



# Responding to racism in Latvia



europaian network against racism  
eiropas pretrasisma sadarbības tīkls

## OVERVIEW OF RACISM IN THE NATIONAL CONTEXT

Ethnic minority issues, especially concerning citizenship and language, have been high on the political agenda in Latvia since 1991, when independence was regained after 50 years of Soviet rule. Minorities represent 40% of the population and these are often grouped together as a linguistic minority of “Russian-speakers”. The largest ethnic groups are Russians (28.5%), Belorussians (3.8%), Ukrainians (2,5%) and Poles (2.5%).

Although there have been mutual tensions between the Latvian and Russian linguistic communities over the issues of citizenship and language rights, including education issues, other indicators show a high level of tolerance.

Historically it is the Jewish and Romani minorities, each representing less than 0,5% of the population, who have in different ways been most vulnerable to prejudice and discrimination. Anti-Semitism remains a problem, and Roma clearly experience discrimination. But recent events have made it apparent that the visibly different minorities, still few in numbers, are most exposed to racism. Persons of darker skin colour, those originating from outside Europe, and Muslims are particularly vulnerable. Surveys indicate that racist and xenophobic attitudes are equally widespread among Latvians and established minority representatives.

The anti-discrimination legislation is still incomplete, especially in regard to access to goods and services. There are criminal law provisions against the incitement to hatred, but no other racist crime is identified, and racism is not an aggravating factor. When several racist violent incidents were reported for the first time in 2005 law enforcement officers and prosecutors did not classify the crimes as racist, but fell back on initiating cases of hooliganism. There is an urgent need to improve laws against racism and introduce specific hate crime legislation.

## OVERVIEW AND KEY ACTIVITIES OF THE NATIONAL COORDINATION

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ENAR-Latvia was registered on 6 February 2006 as an association of the Latvian Centre for Human Rights (LCHR), Afrolat and the European Youth Human Rights Network (EYHRN). Membership of ENAR-Latvia is open to organisations working against racism and intolerance.

The LCHR has worked on minority issues since 1993. Activities include research, monitoring, advocacy, anti-discrimination training and legal assistance to victims of human rights violations. The LCHR produced the first report on the Situation of Roma in Latvia.

Afrolat, registered in 2003, promotes cultural exchange and the fight against discrimination and racism. Afrolat has organized public debates and implemented a project presenting aspects of African cultures at public events throughout Latvia.

EYHRN is an advocacy organisation providing training for youth. Visible activities include street actions, Basketball against Racism and Football against Racism.

## OVERVIEW OF ENAR – EUROPEAN NETWORK AGAINST RACISM

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ENAR promotes the cause of anti-racism and equal treatment for ethnic minorities and non-EU nationals residing in the European Union.

ENAR is a network of European NGOs working to combat racism in all EU Member States. The NGOs have formed National Coordinations (NCs), which constitute the membership of ENAR and include ethnic minorities, immigrants' associations, information centres, advocacy groups, trade unions, faith based organisations and many others. Democratically elected representatives of each NC attend the Network's meetings where they are consulted on policy and statutory issues. One of the representatives of each NC should belong to an ethnic minority.

ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.

## WHO IS EXPERIENCING RACISM?

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

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

Anti-Roma sentiment is commonplace and Roma most clearly experience discrimination in employment and education, but they are also underprivileged in housing and healthcare.

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

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

In a recent study some 70% of respondents admit being negative towards the arrival of labour migrants from other countries. The most negative attitude is expressed towards persons from China, Africa, Vietnam, other Asian countries and Turkey. Newcomers like migrants, asylum seekers and refugees are vulnerable to xenophobia and exclusion.

## POLITICAL REALITY: NATIONAL LAWS AGAINST RACISM

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The equality principle is established in the Constitution. Anti-discrimination clauses exist in a number of laws. The Employment Directive has mainly been transposed, but the transposition of the Race Directive into national law was incomplete by early 2006, awaiting adoption of amendments to separate laws. Previous plans for a comprehensive anti-discrimination law were abandoned.

Prohibited grounds for discrimination are inconsistent in different laws, but include race, ethnicity and religious conviction, and in the Labour Law also skin colour.

Criminal Law Section 78 prohibits incitement to racial and ethnic hatred, as well as restriction of economic, political, or social rights based on race and ethnicity. Violation of equality rights based on religious conviction and incitement to hatred based on religion, as well as the violation of religious sensibilities, are prohibited in Section 150. Cases initiated under Section 78 have increased over time, mainly relating to publications. In 2005, police initiated 13 cases. No legal case based on Section 150 has been reported.

However, racist incidents in 2005 brought to light the insufficiency of the legislation. Racism is not an aggravating factor and there are no other hate crime clauses. Racist assaults were treated as cases of hooliganism or public disturbances.

The Secretariat of the Special Assignments Minister for Social Integration is responsible for the implementation of the Race Directive, and within it a Department for the European Policy of Non-Discrimination was created in 2005. The Latvian National Human Rights Office in December 2005 became the designated equality body. Its newly established Unit for Eliminating Discrimination covers the equality principle overall. At the beginning of 2006 the department consisted of four persons.

## IMPORTANCE OF THE CIVIL SOCIETY INFRASTRUCTURE

Civil society in Latvia is still weak. Out of almost 9,000 registered NGOs, only 2,992 completed the legal requirement to register by the end of 2005. Of these, organisations for the public good are a smaller share. Outside the capital there are even fewer NGOs, with less available resources. Research on public attitudes towards NGOs indicates a low, albeit growing, familiarity with some NGO activities, but 80% of respondents were not members of any NGO, and some 50% did not believe that the non-state sector could influence political developments in the country.

Nevertheless, concerning anti-discrimination and anti-racism, NGOs have taken the lead in promoting awareness, elaborating legislation and policy and also in litigation. There is so far little discrimination case law in Latvia, and none yet on grounds of racial discrimination. However, in both employment discrimination cases brought before courts in 2005 the victim was represented by NGO lawyers (in one case the Latvian Centre for Human Rights, in the other the Latvian Human Rights Committee).

Forthcoming amendments to the Law on Associations and Foundations will enable human rights NGOs to submit an application to an institution or court (civil or administrative proceedings) on behalf of a victim of discrimination, thus eliminating the need to authorize a physical person as the representative. It is now possible to authorize a representative orally during proceedings in both administrative and civil courts. These simplifications will likely encourage more victims to seek assistance from NGOs.

The commitment of anti-discrimination NGOs ensures the sustainability of advocacy, assistance to victims and litigation. NGO capacity-building and mutual cooperation is essential for development of anti-discrimination practice in Latvia.

## STRATEGIC LITIGATION

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Many anti-racist NGOs have not traditionally engaged in legal processes, often this is for the simple reason that there was little law for them to refer to. However the adoption of the EU Race Directive (see section 'EU and anti-racism') and the development of national law, means that now more than ever litigation has the potential to lead to real change for those who are vulnerable to racism and discrimination.

As anti-discrimination is a relatively new field of law, NGOs have a role to play in raising awareness regarding its potential. Consequently the strategic litigation has come to the fore as a useful advocacy technique. NGOs can both directly engage in strategic litigation and support others to do so by gathering data, assessing victims and engaging in advocacy.

“Strategic or impact litigation uses the court system to attempt to create broad social change”

The primary focus of strategic litigation is law or policy change rather than redress for an individual, though these two objectives are not mutually exclusive. Strategic litigation intends to reach beyond an individual case or victim, to create a context of enhanced protection for everyone who is vulnerable to discrimination. By changing law or setting precedents an individual case can have a ripple effect leading to change on a much broader level.

The concept of strategic litigation encompasses the selection of cases, case planning and management, as well as ensuring that favourable outcomes are implemented.

Not every NGO has the mandate or skills to engage in litigation, nor will litigation necessarily be the right strategy in many cases. Nonetheless, it is essential for all anti-racism actors to recognise the importance of strategic litigation as a tool for generating change.

## SERVICES AVAILABLE FOR THE VICTIMS OF RACIAL DISCRIMINATION

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Victims of racial discrimination by a public institution may challenge the discriminatory act in a higher instance or in the Administrative Court, as foreseen by the Administrative Procedure Law, which also provides for the right to claim compensation for financial loss and moral harm, caused by an administrative act or actual action of a public institution.

Discrimination in any aspect of employment, from hiring to firing, can be challenged in courts of general jurisdiction. The Labour Law provides the right to claim compensation for financial loss and moral harm.

Apart from the above, the only state institution dealing with individual complaints on discrimination is the Latvian National Human Rights Office. Through amendments passed in December 2005 it is the designated equality institution. The NHRO has the right, but not the duty, to represent victims of discrimination under civil and administrative proceedings.

Victims of racial discrimination may also turn to NGOs for assistance. The LCHR provides legal advice and has the capacity through its staff lawyers to represent victims of discrimination in civil and administrative legal proceedings. Another NGO with legal capacity is the Latvian Human Rights Committee.

Victims of racist crime should lodge a complaint with the state police. If the police establish sufficient grounds for a criminal case, the Prosecutor's Office pursues it. Cases that fall under the incitement clauses – articles 78 and 150 – will also be referred to the Security Police. Legal advice and assistance can be received from NGOs with legal capacity, as well as the NHRO. Although there are presently no victims' support counselling organisations, other NGOs active on anti-racism, such as Afrolat, provide information, solidarity and non-legal support for victims.

## WHY A EUROPEAN PERSPECTIVE IS CRUCIAL: EU AND ANTI-RACISM

National NGOs working on anti-racism are already seriously overburdened in their work to confront racism and discrimination. Why then should they also be concerned with what is going on in other European countries, and in the institutions of the European Union itself?

Developing an understanding of racism in Europe is essential for two key reasons. Firstly, to promote learning and knowledge about what racism is and how to combat it and secondly to generate common tools across the European Union to combat racism. Experience over the last ten years has demonstrated that national governments can be convinced to take action at a European level, where they may not have been prepared to move forward alone.

Racism has a distinctly European dynamic. Europe's colonial history underlines its role in fostering both historical and contemporary forms of racism; and the 20th century does not cast a positive light on the European legacy. Despite this long history Europe began to take racism seriously relatively recently. Europe has a responsibility both to the people living within its borders, as well as internationally to take a leading role in promoting a vision of a world free from racism.

In 1997, Article 13 of the Amsterdam Treaty gave the European Union a legal base on which to develop 'appropriate measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'. Using these powers the European Union adopted the Race Equality Directive in June 2000 (and later that year the Employment Equality Directive).

While the Race Directive was due to be fully implemented by July 2003, at the beginning of 2006 some Member States have failed to implement it. This reality raises questions about the continuing commitment of EU Member States to combat racism and discrimination. However



the Directive does have direct effect, which means that individuals can assert it before national courts, even where it has not been implemented.

The Race Directive gives protection against discrimination in employment and access to a range of good and services, including social protection, health, social security and education. It puts forward a number of important definitions including: direct and indirect discrimination, harassment, and victimisation. Other significant aspects of the Directive are that it allows for positive action measures, the sharing of the burden of proof, and the establishment of equality bodies.

The principles enshrined in the Race Directive need to become core elements of anti-discrimination law and practice across the European Union. Strategic litigation is a tool to ensure that this happens. To this end, it expressly allows for NGOs to engage in proceedings in support of or on behalf of victims.

While Article 13 of the Amsterdam Treaty provided the context for developments in the field of anti-discrimination, Article 29 of the Treaty on European Union included reference to preventing and combating racism. While the European Commission proposed a Framework Decision against racism and xenophobia (racism as a crime) in 2001, developments in this policy area have been disappointing; the Council has failed to adopt the Framework Decision. In addition the European Union has competence in other policy areas that either directly or indirectly impact on the fight against racism, including: social inclusion, migration and asylum, and education.

The European Union is also involved in a range of other activities, including awareness raising (through the 'For Diversity. Against Discrimination' campaign) and funding of anti-racism projects. In 1997 the EU Monitoring Centre on Racism and Xenophobia (EUMC) was established. While the Centre is likely to be expanded to become a Fundamental Rights Agency in 2007, it will continue to focus on the problem of racism in Europe.

## KEY LINKS AND SOURCES OF FURTHER INFORMATION AT NATIONAL LEVEL

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### State institutions

Latvian National Human Rights Office: [www.vcb.lv](http://www.vcb.lv)

Secretariat of the Special Assignments Minister for Social Integration:  
[www.integracija.gov.lv](http://www.integracija.gov.lv)

### NGOs and Academic institutions

Latvian Centre for Human Rights: [www.humanrights.org.lv](http://www.humanrights.org.lv)

Afrola: [www.afrolat.lv](http://www.afrolat.lv)

European Youth Human Rights Network: [www.eyhr.net.lv](http://www.eyhr.net.lv)

Latvian Institute on Human Right: [www.humanrights.lv](http://www.humanrights.lv)

Latvian Human Rights Committee: [www.lhrc.lv/lhrc\\_.htm](http://www.lhrc.lv/lhrc_.htm)

### Texts

National Programme for the Promotion of Tolerance:

[www.integracija.gov.lv/doc\\_upl/Tolerance\\_English.doc](http://www.integracija.gov.lv/doc_upl/Tolerance_English.doc)

The Situation of Roma in Latvia:

[www.humanrights.org.lv/html/news/publications/roma\\_latvia.html](http://www.humanrights.org.lv/html/news/publications/roma_latvia.html)

Ethnic Tolerance and Integration of the Latvian Society:

[www.bszi.lv/downloads/resources/Tolerance/Tolerance\\_Engl.pdf](http://www.bszi.lv/downloads/resources/Tolerance/Tolerance_Engl.pdf)

Cultural Diversity and Tolerance in Latvia:

[www.integracija.gov.lv/doc\\_upl/Broshuura\\_ENGL.pdf](http://www.integracija.gov.lv/doc_upl/Broshuura_ENGL.pdf)

Materials on human rights and minorities in Latvia:

[www.minelres.lv/count/latvia.htm](http://www.minelres.lv/count/latvia.htm)

## KEY LINKS AND SOURCES OF FURTHER INFORMATION AT EUROPEAN LEVEL

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EU Monitoring Centre on Racism and Xenophobia: [www.eumc.eu.int](http://www.eumc.eu.int)

European Commission - anti-discrimination and relations with civil society:

[www.europa.eu.int/comm/employment\\_social/fundamental\\_rights/index\\_en.htm](http://www.europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm)

European Network Against Racism (ENAR): [www.enar-eu.org](http://www.enar-eu.org)

European Roma Information Office: [www.erionet.org](http://www.erionet.org)

European Union: [www.europa.eu.int](http://www.europa.eu.int)

'For Diversity. Against Discrimination': [www.stop-discrimination.info](http://www.stop-discrimination.info)

Strategic Litigation of Race Discrimination in Europe: from Principles to Practice:

[www.migpolgroup.com/documents/2498.html](http://www.migpolgroup.com/documents/2498.html)

Strategies on Litigation Tackling Discrimination in EU Countries: [www.solid-eu.org](http://www.solid-eu.org)

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