



Latvijas Cilvēktiesību komiteja
Latvian Human Rights Committee
Латвийский комитет по правам человека

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**Minority rights in Latvia: 25 years after the adoption of The Copenhagen Document,
in the light of Ljubljana Guidelines and Bolzano/Bozen Recommendations**

“States should respect the rights of persons belonging to national minorities to be taught their language or to receive instruction in this language” (Ljubljana Guidelines, para. 45)

During the last 25 years, the situation in education has somewhat improved for numerically smaller minorities in Latvia. The trend launched during the Gorbachov’s *perestroika* (in 1989, the first Jewish school since WWII was opened, a Ukrainian school was formed as a Sunday school, and Estonian classes were formed) has developed. In particular, in 1991-1994, the Ukrainian and Estonian schools became full-fledged, a Belarusian school and several Polish schools were created. There are, however, some problems for those minorities, too. Until 2011/12, there had been five Polish schools, since 2012/13 there are four left. The Estonian high school was downgraded to a basic school.

However, an overwhelming majority of persons belonging to national minorities in Latvia are native Russian-speakers (more than 37 % of those answering the question on the language used at home during the 2011 census¹), and the situation with the use of Russian as a language of instruction has worsened sharply between 1990 and 2015.

The Education Law of 1991² has restricted the allowed use of non-Latvian languages as primary medium of instruction in public tertiary education to the junior year. In 1995, it was amended³ to teach at least two subjects in minority basic schools (year 1-9) and three subjects in minority high schools (grade 10-12) in Latvian. The Education Law of 1998⁴ eradicated education in Russian from public tertiary education (except Russian philology) since 1999, and in its initial version, foresaw education in public high schools in Latvian language exclusively (intended to come into force 2004-2006). After wide protests, the latter provisions were somewhat

¹ <http://www.csb.gov.lv/en/notikumi/home-latvian-spoken-62-latvian-population-majority-vidzeme-and-lubana-county-39158.html>

² <http://likumi.lv/ta/id/67960-latvijas-republikas-izglitibas-likums> (LV)

³ <http://likumi.lv/ta/id/36364-grozijumi-latvijas-republikas-izglitibas-likuma> (LV)

⁴ http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Education_Law.doc See Section 9 and Para. 9 of the Transitional Rules

liberalized – since 2004, the law orders public minority high schools to teach at least 60 % of lessons in Latvian. In autumn 2015, Cabinet Regulations No. 468 of 12 August 2014⁵ came into force, limiting the use of minority languages in grades 7-9 of public schools.

Another issue of concern is the introduction of unified Latvian language exams for Latvian-language-only schools and minority (bilingual) schools. Unsurprisingly, the effect is discriminatory: the marks of minority schools graduates are somewhat lower, and therefore so are their chances to study for free in public universities.

The destruction of the network of schools offering bilingual education in Latvian and Russian languages (most of minority schools in Latvia) is continuing – in 2014/2015, there are only 160 such schools left. In 1998/1999, there were 340. The number of Latvian-language-only schools has fallen, too, but not in the same way – there were 873 such schools in 1998/99, and in 2014/15, there are 690.⁶

The regrettable approach to minority education is also seen in the light of Para. 18 of Bolzano/Bozen recommendations – the restored Republic of Latvia is not using the experience of its treaties on minority education (those with Estonia and Lithuania⁷) from the interwar period. Regarding Para. 19., it should be noted that Latvia hasn't ratified the optional protocol to the Convention against Discrimination in Education.

“allowing the use of other languages to some degree in public administration and services (..) can help accommodate the needs and promote the inclusion of minorities” (Ljubljana Guidelines, Explanatory Note to Para. 42)

The language legislation had also been made more restrictive in other ways. Most notably, the 1999 Official Language Law⁸ has deprived residents of the right to communicate with authorities in Russian (enshrined in the Languages Law of 1989, as amended in 1992⁹), save extraordinary situations. The new approach is a direct opposite to the OSCE guidelines on essential public services – instead of promoting the opportunities to use minority languages “to the extent possible”, Latvian authorities choose to make use of Latvian language mandatory, allowing customers' choice as exceptions only.

Most recently, many radio stations will have to broadcasting all the content in Latvian since 2016, in accordance to amendments of autumn, 2014.

“laws should not generate statelessness at birth (..) States should consider granting citizenship to persons who have been de jure or de facto stateless for a considerable amount of time (..) States should adopt specific, targeted policies to ensure that everyone has adequate opportunities to effectively participate in democratic decision-making” (Ljubljana Guidelines, paras. 34, 35, 39)

⁵ <http://likumi.lv//ta/id/268342?&search=on> (LV)

⁶ http://www.izm.gov.lv/images/statistika/visp_izgl/2014_2015/Vs_skolu_sk_14.xls (LV) See “pa plusmam”. “Krievu”=“Russian” [language]

⁷ Inter-School Convention. [1934] League of Nations Treaty Series 151; 150 LNTS 299 www.worldlii.org/int/other/LNTSer/1934/151.html ; Inter-School Convention. [1931] League of Nations Treaty Series 144; 118 LNTS 135 www.worldlii.org/int/other/LNTSer/1931/144.html

⁸ http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Official_Language_Law.doc

⁹ <http://www.vvk.lv/index.php?sadala=135&id=165> (LV)

In 1989 and 1990, virtually all residents of Latvia had been able to participate in the first alternative elections since 1934. In the spring of 1991, a survey on the issue of independence organised by the Republic of Latvia was also a universal one.

However, in October 1991, a restrictive approach to citizenship was chosen. More than 700,000 residents turned out in an unclear legal situation, deprived of voting rights. Until now, the small Latvia remains the leader of the EU by the absolute number of stateless persons (mostly with the status of so-called “non-citizens of Latvia”, without any electoral rights) – a problem concerning almost exclusively ethnic minorities.¹⁰

As at 1 January, 2015, there were 262,622 “non-citizens” residing in Latvia, or more than 12 % of the population (and 180 more persons recognised by Latvia as stateless under 1954 Convention).¹¹ The statelessness problem is less acute among children – but this overall positive fact has a downside; the share of disenfranchised adult population is even bigger than 12 %. The decrease in the number of “non-citizens” is persistent and notable (on 1 January, 2014, there had been 282,876 “non-citizens”- the reduction during 2014 was over 20,000¹²), but its causes are disturbing:

In 2014, only 939 persons acquired Latvian citizenship via naturalization.¹³ Latvia’s report to the Universal Periodic Review allows to estimate that approximately 818 non-citizens’ children have obtained Latvian citizenship through other procedures in 2014.¹⁴ The number of “non-citizens” living abroad has grown by 188 in 2014.¹⁵ Thus, approximately 90 % of the reduction of the number of non-citizens is due to death (more often) or accepting citizenship of other countries (the growth of the number of citizens of Russia, Ukraine, Belarus and Poland – the main kin-states of “non-citizens” - was approximately 7000 in Latvia in 2014).

Besides, more than 3 % of the permanent population of Latvia are excluded from any political participation, being citizens of non-EU countries.¹⁶

¹⁰ Less than 0.3 % of “non-citizens” are ethnic Latvians, as at 2015.

http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVN_Latvija_pec_TTB_VPD.pdf (LV) See the row “Latvietis” (ethnic Latvian) and column “Latvijas nepilsonis” (Non-citizen of Latvia)

¹¹ http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVP_Latvija_pec_VPD.pdf (LV) See the row “Latvijas nepilsonis” (Non-citizen of Latvia)

¹² http://www.pmlp.gov.lv/lv/assets/01072013/01.01.2014/ISVP_Latvija_pec_VPD.pdf (LV) See the row “Latvijas nepilsonis” (Non-citizen of Latvia)

¹³ <http://www.pmlp.gov.lv/en/home/statistics/naturalization.html> (EN)

¹⁴ Second cycle UPR report by Latvia (LV)

http://tap.mk.gov.lv/doc/2015_09/AMzino_28082015_Latvijas_Rep.1883.docx NB See Table 6 in the annexes. $616+(654/4)+(154/4)=818$

¹⁵ Compare the row “Kopā” (Total) in the column “Latvijas nepilsonis” (Non-citizen of Latvia) in 2014 http://www.pmlp.gov.lv/lv/assets/01072013/01.01.2014/ISAG_Aarvalstiis_pec_DZGada_VPD.pdf (LV) and in 2015

http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISAG_Aarvalstiis_pec_DZGada_VPD.pdf (LV). NB $4282-4094=188$

¹⁶ http://www.pmlp.gov.lv/lv/assets/01072013/01.01.2014/ISVP_Latvija_pec_VPD.pdf (LV) See the rows “Krievijas pilsonis” (Russian citizen), “Ukrainas pilsonis” (Ukrainian citizen), “Baltkrievijas pilsonis” (Belarusian citizen), “Uzbekistanas pilsonis” (Uzbek citizen), “Kinas pilsonis” (Chinese citizen) etc.

“the participating States express their commitment to (..) allow members of such groups and organizations to have unhindered access to and communication with similar bodies within and outside their countries” (Copenhagen Document, Para. 10.4, of the human rights NGOs; see also Para. 8 of Bolzano/Bozen Recommendations)

A disturbing fact is that in September 2015, the Ministry of Foreign Affairs of Latvia has refused¹⁷ to stand up for LHRC secretary Aleksandrs Kuzmins, a Latvian citizen and a lawyer having won a case at ECtHR, when he was denied entry to Lithuania on vague “national security or public order grounds”.¹⁸ This causes concern in the light of similar language policy of Latvia and Lithuania, criticized by LHRC and other minority rights activists, including the organisers of the conference in Lithuania which Mr Kuzmins intended to co-moderate.

Recommendations

For Latvia:

To sustain the network of public minority schools and to use the experience of interbellum Latvia in promoting minority schools, also by international agreements;

To change the language policy, expanding freedom to use minority languages as media of instruction in public education and as a means of communication with local authorities;

To withdraw the restrictive declarations to Articles 10 and 11, made while ratifying the Framework Convention for the Protection of National Minorities;

To join the Convention on the Participation of Foreigners in Public Life at Local Level, and to give to all permanent residents the right to vote in the local elections;

To refrain from pressure upon Latvian minority rights activists and to stand up against pressure on them exerted by other participating states;

To simplify and accelerate the naturalization procedure;

To recognise newborn children of “non-citizens” as Latvian citizens, by default;

To ratify the optional protocol to the Convention against Discrimination in Education.

For OSCE:

To reaffirm its commitment to the use of minority languages in education, as expressed in the Copenhagen Document and Hague Recommendations;

To reaffirm its commitment to the Guidelines on the Protection of Human Rights Defenders and the relevant provisions of the Copenhagen Document.

¹⁷ Letter No. 43/4197-3785 of 22 September 2015 by the State secretary of the ministry

¹⁸ Mr Kuzmins has never been convicted of any crime. “Human Rights Watch” has criticized the denial of entry to Lithuania in respect to him. <https://www.hrw.org/news/2015/09/18/lithuania-latvian-activist-barred-visiting> Disclosure - Kuzmins is one of the authors of the present document