services in the public and private sector. Data of the State Employment Agency show 46% increase in unemployment during 2008, and fewer work invitations to third-country nationals were issued.

In education, the Office of the Ombudsman received a number of communications from foreign students who complained of alleged discrimination in the education process. While complaints were solved, the issue of Latvia's compliance with the EU Directive 2005/36 emerged. Since 2004, when the government changed the language of instruction in schools implementing minority education programmes, no mechanism was introduced to monitor the effects of the change on quality of education.

The number of crimes registered under Section 78 of the Criminal Law (incitement to national, ethnic and racial hatred) slightly decreased: nine cases were opened in 2008 (comparing to 16 in 2007, 14 – in 2006, 13 in 2005), including seven cases of hate speech on the internet, mostly comments to articles on internet news portals. Two cases registered in 2008 involved violence: an attack on an Armenian couple mistakenly perceived as Roma by skinheads, and an attack by an unknown assailant on member of NGO Afro-Latvian Association (Afrolat). Following lengthy legal proceedings final decision was reached in the case of a young neo-Nazi, who in 2007 publically stated that Jews and Roma people are 'non-humans' and it would be preferable to exterminate them; in January 2009 the offender was sentenced to two years and one month of imprisonment for incitement to ethnic hatred.

Against the background of significant decrease in naturalisation in 2008, the issue of non-citizens of Latvia remains unresolved. The Grand Chamber of ECHR ruled in February 2009 that Latvia violated Article 14 (prohibition of discrimination) of the European Convention on Human Rights in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention as the

Latvian courts had refused to grant the applicant a retirement pension in respect of her years of employment (17 years) in the former Soviet Union outside of Latvia prior to 1991 on the ground that she did not have Latvian citizenship. In the meantime, the Parliament twice in 2008 rejected proposals to grant non-citizens the right to vote in municipal elections.

Latvia continued with the development of its equality legislation, amending in 2008 the Law “On Social Security” and the Consumer Rights Protection Law, as well as adopting the Law „On Prohibition of Discrimination of Natural Persons Engaged in Economic Activity” in early 2009, although transposition of the Race Equality Directive provisions is yet incomplete. Amid the economic crisis and the substantial budget cuts, the government twice within a six month period re-assigned functions of the main state body responsible for the transposition of the Race Equality Directive, drafting legislation and policy documents on antidiscrimination, implementing and coordinating activities aimed at promoting tolerance and society integration. It remains to be seen whether after reorganisations these functions will be carried out in full.

Latvia does not have a coherent policy document addressing the issues of migration, while available research information suggests Latvia is not prepared to ensure effective equality for newcomers in various fields, including healthcare, housing and education. Recent extension of state language proficiency requirements to more than 1000 professions in private sphere is posing potential obstacle to practical implementation of the principle of free movement of labour within the EU and to social integration, including access to labour market, of third country nationals.

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III. Introduction

The issues of racism and discrimination received only limited public attention in Latvia during 2008. The number of officially registered hate crimes slightly decreased in 2008, with the majority of cases being instances of hate speech on the internet.

In 2008, some progress was made in the transposition of the Race Equality Directive requirements into national legislation, although significant issues remain unresolved. There is also a general lack of disaggregated data regarding situation in various fields of life. In the meantime, there is a danger that due to the economic crisis the issues of antidiscrimination and tolerance may be seen as less important by the state and a large part of society.

The present report highlights the situation and developments regarding racism and discrimination in Latvia throughout 2008. The first section of the report provides an overview of the existing data on manifestations of discrimination in the fields of employment, education, housing, access to goods and services in the public and private sector, the media, including the Internet, as well as on hate crime. The second section reviews developments of the legal and political context in four main areas: anti-discrimination, migration and integration, criminal justice, and social inclusion. While the report does focus on developments in 2008, the report provides information on some legislation and policy developments in 2009 relevant to processes taking place during 2008. The report to a great extent is based on data collected by the staff of the NGO Latvian Centre for Human Rights during 2008 and early 2009.

IV. Communities vulnerable to racism

Ethnicity and citizenship

The population of Latvia is ethnically diverse. According to the data of the Population Register, the population of Latvia on 1 January 2009 was 2,267,886¹, including 1,342,750 ethnic Latvians (59.2% of the total population), 630,380 ethnic Russians (27.8%), 82,216 Byelorussians (3.6%), 56,774 Ukrainians (2.5%), 53,309 Poles (2.4%), 30,474 Lithuanians (1.3%), 9,988 Jews (0.4%), 8,591 Roma 0.4%; 20,195 people did not affiliate to any ethnicity (0.9%)².

According to the data of the Population Register, among 2,267,886 people living in Latvia on 1 January 2009, 1,860,618 are citizens of Latvia (82.04% of the total population), 357,811 are non-citizens of Latvia (15.78%), 30,328 are citizens of Russia (1.38%), 19,129 - stateless persons and foreigners (0.84%)³. While nearly all ethnic Latvians have Latvian citizenship (99.8%), the share of ethnic minorities that do not have Latvian citizenship is significant. Since 1995⁴ the number of Latvian non-citizens decreased by half, or 373,267 individuals, including 130,790⁵ who received Latvian citizenship through naturalisation. The rate of naturalisation significantly decreased during the recent years: only 3,004 persons naturalised in 2008⁶. In the meantime, the rate of naturalisation test failures is increasing. Among 2,446 citizenship applicants taking language test in 2008, 698 or 28.2% failed (686, or 21.4% of 3,213 in 2007; 3,292 16.1% of 20,490 in 2004). Among 2,459 citizenship applicants taking history test in 2008, 452 or 18.4% failed (400, or 10.5% of 3,818 in 2007; 987 or 4.9% of 20,256 in 2005).

Jews

According to the data of the Latvian Population Register, 9,988 Jews were living in Latvia on 1 January 2009, including 6,455 citizens (64.6%), 3,060 non-citizens (30.6%) and 473 foreigners (4.7%)⁷. Expressions of anti-Semitism by radical nationalists is not unusual in the public sphere, - mostly on the internet, but also verbally, and occasionally in the media, as well as other instances.

¹ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/ISPV_Pasvaldibas_iedzivojaju_skaitis.pdf, accessed 19 May 2009.

² Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/ISVN_Latvija_pec_TTB_VPD.pdf, accessed on 19 May 2009

³ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/ISVN_Latvija_pec_TTB_VPD.pdf, accessed on 19 May 2009

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

⁵ Naturalization Board Data, <http://www.np.gov.lv/?id=461&sa=461&top=417>, accessed 19 May 2009.

⁶ Naturalisation Board data, available at: http://www.np.gov.lv/lv/faili_lv/naturalizacija_lv.pdf accessed 19 May 2009

⁷ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/ISVN_Latvija_pec_TTB_VPD.pdf, accessed on 19 May 2009

Roma

According to official statistics, there were 8,591 Roma living in Latvia on 1 January 2009, among them 8,007 citizens (93.2%) and 537 non-citizens (6.3%)⁸. However, according to Roma representatives, there are 15,000 – 20,000 Roma in Latvia⁹. Research data and interviews with representatives of Roma show that Roma are clearly experiencing disadvantages and discrimination in all areas¹⁰.

Migrants

The number of migrants in Latvia is relatively small. According to the data of the Central Statistical Bureau¹¹, during 2008, 3,465 individuals moved to Latvia (3,541 in 2007 and 2,801 in 2006), while 6,007 individuals left the country (4,183 in 2007 and 5,252 in 2006). Thus as in previous years, Latvia in 2008 was a net migration donor (-2,542 in 2008, -642 in 2007, -2451 in 2006). Most of the migration in Latvia comes from European countries and the former USSR¹².

Asylum seekers and refugees

The number of people seeking asylum in Latvia is small, yet it has a tendency to grow: 51 persons requested asylum in Latvia in 2008 (compared to 34 persons in 2007 and eight in 2006).¹³ In 2008, one person was granted alternative status (three in 2007), two persons were granted refugee status (five in 2007), 21 applications were declined (11 in 2007), five individuals withdrew their applications (two in 2007) and two applications were not examined¹⁴. Since 1998, when the asylum procedure was launched in Latvia, 254 individuals applied for asylum. Since 1998, the refugee status has been granted to 17 individuals, while alternative status has been granted to 21 individuals¹⁵. Within the framework of Dublin Regulation (EC No 343/2003), Latvia received 52 requests (including 25 from Sweden), agreeing to take responsibility for the examination of 40 asylum claims and rejecting 12 others during 2008. Latvia also sent 1 request to undertake the responsibility for the examination of asylum application¹⁶.

Survey data on discrimination

According to a public opinion survey entitled “Awareness on Human Rights Protection in Latvia”¹⁷, commissioned by the Ombudsman’s Office, 27% of

⁸ Data of the Population Register of the Office of Citizenship and Migration Affairs of the Ministry of Interior: http://www.pmlp.gov.lv/lv/statistika/dokuments/ISVN_Latvija_pec_TTB_VPD.pdf, accessed on 19 May 2009

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

¹⁰ Ibid.

¹¹ Priede, Z, CSP dati par iedzīvotāju ilgtermiņa migrāciju Latvijā 2008.gadā, in: National News Agency LETA, (27.04.2009).

¹² Ibid

¹³ Data of the Office of Citizenship and Migration Affairs of the Ministry of Interior of Republic of Latvia: <http://www.pmlp.gov.lv/lv/statistika/patveruma.html;jsessionid=97A6ADE4EB9324A10D31AD908E10E19E>, accessed on 19 May 2009

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Ibid

¹⁷ SKDS Research “Awareness on Human Rights Protection in Latvia” (SKDS Pētījums „Informētība par cilvēktiesību aizsardzību Latvijā”) (2008), available in Latvian at: http://www.tiesibsargs.lv/lat/petijumi_un_viedokli/petijumi/?doc=444, accessed on 19 May 2009

respondents indicated that during the last two years they had encountered “violation of rights and discrimination”. Of those, who claimed “unfair or abusive attitude”, 14% indicated that it was because of language, 12% because of age, 8,5% - social origin, property status, 8,3% - ethnicity, race or health status, 2,9% - gender, 2,6%-political beliefs, 1,5% - religious affiliation, 0,3% - sexual orientation. Respondents most frequently cited rights violations and discrimination in connection with the right to work and fair and favourable working conditions (12%), right to health protection (6%) and social protection (5%).

According to the results of the Special Eurobarometer 296 “Discrimination in the European Union: Perceptions, Experiences and Attitudes¹⁸”, rights awareness and satisfaction with current antidiscrimination efforts in Latvia is below the EU average. 31% of respondents in Latvia feel that efforts made to fight discrimination are sufficient (second lowest in the EU; EU average: 47%). Two thirds of the respondents in Latvia (65%) do not know their rights if they were the victim of discrimination or harassment (EU average: 53%), while less than a quarter of respondents in Latvia (24%) know their rights in such cases (EU average: 33%). The research also highlighted discrimination on the ground of ethnicity. While ethnic minorities constitute 40% of Latvia’s population, only 6% of respondents included into sample in Latvia identified themselves as ethnic minorities. Majority of respondents (58%) believes discrimination on the ground of ethnicity is rare (EU average: 33%). Most respondents in Latvia (71%) support monitoring recruitment procedures in order to ensure equal opportunities in labour relations for ethnic minorities (EU average: 71%). Latvia was among the few exception countries, where monitoring ethnic minorities’ representation in the work-force was supported by fewer respondents than opposed (41% vs. 45% in Latvia; EU average: 57% vs. 33%).

¹⁸ Special Eurobarometer 296 “Discrimination in the European Union: Perceptions, Experiences and Attitudes” (2008) http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf , accessed 19 May 2009

V. Manifestations of racism and religious discrimination

There is very little official or unofficial information on discrimination on the grounds of race and religion in various areas. The assessment of the situation is further hampered by a general lack of data disaggregated by race¹⁹, ethnicity, native language, religion, citizenship and legal status regarding situation in areas such as housing, income and occupation, education, health, access to goods and services in the public and private sector.

The main body of data disaggregated by ethnicity was collected by the Central Statistics Bureau during the last national census in 2000. The next population census is envisaged to be held in 2011²⁰. In the meantime, while the Central Statistics Bureau conducts regular data collection surveys, including information on situation of Latvia's population in various areas, it does not disaggregate information along categories of race, ethnicity, native language, religion, citizenship and legal status. According to the Central Statistics Bureau, its regular data collection is conducted within the framework of the EU-wide programme Statistics on Income and Living Conditions (EU-SILC) and therefore, the EU regulations (not Latvia's decisions) determine which specific categories and variables are included into surveys. Since the relevant regulations do not require collection of data related to ethnicity, race or religion, the CSB does not collect such data²¹.

During 2008, the Ombudsman's Office had 4,534 communications concerning human rights and good governance, including 2,100 written applications and 2,434 verbal consultations²². 23 written applications and 34 verbal consultations concerned the issues of discrimination on the grounds of race and ethnicity. The Ombudsman's Office also received 20 written applications and provided 46 verbal consultations concerning discrimination on the ground of language, as well as five communications concerning discrimination on the ground of religious persuasion (including one written application and four oral consultations. Regarding the issues of legal status of individuals (granting and losing the status of citizen or non-citizen, the rights of foreigner and stateless person, the status of refugee or asylum seeker, legalization of persons without legal status), the Ombudsman's Office received 20 written applications and provided 72 verbal consultations.

¹⁹"Race" refers to physical features of an individual, while "ethnicity" refers to identity or belonging to an ethnic group, defined in categories such as culture, language, religion, history, traditions.

²⁰ The Central Statistics Bureau information, <http://www.csb.gov.lv/csp/content/?lng=en&cat=339> , accessed on 19 May 2009

²¹ Information provided by the CSB Household Budget Statistics Section on 23 March 2009

²² Ombudsman's Office 2008 Annual Report, available in Latvian at: http://www.tiesibsargs.lv/files/downloads/Tiesibsarga_2008_gada_zinojums.pdf , accessed on 29 May 2009

V.i Employment

Data and information on discrimination on the grounds of race and religion in the sphere of employment is lacking. Available information regarding economic activity of population is only disaggregated along the lines of ethnicity and citizenship, while information on income and occupational differences based on ethnicity, native language, race²³ or religion is not available.

The data available with the State Employment Agency includes statistical information about individuals officially registered as unemployed and their ethnicity. The State Employment Agency does not register race, native language, religion or belief of unemployed. 76,435 individuals were registered with the State Employment Agency as unemployed as of 31 December 2008, - 46% increase comparing to 52,321 unemployed registered as of 31 December 2007. As in previous years, official data continue to show some disparities between unemployment levels of ethnic Latvians and ethnic minorities.

Table: Officially registered unemployed disaggregated by ethnicity

	2005		2006		2007		2008	
	% 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)	% of the unemployed (31.12.2008)	% of the total population (01.01.2009)
Latvian	51.9	58.8	52.7	59.0	53.5	59.0	52.7	59.2
Russian	33.0	28.6	31.7	28.5	31.4	28.3	31.3	27.8
Belarusian	4.1	3.8	4.0	3.8	4.0	3.7	3.6	3.6
Ukrainian	2.6	2.6	2.5	2.5	2.6	2.5	2.5	2.5
Polish	2.5	2.5	2.4	2.4	2.4	2.4	2.0	2.4
Lithuanian	1.5	1.4	1.4	1.4	1.4	1.4	1.3	1.3
Jewish	0.1	0.4	0.1	0.4	0.1	0.5	0.1	0.4
Roma	0.7	0.4	0.8	0.4	0.7	0.5	0.6	0.4
Other	1.2	1.5	1.0	1.6	1.0	1.2	1.0	1.5
No ethnicity indicated	2.4	-	3.4	-	2.9	0.5	4.9	0.9

Source: State Employment Agency; Latvian Population Register

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

During 2008, the State Employment Agency²⁴ issued work invitations to 2,900 third-country nationals, - a slight decrease comparing to 3,113 third-country nationals who received work invitations in 2007²⁵. The main countries of origin were Ukraine (1,087 in 2008; 961 in 2007), Moldova (487 in 2008; 847 in 2007),

²³"Race" refers to physical features of an individual, while "ethnicity" refers to identity or belonging to an ethnic group, defined in categories such as culture, language, religion, history, traditions.

²⁴ State Employment Agency data at: <http://www.nva.gov.lv/index.php?cid=2&mid=2&txt=1386&from=40> , accessed on 19 May 2009

²⁵ 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

Thailand (238 in 2008; 68 in 2007), Uzbekistan (223 in 2008; 343 in 2007), Russia (220 in 2008; 198 in 2007) and Byelorussia (129 in 2008; 226 in 2007). The demand for foreign labour decreased in construction (823 in 2007; 1865 in 2007), while increasing in manufacturing (1,146 in 2008; 603 in 2007) sectors²⁶.

During 2008, the State Border Guards filed 174 administrative violation protocols (98 in 2007; 131 in 2006) to foreigners employed without working permits²⁷.

Language proficiency requirements set up by the Cabinet of Ministers²⁸ for various professions and occupations are affecting employment opportunities of non-native speakers of Latvian language, including citizens and non-citizens of Latvia, EU citizens and third-country nationals. Various degrees of the state language proficiency requirements are established for employees in the public (~ 3,500 professions) and private (over 1000 professions) sector, while the actual level of the state language proficiency of (prospective) employees is tested in a mandatory official procedure. The State Language Centre (a state body authorised to control the implementation of the State Language Law) controls 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 school staff, salespersons, janitors, taxi and bus drivers occasionally appear²⁹. In 2008, the State Language Centre issued 903 administrative violation protocols, including fines on persons for insufficient usage of the state language (compared to 721 in 2007 and 553 in 2006).

In 2008 the Ombudsman's Office initiated investigation into two cases concerning discrimination complaints on the grounds of "race or ethnicity" in the field of employment. Both cases were closed as the Ombudsman found no violation of the principle of equal treatment³⁰.

The Latvian Human Rights Committee received one complaint concerning the state language proficiency examination required for employment in Latvia of graduates of minority schools. The applicant complained about the application of this requirement to those who graduated from minority schools in Latvia after independence yet before the introduction of centralized state exams and did not study in Latvian language at university afterwards. The Committee offered to support the complainant if he decides to file a complaint to the Constitutional

²⁶ Ibid

²⁷ Public Review of the Work of the State Border Guards in 2008 (Valsts robežsardzes 2008.gada publiskais pārskats), available in Latvian at: http://www.rs.gov.lv/bildes_upl/Publiskais%20parskats%202008.pdf , accessed on 29 May 2009

Stankeviča B., Valsts robežsardze 2008.gadā sodīja 174 ārzemniekus par strādāšanu bez darba atļaujām, in: *National News Agency LETA*, (03.02.2009)

²⁸ 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

²⁹ Liepiņa A., Par Valsts valodas likuma pārkāpumiem trīs mēnešos soda 225 personas, in: *National News Agency LETA*, (07.04.2008)

³⁰ Information provided by the Ombudsman's Office on 12.06.2009.

Court³¹. The Latvian Human Rights Committee also received several communications from people suspecting they were targeted for redundancy because of their minority ethnicity and native language. Representatives of the Committee admit these individual claims of discrimination are particularly hard to prove, because their former employers do not mention ethnicity or language as a formal reason, neither in writing, nor verbally³².

The research “Impact of Migration on Ethnic Relations in Latvia”³³ revealed significant opposition to possible outside migration in Latvia. The share of Latvia’s residents opposed to immigration of foreign labour force (56.9%) more than doubled the number of those who are positive about it (26.5%); greater opposition is expressed by ethnic Latvians (67.2%) than by ethnic minorities (43.1%). 35.2% of respondents believe that the main potential positive effect of immigration is that it could solve the problem of labour shortage. Respondents mentioned the loss of ethnic-Latvianness (20.9%) and taking jobs away from the locals (20.7%) as the main negative effects of foreign labour immigration. Interviewed experts are opposed to labour immigration from former USSR countries because these groups could easily communicate with the local residents in Russian language.

46.3% of Latvian respondents in the research “Integration of New Members of Society” mentioned that issues of inclusion into society, such as finding a job, accommodation and accustoming to different culture as the main problems that the refugees are facing in Latvia. 52.1% of the respondents believe that refugees could find a job in Latvia, while 30.5% believe this is not possible. While most of the respondents could not identify any potential positive effects of immigration, 25.5% stated that it could provide a source of labour. Most of the respondents do not object to working together with people of different culture (76.7%), religion (74.2%) and skin colour (69.1%).

NGO Good Practice

Anti-Discrimination and Diversity training

The Latvian Centre for Human Rights (LCHR) within the framework of a European Commission funded project “Anti-Discrimination and Diversity training”, managed by Human European Consultancy in partnership with the Migration Policy Group, organised training seminars on diversity management and

³¹ Information provided by the Latvian Human Rights Committee on 11.09.2008

³² Information provided by the Latvian Human Rights Committee on 16 June 2009.

³³ Institute of Social Alternative (2008) “Impact of Migration on Ethnic Relations in Latvia” (Biedrība „Sociālās Alternatīvas Institūts”, 2008, pētījums “Migrācijas ietekme uz etniskajām attiecībām Latvijā”). The research was financed by the Social Integration Foundation EU Transition Programme and included direct interviews with 1000 respondents representing different social demographic groups of residents of Latvia, as well as focus group discussions with relevant state officials, experts and public opinion leaders. Available in Latvian at: http://www.lsif.lv/files/pics/Migracija_SAI_petijums.pdf, accessed on 19 May 2009

antidiscrimination. On 8 February 2008 LCHR organised seminar “What is Diversity Management and what it means for You?” targeting employers in all sectors of Latvia’s economy. Participants were presented the concept of diversity management and learned about ways to apply it in practice as well as possible advantages. “Training Manual Diversity Management” was translated into Latvian and distributed to the participants together with other materials on diversity management and antidiscrimination. On 18-19 March 2008 LCHR organised a two-day training seminar for NGOs and trade unions “Prevention of discrimination”. The seminar was designed as a follow-up to antidiscrimination trainings conducted in 2005 and 2007, and it aimed at deepening the knowledge of participants about discrimination issues, legislation and its implementation, as well as the role of NGOs and trade unions in antidiscrimination³⁴.

V.ii Housing

Information about racism and discrimination in housing in Latvia in 2008 is lacking. State bodies, including the Central Statistics Bureau (CSB) of Latvia and municipalities, do not collect data on housing disaggregated by race, ethnicity, native language, religion, citizenship and legal status.

The only available data on ethnicity in the housing sector was collected during the last national census, and was conducted by the Central Statistics Bureau in 2000. While the next population census is envisaged to be held in 2011, regular data collection surveys conducted by the CSB do not include information related to ethnicity, race or religion.

Discrimination complaints in housing are very limited. In 2008 the Ombudsman’s Office initiated investigation into three cases concerning complaints about discrimination on the grounds of “race or ethnicity” in the field of housing. One case was resolved while two cases were closed as the Ombudsman found no violation of the principle of equal treatment³⁵.

The research “Integration of New Members of Society” suggests Latvia may be unprepared to ensure non-discrimination of migrants in the field of housing. 40% of respondents in Latvia believe refugees would not have a chance to get a bank loan for purchasing an apartment, while interviewed experts believe that finding accommodation is the biggest problem facing asylum seekers after they are granted the status of a refugee in Latvia³⁶.

³⁴ <http://www.humanrights.org.lv/html/29410.html> , accessed on 19 May 2009

³⁵ Information provided by the Ombudsman’s Office on 12.06.2009.

³⁶ Quality Research Studio, Resesarch “Integration of New Members of Society” (Kvalitatīvo Pētījumu Studija, *Pētījums “Jauno sabiedrības locekļu integrācija”*) (Rīga, 2008) The research used both qualitative and quantitative research methods (representative opinion poll of 1249 Latvia’s residents and in-depth interviews with 10 experts and 15 refugees). The research was commissioned by the Secretariat of the Special Assignments Minister for Social Integration Affairs in cooperation with International Organisation for Migration Available in Latvian at: <http://www.politika.lv/index.php?id=16597> , accessed on 19 May 2009

The research “Socio-economic development trends in Latvian cities” shows a rather high level of intolerance towards certain groups in 38 cities across Latvia. Among respondents in Riga, 53% “definitely do not want to live next to” Roma, 33.7% - next to guest workers, 25.5% - next to Muslims³⁷.

V.iii Education

There is a serious lack of information about the situation of minorities in education in Latvia.

According to the data of the Ministry of Education and Science, among 236,223 pupils attending general education schools in 2008/2009 academic year, 173,712 (73.54%) studied in mainstream schools with Latvian as the language of instruction, while others studied in schools implementing minority education programmes, including 61,022 (25.83%) in Russian and 1,489 (0.63%) in other minority schools³⁸. While there is a long-standing practice to gather data on ethnic break-down of pupils in Latvia, there is no monitoring of school attendance and educational achievement of ethnic minorities pupils in majority and minority schools.

The Ombudsman's Office received a number of communications from foreign students studying at universities in Latvia alleging violations of the principle of equal treatment in the process of education and examination, including harassment and lower grades because of their race and ethnicity³⁹. Following the communication with the Ombudsman, the universities pledged to increase oversight over examination process and prevent harassment during education process.

The Ombudsman's Office initiated an investigation into a discrimination claim of an EU citizen who studied medicine at the University of Latvia⁴⁰. Unlike local students, the applicant received an incomplete diploma transcript, an invalid internship certificate, and was denied the opportunity to take certification exams with the Latvian Doctors' Association (which are necessary if the applicant is to practice as a doctor in Latvia or other EU countries). Following the Ombudsman's intervention, the applicant was issued necessary residency diploma and its supplement, yet the denial to take certification exams was recognized as legally justified, because the applicant did not have the state language proficiency

³⁷ Analītisko pētījumu un stratēģiju laboratorija, "Latvijas pilsētu sociāli ekonomiskās attīstības tendences", Rīga 2007-2008 <http://www.rapl.gov.lv/pub/index.php?id=1529> , accessed on 19 May 2009

³⁸ Data of the Ministry of Education and Science, LR vispārīzglītojošo dienas skolu skolēnu sadalījums pēc apmācības valodas 2008./2009.m.g. http://izm.izm.gov.lv/upload_file/Registri_statistika/apmac_val_skoleni_08_labots.xls , 19 May 2009

³⁹ Ombudsman's Office 2008 Annual Report, p.39., available in Latvian at: http://www.tiesibsargs.lv/files/downloads/Tiesibsarga_2008_gada_zinojums.pdf , accessed on 29 May 2009

⁴⁰ Information provided by the Ombudsman's Office on 19.09.2008.

certificate⁴¹. The Ombudsman was considering further steps to solve the issue, including an analysis of compliance of Latvia's legislation with the EU requirements, given that the EU Directive 2005/36 requires mutual recognition of qualifications and education among the EU member states.

The State Education Inspectorate received three complaints about discrimination on the ground of ethnicity⁴². Two complaints concerned liquidation of minority education programmes⁴³ and one application was submitted by a teacher complaining about dismissal⁴⁴. In all three cases the SEI found no discrimination facts.

The issue of monitoring the quality of education in schools implementing minority education programs remained unresolved. From 2004 Latvia switched schools implementing minority education programmes 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. This change evoked mass scale public protests of representatives of mainly Russian-speaking minority population in 2003-2005, who argued that minorities and parents of pupils in these schools were not consulted during elaboration of this decision, while its implementation will lead to assimilation and decrease of quality of education in minority schools. Following the protests the issue was brought before the Constitutional Court, which ruled in 2005 that the language change 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 introduced⁴⁵. However, by the end of 2008, the government failed to introduce a mechanism for monitoring the effects of the language change in minority schools on the quality of education, educational achievements, drop out rates or further educational or professional careers of pupils of these schools. The State Agency for Quality Assessment of General Education (VIKŅVA) does not measure the effects of language change, and the quality of education in

⁴¹ According to Section 15.4 of the Regulations of the Cabinet of Ministers Nr.431 on the Certification Procedures of Healthcare Personnel (adopted on 23 December 1997), before taking certification examination, examinee has to provide a document, which certifies his/her knowledge of the state language.

⁴² Information provided by the State Inspectorate of Education on 05.09.2008.

⁴³ The complaints concerned liquidation of minority education programmes; as a result children in these schools were denied an opportunity to continue education in native language (Russian). The Inspectorate investigated the complaints and concluded that due to small number of pupils the concerned schools stopped implementation of minority education programmes, while the remaining minority children were offered to study in the state language (Latvian), or to look elsewhere for schools that are implementing minority education programmes. Some parents refused the offer and demanded that the education establishment continues implementation of minority education programme.

⁴⁴ An ethnic Latvian teacher who taught in minority school claimed she was discriminated against because of her ethnicity and because she taught her subject in Latvian language. The State Education Inspectorate investigated the complaint and concluded that the teacher has difficulties in teaching and that no discrimination has taken place.

⁴⁵ Ruling of the Constitutional Court on minority education reform, <http://www.likumi.lv/doc.php?id=108255>, accessed 4 July 2008.

minority schools is not mentioned neither in its Statutes⁴⁶ nor in its Activity and Development Strategy⁴⁷. In the absence of government efforts, various minority representatives monitoring the situation continued to claim in 2008 that the language change resulted in a sharp fall of the quality of education in schools implementing minority programmes⁴⁸.

V.iv Health

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

In 2008 the Ombudsman's Office initiated an investigation into four cases concerning discrimination complaints on the grounds of "race or ethnicity" in the area of health and social care. Three cases were closed as the Ombudsman found no violation of the principle of equal treatment, while one case was still in consideration by the end of 2008⁴⁹. The problem of accessibility of information (inscriptions, annotations and instructions) on medicines⁵⁰ was not resolved in 2008.

Research highlights the problems faced by migrants and refugees in access to healthcare.

The research "Integration of New Members of Society"⁵¹ suggests that the main obstacle to the full enjoyment of medical services by refugees is the lack of knowledge about the health care system and the limited financial resources in Latvia. The research emphasises the need to establish a social integration network, providing psychological support, consultations and explanation about

⁴⁶ The Statutes of the State Agency for Quality Assessment of General Education www.viknva.gov.lv/shared/public/VIKNVA/Normative%20dokumenti/Nolikums/agent_nolikums.doc , accessed on 19 May 2009

⁴⁷ The Activity and Development Strategy of the State Agency for Quality Assessment of General Education http://www.viknva.gov.lv/shared/public/VIKNVA/Strategija/VIKNVA%20strategija_gatava.doc , 19 May 2009

⁴⁸ Comments by LASHOR, the Association for Support of Schools with Russian Language of Instruction in Latvia on Implementation of the Framework Convention for the Protection of National Minorities in Latvia (Riga, 18.06.2008)

http://lashor.lv/eng/docs/080617_Comments_by_LASHOR_on_Implementation_of_Convention_in_Latvia.doc , accessed on 19 May 2009

Бухвалов В.А., Плинер Я.Г. Реформа школ нацменьшинств в Латвии: анализ, оценка, перспективы. Riga, 2008.

<http://www.tsi.lv/library/page.php?lang=lv&menu=1&cardid=16904> , accessed on 19 May 2009

Чуянова Э., "Русская аксиома", in *Вести-Сегодня* (04.09.2008) www.ves.lv/article/54392 , 19 May 2009

⁴⁹ Information provided by the Ombudsman's Office on 12.06.2009.

⁵⁰ Some minority representatives complained that many patients, especially elderly Russian speakers, have very limited knowledge of Latvian language, while printed information is no longer provided in Russian. Refer to: See in: Koltchanov, Latvian Centre for Human Rights, Racism in Latvia, ENAR Shadow Report 2007

<http://cms.horus.be/files/99935/MediaArchive/national/Latvia%20-%20SR%202007.pdf> , 19 May 2009

⁵¹ Quality Research Studio, Resesarch "Integration of New Members of Society" (Kvalitatīvo Pētījumu Studija, *Pētījums "Jauno sabiedrības locekļu integrācija"*) (Riga, 2008) Available in Latvian at: <http://www.politika.lv/index.php?id=16597> , accessed on 19 May 2009

the work of family doctors' institution, access to specialist doctors and purchase of medicines.

The research "Learning to welcome. The integration of immigrants in Latvia and Poland"⁵² points at a lack of access to social and health care services for immigrants holding a temporary residence permit in Latvia. A third country national, who has arrived on the basis of an employment contract, from the first day is subject to the same income and national insurance taxes as local employed inhabitants. However, all the health care, social and legal services must be paid by immigrants themselves.

V.v Policing and racial profiling

During 2008, no new official or unofficial information emerged regarding any patterns of racial profiling or discrimination in policing in Latvia. Earlier studies indicated that visible minorities had a greater risk of becoming victims of racial profiling⁵³, while survey data reveal prejudices against certain groups (Muslims, Chechens, Kurds, Palestinians, Africans, Chinese) are widespread among the population in general⁵⁴. The Ombudsman's Office registered one case of allegedly racially motivated violence against three Roma in a casino involving casino guard and police officers⁵⁵. According to the complaint, the plaintiffs were asked to leave the casino premises on the pretext that they were talking too loud, but refused. The plaintiffs alleged that a person inside the casino hit one of them several times with a baseball bat, inflicting bodily injuries, which were later attested by a doctor. The plaintiffs also alleged that police officers witnessed the incident inside the casino, yet did not stop the violence or help the victims. Moreover, the plaintiffs claimed that the police officers themselves used force and beat up the plaintiffs outside the casino. The Police opened a criminal case, while the Ombudsman's Office contacted the local police department and submitted a complaint to the Internal Security Office of the State Police.

⁵² Centre for Public Policy PROVIDUS, Learning to welcome. The integration of immigrants in Latvia and Poland, available in English <http://www.politika.lv/index.php?id=16685>, accessed on 19 May 2009

⁵³ 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.

⁵⁴ Quality Research Studio, Resesarch "Integration of New Members of Society" (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, accessed on 19 May 2009

⁵⁵ Information provided by the Ombudsman's Office on 19.09.2008

V.vi Racist violence and crime

Crimes motivated by racial and ethnic hatred in Latvia are registered under Section 78 of the Criminal Law (incitement to national, ethnic and racial hatred). There was a decrease of the number of registered cases in 2008, as the police opened nine criminal cases under Section 78 (comparing to 16 such cases registered in 2007, 14 – in 2006, 13 in 2005). Out of nine cases registered in 2008, seven were cases of hate speech on the internet, mostly comments to articles on internet news portals. Two cases registered in 2008 involved violence: an attack on an Armenian couple mistakenly perceived as Roma by skinheads, and an attack by an unknown assailant on member of NGO Afro-Latvian Association (Afrolat).

The assault on an Armenian couple was committed by the same group of four skinhead minded youth that attacked two ethnic Roma girls in October 2007. Proceedings on their case continued throughout 2008 and on 17 February 2009 the Riga Regional Court sentenced the defendants for incitement to racial hatred to five years of suspended imprisonment and three years of probation period⁵⁶. The convicted persons also will have to pay compensation to two Roma girls in amount of LVL 12,000 (EUR 17,075) and LVL 8,000 (EUR 11,383). All four skinheads were charged with incitement to hatred after attacking two 13 year old Roma girls in October 2007 and an Armenian couple in February 2008.

Proceedings continued during 2008 in the case of a young neo-Nazi who at a public discussion in 2007 who stated that Jews and Roma people were 'non-humans' and that it would be preferable to exterminate them. Following lengthy legal proceedings the case was decided by the Supreme Court of Latvia, which on 10 January 2009 sentenced the defendant to two years and one month of imprisonment for incitement to ethnic hatred, thus increasing the sentence issued by the first instance court by seven months⁵⁷. Proceedings against the defendant were initially terminated in 2007 by the Prosecutor's Office and the Chief Prosecutor of the Prosecutor's Office of the Riga Regional Court on the grounds that the statements of the neo-Nazi were an expression of freedom of speech protected by the Latvian Constitution and by the European Convention for Human Rights and Fundamental Freedoms⁵⁸. Proceedings were renewed following criticism by the representatives of Roma and Jewish communities and the Special Assignments Minister for Social Integration. On 6 March 2008 Riga Regional Court sentenced the neo-Nazi to one year and six months of imprisonment for incitement to ethnic hatred. The defendant appealed the decision.

⁵⁶ Skruzis J., Tiesa rasu naida kurināšanā apsūdzētajiem četriem skinhediem piespriež nosacītus sodus, in: National News Agency LETA 17.02.2009

⁵⁷ Skruzis J., Nacionālā naida kurināšanā apsūdzētajam Jordanam AT nosaka bargāku cietumsodu, in: National News Agency LETA 10.01.2009

⁵⁸ Latvia/Rīgas Tiesa apgabala prokuratūra/Nr.11840001107 (22.08.2007)
Latvia/Rīgas Tiesas apgabala prokuratūra/Nr.3/1032-07 (12.09.2007)

In March 2008 the public relations officer of the Security Police admitted that the attacks against Roma became more frequent and that the perpetrators are claiming that the assaults are motivated by alleged involvement of Roma in drugs trade⁵⁹. The chairman of the Roma NGO “Nevo Drom” is aware of around ten cases of assault, yet complained it is difficult to identify the victims, who are usually afraid of consequences and do not report the assaults⁶⁰.

The memorial to victims of the Holocaust in Rumbula Forest was desecrated on 27 February, 2008. The monuments were marked with yellow swastikas and stars of David. A criminal case was opened under Criminal Law Section 228 (desecration of a grave); however, perpetrators of the act have not been found⁶¹.

NGO Good Practice

Police training and awareness raising on hate crimes

A two year EU funded project „Combating Hate Crime in Latvia and the Czech Republic: Legislation, Police Practice and the Role of NGOs” led to awareness raising and improvement of police capacity in the capital Riga in identifying and investigating hate crimes, and strengthening NGO and police cooperation in Latvia. The project was implemented by the Latvian Centre for Human Rights and included mutual exchange study visits for Latvian and Czech Police and NGO representatives, the publication of papers on legislative developments and police practices concerning hate crimes in Latvia and the Czech Republic, as well as national seminars and international conferences in both countries⁶².

Law Enforcement Capacity Building on Cyber Hate

The Latvian Centre for Human Rights in cooperation with INACH (International Network against Cyberhate, jugendschutz.net) has organised training for its own staff and Security Police officers on technical aspects of combating on-line hate.

Two publications on hate crime issues in Latvia

At the end of 2008 Latvian Centre for Human Rights published two papers on hate crime issues.

The paper *Combating Hate Crime in Latvia: Legislation and Police Practice* maps and analyses the situation concerning hate crimes in Latvia, it provides an overview of the development of legislation, police structure, collection of hate crime statistics, law enforcement practices in investigating hate crimes as well as the increasing role of civil society in combating hate crimes. It is the first such paper since hate crimes became a topical issue in Latvian in 2005⁶³.

⁵⁹ Антоненко О., В Риге скинхеды охотятся на цыган, in *Telegraf* 4 March 2008 http://tf.hosting.lv/index.php?show=print_news&id=37369 , accessed on 19 May 2009

⁶⁰ Ibid.

⁶¹ Ilze Nagle, Apgāna Rumbulas memoriālu, *Latvijas Avīze* 29 February, 2008.

⁶² <http://www.humanrights.org.lv/html/news/projects/29048.html?yr=2007> , accessed on 19 May 2009

⁶³ Available in English http://www.humanrights.org.lv/upload_file/HCR_Leg_Police_LV.pdf , 19 May 2009

The paper *The Psychological Effects of Hate crime – Individual Experience and Impact on Community (Attacking Who I AM)* highlights the impact of experiences of hate crimes on victims, their families and communities in Latvia emerging from interviews conducted with victims of hate crimes, who are representatives of visible minorities, LGBT people as well as Roma, who are a traditional minority in Latvia. It is the first time such research has been done in Latvia, and although the number of interviewed victims is small, it provides more effective arguments for the local audience of why specific responses to hate crime are needed, and why these crimes should receive priority attention, even if the recorded number of such crimes remains low⁶⁴.

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

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 2008 is lacking.

Legal norms regulating language usage in communication with public bodies and practices of language usage continue to affect the access of some ethnic minorities to goods and services⁶⁵. According to the Ombudsman's Office, while Latvian language knowledge and usage requirements in employment and communication with public bodies create less favourable conditions for people, whose native language is not Latvian, in most instances this indirect discrimination is justifiable as long as it is based on public interests and if the measures are proportionate⁶⁶.

Usage of languages in communication of prisoners with public bodies, including the prison administration⁶⁷, remained a matter of concern in 2008. The

⁶⁴ Available in English http://www.humanrights.org.lv/upload_file/HCr_Victims_LV.pdf , 19 May 2009

⁶⁵ Legal norms regulating language usage in communication with public bodies and also practices of language usage can affect access to goods and services. According 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.

⁶⁶ 2008 Annual Report of the Ombudsman's Office, p.37. The Report is available in Latvian at the homepage of the Ombudsman's Office:

http://www.tiesibsargs.lv/files/downloads/Tiesibsarga_2008_gada_zinojums.pdf , accessed on 29 May 2009

⁶⁷ Despite the fact that Section 10 of the State Language Law envisages that restrictions on use of languages "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", there are instances when officials of the Latvian Prison Administration of the Ministry of Justice refuse to accept and consider complaints or applications in Russian language from the prisoners because of the language. See in: Koltchanov B., Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2007, p.24 <http://cms.horus.be/files/99935/MediaArchive/national/Latvia%20-%20SR%202007.pdf> , 19 May 2009

Ombudsman's Office acknowledged the problem and pointed out that the legitimate public interest to use Latvian language does not seem to be a relevant justification for restricting opportunities of prisoners to appeal sanctions imposed by the prison administration⁶⁸.

On 1 August 2008 the Ombudsman's Office initiated investigation into compliance of the company "Ryanair" with the principle of equal treatment. Unlike other carriers, "Ryanair" offered opportunity to check-in online only to citizens of the EU and European Economic Area countries, thus offering Latvian non-citizens only more expensive check-in services. The Ombudsman referred to the EU directive 2000/43 and the Consumer Rights Protection Law, which prohibit indirect discrimination on the ground of ethnicity in access to goods and services, because a significant part of Latvian population are non-citizens, mostly representatives of ethnic minorities. On 14 January 2009 the Ombudsman's Office announced it terminated investigation, because "Ryanair" admitted its services violated the principle of equal treatment and informed about undertaking measures to ensure non-discrimination in the immediate future⁶⁹.

On 25 June 2008 the Grand Chamber of the European Court of Human Rights held public hearing in the case of Andrejeva v. Latvia. The applicant, a non-citizen of Latvia, was employed in Latvia from 1973 to 1990 by entities registered in Kiev and Moscow. The Social Insurance Board calculated her retirement pension only for the time she was working before and after that period, since according to the Latvian State Pensions Act, only periods of work in Latvia could be taken into account in calculating retirement pensions of non-citizens of Latvia, while entire period of employment (including in other republics of the USSR) was to be taken into account in calculating pensions of citizens of Latvia. On 18.02.2009, the European Court of Human Rights ruled⁷⁰ that Latvia violated Article 14 (prohibition of discrimination) of the European Convention on Human Rights in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention as the Latvian courts' had refused to grant the applicant a retirement pension in respect of her years of employment (17 years) in the former Soviet Union prior to 1991 on the ground that she did not have Latvian citizenship. The Court also found a violation of Article 6 § 1 (right to a fair hearing) of the Convention. The Court awarded the applicant 5,000 EUR in respect of all damage sustained and EUR 1,500 for costs and expenses. Following the ECHR's ruling, the Ministry of welfare prepared the draft amendments to the Law on State Pensions, which envisage that the period of

⁶⁸ 2008 Annual Report of the Ombudsman's Office, p.38. The Report is available in Latvian at the homepage of the Ombudsman's Office:

http://www.tiesibsargs.lv/files/downloads/Tiesibsarga_2008_gada_zinojums.pdf, accessed on 29 May 2009

⁶⁹ Opinion of the Ombudsman's Office concerning compliance of the services provided by the carrier "Ryanair" with the principle of equal treatment, available in Latvian at the homepage of the Ombudsman's Office: http://www.tiesibsargs.lv/lat/tiesibsargs/majas_lapas_jaunumi/?doc=425, accessed on 19 May 2009

⁷⁰ Grand Chamber Judgment, Andrejeva v. Latvia (Application no. 55707/00), Strasbourg, 18 February 2009: <http://cmiskp.echr.coe.int/tkp197/view.asp?>, accessed on 19 May 2009

employment outside of Latvia within the former Soviet Union prior to 1991 will not be taken into account when calculating pensions of retiring citizens of Latvia.

V.viii Media, including the internet

There is no official or unofficial comprehensive system of monitoring instances of racism or discrimination on various grounds in the media. Majority of the criminal cases registered by the Security Police under Section 78 of the Criminal Law (incitement to national, ethnic and racial hatred) in 2008 were cases of hate speech on the internet, mostly comments to articles on internet news portals, inciting hatred towards Latvians, Russians, Jews and visibly different minorities.

In 2008, one person was convicted by the court according to Section 78 of the Criminal Law for hateful internet comments⁷¹. The comments were posted following 16 March events⁷² in 2007, professing hatred towards ethnic Latvians and the state, as well as calling for violence. The defendant pleaded guilty and was sentenced to 120 hours of community service. This was the first time in Latvia, when community service was applied for such offence.

In March 2008, an advertisement was recognised as discriminatory by the Ombudsman's Office⁷³. The advertisement entitled "While the whites are resting, the blacks are working", featuring two laptop computers (white on the black background and black on the white background) was published in the enclosure "Sestdiena" (Saturday) of the main Latvian weekly "Diena" (the Day) and some other printed mass media. Besides, the same ad was used in radio advertisement. The Ombudsman started investigation upon its own initiative and found that the ad cannot be justified since it did not directly relate to the specifications or purposes of the advertised equipment. In the meantime, since "work" is performed by humans, the slogan indirectly refers to racial stereotypes and thus contradicts a number of international documents, including a number of UN treaties, the European Convention on Human Rights, Article 13 of the Treaty on European Union and EU directive 2000/43/EC, as well as Article 91 of the Constitution⁷⁴ and Article 4 of the Law on Advertisements⁷⁵. Computer equipment company "Exact management" complied with the opinion of the Ombudsman and stopped publication of the advertisement.

⁷¹ Ādamsons A., Par rupju un nacionālo naidu kurinošu komentāru ievietošanu internetā piemēro 120 stundas piespiedu darbu, in: National News Agency LETA 24.01.2008

⁷² Unofficial commemoration date of Latvian Waffen SS Legionnaires.

⁷³ Information published on 17 March 2008 at the homepage of the Office of the Ombudsman: <http://www.tiesibsargs.lv/lat/tiesibsargs/jaunumi/?doc=146>, accessed on 19 May 2009

⁷⁴ Discrimination prohibition and legal equality clause.

⁷⁵ 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.

On 6 October 2008 the Senate of the Supreme Court upheld ruling of appeal court acquitting the leader and two members of the extreme right-wing organisation Latvian National Front (LNF). The defendants, who are also a publisher, an editor-in-chief and a journalist of national radical newspaper DDD (De-Occupation, De-Colonisation, De-Bolshevisation), were charged with incitement to ethnic hatred under Section 78.1 for allegedly anti-Semitic and anti-Russian statements in several newspaper articles published in 2004 and 2005⁷⁶.

NGO Good Practice

Project “Cyber Latvia – a hate free zone”

On 22 May 2008 the NGO Dialogi.lv launched project “Cyber Latvia – a hate free zone” aimed at improvement of legal and policy responses to combat on-line hate.⁷⁷ Several roundtable discussions were held with representatives of Internet service providers, NGOs, Security Police and policy makers about the improvement of legal and policy responses to combat on-line hate, monitoring of instances of hate speech to several articles in six Latvian internet news portals, legal evaluation of several hate speech cases, and publication of an updated brochure “Internet without hate” (500 copies) in Latvian for teachers of computer science.

⁷⁶ Skruzis J., Nacionālā naida kurināšanā apsūdzētos laikraksta "DDD" veidotājus attaisno visas trīs tiesu instances, in: National News Agency LETA 06.10.2008

⁷⁷ Homepage of the Dialogi.lv <http://www.dialogi.lv/article.php?s=406&id=2790&lang=2> , 19 May 2009

VI. Political and legal context

VI.i Anti discrimination

Latvia has ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 14 April 1992. The Cabinet of Ministers approved on 14 July 2008 the sixth⁷⁸ periodic report on implementation of the Convention in Latvia in 2003-2007⁷⁹. Following approval of the report by the Government, the Ministry of Foreign Affairs was authorized to translate the report into English and submit it to the UN Committee on the Elimination of Racial Discrimination. However, due to lack of funding the Ministry has not been able to do it and by June 2009 the report has not been submitted⁸⁰.

During 2008, there were no public debates in Latvia on implementation of 2001 Durban Declaration and Programme of Action. No government document in 2008 referred specifically to the Durban Declaration.

Requirements of the Race Equality Directive are not fully transposed into Latvian legislation and there were worrying signs in 2008 that current economic crisis is reducing ability and interest of the state to continue antidiscrimination efforts. Particular concerns are raised by the lack of disaggregated data in various fields and the lack of efforts to ensure comprehensive data collection.

The Ombudsman's Office, - the national equality body required by the Article 13 of the Race Equality Directive, continued its work in 2008, including the promotion of observance of the principle of equal treatment and prevention of any type of discrimination. However, concerns remain over the role and effectiveness of the work of the Ombudsman as the designated national equality body.

The Ombudsman's mandate is broad, and includes not only equal treatment and antidiscrimination, but also "promotion of human rights protection", "evaluation and promotion of observance of the principles of good governance in the state administration", "finding and eliminating imperfections in legislation and its implementation regarding human rights and good governance issues", as well as "facilitation of public awareness and understanding about human rights, mechanisms of rights protection and the work of the Ombudsman⁸¹".

⁷⁸ Previous reports were submitted in two documents: one covering period of 1992-1998 and another covering period of 1998-2002.

⁷⁹ <http://www.mfa.gov.lv/lv/Jaunumi/PazinojumiPresei/2008/julijis/11-7/>, accessed on 19 May 2009

⁸⁰ Latvijas Vēstnesis (29.06.2009) Par iespējamo Starptautiskās konvencijas par jebkuras rasu diskriminācijas izskaušanu saistību neizpildi

⁸¹ The Ombudsman Law, available in Latvian at the home page of the Ombudsman's Office: http://www.tiesibsargs.lv/lat/tiesibu_akti/latvijas_tiesibu_akti/?doc=406, accessed on 19 May 2009

Since 2006, when the Ombudsman's Office was established on the basis of former National Human Rights Office, the staff of the reformed institution increased from 22 to 47 in 2008, while its budget has grown to LVL 1,300,164 (EUR 1,849,977) in 2007⁸² and LVL 1,303,002 (EUR 1,854,015) in 2008⁸³. As concerns the national equality body, it is not known publically what share of the Office's budget is allocated to the Discrimination Prevention Department. The number of staff of the Discrimination Prevention Department has not increased over three years, employing only four persons, who are largely overwhelmed with reviewing individual complaints.

Ombudsman's recommendations are not always followed by the state and municipal bodies and it is not known whether the Ombudsman regularly conducts a follow-up to its own findings, such as legislative proposals. Although the Ombudsman Law grants it the right to represent the interests of a discrimination victim in the court⁸⁴, the Office did not utilise this right because according to the view of the Office this right was envisaged by the Parliament in order to enable the Ombudsman to turn to courts in cases when substantial public interests are concerned, but not in order to ensure representation of possible discrimination victim in courts⁸⁵.

On 29 October 2008 the Government decided to reorganize the Secretariat of the Special Assignments Minister for Social Integration (IUMSILS in its Latvian acronym) due to economic considerations. Until then, IUMSILS was the main body responsible for the transposition of the Race Equality Directive, drafting legislation and policy documents on antidiscrimination, implementing and coordinating activities aimed at promoting tolerance and society integration. According to the Government decision, since 1 January 2009 the functions of the IUMSILS were entrusted to the Ministry of Children, Family and Integration Affairs.⁸⁶ Furthermore, on 28 April 2009 the Government decided to reorganize the Ministry of Children, Family and Integration Affairs as well and divide its functions among three other ministries (Welfare, Justice and Science). Since 1 July 2009 the Ministry of Justice will be responsible for policy making and implementation in the fields of society integration, including facilitation of intercultural dialogue and improving measures for integration of immigrants, as well as oversee the European Fund for the Integration of Third-country

⁸² Ombudsman's Office 2007 Annual Report, available in Latvian at: http://www.tiesibsargs.lv/files/downloads/Zinojums_2007.pdf, accessed on 19 May 2009

⁸³ Ombudsman's Office 2008 Annual Report, available in Latvian at: http://www.tiesibsargs.lv/files/downloads/Tiesibsarga_2008_gada_zinojums.pdf, accessed on 29 May 2009

⁸⁴ The Ombudsman Law, Article 13: "In the performance of the functions and tasks specified by this Law, the Ombudsman has the right: ... 10) upon termination of a verification procedure and establishment of a violation, to apply to a court in such civil cases, where the nature of the action is related to a violation of the prohibition of differential treatment".

⁸⁵ Information provided by the Ombudsman's Office on 19 September 2008.

⁸⁶ Ministru kabineta rīkojums Nr.650 „Par Īpašu uzdevumu ministra sabiedrības integrācijas lietās sekretariāta reorganizāciju” <http://www.mk.gov.lv>, accessed on 19 May 2009

nationals.⁸⁷ It remains to be seen whether after reorganisations these functions will be carried out in full.

In 2008 Latvia continued the transposition of the Race Equality Directive 2000/43/EC into national legislation, filling the remaining gaps.

Amendments made to the Law “On Social Security” on 1 December 2005 prohibited discrimination in provision of social services on various grounds (race, skin colour, religion, national or social origin, or other grounds), yet it did not mention ethnicity specifically. Following a reasoned opinion letter issued by the European Commission on 27 June 2007, the Law “On Social Security” was amended on 6 March 2008, thus including “ethnicity” to the list of prohibited grounds of discrimination.

On 19 June 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 ban direct and indirect discrimination, as well as harassment, instruction to discriminate and victimisation. The amendments also envisage shifting the burden of proof and 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 entered into force on 23 July 2008.

In order to ensure the transposition of the EU directives 2000/43/EC and 2004/113/EC, the Ministry of Welfare elaborated in 2008 a draft law „On Prohibition of Discrimination of Natural Persons Conducting Commercial Activity”⁸⁸. On 21 May 2009 the Parliament approved the law in the third (final) reading⁸⁹. The law envisages that „in offering goods or services, selling goods or services, differential treatment on the ground of the person’s gender, race or ethnic affiliation is prohibited”. The law stipulates in cases of disputes the shift of burden of proof to the salesperson or service provider, while in cases when prohibition of differential treatment has been violated the person engaged in economic activity has the right to demand the sale of goods, provision of services and to claim compensation for losses and moral damages.

During 2008, no progress was made on the adoption of the draft law on the Rights of the Patients⁹⁰.

⁸⁷ Ministru kabineta rīkojums „Par Bērnu, ģimenes un sabiedrības integrācijas lietu ministriju” http://www.mk.gov.lv/doc/2005/BMRik_20%200409_BMreorg.1238.doc , accessed on 19 May 2009

⁸⁸ Homepage of the Ministry of Welfare <http://www.lm.gov.lv/news/id/551> , accessed on 19 May 2009

⁸⁹ Homepage of the Saeima, <http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/887E8E9D823DAE6AC22575920036969F?OpenDocument> , accessed on 29 May 2009

⁹⁰ The draft law on the Rights of the Patients was passed in the second reading in the Saeima on 20 December 2007:

Given the fact that antidiscrimination and society integration efforts were not unanimously endorsed by Latvia's decision-makers during the years of economic growth, there is a serious concern that the current budget cuts and reorganisations, such as liquidation of the Special Assignments Minister for Social Integration (IUMSILS) and subsequent transfer of its functions to other state bodies will significantly undermine ability of the state to deliver its human rights obligations, including as regards antidiscrimination and tolerance.

VI.ii Migration and integration

During 2008, the issue of immigration in Latvia gradually lost its significance in public discussions. Due to the economic crisis which strongly affected Latvia in the second half of the year, the country's labour market no longer experienced shortage of labour, unlike in 2007.

There were no public discussions in Latvia in 2008 about the Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union (11 CBPs)⁹¹. While some researchers in Latvia mentioned CBPs, no government document makes specific reference to this document. A draft national integration policy document: The Main Principles of Society Integration Policy 2009-2013 "Consolidated Society in a Nation State"⁹² identified the immigrants as one of the target groups, envisaging some activities aimed at their integration into Latvia's society, although the 11 CBPs were not mentioned. Following the re-assignment of some of the functions of the Special Tasks Minister's for Social Integration Affairs Secretariat (IUMSILS) to the Ministry of Children, Family and Integration Affairs since January 2009, the working group developed another draft national integration policy document The Main Principles of Society Integration Policy 2010-2019. The new draft document also recognised the immigrants as a target group and further elaborated activities aimed at their integration into society. The new draft document has not been approved yet and, given budget cuts and redundancies in the state sector, it is not clear whether the document will be implemented in full, including the immigrant integration activities.

Consideration of the Concept of Migration Policy in the Context of Employment (initiated in early 2006⁹³) was stalled after the Cabinet of Ministers, reacting to objections from the ministers representing right-wing union For Fatherland and

[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)

⁹¹ "11 Common Basic Principles", available at: http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf, accessed on 19 May 2009

⁹² developed under the auspices of the Secretariat of the Special Assignments Minister for Social Integration (IUMSILS) in 2008

⁹³ 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, accessed on 19 May 2009

Freedom / Latvian National Independence Movement (FF/LNIM), decided on 20 November 2007 to postpone consideration by a month⁹⁴. The draft concept envisaged protecting Latvia's labour market in general, while streamlining residence and work permits procedures, developing simplified criteria for guest workers from outside the EU in instances of acute labour shortage, as well as 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 nationals⁹⁵. During 2008, no further consideration of the programme took place, because, as was proudly claimed by the Minister of Justice representing FF/LNIM: "the people of FF/LNIM have blocked further development of this document"⁹⁶.

In the meantime, access to Latvia's labour market for third country nationals was eased by simplifying bureaucratic procedures and reducing fees. On 03 June 2008 the Cabinet of Ministers reduced the fee for a migrant worker's work permit from LVL 35 (EUR 50) per month to LVL 35 (EUR 50) per year⁹⁷, thus reducing the total amount of fee from LVL 533 (EUR 758) to LVL 148 (EUR 211) for a residence permit and work permit for a foreign worker moving to Latvia for the first time⁹⁸. The decision entered into force on 1 July 2008.

VI.iii Criminal justice

VI.iii.i Racism as a crime

In 2008, two court cases on manifestations of intolerance received public attention in Latvia: the case of a young neo-Nazi who stated that Jews and Roma people are 'non-humans' and it would be preferable to exterminate them, and the case of four skinheads who attacked two Roma girls and an Armenian couple mistakenly perceived as Roma by the perpetrators⁹⁹.

Crimes motivated by racial and ethnic hatred in Latvia are registered under Section 78 of the Criminal Law (incitement to national, ethnic and racial hatred). Most of the cases registered under Section 78 are cases of hate speech on the internet. Amendments to the Criminal Law in October 2006 included racial

⁹⁴ Skruzis, J., Kārtējo reizi neskata koncepciju par migrācijas politiku nodarbinātības kontekstā, 2007, *National News Agency LETA*, 20 November 2007

⁹⁵ 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)

⁹⁶ Krustiņš V., Libeka M., (2008), "Tiesas telpas ieņems Krievijas vēstniecība", in *Latvijas Avīze*, (12.03.2008), http://www2.la.lv/lat/latvijas_avize/jaunakaja_numura/?doc=21468&ins_print, accessed on 19 May 2009

⁹⁷ Grozījumi Ministru kabineta 2004.gada 20.janvāra noteikumos Nr.44 "Noteikumi par darba atļaujām ārzemniekiem" (03.06.2008) <http://www.likumi.lv/doc.php?id=176637&from=off>, accessed on 19 May 2009

⁹⁸ Skruzis, J., Nodeva par darba atļaujai nepieciešamo dokumentu izskatīšanu viena ārzemnieka nodarbināšanai būs Ls 35, (03.06.2008), *National News Agency LETA*

⁹⁹ For details, refer to section V.vi of the present report.

motivation as an aggravating factor¹⁰⁰; however, this provision has not been applied yet.

On 21 July 2008 the government approved amendments to the Criminal Law which foresee criminal liability for public glorification, justification of regimes that have committed genocide or persons convicted of genocide or denial of genocide and that would be punishable by imprisonment for up to five years or community service¹⁰¹. The amendments were drafted by the Ministry of Justice before the adoption on 28 November 2008 of the final version of the Framework Decision 2008/913/JHA on Combating Racism and Xenophobia By Means Of Criminal Law¹⁰², and there were concerns that the initial amendments would attempt to include crimes committed by communist regime.

VI.iii.ii Counter terrorism

There were no major public debates on counter terrorism measures in Latvia in 2008. According to the National Security Concept¹⁰³, Latvia could become a target of international terrorism because of its involvement with international security organizations, although the level of terrorist threat is perceived as low. There is no available information on possible impact of counter terrorism measures or policies on religious or ethnic communities in Latvia.

VI.iii.iii Racial profiling

There were no public discussions on the acceptability of the use of racial profiling or specific methods of racial profiling and there were no legal or policy developments in this regard in Latvia in 2008. There was no publically available information or evidence on the use of racial profiling in practice.

VI.iv Social inclusion

A draft policy document: The Main Principles of Society Integration Policy 2009-2013 “Consolidated Society in a Nation State” was developed under the auspices of the Secretariat of the Special Assignments Minister for Social Integration (IUMSILS) in 2008. The draft document was presented in a series of regional

¹⁰⁰ Section 48

¹⁰¹ Ministru kabineta sēdē: 2008.gada 21.jūlijā, in Latvijas Vēstnesis, 23.07.2008

¹⁰² The Framework Decision 2008/913/JHA on Combating Certain Forms and Expressions of Racism and Xenophobia By Means Of Criminal Law was adopted on 28 November, 2008.

¹⁰³ Adopted by the Saeima on 2 October 2008.

seminars throughout Latvia at the end of 2008¹⁰⁴. However, this draft was never approved by the Cabinet of Ministers. Since 1 January 2009 the Ministry of Children, Family and Integration Affairs was entrusted with society integration issues following reorganisation of IUMSILS.

On 07.10.2008 the Government approved the National Strategy Report on Social Protection and Social Inclusion 2008 – 2010, prepared by the Ministry of Welfare taking into consideration a number of Latvian and EU policy development planning documents, including Latvian National Development Plan 2007 – 2013, activity strategies of relevant ministries, National Lisbon Programme of Latvia for 2005-2008 and other binding documents in the field of social inclusion¹⁰⁵. The Report covers a broad range of issues, including description of the present economic and demographic situation, social protection and inclusion policies (Chapter 1), evaluates implementation of the National Action Plan on Social Inclusion 2006-2008 and identifies social inclusion policy objectives and measures for 2008-2010 (Chapter 2), presents processes and strategies in Latvian pension (Chapter 3), healthcare and long term care systems (Chapter 4)¹⁰⁶.

The Report recognizes Roma as one of the groups exposed to social exclusion, although no specific policies were envisaged or implemented to improve the situation on Roma in employment, housing, healthcare or social protection. The Report does not consider other ethnic and linguistic minorities in Latvia, while social inclusion issues related to race, ethnic affiliation, native language, citizenship and legal status, including the migration aspect of social inclusion are not covered. The Report does not explain why these aspects were omitted. Apart from Roma, the following specific groups are recognized at risk of poverty and social exclusion: disabled, unemployed, homeless, ex-prisoners, victims of human trafficking, substance addicts, persons with inadequate skills and low income people.

For the period 2006-2008, three social inclusion policy priority objectives were identified: 1) to improve access of children and young people subjected to the risk of poverty and social exclusion to education and labour market; 2) to improve the accessibility of resources and services to families, particularly large and single-parent families; 3) to improve the accessibility of resources and services to retired persons subjected to the risk of poverty, in particular to those living alone.

¹⁰⁴ Šneidere Z, Vēlas ar reģionu iedzīvotājiem apspriest sabiedrības integrācijas politikas pamatnostādnes "Saldēta sabiedrība nacionālā valstī", in: *National News Agency LETA*, 1 October 2008

¹⁰⁵ Available at the homepage of the Ministry of Welfare <http://www.lm.gov.lv/text/549>, accessed on 1 July 2009

¹⁰⁶ The Report is available at the homepage of the Ministry of Welfare in Latvian: http://www.lm.gov.lv/upload/sociala_aizsardziba/sociala_ieklausana/report_lv.doc and in English: http://www.lm.gov.lv/upload/sociala_aizsardziba/sociala_ieklausana/latvia_nsr_spsi_131008_final.doc, accessed on 1 July 2009

Lack of evaluation criteria makes it difficult to assess the effectiveness of activities presented in the Report. While substantial attention throughout the report is devoted to description of situation, statistical information, institutional and legislative framework, the report lacks analysis of the situation, causes and mechanisms of poverty and social exclusion, as well as lacks analysis of adequacy and necessity of activities chosen to tackle the problems or evaluation of efficiency of implementation of these activities. The report lists activities and provides some details (e.g. numbers of participating persons and/or institutions, amounts of payments), although no information is available regarding the effect of these activities on target groups, social processes or the overall situation. According to the report, activities were implemented successfully. In the meantime, one can doubt whether the activities chosen under the Report have produced necessary impact on reduction of poverty, since the Report itself admits that according to the statistical data¹⁰⁷, poverty has increased.

The Secretariat of the Special Assignments Minister for Social Integration (IUMSILS) in cooperation with the NGO Centre for Education Initiatives continued the implementation of the National Programme "Roma in Latvia" 2007-2009¹⁰⁸ in 2008. The Programme aimed at improving the situation of Roma in Latvia and covered a wide range of issues, including education, employment and human rights. However, its implementation so far focused primarily on education, providing training for teacher assistants-Roma and conducting seminars "The work of a teacher in a class with Roma children". Out of 20 teacher assistants - Roma trained within the Programme, seven begun to work in education establishments. The Programme also provided 25 grants to 13 Roma and intercultural NGOs in total amount of LVL 17,106 (EUR 24,340). Implementation of all of the Programme's activities in 2008 was allocated LVL 44,824 (EUR 63,779). The Ministry of Welfare reported activities of the Programme under its previous social inclusion report¹⁰⁹, yet did not mention the National Programme "Roma in Latvia" 2007-2009 at all in the National Strategy Report on Social Protection and Social Inclusion 2008 – 2010¹¹⁰.

While the rate of naturalisation continues to slow down, the issue of inclusion of Latvian non-citizens remains unresolved.

Some public discussions continued on the issue of granting Latvian non-citizens the right to vote in municipal elections, backed up by minority NGOs and

¹⁰⁷ Laeken indicators

¹⁰⁸ Valsts programma "Čigāni (romi) Latvijā" 2007.-2009. gadam, available in Latvian at: http://www.iic.lv/lv/projekti/ciganilatvija_2008.html, accessed on 19 May 2009

¹⁰⁹ Informatīvais ziņojums Par nacionālā sociālās iekļaušanas plāna 2006.-2008.gadam īstenošanas gaitu 2007.gadā (Information Report on Implementation in 2007 of the National Plan for Social Inclusion 2006-2008), available in Latvian at the homepage of the Ministry of Welfare: http://www.lm.gov.lv/upload/sociala_aizsardziba/sociala_ieklausana/lmzino_200608.doc, accessed 1 July 2009

¹¹⁰ http://www.lm.gov.lv/upload/sociala_aizsardziba/sociala_ieklausana/latvia_nsr_spsi_131008_final.doc, accessed 1 July 2009

opposition¹¹¹. The former president of Latvia Vaira Vīķe-Freiberga stated that non-citizens of Latvia will have the right to vote in municipal elections “sooner or later”¹¹². In the meantime, the Council of Europe Congress of Local and Regional Authorities argued that the question of political rights should be separated from that of naturalization and urged Latvia to grant the right to vote at local level to all non-citizens, which will foster their integration into Latvian society, as well as called to think about the possibility of granting automatic naturalisation to the elderly and those born in Latvia¹¹³. The Congress also recommended that Latvia sign and ratify the Convention on the Participation of Foreigners in Public Life at Local Level. However, given the concern of the ruling parties that enlarging electorate might affect election results, there are no indications that the issue could be resolved in the foreseeable future.

On 8 October 2008 the Ombudsman’s Office publicised its opinion on differences between rights of citizens and non-citizens prepared following an appeal of the Saeima’s faction for Human Rights in United Latvia, which submitted the list of 80 differences in October 2007¹¹⁴. The Ombudsman found that some restrictions on non-citizens are not justified, such as the ban for non-citizens to work as detectives, defence councils and patent attorneys and to be engaged in security work. The Ombudsman considers that state language examination for non-citizens applying for the status of the EU permanent resident should be cancelled. Restrictions on purchasing real estate by non-citizens also should be abolished because non-citizens have much closer ties with Latvia than the EU citizens who are not restricted in this field. However, the Ombudsman considers it legitimate that non-citizens do not have voting rights in municipal elections because otherwise they would lose motivation for naturalisation.

On 11 December 2008 the Parliament rejected the draft law proposal of the opposition faction “For Human Rights in United Latvia” which envisaged recognising Latvia’s non-citizens as citizens if they were born in Latvia or are over 60 years old¹¹⁵. Two other draft law proposals of this party, envisaging granting non-citizens voting rights in municipal elections, were also declined in 2008¹¹⁶.

¹¹¹ Kozule E, Pīkētā pie Saeimas prasa pašvaldību vēlēšanu tiesības nepilsoņiem, in : National News Agency LETA, (06.03.2008)

О допуске неграждан Латвии к выборам самоуправлений и Европейского парламента ЗАЯВЛЕНИЕ ОБЩЕСТВЕННЫХ ОРГАНИЗАЦИЙ Принято на заседании Координационного совета общественных организаций 9 сентября 2008 года. Пресс-релиз LETA, 16.09.2008

¹¹² V.Krustiņš, I.Mūrniece „Таурīt, bet neskopoties” *Latvijas Avīze* (08.09.2008).

http://www2.la.lv/lat/latvijas_avize/jaunakaja_numura/?doc=35961&ins_print , accessed on 19 May 2009

¹¹³ Congress of Local and Regional Authorities Press release - 873(2008): “Non-citizens in Latvia: Congress urges voting rights at local level”

[https://wcd.coe.int/ViewDoc.jsp?Ref=PR873\(2008\)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/ViewDoc.jsp?Ref=PR873(2008)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE) , accessed on 19 May 2009

¹¹⁴ The Ombudsman’s opinion in Latvian is available at home page of the Ombudsman’s Office: http://www.tiesibsargs.lv/files/downloads/Par_pilsonu_un_nepilsonu_atkiribam_Latvija.doc , 19 May 2009

¹¹⁵ Kozule, E, Saeima noraida PCTVL likumprojektu par nepilsoņu atzīšanu par Latvijas pilsoņiem, in: *National News Agency LETA*, (11.12.2008)

¹¹⁶ Kozule E., Noraida PCTVL ierosinājumu ļaut nepilsoņiem piedalīties pašvaldību vēlēšanās, in: *National News Agency LETA*, (18.09.2008).

The issue of language regulation in the private sphere surfaced again in 2008 as an issue in Latvia.

On 29 July 2008 the Cabinet of Ministers approved amendments to the Regulations Nr.296 "On Proficiency Degree in the State Language Required for Performance of Professional and Positional Duties and the Procedure of Language Proficiency Tests"¹¹⁷. Annex 2 to the Regulations Nr.296 lists private sphere professions where various degrees of the state language proficiency are required. The Regulations were first approved in 2000 and, thanks to close involvement of the OSCE High Commissioner on National Minorities the list initially included only 34 private sphere professions. After Latvia's accession to the EU the list was enlarged, while amendments adopted on 29 July 2008 extend language requirements to more than 1000 professions in private sphere, including occupations such as "piercing specialist", "sports instructor", "guard", "photographer", "electrician", "florist", but also "kitchen chief", "editor-in-chief", as well as "president" and "director".

On 18 December 2008 the Parliament amended Administrative Violations Code¹¹⁸, envisaging additional sanctions for violations of the State Language Law and related regulations. Various administrative punishments are envisaged for provision of publically available information in foreign languages along with the state language if the law requires this information to be in the state language only, as well as for failure of employers and self-employed to determine degrees of state language proficiency in professions dealing with clients or record keeping. Amendments also doubled the amount of fines for failure to provide information to clients in the state language.

Kozule E., Noraida PCTVL priekšlikumu ļaut nepilsoņiem piedalīties pašvaldību vēlēšanās, in: *National News Agency LETA*, (11.12.2008).

¹¹⁷ Grozījumi Ministru kabineta 2000.gada 22.augusta noteikumos Nr.296 "Noteikumi par profesionālo un amata pienākumu veikšanai nepieciešamo valsts valodas zināšanu apjomu un valodas prasmes pārbaudes kārtību". Available in Latvian at: <http://www.likumi.lv/doc.php?id=179911&from=off> , accessed on 19 May 2009

¹¹⁸ Grozījumi Latvijas Administratīvo pārkāpumu kodeksā, available in Latvian at: <http://www.likumi.lv/doc.php?id=186073> , accessed on 19 May 2009

VII. National recommendations

VII.i General

To the government:

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

VII.ii Anti discrimination

To the government:

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

To the Ombudsman's Office:

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

To NGOs:

- Develop anti-discrimination capacity and victim support networks
- Conduct awareness raising activities on anti-discrimination

VII.iii Migration and integration

To the government:

- Elaborate national policies on migration and on integration of newcomers
- Make a comprehensive analysis of the legislative framework and the issues relevant to social integration of migrants, asylum seekers and refugees
- Improve data collection of the situation of migrants in various fields

- Promote a positive discourse on diversity in the context of migration

VII.iv Criminal justice

To the government:

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

To NGOs:

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

VII.v Social inclusion

To the government:

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

VIII. Conclusion

Notwithstanding some progress made during 2008, significant issues remain unresolved in Latvia regarding data collection and development of legislation. Moreover, given the severity of the economic crisis in Latvia, there is a danger that the issues of equality and tolerance may be further sidelined from the agenda of the government and society at large.

While there are some signs of disparities concerning the situation of different groups within society, there is very little official or unofficial information on discrimination on the grounds of race and religion in various areas. An assessment of the situation is hampered by a general lack of data disaggregated by race, ethnicity, native language, religion, citizenship and legal status regarding situation in areas such as housing, income and occupation, education, health, access to goods and services in the public and private sector. No progress was made on improving data collection during 2008.

Latvia continued development of its equality legislation, adopting in 2008/early 2009 important norms regarding social security, consumer rights, and economic activities, although transposition of the Race Equality Directive provisions is yet incomplete. Language requirements in private employment have been substantially increased, posing potential obstacles to practical implementation of the principle of free movement of labour within the EU and to social integration, including access to labour market, of third country nationals.

Amid unfolding economic crisis in Latvia in 2008, there are worrying signs that the issues of antidiscrimination and tolerance might be seen as less topical. Thus, within a six month period the government twice re-assigned functions of the main state body responsible for the transposition of the Race Equality Directive, drafting legislation and policy documents on antidiscrimination, implementing and coordinating activities aimed at promoting tolerance and society integration. It remains to be seen whether after reorganisations these functions will be carried out in full.

Civil society in Latvia played a significant role in combating racism and discrimination, providing assistance to victims, informing the public and raising public awareness, as well as engaging with the state bodies in drafting legislation, providing expertise and training. In the current circumstances NGOs have an increased responsibility on issues of equality and tolerance, including not only in terms of improving its own capacity, but increasingly also monitoring the effects of the state austerity measures on human rights.

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X. Annex 1: List of abbreviations and terminology

Please include any abbreviations which are frequently used in the text as well as any terminology used in the text which you feel may need elaboration or clarification.

11 CBPs - the Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union (11 Common Basic Principles)

EU-SILC – EU programme Statistics on Income and Living Conditions

FF/LNIM - For Fatherland and Freedom / Latvian National Independence

Movement

IOM – International Organization of Migration'

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

LCHR - Latvian Centre for Human Rights

Ls – Lats, Latvian national currency

MoES - Ministry of Education and Science

OCMA - Office of Citizenship and Migration Affairs

SEA - State Employment Agency

SLC - State Language Centre

SLI – State Labour Inspectorate



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