



European network against racism

# ENAR Shadow Report 2011-2012

## ENAR SHADOW REPORT

### **Racism and related discriminatory practices in Latvia**

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

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

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 in 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 racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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## 1. Executive summary

The aim of this report is to highlight the issues concerning racism and related discrimination in Latvia in March 2011-2012, as well as specifically examine the situation of the Muslim minority in Latvia.

By 2011 the EU equality directives has already been transposed into Latvian law, and there were no major changes in the country's anti-discrimination legislation during the period under review. There were no legal developments concerning the rights and opportunities of minority groups in the areas of collective society considered in this report.

While there have been very few individual complaints about possible instances of discrimination and intolerance, objective assessment of the overall situation is difficult. Earlier reports indicated a certain lack of confidence among the general public and minorities in particular about the effectiveness of existing legal and institutional mechanisms for rights protection. Moreover, there is little available data on the situation of minority groups in different spheres of life such as housing, income and occupation, education, health, access to goods and services in the public and private sectors, participation in public life.

### Recommendation:

- Improve and develop the system of data collection to assess the situation of various groups (defined in terms of ethnicity, race, native language, religion, citizenship) in various areas of life, such as employment, education, housing, healthcare and social protection, access to goods and services, work of law enforcement bodies, and participation in public life.

The Muslim community in Latvia is relatively small: there are 22 registered Muslim religious organisations, and while the exact number of Muslims is unknown and estimates vary from a few thousand up to 10 000. The Muslim community consists mostly of ethnic Tatars, Azeris and representatives of other ethnicities traditionally practicing Islam and living in Latvia before the restoration of independence. The vast majority of the Muslim population are not recent arrivals, but have been integral part of society since the Soviet era. The Muslim minority is primarily well-educated and live in urban areas. Generally, Latvia's Muslim women are as well integrated as the Muslim men. However, the majority of Latvia's Muslims do not have citizenship and therefore are not eligible to vote or stand in elections. In addition, because Latvian legislation requires state language proficiency certificates for over 1000 professions in the private sector and 3000 in the state sector, part of the Muslim population does not have full access to the labour market.

### Recommendations:

- In line with ECRI recommendations 2012, reconsider the extensive state language requirements as a precondition for access to the labour market

- In line with ECRI repeated recommendations, grant eligibility and voting rights to Latvia's 'non-citizens' in local elections

It is difficult to ascertain whether Islamophobia is a widespread problem in Latvia. While some of the general public hold Islamophobic views, the leaders of the Muslim community in Latvia do not consider it to be a widespread problem. These leaders have, however highlighted a lack of objective information about Islam available and try to cooperate with the mass media in order to fight stereotypes and prejudice

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### 3. Introduction

This report highlights the issues relating to racism and related discrimination in Latvia from March 2011 to March 2012. While visible minorities and foreign nationals represent a relatively small share of the population, Latvia is nevertheless a diverse society in terms of citizenship status, ethnic identity and native language.

#### *Citizenship*

Among 2,224,230 people registered in Latvia on 1 July 2011,<sup>1</sup> 1,847,618 were citizens of Latvia (83.1% of the total population), 319,267 had special status of non-citizens<sup>2</sup> of Latvia (14.4%), 38,063 were citizens of Russia (1.7%), 19,282 - other foreign nationals and stateless persons (0.9%).<sup>3</sup> Nearly all ethnic Latvians have Latvian citizenship (99.8%), while the number of ethnic minorities that do not have citizenship is significant.

#### *Ethnic identity*

According to the data of the Population Register, the population of Latvia on 1 July 2011 was 2,224,230,<sup>4</sup> including 1,323,713 ethnic Latvians (59.5% of the total population), 606,972 ethnic Russians (27.3%), 78,052 Byelorussians (3.5%), 54,398 Ukrainians (2.4%), 50,960 Poles (2.3%), 29,174 Lithuanians (1.3%), 9,474 Jews (0.4%), 8,517 Roma 0.4%; 30,276 (1.4%) did not affiliate to any ethnicity.<sup>5</sup>

#### *Special focus: Muslims*

There is no exact figure for the number of Muslims living in Latvia. Estimates range from a few thousand to 10,000, mostly ethnic Tatars, Azeris and representatives of other ethnicities traditionally practising Islam and living in Latvia before the restoration of independence.

Latvia transposed the requirements of the EU equality directives by 2011. During the period under review, there were no major changes to the antidiscrimination legislation. In the meantime, citizenship and language legislation still influence opportunities of many representatives of minority

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<sup>1</sup> Population Register, *Latvijas iedzīvotāju skaits pašvaldības (Datums=01.07.2011)*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISPV\\_Pasvaldibas\\_iedzivotaju\\_skaits.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISPV_Pasvaldibas_iedzivotaju_skaits.pdf), accessed 22 August 2011.

<sup>2</sup> Special legal category of Latvian population with legal links to only one state: Latvia. Not to be confused with foreign nationals and/or stateless persons who do not have Latvian citizenship.

<sup>3</sup> Population Register, *Latvijas iedzīvotāju sadalījums pēc valstiskās piederības (Datums=01.07.2011)*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISVP_Latvija_pec_VPD.pdf), accessed 22 August 2011

<sup>4</sup> Population Register, *Latvijas iedzīvotāju skaits pašvaldības (Datums=01.07.2011)*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISPV\\_Pasvaldibas\\_iedzivotaju\\_skaits.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISPV_Pasvaldibas_iedzivotaju_skaits.pdf), 22 August 2011.

<sup>5</sup> Population Register, *Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības (Datums=01.07.2011)*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISVN\\_Latvija\\_pec\\_TTB\\_VPD.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISVN_Latvija_pec_TTB_VPD.pdf), accessed 22 August 2011

groups, including Muslims, in various areas, such as access to employment and public life.

This report begins with a brief description of significant developments in Latvia in 2011-2012, describes the Muslim community in Latvia and highlights available information on the situation of various groups in society regarding discrimination in the areas of employment, education, housing, health, access to goods and services, political participation, media, criminal justice. The report relies to a great extent on the data collected by the staff of the NGO Latvian Centre for Human Rights.

#### 4. Significant developments in the country during the period under review

During 2011-2012, there were no significant developments regarding antidiscrimination norms envisaged by the EU equality directives, because Latvia had already transposed these norms into the national legislation by 2011.

Further, there were no significant changes to the actual situation of minority groups, including Muslims, and to the legislation which influences their situation, and there is no available information about changes in public perception during the reporting period.

On 28 May 2011 the President of Latvia Valdis Zatlers has issued "Order Nr.2", proposing to dissolve the Parliament, elected less than a year before (on 2 October 2010).<sup>6</sup> According to the data of the Central Election Commission of the Republic of Latvia, voter turnout at the referendum was 44.73% and 650,518 or 94.3% voted in favour of the dissolution of the 10th Parliament.<sup>7</sup>

Early parliamentary elections of the 11th Saeima (Parliament) in Latvia were held on 17 September 2011.<sup>8</sup> Voter turnout was 59.45% and 908,214 valid ballot papers were cast at the ballot boxes. Five parties and political associations gained seats in the 11th Parliament. Latvia has a proportionate election system whereby voters choose among election lists (compiled by political parties and associations), and, proportionately to the number of votes, the seats were distributed as follows: the union "Concord Centre" – 31 MPs' seats, "Zatlers' Reform Party" – 22, "Unity" – 20, union "All For Latvia! - For Fatherland and Freedom / Latvian National Independence Movement" (AL!-FF/LNIM) – 14 seats and the Union of Greens and Farmers – 13 MPs' seats.

Following heated and sometimes opaque negotiations, a new ruling coalition was formed by the "Zatlers' Reform Party", "Unity" and AL!-FF/LNIM and the new government was approved on 25 October 2012.<sup>9</sup> The union "Concord Centre", which emerged with the biggest share of the seats, was left outside of the new coalition due to pressure from the nationalist parties "Unity" and AL!-FF/LNIM. The union "Concord Centre" is mostly popular among national minorities.

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<sup>6</sup> Central Election Commission, *Referendum on Dissolution of the 10th Saeima*, available in English at: <http://web.cvk.lv/pub/public/29980.html>, accessed 19 August 2012.

<sup>7</sup> Central Election Commission, *Referendum on Dissolution of the 10th Saeima*, available in English at: <http://web.cvk.lv/pub/public/29980.html>, accessed 19 August 2012.

<sup>8</sup> Central Election Commission, *The 11th Saeima Elections*, available in English at: <http://web.cvk.lv/pub/public/30182.html>, accessed 19 August 2012

<sup>9</sup> Latvia, The Cabinet of Ministers, *Ministru prezidenta Valda Dombrovskā vadītā Ministru kabineta sastāvs (no 25.10.2011.)*, available in Latvia at: <http://www.mk.gov.lv/lv/mk/sastavs/>, accessed 19 August 2012



## 5. Special focus: Islamophobia

### Muslim communities and individuals in Latvia

According to the Register of Enterprises, there were 22 active Muslim religious organisations registered in Latvia as of 19 August 2012.<sup>10</sup>

There is no precise figure for the number of individuals of Muslim faith in Latvia, because the data about religion is not collected. Estimates range from a few thousand to 10,000 Muslims.

Representatives of the main Muslim organisation in Latvia (Latvia's Union of Muslim Parishes (LUMP)) estimate the number of Muslims in the country to be around 10,000.<sup>11</sup> This estimate mainly includes those individuals who resided permanently in Latvia at the moment of restoration of independence and who represent those ethnicities of the former USSR, which traditionally practiced Islam (e.g. Tatars, Azeris). In addition, the total number of Muslims in Latvia also includes three other (much smaller) categories: foreign students and workers (e.g. from Turkey), refugees (e.g. from Syria, Afghanistan) and recent converts from Latvia's traditionally Christian ethnicities (e.g. ethnic Latvians, Russians). Again, there are no precise data, because religious affiliation of students and refugees from predominantly Muslim countries is unclear and the number of converts is not known.

In terms of geographical distribution, the majority of Latvia's Muslim population are concentrated in and around the capital. This should be seen in the context of general development of the country, as Latvia's politics, power and money are concentrated in the centre and thus the population in general reflects this.

According to the data of Population and Housing Census conducted in early 2011, there were around 5000 persons whose ethnic background may be associated with the Muslim faith. The exact religious affiliation of these people is unknown.

Table: Residents of Latvia representing ethnicities with traditionally strong affiliation with Muslim religion (only groups greater than 100 individuals in Latvia were selected)

Tatars	2164
Azeris	1657
Uzbeks	339
Kazahs	241
Bashkirs	215

<sup>10</sup> Register of Enterprises, *Reliģiskās organizācijas un to iestādes sadalījumā pēc konfesionālās piederības*, <http://www.ur.gov.lv/?a=1142>, accessed 19 August 2012

<sup>11</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012

Lezgins	193
Chechens	139
Tadjiks	119
	5067

Data source: Central Statistics Bureau Population and Housing Census 2011.  
<http://data.csb.gov.lv/Dialog/Saveshow.asp>

In terms of integration and discrimination, one has to keep in mind that the vast majority of the Muslim population are not recent arrivals, but an integral part of the society since the Soviet era. Muslims in Latvia are also highly urbanised, educated and Latvia's Muslim women in general are as well integrated as the Muslim men; it also should be mentioned that initially, the Muslim congregation of Riga was organised and lead for several years by a woman.<sup>12</sup>

It is difficult to ascertain whether Islamophobia is a widespread problem in Latvia. Muslims do not occupy large part of the political and media discourse in Latvia. The leaders of the Muslim community in Latvia believe that there is no problem of Islamophobia in Latvia, neither in media portrayal, nor in political discourse, nor among the population at large.<sup>13</sup> However, they also admit that there are some, individual people in the country who hold Islamophobic views. It is more common that people lack information and knowledge about Islam, Muslims and Muslim societies and thus may become susceptible to Islamophobic propaganda, stereotypes and prejudices. The leaders of the Muslim community are constantly working with the media in Latvia, in order to provide to the public objective, adequate, first-hand information about the religion, practices and the Latvia's Muslim community; the overall response of the journalists to these efforts has been positive.<sup>14</sup>

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<sup>12</sup> "Rīgas pilsētas musulmaņu draudze" (Muslim congregation of Riga), established on 26 October 1993 was headed by MD Rufiya Shevyreva, information available at: <http://www.tataroved.ru/nauka/persons/1/a11/>, (accessed 19 August 2012)

<sup>13</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012.

<sup>14</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012.

## 6. Access and full participation in all collective areas of society

By 2011 Latvia has completed the process of transposition of the EU anti-discrimination directives.<sup>15</sup>

However, the fundamental problem for Latvian anti-discrimination policies is the lack of data about the situation of various groups (defined e.g. by race, ethnicity, religion, native language etc) in various areas of life (e.g. employment, education, housing, health, access to goods and services, political participation media and criminal justice): thus, a fair and impartial assessment of the situation is hardly possible. The lack of complaints data also might be misleading.<sup>16</sup> Many minority groups, including the Muslim community are negatively affected by the citizenship and language legislation.

### 6.1 Racism and related discrimination in employment

#### 6.1.1 Manifestations of racism and related discrimination in employment

There is a lack of official and unofficial data about the situation of vulnerable groups regarding employment and income, as well as a lack of information about the specific instances of unequal treatment in employment (discrimination complaints).

The data of the State Employment Agency includes statistical information about individuals officially registered as unemployed and their ethnicity. Categories such as race, native language, religion or belief of the unemployed are not registered. 132,575 individuals were registered at the State Employment Agency as unemployed as of 31 January 2012.<sup>17</sup> This figure is significantly lower than the 183,476 unemployed registered at the height of the crisis on 31 May 2010, yet the 2012 figure is still more than twice higher than the pre-crisis level of 60,635 unemployed registered on 31 July 2007. As the results of the 2011 Population Census<sup>18</sup> demonstrated, a substantial number of the economically active population of Latvia, including part of the

<sup>15</sup> Latvian Centre for Human Rights (2011), Diskriminācijas novēršana Latvijā: no likumdošanas līdz tiesu praksei (2008-2011), available in Latvian at: [http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminācijas\\_noversana\\_Latvija\\_II\\_Screen.pdf](http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminācijas_noversana_Latvija_II_Screen.pdf), accessed 19 August 2012.

<sup>16</sup> See EU-MIDIS survey data cited in: Koltchanov, Boris (based on materials collected by the Latvian Centre for Human Rights) Racism in Latvia, ENAR Shadow Report <http://cms.horus.be/files/99935/MediaArchive/Latvia.pdf>, accessed 19 August 2012

<sup>17</sup> State Employment Agency, Izvērstā statistika par bezdarba situāciju Latvijā un reģionos, [http://www.nva.gov.lv/docs/17\\_4f857d94e6a827.75109829.xls](http://www.nva.gov.lv/docs/17_4f857d94e6a827.75109829.xls), accessed 19 August 2012

<sup>18</sup> Central Statistical Bureau, *Population Census 2011 - Key Indicators*, available in English at: <http://www.csb.gov.lv/en/statistikas-temas/population-census-2011-key-indicators-33613.html>, accessed 19 August 2012

labour force unable to find employment in Latvia, have emigrated, thus contributing to the falling number of unemployed in the country.

**Table: Officially registered unemployed disaggregated by ethnicity**

	2010		2011		2011 Census	2012	
	% of the unemployed (31.05.2010)	% of the total population (01.07.2010)	% of the unemployed (31.06.2011)	% of the total population (01.07.2011)	% of the total population (01.03.2011)	% of the unemployed (31.01.2012)	% of the total population (01.01.2012)
Latvian	54,7	59,5	53,6	59,5	62,1	53,8	59,5
Russian	28,9	27,5	29,4	27,3	26,9	29,2	27,2
Belarusian	3,2	3,5	3,2	3,5	3,3	3,1	3,5
Ukrainian	2,3	2,5	2,3	2,4	2,2	2,1	2,4
Polish	1,8	2,3	1,9	2,3	2,2	1,9	2,3
Lithuanian	1,3	1,3	1,3	1,3	1,2	1,3	1,3
Jewish	0,1	0,4	0,1	0,4	0,3	0,1	0,4
Roma	0,5	0,4	0,7	0,4	0,3	0,7	0,4
Other	1,0	1,4	0,9	1,5	1,2	0,9	1,5
No ethnicity indicated	6,2	1,2	6,6	1,4	0,3	6,8	1,5

Source: State Employment Agency<sup>19</sup>; Latvian Population Register<sup>20</sup>; Central Statistical Bureau<sup>21</sup>

The data of the State Employment Agency continues to show some disparities between unemployment levels of ethnic Latvians and ethnic minorities. These disparities are greater when unemployment figures are compared to the data of the 2011 Population Census. Thus, the proportion of ethnic Latvians among the total population is 62%, while among the unemployed it is noticeably lower: around 53% in 2011-2011. The proportion of ethnic Roma among the unemployed (0,7%) is more than double the proportion of ethnic Roma among the general population. Ethnic Russians make up 29% of the unemployed and 27% of the overall population. The share of people who chose not to disclose their ethnic affiliation is considerably higher among the unemployed (7%) than

<sup>19</sup>State Employment Agency, Izvērstā statistika par bezdarba situāciju Latvijā un reģionos,

[http://www.nva.gov.lv/docs/19\\_4e3fd463c43699.66186007.xls](http://www.nva.gov.lv/docs/19_4e3fd463c43699.66186007.xls) , accessed 22 August 2011

State Employment Agency, Izvērstā statistika par bezdarba situāciju Latvijā un reģionos,

[http://www.nva.gov.lv/docs/17\\_4f857d94e6a827.75109829.xls](http://www.nva.gov.lv/docs/17_4f857d94e6a827.75109829.xls) , accessed 19 August 2012

<sup>20</sup> Population Register, *Latvijas iedzīvotāju sadalījums pēc nacionāla sastava un valstiskas piederības (Datums=01.07.2011)*,

[http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISVN\\_Latvija\\_pec\\_TTB\\_VPD.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2011/2ISVN_Latvija_pec_TTB_VPD.pdf) ,

accessed 22 August 2011

Population Register, *Latvijas iedzīvotāju sadalījums pēc nacionāla sastava un valstiskas piederības*

(Datums=01.01.2012),

[http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVN\\_Latvija\\_pec\\_TTB\\_VPD.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVN_Latvija_pec_TTB_VPD.pdf) ,

accessed 19 August 2012

<sup>21</sup> Central Statistical Bureau, *Skaitliski lielāko tautību pārstāvju skaits un atsevišķu tautību īpatsvars iedzīvotāju kopskaitā*, <http://www.csb.gov.lv/notikumi/par-2011gada-tautas-skaitisanas-galvenajiem-provizoriskajiem-rezultatiem-33305.html> , accessed 19 August 2012

among the general population (0,3% according to the Census and 1,5% according to the Population Register). The number of people choosing not to disclose ethnicity when looking for job has increased significantly during the crisis: from 2,257 on 31 August 2008<sup>22</sup> to 9001 on 31 January 2012.<sup>23</sup> As a number of studies have indicated that minorities may be exposed to greater inequalities in the labour market, it is possible that members of ethnic minorities form a significant part of the group of people who have recently chosen not to declare their ethnicity.

In 2011, the State Labour Inspectorate (SLI) received 48 complaints which, besides other violations of labour legislation, also alleged discrimination violations on various grounds.<sup>24</sup> Following SLI examination of these complaints, 14 cases were confirmed as violations, the majority of which concerned job advertisements. Regarding these violations, the SLI imposed administrative sanctions (fines) in 11 cases: six violated gender equality (employers were seeking female candidates), two represented age discrimination (job advertisements specified the age of potential employees as 19-25 and 25-35), one involved both gender and age discrimination, one specifically excluded graduates of one education programme, and one violated the principle of equal pay for the same job. In three other cases, SLI issued warrant orders to rectify the violations. During January-August 2012, the Inspectorate received 44 complaints which also involved allegations of discrimination and following verification by the SLI, the discrimination component was confirmed in 13 cases and the Inspectorate imposed administrative sanctions (fines). The cases involved differential treatment on the ground of age (nine cases), gender (two cases), as well as unequal pay for the same job. During the reporting period, the State Labour Inspectorate had no information about complaints from the EU citizens or third-country nationals or non-citizens about possible differential treatment because of citizenship, ethnicity, race, religion or language proficiency.<sup>25</sup>

In 2011, the Ombudsman's Office initiated verification procedures into two discrimination complaints on the grounds of "race or ethnicity" in the field of employment. In both verification procedures it was concluded that no discrimination has taken place, because the employers provided information that the decisions were taken on objective criteria, unrelated to ethnicity. During the first six months of 2012, the Ombudsman's office did not initiate any verification procedures into discrimination complaints on the grounds of "race or ethnicity" in the field of employment. The Ombudsman's Office initiated one verification procedure in 2012 into an allegation of discrimination on the ground of religious beliefs in the field of employment; the verification procedure was closed because the allegation referred to an incident which

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<sup>22</sup> State Employment Agency, *Izvērstā statistika par bezdarba situāciju Latvijā un rajonos*, [http://www.nva.gov.lv/docs/11\\_49a7e2866c66c8.47340538.xls](http://www.nva.gov.lv/docs/11_49a7e2866c66c8.47340538.xls), accessed 22 August 2011

<sup>23</sup> State Employment Agency, *Izvērstā statistika par bezdarba situāciju Latvijā un reģionos*, [http://www.nva.gov.lv/docs/17\\_4f857d94e6a827.75109829.xls](http://www.nva.gov.lv/docs/17_4f857d94e6a827.75109829.xls), accessed 19 August 2012

<sup>24</sup> State Labour Inspectorate, Letter *Par diskriminācijas gadījumiem nodarbinātības jomā* of 27 August 2012

<sup>25</sup> State Labour Inspectorate, Letter *Par diskriminācijas gadījumiem nodarbinātības jomā* of 27 August 2012.

had already been considered by a court in 2009; the complainant did not provide any new evidence or factors to the case.<sup>26</sup>

According to the survey 'Prevalence of Discrimination in Employment in Latvia' commissioned by the Ombudsman's Office in 2011, discrimination on the ground of religion is seen as not very widespread in Latvia.<sup>27</sup> The results show that 30% of the surveyed employees over the age of 15 have heard that someone among their relatives, friends or acquaintances encountered discrimination in employment, while 68% have not heard about discrimination from their relatives, friends or acquaintances. The respondents believe that the most widespread discrimination grounds in Latvia are age (32%), ethnicity (23%), gender (19%), children (number of children in the family, children's age etc.) (17%) as well as language proficiency (16%). Discrimination on the ground of religion is seen as widespread by 6% of the respondents. The survey data was collected in October 2011.

### **Muslim community**

According to the representatives of the Muslim community, language legislation represents an obstacle to full access to employment in Latvia.<sup>28</sup> Latvian legislation requires various degrees of state language proficiency certificates for over 1000 professions and occupations in the private sector and over 3000 professions and occupations in the state sector; graduates of education establishments in which Latvian is the language of instruction are exempt from these requirements (for details, refer to 2008 report).<sup>29</sup>

According to the representatives of the Muslim community, in many instances these requirements are a real practical obstacle to get any job: "even to work as a janitor / yard keeper, or a loader you need a language certificate! Once I had to turn down one potential employee for the position of a plumber: he is a good worker, he spoke Latvian, but when he tried to get the language certificate - he failed!"<sup>30</sup>

The same state language proficiency certificate requirements are applied to the citizens and non-citizens of Latvia, EU citizens, as well as to third country

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<sup>26</sup> Ombudsman's Office, *Information Letter* of 22 August 2012

Additional information provided by the Ombudsman's Office 30 August 2012. The religious belief in the case concerned was Christianity.

<sup>27</sup> Ombudsman's Office (2012), *Prevalence of Discrimination in Employment in Latvia* (Diskriminācijas izplatība nodarbinātības vidē Latvijā), available in Latvian at: [http://www.tiesibsargs.lv/files/diskriminācijas\\_izplatība\\_nodarbinātības\\_vidē\\_latvijā.pdf](http://www.tiesibsargs.lv/files/diskriminācijas_izplatība_nodarbinātības_vidē_latvijā.pdf) , accessed on 19 August 2012.

<sup>28</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012

<sup>29</sup> Latvian Centre for Human Rights, *ENAR Shadow Report 2008 Racism in Latvia*, p.12, p.34, available at: <http://cms.horus.be/files/99935/MediaArchive/national/Latvia%20-%20SR%202008.pdf> , accessed on 19 August 2012

<sup>30</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012

nationals e.g. citizens of Turkey, or refugees from countries like Syria or Iran, who only recently received their official status in Latvia.

### **6.1.2 Facilitating factors or protective measures to combat employment challenges**

The Free Trade Union Confederation of Latvia (LBAS) has no information relating to possible cases of discrimination and racism in employment on the grounds of ethnicity, race, language, religion, citizenship (including cases of EU or third country nationals in Latvia) in 2011-2012.<sup>31</sup> Within the framework of the EU-funded project “Practical Implementation of Labour Relations and Labour Security Legislation in Sectors and Enterprises”, LBAS established Consultative Points in order to educate employees about the labour legislation and workplace safety as well as to provide consultations and practical assistance in cases of conflicts in employment.<sup>32</sup> In 2011-2012 the clients (employees who consulted the Consultative Point) in Daugavpils (Latvia's second largest city) provided no information relating to possible cases of discrimination in the workplace.<sup>33</sup> In practice, the Consultative Points regularly provide information to employees and prospective employees (including unemployed and pensioners) about labour relations and various aspects of labour legislation, such as labour contracts, salaries, vacations, hiring and dismissal procedures, as well as about welfare support payments available to employees of the state or local government institutions.<sup>34</sup>

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<sup>31</sup> Information provided by the Free Trade Union Confederation of Latvia (LBAS) on 27 July 2012.

<sup>32</sup> Free Trade Union Confederation of Latvia, *Darba attiecību un darba drošības normatīvo aktu praktiska piemērošana nozarēs un uzņēmumos*, Project information available in Latvian [http://www.lbas.lv/projects/labour\\_relations\\_protection](http://www.lbas.lv/projects/labour_relations_protection) (accessed on 19 August 2012)

<sup>33</sup> Information provided by the Consultative Point in Daugavpils on 28 August 2012

<sup>34</sup> Information provided by the Consultative Point in Daugavpils on 28 August 2012

## 6.2 Racism and related discrimination in education

### 6.2.1 Manifestations of racism and related discrimination in education

There is little information available regarding the situation of minority groups in education or the issue discrimination in education. In particular, in spite of a long-standing practice of gathering statistical information about the ethnic break-down of pupils in Latvia, there are no official or unofficial mechanisms for monitoring school attendance and educational achievement of pupils of different ethnic affiliation in majority and minority schools.<sup>35</sup> Information about religious affiliation of pupils or their parents is not collected in Latvia.

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

**Table: Distribution of pupils of general education schools according to language of instruction programmes<sup>36</sup>**

Academic year	Total	Latvian	%	Russian	%	Other	%
2010/2011	216307	158137	73,11	56636	26,18	1534	0,71
2009/2010	226034	166073	73,47	58456	25,86	1505	0,67
2008/2009	236223	173712	73,54	61022	25,83	1489	0,63
2007/2008	250941	184107	73,37	65402	26,06	1432	0,57
2006/2007	266111	194230	72,99	70683	26,56	1198	0,45
2005/2006	283947	205189	72,26	77471	27,28	1287	0,45
2004/2005	300667	214855	71,46	84559	28,12	1253	0,42
2003/2004	312489	219975	70,39	91209	29,19	1305	0,42
2002/2003	325503	227552	69,91	96554	29,66	1397	0,43
2001/2002	336941	232239	68,93	103350	30,67	1352	0,40
2000/2001	344822	232859	67,53	110629	32,08	1334	0,39
1999/2000	347052	230239	66,34	115469	33,27	1344	0,39
1998/1999	348205	226166	64,95	120866	34,71	1173	0,34

*Data of the Ministry of Education and Science*

The Ministry of Education and Science in cooperation with the Office of Citizenship and Migration Affairs of the Ministry of Interior of Republic of Latvia collects information about underage children of refugees and asylum-seekers and in cooperation with general education establishments provides education opportunities for refugees and asylum-seekers.<sup>37</sup> The state budget allocates funds for the education of refugees and asylum seekers, including

<sup>35</sup> For details, please, refer to *Racism in Latvia*, ENAR Shadow Report 2007 [http://cms.horus.be/files/99935/MediaArchive/national/Latvia\\_2007.pdf](http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2007.pdf) and *Racism in Latvia*, ENAR Shadow Report 2008 [http://cms.horus.be/files/99935/MediaArchive/national/Latvia\\_2008.pdf](http://cms.horus.be/files/99935/MediaArchive/national/Latvia_2008.pdf)

<sup>36</sup> Ministry of Education and Science, *Izglītojamo skaits pēc apmācības valodas vispārīgā izglītībā dienās apmācības programmās 2010./2011.m.g.*, [http://izm.izm.gov.lv/upload\\_file/Registri\\_statistika/2010\\_2011/apmac\\_val\\_skoleni\\_10.xls](http://izm.izm.gov.lv/upload_file/Registri_statistika/2010_2011/apmac_val_skoleni_10.xls), accessed 26 August 2011

<sup>37</sup> Ministry of Education and Science, *Information Letter* of 23 August 2012



Latvian language classes and bilingual teaching. During the 2010 academic year, there were 9 children of the asylum seekers attending general education establishments, including 4 in the secondary schools. In 2011/2012, there were 12 children of the asylum seekers attending general education establishments. According to the Ministry of Education and Science, which regularly monitors the situation, the children of the refugees and the asylum-seekers are successfully integrated in Latvia's education system and acquire a command of the Latvian language. There are also EU citizens (Estonia, United Kingdom, Lithuania, Poland and Germany) and third country nationals studying in Latvian schools.

According to data from the Ministry of Education and Science, among the 84 718 students in higher education establishments in Latvia during the 2011/2012 academic year, there were 2 717 students of foreign citizenship, including 2 290 students who received their previous education outside of Latvia, as well as 177 Russian citizens from Latvia. The proportion of foreign students is higher at private universities: there are 1,418 students foreign citizenship among 62 084 students of 17 state universities (2%), and 1 199 students of foreign citizenship among 22 634 students of 18 private universities (5%). The largest groups of university students with foreign citizenship include Germany (370), Russia (356, including 177 from Latvia), Lithuania (260), Ukraine (186), Spain (126), Georgia (119), Sweden (117) and Norway (102).<sup>38</sup>

In addition, in the 2011/2012 academic year out of 12 317 college<sup>39</sup> students there were 100 students of foreign citizenship; most foreign college students (87) studied at private colleges.<sup>40</sup>

Concerning the language of instruction, among the 84 718 students in higher education establishments in Latvia in 2011/2012, 6 793 students were enrolled in Russian-language programmes (mostly in private universities: 6 596) and 2 326 students were enrolled in bilingual programmes (Latvian and Russian, all in private universities). There were also 4 073 students enrolled in English-language programmes (2 444 in the state and 1 629 in private

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<sup>38</sup> Ministry of Education and Science, Pārskats par Latvijas augstāko izglītību 2011.gadā (galvenie statistikas dati) (Overview of Latvia's Higher Education in 2011 (main statistical data)), Rīga, 2011, available in Latvian at: [http://izm.izm.gov.lv/upload\\_file/Izglitiba/Augstaka\\_izglitiba/Statistika/2011/Parskats\\_2011\\_AI.pdf](http://izm.izm.gov.lv/upload_file/Izglitiba/Augstaka_izglitiba/Statistika/2011/Parskats_2011_AI.pdf), accessed 19 August 2012

<sup>39</sup> Within Latvian education system, "colleges" are a new, optional step, which offer so-called "first level professional higher education" to secondary school graduates and take 2-3 years to complete and is just short of bachelor's degree; with college diploma, college graduates can start their professional career and/or continue studies at a university to receive relevant bachelor's degree and so on; the majority of secondary school graduates go to universities directly. Information available in Latvian at the National Education Opportunities Database NIID.LV: <http://www.niid.lv/node/9>, accessed 19 August 2012

<sup>40</sup> Ministry of Education and Science, Pārskats par Latvijas augstāko izglītību 2011.gadā (galvenie statistikas dati) (Overview of Latvia's Higher Education in 2011 (main statistical data)), Rīga, 2011, available in Latvian at: [http://izm.izm.gov.lv/upload\\_file/Izglitiba/Augstaka\\_izglitiba/Statistika/2011/Parskats\\_2011\\_AI.pdf](http://izm.izm.gov.lv/upload_file/Izglitiba/Augstaka_izglitiba/Statistika/2011/Parskats_2011_AI.pdf), accessed 19 August 2012.

universities) and 470 students studying in other languages (e.g. German, French, Japanese, Chinese, Arabic; all in state universities).<sup>41</sup>

Among the 12,317 college students in 2011/2012 academic year, there were 689 students enrolled in Russian-language programmes (all in private colleges).<sup>42</sup>

The Ministry of Education and Science did not receive any complaints about possible cases of discrimination and expressions of intolerance on the grounds of ethnic affiliation, race, native language, religion and citizenship.<sup>43</sup>

Similarly, there is no NGO data on complaints about cases of racism or religious discrimination in education.<sup>44</sup>

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<sup>41</sup> Ministry of Education and Science, Pārskats par Latvijas augstāko izglītību 2011.gadā (galvenie statistikas dati) (Overview of Latvia's Higher Education in 2011 (main statistical data), Riga, 2011, available in Latvian at: [http://izm.izm.gov.lv/upload\\_file/Izglitiba/Augstaka\\_izglitiba/Statistika/2011/Parskats\\_2011\\_AI.pdf](http://izm.izm.gov.lv/upload_file/Izglitiba/Augstaka_izglitiba/Statistika/2011/Parskats_2011_AI.pdf), accessed 19 August 2012

<sup>42</sup> Ministry of Education and Science, Pārskats par Latvijas augstāko izglītību 2011.gadā (galvenie statistikas dati) (Overview of Latvia's Higher Education in 2011 (main statistical data), Riga, 2011, available in Latvian at: [http://izm.izm.gov.lv/upload\\_file/Izglitiba/Augstaka\\_izglitiba/Statistika/2011/Parskats\\_2011\\_AI.pdf](http://izm.izm.gov.lv/upload_file/Izglitiba/Augstaka_izglitiba/Statistika/2011/Parskats_2011_AI.pdf), accessed 19 August 2012

<sup>43</sup> Ministry of Education and Science, *Information Letter* of 23 August 2012

<sup>44</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012; the Latvian Human Rights Committee on 17.08.2012

## 6.3 Racism and related discrimination in housing

### 6.3.1 Manifestations of racism and related discrimination in housing

There is no available data about the problems of minorities or issues of discrimination in housing. There was no specific information available relating to issues faced by the Muslim community.

The Central Statistics Bureau (CSB) gathers information about housing conditions in Latvia, yet data disaggregated by ethnic identity is not normally available. While the CSB regularly conducts the EU Statistics on Income and Living Conditions (EU-SILC) surveys, it does not collect information about ethnicity, because EU regulations do not require such data.<sup>45</sup>

The last Population Census conducted in March 2011 included questions about persons' ethnic self-identity as well as questions about housing conditions<sup>46</sup> and therefore, the Census data should be able to provide a valuable insight into the situation of various communities in the housing sector. However, as of 15 August 2012 the CSB still has not finished counting the results of the Population Census.<sup>47</sup>

According to representatives of the Muslim community, the key issue in housing is money; as the landlords are ready to rent and sellers of property are ready to sell regardless of religion of potential customers; there is no information about Muslims being rejected purchase or rent because of their religion.<sup>48</sup>

### 6.3.2 Facilitating factors or protective measures to combat housing challenges

There is no information about implementation of diversity instruments in housing, the role of landlords, realtors or community initiatives to improve the situation of minorities in housing.

During 2011, the Ombudsman's Office initiated verification procedure into one discrimination complaint on the ground of "race or ethnicity" in the field of housing. Housing offered to an ethnic Roma as part of social assistance provided by the local government (municipality) was not suitable for human

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<sup>45</sup> Central Statistical Bureau (CSB) (*Centrālā statistikas pārvalde*) (2012), Letter Nr.0704\_10/854, 25 July 2012

<sup>46</sup> Central Statistical Bureau, *Population and Housing Census 2011 form in English*, <http://www.tautasskaitisana.lv/files/pdf/Anketa-en.pdf>, accessed 24 August 2011

<sup>47</sup> Central Statistical Bureau (CSB), 15 August 2012

<sup>48</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynuln and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012

habitation. Following an enquiry by the Ombudsman's Office, the local government provided a different housing, of higher quality.<sup>49</sup>

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<sup>49</sup> Ombudsman's Office, Information Letter of 22 August 2012  
Additional information provided by the Ombudsman's Office 30 August 2012.

## 6.4 Racism and related discrimination in health

### 6.4.1 Manifestations of racism and related discrimination in health

There was little information available on the state of health or access to healthcare for minority groups. Further, there was no information about possible cases of racism and discrimination in healthcare.

The Central Statistics Bureau (CSB) regularly conducts surveys of the population's self-assessment of the state of their health within the framework of the EU-wide survey *Community Survey on Income and Life Conditions* (EU-SILC).<sup>50</sup> Despite the long-standing practice in Latvia of gathering information about ethnic identity for statistical purposes, CSB were not able to provide any information regarding the self-assessment, the state of health or the access to healthcare of Latvia's population disaggregated by ethnic identity. CSB also pointed out that according to the "Law on Protection of Personal Data of Natural Persons" the information on individual's race, ethnicity, religious views is classified as sensitive.<sup>51</sup> Moreover, gathering information about the state of healthcare of representatives of ethnic and religious groups "is not the aim of the European statistics system, including the CSB".<sup>52</sup>

During 2011, Health Inspectorate of the Ministry of Health of the Republic of Latvia did not receive any complaints about the possible cases of discrimination and/or intolerance in the area of healthcare on the grounds of ethnicity, race, native language, citizenship or religion. On 22 February 2012 the Health Inspectorate received one complaint forwarded by an MP; the individual complained that a doctor in Liepaja, had refused to speak to her in Russian. Upon examining the complaint, the Health Inspectorate concluded that while the complainant had received adequate medical services, although the patient declined further treatment at the hospital. The Health Inspectorate concluded that the healthcare services had not violated her rights and did not detect a differential treatment by the doctor on the ground of race or ethnicity.<sup>53</sup>

There was no information from the Office of the Ombudsman about cases of possible discrimination on the grounds of ethnicity or religion in access to healthcare.<sup>54</sup>

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<sup>50</sup> Central Statistics Bureau, *On population's self-assessment of the state of health in 2011*, available in English at: <http://www.csb.gov.lv/en/notikumi/population-s-self-assessment-state-health-2011-33358.html> , accessed 19 August 2012.

<sup>51</sup> Central Statistical Bureau (CSB) (*Centrālā statistikas pārvalde*), Information Letter N. Nr. 0700\_10/851, 24 July 2012

<sup>52</sup> Central Statistical Bureau (CSB) (*Centrālā statistikas pārvalde*), Information Letter N. Nr. 0700\_10/851, 24 July 2012

<sup>53</sup> Health Inspectorate, *Letter Nr.3.5-1/16100/8545* of 22.08.2012

<sup>54</sup> Ombudsman's Office, Information Letter of 22 August 2012

Additional information provided by the Ombudsman's Office 30 August 2012.

According to information provided by the Head of Patients' Ombudsman Office<sup>55</sup> "among the complaints received by the Patients' Ombudsman, there are no cases relevant to discrimination or harassment from the side of the medical personnel directed against the patient's age, gender, religion, race etc."

Representatives of the Muslim community emphasise the fundamental role of money in accessing the healthcare services in Latvia, including those provided by the state: there is no information about Muslims being rejected healthcare services on the ground of their religion, however, unlike during the Soviet era, healthcare is now only available for money.<sup>56</sup>

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<sup>55</sup> The Head of the Patients' Ombudsman Office Dace Līkanse, *About discrimination against the patients* (03.09.2012).

<sup>56</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012

## 6.5 Racism and related discrimination in access to goods and services

### 6.5.1 Manifestations of racism and related discrimination with access to goods and services in the public and private sector

There is no information available concerning discrimination towards members of various ethnic or religious minorities in accessing shops, public transportation, clubs, financial services in public or private sectors.

During period from 2011-2012 Latvia did not amend its pension legislation in order to comply with the ruling of the European Court of Human Rights (ECHR) and to avoid discrimination against non-citizens in provision of pensions (ECHR Grand Chamber Judgment, *Andrejeva v. Latvia* on 18 February 2009, No. 55707/00).<sup>57</sup> According to the Latvian State Pensions Act, only periods of work in Latvia could be taken into account in calculating retirement pensions of non-citizens of Latvia, while the entire period of employment (including in other republics of the USSR) is to be taken into account in calculating pensions of citizens. ECHR ruled that this provision violates Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms taken in conjunction with Article 1 of Protocol No.1. The claimant died on 16 April 2010 without seeing her pension re-calculated according to ECHR ruling (for more details, refer to 2009-2010 report).<sup>58</sup> Draft proposals by the opposition to amend the State Pensions Act in order to comply with the ECHR ruling were rejected by the ruling coalition.<sup>59</sup> On 17 February 2011 the Constitutional Court delivered its decision in a case submitted on behalf of five non-citizens of Latvia who are also affected by the same provision of the State Pensions Act and requested the Court to recognise that the said provision does not comply with the Latvian Constitution and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Constitutional Court argued that the ECHR ruling does not apply to the said provision outside the case of *Andrejeva* and ruled that this provision complies with the Constitution and the European Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>60</sup>

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<sup>57</sup> ECHR, *Grand Chamber Judgment, Andrejeva v. Latvia* (Application no. 55707/00), Strasbourg, 18 February 2009: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=847435&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649> , accessed on 23 November 2010

<sup>58</sup> Koltchanov, Boris, based on materials collected by the Latvian Centre for Human Rights, *ENAR Shadow Report 2009/2010 Racism and Discrimination in Latvia*, see pp.22-23 <http://cms.horus.be/files/99935/MediaArchive/Latvia.pdf> , accessed 19 August 2012

<sup>59</sup> Koltchanov, Boris, based on materials collected by the Latvian Centre for Human Rights, *ENAR Shadow Report 2009/2010 Racism and Discrimination in Latvia*, see pp.22-23 <http://cms.horus.be/files/99935/MediaArchive/Latvia.pdf> , accessed 19 August 2012

<sup>60</sup> Latvijas Republikas Satversmes tiesas Spriedums, Rīgā 2011. gada 17. februārī, lietā Nr. 2010-20-0106 [http://www.satv.tiesa.gov.lv/upload/spriedums\\_2010-20-0106.htm](http://www.satv.tiesa.gov.lv/upload/spriedums_2010-20-0106.htm) , accessed on 10 August 2011

Given the fact that the majority of Muslims in the country are non-citizen of Latvia, their pensions are also impacted by the said provision of the State Pensions Act.

### **6.5.2 Facilitating factor or protective measures to promote equality in accessing goods and services**

The Office of the Ombudsman initiated verification procedures into two complaints about possible discrimination on the grounds of “race or ethnicity” in access to goods and services in 2011.<sup>61</sup> One concerned possible discrimination on the grounds of ethnicity in the provision of social assistance: a member of the Roma community suspected that assistance had been denied on the basis of ethnicity. The verification procedure was closed following detailed explanations by the municipality about the possibilities to receive social assistance. Another complaint concerned a conflict situation in a hotel: the tourists from Byelorussia suspected they were treated less favourably because of their citizenship. The verification procedure of Ombudsman’s Office found no discrimination and therefore the verification procedure was closed. During the first six months of 2012, the Ombudsman's Office initiated one verification procedure into possible discrimination on the ground of race or ethnicity in the provision of goods and services. The verification procedure is ongoing.<sup>62</sup>

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<sup>61</sup> Ombudsman’s Office, Information Letter of 22 August 2012

<sup>62</sup> Ombudsman’s Office, Information Letter of 22 August 2012

Additional information provided by the Ombudsman’s Office 30 August 2012.



## 6.6 Racism and related discrimination in political participation

### 6.6.1 Manifestations of racism and related discrimination in the realm of political participation

#### Citizenship legislation

Participation (voting and standing) in national parliamentary elections, municipal (local government) elections, European Parliament elections, as well as establishment of political parties in Latvia are reserved to the citizens of the country. Citizens of other EU countries residing in Latvia for more than 6 months are entitled to take part in municipal (local government) and European Parliamentary elections.

Full political participation of Latvia's minority groups is hampered by the citizenship legislation, which envisages a special category of “non-citizens”, who are neither foreign nationals, nor stateless – population with legal links to only one state: Latvia. In many respects their political rights and social-economic opportunities are restricted compared to full-fledged citizens. The majority of these people moved from other republics of the Soviet Union or were born in Latvia before independence, had the same rights and obligations as everybody else and participated in the parliamentary elections and independence referendum. After full restoration of independence on 21 August 1991, Latvian Parliament adopted the “Resolution on the Renewal of the Rights of Citizens of the Republic of Latvia and Fundamental Principles of Naturalisation” on 15 October 1991.<sup>63</sup> The “Resolution” restored citizenship only to persons who had been citizens of Latvia during the first independence and their descendants, and thus effectively disenfranchised 1/3 of the voters (or 876,436 persons according to 1993 figures).<sup>64</sup> The “Resolution” disproportionately affected minorities: for example, only 40% of ethnic Russians were recognised as citizens.<sup>65</sup> The official position of Latvia is that “Latvia’s non-citizens” are not stateless.<sup>66</sup>

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<sup>63</sup> Latvijas Republikas Augstākā Padome, Lēmums “Par Latvijas Republikas pilsoņu tiesību atjaunošanu un naturalizācijas pamatnoteikumiem” (1991) available in Latvian at: <http://www.likumi.lv/doc.php?id=69914>, accessed 19 August 2012

<sup>64</sup> Population Register, cited in Buzaev, V., *Negrazhdane Latvii*, Riga, 2007, p.6.

<sup>65</sup> Vebers, E, *The ethnic situation in Latvia: facts and commentary*, Riga, 1994.

<sup>66</sup> see, e.g. Latvian national report under UN Universal Periodic Review, A/HRC/WG.6/11/LVA/1, available in English at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/106/95/PDF/G1110695.pdf?OpenElement>, accessed 19 August 2012

2,217,053 people were recorded by the Population Register on 1 January 2012,<sup>67</sup> of whom 1,844,741 were citizens of Latvia (83.21% of the total population), 312,189 represented a special category of Latvia's non-citizens (14.08% of the total population), 39,798 were citizens of Russia (1.8%), 20,325 were other foreign nationals and stateless persons (0.92%).<sup>68</sup> Almost all ethnic Latvians have Latvian citizenship (99.8%), while a significant number of ethnic minorities do not have citizenship. The number of Latvian non-citizens decreased from 876,436 in August 1993<sup>69</sup> to 312,189 on 1 January 2012.<sup>70</sup> The decrease by 564,247 (64.38%) also includes 137,673 persons, who received Latvian citizenship through naturalisation.<sup>71</sup>

At present, the naturalisation procedure alone is unlikely to ensure full political participation of minority groups. In recent years the rate of naturalisation has slowed to a trickle and only 2,467 persons received Latvian citizenship through naturalisation in 2011,<sup>72</sup> compared to 19,169 naturalisations in 2005 and to the total number of non-citizens and foreigners living in Latvia (372,312 on 1 January 2012). The rate of successful pass marks in language and history tests (required as part of the naturalisation procedure) also decreased. Among the 3,028 citizenship applicants taking the language test in 2011, 1,253 or 41.38% failed (compared to 3,292 or 16.1% failures out of 20,490 in 2005). Among the 2,910 citizenship applicants taking the history test in 2011, 569 or 19.55% failed (987 or 4.9% of 20,256 in 2005).<sup>73</sup>

Reporting on 2011 early parliamentary elections in Latvia, OSCE Office for Democratic Institutions and Human Rights noted that 'it remains a challenge that a considerable number of non-citizens are not able to vote. Due to the slow rate of naturalisation, including among many individuals who were born in Latvia, a significant part of the population continues to face barriers to political participation'.<sup>74</sup> OSCE/ODIHR Priority recommendation No. 16 advises that 'Latvian authorities should consider measures to accelerate the

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<sup>67</sup> Population Register, *Latvijas iedzīvotāju skaits pašvaldības (Datums=01.01.2012)*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISPV\\_Pasvaldibas\\_iedzivotaju\\_skaits.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISPV_Pasvaldibas_iedzivotaju_skaits.pdf), accessed 19 August 2012

<sup>68</sup> Population Register, *Latvijas iedzīvotāju sadalījums pēc valstiskas piederības (Datums=01.01.2012)*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVP_Latvija_pec_VPD.pdf), accessed 19 August 2012.

<sup>69</sup> Population Register, cited in Buzaev, V., *Negrazhdane Latvii*, Riga, 2007, p.6.

<sup>70</sup> Population Register, *Latvijas iedzīvotāju sadalījums pēc valstiskas piederības (Datums=01.01.2012)*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVP_Latvija_pec_VPD.pdf), accessed 19 August 2012.

<sup>71</sup> Naturalisation Board, *Uzņemto LR pilsonībā naturalizācijas kārtībā skaits*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/Naturalizacija\\_1995\\_2011.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/Naturalizacija_1995_2011.pdf), accessed 19 August 2012.

<sup>72</sup> Naturalisation Board, *Uzņemto LR pilsonībā naturalizācijas kārtībā skaits*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/Naturalizacija\\_1995\\_2011.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/Naturalizacija_1995_2011.pdf), accessed 19 August 2012.

<sup>73</sup> Naturalisation Board, *Informācija par naturalizācijas gaitu līdz 2011.gada 31.decembrim*, [http://www.pmlp.gov.lv/lv/statistika/dokuments/Naturalizacija\\_1995\\_2011.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/Naturalizacija_1995_2011.pdf), accessed 19 August 2012.

<sup>74</sup> OSCE/ODIHR Limited Election Observation Mission Final Report *The Republic of Latvia Early Parliamentary Elections, 17 September 2011*, available at: <http://www.osce.org/odihr/elections/Latvia/86363>, accessed on 19 August 2012

naturalisation rate, such as exempting people over 65 from all examinations, conducting public campaigns to encourage naturalisation, and expanding access to free Latvian language courses.<sup>75</sup>

### **Language legislation**

The State Language Law regulates language usage in Latvia. Article 21 of the State Language Law requires that information provided for public purposes by the institutions and enterprises of the state, local government and the judicial system, shall be provided only in the state language, with few exceptions.<sup>76</sup> In practice this requirement means that official information regarding elections is available only in the state language, including in areas with a significant minority population. The OSCE Office for Democratic Institutions and Human Rights noted in its report on 2011 early parliamentary elections in Latvia, that 'Voter education materials were only available in Latvian, potentially disadvantaging voters with low Latvian proficiency. An opportunity to send a positive message of inclusion of those whose first language is not Latvian was thus missed'.<sup>77</sup> OSCE/ODIHR Priority recommendation No. 4 advises that 'Latvian authorities should consider a more flexible approach to the provision of official voter information in minority languages, which would be consistent with international human rights standards and send a positive message of inclusion to people belonging to national minorities'.<sup>78</sup>

Borderline cases arise when private information is made available to the public. The State Language Centre (SLC) fined a political activist and a board member of the political party For Human Rights in United Latvia (FHRUL) Aleksandrs Kuzmins for dissemination of leaflets in Russian language in Riga. According to the decision of the SLC, the leaflets had to be translated into Latvian language for the reasons of security and administrative control. Mr.Kuzmins insisted that the translation was not necessary, because these leaflets were a private message, addressed from one private person to other private persons.<sup>79</sup>

### **Rhetoric of de-legitimization of minorities**

Another issue related to political participation of minorities is the rhetoric used by some politicians in the ruling parties which effectively de-legitimizes minorities in Latvia; questions the presence of minorities in the country, portrays them as 'aliens', as not being part of the nation, links them to the outside powers which threaten to undermine Latvian people and the state,

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<sup>75</sup> Ibid

<sup>76</sup> Latvijas Republikas Saeima, Valsts valodas likums (1999) available in Latvian at: <http://www.likumi.lv/doc.php?id=14740> , accessed 19 August 2012

<sup>77</sup> OSCE/ODIHR Limited Election Observation Mission Final Report *The Republic of Latvia Early Parliamentary Elections, 17 September 2011*, available at: <http://www.osce.org/odihr/elections/Latvia/86363> , accessed on 19 August 2012

<sup>78</sup> Ibid

<sup>79</sup> Час, 28.07.2011, Неправильная листовка, available in Russian at: <http://www.chas.lv/politics/314-2011-01-11-10-52-01/11092-nepraviljnaja-listovka.html> , accessed 19 August 2012

blames them for the past injustices and the present misfortunes, and thus discredits the possibility of minorities' involvement in the public decision-making process.<sup>80</sup>

One example of such rhetoric during the period under review took place during the formation of the new ruling coalition in September 2012 and involved the usage of new social media. Twitter account of a representative of radical nationalist union "All for Latvia! - For Fatherland and Freedom / Latvian National Independence Movement" Janis Iesalnieks raised the question "why should the votes of the illegally arrived colonists be taken into consideration?", apparently referring to the supporters of the political party Concord Centre, many of whom are minority citizens.<sup>81</sup>

The Office of the Ombudsman launched a verification procedure into one complaint about possible discrimination on the ground of "race or ethnicity" relating to political participation. A member of the Roma community complained who was denied a place in the candidate's list prepared by the party for the parliamentary elections. The Ombudsman's Office ended the verification procedure because representatives of the party pointed out that the reason for denial was that the complainant was also a member of another party and in such a situation anyone would be denied a place in the candidate's list regardless of ethnicity.<sup>82</sup>

### **The situation of Muslim population**

For some members of the Muslim population, political participation is limited by Latvian citizenship requirements. According to the data of Population Register, less than 1/3 of the two largest ethnic groups traditionally adhering to Islam (Tatars and Azeris) have Latvian citizenship. Among the 2,686

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<sup>80</sup> For more details on the practices of de-legitimization of Latvia's minorities, please refer to: Maria Golubeva, Iveta Kažoka, Ethnic Rhetoric in Latvian Politics: the Parliament and the Media as Loci of Ethnic Discourses, in: Centre for Public Policy PROVIDUS, 2010, Inclusion Unaffordable? The Uncertain Fate of Integration Policies in Europe, available at: [http://www.providus.lv/upload\\_file/Publikacijas/Tolerance/2010\\_Uncertain%20fate%20of%20integration%20policies%20in%20Europe.pdf](http://www.providus.lv/upload_file/Publikacijas/Tolerance/2010_Uncertain%20fate%20of%20integration%20policies%20in%20Europe.pdf), accessed 19 August 2012.

In particular, the authors note that: "The data collected by the Centre for Public Policy PROVIDUS during a three-year monitoring of parliamentary debates in Latvia demonstrates that political parties in the Latvian Parliament routinely found ways to attribute blame for the Soviet past and for current political problems to the ethnic/linguistic minority. Russian-speaking "non-Latvians" remained the group most frequently targeted by members of Parliament using delegitimising rhetoric in plenary sessions of the Saeima (Parliament) in 2007 and 2008. In 2007, in 56 cases exclusionary rhetoric was directed against the "Russian-speakers", as compared to 32 cases when such rhetoric was used to exclude or blame non-citizens. ... Collective blame for tragedies in the past of the nation is attributed mainly to the ethnic/linguistic group which is seen as "alien", to the extent that one could claim that the rhetorical opposition of "native" and "alien" is a foundational rhetorical figure structuring the political discourse of some parties." pp.59-60

<sup>81</sup> www.DELFI.lv, SC prasa VL-TB/LNNK skaidrot kārtējos Iesalnieka radikālos izteikumus, 19.09.2011, <http://www.delfi.lv/news/national/politics/sc-prasa-vl-tblnnk-skaidrot-kartejos-iesalnieka-radikalos-izteikumus.d?id=40707653>, accessed 19 August 2012

<sup>82</sup> Ombudsman's Office, Information Letter of 22 August 2012

Additional information provided by the Ombudsman's Office 30 August 2012.

Latvia's Tatars, 828 persons (30.8%) are citizens, 1,444 (53.8%) are non-citizens of Latvia<sup>83</sup> and 413 (15.4%) are foreign nationals; similarly, among 1,779 Latvia's Azeris, 560 persons (31.5%) are citizens, 924 (51.9%) are non-citizens and 290 (16.3%) are foreigners.<sup>84</sup>

According to representatives of the community, since independence many of Latvia's Muslims received citizenship through naturalisation. However, many more Muslims do not have citizenship. This has been attributed to the advanced age of many Muslims, financial problems, as well as the lack of opportunities to acquire Latvian language proficiency to the required level.<sup>85</sup> There is also a certain resentment at the initial decision on citizenship, which was taken after the restoration of independence and which left many people in Latvia without political rights.<sup>87</sup> Representatives of the Muslim community suggest that in order to facilitate naturalisation, the state should make the conditions for citizenship acquisition easier, and facilitate classes in Latvian as a foreign language.<sup>88</sup>

### **6.6.2 Facilitating factors or protective measures to promote equality in the realm of political participation**

Regardless of differing political alignments, political parties in Latvia tend to be portrayed as either “Latvian-speaking” or “Russian-speaking” and thus as representing the interests of each of these communities. It is commonplace for many political parties to include a few sentences in their program documents about equality, non-discrimination, tolerance, participation, society integration and European values. However, the majority of the political parties represented in the Parliament do not implement any comprehensive measures to facilitate representation of minorities or to promote minorities' political participation and activism. One political party in Parliament (Saskanas Centrs (Concord Centre)) is seen as representing the interests of the Russian-speaking citizens and most of its MPs belong to ethnic minority

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<sup>83</sup> Special legal category of Latvian population with legal links to only one state: Latvia. Not to be confused with foreign nationals and/or stateless persons who do not have Latvian citizenship.

<sup>84</sup> Population Register, Latvijas iedzīvotāju sadalījums pēc valstiskas piederības (Datums=01.01.2012), [http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/2012/ISVP_Latvija_pec_VPD.pdf) , accessed 19 August 2012

<sup>85</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012.

<sup>86</sup> Diena, Agita Grīnvalde-Iruka, Ar varu par latvieti nekļūs, 13 May 2011: <http://www.diena.lv/sodien-laikraksta/ar-varu-par-latvieti-neklus-779330> , accessed 19 August 2012.

<sup>87</sup> Diena, Agita Grīnvalde-Iruka, Ar varu par latvieti nekļūs, 13 May 2011: <http://www.diena.lv/sodien-laikraksta/ar-varu-par-latvieti-neklus-779330> , accessed 19 August 2012.

<sup>88</sup> Diena, Agita Grīnvalde-Iruka, Ar varu par latvieti nekļūs, 13 May 2011: <http://www.diena.lv/sodien-laikraksta/ar-varu-par-latvieti-neklus-779330> , accessed 19 August 2012.

groups.<sup>89</sup> Individual minority MPs are also present among other parliamentary factions, but it is unclear to what extent they are able to represent effectively the interests of minority voters in the legislative and policy making processes.

Among the 100 MPs elected in the early elections of the 11th Parliament, 17 identified themselves as belonging to ethnic minorities (including 13 ethnic Russians).<sup>90</sup>

#### Ethnic Composition of the 10th and 11th Saeima (Parliament)

	10th Saeima (Parliament)		11th Saeima (Parliament)	
Latvians	76		67	
Unspecified	9		16	
Minorities	15		17	
Germans		1		1
Karelians		1		1
Livonians				1
Lithuanians				1
Russians		13		13
Total	100		100	

Source of the data:

Centrālā vēlēšanu komisija, 2010.gada 2.oktobra 10.Saeimas vēlēšanas Statistika par ievēlētajiem deputātiem (The Central Election Commission of Latvia, 2 October 2010 10th Saeima elections. Statistics about the elected MPs), available in Latvian at: <http://www.cvk.lv/cgi-bin/wdbcgiw/base/komisijas2010.galrez10.statko> , accessed 19 August 2012

Centrālā vēlēšanu komisija, 2011.gada 17.septembra 11.Saeimas vēlēšanas. Statistika par ievēlētajiem deputātiem (The Central Election Commission of Latvia, 17 September 2011 11th Saeima elections. Statistics about the elected MPs), available in Latvian at: <http://www.cvk.lv/cgi-bin/wdbcgiw/base/Saeima11.galrez11.statko> , accessed 19 August 2012

Early elections to the 11th Parliament represented a slight improvement regarding gender representation: 21 women MPs were elected in September 2011.<sup>91</sup> In comparison, 19 women MPs were elected at the previous elections to the 10th Parliament in October 2012.<sup>92</sup>

<sup>89</sup> Centrālā vēlēšanu komisija, 11.Saeimā ievēlētie deputāti (The Central Election Commission, Deputies elected to the 11th Saeima), available in Latvian at: <http://www.cvk.lv/cgi-bin/wdbcgiw/base/Saeima11.galrez11.kand?sec=2> , accessed 19 August 2012.

<sup>90</sup> Centrālā vēlēšanu komisija, 2011.gada 17.septembra 11.Saeimas vēlēšanas. Statistika par ievēlētajiem deputātiem (The Central Election Commission of Latvia, 17 September 2011 11th Saeima elections. Statistics about the elected MPs), available in Latvian at: <http://www.cvk.lv/cgi-bin/wdbcgiw/base/Saeima11.galrez11.statko> , accessed 19 August 2012

<sup>91</sup> Centrālā vēlēšanu komisija, 2011.gada 17.septembra 11.Saeimas vēlēšanas. Statistika par ievēlētajiem deputātiem (The Central Election Commission of Latvia, 17 September 2011 11th Saeima elections. Statistics about the elected MPs), available in Latvian at: <http://www.cvk.lv/cgi-bin/wdbcgiw/base/Saeima11.galrez11.statko> , accessed 19 August 2012.

<sup>92</sup> Centrālā vēlēšanu komisija, 2010.gada 2.oktobra 10.Saeimas vēlēšanas Statistika par ievēlētajiem deputātiem (The Central Election Commission of Latvia, 2 October 2010 10th

## 6.7 Racism and related discrimination in media

### 6.7.1 Manifestations of racism and related discrimination in the media, including the internet

The Muslim community in Latvia is small, both in absolute numbers and as a percentage of the total population. It is unsurprising therefore, that Latvia's Muslim community receives little media coverage. In fact, it is more common to find articles or broadcasts covering Muslims when these media pieces relate to Muslims abroad, such as events in Muslim countries, lives of individual Muslims and organisations, or attitudes of non-Muslim individuals, organisations or countries. Some of these comments are clearly inappropriate and tend to incite ethnic hatred (see section 6.8.3 of the present report).

It is difficult to ascertain whether Islamophobia is a widespread problem in Latvia. Muslims do not occupy large part of the political and media discourse in Latvia. According to the leaders of the Muslim community, there is no problem of Islamophobia in terms of media portrayal.<sup>93</sup> However, there is a problem of the lack of information and knowledge about Islam, Muslims and Muslim societies and thus ordinary people may be susceptible to Islamophobic propaganda, stereotypes and prejudices. The leaders of the Muslim community are constantly working with the media in Latvia, establishing working contacts with journalists and members of the editorial staff of the newspapers and broadcasts in order to provide the public with objective, adequate, first-hand information about the religion, practices and the Latvia's Muslim community; the overall response of the journalists and editors to these efforts is positive.<sup>94</sup>

### 6.7.2 Facilitating factor or protective measures in the media

There is no information about efforts on the part of the mainstream media to empower minority groups to be represented in the media, both in terms of content or recruitment.

In 2011, the Ombudsman's Office initiated one verification procedure into a complaint about possible incitement to hatred against the Roma in the readers' commentaries on articles published on the Internet.<sup>95</sup> The case was referred to the Security Police, which is responsible for the investigation of

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Saeima elections. Statistics about the elected MPs), available in Latvian at: <http://www.cvk.lv/cgi-bin/wdbcgiw/base/komisijas2010.galrez10.statko> , accessed 19 August 2012.

<sup>93</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012.

<sup>94</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012.

<sup>95</sup> Ombudsman's Office, Information Letter of 22 August 2012

Additional information provided by the Ombudsman's Office 30 August 2012.

hate crimes and incitement to ethnic hatred. The case is still being investigated by the Security Police, yet the intermediate results communicated to the Ombudsman's Office are not satisfactory. During the first six months of 2012, the Office of the Ombudsman also launched one verification procedure into a complaint about possible incitement to racial hatred. The complaint concerns racist SMS-text commentaries made in a TV broadcast of a singing competition; the racist slur was aimed at a performer of African origin. The Ombudsman's Office provided an official written opinion to the television broadcast company, stressing that racist comments should not be allowed in a TV broadcast and that one of the possible solutions is to moderate the SMS-text online comments.<sup>96</sup>

## 6.8 Racism and related discrimination in criminal justice

### 6.8.1 Policing and ethnic profiling<sup>97</sup>

No new information came to light during the period covered by this review regarding ethnic profiling in Latvia. Earlier surveys revealed certain prejudices among the population in general against some groups (including Muslims, but also Roma, Jews, Caucasians, Africans and Chinese),<sup>98</sup> which may potentially result in discriminatory attitudes in the work of some police personnel. Some earlier studies raised concerns that ethnic Roma may be subjected to ethnic profiling in Latvia. In particular, European Commission against Racism and Intolerance (ECRI) in its 2007 report highlighted that “there are allegations that the police discriminate against Roma, particularly in stops and controls of identity and in the field of combating drug-related criminality. Some studies show that Latvian police tend to resort to practices of racial profiling”.<sup>99</sup> However, no substantial information or references are available on this issue. Representatives of Latvia's Muslim community do not have any information regarding police targeting, profiling or mistreating Muslims in Latvia.<sup>100</sup>

<sup>96</sup> Ombudsman's Office, Information Letter of 22 August 2012

Additional information provided by the Ombudsman's Office 30 August 2012

<sup>97</sup> The Open Society Institute defines “ethnic profiling” as the “use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity”.

<sup>98</sup> Quality Research Studio, Resesarch “Integration of New Members of Society” (Kvalitatīvo Pētījumu Studija, *Pētījums “Jauno sabiedrības locekļu integrācija”*) (Riga, 2008) available in Latvian at:

[http://ec.europa.eu/ewsi/UDRW/images/items/doc/ 8933\\_745568134.doc](http://ec.europa.eu/ewsi/UDRW/images/items/doc/ 8933_745568134.doc) , accessed 19 August 2012

<sup>99</sup> Council of Europe, ECRI Third report on Latvia, Adopted on 29 June 2007. Published on 12 February 2008, available in English at: [http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle\\_03/03\\_CbC\\_eng/LVA-CbC-III-2008-2-ENG.pdf](http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/LVA-CbC-III-2008-2-ENG.pdf) , accessed 19 August 2012

<sup>100</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012



During 2011, the Office of the Ombudsman initiated verification procedures into two complaints about possible ethnic discrimination in the justice system. One complaint alleged unlawful detention of a member of the Roma community by the Police; discrimination was not established on the facts by the Office of the Ombudsman: verification procedure by the Office of the Ombudsman found out that the person was not singled out because of ethnicity; the detention took place because the person was smuggling contraband goods.<sup>101</sup>

Another verification procedure involved a complaint from a prisoner who was not able to participate in the administrative proceedings (court) because the complainant did not have an adequate command of the state language and no translation services were available. The Office of the Ombudsman considered that this practice violates a person's right to a fair trial and that a solution should be found; one of the options could be to provide an interpreter or translation services. The Ombudsman is still communicating with the Ministry of Justice on this matter. The issue remained unresolved at the time of writing.<sup>102</sup>

### **6.8.2 Racist violence and crime**

In Latvia, crimes motivated by racial and ethnic hatred are punishable according to the Section 78 of the Criminal Law (“intentional acts aimed at incitement of national, ethnic and racial hatred”). The majority of cases registered in Latvia are under Section 78: incidents of hate speech on the internet (especially reader’s comments) and do not involve physical violence. (see 6.8.3 below).

There is no information about Muslims being targeted by hate crime in Latvia during the reporting period.

### **6.8.3 Hate speech**

Hate speech is punishable in Latvia according to the Section 78 of the Criminal Law (“intentional acts aimed at incitement of national, ethnic and racial hatred”). The majority of cases brought under Section 78 concern hateful comments on articles published on news portals in the internet and do not involve physical violence.

The Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law was

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<sup>101</sup> Ombudsman’s Office, Information Letter of 22 August 2012  
Additional information provided by the Ombudsman’s Office 30 August 2012

<sup>102</sup> Ombudsman’s Office, Information Letter of 22 August 2012  
Additional information provided by the Ombudsman’s Office 30 August 2012

transposed in 2009 by adding Section 74.<sup>1</sup> (Justification of Genocide, crime against humanity, crime against peace and war crime) to the Criminal Law.<sup>103</sup>

In 2011, the Security Police decided to initiate criminal proceedings in 12 cases of possible incitement to national, ethnic or racial hate (Section 78 of the Criminal Law); following the investigation, 3 cases were forwarded to the Prosecutor's Office for criminal prosecution, while 9 cases are still at the investigation stage.<sup>104</sup> Also during 2011, the Security Police received 22 submissions about possible offences under Section 78 but refused to initiate criminal proceedings.<sup>105</sup> During 2012 the Security Police initiated 14 cases under the Section 78; all cases are still under investigation. There were also eight submissions to the Security Police regarding alleged violations of Section 78. The Security Police refused to initiate criminal proceedings.<sup>106</sup>

The Security Police received 7 submissions in 2011 regarding alleged violations of Section 74.<sup>1</sup> (Justification of Genocide, crimes against humanity, crimes against peace and war crimes) which resulted in a refusal to initiate criminal proceedings. In 2012, the Security Police initiated two criminal proceedings regarding possible violations of Section 74.<sup>1</sup>; one case was closed after the Security Police decided that no criminal offence had been committed, investigation is still underway in the other case.<sup>107</sup>

There are instances when radical nationalists hijack issues and events in Latvia and abroad for their own purposes, even when their expressions are clearly misplaced. Commenting on the tragic events of 22 July 2011 in Norway, Board Member of the radical nationalists' union "All for Latvia! - For Fatherland and Freedom / Latvian National Independence Movement" (AL!-FF/LNIM) Janis Iesalnieks in his Twitter forum stated that "multiculturalists" should feel guilty for the massacre because their policy of Islamisation led to the insanity of the attacker.<sup>108</sup> One opposition MP, who believed these comments constituted incitement to ethnic hatred, appealed to the Security Police. The Police decided not to initiate criminal proceedings into the case, concluding that such comments "do not represent criminal offence".<sup>109</sup>

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<sup>103</sup> Koltchanov, Boris, based on materials collected by the Latvian Centre for Human Rights ENAR, *Shadow Report 2009/2010 Racism and Discrimination in Latvia*, <http://cms.horus.be/files/99935/MediaArchive/Latvia.pdf> (accessed on 24 August 2011)

<sup>104</sup> Security Police, Letter Nr.21/2763 of 01.08.2012

<sup>105</sup> Security Police, Letter Nr.21/2763 of 01.08.2012

<sup>106</sup> Security Police, Letter Nr.21/2763 of 01.08.2012

<sup>107</sup> Security Police, Letter Nr.21/2763 of 01.08.2012

<sup>108</sup> Diena, 20 September 2011, „The Security Police will not open criminal proceedings on Iesalnieks' expressions about the Norway's tragedy”, available in Latvian at: <http://www.diena.lv/latvija/zinas/drosibas-policija-nesaks-kriminalprocesu-par-iesalnieka-izteikumiem-saistiba-ar-norvegijas-tragediju-13904520> , accessed 19 August 2012

<sup>109</sup> Diena, 20 September 2011, „The Security Police will not open criminal proceedings on Iesalnieks' expressions about the Norway's tragedy”, available in Latvian at: <http://www.diena.lv/latvija/zinas/drosibas-policija-nesaks-kriminalprocesu-par-iesalnieka-izteikumiem-saistiba-ar-norvegijas-tragediju-13904520> , accessed 19 August 2012

#### 6.8.4 Counter terrorism

The body responsible for counter terrorism in Latvia is the Security Police. The 2011 Public Review<sup>110</sup> of the Security Police states that in 2011 the level of terrorist threat remained low and there were no acts of terrorism or other related crimes during the period under review. There are no terrorist organisations in Latvia. However, the Security Police have identified factors which in the future might be conducive to increasing threat of terrorism.

The report states that 'Worldwide, Islamist terrorists represent the biggest threat and therefore, the Security Police conducted preventive measures during 2011, monitoring the developments taking place in Latvia's Muslim community in order to identify possible trends towards radicalisation and limit its spread.' The Security Police also uses migration to control to monitor the arrival of individuals from countries which it associates with a high risk of terrorism.<sup>111</sup>

While the Security Police consider that to date there have been no signs of radicalisation within the Muslim community in Latvia, they nonetheless identify Latvia's converts to Islam as a high risk category. According to the Security Police, there is a concern that some of the converts, when travelling to the countries which pose high terrorism risks, might come in contact with those individuals who support radical interpretation of Islam, and become more radical themselves. The extremists could take advantage of the converts' insufficient knowledge or misinterpretation of Islam, combined with the latter's desire to be accepted by the other, 'ethnic Muslims'. The Security Police also believes that building an Islamic Culture Centre (mosque) in Latvia would increase popularity of Islam in society, draw new people and lead to establishment of various interest groups linked to Islamic studies and links abroad. Construction of the Islamic Culture Centre (mosque) could facilitate the risks of radicalisation, if such construction would use funding from institutions, which disseminate radical interpretation of Islam. The Security Police also fear that the visits to Latvia by adherents of radical Islam would be more frequent, as well as the number of Latvia's Muslims visiting radical Islam education centres abroad would increase.<sup>112</sup>

According to the representatives of Latvia's Muslim community, the law enforcement agencies do not put any obstacles to the development of Islamic faith in Latvia. In particular, Moslems in Latvia did not experience any interference from the Security Police. Moreover, representatives of the

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<sup>110</sup> Security Police, *Drošības Policijas 2011.gada darbības publiskais pārskats*, [http://www.iem.gov.lv/files/text/DP\\_2011\\_p.pdf](http://www.iem.gov.lv/files/text/DP_2011_p.pdf), accessed 19 August 2012

<sup>111</sup> Security Police, *Drošības Policijas 2011.gada darbības publiskais pārskats*, [http://www.iem.gov.lv/files/text/DP\\_2011\\_p.pdf](http://www.iem.gov.lv/files/text/DP_2011_p.pdf), accessed 19 August 2012

<sup>112</sup> Security Police, *Drošības Policijas 2011.gada darbības publiskais pārskats*, [http://www.iem.gov.lv/files/text/DP\\_2011\\_p.pdf](http://www.iem.gov.lv/files/text/DP_2011_p.pdf), accessed 19 August 2012

community cite examples of cooperation with the Latvian Prison Administration, which allowed imam to visit prisoners as a chaplain.<sup>113</sup>

### 6.8.5 Facilitating factors or protective measures in criminal justice

There is no information about salient developments or political discussions on hate crime or hate speech that could have lead to special measures in criminal justice in Latvia during the reporting period.

Support for the victims of crime is provided by both the state and the NGO sector. Legal aid provided by the state is available for those in need, while the state also provides compensation to the victims of serious crimes.<sup>114</sup> Several NGOs offer their assistance to the victims of crimes, which, depending on the capacity and resources of specific organisation may include psychological help, reporting, provision of information and legal advice.<sup>115</sup> Latvian Centre for Human Rights (LCHR) also published a brochure<sup>116</sup> about the hate crimes and the available assistance for victims of hate crime, as well as an online hate crime report form<sup>117</sup> in three languages (Latvian, Russian, and English) in order to provide an unofficial channel of reporting hate crimes.

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<sup>113</sup> Information provided by the chairperson of the Latvia's Union of Moslem Parishes (LUMP) Zufar Zaynulin and the press-secretary of Latvia's Islamic Cultural Centre (LICC) Vugar Rashidov on 17 August 2012.

<sup>114</sup> Latvian Centre for Human Rights, *Combating Hate Crimes in Latvia: Legislation and Police Practice* (2008), available in English at: [http://cilvektiesibas.org.lv/site/attachments/30/01/2012/Naida\\_noziegums\\_ENG\\_Internetam.pdf](http://cilvektiesibas.org.lv/site/attachments/30/01/2012/Naida_noziegums_ENG_Internetam.pdf), accessed 19 August 2012

<sup>115</sup> Latvian Centre for Human Rights, *Hate crimes* (2008), available in English at: <http://cilvektiesibas.org.lv/en/publications/brochure-hate-crimes>, accessed 19 August 2012

<sup>116</sup> Latvian Centre for Human Rights, *Hate crimes* (2008), available in English at: <http://cilvektiesibas.org.lv/en/publications/brochure-hate-crimes>, accessed 19 August 2012

<sup>117</sup> Latvian Centre for Human Rights, *Hate crime Incident Report form* (2008), available in English at: <http://cilvektiesibas.org.lv/en/database/report-hate-crime>, accessed 19 August 2012

## 7. Civil society assessment and critique in ensuring protection of fundamental rights

By 2011 Latvia has completed the process of transposition of the EU anti-discrimination directives.<sup>118</sup>

However, the fundamental problem for Latvian anti-discrimination policies is the lack of data about the situation of various groups (defined e.g. by race, ethnicity, religion, native language etc) in various areas of life (e.g. employment, education, housing, health, access to goods and services, political participation media and criminal justice): thus, the fair impartial assessment of the situation is hardly possible. The lack of complaints data may be misleading.<sup>119</sup> The Muslims in Latvia are negatively affected by the citizenship and language legislation.

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<sup>118</sup> Latvian Centre for Human Rights (2011), Diskriminācijas novēršana Latvijā: no likumdošanas līdz tiesu praksei (2008-2011), available in Latvian at: [http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminacijas\\_noversana\\_Latvija\\_II\\_Screen.pdf](http://cilvektiesibas.org.lv/site/attachments/29/01/2012/Diskriminacijas_noversana_Latvija_II_Screen.pdf) , accessed 19 August 2012.

<sup>119</sup> See EU-MIDIS survey data cited in: Koltchanov, Boris (based on materials collected by the Latvian Centre for Human Rights) Racism in Latvia, ENAR Shadow Report <http://cms.horus.be/files/99935/MediaArchive/Latvia.pdf> , accessed 19 August 2012

## 8. Good practices

### Access to goods and services

#### **Different Client in Diverse Latvia III**

In March-June 2012 the Latvian Centre for Human Rights implemented a project “Different Client in Diverse Latvia III” aimed at the training of government employees and trade union representatives about intercultural communication, anti-discrimination and diversity management issues.<sup>120</sup> The three-day training was aimed at representatives of institutions providing services to third country nationals. Training participants gained both theoretical knowledge and practical advice for work in diverse society. Lectures, practical exercises, role plays, analyses of video materials and publications were used as the training methods in order to promote active engagement of participants. The project was implemented in the framework of the European Fund for the Integration of Third-country nationals (75% of the EU funding and 25% of Latvian state co-funding), administrated in Latvia by the Ministry of Culture.

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<sup>120</sup> Latvian Centre for Human Rights, „Atšķirīgs klients daudzveidīgā Latvijā”, Description of the project in Latvian: <http://cilvektiesibas.org.lv/lv/projects/atšķirīgs-klients-daudzveidīga-latvija-stiprinot-p-206/>, accessed 10 August 2011

## 9. National recommendations

- Improve and develop the system of data collection to assess the situation of various groups (defined in terms of ethnicity, race, native language, religion, citizenship) in various areas of life, such as employment, education, housing, healthcare and social protection, access to goods and services, work of law enforcement bodies, and participation in public life.
- In line with ECRI recommendations 2012, reconsider the extensive state language requirements as a precondition for access to the labour market
- In line with ECRI repeated recommendations, grant eligibility and voting rights to Latvia's "non-citizens" in local elections.

## 10. Conclusion

The EU equality directives had already been transposed into Latvian law by 2011, and there were no major changes in the country's anti-discrimination legislation during the reporting period from March 2011 - March 2012.

There were also no changes to the legislation concerning the rights and opportunities of minority groups, including Latvia's Muslims, in areas, such as access to employment and public life. The majority of Latvia's Muslims do not have citizenship and a substantial proportion of the Muslim population does not have full access to the labour market.

The number of actual complaints about possible instances discrimination and intolerance remains very low, yet objective assessment of the overall situation is far from simple, as the earlier reports indicated certain lack of confidence among the general public and minorities about the effectiveness of existing legal and institutional mechanisms for rights protection. Moreover, there is continuous lack of data on the situation of representatives of various groups in different spheres of life such as housing, income and occupation, education, health, access to goods and services in the public and private sectors, participation in public life.

It is difficult to ascertain whether Islamophobia is a widespread problem in Latvia. While some part of the general public holds Islamophobic views, the leaders of the Muslim community in Latvia do not consider it as a widespread problem, point at the lack of objective information about Islam and try to work with the mass media to fight stereotypes and prejudices.



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## **Annex 1: List of abbreviations and terminology**

AL!-FF/LNIM – political union “All For Latvia! - For Fatherland and Freedom / Latvian National Independence Movement”

CSB - Central Statistics Bureau

ECHR - European Court of Human Rights

ECRI - The European Commission against Racism and Intolerance

EU – European Union

FHRUL - political party “For Human Rights in United Latvia”

LBAS - Free Trade Union Confederation of Latvia

MPs – members of parliament

NGO – non-governmental organisation

OSCE/ODIHR – Organisation for Security and Cooperation in Europe / Office for Democratic Institutions and Human Rights

SLC - The State Language Centre

SLI – State Labour Inspectorate

USSR – Union of Soviet Socialist Republics

