

European network against racism

# ENAR Shadow Report 2006

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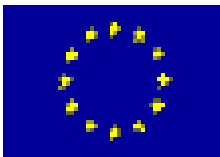
### RACISM IN LATVIA

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*Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.*

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

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## Table of contents

Table of contents .....	3
1. Executive summary.....	4
2. Introduction .....	6
3. Communities vulnerable to racism .....	7
4. Manifestations of racism and religious discrimination .....	9
4.1 Employment .....	9
4.2 Housing .....	13
4.3 Education .....	14
4.5 Health .....	17
4.5 Policing and racial profiling.....	18
4.6 Racist violence and crime .....	18
4.7 Access to goods and services in the public and private sector.....	21
4.8 Media, including the internet.....	22
5. Political and legal context .....	25
5.1 Anti discrimination .....	25
5.2 Migration and integration.....	28
5.3 Criminal justice .....	31
5.3.1 Racism as a crime.....	31
5.3.2 Counter terrorism .....	33
5.3.3 Racial profiling.....	33
5.4 Social inclusion.....	33
6. National recommendations .....	37
6.1 Anti discrimination .....	37
6.2 Migration and integration.....	37
6.3 Criminal justice .....	38
6.4 Social inclusion.....	38
7. Conclusion .....	39
8. Bibliography .....	40
9. Annex 1: List of abbreviations and terminology.....	44

## 1. Executive summary

The present Shadow Report highlights the situation of racism and discrimination in Latvia in several areas (employment, housing, education, racial violence and crime etc.) in 2006 and assesses the core political and legal developments in the area of anti-discrimination, migration and integration, criminal justice and social inclusion. The report is largely based on information collected by the NGO Latvian Centre for Human Rights.

In 2006, there was a continuing lack of comprehensive data and studies on manifestations of racism and discrimination in various fields. However, some studies and information reveal signs of segregation trends and minorities' unfavourable position in relation to the labour market and income, depending on their Latvian language proficiency. The situation and discrimination of the Roma minority has continued to raise concerns in all areas. However, most practices of segregation in education, usually in the form of special classes for Romani students discontinued in 2006. Meanwhile, the number of Romani students continued to decrease as well. In 2006, there was still no official information on the implementation of the minority education reform started in 2004 with the aim ensuring a minimum of 60% instruction in the Latvian language in secondary schools. Concerns among civil society regarding the possible decrease of quality in education remain.

In 2006, manifestations of intolerance against visibly different minorities remained a worrying trend. Opinion polls continued to reveal intolerance and prejudice against migrants, primarily those who are visibly different. There were several racist incidents, and the law-enforcement bodies have attempted to classify them as racially motivated crimes in contrast with 2005 when the police classified them as mere hooliganism. Meanwhile, there remains a strong need for the State to elaborate effective legal mechanisms and policy measures to respond to hate motivated violence.

Though there was limited progress in State measures to address discrimination, there were some positive tendencies. The adoption of the National Action Plan 'Roma in Latvia' 2007-2009 revealed a larger State commitment to combat discrimination against Roma. Another positive development was the first-ever court case on ethnic discrimination decided in favour of the victim, a Romani woman, whose interests were represented by the Latvian National Human Rights Office. However, Latvia is still in the process of transposing the EU Race Equality Directive into its legislation, and no significant State measures to raise public awareness were implemented.

Migration and integration of newcomers and asylum seekers have remained largely unaddressed issues at the political level in Latvia. However, the situation of asylum seekers, though very few in numbers, attracted increased attention in

2006. In particular, human rights observers were concerned with the situation of seven Somali persons who arrived in Latvia in 2005. Although they claimed asylum, they were placed in the camp for illegal immigrants and were not granted an alternative status until almost a year after their arrival. However, a few days before they were granted alternative status, they were released from the camp without any means of existence, shelter or valid identification documents, other than papers permitting them to leave the country within six months. NGOs were also concerned with the lack of State support for the integration of asylum seekers and persons granted alternative status, particularly with regards to access to housing and healthcare. Though there have been some discussions on the need to elaborate more inclusive migration policies with a view to promote employment, there were no initiatives to elaborate State policy for the integration of newcomers and asylum seekers.

In 2006, the nationalistic party Fatherland and Freedom pushed for the adoption a new Citizenship Law aimed at suspending naturalization and furthering other legislative initiatives to introduce strict Latvian language requirements. The negative political atmosphere caused by these nationalistic attempts contributed to minorities' mistrust to the State commitment to promote social inclusion. There were no significant policy measures to assess ethnic dimensions of social inclusion and to include this aspect in national strategies concerning social inclusion.

Finally, the present report makes the following key recommendations:

To the Latvian Government:

- Ensure the full transposition of the EU Race Equality Directive into national legislation;
- Improve coordination between state bodies dealing with anti-discrimination issues;
- Develop a comprehensive disaggregated data collection strategy;
- Conduct awareness-raising activities on the right to equality and non-discrimination;
- Conduct analysis on the situation of migrants and asylum seekers;
- Elaborate a social integration programme for newcomers and asylum seekers;
- Elaborate a national strategy to combat hate crimes;
- Conduct studies on the ethnic dimensions of social inclusion.

To the Ombudsman's Office:

- Conduct studies on vulnerable groups and discrimination;
- Improve cooperation and information exchange with State bodies and NGOs.

To NGOs:

- Develop capacity on anti-discrimination work;
- Develop cooperation and victim support networks.

## 2. Introduction

In 2006, issues of racism and discrimination have continued to receive little attention at the political level. Meanwhile, since 2005, manifestations of intolerance remained a worrying trend and several racist incidents reveal a strong need for the State to elaborate measures providing an effective response to racism.

There have been some positive tendencies regarding State policies and legal developments with a view to address problems of intolerance and discrimination. Positive developments included the adoption of the Law of Ombudsman's Office broadening the mandate of the Latvian National Human Rights Office (hereinafter - LNHRO, since 1 January 2007– the Ombudsman's Office) and the approval of the National Action Plan 'Roma in Latvia' 2007-2009, the first national programme aiming to fight discrimination against Roma. Also, the first-ever ethnic discrimination case in employment brought to a regional court decided in favour of a victim, a Romani woman, has promoted awareness on anti-discrimination.

Despite these positive developments, there was a continuing lack of significant institutional measures to tackle discrimination. In 2006, Latvia continued to transpose the EU Race Equality Directive 2000/43/EC in its legislation. Lack of data and studies on manifestations of racism and discrimination in all areas has continued to hamper positive developments.

The present shadow report highlights the situation of racism in Latvia throughout the 2006, as well as responses to this situation. The first section of the report provides an overview of the existing data on manifestations of discrimination in the fields of employment, education, housing, racial profiling, racial violence, access to goods and services in the public and private sector, and the media, including the Internet. The second section reviews developments in the legal and political context in four main areas: anti-discrimination, migration and integration, criminal justice, and social inclusion. Providing updates on core political and legal developments in 2006, the report also, where possible, includes NGOs' assessments of these developments. While the report does not focus specifically on developments in 2007, some key developments have been highlighted such as the adoption of legal acts and policy documents discussed in 2006.

The report to a great extent is based on information collected during 2006 and 2007 by the staff of the NGO Latvian Centre for Human Rights (hereinafter – LCHR). This information includes published and unpublished reports, as well as interviews and roundtable discussions with minority NGOs. Additional information for the purpose of this report was also collected.

### 3. Communities vulnerable to racism

The overall population of Latvia was 2.3 million in the beginning of 2007.<sup>1</sup> The ethnic composition included 59% Latvians, 28.5% Russians, 3.8% Belorussians, 2.5% Ukrainians, 2.4% Poles, 1.4% Lithuanians, 0.4% Jews, 0.4% Roma, 0.2% Germans, 0.1% Estonians, and 1.3% belonging to other ethnic groups.<sup>2</sup> There are several small ethnic minorities (each less than 0.1%), many of which are visibly different from the majority.

Latvian citizens represented 81% of the total population.<sup>3</sup> Although more than 120,000 persons have been naturalized since the process was launched in 1995, 418,440 of the residents still were non-citizens<sup>4</sup> representing about 18% of the population.<sup>5</sup> In 2006, the number of naturalization applications decreased by half as compared with 2005.<sup>6</sup> The share of foreigners and stateless persons did not exceed 2% of the total number of residents.

The problem of non-citizenship and ensuing restriction of several rights remained an issue concerning primarily the largest Russian-speaking minorities.<sup>7</sup> A low level of Latvian language proficiency is another problem increasing the social and economic vulnerability of the largest minorities, derived in particular from several linguistic requirements in the labour market.<sup>8</sup>

According to the *Eurobarometer* survey on discrimination in Europe, only 29% of Latvian respondents believed that ethnic discrimination is widespread in Latvia (EU average – 64%).<sup>9</sup> Only 10% of respondents in Latvia believe that discrimination on the ground of religion or belief (EU average – 44%) is widespread. However, another public opinion poll revealed that minorities and non-citizens more often claimed to be discriminated primarily in employment and education as compared with the majority and Latvian citizens.<sup>10</sup>

The number of Jews in Latvia is reported to be 10,336.<sup>11</sup> Anti-Semitic statements and hate speech on the Internet and in publications are not unusual and attitude

<sup>1</sup> Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 6 July 2007.

<sup>2</sup> Ibid. Minorities are primarily concentrated in the largest cities, including the capital Riga, where their share exceeds the majority's proportion and in the Eastern region Latgale.

<sup>3</sup> Ibid.

<sup>4</sup> Former Soviet citizens who were permanent residents of Latvia

<sup>5</sup> Naturalization Board, *Statistics on naturalization*, [http://www.np.gov.lv/index.php?en=fakti\\_en&saite=statistic.htm](http://www.np.gov.lv/index.php?en=fakti_en&saite=statistic.htm), accessed 6 July 2007.

<sup>6</sup> Most of non-citizens (66%) are Russians, Belorussians (13%) and Ukrainians (9%). Ibid.

<sup>7</sup> Ibid. 66% of the total number of Ukrainians and 61% of Belorussians were non-citizens while the share of non-citizens of Russian origin constituted 40% of the Russian minority. There is also a large percentage of non-citizens among small minorities who arrived in Latvia during the Soviet period (Tatars, Armenians, Moldavians, Azerbaijanians, Georgians and others); most of them are Russian-speaking. The share of non-citizens in other minority groups was smaller.

<sup>8</sup> According to public opinion polls, about a half of Russian-speakers reported a low level of Latvian language proficiency. See: Baltijas Sociālo zinātņu institūts, *Pilsoniskās sabiedrības veidošanās Latvijas lielākajās pilsētās un etniski neviendabīgākajos rajonos Latvijā* (Riga, 2005), p.58.

<sup>9</sup> European Commission, *Discrimination in the European Union*, Special Eurobarometer 263/Wave 65.4-TNS Opinion & Social (2007), p 68.

<sup>10</sup> Baltijas Sociālo zinātņu institūts, *Pētījums par cilvēktiesībām Latvijā* (Riga, 2006), p. 33.

<sup>11</sup> Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 6 July

surveys also tend to show that prejudice and intolerance against Jews is more common than against larger minorities.

The Roma most clearly experience disadvantages and discrimination in all areas.<sup>12</sup> According to official statistics, there were 8,559 people of Roma origin in Latvia at the beginning of 2007. However, according to Roma representatives, there are 15,000 – 20,000 Roma in Latvia.<sup>13</sup>

Several reported racially motivated verbal and physical attacks on dark-skinned persons over the past two years and intolerant attitudes in public opinion polls reveal that visibly different minorities have a high risk of becoming victims of racism.<sup>14</sup>

Although there is a lack of official data on manifestations of Islamophobia, public opinion polls reveal a high level of intolerance against Muslims.<sup>15</sup> There were 15 Muslim religious communities in Latvia in 2006.<sup>16</sup> The number of members of Muslim religious communities has been increasing over the last few years (from 199 in 2002 to 400 in 2006).

The number of migrants remained rather small: 2,801 persons arrived to Latvia in 2006.<sup>17</sup> Since 1998, when asylum procedure was launched in Latvia, 169 persons applied for asylum.<sup>18</sup> Over this period, ten persons have been granted refugee status and 17 persons were granted alternative status. In 2006, there were eight asylum seekers in Latvia; two persons were granted refugee status and eight persons were granted alternative status.<sup>19</sup>

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2007.

<sup>12</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.15.

<sup>13</sup> Ibid.

<sup>14</sup> Surveys reveal intolerance and social distance from people primarily coming from the Caucasus, Chinese, Africans and Kurds. See: Baltic Institute of Social Science, *Ethnic Tolerance and the Integration of the Latvian Society*, (Riga, 2004), p.67.

<sup>15</sup> 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. See: Ibid., p.67.

<sup>16</sup> Information obtained from the Latvian Board of Religious Affairs on 19 June 2007.

<sup>17</sup> Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355> , accessed 6 July 2007.

<sup>18</sup> Office of Citizenship and Migration Affairs, *Statistics on Asylum Seekers*, [http://www.ocma.gov.lv/?p=423&menu\\_id=112](http://www.ocma.gov.lv/?p=423&menu_id=112), accessed 6 July 2007.

<sup>19</sup> Ibid.

## 4. Manifestations of racism and religious discrimination

### 4.1 Employment

In 2006, LNHRO has received in total 348 complaints of alleged discrimination. Of these complaints, 49 were about discrimination on the grounds of race or ethnicity, 28 on the ground of language. No complaints were received on the ground of religion.<sup>20</sup> No statistics are available on discrimination in various fields separately.<sup>21</sup>

In 2006, there was the first case of discrimination in employment on the grounds of ethnicity that was decided in favour of the plaintiff, a Romani woman. The court in Jelgava awarded her 1,000 lats (EUR 1,435) compensation to be paid by the enterprise for not hiring her, referring to her 'accent' in the Latvian language.<sup>22</sup> The LNHRO represented the victim's interests in court.

The State Labour Inspectorate (hereinafter - SLI), a State body responsible for the control of the implementation of labour legislation, has received five complaints on alleged discrimination in 2006, however, there was no information on the grounds of discrimination, and most of them were 'groundless'.<sup>23</sup> In Latvia, very few NGOs work on anti-discrimination issues and provide legal consultation to the public, and no information on complaints about alleged ethnic discrimination was available in 2006. A low awareness of discrimination and possible remedies, as well as fear of being victimized, are among the main reasons for the limited number of complaints. In addition, another reason for a lack of information on the issues is that awareness of discrimination is low among most Latvian NGOs themselves.

Ethnic composition of the unemployed is the only available official data on the situation of minorities in employment (see Table No.1). The data of the State Employment Agency (hereinafter - SEA) does not reveal significant disadvantages of minorities with regards to unemployment, though disparities between unemployment rate and constituted percentage of the whole population may cause a concern of unfavourable position of certain ethnic groups in the labour market. This gap has been slightly reducing, though the number of unemployed who do not indicate their ethnicity has been increasing.

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<sup>20</sup> Information obtained from the Ombudsman's Office on 7 May 2007.

<sup>21</sup> Ibid.

<sup>22</sup> Latvian Centre for Human Rights, 'Latvia' in International Helsinki Federation of Human Rights: *Human Rights in OSCE Region, IHR Report 2007*, [http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc\\_id=74099](http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=74099), accessed 6 July 2007, 105-106.

<sup>23</sup> Information obtained from the State Labour Inspectorate on 5 July 2007.

<b>Table No. 1: Composition of the officially registered unemployed by ethnicity, %<sup>24</sup></b>												
	2001		2002		2003		2004		2005 (30.06)		2006 (30.06)	
	Of the unemployed	Of the total population	Of the unemployed	Of the total population	Of the unemployed	Of the total population	Of the unemployed	Of the total population	Of the unemployed	Of the total Population	Of the unemployed	Of the total population
Latvians	51.1	57.9	50.8	58.2	51.9	58.5	51.4	58.6	51.9	58.8	52.7	59.0
Russians	35.2	29.4	35.4	29.2	33.9	29.0	33.7	28.8	33.0	28.6	31.7	28.5
Belorussians	5.1	4.1	4.7	4.0	4.7	4.0	4.5	3.9	4.4	3.9	4.0	3.8
Ukrainians	2.9	2.7	2.9	2.7	2.8	2.6	2.7	2.6	2.7	2.6	2.5	2.5
Poles	3.0	2.5	2.9	2.5	2.9	2.5	2.6	2.5	2.6	2.5	2.4	2.4
Lithuanians	1.5	1.4	1.4	1.4	1.6	1.4	1.6	1.4	1.5	1.4	1.4	1.4
Jews	0.2	0.4	0.1	0.4	0.1	0.4	0.1	0.4	0.1	0.4	0.1	0.4
Roma	-	0.3	-	0.4	-	-	-	0.4	-	0.4	0.8	0.4
Other	1.6	1.3	1.7	1.3	1.7	1.7	2.7	1.3	3.6	1.4	1.0	1.6
No ethnicity indicated	-	-	-	-	-	-	-	-	-	-	2.4	3.4

There is also high unofficial unemployment whose rates vary across the regions. An econometric study by Mihails Hazans based on calculations from the Labour Force survey conducted by the Central Statistical Bureau of Latvia revealed that the unemployment rates of ethnic minorities relative to ethnic Latvians were 1.5 times larger in 2002 (consequently, 15% and 10%).<sup>25</sup> However, according to the latest study by Mihails Hazans, the ethnic gap in unemployment rates decreased from 5% to 3% in 2005.<sup>26</sup> According to the author, general economic progress could help to reduce the ethnic gap in employment rates, although minority women seemed to be more disadvantaged as compared to majority women and men. Yet, the employment rates differential between ethnic Latvians and non-Latvians has decreased from 6.3 in 2002 to 2.3 percentage points in 2005 (58.2% and 55.4%) while the ethnic gap narrowed to 1 percentage point for men (64% and 63%) and 4 for women (54% and 50%) (as compared to 4 and 8

<sup>24</sup> Central Statistical Bureau of Latvia, Data bases, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355> accessed 6 July 2007.

<sup>25</sup> Hazans, Mihails, Unemployment and the Earning Structure in Latvia, (World Bank Policy Research Working Paper No 3504, Washington: World Bank ECA Region and University of Latvia, 2005), p. 38, 39 and 90.

<sup>26</sup> Aasland, Aadne, 'Russians and Economy' in Nils Muiznieks, ed.: Latvian-Russian Relations: Domestic and International Dimensions (Riga: University of Latvia, 2006), 53-63.

percentage points respectively in 2002).<sup>27</sup> However, the ethnic gap remained substantial (10 percentage points) for persons with tertiary education.

Although there is not significant segregation of ethnic groups in employment status and occupation, Latvians tend to be concentrated in highly skilled non-manual occupations, while non-Latvians tend to be in skilled manual and elementary occupations.<sup>28</sup> Most significant is the dominance of ethnic Latvians in higher positions in public administration, while minorities are overrepresented in the fields of transport and communication.<sup>29</sup> A wage gap between the majority and minorities remained significant constituting 9% in 2005.<sup>30</sup> Another study by Mihails Hazans including an econometric analysis of a large-scale full-time employees' survey (except high rank managers and state officials) has found that a lack of or low level of Latvian language proficiency to a large extent explains the wage gap between the majority and minorities.<sup>31</sup> The study also found that language proficiency is a factor causing professional segregation as employees with relatively poor language proficiency mostly occupy professions which do not require constant use of the Latvian language.<sup>32</sup>

The Cabinet of Ministers Regulations deriving from the State Language Law stipulate the necessary state language proficiency level to the extent necessary for the performance of professional duties and duties of office.<sup>33</sup> The extent of state language proficiency required is approved in the mandatory and official procedure for testing language fluency in the public sector. In the private sector, the extent of state language proficiency required for employees and self-employed persons who perform certain public functions, as well as activities affecting legitimate public interest (e.g., medical staff, lawyers, notaries, guards and taxi drivers) is included in the list of professions. The Regulations also stipulate that employees in private enterprises and self-employed persons whose professions are not included in the list, and who are in close contact with consumers, should be able to provide information on goods and services in the state language.

In 2006, the State Language Centre (hereinafter – SSC), a state body under the supervision of the Ministry of Justice which is authorized to control the implementation of the State Language Law, imposed fines for administrative violations on 553 employees (620 in 2005) for insufficient use of the state

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<sup>27</sup> World Bank, Latvia: Sharing High Growth Dividend. A living Standards Assessment (Washington, D.C.: World Bank, 2007), p.xi, 38.

<sup>28</sup> Ibid., p.xi, 38-40.

<sup>29</sup> Aasland, Aadne, 'Russians and Economy' in Nils Muiznieks, ed.: Latvian-Russian Relations: Domestic and International Dimensions (Riga: University of Latvia, 2006), 53-63.

<sup>30</sup> World Bank, Latvia: Sharing High Growth Dividend. A living Standards Assessment (Washington, D.C.: World Bank, 2007), p. xv, 33.

<sup>31</sup> Baltijas Sociālo zinātņu institūts, Darba algas un to ietekmējošie faktori (Rīga, 2006), p.3. No major differences in wages between the majority and minorities are found if both ethnicity and Latvian language proficiency variables are considered (together with other factors). Ethnic gap becomes more significant if only ethnicity is considered: Russians' wages decline by 5.2% and other minorities' wages – by 3.4%.

<sup>32</sup> Ibid.

<sup>33</sup> Ministru Kabineta noteikumi Nr.296 (22.08.2000), Noteikumi par profesionālo un amata pienākumu veikšanai nepieciešamo valsts valodas zināšanu apjomu un valodas prasmes pārbaudes kārtību.

language; 446 of them were fined for insufficient use of Latvian language as prescribed for fulfilment of professional duties and duties in office, mostly in the private sector, particularly in trade enterprises.<sup>34</sup> On 19 December, the Government adopted amendments to the above-mentioned Regulations including a higher level of required state language proficiency for certain professions, including for example fire-fighters, who are now expected to be fluent in Latvian at the highest level.<sup>35</sup> According to estimations by the State Fire Fighting and Rescue Service, about 1/5 of fire-fighters in Latvia did not meet these requirements.<sup>36</sup>

According to the SEA, in 2006, 8,397 (or 20%) of all 41,980 unemployed persons did not have the adequate state language proficiency; almost the same number of unemployed formally possessed the lowest level of state language skills.<sup>37</sup> However, according to some interviews with the SEA representatives, there have also been cases where employers indicated preferred ethnicity and native language when recruiting for a job.<sup>38</sup>

The study on situation of Roma in Latvia (2003) revealed the clearly unfavourable position of the Roma minority and discrimination against them in employment: the number of Roma, who were involved in stable, official employment did not exceed 5% of those who were able to work.<sup>39</sup> Interviews in 2005 by the LCHR with representatives of the SEA and municipalities in Latvia have also identified more specific conclusions on discrimination cases where Roma were denied a job or vocational training.<sup>40</sup> NGOs representing the Roma minority often point to the discrimination against them.<sup>41</sup>

There are neither official nor unofficial data on the employment situation of migrants in Latvia (neither documented nor undocumented), including foreigners, refugees and asylum seekers, apart from the number of foreigners with work permits (2398 in 2006<sup>42</sup>) and the number of foreigners detained for working without a work permit (131).<sup>43</sup> Public opinion surveys reveal a clearly negative attitude towards a possible influx in the labour force in Latvia, including asylum seekers.<sup>44</sup>

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<sup>34</sup> Information obtained from the State Language Centre on 8 May 2007.

<sup>35</sup> Ministru Kabineta Noteikumi nr. 1023. (19.12.2006), Grozījumi Ministru kabineta 2000.gada 22.augusta noteikumos Nr.296 'Noteikumi par profesionālo un amata pienākumu veikšanai nepieciešamo valsts valodas zināšanu apjomu un valodas prasmes pārbaudes kārtību'.

<sup>36</sup> Zandere, I., 'Prasību maiņas dēļ par nepietiekamām atzīst piektdaļas ugunsdzēsēju valsts valodas zināšanas', 2007, *National News Agency LETA*, 5 February.

<sup>37</sup> Information obtained from the State Employment Agency on 6 July 2007.

<sup>38</sup> Latvian Centre of Human Rights, *Employment and Income in Latvia: Differences According to Gender, Age, Ethnicity and Regional Factors* (2007, unpublished project materials).

<sup>39</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003), p.31.

<sup>40</sup> Latvian Centre of Human Rights, *Employment and Income in Latvia: Differences According to Gender, Age, Ethnicity and Regional Factors*, (2007) unpublished project materials).

<sup>41</sup> E.g., discussion with representatives of minority NGOs organized by the Latvian Centre for Human Rights in Jelgava on 19 February 2007.

<sup>42</sup> Latvijas Republikas Ministru Kabinets, *Koncepcija par migrācijas politiku nodarbinātības kontekstā (informatīvā daļa)*, Rīga, 2007, [www.mk.gov.lv/lv/mk/tap/?pid=30276797&mode=mkk&date=2007-06-18](http://www.mk.gov.lv/lv/mk/tap/?pid=30276797&mode=mkk&date=2007-06-18), accessed 6 July 2007.

<sup>43</sup> Valsts Robežsardze, *Publiskais gada pārskats*, (2006), p.30.

<sup>44</sup> 70% of respondents believe that the state should prevent immigration of guest workers to Latvia; particularly intolerant attitudes were towards possible guest workers from China, Africa, Vietnam, other Asian states, and Turkey. See:

### Example of NGO Good Practice

Within the first eight months of 2006, in the framework of the '**Latvia – Equality in Diversity I**' project, in collaboration with the Special Tasks Minister's Social Integration Affairs Secretariat and the Latvian Judicial Training Centre and with the financial support of the European Commission, the Latvian Centre for Human Rights held six **training seminars for the judiciary**, mainly judges, on the application of the EU Racial Equality Directive 2000/43/EC and the EU Employment Framework Directive 2000/78/EC. In total, 73 judges and judiciary staff were trained (in total there are 487 judges in Latvia).

The training focused on the analysis of existing discrimination court cases in Latvia. The initiative is evaluated as significant due to: 1) its innovativeness - there have not been any training particularly on anti-discrimination provisions, including the two EU anti-discrimination directives for judiciary in Latvia; 2) coverage and availability – six training sessions were provided in regions outside the capital.

Training for judges is one component of the project 'Latvia – Equality in Diversity I' developed and administered by the Special Tasks Minister's for Social Integration Affairs Secretariat. It was approved and received total funding in the amount of EUR 89,751.<sup>45</sup>

## 4.2 Housing

The general lack of publicly available information on racism and discrimination in the housing sector in Latvia continued in 2006. The Central Statistical Bureau of Latvia and State bodies do not collect data on housing by ethnicity, legal status, or nationality.<sup>46</sup> The only ethnic data on households was collected for the last national census conducted in 2000. The only study on the Roma situation (2003) revealed that Roma clearly experienced disadvantages and have a high risk of becoming victims of discrimination in housing.<sup>47</sup>

In 2006, the LNHRO registered one verbal complaint on alleged ethnic discrimination in housing.<sup>48</sup> A leader of a Romani NGO verbally reported on alleged discrimination of the Roma in Jelgava (the third largest city in Latvia with

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Tirgus un sociālo pētījumu centrs SKDS, *Sabiedrības attieksme pret darbaspāka migrāciju*, Latvijas iedzīvotāju aptauja (Rīga, 2006), p.47, 52. According to another study, 42% respondents if he or she were an employer would hire an asylum seeker with an appropriate qualification, while 30% would not. See: Baltic Institute of Social Science, International Organization for Migration, *Attitudes of Latvia's residents, officials and NGOs towards asylum seekers* (Rīga, 2005), p.28.

<sup>45</sup> Information collected by the Latvian Centre for Human Rights on August 2006.

<sup>46</sup> Lukumiete Dace, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2005, [http://www.enar-eu.org/en/national/latvia/Latvia\\_2005.pdf](http://www.enar-eu.org/en/national/latvia/Latvia_2005.pdf), accessed 6 July 2007, p.18.

<sup>47</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Rīga, 2003),

<sup>48</sup> Information obtained from the Latvian National Human Rights Office on 23 August 2006.

a comparatively dense Roma population). The applicant claimed that officials of the Social Services Department of the Jelgava City Council provide the Roma, who are entitled to municipally-owned housing, with living spaces of the worst quality. According to the LNHRO, the case was closed as the applicant disappeared when the LNHRO wanted to investigate the case in cooperation with the applicant.

The media reported on housing related problems faced by seven Somali asylum seekers, including three minors, who came to Latvia in August 2005. After the appeal, the Somalis were granted alternative status on 13 July 2006. Upon their arrival, they requested asylum and they were placed in the illegal immigrant camp 'Olaine'. The Office of Citizenship and Migration Affairs (OCMA) turned down their asylum applications, but the seven asylum seekers appealed the decision. While the Refugee Affairs Appeal Council turned down the appeal on 7 July, when the legally permissible duration of their stay in the camp expired, they were released without being provided any shelter, means of existence or valid identification documents other than papers permitting them to leave the country within six months.

The seven Somalis were provided shelter by an NGO 'Zvannieku majas' whose main activity is providing support for children in crisis. On 3 August, the owner of real estate rented out by the NGO 'Zvannieku majas' announced that the tenants had violated the rent agreement and the Somalis had no right to stay there and threatened to terminate the rent agreement if within a month the NGO continued to accommodate third persons, including 'illegal immigrants.' The NGO responded that the owner's claims were legally ungrounded. The NGO did not take any action, however, the Somalis decided to move out. Neither the Somalis, nor the NGO have taken any legal action towards the owner of the real estate.<sup>49</sup> According to the LNHRO, this case in certain conditions could reveal racial discrimination, although a careful investigation was needed.<sup>50</sup>

### 4.3 Education

No information was available in 2006 (official or unofficial) on complaints and court cases about discrimination in education on the grounds of ethnicity, race, language or religion.<sup>51</sup> Apart from general shortcomings of statistics on education, the existing data are not usually disaggregated by ethnicity (e.g. educational performance and attainment of students).<sup>52</sup>

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<sup>49</sup> Sloga, G., 'Septiņi Somālieši paliek uz ielas', 2006, *Diena*, 7 February, p.1; Saatčiane, I. Somāliešu bēgļi izmitināti Skujenes pagasta 'Veczvanniekos', 2006, *National News Agency LETA*, 11 July; Brenčeva, V., 'VCB vērtēs patvēruma meklētāju statusa savlaicīgu nepiešķiršanu somāliešu bēgļiem', 2006, *National News Agency LETA*, 13 July.

<sup>50</sup> Brenčeva V., 'Veczvannieku' īpašnieks brīdina par iespēju izlikt somāliešus no viņam piederošā īpašuma' 2006, *National News Agency LETA*, 8 August.

<sup>51</sup> Information obtained from the Ombudsman's Office on 15 January 2006.

<sup>52</sup> Lukumiete Dace, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2005, [http://www.enar-eu.org/en/national/latvia/Latvia\\_2005.pdf](http://www.enar-eu.org/en/national/latvia/Latvia_2005.pdf), accessed 6 July 2007, p.19

In practice, there are three main types of public schools in Latvia: Latvian-language schools, Russian-language schools (implementing bilingual minority education programmes as prescribed by the Education Law adopted in 1998) and a few other minority schools (bilingual as well). In contrast with previous years, in 2006, the Ministry of Education and Science (hereinafter - MoES) did not published on its website the ethnic breakdown of students in general education schools, referring to the 'sensitivity' of such data, although such data was available on request.<sup>53</sup> The ethnic composition in public schools continued to demonstrate a decrease in the number of students of all ethnicities, including the majority.<sup>54</sup> Meanwhile, the share of minority students in Latvian schools has continued gradually to increase. 16% of students in Latvian schools were representatives of minorities or did not indicate their ethnicity.<sup>55</sup>

Minority education reform initiated in 2004 to secure a minimum of 60% Latvian language instruction in secondary schools has been periodically criticized in the Russian-language media, and left-wing politicians have reported allegedly decreasing quality of education in minority schools.<sup>56</sup> Still, public protest activities against the reform's goals and methods that occurred in 2004, decreased in 2005, and were not observed in 2006. One of the reasons for the decline in public protest activities might be the ruling of the Constitutional Court in 2005, which found that the reform does not constitute a breach of the Constitution or of international human rights standards, conditional on a flexible application of the norm to students who otherwise risk dropping out of school.<sup>57</sup> The Constitutional Court also noted that an effective quality monitoring mechanism of minority education had been lacking and should be introduced.<sup>58</sup> Lack of belief in possibility to achieve changes by NGOs and parents is another reason for the diminishing public protests. According to interviews conducted by the LCHR in four of Riga's schools in 2006, parents and school representatives claimed to be concerned about the implementation of minority education reforms, quality of education and teaching aids, but they were not aware of any effective forms of participation in decision-making or in the policy development process at both school and national levels.<sup>59</sup>

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<sup>53</sup> Information obtained from the Ministry on Education and Science on 4 January 2007.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Pliners J., Buhvalovs V., *Izglītības kvalitāte krievu skolās reformas apstākļos Latvijā* (2006), <http://www.pctvl.lv/?lang=ru&mode=library>, accessed 6 July 2007; Buhalovs V., *Vai reforma veicinās skolēnu konkurētspēju?* (2006), <http://www.politika.lv/index.php?id=60666>, accessed 6 July 2007; Saatciāne. I., 'Izglītības un zinātnes ministre aede EDSO komisāru pārrunā izglītības kvalitāti mazākumtautību skolās', 2006, *National News Agency LETA*, 20 April.

<sup>57</sup> Ruling of the Constitutional Court on minority education reform, <http://www.likumi.lv/doc.php?id=108255>, accessed 6 July 2007.

<sup>58</sup> Ibid.

<sup>59</sup> Latvijas Cilvēktiesību centrs, *Vecāku efektīvā līdzdalība izglītības politikā*, [http://www.dialogi.lv/pdfs/zinojums\\_gala\\_2006\\_oktobris.pdf](http://www.dialogi.lv/pdfs/zinojums_gala_2006_oktobris.pdf), accessed 6 July 2007, p.2-3. See also: Celms E. Latvia: *Quit Revolution in the Classroom*, 2006, <http://www.tol.cz/look/TOL/article.tpl?IdLanguage=1&IdPublication=4&NrIssue=190&NrSection=3&NrArticle=17769&pid=247&ALStart=16>, accessed 6 July 2007; Barkāns, E., 'Privatizācijas fizikālis – Pimenovs', 2006, *Nedēļa*, 9 September.

In 2006, there was still no official comprehensive evaluation and monitoring of the implementation of the minority education reform. MoES officials claimed that no reports of a decrease in the quality of education have been observed when comparing students' achievements,<sup>60</sup> and that the first results on the reform's quality would be provided by the end of the academic year 2006/2007, when minority students will pass standardised general school examinations.<sup>61</sup> In 2006, there was also a lack of a clear division of responsibilities and coordination with regard to minority education among responsible structures in the MoES.<sup>62</sup>

Roma education problems have continued to raise concern. The statistical data and studies of previous years reveals that education indicators for Roma are dramatically lower than for other ethnic groups;<sup>63</sup> low enrolment and early drop outs are among the core problems.<sup>64</sup> Until 2006, there were eight *de facto* segregated practices (usually special classes for Roma) which were opened around 2000.<sup>65</sup> According to information collected by the LCHR, in 2006 of eight practices, only two - the largest and most pervasive - have remained.<sup>66</sup> The responsible educators who were interviewed claim that segregated classes were closed due to a lack of Romani children, allegedly emigrating from Latvia together with their parents. Indeed, since 2002 the number of Romani students in general education schools has decreased from 1494 in 2004 to 1318 in 2006.<sup>67</sup> However, given the positive natural increase and net migration of Roma before 2006<sup>68</sup>, this trend could reveal the failure of mainstream schools to integrate Romani students<sup>69</sup> as well as the discriminatory practices against the Roma. Meanwhile, awareness-raising activities of some NGOs advocating for promoting mainstream education among Romani children (e.g. the LCHR and the Centre for Education Initiatives) might have influence on educators and Romani parents in their choice of schools.

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<sup>60</sup> Information obtained from the Centre for Curriculum Development and Examinations of the Ministry on Education and Science on 29 September 2006.

<sup>61</sup> Nestere, L., 'Mazakumtautības izglītības reformas pretinieki – vecāki', 2006, *Neatkarīgā Rīta Avīze*, 19 June, 1-4.

<sup>62</sup> Information collected by the Latvian Centre for Human Rights on October-November 2006.

<sup>63</sup> Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma* (2003), p.68.

<sup>64</sup> Krastiņas Elfrida, Bērziņa, Zenija, Zake, Daiga, *Romani Identity at a Multicultural School* (Riga: The Centre for Educational Initiatives, 2005), <http://www.iic.lv/en/publications/petijums-eng-pdf.pdf>, accessed 6 July 2007.

<sup>65</sup> Latvian Centre for Human Rights and Ethnic Studies (2003), *The Situation of Roma, 2003*, p.24.

<sup>66</sup> Data collected by the Latvian Centre for Human Rights in August - September 2006

<sup>67</sup> Information obtained from the Ministry on Education and Science on 4 January 2007.

<sup>68</sup> Central Statistical Bureau of Latvia, Data bases, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>.

<sup>69</sup> Lukumiete Dace, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2005, [http://www.enar.eu.org/en/national/latvia/Latvia\\_2005.pdf](http://www.enar.eu.org/en/national/latvia/Latvia_2005.pdf), accessed 6 July 2007, p.19.

### Examples of NGO Good Practice

In 2006, the Centre for Education Initiatives (hereinafter - CEI) completed the **'Roma in local community and school' project** launched in 2005,<sup>70</sup> which was the third concluding project in a series of projects – 'Qualitative education for Romani children' (2003/2004) and 'Romani child in welcoming school' (2004/2005) funded by the EU Phare programme administered by the Society Integration Foundation. The main objectives of all projects were to **include Romani children in mainstream classes through establishing local structures, such as the Romani Parent Support Centres, and training mainstream schoolteachers to work with Romani children.** The projects covered 12 municipalities and claim to have involved in total about 200 Romani children into mainstream classes over a three year period.

The CEI is the only publicly known organization in Latvia, which has implemented initiatives aimed at the integration of Romani children into mainstream classes. Besides, the project has a comparatively wide regional coverage. The CEI has been named by the draft National Action Plan 'Roma in Latvia' 2007-2009 as the responsible organisation for development nationwide inclusive practices of Romani students.<sup>71</sup>

#### 4.5 Health

There is no information about discrimination cases and practices in the area of access to healthcare services. There is also very limited data on the incidence of various illnesses and disorders in specific ethnic groups and no data about lifespan or disability. The data on ethnic composition of HIV-positive residents collected by the Latvian AIDS Prevention Centre is the only data available to the public on the situation of minorities in health. The data reveal a clear over-representation of minorities, Russians, Roma and migrants in particular, in the total number of HIV-positive persons. In 2004, the number of HIV-positive Latvians was 66 (20.4% of registered cases), Russians 156 (48.3%), Roma 21 (6.5%), other 15 (4.7%) (from Hungary, Ukraine, Poland, Tatarstan, Lithuania, Israel, Belarus, Armenia and Africa), and unknown 65 (20.1%).<sup>72</sup> No studies were done on the reasons for such differences. Roma could also be one of the risk groups for infectious and chronic diseases due to high levels of unemployment and poor living conditions.<sup>73</sup> The situation of Russians and other minorities is not assessed.

<sup>70</sup> Centre for Education Initiatives, *Project 'Roma in Local Community and Schools*, <http://www.iic.lv/en/projects/romainschool.html>, accessed 7 July 2007.

<sup>71</sup> Information collected by the Latvian Centre for Human Rights in August 2006.

<sup>72</sup> Kaupe, Ruta, *Latvia, The report of Latvia for A&M's Working Group II (The situation of migrant, mobile and young people regarding HIV/AIDS in the new European member states, (DIA+LOGS) (2006)*, p.60.

<sup>73</sup> Lukumiete Dace, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2005, [http://www.enar-eu.org/en/national/latvia/Latvia\\_2005.pdf](http://www.enar-eu.org/en/national/latvia/Latvia_2005.pdf) accessed 6 July 2007, p.23.

No analysis has been completed on the access of minorities and migrants to healthcare. However, some NGOs have been concerned about insufficient State support in access to healthcare for asylum seekers and refugees. Additionally, asylum seekers usually do not know local languages and infrastructure, and rely on NGOs and volunteers, as for example, in the case of the seven Somali persons.<sup>74</sup>

#### 4.5 Policing and racial profiling

There was a continued lack of official data and studies on racial profiling and discrimination in policing in Latvia in 2006. However, existing evidence from previous years in cases of police brutality, unofficial reports on stops and searches and raids, media criminal reports, and unofficial statements by police officers, as well as institutional practices of information gathering reveal signs of racial profiling.<sup>75</sup> The Roma are the most likely to be victims of racial profiling. Widespread and unrestrained prejudice against the Roma also serves as an indication that racial discrimination is a likely part of the institutional structure of policing. Other visibly different minorities - there have been indications that this was true for persons from the Caucasus, dark-skinned persons and immigrants - are at a high risk of becoming victims of racial profiling, although evidence is less pervasive and more scattered.<sup>76</sup>

The witness of the incidents of racial profiling in Latvian society is very low. According to *Eurobarometer* survey, only 16% of Latvians respondents (EU average – 55%) have agreed that in Latvia, the police stop and question more frequently people of different origin than the rest of the population.<sup>77</sup> This could be to a large extent caused to a small number of visibly different minorities in Latvia, but also because of a low awareness on their situation.

#### 4.6 Racist violence and crime

In 2006, the Criminal Law (in force as of 1999) contained provisions concerning instigation of ethnic and racial hatred, and religious discrimination. In particular, the Law included three sections which address racism and discrimination: Section 78 (Violation of national or racial equality and restriction of human rights), Section 150 (Violation of equality rights on the basis of religion), and Section 151 (Interference with religious rituals).<sup>78</sup> There were no legal norms providing explicit

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<sup>74</sup> Information obtained from a representative of the NGO DIA+LOGS on 28 June 2007; Information obtained from the NGO Afrolatvian Association on 3 July 2007.

<sup>75</sup> Latvian Centre for Human Rights, Preparatory Research Brief, *Addressing Ethnic Profiling and Discrimination in Policing in Latvia* (2005); Lukumiete Dace, Latvian Centre for Human Rights, *ENAR Shadow Report 2005*, p.24-26.

<sup>76</sup> Ibid.

<sup>77</sup> European Commission, *Discrimination in the European Union*, Special Eurobarometer 263/Wave 65.4-TNS Opinion & Social (2007), p.40.

<sup>78</sup> On 21 June 2007, the Saeima adopted amendments to the Criminal Law. Article 78 has been renamed from 'Violation

criminal liability for racially and other hate motivated violence and crimes in Latvian legislation.

The number of initiated criminal cases under Section 78 of the Criminal Law, providing criminal liability for instigation of ethnic and racial hatred, increased in 2005 when the State Security Police (hereinafter - SSP) initiated 13 criminal cases;<sup>79</sup> 14 criminal cases were initiated in 2006.<sup>80</sup> Most of the criminal cases have been initiated on the grounds of hate speech in the media, including on the internet, mainly against Latvians, Russians and Jews, but also against dark-skinned persons<sup>81</sup>. So far, there have been no cases opened under Articles 150 and 151 of the Criminal Law.

Similarly to 2005, the incidents of racist attacks have continued to raise concerns on increasing intolerance against visible minorities and their insufficient protection from hate crimes: all of the several racially-motivated assaults were directed towards visible minorities, mostly towards persons of South Asian and African origin. Victims included local residents, exchange students and tourists. Perpetrators were both men and women of young age, including juveniles, most often acting in a group. All cases classified under Section 78 in 2006 have been initiated in the capital of Latvia, Riga.<sup>82</sup>

In 2006, several cases which were reported to the police as racially-motivated violent crimes were classified by the police under legislation relating to instigation of racial hatred, and not as 'hooliganism' as was often the case in the 2005.<sup>83</sup> In 2006, three cases were brought to court; in two cases the court found the accused guilty under Section 78 of the Criminal Law, the third case was heard in January 2007 when the court imposed the first prison sentences for racially motivated violence in Latvia. However, there was a case which was re-qualified by the SSP as hooliganism and was under further investigation.

Four cases out of the total 14 cases initiated under Section 78 of the Criminal Law were not brought before court, as prosecutor closed cases on the basis of a special prosecutor's injunction and perpetrators were imposed fines; two cases were closed on the basis of the conclusion of the SSP that the cases do not qualify under criminal charges.<sup>84</sup>

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of national or racial equality and restriction of human rights' to 'Incitement to national, ethnic and racial hatred' and supplemented with new qualifying conditions – use of automated data processing systems and a new form of punishment – community service. The newly introduced article 149 'criminalizes discrimination on the grounds of race or ethnic affiliation, or other prohibited forms of discrimination if repeatedly committed within a year'. Article 150 has been renamed as 'raising religious hatred' (amendments available at the homepage of Saeima: <http://pro.nais.lv/naiser/vtext.cfm?Key=010301199806173277425869>, accessed 9 July 2007.

<sup>79</sup> Lukumiete Dace, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2005, [http://www.enar-eu.org/en/national/latvia/Latvia\\_2005.pdf](http://www.enar-eu.org/en/national/latvia/Latvia_2005.pdf), accessed 6 July 2007, p.26.

<sup>80</sup> Latvian Centre for Human Rights, 'Latvia' in International Helsinki Federation of Human Rights: *Human Rights in OSCE Region, IHR Report 2007*, [http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc\\_id=7409](http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=7409), accessed 6 July 2007, p.106.

<sup>81</sup> See also the section on 'Media, including the internet'.

<sup>82</sup> Information collected by the Latvian Centre for Human Rights in January 2007.

<sup>83</sup> In 2005, in one case police did not initiate any case, in four cases offences were qualified as hooliganism by police, although in one case the initial charges were brought for instigation of racial hatred.

<sup>84</sup> Information collected by the Latvian Centre for Human Rights in January 2007.

No unofficial statistics on racially-motivated incidents are available. However, in October, the racial victim support NGO the Afro-Latvian Association claimed that they have received in total at least four more reports from victims of racially-motivated attacks than officially reported.<sup>85</sup> According to the Afro-Latvian Association, the victims did not report the incidents to the police due to a lack of trust in law enforcement bodies and also due to unwillingness to be recognized by the media tending, to a large extent, to personalize information on racial incidents. The lack of foreign language skills of the police and limited translation services is another problem hampering the process of complaints' registration.

#### **Cases of reported racist incidents in 2006<sup>86</sup>**

In January, two students, citizens of Sri Lanka, were physically attacked by two young girls in one of the Riga suburbs. The assault was accompanied by verbal abuse. The State Police initiated criminal process under Section 78 of the Criminal Law on instigation of ethnic and racial hatred. In December 2006, the court sentenced the juvenile offenders under Section 78.2 of the Criminal Law to four years suspended imprisonment with a probation period of three years.

In February, the State Police detained an 18-year-old man for burning a cross in front of a building where, to the knowledge of the perpetrator, a black person resides. The perpetrator admitted that he put the cross on fire in protest against the dark-skinned person. The State Police initiated a criminal process under Section 78 of the Criminal Law. The case was heard by court in June. The accused pleaded guilty and was sentenced to a one year suspended imprisonment under Section 78 of the Criminal Law.

In March, the State Police initiated a criminal process under Section 78 for alleged racial assault on two citizens of Bangladesh. However, the SSP re-qualified the charges to hooliganism (Section 231, paragraph 2, Criminal Law). The case was forwarded to the State Police.

In June, two young men attacked a black man, a citizen of Rwanda, in the centre of Riga. The State Police initially filed the report as a case of 'hooliganism,' however, due to persistence of the victim and the NGO Afro-Latvian Association, the charges were re-qualified to instigation of ethnic and racial hatred (Section 78).

In September, a dark-skinned Canadian citizen was verbally abused on the grounds of his skin colour in the centre of Riga. The victim called the police and the State Police detained five youths. The victim claimed that he spent five hours in the police station so that police officers could record the incident mainly because of translation problems. He also stressed that police officers did not

<sup>85</sup> Information provided by the Afro-Latvian Association within the Conference 'Policing hate crime' on 28.08.2006.

<sup>86</sup> Information collected by the Latvian Centre for Human Rights in January 2007.

want to initiate criminal process but eventually, the case was registered under Section 78 of the Criminal Law. Later, the SSP closed the case arguing that no characteristics of criminal offence were identified.

In December, there was an alleged violent racial assault on a citizen of Brazil who was in the company of two locals. Two of the attackers were detained shortly. While the SSP opened a criminal case against the 17 year old youths under Part 2 of Section 78 of the Criminal Law, the Prosecutor's Office re-qualified it as hooliganism.

#### **4.7 Access to goods and services in the public and private sector**

There is very limited information on cases of discrimination in 2006 on the ground of ethnicity, race, language or religion in access to goods and services in the public and private sector. On 13 July 2006, the media reported on an alleged case of discrimination against Roma by an NGO distributing bread free-of-charge to low-income people in Jekabpils (town in the Eastern part of Latvia). The NGO refused to give bread to Roma individuals in Jekabpils, accusing Romani children of kicking a loaf of bread. A representative of the LNHRO stated that this incident could be viewed as discrimination.<sup>87</sup> According to a Jekabpils Romani NGO, non-Romani children kicked a loaf of bread. The NGO's representative stated that it demanded a public apology and would bring this case to court.<sup>88</sup> No information is available on the outcome of the case.

Legal norms stipulating language use in interactions with public institutions and also practices of language use have drawn increased attention in 2006, and can indirectly affect access to goods and services in the public sector. The LNHRO has received complaints from detainees in prisons on limited access to court, state and municipal institutions on the grounds of language because persons who are not proficient in the state language do not have translator's services, and applications written in other languages than Latvian, were rejected.<sup>89</sup> The Ombudsman's Office was planning to address this issue together with the Ministry of Justice and the Latvian Prison Administration.<sup>90</sup> According to Section 10 of the State Language Law (in force as of 2000), State and local government institutions, as well as courts and judicial institutions, accept and examine documents only in the official language, except in cases of urgent submissions (to the police and medical institutions, rescue services etc.); documents in a foreign language may be accepted if a translation into the official language is attached.

In June, the LNHRO asked the Prime Minister to examine the compliance of the

<sup>87</sup> Brenčeva V., 'VCB: Atteikumā dalīt maizi čigānu tautības jēkabpiliešiem saskatāma diskriminācija', 2006, *National News Agency LETA*, 12 July.

<sup>88</sup> *Diena*, 31 July 2006.

<sup>89</sup> Information obtained from the Ombudsman's Office on 7 May 2007.

<sup>90</sup> *Ibid.*

Cabinet of Ministers Regulation No.130 'On language use in information' (adopted in 2000) with human rights standards and the Constitution with a view to exploring possible amendments concerning minority language use in information provided by State institutions. Section 3.1 of the Regulation stipulates that State and local government institutions can provide, upon request, information in foreign languages about their activities. However, many state and municipal institutions, including the LNHRO, social services, the Special Tasks Minister's Social Integration Affairs Secretariat (hereinafter - IUMSILS, the Latvian acronym) have placed some of their leaflets, booklets and other written information on their premises. According to the LNHRO, the existing Regulation's provisions do not correspond to Article 90 (the right to know one's rights) and Article 100 (freedom of speech) of the Constitution as well as to the State Language Law's aim to promote integration of minorities into Latvian society.<sup>91</sup> In August, the Government made a protocol decision authorizing the IUMSILS and requesting the LNHRO to place information in minority languages announcing that information concerning the institutions' work in these languages is available on request.<sup>92</sup> Despite such a debate, the SSC has fined the LNHRO for displaying booklets in Russian and English in its information stands.<sup>93</sup> The SSC, often following requests by the radical nationalist politicians of the For Fatherland and Freedom party, conducted language use checks in other State bodies that are in close contact with minorities.

#### **4.8 Media, including the internet**

Most of the criminal cases initiated by the SSP have been on the grounds of hate speech in the media, including on the Internet. For example, in 2006<sup>94</sup> the SSP launched an investigation and initiated a criminal process against a minor for publishing offensive comments calling to kill and deport Russian-speaking residents on the website [www.delfi.lv](http://www.delfi.lv). The criminal process was closed on the basis of a special prosecutor's injunction<sup>95</sup>, however, the juvenile was fined the amount of LVL 450 (≈ EUR 640). Another case of racist comments targeting Roma and Turks on the Internet portal [www.draugiem.lv](http://www.draugiem.lv) was not brought before court, as the prosecutor closed the case on the basis of a special prosecutor's injunction and fined the perpetrator in the amount of LVL 400 (≈ 570 EUR). The outcome was similar for two other cases of racist comments on the same internet portal, one against dark-skinned people, mainly Africans.

Limited information is available on complaints concerning manifestations of intolerance in the media and on the internet. For example, the LNHRO received a complaint of verbal assaults against representatives of various ethnic groups,

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<sup>91</sup> Information obtained from the Ombudsman's Office on 17 April 2007.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Information collected by the Latvian Centre for Human Rights in January 2007.

<sup>95</sup> Instrument applied in cases when the prosecutor believes that the person should not be sentenced to imprisonment, however, the offence may not be left without sentence.

allegedly insulting their dignity and honour, in the 'Free Microphone' programme transmitted by Radio Channel 1. The LNHRO pointed to a lack of concrete individuals identified in the complaint and recommended the submission of a complaint to the court. According to the LNHRO, the Office has already appealed to the Radio Station and to the programme's producers to prevent dissemination of information insulting a person's honour and dignity.<sup>96</sup>

During the time period from 19 to 23 June, the NGO Dialogi.lv, in cooperation with the LCHR and with financial support of the British Embassy, conducted hate speech monitoring on Latvian Internet portals in the framework of the project 'Objective: Internet Without Hate'. The monitoring was done during the Friendship Days organized by NGOs representing the interests of LGBT in Latvia. While most (91%) of the total number (1325) of comments containing hate speech were against sexual minorities, there were 30 anti-Semitic comments, 21 comments against Latvians, 21 against Russians, 11 against Europeans, 3 against Muslims, and 2 against dark-skinned persons; other ethnicities also were mentioned.<sup>97</sup> Hate speech most often included degrading statements about the ethnic group, instruction to restrict their rights, incitement to violence and accusations of the group as criminal.

The IUMSILS commissioned a study titled 'Manifestations of Intolerance and Promotion of Tolerance in Latvia: Analysis of Press Publications' which included content analysis of articles in the four largest Latvian-language newspapers as well as in three Russian-language newspapers.<sup>98</sup> The study revealed that in 2004, issues related to minorities and tolerance were not topical subjects covered by the press, and most publications on certain ethnic groups did not concern Latvian minorities but prompted by events outside Latvia. For example, Muslims and Chechens were mentioned most often in a negative light in the context of terrorism, and Jews were mentioned in the context of anti-Semitism and the Holocaust. There were no discussions of possible discrimination, or of the social, economic and political problems of minorities; issues of culture were mentioned most often. Meanwhile, intolerance and aggressive statements most often were directed towards Latvians in Russian-language press and towards Russians in Latvian-language press; most manifestations of intolerance were directed not against ethnic groups as such, but against their political orientation and citizenship status. The conflict was most pronounced in articles on history, language and education policy. It should be noted that the study covered the period when conflict and tensions on minority education reform were broadly reflected in the press.

NGOs point to the lack of respect for diversity as a major problem in relation to discrimination. They highlight the need for State-funded media programmes (TV,

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<sup>96</sup> Information obtained from the Ombudsman's Office on 7 May 2007.

<sup>97</sup> Stroja, Anna, *Vārda brīvība vai informatīvais kars?*, <http://www.dialogi.lv/article.php?id=2551&t=o&rub=14&print=1>, accessed 7 July 2007, p.5.

<sup>98</sup> Šulmane, Ilze, Kruks, Sergejs, *Neiecietības izpausmes un iecietības veicināšana Latvijā*, 1.pētījums Nacionālās programmas iecietības veicināšanai 2005.-2009.g. (Rīga, 2006), p.4.

radio, etc.), and cooperation with the media to promote tolerance and awareness, and to disseminate information on diversity and of the activities of various ethnic and minority groups.<sup>99</sup> There are concerns that the media tends to reflect incidents of racism as the victim's problem, ignoring the fact that racism is a problem of the whole society.<sup>100</sup>

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<sup>99</sup> Summary from the First ENAR-Latvia roundtable 'European Year of Equal Opportunities for All 2007' organized in cooperation with the ENAR Secretariat on 3 November 2006.

<sup>100</sup> Information obtained from the ENAR-Latvia meeting on 23 February 2007.

## 5. Political and legal context

The political composition of the Parliament and the Government changed little after parliamentary elections in October. The former ruling coalition of right-wing parties, with the People's Party as the leading party, won 51 of the 100 seats in Parliament. The OSCE Parliamentary Assembly and the OSCE ODIHR have noted that while parliamentary elections were administered transparently and professionally, the fact that a significant percentage of the adult population [Latvian non-citizens] does not enjoy voting rights represents a continuing democratic deficit.<sup>101</sup> The mission has also pointed to the lack of information in languages other than Latvian produced by the Central Election Commission, despite recommendations by a previous mission to rectify this 'given that Russian remains the first language of a substantial proportion of Latvia's voting population'.<sup>102</sup> The outcome of the elections has changed little with regards to minority representation in Parliament: of parliamentarians 78% are Latvian and 15% are Russian, with one Roma, one Jew, one German, and 4 who did not disclose their ethnicity.<sup>103</sup>

The nomination of certain politicians to posts responsible for human rights and citizenship related areas has caused concern. In particular, a representative of the Latvian First Party known for previous homophobic statements was nominated the head of the Saeima Human Rights Committee while another official from the nationalistic party For Fatherland and Freedom who has called for the suspension of naturalization and stringent linguistic requirements was nominated as the Chair of the Saeima Citizenship Law Implementation Committee. Another representative of the For Fatherland and Freedom was assigned as the Minister of Justice.

### 5.1 Anti discrimination

#### Political developments

On 17 October, the Cabinet of Ministers adopted the National Action Plan 'Roma in Latvia' 2007-2009,<sup>104</sup> the first state policy document aimed at fighting discrimination and intolerance against the Roma. The Plan was elaborated by a working group, composed of representatives of Roma communities, State institutions and NGOs under the auspices of the IUMSILS. The Plan highlights three main areas for improvement and development: combating discrimination

<sup>101</sup> Joint conclusion of the Parliamentary Assembly of OSCE and ODIHR, [http://www.osce.org/documents/odihr/2006/10/21249\\_en.pdf](http://www.osce.org/documents/odihr/2006/10/21249_en.pdf) accessed 7 July 2007.

<sup>102</sup> Ibid.

<sup>103</sup> Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 6 July 2007.

<sup>104</sup> Valsts programma 'Ķigāni (romi) Latvijā' 2007.-2009.gadam, [http://www.integracija.gov.lv/doc\\_upl/valsts\\_programma\\_Cigani\\_romi\\_Latvija.pdf](http://www.integracija.gov.lv/doc_upl/valsts_programma_Cigani_romi_Latvija.pdf), accessed 7 July 2007.

against the Roma in education; combating discrimination against the Roma in employment; raising awareness of the broader public on anti-discrimination issues and the promotion of tolerance towards the Roma. The Saeima allotted LVL 50,000 (≈ EUR 71,143) for implementation of the Plan in 2007.

Since 2006, the LNHRO (the Ombudsman's Office since 1 January 2007) was made responsible for the implementation of the principle of equal treatment (tackling various grounds of discrimination) and officially designated as an equality body in accordance with Article 13 of the EU Race Equality Directive. In 2006, the LNHRO applied for the first time its right (not duty) to represent the interests of a victim in court (as stipulated by the amendments to the Law on the Latvian National Human Rights Office on 15 December 2005). In practice this activity could promote some increase in the number of complaints.<sup>105</sup> Four staff members worked at the Unit for Eliminating Discrimination created in 2005.<sup>106</sup> There was a continuing lack of leadership of the LNHRO, and discussion on potential candidates for the Ombudsman's post began in the Parliament at the end of the year.

No significant awareness-raising activities were implemented by State bodies. The IUMSILS, is responsible for transposing the EU Race Equality Directive, drafting legislation and policy documents in the area of anti-discrimination, as well as implementing the National Action Plan on Promotion of Tolerance 2005-2009 (adopted in August 2005) and the above-mentioned National Action Plan 'Roma in Latvia' 2007-2009. It administrated a project titled 'Latvia-Equal in Diversity I' (LED-I), implemented in co-operation with various actors within the framework of the Community Action Programme to Combat Discrimination for the year 2005. The total budget of the project, which consisted of 6 sub-projects, was EUR 89,751. This was the first multi-component project of the national authorities in the field of anti-discrimination targeting various groups with the approval of a follow up project (LED-II) which started in October. Three staff members worked in the Department of European Policy of Non-discrimination established in August 2005.<sup>107</sup>

No measures were implemented to address the lack of disaggregated data and shortcomings in data collection in all areas. Awareness on the need for such statistics is low among many State institutions; they claim that such ethnic data collection is not important since 'ethnicity has no meaning' or that this data is not collected because it might be 'sensitive'.<sup>108</sup>

In 2006, some State institutions have started to pay increased attention to anti-discrimination issues. For example, the SLI published an information leaflet on

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<sup>105</sup> Latvijas Valsts Cilvēktiesību birojs, *Aktuāli cilvēktiesību jautājumi Latvijā 2006.gada 2.ceturksnī*, [http://www.vcb.lv/zinojumi/2006.g.2.cet.doc#\\_Toc141277897](http://www.vcb.lv/zinojumi/2006.g.2.cet.doc#_Toc141277897), accessed 7 July 2007, p.17.

<sup>106</sup> Information on the Ombudsman's Office is available on the website [www.vcb.lv](http://www.vcb.lv), accessed 7 July 2007.

<sup>107</sup> Information on IUMSILS' activities is available at: [www.integracija.gov.lv](http://www.integracija.gov.lv), accessed 7 July 2007.

<sup>108</sup> Information collected by the Latvian Centre for Human Rights in January-March 2007.

equal treatment and the Society Integration Foundation announced a project tender on combating discrimination and all forms of intolerance.

### **Legal developments**

The transposition of the EU Race Equality Directive 2000/43/EC into Latvian legislation was still incomplete in 2006. Similar to the requirements of the Employment Framework Directive, the provisions of the Race Equality Directive have been largely transposed into the Labour Law (with amendments made in 2004). In 2004, amendments to eight laws were developed by a working group at the IUMSILS in order to ensure the transposition of the Race Equality into Latvian legislation. In 2005, amendments were made to the Law on Social Security (1 December 2005) and the Law on the Latvian National Human Rights Office (15 December 2005). In 2006, the Saeima adopted amendments to the Law on Associations and Foundations (2 November 2006) providing the right for NGOs (whose statutes aim to protect human rights and individual freedoms) to submit applications on a person's behalf with their consent to institutions or to court, and to defend the interests and rights of persons in cases related to violations of the principle of equal treatment. According to the adopted amendments to the Law on the State Civil Service (2 November 2006), legal norms regulating relationships at work and stipulating the principle of equality, prohibition of differential treatment and victimization shall be applied in the legal relationships of the civil service.

On 6 April 2006, the Saeima adopted the Law on the Ombudsman's Office (effective 1 January 2007) stipulating that the Ombudsman's Office takes over rights and duties of the LNHRO.

### **The NGO assessment**

The lack of full transposition of the EU Race Equality Directive continues to raise concerns among NGOs and civil society.<sup>109</sup> The requirements of the Directive have been transposed into the national legislation above all in the areas of employment (both in the public and private sector) and social protection (including social security, healthcare and social advantages provided by the State and municipalities). However, the transposition of the Directive remains problematic in the areas of the supply of goods and services, in both public (including housing as well as healthcare) and private spheres.<sup>110</sup> According to some experts, even where the Directive is transposed, the proposed

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<sup>109</sup> Latvian Centre for Human Rights, 'Latvia' in International Helsinki Federation of Human Rights: *Human Rights in OSCE Region, IHR Report 2007*, [http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc\\_id=7409](http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=7409), accessed 6 July 2007, p. 105.

<sup>110</sup> Human European Consultancy, Migration Policy Group, *Comparative Analysis on National Measures to Combat Discrimination Outside Employment and Occupation*. Mapping study on existing national legislative measures – and their impact in – tackling discrimination outside the field of employment and occupation on the grounds of sex, religion or belief, disability, age and sexual orientation, VT/2005/062 (December 2006), p.20.

amendments do not fully cover its provisions; for example concerning access to education.<sup>111</sup>

There was a continuing lack of significant institutional policies and measures to tackle ethnic, racial and religious discrimination and to raise awareness. The adoption of the National Action Plan 'Roma in Latvia' 2007-2009 is a significant step ahead. However, the limited funding, the short term of the program, as well as the involvement and selection of those implementing the tasks are among the main risk factors in its successful implementation. Meanwhile, the effectiveness and capacity of the equality body has continued to raise concerns, though the representation by the LNHRO of a victim in the first-ever court case on ethnic discrimination is, undoubtedly, a major step towards raising public awareness on anti-discrimination and Roma issues.

Court practice remained limited, and there is the need for further capacity-building of Latvian judiciary and NGOs, including trade unions. Many NGOs agree that there is a strong need to raise public awareness on the right to equality and non-discrimination, as well as on cases of discrimination and remedies.<sup>112</sup>

## 5.2 Migration and integration

### Political developments

The issue of migration has attracted little attention on the part of national authorities, due in large part to the relatively small number of migrants (foreigners with residence and work permits, stateless persons, refugees and asylum seekers) in Latvia. However, in 2006 discussions on labour migration intensified due to the fact that a significant portion of the Latvian population has left to work abroad after Latvia's accession to the EU which has caused shortage of labour in various branches of the economy. Another reason for the increased discussions on migration could be the debates on asylum that were generated on events related to the arrival of (the previously-mentioned) seven Somali migrants in 2005. Meanwhile, none of the existing national programmes for promoting integration target newcomers and there are no special integration policies or programmes for migrants and asylum seekers.

On 1 February, the Cabinet of Ministers has approved the Development Program for Common Asylum and Migration Administration System 2006-2009.<sup>113</sup> The main aims of the program are to increase the administrative capacities of the

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<sup>111</sup> Pūce, I. *Report on situation of fundamental rights in Latvia 2005* (EU Network of Independent Experts on Fundamental Rights (2005).

<sup>112</sup> Summary from the First ENAR-Latvia roundtable 'European Year of Equal Opportunities for All 2007' organized in cooperation with the ENAR Secretariat on 3 November 2006.

<sup>113</sup> *Vienotā patvēruma un migrācijas vadības sistēmas programma 2007.-2009.gadam* (Ministru Kabineta 2006.gada 1.februāra rīkojums Nr.60) (RTiņa, 2006).

institutions involved in controlling migration and develop one common and effective information system on issues related to migration. The program notes that although at the moment Latvia does not face serious problems concerning migration, in the future the number of immigrants will increase and consequently the role of police and the State Border Guard in controlling these processes will increase. The program also notes a necessity to integrate foreigners in Latvian society, in particular to develop and implement various integration programs for foreigners. The estimated funding for the implementation of all tasks foreseen by the program in 2006 is LVL 2,723,463 (≈ EUR 3,875,138). There is no information available on the implementation of this programme, including on the development of integration programs for foreigners. There is also no information on the division of responsibilities between various State bodies in the area of migration policies.

An inter-institutional working group established in May elaborated a draft Framework on Migration with the Purpose of Employment. The aim was to assess the need to promote labour migration to Latvia and to make proposals to reduce the administrative burden in the procedure of issuing residence and working permits to migrants for the purposes of employment, in accordance with principles of good governance.<sup>114</sup> The document only covers the area of employment and does not address the issue of social integration. The Framework was announced at the State Secretaries' Meeting in January 2007.

At the end of the year, discussions the need to solve the local labour shortage through the attraction of foreign workers shifted from the media into a political arena; a few high officials admitted that guest workers are the only way to solve the situation.<sup>115</sup> However, the Prime Minister has repeatedly announced that no changes will be introduced to the national immigration policy.<sup>116</sup> The Declaration of Cabinet of Ministers adopted in November outlined as a tool for overcoming demographic crisis the need for implementation of state-managed immigration processes, *inter alia* 'by using training of high-level specialists in Latvian universities to prevent uncontrolled and illegal immigration'. The Declaration also calls for 'the examination of risks and the development of a national policy in the area of integration of legal immigrants and refugees' as a measure for promotion of tolerance.<sup>117</sup>

In 2006, media and civil society have closely monitored the procedure of granting refugee status as well as the process of social integration for the seven Somalis who arrived to Latvia in 2005.<sup>118</sup> The process has drawn attention to problems related to the lack of appropriate interpretation and application of the existing norms by national authorities as well as the lack of effective state measures to

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<sup>114</sup> Latvijas Republikas Ministru Kabinets, *Koncepcijas par migrācijas politiku nodarbinātības kontekstā kopsavilkums* (Rīga, 2007), [www.mk.gov.lv/lv/mk/tap/?pid=30276797&mode=mkk&date=2007-06-18](http://www.mk.gov.lv/lv/mk/tap/?pid=30276797&mode=mkk&date=2007-06-18), accessed 7 July 2007.

<sup>115</sup> Šlesers: Latvijas darba tirgus jāatver, taču jānosaka ierobežojumi, 2006, *National News Agency LETA*, 18 December.

<sup>116</sup> Dumina, Z., Šlesers atbalsta darbaspēka ieviešanu, Kalvītis pret', 2006, *Diena*, 19 December, p.1

<sup>117</sup> Deklarācija par Ministru kabineta iecereto darbību, <http://www.mk.gov.lv/lv/mk/darbibu-reglamentejosie-dokumenti/deklaracija/>, accessed 7 July 2007.

<sup>118</sup> See also the section on 'Housing'.

address the social needs of asylum seekers. However, no information on a comprehensive analysis of the human rights situation of asylum seekers in Latvia is available.

The OCMA, in collaboration with the Liepaja District Council, the International Organization for Migration (IOM), the NGO 'Charity CARITAS LATVIA' and the Red Cross in Latvia, continued implementation of the EU EQUAL project 'Step by step' launched in 2005. The project involves state and non-state actors in bringing national legislation in line with the EU standards and aimed at the promotion of professional and social integration of asylum seekers. This is the only project at the national level specifically targeting refugees and asylum seekers.

In 2006, as part of the project, a working group composed of state officials and NGOs elaborated draft amendments and regulations aimed at transposing into Latvian legislation provisions of Council directive 2005/85/EC and Council directive 2003/9/EC. Another group of experts elaborated a training strategy for personnel working with asylum seekers. The IOM produced a manual on a working with asylum seekers.<sup>119</sup> The Liepaja District Council published methodical recommendations for teaching Latvian to persons with basic Latvian language proficiency. Finally, a brochure titled 'Asylum seekers interview methods adjusted to Latvia's situation' was under development, including topical information for asylum seekers (approval of education certificates, Latvian language training opportunities, etc.) and models for the social and professional integration of asylum seekers.<sup>120</sup>

### **Legal developments**

In 2006, there were no significant legal developments in the area of migration, and no legal analysis was made on the situation.

### **The NGO assessment**

There is no systematic approach to migration policy in Latvia. The lack of migration policy is accentuated by the context of prevailing intolerance in society against possible newcomers and visibly different minorities. There is a lack of data and comprehensive analysis of the actual situation of migrants, including asylum seekers. Problems related to asylum seekers and their integration have raised concerns among NGOs and observers. In particular, civil society representatives were concerned with the lack of State action when seven Somalis remained without any shelter after they were released from the illegal immigrant camp 'Olaine' and had no legal status in July.<sup>121</sup> Some NGOs

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<sup>119</sup> IOM Starptautiskā Migrācijas organizācija, *Rokasgrāmata darba ar patvēruma meklētājiem* (2006), <http://www.pmlp.gov.lv/images/documents/rokasgramata.pdf> accessed 7 July 2007.

<sup>120</sup> Information on the project is available at: Office of Citizenship and Migration Affairs, [http://www.ocma.gov.lv/?p=446&menu\\_id=122](http://www.ocma.gov.lv/?p=446&menu_id=122), accessed 7 July 2007.

<sup>121</sup> Information obtained from the NGO Afro-Latvian Association on 2 July 2007.

representing the foreigners' community also found that there was insufficient state commitment to tackle the issues of racism and discrimination. They also point to a lack of integration measures, including a state language training system for newcomers.<sup>122</sup>

## **5.3 Criminal justice**

### **5.3.1 Racism as a crime**

#### **Political developments**

Except for calls by some high-level officials to deal with manifestations of intolerance, 2006 saw very limited progress regarding the development of policies tackling hate crime.

There is no information on state-funded initiatives to conduct training for the police on racist and hate crime. In January, the U.S. Embassy conducted a training seminar on this issue. The LCHR has organized trainings for the police in the framework of the international conference on 'Policing Hate Crimes'.<sup>123</sup>

No actions were taken to improve data collection, including the scope of unreported racial violence.

There is no information on political discussions concerning the EU Framework Decision on Racism and Xenophobia in 2006.

#### **Legal developments**

Amendments to the Criminal Law were under preparation and discussion, though they were lacking in coordinated action between the relevant public authorities and were not adopted until the end of the year. In practice, Section 78, stipulating criminal liability for instigation of ethnic and racial hatred, was very rarely used, especially before 2005, allegedly because of the high standard of proof, although the question of narrow interpretation has been raised by some legal experts and law enforcement representatives.<sup>124</sup> Meanwhile, law enforcement authorities have faced problems in dealing with racially-motivated incidents and have qualified them as hooliganisms thus raising concerns about the effectiveness of the existing legislation, as well as the capacity of authorities to tackle hate-motivated incidents.

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<sup>122</sup> Summary from the First ENAR-Latvia roundtable 'European Year of Equal Opportunities for All 2007' organized in cooperation with the ENAR Secretariat on 3 November 2006.

<sup>123</sup> Information on the conference is available at <http://www.humanrights.org.lv/html/news/28890.html>, accessed 7 July 2007.

<sup>124</sup> Pūce, I. (2005), Report on situation of fundamental rights in Latvia 2005 (EU Network of Independent Experts on Fundamental Rights (2005), p.82.

Some positive developments occurred when the Saeima, without any public discussions, adopted amendments to the Criminal Law stipulating that racial violence is one of fourteen aggravating circumstances on 12 October. This amendment should pave the way for a clearer division between incitement to hatred and violent hate crimes.

On 23 November, the Saeima in the first reading repeatedly adopted the amendments to the Criminal Law elaborated *inter alia* in the framework of the transposition of the EU Race Equality Directive. Though the amendments in the first reading were adopted for the first time in 2004, their further adoption was stopped. The draft amendments distinguished criminal liability for offences related to instigation of ethnic and racial hatred from prohibition of discrimination, and included in Section 150 the last provision listing various grounds of discrimination. The draft amendments also included sanctions for discrimination not only on ethnic and racial grounds but also other grounds (sex, age, religious beliefs, political and other affiliation, education, social origin, social and welfare status, profession, health or sexual orientation).

Meanwhile, in August, in response to extreme manifestations of intolerance towards activities held by LGBT groups in July, the Prime Minister assigned the Ministry of Justice task of developing other amendments to Section 78 of the Criminal Law to expand its scope beyond race and ethnicity. On 21 December, the amendments were announced at the State Secretaries' Meeting. The amendments included similar division between incitement to racial and national hatred and discrimination, and widened the scope of prohibited grounds of discrimination. However, added to Section 78 was also a provision prohibiting instigation of religious hatred while Section 150 (2) stipulated *inter alia* criminal liability for instigation of hate on several other grounds. Meanwhile, in February 2007, these amendments were recalled after protests of religious groups against the inclusion of sexual orientation in the list of grounds of discrimination.<sup>125</sup>

On 5 October, the Saeima ratified the 'Council's of Europe Convention on Cybercrime and Additional protocol to the Convention on Cybercrime concerning the criminalization of acts of racist and xenophobic nature committed through computer systems'.

### **The NGO assessment**

Since 2005, Latvian NGOs have expressed their concern about cases of racial incidents and the fact that several allegedly racially-motivated attacks were qualified as hooliganism. After an assault on a dark-skinned person in June 2006, a number of NGOs issued a joint statement stating that the reaction of police to the assault revealed several gaps in its work and in Latvian legal norms.<sup>126</sup> The LCHR and ENAR-Latvia has emphasized the need for the

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<sup>125</sup> Latvijas Cilvēktiesību Centrs, unpublished report *Diskriminācijas gadu grāmata 2005-2007* (forthcoming in 2007).

<sup>126</sup> Brenčeva, V., 'Sabiedriskās organizācijas nosoda pret 'AfroLat' biedru vērsto rasistisko uzbrukumu', 2006, *National*

Government to elaborate an action program to improve legislation and the work of the police in tackling hate crimes.<sup>127</sup> Yet, despite calls by experts and high-level politicians, no initiatives were launched to develop more efficient tools to address manifestations of various forms of intolerance, including hate crime, at a legislative level and by the police. Neither a national policy nor strategy for combating racism and xenophobia has been elaborated.

Another problem which has not been addressed to date is the lack of official and unofficial data collection mechanisms and data on racially-motivated incidents.<sup>128</sup> There is no national institution collecting or dealing with data specifically on hate-motivated crimes, including racist incidents. In 2006, the data of the State Security Police and the Information Centre of the Ministry of Interiors, the two institutions which register and collect data on criminal offences, did not coincide.<sup>129</sup>

### 5.3.2 Counter terrorism

In 2006, there was no major debate on counter-terrorism measures, including on their possible impact on ethnic and religious communities.

### 5.3.3 Racial profiling

There is no information available on any political discussion on the acceptability of the use of racial profiling or specific methods for racial profiling. There were also no legal developments pertaining to racial profiling.

## 5.4 Social inclusion

### Political developments

There was generally a lack of significant policy measures to address to the issues of social inclusion of minorities.<sup>130</sup>

On 26 September, the Cabinet of Ministers adopted the 'National Report on Strategy for Social Protection and Social Inclusion' (2006-2008) prepared by the Ministry of Welfare. Ethnic minorities ('particularly the Roma') and ethnic minority children ('especially Romani children') are named in the report as vulnerable groups, *inter alia*. The report highlights the disadvantaged position of the Roma in education; data on students of Roma origin in general education schools is the only data with ethnic dimension mentioned in the report.<sup>131</sup> The report includes

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*News Agency LETA*, 12 June.

<sup>127</sup> *Ibid.*

<sup>128</sup> Lukumiete Dace, Latvian Centre for Human Rights, *Racism in Latvia*, ENAR Shadow Report 2005, [http://www.enar-eu.org/en/national/latvia/Latvia\\_2005.pdf](http://www.enar-eu.org/en/national/latvia/Latvia_2005.pdf), accessed 6 July 2007, p.33.

<sup>129</sup> Information collected by the Latvian Centre for Human Rights in January 2007.

<sup>130</sup> See also the section on 'Migration and integration'.

<sup>131</sup> Ministry of Welfare, *National Report on Strategy for Social Protection and Social Inclusion 2006-2008*, (2006),

an objective 'to develop the application of inclusive education principles within the general education system in respect of Roma children'<sup>132</sup> and proposes 'to establish 10 inclusive pre-school groups for children ages of 5 to 6 and to prepare teachers to work with these groups by means of special teaching methodology 'Roma child ready for school''.<sup>133</sup>

During 2006, the IUMSILS continued to work on updating the National Programme 'The Integration of the Society in Latvia', adopted by the Government in 2001. The programme which aims to promote common values and social cohesion, is targeted towards society as a whole, but pays limited attention to the issues of minority rights and does not address anti-discrimination.<sup>134</sup>

In the framework of the European Social Fund's programme, the SEA continued to organize Latvian language training for the unemployed. In total, 5,279 unemployed persons completed Latvian language training courses between the period from October 2004 to February 2007; 2,000 of them found a job after the courses, while 551 started vocational training (provided usually in the state language).<sup>135</sup> However, according to a poll commissioned by the SEA, while unemployed whose native language is not Latvian are convinced that Latvian language proficiency is a primary factor in the job search, only 10% have attended the Latvian language courses provided by the SEA.<sup>136</sup> The authors conclude that many unemployed persons associate state language skills with employers' demands and language legislation, rather than with the practical need for Latvian language use.

On 3 October, the Cabinet of Ministers adopted the state report on the implementation of the Framework Convention for the Protection of National Minorities which Latvia ratified in 2005.<sup>137</sup> Despite promises by state authorities to organize public discussions with minorities during preparation of the state report, only one minority NGO and a few experts were invited to participate in the discussion in the final stage of the report's drafting. While mentioning some general venues for participation and the existing legislation, the state report does not cover or analyse, to a sufficient extent, problems of implementation of Article 15 of the Convention stipulating the principle of effective participation of persons belonging to national minorities in political, economic, social and cultural life.

In late September, the Council on Participation of the Representatives of Minority Non-Governmental Organizations was established under the IUMSILS, thus

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[http://www.lm.gov.lv/doc\\_upl/Latvia\\_Report\\_2006-2008.doc](http://www.lm.gov.lv/doc_upl/Latvia_Report_2006-2008.doc) , accessed 7 July 2007, p.70.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid., p.19-20.

<sup>134</sup> Diatchkova, Svetlana, 'Minority Protection in Latvia, An Accessment of the National Programme 'The Integration of the Society In Latvia' in: Open Society Institute, *Monitoring of the EU Accession Process: Minority Protection* (Budapest, 2002), [http://ftp.osi.hu/euaccession/2002\\_m\\_latvia.pdf](http://ftp.osi.hu/euaccession/2002_m_latvia.pdf), accessed 7 July 2007.

<sup>135</sup> Information obtained from the State Employment Agency on 2 April 2007.

<sup>136</sup> Nodarbinātības valsts aģentūra, *Pētījums, kuriem latviešu valoda nav dzimtā, darbiekartošanās izvērtēšana*, [http://www.nva.lv/index.php?cid=1&mid=95&txt=556&new\\_lang=lv](http://www.nva.lv/index.php?cid=1&mid=95&txt=556&new_lang=lv), accessed 7 July 2006.

<sup>137</sup> LR sākotnējais ziņojums par EP Vispārējās konvencijas par nacionālo minoritāšu aizsardzību izpildi Latvijā, [http://www.mk.gov.lv/doc/2005/AMzino\\_270906.doc](http://www.mk.gov.lv/doc/2005/AMzino_270906.doc), accessed 9 July 2007.

providing an additional venue for minorities' participation. In contrast with a few other advisory councils, its members were delegated by NGOs themselves. The Council was established with the task of providing consultations, information and recommendations (of an advisory nature) on minority related issues to the IUMSILS, including on the implementation of the Framework Convention. In 2006, the Council was convened only once.<sup>138</sup>

### Legal developments

There were no legal developments with a view to promoting social inclusion of minorities.<sup>139</sup>

On 6 April, the Saeima rejected the proposal of the opposition party For Human Rights in United Latvia for amendments to the Constitution, to the Electoral Register Law and to the Election Law on District Council and Parish Council Elections which would stipulate non-citizens' voting right in municipal elections.<sup>140</sup>

On 25 May, the Saeima adopted the Law on the Status of European Community Permanent Resident in the Republic of Latvia. The proposed definition of 'third country national' received criticism by human rights experts and the Latvian President<sup>141</sup> since the definition includes Latvian non-citizens. Consequently, if a Latvian non-citizen wishes to acquire the status of EU permanent resident, he or she is subject to requirements similar to other applicants.<sup>142</sup> On 31 May, the President of Latvia returned the Law to the Saeima for repeat review arguing that, according to effective legal norms, Latvian non-citizens have specific rights and status in Latvia and therefore Latvian non-citizens should not be included in the category of third-country nationals. On 22 June, MPs disregarded the President's objections and passed the Law without changes. On 7 July, the President promulgated the Law.<sup>143</sup>

On 28 September, the Saeima refused the proposal of the opposition party For Human Rights in the United Latvia for amendments to the Law on the Ratification of the Framework Convention for the Protection of National Minorities. The amendments were proposed to abolish the adopted definition of 'national minority' which applied to citizens only, as well as to abolish two 'hidden reservations' concerning minority language use with administrative authorities and topographical and street signs in minority languages.

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<sup>138</sup> Information collected by the Latvian Centre for Human Rights in September - December 2006.

<sup>139</sup> See also the section on 'Migration and integration' for more information on the situation of newcomers.

<sup>140</sup> Kozule E. 'papildināta – PCTVL rosina Satversmē noteikt nepilsoņu tiesības vēlēt pašvaldības', 2006, *National News Agency LETA*, 3 April.

<sup>141</sup> Kozule, E. 'Saeima otrreiz caurskatīs likumu par EK pastāvīgā iedzīvotāja statusu Latvijā', 2006, *National News Agency LETA*, 1 June.

<sup>142</sup> To have adequate resources; to demonstrate state language skills (proficiency level, exemptions, and examination procedure was to be set by the Cabinet of Ministers); to provide evidence on continuous legal residency in the Republic of Latvia.

<sup>143</sup> Likums 'Par Eiropas Kopienas Pastāvīgā iedzīvotāja statusu Latvijas Republikā' (22.06.2006), <http://www.likumi.lv/doc.php?id=139372&mode=DOC>, accessed 7 July 2007.

During the pre-election period, the nationalistic party Fatherland and Freedom presented a proposal for a new citizenship law foreseeing suspension of the naturalization process and prescribing that persons who had arrived in Latvia during Soviet occupation could only become citizens through individual parliamentary decision, and only if married to a Latvian citizen, or could obtain citizenship for special merit or other specific circumstances. More stringent demands on language proficiency and loyalty proof were also planned. The bill was voted down in Parliament twice.<sup>144</sup> In December, the party For Fatherland and Freedom also proposed to specify state language proficiency requirements for members of local government councils which would be authorized to abolish council member's mandate if he or she does not possess state language proficient to the extent necessary for fulfilling professional duties.<sup>145</sup> The Saeima refused the proposal with the following voting outcomes: 28 for, 21 against, and 42 with abstentions. Later the party proposed another amendment imposing the duty upon municipal councils' members who do not know state language to the sufficient extent, to learn Latvian<sup>146</sup>; the amendments were subsequently refused by the Saeima in January 2007.

### **The NGO assessment**

There was a continuing lack of measures to assess problems related to the social integration and social inclusion of minorities. In particular, issues related to effective participation of minorities in public life remain a subject of concern, and political discussions on suspension of naturalization and tightening linguistic requirements can be considered counter-productive initiatives. In 2006, no discussion was held on the lack of rights for non-citizens to vote in municipal elections. Over the last years several representatives of international organizations have recommended the granting of voting rights for non-citizens municipal elections. The discussion on how to improve the functioning of the consultative committees to ensure effective participation, as well as on elaborating other participation mechanisms<sup>147</sup>, has largely not been tackled. There were also no discussions on the promotion of a larger representation of minorities in elected bodies and in public administration where minorities are clearly underrepresented.

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<sup>144</sup> Latvian Centre for Human Rights, 'Latvia' in International Helsinki Federation of Human Rights: *Human Rights in OSCE Region, IHR Report 2007*, [http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc\\_id=7409](http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=7409), accessed 6 July 2007, p. 105.

<sup>145</sup> Likumprojekts Grozījums likumā 'Par pilsētas domes, rajona padomes, novada domes un pagasta padomes deputāta statusu', <http://www.saeima.lv/saeima9/reg.likpri>, accessed 6 July 2007.

<sup>146</sup> Ibid.

<sup>147</sup> Brands Kehre, Ilze, Puce, Ilvija, 'Civil and Political Rights', in: Rozenvalds, Juris, ed.: *How Democratic is Latvia. Audit of Democracy*, (Riga: University of Latvia, 2005), p.55

## 6. National recommendations

### 6.1 Anti discrimination

To the Government:

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

To the Ombudsman's Office:

- Conduct studies on vulnerable groups and discrimination;
- Improve cooperation and information exchange with state bodies dealing with issues of anti-discrimination and NGOs.

To NGOs:

- Develop capacity on anti-discrimination work;
- Conduct awareness-raising activities and training among NGOs and trade unions on anti-discrimination;
- Develop cooperation and victim support networks on anti-discrimination.

### 6.2 Migration and integration

To the Government:

- Clearly define the responsibilities of state bodies concerned with the issues of various aspects of integration of migrants and asylum seekers;
- Ensure an efficient coordination of activities dealing with migration issues;
- Conduct a comprehensive analysis of the legislative framework and its impact on the situation of migrants and asylum seekers;
- Conduct a comprehensive analysis of issues relevant to the social integration of newcomers, migrants, asylum seekers and refugees;
- Improve data collection on the situation of migrants in various fields;
- Elaborate a programme on social integration for newcomers and asylum seekers;
- Promote a positive discourse in society on diversity in the context of migration.

### **6.3 Criminal justice**

To the Government:

- Elaborate a national policy/strategy to combat hate crime;
- Elaborate an action programme to improve legislation in the area of protection from hate crime;
- elaborate amendments to the Criminal Law including the norm stipulating criminal liability for hate crime;
- Adopt amendments to the Criminal Law in order transpose the Council's of Europe Convention on Cybercrime and Additional Protocol to the Convention on Cybercrime concerning the criminalization of acts of racist and xenophobic nature committed through computer systems;
- Implement training programmes for the police to strengthen their capacity to identify hate crime and to raise their awareness on racism;
- Elaborate a systematic approach to data collection on hate crime; define a state body responsible for collecting data on hate crime;
- Conduct studies on the evidence of racial profiling;
- Initiate discussions on counter-terrorism measures and their possible impact on minorities.

To NGOs:

- Study best practices on NGOs' response to hate crime;
- Develop capacity to collect unofficial data on hate incidents;
- Provide victim support and develop victim support networks;
- Develop strategies for cooperation with the police in tackling hate crime;
- Develop strategies for cooperation with the media to promote an effective public response to racism and hate incidents;
- Implement awareness-raising activities.

### **6.4 Social inclusion**

To the Government:

- Conduct studies on the ethnic dimensions of social inclusion;
- Elaborate an action plan to facilitate naturalization;
- Examine opportunities to grant non-citizens voting rights in municipal elections;
- Examine the existing practices of language use with state bodies and administrative authorities and consider measures to promote better access to public goods and services for persons who are not sufficiently proficient in the state language;
- Implement monitoring of the education reform in minority schools;
- Elaborate and include measures to promote principles of social inclusion, including effective participation of minorities in public life, into all national programmes addressing social integration and anti-discrimination.

## 7. Conclusion

The increase in manifestations of racial violence towards visibly different minorities observed in 2005 remained at a similar level in 2006. However, in 2006, there were attempts by law-enforcement bodies to prosecute incidents of racial violence for instigation of ethnic and racial hatred, in efforts to counter criticism for having previously classified incidents of this kind as mere cases of hooliganism. In addition, racism as an aggravating factor was included in the Criminal Law. Still, there is a need for greater commitment by the state in order to elaborate more effective mechanisms for responding to racist and other hate motivated violence as well as hate speech.

There was limited progress with respect to state measures to address discrimination, although a greater commitment of the state was observed to initiate measures to tackle discrimination against Roma. The first court case on ethnic discrimination, concerning discrimination against a Romani individual who was represented by the LNHRO, signalled to Latvian society evidence of ethnic discrimination and protection against it by the law. Although the transposition of the EU Race Equality Directive remained incomplete, a positive development was the adoption of law amendments stipulating the right of NGOs to represent victims of discrimination in court.

There was still a lack of comprehensive data on the issues of unfavourable differences between various social groups and the spread of various grounds of discrimination, including ethnicity. The lack of data is caused primarily by a very limited court practice on discrimination, a small, although gradually increasing number of complaints, and the fact that no systematic data collection and research practice has been developed to monitor the situation of various social groups and discrimination. Meanwhile, some studies and existing information revealed problems deriving from linguistic requirements and insufficient state language proficiency that deepens the social and economic vulnerability of minorities. More studies are needed in order to assess discrimination on various grounds.

Some Latvian NGOs have played a major role in putting the issues on the agenda, through advocacy participation in drafting legislation, and providing legal assistance to and raising awareness among victims. However, more efforts by civil society are needed to raise public awareness on anti-discrimination. Data collection and bringing cases of discrimination to court are crucial to provide evidence of discrimination to the public and to developing case law. The next important step is to develop NGOs' cooperation and victim support networks.

The role of political authorities in response to racism and the promotion of social inclusion of minorities and newcomers is crucial. Facilitating a positive discourse on diversity will certainly contribute to promoting tolerance in society.

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## 9. Annex 1: List of abbreviations and terminology

<b>CEI</b>	Centre for Education Initiatives
<b>IOM</b>	International Organization of Migration'
<b>IUMSILS</b>	Special Tasks Minister's for Social Integration Affairs Secretariat
<b>LCHR</b>	Latvian Centre for Human Rights
<b>LNHRO</b>	Latvian National Human Rights Office
<b>MoES</b>	Ministry of Education and Science
<b>OCMA</b>	Office of Citizenship and Migration Affairs
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights (of the OSCE)
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>SEA</b>	State Employment Agency
<b>SLI</b>	State Labour Inspectorate
<b>SSC</b>	State Language Centre
<b>SSP</b>	State Security Police



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