



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

Reg. No. 40008010632, Address: Dzirnavu str 102a. Riga, LV-1050, Latvia www.lhrc.lv e-mail: lhrc@lhrc.lv

Minority rights in Latvia: 2013-2014

Submission for OSCE Human Dimension Implementation Meeting,
September 29, 2014, Warsaw
(Working Sessions 10&11: Rights of persons belonging to national minorities)

I Education

The biggest source of concern for native speakers of minority languages (mostly Russian language – the family language of more than one third of the population, according to the 2011 census) is the initiative to switch to Latvian-only education in public schools (except subjects related to minority culture). This aim was announced in the coalition agreement¹ of the current government in January, 2014, with a plan to realize it by 2018. The intent obviously contradicts both Article 14 of the Framework Convention for the Protection of National Minorities and Paragraphs 11 to 18 of OSCE Hague Recommendation Regarding the Education Rights of National Minorities.

On 12 August 2014, Cabinet regulations No. 468² on the standards of basic education (grades 1-9) were adopted. Their Annex No. 25 suggests several models of native/Latvian bilingualism for minority schools, all harshly restricting teaching in minority languages, and orders those schools which create their own model (an option which, on its own, should be welcomed) to teach at least 60 % of the curriculum in Latvian in grades 7 to 9.

Notably, the long-term trend shows tragic reduction of the network of schools and “streams” (the latter - in “dual stream” schools with distinct Latvian-only and bilingual/minority classes) using Russian language as one of languages of instruction. In 1998/1999, there were 340 such schools and “streams”. By 2013/2014 (the most recent data available in the statistics section of the website of the Ministry of Education and Science), there were only 166 left.³

Besides, the tertiary education system does not provide schools with teachers specifically taught to teach in minority schools, using minority languages as language of instruction (except teachers of languages themselves). An additional obstacle is the fact that the government establishes mandatory Latvian language requirements for all teachers, irrespective of the language of instruction.

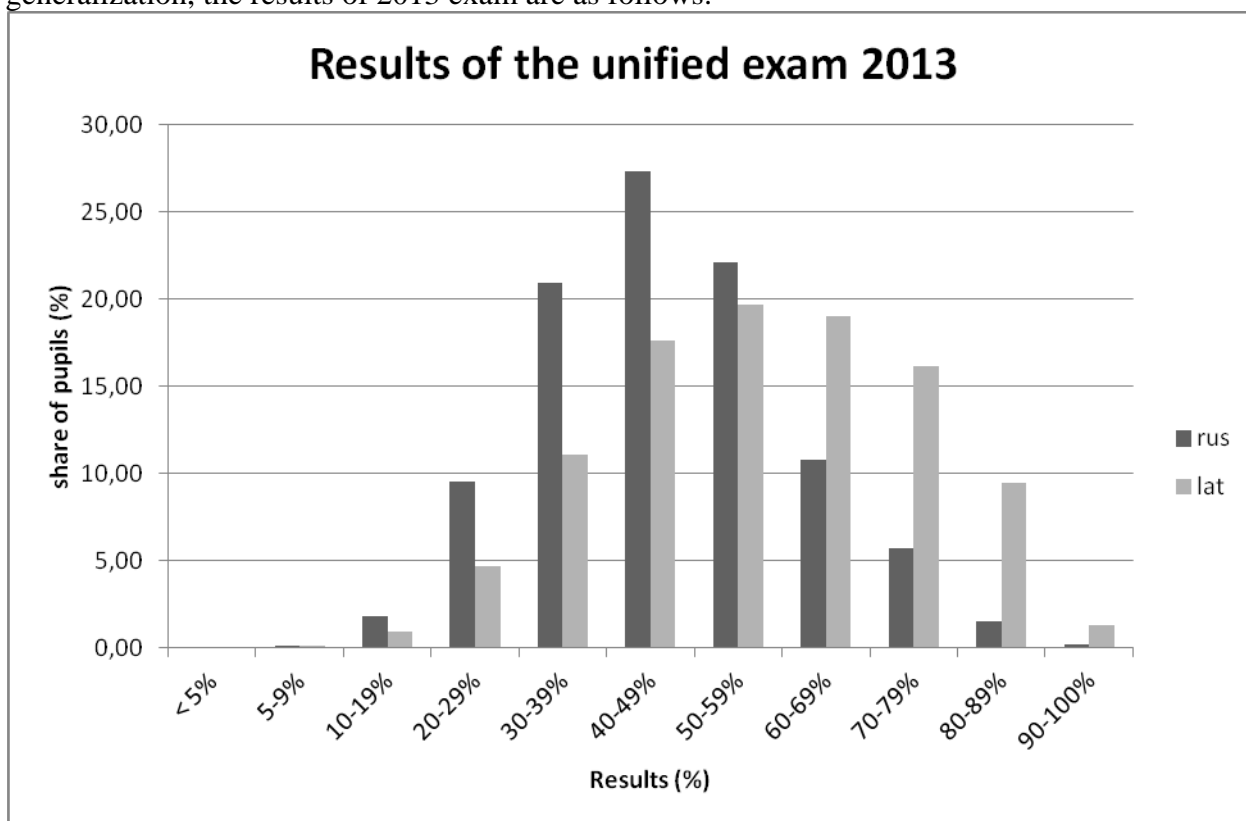
Starting with 2008/2009 academic year in 10th grade and by 2010/2011 academic year in 12th grade of minority schools, tuition in the subjects of Latvian language and literature should follow the curriculum of Latvian-language schools. The first unified exam of Latvian language and literature (also applicable to private minority schools) was in 2012, and since that time,

¹ http://www.mk.gov.lv/sites/default/files/editor/sadarbibas_ligums.pdf (LV)

² <http://likumi.lv/doc.php?id=268342> (LV)

³ http://izm.izm.gov.lv/upload_file/Registri_statistika/2013_2014/Vs_skolu_sk_13.xls See „pa plusmam” (LV)

publishing exam results for Latvian-language schools and minority schools as separate groups was discontinued. However, the results of every particular school are still published⁴. After generalization, the results of 2013 exam are as follows:



It has to be noted that the results of the exams have an impact on the possibility to receive tertiary education in publicly-funded universities and colleges. The lack of distinction between pupils learning in Latvian only and bilingually, in the present situation, may amount to discrimination.

II The role of Ombudsman’s Office in minority education issues

Sadly, the Ombudsman Mr. Juris Jansons also expresses the wish to switch minority education to majority language as the only means of instruction outside culture-related subjects, if at a later stage (since grade 6 or 7). To this end, the Ombudsman uses a mistranslation of the Paragraph 13 of Hague recommendations (on secondary schools). He claims it to be “the number of subjects taught in the State language, should be increased **significantly**. Research findings suggest that the **more pronounced** the increase [of teaching in the State language], the better for the child”, while it reads “the number of subjects taught in the State language, should **gradually** be increased. Research findings suggest that the **more gradual** the increase, the better for the child”. Emphasis added. The Ombudsman is not referring to other paragraphs of the recommendations, which show the desirability of education in minority languages in basic schools, like Para. 12.⁵

⁴ Website of the National Centre for Education Curricula - <http://visc.gov.lv/> (LV)

⁵ http://www.tiesibsargs.lv/files/content/vestules/Bilingvala_izglitiba_Vestule_Valsts_prezidentam_14012014.pdf (LV) To compare with the Hague recommendations <http://www.osce.org/hcnm/32180>

Besides, the Ombudsman mistakenly writes in his letter to international partners that “40% of syllabic disciplines are taught in the respective minority language⁶”, while this is in fact the maximum allowed in grades 10 to 12 by Paragraph 9 of the Transitional Provisions of Education Law,⁷ not a share guaranteed. Moreover, the Ombudsman’s office, after a study in minority schools in 2013, has informed the State Language Center (under the Ministry of Justice) on several teachers allegedly not using Latvian good enough, and 6 of them were later fined by SLC.⁸ Ombudsman’s criticism of the teachers’ Latvian skills was met with objections not only by trade union⁹, by also by the Ministry of Education and Science.¹⁰

However, a study conducted by Ombudsman’s Office itself, in 2013, shows that only a quarter of minority school pupils surveyed wish to study in Latvian only.¹¹

III Political context, hate discourse and access to democratic freedoms and information by minorities

On 16 March 2014, the annual march in Riga honouring the veterans of Waffen SS Latvian Legion has happened; it hasn’t met any objections from the municipality (entitled to limit or prohibit illegal events). The posters used have included Wolfsangel¹² and claims that the legionnaires were “freedom fighters”¹³. Almost a half of the population supports honouring the legionnaires, according to a survey made in February 2014.¹⁴

The one positive fact was that one of government ministers, Mr Einārs Cilinskis, was forced to resign after claiming intention to participate. However, the Prime Minister had expressed “understanding” of his behaviour¹⁵ and other representatives of Mr Cilinskis’ party (National Alliance) including MPs took part in the event among some 2000 participants¹⁶ (in a city with fewer than 700,000 residents).

Moreover, the Security Police has accused anti-fascist activists protesting against the march of being “divisive”.¹⁷ Riga municipality has forbidden the anti-fascists to use sound enhancing during their counter-picket, and the prohibition was only partially cancelled by court.¹⁸ The bus with German participants of the counter-picket was twice stopped by Latvian police, delaying their arrival to Riga; several anti-fascist activists from Estonia were not allowed to enter Latvia.¹⁹

⁶ <http://www.tiesibsargs.lv/en/homepage/ombudsman-introduce-international-partners-with-situation-of-national-minorities-education-in-latvia> (EN)

⁷ http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Education_Law.doc (EN)

⁸ <http://ru.focus.lv/latviya/mneniya/latviyskiy-ombudsmen-naslal-centr-gosyazyka-na-russkie-shkoly> (RU)

⁹ <http://rus.delfi.lv/news/daily/politics/profsoyuz-yansons-oshibsy-obviniv-uchitelej-v-neznanii-latyshskogo-yazyka.d?id=43930112> (RU)

¹⁰ <http://rus.apollo.lv/novosti/minobrazovaniya-otvetilo-na-pretenzii-yansonsa-k-russkim-shkolam/627318> (RU)

¹¹ http://www.tiesibsargs.lv/files/content/konference_2013/1_tema_A_Ilves_Bilingvala_izglitiba_LV.pdf (LV)

¹² <http://www.delfi.lv/reporter/news/witness/ochevidec-16-marta-v-centre-goroda-by-l-i-takoj-flag.d?id=44308007> (RU)

¹³ <http://rus.delfi.lv/news/daily/latvia/16-marta-v-fotografyah-flagi-viselicy-ograzhdeniya-i-cvety.d?id=44305519> (RU)

¹⁴ <http://rus.delfi.lv/news/daily/latvia/opros-polovina-zhitelej-latvii-podderzhivaet-chestvovanie-legionerov.d?id=44309299> (RU)

¹⁵ <http://rus.delfi.lv/news/daily/politics/strauyume-ponyatno-zhelanie-cilinskisa-otmetit-16-marta.d?id=44285347> (RU)

¹⁶ <http://rus.delfi.lv/news/daily/latvia/video-2000-chelovek-uchastvovali-v-shestvii-legionerov.d?id=44305611> (RU)

¹⁷ <http://rus.delfi.lv/news/daily/politics/policiya-bezopasnosti-antifashisty-osoznanno-raskalyvayut-obschestvo.d?id=44286305> (RU)

¹⁸ <http://www.ves.lv/rus/politika/sud-razreshil-antifashistam-ispolzovat-zvukousiliteli-16-marta/> (RU)

¹⁹ <http://www.vesti.ru/doc.html?id=1383919> (RU)

It cannot be said that the march of the 16 of March was allowed due to respect for the freedom of assembly, even if misunderstood. The evidence is that pro-equality events regularly meet prohibitions by Riga municipality after advice given by Security Police. This was the case with a meeting planned by Non-citizens' Congress on April 25²⁰ and an annual march planned by NGO "Rodina" on 9 May, both in the same city of Riga.²¹

In May, 2014, the National Alliance has scored second place in the European elections with 14.25 % of votes.²² In the campaign time, one of the leaders of its list, Mr. Edvīns Šnore, has attracted international attention with xenophobic statements²³ and was appointed head of a governmental historical commission²⁴. In summer, he became the leader of one of National Alliance regional lists for parliamentary elections²⁵ and came forward with opposing the view "that we need all Russians living here, that they all are friends of Latvia".²⁶ His ideas resonate with those of one of the leading sponsors²⁷ of the National Alliance, Mr. Aivars Slucis, who called to reduce the number of Russian-speaking residents.²⁸

In August, 2014, Mr Gaidis Bērziņš (National Alliance) has returned to the post of the minister of justice (in 2012, he was forced to resign after resisting a more wholesome restitution of Jewish property lost during the Holocaust²⁹). He appointed Mr. Jānis Iesalnieks to be the parliamentary secretary of the ministry (liason officer for relations with the Parliament)³⁰. Mr Iesalnieks is most (in-)famous with his 2011 statements blaming multiculturalism for the victims of Mr Breivik in Norway.³¹

Concerning the access to information in minority languages: from time to time private electronic media are fined for insufficient share of time aired in Latvian language³². In September, 2012, the Parliament adopted in second reading amendments to the Electronic Mass Media Law, intended to reduce the allowed share of minority languages content even further.

Most recently, this September the State Language Centre has prohibited³³ Rezekne city municipality from distributing a municipal newspaper in Russian language (it was published in Russian alongside Latvian, of course - not that the interests of Latvian-speakers weren't

²⁰ <http://rus.delfi.lv/news/daily/latvia/policiya-bezopasnosti-protiv-koncerta-my-hotim-peremen.d?id=44428640> (RU)

²¹ <http://rus.delfi.lv/news/daily/latvia/rizhskaya-duma-zapretila-provodit-russkij-marsh.d?id=44461250> (RU)

²² <http://cvk.lv/pub/public/30670.html> (EN)

²³ http://www.enar-eu.org/IMG/pdf/nohateep2014_report_-_3_july.pdf (EN) See pp.4-6

²⁴ <http://www.diena.lv/latvija/zinas/okupacijas-radito-zaudejumu-aprekinasanas-komisiju-vadis-vesturnieks-snore-14053956> (LV)

²⁵ http://sv2014.cvk.lv/saraksti/d1c00ea367_Z.html (LV)

²⁶ <http://baltijalv.lv/news/read/23648> (RU) <http://www.diena.lv/dienas-zurnali/sestdiena/edvins-snore-javeicina-latvijai-nelojalo-cilveku-aizbrauksana-14067192> (LV)

²⁷ <http://www.lsm.lv/lv/raksts/latvija/zinas/vasara-partijam-saziedo-miljonu-eiro-liideri--zys-vienotiiba-un-a95496/> (LV)

²⁸ <http://www.mixnews.lv/ru/politics/news/2014-08-22/157986> (RU)

http://cilvektiesibas.org.lv/en/monitoring/search/?date_from=2014.08.22&date_to=2014.08.22&query= (EN)

²⁹ <http://www.ucsj.org/2012/06/25/latvian-minsiter-resigns-in-protest-of-holocaust-restitution-plan/> (EN)

³⁰ <https://www.facebook.com/photo.php?fbid=10152499648392839&set=exp.10152499643237839.start&type=1> (LV/EN)

³¹ Right-Wing Populism in Europe: Politics and Discourse. A&C Black, 2013. Eds. Ruth Wodak, Majid Khosravini, Brigitte Mral – pp. 241-243. Some other statements of Mr Iesalnieks can be found at

<https://lvfascists.wordpress.com> (EN)

³² <http://rus.delfi.lv/news/daily/latvia/nacsovet-po-smi-oshtrafoval-pervyj-baltijskij-kanal-za-neobektivnost.d?id=44553518> (RU)

³³ <http://rus.delfi.lv/news/daily/latvia/rezekne-inspektory-zapretili-rasprostranyat-municipalnuyu-gazetu-na-russkom.d?id=45001936> (RU)

respected by the municipality). Notably, most residents of Rezekne speak Russian at home - see the results of the 2011 census.³⁴

IV Implementation of international obligation as defined in case-law

Another issue is the reluctance to implement decisions of international human rights bodies relevant to minority rights. Notably, the 2009 judgment delivered by the European Court of Human Rights in case *Andrejeva v. Latvia*, concerning discrimination of “non-citizens” (more than 270,000 former USSR citizens and their descendants lacking citizenship of any country. This group of people have permanent residence rights in Latvia and in almost a half of cases were born in Latvia³⁵) in calculating pensions in respect of time they worked in most of the republics of the former USSR, is only implemented in respect of a minority of those republics. It is, however, claimed by the government to be fully implemented, since an *ex nunc* remedy for those who worked in Russia, like Ms. Andrejeva, is provided. More than 99 % of “non-citizens” belong to ethnic minorities³⁶.

In a UN Human Rights Committee case on forced Latvianization of minority names and surnames in documents (*Raihman v. Latvia*, decided in 2010), the reluctance is even stronger. Not only is the relevant legislation not changed (despite a clear HRC request to do so), even Mr Raihman himself is still forced to sue authorities in administrative courts to get the spelling of his name and surname corrected. Some positive development was the judgment in favour of Mr. Raihman issued by the Administrative District Court on 6 March 2014 and requesting State Language Centre to issue a certificate necessary for correcting the name record in Mr Raihman’s passport. However, the judgment was appealed against by the executive.

Recommendations:

For Latvia:

To reconsider the language policy based on wider use of minority languages as a medium of instruction in public education and as a means of communication with local authorities;

To sustain the network of public minority schools;

To swiftly implement the judgments of the European Court of Human Rights and views of the UN Human Rights Committee, as well as to allow bringing individual communications under the International Convention on the Elimination of All Forms of Racial Discrimination;

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

To send a clear signal from the top officials that honouring of Nazi collaborators by politicians is unacceptable, even if some of the collaborators weren’t volunteers;

To affirm the leading role of individual choice in the writing of personal names in documents, as long as Latvian alphabet is used.

³⁴ http://data.csb.gov.lv/pxweb/en/tautassk_11/tautassk_11_tsk2011/?tablelist=true&rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0 Table TSG 11-07 (EN)

³⁵ http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_SR_Latvia_en.pdf (EN) p. 67

³⁶

http://www.pmlp.gov.lv/lv/assets/images/statistika/iedzivotaju%20reg.statistika%2001072014/ISVN_Latvija_pec_TB_VPD.pdf (LV)

For OSCE:

To reaffirm its commitment to the use of minority languages in education, as expressed in the Hague Recommendations Regarding the Education Rights of National Minorities of 1996;

To invite all participating states to swiftly implement the decisions of international human rights courts and quasi-judicial bodies in individual cases, as well as to join the communications procedures of human rights treaty bodies, if they have not already done so;

To send a clear signal that honouring of Nazi collaborators by politicians is unacceptable, even if some of the collaborators weren't volunteers.