

# ***Human Rights Without Frontiers Int'l***

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## **OSCE Human Dimension Implementation Meeting**

**Warsaw, 29 September 2014**

### **Working Session 10 : Rights of Persons Belonging to National Minorities**

#### **BALTIC STATES**

#### **Citizenship and Language Rights of Russian-speaking Minorities**

#### ***Human Rights Without Frontiers recommends the following:***

1. Estonia, Latvia and Lithuania should develop a clear framework for regular and meaningful communication between their governments and minority groups and civil society in their respective countries;
2. The aforementioned countries should ensure that the comments and deliberations of such dialogue are translated into local and minority languages and made widely accessible;
3. As State Parties to the Framework for the Protection of National Minorities (FCNM), the aforementioned countries are encouraged to 'review and withdraw restrictive declarations and reservations which effectively attempt to curtail meaningful minority protection.' The participation of minorities is urged in the process of drafting the State Report in regard to compliance with the obligations of this treaty;
4. The countries should ensure that their national legal structures are in harmony with their commitments to the FCNM;
5. Estonia and Latvia should appoint an independent commission to develop a roadmap to ensure that all Russian speakers within their borders have access to citizenship through a reasonable process of naturalisation. This should include a facilitated process for older persons who have long-established residency but have limited ability in the state language of the country.

## **Citizenship and Language Rights of Russian-speaking Minorities in the Baltic States**

In the wake of the collapse of the Soviet Union, a wave of nationalism swept over the region such that secessionist republics moved to rid themselves of what was considered to be negative aspects of Soviet rule. Prominent among these reforms was the renunciation of the Russian language as the chief vehicle for communications between the many peoples that comprised the USSR. Indeed, the Soviet regime had given considerable attention to the goal of establishing Russian as the official state language to be used throughout its territory.

In the early 1990s, many newly independent states set out to assert their national identities by enacting legal frameworks for the suppression of the Russian language and the promotion of its own state language to be used in the public sphere. This was no less the case for the three Baltic states of Latvia, Lithuania and Estonia.

Large numbers of ethnic Russians came to settle in the Baltic region as part of the Soviet programme of *russification*. In the post-independence push to recover the Baltic countries' national identity, the citizenship and language rights of Russian speakers in the region were compromised. Action was needed to close the gap between the dominant group and the Russian-speaking minority and to ensure the advance of democracy in each of the Baltic States.

All three Baltic countries are State Parties to the Framework for the Protection of National Minorities (FCNM), which came into force in 1998. This convention underscores minority protection as a core value of the Council of Europe. However, a number of states have lacked the political will to implement its provisions. The Baltic States could take a leadership role in fulfilling their international obligations by ensuring that the FCNM is taken seriously as a framework for strengthening tolerance, pluralism and respect for diversity within their borders.

By way of contrast, none of the three Baltic States have ratified the European Charter on Regional or Minority Languages (ECRML). This treaty, adopted in 1992, aims to protect and promote traditional regional and minority languages in Europe. It was not to be considered a threat to official languages. The presence of other linguistic groups is viewed as a cultural asset and not a detriment to the societies which host them. Even still, the Baltic States have found the ECRML to be too prescriptive in its detail and have been unwilling to ratify it.

### ***Suppression of Russian Language***

In *Latvia*, where 37% of the population<sup>1</sup> speak Russian as their native language, all government affairs must be conducted in Latvian. A constitutional referendum to adopt Russian as a second official language was defeated in 2012. This was hardly surprising: a sizable portion of the country's Russian speaking community cannot become citizens and were thus not permitted to vote in the referendum.

Latvia has systematically suppressed the use of Russian at numerous levels. Latvian is the only language that is authorised for use in the public sector. A fine is imposed on those who do not

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<sup>1</sup> 2000 Population Census

use the state language in conducting administrative or state affairs.<sup>2</sup> This has proven to be a hardship for the large Russian-speaking population in the country who need to conduct normal administrative tasks in a language that is not their own.

Recent legislation also aims to eradicate any ‘foreign language’ as a medium for instruction in the educational system. The government plans to discontinue all Russian-language instruction in schools by 2018.

Surnames in Latvia are changed on official documents to make them sound more Latvian. Employment opportunities are severely limited for Russian speakers. And the Latvian State Language Centre<sup>3</sup> was established in 1992 to oversee the implementation of state policy on language and to impose fines on those who violate it. Thousands of ordinary citizens and residents have been called up on charges of breaching the linguistic barrier in Latvia.

*Estonia* has likewise strengthened its language policy, imposing harsh fines and restrictions for those who are unable or refuse to conduct normal business in Estonian. UN and EU reports have highlighted the severe limitations on the use of minority languages in Estonia, including education and the public sector. The Russian language is especially targeted, referred to by the Estonian president as the language of the ‘invaders.’ During the final stage of EU accession talks, Estonia raised objections to the term ‘integration’ in reference to its Russian minorities.

Even still, 29,6 % of the Estonian population<sup>4</sup> are composed of Russian minorities.

Legal experts have raised concerns for both Latvia and Estonia that despite constitutional and legal prohibitions against discrimination on the basis of race or nationality, these are not sufficient to comply with the EU Racial Equality Directive.

Among the Baltic States, *Lithuania* has distinguished itself as the country making the most progress toward respecting the linguistic rights of its population. This is arguably less challenging for a country where only 8 % of its population is Russian-speaking.<sup>5</sup> A thoroughgoing reform of the educational system has resulted in a sufficient number of Russian schools of high quality; however, there are plans to sharply decrease the number of such schools by 2018. An increasing number of students from Russian-speaking families have opted for Lithuanian-based education, prompting a re-evaluation of the country’s policy.

### ***Deprivation of Citizen Rights to Russian Speakers***

Most disconcerting are the persistent restrictions on citizen rights for Russian-speaking minorities in both Latvia and Estonia. To acquire Estonian nationality, candidates must demonstrate a high proficiency in the state language. The state provides free language courses; however, the situation is complex, especially for older Russians, and has left many Russian speakers in the country essentially stateless.

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<sup>2</sup> Latvian Administrative Violations Code

<sup>3</sup> Official website (in Latvian only) <http://www.vvc.gov.lv/advantagecms/LV/aktualitates/index.html>

<sup>4</sup> 2014 government statistics <http://pub.stat.ee/>

<sup>5</sup> 2011 Population Census

Similar conditions exist in Latvia, where employment is very limited for ethnic Russians with no official status and little command of the Latvian language. The political rights of Russians living in Latvia have been seriously limited since independence, as they are considered to be ‘foreigners’ and thereby excluded from the country’s political life. They are not able to vote at national or even local levels. Access to Latvian citizenship is simply out of reach for many Russian speakers.

In Lithuania, most ethnic Russians have been granted the right to citizenship.

Russian minorities who are non-citizens in Estonia and Latvia are able to travel within the Schengen zone and the Russian Federation without a visa. Nonetheless, their statelessness remains a persistent problem and merits the attention of the international community.

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- Estonia and Latvia should appoint an independent commission to develop a roadmap to ensure that all Russian speakers within their borders have access to citizenship through a reasonable process of naturalisation. This should include a facilitated process for older persons who have long-established residency but have limited ability in the state language of the country.