



CLSF Latvijas Cilvēktiesību komiteja
F.I.D.H. Latvian Human Rights Committee

Латвийский комитет по правам человека (МФПЧ)

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Discrimination and minority rights in Latvia: 2016-2017 events

September 2017. Submission for Human Dimension Implementation Meeting
Working session 10, Tolerance and non-discrimination I

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As general remarks, it should be noted that comprehensive anti-discrimination legislation still has not been adopted in Latvia. People under UNHCR statelessness mandate are 11 % of the population, as at 2017. Linguistic minorities, overwhelmingly the Russian-speaking one, are more than 37% of the population according to 2011 census. One issue not yet voted in the Parliament, but discussed in the Cabinet in 2017, is the draft law on restricting face-covering.

[1] Linguistic legislation and law enforcement

In September 2017, the Parliament approved in the first reading (of three) draft amendments to the Administrative Violations Code (bill No. 901/Lp12).¹

The amendments provide for:

- stricter punishments for "linguistic" violations, up to 100 times higher (the maximum fine for legal persons in Section 201.31, for repeated lack of Latvian translation at events where it's mandatory, will rise from EUR 140 up until EUR 14,000). The most widespread language offence – "failure to use the official language in the amount required for performance of Professional and Office duties, if

¹ <http://titania.saeima.lv/LIVS12/saeimalivs12.nsf/0/58374FF079E64EF8C225812200437E52?OpenDocument> (LV) Relevant Sections of the Code are numbered 201.36 ff.

the regulatory enactment specifies the use of the official language", without aggravating circumstances, is intended to have a maximum fine of EUR 700 instead of current EUR 280.

- a new victimless offense – "sending or giving prospects, bulletins, catalogues etc. for natural persons, along with the official language, also in a foreign language without a request from those persons" (a warning or a fine of up to EUR 150, for legal persons up to EUR 7000).
- an additional punishment for some offences, such as the vaguely-worded grave contempt to the official language, repeatedly insufficient command of it and repeated distribution in several languages the information which is provided by law to be published in Latvian only. The optional punishment to be added is prohibition to be a public official (which includes municipal councillors and mayors).

The latter part of the initiative is especially dangerous in the view of the mayor of the capital city of Riga having been fined for using Russian and English (alongside Latvian) on municipal social media accounts. The fine has been confirmed by court and entered into force in 2017.²

In December 2016, Supreme Court has upheld the decision to deprive Mr Ivans Baranovs of his seat at Balvi Municipality Council due to his Latvian language skills being lower than required from local councillors by government regulations.³ The electorate, it should be noted, was satisfied with Mr Baranovs' ability to work – he had been elected for three terms in a row.⁴ Complaints to the Constitutional Court, brought by Mr Baranovs,⁵ have been dismissed without considering them on the merits. In June 2017, he was elected the fourth time in a row – and in August, the State Language Centre has warned him of their intention to check his Latvian language skills once again.⁶ In September, 2017, Mr Baranov's communication was received by the UN Human Rights Committee.⁷

In May 2017, the Parliament adopted amendments to the law "On Land Privatisation in Rural Areas" introducing new requirements for buying agricultural land for natural persons, in Section 28.¹ One of the new requirements for EU/EEA/Swiss citizens buying agricultural land is the need to have a documented command of Latvian language at B2 level (CEFR).⁸ We consider this to be an attempt to circumvent the equality of EU citizens. A complaint by a LHRC member has been registered in the European Commission in August.⁹

[2] Pressure on minority NGOS

On February 21, 2017, the Cabinet has adopted new amendments¹⁰ to its Regulations No. 733 of 7 July 2009, on positions and professions which require official language proficiency. Effective since January 1, 2018, new provision will require members of ruling boards of NGOs to have Latvian language proficiency on the level C1. A possibility of exceptions from the rule is only allowed for ethnic minority culture NGOs. They will be allowed to request State Language Centre (under the Ministry of Justice) to apply lower requirements for their board members. However, there are no criteria established for the State Language Centre on when to grant such exceptions. This creates a risk of arbitrariness and political pressure on ethnic

² http://www.mixnews.lv/ru/politics/news/218190_bez-apellyacii-ushakovu-okon4atelno-zapretili-obs4atsya-v-socsetyax-na-russkom/ (RU)

³ <http://vesti.lv/news/nacobuedinenie-likuet-deputata-lishili-mandata-za-neznanie-gosyazyka> (RU)

⁴ <http://vesti.lv/news/centr-gosyazyka-ustroil-ohotu-na-deputata-soglasiya> (RU)

⁵ Complaints Nos. 15/2017 and 59/2017, rejected on February 17 and May 10, respectively. Disclaimer: Mr Baranovs was assisted by the Latvian Human Rights Committee.

⁶ Letter No. R4-1.2/863 of August 14, 2017

⁷ No. 3021/2017 Disclaimer: Mr Baranovs is assisted by the Latvian Human Rights Committee.

⁸ Grozījumi likumā "Par zemes privatizāciju lauku apvidos" <https://likumi.lv/ta/id/290640-grozijumi-likuma-par-zemes-privatizaciju-lauku-apvidos> (LV)

⁹ Reference number CHAP(2017)02416 - LATVIA

¹⁰ Grozījumi Ministru kabineta 2009. gada 7. jūlija noteikumos Nr. 733 <https://likumi.lv/ta/id/288898> (LV)

minority NGOs not satisfied with government policy. We find that the requirements are dangerous for freedom of association, limiting it to people with good Latvian skills. They are especially dangerous in Southeastern Latvia, where Latvian language environment is narrow and Latvian language skills among ethnic minorities (there – a majority) are lower-than-average. Also, the requirements will hit some NGOs mostly consisting of elderly ethnic minority people in the capital city of Riga (another sector of population with lower-than-average Latvian skills).

The annotation to the amendments is quite vague. It admits that in private sector, language requirements must be limited with lawful interests of the public. However, the annotation maintains that virtually all NGOs will be affected under those requirements, interpreting interests of abstract persons to communicate with NGOs in Latvian as “lawful interest of the public”.¹¹ This even runs counter to the Official Language Law: its Section 2 limits lawful interests of the public to “public security, health, morality, health care, protection of consumer rights and employment rights, safety in the work place and public administration supervision”.

For minority NGOs getting foreign funding, an additional concern is the draft law “Amendments to the Associations and Foundations Law” (No. 563/Lp12), adopted in the 2nd reading in June, 2017. It simplifies the dissolution of NGOs on vague grounds of security threats, and introduces procedures for suspending NGO activities or imposing additional reporting on them. The text itself does not mention minority NGOs; however, the bill’s annotation speaks about foreign funding for NGOs as a threat.¹²

[3] Historical memory

On March, 16, 2017, an annual march honouring Waffen SS Latvian Legion veterans took place in the centre of Riga, with participation of MPs from the co-ruling National Alliance.¹³ The leaders of the National Alliance have called the SS legionnaires “freedom fighters”¹⁴ and their cause – “struggle for a free Latvia, although with a wrong ally”.¹⁵ The Speaker of the Parliament spoke about legionnaires as “soldiers who went to fight for Latvia” and “against Bolshevism”.¹⁶

Several protesters against the march have been arrested, although non-violent. Two were fined. Proceedings against three others have been terminated in May by court¹⁷. However, the Prosecution Office has lodged complaints against the latter decisions.

[4] Language policy: education

In the declaration of the current Kučinskis cabinet (February, 2016), an intention to switch minority (bilingual) public schools to Latvian as the only language of instruction is announced: “A plan must be developed and launched for the transition to a unified education standard in the state language in state and

¹¹ Detailed information at <http://tap.mk.gov.lv/lv/mk/tap/?pid=40371539> (LV)

¹² <http://titania.saeima.lv/LIVS12/saeimalivs12.nsf/0/F669DEA5ABA5709FC2257FA10028E51E?OpenDocument> (LV)

¹³ <http://rus.delfi.lv/news/daily/latvia/tekstovaya-translyaciya-chto-proishodit-v-rige-v-den-pamyati-legionerov.d?id=48628725> (RU)

¹⁴ https://twitter.com/VL_TBLNNK/status/842277428596736000 (LV)

¹⁵ <http://www.nacionalaapvieniba.lv/aktualitate/16-marts-vesturiskas-patiesibas-izgaismosanas-akcija/> (LV)

¹⁶ <http://www.saeima.lv/lv/aktualitates/saeimas-zinas/25693-inara-murniece-latviesi-lika-ceribas-uz-to-ka-tiks-sakauti-abu-okupantu-karaspeki?fref=gc&dti=639212446248917> (LV)

¹⁷ <http://vesti.lv/news/zaderzhanie-bez-osnovanii> (RU) Disclaimer: protesters are assisted by the Latvian Human Rights Committee

local government funded educational institutions”.¹⁸ This is contrary to the position of the High Commissioner on National Minorities.¹⁹ Meanwhile, the number of minority schools has continued to fall in 2016/17, with a greater share of the minority schools, already few, being affected than Latvian language-only schools²⁰:

Academic year	Latvian-language only schools	“Dual stream” schools (Latvian-language only classes and bilingual classes with some instruction in Russian)	Russian minority schools (overwhelmingly – bilingual ones)	Polish minority schools (all bilingual)
1998/1999	728	145	195	5
2014/2015	627	63	97	4
2016/2017	602	57	94	4

In January, the Cabinet has denied rectorship of the Riga Graduate School of Law (with tuition in English) to the elected British academic Dr. Mel Kenny, based on his Latvian skills being lower than required by regulations.²¹ At least one minority school headmaster was fined by State Language Centre for not fully translating the speeches in the graduation ceremony to Latvian (Liepaja city, June 2017).²² Another minority school was fined by State Education Quality Service, because teachers gave explanation to pupils in Russian during the exams (Riga city, June 2017).²³

One small step in the direction of a more reasonable line was made in September 2017, exempting foreign medicine students from mandatory Latvian language exams.²⁴

In January, 2017, Russian-language private school *Innova* has been able to restore its licence, but not yet accreditation (denied in 2016, on allegations that some of the schools founders and teachers don't foster the cohesion of society, sense of belonging and loyalty to Latvia. The school founder is known for criticism of government language policy).²⁵

On August 8, 2017, the Cabinet has amended its regulations No. 1510 of 17 December 2013 and No. 335 of 6 April, 2010. The amendments cancel the right of pupils to choose the language of answers in the exams in forms 9 and 12 (when graduating from basic and high school, respectively). Earlier, children had had the opportunity to answer in Latvian or Russian, now - in Latvian only. For grade 9, the amendments will come into force gradually.

¹⁸ http://www.mk.gov.lv/sites/default/files/editor/deklaracija_en.pdf See p. 12

¹⁹ High Commissioner on National Minorities, statement to 1026th plenary meeting of the Permanent Council <http://www.osce.org/pc/127063?download=true>

²⁰ Ministry of Education and Science. Annual statistics on the number of schools by medium of instruction - http://www.izm.gov.lv/images/statistika/izglitiba/2016_2017/Vs_skolu_sk.xlsx See “pa plusmam” (“by streams”). “Latviešu”=“Latvian”, “Krievu”=“Russian”, “Poļu”=“Polish” [language] (LV)

²¹ <http://eng.lsm.lv/article/society/society/top-academics-fall-foul-of-latvian-language-rules.a220601/>

²² <http://rus.delfi.lv/news/daily/latvia/vypusknnoj-v-shkole-zavershilsya-shtrafom-ot-centra-gosyazyka.d?id=48957367> (RU)

²³ <http://rus.delfi.lv/news/daily/latvia/rizhskuyu-shkolu-oshtrafovali-za-to-cto-na-ekzamene-ispolzovalsya-russkij-yazyk.d?id=49035541> (RU)

²⁴ <http://eng.lsm.lv/article/society/education/foreign-dentistry-students-wont-have-to-know-latvian-to-get-license.a249872/>

²⁵ http://www.mixnews.lv/ru/politics/news/216012_neloyalnaya-shkola-innova-vosstanovila-licenziyu/ (RU)

[5] Sexual orientation issues

In May 2017, a public discussion was caused by the refusal of a photographer to film a lesbian couple. The Ombudsman Bureau told that the case can fall under providing services where discrimination based on sexual orientation is prohibited.²⁶

[6] Political participation and corrigendum

In June 2017, local elections took place. Ethnic Latvians have formed 60.2 % of the population in July. However, due to statelessness pervasive among ethnic minorities, the share of ethnic Latvians among citizens is much higher – 71.08%.²⁷

However, among candidates for local elections, this share has reached 77.46 %. Since candidates are not obliged to indicate their ethnicity, and 16.99 %, indeed, did not,²⁸ the share of ethnic minorities among candidates is likely to be much lower than 22.54%.

For other details and recommendations, in particular on statelessness, please see our submission for HDIM Session 3 at <http://www.osce.org/odihr/339766?download=true> . An update for it is that the President's modest proposal to grant citizenship to future newborn children of so-called "non-citizens", automatically, has been blocked by one of co-ruling parties.²⁹

P.S. In our submission for HDIM Session 3, in footnote 9, the link <http://www.pmlp.gov.lv/en/home/statistics/naturalization.html> was given. The needed link is http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/PSAV_Aarvalstiis_Latvijas_VPD.pdf .

[7] Recommendations for Latvia:

- To restore the network of minority schools and to give them choice of language of instruction.
- To allow taking exams in minority languages.
- To cancel Latvian language requirements for local councillors, NGO board members and educators teaching in other languages.
- To condemn discourses honouring those having collaborated with Nazi Germany.
- To reject the bills Nos. 901/Lp12 and 563/Lp12.
- To invite to Latvia UN Special Rapporteurs on education, minority issues and racism.
- To adopt comprehensive anti-discrimination legislation.
- To implement our other recommendations made at HDIM in 2016.

²⁶ <http://www.delfi.lv/calis/jaunumi/tiesibsarga-birojs-diskriminacija-seksualas-orientacijas-del-no-pakalpojuma-sniedzēja-ir-aižliegta.d?id=48855843> (LV)

²⁷ http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/010717/ISVN_Latvija_pec_TTB_VPD.pdf (LV)

See row "LATVIETIS" [ethnic Latvian], columns "Latvijas pilsonis" [Latvian citizen] and "Kopā" [Total]. Compare it with the analogous columns in the row "Kopā" at

http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/010717/ISVG_Latvija_pec_DZGada_VPD.pdf (LV)

²⁸ <http://pv2017.cvk.lv/CandidateLists> (LV)

²⁹ <http://eng.lsm.lv/article/politics/saeima/president-and-government-on-collision-course-over-citizenship.a249824/> (EN)