



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

МФПЛ Латвийский комитет по правам человека

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Pressure on bridge-building minority activism in Latvia: 2016

The present submission concentrates on current issues. For a background, including the issues of pervasive statelessness and closing minority schools, please consult our submission to HDIM 2016. Besides, we would note on positive side the cancellation by Estonia¹ and Lithuania of travel bans, imposed in 2015 for some Russian and Jewish minority activists from Latvia. The very fact of bans and lack of public apologies, however, remain a concern.

[1] Freedom of association for minorities and foreign funding of NGOs under attack

On September, 15, the Parliament has approved in the first reading the bill No. 563/Lp12 – amendments for the Associations and Foundations Law, prepared by the government. The bill provides for imposition of additional reporting requirements for accounting of “suspicious” NGOs and even allows suspending NGOs’ public activities for up to two months and forced dissolution of NGOs on vague grounds including “threats to state security”.

If adopted, just “suspicion” of actions against state security (or some other interests) will be sufficient for imposing additional requirements on NGOs. “Activities which can (*sic!* Another possible translation is “might” – note by LHRC) cause a violation of the prohibition established by Paragraph 1.1. of Section 10” will be allowed to be suspended by court, without any need for the prosecution to show actual violations of those vague prohibitions. Finally, courts will be allowed to dissolve NGOs in case of their actions being considered to be “threatening state security, public security, public order or otherwise in contradiction the Constitution, laws or other regulatory enactments”. The current regulation, in Sections 57 and 105, requires activities “in contradiction with the Constitution, laws or other regulatory enactments” as a ground for forced dissolution (and even it is too restrictive, because it allows dissolving NGOs for any violations, even those not causing any legal responsibility for humans involved).

The annotation of the bill² points to NGOs receiving funding from Russia³ as a threat. It also speaks of some vague “activities which are seemingly in accordance with the Constitution of the Republic of Latvia, but in reality, anti-state activities and those dividing the society are underway”. Any

¹ <http://ruskiymir.ru/news/216233/> (in Russian). NB Lithuanian cases concern J. Korens and A. Kuzmins

² <http://titania.saeima.lv/LIVS12/saeimalivs12.nsf/0/F669DEA5ABA5709FC2257FA10028E51E?OpenDocument> (in Latvian) The current text of the law is available in English at

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

³ Disclosure – LHRC has had a series of various projects with foundations from different foreign countries, including Russia. We’ve never tried to hide them: see, e.g., mentioning the sponsoring foundation in the very beginning of our most recent English-language book and thanks expressed to it in the preface

http://www.russkije.lv/files/images/text/PDF_Files/Legal-and-social-situation.pdf

criticism of government policies might be labeled as “anti-state” and any unpopular views as “divisive” – so, at the very least, the amendments will have a chilling effect.

The parliament’s own Legal Bureau has raised concerns over the procedural rights of suspect NGOs and over the proportionality of dissolving NGOs for statements in favour of any law-breaking activity, whether there is criminal liability for such action or not.⁴ Indeed, any civil disobedience will be prohibited for NGOs under threat of dissolution under the proposed rules.

This approach is not consistent with the OSCE standards on minority rights, as expressed in the Bolzano/Bozen recommendations, in particular Paras. 3, 4 and 13. More generally, it also causes grave concerns over respect to freedom of association (in particular, the prohibition of Communist activism by NGOs is contrary to the ECtHR judgment in *Partidul Comunistilor (..) v. Romania*).

For the context: in autumn 2015, the Ministry of Justice (headed by National Alliance) submitted amendments for cabinet regulations on language requirements in employment. The amendments envisage introducing language requirements (level C1) for board members of associations and foundations (NGOs), starting from 1 September 2017. On 5 April 2016, the Cabinet considered the draft, and postponed deciding. So, the draft remains “hanging in the air”.⁵ Another case of repression is that on 23 May 2016, the State Revenue Service by its decision No. 30.6-8.2/42516 has deprived NGO “Association of Latvian-Russian Cooperation” of its charitable status. The main reason was that the NGO was accused of hindering social integration by “celebrating holidays of another country” – an activity expected for a NGO conducting cross-border activism. We are not aware of any cases where NGOs would be deprived of the charitable status for celebrating holidays of countries other than Russia, so the issue of discrimination arises, too.

[2] Pressure on minority historical memory and cross-border activism under pretext of “loyalty” and language requirements

[2.1] Legislative initiatives

In October, the minister of education and science has announced, in parliament,⁶ his willingness to make Latvian language requirements for all teachers higher – C2 instead of C1 (according to CEFR classification). We consider this to be a part of pressure to minority schools. Even the current requirements aren’t well-grounded in all cases – there is no justification for demanding advanced Latvian language skills from those teachers who teach their lessons in minority languages.

On October, 4, the Latvian cabinet has approved draft amendments to Education Law⁷, prepared by the Ministry of Education and Science. In accordance with the intended new wording of Section 48, school teachers considered not to be “loyal towards the Republic of Latvia and its Constitution” or not fulfilling the duty “to bring up decent, honest, responsible persons – patriots of Latvia” (Section 51) can be fired without prior notice. Furthermore, “illoyal” and “unpatriotic” teachers will be barred from working in education for five years per Section 50, as intended to be amended.

⁴ <http://titania.saeima.lv/LIVS12/saeimalivs12.nsf/0/4B48C8FEB09CBBEBC225805F002DD2B5?OpenDocument> (in Latvian)

⁵ Detailed information in Latvian - <http://tap.mk.gov.lv/lv/mk/tap/?pid=40371539>

⁶ <http://rus.delfi.lv/news/daily/latvia/shadurskis-vse-pedagogi-dolzheny-vladet-gosyazykom-na-vyssshuyu-kategoriyu.d?id=48042977> (in Russian)

⁷ The draft law, with annotation <http://tap.mk.gov.lv/lv/mk/tap/?pid=40399962&mode=mk> (in Latvian) Some overview in English, from a pro-government point of view: <http://www.lsm.lv/en/article/societ/society/government-backs-move-to-sack-disloyal-teachers.a203830/>

The bill does not specify which ideas and actions are "incorrect", and does not provide procedural safeguards, so it could easily be used to suppress dissent. Even the chair of the parliamentary education commission Ms Ilze Viņķele, from the same "Unity" party as the minister of education Mr Kārlis Šadurskis, is critical of vagueness of his amendments.⁸

To enter into force, the amendments need to be approved by Parliament. This draft law is a development of 2015 amendments to the Education Law, which introduced vague "loyalty to the Republic of Latvia and its Constitution" requirements for teachers to Section 48 of the law.

[2.2] "Innova" school case – loyalty requirements used for politicized pressure

The 2015 provisions have been employed in May by the State Education Quality Service to deny renewal of accreditation to "Innova", a private Russian-language school in the capital city of Riga. The founder of "Innova" Mr Zeļcermans, PhD, is known as a critic of government language policies in education. He earlier worked in a municipal school in Riga, but had been forced to leave and created a private school. A court hearing is scheduled for December 5, 2016. According to media reports, the refusal to renew accreditation was based on some unspecified information from security services.⁹

Dr Zeļcermans (also a target of a recent Anti-Semitic attack by a MP from co-ruling Union of Greens and Farmers¹⁰) took part in organising the "Immortal Regiment" event in Riga to commemorate the Allies soldiers of the WWII. The "Immortal Regiment" originates from Russia and, while initially a civic initiative, had been also used by Russian authorities. Mr Zeļcermans has been criticised for the participation in organising the event by the Security Police in its 2015 annual report.¹¹

On September 30, the State Education Quality Service (SEQS) has also denied renewal of licence for "Innova". Some of the grounds named seem to be neutral – a specially-equipped room for physical education is lacking. Some are peculiar to Latvian restrictive laws – some teachers are considered to have insufficient skills in Latvian. All this is suspicious already – earlier, the school had received the licence, so it was obviously considered to meet all the necessary conditions. But the SEQS decision and comments by its officials also mention unspecified law enforcement information about "lack of loyalty" by some unnamed teachers.¹² It is not specified, which teachers are blamed and for which actions. Thus, the school can neither fire the suspect teachers nor present specific objections against the vague accusations.

Aleksandrs Kuzmins, LL.M., secretary-executive

⁸ <http://rus.delfi.lv/news/daily/latvia/vinkele-ideya-shadurskisa-ob-uvolnenii-neloyalnyh-pedagogov-shag-k-policejskomu-gosudarstvu.d?id=47989487> (in Russian)

⁹ <http://www.la.lv/atsaka-akreditaciju-aizdomigai-privatskolai-innova/> (in Latvian) & <http://rus.delfi.lv/news/daily/latvia/gazeta-posle-otcheta-pb-rizhskoj-shkole-otkazali-v-akkreditacii-iz-za-neloyalnosti.d?id=47559767> (in Russian)

¹⁰ http://www.tvnet.lv/zinas/latvija/604813-saeimas_slepenaka_komisija_apspriez_serzanta_izteikumus_par_ebrejiem (in Latvian) <http://vesti.lv/news/deputat-serzhants-nazval-desyaty-vragov-latvii/print> (in Russian). See also an English-language text about the beginning of the incident, yet without mentioning Mr Zeļcermans' name, at <http://www.ism.lv/en/article/politics/government-mp-clever-jews-undermining-national-security.a173119/>

¹¹ <http://www.dp.gov.lv/en/?rt=documents&ac=download&id=15> See p. 14.

¹² <http://www.bbc.com/russian/features-37694628> & <http://rus.delfi.lv/news/daily/latvia/nepravilnaya-shkola-kto-stal-pervoj-zhertvoj-borby-za-loyalnost-uchitelej.d?id=47984993> (in Russian)