



# **ENAR Shadow Report 2005**

## **Racism in Latvia**

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

## Contents Table

I. Introduction .....	3
II. Political and Legislative Developments .....	4
II.i Anti discrimination .....	4
II.ii Migration, family reunion and asylum policies.....	6
II.iii Racism as a crime .....	9
II.iv Counter Terrorism.....	10
III. Communities vulnerable to Racism.....	12
IV. Manifestations of racism and religious discrimination.....	15
IV.i Employment .....	15
IV.ii Housing .....	18
IV.iii Education.....	19
IV.iv Health .....	23
IV.v Policing and racial profiling.....	24
IV.vi Racist violence and crime.....	26
IV.vii Access to goods and services in the public and private sector.....	28
IV.viii Media, including the Internet.....	28
V. Assessing the response .....	31
V.i Anti discrimination .....	31
V.ii Racist violence and racist crime .....	33
V.iii Counter-terrorism and protection of human rights .....	34
V.iv Integration and social inclusion of ethnic and religious minorities .....	34
VI. Conclusion.....	35
VII. Bibliography.....	37
ANNEX: Overall Assessment of Directive 2000/43/EC .....	39

## I. Introduction

Although minority issues have been on the political agenda since Latvia regained its independence in 2005, the issues concerning racism and racial discrimination have received little attention at political level. However, there is increasing evidence of intolerance and racism in Latvia. One of the latest opinion polls reveals that among the 25 EU Member states, Latvia has the strongest resistance to multicultural society and strongly believes that migrants should not be granted civil rights.<sup>1</sup> In 2005, for the first time there have been several officially registered incidents of allegedly racial violence.

Despite the alarming tendencies, there have been few positive developments regarding implementation, re-evaluation of currently available and, if necessary, introduction of new legal and practical measures to combat racism, discrimination and xenophobia. The issue of racism and xenophobia remains an issue which is poorly addressed at national level. There is a lack of instruments and effective mechanisms to deal with discrimination, racism and xenophobia. There are clear signs of lack of political will to address the issue, instead the denial of the problem is widespread at various levels, including key officials.

Positive developments in this sphere are also hampered by the lack of data and research on these issues. A number of effective instruments, in particular data collection, respective legislation and programmes, require serious improvements.

The number of discrimination cases reviewed by court remains very low, however the cases of alleged discrimination in education handled by the Constitutional Court and the civil court decisions on the application of anti-discrimination clauses of the Labour Law constitute a positive development of emerging case law on discrimination.

The first section of the report will review legal developments in the areas of anti-discrimination, migration and asylum seekers, racial crime and counter terrorism. The second section will deal with manifestations and evidence of racism in the fields of employment, education and racial violence, as well as health, housing and access to good and services. In conclusion, an assessment of the situation and developments will be given.

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<sup>1</sup> European Monitoring Centre on Racism and Xenophobia, Majorities Attitudes Towards Minorities: Key Findings from the Eurobarometer and the European Social Survey (EUMC, 2005).

## II. Political and Legislative Developments

### II.i Anti discrimination

In 2005, Latvia did not make remarkable progress in adopting anti-discriminatory legal norms which would address the existing gaps in Latvian anti-discriminatory legislation. Latvian legislation adopted before its accession to the EU, provided non-exhaustive and basic instruments for dealing with discrimination.

The Constitution of the Republic of Latvia recognises the principle of equality stipulating that “Human rights shall be realised without discrimination of any kind.”<sup>2</sup> The principle of equality before the law is also laid down in a number of statutory laws and usually expresses a declarative ban on discrimination.<sup>3</sup>

The EU requirement to transpose its two anti-discrimination directives - the Racial Equality Directive 2000/43/EC and the Employment Framework Directive 2000/78/EC – took Latvia to another stage of development of introduction of anti-discrimination norms and mechanisms into national legislation. Latvia had not managed to transpose the requirements of the two Directives before the marked deadline 1 May 2004 and is still in the process of incorporation of Directives’ requirements into national legislation.

After lengthy discussions about possible ways of transposing the two EU directives into national legislation - either to adopt one comprehensive anti-discrimination law or individual anti-discrimination norms, which would cover the requirements of both EU directives – it was decided to elaborate provisions of the directives into a number of amendments to individual laws.

The main requirements of the Employment Framework Directive 2000/78/EC have been transposed into the Labour Law (amendments effective 08.05.2004), while transposition of some requirements of the Racial Equality Directive 2000/43/EC is still in process.

The Labour Law contains definitions and prohibition of direct and indirect discrimination, harassment, instruction to discriminate and victimisation, as well as a provision on shifting the burden of proof in discrimination cases and an obligation for employers to provide reasonable accommodation and facilitate establishing of working relations for disabled persons in order to foster the principle of equal opportunities. A non-exhaustive list of prohibited grounds of discrimination includes gender, race, skin colour, age, disability, religious, political or other beliefs, national or social origin, property or family status and other conditions; however, sexual orientation is not explicitly mentioned. New

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<sup>2</sup> Constitution of the Republic of Latvia, Article 91

<sup>3</sup> Laws on Judicial Power, Social Security, Education, Advocacy, Police, Latvian Penal Code, Children’s Rights Protection, Fire Safety, Border Guard, Scientific Activity, Advertising, Private Pension Funds

amendments to the Labour Law, which were elaborated in order to specifically include this ground on the list, passed the first reading on 15 September 2005, but by the end of the year it remained unclear when these would be adopted. Full transposition of Directive 2000/78/EC still requires amendments to the Civil Service Law at least.

In 2002, the Secretariat of the Special Assignments Minister for Social Integration (IUMSILS in its Latvian acronym) was made responsible for the implementation of the Racial Equality Directive. The working group under the auspices of the IUMSILS developed draft amendments to eight laws, which would cover main requirements set by the Racial Equality Directive: the Law on Social Security; the Law on State Civil Service; the Law on Customers' Rights; the Law on the Latvian National Human Rights Office; the Law on Associations and Foundations; the Civil Law; the Criminal Law; and the Administrative Violation Code. In September 2005, the Saeima forwarded to its respective committees draft amendments. The main goal of the developed draft amendments is the transposition of the EU Directive 2000/43/EC on equal treatment of all persons irrespective of their race or ethnicity and the introduction of effective law enforcement mechanisms. The content of the draft amendments, including the list of grounds of discrimination, varies.

The draft amendments were submitted to different committees of the Saeima and are thus going through the procedure of adoption separately, not as a package. The draft amendments are at various levels of progress. By 2005, amendments have been adopted to two laws – the Law on the National Human Rights Office and the Law on Social Security.<sup>4</sup> The Law on the National Human Rights Office provides it with the competence of designated institution for implementing the principle of non-discrimination not only on the grounds of race and ethnicity, but for the principle of equal treatment overall. They also foresee a right (however, not a duty) of the LNHRRO to represent victims of discrimination under civil and administrative proceedings. The Law on Social Security provides a non-exhaustive list of prohibited grounds of definitions and prohibition of direct and indirect discrimination, harassment, instruction to discriminate and victimisation. The draft amendments to the Criminal Law and the Administrative Violation Code passed first reading in the Saeima in 2004.<sup>5</sup> However, the draft amendments to the Civil Law, to the Law on Consumer Rights, to the Law on Associations and Foundations and to the Law on the State Civil Service still have not passed even their first reading.<sup>6</sup> Even if all above mentioned draft amendments are adopted, requirements of the Racial Equality Directive should not be fully covered. Amendments to the Education Law should be introduced at least.

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<sup>4</sup> Homepage of the Saeima, Protocols, [http://www.saeima.lv/steno/2002\\_8/st\\_051215/st1512.htm](http://www.saeima.lv/steno/2002_8/st_051215/st1512.htm), last accessed on 11.03.2006

<sup>5</sup> Draft law amendments to the Criminal Law and the Administrative Violations Code passed first reading in the Saeima on 07.04.2004.

<sup>6</sup> Written responses to the questions of MPs, National News Agency LETA, 16.02.2005

The Saeima Subcommittee on Social Integration for development of a State Programme on the Integration of Roma voiced in March 2005 should be seen as a positive. Employment and education was cited as top priorities. Until the end of the year there were no public discussions over the programme.

In 2005, Latvia continued the implementation of the National Action Plan on the Promotion of Tolerance 2005-2009 adopted in 2004.<sup>7</sup> In the beginning of 2006, the responsible body, the Department for the European Policy of Non-discrimination under the Secretariat of Special Assignments Minister for Social Integration, reported that “taking into account the allotted funding priorities of the 2005 state budget, the programme was implemented in accordance with requirements set in its content and the amount of allotted funding.”<sup>8</sup> The report indicates two major impediments for successful implementation: lack of human and technical resources. In 2005, the state allotted LVL 30,000 (EUR 42,686) for the implementation of the programme.

2005 also saw the formation of two specialised units dealing with anti-discrimination. In August, the Department for the European Policy of Non-discrimination was established under the Secretariat of Special Assignments Minister for Social Integration. Although the Secretariat is the institution responsible for transposing and implementing Directive 2000/43/EC, the Department envisages wider functions. These would include preparing elaboration of policy documents on the issue of non-discrimination, implementing and coordinating the National Action Plan on Promotion of Tolerance 2005-2009, as well as raising awareness in society on non-discrimination and tolerance policy. However, the Department has not yet launched any practical initiatives.<sup>9</sup> In November, the LNHRO created a Unit for Eliminating Discrimination, which would for example investigate cases of discrimination, analyse legislation and raise public awareness.

## **II.ii Migration, family reunion and asylum policies**

Migration, family reunion and asylum proceedings and rights of asylum seekers are regulated by a number of different laws and regulations.<sup>10</sup> The main provisions regarding migration, family reunion and asylum policies are set in the Asylum Law and Immigration Law and their consequent regulations.

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<sup>7</sup> Full text of the programme in Latvian is available at the home page of the Secretariat of the Special Assignments Minister for Social Integration, <http://www.integracija.gov.lv/?id=415&sadala=167&setl=1>, accessed 08.03.2006

<sup>8</sup> Unpublished report of the Department for the European Policy of Non-discrimination of the IUMSILS

<sup>9</sup> Information provided by an official of the Department of European Policy on Non-discrimination of the Secretariat of Special Assignments Minister for Social Integration.

<sup>10</sup> Asylum Law, Citizenship Law, Immigration Law, Law on the State Border of the Republic of Latvia, Law on Identification Documents, Law on State Border Guard, Law on Registration of Residents, Law on Stateless Persons, Repatriation Law

In 2005, there were a number of amendments to legal norms regulating the field mainly due to requirements to harmonise national legislation with EU regulations. These amendments to the Law on Asylum define the status of the asylum seeker and alternative status more precisely, the asylum seeker is no longer required to submit only a written application to claim refugee or alternative status, but can do so verbally. They stipulate the right of the asylum seeker to receive primary health care and essential health treatment covered by the state, the rights of children of asylum seekers or minor asylum seekers to education, the right of refugees to family re-unification and confidentiality of information.<sup>11</sup>

Legal norms concerning immigration were amended as well. Since the 2005 amendments to the Immigration Law, a judge should review detention of aliens every two months instead of six as before.<sup>12</sup> The amendments to the Immigration Law also provide a section listing the criteria to be evaluated by the judge deciding on extension of detention or refusal to detain an alien. Eight criteria are mentioned, such as failure to disclose identity or considerations that can play a role in an alien's favour, or an alien's private or family ties within the State.

The 2005 amendments also provide that an alien can appeal a judge's decision on detention within 48 hours after receiving it. The right to appeal the decision is extremely limited for detainees in practice as the decision is issued in the state language (Latvian), while the Law does not explicitly require providing an alien with a translation of the decision and legal assistance is poorly available in detention camps for illegal immigrants.

In October 2005, the Office of Citizenship and Migration Affairs submitted to the Government amendments to the Immigration Law and a new draft law aiming at transposing Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents.<sup>13</sup> The new draft law applies equally to foreigners and Latvian non-citizens. Where Latvian non-citizens do not go through the procedures of application for long-term resident status within Latvia, they will continue to be treated according to national legislation. Their status in the EU in that case remains undetermined.

As a positive development should be seen the acceptance of the Programme for the Development of a Comprehensive Migration and Asylum Management System 2005-2009 by the Committee of the Cabinet of Ministers on 15.08.2005 aiming at harmonising respective national legislation and activities of various

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<sup>11</sup> Asylum Law, Articles 3, 7, 10, 11, and 29 (adopted on 20.01.2005), Regulations of the Cabinet of Ministers No 406 On Asylum Seeker's Identification Documents and Procedure of Their Issuing (amendments adopted 08.02.2005), Regulations on the Amount of Allowance for Asylum Seekers to Cover Their Expenses for Food and Personal Hygiene and Procedure of Their Reimbursement (regulations of the Cabinet of Minister No 119 of 08.02.2005), Procedure for Providing Education to Minor Children of Asylum Seekers or Minor Asylum Seekers (regulations of the Cabinet of Ministers No 586 of 09.08.2005), Procedure on Mandatory Medical and Laboratory Inspection, Mandatory and Forced Isolation and Treatment in Cases of Infectious Disease (regulations of the Cabinet of Ministers No 413 of 14.06.2005)

<sup>12</sup> Amendments to the Immigration Law (adopted 24.11.2005)

<sup>13</sup> National News Agency LETA, 14.10.2005

institutions and bodies dealing with these issues.<sup>14</sup> Another aim of the programme is to ensure the implementation of migration policy, which meets both Latvia's national interests and requirements of EU migration policy.

There are still major concerns regarding the effective asylum legislation; short time limits for appeal procedures and the law does not require a written translation of the decision as to grant or refuse refugee or alternative status. The other reason for concern is the expressed position of the State Border Guard that until submission of asylum application a person should be treated as an illegal immigrant under the Immigration Law, which does not explicitly oblige the authorities to explain to detainees the procedure for submitting an asylum application.<sup>15</sup>

While regarding immigration legislation, lack of relevant court procedure on detention of aliens is a serious problem. The decision on detention is taken neither under criminal proceedings nor administrative proceedings, but as a decision of a single judge and thus the order of court hearing and the rights of the person concerned remain undefined. The other important shortcoming of legislation concerning the detention of aliens in Latvia is lack of provisions for regulating the detention regime. In fact, the law does not provide where and how detained persons should be guarded; whether they have a right to meet their relatives or other persons during detention, and if so – whom and how long; whether they have a right to leave the territory of the camp and (if so) for what reasons; where children are involved, whether they have a right to continue to attend school.

During the years of Latvia's independence, issues regarding actual migration were neither on the political or public agenda due to the low numbers of migrants and asylum seekers. In 2005 for instance, there were 7,659 (about 0.4% of the total population) foreigners with temporary residence permits. However, the increasing emigration of the Latvian labour force to other EU countries for the last two years has raised debate about possible "side effects" of emigration, in particular a shortage of labour force in Latvia and a need to attract guest workers. Currently, the number of people from other countries who are working legally in Latvia is very low. In 2005, 2,886 foreigners were issued working permits.<sup>16</sup> The number of registered cases of illegal employment has been very small as well. In 2005, 17 persons, mainly citizens of the Russian Federation and Ukraine staying and working in the country illegally, were identified. The identified persons were administratively fined for working without work permits. The number of foreigners working illegally has decreased from 258 in 2003 to 64 in 2004.<sup>17</sup> While results of a public survey reveals that in general respondents were negative about a possible influx of guest workers - 70% of respondents admit

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<sup>14</sup> National News Agency LETA, 15.08.2005

<sup>15</sup> Latvijas Vēstnesis, 02.09.2005.

<sup>16</sup> Data available on the homepage of the Office of Citizenship and Migration Affairs, <http://www.pmlp.gov.lv/images/documents/24082005.pps>

<sup>17</sup> Information obtained from the State Border Guard

being negative towards the arrival of labour migrants from other countries - the most negative attitude is expressed towards persons from China, Africa, Vietnam, other Asian countries and Turkey.<sup>18</sup>

### **II.iii Racism as a crime**

The Criminal Law<sup>19</sup> contains provisions (Article 78, 150 and 151) concerning incitement to national, racial, and religious discrimination, providing criminal responsibility for such conduct. The provisions have been effective for only eight years, as the effective Criminal Law was adopted in 1998. The Criminal Code, in force before the adoption of the Criminal Law, did not contain these provisions. The norms are rarely used in practice. Since the adoption of the effective Criminal Law in 1999, there has been no information on criminal cases initiated under articles 150 and 151 of the Criminal Law (on discrimination of persons on ground of the attitudes of these persons towards religion and disturbance of religious rituals) and there have been 22 criminal cases initiated under article 78 on violation of ethnic and race equality (13 out of a total of 22 cases were initiated in 2005). Experts mention the high standard of proof as the main explanation for the low number of cases initiated under the articles, although some legal experts and law enforcement representatives have raised the question of narrow interpretation.<sup>20</sup>

Changes are being prepared in the Administrative Violations Code and in the Criminal Law in line with the Race Directive (2000/43/EC). The draft amendments foresee that the Administrative Violations Code should be amended with a penalty for violating the prohibition of discrimination on the grounds of gender, age, race, skin colour, nationality or ethnic identity, political or other opinions, social origin, education, social and property status, occupation, health status, or sexual orientation.

The proposed amendments foresee that Section 78 of the Criminal Law will be divided. That is, it will continue to include sanctions for breach of the prohibition of commission of acts knowingly directed towards instigating national or racial hatred or enmity, with a more severe sanction for the same act if it has caused severe damage, or is associated with violence, fraud or threats, or is committed by a group of persons, a State official, or a responsible employee of an undertaking (company) or organisation, or is committed using an automatic system of data processing. Discrimination will be transferred to Article 150, which is foreseen to apply so as to include sanctions for breach of prohibition of discrimination based on gender, age, race, skin colour, nationality or ethnic affinity, religious, political or other conviction, social origin, education, social or property status, kind of employment, state of health or sexual orientation, if

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<sup>18</sup> Marketing and public opinion research centre SKDS, 2006.

<sup>19</sup> Criminal Law (17.06.1998)

<sup>20</sup> Arāja, Dita, "Drošības policija atsaka kārtējo lietu par nacionālā naida kurināšanu", Diena, (05.10.2005), p.

committed repeatedly in a year. More severe sanctions are foreseen if severe damage is caused, or if it is associated with violence, fraud or threats, or where committed by a group of persons, a State official, or a responsible employee of an undertaking (company) or organisation, or committed using an automatic system of data processing. However, these amendments have still only passed the first reading.<sup>21</sup>

In December, the Saeima rejected the proposal submitted by a left-wing MP to introduce a norm to the Criminal Law which would stipulate that an offence committed on racial grounds is an aggravating factor.<sup>22</sup>

## **II.iv Counter Terrorism**

Since February 2005, under the aegis of the State Security Police, the Centre for Anti-terrorism was formed. The main tasks of the Centre are to collect and analyse information about threats of terrorism in the world. It is difficult to make any assessment of the work of the Centre for Anti-terrorism as there is almost no publicly available information about activities of the Centre in 2005.

The specificity of the Centre's field of work explains the low profile of the Centre, however the dominant views on low possibilities of terrorism in Latvia among the key responsible officials also contributes to determining the Centre's work. Deputy Director of the Constitution Protection Bureau, the Minister for the Interior and others have repeatedly argued that Latvia is not a target country for terrorists.<sup>23</sup> The Head of the State Security Police also stated, "a possibility of terrorist threats increases when there are stimulating circumstances. It is highly unlikely that there would be a terrorist act in Latvia."<sup>24</sup> He provided no further explanations on what the stimulating circumstances mentioned were.

However, leaders of Latvian Muslim communities have reported on occasional visit of representatives of the Centre with the aim to learn about situations within communities, especially after terror acts in the world.<sup>25</sup>

The Latvian mass media also has approached representatives of local Muslim communities after terror acts in the world. One of the usual questions of the media is about motivation of terrorists, which suggest that the media makes a direct link between terrorists and Muslims.

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<sup>21</sup> Draft amendments to the Criminal Law and the Administrative Violations Code, both passed first reading in the Saeima on 07.04.2004.

<sup>22</sup> Homepage of the Saeima – Latvian Parliament, [http://www.saeima.lv/bi8/lasa?dd=LP1180\\_3](http://www.saeima.lv/bi8/lasa?dd=LP1180_3) , last accessed 01.03.2006

<sup>23</sup> Blūmfelds, Agris, 'Lielbritānijā notikušais terorakts atbalsojas drošības pasākumos Latvijā', Neatkarīgā Rīta Avīze, (09.07.2005), p. 3

<sup>24</sup> Laganovskis, Guntars, 'Terorisms. Ilūzijas par drošību grūst', Latvijas Vēstnesis, (13.07.2005), p. B2

<sup>25</sup> Information provided by leaders of local Muslim communities in personal interviews

There is very little attention paid to racism at institutional and personal level, including racial profiling. No research has been conducted on racial profiling in Latvia. However, there are clear signs of widespread prejudice and broad stereotyping among the public at large (opinion polls, media) as well as among representatives of state institutions, including the police.<sup>26</sup>

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<sup>26</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.49

### III. Communities vulnerable to Racism

The ethnic composition of the Latvian population has always been diverse. In 2005, 58.84% of the total population were Latvians, which is the highest number since the country regained independence in 1991. In 1989, when Latvia was still a part of the Soviet Union, 52% were Latvians.<sup>27</sup> The biggest ethnic groups since 1991, including 2005, have been Russians (28.65%), Belorussians (3.83%), Ukrainians (2.56%), Poles (2.45%) and Lithuanians (1.38%), while other ethnic groups (about 120) did not reach 1% each.

Despite ethnic diversity, the number of people belonging to visibly different minorities has been rather low until now. Latvian residents had very small experience in cohabitation with visibly different minorities. The Roma are the only visibly different minority traditionally present in Latvia, however they have never constituted more than 0.4% of the total population. During the Soviet period, several other visible minorities – people from the Central Asian and Caucasian Soviet republics – have established small local communities (each less than 0.1%).<sup>28</sup>

Regarding religious minorities, the scene is quite opposite: Latvia has been rather homogeneous country regarding religions. The dominant majority of residents are Christians (Lutherans, Roman Catholics and Russian Orthodox) and non-religious.<sup>29</sup> There are very small communities of non-Christian religions.

#### **Russian-speakers**

Within the last five years, the tendency of decrease of the number of members of largest ethnic groups – Russians, Belorussians and Ukrainians – has stabilised. In comparison to 2004, in 2005 the number of Russians has dropped by about 1%, while the numbers of Belorussians and Ukrainians have dropped by almost 0.2% each. The sharpest decline in numbers these ethnic groups experienced was just after Latvia regained independence due to migration.

There is no conclusive evidence that the larger ethnic minorities are victims of discrimination, but the high number of non-citizens (18% of population) and lingering problems with state language proficiency levels and requirements increase socio-economic vulnerability.

#### **Jews**

Anti-Semitism expressed verbally by radicals is not unusual in the public sphere (Internet and on occasion in publications). Attitude surveys also tend to show that prejudice against Jews is more common than against larger ethnic groups.

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<sup>27</sup> Central Statistical Bureau of Latvia, *Statistical Yearbook of Latvia 1999*, (Riga, 2001), p. 58 and Central Statistical Bureau of Latvia, *Demography 2005*, (Riga, 2006), p. 39

<sup>28</sup> Central Statistical Bureau of Latvia, *Demography 2005*, (Riga, 2006), p. 39

<sup>29</sup> Latvian Board of Religious Affairs

The number of Jews in Latvia is reported to be 9,883.<sup>30</sup> They are largely secular and Russian speaking.

### **Roma**

Anti-Roma sentiment is commonplace. Roma most clearly experience discrimination in employment and education, but they are also underprivileged in housing and healthcare.<sup>31</sup> According to the data of the Central Statistical Bureau of Latvia, there were 8,491 Roma in Latvia in 2005, though Roma representatives claim that there are 15,000- 20,000 Roma in Latvia. In any case, their number does not exceed 1% of the total population.

### **Visibly different minorities**

Recent developments identify visibly different minorities as the most vulnerable group. Reported racist verbal and physical attacks in Riga in 2005 have been directed at Africans and Afro-Americans, an Indian, a Sri-Lankan and a Jewish Rabbi.

Survey data confirm that prejudice is very high against people from the Caucasus, Chinese, Africans and Kurds, all of whom some 2/3 of respondents wanted to exclude from entry or accept only as short-term visitors. In this, there were no significant differences between majority and minority respondents. Most staggering is prejudice against Muslims: 38% Latvians and 39% non-Latvians answered that they should not be allowed to enter the country, and an additional 45% and 44% respectively, considered that contact with them is acceptable only as with tourists.<sup>32</sup>

### **Religious minorities**

As already mentioned above, there are very small non-Christian communities in Latvia. Besides, no official statistics on the number of Muslims in Latvia exists. According to the State Security, there are 5,000 Muslims, which is less than 0.5% of the whole population respectively. Islam is considered to be a 'non-traditional' religion in Latvia as opposed to Lutheranism, Catholicism, Russian Orthodox and Judaism, although the first pre-war Muslim community in Latvia dates as far back as 1902.

According to the data of the Latvian Board of Religious Affairs,<sup>33</sup> there are 16 Muslim religious communities registered in Latvia, 13 of them are situated in the capital city of Riga. The relatively high number of registered organisations (especially taking into account that according to the registration procedure 20 signatures are enough to register a new religious organisation) indicates that the Muslim community in Latvia is fragmented and so far any attempts to unite separate organisations under one umbrella, creating the Union of Latvian Muslim

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<sup>30</sup> Central Statistical Bureau of Latvia, *Demography 2005*, (Riga, 2006), p. 39

<sup>31</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p. 7

<sup>32</sup> Baltic Institute of Social Sciences, *Ethnic Tolerance and the Integration of the Latvian Society*, (Riga, 2004), p. 67.

<sup>33</sup> Data of the Latvian Board of Religious Affairs

organisations, have failed. There is no mosque in Latvia yet, although many Muslim organisations call construction of a mosque a number one priority and it has been under discussion for several years.

The majority of Latvian Muslims come from the former Soviet Union republics of Tatarstan, Chechnya, Bashkiriya, Azerbaijan, Uzbekistan, and Kirghizstan. These Muslims do not significantly differ in appearance from the rest of Latvia's residents and given that they do not wear traditional dress in public, they hardly stand out in the crowd. Another small group of Muslims (estimated 150-200 people) are students and former students from Middle-Eastern and African countries.

### **Migrants, asylum seekers**

Within the last five years (2001 – 2005), the number of migrants arriving has been around 1,500 a year.<sup>34</sup> The latest available data reveals that in 2004, 1,667 persons migrated to Latvia. The main source countries of migration are Russia, Ukraine, Lithuania, Belorussia, Germany and the USA.

Since 1998, when the asylum granting procedure was launched in Latvia, 161 persons applied for asylum.<sup>35</sup> Since 1998, eight persons have been granted the status of the refugee, while in 2005, the status of the refugee was not granted at all. During the period, one person lost the status because he received Latvian citizenship through naturalisation. Within the period 2002 – 2005, the alternative status has been granted to nine persons. In earlier years, the applicants were mainly from Asian countries, while more recently, the majority of the applicants came from the CIS countries (Russia and Belorussia for instance).

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<sup>34</sup> Central Statistical Bureau of Latvia, *Demography 2005*, (Riga, 2006), p.56

<sup>35</sup> Office of Citizenship and Migration Affairs, [http://www.pmlp.gov.lv/?\\_p=309&menu\\_id=15](http://www.pmlp.gov.lv/?_p=309&menu_id=15), last accessed on 01.03.2006

## IV. Manifestations of racism and religious discrimination

### IV.i Employment

As in any other sphere, there is a serious lack of data and information (both official and non-official) on racism and religious discrimination in employment.

In 2005, there were no court cases related to racism, xenophobia and discrimination on the grounds of ethnicity, race, religion or language in employment. However, the handling of two discrimination cases in employment on the grounds of 1) sexual orientation<sup>36</sup> and 2) multiple grounds - sex and property status<sup>37</sup> should be seen as a positive development. In both cases, courts found violation of anti-discrimination clauses.

The number of complaints on discrimination in employment received remains very low: the Latvian National Human Rights Office received two complaints about discrimination on the grounds of ethnicity in employment in 2005. The LNHRO however commented that the two complaints were too “vague and nothing serious.”<sup>38</sup> In 2005, the Law on the Latvian Human Rights Office did not envisage representation of victims of discrimination in court.<sup>39</sup> The legal staff of the LNHRO provides legal consultations.

The State Labour Inspectorate, which is a state supervisory and control institution with an institutional legacy from the Soviet Union and is authorised to deal with legal aspects of employment relations, claimed to have never received any complaints on discrimination and racism nor registered any violations of anti-discrimination clauses including in 2005.<sup>40</sup> In practice, it is not ready to perform these functions: it lacks resources and capacities, as well as the existing complaint registration forms and the comprehensive database used by the State Labour Inspectorate do not allow the distinction of discrimination cases.<sup>41</sup> According to the State Labour Inspectorate, they have neither received any complaints nor registered any violations regarding the working conditions of immigrants, refugees or asylum seekers.<sup>42</sup> There is no information available on data and reports regarding the working conditions of immigrants, refugees or asylum seekers.

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<sup>36</sup> Rīga Ziemeļu District Court, ruling issued on 29.04.2005

<sup>37</sup> Cēsu Regional Court, ruling issued on 05.07.2005

<sup>38</sup> Information provided by the Latvian National Human Rights Office

<sup>39</sup> Amendments to the Law on the National Human Rights Office (adopted on 15.12.2005) envisage that the Office may represent the interests of the victim of discrimination at court

<sup>40</sup> Information provided by the State Labour Inspectorate

<sup>41</sup> Information provided by the State Labour Inspectorate

<sup>42</sup> Information obtained from the representative of the State Labour Inspectorate

In 2005, 2,886 foreigners, mostly from Russia, Ukraine and Lithuania, received working permits.<sup>43</sup> During the last five years the number of foreigners legally employed in Latvia remains very low.

There have been very few registered cases of illegal employment of foreigners. In 2005, seventeen persons, mainly citizens of the Russian Federation and Ukraine staying and working in the country without documents, were identified. The identified persons were administratively fined for working without work permits. The number of foreigners working illegally has decreased from 258 in 2003 to 64 in 2004.<sup>44</sup>

There is no official data available on the employment situation of immigrants (including foreigners), refugees and asylum seekers in Latvia apart from the number of foreigners who hold temporary residence permits and have been issued work permits.<sup>45</sup>

The only available official ethnic data regarding the situation of minorities in employment is the data of the State Employment Agency on the ethnic composition of officially registered unemployed. The data indicates small disparities between the unemployment rate's among various minorities and their proportion among the majority.

Table 1. Unemployed persons by ethnicity, %

Unemployed persons	2002	Resident population	2004* (31.03.2004)	Resident population** (at the beginning of 2004)	2005* (30.06.2005)	Resident population**
Latvians	50.8	58.2	51.5	58.6	51.9	58.8
Russians	35.4	29.2	33.9	28.8	33.0	28.6
Belorussians	4.7	4.0	4.5	3.9	4.1	3.8
Ukrainians	2.9	2.6	2.7	2.6	2.6	2.6
Poles	2.8	2.5	2.6	2.5	2.5	2.5
Lithuanians	1.6	1.4	1.6	1.4	1.5	1.4
Jews	0.1	0.4	0.1	0.4	0.1	0.4
Roma	-	-	0.5	0.4	0.7	0.4
Other ethnicities	1.7	1.7	1.4	1.4	1.2	1.5
Not indicated ethnicity	-	-	1.2		2.4	

Sources: \* Data obtained from the State Employment Agency on May 2004 and on 12 October 2005; \*\* Central Statistical Bureau of Latvia <http://data.csb.lv/pxweb2004/Dialog/varval.asp?ma=04-15&ti=4%2D15%2E+PAST%2V%CEGO+IEDZ%CEVOT%2JU+NACION%2LAIS+SAST%2VS+GAD+A+S%2KUM%2+&path=../Database/gadagramata/04.%20ledz%EEvot%E2ji&lang=3> (14.11.2005)

<sup>43</sup> Office of Citizenship and Migration Affairs, <http://www.pmlp.gov.lv/images/documents/24082005.pps>

<sup>44</sup> Information obtained from the State Border Guard

<sup>45</sup> Information obtained from the Labour Department of the Ministry of Welfare

Apart from scarce ethnic data, two studies exploring the situation of minorities in the Latvian job market commenced in 2002 were made available in 2005: Mihails Hazans' "Unemployment and the Earning Structure in Latvia" and Mihails Hazans' "Looking for the Workplace: the Elderly, Discouraged Workers, Minorities and Students in the Baltic Labour Markets." Both studies analyse Labour Force Survey data of 2002 according to several factors, including ethnicity. The data reveals discrepancies in the situation of minorities and the majority in the job market. For instance, in 2002 the unemployment rates of ethnic minorities relative to ethnic Latvians were 1.5 times higher. According to the study, the ethnic gap is caused to a large extent, but not entirely, by a lack of Latvian language skills. The data also highlights substantial segregation of ethnic groups in economic activities: over representation of Latvians in public administration and over representation of non-Latvians in the fields of transport and communication. Net earnings of ethnic Latvians were 10% higher than those of other ethnic groups.<sup>46</sup> Another indication is that women belonging to ethnic minorities relative to ethnic Latvian women are more likely to feel discouraged about their future perspectives.<sup>47</sup>

Regarding the situation of Roma, the study "The Situation of Roma in Latvia," conducted in 2003 states that: "education and employment are the two most important problems for the Roma in Latvia... The number of Roma, who are involved in stable, official employment does not exceed 5% of those who are able to work." The study claims discrimination to be among the main reasons of high Roma unemployment.<sup>48</sup>

### **Good practice**

Lack of statistical data and research on these dimensions remains the object of concern. The gap has begun to be addressed by two initiatives – the study conducted by the human rights NGO the Latvian Centre for Human Rights and Ethnic Studies and the Baltic International Centre for Economic Policy Studies, to be finalised in the beginning of 2006. The first call for tender for 13 research projects announced by the Ministry of Welfare within the framework of the EU Structural Fund programme "Research in the Labour Market" in 2005 (see the section on assessment).

Since October 2004, the Latvian Centre for Human Rights and Ethnic Studies (LCHRES), in cooperation with the Baltic International Centre for Economic Policy Studies, has been implementing a research project "Employment and Income in Latvia: National and Regional Differences According to Ethnic, Gender

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<sup>46</sup> Hazans, Mihails, *Unemployment and the Earning Structure in Latvia*, (Washington: World Bank ECA Region and University of Latvia, 2005), pp. 38, 39, 90  
[http://wdsbeta.worldbank.org/external/default/WDSContentServer/IW3P/IB/2005/02/25/000090341\\_20050225101553/Rendered/PDF/wps3504.pdf](http://wdsbeta.worldbank.org/external/default/WDSContentServer/IW3P/IB/2005/02/25/000090341_20050225101553/Rendered/PDF/wps3504.pdf)

<sup>47</sup> Hazans, Mihails, *Looking for the workplace: the elderly, discouraged workers, minorities, and students in the Baltic labour markets*, (Riga: University of Latvia and Baltic International Centre for Economic Policy Studies, 2005), p.17, <http://econwpa.wustl.edu/eps/lab/papers/0507/0507008.pdf>

<sup>48</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.31

and Age Factors.” The ultimate objective of the research is to identify possible discrimination in the labour market as well as develop recommendations for the Latvian government and the relevant public bodies. The main outcomes will be a policy paper and awareness raising seminars.

In June 2005, the Latvian Centre for Human Rights and Ethnic Studies was a national coordinator for a two-day seminar on the role of NGOs in combating discrimination on the grounds of racial or ethnic origin, age, disability, religion or belief and sexual orientation. The seminar was funded and organised by the EU Action Programme to Combat Discrimination and implemented by the Human European Consultancy and the Migration Policy Group and local partners. The objective of the seminar was to develop the capacity of civic society dealing with anti-discrimination. After participating in training by international experts, six national trainers provided training at the seminar. The programme covered five major modules: the concept of discrimination, the EU institutions and anti-discrimination law; the role of NGOs in combating discrimination; anti-discrimination law in the national context including employment and occupation related legislation, as well as remedies; methods of combating discrimination; and skills and tools when working towards combating discrimination. More than 50 people (state officials and NGO practitioners) took part in the seminar.

#### **IV.ii Housing**

There is a general lack of publicly available evidence of racism and discrimination in the housing sector in Latvia, including for 2005. The Central Statistical Bureau of Latvia does not collect data on housing by ethnicity, legal status and nationality. The ethnic dimension is registered only in the data on households collected for the national census.<sup>49</sup> The last census was conducted in 2000. All authorities dealing with housing issues claim that they do not collect statistical data on ethnic, citizenship and legal status dimensions in housing.<sup>50</sup>

The LNHRO did not receive any complaints about discrimination in housing in 2005.<sup>51</sup> However, the only available report on the situation of Roma in Latvia (conducted in 2003) suggests that Roma are in a more disadvantaged situation than the average population when it comes to housing.<sup>52</sup>

Lack of publicly available evidence may not be indicative of absence of discrimination in the area. A number of opinion polls reveal that society’s level of intolerance towards people of certain ethnicities and religions, such as Roma,

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<sup>49</sup> Information provided by the Social Statistical Department

<sup>50</sup> Information provided by a representative of the Housing Development Department of the Ministry of Regional Development and Local Government, state agency “Housing Agency”, Department of Social Services and Social Assistance of the Ministry of Welfare

<sup>51</sup> Information provided by the Latvian National Human Rights Office

<sup>52</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.44

Jews and Muslims as their neighbours is very high.<sup>53</sup> The facts that Roma live in segregated areas/districts in some towns<sup>54</sup> and that the LNHRO sometimes receives complaints from Latvian inhabitants who, being granted a municipal dwelling in a neighbourhood populated by Roma, perceive it as a violation of their own human rights<sup>55</sup>, indicate a high possibility of discrimination cases in the housing area.

#### IV.iii Education

Official sources of data and information in education report that there were no complaints about discrimination in education on the grounds of ethnicity, race, language or religion in 2005.<sup>56</sup>

There is almost no statistical data regarding racism and discrimination and the situation of immigrants, refugees, asylum seekers and minorities in education. First, it is related to difficulties regarding general statistics in education; there is a lack of data on the number of illiterates, the precise number of children who do not attend school, etc. Second, existing general official data are usually not disaggregated according to ethnicity, for instance statistics on educational performance and attainment of students by ethnicity.

The only available data in education is the ethnic breakdown of students at public schools, the division of students according to the language of instruction and their ethnicity, the number of minority schools and the number of students there.<sup>57</sup> The data draws attention to the situation of Roma in education. For the last two years the number of Romani children registered at mainstream schools continues to decrease: in the school year 2004/2005 there were 1,464 Romani children, in 2003/2004 - 1,508 Romani children.<sup>58</sup> Taking into account that Roma in Latvia is the only ethnic group which has positive demography (more births than deaths) and that according to official sources very few Roma have left Latvia,<sup>59</sup> this may indicate that the existing school practices fail to integrate Roma into the mainstream educational system (a possibility that Roma have migrated to other countries cannot be fully excluded though) and the tendency should be carefully examined. The conclusion of a study on the gap between the

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<sup>53</sup> Baltic Institute of Social Sciences, *Ethnic Tolerance and Integration of the Latvian Society*, (Riga, 2004), p.65

<sup>54</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.16

<sup>55</sup> Information provided by the Latvian National Human Rights Office

<sup>56</sup> Information obtained from the Latvian National Human Rights Office and the Ministry of Education and Science Republic of Latvia

<sup>57</sup> Ministry of Education and Science, Statistics,

<http://www.izm.gov.lv/default.aspx?tabID=7&lang=1&id=1268>, last accessed on 06.10.2005

<sup>58</sup> Data from the MoES, Statistics on number of students at mainstream schools in accordance with their ethnicity in 2004/2005, <http://www.izm.gov.lv/default.aspx?tabID=7&lang=1&id=1268>, last accessed on 15.09.2005

<sup>59</sup> Central Statistical Bureau of Latvia, *Demographic Year Book of Latvia 2004*, (Riga, 2005) p.44

principles of multicultural education defined in legal documents and everyday practice in the school system strengthens these concerns.<sup>60</sup>

The only comprehensive study on Roma indicates that about 10% of Roma pupils are assigned to special classes or schools intended for students with mental and physical disabilities and special needs.<sup>61</sup> In some areas, for instance in Jekabpils and Valmiera, almost 40% of Roma pupils attend special schools<sup>62</sup>, while another significant share of Roma pupils are enrolled in Romani-only classes.<sup>63</sup> There are eight such classes, of them, six implement “pedagogic correction programmes” and two offer a “lighter curriculum version” of the general education programme. In 2002/2003, 15% of all Roma pupils attended segregated Roma classes, rising in 2003/2004 to 18%. There are concerns regarding the quality of education offered in these classes, as well as the fact that they do not offer any subjects and material on Roma culture or history<sup>64</sup>. The alleged objective of these classes is to facilitate the transition of Roma pupils into regular classes, but so far there is no evidence of this.<sup>65</sup>

Difficulties faced by Roma in the Latvian educational system are revealed by the study “Romani Identity at Multicultural School”, conducted by the NGO Centre for Education Initiatives and presented in 2005. The study was conducted on the basis of two activity projects implemented by the Centre since 2003. The projects and the study were implemented with the financial support of the EU Phare programme and the Latvian government, administered by the Society Integration Foundation, co-funded by the Open Society Institute and nine local municipalities. The project looks into issues faced by Romani children in education in nine districts of Latvia in the time period 2003-2005. The study states that the educational model of the inclusion of Romani children in mainstream schools implemented by the Centre in the framework of two projects was effective and led to successful integration of all Romani children into mainstream schools. The report does not provide for specific numbers, but indicates the main problems faced by Roma as being: low enrolment, early drop-outs, and others.<sup>66</sup>

The main developments in the area of education remained the implementation of minority education reform 2004 foreseeing transition to the Latvian language as the main language of instruction at public secondary schools from Grade 10, as stipulated by the Education Law 1998. Tensions over the goals and methods of implementation of the education reform 2004 remained but were de-escalated. In comparison with 2004, when widescale protest meetings against the

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<sup>60</sup> Public policy portal [www.politika.lv](http://www.politika.lv) , [http://www.politika.lv/polit\\_real/files/lv/dazadint\\_en.pdf](http://www.politika.lv/polit_real/files/lv/dazadint_en.pdf) , last accessed on 01.03.2006

<sup>61</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.27

<sup>62</sup> *ibid*, p.27

<sup>63</sup> So called “Gypsy classes”, in Latvian - “čigāņu klases”

<sup>64</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.28

<sup>65</sup> *ibid*, p.28

<sup>66</sup> The Centre for Education Initiatives, *Romani Identity at Multicultural School*, (Latvia, 2005)

implementation of the minority education reform were organised four times, each time gathering at least a thousand to a few thousand participants (according to various sources), the number and scale of protest actions against the education reform has significantly decreased in 2005. There were a few protest actions against the implementation of minority education reform, each time gathering about 100 - 400 people and two conferences against the reform were held.

The main concern expressed by protesters regarding the minority education reform is the impact of the reform on the quality of education. In February, the Headquarters for the Defence of Russian-language Schools in Latvia conducted an opinion poll among parents of the students who study at mainstream secondary schools, subject to the reform in 2004. About 250 parents from 70 schools took part in the poll. According to the poll, the quality of education after the inception of the minority education reform has deteriorated: 67% of parents claimed that the level of academic attainment of their children has worsened.<sup>67</sup> The State Education Inspectorate counter-argued the data and stated that in September – October 2004, out of 223 schools implementing the reform, only one reported significant difficulties with implementation of the reform. However, the State Education Inspectorate admitted that there are problems concerning text books, methodologies and teaching aids.<sup>68</sup>

In 2005, the Constitutional Court reviewed two cases where minority discrimination in education was alleged. The Constitutional Court ruling on the implementation of minority reform established no violation of the Constitution. The second ruling on providing state funding for private schools with Latvian as a main language of instruction established a violation of equal rights and abolished the norm.

### **Ruling of the Constitutional Court on minority education reform.**

On 13 May 2005, the Constitutional Court after a two-day long process dismissed as ungrounded a claim submitted by all twenty leftwing MPs (People's Harmony Party, the union For Human Rights in the United Latvia and the Latvian Socialist Party), which challenged constitutionality of Article 9.3 of the Transitional provisions of the Education Law and its compliance with international norms.<sup>69</sup> The disputed article provides that "as of 01.09.2004 studies in the tenth grade of the state and local government general educational institutions, which implement minority education programmes, and in the first academic year of the State and local government professional educational institutions, shall be commenced in the State language in accordance with the National standard on public general,

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<sup>67</sup> Guščins, Viktors, 'Izglītības reforma: zināšanas ir otršķirīgas', *the public policy portal www.politika.lv*: <http://www.politika.lv/index.php?id=110856&lang=lv>, last accessed on 01.03.2005

<sup>68</sup> State Education Inspectorate, Annual report 2004, <http://www.ivi.gov.lv/?sadala=92>, last accessed on 01.03.2006

<sup>69</sup> Article 1, 91 and 114 of the Constitution of Latvia; Article 14 and Article 2 of the Protocol 1 of the European Convention on the Protection of Human Rights and Protection of Fundamental Freedoms, Articles 26 and 27 of the UN International Covenant on Civil and Political Rights, Article 5 of the International Convention on the Elimination of All Forms of Racism, Article 2 and 30 of the Convention of the Rights of Child, as well as Article 18 of the Vienna Convention on the Law of Treaties

vocational and professional education. The National Standards on public general, vocational and professional education provide that at least 3/5 of the total number of classes shall be taught in the State language.<sup>70</sup>

The Constitutional Court dismissed the claim, arguing that the disputed Article complies with the Constitution of Latvia and international norms. The Court noted that the case could not be reviewed out of the context of the complex ethno-demographic situation in Latvia formed by the Soviet occupation.<sup>71</sup> Regarding the lack of effective participation of minorities in decision-making process, which was pointed out by the plaintiff as well as a number of international bodies, human rights and education experts as one of the major reason for concern regarding the implementation of reform, the Court ruled that it is not competent to evaluate effective participation of all stakeholders in discussing draft laws in the pre-parliament phase since the constitutionality of the norm itself is questioned. Although the Court ruled that the disputed Article was constitutional, provided it is implemented flexibly, it noted that an effective education quality monitoring mechanism had been lacking and should be introduced.<sup>72</sup>

### **Ruling of the Constitutional Court on funding for private schools**

On 14 November 2005, the Constitutional Court issued the ruling regarding the claim submitted by all twenty MPs of the leftwing People's Harmony Party, the union For Human Rights in the United Latvia and the Latvian Socialist Party against alleged incompatibility of Article 59.2 of the Education Law with Article 91 of the Constitution of Latvia and Article 2 (in relation to Article 2 of the First Protocol) of the European Convention of Human Rights and Fundamental Freedoms. The challenged Article provided that: "private schools are financed by their founders. State and municipalities take part in financing of these institutions in accordance with the respective regulations of the Cabinet of Ministers if these institutions implement educational programmes in the state language."<sup>73</sup>

The Constitutional Court ruled that the disputed Article was discriminatory and the wording "in the state language" was announced null and void as of the publication of the ruling.<sup>74</sup> Subsequently, the Ministry of Education and Science (MoES) announced that the Ministry would ask for additional funding to the

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<sup>70</sup> Latvia, Law on Education (adopted 29.10.1998), <http://www.likumi.lv/doc.php?id=50759>, last accessed on 01.03.2006

<sup>71</sup> The Court refers to the fact that as of 1940 until 1991 Latvia was occupied by the USSR, which resulted in the significant increase of non-Latvians in the territory of Latvia due to migration processes and implementation of "Russification" policy in many areas, including education. During the period, education in Latvia was provided either in Russian or Latvian. Minority children in most cases attended schools with Russian as a language of instruction, even if their mother tongue was not Russian but another minority language

<sup>72</sup> Ruling of the Constitutional Court on minority education reform (13.05.2005), <http://www.likumi.lv/doc.php?id=108255>

<sup>73</sup> Law on Education (29.10.1998), Articles 59.2, 91, <http://www.likumi.lv/doc.php?id=50759>,

<sup>74</sup> Ruling of the Constitutional Court on funding for private schools (14.09.2005), [http://www.satv.tiesas.gov.lv/LV/Spridumi/02-0106\(05\).htm](http://www.satv.tiesas.gov.lv/LV/Spridumi/02-0106(05).htm)

amount of at least EUR 596,120 from next year's State budget to provide funding for Russian private schools.<sup>75</sup>

### **Good practices**

The Centre for Education Initiatives implemented the project "Romani child in welcoming school" during October 2004 - July 2005. The project was the follow-up of the project "Qualitative education for Romani children" in 2003/2004. The main objectives of the project were to include Romani children in mainstream classes through establishing local structures, such as the Romani Parent Support Centres, and training mainstream school teachers to work with Romani children. In total, 501 persons participated in the project. Seminars, a conference on "Romani Identity at Multicultural School," workshops for parents, meetings, consultations for parents of Romani children, teachers and other participants were held. As a result, 54 Romani children were integrated into pre-school and mainstream school.

The Education Development Centre implemented the project "Development of teaching aids on the Holocaust for social science and Latvian history classes." The project was implemented in the time period May 2004 – September 2005. The financial support was provided by the U.S. Department of State and the U.S. Embassy in Latvia through SEED (Support for Eastern European Democracy), a private donor from the USA, the Task Force for International Cooperation on Holocaust Education Remembrance and Research and the Latvian Ministry of Education and Science. Four books were published: Social Science for primary school (in Latvian and Russian), Latvian History for secondary school, teaching guidelines and a collection of sources. The project was concluded with distribution of materials and teacher training workshops.

### **IV.iv Health**

Data is not available in Latvia about the incidence of various illnesses and disorders in specific ethnic groups, nor is there data about lifespans and disability from this perspective. Neither is there any information about discrimination cases in health services.

There is however reason to believe that because of high levels of unemployment and poor living conditions (overpopulation, unhealthy nutrition, etc) the Roma are probably one of the leading risk groups for infectious diseases such as tuberculosis and for chronic diseases of various kinds.<sup>76</sup>

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<sup>75</sup> Jakovļeva, Irina, 'Krievu privātskolu finansēšanai būs nepieciešami vairāk nekā 400,000 latu', *National News Agency LETA*, 23.09.2005

<sup>76</sup> According to the Latvian health care statistical annual report in 2001 "Tuberculosis and STDs affect social groups such as unemployed, alcoholics, homeless people, narcotic addicts and incarcerated people." Riga, 2002, p.42

There is no information available that any legislative and administrative provisions have limited health service access to immigrants, asylum seekers and refugees.

#### **IV.v Policing and racial profiling**

No studies on racial profiling have been conducted in Latvia. However, field trips, monitoring visits and interviews conducted by researchers of the Latvian Centre for Human Rights suggest that there are strong signs of racial profiling, in particular among officers of various police forces. Certain aspects of the statistics that are available also indicate that racial profiling is taking place. For instance, in statistics provided by the Ministry of the Interior Information Centre with the number of criminally charged persons according to ethnicity from 1994 to 2003, the categories of Roma and Chechen were specified only in 1999. The case is particularly interesting for Chechens, since the individual numbers vary from 1 to maximum 5 per year, which is so statistically insignificant that it seems likely that there are other reasons for singling this group out.

The main policing problems with regard to minorities concern not the numerically large minorities, which are well represented within the state police corps and whose language – Russian – is required in addition to the State language for police officers. Instead, it is the smaller, visibly different and socio-economically vulnerable communities that represent the largest challenge to the system. The most obvious is the situation of the Roma. Prejudice and racism continue to make the Roma a target for active policing, while the over representation of Roma in the criminal justice system reinforce the prejudice.<sup>77</sup>

The prevalent prejudice towards Roma bears directly on the topics of racial profiling in criminal justice. In a survey on attitudes towards Roma conducted in 2003, there were clear indications that Roma were frequently stereotyped as “criminally inclined” and more than a half of the respondents expressed the view that wherever Roma live there is an increased need for law enforcement presence, while a little less than a third did not consider this necessary.<sup>78</sup>

There is various evidence that racial profiling by police does take place on a regular basis and it seems to be commonly accepted in society that such is the case, particularly when it comes to Roma.<sup>79</sup> Unofficial reports of raids at open-space markets or searches for narcotics dealers indicate the likelihood that broad racial stereotyping is used in stops and searches. In an interview conducted by a researcher with three students of Roma origin at Riga State Technical High

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<sup>77</sup> Latvian Centre for Human Rights and Ethnic Studies, unpublished report *Addressing Ethnic Profiling and Discrimination in Policing in Europe*, 2005

<sup>78</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), pp.12, 69, 72

<sup>79</sup> Latvian Centre for Human Rights and Ethnic Studies, unpublished report *Addressing Ethnic Profiling and Discrimination in Policing in Europe*, 2005

School, the experience of being stopped and searched was claimed to be commonplace at night and at nightclubs, two of them saying that they were searched one to two times and the third four times over the last year. The latter, whose skin was darker than the other two, also reported having been stopped by police on the street during the day once within the last year. They claim that usually they were brought aside to a quiet corner of the club and asked to show the contents of their pockets and were searched, without explaining why they are searched. They were also asked whether they were local or visiting. Although not stated openly, the police made them understand that they were looking for drugs. They were let go after the search. The youths are convinced that they are searched because they are recognised as Roma.<sup>80</sup>

Although hard evidence is difficult to come by for the time being (there are very few appropriately documented cases and very few official complaints), interviews with Roma representatives and Roma NGO leaders while conducting research on the situation of Roma in Latvia, showed that almost all respondents mentioned discriminatory police practices towards Roma, claiming that many have experienced unlawful detention and stops and searches. The very fact that there are no complaints on the issue was also explained by the lack of trust in the law due to previous negative experience.

There are also profiling issues specifically connected to immigrants. Visible minorities are at risk in particular policing problems. This is the case with groups from CIS countries, especially those that have been branded as connected to organised crime over the last decade. Some informal reports to the Latvian Centre for Human Rights by visibly different minorities indicate that they may experience identity checks by police in the streets more frequently (although others say they have never been stopped). The likelihood that such a practice may indeed take place is particularly high when dealing with the complicated issue of organised criminal groups, frequently recognised as having members who share a certain ethnic, racial or national origin. However, the fact that the search for a specific member of an organised crime group may legitimately include in the search criteria based on race or ethnicity, this needs to be distinguished from the illegitimate practice of targeting persons for increased attention because of their race or ethnicity.

When discussing racial profiling and policing, it should also be considered that there are problems connected to police affecting the population at large. Whether the reason be the legacy of the Soviet system and the role of the militia within it, the engrained institutional culture, corruption and insufficient accountability and issues of competence and mission. The uneasy relationship between the community and the police is also reflected in surveys on public trust. The most recent data available is from October 2004, in which 42.5% of the

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<sup>80</sup> Interview with the Roma at Riga State Technical High School

polled respondents noted that they trusted the police while 47.5% said they did not.<sup>81</sup>

Taken all together, there are many indications that racial profiling is actively used by the police in their daily work and the widespread and unrestrained prejudice against Roma also serves as an indication that racial discrimination is a likely part of the institutional culture of policing. Other groups may also be targeted – there have been indications at various times that this was true for peoples of the Caucasus for instance – but evidence is less pervasive and more scattered. Although there are overall denials of discriminatory practices or unequal attitudes, informally provided information directly from police officers indicated not only that profiling is part of the routine, but also that the perception on the part of the police officers is that this is entirely legitimate and serves to facilitate their work.

#### **IV.vi Racist violence and crime**

Among the most important legal norms governing hate speech, racial violence and other forms of discrimination is Article 78 of the Criminal Law “Violation of National or Racial Equality and Restriction of Human Rights,” which provides criminal responsibility for such conduct.

As already mentioned, since the Criminal Law came into force in April 1999 there have been several initiated cases and prosecutions for hate crimes. 2005 marks the highest ever number of officially initiated alleged hate crimes within a year – 13. Of these, six were alleged hate speech cases on the Internet, three in the press and one each in a TV show, in a letter to the Parliament, in graffiti and on a CD. Of 13 initiated cases, seven cases have remained under investigation either by the State Security Police or the Prosecutors Office. One case was dismissed due to the lack of *corpus delicti* (*body of evidence*) in the case. Four of the above mentioned 13 cases were brought to court and two resulted in final convicting sentences. In each case, one person was found guilty for violating national or racial equality and sentenced to six months suspended imprisonment. Both cases related to incitement of ethnic hatred against Latvians on the Internet.

Besides the two final convicting sentences in hate speech cases initiated in 2005, the Riga Regional Court convicted five persons for committing acts of vandalism in a Jewish cemetery and drawing ethnic hatred graffiti in September 2003. Five accused persons were found guilty on the grounds of violating national or racial equality in a group of persons (Criminal Law, Article 78, Paragraph 2). The sentences were suspended imprisonment, terms ranging from two to four years.

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<sup>81</sup> Latvian Centre for Human Rights and Ethnic Studies, unpublished report *Addressing Ethnic Profiling and Discrimination in Policing in Europe*, 2005

A majority of the 2005's alleged hate crimes were against Latvians (seven cases), Russians (three cases), Jews (two cases) and various ethnic and racial groups (one case). According to the information provided by the State Security Police, 16 applications asking to evaluate alleged hate speech, were refused as ungrounded in 2005. If during earlier years recorded evidence of racial violence incidents did not exist, then in 2005 five incidents of allegedly racial violence, namely verbal and/or physical assaults on individuals were reported to the police:

1. In April, a Rabbi was pursued in Riga by a group of youngsters who shouted anti-Semitic slogans at him. The Rabbi sought refuge in a nearby supermarket, where security guards called the police. The National Police decided not to start a criminal investigation because the victim had sustained no physical injuries and no *corpus delicti* could be established.

2. In March, a group of skinheads assaulted a dark-skinned Indian in the streets of Riga. The victim suffered blows to the head. The incident was reported to the police and a criminal case was initiated against one of the alleged offenders. The Prosecutors Office closed the criminal case on the grounds that it did not contain *corpus delicti* (Criminal Violation Code (effective until October, 2005) Article 5.2).

3. In June, a group of skinheads chased a dark-skinned man along the streets of the Old City while shouting offensive phrases. The victim found refuge in a nearby restaurant. The State Police did not initiate a criminal case, arguing that the victim was not physically injured. The two youths were accused of verbally abusing the dark-skinned man and charged with petty hooliganism under the Administrative Violations Code. In August, the Riga Centre District Court issued a verbal warning to the youth, thus imposing a lower penalty than foreseen by the convicting Article.

4. In July, an African-American was verbally and physically abused by a group of eight young people in a street in the Old City. In August, police officers detained three young men who were directly involved in the incident. The State Police charged them with hooliganism (Criminal Law Article 231.2). The investigation established that the youths subscribed to the ideas of the skinhead movement. The youths claimed that the assault was not planned in advance and was motivated by the wish of two young men to become full-fledged members of the group. The case is scheduled for the review in 2006.

5. In July, four men verbally abused a dark-skinned Egyptian citizen and then attacked him physically. The police detained the attackers and initiated a criminal case on grounds of incitement of national or racial hatred or enmity, where they are committed by a group of persons and accompanied by violence (Criminal Law Article 78.2). After the investigation, the State Security Police requalified charges to hooliganism leading to body injuries (Criminal Law Article 231.2). However, the Prosecutors Office closed the case on the grounds that the criminal

offence did not result in criminalised damages (Criminal Violation Code (effective October 2005) Article 5.<sup>31</sup>).<sup>82</sup>

All the assaults were committed by groups of teenage boys and young men. In a few cases it was established that they followed the ideas of the Skinhead movement.

### **Good practices**

In September 2005, the Latvian Centre for Human Rights and Ethnic Studies held the Seminar "Peaceful Protests, Hate and Social Cohesion: Policy, Legislation and Law Enforcement - The Experience of Riga and Amsterdam."<sup>83</sup> The leadership and police of both cities reported on their experiences, good practices and problems in the field. The participants were representatives of police, the Riga City Council and foreign embassies.

In August 2005, the public policy forum "Providus" held the 6th public policy forum "Freedom vs. Security: How to Respond to Threats in a Democratic Way."<sup>84</sup> The main topics of the forum were freedom of speech in Latvia, practices implemented by state institutions to deal with manifestations of intolerance and the level of intolerance in Latvian society. Representatives of political parties, law enforcement bodies, NGOs, research institutions and media attended the forum.

### **IV.vii Access to goods and services in the public and private sector**

There is no information publicly available on racial discrimination regarding access to goods and services in the public and private sector in 2005.

### **IV.viii Media, including the Internet**

No continuous monitoring on the content of mainstream media has been conducted either by state or non-governmental institutions. Within the last years there have been a few sporadic studies on the spread of stereotypes and manifestations of intolerance in mainstream media, mainly analysing the mainstream press. No studies/monitoring has been conducted on hate speech on the Internet yet.

The distinguishing feature of mass media in Latvia is that the media market is divided into two different information spaces – one for Latvian speaking and other for Russian speaking audiences. This is true both for the written and audiovisual media market. The most common and explicit expressions of intolerance are

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<sup>82</sup> All information provided by the spokesperson of the State Security Police

<sup>83</sup> Selected reports available on the homepage of the Latvian Centre for Human Rights, <http://www.humanrights.org.lv/html/lv/aktual/28530.html?yr=2005>

<sup>84</sup> Selected reports presented at the seminar are available at the public policy portal [www.politika.lv](http://www.politika.lv), <http://www.politika.lv/index.php?id=111732&lang=lv>, last accessed on 03.03.2006

observable in some Latvian and Russian newspapers towards representatives of the opposite group. Negative reflection of the opposite group is quite common on both sides, especially when writing about history and political development.<sup>85</sup>

However, in general mainstream media does not place issues concerning ethnic, racial and religious minorities and tolerance on the top of their agenda.<sup>86</sup> If there is information about minorities, it is related to cultural and information sharing events, almost no attention is paid to socio-economic and political issues in relation to minorities. Although the general attitude towards minorities is neutral, stereotypical depiction of minorities is not unusual. Occasionally the ethnicity of a person has been stressed without any reason.<sup>87</sup>

On several occasions, the media is to be blamed for racial profiling when providing reports on crime that include a description of the suspect as Roma. Although, it should be noted that the source for the information is the official police information service for media, so it serves as an indicator of the elements the police single out as significant in each case. Typically, the identification of Roma as suspects concern cases of theft or narcotics dealing. Over the years, many of the reports on drug cases – detentions, arrests, drug findings – include the ethnicity of the suspect: Roma. However, looking at more recent media reports on drug cases, there seems to be a tendency within the last couple of years to include ethnicity less frequently, at least in the national press.<sup>88</sup>

There was only one complaint from representatives of minorities on depiction of their group in the mass media. In Autumn 2005, a Muslim community sent an open letter condemning manifestation of Islamophobia in a weekly “Nedēļa.” In September, the weekly published an interview with a head of the Asian Studies Department of the University of Latvia claiming to provide personal views as well as “scientific conclusions” on Islam. Among other, the academician stated, “Islam is a deviation of Christianity’s high standards” and claimed that Islam is directly linked to hostilities. One Muslim organisation in Latvia sent a letter to the administration of the University of Latvia stating that such statements promote stereotypes about Islam, incite hatred and asked for the resignation of the head of the Asian Studies Department of the University of Latvia. The administration of the University of Latvia responded, “there are (in the interview) no signs of religious intolerance” and announced that it would not take any measures against the academic. The Minister of Education and Science declared that the statements may not serve as grounds for dismissal, however the academic should have been more cautious with expressing his personal views in public.

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<sup>85</sup> Mediju tilts, *Mediju kontentanalīze: neiecietības veicināšanas/mazināšanas aspekti*, (Rīga, 2004)

<sup>86</sup> Kruks, Sergejs, Šulmane, Ina, *Neiecietības izpausmes un iecietības veicināšana Latvijas presē 2004.gadā*, [http://www.integracija.gov.lv/doc\\_upl/Neiecietibas\\_izpausmes\\_Latvijas\\_medijos\\_2004.doc](http://www.integracija.gov.lv/doc_upl/Neiecietibas_izpausmes_Latvijas_medijos_2004.doc), last accessed on 03.03.2006

<sup>87</sup> Mediju tilts, *Mediju kontentanalīze: neiecietības veicināšanas/mazināšanas aspekti*, (Rīga, 2004)

<sup>88</sup> Latvian Centre for Human Rights and Ethnic Studies, unpublished report *Addressing Ethnic Profiling and Discrimination in Policing in Europe*, 2005

Interestingly, in a total of 13 criminal cases initiated for violation of national and ethnic equality (Criminal Law, Article 78), the majority regards incitement to ethnic and racial hatred in the mass media: six cases regard incitement to ethnic and racial hatred on the Internet, three in the press (two extremist newspapers and one mainstream press) and one on a commercial TV station.

## V. Assessing the response

### V.i Anti discrimination

The slow transposition of the Race Equality Directive, still in process, demonstrates the lack of political will to address racism and racial discrimination in the country. Besides, Parliament's hindering to explicitly include "sexual orientation" in the Labour Law as a prohibited ground of discrimination demonstrates a rather high level of homophobia among majority Latvian MPs.

The information provided by a study "Unemployment and the Earning Structure in Latvia" about the situation of minorities in the Latvian job market, indicates a strong need to conduct comprehensive studies in the field and strengthen the anti-discrimination capacity of designated institutions, as well as establish specific anti-discrimination mechanisms such as equality officers, despite the fact that public bodies have received a very small number of discrimination complaints. The need has not been addressed yet.

There have been formal attempts to address the lack of legal anti-discrimination mechanisms in the second half of the year; it is therefore too early to give any clear judgements about their efficiency. There are already signs however that the establishments lack financial and political support, which may hamper them from becoming strong players in the anti-discrimination field.

The amendments, which provide that the Latvian National Human Rights Office is a designated equality body, were adopted only at the end of 2005. It is too early to evaluate its capacities and abilities to implement the new tasks in the field of anti-discrimination. However, the previous work of the LNHRO (very low number of discrimination complaints registered<sup>89</sup> and interpretation of the registered complaints as "vague and unclear") and the attitude of the government and the parliament towards the LNHRO (the very small funding and decision to leave the Office without an official director for already almost a year), raise concerns about the Office's capacities and resources to become a strong player and bringing in changes. Strengthening the Office's mandate and increasing its capacities in the field of anti-discrimination are foreseen in another draft law which is under revision by the Saeima.<sup>90</sup> The draft Law on the Ombudsman (Article 14), foresees the transformation of the LNHRO into an Ombudsman institution and provides that the Ombudsman Office staff may lodge an application with the court on behalf of the alleged victim and present this person's interests in court.<sup>91</sup> However, as already mentioned above, a strengthening of its

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<sup>89</sup> 16 written and 56 oral complaints on the issue (approximately 1% and 2% respectively of the total number of complaints during the period). The majority of these are on the ground of gender (6 written and 25 oral complaints), with 2 written and 4 oral complaints on the ground of race or ethnicity, homepage of the LNHRO, [www.vcb.lv](http://www.vcb.lv), last accessed on 01.03.2006

<sup>90</sup> Saeima - Latvian Parliament, [http://www.saeima.lv/saeima8/mek\\_req\\_fre](http://www.saeima.lv/saeima8/mek_req_fre), last accessed on 13.10.2005

<sup>91</sup> Draft Law on Ombudsman, ([http://www.saeima.lv/saeima8/mek\\_req\\_fre](http://www.saeima.lv/saeima8/mek_req_fre))

legal status is not sufficient, if the Office does not receive financial and political support.

A specialised anti-discrimination department was established in August 2005 under the Secretariat of the Special Assignments Minister for Social Integration. The Department is responsible for the coordination and implementation of anti-discrimination policy and the promotion of a tolerant society. The Department has not launched any practical anti-discrimination initiatives yet.<sup>92</sup>

The decision on the development of the National Programme on the Integration of Roma should be seen in a positive light, taking into account that until now no measures at national level were taken to address problems faced by the Roma in Latvia. However, the prevailing dominant political stance “that there is no racism and racial discrimination” leads to doubts as to whether the programme will provide instruments to deal with one of the major problems the Roma face in Latvia – discrimination. This concern is supported by evidence regarding the implementation of the National Programme for the Promotion of Tolerance 2005 – 2009. In 2005, the funding for the programme was reduced and allotted mainly for campaign-like awareness projects, not the ones that would bring in systematic change.

Another very serious issue is the lack of disaggregated data, which requires immediate address. Lack and inconsistency of statistical data and research on discrimination, racism and xenophobia in all fields remains the object of concern. Politicians and government take advantage of lack of data by drawing conclusions that there is no discrimination as there are no data on it.

In the field of employment, there have been the first attempts to address the issue at both national and non-governmental level (see section on employment). In May 2005, the Ministry of Welfare announced the first call for tender for 13 research projects within the framework of the EU Structural Fund programme “Research in the Labour Market.” One of the tender’s requirements was the inclusion of ethnic, gender and regional dimensions in outcomes of all research projects. The majority (11 out of 13) research projects have been launched. The average length of the projects is 18 months. The research project, which will specifically focus on potential discrimination in the Latvian labour market, will be launched in January 2006 and should be completed in 17 months.<sup>93</sup>

The situation regarding data in other fields remain problematic and no steps have been taken to analyse or improve the availability of data.

The number of court cases involving the provisions of non-discrimination remains very small. The reason for lack of use even of existing legislation is low

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<sup>92</sup> Information obtained from the official of the Anti-discrimination Department of the Secretariat of the Special Assignment Minister for Social Integration

<sup>93</sup> Information provided by the Ministry of Welfare of the Republic of Latvia

awareness in society of the issue of non-discrimination and lack of belief in remedies, as well as the fear of being victimised. There have been no governmental activities to address the issue.

## **V.ii Racist violence and racist crime**

The growing number of allegedly racially-motivated incidents and the response of law enforcement representatives to these incidents indicate serious gaps in the legal framework. Article 78 of the Criminal Law is among the most important legal norms dealing with hate crime, but is restricted to incitement of racial or ethnic hatred. Law enforcement representatives, human rights and legal experts note that the major obstacle in its implementation is the high threshold of proof, requiring the proof of intent. No criminal provisions exist defining ordinary offences with a racist element as specific offences. Neither does the law define racist or hate motives as an aggravating factor. The lack of effective hate crime recording and an effective monitoring system leads to serious underestimation of the number of hate crimes.

Decisions taken by the State Police, the State Security Police and the Prosecutors Office regarding classification of and charges for allegedly racially motivated incidents raise serious concern as well. Victims in 2005 of violent incidents, reported them as racially motivated, however none of these incidents was finally classified as incitement to racial or ethnic hatred. The incidents were classified as hooliganism or minor hooliganism. Moreover, two of three cases which were initiated under charges of hooliganism were not brought to court at all on the grounds that the criminal offence did not result in criminalised damages or lack of *corpus delicti*.

As already mentioned, there are problems with data collection in any field, including statistics on hate crime. The State Security Police (police forces dealing with hate crimes) have provided non-matching numbers of initiated cases over one year. It seems that there is no distinct registration system of such cases. The Statistics Department of the Ministry of the Interior provides data on the number of court cases under a respective article of the Criminal Law without any additional information. The data on hate crimes is publicly available only in cases when the State Security Police make it available to the mass media. The number of initiated criminal cases under a respective article of the Criminal Law may be obtained from the Statistics Department of the Ministry of the Interior upon request.

As of 2006, there is no information available that any police forces received any training on how to deal with hate crimes and racial violence.

### **V.iii Counter-terrorism and protection of human rights**

There is no information available on counter terrorism measures taken, however racial profiling takes place in public institutions.

Not only is discrimination by public institutions considered non-existent, but racism in society and the possibility of racially motivated crime (which is not legally defined, except in incitement to hatred) is considered such a remote possibility that there is no provision for considering or reporting it in the investigation of a crime and there is no need for the training of police on the issue, according to the main criminal police department of the State police. The same department also expressed satisfaction at the fact that ethnicity will no longer be included in the documentation of the criminal procedure and investigation. There is no interest expressed in profiling or the monitoring of profiling at this level.<sup>94</sup>

### **V.iv Integration and social inclusion of ethnic and religious minorities**

After almost three years of drafting, Latvia adopted the National Programme "Integration of the Society in Latvia" in 2001. The Programme contained projects in the areas of public information, culture, education and others. Projects are financed through the Society Integration Fund. With the establishment of the new Ministerial post for Social Integration Affairs in 2003, the minister has assumed the coordination of the implementation and annual review of the programme.

The programme has received sharp criticism on different aspects since its adoption. The first criticism was that the programme attempted to remove its focus from ethnic integration by including regional integration. The programme mainly supported tasks and projects dealing with cultural participation of minorities. Integration experts, representatives of minorities and even the Special Assignments Minister for Social Integration, have admitted that Latvian society is far from the main goal of the programme - "formation of a unified, democratic, civil society which share common values."<sup>95</sup> One of the major impediments is the continuous nationalistic line, used more or less by all governments and governing political parties, that Latvians, their culture, language and people are under threat and efforts and attempts should be made to strengthen their position.

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<sup>94</sup> Latvian Centre for Human Rights and Ethnic Studies, unpublished report *Addressing Ethnic Profiling and Discrimination in Policing in Europe*, 2005

<sup>95</sup> Ruduša, Rita, *Discussion From "They" to "Us"*, public policy portal [www.politika.lv](http://www.politika.lv), 21.02.2006

## VI. Conclusion

The main issue regarding developments in the realms of anti-discrimination and anti-racism is the lack of almost any positive development. There has been very slow progress regarding implementation and development of legal mechanisms and norms of anti-discrimination, however these developments did not address the increase of manifestations of intolerance and racism sufficiently. There is a clear lack of systematic approach which could be explained by wide denial of racism at various levels, including MPs, officials and a broader public; lack of political will; very low awareness of discrimination; and weak civil society.

A very telling benchmark for assessing responses to racism and racial discrimination at political level is the statement of the Special Assignments Minister for Social Integration that there is no racism and racial discrimination in Latvia.<sup>96</sup> Although there are very few politicians who have called to take measures against manifestations of intolerance and racism,<sup>97</sup> the official attitude towards it is one of denial.

This denial is also clearly demonstrated in the priorities and policies of the Secretariat of the Special Assignment Minister for Social Integration, one of the should-be key bodies in the fight against racism and racial discrimination. Fighting against racism and discrimination are mentioned as only secondary tasks, while preservation of the culture and traditions of Livs<sup>98</sup> and meeting the needs of Latvian Diasporas abroad are mentioned as primary tasks.<sup>99</sup> The reduction of already very small funding allotted for the implementation of the National Programme for the Promotion of Tolerance is another clear sign of the government's priorities.

The denial of the problem among politicians is mirrored in a weak response to the problem from the side of civil society. Low awareness about these issues among all members of society also contributes to weak responses to manifestations of intolerance and discrimination. The number of NGOs is low in Latvia, while the number of NGOs which are dealing with any kind of discrimination is tiny.

There is also small but positive development in the field. The number of discrimination cases reviewed by court remained very low, however the cases of alleged discrimination in education handled by the Constitutional Court and the civil court decisions on the application of anti-discrimination clauses of the Labour Law constitute a positive development of emerging case law on

<sup>96</sup> Elksne, Paulīne, 'Rasisma u nas net', *Telegraf*, 16.02.2005, p.2

<sup>97</sup> Latvian Foreign Affairs Minister, Homepage of the Latvian Ministry of Foreign Affairs, <http://www.mfa.gov.lv/en/news/press-releases/2006/January/16-1/>, last accessed on 03.03.2006

<sup>98</sup> Indigenous people of Latvia. In 2005, there were about 200 Livs in Latvia.

<sup>99</sup> Homepage of the Secretariat of the Special Assignments Minister for Social Integration, <http://www.integracija.gov.lv/index.php?id=338&sadala=31>, last accessed on 03.03.2006

discrimination. It is important to note that in both discrimination cases, staff lawyers of NGOs represented the victims of discrimination.

Taking into account the above-mentioned situation, efforts should be made to bring more discrimination complaints to courts which would send clear signals to society that discrimination is unacceptable and illegal. Although the observable scale of manifestations of racism and intolerance in Latvia is comparatively smaller than in some other countries, measures should be taken both to assess the actual spread of these phenomena and develop and implement complex and systematic approaches addressing the issues.

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## ANNEX: Overall Assessment of Directive 2000/43/EC

- ⊖ Not yet implemented
- Partial implementation
- Fully implemented

Article	Provision	Implementation Status	Comment
2	<b>Concepts</b>		
	Direct discrimination	○	Two laws – Labour Law and Law on Social Security, which contain these 4 concepts - are adopted. There are a number of laws to be adopted to introduce these concepts in all required fields.
	Indirect discrimination	○	
	Harassment	○	
	Instruction to discrimination	○	
3	<b>Scope</b>		
	Employment	○	
	Vocational training	⊖	
	Working conditions	○	
	Membership of organisations	⊖	
	Social protection	●	
	Social advantages	●	

	Education	⊖	
	Goods and Services	⊖	
4	Exceptions for genuine and determining occupation requirements	Yes	
5	Government led positive action measures	No	
6	Anti-discrimination goes beyond the provision of the Directive	No	
7	Remedies available		
	NGO participation in complaints procedures	○	
8	Application of the shift in the burden of proof	○	In Labour Law
9	Victimisation	○	In Labour Law and Law on Social Security
10	Government dissemination of information	⊖	
11	Social dialogue on anti-discrimination	○	
12	Government dialogue with NGOs	⊖	NGOs were involved in development
13	<b><u>Functions of the Equality body</u></b>		LNHRO became a designated body under law amendments adopted just on 15.12.2005
	Provide assistance to victims	●	
	Conduct surveys concerning discrimination	⊖	
	Publish reports	⊖	
14	Review of existing law to ensure that they are compliant with the Directive	⊖	
15	Effective and dissuasive sanctions	⊖	