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Legal and actual position of Russian-speaking minorities in Latvia

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Outline

Although history knows no 'if', I still insist that if twenty years ago a group of human rights defenders had not thrown themselves in the way of the stream which threatened to sweep most non-Latvians out of Latvia and drown the rest of them in the whirlpool of assimilation, we would now live in a different country. And in that country neither the Russian language nor Russian culture would have any chance to survive.

Mr Vladimir Buzayev is both a dedicated participant and a meticulous chronicler of this fight. His outstanding analytical abilities as well as his rich personal experience makes his books and other publications a unique source of information on the issues connected with the legal status of national minorities in Latvia. To some extent the presence of this personal experience makes a mixture of the genre, but, on the other hand, it makes the graphs and tables more vivid and shows the reader the real life full of hard labour, passion and courage.

It is quite symbolic that two events are celebrated in the end of 2012 with an interval of just two months: the 20th anniversary of the Latvian Human Rights Committee and the birthday of one of its founders, Vladimir Buzayev. Then, in the critical period of the early 90s, unlike many other 40-year-old scientists, who preferred to start a business career, Buzayev chose to stand up for those who found themselves in the most difficult situation. He defended them everywhere – in the parliament, in the front lines of pickets and marches, in the media, in his analytical publications. The new book of Vladimir Buzayev is based on the experience and knowledge acquired during this hard twenty-year fight. Although its content reflects the hard current situation of the Russian-speaking minority, the book still gives to the reader a hope for salvation. Our destiny depends only on ourselves, on each of us.

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Member of the Latvian Human Rights Committee,
Member of the European Parliament

Contents

Introduction

This book is an outcome of monitoring the position of Latvian national minorities conducted by the Latvian Human Rights Committee since its foundation in December 1992. Its five chapters deal with problems in demography, language policy, education, culture and citizenship, economy.

The research is based on the previous monographs on the situation of national minorities in Latvia, where Vladimir Buzayev was either the author or a co-author. Besides containing latest results, the book for the first time brings under one cover earlier conclusions of the author. It also integrates the data of other research into the issue. The major events concerning the rights of national minorities as well as all the statistic data, including 84 tables and 43 diagrams, are updated as of 2013. In order to provide the most objective vision of today's Latvia, the author uses information from a wide range of historical and international sources.

The chapter "Comparative Demographics" shows that for the last twenty years Latvia has been the world champion in population reduction; even the fact that the massive economic emigration revealed by the last population census was not taken into account does not change this leadership position. The population size of Latvia dropped from 2.7 to 2 million people, i.e. down to the level of 1900. The chapter also shows the dynamics of the number of Latvians living abroad; the estimation is based on the number of Latvian children born outside the country: it increased from 166 thousand in 2009 to 295 thousand in 2012.

This unprecedented result was achieved due to the policy of "extruding" national minorities from the country; their relative outflow exceeds that of ethnic Latvians five times, even though the latter are also leaving the country en masse.

The relative decrease in national minority population is 2.5 times higher than the relative loss of the USSR in the Second World War; emigration is one major cause for this, another is the significant difference between the birth rate and the death rate, which exceeds the similar ratio of ethnic Latvian population three times. It is proved that the above mentioned difference, which was minimal at the time of the USSR collapse, cannot be attributed to any natural causes but is clear evidence of ethnic inequality. International comparisons show that the rate of natural decrease in Latvian national minority population is second to none in the world.

The author uses the data of the last three censuses in order to analyze the changes in the age composition of ethnic Latvians and non-Latvians. The steady population increase of the USSR was replaced by steady decrease after its collapse due to mass emigration of employable-age population.

The book analyzes the situation of all the 7 largest officially registered national groups of Latvia. The research also includes Latgalians, who are not registered as an ethnic group, even though they are the second largest ethnicity after Russians in Latgale and the third largest within the country.

The comparative demographic data on the three Baltic States do not confirm the statement of the pushy official propaganda that "the USSR government deliberately flooded Latvia with hundreds of thousands of migrants in order to destroy the identity of the Latvian nation". On the contrary, these data serve as evidence of careful control of natural demographic pressure from those USSR regions, which had the highest birth rates. The unreasonably forgotten data of the last Soviet population census of 1989, which were only published in 1992, helped the author to restore the portrait of the "migrants": those people were better educated than the local population and were employed in the most vital and labour-intensive industries, besides, most of them lived in hostels and shared apartments and were hardly any burden for the social services.

The chapter "Monolingualism in the bilingual country" describes the evolution of the language legislation and the actual use of languages in present-day Latvia; it includes comparative data of the last century. It also shows the language differentiation in the pre-war Latvia and the achievements of the Latvian SSR in teaching the Latvian language to national minorities. Smaller national minorities are being assimilated into the Latvian and Russian language environments; this process is sharply accelerating in today's Latvia and seems to be close to accomplishment. The book provides systematic analysis of the data on restriction of national minorities' language rights in the 1990s.

Special attention is drawn to the modern issues of language assessment of adults and schoolchildren within the context of rule-making at the level of the Cabinet of Ministers that is introduction of language regulations into the private business sphere and language experiments within the basic and high education standards. The author also uncovered and analyzed the results of the centralized high school exam on the Latvian language of 2012, which the State was trying to hide; that was the year when the requirements were unified, which means that they were the same

for all the school leavers, both native- and non-native-speakers. The actual data analyzed by the author prove that the introduction of the Latvian language into Russian schools as the language of tuition, which has no precedent in the pre-war Republic, does not lead to any improvement in the language acquisition, which had been declared as the purpose of the "reform" and which was supposed to result in better competitiveness of Russian pupils.

The book also includes research into the activities of the State Language Centre, which enjoyed the second "Renaissance" in 2011 – 2013 in terms of language whistleblowing and language inspections. It is proved that the present methods of language inspections do not differ from those which have already been condemned in the rulings of the European Court of Human Rights and the United Nations Human Rights Committee. Some examples are given of the Latvian Human Rights Committee successful appeals against the actions of the State Language Centre.

The chapter "Cultural and Educational Space" concentrates on research into legislative restrictions and the actual state of education in the Russian language from kindergartens to universities. It provides statistic data on abolition of Russian and bilingual schools throughout the country and also in different regions (including Riga and other major cities as well as the countryside), which clearly show that this process is not caused by any economic necessity. The actual deprivation of the opportunity to get education in the Russian language anywhere outside the major cities (except Latgale), which took place after Latvia ratified the Framework Convention for the Protection of National Minorities, contravenes the country's international obligations. The latest statistic data show outrunning growth in the number of Russian school starters, which proves that more and more parents choose Russian schools for their children.

The book provides data on sport and culture which show that most achievements in these fields fall on the periods when Latvia was part of the Russian Empire and later of the USSR. The comparative analysis of book publishing demonstrates that the priority of the titular nation was observed in the Soviet Latvian Republic. However, in today's Latvia it is just overwhelming, beyond any comparison with the pre-war Republic of Latvia.

The book also describes the official version of the historic events which took place between 1940 and 1991 and the methods used to defend this version. Special emphasis is on March 16, Legionnaires' Day and May 9, Victory Day.

The chapter "Mass Statelessness" describes the evolution of the citizenship legislation and provides the relevant statistics including the list of the 80 differences in the rights of citizens and non-citizens, which are still in force. Incidentally, Latvia is ahead of all the EU countries in terms of stateless population. Together with the non-citizens of Estonia they make up 92% of all the stateless persons among the 500-million population of the EU. Although the number of Latvian non-citizens went down 2.5 times in comparison with 1996, they still make up 34% of all the national minority population of Latvia and 14% of the total country population. Today the proportion of native-born people among all non-citizens is 41%, but among those who are under 50 years of age it is 74%. The average residence term for those non-citizens who were not born in Latvia but lived there in 2013, was 46 years, which exceeds the total period of independence (1918-1940; 1991-2013) and is twice as long as the existence of the Second Republic of Latvia; however, they are still called immigrants with the persistence that could be much better used elsewhere.

Within the last five years the decrease in the number of non-citizens through their naturalization has not exceeded one fourth of the total decrease figure. The number of applications for naturalization and the number of persons who were granted citizenship was the lowest within all the 18-year history of this procedure. Within the last four years acquisition of Russian citizenship has become more popular than Latvian citizenship.

Today's rate of decrease in the number of non-citizens makes us suppose that by 2027 there will be about 150 thousand non-citizens living in Latvia, but in 2041 – 75 thousand. Among all the stateless persons living in the EU today just about 36 000 are of non-Latvian or non-Estonian origin.

The chapter "Socioeconomic Situation" estimates the damage inflicted onto the country by destruction of the sectors which were declared to be "not relevant for Latvia". We consider that it makes up 240 milliard LVL, i.e. almost twentyfold GDP volume of 2010. It is also shown that representatives of the national minorities are largely forced out of the public sector, while they are widely represented in the private sector activities, which require manual labour and low qualifications.

The unemployment level among the national minorities is high disproportionately. This is especially true in regard to the long-term unemployed.

In 2002-2009 average wage of the national minorities' representatives was higher than that of ethnic Latvians by 8%, and in 2012 their share among the people, who estimate their income below the average level, was higher than that of ethnic Latvians by 6%. About 1/3 of pensioners from among the national minorities' representatives suffered from limiting rights of non-citizens on obtaining pension for accrued Soviet term of employment, which was acknowledged by the European Court on Human Rights as discriminatory. The book author estimates the damage to their property at the amount of 140 million LVL.

Overall the book materials are supposed for those who wish to carry out reasoned discussion on the conditions of the Latvian national minorities for the purpose of adaptation of the current situation in compliance with international standards in this area.

The author expresses deep gratitude to the Support and Protection of the Compatriots Residing Abroad Rights Foundation, without whose assistance it would be impossible to issue this book. The author shows special appreciation of the Latvian Human Rights Committee colleagues Nataly Elkina, Tatjana Zdanoka, Alexander Kuzmin and Doctor of Historical Sciences Tatjana Feigmane for valuable comments and assistance in the project realization. A special gratitude Author express to Alexander Kuzmin, which has been edited the entire text of the book after it was translated into English, as well as presented Annexes 3 and 4.

The collected material in Annexes shows that the position of international organizations on the situation of Latvian national minorities rather closer to the author's opinion, than to the opinion of the Government of Latvia.

Abbreviations

FHRUL – the political party "FHRUL – For Human Rights in United Latvia"
Code – the Code of Administrative Violations of the Republic of Latvia
LHRC – the Latvian Human Rights Committee
MI – the Ministry of the Interior
MFA – the Ministry of Foreign Affairs
MES – the Ministry of Education and Science
National Alliance – the National Alliance (consists of two parties, "All For Latvia!" and "For Fatherland and Freedom"/Latvian National Independence Movement)
OCMA – the Office of Citizenship and Migration Affairs
ON – the Office of Naturalization
LSLC – the Latvian State Language Centre
CEC – the Central Election Commission of Latvia
CC – the Political Alliance "Concord Centre" (also known as "Harmony Centre")
CSB – the Central Statistical Bureau of Latvia

Chapter 1.
Comparative demographics

1.1. Ethnic composition of population

1.1.1. By the 1 June 2012, there have been 154 different nationality representatives registered in the Population Register of Latvia[1]. This fact causes the government to discuss metaphorically all colours of the spectrum and elements of the periodic table and express a deep confusion about the requirements to assign the Russian language an official status along with the Latvian.

However, cutting off different groups according to their quantity provides a clear black-and-white picture.

There are 102 ethnic groups with at least 10 and more representatives in each. For example, there are 10 Argentines living in Latvia, of which only one is a citizen of Latvia, and two of which having an exotic status of a "non-citizen of Latvia"[2], but other seven – just foreigners. In fact, there are 127 different nationality representatives with the status of a citizen, 109 – with the status of a "non-citizen" and 134 – foreigners.

There are 50 ethnic groups with at least 100 and more representatives in each, and in total they make 98.2% of the population, taking into the account the fact that 1.7%, or 38068 people did not indicate their nationality in the Register.

There are only 15 ethnic groups in Latvia with at least 1000 representatives in each (97.7% of population); and only 6 ethnic groups with at least 10000 representatives in each (91.1%). In the beginning of the century, the number of the last mentioned ethnic groups was 7. Their number and proportion in the population according to the results of the last three population censuses are presented in Table 1.1.

Table 1.1

The main ethnic groups in Latvia in 1989, 2000 and 2011.[3]

Ethnicity	Ethnic population (thousands of people and %)						Decrease of ethnic groups (% by 1989) in period		
	1989		2000		2011				
	Absolute group size	%	Absolute group size	%	Absolute group size	%	1989/2000	2000/2011	1989/2011
All population	2666.6	100	2377.4	100	2070.4	100	10.8	11.5	22.4
Latvians	1387.8	52.0	1370.7	57.7	1285.1	62,1	1.2	6.2	7.4
Russians	905.5	34.0	703.2	29.6	557.1	26,9	22.3	16.1	38.5
Belarusians	119.7	4.5	97.2	4.1	68.2	3.3	18.8	24.2	43.0
Ukrainians	92.1	3.5	63.6	2.7	45.8	2.2	30.9	19.4	50.3
Polish	60.4	2.3	59.5	2.5	44.8	2.2	1.5	24.4	25.9
Lithuanians	34.6	1.3	33.4	1.4	24.5	1.2	3.5	25.8	29.3
Jewish	22.9	0.9	10.4	0.4	6.4	0.3	54.6	17.2	71.9
Non-Latvians	1278.8	48.0	1006.7	42.3	785.2	37.9	21.3	17.3	38.6

Now there are 71% of Russians in Latvia, which together with Belarusians and Ukrainians make 85.5% of non-Latvians (in 1993 – 70.8 and 87.4%). According to the data of the population census in 2011, 62.07% of respondents pointed Latvian as their native language, 37.23% pointed Russian, and only 0.7% – other language.

1.1.2. Before talking about regional settlement of non-Latvians it is necessary to describe territorial division of the country.

According to the EU[4] regulations, there are 6 statistical regions in Latvia (Figure 1.1.), including

1 Register data are available on the website of the OCMA *http://www.pmlp.gov.lv/lv/* in his Latvian version in the section statistika/iedzīvotāju reģistrs

2 Non-citizens are described in detail below – in Chapter 4

3 Abs. population – census data. Calculations based on the absolute number of groups are made by the author.

4 EC Regulation No. 1059/2003 of 26 May 2003

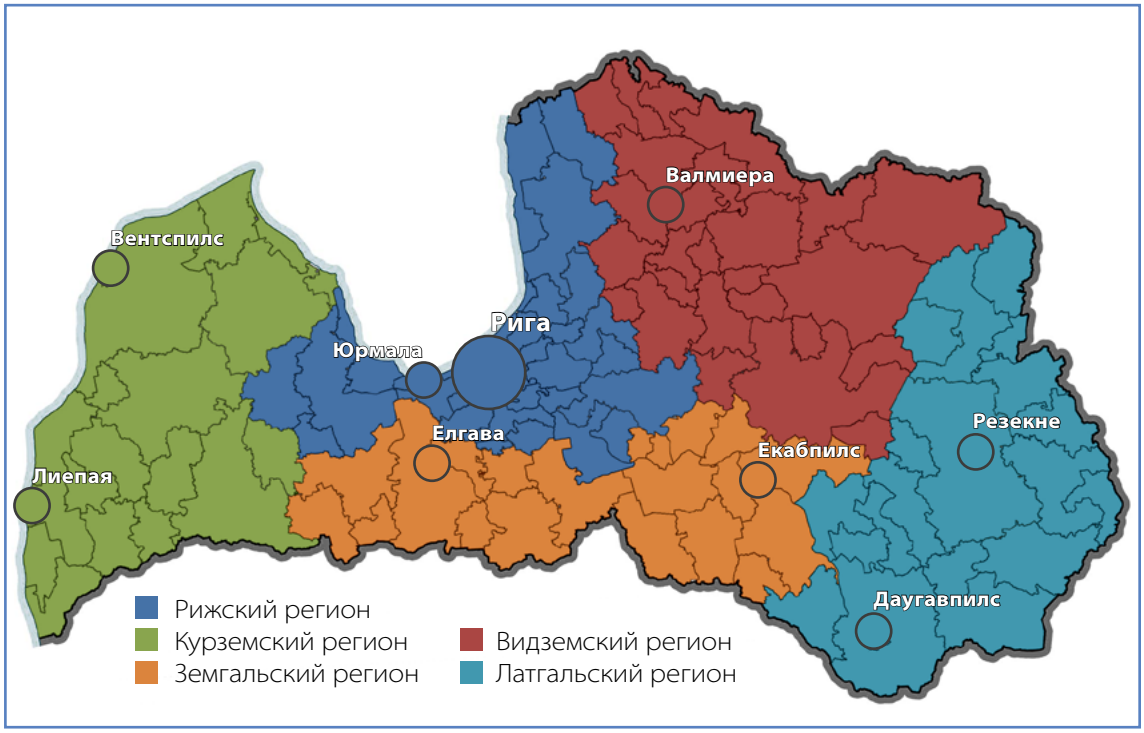
Courland in the north of Latvia, Zemgale in the centre, Latgale – in the south-east, Vidzeme – in the north-east, Riga region – around the capital of Latvia and Riga.

There is also a domestic territorial division. Since the Soviet times and until 2009, the country had been divided into 26 regions, and since 1 July 2009 until now – into 110 districts. Before and after the territorial reform, the main big cities – Ventspils and Liepaja (Courland region), Jurmala (Riga region), Jelgava (Zemgale region), Daugavpils and Rezekne (Latgale region) had been considered exterritorial. Valmiera and Jekabpils[5] were added to the list of the main cities after the reform.

All these types of territorial division are reflected in the statistical data provided in this book.

Figure 1.1

Division of Latvia into statistical regions



1.1.3. Regional settlement of Latvians and non-Latvians and the rate of decrease of both population categories are reflected in Table 1.2.

Comparative territorial settlement of Latvians and non-Latvians is presented in Table 1.3.

In 8 of 119 administrative units, including 3 major cities, Latvians make less than a half of population[6] (Table 1.4).

1.1.4. Latgale is one of the regions named after one of the largest, but officially not recognized ethnic groups – Latgalians[7]. In the official classifier[8] of ethnic groups approved by the government, the Russians take the 17th place, the Americans – the 4th place, but the Latgalians are not mentioned at all[9]. Thus, they have no rights to register their nationality in official documents.

During the period of 1920-1934, Latgalian language was used along with Latvian, it was taught in schools and used in publications. During the dictatorship of Karlis Ulmanis (1934-1940), Latgalian language lost its official recognition as the language used in documentations of the dialect. In the beginning of the Soviet period, Latgalian was recognized as one of the Baltic languages and used in regional newspapers, but since the 60s of the XX century it lost this recognition[10].

5 The only major city in Latvia, not founded by Germans (see also paragraph 1.3 below)

6 CSB data on 1 January 2012.

7 See for example the article "Latgalians – forgotten people" on site "Clio": *http://klio.ilad.lv/10_7_.php*

8 Nationality classifier. Regulation of the Cabinet of Ministers No. 246 of 8 April 2008.

9 But according to the population census in Russia in 2002, there were 1622 Latgalians living, in 2010 – 1089. There were also Latvians registered in censuses, respectively, 28520 and 18979, i.e. people who identify themselves as Latgalians make up 5.4% of the total number of Latgalians and Latvians.

10 The problems of ethnic minorities in Latvia and Estonia. M: FIP, "Russian panorama", 2009, p. 244, p. 17-18

Table 1.2

Regional settlement of the population of Latvia in 7 major cities and five statistical regions[11]

Region	Year	Absolute population size				Decrease rate (%)			
		Total population	Latvians	Non-Latvians	Proportion of non-Latvians	Period	Total population	Latvians	Non-Latvians
Total population of Latvia	1989	2666567	1387757	1278810	0,480	1989_2000	-10,8	-1,2	-21,3
	2000	2377383	1370703	1006680	0,423	2000_2012	-12,6	-9,8	-15,7
	2012	2041763	1235228	806535	0,395	1989_2012	-23,4	-11,0	-36,9
Riga	1989	910455	331934	578521	0,635	1989_2000	-16,0	-5,6	-22,0
	2000	764329	313368	450961	0,590	2000_2012	-12,5	-7,0	-15,7
	2012	650478	290166	360312	0,554	1989_2012	-28,6	-12,6	-37,7
Jurmala	1989	60600	26789	33811	0,558	1989_2000	-8,1	2,1	-16,1
	2000	55718	27364	28354	0,509	2000_2012	-8,4	-5,8	-10,5
	2012	50616	25809	24807	0,490	1989_2012	-16,5	-3,7	-26,6
Liepaja	1989	114486	44432	70054	0,612	1989_2000	-21,9	-0,6	-35,3
	2000	89448	44149	45299	0,506	2000_2012	-12,3	-6,4	-16,0
	2012	75372	41292	34080	0,452	1989_2012	-34,2	-7,1	-51,4
Ventspils	1989	50646	21766	28880	0,570	1989_2000	-13,3	4,1	-26,4
	2000	43928	22658	21270	0,484	2000_2012	-11,6	-5,8	-15,9
	2012	38068	21403	16665	0,438	1989_2012	-24,8	-1,7	-42,3
Jelgava	1989	74105	36801	37304	0,503	1989_2000	-14,1	-11,8	-16,3
	2000	63652	32441	31211	0,490	2000_2012	-7,2	2,6	-17,0
	2012	58280	33415	24865	0,427	1989_2012	-21,4	-9,2	-33,3
Daugavpils	1989	124910	16243	108667	0,870	1989_2000	-7,7	13,2	-10,9
	2000	115265	18393	96872	0,840	2000_2012	-19,0	-10,3	-20,3
	2012	91478	16717	74761	0,817	1989_2012	-26,8	2,9	-31,2
Rezekne	1989	42477	15839	26638	0,627	1989_2000	-7,6	5,5	-15,4
	2000	39233	16710	22523	0,574	2000_2012	-18,1	-14,5	-20,2
	2012	31559	14406	17153	0,544	1989_2012	-25,7	-9,0	-35,6
Riga district without Jurmala	1989	316359	216028	100331	0,317	1989_2000	-4,6	2,6	-20,1
	2000	301774	221629	80145	0,266	2000_2012	5,0	6,0	2,8
	2012	317563	234646	82917	0,261	1989_2012	0,4	8,6	-17,4
Vidzeme region	1989	272707	214971	57736	0,212	1989_2000	-6,0	-0,3	-27,2
	2000	256402	214368	42034	0,164	2000_2012	-17,7	-16,8	-21,0
	2012	208129	178211	29918	0,144	1989_2012	-23,7	-17,1	-48,2
Courland region without Liepaja and Ventspils	1989	200501	167902	32599	0,163	1989_2000	-6,1	-0,6	-34,3
	2000	188336	166924	21412	0,114	2000_2012	-17,7	-17,8	-17,0
	2012	152873	136998	15875	0,104	1989_2012	-23,8	-18,4	-51,3
Zemgale region without Jelgava	1989	244950	160817	84133	0,343	1989_2000	-6,5	0,8	-20,4
	2000	229130	162154	66976	0,292	2000_2012	-15,2	-13,7	-18,0
	2012	191897	140044	51853	0,270	1989_2012	-21,7	-12,9	-38,4
Latgale region without Daugavpils and Rezekne	1989	254371	134235	120136	0,472	1989_2000	-9,5	-2,7	-17,1
	2000	230168	130545	99623	0,433	2000_2012	-21,5	-21,2	-21,9
	2012	175450	102121	73329	0,418	1989_2012	-31,0	-23,9	-39,0

In the Law on the state language (part 4, Article 3) it is declared that "the state shall ensure preservation, protection and development of written Latgalian as a historic variety of Latvian", but in practice, no action "for preservation and protection" was taken.

Latgalians themselves periodically raise the issue about their official recognition (last time at the 3rd World Congress of Latgalians in Rezekne in August of 2012), including teaching of Latgalian in schools at least at a minimum level[12].

11 The data at the beginning of the year, CSB, tabl.ISG191

12 See, for example, the publication of Svetlana Gartovanova "Latgalians – for the native language" in the newspaper "Chas" from 13 August 2012: *http://www.chas.lv/politics/theme/saeima/27202-2012-08-13-l014.html*

Table 1.3

Comparative territorial settlement of Latvians and non-Latvians on 1 January 2012

Region	Non-Latvians		Latvians	
	Absolute population size	%	Absolute population size	%
Riga	360312	44,7	290166	23,5
Other major cities	192331	23,8	153042	12,4
Regions of Riga and Latgale	156246	19,4	336767	27,3
3 other regions	97646	12,1	455253	36,9
Total	806535	100	1235228	100

Table 1.4

Administrative units with predomination of ethnic minorities of the population

Administrative unit	Ethnic groups (%)						
	Latvians	Russians	Belarusians	Ukrainians	Polish	Lithuanians	Other
Daugavpils	18,3	51	7,9	2,1	14,1	0,9	0
Zilupe district	25	54	15	2	3	0	2
Daugavpils district	34	42	7	1	13	1	3
Olaine district	43	39	6	3	3	1	4
Riga	44,6	39,1	4,1	3,7	1,9	0,9	0
Kraslava district	45	22	21	1	8	0	3
Salaspils district	45	38	6	3	2	1	5
Rezekne	45,6	45,5	1,6	1,3	2,5	0,2	0

For the first time the question about the use of Latgalian language in the family was included into the poll of the population census in Latvia in 2011. The results had shown that it has been used by 164510 respondents, including 123052 people, who named Latvian as the main language in the family, and 41458 – who named a different language (mainly Russian) [13]. In Latgale there were 59.3% of Latgalian language speakers, including 62.5% of Latvians speaking Latgalian and 49.8% of other.

Thus, it is necessary to make serious adjustments in the official arrangement of the population of Latgale according to nationalities (Table 1.5).

Table 1.5

Population arrangement of Latgale according to nationalities with and without taking into the account the fact of existence of the Latgalian ethnic group (census data of 2011)

Ethnic group	Official data	Speaking Latgalian in the family	Corrected data
Latvians	139941	76947	62994
Russians	118170	20372	97798
Latgalians	-	-	97590
Belarusians	15046	6	15040
Ukrainians	3845	11	3834
Polish	20806	150	20656
Lithuanians	1745	24	1721
Other nationality	4479	80	4399
Total	304032	97590	304032

Unfortunately, recording of the population according to one of the languages used and not according to the nationality, contributes to the underestimation of a corrected number of ethnic Russians

13 CSB data, tab. TSG11- 08.

in the third column. However, Russians are the main ethnic group in Latgale, but Latvians – only the third largest. This explains why Latgale was the only region, where on 18 February 2012 at the referendum the majority voted for making Russian the second state language (see below paragraph 2.2.2).

In general, there are 164510 Latgalians in the country, who make the third largest ethnic group (7.95%). The number of two other largest ethnic groups was recalculated (see Table 1.1): Latvians – 1162 thousand people (56.1%), Russians – 515.6 thousand people (24.9%).

Provided that Latgalians haven't achieved yet to be considered as a rightful ethnic group, we shall further use the official statistics.

1.2. Research methods

1.2.1. There are three types of lies: lies, damned lies and statistics. This expression has become popular thanks to Mark Twain, giving a false reference to the author of the quotation. In Latvia this quote has become topical, because of a tragic discrepancy between the population census data of 2011 with the annually published data about the population and the data of the computerized Population Register.

The author couldn't find the description of methods implemented in statistical calculations in Latvia in editions of the CSB. However, the annual balance of population change is a comparison of the number of births, deaths, emigrants and immigrants. The first two comparative units are recorded securely enough. But as to the last two comparative units, in order to evaluate their reliability, it would be necessary to open the institute of residence registration and to put an iron curtain on the border. The results of this annual "balance" are evaluated according to the data of population census, conducted once in 10 years. The problem of the balance is described in a detailed way in a report dedicated to the evaluation of the population in Russia in 1914, basing on the results of the previous Russian Empire census of 1897[14].

1.2.2. Discrepancy between the data of the annual balance sheets and the census data occurred also in 2000 (Table 1.6.).

Table 1.6

Data on the size of population and the main national groups on 1 January 2000[15]

	Total population	Latvians	Russians	All ethnic minorities
Balance	2424150	1351673	782522	1072477
Correction according to census data	2375339	1369432	702526	1005907
Difference in the absolute population size	48811	-17759	79996	66570
% difference form the census data	2,05	-1,30	11,39	6,62

In 2011, the difference in the estimates is much severe (Table 1.7).

Table 1.7

Data on the size of population and the main national groups on 1 January 2011[16]

	Total population	Latvians	Russians	All ethnic minorities
Population Register data	2236910	1330769	612306	906141
Correction according to census data	2074605	1255785	556434	818820
Difference in the absolute population size	162305	74984	55872	87321
% difference form the census data	7,82	5,97	10,04	10,66

The CSB explained this discrepancy between the Population Register data and the census data with non-registered immigration. Herewith, the national minorities made 54% from the

14 S.I. Sifman "The dynamics of the population in Russia during 1897-1914". The study was conducted in the early 30s of the last century, first published in 1977, and is available thanks to the portal "Demoscope": *http://demoscope.ru/weekly/knigi/polka/gold_fund05.html* #1

15 Balance data are taken from the Statistical Annual Book of 2000 (p.45), adjusted according to the census – from the Annual Book 2001 (p. 40).

16 Register data on 01.01.2011 are available at OCMA, CSB data – tab. ISG07

number of potential immigrants with almost 40% of the population. We suggest comparing these figures with the data from the Table 1.14 from the paragraph 1.5.3.

The CSB also promised to conduct a retrospective recalculation of population data starting from 2001 until May 2013[17]. The CSB had made the recalculation of the total size of population in the period from 1990 to 2000 before, by taking, the balance sheet values of the total size of population of that period from the public request.

It should be noted that the data of the Register is much more objective than the balance sheet estimates. The author shares the view of the CSB about the fact that the vast majority of people, recorded in the Register, actually existed at the time of its update, but during the population census, a part of population (those 7.8%) was abroad.

A relatively small discrepancy in estimates of the population size in the period from 1989 to 2000, comparing with the period from 2000 to 2011, is related to the fact that in the first case, migration flows were directed to Russia and the CIS countries, in the second case – to the EU and Western countries. In the first case, there was a strong border control and registration of the place of residence, in the second case – neither one nor the other.

The phenomenon of 80 thousand of disappeared Russians in the first period and too pessimistic estimates of the number of Latvians (see Table 1.6) can be explained by two reasons. First of all, during the first period, the main emigrants from Latvia were representatives of ethnic minorities. Secondly, there was a process of assimilation of ethnic minorities by the national majority.

In Latvia, the assimilation of adults is greatly impeded, because the process of nationality change is severely restricted by the law of name, surname and nationality change, passed on 15 June 1994[18]. The nationality change is possible just in case, if the applicant is able to prove the existence of an ancestor of a certain nationality with two levels of relation in the ascending line. Besides, if the nationality is changed into "Latvian", it is necessary to prove the knowledge of Latvian language by presenting documents of a high command of Latvian. A similar law, adopted on 8 April 2009 with the same name, retained the features of the previous law.

There are no legislative obstacles for assimilation of children from mixed families. At the same time in statistics, the nationality of a new-born child is considered by the nationality of the mother. On the one hand, this gives a real picture of the birth rate in ethnic groups. On the other hand, in terms of a nationality choice by parents of a child, the balance estimates of Latvians are too low and of the ethnic minorities – too high.

1.2.3. The author encourages the readers not to yield to pessimism and believe the statistical estimates, at least those provided by the author. Discrepancy in estimates of the number of ethnic groups, mentioned in paragraph 1.2.2, has only once slightly exceeded 10% and cannot affect the conclusions, especially comparative ones.

To ensure the continuity of the data, the author usually used the interpolation between reliable population census data and/or those official data, which were considered as such at the time of writing the book. In order to get a clear picture, the author made his own assessment of the number of Latvians (and also ethnic minorities) for the period from 1990 to 1999, the data of which are not published by the CSB. A well-known balance between birth and death rates was used for this purpose, and the factor of emigration and assimilation, which is difficult to consider, was accepted in the same way each year and selected in a way that a certain number of Latvians during the population census time in 1989 and 2000 would match the calculated one.

Restored number of Latvians and representatives of ethnic minorities for each year makes it possible not only to use absolute, but also relative numbers for each of the two groups, including specific data per capita. In these cases, it is necessary to take into the account the differences in the age structure of both groups, known only in the census year and interpolated on the interval between censuses. This allows an objective record of the fact of inequality between groups.

For example, the majority of unemployed during the entire period of the Second Republic are Latvians. But their percentage among the unemployed had been always smaller than their percentage in the population, and less than the percentage of Latvians in the age group from 15 to 62 years.

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17 Posted on the website of the CSB on 6 March 2012: *http://www.csb.gov.lv/statistikas-temas/iedzivotaji-datubaze-30028.html*

18 On the Change of a Given Name, Surname and Ethnicity Record. Available in the Internet on the website of the LSLC: *http://www.vvc.gov.lv/advantagecms/LV/tulkojumi/dokumenti.html?folder=%2Fdocs%2FLRTA%2FLikumi%2F*

There is also an opposite example. The number of students studying in Latvian language from 1990 till 2011 decreased for 19%, and in Russian language – for 64%.

But this does not mean that Russian children do not have access to education in general, and usage of their native language in particular. The number of Latvian children aged from 7 till 18 years decreased by 24.5 % in this period and the number of children of ethnic minorities – by 67 %. As a result, the coverage of the group schooling in their native language (do not forget that there are also vocational schools) for Latvians was 80.4 %, while for non-Latvians – 83.5 %.

In this case, inequality is not considered as access to training, but as the imposition of forced emigration factors for representatives of ethnic minorities and decrease of the birth rate in comparison with Latvians.

1.2.4. A specific proportion of the studied factor is used as an objective measure of inequality:

Di=[Pi/P]/[Ni/N], where i – is a number of a group, P – the absolute value of the factor under studies, N – the size of all groups, Pi – an absolute part of the factor corresponding to this group, Ni – the group size.

In case, if the specific proportion Di equals one, the group implements the features of the factor equally, i.e. factor is adjusted proportionally to the size of groups. If Di is less than one, the group's implementation of the factor is insufficient. Otherwise it is ensured by the factor in redundancy.

The value of f=Di-1=[Pi/P- Ni/N]/[Ni/N] represents a relative redundancy (insufficiency) of a part of a factor, corresponding to the group in such an amount that would correspond to a part of the group in the population. This value can be expressed in percentage.

For instance, let us assume that there are 55% of Latvians among the unemployed, 35% – Russians and 10% – representatives of other national minorities, and among the working population per se, these are, respectively, 65%, 27% and 8%.

Then the corresponding proportions of the unemployed are 0.85, 1.3 and 1.25. This means that there are 15% less unemployed among Latvians, 30% more among Russians and 25% more among other ethnic minorities, comparing to their part in the working population.

In case of a comparison of a specific part of the unemployed among ethnic minorities in general (there are 45% among the unemployed and 35% – in the population), then the corresponding specific part is 1.29, i.e. the level of unemployment among ethnic minorities is 29% more than expected.

1.3. Insight into demographic history

1.3.1. The brightness of ethnic composition of the population officially can be explained by the fact that "in the end of the Second World War, the USSR regained the occupational regime in Latvia and [its] government deliberately flooded Latvia with hundreds of thousands migrants in order to destroy the identity of the Latvian nation"[19].

In turn, a special UN reporter Doudou Diene[20] characterized many historic collisions of the Latvian society in his report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in a following way:

"Latvian society has a history of tolerance, muticulturalism and openness to distinct cultures. Since the Middle Ages, Latvian territory has been a crossroads for different ethnic groups who lived together in harmony. Despite the existence of scars from the more recent historical experience of the Second World War, in particular the Holocaust, and subsequent Soviet occupation, the Latvian tradition of tolerance and multiculturalism needs to be a major element in the deployment of efforts to eradicate racism and discrimination in the long term".

Such an impression about the history of Latvia is shared by wealthy people and organisations of the West, who make decisions, including in issues of Latvian ethnic minorities.

1.3.2. In fact, the ethno-demographic history of Latvia is much more diverse from what can be judged from the above quotations.

The territory of the modern Latvia was a part of many governmental entities since the period of colonization of German crusaders (XIII Century). Several of its parts had belonged to different governments for a long time.

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19 The declaration "On the Occupation of Latvia" from 22.08.1996, adopted by the Saeima (Parliament) of Latvia: for – 76, against – 10. The electronic version of transcripts: *http://www.saeima.lv/steno/st_96/st2208.html*

20 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène. Addendum, Mission to LATVIA, 05.03.2008, Annex. Cl. 72. Electronic version: *http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A.HRC.7.19.Add.3_ru.pdf*

Therefore, as an example we shall observe only the capital of Latvia, Riga, which is inhabited by 31.9% (see Table 1.2) of the population of Latvia (together with the Riga district and Jurmala – 49.9%).

Table 1.8

Political affiliation of Riga[21]

Political affiliation	As the part of the Order of the Sward (Livonian Order) or self-governing	Polish-Lithuanian Commonwealth (Poland)	Swedish Kingdom	Russian Empire (USSR)	Capital of the Republic of Latvia
Years	1201-1581	1581-1621	1621-1710	1710-1918 1940-1991	1918-1940 1991-2013
Period (years)	380	40	89	260	42

Geographic proximity to Russia has left the territory of Latvia with many historical monuments of interaction between two neighbouring nations and a significant number of ethnic Russians and persons, whose native language is Russian, as a part of the population of Latvia.

The first form of Christianity on the territory of Latvia was a voluntary adaptation of Orthodoxy. The ancestors of the future Latvians were paying tribute to the Principalities of Polotsk and Pskov, providing them with warriors for the princely troops. Afterwards, there were tributary Orthodox Principalities of Jersika and Koknese[22] on the territory of Latvia dependant on Polotsk.

As a result of a centenary expansion of German crusaders in the XIII century, the local population was enslaved, Orthodox churches destroyed, and the Slavs in Latvia had been representing mainly the tradesfolk for a long time.[23]

Around 1659, the Old Believers started to move onto the territory of Latvia.[24] Some of them were in the settlement of Russian religious sects, founded in the XV century. In 1670, the settlement received city rights, the citizenship, which by that time was given to Russians and Polish[25] (Jakobstad, at present – Jekabpils – the 9th largest and the 15th oldest from 78 Latvian cities) [26]. In 1772, there were 12 and by the middle of the XIX century – 21 thousand[27] Old Believers.

According to the data of the first population census in 1897, the population of the present territory of Latvia (almost all provinces of Courland, Livonia and a part of Vitebsk) made 1,929 million people. Ethnic Latvians made 68% of the population, the main ethnic minorities were Eastern Slavs (mainly Russians, Belarusians and a small amount of Ukrainians) – 12%, Jewish – 7.4%, Germans – 6.4%, Polish – 3.4%[28].

In 1914, the non-Latvian population made approximately 40% of the inhabitants of the territory of Latvia (from 2.6 millions) [29].

Ethnic minorities were concentrated mainly in large cities. For example, by the end of the XIX century in the second large city – Daugavpils, there were only 2% of Latvian inhabitants[30]. During the First World War many inhabitants, especially city inhabitants, left these lands as refugees. As a result the population of Latvia decreased to 1.6 million. Ethnic composition of the population changed significantly. By 1935 the number of inhabitants increased almost to 2 million; the percentage of ethnic minorities remained relatively high (24%).

1.3.3. The ethnographic situation since the Russian Empire Census of 1897 till 1 January 2013 is presented on Figure 1.2[31].

21 Recalculation of the data of portal of the Riga Municipality / / *http://www.riga.lv/RU/Channels/About_Riga/History_of_Riga/default.htm*

22 Zavarina A.A. Russian population in Latvia / / Russians in Latvia. From the history and culture of Old Believers. Issue 3. Edition 2. Riga, 2002, p. 11-12.

23 Pukhlyak O., Borisov D. Russians in Latvia from the Middle Ages until the end of the XIX century: Textbook for secondary schools. Riga, 2003, p. 4-15.

24 Ibid. p. 57.

25 Zavarina A.A. Russian population in Latvia, p. 16-17.

26 Wikipedia, a list of cities in Latvia: *http://lv.wikipedia.org/wiki/Latvijas_pils%C4%93tu_uzskait%C4%ABjums*

27 Apine I., Volkovs V. Identity of Latvian Russians. Historical and sociological essay. Riga, 2007, p.21.

28 The first common census of the population of the Russian Empire, Volume 11 – Livonia province, Volume 19 – Courland Province, 1905.

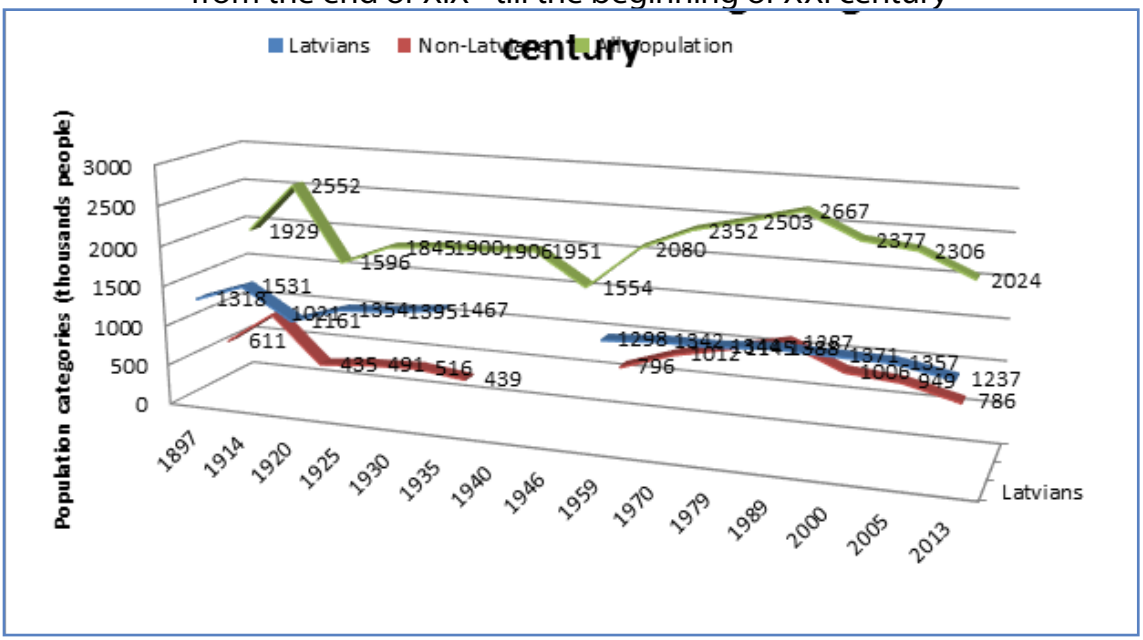
29 Skujenieks. K. Latvians in exile and other peoples in Latvia. Riga: 1930, p. 133.

30 Ibid.

31 See also Buzaev V.V. Non-citizens of Latvia. Riga, 2007, p. 7. Electronic version: *http://www.zapchel.lv/i/doc/Negrazhdane_Latvii.pdf*

Figure 1.2

Ethnic characteristics of the population of Latvia
from the end of XIX - till the beginning of XXI century



The data for the Figure 1.2 are taken mainly from the official statistical summary[32] and are based on the results of the population census in 1897, 1920, 1925, 1930, 1935, 1959, 1970, 1979, 1989, 2000 and 2011[33]. Data of 1914 and 1940 are official statistical interpolation.

Demographic catastrophe of 1914-1918 is related to a real occupation of Latvia, not only present in declarations of occupation (military actions, active resistance of the Russian army and voluntary troops of the local population – Latvian Riflemen, repressions of German occupants, the beginning of the Civil War), by the Kaiser's troops and targeted evacuation of the plant equipment together with workers (mainly non-Latvians).

The periods of a rapid growth of the population of Latvia during the times of the Russian Empire (35.2 thousand a year in 1897-1914) and the USSR (19.6 thousand a year in 1959-1989) can be explained by the industrial development of the region and the demographic pressure from other territories of the union with a high birth rate. Anyway, neither in the archives of the Imperial Chancellery, nor in the archives of the Political Bureau of the Central Committee of the Communist Party of the Soviet Union, there were any documents found, which would give the evidence to a decision-making focused on sending immigrants to Latvia for a specific purpose to change the ethno-demographic situation.

In the period from 1940 till 1982, the increase of the industrial output in Latvia made 4650%, including wood-processing industry (minimum) – 1100%, chemical and oil refining industry (maximum) – 69200% – which indicates on the export of the industrial potential from other regions of the USSR[34]. And in 1913, Latvia manufactured approximately 5% of Russian industrial output, taking into the account that the proportion of residents in the population of the empire was only 1.6%[35].

1.3.4. Latvia's population in the period from 1979 to 1989 grew by 6% (including the factor of natural growth – 2%, "mechanic growth" – 4%). This is the second last place among former Soviet Republics (on the last place – Ukraine). Population growth in the USSR amounted to 9%. The population of Riga had grown by 10% during this period, which is the last place (together with Moscow) among the capitals of the current sovereign states that were a part of the Soviet Union.

32 Latvia during 80 years in a statistical reflection, Riga, CSB of the Republic of Latvia 1999

33 Census data of 1989, partially available on the Internet at *http://demoscope.ru/weekly/ssp/census.php?cy=6*, other censuses – at the site of the CSB of Latvia: *http://www.csb.gov.lv/*

34 Encyclopaedia "Soviet Latvia", Riga, 1985, p. 334.

35 Gulian P.V. Latvia in the national economy of the USSR, Riga, 1982, p.12. Quoted according to the publication of "The Baltics and Central Asia in the Russian Empire and the Soviet Union: the myths of modern textbooks of the post-Soviet countries and the reality of social and economic calculations", Moscow, 2010: *http://nlvp.ru/reports/Middle_Asia_Pribalty_History_for_www_02.pdf*

On average, such growth in cities from 500 thousand to one million inhabitants was by 18%[36]. Thus, during this period, there was a targeted moderation of the natural demographic pressure, and not targeted changes in the ethno-demographic situation of Latvia.

1.4. Portrait of "an occupant"

In the end of the 80s of the last century, the Latvian media, previously belonging to the state, were strenuously creating the image of an "occupant", a person with low culture, despising all the "Latvian" and having the best jobs and apartments. The data of the population census of 1989, published by the independent Latvia and even in the form of bilingual tables[37], are absolutely unlike the propaganda image (Table 1.9).

Table 1.9

Percentage of non-Latvians in different spheres of life according to the population census in 1989 (%)

Entire population	48
Working – age population	50,6
Workers	49,9
Employees	53,6
Collective farmers	23,6
Employed in the national economy	50,6
Dependent of the state	43,2
In individual households and dependent of private persons	46
Industry	59,4
Agriculture	28,5
Forestry	18,5
Construction	52,3
Transport	62,8
Communication	46,2
Trade and catering	50,5
Supply and sales	55,6
Housing and communal households	50,4
Public services	47,3
Banking	45,1
Management, including parties and social organisations	68,5
Health, sports, social security	46,6
Education	45,4
Culture and art	30,8
Science	50,9
Information-calculation technologies	53,2
With higher education	57,2
With secondary education	50,9
With primary education	43,6
Born in Latvia	31,9
Have lived in one place for more than 25 years	45,1
Families of non-Latvians (without mixed families), including those living in:	41,3
Separate houses	19,3
Separate apartments	46
Shared apartments	49,3
Dormitories	57

There is no need to comment on the data presented above. We shall provide two more tables, which characterise participation of non-Latvians in the administration of the government (Table 1.10) and living quarters of Latvia according to the year of construction (Table 1.11).

36 The results of the population census of the USSR in 1989 are published in the newspaper "Izvestia". / / V.V. Buzaev Non-citizens of Latvia . . . p. 8.

37 Initial data for the table 3 (in abs. numbers) are taken from "Results of the population census in Latvia in 1989" Riga: State Statistics Committee of the Republic of Latvia

Table 1.10

Employment of non-Latvians in the Latvian Soviet Socialist Republic in 1987[38]

Among the whole population	47%
Among the secretaries of the Central Committee of the CPL	20%
Ministers and chairmen of the state committees	17%
Employees of city committees and district committees of the CPL	34.8%
In the office of the Council of Ministers	35%
Among heads of local governments	23%

Table 1.11

Living quarters of Latvia according to the year of construction

(according to the population census of 2011[39])

Period	Absolute number	%
Till 1918	92289	9,57
1919–1945	113403	11,76
1946-1990	653565	67,79
In 1991 and after	104830	10,87
Total	964087	100

The table data show that 77.4% of the housing used now, was built during the period when Latvia was a part of the Russian Empire and the USSR.

Thus, before the collapse of the Soviet Union, in the Russian-speaking community of Latvia there were well-educated people with high local residence requirements, and who had found their niche in national economy.

This made possible to realize the national interests and, despite of an opinion spread among Russians about the fact that Latvian population supported the collapse of the Soviet Union[40], to express their negative opinion on the referendum (poll) about the exit of Latvia from the USSR on 3 March 1991. The ethnic character of voting could be clearly seen when comparing the results of the voting according to separate administrative units with a part of Latvian population in them (Figure 1.3)[41].

There were 64.5% of voters, who voted "for" with 52% of Latvians in the population, in Riga – 51.2% with 36.7% of Latvians. So, if we assume that all Latvians had voted "for" (in this case, the percentage of non-Latvians, who voted "for", is overestimated), then with the help of non-Latvians there were 12.5% "additionally gained" votes in the Republic, and 14.5% – in the capital. Given that there are 48% of non-Latvians in Latvia and 63.3% – in Riga, this makes 26% and 23% of the number of national minorities.

The poll on 3 March 1991was the last universal suffrage in Latvia for the past 20 years. It has been only 7 months since the Russians, with no disdain to their language, were invited to vote for "the democratic Latvia", when the Supreme Council of Latvia deprived about 1/3 of voters of all political and many economic rights, i.e. about 70% of Latvian minorities.

1.5. «Emancipation»

1.5.1. The last three columns of the Table 1.1 and 1.2 (see paragraph 1.1) show the decrease of the number of representatives in each ethnic group in comparison with 1989, and, to a certain extent, reflect the level of a comfort living of a group in the Republic of Latvia, which proclaimed independence on 4 May 1990 and achieved de facto independence in August 1991.

38 Newspaper "Yedinstvo" of 18.10.1989

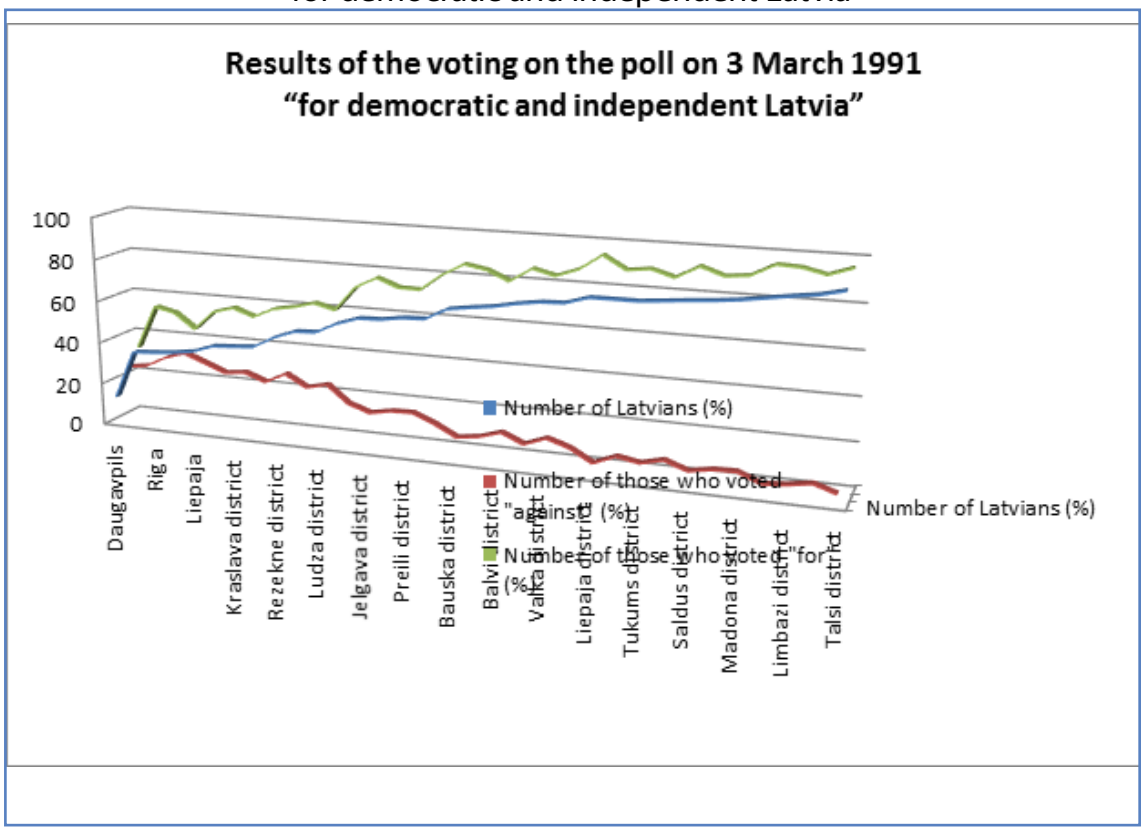
39 CSB of Latvia. Table TSK11- 08

40 See article of Leonid Karabeshkin "Russia and the Baltic States. The hard way from the "love" to friendship" in the journal "International Trends", Volume 2. Number 1 (4). January-April 2004, where the author claims that "the Russian people were patriots of their republics, and thus on referendums for independence, they were naïve to vote all-together and happily for independence from the Soviet Union": *http://www.intertrends.ru/four/008.htm*

41 The data for the image are taken from a research of 2001 – Gatis Puriņs, Uģis Šulcs WERE THE RESULTS OF THE ELECTIONS TO THE RIGA CITY COUNCIL IN 2001 A SURPRISE: *http://home.lu.lv/~politics/raksti/3.MARTS/3.MARTS.htm*

Figure 1.3

Results of the voting on the poll on 3 March 1991
"for democratic and independent Latvia"



During the period between the censuses of 1989 and 2011, the population of Latvia reduced by 596 thousand people, or by 22.4%. For comparison, the USSR lost about 14% of the population[42] in the Second World War.

Taking into the account the results of the census of 2011, the CSB suggests that on 1 January 2012 there were 2042371 people living in Latvia, including Latvians – 1235711, representatives of ethnic minorities – 806660. So, according to the results of the census of 15 January 1959, these figures were 2079948, 1297881 and 782067. Thus, the present population size of Latvia, which is its only wealth in the absence of the natural resources, corresponds to the level of 1957, the level of 55 years ago. And also to the level of 1900 (see Figure 1.2). The number of Latvians in our "national" government is less than it was in 1897 (1318000).

It is likely that the part of the lost Latvians is not completely lost, but remains in a forced economic emigration. On 30 July 2013, the government approved of the plan developed by the Ministry of Economics on recovery of emigrants in 2013-2016[43].

There are many estimates of the number of Latvians living abroad. Below we will present data on the number of children born abroad and registered as Latvian citizens (Table 1.12).

1.5.2. Having reliable data on the number of births and deaths, it is possible to evaluate the main causes of population decline in the intervals between the last three censuses (Table 1.13).

In both periods, the determining factor of the population decline was movement from Latvia abroad.

The main factors of population change over the past thirty years over shorter time intervals are presented on Figure 1.4[44].

42 26.6 out of 196.7 million – The calculation is performed by the Office of demographic statistics of the State Statistics Committee of the USSR in the complex commission to clarify the number of people loss in the Soviet Union during the Great Patriotic War. – Office of Mobilization of the General Staff of the Armed Forces of the Russian Federation, 142, 1991, inv. number 04504, 250. The calculation is available on the website of "The Great Patriotic War of 1941-1945", which is an official annex to the website of the Ministry of Defence of Russia: *http://victory.mil.ru/people/04/index.html*

43 Resolution of the Cabinet of Ministers Nr.356: *http://likumi.lv/doc.php?id=258715*

44 Input data can be found on the website of CSB *http://www.csb.gov.lv* in tables IB01, IS03, IV01.

Table 1.12

Estimated number of nationals of the Republic of Latvia living abroad[45]

Year	Children born:		Proportionality factor	Population (thousand/people)	
	Abroad	In Latvia		In Latvia	Abroad
2009	818	11124	0,073535	2259	166
2010	1039	9630	0,107892	2245	242
2012	2600	18249	0,142474	2070	295

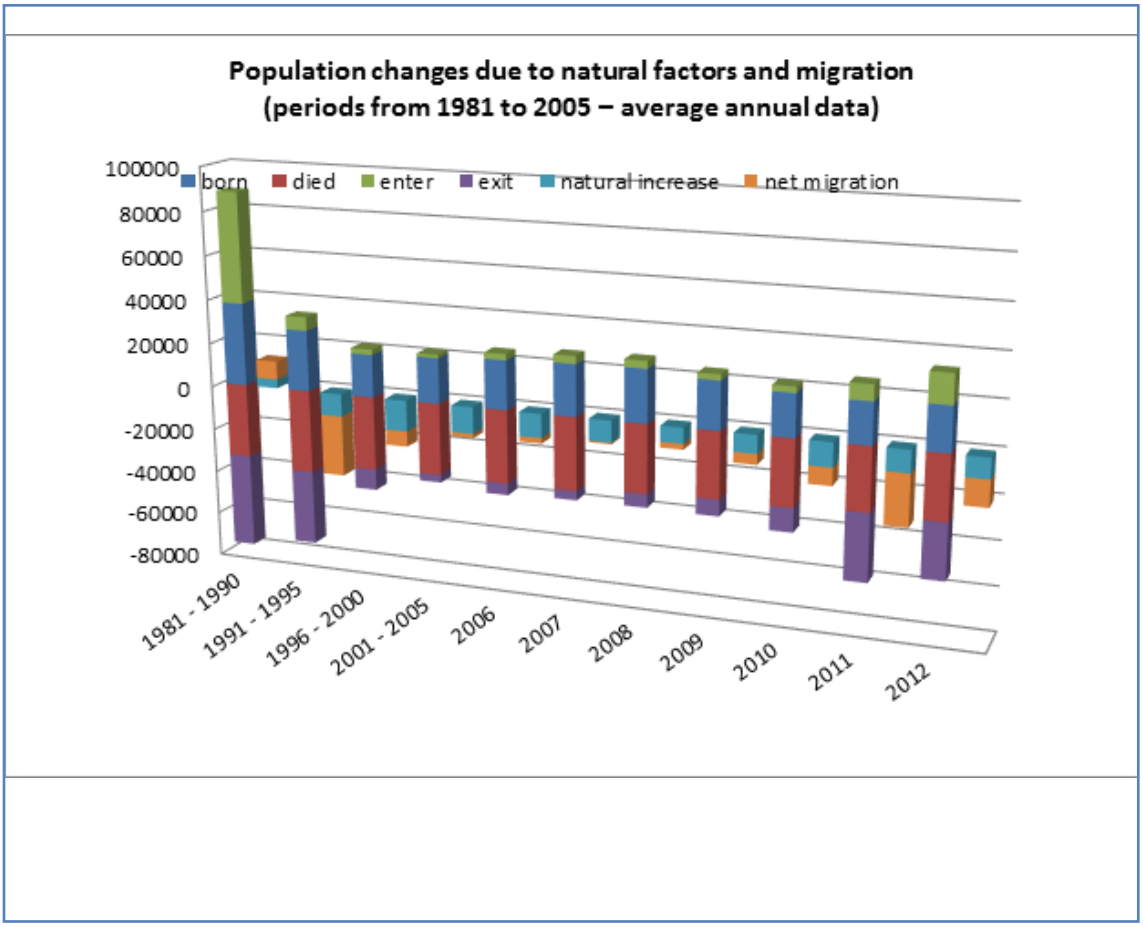
Table 1.13

Cause of population decline in Latvia in the period between censuses in 1989, 2000 and 2011

	Period	Total	Natural decline	Migration
Absolute population size	1989/2000	289184	100277	188907
	2000/2011	335620	128795	206825
%	1989/2000	100	34,7	65,3
	2000/2011	100	38,4	61,6

Figure 1.4

Population changes due to natural factors and migration
(periods from 1981 to 2005 – average annual data)



45 Data of 2009/10 are presented in the first six months: on children abroad according to the article of Barbara Ālīte "The number of Latvian citizens born abroad has grown for 1/3", Diena, 13 July 2010: *http://diena.lv/lat/politics/hot/par-tresdalu-pieaug-arvalstis-dzimuso-pilsonu-skaits*, data on children in Latvia – the data of the Population Register. Data of 2012: on children abroad for the past 11 months according to the announcement of the Minister of Foreign Affairs on the channel LNT in the programme "900 Seconds" on 22 November 2012, on children in Latvia – interpolated CSB data for 10 months

The data on emigration from Latvia, especially in the period after 2000, are significantly underestimated, because taken from reports of the Ministry of Interior about those who had reported their intentions to leave the country. Starting from 2011, the CSB has corrected the data on the results of the last census[46].

The main reason for population decline during the first five years of independence of Latvia is the mass emigration from the country, which is characteristic for the past five years of the last century, although to a much lesser extent. The period from 2006 till 2010 is characterized by an extremely moderate rate of emigration, and the main factor of population decline is excess of deaths over births. The revised data of 2011-2012 on emigration are comparable with the period from 1991 – 1995.

1.5.3. The radical National Alliance, which entered the government after the early parliamentary elections on 17 September 2011, included in their programme[47] a demand "for a different demographic policy": The aim of the alliance is the Latvian Latvia, where Latvians are in a safe majority. After legalizing the consequences of the occupation, the proportion of the main population increased from 52% to 60% only. In order to stimulate the growth of the Latvian nation, to reduce emigration of Latvians, to multiply emigration of non-Latvians back to their or other countries and to promote conversion of non-Latvians into Latvians (in original language – "- nelatviešu pārtautošanu latviešu vidē"), another demographic policy is necessary. In fact, these requirements had been long embraced by previous governments of the Republic of Latvia.

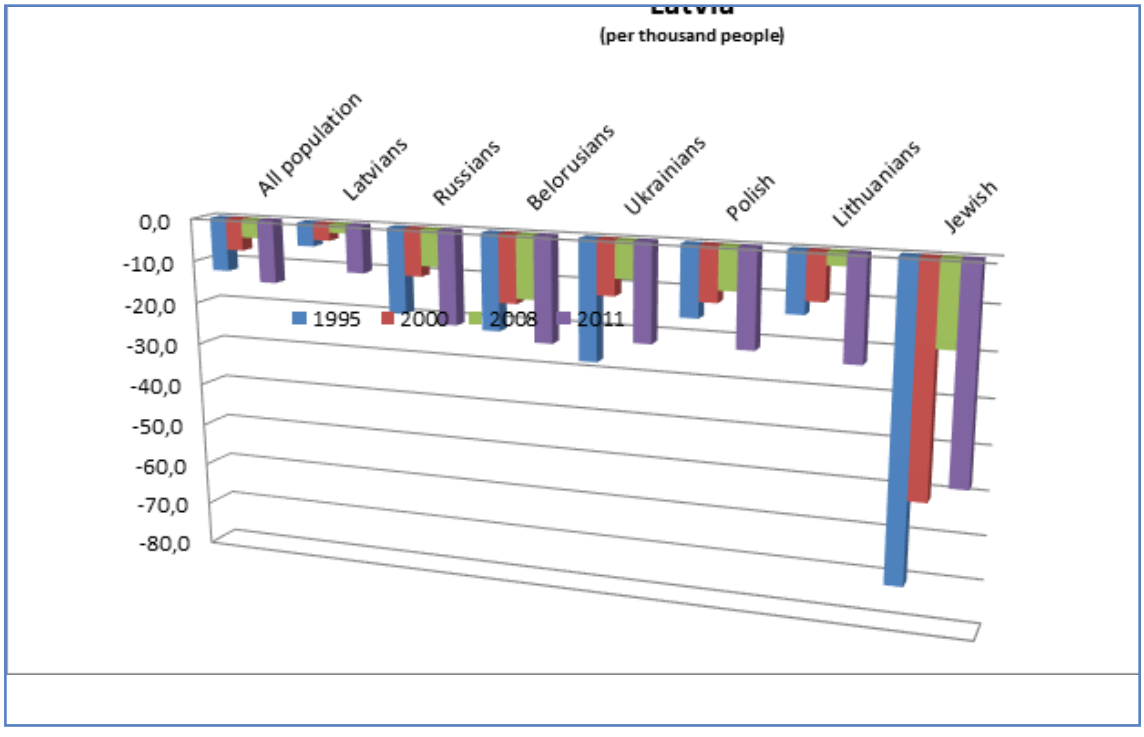
Only 17% of demographic losses account for Latvians. Relative pace of reduction of the group of non-Latvians is five times higher during the whole period, and before 2000 – almost 18 times higher, than of the group of Latvians.

The level of annual decline of ethnic groups (per 1000 people) (natural decline + net migration) is presented on the Figure 1.5[48].

Figure 1.5

The comparative rate of decrease of the major ethnic groups in Latvia

(per thousand people)



46 See the publication on the website of CSB "Migration of residents in Latvia in 2011" of 27 July 2012

47 From the programme of the National Alliance on the official website of one of their member parties: *http://www.tb.lv/page.php?pgID=1d7f7abc18f-cb43975065399b0d1e48e&lang=est*

48 The basic data were taken from the site of CSB *http://www.csb.gov.lv* from tables IV02 (natural population decline rates classified by nationality), IE43 (unfortunately, the last table on the nationality of migrants is not available for public). Data of 2011 were obtained by taking into the account the natural population decline in ethnic groups from 2008 to 2012, the difference between the actual number of ethnic groups in the beginning and in the end of the period, and allocated in proportion to the net migration in 2011 (23127 people) according to the CSB (table IBG01).

The total loss of Latvians in the first period makes only 16%, in the second – 84%. In case of national minorities these figures are 55% and 45%.

Fragmentary data on the ethnic composition of immigrants (Table 1.14) indicate the overwhelming predominance of non-Latvians among those leaving in the first period, and the absolute predominance – in the second (see also Table 1.7 from paragraph 1.2.2).

Table 1.14[49]

National composition of immigrants

Category / Year		1995	2000	2008	2012
Total		16 512	7 131	6 007	25163
Latvians		690	653	2 085	11103
Ethnic minorities	Total	15 822	6 478	3 922	14060
	% of immigrants	95,8	90,8	65,3	55,9
	% in the composition of population	44,3	42,3	40,8	38,9

1.5.4. The pace of changes in population in Latvian regions (see Table 1.2.) is different, which is also related to the migration within the country. For example, in the most comfortable region for living around Riga, there was even population growth. The decrease of the number of non-Latvians is a common fact for all regions, and with a faster rate comparing to Latvians.

The highest rate of decrease of non-Latvians (51.4%) among administrative units is Liepaja – the former large naval base of the Russian Empire and the USSR. In 2000, the non-Latvians were the majority of the population of the city. The second largest region with this indicator (51.3%) was the Courland region, which was the least populated with non-Latvians in the Soviet Union times as well.

Less than the average national (36.9%) of the representatives of ethnic minorities were lost in Riga region (17.4%), Jurmala (26.6%), Daugavpils (31.2%), Jelgava (33.3%) and Rezekne (35.6%)

1.6. Depopulation

In addition to emigration there is another cause for decrease of the number of non-Latvians (comparing with Latvians) – their natural demographic characteristics are much worse.

Comparative demographic characteristics of Latvians and non-Latvians for the past 32 years are presented on Figure 1.6[50]. For comparison, there are data of the Russian Federation shown during the same period.

After the collapse of the Soviet Union, the natural growth of all three groups was replaced by decline. In this case, the birth rate of non-Latvians became significantly lower than that of Latvians – on average during 20 years 26% less. The death rate of non-Latvians, starting from 2000, has become 18% higher than of Latvians.

As the result, the natural population decline of non-Latvians during 12 years of the XXI century is three times higher than of Latvians, and two times more than of Russians.

Latvians had almost solved the problem of population reproduction by 2008 (the birth rate was in line with the expectations of 2007), and Russians – by 2012 (the indices were -0.79 and – 0). This cannot be referred to Latvian ethnic minorities, as the index of the population decline in 2012 (-8.67) was almost five times more than of Latvians (-1.87).

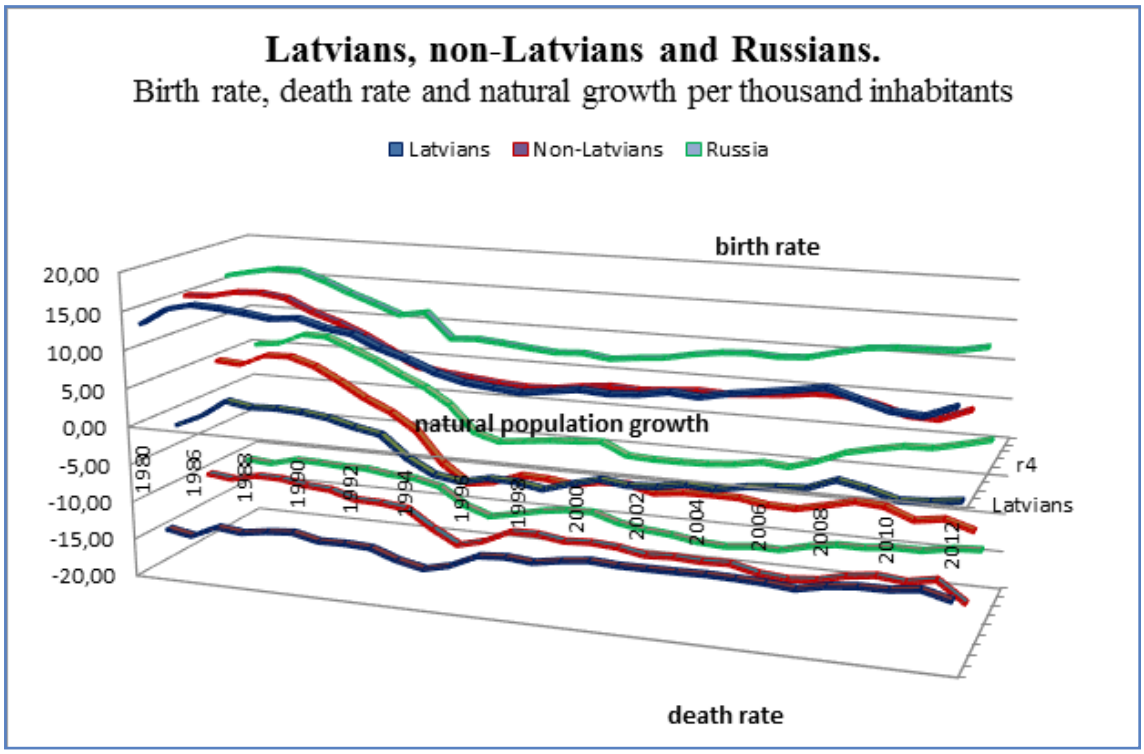
The crisis unfortunately made some adjustments to demography, and the common natural population decline in Latvia in 2011 was 42% more than in 2008. In 2012, both groups reacted on the improvement of the economic situation with rising birth rates. Unfortunately, because of the increase of the death rate, the natural population decline among non-Latvians in 2012 (-8.67%) was the second lowest after 1994 (-9.12%)

49 CSB website, table IE43 (at the time of this writing was already unavailable). Data of 2012 – Table IBG041

50 The basic data on Latvia can be found on the website of the CSB *http://www.csb.gov.lv*: Table IVG02 – absolute birth and death rates, ISG02 – population, ISG08 – the number of Latvians. The missing data of the last two parameters were obtained by interpolation (see also paragraph 1.2). Data on the Russian Federation in 2010 are taken from the Russian statistical yearbooks of 2009 and 2011. The data of 2011 – 2012 are available on the website of the Federal State Statistics Service

Figure 1.6

Latvians, non-Latvians and Russians.
Birth rate, death rate and natural growth per thousand inhabitants



1.7. Age-related and regional aspects

1.7.1. Significant differences in demographics of the main nation and ethnic minorities were found out and published by the author in 2004[51]; and the diagram, presented on Figure 1.6, reflecting the data from 1990 to 2004 and without data of the situation in Russia, were first published in 2006[52].

The government and readers of the official newspaper "Latvijas Vēstnesis" were introduced with these data, brought up already in 2005, thanks to the question asked to the former Prime Minister Aigars Kalvitis on 19 April 2007[53]. We were interested then, if the government was aware of that fact, if that was considered normal, what the reason was and what the government was ready to do to liquidate demographic discrepancies.

The answer to this question, conformed by two ministries, included many measures of non-ethic nature for childbirth stimulation, some of which were abolished or severely limited during the subsequent period of crisis. The government said that it was aware of that phenomenon and explained it with a high average age of the main groups of ethnic minorities in comparison with Latvians, referring to the data of the President's Commission of a strategic analysis [54], which was based on the population census data of 2000.

1.7.2. About the accuracy of the government and the President's Commission can be judged by the Table 1.15, prepared by author for the year 2000 according to the data of the CSB and the government response, where ethnic groups are classified according to the level of deterioration of demographic characteristics.

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51 Tendencies of changes of the legal status of different groups of Russian compatriots residing in Latvia, Riga, 2004, Chapter 1: *http://www.zapchel.lv/i/doc/tendencii_2004_2.pdf*

52 The list of differences in the rights of citizens and non-citizens of Latvia. Latvian Human Rights Committee, Riga, 2006. Annex 6: "Consequences".

53 Question 14/j9 "On the differences in demographics", the written correspondence is available on the official website of the Parliament *www.saeima.lv*

54 A. Bērziņš, Iedzīvotāju etniska sastāva izmaiņu raksturojums, Stratēģiskās analīzes komisijas rakstu krājums „Demogrāfiskā attīstība Latvijā 21.gadsimta sākumā". Rīga, Zinātne,2006. A. Berzins. Characteristics of changes in the ethnic composition of the population. Collection of articles of the Strategic Analysis Commission "The demographic development in Latvia in the beginning of the 21st century". Riga. "Zinatne", 2006. Internet address: *http://www.president.lv/images/modules/items/PDF/item_1125_Demografija_21gadsimts.pdf*

Table 1.15

Demographic indicators and average age of the main ethnic groups in Latvia in 2000

Ethnic group	Demographic indicators (per thousand people)			Average age		
	Birth rate	Death rate	Decline	All	Men	Women
Latvians	9,35	12,88	-3,53	37,3	34,4	39,8
All population	8,52	13,55	-5,03	38,7	35,8	41,2
Ukrainians	5,95	11,69	-5,74	42,3	42	42,7
Russians	7,57	14,02	-6,44	40	36,8	42,6
Lithuanians	9,36	16,06	-6,70	42,8	40,5	44,9
Polish	7,33	17,61	-10,28	42,5	39,3	45,4
Belarusians	5,88	16,21	-10,33	45,2	42,1	47,5

Among ethnic minorities, Russians are characterized by the lowest of average age. However, in 2000, the birth rate in Russian families was lower, than in Lithuanian families, but the speed of the natural population decline higher than among Ukrainians.

The birth rate among Ukrainians and Belarusians is almost equally low – 1.6 times less than among Latvians. However the average age of Ukrainian women is only 2.9 years higher, than of the Latvian; but the average age of Belarusian women is 4.8 years higher.

1.7.3. Comparative age characteristics of Latvians and non-Latvians also show approximate equality in the best age for birth giving – from 20 to 39 years (Figure 1.7). In 1989, this age group accounted for Latvians 25.9% from the total population size, for ethnic minorities – 32.8%. In 2000, the percentage was almost equal – 27.9% and 27.7%, but in 2011, the ethnic groups changed places – 29.2% and 26.0%. The birth rate among Latvians in these periods had been always higher than the birth rate of ethnic minorities, and in 2000 and 2011, the difference index was quite significant: respectively 8%, 27% and 45%.

The data presented on the Figure are interesting and related to the subject under discussion. A significant reduction of the proportion of children of a very young age can be observed in both ethnic groups, in comparison to the Soviet Union times. A slight growth of this part of the most perspective inhabitants of Latvians from the point of view of the future in comparison with 2000 is associated with a certain increase in the birth rate in the period of pre-crisis (see also Figure 1.6).

The percentage of children aged 5-9 in 1989 and 2000 is almost the same in Latvian families. In 1989, these are those born in 1980-1984, and in 2000 – those born in 1991-1996. The birth rate in Latvian families was lower only in 1993, comparing to 1980.

The percentage of children and young people aged 10-19 in 2000 is higher in both, Latvian families and families of ethnic minorities, comparing to the Soviet times, which indicates on a favorable demographic situation during the period of 1979-1990, when these children were born. In 2011, this percentage (especially in families of ethnic minorities) drastically decreased, representing the crisis of the birth rate in the period of 1990-2001. The increase of the percentage of young people aged 20-24 in Latvian families had been continuing till 2011, as the last reminder of a favorable demographic situation during the final period of "occupation".

It is noticeable that by 2000, a number of representatives of the ethnic minorities in the age from 25 to 34 has decreased, which is not characteristic for Latvians. This indicates the age of forced emigrants of the 90s.

Low birth rate and emigration of the working-age population have led to a significant increase of the percentage of older people among ethnic minorities. According to this index in the period from 1989 till 2011, they first drew the level with and then surpassed the Latvian part of the society.

1.7.4. It can be directly calculated how the arrangement of various age-groups of the population affects the birth rate. To do this, besides the arrangement of age groups, it is necessary to find the arrangement of the number of born children according to the age of mothers on the CSB website [55]. Now we need to multiply two factors for Latvian mothers and mothers from other ethnic groups and to compare the results (Table 1.16).

55 Table IDG03 on 2011, coinciding with the year of the last census

Figure 1.7

Adjustment of Latvians and non-Latvians according to age-groups
(data of the last three population censuses)

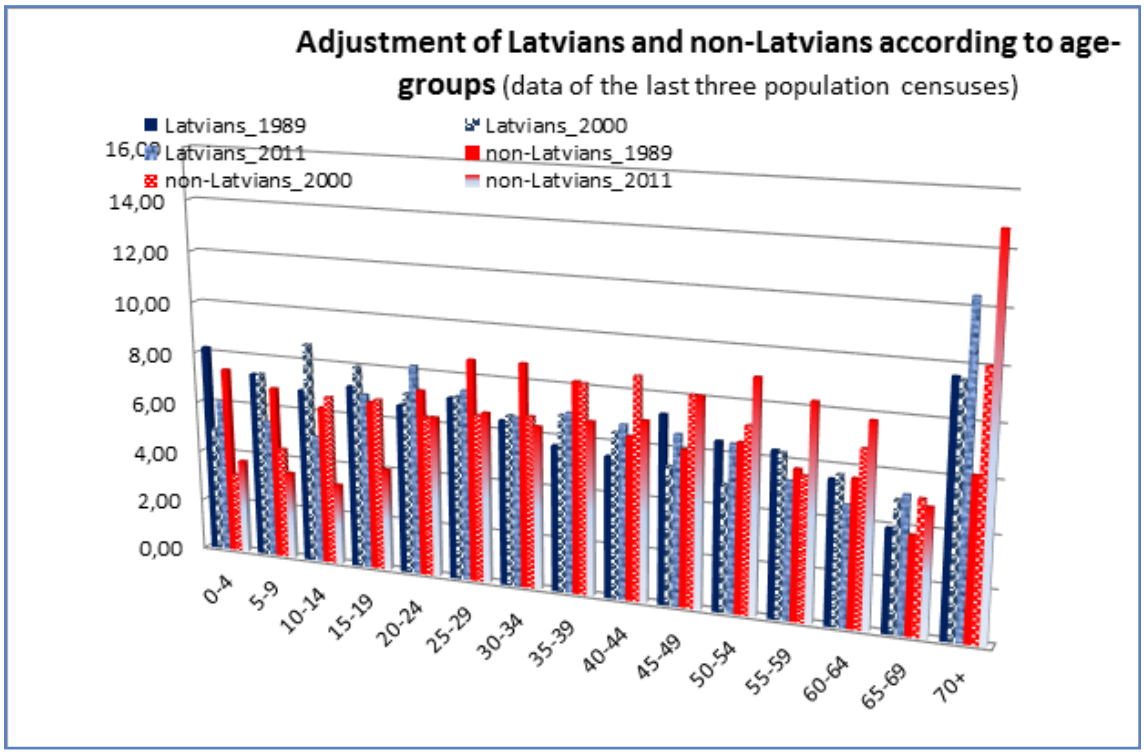


Table 1.16

Effects of the difference of the age structure of Latvian and non-Latvian mothers on the birth rate

Woman's age	Percentage of born children (%)	Proportion of mothers in the population (%)		Ratio (Latvians/non-Latvians)
		Latvian	Non-Latvian	
till 19	4,45	6,31	3,55	
20–24	20,68	7,53	5,52	
25–29	32,68	6,83	5,88	
30–34	25,11	6,14	5,66	
35–39	13,45	6,59	6,13	
40–44	3,48	6,42	6,56	
45+	0,15	-	-	
Expected number of children		671,89	569,42	1,18
Actual birth rate (per thousand)		9,52	6,59	1,44

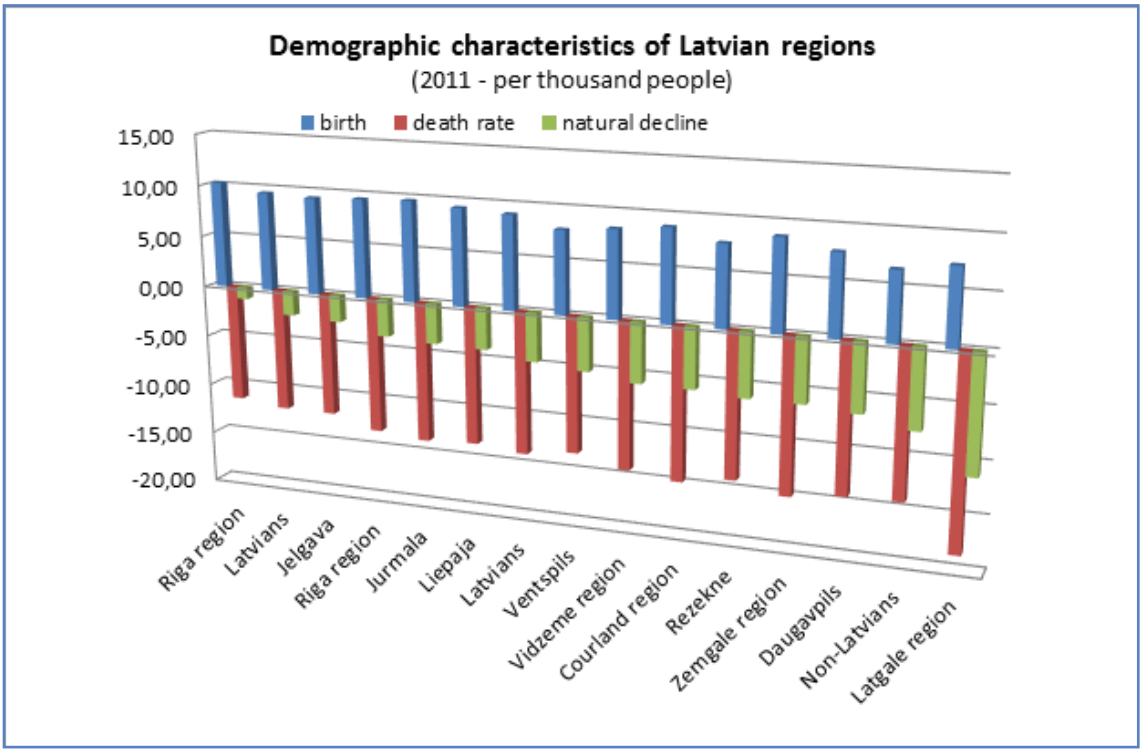
As it can be judged from the table, there should be some difference, but only 18%. This explains the actual difference of 44% for less than a half.

1.7.5. Significant discrepancy in demographic indicators can be also explained with the priority settlements of non-Latvians in demographically depressive regions. Regional demographic characteristics of large cities and statistical regions of Latvia (calculating after regional data of large cities, just like in table 1.2) in 2011are presented on Figure 1.8[56].

56 CSB data, Table IVG03

Figure 1.8

Demographic characteristics of Latvian regions
(2011 – per thousand people)



In Riga region, Jelgava, Riga, Jurmala and Liepaja, where demographic characteristics are better than the national average, there are 65% of non-Latvians living there, and 35% – living in more disadvantaged areas. And vice versa, in demographically more advantaged areas there are only 48% of Latvians and in disadvantaged areas – 52%.

Certainly, demographic data varies from ethnos to ethnos on a regional basis (data not available to the author), but according to the general data on the country, Latvians and non-Latvians are located on other sides of the horizontal axis of the Figure 1.8.

1.8. International comparisons

1.8.1. The difference in the main demographic indicators by the ethnic minorities and aboriginal inhabitants is not an exception. Let us have a look on the situation in the neighbouring Estonia (Figure 1.9)[57]. We have already observed all the tendencies (decline of population growth after 1991, sudden stratification of demographic data of ethnic minorities and aboriginal inhabitants) on the example of Latvia (see Figure 1.6).

In 2008, there was a natural growth in Estonian population. But Russians had been dying out, making a negative growth rate for the whole country.

Demographic situation of Russians in Estonia is much better than of Russians in Latvia (Figure 1.10), probably due to higher standards of living in this country. The demographic rates of our northern colleagues are closer to those in our shared ethnic land.

During the period from 2009 – 2011, there was a sudden decline in the birth rate of Russians from Latvia and Estonia. The demographic situation in Russia during this period had been steadily improving.

1.8.2. Demographics of the world (Figure 1.11)[58], after putting the data of two Latvian and two Estonian ethnic groups into the diagram, show that Latvians and non-Latvians are divided not only by 10 Latvian cities and regions (see Figure 1.8), but also by all European republics of the former USSR, as well as such countries of the EU as Bulgaria and Hungary. There has been no country in the

57 CSB data on Estonia recalculated in the same manner as in the construction of Figure 1.6

58 Data used from the Eurostat and the Federal State Statistics Service

statistics that would be on the same level in terms of a disadvantaged situation as Russian-speaking Latvians. They put Latvia onto the last shameful place.

Figure 1.9

Estonians and non-Estonians birth, death rate and natural growth per 1000 inhabitants

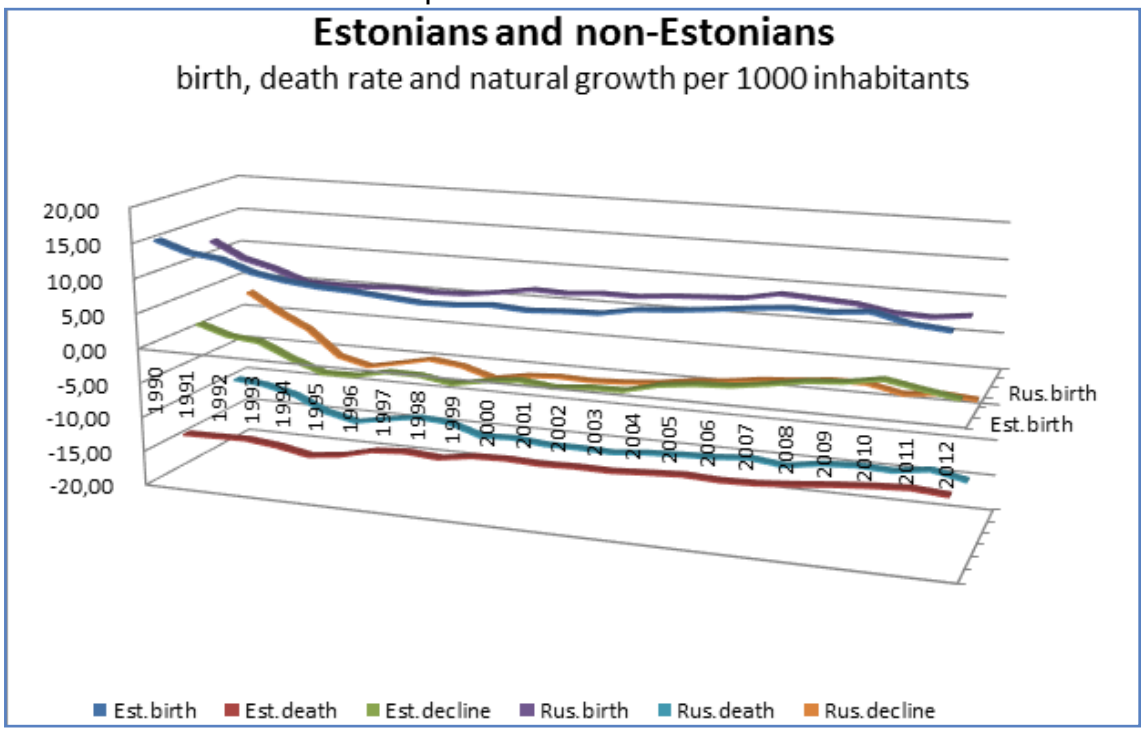
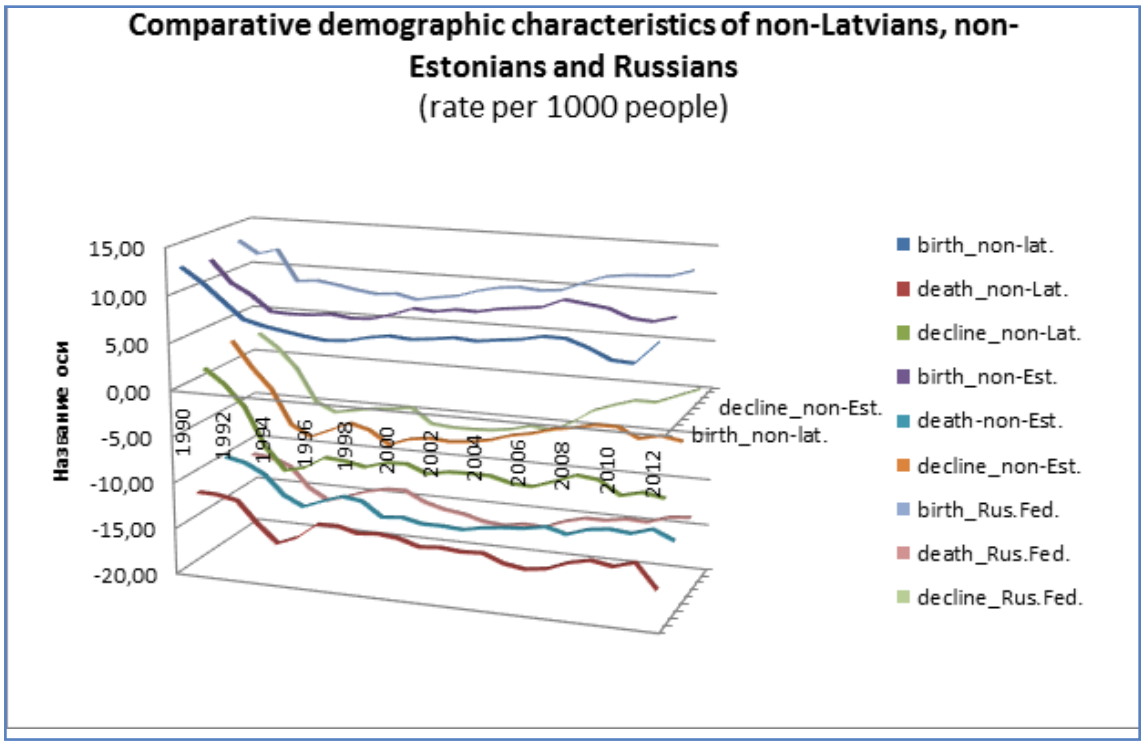


Figure 1.10

Comparative demographic characteristics of non-Latvians, non-Estonians and Russians (rate per 1000 people)

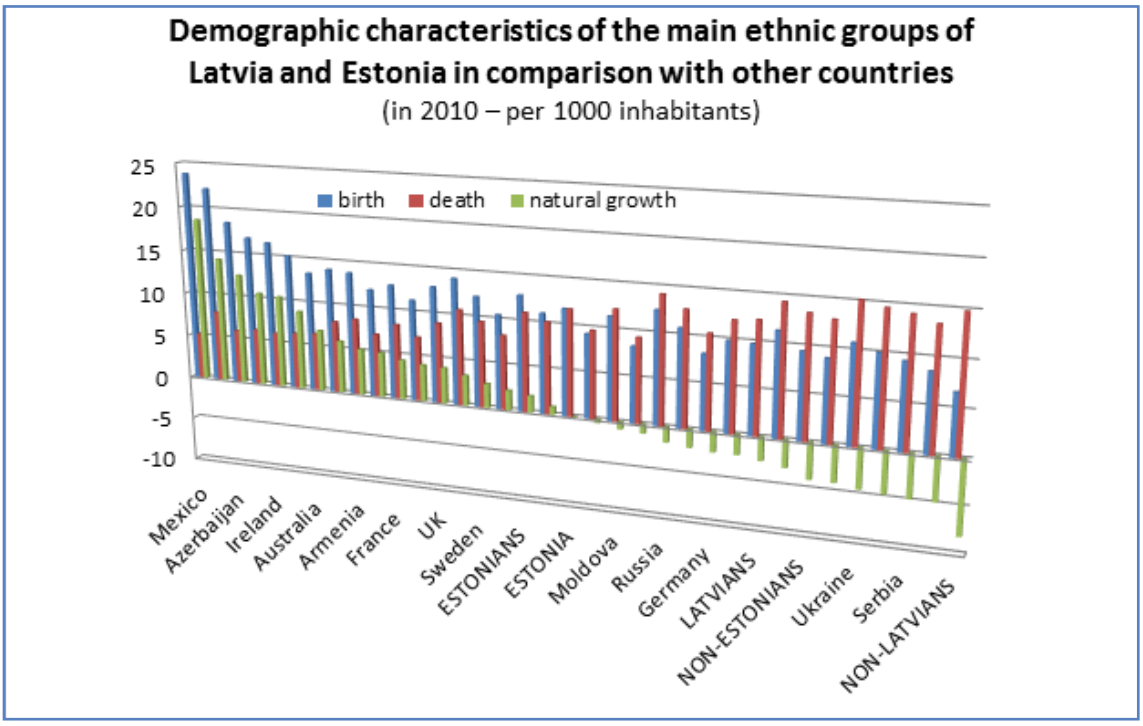


However, the true fact is that the discrepancy between Estonians and non-Estonians is much bigger.

The declining level of the birth rate among non-Latvians doesn't compete with any country, but in terms of the death rate, Ukraine has been slightly ahead.

Figure 1.11

Demographic characteristics of the main ethnic groups of Latvia and Estonia in comparison with other countries
(in 2010 – per 1000 inhabitants)



It is interesting to see the comparison of demographic rates for separate ethnic minorities in Latvia and in their "ethnic motherland" (Table 1.17)

Table 1.17

The main demographic rates of Latvian ethnic groups comparing with their ethnic origin[59]

Year	1989			2000			2011		
Nationality/country	Birth	Death	Growth	Birth	Death	Growth	Birth	Death	Growth
Latvians	15,11	13,54	1,57	9,35	12,88	-3,53	9,83	12,27	-2,44
Latvia	14,6	12,22	2,38	8,52	13,55	-5,03	8,98	13,78	-4,8
Russians	12,92	10,2	2,72	7,57	14,02	-6,44	7,71	15,68	-7,97
Russia	14,66	10,75	3,91	8,62	15,15	-6,53	12,58	13,48	-0,9
Belarusians	17,02	11,9	5,11	5,88	16,21	-10,33	5,6	20,64	-15,04
Belorussia	15,12	10,19	4,92	9,35	13,46	-4,11	11,51	14,25	-2,74
Ukrainians	18,23	8,25	9,98	5,95	11,69	-5,74	7,14	15,85	-8,71
Ukraine	13,35	11,6	1,75	7,84	15,43	-7,59	11,02	14,57	-3,55
Polish	15,01	16,68	-1,67	7,33	17,61	-10,28	8,49	18,78	-10,3
Poland	14,9	10,11	4,79	9,79	9,52	0,27	10,17	9,83	0,34
Lithuanians	18,34	16	2,34	9,36	16,06	-6,7	9,03	21,16	-12,13
Lithuania	15,18	10,38	4,8	9,72	11,08	-1,36	10,6	12,65	-2,05

59 Used: data of the CSB of Latvia, the Eurostat, as well as data from Wikipedia on Belarus, Russia and Ukraine (Demographics of Belarus.., Russia,.. Ukraine)

The most notable decrease of growth in almost all ethnic groups (including origin countries) could be observed after the collapse of the Soviet Union. The only exception is Poland that, not being the part of the USSR, has maintained its positive birth rate, although with the decrease of the growth rate 15-20 times less.

It is necessary to mark that in 1989, the birth rate of local Belarusians, Ukrainians, Polish and Lithuanians was higher than in Republics of their ethnic origin. The demographic rates in the independent Latvia (excluding the death rate of Ukrainians in 2000) are significantly worse not only in comparison with Latvians, but also comparing to the countries of origin of the ethnic minorities.

In 2011, comparing to 2000, the demographic situation has improved in all six countries pointed in the table. But it became worse among all ethnic minorities pointed in the table.

In countries, where positive discrimination was applied to ethnic minorities, the situation is absolutely opposite. For example, in Russia per 1000 women there was following number of born children registered: Latvian – 1854, Russian – 1446, Belarusian – 1765, Ukrainian – 1726, Polish – 1782, Lithuanian – 1765[60].

1.8.3. Latvia is the world leader in relative population decline in the period after 1990 (Table 1.18).

Table 1.18[61]

Country	Population (per thousand people)		Difference	
	1990	2011	Difference	%
Latvia	2663	2075	588	22,1
Lithuania	3704	3028	676	18,3
Romania	23207	19042	4165	17,9
Estonia	1571	1294	277	17,6
Bulgaria	8877	7348	1529	17,2
Ukraine	51838	45778	6060	11,7
Albania	3182	2832	350	11
Bosnia	4308	3840	468	10,9
Georgia	5439	5000	439	8,1
Serbia	7806	7181	625	8
Belarus	10190	9465	725	7,1
Moldova	4364	4185	179	4,1
Armenia	3084	2962	122	4
Hungary	10374	9985	389	3,7
Russia	147969	142961	5008	3,4

Comparison of population census data from 1989 and 2011 shows that the population decline of the country is due to the decrease of the number of national minorities in Lithuania – 42%, Estonia – 71%, Latvia – 83%. Thus, the part of ethnic minorities in population of these countries in 1989 corresponded to 20%, 38% and 48%, in 2011 – 16%, 32% and 38%.

1.8.4. The growth of national minorities in the Soviet Union times and current decline of the number of national minorities in comparison with the whole population are characteristic for all three Baltic republics. The starting (1959), culminating (1989) and the end points of the process, according to the population census data are shown in Table 1.19.

The relative rates of population dynamics of the Baltic countries are shown on Figure 1.12[62] in a more detailed time outline. In comparison with 1990, a more rapid process development corresponds to a smaller amount.

Comparison of the data from Table 1.19 and Figure 1.12 shows that during the Soviet Union times, the highest rate of population growth was in Lithuania with the lowest percentage of "migrants"

60 Women of different nationalities evaluated by the number of children born / / Russian National Population Census in 2002. T. 12 / / *http://www.perepis2002.ru/index.html?id=30*

61 Data for each country were taken from the corresponding article in Wikipedia. For Albania and Armenia – data of 1989. Data on Georgia and Moldova were recalculated in 1990 borders. For comparison – the Soviet Union in lost 14 % of the population during the World War II.

62 Data on the absolute population size for Figures 1.12, 1.13 are taken from population censuses and from the websites of statistical offices of the three countries. Relative data are recalculated by the author. See also author's report "National policy and demography of Russian speakers in Latvia, Lithuania and Estonia" at the regional conference of Russian compatriots in August 2011: *http://www.pctvl.lv/i/doc/Dokl_2808_2011_ill.pdf*

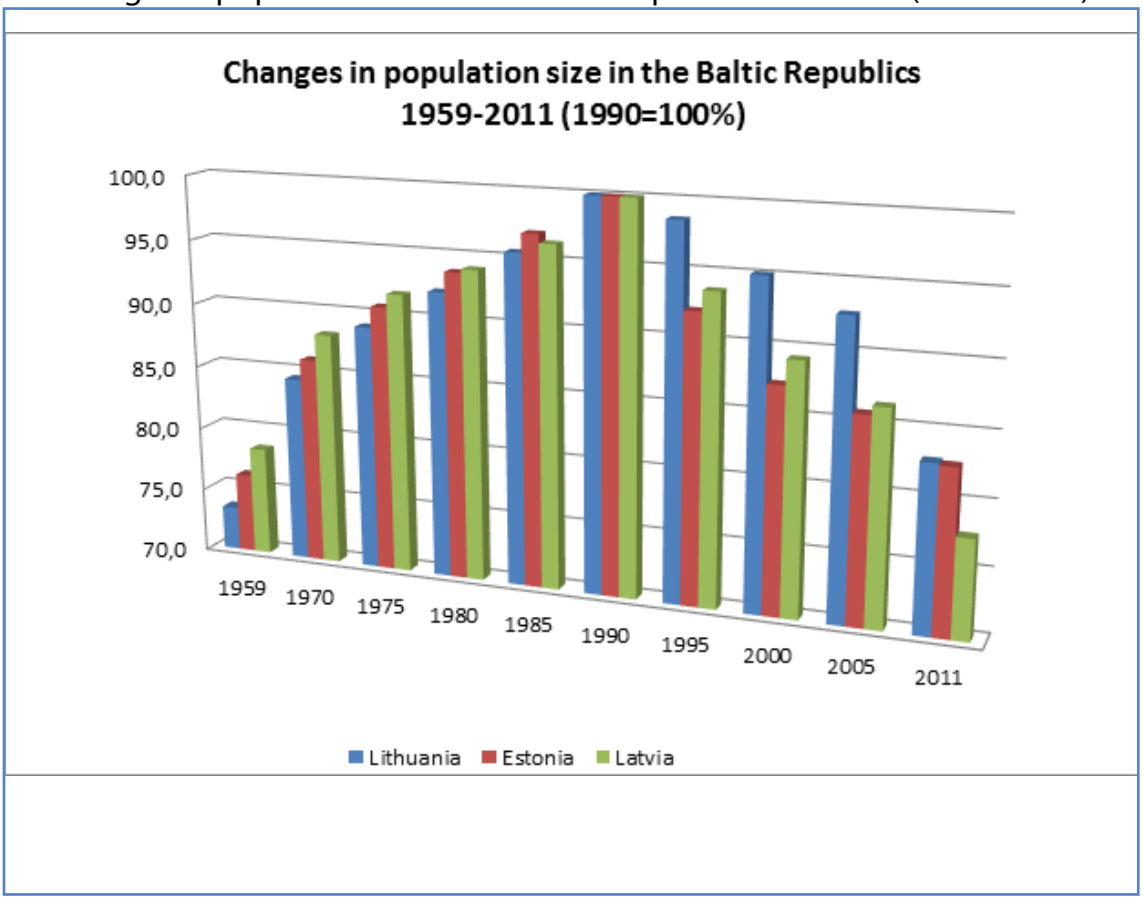
Table 1.19

Main ethnic groups of Baltic republics
according to population censuses in 1959, 1989 and 2011

Year	Group	Absolute number			%		
		Lithuania	Estonia	Latvia	Lithuania	Estonia	Latvia
1959	Total	2711445	1196791	2093458	100	100	100
	Aboriginal inhabitants	2150767	892653	1297881	79,3	74,6	62,0
	Ethnic minorities	560678	304138	795577	20,7	25,4	38,0
1989	Total	3674800	1565662	2666567	100	100	100
	Aboriginal inhabitants	2924300	963281	1387757	79,6	61,5	52,0
	Ethnic minorities	750500	602381	1278810	20,4	38,5	48,0
2011	Total	3043429	1294236	2070371	100	100	100
	Aboriginal inhabitants	2561314	885257	1285136	84,2	68,4	62,1
	Ethnic minorities	482115	408979	785235	15,8	31,6	37,9

Figure 1.12

Changes in population size in the Baltic Republics 1959-2011 (1990=100%)



in the population, and the lowest – in Latvia. The share of national minorities in Lithuania in 1989 decreased comparing with 1959, but in Latvia this share reached 48% from the initial 38%. And it has nothing to do with the "protection" policy of the former first secretary of the Communist Party of Lithuania Antanas Sneckus, nor the "collaborationism" of the first secretary of the Communist party of Latvia Augusts Voss, but with the demographic pressure mentioned in paragraph 1.3.4 (Table 1.20).

Table 1.20

Number of children per 1000 women in some republics of the USSR according to population census data of 1989

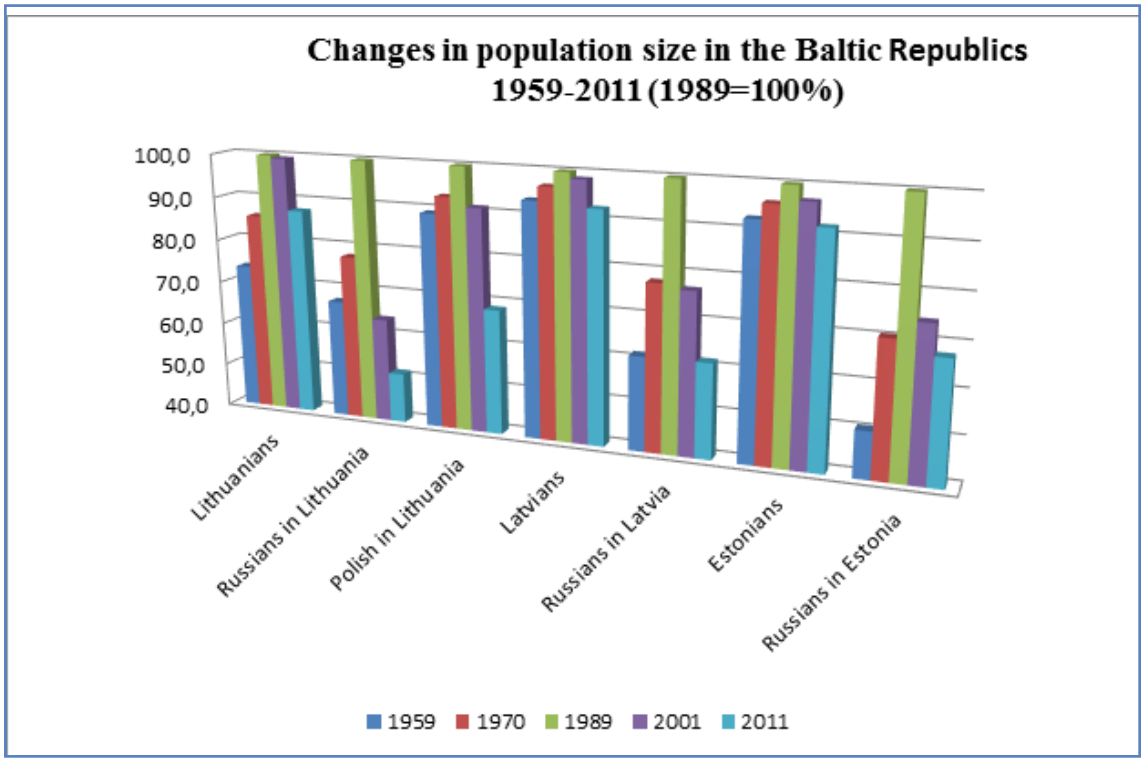
Republic	Number of children
Latvia	1484
Estonia	1542
Lithuania	1709
Ukraine	1701
RSFSR	1796
Belarus	1873
All USSR	1925

After 1991, the number of ethnic minorities has been decreasing much more rapid not only in Latvia, but in other two republics of the Baltics, in comparison with the total population of the main nations (Figure 1.13). In Estonia and in Latvia the decrease of ethnic minorities caused a drastic decline of the total population of these countries.

Figure.1.13

Changes in population size in the Baltic Republics 1959-2011

(1989=100%)



Note that during the last decade of the XX century, the rate of the Russian population decrease in Estonia was higher, than in Latvia. Perhaps this is due to the fact that Estonian non-citizens, who constituted the majority of the ethnic group, were offered a residence permit as a basis for living like foreigners. Latvia introduced a special status for its non-citizens. By 2011, Latvia has surpassed Estonia in terms of getting rid of "the undesirable element".

However, Lithuania has remained the leader in terms of reduction of Russian population despite this country granting citizenship to all of its inhabitants, who had been living there permanently during the collapse of the USSR. The number of Polish people in Lithuania, which has increased since 2001 comparing to the number of Russians, has been declining much slower. Still their number has been decreasing faster than the number of Lithuanians. Perhaps, this is connected with the fact that during the Soviet Union times, a part of non-Russian ethnic minorities preferred to call themselves Russians in documents.

1.8.5. It would be unfair to keep silent about the fact that a fast decline of a number of ethnic minorities is characteristic for other former Soviet republics and countries of the post-Soviet Eastern Europe (Table 1.21).

Table 1.21

Ethnic composition of the population of certain countries according to the population census data before and after the collapse of the USSR[63]

Belarus	**1979**	**1989**	**1999**	**2009**	**1989/2009 %**
Belarusians	7567955	7904623	8158900	7957252	-0,7
Russians	1134117	1342099	1141700	785084	41,5
Polish	403169	417720	395700	294549	29,5
Ukrainians	230985	291008	237000	158723	45,5
All ethnic minorities	1964561	2247183	1886300	1546555	31,2
All population	9532516	10151806	10045200	9503807	6,4
Ukraine	**1979**	**1989**	**2001**		**1989/2001 %**
Ukrainians	36488951	37419053	37451693		-0,1
Russians	10471602	11355582	8334141		26,6
Belarusians	406098	440045	275763		37,3
Moldovans	293576	324525	258619		20,3
All ethnic minorities	13120382	14032981	10964307		21,9
All population	49609333	51452034	48416000		5,9
Armenia	**1979**	**1989**	**2001**		**1989/2001 %**
Armenians	2724975	3083616	3145354		-2,0
Kurds	50822	56127	40620		27,6
Russians	70336	51555	14660		71,6
All ethnic minorities	312284	221160	67657		69,4
All population	3037259	3304776	3213011		2,8
Romania	**1977**	**1992**	**2002**	**2011**	**1992/2011 %**
Romanians	18999565	20408542	19409400	16869816	17,3
Ungarians	1713928	1624959	1434377	1237746	23,8
Ukrainians	55510	65764	61091	51703	21,4
All ethnic minorities	2560345	2401493	2288781	2173120	9,5
All population	21559910	22810035	21698181	19042936	16,5

First, you should pay attention to changes in population growth in each country – the population decline in post-Soviet times. This also refers to the number of national minorities. The number of aboriginal inhabitants has been decreasing faster only in Romania in comparison to the number of ethnic minorities in general. However among the main ethnic minorities this process was faster.

Second, there was a slight growth of aboriginal inhabitants in three former USSR Republics during that time. In Belarus[64] and Ukraine it is apparently due to the easy procedure of nationality change among related nations (Belarusians, Russians and Ukrainians). Polish in Belarus, the majority of which are Catholics, had been more resistant to such assimilation.

In Latvia such assimilation for adults is limited by the legislation (see paragraph 1.2.2).

The new demographic history of Russia is unique (just like everything is this country) (Table 1.22).

63 The data on each country are taken from articles in Wikipedia. The total number of ethnic minorities is obtained simply by subtracting the number of main nation from the total population.

64 See the article by Alexander Zolotnitsky "Belarus gently assimilates Russians" from 13 November 2011 on the informative and analytical portal "Empire": *http://www.imperiya.by/*

Table 1.22

The population of Russia according to the data of the last three censuses

Group / Year	1989	2002	2010	Decrease	
				Abs.	%
All population	147021869	145166731	142856536	4165333	2,83
Russians	119865946	115889107	111016896	8849050	7,38
Nationality not specified in the census list	15513	1460751	5629429		
Russians – after correction	119878595	117067103	115571111	4307484,1	3,59
Ethnic minorities	27143274	28099627,6	27285425	-142151,1	-0,52

The number of people who didn't indicate their nationality during the last census is 4% of the population. This is more than the number of the second ethnic group after Russians (Tatars – 5310649) and this factor affects the results of the evaluation of the growth of ethnic groups. In Latvia, for instance, there were only 0.4% of those, who hadn't indicated their nationality during the census in 2011, which is about 10 times less.

Thus, the penultimate row of the table represents a corrected number of Russians basing on the assumption that the members of all ethnic groups are likely equally inclined to hide their nationality. But even with this correction the number of Russians in Russia has been decreasing, but the number of ethnic minorities growing.

However, the good thing is that the overall population reduction in Russia is lower than in other compared countries (except Armenia, where the data has been taken over a shorter period of time).

In order to get a clear picture, here are the data on the main ethnic minorities in Russia, which are put in order also according to the fact of presence or absence of a national government of ethnic minorities beyond the boarder of the Russian Federation (Table 1.23).

Table 1.23

Number of certain ethnic groups in Russia according to population census data in 1989 and 2010

Group / Year	1989	2010		Reduction	
		Factual	Corrected	Abs.	%
All nationalities	147021869	142856536		4165333	2,8
Russians	119865946	111016896	115571142	4294804	3,6
Tatars	5522096	5310649	5528508	-6412	-0,1
Chuvashi	1773645	1435872	1494776	278869	15,7
Bashkirs	1345273	1584554	1649557	-304284	-22,6
Mordovians	1072939	744237	774768	298171	27,8
Chechens	898999	1431360	1490079	-591080	-65,7
Udmurts	714833	552299	574956	139877	19,6
Mari	643698	547605	570069	73629	11,4
Avars	544016	912090	949507	-405491	-74,5
Buryats	417425	461389	480317	-62892	-15,1
Ossetians	402275	528515	550196	-147921	-36,8
Ukrainians	4362872	1927988	2007080	2355792	54,0
Belarusians	1206222	521443	542834	663388	55,0
Kazakhs	635865	647732	674304	-38439	-6,0
Armenians	532390	1182388	1230893	-698503	-131,2
Azerbaijanis	335889	603070	627810	-291921	-86,9

A significant reduction of the number of people, who identify themselves as Belarusians and Ukrainians, fits into the concept of a soft assimilation, as described above. The other features of this table should be explained by Russian demographers.

Chapter 2. Monolingualism in a bilingual country

2.1. Real bilingualism

2.1.1. Data of the last six population censuses in relation to languages spoken in Latvia are demonstrated in Table 2.1.

Table 2.1

Languages spoken in Latvia according to the data of population censuses

Year	Total	Native language			Those speaking languages			
					Whole population		Latvians*[1]	Non-Latvians
		Latvian	Russian	Other	Latvian	Russian	Russian	Latvian
1959	2093458	1305025	656965	131468				
1970	2364127	1344596	848546	170985	1522583	1580620	608456	177987
1979	2502816	1343847	1007143	151826	1559256	1916432	783607	215409
1989	2666567	1385635	1122076	158856	1645049	2165925	912065	259414
2000	2377383	1383105	891451	102827	1878724	1930174		495619
2011	1876812	1164894	698757	13161				
Data in %								
1959	100	62,34	31,38	6,28				
1970	100	56,87	35,89	7,23	64,40	66,86	46,23	17,4*[2]
1979	100	53,69	40,24	6,07	62,30	76,57	59,61	18,6
1989	100	51,96	42,08	5,96	61,69	81,23	67,50	20,3
2000	100	58,18	37,50	4,33	79,02	81,19		49,2
2011*[3]	100	62,07	37,23	0,70				

Notes: 1) number of Latvians, whose native language is Latvian; 2) data are presented basing on the number of non-Latvians; 3) In the population census of 2011, residents responded to the question, which language they use in their family. Data are provided from the total number of those respondents having answered.

2.1.2. From Table 2.1 it can be concluded that the population of Latvia experienced language communication problems by 1970: only 46% of ethnic Latvians could speak Russian language and about 17% of ethnic minorities – Latvian language.

A similar situation occurred in the pre-war Latvia, as evidenced by the data of the population census of 1925 presented on the CSB website: 60% of ethnic Latvians could speak only their native language, only 15% of ethnic Russians (the former second largest ethnic group in Latvia) could speak Latvian.

However, according to the same census data of 1925, there were 83.63% of the whole population who could speak Latvian including 73.4% of native Latvians. So, among 26.6% of ethnic minorities there are 16.37% of those who can speak Latvian from the whole population. Thus, the level of Latvian language proficiency among the ethnic minorities was 61.5%, which is even better that the "sociability" indicator among Latvians.

In 1930, Latvian language was spoken by 19% of ethnic Russians, 23% of Belarusians, 46% of Polish people, 62% of Jews, 81% of Germans – in total, 84% of the population[65].

65 Latvijas kultūras statistika. 1918.-1937 (Statistics of Latvian culture), Riga, 1938, p. 103.

2.1.3. During the Soviet period the comparative status of Russian and Latvian language was not legally regulated.

In schools with Latvian language as medium of instruction, Russian language teaching was conducted on a higher level. For this purpose, the 11th form was introduced in Latvian-language schools, while Russian children had to study only 10 years. Thus, there were funds allocated and organisational matters taken to ensure the competitiveness of graduates of Latvian schools not only in Latvia, but also in the whole USSR, to give them a possibility to take up any position and get further education in the best country universities.

Since 1970 till 1989, the number of ethnic Latvians, who could speak Russian, increased 1.5 times, and their percentage among those, whose native language is Latvian, increased from 46% to 67.5%.

In Russian-language schools Latvian was an obligatory subject. But there were no special actions to teach it better, on a scale comparable with those undertaken to teach Russian to Latvians. However, the number of non-Latvians, who spoke Latvian language, had also increased in that period 1.5 times, although making only 20.3% among all representatives of ethnic minorities by 1989. The part of population who spoke Latvian language even decreased a little bit – from 64% to 62%.

Forceful measures to encourage the population to learn Latvian language, implemented after 1991, turned to be more effective. However, they hardly contributed to the integration of the society.

2.1.4. Data of the population census of 2000 indicate that the knowledge of a language does not depend that much on the efforts of educational or punitive institutions, but on the corresponding language environment. For instance, in Daugavpils, where there are only 18% of Latvians, Latvian language was spoken only by 33.7% of Russian-speaking national minorities; however, Russian language was spoken by 77.8% of inhabitants, whose native language was not Russian.

Administrative units, where the knowledge of Latvian language among the representatives of ethnic minorities was worse than in Latvia in general, are regions of settlement of ethnic minorities, such as Liepaja, Riga, Jurmala and Ventspils, as well as Daugavpils, Kraslava regions of Latgale (compare Table 1.2.). A part of Latvians and other non-Russians, who speak Russian, is higher in those regions than in Latvia in general, and in Kraslava region it reaches the record of 86,9%.

Contrarily, in three regions of Kurzeme, where Russian speakers make up a tiny minority, 78% of them said they speak the Latvian language. Only 61-63% of Latvian-speaking neighbours said they speak Russian.

2.1.5. Increase of the proportion of ethnic minorities, who speak Latvian (22.3% in 1989 and 49.8% in 2000) tends to continue. Results of four representative population surveys during 2008-2012 according to the level of language proficiency are presented in Table 2.2.

Table 2.2

Level of Latvian language proficiency among ethnic minorities according to the survey results of 2008-2012

(% among respondents)

Questionnaire 2008	**Category of language proficiency**	**Highest**	**Average**	**Lowest**	**Do not speak/certification not passed**
	All respondents	26,2	31,2	35,6	7
	Citizens of the Republic of Latvia	33,7	38,4	25,8	2
	Non-citizens	16	21,3	48,9	13,8
	Official certification	13,9	24,2	5,9	53,9
Questionnaire 2009	**Level of knowledge**	**Good**	**Average**	**Basic knowledge**	**Do not speak**
		48	27	16	8
Questionnaires by OCMA	**Level of knowledge**	**Speak, read and write fluently**	**Understand on the conversational level or have difficulties with writing**	**Use simple phrases or know some words**	**Do not speak**
2011		12	43	38	7
2012	All non-citizens	17,5	39,8	39,5	3,2
	Citizenship applicants	30,4	64,3	5,3	0

In 2008, the population census was conducted by the Baltic Institute of Social Research[66], in 2009 – by the State Language Agency[67], in 2011-2012 – by the OCMA[68] among non-citizens and citizenship applicants.

According to the research data of 2008, 57% of non-Latvian respondents stated that they spoke Latvian very well (47% – according to the data of the methodologically similar research in 2004).

Polling of non-citizens shows that they speak Latvian on the level, demonstrated by all non-Latvians, excluding the highest category of the state language proficiency. The level of language proficiency for citizenship applicants is a lot higher than the level of Latvian language proficiency among ethnic minorities in general, some of which were citizens by birth. Such level approximately corresponds to the level, which is demonstrated by graduates from schools of ethnic minorities at the state exams (see 3 last columns of the Table 2.9 below).

As it will be shown below (paragraph 2.3), in a legally monolingual country, it is more important to present a relevant certificate than to show the assessment of linguistic skills. Thus, in the table, there is an answer to a question about the category of the language obtained by the respondent.

All polls point out very low language proficiency by senior people. The situation is opposite in polls, which examine the level of Russian language proficiency by Latvians (Table 2.3).

Table 2.3

Level of Latvian and Russian language proficiency by population categories of different ages according to the poll data of 2008 (% of respondents)

Research subject	Age of respondents	Category of language proficiency			
		Do not speak	Lowest	Average	Highest
Knowledge of Latvian language by representatives of ethnic minorities	15 – 34	1,4	25,7	39,1	33,7
	35 – 49	8,0	37,9	35,2	19,0
	50 – 74	10,2	40,9	23,3	25,6
Knowledge of Russian by Latvians	15 – 34	8,4	37,7	29,0	24,8
	35 – 49	1,3	13,6	39,4	45,7
	50 – 74	2,5	19,4	30,6	47,5

This suggests that in the future Latvian part of the society shall experience difficulties with integration into the Latvia's language environment, including the labour market.

The right of Latvians to forget the Russian language has found defenders among the National Alliance, represented in the Parliament and the government of the Republic of Latvia.

This resulted in heated debates in the Saeima in 2011 and 2012 about the prohibiting the entrepreneurs to demand Russian language proficiency when employing[69]. Finally, on 21 June 2012, amendments to the Labour Law were adopted, prohibiting the announcement of requirements for foreign language proficiency when employing, if the necessity for the foreign language proficiency is not related to the fulfilment of specific duties.

Fortunately, 76% of Latvians of different ages evaluate their knowledge of Russian as good, and 18% – as intermediate (according to the poll data in 2009).

Both OCMA polls emphasize a strong dependence of the language proficiency on the age of respondents. The results of the first poll show that there were 72% of respondents in the age from 15 to 20 and only 11% of non-citizens older than 60 years, who could speak and read in Latvian fluently. According to the results of the second poll, there were 50% of non-citizens aged from 41 to 60 years and 62% of those older than 60 years, who could just say a few words or did not understand the Latvian language at all.

66 Valoda. Atskaite. 2008.gada marts-aprīlis (Language. Report. March-April 2008), Table. 3.1. 7: *http://www.valoda.lv/downloadDoc_435/mid_510*

67 Data according to the comparison with the edition "Linguistic situation in Latvia 2004-2010" of the State language Agency, Figure 4-7. Available in the Internet on: *http://www.valoda.lv/downloadDoc_650/mid_510*

68 The first poll was conducted from July to December 2010 among 1128 non-citizens and results were published in 2011 on the website of OCMA. In the second poll there were 1500 non-citizens and 750 citizenship applicants. The time of the poll was not indicated, but the message about the poll was published by the LETA news agency on 28 September 2012.

69 See, for example, the article "What the linguistic amendments to the Labour Law will bring" in the newspaper "Telegraf" from 23 July 2011 (available in the Internet: *http://www.telegraf.lv/news/chto-prinesut-yazykovye-popravki-k-zakonu-o-trude*) or the article "Employers criticize linguistic amendments in the Labour Law" on the portal MIXNEWS from 21 June 2012 (available in the Internet: *http://www.mixnews.lv/ru/exclusive/news/2012-06-21/99006*)

2.1.6. Unfortunately, the population census in 2011 was performed according to the EU standards, and the question about the assessment of proficiency of languages commonly used in the country, was not included into the questionnaire[70].

However, it is possible to determine the frequency of the use of languages in families according to regions[71] and to compare it with the part of minorities in the population of the corresponding region (see Table 1.2).

Comparison (Table 2.4.) shows that in the most regions a part of persons, who use languages of ethnic minorities in families, is close to their proportion in the population. The ratio of these values is presented in the last column of the table.

Table 2.4

Comparison of the percentage of ethnic minorities in the population of regions with the percentage of individuals, who mainly use Russian language and other languages of ethnic minorities in families, according to the population census data in 2011

Region	Percentage of non-Latvians in the population	Percentage of individuals, using languages of ethnic minorities	Relevant use of languages of ethnic minorities
Latvia	0,395	0,379	0,96
Riga	0,554	0,566	1,02
Jurmala	0,490	0,497	1,02
Liepaja	0,452	0,436	0,96
Ventspils	0,438	0,437	1,00
Jelgava	0,427	0,421	0,99
Daugavpils	0,817	0,903	1,10
Rezekne	0,544	0,621	1,14
Riga district	0,261	0,229	0,88
Vidzeme region	0,144	0,088	0,61
Kurzeme region	0,104	0,037	0,36
Zemgale region	0,270	0,185	0,69
Latgale region	0,418	0,460	1,10

The table also shows that in regions densely populated by ethnic minorities, a significant part of Latvians use languages of ethnic minorities in families. In regions with a low percentage of ethnic minorities, the situation is opposite, and in general, in Latvia these processes are compensating one another.

2.1.7. The process of mutual assimilation, as well as assimilation of non-Russian ethnic minorities can be studied according to the data, which prove how much the native language of an individual matches with the ethnicity indicated by him/her.

According to the results of the population census of 2000, Russian language was considered native by 3.5% of ethnic Latvians, Latvian language – by 4.4% of ethnic Russians. Among other ethnic groups, the "own ethnic" language was named as native by 24.7% of respondents, Latvian – by 13.5%, Russian – by 58.8%, other languages – by 3.0% of respondents.

Such situation is claimed to be the result of the Soviet policy of Russification: education in Latvian language, sponsored by the government, was guaranteed on all levels, but all schools of ethnic minorities, where education was not in Russian, were closed.

In the programme of the National Alliance[72] mentioned above (paragraph 1.5.3), it is not only suggested to fulfil the conversion of non-Latvians into Latvians, but also the "De-Russification of russified national minorities, in collaboration with relating governments, supporting the educational and cultural work of Belarusians, Ukrainians, Poles, Jewish and other ethnic minorities".

In the list of the top five biggest non-Russian ethnic minorities, Lithuanians were missed not by a coincidence, as in 2000, 42% of them named Latvian language as their native language, 39% –

70 Range of questions, asked during the census, approved by the regulation Nr.384 of the Cabinet of Ministers "Regulations on the population census programme of 2011" from 2 July 2008. In the first variant of the Regulation, there was a question about the knowledge of different languages besides the native, but it was excluded by the amendments to the Regulation from 3 September 2010.

71 Website of the CSB, Table TSG11-07. Data on regions are provided without cities of republican subordination.

72 *http://www.tb.lv/page.php?pgID=1d7f7abc18fcb43975065399b0d1e48e&lang=est*

Lithuanian and only 16% – Russian. Among the mentioned ethnicities, the share of individuals, who consider Russian as their native language, are 58% among Poles and 79% among Jews. No matter what but it is impossible to choose the native language twice, and the wish to pass the languages to their children appears to be quite natural.

According to the data of the 2011 population census[73] (when the wording of the questionnaire was significantly changed), 92.3% of ethnic Latvians pointed Latvian as the language used in the family, 7.6% – pointed Russian. Among ethnic Russians 93.3% used mainly Russian in the family, 6.6% – Latvian. About 89-76% of ethnic Belarusians, Ukrainians and Poles spoke Russian in families, about 9-20% – spoke Latvian, and about 0.9-3.9% – other language (including the language of their ethnicity). For ethnic Lithuanians these figures are respectively 30.1%, 60.3% and 8.6%.

Use of languages by non-Russian ethnic minorities has drastically decreased in the period of independence (Table 2.5).

Table 2.5

Native language of non-Russian ethnic minorities

(according to the population census data)

Year	Total	Absolute numbers				%			
		Own ethnicity's	Russian	Latvian	Other	Own ethnicity's	Russian	Latvian	Other
2000	303437	74927	178466	40871	9173	24,69	58,81	13,47	3,02
1989	373295	152486	192051	24032	4726	40,85	51,45	6,44	1,27
1979	337247	147593	165196	21283	3175	43,76	48,98	6,31	0,94
1970	317723	166033	128192	20093	3405	52,26	40,35	6,32	1,07
1959	239129	125809	90004	20302	3014	52,61	37,64	8,49	1,26

Population census data of 2011, demonstrating that in Latvia's families there are practically two languages used, confirm the presence of two linguistic communities in the country, despite of the negative attitude from the government towards this issue.

The integrating factor of the Russian language for non-Russian minorities is obvious also by judging from the number of school students depending on the medium of instruction (Table 2.6).

Table 2.6

Number of school students, being taught in different languages (2011/2012 academic school year) [74] comparing with the percentage of individuals in the school age (population census in 2011)

	Number of students aged from 6 to 19 years	Percentage of an ethnic group in the population	Number of students being taught in the corresponding language	Teaching of children of a certain age
Total	287724	100	206640	0,718
Latvians	209645	72,9	149913	0,715
Russians	59782	20,8	55000	0,92
Poles	4124	1,4	1100	0,267
Belarusians	3236	1,1	118	0,036
Ukrainians	2615	0,9	205	0,078
All ethnic minorities	78079	27,1	56727	0,727

From the last column of the table it is seen that the preservation of a national identity through the possibility of acquisition of the school education in the native language is not even provided to Poles, who have several schools in Latvia, unlike some other ethnic minorities.

It is obvious that the vast majority of representatives of ethnic minorities, as well as a part of Latvians, take their children to Russian schools. Low birth rate of representatives of national minorities is reflected in the fact that within the 39.5% of the population there are only 27.1% of children in the school age.

73 CSB data, Table TSG11-071

74 Government data on the number of students from the report "Second Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Latvia, 2012", Table 23 *http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_2nd_SR_Latvia_en.pdf*

2.2. Political monolingualism

2.2.1. German language has been the only official language in Latvia (excluding the higher strata of the "external" administration, as well as with peculiarities during the "Polish times" in Latgale) for nearly 600 years. The first attempts to replace it with the Russian language in the paperwork management are dated in 1850[75]. The ordinance of the Senate, committing to take all requests, written not only in German, but also in Latvian and Russian, was adopted in 1883[76]. These inconsequent attempts to displace the German language were not completed by the beginning of the First World War[77]; however, were successfully fulfilled immediately after the acquisition of independence (proclaimed on 18 November 1918).

However, the first independent language regulation on the territory of Latvia has to be considered the Iskolat ordinance (of the Executive Committee of the Council of workers, soldiers and landless farmers of Latvia) from 4 January 1918 about the use of Latvian language in Latvian institutions[78], which implied the use of Latvian language in all activities, and other languages – where necessary. "Other languages" were mentioned by name in the ordinance of the Bolshevik government of the future Stalinist People's Commissar of Justice Peteris Stuchka from 8 March 1919. According to the ordinance, there were three languages implemented in the paperwork management depending on the majority of the population – Latvian, Latgalian and Russian[79].

After the end of the Civil War, the use of the language of ethnic minorities on the state level was widely practiced. In Saeima (the Parliament) of the First Republic, deputies had rights to use Russian and German languages besides Latvian. Language use in the private sector was unconditional, in municipal institutions (including hospitals) and in ministries, employees were obliged to know Russian language. Governmental "Regulations about the state language" from 18 February 1932 significantly changed the situation: "Use of the state language is obligatory in the Army, the Navy and other institutions, state enterprises and local governments, as well as in communication of individuals and legal entities" (Article 2). However, in cases when in a local municipality, there were 50% of a certain national minority, the rule allowed communication with them in German or Russian, respectively. In the bodies of those local authorities, speeches could be held in Russian or German, and translated upon necessity. During the authoritarian regime of 1934-1940, language requirements had become tougher, but the status of the Latvian language had not been fixed in the Constitution, because its legal force was suspended for an indefinite period of time.

2.2.2. On 6 July 1993 the Saeima (the Parliament) of Latvia re-established the Constitution of the Republic of Latvia[80] (Latvian: Satversme), passed in 1922. There was no language regulation in the Constitution.

Only after the amendments of 15 October 1998, the Constitution states that the state/official language of Latvia is Latvian (Article 4) and this provision can only be changed by a referendum (Article 77). In the new section of the Constitution "Fundamental Human Rights" it was stated in order to provide for some balance: "Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity" (Article 114).

Amendments of 30 April 2002 enriched the Constitution with two more language provisions: before taking the office, the MPs have to take an oath "to strengthen … the Latvian language as the only official language" (Article 18), and this is the only working language in Saeima (Article 21). The right to get answers from the state and local authorities was already provided before However, after those amendments, it was expressly specified that these rights refer to answers [only] in Latvian language (Article 104).

Finally, after entering the EU, the Latvian Parliament had to adopt (on 23 September, 2004) the amendments admitting the EU citizens to the local elections. The amendments have also stated that the working language of local governments is the Latvian language (Article 101).

The six-year evolution of the Constitution described above in terms of strengthening of the Latvian language status has a symbolic character. A set of regulations adopted both before the implementation of a sole state language in a bilingual country and after the end of the particular "constitutional language reform", regulate the language issues with great detail and maximum rigidity.

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75 Pukhlyak O, Borisov D. Russians in Latvia. . . p.171.

76 Ibid p.176.

77 Ibid p.198.

78 Iskolat ordinance on the use of Latvian language in Latvian institutions: *http://www.vvk.lv/index.php?sadala=135&id=170*

79 Latvian Soviet Government Decree About Languages Used in Official Documents: *http://www.vvk.lv/index.php?sadala=135&id=169*

80 *http://www.saeima.lv/en/legislation/constitution*

An interesting fact is that the Supreme Council of the Latvian SSR, "elected" on the non-alternative basis, who started dealing with the symbolism in this sphere, introducing the provision about one official state language in the "occupation" Constitution. Relevant amendments were unanimously passed on 7 October 1988, one day before the beginning of the founding congress of the Popular Front of Latvia – political organization, which firstly supported the "social reconstruction" (perestroika), and after two and a half years took Latvia out of the USSR.

During the day of voting at the Supreme Council, in the newspaper "Soviet Youth" ("Sovetskaya Molodyozh") there was a letter with 200 signatures published, co-written by the author of this book[81]. The letter contained a demand to recognize the status of the Russian language as the second state language and to solve this issue at the referendum.

After 24 years, the referendum took place: the initiative group of three non-citizens, Alexander Gaponenko, Vladimir Linderman, Yevgeni Osipov and a citizen of Latvia Eduard Svatkov started gathering signatures for amendments of the Constitution, which implied to include Russian, after the Latvian language, in Articles 4, 18, 101 and 104 of the Constitution and to remove language restrictions in Saeima work from the Article 21[82].

According to the "Law on National Referendums, Legislative Initiatives and European Citizens' Initiative",[83] preparation for the referendum (before the amendments of November 2012), included 2 stages[84]:

– collecting 10 000 notarized signatures of citizens by initiators during one year;

- collecting of 1/10 voters' signatures (more than 150 thousand people) within a month at polling stations, organized by the government.

The initiative was launched on 4 March 2011[85] as a response to the organized collection of signatures by the National Alliance for amending to the Constitution, prescribing the abolition of education in Russian language in public schools[86]. Thanks to the counter-initiative and a strong support of the Russian press, the first stage of collecting signatures was finished by 19 April 2011[87]. On the second stage, which took place from 1 – 30 November 2011, there were 183 046 signatures collected[88].

On 22 December 2011, the amendments were rejected by the Saeima with 60 votes "against" and one abstention. The political alliance "Concord Centre", elected mainly by the votes of ethnic minorities, demonstratively left the room and did not participate in the voting[89].

The referendum took place on 18 February 2012, and it was preceded by the mass propaganda "for" and "against" from Russian and Latvian media. Special services[90] and all top officials[91] of the country participated in the propaganda "against". As the result, the level of participation in the referendum was very high (71% of voters), and the results of the voting were mainly along ethnic lines (Figure 2.1) [92]. Data from 119 administrative units are arranged in ascending order of the percentage of living there Latvian citizens.

273,347 voters voted "for" the amendments (24.88% of participants), 821,722 – "against". Russian language received an unanimous support in Latgale (together with such cities like Daugavpils and Rezekne): 55.6% – "for", 44% – "against". The vast majority of voters supported Russian language in Daugavpils (85.2%) and Zilupe district (90.3%), which is near to Russia. Even Vladimir Putin would not be able to achieve the last results, if he had decided to organize such referendum in Russia.

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81 Official status to the Russian language! This demand was proclaimed for the first time in Latvia 20 years ago. Web-site of the Russian School Defence Staff: *http://www.shtab.lv/main.php?w2=news&news_id=1642* V. Buzaev "We will step up from knees". Newspaper "Vesti segodnya" ("News Today"), from 3 October 2008

82 Text of the draft law available on the website of the Central Election Commission *http://web.cvk.lv/pub/public/30190.html*

83 *http://cvk.lv/pub/public/28862.html*

84 See detailed explanation on the website the Central Election Commission: *http://www.cvk.lv/cvkserv/par_2008/Inf_rus.pdf*

85 See the message "Osipov and Linderman will gather signatures for giving Russian the status" from 4 March 2011 on the portal "ves.lv": *http://www.ves.lv/article/164107*

86 The second stage of the collecting signature took place from 11 May to 9 June 2011, but there were only 120,433 signatures collected, which was not sufficient for organization of the referendum. See information on the website of the Central Election Commission on: *http://web.cvk.lv/pub/public/29941.html*

87 See the message "Osipov: many Latvians signed for the Russian language as the second state language" from 19 April 2011 on the portal "ves.lv": *http://www.ves.lv/article/170014*

88 See information on the Central Election Commission website: *http://web.cvk.lv/pub/public/30191.html*

89 See the verbatim report of the Saeima on its official website: *http://www.saeima.lv/lv/transcripts/view/99*

90 See the message "Political Bureau: there are suspicious posters distributed in Latvia" Delfi, LETA, 17.02.2012: *http://rus.delfi.lv/news/daily/politics/pb-v-latvii-rasprostranyayut-podozritelnye-listovki.d?id=42139862*

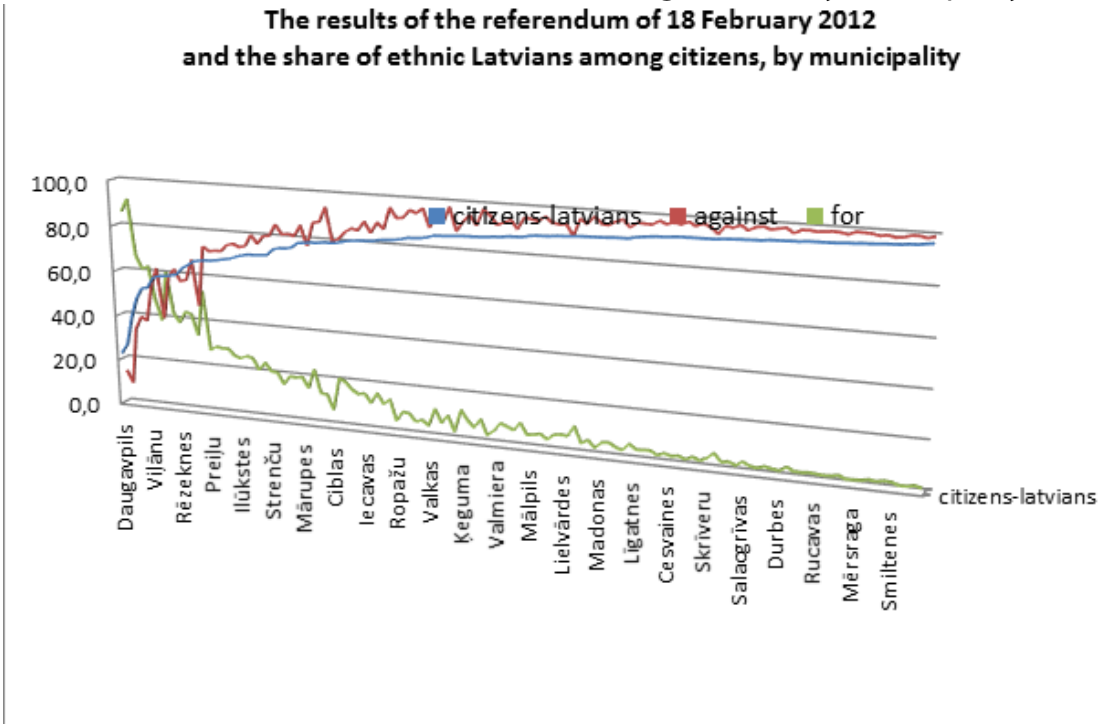
91 The president Andris Berzins declared in his New Year speech to the nation that the "voting for the change of the status of the state language shall mean voting against Latvia as the state". *http://www.president.lv/pk/content/?cat_id=605&art_id=18949*

92 Data on ethnic proportion of citizens in 2011; according to the referendum – from the website of the Central Election Commission: *http://web.cvk.lv/pub/public/30288.html*

273 thousand citizens of Latvia voted for Russian language, or 62% of all voters – non-Latvians. It is interesting that at the time, there were only 295 thousand ethnic Russians among voting-age citizens, and no more than 138 thousand of citizens of Latvia were naturalized ones[93].

Figure 2.1

The results of the referendum of 18 February 2012
and the share of ethnic Latvians among citizens, by municipality



Even if we assume that the activity of naturalized citizens, ethnic Russians and ethnic Latvians at the referendum was the same (74%), then it can be concluded that there were only 218 thousand ethnic Russians and 102 thousand citizens, who have gone through naturalization, who voted "for". Thus, among those who supported the Russian language, there are at least 55 thousand representatives of non-Russian ethnic minorities and not less than 170 thousand citizens of Latvia by birth. Even if we assume that all 222 thousand non-Latvian citizens who didn't participate in the referendum are not "the descendants of the occupants", it still turns out that the part of those who had been for among the citizens of the First Republic and their descendants makes not less than 43%.

The numbers do not support the opinion imposed by the government that only poorly integrated Russian chauvinists are not satisfied with the language policy of the state.

Certainly, in all these calculations it is assumed that Latvians had not voted for the Russian language, but the Russian-speaking minorities had not voted against. However, the regional proportion of votes (see Fig.2.1) confirms this assumption, although the motivation for voting of several thousands of people did not correspond to their ethnicity.

The government has ignored the clearly expressed desire of national minorities to strengthen the status of the Russian language. Even the modest petition of local authorities of Daugavpils and Rezekne, – to enable them to communicate with their voters not only in Latvian language, – was rejected[94].

An immediate reaction to the referendum was the tightening of the legislation on referendums (see paragraph 4.1.5).

93 Here and below there are author's articles "Referendum without non-citizens – just a poll". Published on the portal Delfi on 20 February 2012: *http://rus.delfi.lv/news/daily/versions/vladimir-buzaev-referendum-bez-negrazhdan-lish-sociologicheskij-opros.d?id=42145360*

94 The Mayor of Rezekne calls the Latvian government to provide the Russian language with the state of the regional language *http://www.interfax.ru/society/news.asp?id=231692*. Daugavpils suggests allowing local authorities to speak Russian with the residents 28.02.2012 *http://rus.delfi.lv/news/daily/latvia/daugavpils-predlagaet-razreshit-mestnoj-vlasti-govorit-s-zhitelyami-po-russki.d?id=42166742*. The prime minister: the question about the Russian language in local authorities in not under consideration. 19.02.2012 *http://rus.delfi.lv/news/daily/politics/premer-vopros-o-russkom-yazyke-v-samoupravleniyah-ne-stoit.d?id=42143904*.

2.2.3. After the defining of the Latvian language status in the Constitution of the Latvian SSR as the state language, on 5 May 1989, the Language Law of the Latvian SSR was adopted[95]. The broad scope of applicability of the Russian language and the guarantees to the Latvian language were described in the law.

On 31 March 1992, 7 months after the actual independence acquisition, the law had been radically amended[96] and became similar to the present one, described below.

In 1999, the discussion of the project of the new law in Saeima was accompanied by a strong pressure from the West: the ambassadors of Western countries led by the US ambassador had several times given explanations in the corresponding commission of the Saeima. National minorities, in turn, had organized several protests, up to an authorized demonstration and a two-night stay on the pavement at the entrance to the presidential palace[97]. The President returned the draft law for revision to the Saeima, and the final version of the law was passed on 9 December 1999, becoming a so-called "present" for national minorities to the day of human rights defenders (10 December). As the result, a significant part of the most sensitive issues for ethnic minorities was passed to the Cabinet of Ministers, whose actions had been more usually more adequate towards the rights of ethnic minorities, in comparison with the Saeima.

The current Law on the State Language[98] came into force on September 1, 2000 and has been in force in the edition adopted 13 years ago. It fully embodies the restrictions for ethnic minorities recorded in articles 4, 101, and 104 of the Constitution, and it absolutely does not guarantee the rights, which are declared in article 114.

The Law (article 5) states that all languages except for Latvian are considered "foreign", with no exceptions for languages of ethnic minorities[99].

In 2012, the Old Believers, who had been living on the territory of Latvia for more than 300 years, expressed their official confusion on this issue to the chairwoman of the Saeima[100]. The status of Russian as a foreign language was also challenged in the Constitutional Court by the NGO "Citizenship, Education, Culture", but the court did not initiate a case upon their claims[101].

The law recognizes the right to use any language in the private sphere (part 3 of Article 2), but allows (part 2 of Article 2) "proportional" intervention of the state into issues of the language use in the private sphere, if it is justified by "legitimate interests of society" (see 2.3.2 below).

Legislation does not guarantee the right to use languages other than the official state language in oral communication with the authorities, and also directly prohibits (Article 10) to use other languages in written communication, with no exceptions for the regions with significant or even predominant non-Latvian population (see 2.2.4 below).

The law does not prohibit placing inscriptions and other private information in languages of ethnic minorities in public places. However, if the information relates to the legitimate interests of society and is not addressed to a specific person, then it should be available also in the official state language (part 4 of Article 25). If the information contains, along with the state language, some data in a foreign language, then the text in the state language should not be less noticeable, smaller in size or less complete in content, than the text in the "foreign language". Similar restrictions for other languages and guarantees only for the state language relates to labelling of products produced in Latvia and imported products, instructions of use et cetera, for example, for medicine (see Article 25 and the rules already mentioned).

The most painful for ethnic non-Latvians is the Article 6 of the Law, which stipulates that persons, working in institutions and companies of the state and local authorities, have to know and use the state language. Persons, working in private institutions and companies, have to know and use the state language, if their activities affect "the legitimate interests of the public", or if they perform public functions.

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95 Latvian Soviet Socialist Republic Languages law: *http://www.liis.lv/latval/valoda/v9-6.htm*

96 The law was wholly revised with that set of amendments, known as the Law on amendments and additions to the Latvian SSR Languages Law *http://www.vvk.lv/index.php?sadala=135&id=165&PHPSESSID=23e192a8824c2523970f151b6b1864ac*

97 The main organizers of protests: the president of the Russian Community of Latvia Garold Astakhov (1966-2009), the leader of the party "Equal Rights" Tatyana Zhdanok, co-chairman of the LHRC Gennady Kotov.

98 English version of the text is available on: *http://www.minelres.lv/NationalLegislation/Latvia/Latvia_Language_English.htm*

99 The exception is the language of the autonomous Livonian minority of 180 people (see footnote 4). Besides that the Art.3 mentions the Latgalian language as a Latvian dialect.

100 The Old Believers in Latvia are disappointed: The Saeima does not understand their concern about the Russian language. The portal «Baznica.info», 6 June 2012: *http://baznica.info/article/starovery-latvii-razocharovany-seim-ne-pon*

101 The Constitutional Court will not assess the asserted state of the Russian language. The portal "TVNET", 29 March 2012: *http://www.tvnet.lv/zinas/latvija/416372-st_nevertes_krievu_valodai_noteikto_svesvalodas_statusu*

Relevant Regulation of the Cabinet of Ministers[102] determine the level of knowledge of the state language required for such persons, and the examination procedure for those individuals who did not receive education in the Latvian language and did not pass the centralized examination of the Latvian language in schools of ethnic minorities.

The problem of language restrictions on the labor market, as well as liability for breach of the rules outlined above, will be discussed separately below (§ § 2.3, 2.4).

Certain problems for almost 40% of the population are created by a requirement of the Law (Article 19) on reproduction of personal names only in accordance with the traditions of the Latvian language, which applies to records in the passport or birth certificates (see § 2.2.5 below).

The Law also establishes that judicial proceedings are conducted (Article 13), but the right for education is guaranteed (Article 14) only in the state language, with a reference to the specific legislation. Regarding the radio and TV broadcasting, there is a reference to the Law on Radio and TV broadcasting (Article 16), and at the same time (Article 17), scoring, dubbing or subtitling in the official language is required for publicly demonstrated movies and videos, or their fragments.

Questions on the use of languages in judicial proceedings are described below in more detail in paragraph 2.2.6, the use of languages in radio and television – in paragraph 2.2.7.

2.2.4. The relevance of the issue of enquiring to state and municipal institutions in languages other than Latvian was somewhat reduced by the Law of Administrative Procedure, which came in force on 1 February 2004[103]. Part 1 of Article 56 of the Law prescribes that an official records the oral application of an applicant and gives that person to sign it. In this case, the oral application could be also made in Russian, but the official is obliged to record it in written in Latvian. However, the author, judging from his personal experience, has never had to deal with such a grace from the part of officials, no matter what language he spoke to them.

The process of how state bodies address private individuals is subject to rigid rules. Information provided publicly by the state and municipal authorities, law enforcement authorities, state and municipal enterprises, has to be only in the state language (part 1 of Article 21).

Exceptions provided by the Regulation of the Cabinet of Ministers, issued on the base of Part 5 of Article 2, relate to information about international events, extraordinary situations, epidemics or dangerous infectious diseases etc. Use of other languages is allowed when dealing with information and publications, distributed to individuals and legal entities at their request[104].

For example, in 2006, the State Language Centre fined the State Bureau of Human Rights for placing booklets in Russian and English languages in the waiting room. It came to the discussion in the government, and the State Bureau was instructed to place information (in Latvian, of course) that there are also booklets available (at the request of visitors) in languages of ethnic minorities[105].

In 2009, at the request of a LHRC member, Alexander Kuzmin, the Ombudsman initiated a check of the compliance of these limitations with the Constitution. The Ombudsman concluded that the agencies whose main function is to respect human rights and promote integration, for example, such organizations as the Office of the Ombudsman (formerly known as the State Bureau of Human Rights), the Ministry of Welfare, social services of local governments, should be assigned the right "to provide information in foreign languages" without specific individual requests. There were no steps done to liberalize the legislation, but both the author of the request and the Ombudsman were severely criticized in media[106].

In November, 2012, the SLC insisted on removing booklets in Russian language with information on principles of securing one's home, fight against drug abuse and lodging complaints against police actions, from the lobby of the State Police building[107].

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102 07.07.2009. Regulation of the Cabinet of Ministers No.733 "Regulations on the amount of the state language knowledge and the procedure of the examination of the state language command for fulfilment of professional and official duties, receipt of a permanent residence permit and receipt of the status of a permanent resident of the European Union, and regulations about the state tax for the examination of the state language command" ("LV", 110 (4096), 14.07.2009.) [came in force on 1 September 2009].

103 Law on Administrative Procedure. Text of the Law is available on the website of State Language Centre: *www.vvc.gov.lv*

104 15.02.2005. Regulations of the Cabinet of Ministers No.130 "Rules on language use providing information" ("LV", No.36, 02.03.2005)

105 "Ombudsmen sliding in the direction of bilingualism", 12 May 2009, Apollo portal: *http://pakalpojumi.apollo.lv/zinas/tiesibsargs-sliecas-divvalodibas-virziena/417571*

106 Ibid.

107 "Punishment for providing important information also in foreign languages", 5 November 2012, Apollo portal: *http://www.apollo.lv/zinas/soda-par-informesanu-butiskos-jautajumos-ari-svesvalodas/538751*

In February, 2013, SLC has restricted an initiative of the Corruption Prevention and Combating Bureau, which distributed bilingual anti-bribery posters to hospitals. The bureau was forced to remove the bilingual posters from public places[108].

In October, 2013, SLC has blocked an attempt of the National Health Service, wishing to send to women invitations to free oncological checks not only in Latvian, but also in Russian[109].

In November, 2013, the Ministry of Finance was preventing from sending to the residents a booklet in Russian on the upcoming switch of currency from lats to euro, unless specifically requested by the recipient[110].

The Law (Article 18) provides that all place names, street names and other topographical indicators should only be in the state language. Even the names of places that in the eastern Latvia historically appeared in Russian or Belarusian language (e.g. "Malinowka"), in topographic indexes can be indicted only in Latvian language. It is interesting that such a practice is partially borrowed from the Soviet times, when place names were not translated into Russian language, but simply duplicated with Cyrillic letters.

In 2012, several activists of the party "For the native language!" (known as Zarya), founded by the initiators of the referendum mentioned in paragraph 2.2.2, placed signs of the street names on their houses in two languages. Administrative procedures against them have not been finished yet, as at beginning of 2013[111].

Provisions of the Law on communication with local authorities and on the formation of place names solely in the official language, even in areas with a large population of ethnic minorities, are in an obvious contradiction with Articles 10 (2) and 11 (3) of the Framework Convention for the Protection of National Minorities. The Convention was ratified in Latvia in May 2005, 9 years after it was signed, as a result of a constant pressure from international human rights organizations and organizations of ethnic minorities in Latvia. Articles 3 and 4 of the Law on ratification of the Convention include reservations claiming that the above provisions of the Convention are in force as long as they do not come in contradiction with the Constitution and domestic law, i.e., are not valid at all. In autumn 2010, the Latvian Human Rights Committee prepared a lawsuit in the Constitutional Court regarding the illegality of these reservations, and by October 2010, there were 8 000 signatures collected to support this act. The court, however, declined to initiate a case on that application.

2.2.5. Numerous years of attempts to debate the specific cases of distortion of names and surnames in Latvian courts, even in the Constitutional Court and the ECHR[112], have been so far unsuccessful. But on 28 October 2010, members of the LHRC Alexei Dimitrov and Leonid Raihman had finally won the case in the Human Rights Committee of the United Nations, which recognized the addition of the letter "-s" [113] to the end of surname Raihman, based on the requirements of the Latvian orthography, as an arbitrary interference in privacy.

And although in the case "Raihman against Latvia", the UN Human Rights Committee had recognized the distortion of his name and surname as illegal, the Latvian authorities have refused to comply with the decision of the Committee. The government approved (13 March 2012) and sent (2 April 2012) its opinion on the decision to the UN Human Rights Committee, in which it was explained why there was no revision of the relevant legislative provision. On 28 April 2012, the LHRC sent a comment on the government's opinion to the UN Human Rights Committee.

Parallel to that, the LHRC prepared a complaint on behalf of the plaintiff to the Senate of the Supreme Court with the demand to overturn the court decisions, appealed against earlier at the UN Human Rights Committee. The Senate in its Order of 15 June 2011 on the case Nr. SJA-8/2011 refused the judicial review. In the same time, the Senate acknowledged the right of the claimant to

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108 State Language Centre forbids CPCB from putting its campaign posters in public places. "Diena", 2013.28.02: *http://www.diena.lv/latvija/zinas/valsts-valodas-centrs-liedz-knab-izvietot-savus-kampanas-plakatus-publiskas-vietas-13994088*

109 State Language Centre forbids Russian-language invitations for women to undergo cancer checks. Website «TVNET», 2013.17.10: *http://www.mixnews.lv/ru/society/news/2013-10-17/135108*

110 State Language Centre forbids a Russian-language publication about euro. Website «Latvijas sabedriskie mediji» 2013.15.11: *http://www.lsm.lv/ru/statja/obschestvo/novosti/tsentr-gosjazika-zapretil-gazetu-o-evro-na-russkom.a70017/*

111 See "Liepaja. Maximum fine applied for placing a board in two languages", 5 June 2012, BNS, Delfi: *http://rus.delfi.lv/news/daily/latvia/liepaya-za-dvuyazychnuyu-tablichku-oshtrafovali-po-maksimumu.d?id=42410986*

112 See, for example, the decision on admissibility in the case No. 59727/00 "Tatjana Shishkina (Siskina) and Dimitri Shishkin (Siskins) against Latvia" of 8 November 2001, in the case No. 71074/01 "Juta MENTZEN also known as MENCENA against Latvia", of 7 December 2004, or in the lost case led by the LHRC No. 71557/01 "Kuharec (Kuhareca) against Latvia", of 7 December 2004.

113 The UN Human Rights Committee recommended that Latvia does not modify the transcription of non-Latvian names in documents. REGNUM news agency, 1 December 2010: *http://regnum.ru/news/polit/1352226.html*

initiate an administrative proceeding, based on the new circumstances, before the State Language Centre, which initially had refused the applicant already on 10 February 2004. After completion of all pre-trial proceedings, such case was filed[114] on 20 October 2012 and shall be considered by the trial court on 17 March 2014. The LHRC filed another case with similar requirements, which was followed by a negative judgment of the first instance on 25 June 2013, which had been appealed against.

Although the victory of the LHRC has not yet led to the complete elimination of a disproportionate governmental intervention in the privacy of 800,000 of the 2 million nationals, at least, we have been able to reduce the degree of absurdity in our native country.

After the UN decision favorable for the Latvian national minorities, already on 17 November 2010, in the Supreme Court, a case about a boy's name Otto, which according to Latvian executive authorities had to be written only with one letter "t", was won by parents[115].

The author of this book could only partially restore his reputation of a caring father, shattered by his reckless participation in political life, and win the lawsuit (with the help of his colleagues from the LHRC Alexei Dimitrov and Alexander Kuzmin) in the court of appeal[116] against the Ministry of Justice on refusal to allow my oldest daughter take her husband's name.

My daughter agreed with the Latvianized version of her new surname: the version for a man Vvedensky (to be Latvianized as Vvedenskis), for a woman – Vvedenskaya (to be Latvianized as Vvedenska). But the Office of the Ministry of Justice had persistently insisted on exclusion of one letter "v" from the surname. The Latvian officials and the Court did not want to consider the arguments that Vvedensky and Vedensky are two different surnames[117] and that there are already some persons in the Population Register registered with such surnames – Vvedenskis and Vvedenska. Over a period of almost three years of the trial, my daughter managed to give me two adorable grandchildren, who were registered right in the hospital as Vvedenskis and Vvedenska. However, my daughter and granddaughter had to cry a lot at the reception of OCMA, when my granddaughter was refused to issue a passport with the "wrong" name.

The Court has been considering the case about the name of a boy from a mixed Latvian-German family – Mark, which was about to be changed by Latvian officials, with Bolshevik intolerance, into Marks[118]. On 18 June 2013, a judgment in favour of executive was adopted by the first instance court, which is under appeal, as at end of 2013[119].

In October 2012, a lawyer of the LHRC, Alexei Dimitrov, won a case against the OCMA, which resulted in the fact that it was allowed to put a patronymic,[120] besides the first name and surname, in the original form (in Latin letters, however) on the third page of the passport of residents of the Republic of Latvia as background information. The court's decision is executed by authorities in a narrow way and is only applied to those, who were born in the Soviet times and kept their birth certificate, with a patronymic recorded, up to date. Rejections to register patronymics in documents of the residents, born already in the Republic of Latvia, are currently (as at beginning of 2014) pending before the courts.

2.2.6. Implementation of the Latvian language in court proceedings, corresponding to the current level, occurred on 27 April 1993, when amendments to the Civil Procedure Code and the Criminal Procedure Code were passed.[121]

The use of languages in proceedings is regulated by the Law of the Judiciary, as well as separately by the Criminal Procedure Law, the Civil Procedure Law and the Administrative Procedure Law.

Part one of Article 21 of the Law on the Judiciary states that judicial proceedings are led in the Latvian language. Prior to the amendment of 3 April 2008, the rules had given the court the option to use other language during the proceedings, upon mutual agreement of the parties, lawyers and prosecutors. Part two of Article 21 demands from the court to provide the person who

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114 Case Nr. A420579912

115 Supreme Court judgment on the case SKA-890/2010

116 Judgment on the case A42686609 from 24 August 2011

117 In 2009, according to the white pages of Moscow there were registered 286 numbers with the surname "Vvedenskiy", 367 – "Vvedenskaya" and only 10 – "Vedensky" and 10 – "Vedenskaya": *http://www.nomer.org/moskva/*

118 "Parents sued to the Court because of the ending "s" in the child's name, portal TVNET, article of the 2 April 2012: *http://rus.tvnet.lv/novosti/obschjestvo/196670-roditjeli_podali_v_sud_izza_bukvi_s_v_okonchanii_imjeni_rjebjenka*

119 On 24 January, 2014, the Supreme Court adopted its final decision in favour of authorities in this case, known under No. A420368313

120 Judgment of the Administrative District Court of 26 October 2012 on the case A420641610

121 The Law of 27.04.1993 "On amendments and additions to the Latvian Civil Procedure Code, the Latvian Criminal Procedure Code and the Latvian Criminal Procedure Code" (Bulletin, 22/23, 10.06.1993)

does not speak the Latvian language, with the right to become familiar with the case and participate in the court through an interpreter, and also guarantees the right to speak in the language the person has command of in the court.

Basically, Article 6 of the Law on the State Language and the relevant government regulations not only require the command of the state language from a significant part of the national minorities, but also prescribe to record the level of the language command. If the survey results, provided in the last line of Table 2.2 (Questionnaire 2008), can be considered as credible, then 44% of ethnic Russians have the certificate of the state language command in their pocket, and, thus, do not have formal rights for an interpreter. But only 14% of Russians have the highest level of language command, which theoretically allows them to fully participate in the trial.

Fortunately, in practice, the court provides any person with a non-Latvian, although "latvianized", surname (see paragraph 2.2.5), with an interpreter. Exceptions are cases dealing with penalties for insufficient (but still present) Latvian language command, when non-Latvians have problems.

Civil Procedure Law (Article 13) states that cases should be heard in the state language. Documents in foreign languages are provided by parties with a certified translation into the state language. Participants of the case (except for representatives of legal entities) who do not speak the state language shall be provided with an interpreter, which is guaranteed by the court. Upon the request of a case participant and upon the consent of other parties, the court may hold some activities in other languages, but their records must be written in the state language. Such standards are written in the Administrative Procedure Law (Article 110), but the court has the right to provide also the representative of a legal entity with an interpreter.

Criminal Procedure Law stipulates that the case is conducted in the state language. Any participant of the case, who does not fluently speak the state language, has rights to use any language he has a high command of, as well as has rights for a free interpreter. All documents, that need to be given to such person, shall be translated into a language he understands. Some of the proceedings (e.g. interrogation) can be conducted in another language without an interpreter, but their records and other documents have to be translated into the state language. In accordance with the Law on the State Language, all documents must be submitted to the court or to the prosecutor's office with a translation into the official language, except for complaints if their translation is not necessary for the case.

Data on the ethnic composition of the inmates in prisons (Table 2.7) became publicly available through the obligation of the government to report on the implementation of the Framework Convention for the Protection of National Minorities[122].

Table 2.7

Number of representatives of different ethnic groups in places of detention in Latvia on 18 June 2012

	Men	Women	Minors		Life imprisonment		Total
			Boy	Girl	Arrested	Convicted	
Latvians	2308	161	22	0	2	26	2519
Armenians	4	1	0	0	0	1	6
Belarusians	143	15	0	0	1	0	159
Romani	172	59	3	1	0	3	238
Jews	8	0	0	0	0	0	8
Georgians	4	0	0	0	0	0	4
Estonians	7	0	0	0	0	0	7
Russians	2216	171	1	1	2	19	2410
Lithuanians	83	8	0	0	2	1	94
Polish	80	9	0	0	0	0	89
Ukrainians	94	12	0	0	0	1	107
Others	60	3	0	0	0	0	63
Total of ethnic minorities	2871	278	4	2	5	25	3185

Recalculation of the data in the table with respect to the relative assignment of men, women and children aged from 14 to 17 years among Latvians and non-Latvians (see Fig. 1.7) shows

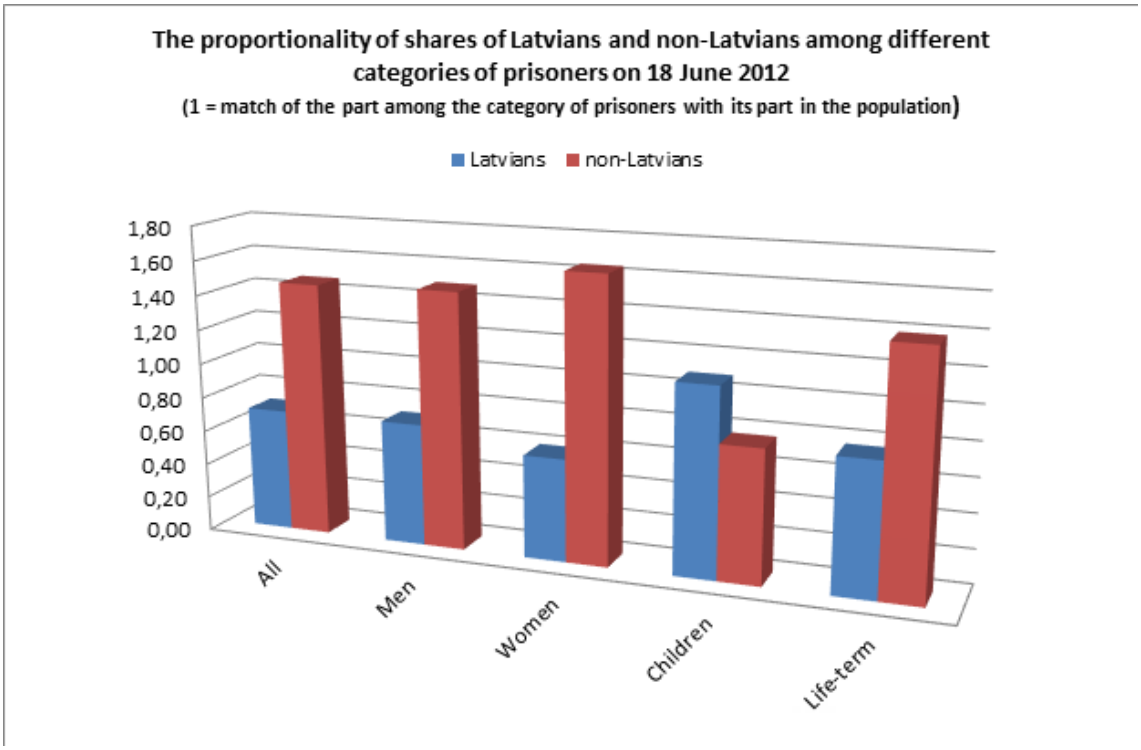
122 Second Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Latvia, 2012, Table 19: *http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_2nd_SR_Latvia_en.pdf*

the disproportionate representation of minorities (except for children) among prisoners, compared to their proportion in the population (Fig. 2.2).

Figure 2.2

The proportionality of shares of Latvians and non-Latvians among different categories of prisoners on 18 June 2012

(1 = match of the part among the category of prisoners with its part in the population)



The data, in our opinion, do not give evidence to "natural" criminal inclinations of ethnic minorities (mostly Russians), but are one of the integrating indicators showing them to suffer from inequality.

In 2007, the Ombudsman stated that he receives a lot of complaints from prisons about discrimination due to the fact that the government authorities refuse to consider applications and complaints from prisoners, unless written in Latvian.[123] The Ombudsman noted that under the current legislation, there are two possible solutions: a position of a translator in prisons, financed by the state, and Latvian language courses for prisoners.

The common rules on communication with authorities apply to requesting legal aid – the request should be written in Latvian. Persons from various risk groups, whose command of Latvian language can be expected to be worse than in the general population, are the primary target groups for free legal aid.

2.2.7. Already the Law "On radio and television"[124] from May 6, 1992 established (Article 22) that the first programmes of public radio and television had to be broadcasting in the Latvian language, and in the second programmes, up to 20% of broadcasting had to be done in languages of minorities. The following Law on Radio and Television" from August 24, 1995, in its original edition, contained a restriction (Part 5 of Article 19) on the language for private broadcasting: not more than 30% in the "foreign language" (after the amendments of October 29, 1998 – not more than 25 %). These restrictions were unsuccessfully contested in the Constitutional Court by one businessman and successfully – by MPs from the coalition For Human Rights in United Latvia [125].

On July 12, 2010, the new Law on Electronic Media was adopted, with one of the objectives (paragraph 4 of Part 2 of Article 2) being "implementation of social integration on the basis of the

123 The Ombudsmen's Annual Report for 2007, page 39

124 The Law "On radio and television" from 06.05.1992. (Source: The News, 22/23, 04.06.1992.)

125 Media Legislation, Minority Issues, and Implications for Latvia. Leonid Raihman, LHRC, Riga, 2003: *http://www.zapchel.lv/i/doc/medmaztaut_en.pdf*

Latvian language, fulfilling the requirements of the Law on the State Language, full support of the implementation of the constitutional functions of the Latvian language as the state language in Latvia, especially making sure that it would serve as the common means of communication for all inhabitants of Latvia, ensuring its preservation and use by assigning the order of the public interest of how the electronic media under the jurisdiction of Latvia use the state language in broadcasting, at the same time taking into the consideration the right to use minority languages and other languages in electronic media".

Despite this rambling goal, which appeared during the consideration of the bill on second reading, the specific proposals most suitable to it were rejected, as well as the author's proposal to remove these immortal lines from the bill, suggested for the third reading. The author based his proposal on the fact that the new project of social integration guidelines had been unsuccessfully considered in the government since 2008, and one of options considered was the integration of the society not "on the basis of the Latvian language", but on the principle of multiculturalism.

The quota on broadcasting in the Latvian language, previously recognized by the Constitutional Court to be unconstitutional, if applied to private media, came back to the law (Article 32). Moreover, the quotas are imposed under the pretext of preferential broadcasting of the "European audio-visual works", i.e., broadcasts produced in the EU member states and several their partners. These works should occupy at least 51% of the weekly broadcasting time, except for news and sports reports and advertising, and not less than 40% of them should be in the Latvian language. In addition, even without any connection with the works, to receive a privileged status of a national or regional media, broadcasters are required to provide at least 65% of production (with the same exceptions), being broadcasted at least 65% of the broadcasting time, in the official language. Broadcasts in foreign languages are also included in this quota, if they are dubbed or sounded in the official language.

Factual data on broadcasting in the Latvian language and minority languages (see section 3.3.3 below) don't give grounds for over-zealous concern over the alleged need to defend the positions of Latvian language.

2.3. Language certification

2.3.1. A month-long transition period (effective May 5) was set for implementation of radical amendments to the Law on languages, passed on 31 March 1992. Already on 25 May 1992, the decree No. 189 of the Council of Ministers of the Republic of Latvia, "On provisions about the state language certification and the order of certification",[126] was passed.

According to this act, all employees of the government institutions, whose professional responsibilities included communication with residents or performance of office administration, i.e., almost everyone, were subject to language certification. It should be noted that the vast majority of institutions (including industrial enterprises) belonged to the state at the time. The USSR Government managed to transfer all enterprises of the federal subordination in Latvia into ownership of their workers, but the authorities of the independent Latvia re-nationalized them immediately.

Persons having received education in Latvian language, regardless of ethnicity, as noted in the text, were not subject to certification. Therefore, in practice, the certification was applicable almost only for members of ethnic minorities; actually, for the vast majority of them.

The document established three levels of the state language command, but the lists of relevant occupations and qualifications had to be defined by various ministries or local authorities on the district and city level. Each separate enterprise was entrusted to make lists.

In each bigger enterprise and municipality, there were commissions on certification established; their work was paid by their founders. In particular, municipal commissions were entrusted to certify employees of small (up to 50 employees) enterprises. In general, the process was controlled by the Higher Attestation Commission of 9 persons, appointed by the Council of Ministers.

Certification had to be finished until 31 December 1992.

In the same time, liability for breach of the language legislation was introduced (see paragraph 2.4 below). Here we mention only the Resolution of the Presidium of the Supreme Council of the Republic of Latvia on 20 August 1992 with a telling name: "On the implementation of the Law on languages in cases of necessity to terminate an employment contract"[127].

126 The decision No.189 of the Council of Ministers of the Republic of Latvia from 25 May 1992 "On provisions about the state language certification and the order of certification"

127 The Supreme Council of the Republic of Latvia from 20 August 1992 "On the implementation of the Law on languages in cases of necessity to terminate an employment contract"

According to Sarmite Elerte, who was the Minister of Culture, responsible for the integration of the society, during the legislative term of the short-lived 10th Saeima (from November 2010 until October 2011), 440,000 people underwent the language certification in the 90s.[128]

According to the State programme for development of the Latvian language[129], the language certification began in May 1992, and its first phase lasted until 15 December 1992. During this period, 153,000 people received language skills certificates.

But 108 institutions (mostly industrial enterprises and former enterprises of federal subordination, as well as administrations of higher education institutions and general education schools) requested an extension of the certification. As the result, the certification was performed until 2000, according to the conditions accepted in 1992-1993. 515,000 people went through the certification instead of 300,000 planned in 1989 (!).

It should be noted that according to the census data of 1989 there were 737,852 non-Latvians employed in the national economy, i.e., the certification was necessary for a large majority of them.

2.3.2. After passing the current Law on the State Language, government regulations No. 296[130] were adopted as by-laws in summer of 2000, defining the unified order of certification and the unified list of professions with language requirements. The regulations came into force together with the Law on the State Language and were in force for 10 years with various modifications, until being replaced with regulations No. 733[131], effective from 1 September 2009 and regulating the language situation till present. Particular features of the language rules are described in detail below in paragraph 2.3.3, according to the current rules No. 733. Here, we discuss them mainly in connection with the growing state intervention in the sphere of private business.

Apparently, when drafting rules No.296, the government linguists learnt the methods of spectral analysis, and divided each of the three levels of language proficiency into two sublevels (see below paragraph 2.3.3). Thus, the representatives of the LHRC, who had been picketing the government during the discussion of the draft rules, set a mock model of a sea mine with 6 bomb fuses in the full size at the entrance to the office of the Cabinet of Ministers. On 1 September 2000, the political coalition For Human Rights in the United Latvia announced a campaign of civil disobedience to the linguistic innovations. Drafting of the draft regulations was also accompanied by dialogue with the then-High Commissioner of National Minorities, Max van der Stoel.

As a result, the list of approximately 3,000 occupations and professions, where it was required to have a command of the state language (Annex 1 of the Regulations), was applied to employees of state and municipal institutions and enterprises only. By that time, there was much less of them, than in the period of total language certification in the 90s (due to privatization and bankruptcies).

After the protests subsided, and the interest of the international community to the language situation in Latvia disappeared, a new Annex 2 to the Regulations was adopted, containing a list of those positions and professions in the private sector, the employees of which were subject to language skills certification. At the time of adoption (21 November 2000), this annex contained a list of 34 positions (professions or groups of professions), including 316 professions.

On 19 December 2006 (after a six-year break!), the Cabinet of Ministers extended the list up to 48 positions, including 348 professions.

Finally, after the latest amendments to regulations No. 296 from 27 July 2008, made by the cabinet of Ivars Godmanis (20 December 2007 – 12 March 2009) known as a liberal, the Annex 2 became 1/3 in length of the preceding Annex 1. Draft of amendments was discussed with the representatives of the Employers' Confederation and the Association of Free Trade Unions. Ethnic minority organizations were not invited, and there are almost no representatives of national minorities neither in the government (at the relevant time – not a single one), nor in the leadership of both organizations involved. Trade unions were not against the draft, but employers opposed it. As a result, there was a transition period in the rules: the language requirements for the low-level language command (A1, A2) were introduced from 01.02.2009., the intermediate (B1, B2) – from 01.08.2009., and the advanced level (C1, C2) – 01.01.2010.

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128 Egils Līcītis. "Elerte: it will be necessary to accept our cultural values and understanding of history", newspaper "Latvijas avīze" from 23 March 2011.

129 Latvian language development programme. 1st variant of the project. State Language Commission, Riga, 2002: *http://www.vvk.lv/index.php?sadala=1&id=352*

130 Terms of the level of the state language command, required for fulfilment of professional duties and procedures of testing of the state language command. Regulations No. 296 from 2 August 2000.

131 07.07.2009. Regulation of the Cabinet of Ministers No.733. see also 2.2.3 p.

The political party For Human Rights in United Latvia vigorously objected to the amendments to the rules at the parliament level, and, in the period from 18 September 2008 until 21 May 2009, its MPs filed 6 questions[132] to the government of Godmanis and the subsequent government of Dombrovskis. The only argument of the opposition, which the Government had taken into the consideration, was that according to estimates of the capacity of the examination committees, it would take about 15 years to cover the certification of 53,000 people, who had to go through the changes[133]. By the time, people wishing to undergo certification, had to wait for their turn for various months.

In the end, the amendments to the regulations No. 296 did not come in force, but both of their annexes (at present in the public sector there are language requirements for 3611 positions and professions, in the private sector – to 1195) were present in the new regulations No. 733, which proclaimed a less rigid transition period: the language requirements for the low-level language command were introduced from 01.02.2010., the intermediate – 01.03.2011., and the advanced – 01.09.2011.

2.3.3. At present, the necessity of language certification for the majority of ethnic non-Latvians follows from the Article 6 of the Law on State Language and regulations No. 733 of the Cabinet of Ministers, based on this Article (see above paragraphs 2.3.1 – 2.3.2).

The regulations provide that the Latvian language command is classified into three levels, and each level – into two sub-levels. In total, this makes six categories, which are arranged in the ascending order of knowledge as follows: A1, A2, B1, B2, C1, C2.

Level A1, for example, requires from a person the ability to communicate with phrases and short sentences, to speak about simple daily topics with the minimum use of professional vocabulary, read and understand short and simple texts (e.g., announcements, advertising, messages), to write personal data (e.g. name, address, education, employment), to perceive and understand small texts with elementary structure on a familiar theme, pronounced clearly and at a slow pace.

Level C2 requires from a person completely free communication capabilities, to lead discussions on any topic, to talk in accordance with the situation, using different language expressions, to perceive the hidden meaning and meaning details, etc.

The testing is done by the National Centre for Education under the Ministry of Education and Science, which forms a special commission according to set criteria regarding the philological education of commission members. The testing is done in Riga, Daugavpils, Rezekne, Liepaja and Ventspils – the largest cities of the country, where 63% of all ethnic non–Latvians live.

The testing includes a written part (60 to 90 minutes, depending on the language level command of the applicant) and an oral part (10 to 15 minutes), which test the ability to understand the spoken language, reading, writing and conversation.

In case of failure, the previously assigned level of language command is not cancelled, and the new, lower than requested before the testing, is not assigned. Retesting is possible not earlier than in three months. The fee for testing is EUR 14.23 (for some vulnerable groups, it is reduced).

In case of a successful passing of the test, a person is issued a certificate of an approved sample, popularly nicknamed "aplieciba" (certificate) in local Russian vernacular, based on its Latvian name. There is a humane system of equating old samples of "aplieciba" (mass inspections began in 1992!) to the new ones, given the fact that prior to the beginning of this century, there were only three levels of language command, not divided into sub-levels. Certificates issued until 1 February 2001, however, are not valid for getting a permanent residence permit or to receive the status of a permanent resident of the EU.

In case of loss of "aplieciba" it is not necessary to pass another testing, and a duplicate of the certificate is issued on demand.

Persons who have received basic, secondary or higher education in accredited programmes in the Latvian language, are not subject to certification. Persons who received education in accredited programmes for national minorities are not subject to certification. But on the base of the results of the centralized examination in Latvian language after the 9th and the 12th grades, they are given one of the categories of language command F, E, D, C, B, A, corresponding to one of the categories from A1 to C2 for their parents.

The present century results of language tests for adults and children can be found on the website of the National Centre for Education[134], but we present them in the following tables.

132 Questions number 74, 83, 142, 145, 160, 165

133 The corresponding calculations were attached to the question No. 160 from 14 May 2009, addressed to the Prime Minister Valdis Dombrovskis

134 *http://www.visc.gov.lv*

Table 2.8

Examination results of language command among adults

From left to right: number of people who passed tests for the mentioned categories; number those who passed and who didn't pass the test, the percentage of people who didn't pass the test, and percentage of those who passed the exam, by levels.
From top to the bottom: data for the relevant year, the total data on the absolute and relative number of applicants for over 12 years.

	A1	A2	B1	B2	C1	C2	+	-	Total	- %	A%	B%	C%
2012	828	1233	1335	1156	657	535	5744	1136	6880	16,5	30,0	36,2	17,3
2011	820	1109	1415	979	672	452	5447	1119	6566	17,0	29,4	36,5	17,1
2010	1638	2266	1998	1402	862	744	8910	1735	10645	16,3	36,7	31,9	15,1
2009	912	746	1124	438	638	286	4144	1180	5324	22,2	31,1	29,3	17,4
2008	860	521	1140	269	622	194	3606	1498	5104	29,3	27,1	27,6	16,0
2007	768	371	752	111	526	145	2673	1153	3826	30,1	29,8	22,6	17,5
2006	1031	415	1017	148	576	147	3334	1663	4997	33,3	28,9	23,3	14,5
2005	1379	1556	1240	620	483	183	5461	965	6426	15,0	45,7	28,9	10,4
2004	1658	2290	1447	1024	514	269	7202	499	7701	6,5	51,3	32,1	10,2
2003	2371	2577	1960	1242	783	476	9409	701	10110	6,9	48,9	31,7	12,5
2002	3119	1947	2064	1059	749	436	9374	677	10051	6,7	50,4	31,1	11,8
2001	3253	1718	3204	1645	2084	556	12460	793	13253	6,0	37,5	36,6	19,9
Total	18637	16749	18696	10093	9166	4423	77764	13119	90883	14,4	38,9	31,7	15,0
Average	20,5	18,4	20,6	11,1	10,1	4,9	85,6	14,4	100				

Table 2.9

Examination results of the state language command of the graduates of primary and secondary schools of national minorities (%)

Form 12	F	E	D	C	B	A	FE	DC	BA
2012*	2,81	29,55	43,30	18,06	5,78	0,5	32,36	61,36	6,28
2011*	2,00	15,60	25,70	32,51	20,75	3,43	17,61	58,21	24,19
2011	3,09	17,48	26,31	31,21	18,84	3,07	20,57	57,52	21,91
2010	2,46	14,87	23,26	27,8	27,7	3,87	17,3	51,08	31,59
2009	2,73	15,53	23,46	29,2	25,8	3,3	18,3	52,66	29,08
2008	2,54	12,37	26,19	34	22,5	2,44	14,9	60,19	24,9
2007	3,68	9,47	29,34	31	22,3	4,23	13,2	60,33	26,51
2006	1,83	11,61	24,92	29,3	26,7	5,56	13,4	54,26	32,29
2005	2,72	13,81	24,31	30,4	24,7	4,12	16,5	54,69	28,77
2004	3,17	10,55	26,33	33,4	23	3,59	13,7	59,72	26,56
Average*).	2,78	13,21	25,52	30,79	23,94	3,77	15,98	56,31	27,70
Form 9	**F**	**E**	**D**	**C**	**B**	**A**	**FE**	**DC**	**BA**
2012	3,51	22,75	33,76	31,13	7,95	0,9	26,26	64,89	8,85
2011	3,9	13,88	27,33	38,63	12,92	3,34	17,78	65,96	16,26
2010	8,42	16,05	32,03	30,8	9,35	3,39	24,5	62,79	12,74
2009	3,24	13,84	33,04	33,4	13,9	2,55	17,1	66,46	16,46
2008	0,96	12,25	30,71	35,4	17,7	2,94	13,2	66,12	20,68
2007	1,51	14,89	29,57	35,4	14,9	3,71	16,4	64,98	18,62
2006	1,35	10,4	32,77	39,9	14,1	1,56	11,8	72,63	15,61
2005	2,21	9,26	25,55	37,3	23,3	2,4	11,5	62,88	25,65
2004	1,56	14,73	35,58	32,2	14,1	1,9	16,3	67,76	15,95
Average	2,96	14,23	31,15	34,91	14,25	2,52	17,20	66,05	16,76

**) Average data on examinations in the 12th grades is given without examination results of 2012.*

In the category of adults we would like our readers to pay attention to a five-time increase of the share of people, who couldn't pass the examination, in the period of 2006-2008 in comparison with 2001-2004. In 2010, there is a double increase of the number of persons who went through certification.

This is due to the gradual entry into force of the rules of the Cabinet of Ministers from 7 July 2009 (regulation No. 733) on language certifications, which increased the number of positions and professions in the private sector, which demand language certificates (see paragraph 2.3.2.). The year 2010 is marked as the record of the 21st century for the absolute number of persons, who didn't pass the examination in the category they claimed.

However, the Ministry of Justice, in its special report on the implementation of the rules No.733, says that the increase of the number of applicants for the certification in 2010 (and, according to the Ministry, in 2011) is not connected with the implementation of the rules No.733 to employed people, but with the increase of the number of unemployed[135].

Note that there is no proportionality here. In June 2009 and June 2011, comparing with June 2010, the number of unemployed was smaller, respectively, 27 and 26% less. The number of applicants for certification in 2009-2011 was, respectively, 50 and 38% less than in 2010.

The Ministry couldn't provide data on the number of people who were fined by the State Language Centre (see below paragraph 2.4.4.) in relation to the abovementioned extension of Annex 2, for not using the state language while on duty, naming overall figures: 429 in 2010 and 596 in 2011. And it stated that the number of persons who were fined was only 0.1% from the whole Russian-speaking population.

Ethnic non-Latvians themselves evaluate the language requirements of the labour market in an extremely law-abiding way. According to the results of a survey conducted in end of 2006 – in the beginning of 2007[136], 19% of the employees were not subject to language requirements, 71% considered them as reasonable to real responsibilities, 1% – as insufficient, and only 9% considered them as excessive. The last answer variant was selected by 10.4% of Latvians and only 6.4% of non-Latvians surveyed. Apparently, after the visit of the interviewer the non-Latvians expected a visit of a language inspector.

Among the secondary school graduates, there can hardly be seen the beneficial influence of "latvianizing" of the education system. The percentage of graduates, who passed the exam and got the highest category, increased in 2010 from 3.6 to 3.9%, and for both highest categories – from 26.6 to 31.6% compared to the "pre-reform" year 2004 (i.e. before the introduction of compulsory teaching at least 60% of lessons in Latvian in the minority public secondary schools).

By the academic year 2010/11, the requirements of the state language exam for secondary school students were significantly closer to those, which were set to their Latvian peers[137]. The results of the exam in 2011 were the worst in the XXI century in two highest categories of language command.

On May 28, 2012, the minority secondary school students took the exam for the first time by the same requirements as their Latvian peers (see also paragraph 3.1.5). Unfortunately, separate examination results of the graduates from Latvian-language schools and schools of ethnic minorities were not published in this period.

Indirect estimates show that the examination results in the Latvian language have led to an extreme reduction of the non-official ranking of Russian minority schools in comparison to Latvian-language ones, according to the results of centralized examinations[138].

To verify this conclusion, the author had to compare full examination results from all schools in 2011 and 2012.[139] Secondary schools were selected, whose graduates passed the state language exam (code LV2) in 2011, and exam in Latvian language and literature (code VLL) in 2012. Two-flow schools outstood and were culled according to the criteria that the number of graduates,

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135 The detailed informative report about the procedure of implementation of regulations No.296 of the Cabinet of Ministers from 22 August 2000 "Regulations on the necessary level of the state language command for performance of professional duties and on the state language examination order" from 5 July 2012.

136 Study "Specific problems of the labour market in Latvia and the Latvian region" (2007) Jelgava, University of Agriculture of Latvia.

137 According to the publication of the Baltic Institute of Social Research "Transition to a single state language exam", conducted on the request of the Ministry of Education and Science in December 2009, "in the last few years, both in Latvian schools and schools of ethnic minorities, two parts are equal: knowledge test and writing".

138 *http://izm.izm.gov.lv/upload_file/Registri_statistika/IZM-petijums-pareja-uz-vienotu-latv-val-eksamenu.pdf* "The single exam in Latvian language reduced all the overall results of Russian schools", Julija Aleksandrova, the news-paper "Vesti segodnya" ("The news today") from 2 November 2012: *http://www.vesti.lv/article/226525*

139 "Opyat dvoyka" ("A two again"), Julija Aleksandrova, the news-paper "Vesti segodnya" ("The news today") from 10 December 2012: *http://vesti.lv/society/theme/education/72671-dvojka.html*

who were examined with the code VLL, was drastically larger than with the code LV2. Altogether in the file of the year 2011 there were 103 schools left with 3845 graduates, in 2012 – 99 schools with 3201 examinees (4 Russian schools were closed in the year). Examination results are shown in lines 2011* and 2012* in the table 2.9. Small differences in data from lines 2011 and 2011* suggest that the data from the line 2011* are representative samples from whole materials of the year 2011.

Respectively, in 2012 comparing to 2011, the proportion of students, who passed exams on the highest category was reduced 7 times, on two highest categories – 4 times, and on two lowest categories – increased almost double.

Fortunately, starting from 2012, the graduates of schools of ethnic minorities were equated to graduates of Latvian-language schools by regulations No.733, i.e. they are no longer subject to the Latvian skills certificate requirement on the labour market. However, the information on the activities of the State Language Centre (see below paragraph 2.3.4.) suggests that many of them would still be subject to language examination.

In 2010 there was a catastrophic (9 times!) increase of the share of graduates of primary school, who passed the exam on the state language command on the lowest category only, comparing to the year 2008.

In 2012 there was the smallest share (almost twice lower than the average in 9 years) of graduates, who passed the exam on the highest category.

However, there was the biggest share of graduates, who passed the exams on the penultimate language command level "E", which provides a very limited access to a number of positions and professions.

The average level of possession of "apliecibas" among those unemployed, who didn't graduate from Latvian-language schools, in the period from June 2009 till June 2012[140], shows that 12,4% of those, who didn't graduate from Latvian-language schools, have the C level state language certificate, 33,8% – B level, 25,9% – A level, 27,9% don't have the certificate at all.

The official estimate of the Latvian language command in five categories of the population is summarized in the following table.

Table 2.10

Officially certified category of state language command by persons, who didn't graduate from Latvian-language schools (%)

Group of the population \ Level of language command	No certificate	The lowest	No certificate and the lowest level	Intermediate	Highest	Intermediate and highest
Poll 2008	53,9	5,9	59,8	24,2	13,9	38,1
Applicants for certification in XXI century	13,7	41,2	54,9	30,7	14,5	45,2
Unemployed	27,9	25,9	53,8	33,8	12,4	46,2
Graduates from secondary schools	0	16.0	16.0	56,3	27,7	84,0
Graduates from primary schools	0	17,2	17,2	60,1	16,7	76,8

Among all groups of population, except for secondary school graduates, the proportion of persons with highest category of language command was very low. Among adults who go through certification, a percentage of people with good (the highest and the intermediate levels) and bad Latvian language command is almost identical.

Among the unemployed these proportions are close; however, there can be completely different consequences for groups with good and bad language command on the labour market. The majority of present graduates of Russian schools have a much better (and officially certificated) Latvian language command than their parents.

2.3.4. The quantitative characteristics of positions and professions, which demand the language certification according to the regulation No.733 (see also paragraph 2.3.2.), are presented in the table 2.11. We have also put there the data about the proportion of different categories of non-

140 Summary of data from the website of the State Employment Agency: *http://www.nva.gov.lv*

Latvians, who have the certificate of the state language command, summarizing the corresponding numbers from the highest to the lowest category.

Table 2.11

Number of positions and professions available for non-Latvians only in case they have the "aplieciba", and the share of non-Latvians (%), who have right to take these positions

Category	A1	A2	B1	B2	C1	C2	Total
Public sector	113	810	293	427	1640	328	3611
Private sector	7	56	115	378	637	2	1195
All non-Latvians, according to the data of 2008	44,0		38,1		13,9		
Unemployed	72,1		46,2		12,4		
Who went through certification from 2001-2011	85,7	64,5	46,0	25,3	14,7	4,6	
Graduates of secondary schools of ethnic minorities from 2004-2011	100	97,2	84,0	58,5	27,7	3,8	
Graduates of primary schools of national minorities from 2004-2012	100	97,1	83,8	51,7	16,8	2,3	

Certainly, to take positions from categories B and C, it is necessary to have also other qualities besides Latvian language command, including higher education in the relevant sphere, which is theoretically possible to obtain in the Latvian private higher education institution or abroad in the Russian language.

Nevertheless, there is a sad conclusion that 9% of the most prestigious professions (level C2) in the public sector are available for only 4% of the graduates of Russian schools and the same proportion of non-Latvians, who passed the language certification in the XXI century. As well as the conclusion that 74% of jobs in the public and 31% in the private sector (starting from the category B1 and above) are not available for a half of non-Latvians adults and for 16% of graduates of secondary schools of ethnic minorities.

Language requirements for persons applying for citizenship of Latvia through naturalization are implicitly imposed on the B1 level, which will be discussed below. From 54 to 60% of the adult members of ethnic minorities and 16-17% of graduates from secondary or primary schools do not fulfil these requirements, according to various estimates (see tables 2.8, 2.9). Relevant rules of naturalization until 2006 allowed exemption from language examination in the course of naturalization of graduates from schools of ethnic minorities, who had passed the centralized examination on levels from A to D, which was achieved by about 84% of them. Since then, however, from the test were only persons who have passed the exam requirements in the range from A to C (i.e. only 58% of graduates from the secondary school and 52% graduates from the primary school) were exempted. Remaining graduates wishing to go through naturalization had to pass a language exam twice.

2.4. Language inquisition

2.4.1. Getting free of "the shackles of occupation", the new independent state immediately launched the elimination of its "consequences". To implement the language legislation, which became effective from 5 May 1992 (see paragraphs 2.2.3, 2.3.1), it was necessary to include in it punitive measures and create a respective supervision body.

Amendments to the Code of Administrative Offences were passed and came immediately into force already on 1 July 1992[141]. The Code was supplemented with 12 new paragraphs (20126-20138), providing fines for all possible violations in the sector of the use of the state language. The Code was amended on 20 April 1993 and it was supplemented with paragraph 411, establishing the responsibility of the employer to employ persons without the necessary language certificate.

Amendments to the Code passed in June 2001 brought its language chapter to a state very close to the current one. The Code mentions 14 different kinds of linguistic violations (for example, employment of persons, who do not have the sufficient state language command; failure to use the state language to the necessary extent; absence of translation in events etc.). The fine for these violations is up to EUR 700 for individuals, up to EUR 7100 for legal persons, Among other things, one of the violations is "an obvious disrespect to the state language" (article 20136, the fine up to EUR 350).

141 The law on "Additions to the Latvian Administrative Violations Code in issues of the state language" from 01.07.1992. (Ziņotājs (Reporter), 29, 30.07.1992. [came into force on 01.07.1992.]).

Notably, an attempt to pass the exam on state language command for other people during naturalization, pretending to be them, if committed with pecuniary motivation, is punished according to paragraph 2811 of the Criminal Law. The punishment may reach up to 1 year of deprivation of liberty.

Since January 2009, there were introduced penalties for employers, who did not define the necessary level of the state language command for their employees, if these employees communicate with customers or work with documents[142]. The minimum fine for the most widespread massive violation of the regulation – the lack of the use of the state language to a necessary extent – was then increased from zero up to 25 Latvian Lats (EUR 35).

The latest increase of fines for linguistic violations (up to four times for the most massive violation – the lack of the use of the state language to a necessary extent in performance of official duties, and up to 25 times for those who violated the legal provisions on the use of languages in radio and television) occurred after adopting amendments to the Code on 16 June 2011. This was the rarest case, when the Saeima had passed such a law unanimously[143].

2.4.2. Creation of the State Language Centre (SLC) – state supervisory body for compliance with the language legislation – was provided by the new amended legislation on languages of 1992 (paragraph 21). The state language inspection offices observed the fulfilment of the punitive articles of the Code. Based on the decree of the Presidium of the Supreme Council of the Republic of Latvia on 13 February 1992, State Language Commission was formed, headed by a former geography teacher, the future father of the "school reform" and the member of the parliament for eight convocations in a row, Dzintars Abikis. Among the commission members, some other should also be noted: Dzintra Hirsa – the first director of the State Language Centre, and Eizenija Aldermane – the future long-standing director of the Naturalization Board and at present – the chairwoman of the Committee of Education, Culture and Sports of the Riga City Council.

The State Language Centre controls at the moment the observation of linguistic articles of the Code, and the language inspectors are its staffers.

After another three-time increase in the budget (associated, however, with the addition of a harmless Terminology and Translation Centre, without increasing assignations for work of language inspectors), the State Language Centre got its own website[144], from which the information below was obtained.

The Centre has initiated 8585 administrative cases in the period from 2000 to 2012, from which only in 49 cases the investigation was discontinued (until 2011) and in 34, initial decisions were cancelled.

In the category of non-sufficient use of the state language, the leading position is taken by the article 20126, which prescribes that such individuals as salesmen, drivers, teachers etc. are fined – 68% of all cases. There were 71 repeated violations recorded, when sanctions in accordance with the wording of the Code (after 2006) are significantly increased.

On the second place, there are fines for an improper labelling of products – together with repeated violations, those are 22% of cases. On the third place – improperly set public signs, only 4.2%.

Such violations as concluding contracts in languages other than the state language and refusal to consider applications in the Latvian language had been never recorded. However, there was one violation of the article on "an obvious disrespect to the state language" in 2010 – the case of journalist Andrey Mamikin, who hadn't provided a translator for a government minister during a live broadcast[145]. There are four violations of that article at all, including cases which haven't received public attention.

The absence of translation of presentations in international (13) and local (5) public events into the state language is a quite rare case.

A fine, imposed on the Centre of Russian Culture of Rezekne city for invitation of the Santa Claus from Veliky Ustyug[146], who performed in front of local children in Russian only in December 2011, is apparently considered as an international event[147]. An ironic article on a possible

142 Amendments to the Latvian Administrative Violations Code ("LV", No.2, 07.01.2009)

143 See, for example, Vladimir Buzaev „Why did the Concord Centre support the stiffening of linguistic penalties?",portal "REGNUM", from 23 June 2011. Internet address: *http://www.regnum.ru/news/1418484.html*

144 *www.vvc.gov.lv*

145 The State Language Centre fined Mamikin. Post on the portal rus.delfi from 26.11.2010: *http://rus.delfi.lv/news/daily/politics/centr-gosyazyka-oshtrafoval-mamykina.d?id=35401380*

146 Veliky Ustyug, the Russian Santa's Home: *http://goeasteurope.about.com/od/russia/p/Veliky-Ustyug-The-Russian-Santas-Home.htm*

147 Inspection on the state language fined the Santa Claus. Portal «MIXNEWS», 31 December 2011: *http://www.mixnews.lv/ru/exclusive/news/2011-12-30/85242*

establishment of a department of fairy tales[148] in the State Language Centre caused the head of language inspectors Antons Kursitis to go to the Security Police. He has interpreted the fragment "Ivan the Fool[149] is not a harmless Santa Claus. He is harmless as long as he is resting on the oven, but if he is forced to get down from it, then, according to the estimates of political scientists, the SLC will experience serious problems. After all, this Russian daring fellow is famous for making fools of his opponents, even if they represent a serious state structure, certainly not of himself. Besides, all has a standard end: Ivan the Fool takes a half of the state structure in his hands together with the Emperor's daughter. Is the head of the SLC ready to take on such risk?" and the comments in the Internet as a threat of kidnapping his daughter[150].

Local problems include the administrative proceeding, filed on 15 December 2012, concerning the press conference of the Latvian national football team, where the coaches and football players were speaking Russian.

The Russian-language Secondary School No.72, the staff of which was greeted by the mayor of Riga Nil Ushakov in Russian, received only a verbal warning[151].

Activity of the SLC, as represented in annual reports, is shown in the table 2.12.

Table 2.12

The main indicators of the work of the State Language Centre

Year	Budget of thousands of Latvian Lats[152]	Number of complaints	Number of checks	Number of initiated proceedings	Including with applied fines	The sum of fees (in Latvian Lats)
2012	486,1	1144	5590	2307	1051	28715
2011	493,2	825	4775	2179	1062	27041
2010	480,9	815	3940	2075	812	21000
2009	680,9	875	4720	2315	835	19800
2008	290,7	810	5400	2319	903	19250
2007	203,1	579	3803	2063	721	12320
2006	109,8	483	2011	557	553	8760
2005	91,9	-	1976	620	616	-
2004	86,7	-	1931	-	406*)	-

**) – average in 2000-2004.*

Budget growth from 2004 – 2008 – 3.2 times, growth of the number of checks – 2.8 times. One could note that in the Soviet times, industrial indicators were growing in this way. Reduction of work performance in 2009 is, apparently, due to the fact that, despite of the increase of the budget in 2009, there were only 201 thousand Latvian Lats assigned for inspections; however, the number of inspectors remained the same.

The number of complaints on the misuse of the Latvian language tripled in 6 years, and the sum of applied fined – increased for more than three times, which is not a sign of a strong social integration.

In 2011 – 2012, the State Language Centre experienced the second renaissance. The number of complaints, comparing with 2010, increased by 40%, checks – by 42%, administrative proceeding with imposition of fines – by 29%, and the amount of imposed fines – by 37%. The leadership of the State Language Centre explain this with the influence on the society, imposed by preparatory procedures and the referendum of 18 February 2012 on making the Russian language the second official language[153].

While the budget of the State Language Centre had a tendency to grow, the funding of the support programme of the Latvian language training experienced a different tendency:

148 Vadim Radionov: Ivan the Fool against the State language Centre. Portal «MIXNEWS», 3 January 2012: *http://www.mixnews.lv/ru/exclusive/opinions/2012-01-03/1327?comment=true&replyTo=194405*

149 Ivan the Fool by Leo Tolstoy, translated by Constance Garnett. Harvard classic shelf of fiction, volume XVII, part 2, New York: P.F. Collier & son, 1917: *http://www.bartleby.com/317/2/*

150 "Being threatened of kidnapping his daughter, the head of the SLC, A.Kursitis went to police". Portal «Diena.lv», 8 February 2012

151 The Latvian State Language Centre reported on the number of placed fined. Information Agency REGNUM, 29 October 2012: *http://www.regnum.ru/news/1587284.html*

152 Factual performance according to annual reports

153 Latvian State Language Centre started a fight against those who don't use the Latvian language. Information agency "REGNUM": *http://www.regnum.ru/news/fd-abroad/latvia/1553668.html*

in 2006 – 771, in 2007 – 725, in 2008 – 485 thousand Latvian Lats. The proportion of financing of integrating and coercive matters is following: 2006 – 7:1, 2007 – 3.6:1; 2008 – 1.7:1. From 2009, the state programme of Latvian language teaching to adults was cancelled. But after that, in the Riga City Council ruling coalition, the number of councillors from ethnic minorities began to dominate; in summer 2012, the municipality organized free language courses[154]. 1668 vacancies, which were provided in the courses, were filled in two days.

2.4.3. From time to time, the State Language Centre, contrary to the Constitution, had the possibility to control the legislative. This is connected with the implementation of language requirements, at first, to the candidates before the elections to Saeima and local councils (1994-2002), and then only to the elected MPs and councillors (from 1 September 2009).

In the re-established Republic of Latvia, language requirements to the candidates appeared in the first versions of the laws on elections in local councils, of 13 January 1994 (paragraph 9), and on the parliamentary elections, of 25 May 1995 (paragraph 5). In both cases, the candidates were required to have the command of the state language on the highest (third) category, which had to be confirmed by a language certificate submitted to the Central Election Committee. At the same time, according to the results of testing performed by the State Language Centre, the Central Election Committee had to remove candidates, whose language command (in the opinion of the SLC) didn't correspond to the presented certificate, from the list.

Thus, before the municipal elections in 1997, Antonina Ignatane, the head of the abolished Russian-language Riga's secondary school No.9, was removed from the candidates' list of the political party "Equal Rights". During the parliamentary elections in 1998, Ingrida Podkolzina, an entrepreneur from Daugavpils, was deleted from the candidates' lists of the political association "For Human Rights in the United Latvia".

The teacher's case was appealed in the UN Human Rights Committee[155], and the case of the entrepreneur – in the ECHR[156]. In both cases, the applicants were represented by Tatjana Zdanoka, a member of the LHRC, who won the cases.

It is interesting that Tatjana was a candidate in both elections, becoming a member of Riga City Council. But in 1999 she was deprived of the mandate under pretext of political restrictions "for members of the Communist Party of the Soviet Union, who had been active in the party after 13 January 1991[157]", also mentioned in the aforementioned paragraph of the law on local elections.

She herself had to withdraw her candidacy from the list during the 1998 elections, because her colleagues in the association had decided that presence of her name in the list could result in denial of registration of the whole list. She lost her private case in the Grand Chamber of the ECHR[158] after Latvia had appealed against the initial positive verdict. That is, she remained the only officially recognized responsible for all "crimes" of communism. Maybe she could claim all its successes as hers, too?

In both won cases, the international institutions did not evaluate the restrictions in the law on election themselves. To find removal of candidates unlawful, it was sufficient that an opinion of a body of several experts that issued certificates of language proficiency of the highest level to candidates according to a special procedure (see paragraph 2.3.3) was denied by an opinion of a lone inspector of the State Language Centre (see paragraph 7.4 of the HRC views and paragraph 36 of the ECtHR judgment).

Nevertheless, the Saeima, being concerned with fulfilment of the criteria for Latvia's joining the EU and the NATO, by amendments of 9 May 2002, deleted language restrictions for candidates from both laws. At the same time, the SLC was deprived of the right to cancel existing language certificates according to the results of inspections, which satisfied a large part of the public.

After the mentioned structures recognized Latvia as "their own", language requirements to the elected members (instead of candidates) of local councils (on the C1 level) and Saeima (on the C2 level) were restored by the regulations No.733 (see paragraph 2.3) of the Cabinet of Ministers. The rules

154 "Places for free Latvian language courses in Riga "grabbed" within two days". Portal "kasjauns.lv", 18 June 2012: *http://www.kasjauns.lv/lv/zinas/84918/vietas-bezmaksas-latviesu-valodas-kursos-riga-izkertas-divu-dienu-laika*

155 Views of the Human Right Committee of the UN from 31 July 2001 No. CCPR/C/72/D/884/1999 on the communication No.884/1999

156 "Podkolzina v. Latvia" (application No. 46726/99), judgement from 9 April 2002

157 The period from 13 January 1991 until August 1991 (when the CPSU was banned by the voting in the parliament) was selected from the turbulent history of the CPSU due to the fact that in the beginning of the period the Communist Party of Latvia (regional department of the CPSU), which lost elections into the Supreme Council, publicly announced taking the governance without performing any specific steps. By that time the Latvian part of the government of the CPSU stepped down and the vacancies were filled by ordinary communists. The member of the Supreme Council and a professor of mathematics at the University of Latvia, Tatjana Zdanoka, in particular, was elected in the audit commission of the Communist Party of Latvia.

158 "Zdanoka v. Latvia" (application No. 58278/00), final judgment from 16 March 2006.

were adopted on 7 July 2009, one month after the municipal elections from 6 June 2009, and came into force from 1 September 2009. In autumn, the State Language Centre organized a total check of deputies from ethnic minorities in all major cities[159]. Lots of them were fined under the Article 20126 of the Code "for insufficient use of the state language during performance of their duties". In this case, the inspectors of the SLC initiated administrative proceedings on the basis of anonymous complaints, without detailed clarification of facts of "non-use of the state language"; they just performed checks of the language command according to the same scheme as in cases of Ignatane and Podkolzina, which previously caused objections of international human rights institutions.

The Saeima apparently liked such initiative of the government and introduced a special procedure to deprive of mandates, first, local councillors (amendments to the law about the status of a local councillor from 23 September 2010), and then for members of the Saeima (amendments to the Regulation of the Saeima from 19 January 2012) for a supposedly insufficient command of Latvian language. In both cases, experts are inspectors of the SLC. The initiator of depriving a local councillor of her/his seat is the SLC, and in case of the lawmakers – 20 of his colleagues.

A local councillor is deprived of the mandate by a judgement of the Regional Court (the transition provisions of the law establish that this rule is applied to the councillors starting from those elected during elections on 1 June 2013), and a member of the Saeima – by a simple voting, after a check in the National Centre for Education according to the examination procedure, which protects rights of the examinee, as described in paragraph 2.3.3.

The LHRC, together with the lawyer Elizabete Krivcova,[160] had gone through courts of general jurisdiction with two local councillors fined in November 2009, Natalija Chehova (Jekabpils) and Valeri Kravcov (Liepaja). This allowed us, on their behalf, to file a lawsuit to the Constitutional Court about the non-conformity of language restrictions for local councillors with domestic law and international obligations of Latvia. The complaint, registered under No. 2012-24-03[161], was rejected by the Constitutional Court on 7 November 2013.

My ward Natalija was fined for her speech in a council committee about funding of Russian cultural organizations of the city. At the same time, her speech was perfectly understood by colleagues (the funding was allocated) and the local Latvian newspaper reporter[162]. Only the inspector from the SLC, who hadn't found anything in the speech but grammar mistakes, remained confused. Ms Chehova was tested on the basis of two anonymous denunciations via phone, from which it is impossible to decide whether the dissatisfied persons had spoken with the councillor or not, but one thing was clearly indicated – her "wrong" party affiliation – For Human Rights in United Latvia.

In the complaint it is proved that the parliament hadn't delegated to the government the right to introduce language requirements for local councilors. Moreover, language legislation hadn't been changed for 12 years and the local councilors were not mentioned at all in the annotations to the draft of language rules. One can only guess, why the requirements for them were introduced exactly in the end and not in the beginning of this period. And it happened straight after municipal elections, according to the results of which representatives of ethnic minorities make the most of the ruling coalitions of councils of Ludza, Rezekne and the capital itself – Riga. Amendments to the rules No.733 from 3 January 2012 resulted in the fact that language requirements to local councillors were removed from Annex 1 without any explanations, but the requirements for members of the Saeima remained. After an angry letter of the head of state to the Saeima, forwarded to the responsible ministry, the "mistake" was corrected. Amendments to rules No.733 from 23 October 2012 restored language requirements to local councillors.

The sophistication of the situation is, that according to the EU Regulation No. 1994/80/EK from 19 December 1994, after Latvia had entered the EU, citizens of other EU countries with the residency requirement of six years can participate as candidates in municipal elections in Latvia. One of them, a citizen of Denmark, who was elected in the municipality of Liepaja and communicated with his colleagues through an interpreter, was also fined, and his appeal was reviewed in January 2013.

The regulation requires for EU citizens equal terms for participation in elections as for local citizens. There is not even one word about the language, which means that in other EU countries, there are no language requirements to councillors. Only Belgium asked for the right to put higher

159 See, for example, the article "Municipal councillors are fined because they do not have the state language command", in the portal "TVNET" from 27 November 2009: *http://www.tvnet.lv/zinas/regionos/280661pasvaldibas_deputatus_soda_par_valsts_valodas_nezinasanu*

160 Elizabete participated with us in defence of 35 "good-fellows", who, forming a chain-line in front of the Monument of Liberty, on 16 March 2005, blocked an authorized movement in honour of the Latvian Legion of the SS.

161 *http://www.satv.tiesa.gov.lv/upload/spriedums_2012-24-03_ENG.pdf*

162 Description of the episode can be found in the article of N.Sevidova "How is your pronunciation?" in the newspaper "Vesti segodnya" ("News today")" from 30 November 2009: *http://www.ves.lv/article/103310*

eligibility requirements for foreigners, motivating this with the fact that there are three official languages in the country.

The LHRC member Aleksei Dimitrov, who provided many constructive comments on the content of the application to court, also found the Belgian law on local authorities[163], which demands from local officials and councillors to have command of the local language on a good level. At the same time both categories of persons are subject to the presumption of language command. An official can be deprived of this presumption through a complicated procedure, but not a person, who received the mandate directly from the people!

However, let us better concentrate on our compatriots. According to the population survey of 2008, only 21% of ethnically non-Latvian citizens of Latvia had the certificate of the state language command on the highest level. Thus, demanding a high language command from councillors automatically puts under the question the eligibility of 79% of representatives of ethnic minorities, recognized as citizens of Latvia. We should not forget the fact that only 59% of representatives of ethnic minorities have Latvian citizenship. Thus, the restriction of the eligibility on the local level applies to 88% (1- 0.21*0.59)*100 of representatives of ethnic minorities, or to 35% of the total population of the country. This is a significant number for a EU country in the second decade of the 21st century.

The above is certainly not to be interpreted as defending a councillor's rights not to speak Latvian. This is the protection of rights of voters to an decide themselves, without the mediation of "competent authorities", which qualities should possess their elected person.

2.4.4. Despite strict language requirements and absence of the universal suffrage in Latvia, even on the local level, the mayor of Latvian capital Riga, where ethnic non-Latvians there are 55% of inhabitants and 42% of voters, for the second time is Nil Ushakov. In general, in the country, the share of local councillors representing national minorities is low even comparing with the share of ethnic minorities among citizens (Table 2.13) [164].

Table 2.13

The share of candidates and elected councillors from ethnic minorities in comparison to their share in the population in the period from 1997-2013

Year	Candidates	Councillors	Voters	Population
1997	6,02		21,7	43,4
2001	7,9	7,55	23,2	42,1
2005	11,14	9,72	25,4	41,2
2009	12,2	9,34	27,8	40,7
2013	13,72	10,5	27,7	39,5

This disproportion, according to the results of elections in 2013, is observed in all statistical regions (Table 2.14)[165].

Table 2.14

The share of councilors representing ethnic minorities in statistical regions of Latvia after elections of 2013

	Deputies	Voters	Population
Bigger cities	30,81	41,5	56,0
Latgale	18,18	36,9	42,2
Vidzeme	6,61	14,5	22,6
Zemgale	5,63	14,6	23,0
Courland	4,50	6,7	10,7

163 Nouvelle loi communale (New municipality law from 24 June 1988), paragraph 72.bis.

164 Absolute data on candidates and councillors – CSB data, table PR10; data for 2013 – from the website of the CEC. Other data – see paragraphs 1,3. Some candidates and councillors did not indicate their ethnic origin. From 1618 councillors, elected in 2013, there were 411 who did not indicate their ethnic origin, and each ethnic origin is defined by our expert evaluations of each separate questionnaire. The corresponding proportion is extended to data of 2001-2009.

165 Data on 9 larger cities, which are separate municipalities on their own, are put together. Thus, data on the cities in these 4 statistical regions is excluded.

In 70% of local councils there is not more than one representative of ethnic minorities elected, and in 49% of local councils – none. Besides the share of ethnic minorities among citizens in these municipalities ranges from 3% to 33%, among the population – from 4% to 42%.

It can be judged about ethnic disproportions in representations in local authorities of separate ethnic minorities by the part of corresponding councillors, who indicated their ethnic origin (Table 2.15). A share of a concrete ethnos in the population and voters is given from the total number of representatives of national minorities.

Table 2.15

A share of candidates and councillors from separate minorities in comparison to their share in the content of the minority population (2013)

Ethnic origin	Candidates	Councillors	Minority voters	Minority population
Russians	64,97	55,84	68,49	70,95
Belarusians	5,60	7,79	5,82	8,69
Ukrainians	6,83	3,90	3,51	5,83
Polish	10,16	11,69	7,20	5,70
Lithuanians	7,53	18,18	3,44	3,12

The table shows that Russians are in the "risk group" in two parameters: their percentage among candidates is disproportionally low, but the percentage among elected councillors less than among candidates. The last tendency is observed for the ethnic minorities in general (see Table 2.13).

2.4.5. The court statistics confirm the information of the SLC about extremely rare cases of appeals against actions of language instructors. Legal proceedings on the "most popular" language article of the Code 20126 – failure to use Latvian in the performance of one's duties – are nearly exclusive. Besides the cases of the three deputies already mentioned in paragraph 2.4.3, we know details on six more – three cases for people employed in the public and private sector each. And in four cases, the LHRC participated on the side of the victims of the SLC in the proceedings.

SLC's interest in a Russian language teacher in the Russian school (the required level of the state language command – category C1, same as to teachers of Latvian schools), in whose case the author assisted the victim until the court of the second instance, was most probably related to the fact that she was a councillor of the Jurmala City Council. The final judgment of the Supreme Court (in case SKA – 26/2008, from 7 February 2008), as far as I know, was appealed to the ECHR.

The Senate refused to consider the case of the Head of the Department of the Ministry of Internal Affairs (the required level of the state language command – category C2), and it ended up on the stage of the verdict of the Administrative Regional Court (in case A42571706, from 23 November 2009). The complainant assumed that the superiors got interested in his state language command level after his report about the irrational use of public funds. According to the results of the SLC check, he was fired from job. The personnel of the Ministry of Internal Affairs, because of the significant presence of representatives of ethnic minorities since the Soviet Union times, is an object to a thorough observation of the SLC. In July 2008, on the initiative of the Ministry of Internal Affairs, because of the lack of workers, the language requirements became less strict for policemen and fire-fighters (changed from "C1" to "B2") and border guards (from "C2" to "C1"), despite the objections of the Ministry of Justice. Complete linguistic check of police officers in the beginning of 2010 revealed 220 policemen (3% from the total number), who didn't meet the set criteria. They were ordered to learn the language till 1 October.

There were 53 employees who fulfilled the task by the time given, 86 employees were in the process of training, but 48 employees were fired or transferred to other positions[166]. 30 employees were planned to be fired in the middle of 2011[167].

Prior to 1 October 2006, the Article 28 of the Law "On police" demanded from the policeman "to be able to communicate with persons in the language, which is mostly used in the region or at work". After a scandal that happened in 2011, when a policeman, who refused to communicate in Russian with a person reporting a possible delinquency, received a disciplinary punishment, there

166 48 policemen were fired or transferred to other work because they didn't have a sufficient Latvian language command, portal "rus.delfi" from 11 October 2010: *http://rus.delfi.lv/news/daily/latvia/iz-za-neznaniya-latyshskogo-48-policejskih-uvoleny-ili-perevedeny-na-druguyu-rabotu.d?id=34561279*

167 There is a tremendous lack of policemen. Employees leave the system of internal affairs. Portal "kasjauns.lv", 7 June 2011: *http://www.kasjauns.lv/lv/zinas/49768/katastrofali-trukst-policistu-darbinieki-pamet-iekslietu-sistemu*

was a short discussion between the head of the state police, Ints Kuzis[168] and the parliamentarian from the National Alliance, Imants Paradnieks[169] about the necessity of knowledge of the Russian language by the policemen and the impermissibility of the requirement imposed on him.

A nurse of a prison hospital (required state language command – C1) struggled with the SLC until she lost the case in the court of the first instance (case no. A42512309, judgment from 8 July 2010). Her case has to be considered in the context with the language prevailing among the prisoners (see Table 2.7, paragraph 2.2.6).

All legal proceedings on penalties for allegedly insufficient language skills in the private sector, known to us, were initiated with the help of the LHRC.

The head of the butchering department of a supermarket (the required level of the language command – category B1) was subject to a linguistic check during a protracted labour dispute with his superiors, which he was expected to win, with assistance of the labour union. Apparently, his superiors were the authors of the complaint to the SLC. At least, there was no complaint against him for lacking language skills during the previous 7 years of work.

An interesting fact is that he belongs to a group of persons, who are exempted from language testing because of his prior heart attack (see paragraph 2.3.3). During the appeal proceedings on the fine imposed by the SLC, he became a widower and had to bring up by himself his 10-year-old (at the time) daughter. He was forced to resign.

The author of this book succeeded in winning the case in the court of the first instance (case No. 142061710, judgment from 19 October 2011), but the SLC lodged an appeal, which was rejected by the court on 11 April 2013.

A businesswoman, the only owner and board member of her own company (required level of the language command – category C1, introduced on 1 September 2011) had to go through the language check together with four workers of her shop; and the inspectors of the SLC didn't have any claims against those employees, who had a direct contact to customers. The reasons for the test were anonymous complaints, supposedly from competitors. The case (No. 142284111) was won on 28 March 2013 in the court of the first instance, and the appeal of the SLC was rejected on 30 July 2013.

In the case of a saleswoman in a computer shop (required level of the state language command – category B1), the court initially refused to initiate proceedings against SLC decision, but the court of appeals overturned this ban after our complaint (judgement on the case Nr. 104 AA_r80_t2t3l from 5 September 2012) and the court hearing was scheduled to December 2013.

The common feature between the majority of these cases (including the cases of three councillors, described in paragraph 2.4.3) is the fact that the inspectors of the SLC did not seek to detect concrete episodes, when and under what circumstances the state language was misused by the violators, moreover, what damage has been done with this to the fulfilment of their duties or the society.

The victims were just subjected to the state language knowledge test according to the criteria prescribed by the rules No. 733 (see paragraph 2.3.3), but without guarantees provided by the rules (the test procedure prescribed in a detailed way, collegial decision-making, selection of inspection specialists, time of the test known to those tested in advance).

This substituting an identification of a specific violation with a check of the language proficiency is not accidental. This follows directly from the instruction to the language inspectors, placed on the website of the SLC[170].

In this instruction, there is no information on how to investigate a specific situation of the conflict in the sphere of language use, there is only evaluation of difference between the required and found level of language proficiency, when the fine is determined.

It was exactly this practice of the SLC, which caused confusion of foreign experts and became the basis for decisions of the UN Human Rights Committee and the ECHR, who recognized the language checks to the candidates as disproportionate (see above paragraph 2.4.3).

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168 "The Head of the State Police: A policeman has to speak Russian", portal «tvnet», from 21 August 2011: *http://www.tvnet.lv/zinas/viedokli/388934-vp_prieksnieks_policistiem_jazina_krievu_valoda*

169 "Paradnieks: obligatory knowledge of Russian cannot be imposed on policemen", portal «apollo», from 22 August 2011: *http://www.apollo.lv/zinas/paradnieks-obligata-krievu-valodas-zinasanu-prasiba-policistiem-nav-pielaujama/491070*

170 Guidance on the principles of application of administrative penalties for violations of the State language law. Approved on 8 August 2011 by the director of the State language centre. After being mentioned in the complaint to the Constitutional Court, the guidance were removed from the SLC website.

Chapter 3. Cultural and educational space

3.1. Education Legislation

3.1.1. The Continuity Doctrine of the State of Latvia, which is the corner-stone of the Latvian legislation, considerably deforms the legal environment. One example is the view of Ineta Ziemele[171], who currently represents Latvia among the European Court of Human Rights judges: "When the independence of the Latvian State was being restored, the Declaration "On the Restoration of Independence of the Republic of Latvia" established that incorporation of the Republic of Latvia in the Soviet Union in 1940 was unlawful in terms of international law. Therefore the Republic of Latvia de jure persisted as a subject of international law during the entire period of occupation… The State continuity means that its fundamental elements such as territory, population and political system continue to exist… Latvia has implemented this concept with relative consistence. Thus the political system as well as the legal system established by the Constitution is restored in its action".

The evasive phrase "relative consistence" actually describes the practice of choosing the "convenient" elements from the legislation of the First (pre-War) Republic and ignoring those which are "inconvenient".

For example, the right to get education in the language of one's family, which is essential for national minorities, has not been restored, despite the fact that it was included in the Law on Latvia's Education Institutions passed by Latvia's People's Council (the temporary Parliament of the newborn state) on December 8th 1919, even before the Constitution was approved[172].

Articles 39-41of the Law stated the following.

"39. All the compulsory schools should teach in the language of the students' families.

40. Family language of school students is the language which is determined by their parents when they register their children in school and in which the children are able to express their thoughts fluently.

41. State and municipality institutions should support such number of compulsory schools for each ethnicity which is sufficient for the education of their children following the conditions of the present Law.

Note: National minorities, citizens of Latvia, have the right to require a special class if there are minimum 30 pupils under guidance of one teacher. Those children who do not have a school or a class established for them in their family language owing to their small number, may get private education or, as an exception, study in a school with a different language of tuition".

At the same time the Law on Structure of National Minority Schools was passed which granted national minorities the right of autonomy in founding and supervising their schools. Within the Ministry of Education the National Minorities Department was established, which included school boards of different ethnicities functioning as its subdivisions. Russian, German, Jewish, Lithuanian, Belorussian, Polish and Estonian minorities exercised their right to found their own schools[173].

The Law stipulated that national minority schools should receive a proportion of the financial means granted by the State and public bodies, which equals their proportion in the population of the country. The Law also provided for establishment of ethnic subdivisions within the Ministry of Education whose heads should represent their ethnicity in the sphere of education as well as culture and should also be granted the right to communicate with all departments of the Ministry of Education and to participate in meetings of the Cabinet of Ministers with the right

171 "Continuity of the State of Latvia and Current Political Realities", Ineta Ziemele, PH D. Candidate, Master of International Law. The "Diena" newspaper of September 24th 1997: *http//www.diena.lv/arhivs/latvijas-valsts-nepartrauktiba-un-musdienu-politiska-realitate-10017245*

172 See the "Basic Documents of Russian School Defence Staff" on the official site of the party For Human Rights in United Latvia (FHRUL): *http//www.pcvl./?lang=ru&mode=party&submode=history&page_id=7451*

173 "National Minority Schools – Pros and Cons". Ervins Jakobsons, 13 June 2011. "Laikmeta zimes" portal: h*ttp//www.laikmetazimes.lv/2011/06/13/minoritasu-skolas-par-un-pret/*

of consultative vote on issues concerning the cultural life of the national minority which they represent. Heads of ethnic subdivisions were approved by the Cabinet of Ministers, but the right to nominate candidates belonged to national representatives, i.e. members of the Saeima (Parliament) representing national minorities[174].

Tuition in basic and secondary national minority schools was conducted in the languages of these minorities, except history of Latvia and geography of Latvia which were taught in the Latvian language starting with the fifth year. The first foreign language in Jewish, Polish and German schools was Russian. The curricula of Latvian-language schools for 1927-1928 academic year included the Latin, German, English, French and Russian languages. Three academic hours per week were allocated for the Russian language, four academic hours for other languages[175].

During the dictatorship of Karlis Ulmanis (1934-1940), a new law "On School Education" was passed which abolished the autonomy of schools. Under the instruction on school students' allocation by their ethnicities, only Latvian-language schools were open for children of all ethnicities. A child from a bilingual family, where one of the parents was an ethnic Latvian, was obliged to study in a Latvian-language school. A child from a national minority family had the right to attend a national minority school "provided that he was able to express his thoughts clearly in the language of this ethnicity". Otherwise they had to study in a Latvian-language school[176].

The Latvian language had to be taught in national minority schools starting with the first year[177].

The number of national minority education institutions decreased dramatically as well as the number of pupils in these institutions (see paragraph 3.2 for more detail). Those national minority schools that still existed in 1941 continued functioning throughout the period of the German occupation. However, in the Soviet period they were dissolved "within a few years"[178]. There remained two parallel systems covering all stages from pre-school to higher education, namely in the Latvian and Russian languages (see also paragraph 2.1.3.) However, it was only possible to specialize in some professions (mostly military) exclusively in the Russian language and in some others (mostly humanities) – exclusively in Latvian[179].

3.1.2. The Popular Front of Latvia, having won the parliamentary elections in the March of 1990, stated in its programme at the time that it "supports the right of national minorities for comprehensive secondary education in their mother tongue and promotes the foundation of ethnic schools and their further development".[180]

The Education Law of the Republic of Latvia was passed in June 1991, two months before the state achieved its independence de facto. The Law did not include any norms impairing the right of national minorities to school education[181]. The Resolution of the Supreme Council of the Republic of Latvia on the Law's coming into force stipulated introduction of a compulsory exam in the Latvian language for all secondary school graduates starting with 1993-1994 academic year. At the same time, new requirements were introduced for higher education institutions financed by the state budget: starting with the second year the main language of tuition should be Latvian, students should study in three languages and have the right for extended study of languages during the first year.

In the late 1980s and early 1990s, in addition to the Russian schools, the state financed the foundation and further functioning of schools and classes in the Jewish, Polish, Ukrainian, Estonian, Romani, Lithuanian, Belorussian languages.

In 1989 the Division of National Minority Schools was founded within the Ministry of Education and Science. The head of the new division was Jakov Pliner, who later became Doctor of Pedagogy, a member of the Riga City Council, a member of the Saeima (for three terms) and who is now a co-Chairman of the FHRUL party.

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174 Tatyana Feigmane. "The Russians in the pre-war Latvia". Riga: Baltic Russian Insitute, 2000, p. 384, Chapter III. Legal Aspects of the Position of the Russian School in Latvia: *http//www.russkije.lv/ru/pub/read/russians-in-the-first-latvian-republic/feigmane-chapter3-2.html*

175 "Education, Teachers and Their Work in Latvia in the 1920s-1930s". Guntars Auseiks, "Latvijas Avize" of 23 September 2011: *http//la.lv/index.php?option=com_content&view=article&id=327780&Intemid=177*

176 Tatjana Feigmane. "Russians in the pre-War Latvia".

177 "Education, Teachers and Their Work in Latvia in the 1920's-1930's. . ."

178 "History of Latvia. 20th Century". Jumava, 2005, p. 444, p. 358

179 "The Russian School in the Period of the German Occupation". Site "russkije.lv": *http://www.russkije.lv/ru/lib/read/russian-graduates-1944.html*

180 The Programme of the Popular Front of Latvia Adopted at its 2nd Congress on October 7-8 1989. 8.4. "The Second Congress of the Popular Front of Latvia. Programme. Statutes. Resolutions". Riga, Publisher of the Popular Front of Latvia, 1990.

181 We analyzed the evolution of the Law via the following documents: "The Education Law of the Republic of Latvia", Ziņotājs, 31, 15.08.1991; 19.06.1991, Supreme Council Resolution "On the Procedure of the Education Law of the Republic of Latvia Coming into Force"; Amendments to the Education Law of the Republic of Latvia ("LV", 123 (406), 17.08.1995): *http//www.likumi.lv*

There were tree inspectors in the division. One of them supervised schools with the Russian language of tuition. Another one was responsible for the quality of teaching the Latvian language in Russian schools. The third inspector supervised the process of founding and functioning of other national minority schools.

The division was also engaged in preparation of international agreements in the sphere of education. One of those was an Agreement with Poland signed on behalf of Latvia by Janis Jurkans, the future Minister of Foreign Affairs, future member of the Saeima (five terms), Chairman of the National Harmony Party and co-Chairman of the political alliance FHRUL (see also paragraph 3.1.12.).

A similar agreement with Russia was prepared and even signed in1992 in Moscow by Andris Piebalgs, then the Minister of Education and Science, now – EU commissioner; unfortunately, it has not been implemented as was planned.

In 1993 the division was abolished and the system of school autonomy of the First Republic of Latvia (see paragraph3.1.1.) has not been restored so far even in a reduced version.

The freedom of language choice did not survive, either. In 1995, a new amendment to the Education Law required that, as a minimum, two academic subjects in basic school (forms 1-9) and three subjects in secondary school (forms 10-12) should be taught in the Latvian language.

In 1997, M. Grinblats, Minister of Education and Science, initiated introduction of a new norm stipulating that teachers of national minority schools should command the Latvian language at the highest level; this norm was introduced within a year. In 1998, on the initiative of Minister of Education and Science J. Celmins, the use of educational literature published in other countries was prohibited; this prohibition also referred to literature published in the countries of the ethnic origin of national minorities. In 2000, this prohibition was lifted[182].

The Draft of a new Education Law stipulating complete transition of national minority secondary education into the Latvian language has been a issue of debates in the Saeima since 1996. The new Law was not adopted then due to mass protests organized by the "Equal Rights" party together with ethnic and cultural organizations; during the protests, 80,000 signatures were collected against the Draft[183].

3.1.3. The Education Law now in force, adopted on October 29th 1998[184], in its initial form (as a draft proposed by the government) did not include any direct requirement to abolish state financing of secondary education in the Russian language and other national minority languages. The notorious paragraph 9 of the Transitional provisions stipulating that starting with September 1st, 2004, education in state-funded secondary schools is ONLY provided in the Latvian language, emerged ONLY in the third reading. On that same penultimate day of the 6th Saeima (the new Saeima had already been elected) the same MPs passed the Declaration on Latvian Legionnaires in World War II[185] which claimed that the soldiers of the two Latvian SS divisions actually strove to achieve a noble aim.

In May 2003 the government realized, that the full transition to Latvian as the only language of secondary schools would not be peaceful, and submitted to the Saeima amendments for consideration which stipulated that at least 60% of curriculum should be taught in the Latvian language; this proportion is still in force today. By the second reading MPs had changed the proportion to de facto 90%, but later they had to get back to the initial variant. That legislative initiative caused mass protests of the Russian-language community; the chronology of these protests has been saved by the author for future history[186].

While the Amendments to the Education Law were being reviewed by the Saeima, the most barbaric part 2 of Section 56 was corrected. The initial variant stipulated that "Orphans and children left without parental care shall continue their education in the official language" The current version of the article stipulates that a child can continue education in the language, in which it has been started.

Original wording of paragraph 2 of Section 51 paragraph 2 (adopted on that very day when the Declaration on Latvian Legionnaires was passed) stipulated that the state and municipalities can only finance those private education institutions which provide tuition in the official language.

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182 Valeri Bukhvalov, Yakov Pliner. "Reforming National Minority Schools in Latvia: Analysis, Assessment, Prognosis". Riga, 2008: *http//www.zapcel.lv/doc/EkspRef.pdf*

183 Vladimir Buzaev. "The Language of Ultimatums or Compromises?" 2 August 2004, Official site of the Russian School Defence Staff: *http//ww.shtab.lv/main.php/w2=pressa&id=506*

184 *http//izm.izm.gov.lv/laws-regulations/2093.html*

185 *http//la.lv/index.php?option=com_content&view=article&id=327780&Intemid=177*

186 "Chronicle of the Mass Protests for the Defence of Education in the Native Language Initiated by the Organizations and Persons Belonging to the Russian School Defence Staff". The Chronicle lists 198 actions in defence of education in the native language. 110 street actions are listed, 39 of which ended up with preliminary arrests and/or infringement notices.
Chapter 1: *http://www.pctvl.lv/index.php?lang=ru&mode=party&submode=history&page_id=2107*
Chapter 2: *http://www.zapchel.lv/index.php?lang=ru&mode=party&submode=history&page_id=2236*

The MPs of FHRUL party initiated a case on this restriction before the Constitutional Court, and on September 14th 2005 it was cancelled.

3.1.4. The language of implementation of education programmes accredited by the Ministry of Education and Science in private primary and secondary schools is determined by their founder. However, in order to acquire secondary and higher education one has to study the official language and pass the centralized exam.

Despite the fact that ethnic minority schools, both private and founded by the state or municipalities, are an integral part of the education system as a whole and tuition in these schools is provided in Latvian to a significant extent, their graduates do not have equal rights with their peers from Latvian-language schools.

Under the version of the Law on Citizenship which was in force till 1 October 2013 (paragraph 13 of article 2) basic and secondary school graduates who were non-citizens could only be granted citizenship of the Republic of Latvia without naturalization if they graduated from a Latvian-language school. National minority school graduates could only naturalize by undergoing special examinations.

Starting with 1 October 2013, those citizenship seekers who graduate from Latvian-language basic schools are also formally obliged to undergo the naturalization procedure; however, if they have acquired at least half of the course in the Latvian language, they are exempted from all the examinations prescribed by the Law.

Acquisition of secondary education in Latvia serves as a ground for granting residence permit to a foreigner, but only if the education was acquired in the state language (paragraph 5 of article 24 of the Law on Immigration).

Besides, people with education within a national minority education programme (up to 2011/2012 academic year) do not have equal opportunities with Latvian-language school graduates in the job market, which is specified in paragraph 2.3.

3.1.5. Some aspects of using languages in school education are regulated by the Regulations of the Cabinet of Ministers. These Regulations define education standards, the language of tasks and answers for exams and also (starting with 2012) for inter-school competitions.

Regulations on Education Standards in Secondary School stipulate that at least five academic subjects must be taught in the Latvian language[187]. Moreover, the Regulations provide for eliminating the national identity of Russian children making them study Latvian as their native language, rather than their second language (as it was in the inter-war Latvia). In order to achieve this, the Regulations stipulate that starting with 2008/2009 academic year in 10th grade and by 2010/2011 academic year in 12th grade of national minority schools tuition in the subjects of Latvian language and literature should follow the curriculum of Latvian-language schools. The disappointing results of the first unified exam based on equal requirements are shown in paragraph 2.3.3.

Students can choose either the Latvian language or the language in which the subject was taught to answer at exams on subjects which do not refer to linguistics[188].

6- graders and 9-graders can also choose the language in which the questions are formulated, either Latvian or Russian[189]. This is an extremely rare case when the Russian language is actually mentioned, but it is done in order to restrict the rights of Polish or Ukrainian pupils to require questions in their native language in which the subject was taught.

Exam questions for secondary school graduates are formulated in the Latvian language regardless of the language in which the subject was taught.

In its Second Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Latvia, the government states that within the period between 2007 and 2009, 60% of pupils chose Latvian as the language in which they answered at the exam, in 2010 such choice was already made by 72% of students[190].

The linguistically advanced ministers determined the language of questions and answers at academic school and inter-school competitions depending on their level: at school competitions the choice is free in both questions and answers while at regional and state-level competitions the only language is Latvian.

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187 Now valid Regulations 715 of 2 September 2008: "Regulations on General Secondary Education Standards and General Secondary Education Academic Subjects Standards", 7.

188 The Cabinet of Ministers Regulations 334 of April 6th 2010: "Regulations on State Control Procedure", p. 17.

189 Ibidem, p. 18.

190 "Second Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Latvia", 22.06.2012, Figure 3-4.

However, at regional competitions national minority students may be allowed by the commission to use dictionaries[191]. The Latvian government seems to be convinced that these restrictions are necessary, as if without them ethnic Latvian pupils are not able to compete with their minority peers.

These Regulations look particularly odd when applied to academic competitions in Zilupe District, where, according to the census of 2011, out of 399 people aged between ten and nineteen, 313 spoke Russian in their families and only 49 spoke Latvian.

3.1.6. While entry into force of the paragraph 9 of the Transitional Regulations to the Education Law was being prepared, model programmes were provided for national minority basic schools (1st-9th grades) in 2000-2001.

Basic schools may either develop their own programmes or choose one of those offered by the Ministry. The Ministry of Education and Science provides the choice of four models[192] (Table 3.1). In all the four models the Latvian language, which is vital for the students, is united with Latvian literature and for both subjects together four academic hours per week are allocated for grades one to six (18% of maximum load for grade 1) and five academic hours per week for grades seven to nine (15% of maximum load for grade 9).

Table 3.1

Proportion of native and state languages in education programmes for national minorities (%)

Model	Year	Latvian	Bilingual	Native
I.	1	40.9	36.4	22.7
	9	70.6	14.7	14.7
II.	1	18.2	54.5	27.3
	9	52.9	20.6	26.5
III	1	27.3	13.6	59.1
	9	73.5	0	26.5
IV	1	18.2	0	81.8
	9	50.0	35.3	14.7

Strange as it is, description of these programmes and the school preferences appear in the abstract to the document, which was meant to abolish the freedom of programme choice, namely the Project of the Cabinet of Ministers Regulations approved by the government on 27 December 2011[193].

The first programme is meant for those pupils who have acquired basic knowledge of the language and its usage and live in a Latvian language environment. The second and third programmes are meant for children who live in a non-Latvian language environment but whose families "wish to integrate their children into the Latvia's society[194]" The second programme is recommended for children already having some knowledge of the Latvian language, but the third – for those who have none. The fourth model is for those who do not wish to integrate.

According to Abstract, the first model was chosen by 5% of the schools, the second – by 42.6%, the third – by 31.4%, and the fourth – only by 5.6%.

Some schools (13.5%) dared to choose their own model. It was those schools the Regulations aimed at by stipulating that in basic school (starting with the first year!) at least 40% of academic hours should be taught in the Latvian language or bilingually.

Punitive action against the dissent schools came into force on January 2012 in the form of Regulations No. 1006; however, that document did not live long. The Regulations went out of force on 18 April 2012, as the norm that allowed the Cabinet of Ministers to do such things was removed

191 The Regulations of the Cabinet of Ministers No. 384 of 5 June 2012 "Regulations on the Procedure of olympiads on Academic Subjects", p. 14, 17, 24.

192 "National Minority Basic Education Programme Project. Addendum 1 to the Regulations of the Ministry of Education and Science of 13 May 2009": *http//izm.izm.gov./nozares-politika/izglitiba/vispareja-izglitiba/7933.html*

193 "Regulations on Academic Subjects which are Taught in the State Language within National Minority Education Programmes. Project 2370": *http//www.mk.gov.lv/lv/mk/tap/pid=4022450&mode=mk&date=2011-12-27*

194 With reference to the above, it would be relevant to remind again that, according to 2011 census, 37% of the "Latvia's society" speak Russian in their families. In the capital city this proportion is 57% and in Daugavpils, the second largest city – 90%. Moreover, the legislation of the First Republic should be considered. It is described in 3.1.1.

from the Law on Education. This was achieved after a letter to the Prime Minister compiled by the LHRC and approved by the Council of Non-governmental Organizations on 31 January. The letter mentions, among other things, the fact that all recommendations of international institutions (referring to education) expressed concern about the linguistic proportions introduced to secondary schools (see paragraph 3.1.4.) and approval of the fact that basic schools were granted the right to choose an education model [195].

3.1.7. Besides the Education Law, which is the basic document in this sphere, education issues are also regulated by many specific acts of legislation:

-Law on General Education (1999);
-Law on Professional Education (1999);
-Law on Institutions of Higher Education (1995);
-Law on Scientific Activity (2005)
- Support for Unemployed Persons and Persons Seeking Employment Law (2002).

As a rule, linguistic regulation in relevant specific spheres is determined by the basic Education Law.

3.1.8. In accordance with paragraph 1 of article 9 of the Law on Education and paragraph 9.1 of the Transitional Regulations, the language of tuition in higher education institutions founded by the state or municipalities is Latvian. Part 31 of article 9 allows such institutions to use the official languages of the European Union within the framework of programmes for foreign students or international cooperation programmes. The official languages of the EU may also be used within other programmes to the extent of 20%. Higher education institutions may also use other languages within the framework of linguistic and cultural education with permission of the Licensing Commission.

In private higher education institutions the language of tuition is determined by the founder.

The issue of allowing tuition also in the Russian language, at least for foreign students, arises intermittently. It is worth mentioning that this issue is most often raised by state higher education institutions which suffer from tough competition with private universities for attracting students. However, such initiatives are invariably rejected on the grounds that in this case it would be impossible to prevent local students from choosing such programmes.

The government tried to solve the problem by submitting[196] a new draft Law on Higher Education to the 9th Saeima on 9 July 2008. The Law stipulated that the linguistic restrictions described above should also apply to those private universities and colleges which are partially financed by the state; but examination of that legislative draft was not completed.

However, the Saeima "updated" the Law on Scientific Activity, abolishing the right to defend doctoral theses in native (i.e. Russian) language even with the consent of the corresponding Scientific Council; at first, that abolition also applied to theses on linguistics; but then the Saeima benevolently excluded the latter from the black list[197].

3.1.9. In conformity with paragraph 6 of article 9 of the Education Law professional development and re-qualification financed from the budget of the state and municipalities should be conducted in the state language. The Law does not regulate the language of professional development and re-qualification financed by private persons.

Nevertheless, re-qualification of the unemployed, which is exclusively financed from the EU funds, i.e. without any financial participation of the state, is also conducted only in the state language. However, according to the data of September 2012[198], out of 108,322 persons officially registered as unemployed, only 55% had studied in Latvian-language schools, 5% had certificate of the highest level of the language acquisition, 15.5% – of intermediate level, 12.1% – of the lowest level and 11.6% did not have any certificate at all (see also paragraph 2.3) While people who finished Latvian-language schools and those non-Latvians who have the highest level certificate can fully benefit from the courses of re-qualification, for 39% of trainees (89% of non-Latvians attending re-training courses) such courses are just a waste of time. Together with those potentially successful trainees who know the official language at the intermediate level, that would amount to 24% of all the trainees and 54% of all the unemployed among national minorities.

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195 Compare, for instance, pp. 138, 199, 136 of the Review on Latvia by the Consultative Committee on the Framework Convention of October 9th 2008, whose publication was delayed by the Latvian government till 30 March 2011: *http//www.coe.int/t/dghl/monitoring/minorities/3-fcnmdocs/PDF-1st-OP-Latvia-en.pdf*

196 Legislative Draft No. 794/Lp9

197 "The Law on Scientific Activity" with amendments of 4 March and 29 April 2010.

198 *http//www.nva.gov.lv/index.php?cid=6&mid=404&txt=413&t=stat*

In the Daugavpils branch of the State Employment Agency, 44% of all trainees and 55% of national minority trainees are not able to acquire the course material fully and effectively. Among those, who come to the Agency from prison, these proportions are 48% and 84%. It is not difficult to guess where trainees of this category will go upon completing a useless course (see also table 2.7 in paragraph 2.2.6.)

Despite all the above-mentioned facts, the numerous initiatives of the FHRUL parliamentary faction[199] on organizing courses for the unemployed in the Russian language throughout the country, or at least where most unemployed are non-Latvians, have been rejected.

However, the proposal of that same faction on organizing Latvian language courses financed by the state was accepted[200]. Although it was planned to teach it to 4525 people in 2012, 9484 unemployed registered for official language courses on January 31st 2012. 4551 people registered for 120-hour courses in 2011. More than 80% of them succeeded in passing the exam at their target level[201].

An effective support to the state effort is provided by the free Latvian language courses organized by the Riga City Council, where representatives of national minorities are in the majority in the ruling coalition. In the summer of 2012, 1668 vacancies were filled in just two days[202].

3.1.10. While the state is trying to abolish education in the Russian language, the National Alliance is promoting gradual transition of education to the Latvian language only, starting with kindergarten. This idea was supported by the ruling Unity party representatives in the Riga City Council where the party is in opposition[203]. Even though no legislative drafts have been adopted so far, the issue is still under discussion in the Saeima and in the government.

In May 2013 the National Alliance submitted a legislative draft to the Saeima for consideration (Amendments to the Law on Education, No. 670/Lp11). That draft stipulated that the tuition language in all pre-school education institutions, which are financed by the State or municipalities, also private ones, should be in Latvian, starting with the groups which will be formed on or after September 1st, 2014.

On May 30th, the draft was rejected in a very close vote: "for" – 41, "against" – 43, "abstained" – 2, did not vote – 2. The Legislative Draft was unanimously supported by three of the four members of the ruling coalition, namely the National Alliance, Unity, of which Prime Minister is a member, and the group of independent MPs. Among those who voted "for" were Speaker Solvita Aboltina and Ina Druviete, Chairperson of Commission on Education. The negative vote of the Reform Party was the one which decided the fate of the draft.

Karlis Sadurskis, Member of the European Parliament and also a member of Unity, snatched at the initiative of the National Alliance. On September 16th 2013 he expressed his idea[204]of complete transition of education financed by the State to the Latvian language to information agencies: it should start on September 1st 2015 with the first year pupils and then extend gradually.

OSCE opinion on this issue[205]:

"11) The first years of education are of pivotal importance in a child's development. Educational research suggests that the medium of teaching at pre-school and kindergarten levels should ideally be the child's language. Wherever possible, states should create conditions enabling parents to avail themselves of this option.

12) Research also indicates that in primary school, the curriculum should ideally be taught in the minority language. The minority language should be taught as a subject on a regular basis. The official State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Towards the end of this period, a few practical or non-theoretical subjects should be taught through the means of the State language. Wherever possible, states should create conditions enabling parents to avail themselves of this option".

Also, the Ombudsman Mr. Juris Jansons has called to introduce education in Latvian language only (save the minority language, literature and culture) for pupils after 5 or 6 years of

199 See proposals to Legislative Drafts No. 168/Lp9; No. 781/Lp9; No. 1413/Lp9; No. 1577/Lp9, submitted between 29 March 2007 and 11 March 2010.

200 Legislative Draft No. 168/Lp9, of 29 March 2007

201 9484 unemployed are currently waiting for a place at free Latvian language courses of the State Employment Agency. "TVNET" portal, March 1st 2012: *http//www.tvnet.lv/zinas/latvia/412870-uz_nva_latviesu_valodas_kursiem_gaida_9484_bezdarbnieki*

202 "The places at the free Latvian language courses in Riga were snatched up in two days", "kasjauns.lv" portal, 18 June 2012: *http//www.kasjauns.lv/lv/zinas/84918/vietas-bezmaksas-latviesu-valodas-kursos-riga-izkertas-divu-dienu-laika*

203 "Unity: all kindergartens should be Latvian", 23.02.2012: *http//rus.delfi.lv/news/daily/politics/edinstvo-vse-detskie-sadi-dolzhny-byt-latyshski-mi.d?d=4255652*

204 Karlis Sadurskis: "Transition of education to the Latvian language should be complete". Portal TVNET, 16/09/2013: *http//www.tvnet.lv/zinas/viedokli/478951-ksadurskis_javeic_pilniga_pareja_uz_izglitibu_latviesu_valoda*

205 The Hague Recommendations Regarding the Education Rights of National Minorities. October 1996, p. 11, 12: *http//www.osce.org/hcnm/32180?download=true*

having been educated in Latvia. One of the main reasons included in his letter to the President Andris Bērziņš in January 2014 is a mistranslation of the OSCE Hague recommendations regarding the education rights of national minorities.

While the recommendations on secondary school (which starts in Latvia since grade 10, not 6 or 7) read as follows: „13 (..) 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"[206], the Ombudsman cites them as saying „In secondary schools, the number of subjects taught in the State language, should be increased essentially. Research findings suggest that the more pronounced the increase, the better for the child".

In the same time, the Ombudsman fully omits the beginning of the same para. 13., which reads „13. In secondary school, a substantial part of the curriculum should be taught through the medium of the minority language", in his letter.[207]

The most pressing concern with relation to linguistic discrimination is connected with the attempts to abolish instruction in minority languages in public education, save the subjects connected with the minorities' identity. In January, 2014, drafting legislation for this aim, scheduled to be implemented in 2018, was included in the co-operation agreement between the political parties forming the new government.[208]

In 2012, Section 41 of the Education Law was amended, depriving public minority schools of the right to choose their own models of use of languages of instruction in grades 1 to 9 (basic school). The models provided by the government are rather various[209], but the current minister of education Ina Druviete has announced[210] an aim to achieve use of model No. 1 in most schools by 2018. It allows no more than 12 lessons a week (from 34) to be taught in a minority language of bilingually, by grade 9.

3.1.11. The government, by introducing the Latvian language as a language of instruction in schools of ethnic minorities, asserts that thereby the skills of the Latvian language among learners would quickly increase and there would be two legitimate aims achieved:

- integration of the society;
- increase of competitiveness of students on the labour market and during enrolment in higher education institutions.

The facts, however, do not show any improvement of the Latvian language command among students from schools of national minorities after its intensive introduction in primary (from 2000) and secondary (from 2004) schools (see Table 2.9 in paragraph 2.3.3).

Regarding the competitiveness on the labour market, the statistics on unemployment do not give the evidence of the benefits of young people who have graduated from Latvian school (see Table 5.8. in paragraph 5.3.4).

The share of persons with higher education was much higher among the ethnic minorities than among Latvians in the Soviet times. Now the situation is exactly opposite (see Table 3.7 in paragraph 3.2.4 and Table 3.14, 3.15 in paragraph 3.2.10). This process can be explained with abolishing Russian groups (see paragraph 3.1.8) in publicly funded higher education institutions and it became intense in the period of introduction of the Latvian language as main language of instruction in schools of ethnic minorities.

A single method of Latvian language training and a unified exam (from 2012) in secondary schools (see paragraph 3.1.5 and Table 2.9 in paragraph 2.3.3) also contributed to a limited access of ethnic minorities to higher education.

There is also a direct evidence of a decline of a relative competitiveness of students in schools of national minorities comparing to their Latvian peers, when the Latvian language was introduced as the language of instruction in schools of ethnic minorities (Table 3.2).

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206 Ibid

207 Quotation in the Ombudsman's letter, in Latvian: "Vidusskolās mācību priekšmetiem, kas tiek pasniegti valsts valodā, ir jātiek būtiski palielinātiem. Pētījumu rezultāti norāda uz kopsakarību, jo izteiktāks ir palielinājums, jo labāk bērnam". *http://www.tiesibsargs.lv/files/content/vestules/Bilingvala_izglitiba_Vestule_Valsts_prezidentam_14012014.pdf* A correct Latvian translation, reading as follows: "13 (..) Šajā periodā būtu pakāpeniski jāpalielina valsts valodā mācāmo priekšmetu skaits. Pētījumi liecina – jo pakāpeniskāks ir šis process, jo labāk bērniem" is available at the website of the Human Rights Institute of the University of Latvia *http://www.humanrights.lv/doc/regional/hagrec.htm* An analogous translation (sadly lacking some diacritic signs of Latvian language) is available at *http://www.osce.org/lv/hcnm/32187?download=true*

208 Co-operation agreement (Latvian) *http://www.mk.gov.lv/lv/mk/darbibu-reglamentejosie-dokumenti/straujumas-valdibas-sadarbibas-ligums* See Para. 1 of the Annex.

209 Regulations No. 530 of the Cabinet of Ministers, adopted on 06.08.2013 *http://likumi.lv/doc.php?id=259125* See annex 25 (Latvian)

210 "The idea is not to switch to Latvian language only" (in Russian) *http://vesti.lv/politics/444-interview/81484-qrech-ne-idet-o-perehode-shkol-tolko-na-latyshskijq.html*

Table 3.2

Comparative results of state exams in Latvian and Russian secondary schools

(average mark)

Study subject	2009[211]			2013[212]		
	Latvian	Russian	Various	Latvian	Russian	Various
English language	47,57	50,95	3,38			
Biology	60,29	60,87	0,58	68,1	65,9	-2,2
Physics	44,99	53,84	8,85	60,9	70,1	9,2
Chemistry	55,21	60,47	5,26	68,1	67,8	-0,3
Mathematics	35,06	45,79	10,73	47,3	47,0	-0,3
German language	59,25	64,06	4,81			
History	48,83	53,81	4,98			
Latvian language*)	51,15	53,14	1,99	67,1	46,6	-20,5
Russian language*)	66,83	76,99	10,16			

**) Latvian language in Russian schools and Russian language in Latvian schools were studied in 2009 as a foreign language*

The advantage of graduates from Russian schools in all subjects in 2009, just like the situation with higher education described above, suggests that the introduction of the Latvian language as a language of instruction in schools of ethnic minorities has another aim, far away from the one officially proclaimed: destroying a successful competitor with dishonest means. And this aim is being successfully achieved.

3.1.12. Latvian legislation does not guarantee foundation or survival of national minority education institutions. The right to choose a programme belongs to the founder (in most cases, it is a municipality). For a long time quantitative criteria were determined by the Regulations on minimal and maximal number of children in classes of general education institutions, groups of pre-school education institutions, in special education institutions and in social and pedagogical correction classes of state and municipality schools[213].

For national minority schools the minimal number of students is often a problem. No exceptions were provided for such schools: if a school did not meet this criterion, it could be abolished, even if it was the only national minority school in a large region. On 12 March 2009 the Saeima rejected an amendment to the Education Law suggested by the FHRUL stipulating that in case of school reorganization or abolition its pupils should be provided with the opportunity to continue education within the same curriculum, also in national minority languages[214].

In the June of 2009, at the peak of the economic crisis, the government decided to get rid of any responsibility for school reductions, passing the buck to municipalities. For that purpose paragraph 14 of article 4, relegating the issue of minimal class occupancy to the Cabinet of Ministers responsibility, was excluded from the Education Law; simultaneously, education funding was sharply decreased

Thus, all legal barriers to preservation of national minority schools with a small number of pupils were removed from municipalities. See below in paragraph 3.2.8 how they used their new opportunities.

3.1.13. The Latvia's version of "Social integration", i.e. by way of abolition of the education system in national minority languages, has also been adopted in neighbouring Estonia and Lithuania. But, fortunately, there the process is much slower, as the Latvian experience of mass protests has probably been taken into account (see paragraph 3.1.3).

In Estonia secondary school "reform" in the Latvian style of 2004 is only being introduced right now; transition of the gymnasium stage (grades from 10 to 12) to the Estonian language started in September 2011 and is planned to be implemented to the full extent (at least 60% of academic hours in the Estonian language) by 2013. However, unlike Russian schools in Latvia, those in Estonia

211 Baltic Institute of Social Sciences "Transition to a single state language exam", December 2009: *http://izm.izm.gov.lv/upload_file/Registri_statistika/IZM-petijums-pareja-uz-vienotu-latv-val-eksamenu.pdf*

212 Newspaper "Izglītība un kultūra" [Education and culture], 10.04.2014

213 27.09.2005. Cabinet of Ministers Regulations No. 735: "Regulations on Minimal and Maximal Pupils Number in Municipal General Education Institutions Classes, Preschool Education Institutions Groups, Special Education Institutions and Social and Pedagogical Correction Classes", "LV", No. 157, 04.10.2005

214 Legislative Draft No. 794/Lp9

can receive permission to continue tuition in the Russian language. To achieve this, school supervisory boards should apply to municipalities and municipalities should then apply to the government[215].

Six schools in Narva and eleven schools in Tallinn applied to their municipalities and the municipalities applied further to the government, but only two evening schools were granted the permission. The municipalities are currently at suit with the government; they have lost at court of first instance and submitted appeals, but their appeals had not been heard when this text was being prepared[216].

The Lithuanian authorities have only gone to the length of the first stage of the Latvian school reform so far: on 17 March 2011 the Seimas (Lithuanian Parliament) introduced three compulsory subjects in the Lithuanian language in national minority schools, which had already been done in Latvia in 1993 (see paragraph 3.1.5). The original version of the legislative draft prepared in 2008 was much more rigid: not more than 60% of school subjects in the native language in basic school and not more than 40% – in secondary school; the native language itself was also included in that quota[217].

Discussions on that Legislative Draft in the Seimas were met with a mass of petitions and turbulent demonstrations of teachers and students of Polish and Russian schools, which reached their peak in March 2011[218].

MFA of Poland reacted to the event very strongly, up to withdrawing the ambassador "for consultation"[219]. Poland had the right to do that, because there exists an agreement between Poland and Lithuania, which guarantees free functioning and state support of Lithuanian schools in the territory of Poland and vice versa.

A similar agreement is signed between Poland and Latvia[220]. But Poland does not react in any way to much more grievous situation with national minority schools in Latvia, showing an inconsistent policy, even when it comes to its compatriots, which is sadly typical for the EU countries.

3.2. Statistics and Historical Data in the Sphere of Education

3.2.1. Riga State Gymnasium No. 1 is the oldest education institution of Latvia[221]. The school was founded in 1211 by the Dome Cathedral on the initiative of Bishop Albert, who had founded Riga 10 years earlier. It was a religious school and tuition was conducted in Latin[222].

On 18 April 1631 the school became secular by the decision of Riga self-government, which was signed by the Swedish king Gustav Adolf II. The school was renamed Riga Academic Gymnasium; it was a three-year education institution, where graduates of the former five-year Dome school completed their studies[223].

In 1804 the school status was decreased to Riga District School No. 1 (there were one more district school and one gymnasium, other schools only provided elementary education). In 1861 the school regained its gymnasium status. In 1890 the Russian language started to oust German, but starting with 1906/1907 academic year the Latvian language was taught at schools as an optional subject. Starting with 1919 tuition in the school was conducted in the Latvian language; this was also the year when girls started to be admitted to the school. Between the 1960s and 1980s there were also Russian classes and advanced study of physics and mathematics was provided.

Some amazing data on the school in the times of the Livonian Order, as well as in Polish, Swedish and Russian times can be found in the book of Alfreds Staris "Schools and Education in Riga: from Ancient Times till 1944"[224].

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215 See, for example, the article of Dmitry Klenski "Russians in Estonia. Keep Silent. Why?", Collection "Russians of the Baltics: Situation and Prognosis". Klaipeda, 2013, p.78-88

216 Nikolai Kabanov. "The Secrets of the "Estonian Miracle". These secrets are security agencies and mass media controlled by the government". Vesti Segodna, No. 191 of 28 November 2012: *http//www.vesti.lv./article/227516*

217 Andrei Fomin. "Struggle for the Russian School in Lithuania" In the collection "Ethnic Conflicts in the Baltic States" Riga, 2013 p.239-271.

218 "Lithuanian Seima passed a law, which lithuanizes national minorities schools". IA REGNUM, 17 March 2011: *www.regnum.ru/news/1384793.html*

219 MFA of Poland stated: "The decision of Lithuanian authorities leads to assimilation of the Poles". IA REGNUM, 17 March 2011: *www.regnum.ru/news/1387092.html*

220 "Agreement of the Governments of the Republic of Latvia and the Polish Republic on Cooperation in the Sphere of education and Culture", article 5. An earlier agreement of similar title and wording had been concluded on 1 July 1992.

221 "Foundation and Development of Latvian Schools in the Era of Feudalism". Arvids Salmins, LVU, Riga, 1980, 111 p., p. 7.

222 Information on the school, of which the author is a graduate, is mostly taken from the book "Open doors: Riga Gymnasium No. 1 in Portraits and Events", Anita Mellupe, Riga: Life Stories, 2009, 319 p., p. 8-11, 17.

223 "Beginning of Science and Higher School in Latvia". Janis Stradins, LZA, 2009, 639 p., p. 140.

224 "Schools and Education in Riga: from Ancient Times till 1944". Alfreds Staris. "Lielvards", 2000, 208 p.

For example, from 1793 to 1796 Field marshal Barclay de Tolly, the most famous Baltic citizen ever, was the curator of the school. In 1823 there were 117 pupils in the school. In 1867 a new building was constructed for the school at Heir Boulevard (now Rainis Boulevard) 8, where it still stands today. In 1874 the school changed its name into Riga City Gymnasium and in 1882 it had 616 pupils. Among its graduates was the world-famous chemist, 1909 Nobel Prize Laureate Wilhelm Ostwald. The most outstanding Latvian poet Janis Rainis studied in the school for four years.

The first Russian school, Catherine School was opened in Riga under the Decree of Empress Catherine II on 7 February 1789[225], i.e. 80 years after Riga was taken by the troops of Field-Marshal Boris Sheremetyev. In 1839 a junior school was opened in Jacobstadt (today's Jekabpils), then, in 1841 – in Mitava (today's Jelgava). In 1868 Lomonosov Gymnasium for girls and Alexander Gymnasium for boys were opened in Riga. In 1877 Riga non-classical secondary school named after Peter the Great was opened and in 1879 – Gymnasium for girls in Dinaburg (today – Daugavpils)[226].

3.2.2. In 1913 there were 2038 education institutions functioning in the territory of what was to become Latvia and 170 thousands pupils studied in them. 70% of them were district schools under the responsibility of district municipalities. Tuition in them was free. Schools of the same type in the cities were called "elementary schools" and tuition in them was paid for. 87 schools were founded both in the cities and in the country by the Ministry of Education.[227] In addition, there were many parochial schools supported by Russian Orthodox, Lutheran and Catholic confessions.

Theoretically tuition in district schools was supposed to continue for three to five years, but only 14.7% of pupils completed their education[228].

Apart from Russian Orthodox schools, tuition in parochial schools was conducted only in the German language (data of 1874)[229].

In 1804 tuition in all elementary schools in Riga was transferred to the German language[230]. In 1884 there were only two Latvian elementary schools in Riga[231]. In 1894 ethnic Latvians made up 50% of elementary school pupils, 32% were Germans and 18% were of other ethnic origins. According to the census of 1897 the percentage of these groups was 42%, 26% and 32% correspondingly[232].

Germanization of Latvians was followed by their Russification. The Additional Transitional Regulations on the Government of governorates of Livonia, Courland, and Estonia of 17 May 1887 stipulated that tuition should be conducted in the Russian language starting with the very first year in parochial schools and third year in the schools of volosts (administrative units in Russia).[233]

In 1907-1908 academic year the Russian language was taught in the first year of volost schools and in Ministry schools 10 academic hours per week, while the native Latvian language – 6 academic hours per week[234].

Today all the curricular modules for national minority schools prescribe the proportion of the official language and native language as 4:5 in first year and 5:3 in ninth year, same as in the dark tsarist times.[235] This is the model which the present-day Latvian government has decided to follow. Then there is still room for "improvement". For example, in 1864 in Latgale, which was then a part of Vitebsk province, transfer from the Roman alphabet to the Cyrillic alphabet was enforced in schools[236].

Despite all the problems described above, literacy rate in Latvia was considerably higher than the average in the Russian Empire as a whole: according to the data of 1897 census, 21% of the population were literate, between 1914 and 1917 – 30-38% (according to different sources), while in the Vidzeme province of Latvia 95% of the population were able to read, in Kurzeme – 88% and in Latgale – 50%[237].

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225 Alexander Gurin. "The First Russian Schools". Site "russkije.lv" *http//www.russkije.lv/ru/journalosm/read/pervye-russkie-shkoli*

226 "Russians in Latvia from the Middle Ages to the End of the XIX Century". O. N. Pukhlyak, D.A. Borisov. Riga, 2003,200p., p. 193

227 "The History of Latvia. 20th Century", p. 83

228 "School and Education in Latvia (1900-1920)", Alfred Staris, Riga, RaKa, 2000, p. 155, p. 15

229 "The Latvian School in the Period of the Intensive Development of Capitalism and Emergence of Proletariat". Arvids Salmins, LVU, Riga, 1980, 111 p., p. 26.

230 "Schools and Education in Riga: from Old Times to 1944", p. 62

231 "Russians in Latvia from the Middle Ages to the End of the XIX Century", p. 197

232 "Schools and Education in Riga: from Old Times to 1944, p. 84

233 Ibidem, p. 198

234 "School and Education in Latvia) (1900-1920)", p. 26

235 Pattern of Basic Education Curriculum for National Minorities.

236 "The Latvian School in the Times of the Intensive Development of Capitalism and Emergence of Proletariat", p. 56.

237 "The History of Latvia. 20th Century", p. 83

In 1910 there were 98 secondary schools of different types functioning in Latvia, i.e. one school per 26,000 people. In Germany there was one school per 42,600 people, in France – one school per 43,000 people, in Russia as a whole – one school per 84,000 people. In 1913 forty-five non-classical schools as well as commercial and trade schools functioned in Latvia with 10,199 pupils in them. There also were 13 vocational schools with 2757 pupils and 10 maritime schools subsidized by the state[238].

Riga Polytechnicum, founded in 1862 was the only higher education institution in the territory of Latvia. In 1896, tuition in it was transferred from the German language to Russian. At the start of 1914-1915 academic year it had 2100 students. By the start of the War the Polytechnicum had managed to prepare 4300 specialists and was evacuated into interior parts of Russia (Moscow, Yaroslavl, Kharkov)[239].

The students of the Polytechnicum belonged to different religious confessions and social groups, i.e. also to different ethnic groups (Table 3.3.)

Table 3.3

Religious confessions and social background of RPI students in 1903-1904 academic year[240]

Religious Confessions	Number	%	Social background	Number	%
Orthodox Christians	395	23.9	landowners or civil servants	476	28.9
Armenian Catholics[241]	36	2.2	clergy	34	2.0
Roman Catholics	247	15.0	honorary citizens or merchants of the 1st guild	111	6.7
Lutherans	781	47.3	townspeople or craftsmen	647	39.2
Jewish	153	9.3	peasants	324	19.7
Reformats	16	1.0	Cossacks	9	0.5
Moslems	7	0.4	foreigners	49	3.0
Others	15	0.8			
Total	1650	100	Total	1650	100

Most students of the Riga Polytechnicum came from the Baltic (54%) or Polish (25%) provinces. The share of ethnic Latvians among the students grew from 5% to 17% (the period is not specified in the source)[242].

3.2.3. In 1938/39 academic year 273,773 students studied in 2135 education institutions. 1895 of them were folk (basic) schools with c 229,825 pupils (84% of all pupils), there were 111 vocational schools (Zemākās arodskolas) with 9793 students, 114 secondary schools with 25,225 pupils, 12 higher professional institutions with 1165 students, 3 academic higher schools with 7765 students[243].

The number of education institutions in comparison with 1913 remained almost unchanged, but the total number of students increased by 1.6 times, while the population decreased by 30%.

The main academic higher education institution, the University of Latvia was established on the basis of the former Riga Polytechnicum by P. Stuchka's Soviet Government Decree of 8 February 1919. The Riga Polytechnicum was re-established as an independent high education school in 1958, when the huge demand for engineering knowledge became obvious[244].

The 11 faculties of the University of Latvia included the Engineering Studies and Mechanical Studies faculties. In 1938/39 academic year only 246 specialists graduated from the university, out of its 7281 students, among them 22 specialists from the two technical faculties.

The other two academic higher education institutions were the Art Academy of Latvia and the Conservatory. In 1938/39 academic year, 200 and 284 students studied in them correspondingly.

238 Ibidem, p. 84-85

239 "Higher School in the Soviet Latvia", Zigfrid Austers, 1985, p. 11-13.

240 "Schools and Education in Latvia (1900-1920)", p. 53

241 In 301 Armenia became the first state to accept Christianity as the state religion. Contrary to the source, they are Orthodox Christians, even though the Head of their Church is Supreme Patriarch and Catalicos of all Armenians (since 354)

242 "History of Latvia. 20th Century", p. 86

243 Hereinafter the data of CSB, division of twenties-thirties statistics, subdivision "Education": *http://www.csb.gov.lv/dati/izglitiba-tema-32315.html*

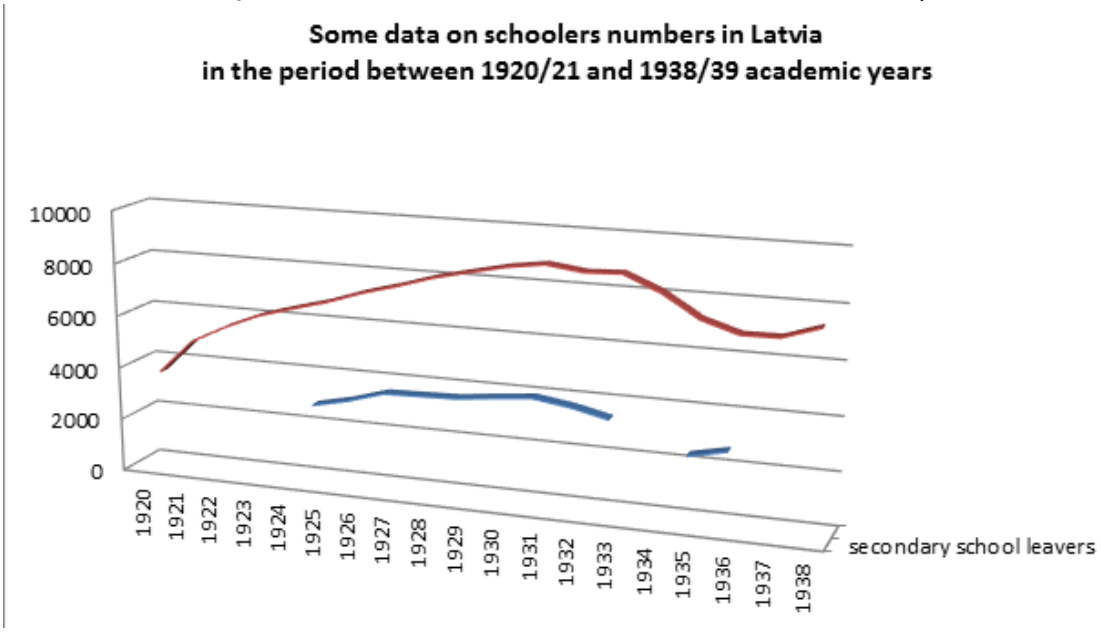
244 "Higher School in the Soviet Latvia", p. 13, 29. Present-day historiography ("History of Latvia. 20th Century", p. 197) dates the university foundation to 28 September 1919, when Latvia was already controlled by the Ulmanis government.

There were about 12 non-academic institutes, among them the French Institute, the Institute of the English language and the Institute of Housekeeping. In July 1939, the Agricultural Academy was founded[245] in Jelgava.

The dynamics of the total school graduates number including the graduates of the University of Latvia is shown in Figure 3.1.

Figure 3.1.

Some data on schoolers numbers in Latvia
in the period between 1920/21 and 1938/39 academic years



The diagram shows the negative influence of the world economic crisis, which reached the peak in Latvia in 1932 and the subsequent authoritarian coup-d'etat in 1934 on the education situation.

The legislation (see paragraph 3.1.1) facilitated foundation of national minority schools. In 1931/32 academic year the number of folk (basic) schools reached the maximum value of 2083. 246 of them were Russian schools, 96 – Jewish, 88 – German, 36 – Polish, 27 – Belorussian, 13 – Lithuanian, 4 – Estonian, and 59 were multilingual. 27.3% of folk school pupils were educated in national minority languages, 11.8% of them studied in Russian schools[246].

Then, as well as today, Russians were the biggest national minority (Table 3.4).

Table 3.4

Ethnic Composition of the Republic of Latvia
according to the data of census of 1920 and 1935

Year / Category	1920			1935		
	In absolute terms	% of population	% of national minorities	In absolute terms	% of population	% of national minorities
Total population	1596,131	100		1950,502	100	
Latvians	1161,404	72.8		1472,612	75.5	
Russians	124,746	7.8	28.7	206,499	10.6	43.2
Jewish	79,644	5.0	18.3	93,479	4.8	19.6
Belorussians	75,630	4.7	17.4	26,867	1.4	5.6
Germans	58,113	3.6	13.4	62,144	3.2	13.0
Polish	54,567	3.4	12.6	48,949	2.5	10.2
Lithuanians	25,588	1.6	5.9	22,913	1.2	4.8
Estonians	8769	0.5	2.0	7014	0.4	1.5

245 Ibid p. 16-18.

246 "Latvian Cultural Statistics". 1918-1937, p. 15.

Most Russians lived in Latgale (over 70%) and in Riga (15%). The 20s-30s were years of significant success in the sphere of education. In 1922/1923 academic year there were 13,095 Russian pupils in folk schools, but in 1936-1937 academic year there were 32,379, of whom only 18,641 studied in Russian-language schools[247].

Quality of education was different in different national folk schools. In 1936/37 academic year 653 of 1500 Latvian folk schools were incomplete basic (4 forms), while 674 ones were complete basic (6 forms). Corresponding interrelation among the Jewish schools was 62 – 3 – 47 among German schools it was 72 – 19 – 33 and among Russian schools it was 166 – 120 – 35.

The education system could not completely eliminate illiteracy in Latgale where only 50.1% of persons aged 10 and over could read in 1920, and 72.9% in 1935[248].

In 1933/1934 academic year 236 basic schools and 12 secondary schools taught in the Russian language.[249] The changes in the number of Russian-language schools and pupils in them are shown in Table 3.5.

Table 3.5

Number of Russian-language Secondary Schools and Russian Pupils in Secondary Schools[250]

Year	Number of schools	Number of pupils	Number of Russian pupils in Russian-language Schools		Number of Russian pupils in all Secondary Schools	
			In absolute terms	%	In absolute terms	%
1920	23	2728	464	17		
1921	25	2923	582	19.9		
1922	34	3978	947	23.8	1003	
1923	28	3812	938	24.6	1020	4.7
1924	22	3061	924	30.2	1051	4.9
1925	11	1869	927	49.6	113	5.3
1926	13	1987	1152	58	1318	6.1
1927	14	1958	1163	59.4	1365	6.2
1928	14	1679	1111	66.2	1326	6
1929	14	1605	1173	73.1	1417	6.6
1930	14	1512	1158	76.6	1393	6.6
1931	15	1431	1135	79.3	1387	7
1932	14	1421	1158	81.5	1405	7.5
1933	12	1287	1060	82.4	1368	7.3
1934	11	983	880	89.5	1200	6.7
1935	7	754	697	92.4	1245	6
1936	3	556	517	93	1132	5.2

In the mid-20s, after a long discussion between the Russian and Jewish Departments of the Ministry of Education, a number of schools were put under the supervision of the Jewish Department or the General Department.

The proportion of Russian pupils in secondary schools is approximately twice smaller than the proportion of Russians in the population. According to the data of the Russian Yearbook of 1938, out of one thousand Russian citizens of Latvia only seven continued education after basic school, while for ethnic Latvians this proportion was 18 in 1000, for the Polish – 12, for Germans – 29, for the Jewish – 30[251].

The data on the involvement in education process of the four major national groups are shown in Table 3.6.

247 Feigmane T.D. "Russian Schools in Latvia: 1920-1940". Magazine "Daugava", 1993, No. 3: *http://www.russkije.lv/ru/pub/read/t-feigmane-rus-school/*

248 Data of CSB, division of twenties-thirties statistics, subdivision "Education".

249 I.Apine, V. Volkovs. "The Identity of the Russians of Latvia: Historical and Sociological Review", p. 42

250 Feigmane T.D. "Russian Schools in Latvia: 1920-1940". Magazine "Daugava", 1993

251 Ibidem

Table 3.6

Proportion of Four Major National Groups among Students of Different Institutions (%) [252]

Data mainly of 1936/1937 academic year. Proportion in population – according to the data of 1935 census. University graduates – data of all graduation statistics between 1919/20 and 1936/1937 academic years

Category	Ethnic Latvians	Russians	Jewish	Germans
Proportion in population	75.5	10.6	4.8	3.2
National minority schools	72.4	14.0	5.1	2.9
Vocational schools	70.8	5.2	10.4	9.2
Secondary schools	82.7	2.5	6.9	5.4
Universities and higher professional schools	64.0	6.4	6.6	20.0
University students	85.2	2.8	6.8	4.1
University graduates	76.8	2.2	12.8	6.7

In some cases the difference between the share of folk school pupils in a certain minority and their proportion in the total population seems to be connected with the birth rate in a national minority group. In other cases this difference is the evidence of the education level of the group.

The changes in legislation after the authoritarian coup d'etat of 1934 resulted in sharp reduction in the number of secondary national minority schools: from 49 in 1933/34 to 25 in 1936/37 academic year; only 3 of 12 Russian schools survived. More than half of Russian secondary school students studied in Latvian-language schools (see Table 3.5).

Those national minority schools which survived also functioned during the whole period of the German occupation. At the end of 1941 there were 15 Russian schools, 3 Belorussian and 1 Lithuanian school in Riga; in 1943, the Polish basic school was opened. In 1942/43 academic year there were two Russian gymnasiums in Latvia. German and Jewish schools were closed as the actual and potential students of the former were repatriated and those of the latter were almost all murdered[253].

As for Russian schools within the present democracy, they can hardly be called "Russian", as education in them has been transferred to the Latvian language to a huge degree. And they are not called Russian, indeed, but "schools implementing national minority education programmes".

3.2.4. Part of the USSR heritage was an advanced system of education at all levels in two languages (see also paragraphs 2.1.3 and 3.1.1).

On 1 September 1990, there were 1123 pre-school education institutions with 111.5 thousand children[254]. According to 1989 population census data, there were 200 thousand children 2-6 years old. The earliest data on the languages of instruction in pre-school education institutions are available for 1992[255], when their number had already gone down to 750 and the number of children in them decreased to 65.4 thousand. The share of the children who studied in the Latvian language was 53.2% of all children attending pre-school education institutions. According to the data of 1989 population census, the share of Latvian children aged 2-6 was slightly above 54.4%. In 1992, there already existed Polish pre-school education institutions (for 103 children) and also pre-school institutions for other national minorities.

In 1991/1992 academic year, 986 schools worked in Latvia with 338,210 pupils in them. Out of them, 585 were Latvian-language schools, 219 were Russians, 178 were mixed (separate groups with Latvian and Russian languages of instruction) and 4 were newly-founded national minority schools with 208 pupils in them. 54.2% of all pupils studied in the Latvian language.[256] According to the data of 1989 census, there were 360,000 children aged between 7 and 16, of whom 54.1% were ethnic Latvians.

The official statistics of 1991/1992 academic year show that there were 947 day schools, of which 379 were secondary schools, 445 basic schools, 69 elementary schools and 54 special schools for children with problematic behaviour[257].

252 "Latvian Cultural Statistics", 1918-1937, p. 27, 43, 47, 59, 65, 75

253 "School and Education in Latvia (1900-1920)", p. 167-168.

254 CSB, Table IZG03

255 CSB, Table IZG05

256 The data of 1990 and 1991 have been removed from the sites of CSB and MES, but they can still be found in the book "National Minorities Problems in Latvia and Estonia", p. 67.

257 CSB, Table IZG05

419 school buildings for 220 thousands pupils were built or restored within the period between 1946 and 1974.[258] 59 more school buildings were constructed between 1981 and 1990 for 65.7 thousand pupils. In 1990 across the Soviet Union, the best proportion of those pupils having to learn in shifts (only 11.7%) was in Estonia, the second best proportion of 13.7% was in Latvia[259].

In the 1980s transition to mandatory secondary education was completed. 56.3% of basic school graduates continued their education in comprehensive secondary schools and 26.4% – in professional schools in 1982[260].

In 1990 there were 143 vocational schools with 67,409 students in them.

As for the higher education institutions functioning in the territory of Latvia up to 1940, the four major schools survived, namely the University of Latvia, the Conservatory, the Academy of Arts and the Jelgava Academy of Agriculture. In 1958 the Riga Polytechnicum was restored as the Riga Polytechnical Institute and by 1960 the number of higher schools had grown further as Pedagogical Institutes in Daugavpils and Liepaja, the Physical Culture Institute in Riga, the Riga Medical Institute and the Riga Institute for Civil Aviation Engineers had been founded. The number of higher school students grew from 21.6 thousand in 1960 to 47.2 thousand in 1980. Within the period between 1961 and 1985 Latvian higher schools provided 127,106 specialists, 37% of whom specialized in engineering[261].

The Latvian higher education system also included Riga Higher Military and Political School named after the USSR Marshal Biryuzov and awarded with the Order of the Red Banner, which was founded in Riga in 1945, the Daugavpils Higher Radiotechnical School (1947) and the Riga Higher Aviation Engineering School named after Jakov Alksnis (1953).[262]

On 6 February 1946, less than nine months after the capitulation of Hitler's forces and Latvian 19th SS division in Kurzeme, Latvian Academy of Sciences was founded. In 1987 there were 13 academic scientific research institutes functioning in Latvia; the total number of scientific research institutes was about 60 in Riga alone. Over 8000 scientists worked in those institutes, 43% of them had an academic degree[263].

The second half of the XX century saw a rapid growth in the education level of the population (see Table 3.7).

Unfortunately, some of these censuses contain data on people aged 10 and older. These figures were recalculated by the author on the basis of incomplete information for people aged 15 and older, the results of this recalculation are given in italics. Besides, following the statistic tradition of XXI century, secondary professional education includes also incomplete higher education, and "basic and lower" includes incomplete secondary and elementary education, those who did not have elementary education and or did not indicate their education also belong to the latter group.

The table shows that the growth in the education level of the population was to a considerable extent achieved due to immigration of specialists (see also Table 1.9 in paragraph 1.4 and data on education of Russians in the pre-war Latvia in paragraph 3.2.3.) This also refers to my parents who worked all their lives, starting with 1946, in Riga Railway Coach Factory. Their stories about the condition of local industry, in whose restoration they participated, are ingrained in my memory.

One result of specialists import is the large number of Ukrainians, whose education level is very high and most of whom settled in Latvia in the Soviet period. As for the Jewish, who were the most educated part of the Latvian population before the war (see the last line of paragraph 3.2.3), only 6000 representatives of this third largest ethnic population group (see Table 3.4) survived the Holocaust[264].

One example illustrating the efficiency of the local education system is the fivefold growth in the number of ethnic Latvians with higher education within 30 years.

3.2.5. Dynamics of the pupils' numbers at the time of the Second Republic of Latvia is shown in Figure 3.2. We don't know ethnic composition of pre-school education institutions children in 1990 and 1991 and vocational schools students in 1990-1999 and after 2009, therefore general numbers are shown in the Figure by one colour.

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258 Encyclopaedia "The Soviet Latvia", Riga, 1985, p. 815, p. 515

259 "USSR Economy in 1990. Annual Abstract of Statistics". Moscow, "Finance and Statistics", 1991

260 "History of Latvia. 20th Century", p. 86

261 "Higher School in the Soviet Latvia"

262 Portal "Russians in Latvia": *http//www.russkije.lv/ru/lib/read/the-high-militaty-political-school.html*

263 Encyclopedia "Riga", 1989, 878 p., p. 107

264 "History of Latvia. 20th Century", p. 250.

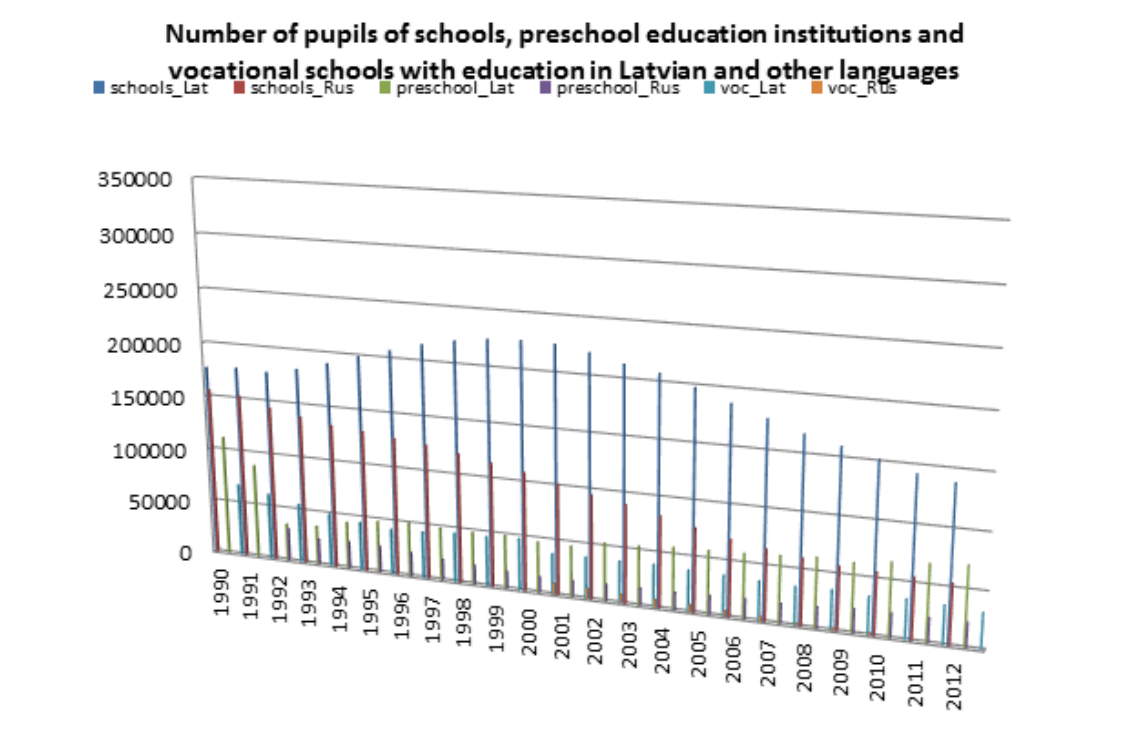
Table 3.7

Education level of the population of the Latvian Soviet Socialist Republic as a whole and of its ethnicities in particular according to the data of four population censuses per one thousand people aged 15 and older

		1959	1970	1979	1989
Total population	Higher	27	50	80	115
	Secondary professional	77	115	155	191
	Secondary general	81	129	203	298
	Basic and below	815	706	562	396
Latvians	Higher	20	41	64	96
	Secondary professional	73	108	143	184
	Secondary general	73	113	177	279
	Basic and below	834	738	616	441
Russians	Higher		62	102	143
	Secondary professional		131	176	201
	Secondary general		157	236	320
	Basic and below		650	486	336
Ukrainians	Higher		93	139	163
	Secondary professional		180	226	249
	Secondary general		201	297	367
	Basic and below		526	338	221
Jewish	Higher		223	331	407
	Secondary professional		203	204	215
	Secondary general		228	234	213
	Basic and below		346	231	165

Figure 3.2

Number of pupils of schools, preschool education institutions and vocational schools with education in Latvian and other languages



The Figure data should be interpreted with due regard to sharp decrease in the population (p. 1.5) and birth rate (p. 1.6 and Figure 1.6) and the consequent deformation of the population age structure (p. 1.7.3 and Figure 1.7).All these factors had also a considerable impact on ethnic composition.

For example, the decrease in pre-school education institutions children number in 2001 results from the demographic pit of 1998. The number of school-age children is more stable. The high birth rate of the eighties provided growth in the total number of pupils up 1998 and in Latvian-language schools up to 2000 due to the fact that many national minority children studied in Latvian.

The situation in the beginning, middle and end of the period is shown in table 3.8.

Table 3.8

Actual and potential pupils of pre-school education institutions, secondary schools and vocational schools in 1989/1990, 2000 and 2011

		Children in pre-school education institutions and children aged from 2 to 6				Children in schools and aged from 7 to 18				Vocational school students and persons aged from 7 to 18			
Year		**1989**	**2000**	**2011**	**Difference**	**1989**	**2000**	**2011**	**Difference**	**1989**	**2000**	**2011**	**Difference**
Number of children	Total	200148	117464	103231	48.4	435118	415148	244255	43.9	110715	106517	72223	34.8
	Ethnic Latvians	108797	80784	74954	31.1	235468	266901	177878	24.5	59811	65657	53312	10.9
	Non-Latvians	91351	36680	28276	69.0	199650	148247	66377	66.8	50904	40860	18910	62.9
Year		**1990**	**2000**	**2011**	**Difference**	**1990**	**2000**	**2011**	**Difference**	**1990**	**2000**	**2011**	**Difference**
Number of pupils	Total	111500	61759	90859	18.5	331857	334572	198469	40.2	67409	48625	34638	48.6
	Latvians		46767	68526		176612	225768	143034	19.0		37990		
	Others		14992	22333		155245	108804	55435	64.3		10635		
Number of institutions	Total	1123	561	605	46.1	986	1037	811	17.7	143	120	65	54.5
	Latvian					585	724	641	-9.6				
	Others					401	313	170	57.6				
Proportion of pupils	Total	55.7	52.6	88.0		76.3	80.6	81.3		60.9	45.7	48.0	
	Ethnic Latvians		57.9	91.4		75.0	84.6	80.4			57.9		
	Non-Latvians		40.9	79.0		77.8	73.4	83.5			26.0		
Average Number of pupils per institution	Total	99	110	150		337	323	245		471	405	533	
	Ethnic Latvians					302	312	223					
	Non-Latvians					387	348	326					

The table shows data for three types of institutions: pre-school education institutions, secondary schools and vocational schools. For each institution type, there are four columns: three columns for the three periods and the fourth column showing the difference between the first and the last period in per cent.

The following data are indicated for each institution type:

1) persons in the age group of potential institution educatees;
2) actual number of educatees;
3) number of institutions;
4) actual to potential educatees ratio (target group coverage);
5) average number of educatees per institution.

Whenever it is possible, in addition to the aggregate data, specific information is given on persons studying in the Latvian language and national minority languages.

Within the 22-year period the total number of children aged from 2 to 6 decreased nearly by 50%, for the national minority population this number decreased by more than two third. Nevertheless, the number of children in pre-school education institutions decreased only by 18%, but in the last decade it has grown. As a result, the number of junior-age children in pre-school education institutions has grown considerably in both ethnic Latvian and non-Latvian population. However, the availability of kindergartens in the native language (mostly Russian) is much worse for national minority families than for Latvian families. In comparison with the Soviet times the load on each pre-school education institution has grown by 50%.

The number of school-age children has dropped almost as dramatically as that of pre-school-age children. The fact that basic school education has been compulsory throughout that period accounts for a similar decrease in basic schools, which was especially painful for national minority schools. There has been a certain growth in education coverage of persons aged from 7 to 18 due to the transition from 10-11 school years in the Soviet times to 12 school years. This coverage is not close to 100%, as some basic school graduates continue their education in vocational schools while some others do not continue it at all.

There is a dramatic difference between the Latvian-language schools and those which teach in Russian (including mixed schools with separate linguistic groups) or in other national minority languages. While the number of Latvian-language schools has grown, number of other schools has decreased by more than 50%.

In the Soviet times occupancy rate of national minority schools exceeded occupancy rate of the Latvian-language schools by 28%, now the reversed difference is 46%.

As for the decrease in vocational schools number and the number of students there, it is much more dramatic than the demographic reasons could account for.

3.2.6. Apart from Russian, tuition is also provided in other national minority languages (see also Table 2.6 from paragraph 2.1.7).

Four schools with the Polish language of instruction, one with Belorussian and one with Ukrainian are financed by the State. The State also finances Lithuanian and Estonian schools with the Latvian primary language of instruction and a Jewish school which mostly teaches in Russian. There is one private Jewish school also teaching in Russian[265].

In 2011/1012 academic year out of 206,440 pupils 72.6% studied in the Latvian language, 26.6% – in Russian, 0.53% – in Polish, 0.09% – in Ukrainian and 0.05% – in Belorussian[266].

Needless to say, each national minority school plays a vital role in the cultural life of the minority and is therefore of significant cultural value for the society as a whole. However, this is not reflected in statistics, as 99.3% of all pupils study either in Latvian or in Russian. In1931/1932 academic year 15.5% of allpupils studied in the non-Russian national minority schools (see paragraph 3.2.3)..

In addition to the conventional weekday schools there also exist Sunday schools. In 2001 there were 33 such schools: for the Azerbaijani, Jewish, Polish, Tatar and Bashkir, Greek, Livonian, Lithuanian pupils. Only 11 of those have survived – Jewish, Ukrainian, Belorussian and Russian Old Believers. 19 children in Liepaja and 6 children in Daugavpils attend Jewish Sunday schools[267].

3.2.7. Let us look at the dynamics of the pupils' number in more detail, using annual data on the share of ethnic Latvians in the population composition and the share of other ethnic groups as well as age groups. Of course, it would be better to use special registers for such investigations, but the author has no access to them.

There is quite an obvious ethnic disproportion in the choice of language for pre-school education institutions (Figure 3.3). Children from national minority families either go to Latvian-language kindergartens or stay at home.

The tendency, though a bit less obvious, continues in schools (Figure 3.4).

Some initial insignificant numerical advantage of Russian-language schools over Latvian-language schools, probably caused by the fact that a notable share of Latvians used Russian as their native language, was rapidly wiped out by the flow of national minority children to Latvian-language schools.

The difference between national minorities proportion in school-age population and proportion of those who study in national minority languages reached its peak (of 5.3% of total pupils' number and 20% of pupils in national minority schools) in 2007 and has been decreasing ever since.

This difference is smaller for secondary national minority schools (Figure 3.5)[268]; however, it has been growing steadily since 2004, the year of the "school reform" (see paragraph 3.1.3).

Situation with school starters looks quite optimistic (Figure 3.6): in the recent years fewer national minority families have sent their children to Latvian-language schools.

Since 2004/2005 academic year the number of school starters in Russian-language schools has been growing steadily, from 4.474 to 5.789 in 2010/2011 academic year i.e. by 22%. The number of school starters in Latvian-language schools was 14,701 and 14,301, respectively. To some extent this is also caused by the fact that the lowest birth rate for national minorities was in 1997, but

265 "Second (22.06.2012, Figure 3-4) Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Latvia".

266 Ibidem, Table 24

267 Ibidem, p. 182-186, as well as the first corresponding report, p.156.

268 Information on the number of pupils in classes with different tuition languages is available on the site of the Ministry of Education and Science.

Figure 3.3.

Comparison of the shares of educatees of the preschool education institutions with different education languages and the shares of Latvians and Non-Latvians among the children of 2-6 years old

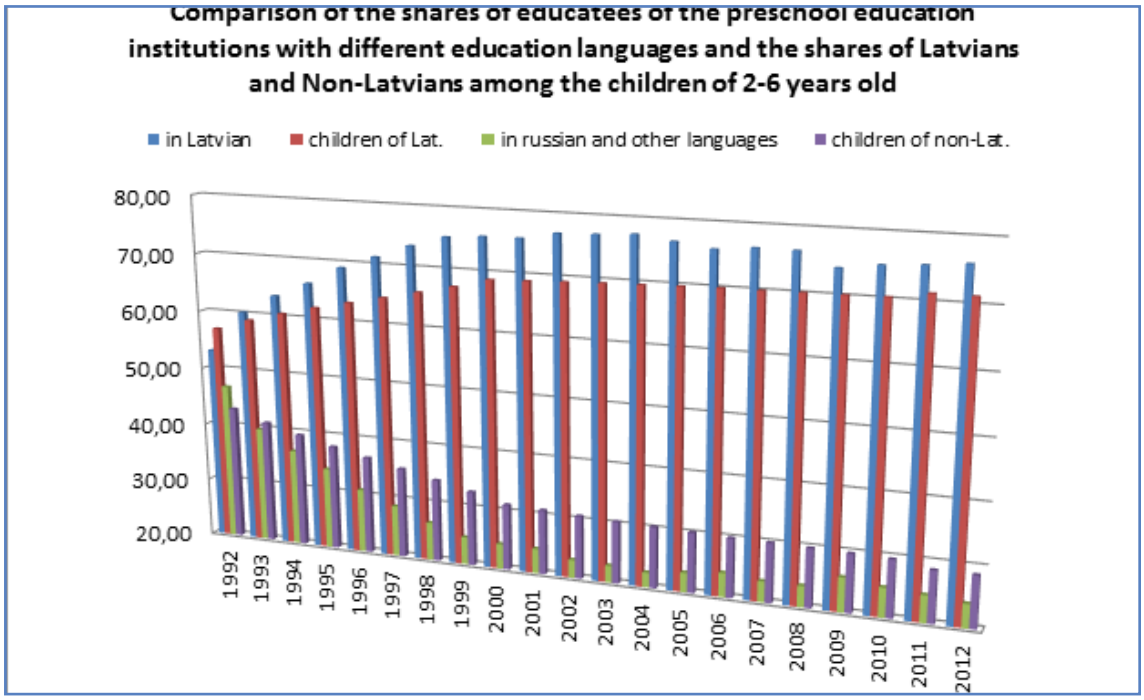
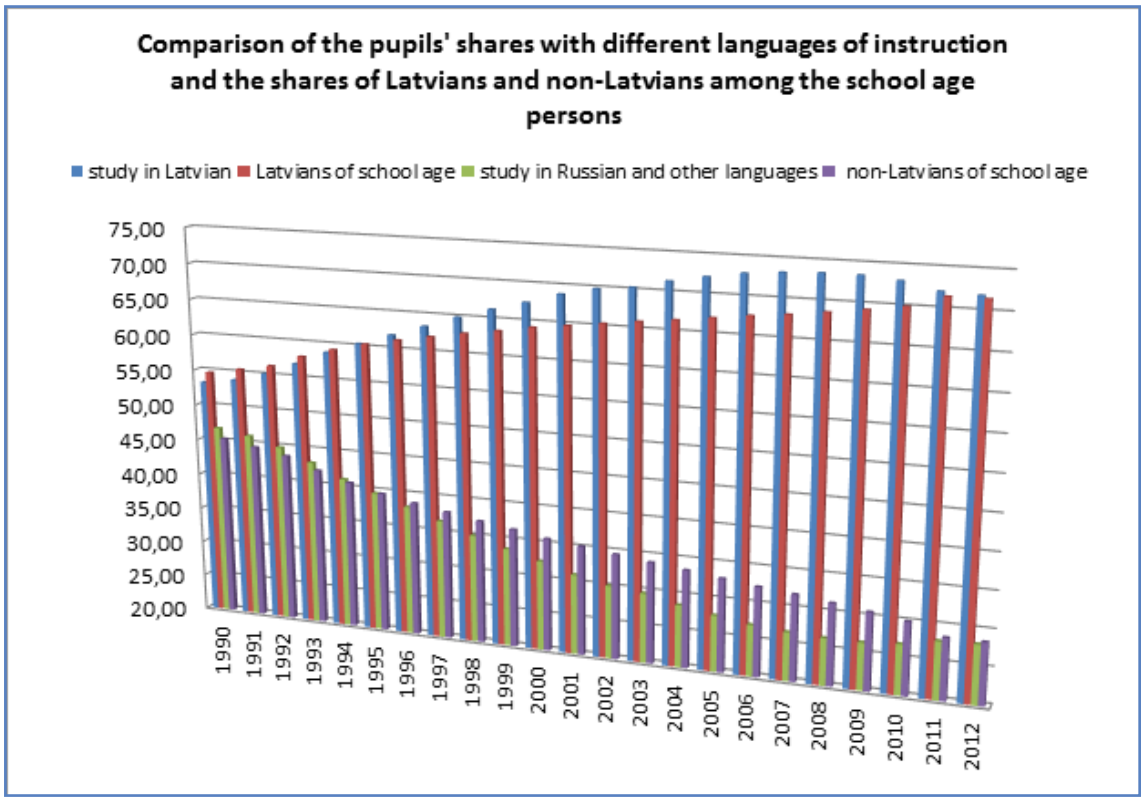


Figure 3.4.

Comparison of the pupils' shares with different languages of instruction and the shares of Latvians and non-Latvians among the school age persons



for Latvians the minimum was in 1998 (see Figure 1.5). The lowest number of schools starters in Latvian-language schools (13,837) was in 2005/2006, and, considering this minimum, there has been 3% growth. However, 2004 was also the peak year of the Russian School Defence Staff campaign against forcing Russian children to Latvian-language schools[269].

Figure 3.5.

Comparison of the shares of the secondary school pupils with different education languages and the shares of Latvians and non-Latvians among the people of 16-18 years of age

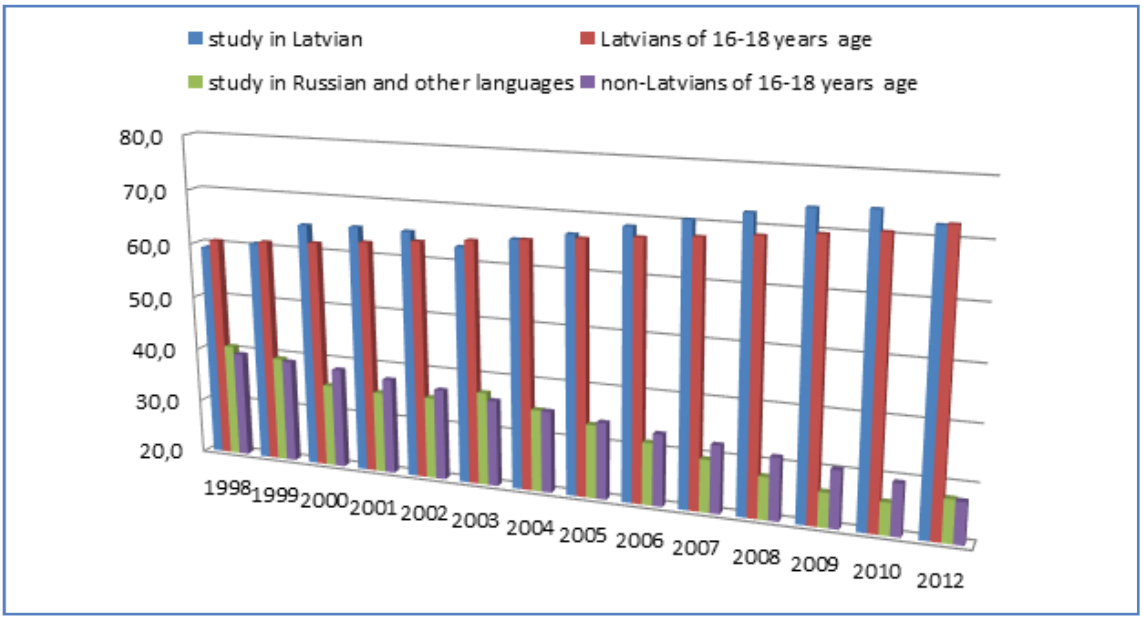
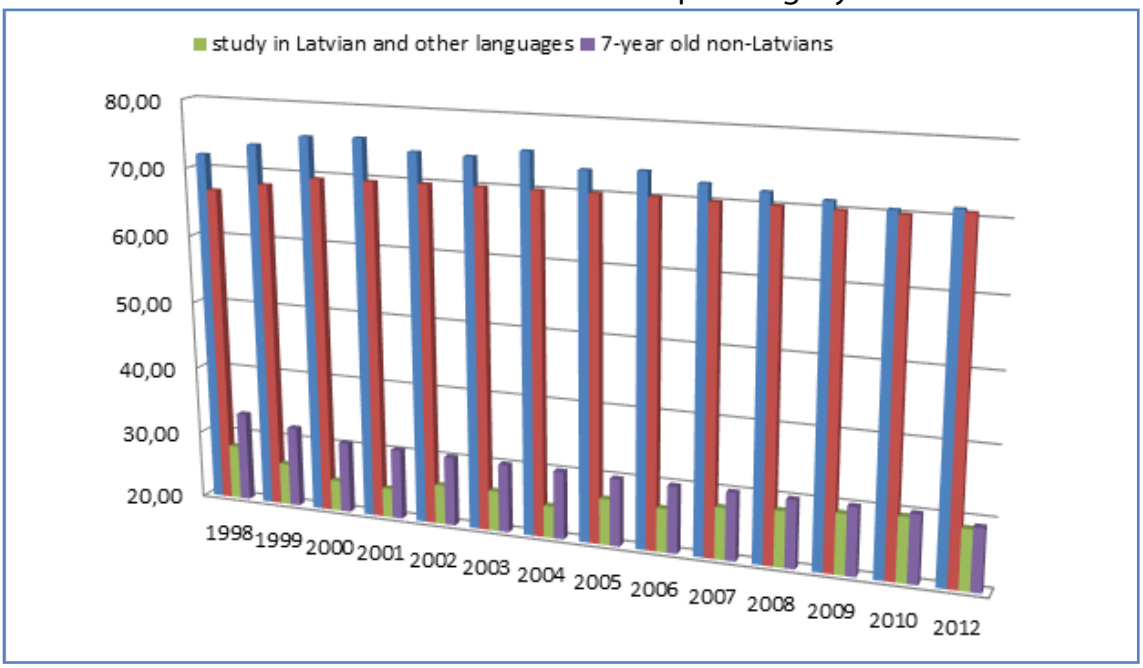


Figure 3.6.

Comparison of the school starters shares of the Latvian and the national minorities schools with the shares of corresponding 7-year old children



269 See, for example, the booklet of active Defence Staff participants Yakov Pliner and Valeri Buhvalov "I Want to Learn in Russian", 2007, Jelgava Society of Russian Culture "Veche", 16 p.: *http://www.zapchel.lv/i/doc/5163d.pdf*

It is also important to look into the issue of choosing the tuition language, which does not always coincide with ethnic background, see Table 3.9.

Table 3.9

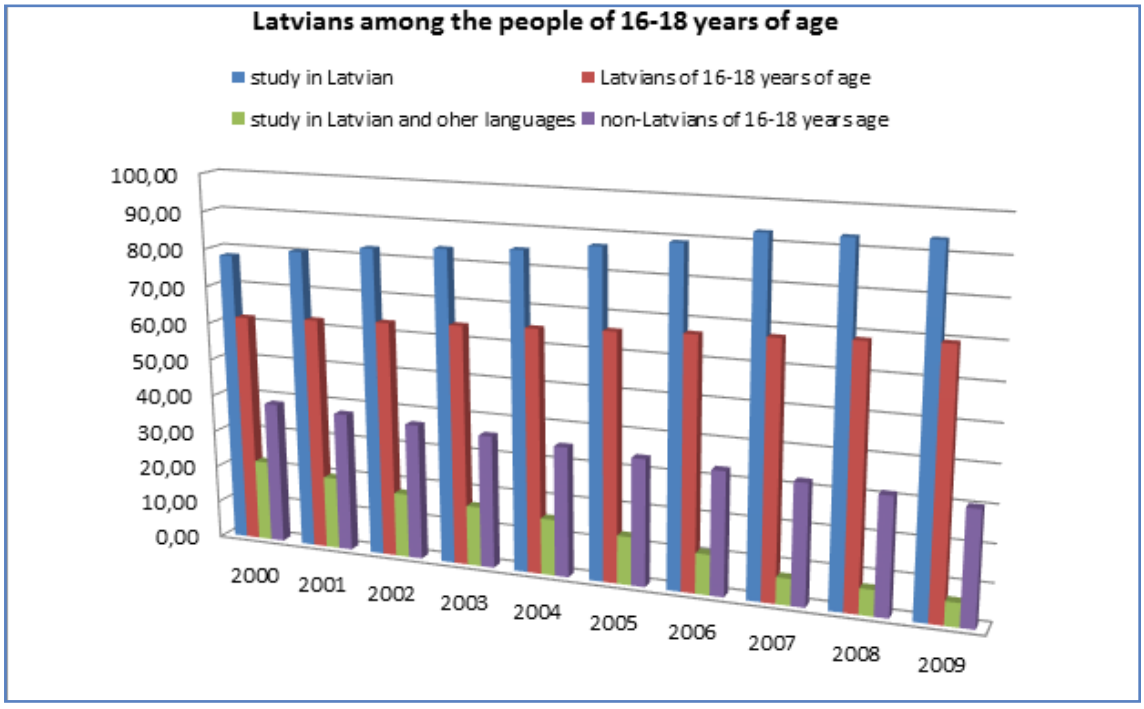
Selection of education in Latvian and in the national minority languages by Latvians and non-Latvians (%)[270]

Group	Subgroup	2006	2007	2008	2009	2010
In the population composition	Ethnic Latvians	71.5	71.9	72.1	71.9	71.9
	National minorities	29.5	29.1	28.8	29.1	29.0
Ethnic Latvians study	In Latvian	95.3	95.5	95.6	95.6	95.5
	In minority languages	4.7	4.5	4.4	4.4	4.5
National minorities study	In Latvian	17.1	16.8	16.7	17.1	16.0
	In minority languages	82.9	83.2	83.3	82.9	84.0
Education in Latvian	Ethnic Latvians	93.4	93.6	93.7	93.5	93.9
	National minorities	6.6	6.4	6.3	6.5	6.1
Education in minority languages	Ethnic Latvians	12.5	12.1	12.1	11.9	12.1
	National minorities	87.5	87.9	87.9	88.1	87.9

As for vocational schools (Figure 3.7)[271], the Russian flows in them are obviously being abolished by administrative pressure.

Figure 3.7.

Comparison of the shares of the vocational schools students with different education languages and the shares of Latvians and non-Latvians among the people of 16-18 years of age



3.2.8. The legislative attack on Russian schools was accompanied by forced school closures against the parents' will, in spite of their protest letters and even their mass hunger strike at the school grounds when Riga school No. 26 was being closed in 1993 (see also paragraph 3.1.12).

270 The reference data are taken from "The Second Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Latvia 2012", Table 23. When calculating the pupils of non-specified ethnicity (circa 10% of the general number, while 80% of them studied in Latvian) they were registered as Latvians or non-Latvians depending on the selected language of education.

271 MES statistics: *http://izm.izm.gov.lv/registri-statistika/statistika-profesionala/4926.html*

The number of Russian schools in Latvia achieved the maximum of 223 in 1992/93 academic year[272] and since then has been decreasing steadily. This process is shown below starting with 1998/99 academic year, when also the total number of pupils started to decrease (table 3.10).

Table 3.10

Decrease in schools' number[273]

Year	Latvian	Russian	Mixed	Schools of other of minorities	Schools where education may be obtained in minority languages	All schools	Average number of pupils in the school with education language:	
							Lat.	Rus.
1998/99	728	195	145	6	346	1074	267	533
1999/00	727	189	133	8	330	1057	277	529
2000/01	724	178	128	7	313	1037	280	527
2001/02	725	175	122	7	304	1029	280	502
2002/03	720	166	124	7	297	1017	277	492
2003/04	729	159	115	6	280	1009	265	492
2004/05	724	155	108	6	269	993	260	468
2005/06	727	152	97	6	255	982	249	440
2006/07	727	148	92	6	246	973	236	409
2007/08	722	141	88	7	236	958	225	399
2008/09	724	135	81	7	223	947	212	391
2009/10	648	114	76	7	197	845	227	431
2010/11	646	103	73	7	183	829	217	454
2011/12	641	99	65	6	170	811	209	458
Total closed	87	96	80	0	176	263		
Total liq., %	12.0	49.2	55.2	0.0	50.9	24.5		

Even in absolute terms, more Russian schools were closed than Latvian ones. Mixed schools abolition was a blow for the pupils of both ethnicities. In spite of the fact that during all covered by the table period most pupils of mixed schools studied in Latvian, from 1998 to 2011 their share among all pupils studying in Latvian decreased from 12% to 6%. But the share of Russian mixed-school pupils among all pupils studying in Russian increased from 12% to 15%.

The necessity of the "school network optimization" was explained by reduction in the pupils' number. But already at the beginning of the process Russian schools had twice as many pupils as Latvian schools and by the end of the period this difference reached 220%. For the whole period decrease in Latvian schools occupancy was 22%, while that in Russian schools was 14%. Apart from that, starting from 2008/09 academic year Russian schools occupancy has been growing steadily, while that of Latvian school continues to decrease.

If the number of Russian schools had not been reduced after 1998, their occupancy would now be 233 pupils. Latvian schools had such index in 2006/07 academic year, the last year before the crisis.

According to the data of the MES site, in 2002 there were 69 Latvian schools and 81 Russian schools in Riga (including private schools), while in 2008 there were 71 and 72, in 2011 – 69 and 58 correspondingly. In 2002 there were 14 mixed schools, in 2011 there were 10 (presumably, 4 schools became purely Latvian).

Thus, between 2002 and 2008 the number of Russian schools in Riga decreased by 9, and between 2009 and 2011 it decreased by 14.

Concerning abolition of Russian schools, the present Riga City Council exceeded the efforts of all their predecessors taken together. The comparative data on the numbers of schools and pupils for the recent period shown in Table 3.11 demonstrate the extent of the unnecessary "ritual sacrifices".

The author attributes the term "ritual sacrifices" to the closures of the Tolstoy School and Lomonosov School, which were located in the prestigious Central district of Riga. In October 2013, a political decision was made to dissolve the only school in Latvia, which dared to include the word "Russian" in its name: "Riga Russian School"[274].

272 Refer to the book "Problems of National Minorities Rights in Latvia and Estonia", p. 67.

273 The reference data on the schools and pupils numbers starting from 1998/99 academic year are available on the MES site.

274 "The Riga Herder secondary school is to be united with the Riga Russian secondary school". Portal Delfi 23 October 2013: *http://rus.delfi.lv/news/daily/latvia/srednyuyu-shkolu-imeni-gerdera-obedinyat-s-rizhskoj-russkoj-shkoloj.d?id=43754176*

Table 3.11

School Closures in Riga[275]

Period	Information kind	Schools	
		Latvian	Russian
2008/09	Schools	63	59
	Pupils	32933	32357
	Average per school	523	548
2011/12	Schools	57	47
	Pupils	28933	30041
	Average per school	508	639
Difference	Schools	6	12
	Pupils	4000	2316
	Average per school	15	-91

The Lomonosov school announced itself a successor[276] of the same-name first Russian female gymnasium, which was built on peoples' donations as long ago as in 1868[277] (see also paragraph 3.2.1).

Before the schools were closed, they had 263, 322 and 344 pupils correspondingly, which is much fewer than the average for the schools of the city. However, in 2011/12 academic year average occupancy rate of Latvian schools in the country was 209 pupils (see Table 3.10). Most of those were village schools, for which rural self-governments somehow managed to find some money, but much better-off Riga City Council did not find any means for Russian schools. Moreover, as it can be seen below, self-governments do not handle Russian village schools with kid gloves either.

Reduction in Russian schools number was especially painful for the regions with relatively small numbers of national minority population (Table 3.12).

Table 3.12

Regional "optimization" of the school network[278]

Descriptions of the Table columns: 1 – all schools; 2 – Latvian, 3 – Russian; 4 – mixed

Region/year	2002				2009				2011			
	1	2	3	4	1	2	3	4	1	2	3	4
Kurzeme region	130	129	0	1	106	105	0	1	104	103		1
Latgale region	173	98	31	44	131	90	17	24	125	92	11	22
Riga region	131	107	3	21	117	102	4	11	111	97	4	10
Vidzeme region	178	163	5	10	150	142	1	7	138	135		3
Zemgale region	140	113	9	18	107	98	1	8	100	96		4
Daugavpils	24	4	17	3	21	3	12	6	17	3	8	6
Jelgava	16	9	6	1	13	8	3	2	13	8	3	2
Jurmala	16	8	3	5	16	10	4	2	15	10	4	1
Liepaja	18	10	5	3	16	9	4	3	16	10	4	2
Rezekne	11	7	4		9	5	4		9	4	4	1
Ventspils	9	3	2	4	9	5	2	2	9	5	2	2
Riga	164	69	81	14	143	71	62	10	137	69	58	10
Latvia	1010	720	166	124	838	648	114	76	805	641	99	65

275 The site of the Riga City Council education department is the source of information on each school of the self-government: *http://www.e-skola.lv/public/32294.html*: pārskati par izglītības iestāžu darbību 2008/09 un 2011/12 g.

276 During the First World War the Lomonosov Gymnasium was evacuated to Ukrainian town Genichevsk and did not renew its activity in the prewar Latvia (see "Schools and Education in Riga: from Old Times to 1944"), p. 100. Though the Constitution of Latvia lost its validity in 1934, which did not prevent it from being renewed after almost 60 years.

277 Concerning the reaction of the Russian community to the closure of this school see the article of Yulia Alexandrova "Who Needs Lomonosov: Abolition of the Lomonosov Russian Secondary Schools", Vesti Segodna of 11 February 2011: *http://www.ves.lv/article/161503*

278 The data are taken from the MES site and are summed up for statistic regions.

The number of schools teaching in the Russian language and mixed schools has decreased throughout the country by 43%, in major cities – by 28%, in the rural regions – by 61%, e.g. in Vidzeme – by 80%, in Zemgale – by85%. In comparison, the decrease in the number of Latvian-language schools throughout the country has been 11%, in major cities – 17%, in the rural regions – 14%, inter alia in Vidzeme – 17%, in Zemgale – 15%.

As a result, the number of pupils studying in the Russian language has been decreasing at an incredible rate (Table 3.13).

Table 3.13

Proportion of National Minorities Pupils in the Rural Regions

The Columns of the Table: 1 – total number of pupils; 2 – share of the pupils, which study by national minority programmes, of the total number of pupils; 3 – share of the given rural region pupils of all national minority pupils; 4 – number of national minority representatives per pupil; 5 – number of ethnic Latvians per pupil of the Latvian school.

**) The reference data for the city of Rezekne look doubtful*

Region/year	2002				2006			2010				
	1	2	3	4	1	2	4	1	2	3	4	5
Kurzeme region	158	2.5	0.2	129.7	80	1.5	233.0	17	0.1	0.0	988.1	7.8
Latgale region	9310	30.2	9.5	10.2	6005	24.6	14.4	4156	21.8	7.1	18.7	7.2
Riga region	4947	12.0	5.1	16.3	3228	9.3	25.3	2516	8.4	4.3	32.8	8.5
Vidzeme region	2211	5.4	2.3	18.1	1128	3.4	31.9	466	1.9	0.8	68.5	8.8
Zemgale region	3621	10.6	3.7	17.8	1943	7.0	30.6	1134	5.3	1.9	47.9	7.8
Daugavpils	12539	83.2	12.8	7.4	9594	80.7	8.9	7259	78.8	12.5	10.8	8.7
Jelgava	2975	31.6	3.0	10.1	2308	28.7	12.1	1900	28.4	3.3	13.6	6.9
Jurmala	2594	38.9	2.6	10.7	1730	33.5	15.4	1404	33.1	2.4	18.1	9.2
Liepaja	4606	37.9	4.7	9.4	3502	33.8	11.3	2829	32.1	4.9	12.7	7.0
Rezekne*)	2676	45.0	2.7	8.1	2100	42.0	9.4	2319	54.5	4.0	7.8	7.6
Ventspils	2462	39.3	2.5	8.3	1736	33.1	10.9	1337	30.6	2.3	13.0	7.1
Riga	49852	53.0	50.9	8.7	38527	50.0	10.5	32833	50.4	56.4	11.4	9.1
Latvia	97951	30.2	100.0	9.9	71881	27.1	12.6	58170	26.9	100.0	14.4	8.0

The table shows that within the covered eight-year period education in the Russian language became virtually inaccessible outside the major cities in all the regions of the country except Latgale. The situation when education in one's native language is inaccessible starting with the very first school year contradicts the Hague Recommendations of the OSCE[279] and considerably restricts the rights provided by Article 14 of the Framework Convention for the Protection of National Minorities. The Convention was ratified by the Saeima on 25 May 2005, which means that the sharp restriction of the opportunity to get education in one's native language took place when the Convention was in effect already.

3.2.9. In 1990/1991 academic year 45,933 students studied in 10 higher education institutions of Latvia at the expense of the State. When higher education turned into business, the number of high education institutions started to grow rapidly. It reached a peak of 61 in 2009/2010 academic year, the peak of students number was in 2005/2006 academic year: 131,125. By 2011/12 academic year there remained 59 higher education institutions. Owing to the economic and demographic crises the number of students is constantly decreasing and by 2011/12 it went down to 97,041, i.e. by 26%[280].

The number of students, who studied at the expense of the state, fluctuated at the range from 28,199 (in 1994/95 academic year) to 35,410 (in 2010/11 academic year), i.e. by 61%-77% of the last similar

279 The Hague Recommendations Regarding the Education Rights of National Minorities (October 1996): "In primary school, the curriculum should ideally be taught in the minority language. The minority language should be taught as a subject on a regular basis".

280 Data of CSB, Table IZG24

index of the Soviet period. Starting with 2005/06 academic year the share of students, who study at the expense of the state, has been growing steadily (from 22.8% to 35.9% in 2001/12 academic year)[281].

Higher education in Russian may only be obtained in private universities and colleges. According to the data of the MES[282] website, in 2011/12 academic year 62,084 and 7080 students studied in 17 public higher education institutions and 17 colleges, respectively. 22,634 and 5237 students obtained education in 18 private higher education institutions and 17 private colleges, respectively.

Our survey on the sites of private higher education institutions and colleges showed that it is presumably possible to obtain education, also in Russian, in 10 private higher education institutions and 2 private colleges, which have 14,633 and 2139 students correspondingly. Not more than 16,793 (17.3%) students out of 97,035 were able to study in Russian. The data on Latvians and non-Latvians age composition[283], according to the 2011 population census,[284] (truncating the outermost ages of below 18 and over 40), show that the share of non-Latvians in the population of the age most promising for education appears to be 32.9%. Thus, formal demand for education in Russian is not even half-satisfied.

The situation is expected to worsen in the future. In 2011/12 academic year 4146 students were admitted to education institutions which offer education in the Russian language, which makes up 16.95% of the total enrolment of 24,457.

3845 students studied in the Baltic International Academy, the largest predominantly Russian institution (the second place among the private higher education institutions after the Turiba Business School, which has 5178 students). The University of Latvia, which is a State institution, holds the first place with 17,790 students.

In 2002, the earliest year for which the data are available at the MES site[285], the Baltic International Academy was called the Baltic Russian Institute (it was founded in 1992). The Institute was the leader among private higher education institutions with 7161 students. The University of Latvia had 30,044 people students. Altogether 118,845 students studied in 40 higher education institutions (including colleges) of Latvia.

The downward trend in the general students number since 2006 cannot be explained by demographic reasons alone. According to the census population files on the 20-24 year-olds group, which is the most promising for obtaining higher education, in 2000 the group numbered 160,983 people, in 2011 – 154,894, but in 2002 – 159,876. Correspondingly, in 2002 there were 1.35 representatives of this age group per student, but in 2011 there were 1.6 representatives of this group per student. The influence of the 2008 crisis is quite obvious – many people of this age could not afford to pay tuition fees.

Private higher education institutions won the battle for keeping their students number high, in fact they even managed to attract more students: between 2002 and 2011 their students number increased from 27,199 to 27,871. The number of state-funded places in the public higher education institutions remained almost unchanged (32,101 and 30,075). Thus, all decrease of students number referred to paid places in public higher education institutions. To a certain extent it may have been due to their limited choice of languages of tuition. According to the above-given data of 2011, those private higher education institutions and colleges, which offer education in Russian, attract 60% of all private institution students.

Of course, it would be more correct to juxtapose the decrease in the students number and the maximum of 2005. Since that time the number of students in private higher education institutions and colleges went down by 25%, while the number of fee-paying students in public institutions went down by 46%.

As for the science, in 2011 there were 1994 scienstists working in 468 (!) scientific institutions. In addition, there were 5383 those who had not lost touch with science, and worked part-time[286].

3.2.10. In spite of the difficulties described above, the growth in the total education level is obvious (Table 3.14)

The Table shows that the "education reform" has achieved its undeclared purpose as ethnic Latvians not only overhauled the so-called "occupants", but outranged them in terms of education.

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281 Ibidem, Table IZG26.

282 The Ministry of Education and Science. Department of Higher Education. "REPORT on the Latvian Higher Education in 2011 (basic statistic data)".

283 Data of CSB, Tables TSG11-06.

284 CSB data of 2011, Table IZG241

285 The Ministry of Education and Science. "Department of Higher Education. Report on Activities of Latvian Higher Education Institutions in 2002".

286 Data of CSB, Tables ZIG01, ZIG02.

Table 3.14

Comparative education levels of Latvians and non-Latvians of all age groups (%)

Data of 1989/2000, author's recalculation of the population censuses (see also paragraph 3.2.4 and Table 3.7). Data of 2002/2007 are results of sample interviews of the population at the age of 15-75 years (the figures are taken from the diagram)[287]*. Data of 2011 are recalculation of the population census results (Table TSG11-19)*

Year / Education level	1989		2000		2002		2007		2011	
	Lat.	Non-Lat.	Lat.	Non-Lat.	Lat.	Non-Lat.	Lat.	Non-Lat.	Lat.	Non-Lat.
Primary ed. and lower	44	34	37	33	29	28	28	24	24	21
General secondary	28	32	31	31	24	23	25	26	23	25
Special secondary	18	20	19	21	32	33	29	32	29	33
Higher	10	14	13	15	15	16	18	18	24	22

In the most active economic group (Table 3.15), which in 2011 included those, who obtained education in the independence years, the advantage of the majority population is still more considerable.

Table 3.15

Comparative Education Levels of Latvians and Non-Latvians at the Age Group of 25-44 (%) [288]

Year / Education level	2002		2007		2011	
	Lat.	Non-Lat.	Lat.	Non-Lat.	Lat.	Non-Lat.
Primary and lower	13	12	14	12	15	15
General secondary	25	25	26	26	22	26
Special secondary	42	46	34	40	28	33
Higher	20	17	26	22	35	27

3.2.11. The policy of destroying education in the Russian language is also implemented in the neighbouring Baltic States[289] (see also paragraph 3.1.12). Table 3.16 shows comparative data on the population of the Baltic States and their major ethnic groups and the numbers of those who studied in the languages of these groups in three periods.

The positive effect of the Soviet demographic policy on the pupils of all the countries was still obvious in the beginning of the XXI century. Nevertheless, the number of Latvian and Estonian pupils decreased more rapidly than the number of adult population throughout the period.

As for the pupils studying in national minority languages in Latvia and in the Russian language in Lithuania, the decrease in their numbers was proportional to the squeeze-out of the groups' adult population. In the following decade the process was sped up by a dramatic birth rate decrease among national minorities in comparison with the national majority as well as taking national minority children to schools teaching in the majority languages.

The first ten years saw some positive dynamics of Polish education in Lithuania due to overcoming the Soviet bilingualism principle which did not provide sufficient support to other minority languages. During the last decade the curtailing process has also affected the Polish school. Unlike in Latvia and Estonia, the data on the Russian school in Lithuania prove that its essential role in education of non-Russian ethnic groups has not yet been lost.

Let us also have a look at enrolment dynamics of the school starters number in the Estonian schools (Fig. 3.8), using the data available on the Estonian Central Statistic Office site.

287 "How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges", Editor Nils Muiznieks; University of Latvia Advanced Social and Political Research Institute. Riga: University of Latvia Press, 2010. 292 p. ISBN 978-9984-45-172-5, p. 129.

288 For 2002, 2007 – Ibidem (data are taken from the diagram), for 2011 – population census (Table TSG11-19)

289 The first detailed analysis was given by the author in his paper "National Policy and Demography of the Russian Population in Latvia, Lithuania and Estonia" at the Regional Conference of Russian Compatriots on 28 August 2011: *http://www.zapchel.lv/i/doc/Dokl_2808_2011_ill.pdf*

Table 3.16

Dynamics of Population and Numbers of Pupils in the Baltic States between 1990 and 2011[290]

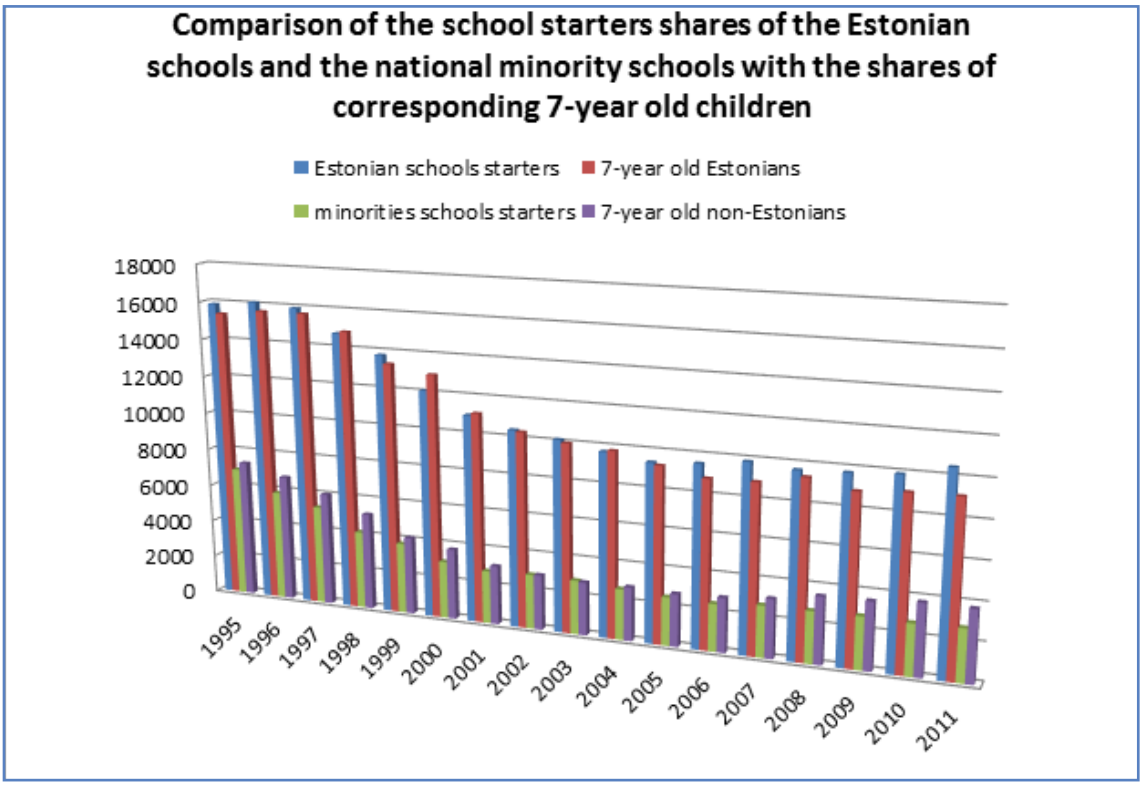
The columns referring to specific years show absolute figures. The last column shows the correlation of corresponding difference of 2011 and 1990 in percent to 1990. The data on population referring to 1990 are given according to the census of 1989.

State	Category	Group	1990	2001	2011	Difference, %
Latvia	Sizes of the groups	Total population	2666567	2364254	2070371	22.4
		Ethnic Latvians	1387757	1368994	1285136	7.4
		National minorities	1278810	995260	785235	38.6
	Number of pupils belonging to the group	All pupils	331857	326772	198469	40.2
		In Latvian	176612	225030	143034	19.0
		In minority languages	155245	101742	55435	64.3
	Total number of the group members per pupil	All pupils	8	7	10	29.8
		In Latvian	8	6	9	14.3
		In minority languages	8	10	14	72.0
Estonia	Sizes of the groups	Total population	1565662	1366959	1294236	17.3
		Ethnic Estonians	963281	933203	885257	8.1
		National minorities	602381	433756	408979	32.1
	Number of pupils belonging to the group	All pupils	218807	207612	136104	37.8
		In Estonian	137848	153304	109919	20.3
		In minority languages	80959	54308	26185	67.7
	Total numbers of the group members per pupil	All pupils	7	7	10	32.9
		In Estonian	7	6	8	15.3
		In minority languages	7	8	16	109.9
Lithuania	Sizes of the groups	Total population	3674800	3484000	3043429	17.2
		Ethnic Lithuanians	2924300	2907300	2561314	12.4
		Russians	344500	219800	176913	48.6
		Polish	258000	235000	200317	22.4
	Number of pupils belonging to the group	All pupils	496740	578818	392922	20.9
		In Lithuanian	409295	519177	363930	11.1
		In Russian	76038	37672	15552	79.5
		In Polish	11407	21710	12895	-13.0
	Total numbers of the group members per pupil	All pupils	7	6	8	4.7
		In Lithuanian	7	6	7	-1.5
		In Russian	5	6	11	151.1
		In Polish	23	11	16	-31.3

290 The absolute data on population and numbers of pupils were taken from the sites of CSBs of the corresponding countries.

Figure 3.8.

Comparison of the school starters shares of the Estonian schools and the national minority schools with the shares of corresponding 7-year old children



These data are essentially different from similar data on Latvia, which are presented in Fig. 3.6 (refer to paragraph 3.2.5). As in Latvian case, transfer of national minority children into national majority schools has been observed during the whole period.

Nevertheless, over recent years in Latvia growing readiness of national minorities representatives to send their children to Russian school is observed.

In 2002-2003 similar phenomenon was noticed also in Estonia, but by now the assimilation process is only advancing. From 2007 to 2011 numbers of the Russian school starters remained almost unchanged (2724 and 2775). But numbers of the seven-year children of the national minorities increased from 3112 to 3784, i.e. by 22%. During the same period numbers of the school starters in the Estonian schools increased, though modestly: from 9882 to 10485, i.e. by 6%.

Described in paragraph 3.2.8 process of outrunning reduction of Russian schools is characteristic for other Baltic States as well (Table 3.17)[291].

Table 3.17

Comparative rates of Russian schools number reduction in the Baltic States

State / Year	Latvia		Lithuania		Estonia	
	All schools	Including Russian	All schools	Including Russian	All schools	Including with teaching languages of minorities*)
1996	1112	205	2372	85	739	137
2012	807	99	1242	33	534	94
Rates of reduction	1.38	2.07	1.91	2.58	1.38	1.46

**) Due to Estonian statistics number of schools "with other languages of instruction" decreased from 60 in 2010 to 10 in 2011. Number of mixed schools increased from 31 to 83. The phenomenon is surely connected*

291 References: Concerning Latvia of 1996 – book "Problems of national minorities rights in Latvia and Estonia". M: FIP, Russian Panorama, 2009; Latvia of 2012 – the Ministry of Education and Science site; For all Lithuanian schools– CSB, for the Russian schools – Andrey Fomin, "Struggle for the Russian school in Lithuania", in the collection "Ethnic conflicts in the Baltic states". Riga, 2013; on Estonia – CSB data

with partial transfer of the minorities schools to the Estonian language of instruction. Therefore for Estonia general number of schools is given, where education is provided including at minorities languages.

3.3. Cultural disparities

3.3.1. A good visualization of the development of the Latvian ethnic arts is given by Table 3.18, which is reproduced completely from the source[292] (correcting one arithmetic mistake and adding one column on the right). 99 masterpieces of the Culture Canon, which was prepared upon request of the Ministry of Culture, have been analyzed there. Each of the masterpieces in 7 branches of arts was awarded with 1 grade, which was distributed uniformly through historic periods, if it was not possible to refer the masterpiece completely to one historical epoch.

Table 3.18

Time of masterpieces' creation

	Very ancient	Under the Livonian Order	Under Swedes/ Poles	Under Russian Empire	Under the Republic of Latvia (First)	Under Hitler	Under USSR	Under the Republic of Latvia (Second)	Total
National traditions	7	0	0	4.5	0	0	1.5	0	13
Visual art	0	0	1	6.25	5.25	0.25	2.25	0	15
Scenic art	0	0	0	1	0.33	0.33	11.84	1.5	15
Music	0	0	0	6.25	1.25	1.25	3.25	0	12
Literature	0	0	0	5.33	3.33	0.34	4.5	0.5	14
Architecture and design	0.2	0.53	0.86	5.04	4.2	0	4.33	2.84	18
Cinematography	0	0	0	0	1	0	11	0	12
Total	7.2	0.53	1.86	28.37	15.36	2.17	38.67	4.84	99

When Latvia was a part of a larger state formation, it was also favourable for sport achievements of both Latvians and national minorities representatives (Table 3.19).

Table 3.19

Successes of the Latvians at Olympic Games[293]

Medallists	Category	Being a part of USSR/Russia	National team of Latvia	Total
	Olympiads	15	19	34
	Participants	132	610	742
All	Medals	62	22	84
	Including golden	20	3	23
Latvians	Medals	35	15	50
	Including golden	8	2	10
Representatives of minorities	Medals	20	9	29
	Including golden	12	1	13

In 1912 in Stockholm a member of the national team of Russia Haralds Blaus won the Bronze medal in clay target shooting, the first Olympic medal in the history of future Latvia.

The persistence of problems of culture development, typical after disintegration of empires, is confirmed by the data from the division "culture" of the CSB database. From 1990 to 2012, the

292 Youri Alexeev: "How Latvians suffered under occupants. In terms of culture". Site IMHOclub, 18 September, 2012: *http://www.imhoclub.lv/material/kak-muchilis-latishi-pri-okkupantah*

293 Data on all the participants – CSB, Table VAG24. Data on ethnicity of medallists are author's subjective estimation on the basis of information of names at the Latvian Olympic Committee site: *http://www.olimpiade.lv/abc/?selected=10* Due to availability of several sportsmen from Latvia in one medal-awarded team, participation of Latvians from other USSR regions and personal data incompleteness summarized information of both sources is a bit different.

number of libraries in the country decreased from 1317 to 815, the number of readers decreased from 902 to 434 thousand, while annual books lending reduced from 22.7 to 13.4 million copies.

From 1993 to 2012 number of museum visitors increased from 1.2 to 2.6 million, but in 1990 their number was 3.9 million people. From 2004 to 2012 number of theatre visitors increased from 0.7 to 1 million, but in 1990 there were 1.6 million theatre visitors.

Annual circulation of magazines and other periodicals decreased from 68.3 to 39.2 million copies, while that of newspapers was reduced from 476 to 100 million copies, i.e. almost five times.

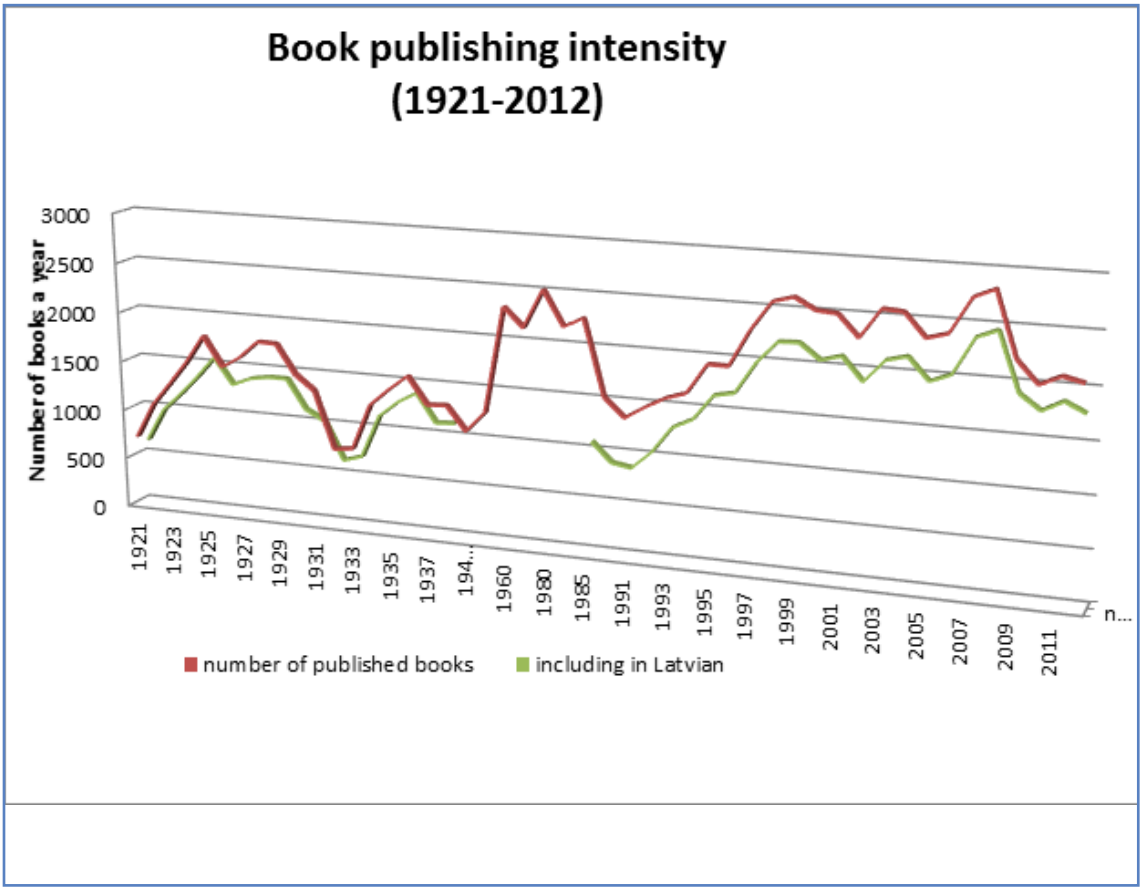
Thanks to absence of the "GLAVLIT"[294], in 2012 more books were issued – 2083 in comparison with 1564 in 1990. But their circulation decreased almost six times – from 20.8 to 3.5 million copies. Even 75 years ago, in 1936, more books were issued – 4.022 million copies. Average size of a book in Latvian was 145 pages and that in Russian – 218 pages[295].

Intensity of Latvian book publishing (Figure 3.9) is presented by the author according to 4 sources.[296] In particular, consequences of 1932/33 crisis are visible in Figure 3.9.

Unfortunately, there are no data on issued books language for the Soviet period, apart from 1980-1985. In any case, at the boundaries of time lacuna, in 1938 – 1118 books were issued, in 1980 – again 1118 books in Latvian.

Figure 3.9.

Book publishing intensity (1921-2012)



3.3.2. More complete visualization of the languages of book publishing is given in Figure 3.10, where the shares of books in Latvian and in Russian are presented in relation to general number of issued books.[297] Here these shares relation to the shares of the people whose corresponding language is native

294 Main Administration for Safeguarding State Secrets in the Press in Soviet times.

295 "Latvian cultural statistics". 1918-1937, p. 128.

296 The data on 1938 are given according to CSB, Table VS170, 1940-1960 – Encyclopaedia "Soviet Latvia", 1980-1990 – USSR Economy (1990), 1990 – 2011 – CSB data, Table KUG12.

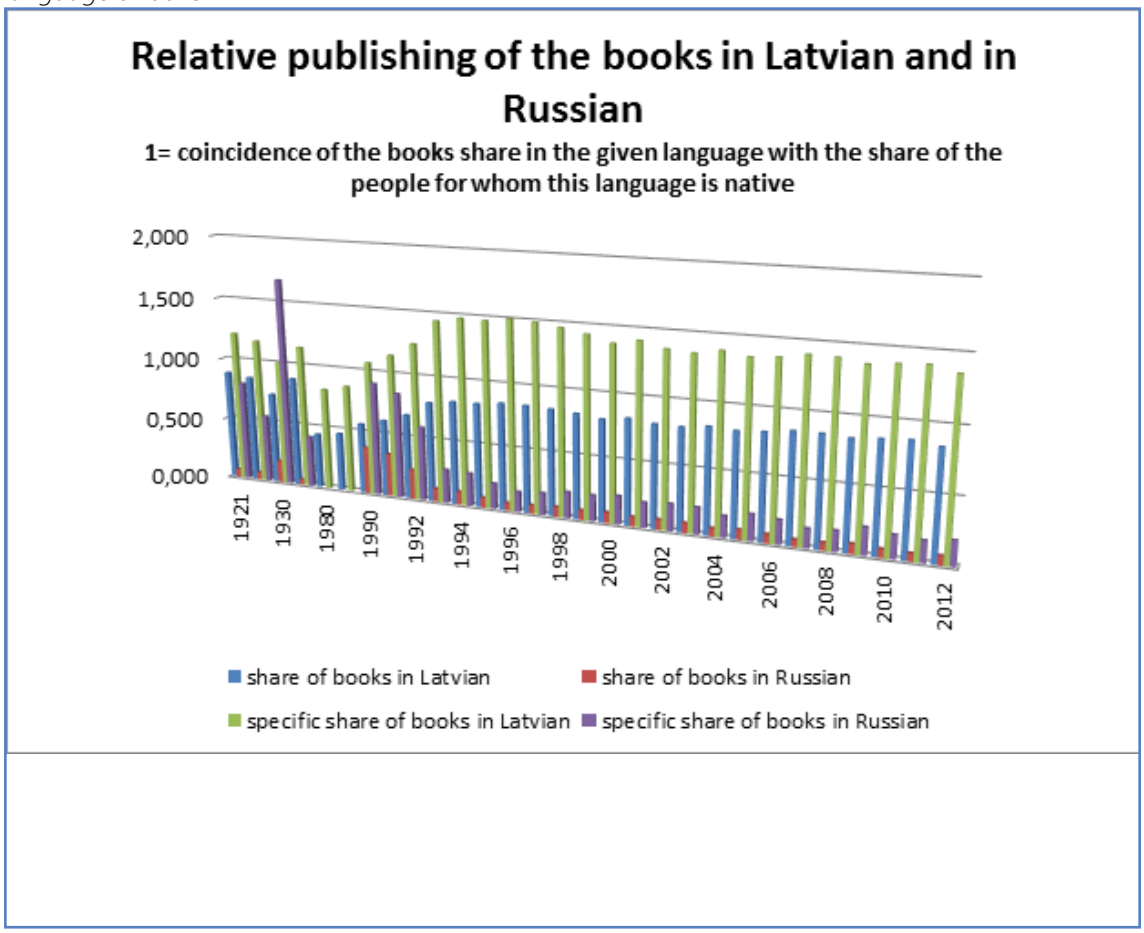
297 The source on the number of books in Russian, which were issued in pre-war Latvia: "Latvian cultural statistics". 1918-1937, p. 128. In the period after 1990 not only original publications, but also translations were included in the number of issued books in Latvian and in Russian. In 2011, original publications of books in Latvian made up 64% of total number, while that in Russian made up 82%.

is also presented (for the 1930s the population share of the Latvians was taken, for 2011 family spoken language was taken, linear interpolation was used for the periods between population censuses).

Figure 3.10.

Relative publishing of the books in Latvian and in Russian

1= coincidence of the books share in the given language with the share of the people for whom this language is native



During the whole known period the specific share of books in Latvian was less than one (0.82 – 0.86) only in 1980 -1985, and in the last Soviet year (1990) it was 1.07, what, in any case, may be interpreted as gradual liberalization of conditions for Latvian authors.

In 1990 the specific share of authors, who prefer to be published in Russian, was a bit less than one (0.91), i.e., almost corresponded to the Russian speaking share of the population. After a year this share fluctuated about the value of 0.2, i.e. the number of Russian speaking authors was five times less than it may be expected on the basis of the share of the population whose native language was Russian.

As for the authors who published in Latvian, after 1993 their specific share fluctuated about the score of 1.4, what is absolutely not characteristic for the allegedly restored (refer also to paragraph 3.1.1) the First Republic of Latvia. In the period of 1921-1935, this index fluctuated around the score of 1.2 and in 1930 at all made up 1.0.

During this period the share of the books, which were issued in Russian, was comparatively low, but in 1930 it was essentially greater than during the whole period of the Second Republic. In 1930, 1112 books in Latvian and 269 books in Russian were published, while in 2011 – 1856 and 132 books, respectively. In 1930, the specific share of the books in Russian achieved the all-times high value of 1.677, though at that time the Russian language also fulfilled an integrating role in the society. At any rate, the share of the people, whose mother tongue was Russian, exceeded the share of ethnic Russians in the population about 1.25 times.

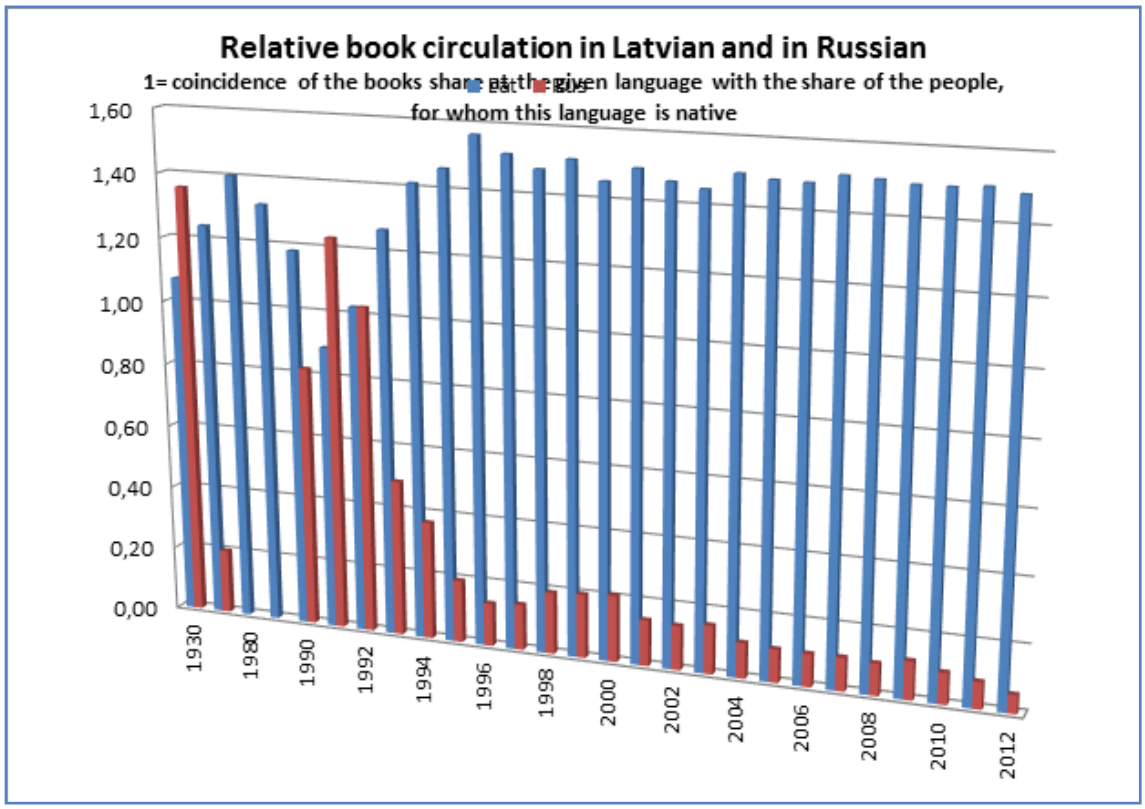
The data on books circulation,[298] which mostly affect the interests of not authors but readers, are given in Figure 3.11.

298 The sources are the same as for the previous figure, apart from the 1930/35 data, which were taken from the book "Latvian cultural statistics". 1918-1937, p. 128.

Figure 3.11.

Relative book circulation in Latvian and in Russian

1= coincidence of the books share at the given language with the share of the people, for whom this language is native



Fast decline of the circulation of the books in Russian in 1930-1935 is not a mistake, but a complex result of 1932 economic crisis (circulation decline almost five times) and the authoritarian regime replacing the democratic republic after coup-d'etat of 15 May 1934 (further decline two times, while increasing books circulation in Latvian two times).

According to 1980-1990 data, during the Soviet time relative circulation of publications in Latvian exceeded the share of potential readers within the population and in 1980-1985 this exceeding was greater than during pre-war Latvia.

During the whole 82 years period there was one exception, when books circulation in Russian exceeded the share of the language speakers within population. In was in the turbulent 1991 and 1992, which was connected with publications export from censorship-free Latvia to other regions of the disintegrating USSR.

By the degree of abolition of the Russian publishing the Second Republic turned out to be stronger than both crisis and authoritarian regime: in 1935 specific circulation of the books in Russian made up 0.2, in 2011 – 0.08, i.e. 12 times less than in case of equality.

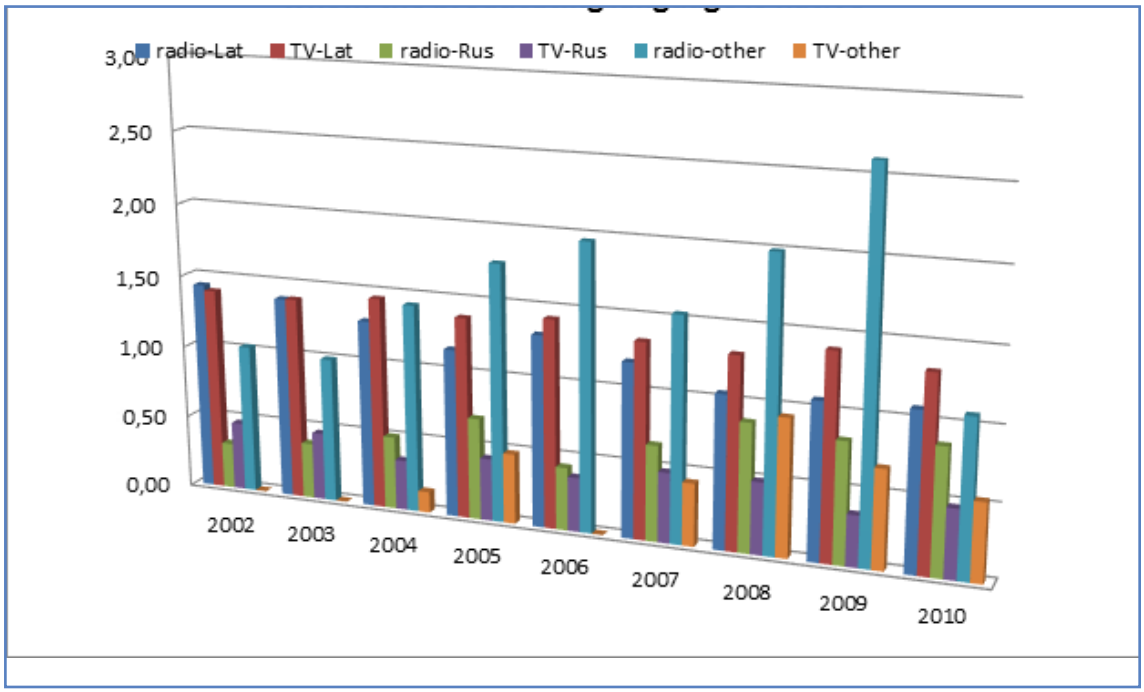
The presented data convey the suggestion that the Russians forgot how to write and read, returning to their literacy of the First Republic period. Yet the above-mentioned data on the education level (see paragraph 3.2.10) do not confirm that. Good indices remain on the newspapers circulation as well: in 2012, total circulation of newspapers made up 100 million copies, including 57 million copies in Latvian. Other newspapers are mostly issued in Russian, i.e.,their share makes up about 43% of the circulation, while there are 37% of people with Russian as family language among the population.

3.3.3. Data on the languages of radio and TV broadcasting also do not testify to equal rights of the two language communities in receiving information (Figure 3.12)[299].

299 Initial absolute data for 2002-2005 and 2006-2010 were taken from the First (27.09.2006, paragraph 120) and the Second (22.06.2012, Figure 3-4) Reports on the Implementation of the Framework Convention for Protection of National Minorities by the Republic of Latvia. Though the government claims that it has taken them from the official CSB statistics, this information at the CSB site is inaccessible. Data on the shares of people, whose Latvian, Russian or third language is native, are interpolated by population censuses of 2000 and 2011.

Figure 3.12.

Broadcasting intensity relative the share of the people, for whom the broadcating language is native



In 2005 and 2008 there was a slight tendency of broadcasting shares in Latvian and in Russian approaching the shares of corresponding language speakers within the population, at least in respect of radio. But the conclusion of the government that "there is a clear tendency for the share of the Latvian language to diminish, while we see an absolute and proportional increase in the use of Russian and other languages"[300] is not proved by statistics. The data mentioned cannot be a ground for artificial measures of limiting broadcasting in minorities languages, which were described in paragraph 2.2.7.

Of course, broadcasting does not recognize borders and Russia is nearby, but Latvian speakers also may make choice between more qualitative products of the neighbour and domestic radio and TV. In 2012, 29.5% of the Latvians paid attention to news in Russian regularly and 41.6% of national minorities representatives paid attention to news in Latvian[301].

3.4. Historical memory

3.4.1. Legal evaluation of 1940-1991 events is not free but based on Declarations of the Saeima of the Republic of Latvia:

1) "On Latvia's Occupation" of 22 August 1996[302];

2) "Regarding Latvian Legionnaires in World War II" of 29 October 1998;

3) "On Condemnation of the Totalitarian Communist Occupation Regime implemented in Latvia by the Union of Soviet Socialist Republics" of 12 May 2005.

According to the Declaration on Occupation…:

"At the end of the World War II the USSR restored the occupational regime in Latvia and its government purposefully flooded Latvia with hundreds thousands of migrants and tried annihilate Latvia's nation identity with their assistance".

The Declaration On Condemnation of the Totalitarian Communist Occupation Regime… claims that "crimes committed by the USSR totalitarian communist regime have neither been investigated nor have received any international condemnation" and comprises the call "to acknowledge that the Russian Federation as the legal and political successor of the USSR is morally,

300 For example, see paragraph 157 of the Second Report.

301 Janis Juzefovics. "News at the public service television. Selection of mass media news by age and ethnic (linguistic) groups in Latvia". Vidzemes augstskola. Valmiera, 2012. 60 p. *http://politika.lv/article_files/2212/original/Zinas_sabiedriskaja_TV_Zinu_mediju_auditorijas_Latvija.pdf?1348745032*

302 Published in Latvijas Vestnesis No. 143, 27.08.1996

legally and financially responsible for the crimes committed against humanity in Latvia, as well as for loss and damages caused to the Republic of Latvia and its population during the occupation, and, in compliance with the basic principles of international law, to fulfil its obligation to compensate the loss and damages caused to Latvia and its population as a result of unlawful activities".

According to the Declaration Regarding Latvian Legionnaires…

"forcible participation in the USSR armed forces is not considered as support of Stalin's regime, whereas forcible participation in the Latvian Legion, which fought as part of the German armed forces, is currently interpreted by some political demagogues as support of the German fascist regime, although the Latvian citizens had no say about incorporating the Latvian Legion into the Waffen SS.

In fact, some Latvian citizens volunteered to join the Latvian Legion, but this happened because the USSR perpetrated genocide in Latvia in 1940–1941. … At that time, Germany also committed war crimes and genocide in Latvia, but these had a significantly smaller impact on Latvian citizens".

The Declaration Regarding Latvian Legionnaires… had been adopted the same day, by the same Saeima membership and, possibly, with the same intentions as the Education Law, whose initial wording stipulated for a complete transfer of education in public secondary schools of national minorities to the official language starting from 1 September 2004.

Prepared by FHRUL, a Declaration "On Unacceptability of Acquitment of Nazi Regime Crimes, Glorification of those who were Fighting on Nazi Side and Nazism Restoration Attempts" was rejected by the Saeima two times (23.03.2006, 15.03.2007). The Declaration drafts were prepared in full concordance with the resolutions of the UN General Assembly of an analogous title, provided with corresponding references and stipulated, in particular, recognizing the Declaration "Regarding Latvian Legionnaires in World War II" to be null and void.

A large part of the veterans, who were fighting on Hitler's side, receive benefits in accordance with two legislative acts: the Law "On Establishment of the Status of a Politically Repressed Person Aggrieved by the Communist and Nazi Regimes" of 12 April 1995 and the Law "On the Status of a National Resistance Participant" of 25 April 1996.

Free travel on public transport and various tax advantages are granted to the subjects of the first Law; most of legionnaires as "having suffered from the communist regime" come within provisions of this Law. The second Law, as amended on 16 June 2006, stipulates payment of monthly benefits at the amount of 50 LVL (about 100 USD). Though this grant is received only by those legionnaires, who did not lay down arms after liberation of Latvia by the Soviet troops. At voting in the Saeima on 18 September 2008, only one vote was short for transfer to the commissions of the legislative draft, which should spread this Law to all legionnaires.

The Saeima factions, which were elected by the Russian voters predominantly, submitted legislative drafts on the status of Anti-Hitler coalition veterans into the Saeima 12 times. Constantly (04.12.1996, 06.03.1997, 19.03.1998, 18.02.1999, 11.05.2000, 08.05.2003, 25.11.2004, 17.11.2005, 22.12.2005, 11.05.2006, 22.02.2007, 26.03.2009), they were rejected by the overwhelming majority of votes, already at the stage of transfer to commissions.

The attempts to acknowledge the Anti-Hitler coalition veterans as national resistance participants (16.06.2005, 21.02.2008) or politically repressed by the Nazi regime (14.10.2004) were also rejected.

Apart from the above, paragraph 1 of the Transitional regulations to the Law on State Pensions (adopted on 2 November 1995) stipulates including time in the Stalin concentration camps into the time of employment, while similar grants are not foreseen for the Nazi concentration camps prisoners. Time in the army field forces or partisan units, which were fighting on the side of the Anti-Hitler coalition during the Second World War, is not included into the time of employment for the aims of calculating pensions, equally as the service in the Soviet Army (apart from the involuntary service).

The attempts to amend the situation were many times (17.11.2005, 23.03.2006, 19.10.2006, 02.11.2006, 08.11.2007) rejected by the overwhelming majority of the Saeima members.

Traditionally, the Security Police is combating persons who try to deviate from the "correct" historical line (for example, see the case of the writer of these words [303] and the case of Ruslan Efimov, a journalist from Daugavpils[304]). In 2012, the Saeima, the Ministry of Foreign Affairs and even the Ministry of Defence intervened in the witch-hunt arduously.

MFA first blacklisted two Russian historians[305] and then two Russian media specialists[306]. A day before blacklisting, both aggrieved pairs had meetings with compatriots in Latvia. Historians

303 See V. Buzaev's article "I deny but not glorify" in the newspaper Chas of 14.06.2011: *http://www.chas.lv/society/theme/city/9231-otricaju-no-ne-proslavljaju.html*

304 The accused in public acquittance of 1941 deportations was sentenced to 60 hours of forced labour. BNS, 3 August 2011: *http://rus.delfi.lv/news/daily/latvia/obvinyaemyj-v-publichnom-opravdanii-deportacij-1941-goda-prigovoren-k-60-chasam-prinuditelnyh-rabot.d?id=39930395*

305 MFA of Latvia blacklisted the Russian historians. IA Regnum, 03.03.2012: *http://www.regnum.ru/news/1505518.html*

306 Kolerov and Pavlovski were declared personae non grata in Latvia: 08.08.2012: *http://www.regnum.ru/news/1559289.html*

A. Dyukov and V. Simindey were preparing to show exhibition "The Stolen Childhood" devoted to consequences of Hitler castigators', which comprised the Latvian police battalions, actions in Belarus. Vladimir Simindey was born and grew up in Riga.

At the initiative of the Saeima sub-commission on patriotic education the Security Police initiated a case against publicist Alexander Gilman for his article on 1949 deportations[307]. Gilman himself was born in exile and competently wrote about attitude to the Latvian exiles in Siberia without darkening overstatements, as it is required by semi-official organs.

The Minister of Defence sent a letter to the Security Police[308], demanding to initiate a criminal case and to close the Russian Society in Latvia, one of oldest and most influential ethno-cultural organizations. The Minister did not like the map of burials of the Soviet warriors, created by the Society, as well as some publications at the Society website.

3.4.2. A study of 2008 [309] testifies that 74% of those polled estimated their relations with representatives of other ethnicities as good and very good. 47% of the respondents named social and material stratification as the basic reason of the split in Latvian society, while 35% named the language barrier. The third place (32%) was taken by political appeals of "extremely right and left parties", the fourth place (30%) by historical memory.

Citizens and non-citizens celebrate official holidays differently. However, they have two main holidays in common: New Year and Christmas. At subsequent places for non-citizens there are 8 March (82%), Easter (76%), the pagan holiday of the summer solstice Ligo (72%), the Victory Day (63%), while for citizens there are Ligo (92%), Easter (90%), 8 March (57%), Mother's Day (53%), Independence Day 18 November (50%).

The Victory Day is also celebrated by 14% of citizens polled, while there are 27% of non-Latvian citizens among the population.

In spite of the fact that the Victory Day does not have an official status in Latvia, annually hundreds thousands of people throughout Latvia go out for the holiday events, including no less than 100 hundred people in Riga during last 10 years (see also paragraph 3.4.4).

Attitude to historical events is handed down from generation to generation, which was shown by the survey of 207 Latvian and 193 Russian 12th grade pupils in November 2008 – January 2009.[310]

According to the Latvian pupils in 1941 Nazis: liberated (8.3%), occupied (45.1%), both occupied and liberated (41.7%) Latvia. Among the Russian counterparts these answers were selected by 5.5%, 62.4% and 28.6% of those polled.

The answers on the same question on the Soviet Army role in 1944/45 were even more different: the Latvians – 12.1%, 61.7% and 20.4%, the Russians – 65.1%, 4.7% and 25%.

Attitudes of the Latvian and the Russian pupils to 9th May and 16 March Days are completely opposite (Table 3.20).

Table 3.20

Answers of pupils to the questions about the attitude to the celebration of 9 May at the Victory Monument and the former legionnaires march on 16 March (%)

Date	Language of education	Positive	Rather positive	Rather negative	Negative	Difficult to say
9 May	Latvian	12.1	30.6	24.3	20.9	12.1
	Russian	82.3	12.5	2.6	1.6	1
	Total	46	21.9	13.8	11.6	6.8
16 March	Latvian	19.9	47.6	19.4	2.9	10.2
	Russian	3.2	7.4	13,7	65.3	10.5
	Total	11.9	28.3	16,7	32.8	10.4

307 "The safety police initiated the criminal procedure against the publicist for the "incorrect" article". IA Regnum, 29.06.2012: *http://www.regnum.ru/news/1546759.html*

308 "The Minister of Defence requires closing the Russian non-governmental organization". IA Regnum, 17.08.2012: *http://www.regnum.ru/news/1562221.html*

309 "Quantitative and qualitative research of the society integration and actual aspects of citizenship", SIA „AC Konsultacijas", Riga, 2008, 53 p.

310 "Presentation of contradictory issues of the 20th century history in Latvian schools and museums". Organisation: Social policy centre PROVIDUS). Accessible at the address: *http://www.politika.lv/temas/izglitiba_un_nodarbinatiba/17096/*

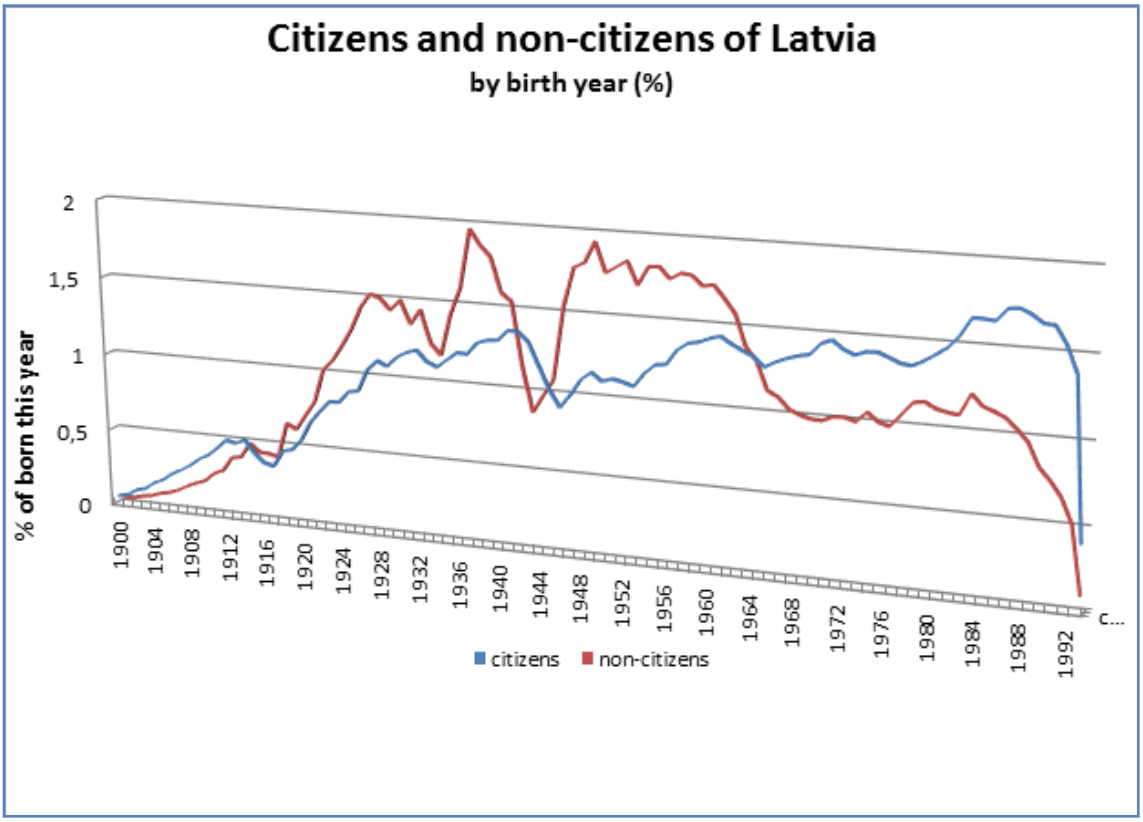
Historical memory of the previous generations is reflected objectively in the data on the children number, which were born from year to year, as it is shown in the Register of Population. People's death rate erases these peculiarities quickly, therefore below, the data of the very first 1993 Register are used. The authorities declared the Register data as confidential information, but they came to the hands of the opposition members of the Parliament and through a member of the Commission on Foreign Affairs of that time Tatjana Zdanoka – to the author of these words[311].

The Register contains the data on numbers of people of various categories, who were born in a specific year: non-citizens, citizens – Latvians, citizens belonging to national minorities. Two next figures show the data on each year on a thousand of corresponding group representatives, which were included into the Register.

Commensuration of the demographic curves for citizens and non-citizens (Figure 3.13) testifies to essential difference of their historical past.

Figure 3.13.

Citizens and non-citizens of Latvia by birth year (%)



The "non-citizen" curve of the diagram's left part shows all hard pre-war and war history of the USSR. One of the peaks of the non-citizens living in 1993 refers to those born in 1927, days before the complete collectivization and industrialization. Those born in 1934 made up by 30% less. Then the state started to have more mercy upon its subjects and those born in 1937 made up by 68% more than in 1934. Then there was a great purge of 1937-1938 and the war. Maximum decrease of birth refers to 1943: 2.3 times less than in 1937. These people, who nowadays are devoid of political rights, were conceived, when Hitler's forces had come to Volga and the European part of the RSFSR, Belarus and Ukraine (future basic sources of non-citizens) were occupied.

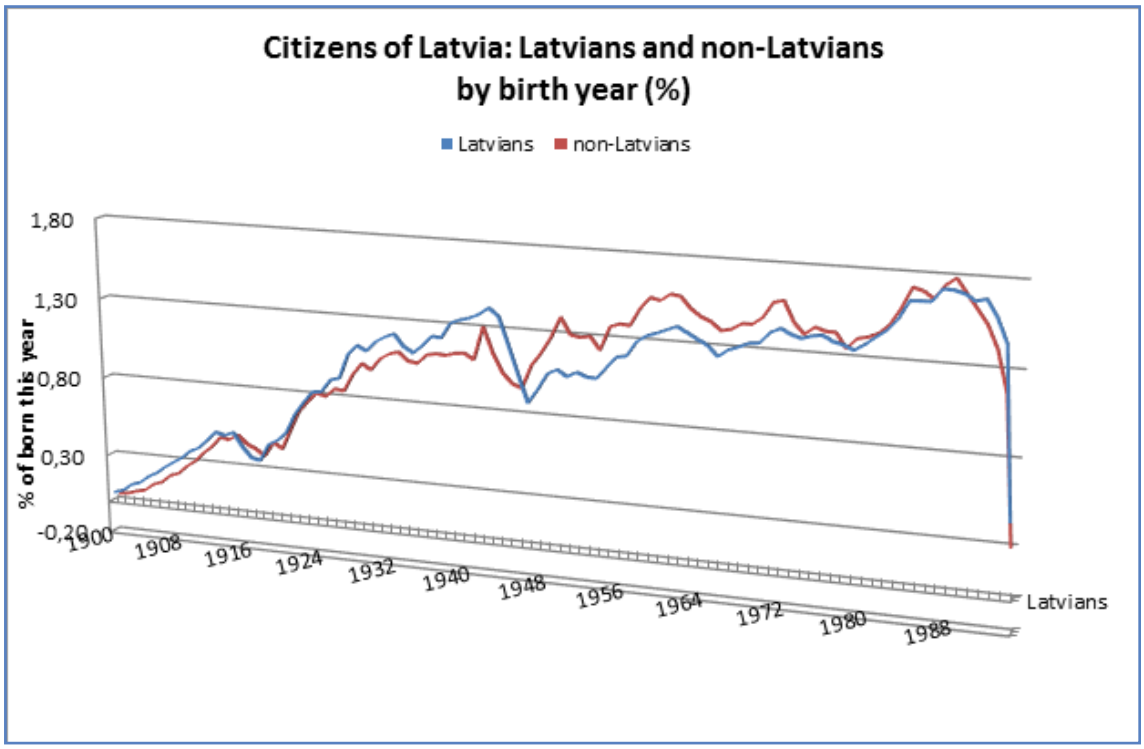
The right part of the diagram reflects (starting from the 1960s) assimilation of arriving people among "civilian" part of the Latvian population. The average age of non-citizens in 1993 was 41 year, 4 years higher than the average age of citizens.

The demographic characteristics of both Latvians and non-Latvians among the citizens of Latvia (Figure 3.14) evidently testify to their historical commonality.

311 "To the Minister of the Interior Mr. G. Kristovskis. We are sending the statistics on 26 pages, which was collected by the Register of Population of the Office of Citizenship and Migration Affairs". Signatures: Maris Plavnieks, Director of the Office of Citizenship and Migration Affairs, Ints Zitars, Head of the Information Centre of the Register of Population. Date – 22.10.1993. Number – not provided. First these data were published in author's book "Non-citizens of Latvia", 2007.

Figure. 3.14.

Citizens of Latvia: Latvians and non-Latvians by birth year (%)



The figure shows the results of both World Wars (the crisis of the First World War was blurred by the death-rate of elderly people), the result of the Soviet government measures on the birth-rate stimulation in the 1980s and severe demographic crisis of the initial period of the Second Republic of Latvia.

These demographic data are inartificial facts and they clearly characterize different influence of similar historical events on the Latvians and non-Latvians, as well as different attitudes to them. It should be appreciated that the demographic reaction to the events is shifted by time approximately by one year.

Among the Russian citizens the birth-rate peak fell on 1941 (by 19% more than in 1940 and by 14% more than in 1942), while among the Latvians – on 1942. Those were peculiar responses to Latvia's incorporation into the USSR (June 1940) and its occupation by the Wehrmacht troops (July 1941).

The birth-rate minimum among the Russians fell on 1945 (by 37% less than in 1940), while among the Latvians – on 1946 (by 62% less than in 1942). In 1944 most embittered operations were conducted in Latvia and in 1945 the regular troops were fighting exclusively in the Kurzeme cauldron at the territory of Western Latvia.

It is difficult to notice at the figure the consequences of the March 1949 exile, which is presented by the present-day authorities and the Latvian emigrant organizations at the West as the peak of the "Soviet genocide". Nevertheless, in 1950 both the Latvians and the Russians had a small decrease of the birth-rate: by 3.5% and 7.7% correspondingly.

In the period of the First Republic (1920-1940) the birth-rate among the ethnic Russian citizens was by 10% lower and during the first 25 years of the Soviet power (1946-1970) by 14% higher than that among the Latvians. During 1970-1990 these indices were practically identical, while in 1991 an 1992 the birth-rate among non-Latvians was again lower by 19%.

3.4.3. The Day of SS Legion 16 March became the "brand" of my home town and deserves a separate description.

In the communication of 16 March 2008 the agency LETA describes pre-history of the events in the following way: The organization "Daugava Falcons" started to celebrate the Day of legionnaires' memory 16 March since 1952. This day had been selected because on this day in 1944 the battle at the Eastern bank of the Velikaya River (Pskov oblast of Russia) by the eminence "93.4" took place. It was the first fighting when both divisions of the Latvian Legion – the 15th and the 19th ones – were fighting together, and apart from that – once through the whole war under the Latvian command.

In the summer of 1998 the Saeima established the 16 March as the Memory Day of the Latvian warriors, yet after two years of violent disputes the Saeima members recognized it as a mistake and in 2000 the 16 March was excluded from officially celebrated days.

The disputes are going on up to now. For example, on 24 April 2008 21 Saeima members from four parties, which were in the ruling coalition at different times, voted for restoration of the 16 March as the celebrated day (under the wording "Memorial Day of the Latvian Legion"), 23 were against, 30 abstained. [312]

There were well-known people among those who voted in favour:

Solvita Aboltina, presently the chairwoman of the premier's party Unity, the speaker of two convocations of the Saeima since 2 November 2010, the Minister of Justice in 2002-2004

Ingrida Circene, Unity, the Minister of Health in 10.04.2003-09.03.2004 and presently (since 25.10.2011); the chairwoman of the Commission on human rights of the 8th, 9th and 10th convocations of the Saeima

Ina Druviete, Unity, the Minister of Education and Science in 2004-2006, the chairwoman of the Commission on human rights of the 8th convocation of the Saeima, the chairwoman of the Commission on education, culture and science of the 10th and 11th convocations of the Saeima

Maris Grinblats, For Fatherland and Freedom/Latvian National Independence Movement, the Minister of Education and Science from 21.12.1995 till 13.02.1997

Sandra Kalniete, the chairwoman of the council of the party Unity, the Minister of Foreign Affairs in 2002-2004, a Member of the European Parliament since 2009

Krisjanis Karins, Unity, the Minister of Economics in 02.12.2004-07.04.2004, the chairman of a party fraction in the Saeima of the 8th and the 9th convocations, a Member of the European Parliament since 2009

Linda Murniece, Unity, the Minister of the Interior in 12.03.2009-06.06.2011

Einars Repse, the President of the Bank of Latvia in 1991-2001, the Prime-Minister in 05.11.2002-09.03.2004, the Minister of Defence in 02.12.2004-23.12.2005, the Minister of Finance in 12.03.2009-03.11.2010

Karlis Sadurskis, Unity, the Minister of Education and Science in 07.11.2002-09.03.2004, a Member of the European Parliament since 1st December 2011.

Thus, two current leaders of the Prime-Minister's party, Unity, the present-day Speaker of the Saeima, a former Prime-Minister, three (!) former ministers of education, former ministers of justice, defence, foreign affairs and interior, economics, finance, the current Minister of Health, two current Members of the European Parliament voted for.

The last time this move was voted in the Saeima on 14 March 2013.

Marches in honour of the Legion took place in Riga, at least, since 1998. In 2005, 35 people, wearing the uniform of Hitler's concentration camp prisoners, hand in hand stood in the path of the sanctioned march of the Waffen SS veterans and their associates from radical nationalist organizations. In spite of the fact that the action participants maintained only a passive resistance, all they were detained by force and brought to a police station. Getting acquainted closer during subsequent long judicial proceedings, they organized the Latvian Anti-Fascist Committee.

On 16 March 2009, in spite of the prohibition of the Riga City Council, upheld by the court, the traditional march in honour of the Latvian Vaffen-SS Legion passed in full and under the police protection along the capital centre from the main church (the Dome Cathedral) to the main monument of the country (the Freedom Monument).

Some days before the "holiday" of 2012 the European Commission against Racism and Intolerance of the Council of Europe published the Fourth Report on the situation in Latvia. In particular, in the report chapter "General Conclusions" and paragraph 87 there was the requirement to the Latvian authorities "to condemn all attempts to commemorate persons who fought in the Waffen SS and collaborated with the Nazis" as well as "gathering or march legitimising Nazism in any way"[313].

The same day the Council of Non-Governmental Organizations of Latvia sent the statement [314] "We require to ban the Nazi marches on 16 March" to the Riga City Council and the Regional Administrative Court[315]. The statement recipients were made acquainted with the Commission reasoning. It was also recommended to them to substantiate the ban not by the possibility of the

312 The voting results are accessible at the Saeima site: *http://www.saeima.lv/steno/Saeima9/080424/Balsoj/001.htm*

313 It is accessible at the Commission site: *http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-IV-2012-003-ENG.pdf*

314 The statement text is accessible at the LHRC site: *http://www.lhrc.lv/index.php?lang=ru&mendes=men6&agod=2012*

315 Under Latvian law, the right of banning the march belongs exclusively to the corresponding municipality competence and the right of cancellation of bans belongs to the Administrative Court competence.

collision of the SS adherents and opponents [316], but by Article 116 of the Constitution of Latvia, which allows limiting the freedom of assembly "in order to protect the rights of other people, the democratic State structure… and public morality".

The President of Latvia Andris Berzins in his TV speech, on the contrary, called to "bow heads" before the Vaffen-SS veterans[317].

As a result the events followed according to usual scenario: formal ban of the events, its cancellation by the court[318] and the SS Legion adherents marching under protection of the police. The chairwoman of the Saeima Commission on human rights Inara Murniece took part in the legionnaires' procession.[319] On 16 March, another Saeima member from the same National Alliance and a kindergarten owner Imants Paradnieks arranged in his kindergarten a "pedagogic measure" together with the historic reconstruction lovers in the uniform of the Latvian Legion. It is true that it caused critics on the part of the State… but it was concentrated on the uniform and arms usage and not on acquitting of collaboration[320].

The Anti-Fascists conducted a protest picket by the Freedom Monument, placing a stylized concentration camp with barbed wire and pictures of Nazi prisoners on the path of the SS Legion adherents' procession. On 16 March an International Anti-Fascist Conference "Problems of Right Radicalism in the Baltic States Nowadays" took place in the Hotel de Rome at the distance of several hundred meters from the Freedom Monument[321].

In the morning, the Conference participants laid a wreath to the Freedom Monument with the inscription on the ribbon: "To Commemoration of Nazi Victims". But by the moment of the SS Legion adherents passing, the wreath was damaged and covered by the plywood plate in the form of the legionnaires' service strip. The attempt of the Conference participants, members of association "For Future without Fascism" Tatjana Zdanoka and Joseph Koren to restore the wreath was suppressed by the Legion adherents with assistance of the police[322].

On 16 March 2013, at the moment of the march coming to the Freedom Monument, the Anti-Fascists started transmitting the song Buchenwald Tocsin through the loud-speaker. The march participants from the Saeima members went with fists for the police, which protected the Anti-Fascists[323].

Brief information on the SS Legion history is the following.

On 23 January 1943 German Fuhrer Adolf Hitler simultaneously allowed and ordered to SS Reichsfuhrer Heinrich Himmler to organize the Latvian Volunteer SS Legion. On 10th February the corresponding order of A. Hitler appeared. On the ground of this order on 24 January H. Himmler united the Latvian guard service battalions, which were fighting in four SS brigades, and named them "Latvian Volunteer Legion SS". On 23 May H. Himmler issued a new order, where he pointed out that the Latvian Legion is the general name of all Latvian subunits within SS and police.

Organization of the police battalions on the completely volunteer basis had already started on 20 July 1941. They were often used in repressive actions against partisans and peaceful population, guarding prisons, guarding and annihilation of Jewish Ghettos outside the Latvian territory: in Russia, Belarus and Poland. These subunits were later used in order to organize the Holocaust in Latvia.

Later the Legion had been reinforced on the basis of forced conscription. In the period of the German occupation, 110 thousand people were mobilized into various military formations. Approximately 52 thousand people served in the SS Legion field units and headquarters.

The 19th division ended the war in the Courland Caldron at the territory of the Western Latvia and surrendered on 8 May 1945. The 15th division was smashed and directed to the rearward

316 Bans of the SS procession by the Riga City Council, and of the Anti-Fascist meetings, on the basis of the street clashes possibility, as well as cancellation of these bans by the court, have already become traditional. See, for example, Vladimir Buzaev, "Legal defect of the Riga City Council", newspaper "Chas" of 13th March 2012: *http://www.chas-daily.com/win/2011/03/14/l_009.html?r=30*

317 Berzins: "It is madness to consider the legionnaires to be criminals", 28.02.2012: *http://rus.delfi.lv/news/daily/politics/berzinsh-schitat-legionerov-prestupnikami-eto-bezumie.d?id=42165700*

318 The court decision: The 16 March procession of the legionnaires will take place, 15.03.2012: *http://rus.delfi.lv/news/daily/politics/sud-shestvie-legionerov-16-marta-sostoitsya.d?id=42210334*

319 The 16 March event took place surprisingly calmly, 16.03.2012: *http://rus.delfi.lv/news/daily/politics/meropriyatiya-16-marta-proshli-na-udivlenie-spokojno.d?id=42213386*

320 A. Elkin. "Unchildish games in the kindergarten". Vesti segodna, 14.05.2012: *http://www.ves.lv/article/214851*

321 Anti-Nazi organizations: Nazi manifestations are closely connected with Russophobia", Internet portal "ves.lv", 16.03.2012: *http://www.ves.lv/article/208879*

322 See, for example, information at the Internet portal IMHOCLUB *http://imhoclub.lv/material/latishskie-nacisti-oskvernili-venok/c/130528?act=expand* and the video film at YOUTUBE *http://youtu.be/S-6UVNI2Or4*

323 "The 16 March procession flowed into the confrontation of the legionnaires and the Anti-Fascists". The Internet portal DELFI: *http://rus.delfi.lv/news/daily/politics/shestvie-16-marta-vylilos-v-protivostoyanie-legionerov-i-antifashistov-foto-video.d?id=43150800*

area for re-formation, it was drawing in through Poland[324] to the territory of Germany, its separate units "distinguished" themselves at the defence of Berlin in April 1945.

3.4.4. Though the Victory Day does not have an official status in Latvia, it is the main holiday of the numerous Russian-speaking community. It is celebrated in many towns of the country[325].

Mass celebration of the Victory Day on May 9 became a common tradition in post-Soviet Latvia[326]. Participation of a significant number of national minorities representatives is a peculiar form of protest against the authorities' sympathy to the Nazi past, mass non-citizenship and the Russian language being forced out from all spheres of public life. The holiday is supported by the political parties, which are oriented on Russian-speaking voters, and stirs up ill-feeling of the authorities.

The Equal Rights Party imparted a genuine massive involvement to the event, when on 9 May 1998 it organized the demonstration of veterans from the Press House to the Monument of Riga Liberators from Nazis (a.k.a. Victory Monument)[327].

For the last recent 10 years, annually no less than 100 thousand of the holiday participants meet together at the Monument to Liberators in Riga on 9 May. The holiday on 9 May 2012 was not an exception[328].

On 8 May 2012 the Security Police (the security service of the Ministry of Interior) refused to initiate the criminal procedure concerning the appeals to demolition of the Monument of Riga Liberators from Nazi and the public dreams on the Monument's explosion[329]. On 26 May the Ministry of Defence parliamentary secretary V. Spolitis ("Unity") expressed in his Twitter, as a private person, his support of the petition at the Internet portal "*manabalss.lv*" for demolition of the Monument of Riga Liberators, which was constructed by the 40th anniversary of the victory over the Nazism. The petition claims that the monument does not promote cohesion of the society[330].

On 9 May the Ministry of Foreign Affairs state secretary A. Teikmanis stated that the Victory Day should not be celebrated on the 9 of May, because "the time of Russia in Latvia had ended, now it's European time in the country, we are to stop looking at the Russian watch and to start looking at a European one"[331].

In Latvia the official day of Nazism defeat and the Day of remembrance of the Second World War victims are commemorated on 8 May. In this connection on 3 May 2012 the President of Latvia A. Berzins addressed the veterans from both sides of the Second World War with the appeal for reconciliation and joint participation in the remembrance events on 8 May[332]. The first time in the history of independent Latvia the President invited the Red Army representatives to the events of 8 May[333] and even congratulated them[334].

On 8 May the President said that it is not important, on which day, 8 or 9 May, and at what place people commemorate the day of ending the war[335]. Nevertheless, the 8 May is commemorated at the Fraternal Cemetery, where in the period of independence SS Standartenfuhrer Voldemars Veiss (the head of the police of order in Riga in the period of mass annihilation of the Jews by the Nazists)

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324 See, for example, the episode of the stake of 30 prisoners of war of the Polish Military in the book in Russian of Poplavski Stanislav Gilarovich "Comrades in the struggle", M. Voenizdat, 1974, 296 p., C. 191: *http://www.victory.mil.ru/lib/books/memo/poplavsky_sg/10.html*

325 See, for example, the survey "How the Victory Day is celebrated in Latvia": The Internet portal DELFI, 9 May 2012, *http://rus.delfi.lv/news/daily/latvia/obzor-kak-v-latvii-otmechayut-den-pobedy.d?id=42338406*

326 See "From a decent picket to the solidarity day, 9 May in the contemporary history": The Internet portal DELFI, 8 May 2012, *http://rus.delfi.lv/news/daily/politics/9-maya-v-novejshej-istorii-ot-skromnogo-piketa-ko-dnyu-solidarnosti.d?id=42336360*

327 "Today from 9 to 12 o'clock the movement for social justice and equal rights ("Equal Rights") organizes on the other side of the Daugava river the procession and the meeting in order to celebrate the Victory Day", Agency LETA, 9 May 1998.

328 "The organizers are informing: 150000 people came to the Monument". The Internet portal DELFI, 9 May 2012, *http://rus.delfi.lv/news/daily/latvia/organizatory-k-pamyatniku-osvoboditelyam-prishli-150-000-chelovek.d?id=42341842*

329 N. Sevidova, "Instigators have nothing to fear, special services say that "there are no components of crime". Vesti segodna, 16.05.2012: *http://www.ves.lv/article/214851*. The decision on refusal is accessible at the site *http://www.facebook.com/photo.php?fbid=3001273085244&set=o.149730091809236&type=1*

330 Urbanovics, "Ministry of Defence representative joined the "war with monuments". *http://rus.delfi.lv/news/daily/politics/urbanovich-predstavitel-minoborony-vklyuchilsya-v-vojnu-s-pamyatnikami.d?id=42389422*

331 Teikmanis, "Latvia is to stop "keeping the Russian hours", 09.05.2012. *http://rus.apollo.lv/novosti/v-latvii/obshchestvo/teikmanis-latvii-pora-perestat-zhit-po-chasam-rossii?article=2158*

332 Message of the President of Latvia, 03.05.2012 *http://president.lv/pk/content/?art_id=19428*

333 E. Slusareva, "All were named!" Vesti segodna, 08.05.2012: *http://www.ves.lv/article/214312*

334 A. Elkin, "Mission impossible". Vesti segodna, 08.05.2012: *http://www.ves.lv/article/214299*

335 Berzins, "It is not important, on which day to mark the day of ending the war", 08.05.2012: *http://rus.delfi.lv/news/daily/politics/berzinsh-ne-tak-vazhno-v-kakoj-den-otmechat-okonchanie-vojny.d?id=42336242*

and SS Gruppenfuehrer Rudolfs Bangerskis (the general inspector of the Latvian SS Legion) were reburied, while the name of the Fascism founder Benito Mussolini is incused on one of the tablets[336].

The President's initiative was heard and the Saeima's Sub commission on the social cohesion is considering a draft Law on the status of veterans of the Second World War. The bill provides for an official acknowledgement of the Latvian citizens who fought at both sides of the front. Extension of the bill on the non-citizens of Latvia[337], as well as on volunteers and persons, who were called to military service outside the territory of Latvia, is not foreseen.

336 "Mussolini is our guy!" 9 December 2008, Vesti segodna, No. 284:

337 "Deputy: The Law on veterans will not allow speculating on them". The Internet portal Mixnews, 31 October 2012: *http://www.mixnews.lv/ru/exclusive/news/2012-10-31/109583*

Chapter 4.
Mass statelessness

4.1. Legislation on the population's legal status

4.1.1. On 1 July 2013, the Population Register comprised 2,189,023 persons, including 1,829,031 citizens of Latvia, 290,510 non-citizens of Latvia, 69,109 foreigners, 8 non-citizens of Estonia, 222 stateless persons from Latvia (176) and Estonia, Belarus, Lithuania, Moldova, Finland and Spain, as well as 83 persons of alternative status and 51 refugees. Status of 9 people is not indicated. We will be most interested in the status of the first three groups, which make up, correspondingly, 83.5%, 13.3% and 3.2%, and together 99.98% of the persons whose data are included into the Register.

The Popular Front of Latvia, which won the parliamentary election in March 1990, declared in its program of that time that it "takes a stand in favour of granting citizenship to those permanent residents of Latvia, who will declare their wish to acquire citizenship of Latvia and will bind their destiny with the Latvian State unambiguously".[338]

Latvia acquired actual independence on 21 August 1991. Already on 15 October 1991 the Supreme Council of Latvia (Latvian Parliament of that time) adopted the Resolution "On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization" [339], which deprived approximately one third of the Latvian voters, mainly ethnic non-Latvians, of automatic access to citizenship. The Resolution was based on the most severe concept of restoration of the pre-war citizenship institution: citizenship was restored only to those Latvian residents, who were citizens of independent Latvia, as well as to their descendants. The Resolution was later substituted by the Citizenship Law of 22 July 1994 which completely followed the Resolution's concept of the pre-war citizenship "restoration"[340].

Residents' registration in the Population Register was used as an instrument of implementing the Resolution, which made provisions for the division of the population into citizens and just "permanent residents". The registration was conducted with quite an orb of abuses regarding the persons, who were not granted citizenship (see paragraph 4.1.2).

The issue of the status of the persons, who did not fall under the category of "citizens", caused harsh controversy in the Supreme Council. It was supposed, in particular, to issue them temporary residence permits to be extended (or to expire) after certain time. The Supreme Council Resolution "On Procedures for Coming into Force of Law On Entry into and Residence in the Republic of Latvia of Foreigners and Stateless Persons"[341] settled the debates. It was declared that the Law, which makes provisions for issuance of residency permits, refers only to those foreigners and stateless persons, who will move into Latvia after this Law entering into force (1 July 1992). The same paragraph 1 of the Resolution stipulates that the Law also applies to those persons not admitted to citizenship who resided in Latvia without permanent residence registration on the date of 1 July 1992. They were ordained on penalty of deportation to obtain residence permit within one month.

The lucky permanent residence registration holders were mentioned in paragraph 2, which said somewhat ambiguously that "their status and residence terms and conditions are determined by specific legal acts and international agreements". 70% of ethnic non-Latvians residing in the country at that time, who made up 1/3 of the total population, had to balance on this flimsy ground for three years. Their status was defined by the Law "On the Status of Those Former USSR Citizens Who Do Not Have the Citizenship of Latvia or That of Any Other State"[342], which was only adopted on 12 April 1995 (see paragraph 4.1.4).

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338 The Program of the Popular Front of Latvia (PFL), adopted at its 2nd Congress on 7-8 October 1989, paragraph 2.5. „Latvijas Tautas frontes 2. kongress. Programma. Statūti", published by the Popular Front of Latvia Press in Riga in 1990.

339 Supreme Council of Latvia Resolution "On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization", (Ziņotājs, №43, 31.10.1991)

340 Citizenship Law of 22.07.1994, ("LV", 93 (224), 11.08.1994., Ziņotājs, 17, 08.09.1994) [entered into force on 04.04.2003].

341 The Supreme Council resolution of 10.06.1992 "On the Law of the Republic of Latvia "On Entry into and Residence in the Republic of Latvia of Foreign Citizens and Stateless Persons" Coming into Force" (Ziņotājs, 27, 09.07.1992) (the Law came into force on 10.06.1992 and lost force on 01.05.2003)

342 Law of 12.04.1995 "On Those Former USSR Citizens Who Do Not Have the Citizenship of Latvia or That of Any Other State" ("LV", 63 (346), 25.04.1995., Ziņotājs, 10, 25.05.1995) [entered into force on 09.05.1995]

Part 3 of Article 2 of the Law "On the Status…" originally stipulated that "… the State administration bodies shall enforce the rights [granted by the Law] and prevent limitations of these rights in any laws, resolutions, instructions and other legal acts of the State and self-government bodies". This provision was excluded from the Law by the Amendments of 30 March 2000. Nevertheless, both before adoption of the Law as well as when the mentioned regulation was in force and after its cancellation, exclusive rights were being established for Latvian citizens and later also for citizens of other EU countries, while Latvian non-citizens were not entitled to these exclusive rights (see paragraph 4.1.5).

The above-mentioned laws – Citizenship Law and Law "On the Status…" – as well as the Immigration Law of 2000[343] (see paragraph 4.1.6), which replaced the law "On Entry into and Residence in the Republic of Latvia of Foreigners and Stateless Persons", define the status of Latvian residents at present.

4.1.2. The Law "On the Population Register"[344] of 11 December 1991 (Article 11) included "the persons, who were born in the territory of the Latvian Republic or entered Latvia [apart from] foreigners, who enjoy special international legal protection", into the Register.

Paragraph 2 of the Resolution of the Supreme Council "On Procedures for Coming into Force of the Law On Population Register"[345] declared that Article 11 of the Law "is not applicable to active military servants of the USSR armed forces, temporarily located in the territory of the Republic of Latvia, and persons, who are registered in … military units". The Law (article 14) entrusted the registration procedure to the Citizenship and Immigration Department (CID) of the Ministry of Justice.

The CID conducted the registration on the basis of unpublished internal guidelines, which considerably narrowed the scope of persons, who were allowed to register. The author defined the scope of such people in an experimental way: 200 complaints, received by the "Equal Rights" faction of the Supreme Council by the end of December 1992, were placed under the Christmas tree in his apartment. It turned out that the CID does not wish to register two large groups of persons not admitted to Latvian citizenship:

1) residents of officers' quarters[346], which are on the balance sheet of the Baltic Military District Administrative Office, both those who are former military servants or their family members and those who have nothing to do with the Soviet Army (40% of the complaints),

2) hostel residents, regardless of whether their registration is permanent or temporary and whether they were permanently registered in Latvia before they got into the hostel (32%).

The results of the research were published[347] together with an invitation on behalf of the Equal Rights MPs to come to the Riga City Council (nowadays the building belongs to the Ministry of Foreign Affairs) for legal advice. On 8 January 1993, about 2000 people came, literally paralyzing the functioning of the Mayor's Office. On 9 December 1992, Latvian Human Rights Committee (LHRC) started its activity on providing legal advice. Vladimir Bogdanov, a Soviet-time dissident, was the Head of the organization, the Supreme Council members Tatyana Zdanoka and Konstantin Matveyev were also among its members as well as the author of these lines, who then was a member of the Riga City Council; the organization took up the responsibility for co-ordinating the struggle for the Law on Register to be observed.

Persons who were refused registration had a round stamp put into their passports with the number of the precinct where they got the refusal, instead of a square stamp with the number of the register. They were therefore called "round-stampers". As evaluated by the LHRC, they were deprived of the following rights (quotation from the 1994 letter of the LHRC to Olafs Bruveris, the Minister for Human Rights):

- to invite relatives from abroad,
- of free re-entry in case of exit from Latvia (by the Law they should pay for their re-entry visa, but in practice even paid visas are denied to them),
- of free choice of residence within the country and within their locality,
– of receiving privatization certificates,
- of receiving tax books, which deprives them of the right to get any tax benefits,
– of receiving child-raising allowance,
– of free medical care for their children,
- of receiving unemployment benefit,
– the right to work, as the lack of Residence Registration in the passport threatens with dismissal and causes denial of any possibility of new legal employment.

343 Immigration law: *http://www.vvc.gov.lv/advantagecms/LV/tulkojumi/dokumenti.html?folder=%2fdocs%2fLRTA%2fLikumi%2f&currentPage=4*

344 Law "On Population Register" of 11.12.1991 (Ziņotājs, 2, 16.01.1992) (the Law came into force on 01.01.1992 and lost force on 24.09.1998)

345 The Supreme Council Resolution "On Procedure of Population Register Implementation" (came into force on 17.12.1991 and lost force on 09.05.1995)

346 Who just happened to live in ordinary homes built at some time by the Baltic Military District

347 Not on the Lists. On the Reverse Side of the Registration. V. Buzayev "Latvian Panorama" of 6 January 1993

There also were other cases of arbitrary treatment, such as denial of marriage registration, of birth certificates, of driving licenses or any documents from house administration, non-admission to the exams on the State language etc.

All the above-mentioned persons experienced strong pressure, being forced to obtain temporary residence permit, the term of which could not exceed one year, after which the only opportunity they had, according to the law, was deportation.

As for the number of the "round-stampers", it had to be calculated indirectly on the basis of the difference between the total residents number indicated by the CSB and the number of those who were included in the Register. The registration was supposed to be completed in March 1993; however, in August 1993 this difference was 161,000 people and in May 1994 – 136,000 people.

The LHRC initiated mass lawsuits against the CID. In the first half of 1994 alone, 2121 verdicts were passed on these lawsuits, 1933 (91%) of them were in plaintiff's favour[348]. The CID refused to execute judgments (some of them were not executed for a year) and only after an interference by the local permanent mission of the Conference on Security and Cooperation in Europe, the problem of "round-stampers" was settled for most of them[349].

4.1.3. The Citizenship Law was not passed smoothly, it was returned by the President to the Saeima for revision. Nevertheless, the citizenship principle, which was in force before 1940 and which was included in the Supreme Council Resolution of 15.10.1991 (see paragraph 4.1.1), remained unchanged.

The citizenship of Latvia was granted to the following main categories of persons:

-persons who were Latvian citizens on 17 June 1940, as well as descendants of such persons;

- ethnic Latvians or Livs (on certain additional conditions);
- women who forfeited citizenship due to marriage;
- naturalized citizens;
- children of citizens of Latvia or orphaned children whose parents are not known.

All citizens of Latvia are equal, irrespective of the way in which citizenship was obtained, which makes us look better in comparison with neighbouring Estonia, also well-known for its massive statelessness[350].

In its original version, the Law provided some opportunities for non-citizens' future naturalization opening some "windows" for them depending on their age and the fact of being born in Latvia. The 2/3 of all non-citizens, who were not born in Latvia, could only naturalize 7 years after the Law was adopted.

The subsequent Amendments to the Law (of 16.03.1995 and 06.02.1997) did not change anything essential; only the powerful pressure from the East, from the West and inside the country resulted in substantial Amendments to the Law (of 22.06.1998), confirmed in October via referendum. Naturalization "windows" were abolished, but the children of non-citizens, who were born in Latvia after it regained independence, were now entitled to access to citizenship through registration. 52.5% of the voters voted for the Amendments, 44.9% were against[351],which means that the positive result was possible due to the votes of national minority citizens, while most ethnic Latvians voted "against".

By law, the naturalization procedure was carried out by the Naturalization Board (NB) and supervised by the Saeima Commission on the Implementation of the Citizenship Law. The Naturalization Board, which was subordinate to the Ministry of Justice, was also entrusted with broad responsibility for the integration of the society. The Cabinet of Ministers succeeded in abolishing the Naturalization Board without changing the explosive Law but creating in the Office for Citizenship and Migration Affairs a new department under the same name, whose functions were exclusively limited to the naturalization procedure. During this transition, a lot of permanent staff members were "lost", and so were several regional branches of the Board.

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348 Newspaper Diena of 14 July 1994.

349 The problem of registration refusal is described in more detail in the following LHRC publications (in Russian): "Tendencies of Changes in the Legal Status of Different Groups of Russian Compatriots Residing in the Republic of Latvia", Riga, 2004, paragraph 4.4: *http//www.lhrc.lv/biblioteka/tendencii_2004_pdf* V.V.Buzayev "Non-Citizens of Latvia", Riga, 2007, paragraph 3.2: *http://www.lhrc.lv/biblioteka/Negrazhdane_Latvii.pdf*

350 Unlike natural-born citizens of Estonia, its naturalized citizens can be deprived of citizenship on a resolution of the Cabinet of Ministers for a variety of reasons. See the book "Problems of National Minority Rights in Latvia and Estonia", pages 125; 126

351 The Legislative Draft got the majority support in the Saeima, but was brought to the referendum on the initiative of 1/3 of the MPs who were prejudiced against national minorities. Thus the votes above are the ones "against" and "for" its abolition. The referendum was conducted simultaneously with the Parliamentary election. Several days before submitting the list for the election, the newly-founded FHRUL coalition was denied registration, therefore it had to participate under name of one of its member parties and thus got 16 seats in the Saeima. See also information on the CEC site: *http://www.cvk.lv/cgi-bin/wdbcgiw/base/base.vel7.sa3*

The government publicly declares that the right to naturalize is available to everyone; however, there are a number of prohibitions (see Article 11 of the Law), justified to various degree, some of them relevant to many non-citizens.

The ground for prohibitions generally acceptable in the worldwide practice include the following:

- employment in certain services in foreign states at the time of submitting the application,
- conviction for commission of a criminal offence which was regarded as such upon entry into force of the Citizenship Law,
- subversive activity which is not in compliance with the Constitution and which is confirmed by a court judgment.

Some of the prohibitions are quite exotic, e.g.:

- since 04.05.1990: propaganda of various totalitarian ideologies, e.g. Communist ideas, if it is confirmed by a court judgment,
- service in KGB (the State Security Committee),
- since 13.01.1991: participation in 6 various non-governmental organizations, 5 of which were mass organizations,
- choosing Latvia as the place of residence after discharge from the Soviet Army or Soviet Internal Security Troops on or after 17.06.1940.

All the above-mentioned actions were committed long before the Law on Citizenship was passed, thus the Law is clearly given retroactive effect.

It is worth noting that on 04.05.1990, the date when Independence was proclaimed, even the Latvian Parliament was by 1/3 made up of active Communist party members; the total number of active and former Communists (most of whom had deserted the Party a couple of months before the election) exceeded 50%.

The State Security Committee was a special service of an integral state of which Latvia was a part, and there were just as many natural-born citizens of the Republic of Latvia working for it, as there were future non-citizens.

The non-governmental organizations (CPSU, the United Council of Labour Collectives, the Organization of War and Labour Veterans, etc.), which are mentioned by the Law, functioned absolutely legally from 13 January till August 1991, included tens of thousands of members and were banned without any court proceedings, just by a simple vote in the Supreme Council.

One exception was the Union of Communists of Latvia, which appeared much later than the above-mentioned date, in the already-independent Republic; it was just refused registration.

As for former military servants, the longest term of the deeds which are incriminated to them, was already 54 years at the time of entry into force of the Law and now it is 73 years, which significantly exceeds average male life expectancy in Latvia. Moreover, citizenship seekers served in the same army as citizens of the Republic of Latvia, quite often under their command.

Similar demands are made for various high positions, which can only be taken by citizens of Latvia. However, as a rule, these demands are not nearly as strict.

Candidates who are not subject to the limitations are supposed to:

- have resided in Latvia for five years or more, starting with May 1990,
- have a legal source of income,
- pass naturalization examinations,
- make an oath of allegiance to Latvia,
- pay a fee.

The five-year term also refers to non-citizens, even though they meet this requirement by definition of their status (see paragraph 4.1.1). The leader of the "Zarya" ("Sunrise") Party Vladimir Linderman, who spent part of this five-year term in a Russian prison, lodged a complaint against refusal to accept his documents for naturalization (see also paragraph 2.2.2).[352] As a result of these legal proceedings, the Saeima "improved" the Law and starting with 01.10.2013, the five-year term should be continuous; any time of living abroad should not exceed a year, and that should not be during the last year before the application is submitted.

The lists of new citizens, who have undergone all the examinations, are approved by the Cabinet of Ministers. During the whole period the naturalization procedure exists, only one problem has arisen, namely, on 16.11.2004, when the Cabinet of Ministers excluded Youri Petropavlovski from the list. He was born in Riga (1955) and got higher education in Latvian language at the Academy of Arts (1979).

Youri Petropavlovski, one of the FHRUL party leaders and also one of the leaders of the movement for the protection of Russian-language schools, was nominated by the FHRUL

352 Favourable judgment on case A420744110 of 31.10.2011, unfavourable judgment of Court of Appeal of 04.03.2013. At the time when the present publication was being prepared, the case was waiting for the decision of the Supreme Court Senate.

as a candidate for the post of Riga Mayor several days before the Cabinet of Ministers decision. On 06.12.2004 Administrative Court refused to review the complaint of Y. Petropavlovski on grounds that the government's decision was political rather than administrative. On 11.04.2005 the Senate of the Supreme Court confirmed the judgement of the court of first instance, and on 04.12.2006, Petropavlovski filed a claim in the European Court of Human Rights[353]. Admissibility evaluation was carried out on 03.06.2008 and the complaint has now been waiting to be heard for over five years.

The major naturalization requirements are included in the Law on Citizenship. Candidates should know:

- the Latvian language,
- the basic principles of the Constitution,
- the text of the National Anthem and the basics of the history and culture of Latvia.

The level of the state language knowledge is also determined by the Law itself: candidates should:

1) completely understand information of social and official nature,

2) be able to converse and answer questions on topics of social nature,

3) be able to read fluently and understand any instructions, directions and other texts of social nature,

4) be able to write an essay on a topic of social nature assigned by the commission.

The wording of the Law since 1 October 2013 also outlines a scope of persons, for whom the examination procedure may be simplified. Previously these procedural exemptions were determined by the Cabinet of Ministers regulations and theoretically any government could implement numerous international recommendations on simplifying the procedure (see Attachment 3). Now, in order to do this, the government has to turn to the Saeima, which changed the Law for the last but one time 15 years ago.

The list of exemptees includes disabled persons of group I, certain categories of disabled persons of groups II and III as well as persons who acquired education in the Latvian language (for basic education it means not less than half of the curriculum).

National minority school graduates are exempt from the exam on the state language if their score at the centralized school exam on the Latvian language is 50% or more for basic school and 20% or more for secondary school. In 2012 academic year, 84% of basic national minority school graduates and 98% of secondary national minority school graduates met this requirement.

Persons of 65 years of age or older are exempt from the written part of the exam.

The Law does not include any exemptions for persons born in Latvia or long-term residents (virtually all non-citizens fall into one or the other category) and neither do the Cabinet of Ministers Regulations.

The Cabinet of Ministers issues three types of Regulations defining the naturalization procedure:

- on the amount of the fees,
- on the procedure of handling the applications,
- on examination procedure.

The few changes that were made to these Regulations had no actual impact on naturalization procedure or its results, as they are in fact "export goods" used to create the impression that due regard is given to the problem.[354] One exception is the Amendment of 08.08.2006, which made naturalization procedure much more complicated. The Amendment was in fact reaction to the naturalization boom of 2004-2005 (see paragraph 4.4 below). The Saeima was not a passive observer either. Since 22.06.2006, the Code (Article 1758) stipulates the responsibility for passing naturalization examinations instead of other person: 500 LVL penalty or arrest up to 15 days. On 21.06.2007, similar amendments were introduced into the Criminal Law (Article 2811): up to one years of deprivation of liberty for an offence motivated by greed.

At present, the Regulations on Fee Amount of 17.09.2013 are in force[355]. The basic fee is 28.46 Euro, which is reduced to 4.27 Euro for retired persons, disabled persons, multi-child parents, school and university students. Free access is granted to orphaned children, disabled persons of group I, victims of political repressions and persons under guardianship.

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353 Application 44230/06

354 V. Buzayev, "Non-citizens of Latvia". LHRC, Riga, 2007, paragraph 3.4.7.

355 17.09. 2013. Cabinet of Ministers Regulations No. 849 " On the State Duty Payable for Submission of a Naturalization Application"("LV", 183 (4989), 19.09.2013.)

On 24.09.2013, new Regulations were passed regulating handling applications[356] as well as examination procedure[357]. The previous Regulations No. 522 of 05.07.2011 exempted persons who already had Certificate of the State Language Proficiency of B or C category from the repeated examination on the proficiency in the Latvian language; the new Regulations cancelled this exemption (see paragraph 2.3.3 on language certificates for adult persons). The restrictions of the number of re-examination attempts (not more than three) of 08.08.2006 were preserved, but the intervals between the attempts were reduced to three months for the language exams and to one month for the exams on legislation.

Children under 15 years of age are naturalized together with their parents, but starting with 15 years, they have to naturalize independently.

Children of non-citizens and stateless persons, who were born in the territory of Latvia after 21 August 1991, are registered as Latvian citizens by parents' application (since 1 October 2013, by an application of one parent). Article 31 of the Law and special Cabinet of Ministers Regulations define this procedure and regulate requirements to children, parents and documents submitted by parents[358]. Besides, the previous Regulations of 05.07.2011[359] allowed parents to submit application for granting citizenship to their children while the birth record was being conducted in the Registry Office. On 01.10.2013, this Regulation was transferred to the Law, which was the only thing done in order to simplify the registration procedure of 1999.

European recommendations concerning these children, which have already been repeated for over 15 years, are quite different: such children should be registered as citizens unless their relatives wish otherwise (see also paragraph 4.5).

The Citizenship Law has not been changed for 15 years, since the Amendments of 22.06.1998 were approved at the referendum.

The seventh Saeima, whose election coincided with the referendum, made no efforts to amend the Citizenship Law. While the eighth Saeima was in power, there were 9 such attempts, but all of them were suppressed already before the first reading stage.

Three times (08.12.2005., 08.06.2006.,28.09.2006) the TB/LNNK faction attempted to toughen the Law and for the two last times, they suggested not just some amendments, but even a draft of a whole new law.

The basic ideas of that bill were the following:

- total deprivation of non-citizens of the right for naturalization,
- abolition of the Naturalization Board,
- possibility of citizenship deprivation for disloyal actions of the persons who obtained it via naturalization (by the Estonian version).

The last time when the bill was submitted for consideration was one week before the election to the ninth Saeima, after which Gaidis Berzins, a member of the party, became the Minister of Justice. Supervisory control by such a minister resulted in a decrease in naturalization rate to almost zero (see paragraph 4.4 below).

The FHRUL faction has twice made attempts (on 24.02.2005 and 01.06.2006) to achieve granting citizenship automatically to national minority school graduates, same as it is now granted to Latvian-language school graduates, on the grounds that all schools teach within the curricula accredited by the State, moreover, education in national minority high schools is mostly carried out in Latvian.

Furthermore, the faction has twice put forward a solution to the problem of non-citizens' children who were born in independent Latvia in accordance with international recommendations (on 15.05.2003 and 21.10.2004) and also to eliminate restrictions for military servants, communists and security officers (on 15.05.2003).

The National Harmony Party also proposed to eliminate these restrictions (on 25.11.2004); moreover, they proposed to establish the language requirements to citizenship seekers at B1 level, i.e., substitute the exam by submitting a relevant certificate, and also to exempt persons over 60 years of age from the Latvian language exam. On 14.09.2006 the

356 24.09. 2013. Cabinet of Ministers Regulations No. 1001 "Procedure for the Acceptance and Review of Naturalization Applications"("LV", 191 (4997), 01.10.2013.)

357 24.09. 2013. Cabinet of Ministers Regulations No. 973 "On Testing Fluency in the Latvian Language, Knowledge of the Basic Principles of the Constitution of the Republic of Latvia, the Text of the National Anthem and the Basics of the History Latvia, as Provided by the Citizenship Law", "LV", 191 (4997), 01.10.2013.)

358 24.09. 2013. Cabinet of Ministers Regulations No. 976 "The Procedure in which a Child of Stateless Persons or Non-citizens who was Born in Latvia after 21 August 1991 is Recognized as a Latvian Citizen" ("LV", 191 (4997), 01.10.2013.)

359 05.07. 2011. Cabinet of Ministers Regulation No. 520 "Procedure for Submission and Processing of an Application for a Child Recognition as a Citizen" ("LV", 105 (4503), 08.07.2011.)

faction made another attempt to amend the Citizenship Law and proposed to recognize all non-citizens, who were persecuted for political reasons by the Nazi or Communist regimes, as citizens of the Republic of Latvia.

The first bill considered by the IX Saeima was that submitted by FHRUL on 23.11.2006, on transferring the Naturalization Board from the authority of the TB/LNNK-controlled Ministry of Justice to the Ministry of Interior. Despite the rejection of the bill, the idea was implemented later on. On 22.02.2007, the faction submitted a bill on recognition as Latvian citizens of those non-citizens, who in the first years of the Second Republic served in the Latvian Army or in the alternative civil service. On 11.12.2008 another bill was submitted, on citizenship "zero option" for those non-citizens, who were born locally, for persons of retirement age and disabled persons. On the international Human Rights Day (10.12.2009) the faction initiated similar proposals before the Saeima as amendments to the Citizenship Law.

MPs from the parties of the dominant ethnic majority also offered amendments to the Law, predominantly granting double citizenship to citizens of the EU and NATO countries, to the ninth Saeima (21.10.2010) and also later to the tenth Saeima (27.01. and 24.02.2011). One of their bills went through all three readings in the eleventh Saeima and came into force on 01.10.2013.

During the nearly three-year discussion period, no proposals were put forward on elimination of the mass statelessness in Latvia. Some new concepts, such as "Continuity Doctrine of the State of Latvia" (see also paragraph 3.1.1), "constituent nation (ethnic Latvians)" and "autochthon population (Livs)" appeared in new provisions of the Law; concerning the Livs, they numbered only 167 people as of 01.07.2013. Starting from autumn 2013, at the suggestion of then-Chair of the Presidential Constitutional Law Commission Egils Levits and by ruling coalition's approval, the discussion on introduction such provisions into the Preamble to the Constitution was opened in the society[360]. Thus, it is planned to perpetuate the current discrimination and large-scale statelessness of Latvia's national minorities in legislation.

In September 2011, the FHRUL party, then already outside representation in the Saeima, started collecting signatures for the amendments to the Citizenship Law in order to put the bill to a referendum. The bill, mostly worked out by Alexander Kuzmin, a LHRC jurust[361], provides for granting the Latvian citizenship to all non-citizens and establishing the term, within which a non-citizen could reject the citizenship offered to them. The movement "For Equal Rights"[362] was organized in order to expand the scope of the bill supporters and by 23 August 2012, ten thousand of notarized citizens' signatures were collected, which was sufficient for the bill's further advancement.

On 4 September the Central Election Commission received the bill together with the signatures and at its meeting on 1 November 2012 adopted a resolution unprecedented for the Second Republic, by six votes to three,[363] not to initiate the next stage of preparing the referendum (State-sponsored collecting of further signatures, having to reach 1/10 of the voters' number during a month). In the opinion of the bill initiators, in its decision on the substantive conformity of the bill with the Constitution, the Central Election Commission overstepped its powers, as the Constitution (article 78) only authorizes the Central Election Commission to estimate whether the submitted text is actually a legislative draft rather than a set of vain wishes.

The initiators lodged a complaint against the Central Election Commission resolution and on 14 December 2012, the suit was referred from the first-instance court to the Senate of the Supreme Court[364] and then to the Constitutional Court. The judgment on this case (No. 2013-06-01) was adopted on 19 December 2013. The Constitutional Court has limited CEC competence to block popular initiatives with the cases of "obvious" contradictions with the Constitution.

One result of the Central Election Commission resolution was that on 20 November 2012, launching of an NGO "Non-Citizens' Congress" was announced, whose aim was to represent non-citizens' interests and to attract attention to the problem of mass statelessness. In June 2013 the Congress conducted an election to the Parliament of the Unrepresented as an alternative to the official local elections, to which non-citizens were not admitted. [365]

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360 See, for example, the article in newspaper Latvijas Avīze of 25.09.2013: "The Purpose of the Constitution Preamble is to Secure the Existence of the Latvian Nation".

361 The Legislative Draft text is accessible on the Central Election Commission site: *http://web.cvk.lv/pub/public/30430.html*

362 The site of the movement: *http://zaravnieprava.lv*

363 The text of the Resolution is accessible on the Central Election Commission site: *http://web.cvk.lv/pub/public/30441.html*

364 See information on the movement's website of 18.12.2012 "The Suit of the Movement "For Equal Rights" against the CEC may be considered during a Month!"

365 The official website of the Congress is the following: *www.kongress.lv*.

In the early 1990s, the Latvian League of the Stateless was set up; it was an organization with similar functions[366]. Its founders were two political parties representing national minorities, namely the Equal Rights and the National Harmony Party, which nominated two co-Chairmen to lead the newly-created organization – Constantin Matveyev (former Supreme Council member, who is at present lecturer in Law in the Baltic International Academy) and Boris Cilevich (currently representing the Harmony Centre in the Saeima). The Organizing Committee gathered in the premises of the newspaper "SM Segodnya", which announced its foundation on 15.12.1993.

Some of the most notable activities of the League are:

- an alternative street election of non-citizens' representatives in spring 1994: it gathered 36 000 participants and deliberately coincided with the local election, to which non-citizens were not admitted,

- a picket of 5000 people at the USA Embassy, which paralyzed the traffic on 05.07.1994, the day before the visit of President Clinton.

- compilation and dissemination of the list of differences in rights of citizens and non-citizens carried out by Boris Cilevich and Leonid Raihman; the list was first published in the newspaper "SM Segodnya" of 22.12.1993.

The League was denied registration and its activities have not been resumed so far even though some years later it won the lawsuit.

4.1.4. In accordance with Article 1 of the Law "On the Status of those Former USSR Citizens who do not Have the Citizenship of Latvia or that of any Other State", non-citizens are such citizens of the former USSR, who reside in the Republic of Latvia as well as who are in temporary absence and their children, who are not citizens of Latvia and have not been citizens of another state.

The Stalin-introduced notion of permanent residence permit (obligatory registration of the former USSR citizens by their place of residence) was selected as an additional criterion in order to recognize persons as non-citizens. A non-citizen of the Republic of Latvia is a person, who meets all the above-mentioned requirements, if he (she) on 1 July 1992 was registered in the territory of Latvia, regardless of the status of the living space indicated in the registration of residence.

Thus, the problem of persons registered in hostels and Officers' Quarters was solved (see paragraph 4.1.2). The Transitional Law even declared that "temporary residence permits shall be cancelled for persons who are not retired military persons of the Russian Federation and family members of such military persons and who permanently resided in the Officers' Quarters of the Russian Federation (USSR), and information regarding such persons shall be included in the Population Register in accordance with the Law On Population Register".

The Amendments of 27.08.1998 solved the problem for thousands of people whose legal status had remained unclear for seven years. The non-citizen population also included persons, whose last registered place of residence up to 1 July 1992 was in the Republic of Latvia, or it has been determined by a court judgement that they have resided in the territory of Latvia for 10 consecutive years until the date referred to above.

This rule allows for certain exceptions, some of which were already introduced by the Amendments of 18.06.1997, i.e., are connected with status depriving persons, who have already been recognized as non-citizens, of their status.

The following categories of persons are not recognized as non-citizens:

- military experts employed in the operation and dismantling of a former military object of the Russian Federation located in the territory of Latvia, as well as civilians sent to Latvia for such purpose;

- persons who have retired from active duty military service after 28 January 1992, if such persons did not reside permanently in the territory of Latvia at the time of conscription into military service or are not family members of citizens of Latvia, spouses of such persons and family members residing with such spouses – children and other dependants, if such persons have arrived in Latvia in connection with the service of a military person of the Russian Federation (USSR) armed forces, regardless of when such persons arrived in Latvia (e.g., in 1945);

- persons who have received a reimbursement (compensation) for departure for permanent residence in foreign states, regardless of whether such reimbursement (compensation) has been disbursed by State or local government institutions of the Republic of Latvia or international (foreign) foundations or institutions.

All the rights guaranteed by then-relevant Constitutional Law on Human Rights were granted to all subjects of the law, including the right to choose a place of residence in Latvia,

366 Further information on the League can be found, e.g., in the article of Boris Cilevich "The Parliament of Non-citizens: an Old Thing Well Forgotten?" on the site of the Congress: *http://kongress.lv/ru/material/13*

exit and enter Latvia, unite with their spouses, children and parents living abroad and not to be deported from Latvia. Those rights had earlier been granted only to citizens of the Republic of Latvia. Non-citizens were given specific Latvian passports.

However, these rights had to be fought for.

Non-citizen passports granting their owners freedom of movement and travel only started to be issued in April 1997. Nevertheless, on 01.01.1998 Latvia unilaterally declared internal USSR passports invalid for leaving Latvia and on 01.07.1998 – also invalid for entrance into the country, regardless of the fact that these passports were the only identification documents for 80% of Latvian non-citizens. The term of validity of the USSR international passports, which had earlier been given to non-citizens for travelling to the West (except the CIS countries) also expired on 01.01.1998 and their term of validity for entrance into Latvia expired on 01.01.1999[367].

On 13.02.1998 the Equal Rights party organized a massive picket (about 1000 people) at the Cabinet of Ministers, demanding to solve the exit-entrance problem. On 17.03.1998,there were already 10 000 people at the Cabinet of Ministers, and the action paralyzed the traffic on one of the main streets of Riga. The protests of national minorities went on throughout the year and resulted in the victory at the referendum on changing the Citizenship Law (see paragraph 4.1.3), which provided non-citizens with a real naturalization opportunity. During that campaign, national minority parties were united in the FHRUL faction, which successfully functioned till May 2003. The main non-governmental national minority organizations founded the Council of Non-Governmental Organizations of Latvia, which is still functioning today.

The issuance of non-citizen passports sped up sharply. 78 thousand non-citizens in 1998, 331 thousand in 1999 and 504 thousand in 2000 (of total 584 thousand non-citizens) had such passports[368].

Another major problem was the legislative limitation of non-citizens' right to freely select their place of residence. On 27.08.1998, registration at a place of residence in a member state of the Commonwealth of Independent States without a time-limit restriction and from 20.05.2004, obtaining permanent residence permit in any other country became a ground for depriving a person of the non-citizen status. The Russian minority opposition in the Saeima managed to solve this problem by filing a suit in the Constitutional Court, which cancelled both above-mentioned limitations for non-citizens by its judgement of 07.03.2005[369].

Latvian non-citizens can be regarded neither as citizens, nor as aliens or stateless persons but as persons with "a specific legal status", said the Court (paragraph 15). It also stated: "The status of a non-citizen is not and cannot be regarded as a variety of Latvian citizenship. However, the rights and international liabilities, determined for the non-citizens testify that the legal ties of non-citizens with Latvia are to a certain extent recognized and mutual obligations and rights have been created on the basis of the above" (paragraph 17). These conclusions are widely used by the parties in order to enlarge or reduce certain restrictions for non-citizens.

Another obstacle for free movement are substantial differences in the lists of countries granting visa-free admission to citizens and non-citizens, based on various bilateral and multilateral international agreements.

An amendment to one of the EU Regulations,[370] proposed by MEP and LHRC member Tatyana Zdanoka, made it possible for non-citizens of Latvia and Estonia to travel visa-free within the EU (except for the British Isles), starting from 19.01.2007. Before, that visa-free regime was granted to non-citizens by just 7 countries, but to citizens – by 77 countries[371].

Zdanoka's amendment promoted including non-citizens into the scope of persons, to whom the Schengen Agreement was extended from December 2007. From July 2008 the same group of persons can also enter into Russia without visas due to President Dmitri Medvedev's decree[372], which was issued at the well-reasoned request of the FHRUL party[373],. After transfer of

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367 "Tendencies of Changes in the Legal Status of Different Groups of Russian Compatriots Residing in the Republic of Latvia", paragraph 4.5.

368 Ibid, Figure 13

369 *http://eudo-citizenship.eu/caselawDB/docs/LAT%20Case%202004-15-0106_ENGLISH.pdf*

370 In compliance with Regulation (EC) No1932/2006 of 21 December 2006 visa-free regime is granted, apart from apatrides, also ". . .to recognised refugees and stateless persons who do not hold the nationality of any country who reside in a Member State and are holders of a travel document issued by that Member State"

371 See, for example, the article "FHRUL to MFA: do something about the non-visa regime for non-citizens" in the "Chas" newspaper of 19.01.2007: *http://www.chas-daily.com/win/2007/01/19/1_007.html?r=30*

372 Decree "On the Procedure of Entry into the Russian Federation and Exit from the Russian Federation of Stateless Persons, who were Citizens of the USSR and are Residents of the Republic of Latvia or the Republic of Estonia" of 17 June 2008.

373 See, for example, the open letter of the FHRUL party leaders to the RF State Duma factions "When ratifying the boundary treaty, do not forget compatriots in Latvia" of 18 August 2007, which is accessible on the site: *http://www.pctvl.lv/?lang=ru&mode=opinion&submode=&page_id=6002*

the Army to professional military service in March 2007, this possibility remains the only preference against citizens (see also paragraph 4.1.4), unless the possibility to receive citizenship of Russia in the simplified procedure should also be seen as such.

The LHRC records 8 differences in rights between citizens and non-citizens in respect of the legislatively guaranteed non-citizens' and citizens' right of family reunification. The most essential limitation concerns the existing right of elderly Latvian citizens to unite with their adult children, who are able to support them. This limitation prevents many people, who were forced out of Latvia in the period described in paragraph 4.1.2, from returning to the country. However, the family reunification guarantee was excluded from the Law by the amendments of 30.03.2000. The ban on proliferation of limitations for non-citizens was excluded from the Law by the same amendments.[374]

The right to use translators and to choose the language of communication with the authorities when "not in conflict with the laws of Latvia" was initially granted to non-citizens, but later on was excluded from the Law by the amendments of 30.03.2000. The laws became more and more restrictive and the aforementioned rights of non-citizens and citizens of the "wrong" ethnicity were largely limited.

Actually, with such guarantees the legislators are knocking at an open door (or, on the contrary, at a closed one), because the ethnic composition of non-citizens is same as that of minority citizens of Latvia (see paragraph 4.2 below). Turning some part of each national minority group into second-class society members is a major obstacle to defending their native language and culture via delegating their representatives to the authorities.

The law on Ratification of the Framework Convention for the Protection of National Minorities[375] (article 2) provides that non-citizens "do not belong to a national minority as defined by the Convention … but those, who identify themselves with a national minority meeting this definition, may enjoy the rights, stipulated by the Convention, unless exclusions are required by law".

The preamble to the governmental program "Guidelines on National Identity, Civil Society and Integration Policy (2012–2018)" considers non-citizens as immigrants "who enjoy special preferences against other groups of immigrants … and who have access to naturalization on an individual basis".[376]

The Amendments to the Law of 30.03.2000 regulate the procedure of the non-citizen status loss, in particular stipulating that the issue of deprivation of the non-citizen status should be solved by the immigration authorities in court. On 14.09.2000 the Saeima changed their mind and since then, non-citizens can be deprived of their non-citizen status through administrative proceedings, although this administrative act can be appealed against before a court. 1314 non-citizens lost their status between 2004 and 2012, including 307 people in 2004 and 67 people in 2011.[377]

Non-citizens' rights in the first wording of the Law also applied to persons, who were forced to obtain foreign citizenship but were permanently registered in Latvia before 1 July 1992. However, since the Amendments of 20.05.2004, these rights do not apply to the "homemade" foreigners anymore.

The last time the Law was amended on 21 July 2007. The Law gave the right to mixed couples (non-citizen and foreigner), by mutual agreement, to register a newborn child not as a foreigner but with a higher status of a non-citizen. Earlier, this right was stated in the Population Register Law (article 11) and when the Russian-speaking opposition prevented the exclusion of this norm from the Register Law, it was decided not just to exclude the norm from the Population Register Law, but to move it to the Law on the status of non-citizens.

Nevertheless, the OCMA sabotaged execution of this provision and continues its sabotage, forcing parents to register their newborn children as foreigners and get a permanent residence permit for them. An LHRC lawyer, Alexey Dimitrov, has won some cases in the Senate of the Supreme Court[378].

The OCMA motivates its actions by the reason that foreign states' legislation on citizenship ignores the specific status on non-citizens, considers them as stateless persons and mixed families' children as their citizens. The OCMA requires from parents a certificate from a corresponding embassy, that the child is not a citizen of that state. For a long period, the LHRC had a verbal agreement with the Embassy of Russia that in such cases the Embassy supplies the certificate that

374 Such right of citizens is provided by articles 24(1.6.), 31(1) of the Law "On Immigration".

375 Law "On Framework Convention for the Protection of National Minorities" of 26.05.2005 ("LV", 85 (3243), 31.05.2005., Ziņotājs, 12, 22.06.2005.)

376 Guidelines on National Identity, Civil Society and Integration Policy (2012–2018) *http://www.km.gov.lv/lv/doc/nozaru/integracija/Pamatnostadnes/KM-Pam_071011_integ.pdf*

377 The data is from the OCMA site: *http://www.pmlp.gov.lv/lv/sakums/statistika/personu-statusa-kontrole.html*

378 Test case (No. A42173104 SKA-136) of Russia citizen Sergey Zakharov on registration of his daughter Elizaveta, who was born on 9 June 2004, was won on 13 April 2005.

parents did not apply to the Embassy in order to obtain citizenship. In 2011, the author's attempt to persuade consular officers to continue such practice was not crowned with success. During the recent years the LHRC has not received any complaints from citizens of other states about refusal to register their children as non-citizens (see also Table 4.13).[379]

4.1.5. After the end of activities of the Latvian League of Apatrides (see paragraph 4.1.3) the LHRC inherited its reception room and also the responsibility to keep the list of differences in rights between citizens and non-citizens of Latvia. The LHRC issued the first version of the list as at 1 September 1997[380], the tenth one as at October 2013[381]. The list of the differences still in force as at October 2013 is given in Attachment 1 of this book.

When legislation is amended, some differences are withdrawn, and some others are introduced; this is why the lists are revised periodically (Figure 4.1).

The Figure shows that the history of introducing differences in rights between citizens and non-citizens can be divided into three periods:

- an avalanche-like growth (1991-1995),
- halfway attempts to reduce the differences (1996-2000),
- a dynamic equilibrium (2001-2010).

We recorded 142 differences as at October 2013, of which 80 remain in force.

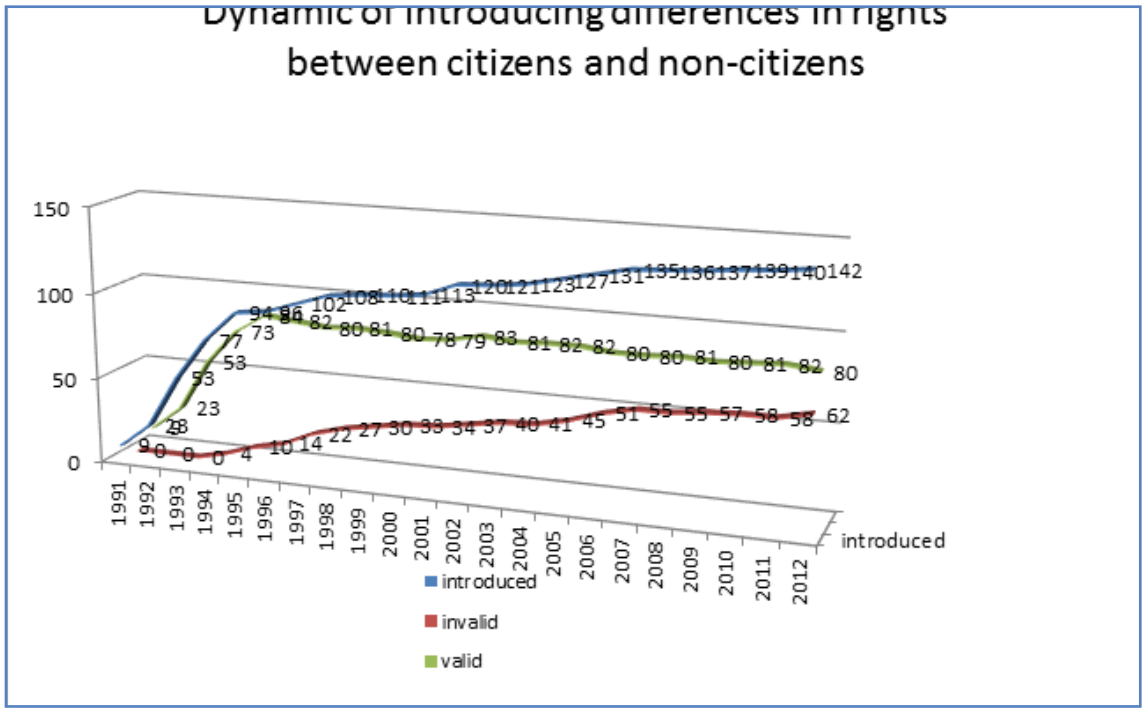
Sectorial division of the differences as of August 2010 is shown in Figure 4.2.

The author invites to assess those differences, bearing in mind that previously, in the Latvian SSR, future non-citizens enjoyed these rights and some of them worked in the professions, which were later banned for them.

Some limitations look like quite logical, e.g., employment in special services. However, Janis Kazocins, a British brigadier general, a veteran of the Gulf War, occupied the post of the Head of the Constitutional Protection Bureau, the most important special service of Latvia, from 2003 to 2013. He obtained Latvian citizenship within just one day by a special law[382], which had been adopted a month prior to his new appointment.

Figure 4.1

Dynamic of introducing differences in rights between citizens and non-citizens



379 See, for example, paragraph 1 b of Article 12 of the Law "On the Citizenship of the Russian Federation".

380 Newspaper «CM» No. 238(13424) of 17 October 1997.

381 The LHRC site: *http://www.lhrc.lv/biblioteka/svod_razl_2013_rus.pdf*

382 The Law of 27.03.2003 "On Recognition of Janis Cazocins as a Latvian Citizen" ("LV", 52 (2817), 03.04.2003., Ziņotājs, 8, 24.04.2003) [entered into force on 04.04.2003.]

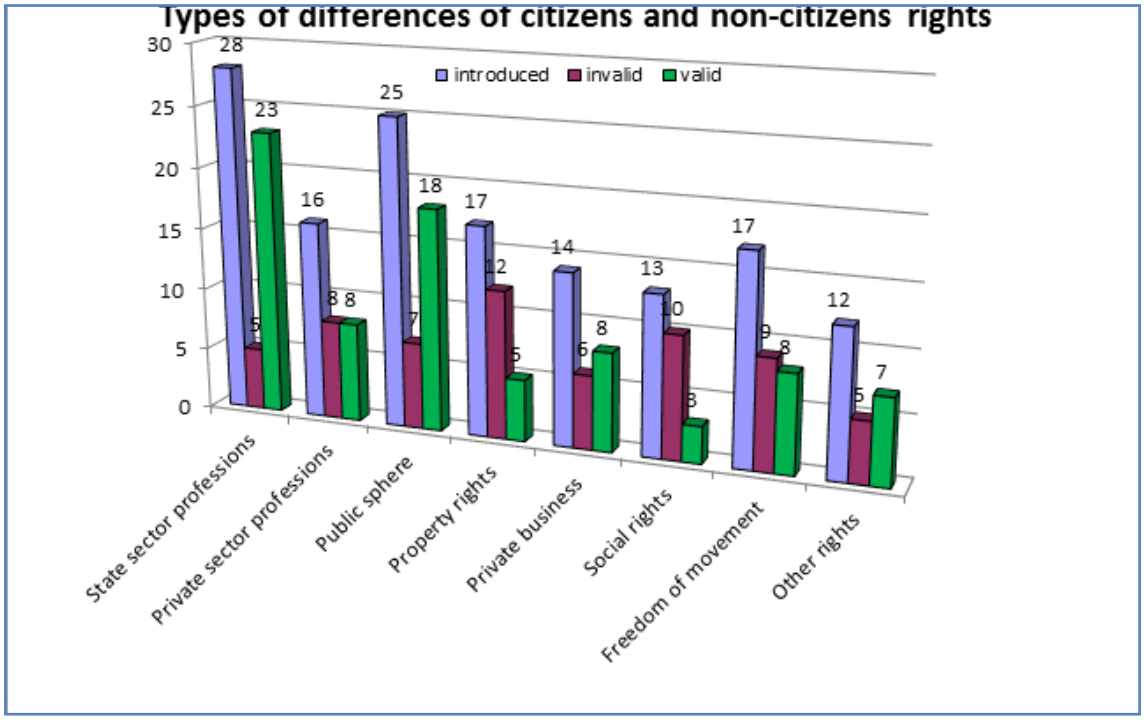
The ban for non-citizens on working as patent lawyers, which was adopted in 2007, sixteen years after Independence was achieved, raises the question whether German-born Albert Einstein had the citizenship of Switzerland, while serving in similar capacity in Bern. Incidentally, this difference belongs to two large groups:

1) 29 differences, when alcoholics, drug-addicts, mentally affected persons and terrorists who are citizens are deprived of a specific right, as well as non-citizens

2) 17 differences when not only Latvian citizens take priority over non-citizens of Latvia, but also those foreigners who are citizens of the European Union.

Figure 4.2

Types of differences of citizens and non-citizens rights



The author was an MP for two consecutive terms; during this period he widely used the list of differences in order to put forward proposals on cancellation of certain differences, to draw up legislative drafts and make amendments to them, to prepare inquiries to various Ministers, take legal courses to the Constitutional Court and to the European Court of Human Rights on behalf of the FHRUL faction as well as on his own personal behalf. The total number of such proposals made by the faction to the eighth Saeima (November of 2002 – November 2006) was 161; to the ninth Saeima (November 2006 – October 2010) – 104. Within the period of the two following convocations of the Saeima (since November 2010), which did not include the FHRUL faction, there been 9 such attempts.

The successes in eliminating differences eliminated during the term of the eighth Saeima include the already-mentioned providing non-citizens with the right to reside abroad, assigning equal treatment of citizens and non-citizens to Consulates, a more equal access to higher education, the right to work as pharmacists, to devise and inherit real estate, to hold non-managerial positions in the State Revenue Service, the right to defend their honour and dignity in mass media, the right to be aircraft captains as well as register their own aircraft on equal terms with citizens.

Unfortunately, in the ninth Saeima our achievements were less impressive. We managed to achieve the right of parents, one of whom is a non-citizen and another is a foreigner, to register their children as non-citizens.

A list of 30 municipalities, where non-citizens were not allowed to be members of commissions or working groups and in two of which non-citizens were not allowed to participate in surveys, was submitted to the Minister of Regional Development and Local Governments. The Minister issued a request to all municipalities demanding that these acts of outrage should be stopped; the only municipality which does not obey this instruction is the Riga City Council, where non-citizens are still not admitted to work in the Internal Audit Commission.

A list of international agreements, in which non-citizens of Latvia are discriminated in comparison with its citizens, was submitted to the Minister of Foreign Affairs (in August 2010, there existed 150 such agreements with 95 countries). As a result, the MFA actions while concluding new agreements have been more tolerant to non-citizens.

The list of differences as at August 2007 was submitted to Ombudsman Romans Apsitis, who studied it for a year and acknowledged 7 differences (including the above mentioned ban on working as patent lawyers) to be disproportionate and subject to cancellation. Unfortunately, the Saeima did not abolish any difference of this list, despite the fact that we have submitted Ombudsman's line of reasoning not less than a dozen times. On 15 October 2009, the 18th anniversary of the notion of "non-citizens", (see paragraph 4.1.1) the FHRUL faction submitted 7 corresponding Legislative Drafts on its own behalf from "zero reading" and defended each of them, but all of them were rejected already at the stage of transfer to commissions. The set of amendments to the Law on the Bar was the third on the list of the 7 drafts. This reminds the author of the Third Reich Regulation which banned the Jews to practice as barristers and when he saw the voting results on the first two drafts, he publicly compared the list of limitations for Latvian non-citizens (80 acts) with that for the Jews in the Germany of mid-thirties (12 acts).

The list of differences as of August 2010 was submitted for comments to the next Ombudsman Juris Jansons on behalf of the Council of Non-governmental Organizations of Latvia. In his reply, the Ombudsman approved of reducing the list of distinctions; however, on his official website and in mass media he expressed quite the opposite view a month later[383]. There, he did not mention any necessity to grant more rights to non-citizens or to eliminate the non-citizen status. The Ombudsman did not criticize the slow decrease in the number of non-citizens anymore; instead, he announced that "decrease in the number of non-citizens is not the ultimate goal" and that those non-citizens who have not naturalized "still believe in restoration of their former country within its former borders". Moreover, the Ombudsman claimed that the differences in rights of citizens and non-citizens are not discriminatory.

Throughout the terms of five parliaments (1993-2010), there have been 37 unsuccessful attempts to grant non-citizens the right to participate in municipality election, while in 2004 those foreigners, who are EU citizens, were even granted the right to run for office. Granting this right to non-citizens is required by 26 out of 30 international recommendations on non-citizenship given to Latvia since 1998 by the UN committees, by various bodies of the OSCE and the Council of Europe.

As at June of 2007 the persons, who are not citizens of the European Union, could participate in local elections in 17 EU countries, namely Belgium, Denmark, the Czech Republic, Estonia, Spain, Finland, Hungary, Ireland, Lithuania, Luxemburg, Malta, the Netherlands, Portugal, Sweden, Slovenia, United Kingdom. Moreover, in 13 of these countries persons who were not EU citizens were granted both the right to elect and to be elected. In some of these countries, e.g., the Czech Republic, Spain, Malta, Portugal, United Kingdom these rights had some restrictions, e.g., were only granted to citizens of certain countries under mutual agreements or to citizens of former colonies. 10 countries (Austria, Bulgaria, Cyprus, Germany, France, Greece, Italy, Latvia, Poland, Romania) did not grant such rights.[384]

Absence of universal right of suffrage in Latvia even at the local level has resulted in very low numbers of national minority representatives in self-governments, even in comparison with national minority share among citizens (see Table 2.13). The municipal election in June 2013 was already the sixth consecutive local election, which took place in Latvia without participation of non-citizens. According to author's estimates, which were submitted to the President on 2 October 2008 together with a request not to approve yet another discriminative law, non-citizens' financial contribution to municipalities in whose election they did not participate was about 1,500,000,000 LVL (more than EUR 2,000,000,000) in the form of the income tax alone.

Limitations for non-citizens are also an indirect reason for limiting the rights of the Latvian citizens. Anyway, the bill on municipal referendums is still being under consideration by both the Saeima and the government since 1997. In 2013 yet another variant was approved by the Saeima in the first reading. Non-citizens are not planned to be granted the right to participate in referendums.

The main social disadvantage is the exclusion of the time non-citizens worked in the Soviet times outside Latvia from the time used for calculating their Latvian pensions, while citizens receive pensions for such periods of time. This has also a significant impact on the amount of

383 See the joint letter from three non-governmental organizations to the Ombudsman about the contradictions in his conclusions on the issue of non-citizens of 28 December 2011: *http://www.lhrc.lv/?lang=ru&mendes=men2_men2c&tid=89*

384 Geyer F. "Trends in the EU-27 regarding participation of third-country nationals in the host country's political life". Briefing paper, the European Parliament's Committee on Civil Liberties, Justice and Home Affairs.

unemployment benefits, disability allowances and survivor benefits. By our estimation, 57,000 persons have suffered from this restriction since it was introduced on 01.01.1996 and their cumulative loss has been 141,000,000 LVL so far [385].

One of these 57 thousand people, Natalya Andreyeva lost half of her pensionable service; the LHRC won her case (Case No. 55707/00) in the European Court of Human Rights on 18.02.2009. It was the first time when one of the differences in rights between citizens and non-citizens had been legally recognized as discrimination.

The government decided to "eliminate the discrimination" in a most original way: so that the citizens of Latvia also lost their pensionable service time of the Soviet period. The respective bill (1362/Lp. 9) received majority approval in the first reading; nevertheless, it has never been fully reviewed. As for the proposals of the FHRUL party on full elimination of discrimination and later on its partial elimination, they were both rejected (bills 1179/Lp. 9 of 22.04.2009 and 1212/Lp.9 of 14.05.2009, correspondingly). Thus, the discriminating regulation remained unchanged.

On 19.01.2011, a social agreement between Latvia and Russia came into force, providing for inclusion of the time of employment in the territory of the Soviet Russia when calculating pensions for citizens and non-citizens on equal terms. One exception is the proof of compulsory military service in the territory of the Soviet Russia. Citizens prove the fact of compulsory service in the Soviet Army with their occupational record book and military registration card, while non-citizens have to submit their requirements to the Russian archives, which means long wait and does not guarantee reception of necessary information.

Latvia has similar social agreements with Lithuania, Estonia, Ukraine and Belarus. However, these four agreements do not provide for recognition of the Soviet working life as relevant when calculating unemployment benefit amount. As for the rest 9 former Soviet Republics, Latvia has no social agreements with them.

The continuous discrimination of non-citizens prompted the LHRC to initiate a cause in the Constitutional Court on behalf of four non-citizens, who in Soviet times mostly worked outside those Republics which have social agreements with Latvia. On 17.02.2011, an unfavourable judgement was passed. The judgement quite closely repeated those arguments of the government, which had earlier been rejected by the ECHR.

On 04.08.2011, five non-citizens (the fifth of them joined the group during the legal proceedings in the Constitutional Court) submitted an application, prepared by LHRC, to the European Court for Human Rights (Savickis and Others v. Latvia – application No. 49270/11).

In February 2012, the European Commission against Racism and Intolerance published its 4th Report on Latvia where it shared the opinion of the LHRC, which was known to the Commission, demanding that Latvia should carry out the judgment of the ECHR in case "Andrejeva v. Latvia" and criticizing the judgement of the Constitutional Court[386]. Nevertheless, the government claimed [387] that it has no intention to make any changes to the legislation.

The LHRC sent the information about non-execution of the judgement to the Committee of Ministers of the Council of Europe. The LHRC letter, together with governmental comments to it, can be found in the part of Council's website dedicated to supervision of the execution of ECHR judgements.[388]

On 4 June 2012, consideration of the issue was included in the agenda of the Committee of Ministers session, but was postponed indefinitely. In May, the LHRC sent motivated letters with explanation of the situation on non-citizens to permanent representatives to the Council of Europe of 44 CE Member States (apart from the Baltic States), as well as to the embassies of 12 countries in Riga. Model letters for some countries (Russia, Armenia, Azerbaijan, Georgia, Moldova, Poland, Ukraine) were supplemented with the information about the conditions of their compatriots in Latvia. Apart from that, all addressees were informed about the general situation of non-citizens as at November 2011[389].

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385 V. Buzayev "The Everlasting Occupation or the Incorruptible Relics of the USSR".

386 Fourth Report on Latvia. CRI(2012)3. Summary and Para. 129-132. Available on *http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-IV-2012-003-ENG.pdf*

387 Comments of the government of Latvia on the ECRI fourth report on Latvia. Part relating to Paras. 129-132. Available at *http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-IV-2012-003-ENG.pdf*

388 DD(2012)350 *Item reference: 1144th DH meeting (June 2012)Communication from a NGO (FIDH Latvian Human Rights Committee) (09/03/12) in the case of Andrejeva against Latvia (Application No. 55707/00) and reply of the government. Information made available under Rules 9.2 and 9.3 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements: Available at *https://wcd.coe.int/ViewDoc.jsp?Ref=DH-DD(2012)350&Language=lanEnglish&Site=CM*

389 By the attached LHRC book "Citizens of a Non-Existent State. The Long-Term Phenomenon of Mass Statelessness in Latvia". Second Edition, 2011: *http://www.zapchel.lv/i/doc/Citizens_Web.pdf*

On 6 November 2012, the Cabinet of Ministers at the closed-door part of its meeting (Protocol 62. paragraph 38) considered preparation of next report to the Committee of Ministers of the Council of Europe on the execution of judgement.

The government's report of February 2013 was published on the CE site in July of the same year. The report expressed the opinion that the judgment is executed completely by way of executing the agreement with Russia. The situation of those non-citizens, who worked in Moldova, Transcaucasia and Central Asia, is just not mentioned, as well as the absence of compensation to non-citizens, who worked in Russia, for the discrimination, which lasted for years up to 2011[390].

To our knowledge, the latest limitation for non-citizens was introduced by the Saeima as an amendment of 08.11.2012 to the Law On Referendums, Initiating Laws and European Citizens' Initiative[391]. Now signatures collection can only be initiated by a political party (of which non-citizens cannot be founders) or by an initiative group which must also be founded by ten citizens. As described in paragraph 2.2.2, the process leading to the referendum on granting the Russian language the status of the second state language was quite successfully launched by just four people, three of whom were non-citizens. Actually, it was that referendum and collecting signatures for the bill on granting citizenship to all willing non-citizens, that caused introduction of the Amendment (see paragraph 4.1.3)

The constitutional right to initiate referendums was also significantly limited for citizens, too. Now, referendum initiators must collect 30,000 signatures without any support of the state instead of the previous 10,000 and starting with 01.01.2015 this threshold will be approximately 150,000. In relation to the number of voters it is the biggest percentage in the world (10%), which puts Latvia into the Guinness Record Book in yet another nomination[392].

As for the doctrine of continuity of the Republic of Latvia (see paragraph 3.1.1), it should not be forgotten that the Law on Referendums was also "restored"; however, in the pre-war Latvia not ten thousand, but just one thousand signatures at the expense of initiators were sufficient for initiating a process leading to referendum[393]. Thus, the democracy level was reduced tenfold in the process of "restoration". This was also typical of the "restoration" procedure in several other cases.

The amendments offered by the Legal Affairs Committee of the Saeima on the initiative of the co-ruling Unity faction in March 2012 were twice adopted by the Saeima but returned by the President for repeated consideration. On 08.11.2012 the Legislative Draft was adopted by the Saeima for the third time and, as the opposition parties gave up the idea of initiating a referendum on the Law on Referendums (it required 33 signatures, while both opposition parties together had 44 MPs), it was also proclaimed by the President on 27.11.2012.

4.1.6. The legal status of foreigners in Latvia is mostly determined by the Immigration Law (see paragraph 4.1.1). If a foreigner wishes to reside in Latvia for more than 6 months, he or she should obtain a temporary or long-term residence permit. 3264 long-term residence permits and 4824 temporary residence permits were issued in 2011, but in 2001 – 7347 and 2212 residence permits correspondingly[394].

Long-term residence permits are granted to the spouses of residents of Latvia, pension-age parents of citizens or non-citizens of Latvia, to foreigners who have continuously resided in Latvia for at least five years, to minor children of permanent residents, to persons who have completed the secondary education in Latvia in the official language, to repatriates of Latvian or Liv ethnic origin, to foreigners residing in Latvia who prior to the acquisition of the citizenship of another country have been Latvian citizens or non-citizens of Latvia and to some other categories of persons. Unlike temporary residence permit holders, long-term residence permit holders are entitled to most social benefits, including state-financed education, a range of free or beneficial medical services, state and municipal social benefits on equal terms with citizens and non-citizens of Latvia. However, a permanent residence permit can be annulled for a much wider range of reasons than the non-citizen status, for example, if a foreigner has committed a serious or especially serious criminal offence, or has been included in the List of

390 Communication from Latvia concerning the case of Andrejeva against Latvia (Application No. 55707/00) *https://wcd.coe.int/ViewDoc.jsp?Ref=DH-DD(2013)746&Language=lanEnglish&Site=CM*

391 The Law "Amendment to the Law "On Referendums, Initiating Laws and European Citizens' Initiative" of 08.11.2012 "LV",186 (4789), 27.11.2012 [entered into force on 11.12.2012].

392 Vladimir Buzaev "The Country of the Guinness Records: How the Voters are Pushed away from Referendums", the "Delfi" portal, 25.04.2012: *http://rus.delfi.lv/news/daily/versions/vladimir-buzaev-strana-recordov-ginnessa-kak-izbiratelej-otodvigayut-ot-referendumov./id=42307272*

393 See, for example, discussion in the Saeima on the "restoration" of the Law of 31.03.1994, namely its Article 18: *http://www.saeima.lv/steno/st_94/st3103.html*

394 The OCMA data are available on the site of the institution: *http://www.pmlp.gov.lv/lv/sakums/statistika/uzturesanas-atlaujas.html*

those persons for whom entry in the Republic of Latvia has been prohibited, or has not resided in Latvia for more than a year without an important cause.

Those foreigners who are citizens of the EU countries have a number of advantages over non-citizens of Latvia. They have the right to participate in local elections, to own land anywhere without obtaining special permits, etc. (see paragraph 4.1.5).

A long-term residence permit is granted in most of the above-mentioned cases on the condition that the foreigner has learned the Latvian language. The required level of knowledge is A2, the second lowest category out of six. As in the XXI century 21.2% of national minority candidates passed the exam with a lower result, this requirement presents serious difficulties for some people, especially for the elderly.

The language requirements first appeared in the bill in its third reading in the last days of the term of the seventh Saeima. The numerous attempts of the Russian-speaking opposition to abolish or reduce the language requirements for all residence permit applicants, or at least for elderly people, have been rejected. However, after a FHRUL letter to the Ombudsman, a list of diseases, which can free the applicant from the exam, was added to corresponding rules of the Cabinet of Ministers.

A person who was not able to pass the language test was allowed to stay in Latvia with a temporary residence permit, while not entitled to a range of social benefits. The corresponding guarantee was simply cancelled by the Amendments of 22.04.2010 and the OCMA is filling the resulting legal vacuum at its own risk. Some cases even end in deportation. The most recent victim of such a case known to the author is a young Russian woman who had lived in Latvia continuously for 12 years, that is, a half of her adult life and who was deported on 18 November 2013, the 95th anniversary of the Latvian Republic.

EU citizens and persons who get a permanent residence permit after refusing the citizen or non-citizen status are freed from the language requirements.

Latvian residence permit or even just an entrance visa guarantees a free movement in the Schengen zone. This is why after the Amendment of 22 April 2010 foreigners got the right to apply for a temporary residence permit investing at least 100,000 LVL in business or real estate (under certain circumstances even less than that). The National Alliance continues their attempts to exclude this provision from the Law. In November 2013, as a result of an ultimatum to the other members of the ruling coalition, the National Alliance managed to toughen the Law, but the President has not agreed to proclaim these amendments yet.

In June 2006, the Saeima adopted the Law on the Status of Long-term Residents of the European Community in the Republic of Latvia[395]. This Law is based on the EU guidelines and provides certain benefits to persons who are not EU citizens, but have lived in Latvia for at least five years. These benefits can be used only outside Latvia. However, a person who seeks the status is obliged to provide a certificate of the state language knowledge. In September 2008, the Ombudsman stated that such a requirement for non-citizens is inadequate (see also paragraph 4.1.5). In 2011, the status was obtained by 45 persons, including 15 non-citizens and 13 Russian citizens.[396]

According to the data of the Population Register of 1st July 2012 out of 62,245 registered foreigners 41,262 (66.3%) were Russian citizens, 3999 (6.4%) – citizens of Lithuania, 3525 – citizens of Ukraine, 2261 – citizens of Belarus, 1436 – German citizens and 1019 citizens of Estonia. The citizens of the 5 former USSR countries mentioned above make up 83.6% of all the foreigners included in the Register.

This does not mean that Latvia is friendlier to Russia or former USSR companions than to other countries of the world. Most of these foreigners are former or might-have-been non-citizens of Latvia who did not want to put up with such an exotic legal status. This conclusion is confirmed by the fact that the number of issued residence permits is significantly higher than the number of the immigrants and also by the direct data: 77% of the residence permits in 2001 were issued because Latvian residents acquired foreign citizenship.[397] This is the context of removing from the Law on the Status of Non-Citizens the safeguards for those, who had the right for the non-citizen status but preferred access to foreign citizenship (see paragraph 4.1.4).

The Russian citizenship is also attractive for persons, who are not ethnic Russians. It is proved by the fact that, according to the data of the Register as of 1 July 2012, only 35,044 ethnic Russians were foreigners, which is much less than the number of Russia's citizens, who are registered in the Register. But 5740 ethnic Ukrainians and 4376 ethnic Belarusians were among foreigners, which significantly exceeds the number of citizens of Ukraine and Belarus, who are registered in the Register.

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395 The Law of 22.06.2006 "On the Status of a Permanent Resident of the European Union in the Republic of Latvia" ("LV", 107 (3475), 07.07.2006., Ziņotājs, 15, 10.08.2006.)

396 Public Report of OCMA, 2011, p. 11: *http://www.pmlp.gov.lv/lv/par_pmlp/publikacijas/Gada_parskats_2011.pdf*

397 Tendencies of changes in the legal status of different groups of Russian compatriots residing in the Republic of Latvia", paragraph 4.5.1

The number of Russia's citizens residing in Latvia is growing rapidly: 1996 – 8149. 2000 – 19,236. 2005 – 23,251. 2010 – 31,113[398]. The Population Register has lately been showing fast growth in the number of Russia's citizens (Table 4.1).

Table 4.1

Growth rate of the number of Russian citizens residing in Latvia in comparison with naturalisation rate

Date	Total citizens	Admitted to RF citizenship	Admitted to Latvian citizenship
01.01.2013	43,586		
01.01.2012	39,798	3788	2213
01.01.2011	36,638	3160	2467
01.01.2010	31,590	5048	2336
01.01.2009	30,328	1262	2080
01.01.2008	29,182	1146	3004
01.01.2007	27,380	1802	6826

The growth in Russian citizens' numbers, which can be compared with naturalization rates and since 2010 even exceeds them, is usually explained by the difference in retirement age which is lower in Russia. [399] The pension age for men and women in Latvia is 62 years with further gradual (from 2014 to 2025) increase to 65 years. The retirement age in Russia has remained unchanged since the Soviet times: 55 years for women and 60 for men.

During the period of defining the legal status of permanent residents many of them became illegal residents.[400] The number of people asking for relevant LHRC legal aid between 1995 and 2002 makes up 20% of all issued deportation orders (6329). There were Latvian citizens and non-citizens in 75% of the families (citizens in 17% of families) of those requesting LHRC aid on the issue; besides, there were persons born in Latvia in 655 families. Among the people without families, 21% were born in Latvia.

The EU membership had a significant positive effect on the position of illegal foreigners. Clear procedural safeguards were introduced in deportation cases, conditions of detention were improved and the procedure of judicial appeal against detention was made more effective. To some extent it was facilitated by the fact that the LHRC initiated two cases on detention in the European Court of Human Rights: L. Mitina versus Latvia – partial decision (2002) and judgment in favour of the Republic of Latvia; N. Shevanova versus Latvia (on residence permit); judgment in favour of Ms Shevanova was challenged in the Grand Chamber of the Court and in 2007 the case was declared mute with paying litigation expenses to Shevanova.

Yet some judgements are inappealable during the deportation process, which is a challenge in the light of the right to a fair trial. Citizen of Russia Alexander Kazakov, an activist of the Russian School Defence Staff, who was deported from Latvia, where he was born and grown, is an example. On 24.02.2006 the Senate of the Supreme Court held that the decision on including Kazakhov into the list of persons for whom entrance in Latvia is prohibited was unreasonable and reversed it. However, the Minister of Foreign Affairs re-included his name in the list of personae non gratae.

In 2011, there were 2157 cases of violations of the rules of foreigners' residence in Latvia, 1230 persons were denied entrance into Latvia, 335 asylum seekers were registered.[401] 1004 persons got administrative order on deportation; besides, 48 decisions were made on forceful deportation.[402]

4.2. The Portrait of a Non-citizen

4.2.1. As at 01.07.2013, only 526,791 out of 884,794 ethnic non-Latvians included in the Register were citizens of Latvia and 289,729 (32.7%) were non-citizens of Latvia. The shares of non-citizens in

398 Data of CSB, Table ISG09

399 See, for example: "Non-citizens of Latvia: status and integration aspects", by M. Ustinova, M. 2011. 33 pages, page 29.

400 "Tendencies of Changes in the Legal Status of Different Groups of Russian Compatriots Residing in the Republic of Latvia", Riga: Latvian Human Rights Committee, 2004, paragraph 5.3.

401 State Border Guard Public Report of 2011, paragraphs 2.5.5 – 2.5.7: *http//www.rs.gov.lv/doc_upl/Valsts%20robezsardzes%202011.gada%20publiskais%20parskats.pdf*

402 The OCMA data are available on the site of the institution: *http://www.pmlp.gov.lv/lv/sakums/statistika/uzturesanas-atlaujas.html*

most numerous ethnic groups are the following: Ukrainians – 53.2%, Belarusians – 52.7%, Russians – 32.2%, Jews – 28.0%, Lithuanians – 26.6%, Poles – 20.3% (see also Table 4.2).

Table 4.2

Ethnic origins and citizenship of residents of Latvia.

Data of Population Register as of 01.07.2013

("others" predominantly means "foreigners", persons with more exotic status are represented in one-digit numbers)*

Ethnic origin	Citizens	Non-citizens	Others*	Total
Ethnic Latvians	1,302,240	781	1105	1,304,126
Russians	360,350	190,828	38,851	590,029
Belarusians	30,579	39,483	4896	74,958
Ukrainians	18,526	28,157	6233	52,916
Poles	37,640	9917	1403	48,960
Lithuanians	18,111	7501	2630	28,242
Jews	6037	2554	530	9121

According to the law on ratification of the Framework Convention for the Protection of National Minorities, only citizens of Latvia form national minorities, thus, the second-largest national minority of Latvia is not the Belarusian but the Polish one, which is in reality outnumbered by both Belarusians and Ukrainians.

The ethnic composition of non-citizens throughout the period of their existence is reflected in Table 4.3

Table 4.3

Ethnic groups of the non-citizens community of Latvia

(Data of the Population Register of Latvia as of August 1993, January 2000 and July 2012)

Ethnicity \ year	Absolute non-citizens number			Proportion of ethnicity in non-citizens number (%)			Proportion of non-citizens in ethnic group (%)		
	1993	2000	2012	1993	2000	2012	1993	2000	2012
Russians	505,486	393,190	200,384	64.24	66.84	65.74	60.9	55.61	33.48
Belarusians	81,919	74,111	41,294	12.06	12.6	13.54	79.9	75.63	53.94
Ukrainians	70,555	54,705	29,381	8.62	9.3	9.64	93.7	85.54	54.78
Lithuanians	25,918	17,087	7969	3.81	2.9	2.61	79.5	50.87	27.73
Poles	21,581	20,114	10,368	3.53	3.42	3.40	38.4	33.49	20.73
Ethnic Latvians	21,745	4712	926	3.2	0.8	0.3	1.57	0.34	0.07
Total within population	747,806	588,225	304,823	29.2	24.6	13.8			

Between 1993 and 2000, non-citizens were in majority in all the major national minorities except the Polish one, but in 2012, they were only in majority among Ukrainians and Belarusians.

Although the ethnic criterion was not officially mentioned while the future non-citizens were being deprived of political rights (see paragraph 4.1.1), a tiny proportion of ethnic Latvians among non-citizens is an obvious evidence of the elaborated selectivity of this instrument of inequality.

4.2.2. In terms of regional distribution[403], most non-citizens as well as most national minorities live in large cities: 51.3% of all non-citizens live in Riga, 21% of them live in Daugavpils, Ventspils, Jelgava, Rezekne and Jurmala (among national minorities altogether – 44.7% and 23.8% correspondingly).

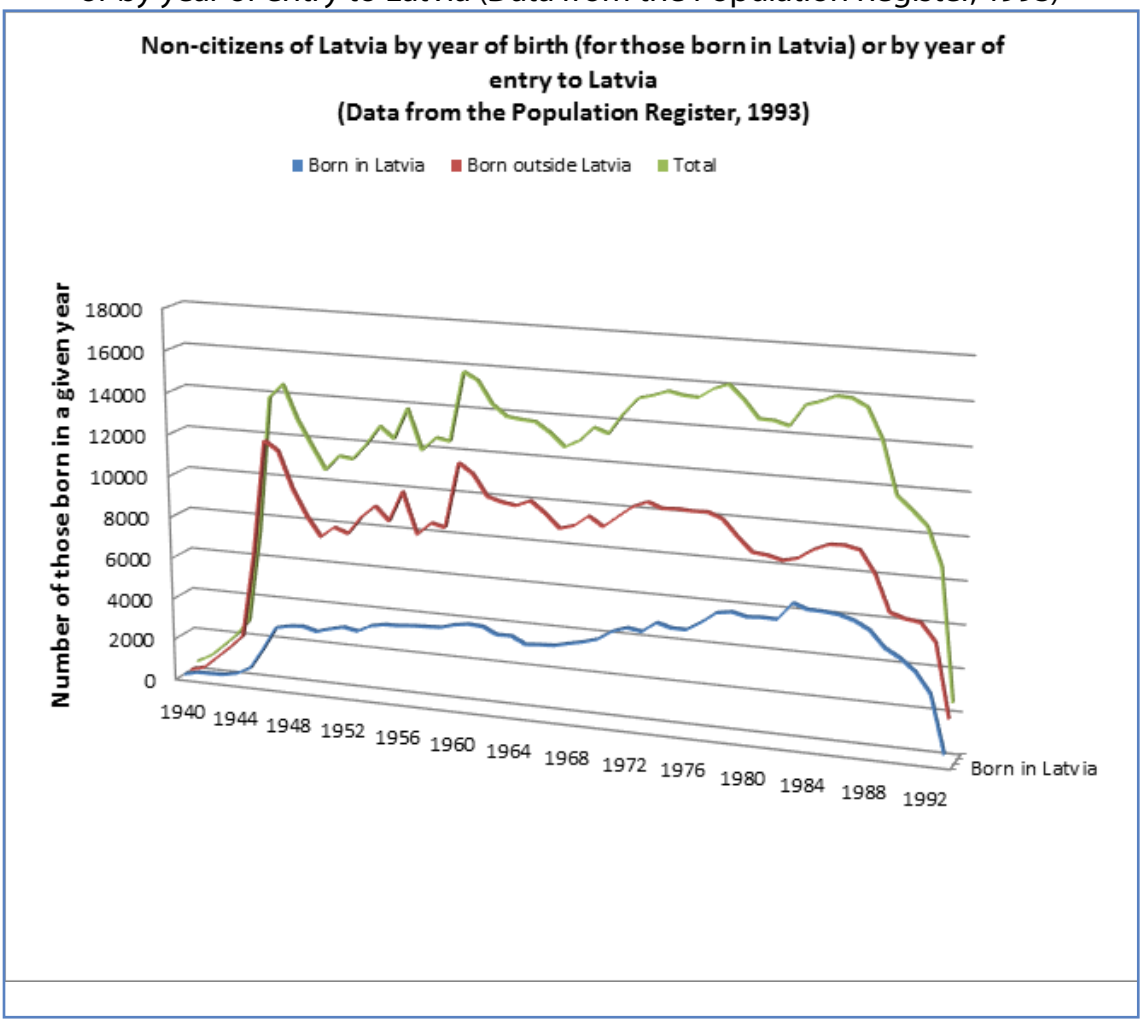
In Liepaja and Ventspils non-citizens together with foreigners make up most of non-Latvian population – 55% and 53% correspondingly. In Riga, Jurmala, Olaine County and Salaspils County this proportion is 47-49%. In Latgale and its largest towns most ethnic non-Latvians are Latvian citizens.

4.2.3. The data on ethnic origins and age of future non-citizens at the moment of their registration (Figure 4.3.) are given in the unofficial table of the Population Register of October 1993 (see also information on this Register in paragraph 3.4.2).

403 Paragraph 4.2.2 gives the data of the Population Register as of 01.07.2012

Figure 4.3

Non-citizens of Latvia by year of birth (for those born in Latvia) or by year of entry to Latvia (Data from the Population Register, 1993)



The biggest group of later non-citizens were born in Latvia in 1983: 6749 people or 44% out of all the 15,364 non-citizens who appeared in Latvia in that year. The analysis of the Register shows that as of 1993, 32% of those who were denied Latvian citizenship were native-born; as for the rest, their average period of residence in Latvia was 26 years[404].

Taking into account that persons, who came to Latvia after 1 June 1992, are not entitled to the non-citizen status anymore, it may be stated that the average Latvian residence term of those non-citizens, who were not born in Latvia, is 46 years, as at 2013. It is longer than the total duration of the independence (1918-1940 and 1991-2013) and twice as long as the Second Republic of Latvia exists and (with insistence that could be better used elsewhere) keeps calling those people "immigrants".

As at 1993, the Register comprised the data of 1137 persons, who were not admitted to citizenship but born in Latvia before 1945. The oldest one, who was denied the high title of a citizen, was born in soon-to-be Latvia in 1892. If even we assume that the first Latvian native, who was later registered as non-citizen, was born in Latvia in 1945 it is likely that in the next 68 years he or she could start a family with children, grandchildren and great grandchildren. If this great grandchild is registered at birth as a non-citizen, which is possible under Latvian law, he or she would be the fourth generation of "immigrants" who were born locally.

1003 people came to Latvia in 1942 and 1576 people in 1943, and in 1993 they were registered as future non-citizens. It was the time of punitive operations in the neighbouring countries (predominantly Belarus), when a part of the population was forcibly overtaken to the Latvian territory. The Second Republic of Latvia deprived those people of their political rights, thus showing solidarity to Nazi repressions.

404 The calculation method is given in an other book by the author, "Non-citizens of Latvia", pages 12-13.

4.2.4. The changes in the age composition and data on their place of birth are given in Table 4.4.

Table 4.4

Non-citizens' distribution by their age and place of birth [405]

Age	1993			2012		
	Born in Latvia	Born outside Latvia	Total	Born in Latvia	Born outside Latvia	Total
0-18	101,342	156,594	257,936	13,133	241	13,374
19-20	9926	20,877	30,803	2908	117	3025
21-49	100,810	264,313	365,123	77,720	32,814	110,534
50 years of age or older	2309	4913	7222	35,301	153,070	188,371
Total	214,387	446,697	661,084	129,062	186,242	315,304

In 1993, young people and persons of employable age were deprived of political and other rights (see paragraph 4.1.5). For the elapsed time up to 2012 some of them left the country, some others acquired citizenship of Latvia or that of other countries, but a considerable number just moved down to the lower lines of the table. Today, the proportion of native-born people among all non-citizens is 41%, but among those who are under 50 years of age it is 74%.

4.2.5. The divergence between the census data and the Population Register, mentioned in paragraph 1.2, also refers to the number of non-citizens. Let us compare the data on the legal status of the population given by the census of 01.03.2011 and the closest actualization of the Population Register as of 01.01.2011 (see Table 4.5).

Table 4.5

Latvian Population distribution by their legal status by the data of the census and the Population Register as of the beginning of 2011

Category	Census data	Population Register data	Difference in numbers	Difference in percentage
Total population	2,070,371	2,236,910	166,539	8.04
Citizens	1,728,213	1,854,684	126,471	7.32
Non-citizens	295,122	326,735	31,613	10.71
Foreigners	47,036	55,491	8455	17.98

The foreigners, predictably, turned out to be the most mobile part of the population and they outnumber other categories by the share of those who were outside Latvia at the time of the census. As for non-citizens, the fact that about 11% of them were outside Latvia at the time of the census does not mean that the massive statelessness was reduced. Wherever they might be with their violet passports, they are officially Latvian subjects, which means that they are exporting the shameful status of the "undercitizen" of Latvia.

Where exactly they went, can be found out in the data of the Population Register as at 01.07.2012, when OCMA first published the information on those persons, who had informed the Ministry of Foreign Affairs of their relocation. 75,683 of those law-abiding persons were citizens and 3281 were non-citizens (compare with Table 4.5). The most popular destinations for citizens were the following (in descending order): the United Kingdom, the USA, Ireland, Germany, Australia, Canada, Russia, Sweden, Israel, Estonia. The ten most popular destinations for non-citizens were the following: Russia, Germany, Belarus, France, Ukraine, the United Kingdom, Israel, Lithuania, Ireland.

On 01.07.2013, the Population Register included 92,536 citizens and 3834 non-citizens residing abroad.

4.2.6. Social and economic situation of non-citizens is close to that of the national minorities in general with allowance for age differences and the differences in rights described in paragraph 4.1.5.

The level of the Latvian language knowledge among non-citizens is described in paragraph 2.1.5.

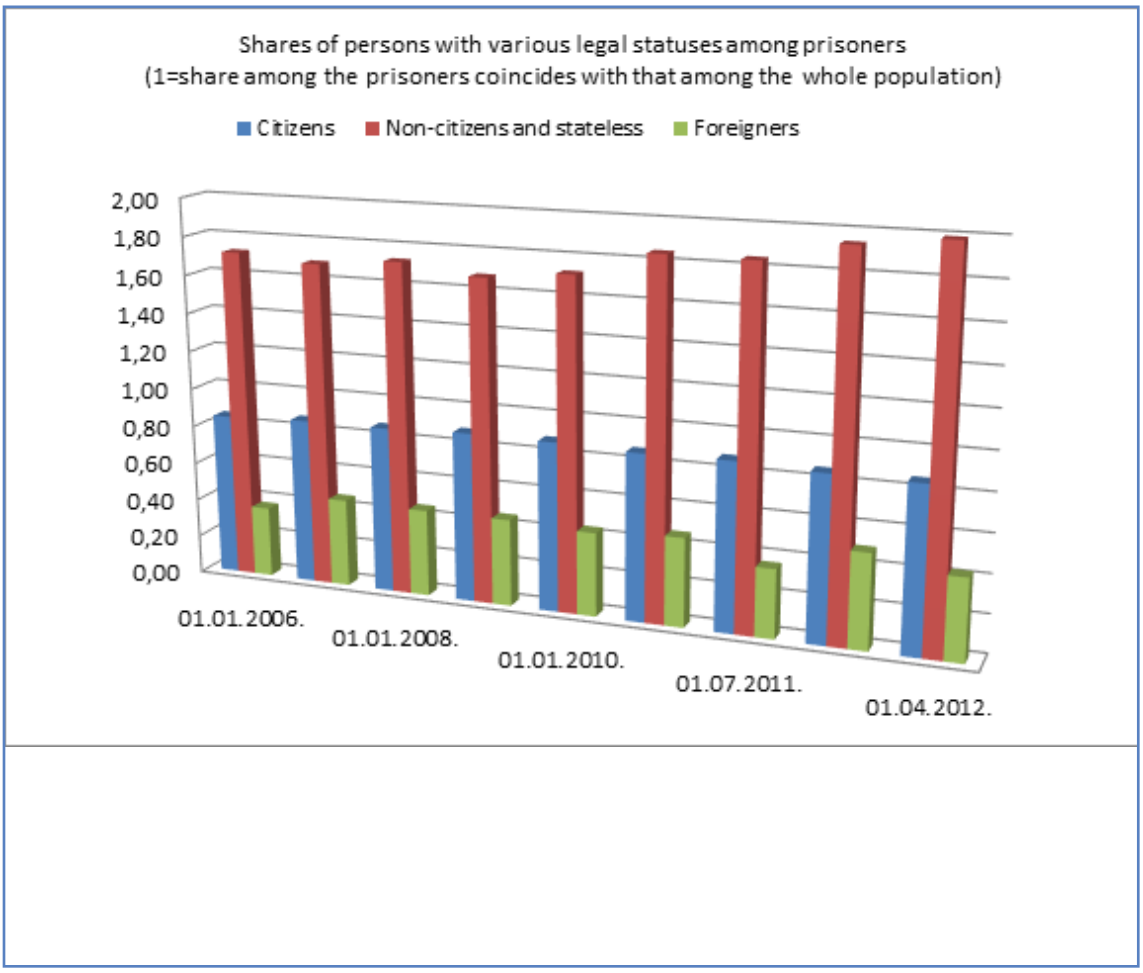
405 The data as of 2012 are taken from the Second Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Latvia Table 2.

The data on the number of non-citizens in prisons are also available[406] (Figure 4.4. compared to Table 2.7). As at 2012, the incarceration rate (see also paragraph 1.2.4) of ethnic Latvians was 0.71 of the average; that of national minorities – 1.47, citizens – 0.86, non-citizens – 1.99. Thus, non-citizens are more inclined to get behind bars than national minorities in general.

Thus, the low legal status does not facilitate law-abiding behaviour. It should also be taken into account that there are no non-citizens among judges, prosecutors, barristers and police, and share of national minorities among the first three of those professions is insignificant even compared to their share among citizens.

Figure 4.4

Shares of persons with various legal statuses among prisoners
(1=share among the prisoners coincides with that among the whole population)



4.2.7. In July 2012 foreign and, strange as it is, domestic mass media published (without reference to any source) the fact that Latvia held the third place in the EU in terms of non-citizens' numbers after Luxembourg and Cyprus[407]. According to the Eurostat data,[408] Luxembourg really is the leader in terms of the share of residents, who do not have citizenship of the relevant country (over 40%), and Latvia, Estonia and Cyprus follow with just under 20%. However, in both Luxembourg and Cyprus those who are not citizens of the country of residence are not in fact Latvian-type stateless "non-citizens", but foreigners, mostly from the EU countries, while in Latvia (see paragraph 4.1.1), vast majority of such persons not only aren't citizens of Latvia, but they have no citizenship of any other country, either.

Latvia is not the third, but the first among the EU countries in terms of number of stateless persons, not only in proportion to the population, but also in absolute numbers (see Table 4.6).

406 The Second Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Latvia, Table 20. The proportions were calculated by the author.

407 See, for example, information in a range of mass media and that of Eurostat: "Latvia holds the third place in terms of non-citizens number"

408 Migration and migrant population statistics. From Statistics Explained, October 2011, Figure 4

Table 4.6

Number of stateless persons in the EU countries
(the data of the United Nations Office of the High Commissioner for Refugees as at 2011/2012)[409]

State	Number	%
Latvia	312,362	70.06
Estonia	97,749	21.92
Sweden	10,344	2.32
Germany	8044	1.80
Finland	3614	0.81
Lithuania	3480	0.78
Denmark	3183	0.71
The Netherlands	2005	0.45
France	1180	0.26
Italy	1176	0.26
Poland	763	0.17
Belgium	697	0.16
Austria	464	0.10
Greece	205	0.05
United Kingdom	205	0.05
Luxembourg	177	0.04
Hungary	89	0.02
Slovakia	63	0.01
Spain	36	0.01
Portugal	31	0.01
Bulgaria	0	0
Czech Republic	0	0
Ireland	0	0
Cyprus	0	0
Malta	0	0
Romania	0	0
Slovenia	0	0
Total	445867	100

4.3. Reduction of mass statelessness

4.3.1. As can be seen in Table 4.3, the number of non-citizens became 2.5 times less in 19 years. It is interesting to analyse the factors, which caused this reduction.

We can divide this time into two periods: initial people registration (1993-1996) and naturalisation (after 1996).

4.3.2. Such analysis in the first period can be based on two sources (Table 4.7):
- the data of the Population Register presented on the request of opposition MPs, as at 09.08.1993
- the official statistics as at 01.01.1996.

409 The United Nations Office of the High Commissioner for Refugees with information on every country: *http://www.unhcr.org/cgi-bin/texis/vtx/home* We are interested in the persons, who are qualified as "stateless persons"

Table 4.7

Legal Status of the Latvian Population in 1993 and 1996

09.08.1993		01.01.1996	
Total	2,559,559	Total	2,469,531
Citizens	1,811,753	Citizens	1,786,211
Registered	1,729,740		
Not registered	82,013		
Non-citizens	747,806	Non-citizens	670,478
Registered	714,980		
Not registered	32,826		
Total of not registered	114,839	Foreigners	12,842

The MPs were informed about the number of persons registered as Latvian citizens (1,729,740) or permanent residents not having the citizenship of the country (714,980).

Using the statistics data on population numbers of 01.01.1993 and 1994 we can estimate population number in August 1993 as 2,559,559 people. The difference is 114,839 people who did not come to registration or whose requests were rejected.

The increase in the number of persons registered as citizens in 1996 in comparison with 1993 suggests that a number of non-registered persons had the right to acquire citizenship and used it.

While estimating the numbers of future citizens and non-citizens among non-registered persons we used the following assumptions:

1) persons, who had the right to acquire citizenship, did not emigrate from the country during the period.

2) persons, registered as permanent residents, did not acquire Latvian citizenship apart from naturalization (984 people in 1995).

The data on natural decline in the population in 1993-1995 show the decline in ethnic Latvians' number as 16,160 and in ethnic non-Latvians – 22,823.

Taking the number of ethnic Latvians on 01.01.1996 as 1,388,420 people and assuming that all of them were citizens, we get the number of non-citizens as 397,791 (1,786,211 – 1,338,240). Dividing the natural decline of ethnic Latvians proportionally between citizens and the rest of the population we get the natural decline in the number of citizens as 24,558 and in the rest of the population – as 14,425.

Finally, by the difference in citizens numbers in 1993 and 1996 with allowance for the natural decline and naturalization of non-citizens, we get the number of persons who had the right for citizenship but did not exercise their right: 1,786,211-1,729,740+24,558+984=82,013 people (see the left column of the table). Now it is not difficult to calculate out the number of persons who had the right for the status of citizen (and that of "non-citizen") in 1993.

The future non-citizens made up 29.2% of all the population and 64.5% of ethnic non-Latvians.

The decline in the non-citizens number is 77,328 people (747,806-670,478), of which 984 (1.3%) are accounted for by naturalization, 12,842 (16.6%) – by acquisition of foreign citizenship, 14,425 (18.7%) – by the difference between birth rate and death rate in favour of the latter. The rest, 49,077 people (63.5%), have to be "written off" for emigration. Total emigration within the period was 54,530 people, which means that non-citizens made up about 90% of the emigrants number. This conclusion seems quite plausible, as by the available data on ethnic composition for 1995, ethnic non-Latvians made up 95.8% of total emigrants number.

4.3.3. The second period is much better documented and the data on the legal status of the population can be seen in the following diagram (Figure 4.5).

Correspondingly, number and proportion of each category of the three terms are shown in Table 4.8.

Within 16 years, the number of non-citizens decreased by 358,289 people, which is more than twice. 36% of this reduction is accounted for by the increase in the number of citizens who are ethnic non-Latvians and 13% – by the increase in the number of foreigners. The rest of the decrease was caused by the natural decline and emigration and is not connected with any change in legal status.

In the period between 01.01.1996 and 01.01.2012 citizenship was acquired through naturalization by 136,589 people[410].

410 Summarizing the data from the site of the OCMA.

Figure 4.5

Changes of the legal status of Latvian residents

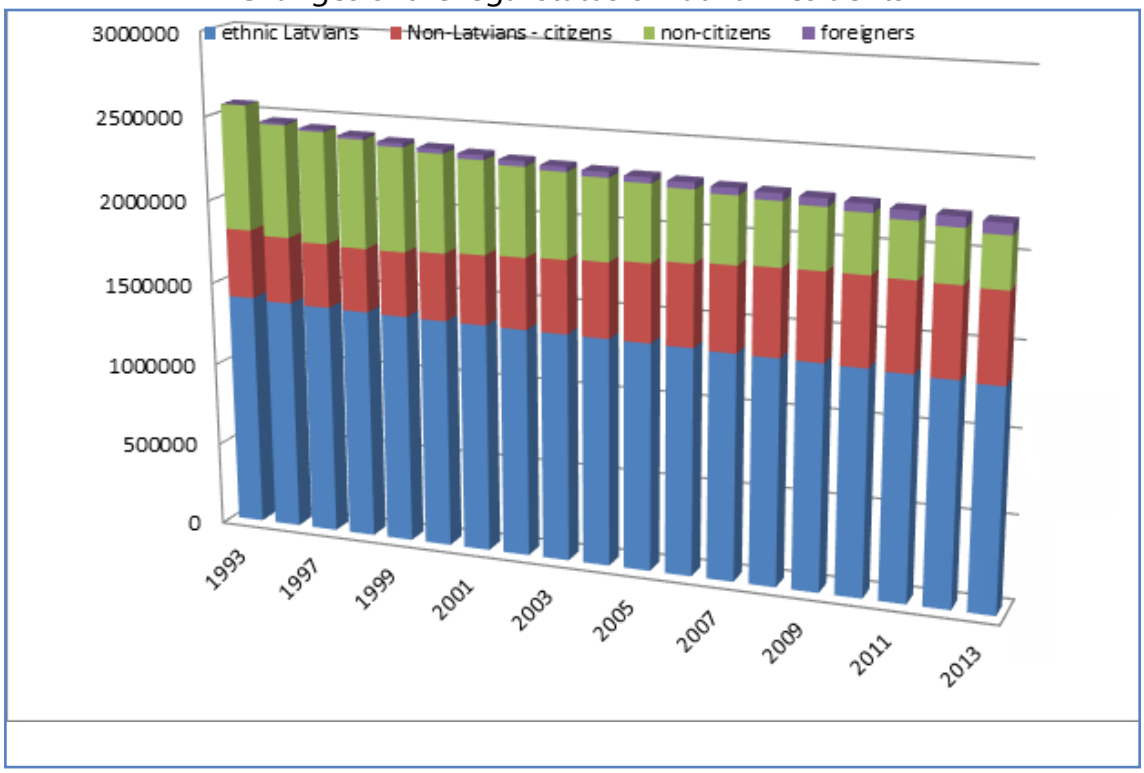


Table 4.8

Categories of Latvian population in 1996-2012

Year	1996		2003		2012		1996-2012	
	Abs.	%	Abs.	%	Abs.	%	Abs.	% to 1996
Total population	2,469,531		2,331,480		2,217,053		252,478	10.2
Ethnic Latvians	1,388,420	56.2	1,362,666	58.4	1,319,552	59.5	68,868	5.0
Citizens ethnic non-Latvians	397,791	16.1	434,280	18.6	525,189	23.7	-127,398	-32.0
Non-citizens	670,478	27.2	504,572	21.6	312,189	14.1	358,289	53.4
Foreigners	12,842	0.5	29,962	1.3	60,123	2.7	-47,281	-368.2

The data on citizenship acquisition via registration based on candidates' applications are available for the period between 1999 and 2009, when it was the responsibility of the Naturalization Board which was liquidated in March 2010[411]. Within the period, 9364 people acquired citizenship, of which 1738 people acquired citizenship in 1999 and 736 people – in 2009. By extending these data to the periods between 1996-1998 and 2010-2011, we can get the total number of people who acquired citizenship this way – 16,050.

Moreover, since 01.1999 citizenship is also granted to the children of non-citizens. Corresponding data for 2009 are available in that same Report of the Naturalization Board – 8133 during the whole period. Besides, according to the available data, 576 children were granted citizenship in 2011[412]. 9027 persons were granted citizenship by the application of their parents; the total number of the "new citizens" in the period is 161,846 persons. This figure makes up 45% of total decrease in the non-citizens' number, but exceeds the increase in the number of ethnic non-Latvian citizens. The latter is, of course, connected with the natural decline of the population and emigration, therefore the efficiency of the naturalization procedure should be estimated for each year separately (Table 4.9)

411 See the Report of the Naturalization Department on the site of the OCMA.

412 "13 500 non-citizen children would have received citizenship if their parents had just written an application" the "Diena" newspaper. Inga Patmalniece. 07.03.2012

Table 4.9

Causes of decrease in the non-citizens' number

Year	Decrease in non-citizens' number	Increase in foreigners' number		Acquisition of Latvian citizenship		Other causes	Including emigration
		Abs.	%	Abs.	%		
1996	6683	-130	-1.9	4754	71.1	2059	
1997	20,833	4716	22.6	4730	22.7	11,387	
1998	26,704	6272	23.5	6177	23.1	14,255	
1999	34,083	3873	11.4	14,423	42.3	15,787	
2000	29,931	1872	6.3	16,166	54.0	11,893	2122
2001	26,790	1902	7.1	11,399	42.5	13,489	
2002	20,882	-1385	-6.6	10,726	51.4	11,541	
2003	22,937	3369	14.7	11,045	48.2	8523	
2004	29,333	1579	5.4	18,799	64.1	8955	
2005	33,616	3162	9.4	21,627	64.3	8827	224
2006	26,404	2597	9.8	18,964	71.8	4843	1372
2007	20,623	3165	15.3	8322	40.4	9136	1253
2008	14,682	3202	21.8	4230	28.8	7250	1139
2009	13,698	1835	13.4	3235	23.6	8628	988
2010	17,434	5062	29.0	3470	19.9	8903	1035
2011	13,656	6190	45.3	3779	27.7	3687	

The data for 1996 look questionable, as well as the data on the number of foreigners in 2002-2003, but the table as a whole shows the efficiency of dismantling the mass statelessness by granting Latvian citizenship to non-citizens.

Acquisition of Latvian citizenship reduced the mass statelessness for 40%-70% in the period between 1999 and 2007. In the last four years, however, the share of naturalization in reducing the number of in non-citizens fluctuated between 20% and 30%.

4.3.4. Within the last four years acquisition of foreign citizenship, predominantly that of Russia, has been much more popular than taking naturalization exams. This seems, first of all, to be connected with the difference in the retirement age in Latvia and Russia (see also paragraph 4.1.6).

The Russian community of Estonia has gone much further. In the period between 1992 and 2008 the total number of naturalized persons in Estonia was 149,351, while the number of persons receiving Russian citizenship between 1992 and 2007 was 147,659[413]. In the beginning of 2009 there were 110,284 "persons with unidentified citizenship" and 96,616 Russian citizens with valid residence permits in Estonia.[414]

Correlation of various categories of "non-native" population of Latvia and Estonia in 2011-2012 is given in Table 4.10.

The same kind of self-identification was even more definitely chosen by the population of such countries as South Ossetia and Abkhazia where the vast majority of the population has Russian citizenship[415], by some data even more than 90% of the population[416].

From the legal point of view, the status of Latvian non-citizen is higher than that of a foreigner with a permanent residence permit from a non-EU country. At least, a non-citizen cannot be deported out of the country under any circumstances. We drew up a list of differences in the rights of non-citizens and foreigners in 2004[417], but, unfortunately, it has not been revised ever since.

413 See the book of V.V. Buzaev and I.V. Nikiforov "Modern European Ethnocracy: Problems of National Minority Rights in Latvia and Estonia", Moscow, the "Historical Memory" Foundation, page 30. *http//www.historyfoundation.ru/dl.php?file=79*

414 Ibidem, page 54.

415 The portal "Caucasian Knot". The article "The Abkhazian Government Approved the Sample of the Abkhazian Passport Designed in Russia", 13.03.2010: *http://www.kavkaz-uzel.ru/articles/167700/*

416 "90% of the population of South Ossetia Have Russian Citizenship", the portal "army.lv" 15.09.2005: *http://army.lv/ru/yuzhnaya-osetia/699/4962*

417 Tendencies of changes in the legal status of different groups of Russian compatriots residing in the Republic of Latvia", Riga, 2004 Chapter 2: *http://www.zapchel.lv/i/doc/tendencii_2004_2.pdf*

Table 4.10

Comparative data on the status of population groups in Estonia and Latvia (2011-2012)[418]

	Estonia			Latvia		
	Abs.	Fraction	In relation to minorities	Abs.	Fraction	In relation to minorities
Total population	1,339,662	100		2,070,371	100	
Ethnic native population	924,966	69.0		1,285,136	62.1	
National minorities	414,696	31.0	100	785,235	37.9	100
Citizens	1,146,610	85.6		1,728,213	83.5	
National minority citizens	221,644	16.5	53.4	443,077	21.4	56.4
Naturalized	154,874	11.6	37.3	139,786	6.8	17.8
Non-citizens	92,351	6.9	22.3	295,122	14.3	37.6
Citizens of the Russian Federation	94,638	7.1	22.8	34,091	1.6	4.3

4.3.5. The difference in the data of the Register for 01.07.2012 and 01.07.2013 shows the rate of annual non-citizen population decrease on account of various factors as 14,296 people with reduction coefficient k=0.048. Population decrease is described by subsidence with half-value period t=ln(2)k.

Thus, the number of non-citizens will decrease twice in 14 years (0.693/0.048). If nothing is changed, in 2027 there will be about 150 000 non-citizens in Latvia and in 2041 – 75 000.

Nowadays, there are only some 36,000 stateless persons living in EU outside Estonia and Latvia (see table 4.6).

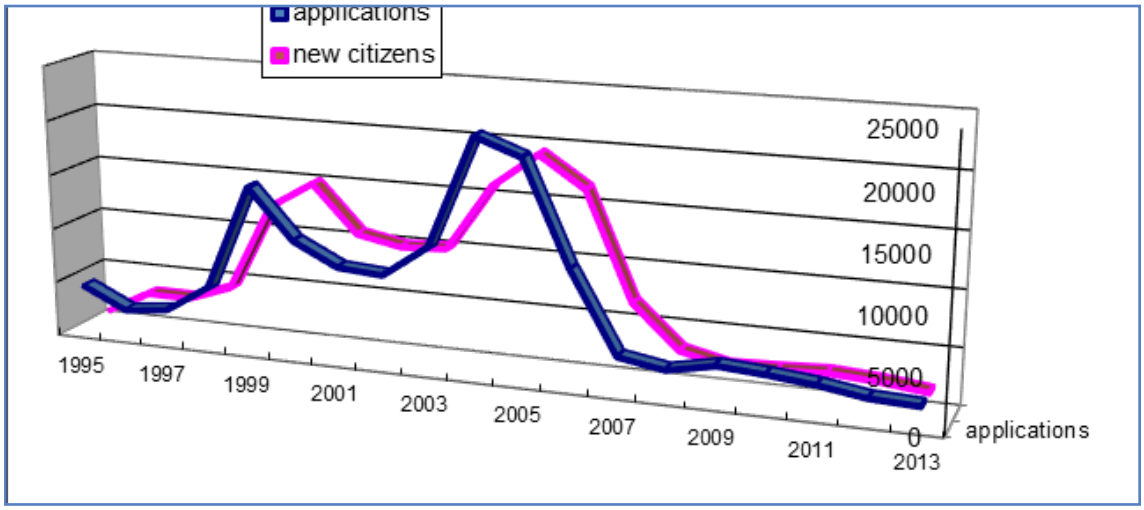
4.4. Naturalization

4.4.1. For a long period of time, naturalization has been the main factor of reducing the mass statelessness. The proportion of former non-citizens among those who acquired citizenship through naturalization procedure between 2001 and 2009 fluctuated between 95.6 (2009) and 99.6 (2003)[419] This means that in the XXI century there still are persons who continue to restore their political rights, which they or their parents were deprived of in1991.

Naturalization rate is shown for the whole period of the existence of this procedure[420].

Figure 4.6

Naturalization rates



418 The data on the population numbers and the number of Estonians are taken from the site of the Department of Statistics of 01.01.2012; the data on citizenship of 01.07.2012 – from the site *http://estonia.eu/about-estonia/society/estonians.html*; the data on the Latvian population and the number of persons with different legal status are given by the census of 2011, the data on naturalization as of 01.01.2013

419 Data of CSB, Table IB07

420 The data from the OCMA site: *http://www.pmlp.gov.lv/lv/statistika/Naturalizacija.html*

The graphs show a year-long between the peaks of two curves (those granted citizenship number and number of application), which reflects the approximately year-long procedure of granting citizenship from submitting the application till the positive response from the Cabinet of Ministers.

The first peak was caused by cancellation of the so-called "naturalization windows", that is, granting the right to apply for citizenship to persons of all ages, also those born outside Latvia. The second peak is traditionally attributed to joining the EU. However, it was exactly in 2004 that the Russian community became most active in connection with the 2003-2006 resistance against the so-called "school reform".

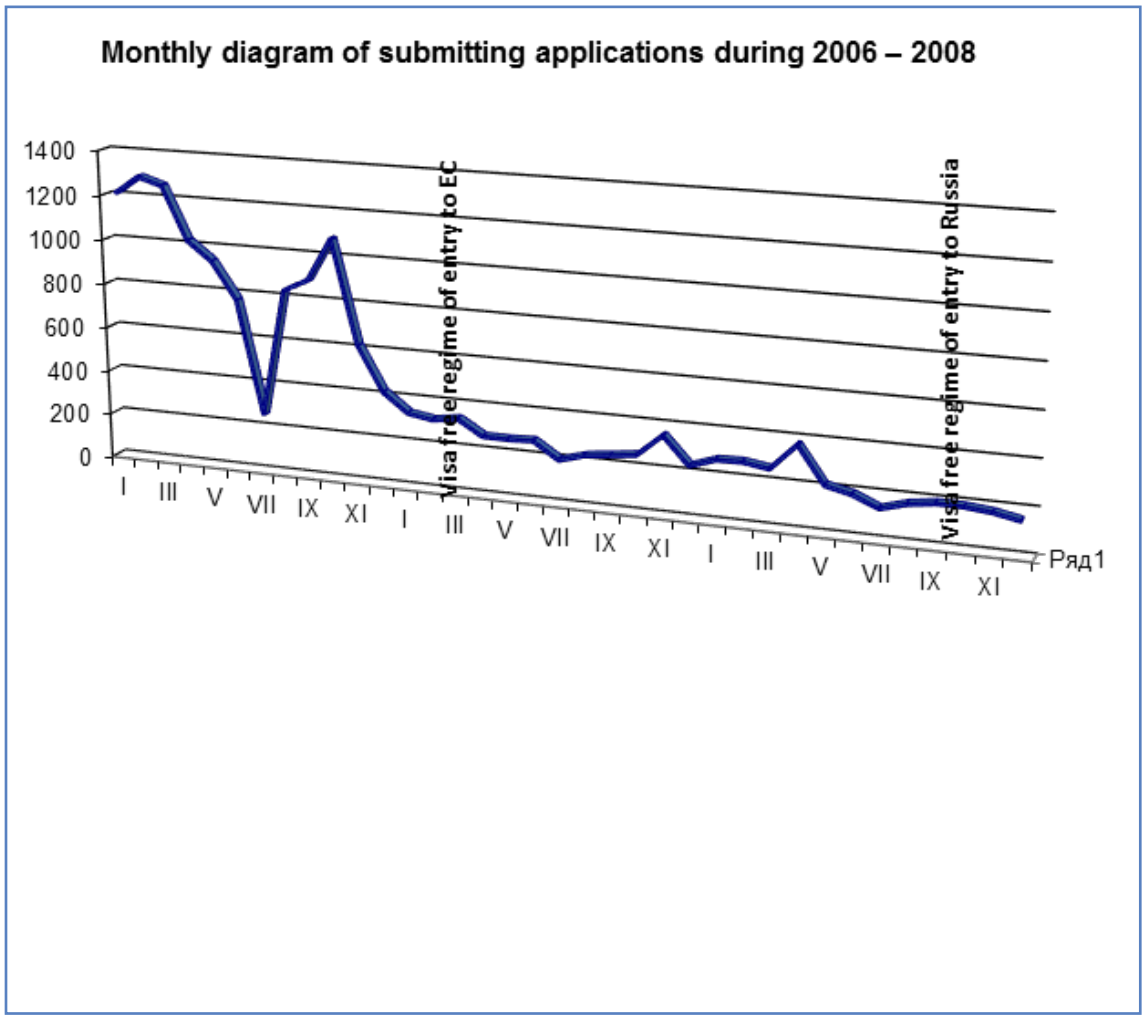
Naturalization rate in 2009 -2013 was lower than in the beginning of the process and the rate of applying rate the lowest for the whole naturalization period. On 01.07. 2013 there were 290,000 non-citizens included in the Population Register, which means that purely arithmetically 140 years will be needed for their naturalization (without taking into account the other reasons for decreasing statelessness, which are described in paragraph 4.3).

Some attribute the sharp decrease in applications number to the visa-free entrance into most of the EU countries for non-citizens, initiated by Tatyana Zdanoka, a member and ex-co-chairperson of LHRC and also a MEP, in January 2007, as well as the Russian presidential decree on visa-free entrance to the Russian Federation for non-citizens which was issued in June 2008 on the request of the FHRUL party. However, there was a strong decrease in application numbers as early as 2006.

Besides, it should be kept in mind that for the vast majority of non-citizens both presents were absolutely unexpected and could only cause posterior reaction. In our opinion, the monthly graph on applications submission for three years (Figure 4.7) does not confirm such reaction.

Figure 4.7

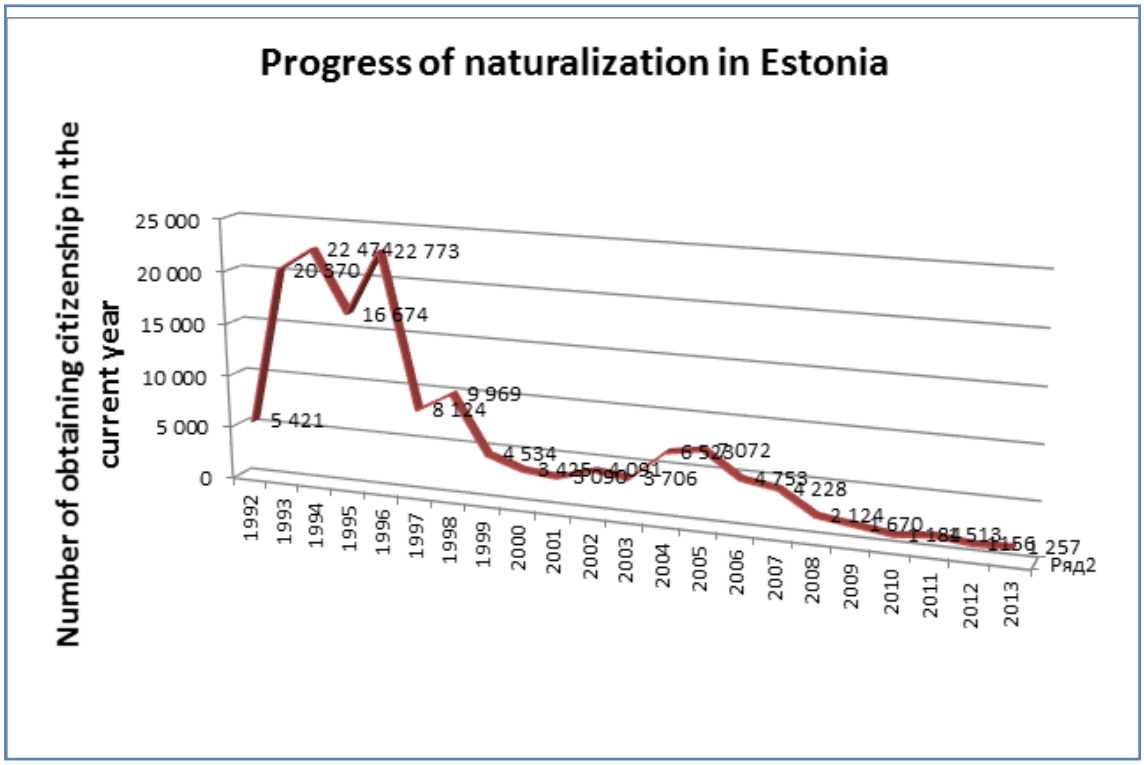
Monthly diagram of submitting applications during 2006 – 2008



It is quite interesting to compare the process of naturalization in Latvia with that in Estonia (Figure 4.8)

Figure 4.8

Progress of naturalization in Estonia



The peak in granting Estonian citizenship fell on the very beginning of the process, when our fellows in misfortune in the neighbouring country had to choose between Estonian citizenship and residence permit. For three times, the annual rates of granting citizenship were higher than the best Latvian result (19,169 new citizens in 2005), traditionally attributed to Latvia joining the EU. It is yet another proof of the fact that stick has a much more powerful impact on population than carrot.

Nevertheless, the fact that not only Estonian non-citizens, but also foreigners with a permanent residence permit obtained active suffrage (i.e., without the right to run as a candidate) in local elections, did not hinder the impressive naturalization rate in 1993-1996 and may even have encouraged it.

Estonian non-citizens also responded to their country joining the EU. In 2005 (do not forget that the peak in the number of persons granted citizenship is behind the peak in the number of submitted applications by a year) the number of new citizens grew 1.91 times in comparison with 2003, but in 2007 it dropped again 1.7 times.

The corresponding figures for Latvia are 1.91 and 2.8. which means that the growth was as rapid as in Estonia but the fall was much sharper. The absolute numbers in 2003 – 2005 were 2.7 times higher than those in Estonia. However, the number of non-citizens in Estonia was three times smaller in 2012.

In 2008 – 2010 the number of Estonian new citizens was 0.3; 0.24 and 0.17 of the level of 2005; in Latvia the figures were 0.16;0.11 and 0.12 correspondingly.

The number of naturalized persons in Estonia is even numerically bigger than that in Latvia (see Table 4.10), although the number of ethnic non-Estonians there is nearly twice as small as that of ethnic non-Latvians in Latvia. In 2012, the number of new citizens in Latvia was 2121 and in Estonia – 1238, which is is about two times less, even though there is triple difference in the number of non-citizens, which means that the naturalization process is still 1.5 times more popular in Estonia than in Latvia, despite the fact that the Estonian language, which is also tested at the exam, belongs to the Finno-Ugric group while the Latvian language is a neighbour of Russian in the Indo-European family.

However, according to the Eurostat data of 2010, the number of persons who acquired Latvian citizenship reached 3660 (apparently, all ways of acquiring citizenship were taken into account). Thus, Latvia is ahead of Estonia in citizenship acquisition rate per capita: 0.16% against 0.09%. This figure puts Latvia in the thirteenth place in the EU (Table 4.11). The rate of granting citizenship in Latvia is five times smaller than in Luxembourg which heads the table. However, in Luxembourg citizenship is granted to real foreigners, while in Latvia it is granted to persons who used to have all the political rights, but now do not have citizenship of any state; moreover, their personal identifying documents were exclusively acquired in Latvia.

Table 4.11

Citizenship acquisition rates in EC countries, EFTA countries and candidate countries

State	Population	New citizens	%
Luxembourg	502,066	4311	0.859
Switzerland	7,785,806	39314	0.505
Sweden	9,340,682	32457	0.347
Belgium	10,839,905	34636	0.320
United Kingdom	62,026,962	194842	0.314
Spain	45,989,016	123721	0.269
Liechtenstein	35,894	95	0.265
Cyprus	803,147	1937	0.241
Norway	4,858,199	11645	0.240
Malta	414,372	943	0.228
France	64,694,497	143275	0.221
Portugal	10,637,713	21750	0.204
Latvia	2,248,374	3660	0.163
The Netherlands	16,574,989	26275	0.159
Ireland	4,467,854	6387	0.143
Iceland	317,630	450	0.142
Germany	81,802,257	104600	0.128
Italy	60,340,328	65938	0.109
Slovenia	2,046,976	1840	0.090
Estonia	1,340,127	1184	0.088
Greece	11,305,118	9387	0.083
Finland	5,351,427	4334	0.081
Croatia	4,425,747	3263	0.074
Austria	8,375,290	6135	0.073
Denmark	5,534,738	4027	0.073
Hungary	10,014,324	6086	0.061
Macedonia	2,052,722	1193	0.058
Turkey	72,561,312	9488	0.013
Bulgaria	7,563,710	889	0.012
Czech Republic	10,506,813	1085	0.010
Poland	38,167,329	2926	0.008
Lithuania	3,329,039	181	0.005
Slovakia	5,424,925	239	0.004

In its publication of 2013, the Eurostat had "improved" and was no more afraid to call a spade a spade[421]. Not only did the European bureaucrats understand who they are, those "non-citizens", but they also got aware of the fact that there were 96% of them in Latvia and 88% in Estonia among all new citizenship holders in 2011. The average contingent diversification throughout the EU is much higher: the biggest group of new EU countries citizens are the citizens of Morocco – just 8.2% out of 780,000 naturalized persons; the second place is held by Turkey – 6.2%.

Latvia and Estonia, who gave the EU 70% and 22% of its stateless persons, correspondingly, have granted citizenship to 12 persons out of 10,000 while the average EU index is 16 out of 10,000. As for the ratio of those naturalized in a year and those residents not having citizenship of their country of residence, this index for Latvia is 6 per 1000, which is the third result from the bottom after the Czech Republic and Slovakia and four times less than the average throughout the EU. For

421 New release 177/2013 "Acquisition of Citizenship in the EU", 27 November 2013: *http://epp.eurostat.ac.auropa.eu/cache/ITY_PUBLIC/3-27112013-AP/EN/3-27112013-AP-EN.PDF* (see also paragraph 4.2.6).

example, in Sweden this naturalization ratio, referring to real foreigners, rather than native residents, is ten times higher than in Latvia.

Thus, no efficient measures are actually taken in order to abolish the mass statelessness concentrated in these two Baltic States.

4.4.2. Apart from inefficient motivation, there are objective factors slowing down naturalization rate. First of all, it is the huge number of persons unable to get through the two tests set by the law: knowledge of the national anthem, the basics of the Constitution and Latvian history and also the language comprehension.

The juxtaposition of the applicants' education level and the proportion of persons unable to pass the exams is given in Figure 4.9.[422]

Figure 4.9

Comparison of examination results and educational level of applicants

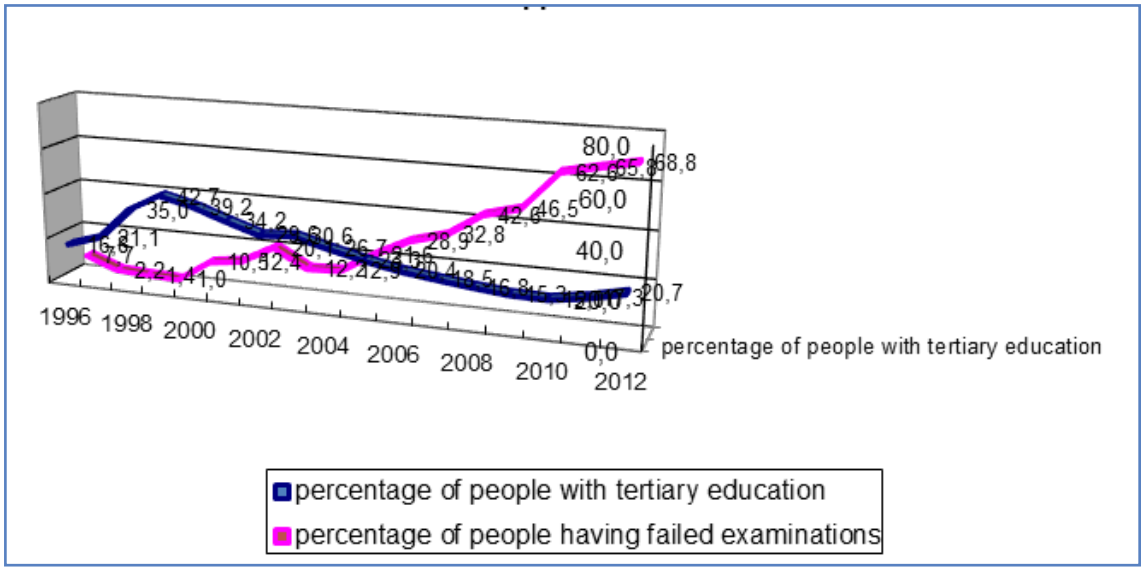


Table 2.10 above shows that 54% to 60% of adult national minority residents and 16% – 17% of basic or secondary school graduates do not meet the naturalization requirements.

4.4.3. Naturalization rates differ sharply in different age groups (Table 4.12)

Table 4.12

Tentative naturalization rates of different age groups (data of 2009)

The number of non-citizens in each group is calculated based on the Population Register data as at 01.01.2010. The number of new citizens of 15 years old and older was calculated according to the data of the Naturalization Board 2009 report on applicants with the involvement of the average coefficient of applicants screening (2080/3470). Number of people, who obtained citizenship before 15 years of age (registered by parents' applications, obtained citizenship as a result of registration or naturalization together with parents), is taken from the Naturalization Board report.

Age group (years)	0-14	15-17	18-30	31-40	41-50	51-60	>60
Number of non-citizens	11,719	3555	39,082	40,464	61,372	74,390	113,513
Number of new citizens per year	520	61	1113	352	284	171	76
Tentative continuance of the process (years)	23	59	35	115	216	435	1503

It is obvious that in practice, elderly people do not naturalize, though they are granted this right by law.

422 The data from the OCMA site: *http://www.pmlp.gov.lv/lv/statistika/Naturalizacija.html* Proportion of persons unable to pass the exams, in this case proportion of the number of persons who failed both exams to the total applicants number. Allowing for the fact that some applicants are freed from one of the exams, the proportion is a little lowered.

4.4.4. The enlightened Europe, having silently accepted the birth of mass statelessness in Latvia, now demands to solve the problem at least within the lifespan of one generation and to implement "zero option" of citizenship at least for those, who were born after Latvia regained its independence, i.e., after 21 August 1991 (see also paragraph 4.1.3).

The number of non-citizens of an age perspective for childbirth, as it is obvious from Table 4.12, approaches 100 thousand. Nevertheless, the number of people, who are registered as non-citizens at birth, is insignificant. Latvian foreign ministry points out, quite fairly, that the share of non-citizens in the total number of newborn children keeps decreasing. In 2010, the number amounted to 2 %, while among those born in 2013 (as at 1 July), there were just 1.2 % of non-citizens. Currently, only 2.68 % of all children (persons under 18 years of age) are non-citizens.[423]

It is accounted for by the facts that, first, a child, if born in the family of a citizen and a non-citizen, is recognized as a citizen. Second, if we assume equal probability of marriage irrespective of citizenship, then the number of families, where both parents are non-citizens, is proportional not to the share of non-citizens in the population, but to this proportion squared.

Nevertheless, in absolute numbers, there are 9,500 children in 2013, who obtained their "temporary" non-citizen status, being born during the restored independence of Latvia. It should be remembered that just about 36 thousand stateless persons reside in the EU outside Latvia and Estonia (see Table 4.6). Thus, our "problematic children", who disturb the peaceful sleep of the enlightened Europe, make up almost 1/3 of that total number.

It is possible to monitor the total number of non-citizens' children and their legal status evolution by the following data (Table 4.13).

Table 4.13

Non-citizens' children in the XXI century

Year of birth	Number of born[424]		Number of children, who remained non-citizens as of next date[425]		
	Both parents are non-citizens	+ one of parents is a foreigner	01.01.2007	01.01.2010	01.01.2013
2001	1121	1743	1076	799	656
2002	1069	1643	923	751	632
2003	957	1563	909	747	609
2004	946	1471	879	724	600
2005	853	1275	861	698	558
2006	684	1069	844	755	599
2007	596	903	909	680	549
2008	512	847		650	518
2009	436	735		588	469
2010	321	605			401
2011	313	525			359
2012	292	472			260
Total	8100	12,851	6401	6392	6210

The second and third columns of the Table show minimum and maximum numbers of children, who obtained non-citizen status at birth (concerning children of mixed families see also last sub-paragraphs of paragraph 4.1.4). In course of time a number of these children die, emigrate together with parents or obtain citizenship of Latvia. This dynamics is reflected in subsequent columns of the Table.

Total number of non-citizens, who were born in the XXI century and remained non-citizens, during the last 6 years decreased only by 191 persons or by 3%. This fact characterizes exhaustively all the "efforts" of Latvia to reduce mass statelessness.

423 The Foreign Ministry comment on topics of current interest in relation to Amendments to Citizenship Law. 26 November 2013: *http://www.mfa.gov.lv/en/news/press-releases/2013/november/26-2/*

424 Data of CSB, Table IDG076

425 Population Register data

As at 1 July 2013, the Population Register numbered 112 non-citizens, who were born in 2013, and 12,610 non-citizens, who were born after 1 January 1992.

4.4.5. According to the data of the Population Register as of October 1993. 1,171,743 of the Latvian residents were either citizens of the pre-war Republic or their both parents were citizens. There were 821,665 people whose both parents were non-citizens. 395,928 people had only one parent who was a citizen. The fact that they were automatically recognized as citizens did not do any harm to the Republic of Latvia. According to the data of 2011 census, only 295,122 non-citizens resided in Latvia.

Chapter 5. Socioeconomic situation

5.1. On the road of losses

5.1.1. Last century Latvia experienced two economic upturns and two shattering downturns, now we are suffering the consequences of the latter.

1.5% of the Russian Empire population were living in Latvia in 1900; the territory manufactured 5.5% of the whole Empire industrial production value. Riga was the largest port of Russia; by 1914, 28% of export and 24% of import of the State were going through the Latvian ports of Riga, Liepaja and Ventspils. There were gigantic enterprises of the Russian industry in Latvia, such as railway car building works Phoenix and the Russo-Baltic Wagon Factory, rubber factory Provodnik; the first Russian cars and aircraft were also produced in Latvia. Goods turnover and profit per capita in Courland and Livland governorates were four times larger than in the rest of Russia.[426]

Although the Latvian SSR never reached the level of relative development which this territory had had within the Russian Empire, it was one of the most prosperous Soviet Republics. It was the time when the number of population of 1914 was exceeded at last (by 4.3% in 1989). On this date the Latvian SSR population made up not 1.5% of the total USSR population, but only 0.93%.

According to the Soviet statistic data of 1990,[427]Latvia had 1.1% of all the production facilities; it produced just 0.4% of electricity within the Union, but 4% of agricultural equipment, 1.23% of total agricultural produce including 1.54% of meat and 1.75% of milk, 1.82% of consumer goods including 3.2% of hosiery, 7.3% of washing machines and 17.1% of radio sets.

Latvia was ahead of all the Soviet Republics in production of national consumption per capita; its indicator of 3,113 Rubles in 1990 exceeded the average of the Soviet Union (1,598 rubles) nearly twice. The biggest share of people whose average monthly income exceeded 200 rubles was in Latvia: 49.7% versus 31.7% in the USSR as a whole. Latvia was also ahead of all the other Republics, apart from Estonia, in retail supply: 2,714 and 2,472 rubles correspondingly. In terms of medical doctors' number per 10,000 persons only Georgia was ahead of Latvia: 59.2 and 49.6 correspondingly, while the average number within the country was 44.2.

Latvia's share in the USSR cultural wealth also exceeded its share in the country's population with 1.05% of all the libraries and 1.3% of books and other publication in their funds. 2.4% of all Soviet books were published in Latvia in 1990; the total circulation of books was 1.5% of the Soviet total.

It should be kept in mind, that these data are given in comparison with the second-largest economy of the world, not with the fifth one, as in 1914[428]. Of course, the Soviet rates per capita do not look particularly impressive; nevertheless, UNDP gave USSR the 26th place among the 130 countries it surveyed in Human Development Index[429], which was rather high and which level wasn't reached by any of the former Soviet Republics so far[430].

5.1.2. Latvia's development within the Russian Empire was interrupted by WWI. In 1915 the front was stabilized outside Riga and all industrial production facilities together with their personnel were evacuated[431]. In September 1917 Riga was surrendered and on the Day of Independence, 18 November 1918, the German troops controlled almost all territory of Latvia. Afterwards, the Civil War went on for over a year.

426 Latvijas vēsture, 20. gadsimts (History of Latvia. The 20th century), pages 35-40

427 USSR Economy in 1990. Annual Abstract of Statistics. Moscow, "Finance and Statistics", 1991

428 Historical reconstructions are always ambiguous to some extent; according to some data, in 1913 Russia held the 4th place in the world in terms of GDP, while the USSR in 1985-1990 held the 3rd place falling behind Japan

429 Apart from the GDP index, the HDI also includes life expectancy and education index. The table of the comparative data on 130 countries was published in the supplement to the UNDP Report of 1990 and is accessible at the following address: *http://hdr.undp.org/en/media/hdr_1990_en_technote.pdf*

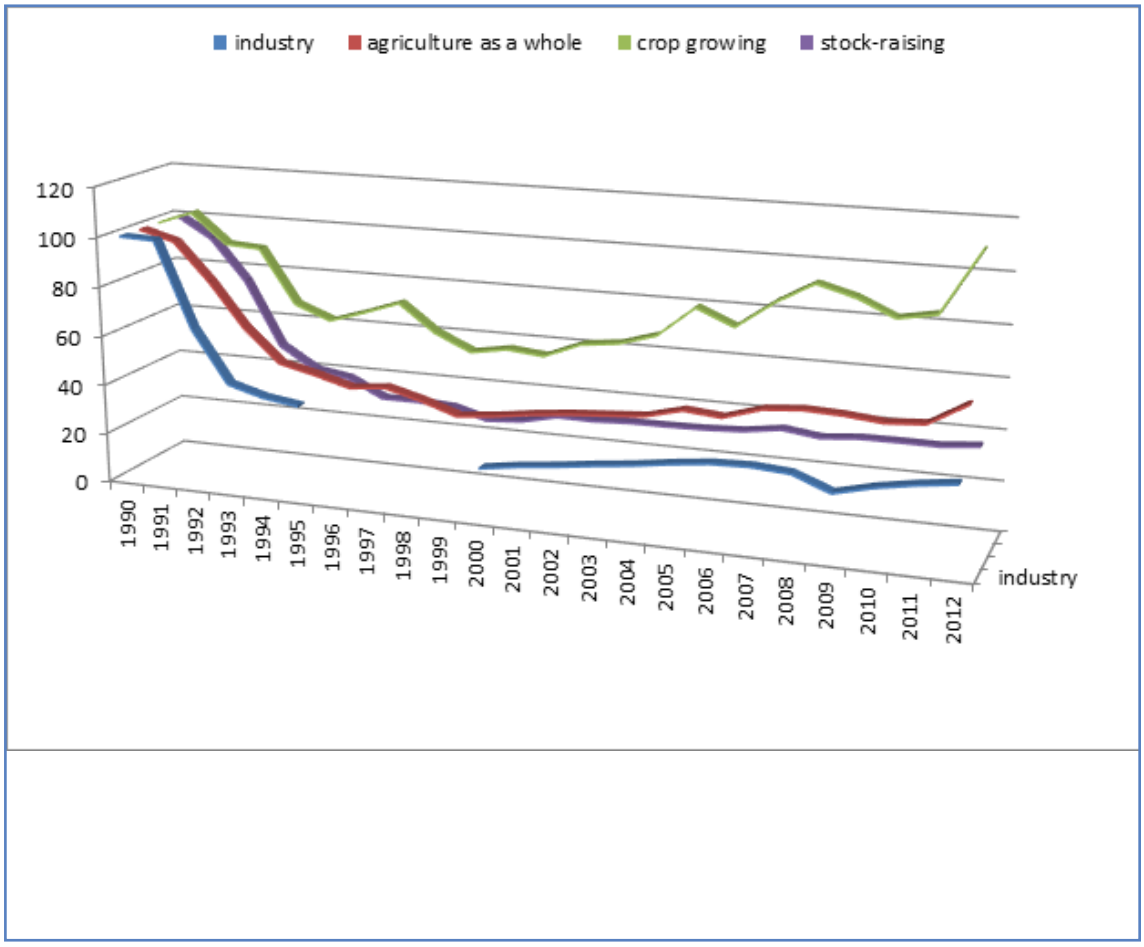
430 In terms of HDI in 2011 Estonia held the 34th place, Lithuania – 40th, Latvia – 43rd, Belarus was at the 65th and Russia at the 66th place

431 See, for example: I. Apine, V. Volkovs, The Identity of the Russians of Latvia: Historical and Sociological Review, Riga, 2007, pages 32-33, or O. Alants, A. Gaponenko, Latgale: In Search of Other Existence, Riga, 2012, pages 89-90

When the USSR collapsed in 1991, there were no wars or hostilities in Latvia, which one would find hard to believe looking at Figures 1.2 and 1.6, Table 1.11, and the below diagram of basic industries "development" (Figure 5.1).

Figure 5.1

Dynamics of the Latvian industry and agriculture "development"



During more than 20 years of Independence the level of the last Soviet year (taken as 100%) has only been reached once by one indicator due to the unprecedented grain harvest of the year 2012.

The remarkable thing is that while the agricultural production level data are continuous and completely coincide with the data from the CSB site[432], there is a tragic five-year gap in the industry, when statistics had just nothing to say[433].

I consider that this was an expression of the true governmental attitude to this unfavoured sector of the economy. We know that by 1990, the government of Nikolai Ryzhkov had managed to transfer the Latvian enterprises of Union subordination into the ownership of labour collectives, but in 1991 those were re-nationalized by the «most liberal» government of Ivars Godmanis. Then they received new management chosen, first of all, by the fluency in the Latvian language; those new appointments were followed by total language attestation of employees (see also paragraph 2.3) and the industries, which did not comply with the principle of Latvia of ethnic Latvians, were surreptitiously suffocated by deprivation of circulating assets.

Needless to say, our new western friends did not miss the opportunity to get rid of some awkward competitors on the market. That was hard for our agricultural sector, especially for cattle breeding.

By 2013 the Second Republic had already existed for 22 years in Latvia, same as the First Republic. Therefore it is quite interesting to compare the achievements of Lachplesis' descendants of that time and ours (see Table 5.1).

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432 CSB, Table LI01. Agricultural products indices (in comparative prices)

433 We managed to "sew together" this gap edges by juxtaposing the data of CSB Table RU01 Industrial products indices and the data of the publication Latvian Statistics Annual Book, 1996, page 206

Table 5.1

Economic Achievements of the First and Second Latvian Republics

(the final period in comparison with the start)[434]

The First Latvian Republic: 1913 – 1914/1939 – 1940		The Second Latvian Republic: 1990 – 2012	
Population	76%	Population	77%
Industry	95%	Industry	34%
Grain	180%	Crop production	113%
Potatoes	260%		
Meat	140%	Cattle breeding	35%
Milk	2270%		

Even in comparison with the not-so-successful First Latvian Republic, its new reincarnation proves to be a complete failure.

2013, the year of "overcoming the crisis" and admission to the Eurozone, was quite a shock even for the patient Latvians who seemed to have long been ready for anything.

On the night of 20-21 June a huge fire broke out in the Presidential Palace whose reconstruction had been planned for the first time since the Soviet period; the Palace was half-ruined[435]. November saw the bankrupcy of a Soviet industrial inheritance – the metallurgical plant "Liepajas Metalurgs" with its 2,200 employees[436]. To cap it all, a huge disaster happened in a Riga supermarket on November 21: the roof collapsed killing 54 people.[437]

5.1.3. The present Latvian government does not fall behind the Kaiser troops in terms of reducing the population and destroying the economy. That is why they are so arduously calculating the "damage" supposedly inflicted upon the country by the "Soviet occupation"; obviously, their real purpose is to disguise the consequences of their own activity.

The Government Commission on the Damage Estimate was founded on the basis of the Declaration "On Condemnation of the Totalitarian Communist Occupation Regime Implemented in Latvia by the Union of Soviet Socialist Republics" (see also paragraph 3.4.1) adopted by the Saeima on 12 May 2005. In 2009, the Commission could not be financed any more due to the economic crisis and continued functioning on a voluntary basis. However, the budget of 2013 provided funds for the Commission again[438].

The methodology of the official calculations is quite simple. It is based on the assumption that not only did the Republic of Latvia virtually exist between 1940 and 1990, but it also developed at the same rate as the most advanced free market countries, which, in fact, it never did. Then these mythological numbers are deducted from the real GDP of Latvia as a Soviet Republic.

The author, who has spent the best 40 years of his life in the "occupied" Latvia, is not happy with the fact that such calculations are financed by the taxes on his old-age pension, hence his calculations given below, for which he applied the same methodology in order to estimate the damage inflicted by the Latvian government. These calculations are based on the assumption that the Soviet Latvian Republic exists and develops at the real rate of the last Soviet Five-Year period.

A work by the author dedicated to the twentieth anniversary of the USSR collapse, published in November 2011[439], has travelled through quite a few Internet portals. The main conclusions of the article are given below without the references provided in the original text but with additional statistic data of the past two years.

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434 The First Latvian Republic: according to the data of "The Baltic Republics and the Middle Asia within the Russian Empire and the USSR: the Myths of Today's Post-Soviet Countries' School Books and the Reality of Actual Social and Economic Calculations", pages 40-45. The source is accessible at the following address: *http://nlvp.ru/reports/Middle_Asia_Pribalty_History_for_www_02.pdf*

435 The Palace was built in 1515 as the residence of the Master of the Livonian Order. Later it was the home for Polish, Swedish, Russian governors as well as the Presidents of both Republics of Latvia. In the Soviet times it was the Young Pioneers' Palace.

436 See, for example, the article in Wikipedia: *http://lv.wikipedia.org/wiki/Liep%C4%81jas_metalurgs*

437 The article in Wikipedia: *http://en.wikipedia.org/wiki/2013_Riga_Maksima_superstore_collapse*

438 See, for example, "Latvia has found sources for calculation of the damage inflicted by the "Soviet occupation" on the "Lenta" portal of 14.11.2012: *http://lenta.ru/news/2012/11/14/money*

439 V. Buzayev, "The Everlasting Occupation or the Incorruptible Relics of the USSR" *http://www.zapchel.lv/i/doc/Komissijapous4erbu_2.pdf*

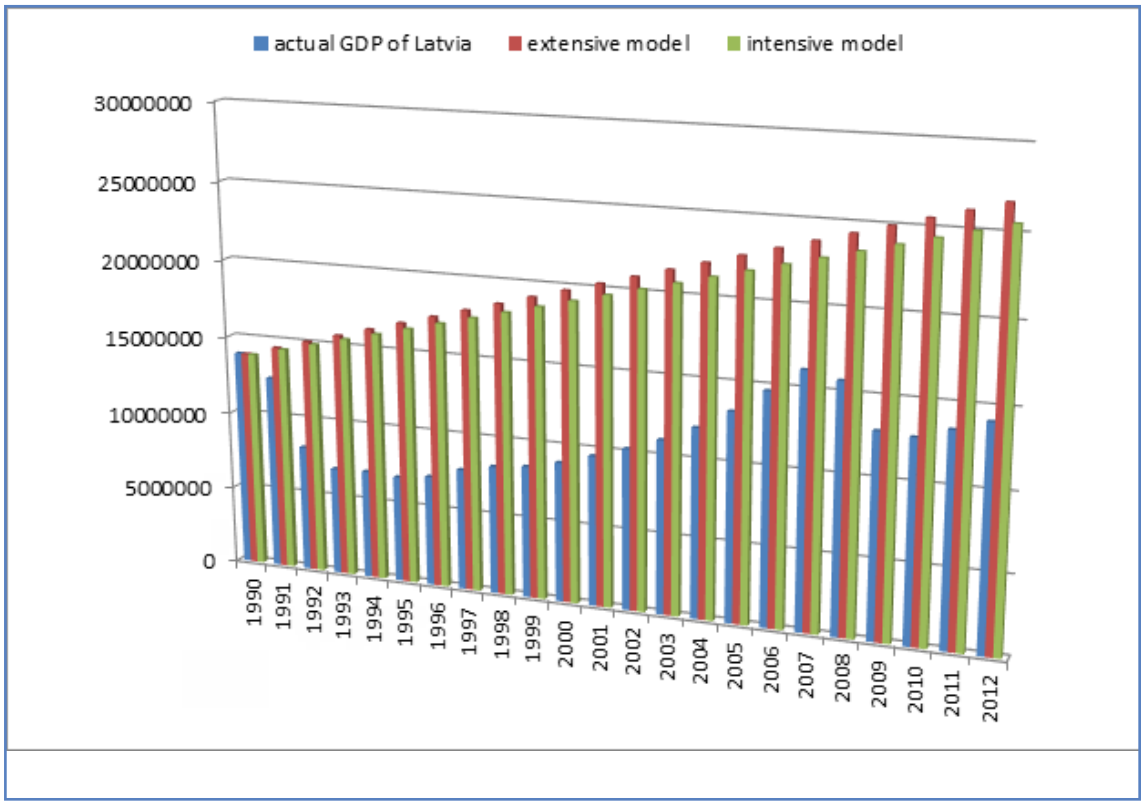
The virtual existence of the Soviet Latvia after 1990 is described in three models: the stagnation model, extensive, and intensive models. The stagnation model is based on the assumption that the GDP of 1990 remained unchanged during the following 22 years.

The extensive model is based on GDP virtual linear growth at the rate of the last Soviet Five-Year period. The linear growth in population is typical of replacement of the population on account of immigration. The intensive model assumes complete termination of immigration and replacement of the population exclusively due to the natural population growth of the year 1990. The linear GDP growth per capita is also given as that of the 1986-1990 Five-Year period.

The stagnation model, based exclusively on the official statistics of the Republic of Latvia, shows that the GDP level of 1990 would only be reached in 2006. In 2010, as a result of the last crisis, GDP fell by 21% in comparison with the most successful 2007 and by 91.5% in comparison with the level of 1990. The second time we caught up with the need to place the Latvian SSR in 2012 year (Figure 5.2).

Figure 5.2

Dynamics of the real GDP in Latvia in comparison with the intensive and extensive models of the development of the Soviet Latvia (in the lats of 2010)



The gap in GDP in the 22 years is 68 billion lats in the prices of 2010.

According to the data of the intensive and extensive models, GDP of the Soviet Latvia would exceed the actual GDP of the independent Republic of Latvia by 81% and 89%, correspondingly. The gap in GDP in the 22 years is 201- 215 billion lats.

The amount of lost fixed assets and circulating assets of the Soviet Latvia is 46 and 9 billion lats.

Total damage inflicted upon Latvia with approximated loss in GDP by both models is: 208+46+9=263 billion lats.

In 2012 GDP per capita by the extensive and intensive models would exceed the level of the Republic of Latvia by 24% and 34%, correspondingly.

According to the IBRD data, in 2012 Latvia held the 49th place in GDP, ahead of Croatia, but behind Russia. If the country had followed the most promising intensive model of development, it would now be on the 33rd place between Israel and Slovenia, ahead of all the former Soviet Republics.

Including the payments from public funds, the average pension of 1990 was 196 lats and the average salary – 383 lats in the prices of 2010. According to different models of development, the average pension in 2010 would be 314-337 lats and the average salary – 613-659 lats. The actual numbers of 2010 (taking into account taxation) are: the average pension – 173 lats, the average salary – 316 lats.

The Commission on calculation of the damage inflicted by the Soviet "occupation" came up with the amount of damage to GDP of 124 billion lats in 50 years for 2009 in the prices of 2000[440] This is approximately 232 billion lats in the prices of 2010, which is much less than the damage inflicted upon Latvia by its quite independent governments.

5.2. Segregation on the labour market

5.2.1. Ethnic segregation on the labour market existed in the Soviet period, too (see paragraph 1.4), but job opportunities were much better than in the times of the "liberalized economy", at least for Russian-speaking population. Bans on some professions for non-citizens, governmental Latvian language requirements for almost all profession in public sector and (after 2010) for 1/3 of professions in the private sector, ethnic preferences in recruitment – none of these had existed before. Another survival challenge was the complete transition of the economy from real production to the service sector.

Distribution of Latvians and representatives of national minorities in the four major branches of the economy is presented in table 5.2

Table 5.2

Segregation by labour spheres

Ethnic group/year / Economy sphere	Ethnic Latvians			Non-Latvians		
	1989[441]	2002[442]	2007	1989	2002	2007
Agriculture, forestry, fishing	23.2	9.3	6.8	8.8	5.1	3.5
Industry and construction	34.0	24.9	26	45.6	33.1	33.5
Commercial services	21.1	29.5	35.8	24.1	38.7	42.7
Non-commercial services	21.8	36.3	31.3	21.5	23.2	18.3

Ethnic Latvians had to leave their traditional agricultural and marine occupations for the service sphere; about 1/3 of them found jobs in the sphere of public non-profit services. Non-Latvians still remain in the considerably reduced and almost totally privatized production and construction sphere, their number in the non-profit sector is very small, but they are largely represented in the commercial service sector, which is mostly private.

It is quite remarkable, that during the period of most active dividing of state property of the early 1990s, more than half of national minority population were non-citizens; moreover, there were severe restrictions for them in terms of privatization, starting with direct prohibition (e.g. to acquire certain objects belonging to municipalities) to limited number of privatization certificates they could hold.

One certificate was given for residing in Latvia for one year after 1945. Its price was equal to the average price of 1/2 square meter of living space and was declared to be 28 lats in the prices of 1993 (123 lats in 2010). Despite the fact that most of the denationalized property had been produced in the Soviet times, i.e., was to a considerable extent financed by investments from other USSR regions, from which non-citizens arrived in Latvia, citizens had a range of advantages when acquiring certificates. Besides, there were cases when non-citizens suffered from widespread deliberate breach of law. As a result, non-citizens lost 13.2% of the total sum of the issued certificates to the value of 300 million – 2.6 billion (depending on the market value fluctuation). The certificates are still in circulation[443].

5.2.2. Assessing the position of non-Latvians on the job market, one should distinguish between the public sector and private sector.

440 Informative Report on the Commission constituted by the Cabinet of Ministers for establishing the number of victims of the totalitarian communist occupation regime and determination of mass grave sites, processing information on repressions and mass deportations and estimation of loss and damages inflicted upon the Latvian State and its population within the period between 5 August 2005 and 1 August 2009: *http://zinas.nra.lv/_files/201012/20101203_mkinf_okkomatsk.pdf*

441 Population census data of 1989 are processed by the author. The first group does not include fishing industry as there are no data on it. The third group includes transport services, communication services, trade, public catering, supply and sales, consumer services, IT services, credits and social insurance. The fourth group includes health services, social services, education, culture, art and administration

442 2002 and 2007 – How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges. Editor Nils Muiznieks, 159 pages. The chapter written by Mihails Hazans, University of Latvia professor, is quoted hereinafter

443 V. Buzayev, "The Everlasting Occupation or the Incorruptible Relics of the USSR"

In both cases, they are under the pressure of the language factor. However, in the private sphere this factor is considerably weaker. Before June 2008, the list of linguistically regulated jobs and positions in the private sphere included only 348 positions (see paragraph 2.3.2), while the analogical list for the state sector included 3,611 positions. The list of professions banned to non-citizens in the private sector is also much shorter than (see Figure 4.2) the corresponding list in the public sector: 8 versus 23.

Before the economic crisis, which would inevitably lead to large-scale firing of state and municipality employees, the government got concerned about the "inequality" and enlarged the list of private sector professions, for which a certain Latvian language level was required, up to 1,195. The demands for 5.5% of these professions (A-level) came into force on 01.09.2010, for other 42.6% (B-level) – on 01.03.2011 and for the rest 51.9% – on 01.09 2011.

According to the 2000 research data, 38% of non-citizens and 22% of citizens would not be able to do their jobs which required the Latvian language acquisition on the level stipulated by the Law.[444]

The data of 2011 census show no traces of any segregation between ethnic Latvians and non-Latvians among employers and employees. Ethnic Latvians made up 62% in both groups as well as in employed population aged 15 and over[445]. Actually, that parity might have been the real reason for the introduction of new language requirements on 1 September 2011, stipulating that private enterprise board members must know the Latvian language at C1 level, which is the fifth (from below) out of six levels (see also paragraphs 2.3.2; 2.4.5).

However, segregation in terms of holding prestigious positions is obvious on a different level.

According to the data of 2005, ethnic Latvians dominated in high positions (high-rank civil servants, top managers), while national minorities made up majority among low-rank civil servants, as well as skilled and unskilled manual workers (see Table 5.3.)

Table 5.3

Vocational qualifications and ethnic origins, 2005 (%)[446]

	Ethnic Latvians	Non-Latvians
High-rank Civil Servants	38.5	27.2
Low-rank Civil Servants	22.0	23.2
Skilled Manual Workers	27.9	34.1
Unskilled Manual Workers	11.6	14.2

Segregation in prestigious positions is also confirmed by other research[447] (Table 5.4).

Table 5.4

Segregation in prestigious positions

Ethnic group/year / Occupation Type	Ethnic Latvians		Non-Latvians	
	2002	2007	2002	2007
Highly-qualified Non-manual Work	39.5	43	29.3	31
Qualified Non-manual Work	19.9	18	20.6	19.6
Qualified Manual Work	27.8	27.4	34.1	35.1
Low-skilled Labour	12.9	11.6	16	14.2

5.2.3. Statistical data prove that national minorities have certain problems getting jobs in the public sector: in 2002, only 35% of employed national minority population worked in the public sector, while for ethnic Latvians this share was 49%[448]. In 2005 the share of employees working in the public sector for ethnic Latvians was 38%, but for national minorities – only 26%.[449]

444 "On the way to the civil society". Census of Latvian population in November 2000, Riga, The Baltic Social Science Institute, 2001, page 99

445 CSB, Table TSG11-06

446 Latvia Sharing High Growth Dividend A Living Standard Assessment Washington: World Bank, 2006

447 How Integrated Is Latvian Society?, page 158

448 A. Aasland, Russians and the Economy. In: N. Muiznieks (ed.), Latvian-Russian Relations: Domestic and International Dimensions. Riga: University of Latvia, 2006, pages 53-63, accessible at *http://www.politika.lv/index.php?=1069*

449 Mihails Hazans, Study on the social and labour market integration of ethnic minorities. The Latvian Report (2007). Unpublished data

37% of ethnic Latvian employees worked in state or municipal institutions, or in enterprises, where the State had at least 50% share, while for national minority employees this share was just 24%. The share of national minority population in the State administration was less than 20%, which is less than half of their share in population[450].

In 2001, national minority population made up 23% of Latvian citizens who had no occupation restrictions in the public sector; in 2011, this share was 28%.

Nevertheless, in 2001 ethnic Latvians made up 92% of the civil servants in the central offices of Latvian ministries; other ethnic groups were represented there in tiny proportions: the share of all the six major national minorities together in the ministries was several times smaller than their share in the population and even among citizens. Only in one ministry was their representation of 28.3% close to their share among citizens, though still much smaller than their share in population; that was the Ministry of Interior.[451]

According to the data of a pilot survey of 2011 conducted by the NGO PROVUDUS in four state and municipality institutions, only 27 respondents out of 221 (i.e., 12%) identified themselves as national minority representatives. Another question was: "National minorities make up about 40% of Latvian population. Should state institutions attract employees from this population part?" Positive answer was given by 49% of the respondents, 29% gave negative answer and 22% did not express any opinion on this issue[452].

The share of national minorities among judges is extremely low. In the beginning of 1994 there were 142 ethnic Latvians among 152 judges, nine of them were Russians and one was Polish. [453] In 2001, research conducted within 35 courts showed that only 23 out 307 judges working in those courts were ethnic non-Latvians, 18 of whom were Russians, 3 – Polish and 2 Belarusians.[454]

In March 2008 the author looked through the list of 396 judges and found out that only 47 of them (12%) had non-Latvian first names and family names.[455] Similar analysis of a list of prosecutors showed that only four of them (6%) were presumably ethnic non-Latvians.[456]

The author used an anniversary edition of 1883 lawyers' biographies, which also included information on their ethnic origins and periods of their work in the Soviet Latvia and the independent Republic of Latvia[457] to analyse the ethnic origins of representatives of yet another profession, to which non-citizens are not admitted. Of all the lawyers mentioned in the biographical dictionary, 1,309 worked in the Republic of Latvia and 87% of them were ethnic Latvians. The dictionary mentions the word "occupation" on every single page, sometimes even more than once. However, of all the 883 lawyers of the "occupied" Latvia, 63.4% were ethnic Latvians, even though, according to the census of 1959, they made up only 62.4% of the population, but in 1989 – 52%. 310 lawyers managed to work for both regimes, 80.6% of them were ethnic Latvians. It means that 19.4%, just about half of the 36.2% of national minority representatives practicing law in the Soviet times, were able to survive the changes in the professional requirements, which included not only citizenship, but also the highest level of the state language knowledge for those who had studied in a non-Latvian school.

National minorities were quite well represented in the state police (34.2%), and their share in prisons administration even exceeded their share in population (63.1%). [458] This phenomenon explains the existence of transitional regulations in the Police Law allowing those non-citizens who had been employed earlier to continue working; these exceptions are still valid for fire-fighters.

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450 How Integrated Is Latvian Society?, pages 144-145

451 A. Pabriks, "Occupational Representation and Ethnic Discrimination in Latvia". Riga, 2002, p. 13, 25, accessible at *http://www.policy.lv/index.php?id=102472&lang=en* (01.11.2008)

452 Survey "Differences in the public sector management: the experience of developed countries and evaluation of the situation in Latvia", Social Political Center PROVIDUS, 2011: *http://www.providus.lv/upload_file/publikacijas/2011/lv.arija%20Golubeva_Zinojums_dazadibas%20vadiba.pdf*

453 "Latvijas Vēstnesis", 29.01.2004

454 See the book "Chance to Survive: Minority Rights in Estonia and Latvia", Moscow-Paris_Tallinn, 2009, page 225 *http://www.lichr.ee/main/assets/L-3-eng.pdf*

455 See the shorthand transcription of the author's speech in the Saeima on 3 April 2008 on the Amendment to the Law on the Judiciary: *http://www.saeima.lv/steno/Saeima9/080403/st080403htm*

456 See the shorthand transcription of the author's speech in the Saeima on the amendments to the Office of the Prosecutor Law: *http://www.saeima.lv/steno/Saeima9/071122/st071122.htm*

457 Latvian Lawyers: 1944-2010. Biographical Dictionary. Latvian Council of Sworn Advocates, Riga, 2011, 797 pages. This is quite a serious collection as its authors' goal was to publish the biographies of all the lawyers whose data could be found

458 A. Pabriks, "Occupational Representation and Ethnic Discrimination in Latvia". Riga, 2002, 25 pages, accessible at *http://www.policy.lv/index.php?id=102472&lang=en*(01.11.2008)

5.2.4. National minorities are mostly employed in the private sector.

Research on ethnic composition, conducted in 2001, indicated segregation tendencies in the private sector: 5 out of 17 researched companies either did not employ ethnic non-Latvians at all or had just a few (2-3%); 9 companies had no ethnic non-Latvians in their top management.[459]

Language segregation in the private sector has gone so far that it is now possible to conduct the following surveys among employers (see Table 5.5):[460]

Table 5.5

Employers' response to the question "Representatives of which ethnicity would you not employ under any circumstances?"

(% of all the answers)

Ethnicity of an unwanted employee	Language used within the company				Total companies' number
	Only Latvian	Mostly Latvian	Mostly Russian	Only Russian	
Latvian	0.5	0.2	0.3	0.4	0.3
Russian and other Slavonic	3.5	1.1	0.2	0.0	1.7
Jewish	7.9	2.9	1.5	0.4	4.0
Romani	27.2	17.0	26.6	27.5	22.2
Other national minorities	6.9	3.4	2.4	4.5	4.3
Total number of companies	1815	2805	1172	245	6066

However, the linguistic segregation is going down (see Table 5.6).

Table 5.6

Use of languages at work depending on the native language of the employee (1996-2008) respondents (%)[461]

Employee's native language	Language used at work	1996	2000	2004	2008
Russian	Mostly or exclusively Latvian	2.7	7.1	4.5	5.4
	Mostly Latvian	6.3	15.2	17.9	26.8
	Mostly Russian	27.7	34.8	38.4	38.4
	Mostly or exclusively Russian	64.3	41.1	35.7	26.8
Latvian	Mostly or exclusively Latvian	77.7	69.6	59.8	55.4
	Mostly Latvian	17.9	20.5	31.3	36.6
	Mostly Russian	2.7	5.4	5.4	6.3
	Mostly or exclusively Russian	0.0	1.8	0.0	0.0

5.3. Unemployment

5.3.1. The economic crisis of 2008 lead to an unprecedented[462] unemployment growth in Latvia (see Figure 5.3)[463]

According to the Eurostat data, during the four quarters from the 4th quarter of 2008 to the 2nd quarter of 2012, Latvia has been successfully competing with Spain as the country of the highest unemployment rate within the EU. It has been the first four times, the second – six times and the third – five times, coming close to the rapidly "progressing" Greece.

According to these data, the peak of unemployment falls on the last quarter of 2009 and the first quarter of 2010, when it reached 21.2%; in the neighbouring Estonia unemployment peak was 18.9% (the first quarter of 2010) and in Lithuania – 18.2% (the third quarter of 2010).

459 Ibidem, page 40-42

460 How Integrated Is Latvian Society?, page 152

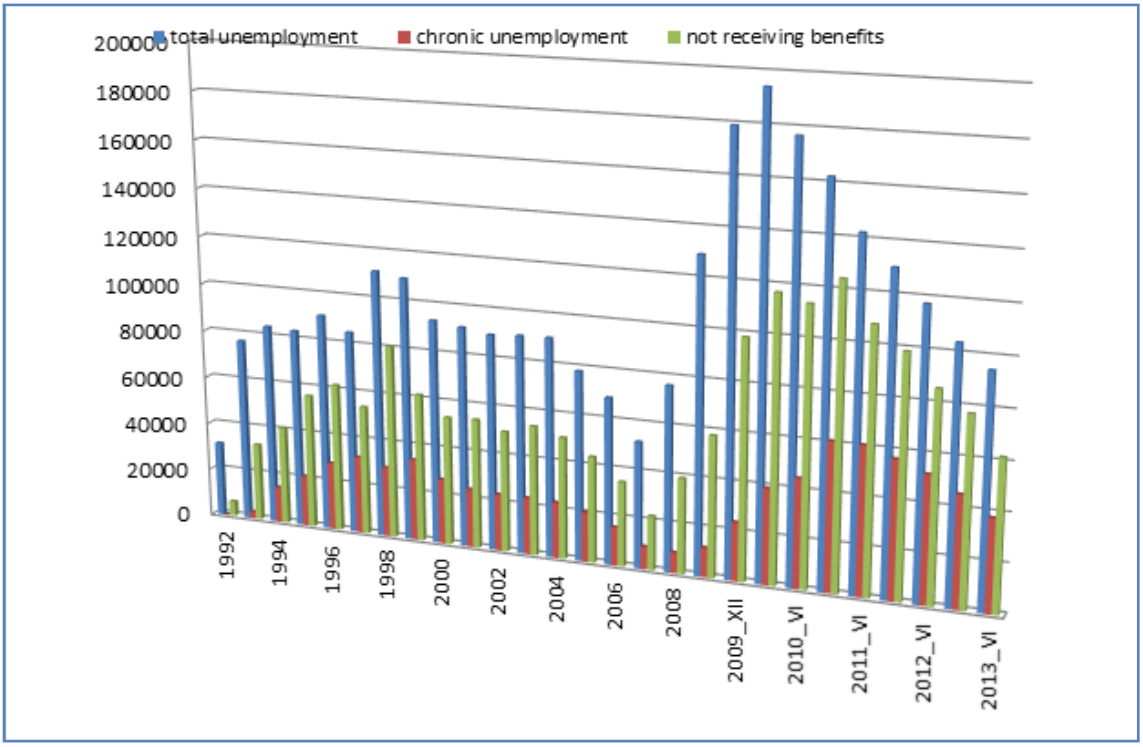
461 Ibidem, page 133. Data of the surveys conducted by the Baltic Institute of Social Sciences processed by M. Hazans. The data are taken from the graphs

462 According to the CSB data, at the peak of the 1932 crisis there were only 14,600 unemployed

463 Data of CSB, Table NB4: State Social Insurance Agency data on benefit recipients starting with 2001

Figure 5.3

Unemployment level in Latvia



In the middle of 2010, the overall unemployment figure went down; however, the number of the long-term unemployed, as well as the number of persons who did not receive any unemployment benefit, was growing at a frightening rate. Since September 2009, the number of the latter has been steadily exceeding the number of persons receiving unemployment benefit; in December 2010, it was 3.3 times bigger, but in June 2012, "only" 1.9 times bigger.

Between December 2010 and June 2012, the share of long-term unemployed among all the unemployed grew from 38% to 45%; the number of persons not receiving unemployment benefit grew from 45% to 61%.

Unfortunately, ethnic Latvians and national minorities are exposed to this common disaster to a different extent.

5.3.2. Results of various private research show that national minorities have long been suffering from unemployment much more than ethnic Latvians. Research conducted in1999 showed that the unemployment rate among Russians (18%) and other national minorities (17%) was much higher than among ethnic Latvians (10%), while the share of unemployed Russians among the working-age population was 14%, of other national minorities – 12% and Latvians – 7%.[464] Research of the World Bank showed that in 2002 there also was a certain difference in terms of unemployment: it was 10% for Latvians and 15% for national minorities.[465] The data used during the negotiations on joining the EU were quite similar: unemployment rate among Latvians was 9.9% and among national minorities – 15.2%.[466]

Research of 2007 showed that the lack of workforce caused by the mass emigration from Latvia after it joined EU improved the position of national minorities on the job market: in 2002 the overall difference in the employment rate among ethnic Latvians and non-Latvians was 6%, but in 2005 it went down to less than 3%. The total growth in employment was partly on account of national minorities, but for women this growth was exclusively due to national minorities.[467]

464 A. Aasland, Ethnicity and Poverty in Latvia. Riga, 2000

465 M. Hazans, Unemployment and the Earnings Structure in Latvia. World Bank Policy Research Paper 3504, 2005

466 European Commission. Latvia Single Programme Document, 2003, quoted in: F. Rajevska. Relations between Social Exclusion and Human Security in Latvia. Sociālo zinātņu vēstnesis (Social Sciences Bulletin), Daugavpils University, 2004, No.1, pages 61-84

467 Study on the social and labour market integration of ethnic minorities. Institute for the Study of Labour (IZA), Bonn, October 2007, accessible at *http://www.iza.org/downloads/IZA_Report Minorities_10-2007_final_sw.pdf*(01.11.2008)

5.3.3. The official data on the ethnic composition of the unemployed were published up to 2004 (including) and the author had published them[468]. The data for 2005-2007 had to be sought in the official Report of Latvia to the United Nations Committee on the Elimination of Racial Discrimination[469]. Having acquired the proof that the data are collected, but not officially published, the author initiated a parliamentary question to PM Dombrovskis, which was ignored, but the author made another request and that time, he got the promise to resume publication of the statistic data[470]. The promise was fulfilled and now the data are accessible on the site of the State Employment Agency, starting with August 2008[471].

The ethnic factor in unemployment can be studied by two groups of the site data:

1) ethnic origins indicated in the questionnaire (the indication is optional)

2) education documents which have to be supplemented with a document certifying the Latvian language proficiency level for graduates of minority schools.

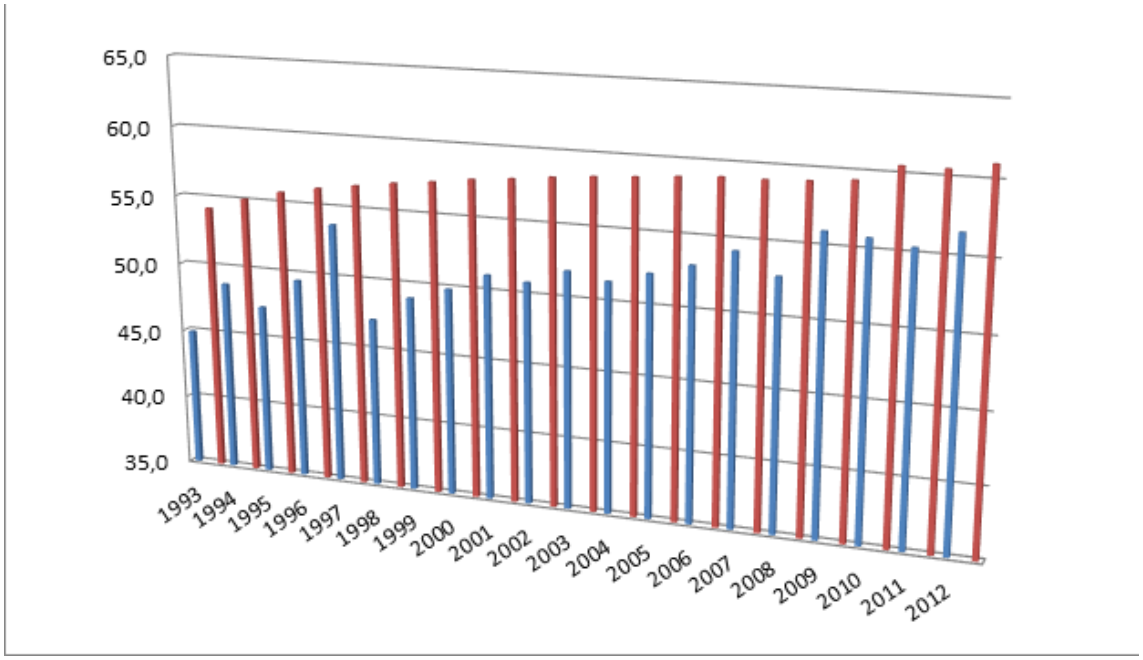
Unfortunately, more and more unemployed choose not to indicate their ethnic origin, which makes studying the ethnic disproportion in employment much more difficult. If all the unemployed persons, who did not indicate their ethnic origin, are supposed to be ethnic Latvians, this number coincides with their share in the whole population.

We chose another approach, comparing the share of ethnic Latvians with the share of Latvian-language school graduates within the total number of the unemployed. During the whole 2009 and the first four months of 2010 the difference fluctuated between 0.05% and 0.9% of the total number of the unemployed; moreover, except for January 2009, Latvian-language school graduates outnumbered ethnic Latvians just by a fraction of percent, which means that in such approach the ethnic disproportion is somewhat underestimated. Nearly all the estimations conducted after August 2008 have been based on the near-certain assumption that if a person got their education in Latvian, that means they are of Latvian ethnic origin.

The data on unemployment rate among ethnic Latvians in comparison with their share in the population composition are shown in Figure 5.4. The data are given as of 31 December of every year, except for 1993 and 1994, whose data are given as of 1 February and 1 January, correspondingly.[472]

Figure 5.4

Share of Latvians (%) among unemployed and among total population



468 V.V. Buzaev, "Non-citizens of Latvia", p. 81 *http://www.lhrc.lv/biblioteka/Negrazhdane_Latvii.pdf*

469 Report of the Republic of Latvia on Execution of the Convention on Elimination of All Forms of Racial Discrimination in the Republic of Latvia within the period between 2003 and 2007, 101 pages

470 Parliamentary Questions No 160/j9 and 165j9 as of 14 May and 21 May 2009

471 State Employment Agency site: *http://www.nva.gov.lv/*

472 Elmars Vebers, "Ethnic Situation in Latvia",1994

These data, showing the ethnic inequality, do not take into account age difference of ethnic Latvians and non-Latvians (see Figure 1.7 of paragraph 1.7.3). The share of working-age population among national minorities steadily exceeds the same share among ethnic Latvians (see Table 5.7), which results in the growth of the share of unemployed among the former.

Table 5.7

Employable population share among ethnic Latvians and non-Latvians according to census data (in %)[473]

year	1989	2000	2011
Ethnic Latvians	53.67	61.09	63.02
non-Latvians	59.60	66.55	65.41
Equalization factor (k)	0.9	0.918	0.963

In order to estimate the degree of inequality, we introduced the relative share of D-factor in paragraph 1.2.4:

Di=[Pi/P]/[Ni/N], where i stands for the group number, P -for the absolute value of the estimated factor, N – total group number, Pi – the absolute share of the factor corresponding to the given group, Ni – the number of people in the group.

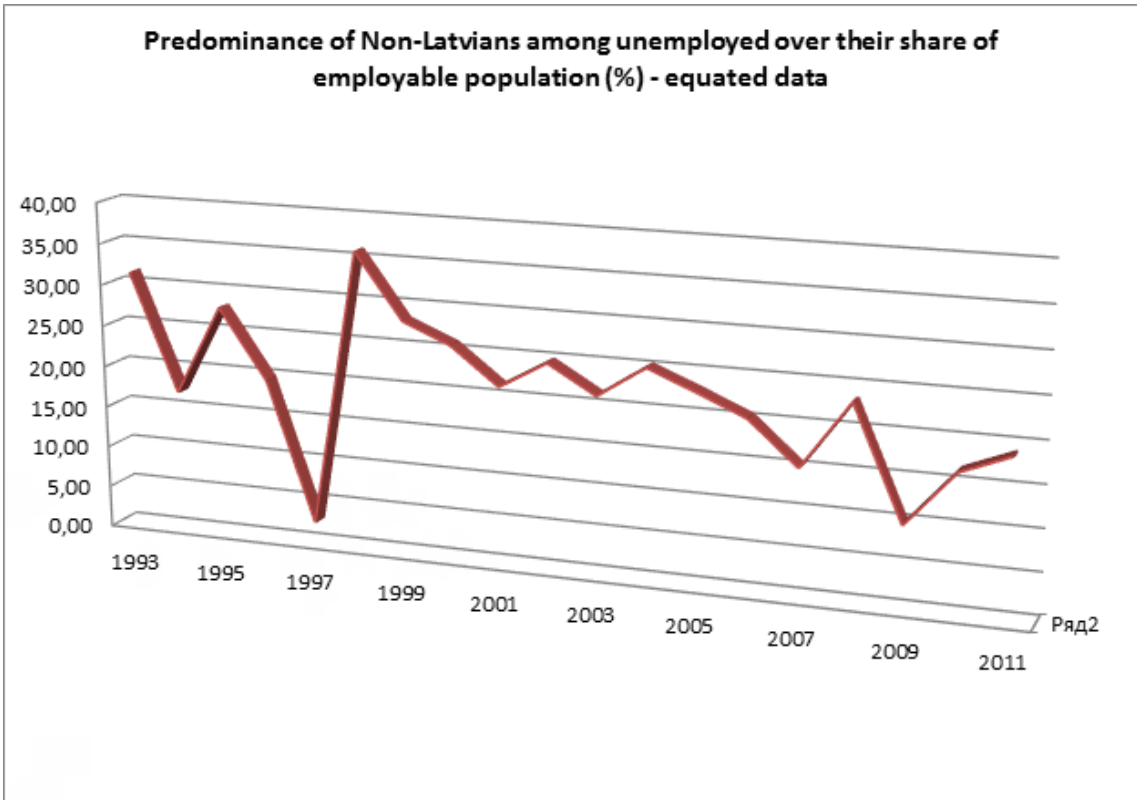
The incongruity between the share of national minorities in the employable population and their share in the total population makes it necessary to introduce the equalization factor:

Dk=Di[N/Ni(1-k)+k] where "k" is the equalization factor from Table 5.7

The result of equalization is presented as the degree to which the share of national minorities in unemployed population outnumbers their share in employable-age population and is thus shown in Figure 5.5

Figure 5.5

Predominance of Non-Latvians among unemployed over their share of employable population (%) – equated data



473 The data of 1989 are given precisely by the census; the data of 2000/2011 are given for the age group between 15 and 61.

A sharp drop in the national minorities' share in the registered unemployed population in 1997 was caused by the norm introduced by the government in 1996, which stipulated that the status of unemployed can only be granted when a document certifying the Latvian language skills is presented. In the process of my personal correspondence on behalf of our party with the then-Minister of labour Andris Berzins I was informed, that it was done for the sake of social integration.

We made no secret of our correspondence, and the following pressure from international organizations lead to the cancellation of the discriminating norm, which was immediately reflected in statistics.

5.3.4. There are ethnic data on unemployment available, which show the unemployment rate among various risk groups such as the long-term unemployed, the youth, persons of pre-retirement age, disabled persons as well as persons registered in the employment agency after parental leave or after imprisonment (see Table 5.8).

Table 5.8

Share of ethnic Latvians within population and some groups of the unemployed (%)[474]

Category	2009	2010	2011	2012
Population	59.33	59.97	60.51	60.50
Total number of unemployed	52.94	55.53	55.21	55.23
Young people (15 – 24)	66.72	69.87	71.88	73.55
Persons of pre-retirement age	44.76	48.21	48.19	48.63
Disabled persons	55.88	57.05	56.34	57.22
Parents after parental leave	64.23	68.27	67.79	70.79
Persons after imprisonment	38.76	48.09	42.27	40.94
Long-term unemployed	49.40	49.00	52.00	52.22

The majority of ethnic Latvians among the unemployed young people can be easily explained by their predominance among the young population as a whole. 70% of all the pupils studied in Latvian-language schools in 2003, in 2009 – 73%. The share of ethnic Latvians among the newborn children in 2011 was 67.8%, which is consistent with the share of their parents among the persons registered at the Employment Agency.

As for the small share of ethnic Latvians among former prisoners and persons of pre-retirement age, these facts can also be easily explained.

The share of ethnic Latvians among prisoners in 2012 was only 44% (see Table 2.7 of paragraph 2.2.6).

According to the census of 2011, the share of 57-to-61-year-olds among ethnic Latvians was 5%, but among non-Latvians – 8%. Thus, the share of ethnic Latvians among persons of pre-retirement age is 60.5*5/(60.5*5+39.5*8)=49%, which is consistent with their share among this category of the unemployed.

However, the low share of ethnic Latvians and the high share of national minorities among the long-term unemployed have no reasonable explanation. If the same equalization factor is applied in this case as for all unemployed, then predominance of national minority share in this group over their share in total employable population fluctuates between 18% and 26%. Of course, the number of the long-term unemployed can also be analyzed by their age groups, but the author would rather leave this work to state officials.

5.3.5. In a country more advanced in terms of human rights, such ethnic disproportions among the total unemployed population and the long-term unemployed would undoubtedly make the government take relevant preventive measures. Nevertheless, in Latvia professional training and retraining of the unemployed is conducted exclusively in Latvian, even in locations where the native Russian-speakers make up vast majority of the unemployed population (see also paragraph 3.1.9).

474 Data of the State Employment Agency as of June of each year. Proportion of Latvian-language school graduates among the unemployed is provided

5.4. Inequality of incomes

5.4.1. Inequality between national minorities and ethnic majority is quite a typical phenomenon. This is also true for the EU countries, 10 of which (6 pre-2004 members, 4 new ones including Latvia) were chosen by the Institute for the Study of Labour in Bonn for a complex research[475]. The main researched factors include difference in salaries, access to prestigious professions and employment level. The research also includes analysis of inequality causes and the level of their "justification". The difference in education level of national minority and national majority population is considered to be the primary cause of inequality[476]. Another issues of interest are the influence of the dominant language knowledge and that of regional segregation.

The differences in prestigious professions accessibility and employment level are provided above. Considering the concentration of national minorities in the private sector, it is worth mentioning that the average salary in the public sector (before taxation) in the 21st century exceeded that of the private sector by 23% (in 2007 – by 31%). In 2009, this difference went down to 16% and in 2012 – to 8%.[477]

Some data clearly show the difference in salary levels (Table 5.9).

Table 5.9

Correlation of average salary of national minorities and ethnic Latvians (%)[478]

2002	2009 (I-III quarters)	2007			
Total employees number		Private Sector		Public Sector	
		Male	Female	Male	Female
91.7	92.4	98.4	90.4	92.6	79.2

This difference cannot be explained by regional distribution of ethnic Latvians and national minorities, as that would cause serious concern about the competitiveness of… the dominant group itself (see Table 5.10).

Table 5.10

Comparison of economic development of Latvian regions and national minority share in their population composition.[479]

Region	Average Salary, LVL	Employment Level, %	GDP per capita, LVL	Ethnic community share in the region %	
				Ethnic Latvians	Non-Latvians
Riga	532	57.1	9762	23.5	44.7
Riga District	437	55.4	4395	21.1	13.4
Kurzeme	393	52.4	4615	16.2	8.3
Zemgale	384	52.6	3686	14.0	9.5
Vidzeme	364	52.9	3833	14.4	3.7
Latgale	329	48.9	3197	10.8	20.5

44.7% of all ethnic non-Latvians live in the most prosperous region, and only 23.5% of ethnic Latvians live there, 58% of the former and 44.6% of the latter live in the first two most prosperous regions, in the first three ones – 66.3% and 60.7% correspondingly.

Knowing the number of ethnic Latvians and non-Latvians and assuming that their shares in employment and their salary levels are the same, one would expect the average salary of an ethnic Latvian to be 425 LVL, but of a non-Latvian – 449 LVL per month, which is 5% higher.

Education level of national minorities has only got worse than education level of ethnic Latvians in the very recent years (see Table 3.14. 3.15 in paragraph 3.2.10).

475 Study on the Social and Labour Market Integration of Ethnic Minorities Final Report, IZA, 2008, 166 pages, accessible on the Internet: *http://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_16.pdf*

476 Ibidem

477 Data of CSB, Table II01

478 "How Integrated Is Latvian Society?", pages 142-143

479 CSB data on gross salaries as of 2011 (Table DSG 11) by employment level within the group of 15-to-74-year-olds as of 2011 (Table NBG04) by GDP per capita as of 2009 (Table IKG021)

Unfortunately, considering the additional language requirements for national minority school graduates on the job market (see paragraph 2.3.3), education of ethnic Latvians and national minorities is treated differently (see Table 5.11).

Table 5.11

Labour force participation level among ethnic Latvians and national minorities depending on education level within the period between 2002 and 2008 (aged 15 to 74. %)[480]

Group	Education level/year	2002	2004	2007	2008
Ethnic Latvians	Lower than secondary	36.3	32.7	35.6	35.3
	Secondary	72.0	71.2	73.0	74.7
	Higher	83.3	83.9	87.6	89.0
Non-Latvians	Lower than secondary	31.5	30.6	38.3	40.4
	Secondary	69.9	73.3	74.0	74.3
	Higher	74.3	78.5	80.9	80.4

The difference between ethnic Latvians and non-Latvians is most considerable among persons with higher education; this means that the most qualified potential of the Russian-speaking community is not used to a full extent, which has negative impact on both the community itself and the society as a whole.

The issue at stake isn't ethnic discrimination; in 2005 the average salary of those national minority employees who had the highest degree of the Latvian language knowledge, was by 2% higher than the average salary of ethnic Latvians. However, persons with average and low-level language knowledge earned less by 9% and 12% correspondingly[481].

It turns out that (linguistically) qualified national minority employees earn even a bit more than ethnic Latvians. But there are only 12-14% of such lucky ones among the Russian community, but among Russian-language school graduates – just 28% (see Table 2.11 of paragraph 2.3.4).

5.4.2. Our neighbour Estonia was not included in the research mentioned in the beginning of paragraph 5.4.1. The ethnic aspect of income difference there is reflected in official statistics, which shows that, starting with 2003, share of persons with the lowest incomes among ethnic non-Estonians has been considerably higher, but share of persons with the highest incomes – considerably lower than among ethnic Estonians. In 2011, there were 25% vs 17% among the lowest income group and 12.1 vs 23.3% for the highest income group[482].

There are no such data in Latvia; therefore, one has to use much less reliable survey data, which do not show substantial income difference in connection with ethnic origins.

SKDS survey data of December 2008 (Table 5.12) show that the difference between ethnic Latvians and non-Latvians is insignificant.

Table 5.12

Monthly income per family member before taxation as of December 2008 (%).[483]

	Ethnic Latvians	Non-Latvians
Less than 100 LVL	14.0	13.2
101 – 149 LVL	11.3	10.7
150 – 199 LVL	14.1	16.7
200 – 279 LVL	15.8	15.5
280 LVL and more	14.9	14.6
N/A	29.9	29.3

480 Study on the Social and Labour Market Integration of Ethnic Minorities, p. 157

481 How Integrated Is Latvian Society?, p. 146

482 Andrei Lobov, "Glimpse at Estonia: Politicization and Statistics as a Tool of Setting Priorities in Fight against Discrimination". In the collection "Ethnic Conflicts in the Baltic States in Post-Soviet Period", Riga, Institute for European Studies, 2013, pages 128-140 *http://www.esinstitute.org/files/ethnic_conflict_in_baltic_countries_in_post-soviet_period.pdf*

483 See the book "Chance to Survive: Minority Rights in Estonia and Latvia", Moscow – Paris – Tallinn, 2009, page 227 *http://www.lichr.ee/main/assets/L-3-eng.pdf*

The results of the SKDS survey of October 2012[484] are much more detailed.

Table 5.13

Survey on purchasing power

Questions	Ethnic Latvians	Non-Latvians
Able to acquire relatively expensive property, a flat, a summer cottage, etc.	-	1
Can easily afford consumer durables, but find it difficult to acquire truly expensive property	15	13
Have enough money to buy food and clothes, but find it difficult to buy consumer durables (a TV set, a refrigerator, etc.)	49	44
Can buy food, but find it difficult to buy clothes	26	30
Can barely make both ends meet, even have difficulty buying food	9	11

35% of ethnic Latvians and 41% of non-Latvians estimated their income level as below average, while all respondents with the highest level of income found by the interviewers were non-Latvians[485].

Incidentally, as for Gini Coefficient of Equivalised Disposable Income, Latvia has been the absolute leader among the 32 EU Member States and candidate States since 2005. The top three of 2012: Latvia – 35.9%, Spain – 35.0%, Portugal – 34.5%.[486]

However, in terms of expenses on social protection in relation to GDP, Latvia has been steadily holding the last place since 2007. The three lowest places of 2011: Latvia – 15.1%, Estonia – 16.1%, Romania – 16.3%. The leader is Denmark – 33.6% of GDP[487].

In terms of absolute income level per capita Latvia with its 1,478 Euro holds the third place from the end of the list ahead of Bulgaria (927) and Romania (1062). Latvia falls behind Luxemburg, which is the leader, 12 times and behind the average performance within the Eurozone – nearly 6 times[488].

5.4.3. The most substantial aspect of ethnic social inequality is excluding the employment period of the Soviet times from pensionable period of non-citizens if they worked outside Latvia (see also paragraph 4.1.5).

Under the Latvian Law "On State Pensions" the pension amount is divided into pre-insurance and insurance parts. The pre-insurance part is directly proportional to pre-insurance employment time accumulated before 1 January 1996 and in 2013, it makes up on average about 60% of total pension amount. The Soviet employment period makes up about 80% of the pre-insurance employment, which means that in similar circumstances the pension of a citizen may exceed that of a non-citizen nearly twice.

According to the population census of 2011, the 57 thousand non-citizens who suffered from such calculation (see paragraph 4.2.3) make up 32% of those 178 thousand ethnic non-Latvians, who are 62 or more years old.

484 "How Well-off Are We?", SKDS survey, October 2012 *http://www.skds.lv/doc/Cik%20turigi%20esam%20_SKDS_%20102012.pdf*

485 Top 10 Latvian millionaires of 2012 included only 4 Latvian family names. The portal of Riga Port. Article of Nina Kolyako, " Oleg Fiel is the first on the list of 100 Latvian millionaires; the Lembergs are the richest family", 20 November 2012: *http://www.baltic-course.com/rus/_analytics/?doc=66225*

486 Eurostat, Table ilc_di12

487 Eurostat, Table tps00098

488 Eurostat, Table spr_exp_sum

Annex 1
Differences between rights of Latvian citizens and non-citizens – Latvian residents

Data of the Latvian human rights committee (F.I.D.H.) on October 2013

I. Prohibition to occupy certain state and public positions, to be employed in certain professions a) State Institutions Jobs reserved for Latvian citizens only:	
1. President	Satversme (The Constitution of the Republic of Latvia), as amended on 04.12.97, Art. 37
2. Member of the Cabinet of Ministers	The Cabinet of Ministers Structure Law, adopted on 15.05.08, Art. 12.
3. Civil Servants (A) [VIII -9, IX -6]	The Law "On State Civil Service", adopted on 07.09.00, Art. 7(1)
4. Constitutional Court Judges	The Law "On Constitutional Court", adopted on 05.06.96, Art. 4 (2)
5. Judges (A) [VIII-1]	The Law "On Judicial Power", adopted on 15.12.92, Art. 51 (1)
6. Public Prosecutors (A) [VIII -1, IX -1]	The Law "On the Public Prosecutors Office", adopted on 19.05.94, Art. 33 (1)
7. State Security Officers (A) [VIII -1, IX -1]	The Law "On State Security Institutions", adopted on 05.05.94, Art. 18 (2)
8. Diplomatic and Consular Service (A)	The Law "On Diplomatic and Consular Service", adopted on 21.09.95, Art. 3 (6)
9. Auditor General, Members of the Council of the State Audit Office, Manager of an Audit Department (A) [IX -1]	The Law "On State Audit Office", adopted on 09.05.02, Art. 30 (1)
10. Workers and officials of the Corruption Prevention and Combating Bureau (A) [VIII-1]	The Law "On Corruption Prevention and Combating Bureau" adopted on 18.04.02, Art. 4-6
11. Members of the Council of Regulators of Public Services (A) [IX -1]	The Law "On Regulators of Public Services", adopted on 19.10.00, Art. 37
12. Members of the Central Election Commission	The Law "On Central Election Commission", adopted on 13.01.94, Art. 2
13. State Police officers (A) [VIII -7, IX -4]	The Law "On Service of Persons having Special Service Degrees in the System of the Interior Ministry and Prison Administration", adopted on 15.06.06, Art. 4 (1)
14. Municipal policemen (A) [IX -2]	The Law "On Police", adopted on 04.06.91, Article 21, as amended on 16.09.10. The Transitional Provisions of the law (Para. 2) allowed non-citizens working as municipal police officers to submit an application to naturalize until 01.03.2011
15. Port policemen	The Law "On Police", adopted on 04.06.91, Article 211, as amended on 28.10.10.
16. Prison Guards (A) [VIII -4, IX -4]	The Law "On Service of Persons having Special Service Degrees in the System of the Interior Ministry and Prison Administration", adopted on 15.06.06, Art. 4 (1)

17. State Fire and Rescue Service officers (A) [VII-1, VIII-5, IX-4]	The Law "On Service of Persons having Special Service Degrees in the System of the Interior Ministry and Prison Administration", adopted on 15.06.06, Art. 4 (1). The Transitional Provisions of the law (Para. 2) allow non-citizens, who were employed in the Service before 31.12.02, to continue their service
18. Border guards (A) [VIII -6, IX -4]	The Law "On Service of Persons having Special Service Degrees in the System of the Interior Ministry and Prison Administration", adopted on 15.06.06, Art. 4 (1)
19. Soldiers (including officers and cadets) [VIII -2, IX -1, XI -1]	The Military Service Law, adopted on 30.05.02., Art. 2 un 16, as amended on 29.03.07. (switch to voluntary service).
20. Officials of the State Revenue Service (A) [VIII -3, IX -2]	The Law "On State Revenue Service", adopted on 28.10.93, Art. 17 (1) (as amended of 25.10.01)
21. Officials of the Labour Inspection [IX -2]	The Law "On State Labour Inspection", adopted on 19.06.08. Art. 5
22. Officials of the departments of Records of Acts of Civil Status [VIII -4, XI -1]	The Law "On Registration of Acts of Civil Status", adopted on 29.11.12., Art. 12.
23. Jobs related to access to information declared a state secret (A) (B) [VIII -5, IX -4]	Law "On State Secrets", adopted on 17.10.96, Art. 9 (2)
b) Private Sector Jobs reserved for Latvian citizens only:	
24. Sworn Advocates and Advocate's Assistants (A) (B) (C) [VIII -4, IX -3]	The Law "On Advocacy", adopted on 27.04.93, Art.14 (1) and 83
25. Defender in criminal proceedings. Non-citizen couldn't participate as a defender in a criminal action even if he/she has got advocate qualification in one of the EU countries (B) [IX -1]	The Criminal Procedure Law, adopted on 01.10.05, Art. 79
26. Sworn Notaries and Notary's Assistants (A) [VIII -2, IX -1]	"The Notary Law", adopted on 01.06.93, Art. 9 (1), 147 (1)
27. Court Bailiffs (A) [VIII -2, IX -1]	The Law "On Court Bailiffs", adopted on 24.10.02, Art. 12 (1)
28. The managers of security guards (A) (B) (C) [VIII -10, IX -3]	The Law "On Security Guard Activities", adopted on 11.05.06, Art. 6(1)
29. Professional patent official (A) (B) (C) [IX -2]	The Patent Law, adopted on 15.02.07, Art. 26 (4)
30. Only citizen of Latvia has the right to be employed in civil positions for army units [VIII -3, IX -2]	The Law "On Military Service", adopted on 30.05.02, Art. 16.
31. Internal auditors in public institutions [XI -1]	The Law "On Internal Auditors", adopted on 13.10.12., Art. 11 (2)
c) Public sector Only citizens have the right:	
32. To participate in parliamentary elections (A)	Satversme (The Constitution of the Republic of Latvia), Art.8 and 9
33. To initiate a dissolution of the parliament	Satversme (The Constitution of the Republic of Latvia), Art.14 as amended of 08.04.09
34. To participate in local elections (A) (B) [VII-3, VIII-16, IX-11]	Satversme (The Constitution of the Republic of Latvia), Art.101 as amended of 15.10.98. the Law "On the Elections to City Domes, Regional and Rural District Councils", adopted on 13.01.94, Art. 5 and 8.
35. To be elected to the Audit Commission of Riga municipality (B) [IX-1]	The Statute of Riga Municipality, adopted on 01.03.11, Art.26 The prohibition was introduced for all municipalities by the law „On Local Self-Government" on 19.05.94 and removed from it by amendments of 21.12.00
36. To participate in the elections to the European Parliament (A) (B) [VIII-2, IX-4].	The Law "On the Elections to the European Parliament", adopted on 29.01.04, Art. 2
37. To participate in state-wide referendums [VIII-3]	Satversme (The Constitution of the Republic of Latvia), Art. 80
38. To initiate and to sign popular legislative initiatives (leading to referendums, if not approved by Parliament)	Law on National Referendums, Legislative Initiatives and European Citizens' Initiative, adopted on 31.03.94, Art. 23(2) as amended of 08.11.12.
39. To submit collective petitions to the parliament (mandatory for consideration, if reaching a certain number of signatures) [XI-2]	Rules of Procedure of the Saeima, Art. 1313 Relevant provisions introduced by amendments of 19.01.12
40. Citizens subjected to lustration may vote. Non-citizens subjected to lustration are not allowed to naturalise [VIII-2, XI-1]	Citizenship Law, adopted on 22.07.94., Art. 11.
41. To be elected to the municipal and district election commissions [IX-1]	The Law "On City, Regional and Rural District Election Commissions", adopted on 10.05.95, Art. 6 (1)
42. To establish political parties [VII-1,VIII-3]	The Law "On Political Parties", adopted on 07.07.06, Art. 12 (1)
43. Political parties are allowed to operate if at least 1/2 of the members are citizens of Latvia [VII-1,VIII-4]	The Law "On Political Parties", adopted on 07.07.06, Art. 26 (3)

44. To serve in the National Guard (Zemessardze) (A) [VIII-2]	The National Guard (Zemessardze) Law, adopted on 06.05.10, Art. 14 (1)
45. To be elected as the Ombudsman	The Law "On Ombudsman", adopted on 06.04.06, Art. 5 (2)
46. To be elected to the National Electronic Mass Media Council [VII-1]	The Electronic Mass Media Law, adopted on 06.07.10, Art. 56 (3)
47. Only citizens of Latvia can become a Chancellor and Award Capitulars (who are dealing with items related to state awards) [VIII-1]	The Law "On State Awards" adopted on 04. 03.04., Art. 43
48. Only citizens of Latvia can become bishops, chaplains and military co-ordinators of the Catholic church	The Law "On the Treaty between the Holy See and Latvian Republic" adopted on 12.09.02., Art. 5, 24 and 25
49. Contacts with foreign citizens, access to cultural monuments and mass media are guaranteed to citizens only in some of the Agreements [IX-1]	12 Agreements signed from 07.08.92 to 14.02.13 (see Appendix 2, Para 2.1)
II. Property Rights Only citizens have the right to:	
50. Persons being not citizens of Latvia or EU, as well as judicial persons in the case when less than a half of its statute capital belongs to citizens of Latvia or EU, have the right to acquire ownership of the land plot in the Latvian cities only by a special permission of City Council. (B) (C) [VII-3,VIII-8,IX-3].	The Law "On the Land Reform in the Cities of LR", adopted on 20.11.91, Art. 20 (as amended on 24.11.94, Art. 3)
51. Analogous to No. 50 limitation for physical and judicial persons when buying land plots in rural areas (B) [VII-1,VIII-6]	The Law "On the Land Privatisation in Rural Regions", adopted on 09.07.92, Art. 28 (as amended on 08.12.94, Art.14)
52. Only close relatives of the citizens of Latvia enjoy the right to use privatisation certificates when acquiring ownership of the land with a building or garden through inheritance or gift (C) [IX-3]	The Law "On Finalising the Land Reform in the Cities", adopted on 29.10.97, Art. 3 (1)
53. Only citizens and legal entities are guaranteed the protection of their investments abroad [IX-1]	33 Agreements adopted within the period of 26.08.91 – 22.09.99 (see Appendix 2, Para 2.2)
54. Protection of intellectual property abroad is guaranteed by some bilateral Agreements to citizens only [IX-1]	5 agreements with 8 countries adopted within the period of 06.07.94 – 26.10.06. Out of them 4 agreements lost their force after Latvia became a member of EU (see Appendix 2, Para 2.3)
III. Private enterprise	
55. License to special aviation works (environment protection, rescue works etc.) can only be granted to companies controlled by EU citizens (B)	Cabinet Regulations No. 377 "The order of licensing special aviation works" of 17.05.2011.
56. Licenses for air transportation abroad are guaranteed, by bilateral agreements to the companies controlled by Latvian citizens. If such control is lost, the license is revoked [IX-1]	24 Agreements signed within the period of 01.07.92 – 12.09.09 (see Appendix 2, Para 2.4)
57. Non-discrimination regarding double taxation is guaranteed to citizens only [IX-1]	15 Agreements signed within the period of 17.11.93 – 09.11.09 (see Appendix 2, Para 2.5)
58. Only citizens of Latvia are guaranteed state support in various cases if trading abroad [IX-1]	5 Agreements signed within the period of 29.11.91. – 16.10.02. (see Appendix 2, Para 2.6)
59. Commercial handling of weapons is allowed only for Latvian citizens and European Union citizens (A) (B) [VII-1,VIII-5,IX-3]	The Law "On the Handling of Weapons and Special Means", adopted on 28.10.10, Art. 43(1)
60. Only citizens of Latvia and the EU have the right to be company owners, directors, board members as well as those directly dealing with production, reparation, distribution, storage, transportation, rendering of services or guarding of the goods included into the common list of military goods of the EU (A) (B) [VIII-1, IX-1, X-1]	The Law "On Turnout of the Goods of Strategic Importance", adopted on 21.06.07, Art. 5 (4)
61. The participants, managers, persons who hold positions in administrative institutions, as well as employees (certified specialists), who are directly associated with the investigation of territory potentially polluted and polluted with explosive articles of a military nature and with unexploded ammunition and the search, identification, removal, collection and storage of unexploded ammunition, of merchants obtaining a licence to activities referred to, may be citizens of Latvia and EU member states only (A) (B) [X-1]	The Law "On Pollution", adopted on 15.03.01, Article 44.1, as amended on 25.10.07
62. Only citizens may be responsible for safety of vital infrastructure (A)	Cabinet Regulations No. 100 «Planning and conducting measures to ensure information technology safety of vital infrastructure» of 01.02.2011, Para.4
IV. Social Rights	

63. Years of employment outside Latvia before 31.12.90 are not included into the non-citizens' employment record when calculating old-age, disability, survivor's and service pension rates, unless the contrary is provided by an international treaty. [VII-3,VIII-6, IX-8]	Law "On State Pensions", adopted on 02.11.95, transitional regulations, Para. 1 The treaties, allowing to take the relevant time into account, are concluded with 5 of 14 former republics of the USSR
64. Unemployment benefit for non-citizens who had worked outside Latvia before 31.12.90, is calculated at a lower rate than for citizens.	The Law "On Unemployment Insurance", adopted on 25.11.99., Art. 6.(1.2). Earlier – the law „On Mandatory Social Insurance for Case of Unemployment", adopted on 05.10.95., Para. 4 of Transitional provisions Only the social security treaty with Russia allows to take into account the time of relevant employment.
65. Only citizens have the right to receive different kinds of social aid on the territory of Finland. Years of employment on the territory of Finland are included only into the citizens' employment record when calculating social insurance	Agreement with Finland on social benefits of 11.05.99, Art. 4.1., 5.2., 16, etc.
V. Right to Entrance and Family Reunification	
66. Latvian citizens may enter 98 foreign countries without visas. Non-citizens may enter, without visas, only 42 of them [IX-3] Between November 2011 and September 2013, non-citizens were forbidden from entering UAE under pretext of a terrorism threat	See Appendix 2, Para 2.7 or web site of the Ministry of Foreign Affairs: *http://www.mfa.gov.lv/lv/KonsularaInformacija/arvalstis-dzivojosajiem/bezvizu/#pilsoni*
67. Latvian non-citizen in order to receive the status of the permanent resident of the European Union must pass examination in the state language proficiency as well as prove his/her long-term residence in Latvia, demonstrate a sufficient level of income and to pay a state duty (C) [VIII-6, IX-3]	The Law "On the Status of the Permanent Resident of the European Union in the Republic of Latvia", adopted on 22.06.06, Art.3
68. Non-citizens lack equality with citizens concerning safeguards from extradition [VIII-4, IX-1]	Satversme (The Constitution of the Republic of Latvia), as amended of 15.10.98, Art.98
69. The right on repatriation is enjoyed only by Latvian citizens as well as by persons whose ancestors are Latvians or Livs	Repatriation Law, adopted on 21.10.95, Art. 2
70. Only Latvian citizens and (in some cases) legal persons are guaranteed legal assistance when being abroad [IX-1]	10 Agreements signed between 11.11.92 and 15.04.04 (See Appendix 2, Para 2.8)
71. Non-citizens who have received compensations when leaving Latvia (i.e. as compensation for apartments left behind) from any state institutions or from abroad, apart from losing their former legal status, also lose the right to enter Latvia for residency	The Law "On the Status of Former USSR Citizens who are not Citizens of Latvia or Any Other Country", adopted on 12.04.95, Art.1 (3), as amended on 18.06.97
72. The right to reunification with an adult child having no Latvian citizenship reserved for Latvian citizen only [VIII -4]	The Law "On Immigration", adopted on 31.10.02. Art. 24(1), 31(1)
73. Diplomatic and service passports are only given to those official's family members, who are citizens of Latvia	The law «On Diplomatic Passports» of 28.04.94, Art.1 and part 7 of Art. 3. Cabinet regulations No. 239 «On Service Passports of the Republic of Latvia» of 03.04.12, Para. 3.57
VI. Other Rights and Freedoms	
74. Only citizens have the right to study in certain higher education establishments	Statute (Constitution) of the National Academy of Defence, adopted by the Cabinet of Ministers on 30.06.98, Art. 22; 08.01.03, Art. 22. Rules of admission to the State Border Guard College, Fire Protection and Civil Protection College, State police College (specific documents adopted each year)
75. Only citizens are entitled to received military training in civilian higher education establishments	The Military Service Law, adopted on 30.05.02., Art. 171 (1), as amended on 29.03.07.
76. A citizen can be deprived of citizenship by court decision only. A non-citizen can be deprived of his status by decision of administrative authorities [VII-4,VIII-2,IX-1]	The Law "On the Status of Former USSR Citizens who are not Citizens of Latvia or Any Other Country", adopted on 12.04.95, Art. 7 (compared with the Citizenship Law, adopted on 22.07.94. Art. 24)
77. Non-citizens can be acknowledged as politically repressed persons (by the Nazi regime), if only they were repressed because of their ethnic identity or who were young children and were confined in prisons and concentration camps in the territory of Latvia at that time (B) [VII-2,VIII-6,IX-2,X-1]	The Law "On Determining the Status of Politically Repressed Persons who are Victims of Communist and Nazi Regimes", adopted on 12.04.95, Art.4, pp. 1-3
78. The right to self-defence: carrying a weapon is allowed only to citizens (A) (B) [VIII-5, IX-3]	The Law "On the Handling of Weapons and Special Means", adopted on 28.10.10, Art. 16(6)
79. Only Latvian and EU citizens are entitled to form collections of weapons (B) [VII-1,VIII-5, IX-3]	The Law "On the Handling of Weapons and Special Means", adopted on 28.10.10, Art. 28(1)

80. In the understanding of the law "On Framework Convention for the Protection of National Minorities", non-citizens do not belong to national minorities. In the understanding of the integration guidelines non-citizens are considered to be third country nationals within the meaning of the Lisbon treaty and called "former citizens of the USSR who arrived to Latvia as a result of the USSR occupation policy and their descendants, to whom the so-called Law on Non-citizens has granted special privileges in comparison with other immigrant groups" In the same time, they are almost 10 times more numerous than other third country nationals and in the course of integration activities there are special quotas for them (not more than 15% from all participants) [VII-3,VIII-7]	The Law "On Framework Convention for the Protection of National Minorities" of 31.05.05., Art. 2. Guidelines on National Identity, Civil Society and Integration Policy (2012–2018), adopted by the Cabinet decision No. 542 of 20.10.11, Para. 1.1 Cabinet regulations No. 347 «Regulations on implementation of activities of 2012 programme of the European Fund for the Integration of Third-country Nationals» of 25.06.13, Para. 58.

Comments:
1) with (A) are marked those differences, which offend non-citizens' dignity and self-respect because they equate non-citizens with incapable persons, criminals, enemies of the Latvian Republic and alcoholics;
2) according to the differences marked with (B) rights forbidden to non-citizens are ensured to foreigners, mainly to EU citizens.
3) with (C) are marked those differences, which are considered by Ombudsman's conclusion of October 8, 2008, to be disproportionate and are suggested to be abolished.
4) the digits in square brackets show the convocation of the Saeima and the number of attempts to abolish the respective limitation, in the respective convocation (since 1998, when the VIII Saeima was elected)

Annex 2
List of some bilateral and international agreements discriminating against non-citizens

1. General agreements (difference No. 49)

№	State/Organization	Date of the internal adaptation			Article of the agreement	The title of the agreement
		year	m	d		
1	Hungary	1992	8	7	8, 14, 17	On friendship and co-operation
2	Ukraine	1995	5	23	9, 15, 18	On friendship and co-operation
3	EU*1	1995	8	31	37- 44	On association
4	India*2	1995	9	1	3(1)	On technical and economy co-operation
5	Czech Republic	1999	5	10	Preamble	On cultural co-operation
6	EU*3	2003	4	16	45	On joining the EU by Latvia
7	Mexico*4	2005	4	14	21	On co-operation in the fields of education, culture and sports
8	Canada*5	2006	9	25	All text	On youth exchange
9	Between EU and ACP countries *6	2007	3	8	8	On amending the agreement on partnership
10	New Zealand	2008	9	10	All text	On employment and rest schemes
11	EU7	2012	11	8	8B	The Lisbon Treaty
12	The Council Of Europe	2013	02	14	Appendix, p.1	The revised European Social Charter

Notes

1. On the issues of employment and social protection (concerning 15 foreign countries). Lost force when Latvia joined the EU

2. Student exchanges are provided for citizens only

3. Treaty on joining the EU by Latvia (concerned 24 foreign countries) – Only Latvian citizens may be delegated to work in the European Commission

4. Scholarships to study in Mexico are allowed to Latvian citizens only

5. Simplification of formalities for younger citizens of Latvia wiling to enter Canada to get post-secondary education, to gain work experience or to improve knowledge of the languages, culture and society of Canada.

6. The addition to Article 26 of the Cotonou Agreement promotes participation of younger citizens in public life and student exchanges. ACP is a group of African, Caribbean and Pacific countries, including 77 states from five continents: Africa – 46, Oceania – 14, Asia – 2, South America – 2, North America – 13.

7. Only EU citizens may sign the legislative initiatives for the European Commission

8. The social rights granted by Charter to Latvians on the territory of other member states, apply to Latvian citizens only, unless the receiving country decides otherwise..

2. Agreements on the protection of investments (difference No. 53)

№	State	Article of the agreement	Year	M	D	Region	Block
1	Iceland*[1]	4	1991	8	26	Europe	EFTA
2	Finland	1 (1c)	1992	3	5	Europe	EU
3	Sweden	1(3)	1992	3	10	Europe	EU
4	Denmark	1(3)	1992	3	30	Europe	EU
5	France	1(2;3)	1992	5	15	Europe	EU
6	Norway	1(3)	1992	6	16	Europe	EFTA
7	Taiwan*[2]	1(3)	1992	9	17	Asia	
8	Switzerland	1(1a)	1992	12	22	Europe	EFTA
9	Poland	1(1a)	1993	4	26	Europe	EU
10	United Kingdom	1(c)	1994	1	24	Europe	EU
11	Israel	1(3)	1994	2	27	Asia	
12	The Netherlands	1(b)	1994	3	14	Europe	EU
13	Czech Republic	1(2)	1994	10	25	Europe	EU
14	Austria	1(2)	1994	11	17	Europe	EU
15	USA	1(1c)	1995	1	13	N. America	
16	Canada*[3]	1	1995	4	26	N. America	
17	Greece	1(3)	1995	7	20	Europe	EU
18	Portugal	1(3)	1995	9	27	Europe	EU
19	Spain*[4]	7(1)	1995	10	26	Europe	EU
20	Viet Nam	1(1c)	1995	11	6	Asia	
21	Estonia	1(2)	1996	2	7	Europe	EU
22	Lithuania	1(2)	1996	2	7	Europe	EU
23	Belgium	1(1a)	1996	3	27	Europe	EU
24	Luxembourg	1(1a)	1996	3	27	Europe	EU
25	Korea	1(2)	1996	10	23	Asia	
26	Uzbekistan	1. (IV)	1996	5	23	Asia	CIS
27	Egypt	1(2a)	1997	4	24	Africa	
28	Italy*[5]	1(3), 7(1e)	1997	5	21	Europe	EU
29	Ukraine	1(2a)	1997	7	24	Europe	CIS
30	Belarus	1(1c),2,3,5	1998	3	3	Europe	CIS
31	Slovakia	1(2)	1998	4	9	Europe	EU
32	Hungary	1(2)	1999	6	10	Europe	EU
33	Moldova	1(3)	1999	9	22	Europe	CIS

Notes:
1. The limitation was cancelled by a new treaty adopted on 11.06.98
2. Agreement lost force since 10.03.2005
3. Canada, unlike Latvia, protects the interests of both its citizens and residents. Agreement lost force since 24.11.11, and the new treaty of 29.10.09 does not discriminate against non-citizens anymore.
4. The only example, when Latvia equally protects the rights of its citizens and non-citizens. The only exception is Art. 7.1.
5. Agreement lost force since 02.03.09

Similar agreements that do not restrict the rights of non-citizens

№	State	Year	M	D	Region	Block
1	Germany	1993	4	20	Europe	EU
2	Turkey	1997	2	18	Asia	
3	Singapore	1998	7	7	Asia	
4	Kuwait	2001	5	10	Asia	
5	Romania	2001	11	27	Europe	EU
6	Croatia	2002	4	4	Europe	
7	Bulgaria	2003	12	4	Europe	EU
8	China	2004	4	15	Asia	
9	Kazakhstan	2004	10	8	Asia	CIS
10	Azerbaijan	2005	10	3	Asia	CIS
11	Georgia	2005	10	5	Asia	CIS
12	Armenia	2005	10	7	Asia	CIS
13	Kyrgyzstan	2008	5	22	Asia	EU
14	India	2010	2	18	Asia	

3. Agreements protecting intellectual property (difference No. 54)

№	State	Article of the agreement	Year	M	D	Region	Block
1	USA	Part II	1994	7	6	N. America	
2	Ukraine*1	15(2)	1995	11	22	Europe	CIS
3	EFTA*1	15(2)	1995	12	7	Europe	EFTA
4	Slovenia*1	15	1996	4	22	Europe	EU
5	Albania*2	3 (app..V.)	2006	10	26	Europe	

Notes
1. Agreement lost force since 2004.05.01.
2. Agreement with EU

4. Air traffic agreements (difference No. 56)

№	State	Article of the agreement	Year	M	D	Region	Block
1	Poland	3(4);4(1a)	1992	7	1	Europe	EU
2	Hungary	3(2a), 4(1a)	1993	3	9	Europe	EU
3	Netherlands	4(4); 5(c)	1993	3	25	Europe	EU
4	Israel	3(4); 4(1a)	1993	11	3	Asia	
5	Finland	4(a)	1993	11	29	Europe	EU
6	United Kingdom	4(4), 5(1)	1993	12	6	Europe	EU
7	Belgium	5(1d)	1994	12	12	Europe	EU
8	Estonia	3(5)p;4(1c)	1995	1	20	Europe	EU

№	State	Article of the agreement	Year	M	D	Region	Block
9	Ukraine	3(4)	1995	5	23	Europe	CIS
10	Uzbekistan	4(4)p;5(1a)	1995	6	6	Asia	CIS
11	Belarus	4(1), 5(3), 13(3)	1995	9	7	Europe	CIS
12	Turkey	3(4);4(1a)	1995	9	15	Asia	
13	Lithuania	3(5);4(1c)	1996	9	9	Europe	EU
14	Thailand1	6(5);7(1a)	1996	11	8	Asia	
15	Egypt1	6(4), 7(1)	1997	4	23	Africa	
16	India	3(4);4(1a)	1997	10	12	Asia	
17	Slovakia	3(2), 5(1)	1998	4	9	Europe	EU
18	Kazakhstan1	3(4), 4(1a)	1998	5	19	Asia	CIS
19	China	3(2);4(1a)	1999	3	4	Asia	
20	Morocco	4(1)	1999	5	19	Africa	
21	Bulgaria	3(5), 4(1)	1999	5	19	Europe	EU
22	Singapore	3(2), 4(1)	1999	10	6	Asia	
23	Croatia	3(4), 4(1), 6(2)	1999	10	18	Europe	
24	Armenia	1(2), 5 (1)	2009	9	12	Europe	CIS

1. The agreement has not yet entered into force

Similar agreements that do not restrict the rights of non-citizens

№	State	Year	M	D	Region	Block
1	Germany	1993	4	5	Europe	EU
2	Denmark	1993	6	3	Europe	EU
3	Sweden	1993	6	3	Europe	EU
4	Norway	1993	6	3	Europe	EFTA
5	Cyprus	1999	3	26	Europe	EU
6	Azerbaijan	2006	10	4	Asia	CIS
7	Turkmenistan	2008	10	8	Asia	CIS
8	Tajikistan	2009	2	9	Asia	CIS

5. Taxation Agreements (difference No. 57)

The Agreements preventing double taxation (anti-discrimination clauses apply to citizens only):

№	State	Article of the agreement	Year	M	D	Region	Block
1	Poland	25(1)	1993	11	17	Europe	EU
2	Czech Republic	25(1)	1994	10	25	Europe	EU
3	Canada	24(1)	1995	4	26	N. America	
4	Belarus	23(1)	1995	9	7	Europe	CIS
5	China	26(1)	1996	6	7	Asia	

№	State	Article of the agreement	Year	M	D	Region	Block
6	Germany	24(1)	1997	2	21	Europe	EU
7	France	24	1997	4	14	Europe	EU
8	Italy	26	1997	5	21	Europe	EU
9	Singapore	24	1999	10	6	Asia	
10	Switzerland	24	2002	1	31	Europe	EFTA
11	Romania	26	2002	3	25	Europe	EU
12	Spain	25	2003	9	4	Europe	EU
13	Hungary	24	2004	5	14	Europe	EU
14	Israel	24(1)	2006	2	20	Asia	
15	Kuwait	3(i), 25(1)	2009	11	9	Asia	

Similar agreements that do not restrict the rights of non-citizens (both citizens and non-citizens protected from discrimination)

№	State	Year	M	D	Region	Block
1	Finland	1993	3	23	Europe	EU
2	Sweden	1993	4	5	Europe	EU
3	Estonia	1993	5	14	Europe	EU
4	Denmark	1993	12	10	Europe	EU
5	Lithuania	1993	12	17	Europe	EU
6	Norway	1993	7	19	Europe	
7	Netherlands	1994	3	14	Europe	EU
8	Iceland	1994	9	19	Europe	EFTA
9	Ukraine	1995	11	21	Europe	
10	Ireland	1997	11	13	Europe	EU
11	USA	1998	1	15	N. America	
12	Moldova	1998	2	25	Europe	CIS
13	Uzbekistan	1998	7	3	Asia	CIS
14	Slovakia	1999	3	11	Europe	EU
15	Belgium	1999	4	21	Europe	EU
16	Turkey	1999	6	3	Asia	
17	Armenia	2000	3	15	Asia	CIS
18	Croatia	2000	5	19	Europe	
19	Malta	2000	5	22	Europe	EU
20	Portugal	2001	6	19	Europe	EU
21	Kazakhstan	2001	9	6	Asia	CIS
22	Estonia	2002	2	11	Europe	EU

№	State	Year	M	D	Region	Block
23	Slovenia	2002	4	17	Europe	EU
24	Greece	2002	3	27	Europe	EU
25	Bulgaria	2003	12	4	Europe	EU
26	Georgia	2004	10	13	Europe	
27	Luxembourg	2004	6	14	Europe	EU
28	Austria	2005	12	14	Europe	EU
29	Montenegro	2005	11	22	Europe	
30	Serbia	2005	11	22	Europe	
31	Macedonia	2006	12	8	Europe	
32	Kyrgyzstan	2007	5	24	Asia	CIS
33	Albania	2008	2	21	Europe	
34	Korea	2008	6	15	Asia	
35	Morocco	2008	7	24	Africa	
36	Tajikistan	2009	2	9	Asia	CIS
37	Russia	2010	12	20	Europe	CIS
38	Mexico	2012	4	20	N. America	
39	Turkmenistan	2012	9	11	Asia	CIS
40	UAE	2012	11	15	Asia	

6. Free trade Agreements (difference No. 58)

№	State	Article of the agreement	Year	M	D	Region	Block
1	Ukraine*2	12	1991	11	29	Europe	CIS
2	Armenia*1	5	1991	12	7	Asia	CIS
3	USA	2	1992	12	9	N. America	
4	Bulgaria*2	5(2)	2002	10	16	Europe	EU
5	Hungary*2	5(2)	2002	10	29	Europe	EU

Notes
1. Agreement lost force since 1996.01.01.
2. Agreement lost force since 2004.05.01.

7. Treaties on Visa-Free Regime (difference No. 66)

№	State	Year*1	Year12	Region	Block
1	Estonia*3	1992	1992	Europe	EU
2	Poland*5	1992	2007	Europe	EU
3	Hungary*5	1992	2007	Europe	EU
4	Czech Republic*5	1993	2007	Europe	EU
5	United Kingdom	1993		Europe	EU

№	State	Year*1	Year12	Region	Block
6	Slovakia*5	1994	2007	Europe	EU
7	Lithuania*3	1995	1995	Europe	EU
8	Denmark*4	1996	1996	Europe	EU
9	Ireland	1996		Europe	EU
10	Iceland*5	1997	2007	Europe	EFTA
11	Maldives	1997	2008	Asia	
12	Norway*5	1997	2007	Europe	EFTA
13	Samoa*4	1997	1997	Australia	ACP
14	Finland*5	1997	2007	Europe	EU
15	Switzerland	1997	2008	Europe	EFTA
16	Tunisia	1997		Africa	
17	Sweden*5	1997	2007	Europe	EU
18	Andorra	1998		Europe	
19	Croatia*4	1998	2004	Europe	
20	Liechtenstein	1998		Europe	EFTA
21	Malta*5	1998	2007	Europe	EU
22	Slovenia*5	1998	2007	Europe	EU
23	Austria*5	1999	2007	Europe	EU
24	Belgium*5	1999	2007	Europe	EU
25	France*5	1999	2007	Europe	EU
26	Greece*5	1999	2007	Europe	EU
27	Italy*5	1999	2007	Europe	EU
28	Luxembourg*5	1999	2007	Europe	EU
29	Netherlands*5	1999	2007	Europe	EU
30	Portugal*5	1999	2007	Europe	EU
31	Spain*5	1999	2007	Europe	EU
32	Germany*5	1999	2007	Europe	EU
33	Israel	2000		Asia	
34	Japan	2000		Asia	
35	Singapore	2000		Asia	
36	Dominica *4	2001	2001	N. America	ACP
37	Ecuador	2001		S. America	
38	Fiji	2001		Australia	ACP
39	Cyprus *5	2001	2007	Europe	EU
40	Monaco	2001		Europe	

№	State	Year*1	Year12	Region	Block
41	Seychelles	2001		Africa	ACP
42	Saint Vincent and the Grenadines	2001		N. America	ACP
43	Bulgaria*5	2002	2007	Europe	EU
44	Hong Kong	2002		Asia	
45	Romania*5	2002	2007	Europe	EU
46	Albania	2003	2009	Europe	
47	Argentina	2003		S. America	
48	Chile	2003		S. America	
49	Korea	2003		Asia	
50	Costa Rica 4	2003	2012	N. America	
51	Uruguay	2003		S. America	
52	Venezuela	2003		S. America	
53	Bosnia and Herzegovina	2004	2011	Europe	
54	Guatemala	2004		N. America	
55	Honduras 4	2004	2012	N. America	
56	New Zealand	2004		Australia	
57	Macau	2004		Asia	
58	Malaysia	2004		Asia	
59	Mauritius	2004		Asia	ACP
60	Mexico	2004		N. America	
61	Nicaragua	2004		N. America	
62	Panama4	2004	2012	N. America	
63	Paraguay	2004		S. America	
64	Peru	2004		S. America	
65	El Salvador	2004		N. America	
66	San Marino	2004		Europe	
67	Trinidad and Tobago	2004		N. America	ACP
68	Belize 4	2005	2012	N. America	ACP
69	Georgia*3	2005	2005	Asia	CIS
70	Morocco	2005		Africa	
71	Ukraine	2005		Europe	CIS
72	Bolivia	2006		S. America	
73	Macedonia	2006		Europe	
74	Serbia	2006		Europe	
75	Turkey	2006		Asia	

№	State	Year*1	Year12	Region	Block
76	Montenegro	2007	2011	Europe	
77	Moldova	2007		Europe	CIS
78	Canada	2007		N. America	
79	Brunei	2007		Asia	
80	Antigua and Barbuda	2007		N. America	ACP
81	Aruba, Curaçao, Sint Maarten, Antilles	2007	2007	N. America	
82	Bahamas	2007		N. America	ACP
83	Barbados	2007		N. America	ACP
84	Haiti	2007		N. America	ACP
85	Saint Kitts and Nevis	2007		N. America	ACP
86	Saint Lucia	2007		N. America	ACP
87	Swaziland	2007		Africa	
88	USA	2008		N. America	
89	Colombia	2008		S. America	
90	Dominican Republic	2008	2008	N. America	ACP
91	Australia	2008		Australia	
92	Russia		2008	Europe	CIS
93	Philippines	2009		Asia	
94	Kosovo	2009	2009	Europe	
95	Taiwan	2009		Asia	
96	Bonaire, Saba and Sint Eustatius	2010		N. America	
97	Brazil	2012		S. America	
98	Kyrgyzstan	2012		Asia	CIS
99	Armenia	2013		Europe	CIS

Notes
1. The year when visa-free travel was introduced for Latvian citizens (in some cases – approximately)
2. The year when visa-free travel was introduced for Latvian non-citizens (in some cases – approximately)
3. The right of non-citizens of Latvia to enter the country without a visa was granted as a result of bilateral talks (total – 3 countries)
4. The right of non-citizens of Latvia to enter the country without a visa was granted at an initiative of the foreign side (total – 8 countries)
5. The right of non-citizens of Latvia to enter the country without a visa was granted at an initiative of a LHRC member, Member of the European Parliament Tatjana Zdanoka by amending the Council regulation No. 539/2001 of 15.03.2001. (total – 23 countries)

8. Agreements on legal assistance (difference No. 70)

The Agreements envisage the following main advantages for Latvian citizens:
a) equal rights with the citizens of the host country regarding legal assistance;
b) free legal assistance and non-payment of court expenses;
c) sending documents free of charge and (in many cases) without translation;
d) consular assistance;

e) recognition of marriages, legal capacity, adoption etc. in accordance with the laws of another party to the Agreement;
f) non-refoulement to the other country in case of criminal offences.

Nr	State	Article of the agreement	Year	M	D	Region	Block
1	Estonia*[1]	1,16,17(1),18,21,25	1992	11	11	Europe	EU
2	Lithuania*[1]	1,16,17(1),18,21,25	1992	11	11	Europe	EU
3	Russia*[2]	1,11,16,17,19,22,26,62(1)	1993	2	3	Europe	CIS
4	Russia	1	1993	3	4	Europe	CIS
5	Moldova	1, 16,17,18,61(1)	1993	4	14	Europe	CIS
6	Belarus*[3]	1,11,16, 19,21,25,60	1994	2	21	Europe	CIS
7	Poland*[4]	1,11,18,20,22,27,49,68(1)	1994	2	23	Europe	EC
8	Ukraine*[5]	1,11,16,17,18,21,24,44,55(1)	1995	5	23	Europe	CIS
9	Uzbekistan	1,11,16,17,19,22,25,44,55	1996	5	23	Asia	CIS
10	Kyrgyzstan	1,17,19,41, etc.	1997	4	10	Asia	CIS
11	China*[6]	16	2004	4	15	Asia	

Notes

1. Non-citizens are only mentioned in Art. 17.2. The parties must provide the following information: about convictions,instigation of criminal proceedings, recognition as chronic alcoholics, drug addicts and insane. As at 01.01.14, among ethnic Estonians living in Latvia 18 % are non-citizens, among ethnic Lithuanians – 26 % (in 1993 – 79.5 %). The data on percentage herer and below is compiled from tables available at http://www.pmlp.gov.lv/lv/sakums/statistika/iedzivotaju-registrs/arhivs.html

2. Regarding non-citizens, (Art. 76, 77) information about convictions and instigation of criminal proceeding is transferred.. The share of ethnic Russians among non-citizens – 65.7 % (first place). Among ethnic Russians living in Latvia, 31.7 % are non-citizens (in 1993 – 60.9%). The share of ethnic Tatars among non-citizens – 0.5 %. Among ethnic Tatars living in Latvia, 49.6 % are non-citizens.

3. Regarding non-citizens, (Art. 75, 76) information about convictions and instigation of criminal proceedings is transferred. The share of ethnic Belarusians among non-citizens– 13.6 % (second place). Among ethnic Belarusians living in Latvia, 51.9 % are non-citizens (in 1993 – 79.9 %).

4. The share of ethnic Poles among non-citizens– 3.4 % (fourth place). Among ethnic Poles living in Latvia, 20 % are non-citizens (in 1993 – 38.3 %).

5. The share of ethnic Ukrainians among non-citizens – 9.7 % (third place). Among ethnic Ukrainians living in Latvia, 52.3 % are non-citizens (in 1993 – 93.7 %).

6. The information on the results of criminal proceedings happening in China is given to Latvia only in cases concerning citizens of the latter.

Annex 3
List of some international recommendations to Latvia regarding non-citizens

1. Congress of Local and Regional Authorities. Recommendation 47(1998). 28.05.1998

9. Considering the large number of Latvian residents who have no political or civic rights, reaching nearly 50% of the population in some cities, such as the capital, and having regard to the Preamble of the European Charter of Local Self-Government:

a) Believes that it is important to integrate these residents into the country's democratic system and that local democracy offers a significant opportunity to achieve this;

b) Recommends that the Latvian parliamentary and governmental authorities recognise the people's right to vote on issues within the competence of local authorities by acceding to the European Convention on the participation of foreigners in public life at local level.

2. Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States, Appeal of the Council „On violation of human rights in the Republic of Latvia". 14.06.1998

The Council of the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States, affirming its adherence to the ideals of protecting human rights and fundamental freedoms, and considering unacceptable any forms of ethnic and linguistic discrimination, expresses its deep concern on the ongoing violations of the rights of ethnic minorities in the Republic of Latvia, the artificial continuation of a situation, when a significant part of population cannot obtain citizenship, is deprived of electoral rights and limited in the rights to choose a profession. This situation violates the principle of humanity, universally recognized international human rights law provisions and is contrary to the efforts of the international community to reduce statelessness and ensure respect to the rights of national minorities.

The Council of the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States also calls on the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the Organization for Security and Co-operation in Europe and the Parliamentary Assembly of the Council of the Baltic Sea States to take steps for ensuring human rights in the Republic of Latvia.

3. European Commission against Racism and Intolerance, Report on Latvia CRI(99)8. 13.03.1999

12. While some of the restrictions to which non-citizens are subjects are understandable, especially as regards certain political rights, many others – in the fields of employment, social rights and other political rights (e.g. vote is limited to citizens even in local elections) – appear to have an unjustifiable discriminatory character. It is therefore hoped that all possible measures will be taken in order to ensure that all unjustified and arbitrary discrimination against non-citizens is actually removed.

20. There are some unjustified restrictions in employment opportunities for members of the community of non-citizens, for example as concerns such professions as barrister and lawyer's assistant, captains of aircraft, private detectives and armed security guards. There are also limitations as concerns posts in elected bodies of religious congregations. ECRI stresses once more that all discrimination between citizens and non-citizens which is arbitrary or unjustified should be abolished.

4. Committee on the Elimination of Racial Discrimination. Concluding observations CERD/C/304/Add.79. 23.08.1999

12. The Committee notes that only such persons who were citizens of Latvia before 1940 and their descendants have automatically been granted citizenship, while other persons have to apply for citizenship. Therefore, more than 25 per cent of the resident population, many of them belonging to non-Latvian ethnic groups, have to apply and are in a discriminatory position. Although the naturalization process has recently been made more accessible for elderly persons and for children, it is noted with concern that the qualification requirements may not be easily met and the naturalization process remains slow.

21. The Committee urges the State party to streamline the process of naturalization for all those who apply for citizenship. It also encourages the State party to keep the criteria for eligibility under review, so as to solve this problem as soon as possible.

23. It is also recommended to the State party to review the differences of treatment between citizens and non-citizens, mostly persons belonging to ethnic groups, in the light of the provisions of article 5 (e), so as to eliminate any unjustifiable differences.

5. Committee on the Rights of the Child, Concluding observations CRC/C/15/Add.142. 26.01.2001

26. In light of article 7 of the Convention, the Committee concurs with the recommendation of the Committee on the Elimination of Racial Discrimination to streamline the process of naturalization for all those who apply for citizenship (A/54/18, para. 404) and, in particular, it encourages the State party to provide more information and support to the parents of non-citizen children to enable them to apply for citizenship on behalf of their children.

6. European Commission against Racism and Intolerance, Second report on Latvia CRI(2002)21. 14.12.2001

34. "Non-citizens" do not enjoy eligibility and voting rights in neither national nor local elections. Noting that most non-citizens have resided in the country for most or all of their lives, ECRI recommends to the Latvian government to confer eligibility and voting rights to resident non-citizens in local elections. In its first report, ECRI noted that legal provisions exclude non-citizens from certain property rights, the right to work in a number of professions in the state and private sector and the right to receive certain social benefits. Following the results of the study carried out by the NHRO indicating that ten such restrictions were contrary to international standards, some of these restrictions were removed. ECRI urges the Latvian authorities to remove all other unjustified restrictions/

7. Office for Democratic Institutions and Human Rights (OSCE). Republic of Latvia Saeima Elections 5 October 2002 OSCE/ODIHR Final Report. 20.11.2002

XI. Recommendations (..) 2. The Issue of Municipal Voting Rights for Non-Citizens – The OSCE/ODIHR would encourage a full and public discussion on the issue of voting rights for non-citizens in municipal elections. The Council of Europe and the Council of the BalticSea States have previously urged Latvia to grant voting rights to "non-citizens" for municipal elections. Involving non-citizens in local decision-making could represent a first and tangible step toward eliminating the current democratic deficit, as represented by the 22% of the population with no voting rights at national or municipal level.

8. Human Rights Committee, Concluding observations CCPR/CO/79/LVA. 01.12.2003

16. While noting the measures taken by the State party to make the naturalization process more accessible and increase the rate of naturalization of non-citizens, the Committee is concerned about the limited results of these policies, with many candidates not even initiating the procedure. The Committee takes note of the different reasons underlying this phenomenon, but considers that it has adverse consequences in terms of enjoyment of Covenant rights, and that the State party has a positive duty to ensure and protect those rights. Furthermore, the Committee is concerned at the possible obstacles posed by the requirement to pass a language examination,

The State party should further strengthen its efforts to effectively address the lack of applications for naturalization as well as possible obstacles posed by the requirement to pass a language examination, in order to ensure full compliance with articles 2 of the Covenant.

17. The Committee is concerned at the low level of registration as citizens of children born in Latvia after 21 August 1991, to non-citizen parents (Article 24).

The State party should take all necessary measures to further encourage registration of children as citizens.

18. With regard to the status of non-citizens, the Committee notes the policy of the Government to further social integration through naturalization. However, the Committee is concerned about the large proportion of non-citizens in the State party, who by law are treated neither as foreigners nor as stateless persons but as distinct category of persons with long-lasting and effective ties to Latvia, in many respects comparable to citizens but in other respects without the rights that come with full citizenship. The Committee expresses its concern over the perpetuation of a situation of exclusion, resulting in lack of effective enjoyment of many Covenant rights by the non-citizen segment of the population, including political rights, the possibility to occupy certain state and public positions, the possibility to exercise certain professions in the private sector, restrictions in the area of ownership of agricultural land, as well as social benefits (Article 26).

The State party should prevent the perpetuation of a situation where a considerable part of the population is classified as "non-citizens". In the interim, the State party should facilitate the integration process by enabling non-citizens who are long-term residents of Latvia to participate in local elections and to limit the number of other restrictions on non-citizens [in order to facilitate participation of non-citizens in public life in Latvia.

9. Committee on the Elimination of Racial Discrimination: Concluding observations CERD/C/63/CO/7, 10.12.2003

12. The Committee recognizes that political rights can be legitimately limited to citizens.

Nevertheless, noting that most non-citizens have been residing in Latvia for many years, if not for their whole lives, the Committee strongly recommends that the State party consider facilitating the integration process by making it possible for all non-citizens who are long-time permanent residents to participate in local elections.

13. While noting the measures taken by the State party to increase the rate of naturalization of non-citizens, the Committee remains concerned at the limited results of these efforts. The Committee is concerned at the growing number of persons who fail the language examination and at the possible lack of availability or accessibility of Latvian language instruction for all those wishing to benefit from this facility.

The Committee recommends that the State party further study the underlying reasons for the low level of naturalization applications with a view to devising strategies targeting specific groups of potential applicants. The Committee stresses that positive measures should be employed to attract non-citizens to the process, while ensuring that any measures taken do not adversely affect their current status. It also strongly urges the State party to ensure the availability of Latvian language instruction, to the extent possible, for those wishing to avail themselves of such opportunities.

10. Committee against Torture. Conclusions and recommendations CAT/C/CR/31/35 05.02.2004

7. The Committee recommends that the State party: (..)

(j)Continue to facilitate the integration and naturalization of "non-citizens";

11. Commissioner for Human Rights CommDH(2004)3 Report on visit to Latvia. 5 – 8 October 2003. 12.02.2004

132. In the light of the preceding findings, and with the aim of assisting Latvia in the promotion of the respect for human rights, the Commissioner makes the following recommendations in conformity with article 8 of Resolution (99)50:

(..) 5. With a view to encouraging non-citizens to naturalise and promoting their integration, increase their participation in the political life of the country, notably by examining the possibility of granting them, amongst others, the right to vote in local elections;

12. European Parliament, resolution on the comprehensive monitoring report of the European Commission on the state of preparedness for EU membership of the Czech Republic, Estonia, Cyprus Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. 11.03.2004

74. Welcomes the increase in the naturalisation rate in 2003 mainly due to the referendum campaign for the EU accession, even if the naturalisation process remains too slow; therefore invites the Latvian authorities to promote that process and considers that minimum language requirements for elderly people may contribute to it; encourages the Latvian authorities to overcome the existing split in society and to favour the genuine integration of "non-citizens", ensuring an equal competitive

chance in education and labour; proposes that the Latvian authorities envisage the possibility of allowing non-citizens who are long-time inhabitants to take part in local self-government elections;

13. OSCE Parliamentary Assembly, Resolution on national minorities. 05-09.07.2004.

(..) The OSCE Parliamentary Assembly: (..)

16. Strongly recommends that the Latvian authorities create conditions for participation of stateless persons in the political life of the country by granting them the right to vote in local elections;

14. Committee on the Rights of the Child, Concluding observations CRC/C/LVA/CO/2, 28.06.2006

27. The Committee recommends that the State party strengthen its efforts to accelerate the naturalization process for those who wish to gain citizenship, with the goal of eliminating the transitional legal status of non-citizens. The Committee encourages the State party to provide more information and support to the parents of non-citizen and stateless children to ensure that all children in Latvia can easily acquire citizenship.

15. Parliamentary Assembly of the Council of Europe, resolution 1527(2006). 17.11.2006:

17. The Parliamentary Assembly therefore invites the Latvian authorities to: (..)

17.5. consider all possibilities and explore all appropriate ways leading to the implementation of the pertinent recommendations made by the Assembly, the Council of Europe Commissioner for Human Rights, and by relevant OSCE and United Nations bodies, in order to grant voting rights at local elections to all permanent residents;

(..)17.7. continue their awareness-raising campaign in order to further the policy for the acquisition of Latvian nationality by naturalisation, particularly among the workforce and young people;

17.8. consider automatically naturalising people who are elderly, as well as those born in Latvia or having made a worthwhile contribution to the establishment of the newly independent Latvian state;

17.9. avoid requirements that can undermine the ethnic and cultural dignity of those applying for naturalisation, by asking them to express convictions that are contrary to their reading of the history of their cultural community or nation;

17.10. consider making the conditions attached to the existing naturalisation procedures more flexible in order to increase the rate of naturalisation and to speed up the process;

17.11. devise and introduce means of encouraging and guaranteeing the civic integration of ethnic communities, including their integration in the political process and the public service, and, inter alia: (..)

17.11.2. to review the existing differences in rights between citizens and non-citizens with a view to abolishing those that are not justified or strictly necessary, at least by providing non-citizens with the same rights as are enjoyed by nationals of other European Union member states within the Latvian territory;

16. Office for Democratic Institutions and Human Rights (OSCE). Republic of Latvia: Parliamentary Elections 7 October 2006. OSCE/ODIHR Limited Election Observation Mission Final Report, 08.02.2007:

XV Recommendations (..) 2. Consistent with previous recommendations by OSCE/ODIHR and other international organizations, the Saeima should give consideration to granting the "non-citizens" of Latvia the right to vote in municipal elections. In addition, the Government should further intensify its endeavours to encourage non-citizens to initiate and undergo the naturalization procedure.

17. Commissioner for Human Rights, Memorandum to the Latvian Government, CommDH(2007)9 16.05.2007

43. The exclusion of non-citizens from political life does nothing to encourage their integration. The Commissioner stressed this point in the previous report, recommending that Latvia examine the possibility of granting them, among other things, the right to vote in local elections. It should be highlighted that the overwhelming majority of non-citizens belong to minorities, and that this status debars them from participating in the political life of their country. They can

neither vote nor be elected, even at the local level. Although a bill has been drafted granting non-citizens the right to vote at the local level, the text has not yet been examined by Parliament. The Commissioner hopes that Parliament will soon adopt a law improving the participation of non-citizens in political and social life.

18. European Commission against Racism and Intolerance. Third Report on Latvia. CRI (2008)2; 29.06.2007

Executive summary (..) there is an urgent need to solve the problems linked to the status of non-citizens which makes people concerned feel like "second-class citizens"(..)

7. ECRI reiterates its recommendation that Latvia ratify the following international instruments as soon as possible: (..) the European Convention on Nationality (..)

117. ECRI urges the Latvian authorities to do their utmost to further facilitate the naturalisation process for non-citizens. To this end, they should consider making the requirements for the existing naturalization procedures more flexible. They should also continue encouraging the take-up of Latvian citizenship by non-citizens through the naturalization process.

118. ECRI urges the Latvian authorities to look into the problem of the status of non-citizens with a view to finding rapid and humane solutions for persons who live under such a status. In particular, ECRI reiterates that the imbalance between the situation of non-citizens and the Latvians in a number of fields and for a number of rights should be addressed and remedied as a matter of priority. In particular, the Latvian authorities should review the list of professions which are not currently accessible to non-citizens.

132. Noting that most non-citizens have resided in the country for most or all of their lives, ECRI urges the Latvian authorities to confer eligibility and voting rights to resident non-citizens in local elections.

19. Committee on Economical, Social and Cultural Rights, Concluding observations E/C.12/LVA/CO/1. 07.01 2008

37. The Committee urges the State party to ensure that the lack of citizenship of permanent residents does not hinder their equal enjoyment of economic, social and cultural rights, including employment, social security, health services and education. The Committee also requests the State party to provide, in its next periodic report, detailed and comprehensive information on the enjoyment of all economic, social and cultural rights, disaggregated by citizen/non-citizen status

20. Committee against Torture. Conclusions and recommendations CAT/C/LVA/CO/2 19.02.2008

19. (..) while the Committee takes note of the efforts made by the State party in recent years in the process of naturalization, it remains concerned at the continued existence of the status of non-citizens and stateless persons, affecting a large group in Latvian society (art. 16). (..) The State party should simplify and facilitate the naturalization process and integration of non-citizens and stateless persons.

21. Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Addendum on the mission to Latvia to the report to Human Rights Council.A/HRC/7/19/Add.3; 05.03.2008.

88. Insofar as citizenship regulations are concerned, the Government should revisit the existing requirements for naturalization with the objective of facilitating the granting of citizenship to non-citizens and implementing the commitments established by the 1961 Convention on the Reduction of Statelessness. In particular, the Government should consider appropriate measures to tackle the problem of the low level of registration as citizens of children born in Latvia after 21 August 1991 to non-citizen parents. These measures could include granting automatic citizenship at birth, without a requirement of registration by the parents, to those children born to non-citizen parents who do not acquire any other nationality. The Government should also relax naturalization requirements, in particular language proficiency exams, for elderly persons. Additionally, the granting of voting rights in local elections for non-citizens who are long-term residents of Latvia should be considered by the Government and the subject of broad discussion within Latvian society.

22. Advisory Committee on the Framework Convention for thew Protection of National Minorities. Opinion on Latvia ACFC/OP/I(2008)002. 09.10.2008

181. The Advisory Committee finds that Latvia has opted for a flexible approach of the personal scope of application of the Framework Convention, which includes also "non-citizens"

who identify themselves with a national minority. In the light of the Declaration submitted by Latvia upon ratification of the Framework Convention, it considers that the relevant national legislation should be interpreted and applied so as not to entail any disproportionate restrictions of the protection offered by the Framework Convention in respect of "non-citizens".

186. The Advisory Committee finds that, from the point of view of the non-discrimination principle, the exclusion of Latvia's "non-citizens" from the application of certain key provisions of this Convention, by virtue of Latvia's Declaration upon ratification and as a result of exceptions relating to them in the Latvian legislation, is problematic. The Advisory Committee considers that, in view of the particularly large number of "non-citizens" and their long-standing links with Latvia, the citizenship criterion raises more problems than in other countries. The authorities should, therefore, consider other criteria, such as permanent and legal residence in the country, to define the scope of the rights provided to persons identifying themselves with a national minority. It considers that it would be useful to revise the relevant legislation, policies and practices in order to facilitate these persons' access to rights which would enable them to preserve and develop their identity and participate fully in public life, including with active and passive electoral rights at the local level.

187. The Advisory Committee finds that, in spite of the efforts made by the authorities to accelerate the naturalisation process, the Latvian language proficiency requirements imposed in the context of the naturalisation procedure are perceived as a major obstacle to the access to Latvian citizenship. The Advisory Committee considers that the authorities should examine the situation, including the practical conditions under which the language tests are held, and take all necessary steps to ensure that candidates for citizenship can effectively prove their knowledge of the Latvian language during the testing as well as their genuine desire to integrate in Latvian society. In addition, more resolute efforts are required to improve the accessibility and quality of Latvian language courses and to create, in society, a climate more favourable to naturalisation.

191. The Advisory Committee finds that the domestic political atmosphere, including the political discourse about the language issue and public perceptions relating to the Latvian language testing process and its environment, deter people from making use of the naturalisation procedure. It considers that the authorities should carefully examine this situation and in particular the factors influencing the naturalisation process and to identify more suitable ways to promote its acceleration.

207. The Advisory Committee finds problematic that a large number of "non-citizens" who have longstanding links with Latvia and who are included in the protection provided by the Framework Convention, cannot exercise the right to participate effectively in decision-making on issues relevant to them, by voting or standing for election. Given the specific situation of Latvia and its minorities, the Advisory Committee finds this approach problematic from the standpoint of the Framework Convention. It considers that the authorities should take the necessary measures in order to provide "non-citizens" who identify themselves with national minorities with active and passive electoral rights at the local level.

23. Congress of Local and Regional Authorities, Recommendation 257 (2008). 03.12.2008

11. Recommends that the Latvian authorities: (..)

b. enact new legislation or amend existing laws, granting non-citizens the right to vote in local elections so as to foster their increased involvement in political life and hence their integration into Latvian society;

24. European Parliament, resolution on the deliberations of the Committee on Petitions during the year 2008; 22.04.2009

The European Parliament (..)

15. Is concerned by the large number of petitions received by the Committee on Petitions seeking voting rights for resident "non"-citizens of Latvia in local elections; recalls that the United Nations (UN) Human Rights Committee, the UN Committee on the Elimination of Racial Discrimination, the Parliamentary Assembly of the Council of Europe, the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner for Human Rights of the Council of Europe, the European Commission against Racism and Intolerance and the Parliamentary Assembly of the Organization for Security and Co-operation in Europe have recommended that non-citizens should be permitted to participate in local elections; urges the European Commission to closely monitor and encourage the regularisation of the status of "non"-citizens in Latvia, many of whom were born in Latvia;

25. UN High Commissioner for Refugees, Submission for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Latvia. 11.2010:

The Right to a Nationality, IV. Recommendations.

(..) The Government should revisit the existing requirements for naturalization with the objective of facilitating the granting of citizenship to "non-citizens". The Government should also revise legislation to provide automatic acquisition of citizenship by stateless children born after 21 August 1991.

In addition, the Government should relax the language proficiency requirements for elderly persons. The Government should also conduct information and awareness-raising nationwide campaigns on citizenship and citizenship rights encouraging "non-citizens" and stateless persons to apply for Latvian citizenship.

26. Office for Democratic Institutions and Human Rights (OSCE); Latvia: Parliamentary Elections 2 October 2010. OSCE/ODIHR Limited Election Observation Mission Final Report. 10.12.2010:

XV Recommendations (..) 1. Consistent with previous recommendations by OSCE/ODIHR and other international organizations, consideration should be given to granting non-citizens the right to vote in local elections.

27. Committee of Ministers of the Council of Europe. Resolution CM/ ResCMN(2011)6 on the implementation of the Framework Convention for the Protection of National Minorities by Latvia; 30.03.2011

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Latvia (..)

(2) The inclusion of "non-citizens" identifying themselves with a national minority in the personal scope of application of the Framework Convention is to be welcomed. It is important to underline that such an approach is in line with the spirit of the Framework Convention. Nevertheless, due to specific exceptions under the Latvian law, these persons regrettably do not benefit from the protection of a number of provisions of the Framework Convention, in particular those relating to effective participation in public life. Given the very large number of persons concerned, the authorities are encouraged to interpret and apply the relevant national legislation so as not to entail any disproportionate restrictions of the protection offered by the Framework Convention in respect of "non-citizens" identifying themselves with a national minority. (..)

(6) Shortcomings relating to the effective participation of persons belonging to national minorities in the decision-making process need to be addressed. The participation through the Council for Minority Participation or equivalent structures should be strengthened and made more efficient. A governmental structure in charge of national minority issues should be maintained, with an increased decision-making role on minority-related issues. The question of the participation in public affairs of "non-citizens" identifying themselves with national minorities, including the possibility for them to vote in local elections, remains a matter of serious discussion.

(7) In spite of the efforts made to accelerate the naturalisation process and notwithstanding progress noted in this regard, the number of "non-citizens" remains high and the lack of citizenship continues to have a detrimental impact on the enjoyment of the full and effective equality and social integration. The considerable number of children born in Latvia after 21 August 1991 who are still 'non-citizens' is a matter of deep concern. Particular efforts are required in order to promote conditions more conducive to a genuine motivation for naturalisation. Latvia should address this situation as a matter of priority, to identify its underlying causes and to take all the necessary measures, including further language-training for the persons concerned, to promote naturalisation.

2. Recommends that Latvia take appropriate account of the conclusions set out in paragraph 1 above, together with the various comments in the Advisory Committee's opinion.

28. OSCE High Commissioner on National Minorities. Statement to the 868th Plenary Meeting of the OSCE Permanent Council, 16.06.2011

Campaigns encouraging citizenship and the extension of voting rights in local elections to non-citizens would send them a positive message. As during my previous visit, I encouraged Latvian lawmakers to ensure citizenship for newborn children of non-citizens unless the parents opt out, as President Zatlers proposed to the Parliament shortly before my visit. In fact citizenship should be granted to all children born in Latvia to non-citizen parents after 1991. Such a step is critical in halting the perpetuation of the problem of statelessness in the future.

29. Congress of Local and Regional Authorities, Recommendation 317 (2011). 20.10.2011

5. The Congress recommends that the Committee of Ministers invite the Latvian authorities: (..)

f. to grant non-citizens the right to vote in local elections with a view to speeding up the process of integrating them into Latvian society that has already started;

30. European Commission against Racism and Intolerance, Report on Latvia (fourth monitoring cycle). CRI (2012)3. 09.12.2011

122. ECRI recommends that the Latvian authorities provide for the automatic recognition of citizenship for the children who were born in Latvia from "non-citizen" parents after the country's independence. ECRI further recommends that the authorities provide language courses, free of charge, for "non-citizens" who wish to naturalise..

125. ECRI strongly recommends to the authorities to abrogate the recently introduced provisions providing for the ineligibility of "non-citizens" to serve in the municipal police.

128. ECRI reiterates its recommendation that the Latvian authorities confer eligibility and voting rights to resident "non-citizens" in local elections.

132. ECRI recommends that the Latvian authorities implement the judgment [Andrejeva v. Latvia] of the ECtHR in a manner that will not have a negative impact on interethnic relations, namely by using it to reduce existing pension entitlements of citizens.

31. Office for Democratic Institutions and Human Rights (OSCE)., The Republic of Latvia: Early Parliamentary Elections 17 September 2011. OSCE/ODIHR Limited Election Observation Mission Final Report. 19.12.2011.

XIII. RECOMMENDATIONS (..)These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. (..)

16. Latvian authorities should consider measures to accelerate the naturalization rate, such as exempting people over 65 from all examinations, conducting public campaigns to encourage naturalization, and expanding access to free Latvian language courses. On the other hand, civil society organizations and minority community representatives should undertake efforts to encourage non-citizens to actively engage in civic and political affairs, including through completing the naturalization process.

17. The newly elected MPs should take up the proposals under discussion in the previous Saeima to automatically grant citizenship to the newborn children of non-citizens, as this will help prevent the issue of non-citizenship from continuing into the future.

32. European Committee of Social Rights. Conclusions XX-1(2012) January 2013

Article 1 – Right to work Paragraph 2

(..) As regards discrimination on grounds of nationality the Committee had previously noted that posts in the civil service were reserved for Latvian citizens and the law on the bar restricted access to the legal profession to Latvian citizens and EU nationals admitted to the bar in other EU member states.

However it also noted from that as of 2006 the general ban on discrimination and victimisation in labour legislation applied to the civil service. The Committee asked whether these changes affected access to public service employment for non-Latvian nationals.

According to the report the status of civil servants is regulated by the State Civil Service Law – civil servants fulfil functions related to the execution of public authority. There are other functions in public administration which are fulfilled by employees who are employed under the Labour Law or special laws. Within the public sector (central administration, local governments, central and local government-owned companies) only 6% are civil servants' positions, 18% of employees in central government budget institutions are civil service positions. The changes made to legislation in 2006 do not affect the requirement that non-nationals may not be employed in the civil service. The Committee seeks further clarification that the posts reserved for nationals in the civil service are intrinsically linked to the exercise of public authority or security.

As regards lawyers/advocates it appears from the report and legislation that in order to become a sworn advocate in Latvia an individual must possess Latvian nationality. Citizens of other EU member states however may practice as advocates in Latvia under certain conditions. The

Committee finds that the restrictions on non-Latvian non EU citizens from becoming advocates not to be in conformity with the Charter.

The Committee further notes from a European Commission against Racism and Intolerance report on Latvia 2012 that there are a substantial number of occupations in the private sector

which require a certain proficiency in the Latvian language, the number of occupations on this list is expanding. Persons not possessing the proficiency required may be fined. The Committee seeks confirmation this language requirement is only imposed in cases of genuine occupational requirements and is proportional to the objective, as otherwise this would amount to indirect discrimination against non citizens.

The Committee notes that these restrictions may pose problems for a large number of residents, since non-citizens constitute some 20% of the population, neither most of them pre-independence Soviet citizens who now have neither Latvian nor any other nationality.

(..)

Conclusion

The Committee concludes that the situation in Latvia is not in conformity with Article 1§2 of the Charter on the ground that the restrictions on access to employment for non EU citizens go beyond those permitted by the Charter.

33. Commissioner for Human Rights. Governments should act in the best interest of stateless children. 15.01.2013

Legislation in Latvia grants a special status to 304,000 "non-citizens" while Estonia has some 92,000 "aliens" or "persons of undetermined citizenship". Among them, at the end of 2011, there were about 1,500 stateless children under the age of 15 in Estonia and approximately 9,000 in Latvia. While parents have the right to register these children as citizens, many do not, either because they are unaware of this opportunity or are so alienated that they opt to leave their children stateless. The Estonian and Latvian governments have allowed this situation to persist, permitting parents to choose a status that is not in the best interests of the child. (..)Governments should stop foisting the blame on history, other states or on "irresponsible parents", but rather take the initiative to address statelessness and prioritise the best interests of the child.

34. Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights. Addendum. Mission to Latvia (14 to 18 May 2012) A/HRC/23/37/ Add.1. 27.05.2013

90. The Independent Expert urges the Government of Latvia to (..)

(h) With regard to the rights of national minorities in the field of employment, ensure proportionality of language and citizenship requirements in the labour market as well as eliminate excessively restrictive regulations on professional language proficiency, which have a discriminatory effect on the working opportunities of minorities.

(i) Consider facilitating the process of naturalization of non-citizens who have resided in the country for decades and/or are children of such persons to ensure that they are afforded equal access to employment, education, health care and social security. Naturalization should be facilitated through provision of free training courses in preparation for the relevant examinations and through exemptions for those who have reached retirement age, persons with disabilities and those who have studied in Latvia.

35. Committee against Torture, Concluding observations on the fifth periodic report of Latvia, CAT/C/LVA/CO/3-5; 15.11.2013

16. While welcoming the significant reduction in the number of so-called "non-citizen residents" from 29 per cent in 1995 to 13 per cent at present and the amendments to the Citizenship Law introduced in May 2013 allowing for a simplified naturalization procedure, the Committee is concerned at the large number of non-citizens residing permanently in the State party (arts. 2 and 16).

The State party should:

(a) Invite non-citizen residents to avail themselves of the simplified naturalization procedure in the Citizenship Law amended in May 2013 and facilitate the granting of citizenship to and naturalization and integration of non-citizens;

(b) Enhance efforts to raise the awareness of parents whose children are eligible for naturalization and consider granting automatic citizenship at birth, without previous registration by parents, to the children of non-citizen parents who do not acquire any other nationality, with a view to preventing statelessness;

(c) Consider offering language courses free of charge to all non-citizen residents and stateless persons who wish to apply for Latvian citizenship.

36. Advisory Committee on the Framework Convention for the Protection of National Minorities. Second opinion on Latvia. ACFC/OP/II(2013)001 18.06.2013

25. The Advisory Committee strongly encourages the authorities to review the continued limitation of access to rights under the Framework Convention for persons belonging to national minorities by virtue of their status as "non-citizens".

52. The Advisory Committee urges the authorities to take all necessary measures to actively promote and facilitate the naturalisation of the "non-citizens" through targeted information and training campaigns as well as the dissemination of positive and inclusive messages in the public sphere. Attention must be paid to ensure that the new Citizenship Law is implemented in a non-discriminatory manner and does not disproportionately curtail access to rights under the Framework Convention. 133. The Advisory Committee calls on the authorities to grant the right to vote in local elections to long-term resident "non-citizens". This would be an indication of inclusiveness that could foster integration. In addition, it strongly encourages the authorities to value democratic participation, including as regards access for all to information on elections, over the interest of promoting the exclusive use of the official language.

134. The Advisory Committee urges the authorities to promote and ensure the effective participation of persons belonging to national minorities in the administration, including by reviewing whether the citizenship requirement is indeed necessary and proportional for all of the occupations in state and public service that are not accessible to "non-citizens", and by actively encouraging applicants with minority background. 141. The Advisory Committee further invites the authorities to review the legislative and administrative framework regulating access to social services, including social security benefits, to ensure that persons belonging to national minorities are not disadvantaged due to their limited Latvian language knowledge or status of "non-citizens".

37. Human Rights Committee. Concluding observations on the third periodic report of Latvia. CCPR/C/LVA/CO/3 25.03.2014

7. The Committee remains concerned at the status of 'non-citizen' residents and the situation of linguistic minorities. In particular, it is concerned about the impact of the State language policy on the enjoyment of the Covenant rights, without any discrimination, by members of linguistic minorities, including the right to choose and change one's own name and the right to an effective remedy. The Committee is further concerned at discriminatory effects of the language proficiency requirement on the employment and work of minority groups.(arts. 2, 26 and 27).

The State party should enhance its efforts to ensure the full enjoyment of the Covenant rights by 'non-citizen' residents and members of linguistic minorities and further facilitate their integration into society. The State party should review the State Language Law and its application in order to ensure that any restriction on the rights of non-Latvian speakers is reasonable, proportionate and non-discriminatory, and take measures to ensure access by non-Latvian speakers to public institutions and facilitate their communication with public authorities. The State party should also consider offering more Latvian language courses free of charge to 'non-citizen' and stateless persons who wish to apply for Latvian citizenship.

Annex 4
Findings, concerns and recommendations of international human rights organisations regarding language policy of Latvia

Editorial notes: it should be noted that the State Language Law, as at 2014, was not amended since its adoption in 1999.

The way some recommendations were implemented needs to be highlighted. E.g., the Latvian language requirements for candidates at local and parliamentary elections were cancelled in 2002, but reappeared in 2009 and 2012, becoming applicable for councillors and MPs, respectively. In another example, the Constitutional Court cancelled the quotas on the use of minority languages in private electronic media in 2003. However, the limitations have resurrected in another form in the 2010 Law on Electronic Mass Media, applying to granting the privileged status of a national or regional media. Also, in 2005, the Framework Convention for the Protection of National Minorities was ratified, but – with declarations amounting to reservations and causing much criticism, including that seen in later international recommendations.

As some positive example of implementing recommendations, one could name cancelling the prohibition of public co-funding of private schools offering instruction in minority languages (achieved in 2005 by a Constitutional Court judgment upon an application of opposition MPs) and softening of the attempt to switch education in public high schools to Latvian as the only medium of instruction by 2004 (achieved in 2004 by mass protests). However, as at 2014, there is a new attempt to remove minority languages from public education as a medium of instruction, this time intended to apply to all education stages by 2018, with exceptions only for lessons of minority language itself and minority culture.

The relevant decisions of international courts and quasi-judicial bodies in individual cases are the UN Human Rights Committee views in Ignatane v. Latvia and Raihman v. Latvia, as well as European Court of Human Rights judgment in Podkolzina v. Latvia. Another language policy case, Grisankova and Grisankovs v. Latvia, was deemed by ECtHR to be inadmissible for procedural reasons.

1. European Commission against Racism and Intolerance; Report on Latvia; Adopted 19.06.1998; public 13.03.1999; CRI(99)8

Introduction (..) Some of the key areas identified by ECRI as meriting particular attention include (..) the need to improve knowledge of the Latvian language among non-Latvian speakers.

1. Latvia has not yet ratified the ILO Convention concerning Discrimination in Respect of Employment and Occupation, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities. It is understood, however, that these instruments are currently under study for possible ratification and ECRI hopes that this will be effected as soon as possible (..)

16. As regards the difficulties in obtaining textbooks in foreign languages, ECRI considers that while Latvian authorities have the right to monitor the quality of the education imparted

in schools based in Latvia, the right of members of national minorities to carry out their own educational activities, including the use and teaching of their own language, cannot be properly guaranteed without providing adequate means.

17. (..) Further efforts and funds should also be devoted by the Government to improve the knowledge of the Latvian language in schools for national minorities; a greater number of teachers specialised in teaching Latvian as a foreign language appears to be necessary.

21. The Language Law requires employees of the State and of all "institutions, enterprises and institutes" to have a sufficient command of Latvian to be able to carry out their profession and to be able to deal with the public. It is noted that this provision is very far-reaching, as it includes also private institutions and enterprises. Special attention should therefore be paid to ensuring that legislation in this area is in line with human rights protected in the Council of Europe's conventions, including the protection of contractual rights, private life and freedom of expression and association as well as prohibition of discriminatory treatment in respect of these rights. Latvian language classes as part of job training courses (for example for recipients of unemployment benefits) could also be further developed.

2. Committee on the Elimination of Racial Discrimination. Concluding observations; Adopted 23.08.1999; Public 12.04.2001; CERD/C/304/Add.79

18. Information that instruction in minority languages may be reduced in the near future is noted with concern.

26. The Committee urges the State party to maintain the possibility to receive an education in languages of various ethnic groups or to study those languages at different levels of education, without prejudice for learning the official language, as well as of using mother tongue in private and in public.

28. The Committee recommends that a wide dissemination be given in the Latvian and Russian languages to the report submitted to this Committee and to the present concluding observations.

3. OSCE High Commissioner on National Minorities; Statement regarding the adoption of regulations implementing the Latvian State Language Law; Adopted and made public 31.08.2000

(..) I view the regulations implementing the State Language Law as being essentially in conformity with both the Law and Latvia's international obligations. I note that virtually all of my recommendations were accepted by the Government in the drafting process. Moreover, I take special note of the protocol to the Cabinet of Ministers' meeting of 22 August 2000 by which the Government has committed itself to amend, before 1 November 2000, the "Regulations on Proficiency Degree in the State Language Required for Performance of Professional and Positional Duties and the Procedure of Language Proficiency Tests" with a view to elaborating a list specifying the required language proficiencies in the private sector only to the extent necessary to fulfil a legitimate public interest. I trust that the prospective list will, in accordance with international standards, be precise, justified, proportionate to the legitimate aim sought, and limited. I also invite the Government at the same time to make other small amendments to the regulations as would correct deficiencies, such as to limit expressly and strictly the scope of para. 2 of the "Regulations on Ensuring Interpretation in Events" to legitimate public interests.(..)I also trust that the forthcoming revisions to the Administrative Code of Delicts will not impose a system of sanctions disproportionate to the established offences, nor be implemented by the responsible body in such a way.

Finally, with reference to Latvia's commitments to respect the rights of persons belonging to national minorities, it is to be noted that certain specific matters will have to be reviewed upon Latvia's anticipated ratification of the Framework Convention for the Protection of National Minorities.

4. Parliamentary Assembly of the Council of Europe, Resolution 1236 "Honouring of obligations and commitments by Latvia"; adopted 23.01.2001:

5. The Assembly calls on the Latvian authorities to pursue their policy towards consolidation of democratic reforms and social integration by undertaking the following:

i. to ratify as a matter of priority the Framework Convention for the Protection of National Minorities (signed by Latvia on 11 May 1995) and to amend and implement legislation, in particular the amended State Language Law, in conformity with the provisions and the spirit of the framework convention;

ii. to give further encouragement to non-citizens to apply for citizenship – through media campaigns and public statements by the political leadership. Despite significant progress made in the naturalisation process, sustained efforts are imperative to produce further results in this field by, for instance, combining the compulsory tests for naturalisation with centralised final school exams, targeting language training for naturalisation candidates and reducing the cost of the application for naturalisation;

iii. to provide additional resources to the Naturalisation Board and the National Programme for Latvian Language Training;

iv. to amend and implement the Education Law of October 1998 in accordance with the provisions and spirit of the Framework Convention for the Protection of National Minorities;

5. Committee on the Rights of the Child; Concluding observations; Adopted 26.01.2001.; public 21.02.2001.; CRC/C/15/Add.142

51. The Committee notes with concern that the Education Law of 1998 foresees that, as of 2004, all State-funded schools will provide secondary education in Latvian only, while bilingual education will be available only until 9th grade. Further, it notes the slow pace of the National Programme for Integration of Society in Latvia, owing in particular to a lack of funding.

52. The Committee encourages the State party to ensure that children belonging to minorities can also use their own language in secondary education, in accordance with articles 29 and 30 of the Convention. Further, it encourages the enforcement of the integration process, in particular at community level, and the provision of more information about the process.

6. European Commission against Racism and Intolerance; Second report on Latvia; Adopted 14.12.2001; public 23.07.2002; CRI(2002)21

Executive summary (..) In this report, ECRI recommends that the Latvian authorities take action in a number of fields. These recommendations cover, inter alia (..) the need to monitor the effects of legislation in the field of language and access to mother tongue education and to take the necessary corrective action, the need to increase the non-Latvian mother tongue population's knowledge of the Latvian language (..)

2. In its first report, ECRI recommended that Latvia ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The authorities have stated that one of the obstacles to the ratification of the Framework Convention for the Protection of National Minorities is the possible non-conformity of specific domestic legislation with the provisions contained in this convention, especially in the field of the use of languages. ECRI strongly urges the Latvian authorities to introduce the necessary changes in domestic legislation which would allow ratification by Latvia of the Framework Convention for the Protection of National Minorities and to promptly ratify this instrument. ECRI furthermore reiterates its call for ratification by Latvia of the European Charter for Regional or Minority Languages.

14. (..) Article 5 of the [State Language] Law stipulates that any languages used in Latvia other than Latvia, with the exception of the Liv language, shall be considered as "other" languages. ECRI regrets that this provision appears to contribute to the creation of an atmosphere of antagonism in language policy with regard to the use of all other languages on the territory of Latvia which might qualify as regional or minority languages.

16. It is a general principle of the State Language Law (Article 2) that the use of language in private institutions, organisations and companies is regulated only where there is a legitimate public interest (..) ECRI strongly urges the Latvian authorities to ensure that implementation of the Law is strictly in accordance with this principle (..).

17. The State Language Law explicitly prohibits state, municipal and judicial institutions from accepting documents from individuals in any language other than Latvian, except for some special situations (e.g. personal statements submitted to the police and medical institutions, rescue services and other institutions when urgent medical assistance is summoned, when a crime or other violation of the law has been committed or when emergency assistance is requested in case of fire, traffic, accident or any other accident). Documents submitted in other languages are accepted only if accompanied by a notary-certified translation into Latvian. Although translators have reportedly been hired in some municipalities, these provisions adversely affect the possibility for the members of the non-ethnic Latvian community to access public institutions. Many of these persons do not master the Latvian language sufficiently to submit documents to public institutions in Latvian, and, for some, the costs of translation and notary certification are particularly burdensome. Some of the most vulnerable groups amongst Russian-speakers, such as prisoners and persons under investigation, are reported to be particularly negatively affected by these provisions, which

have resulted in their petitions, complaints and other documents submitted in Russian not being accepted. ECRI strongly urges the Latvian authorities to keep the Law under review and to ensure that provisions regulating the use of language in contacts with public institutions do not result in reduced access to such institutions, particularly by people with poor command of Latvian and limited resources.

18. The Law stipulates that personal names and surnames in identification documents must be reproduced according to the Latvian language tradition and spelling, although it is possible for the individual to add the original name in Latin transliteration on request. ECRI urges the authorities to ensure that the public is made aware of this possibility and that the right to use the original name in concrete situations is thoroughly respected.

19. The Administrative Violations Code contains fines for different violations related to language policy. ECRI strongly urges the Latvian authorities to ensure that, in cases involving the private sector, sanctions are limited to cases where there exists a "legitimate public interest" and to ensure that this principle is strictly abided by in the implementation of the Code. ECRI notes that the formulation of certain violations, such as the one establishing the fine for "disrespect towards the state language", lend themselves to a potentially arbitrary application. ECRI urges the Latvian authorities to carefully monitor the implementation of these provisions. Furthermore, noting that the fines established for violations related to language policy can be as high as 250 Lats (450 Euros), ECRI urges the authorities to keep the amount of the fines under review. More generally, ECRI doubts whether fines are the most appropriate tools to ensure implementation of language legislation in Latvia and stresses in this respect that more positive measures to ensure implementation ought to be made widely available and applied.

21. (..) ECRI expresses its concern that the linguistic requirements for elected representatives may prove an additional barrier to the participation of such groups in public life in Latvia.

31. (..) ECRI encourages the Latvian authorities to consider the introduction of compulsory courses providing education in respect for diversity and human rights in secondary education. While these standards apply to all schools, irrespective of language of instruction, adequate textbooks are reportedly not always available, especially for Russian-speaking students and teachers. (..)

43. ECRI strongly urges the Latvian authorities to ensure that the introduction of Latvian as the language of instruction in all public secondary schools is carried out in such a way as to leave adequate scope for teaching in minority languages in the curricula of these schools.

44. Furthermore, the Latvian authorities should ensure that this process is underpinned by sufficient resources and methodological preparation so that the quality of teaching will not suffer. In this respect, ECRI welcomes the work carried out by National Programme for Latvian Language Training in the field of training minority-language teachers to teach their subjects in Latvian and in the field of training Latvian teachers to teach Latvian to non-Latvian mother tongue children. However, ECRI notes reports that the number of Latvian language teachers for minority school pupils is decreasing. The Latvian authorities do not have data which would confirm this. ECRI strongly encourages the Latvian authorities to ensure that there is an adequate number of Latvian language teachers for minority school pupils.

45. In any event, to avoid putting excessive strain on this very delicate and complex transition process and help reducing tensions, ECRI believes that the timetable for the introduction of a system with Latvian as the language of instruction in upper secondary schools should be reviewed. A postponement of the date will also be in line with the completion of the transition process to bilingual education in primary schools, which, as mentioned above, is scheduled for 2008.

46. (..) ECRI urges Latvian authorities to consider requiring local authorities to open or maintain minority schools and classes when there is an adequate demand.

47. (..) While ECRI recognizes that Latvia has no obligation to provide funds for private minority schools, it believes that excluding by law this possibility is not in line with existing international standards.

48. Article 6 of the State Language Law requires all employees in the public sector to have a command in the State language which corresponds to their duties. According to the general principle mentioned above, employees in the private sector are subject to the same requirement to the extent that there exists a "legitimate public interest". ECRI strongly urges the Latvian authorities to ensure that such principle is strictly abided by and that only professions where an interest of this type is clearly present be subject to language regulations (..)

49. (..) ECRI is concerned that the implementation of the language provisions in the employment sector may lead to a situation where individuals face labour discrimination. (..) ECRI stresses that requirements concerning the knowledge of the Latvian language should be

accompanied by increased efforts to provide high quality and inexpensive language training courses across the country (..)

61. (..) ECRI considers that instead of a limit not to be exceeded for programmes in languages other than Latvian, 20 % of time could be considered as a share to be compulsory allocated to such programmes (..) ECRI notes that the constitutionality of the provision limiting the time available for broadcasting in languages other than Latvian to 25 % of the total time has been questioned, although the Constitutional Court has dismissed the application on procedural grounds. ECRI is concerned that, in practice, this provision contributes to perpetuating the situation of separate access to media and information described above, as members of non-Latvian speaking groups, and notably members of the Russian-speaking population, tend to turn to Russian-language channels originating from other countries.

62. ECRI considers that the media have an important role to play in building contacts and understanding between the majority and minority communities in Latvia, and encourages in this respect initiatives aimed at reaching both communities simultaneously, for example, printed press presenting the same articles in both languages, and more provision of television broadcasting of interest to both communities and made accessible to all residents in Latvia through translations and sub-titling (..)

66. As highlighted in different sections of this report, the members of the Russian-speaking population of Latvia experience difficulties in various areas of life. ECRI has illustrated some of these difficulties, especially those originating from laws, regulations and practice concerning the use of languages and education in languages other than Latvian. (..).

71. (..) ECRI considers the area of access to education to be one of the most potentially divisive and draws the attention of the Latvian authorities to the urgent need to address this issue along the lines suggested above.

72. In order to achieve this, ECRI stresses the importance of a clear public recognition of the fact that Latvia is a multicultural society, of which all minority groups are an integral part. It should be made clear that, given the current imbalances in the situation of minority groups, and notably the Russian-speaking population, time and resources must be devoted to providing this part of Latvian society with increased opportunities, including for participation in the public life of the country. Such recognition should be reflected in consistent policies at legislative and other levels.

76. (..) ECRI strongly urges the Latvian authorities to provide all possible support, including adequate human and financial resources, to the NPLLT [National Programme for Latvian Language Training] (..)

7. OSCE/ODIHR Election Observation Mission Final Report on the Republic of Latvia: Parliamentary Elections 5 October 2002; Adopted 20.11.2002

XI. Recommendations (..)

9. Voter Education Materials in Minority Languages – The present situation has the potential to create a substantial "information gap" about the election process for a significant proportion of the electorate. The CEC should produce voter education materials for sizable national minority linguistic communities.

10. Broadcast Restrictions in National Minority Languages – Restrictions on the media for broadcast in minority languages may present an obstacle for both citizens and non-citizens alike to absorb the political debate, and create an "information gap" concerning the election. The EOM welcomes the intention of the National Broadcasting Council to submit new guidelines to the 8th Saeima, recommending the lowering of present restrictions to more accurately reflect the linguistic profile of the Latvian population.

8. Committee on the Elimination of Racial Discrimination, Concluding observations: Adopted 21.08.2003; public 10.12.2003; CERD/C/63/CO/7

9. The Committee notes the entry into force in September 2000 of the State Language Law aimed at promoting the Latvian language and better integration of members of ethnic minorities into Latvian society. The Committee is concerned at the possible negative effects of a narrow and strict interpretation of this legislation. Furthermore, the scope of language requirements in the State Language Law in relation to employment, particularly in the private sector, may lead to discrimination against minorities.

The Committee recommends that the State party ensure that the State Language Law does not result in unnecessary restrictions that may have the effect of creating or perpetuating ethnic discrimination. The Committee calls on the State party to ensure that vulnerable groups, such as prisoners, sick and poor persons, among non-Latvian speakers have the possibility of communicating with the relevant authorities through provision of, if necessary, translation facilities.

16. While recognizing the importance of the education system in creating a coherent society, the Committee is concerned that the educational reform that will introduce bilingual education in all minority schools by September 2004 may cause problems for linguistic minorities in the educational system if it is implemented in the proposed time frame.

The Committee encourages the State party to remain attentive and flexible to the needs and abilities of the persons primarily affected and concerned by the reform. The importance of maintaining a close dialogue with the schools and local communities, including both parents and children, is paramount in the process. It further urges the State party to monitor the reform process closely in order to ensure that a high quality of education is maintained by, inter alia, considering an extension of the transition period to bilingual education and preventing any negative effects that might otherwise arise.

9. Human Rights Committee, Concluding observations; Adopted 05.11.2003; Public 01.12.2003; CCPR/CO/79/LVA:

19. The Committee is concerned about the impact of the state language policy on the full enjoyment of rights stipulated in the Covenant. Areas of concern include the possible negative impact of the requirement to communicate in Latvian except under limited conditions, on access of non-Latvian speakers to public institutions and communication with public authorities (Article 26).

The State party should take all necessary measures to prevent negative effects of this policy on the rights of individuals under the Covenant, and, if required, adopt measures such as the further development of translation services.

20. While noting the explanation provided by the State party for the adoption of the Education Law of 1998, particularly the gradual transition to Latvian as the language of instruction, the Committee remains concerned about the impact of the current time-limit on the move to Latvian as the language of instruction, in particular in secondary schools, on Russian-speakers and other minorities. Furthermore, the Committee is concerned about the distinction made in providing State support to private schools based on the language of instruction (arts.26 and 27).

The State party should take all necessary measures to prevent negative effects on minorities of the transition to Latvian as the language of instruction. It should also ensure that if State subsidies are provided to private schools, they are provided in a non-discriminatory manner.

10. Commissioner for Human Rights of the Council of Europe, Report on visit to Latvia. 12.02.2004: CommDH(2004)3

75. In general I believe the Latvian authorities should endeavour to provide more support to members of language minorities, and allow them to use their mother tongues for official business, as suggested in Article 10 of the framework convention. A gesture of support and magnanimity on the part of the state would certainly be very beneficial in terms of strengthening national cohesion. In addition, it might well motivate members of minorities with inadequate command of the official language to improve their knowledge of Latvian.

84. However I would urge the authorities to give utmost assistance to those who wish to learn Latvian or improve their knowledge of it. I am aware that there are special programmes, some of them financed by international funds. I was told of this when I visited the office of the National Latvian-Learning Programme.

86. I, therefore, hope that the authorities will pay special attention to financial support for voluntary learning of Latvian. I in fact received assurances on this from the social-integration minister, Mr Muižneks, (..).

97. I agree that it is extremely important that all young people leave secondary school with a good command of the official language. But learning the official language must not lower the standard of teaching in other subjects. From that standpoint one of the points made by parents' representatives struck me as of great interest. The proposal was that at each school the parent-teacher association be able to decide, in the particular case, whether the school was ready to switch to the new system. Some schools might need a slightly longer transitional period, but that would undoubtedly allow the reform to be introduced in a more consensual manner and in keeping with everyone's interests.

99. The authorities need to take great care here, for no member of a national minority can feel comfortable in a country where there is no evidence of respect from officialdom or the majority population. The fact is that mutual respect is essential to collectively building a prosperous future for Latvia.

(..)

VII. CONCLUSIONS AND RECOMMENDATIONS

(..)

7. Facilitate the use of minority languages, including in written correspondence with the administration;

8. Increase the financial resources of Latvian language training programmes, so as to enable all members of national minorities desiring to improve their knowledge of the official language to do so without charge;

9. Provide the support and protection of the State to the functioning of secondary schools teaching in minority languages:

– ensure that the reform of the education system maintains the current high quality of teaching,

– strengthen the cooperation between the Ministry of Education, teachers and parents in the process of defining the best model and time-scales in the implementation of the reforms,

– establish tertiary education programmes for the preparation of teachers of minority languages and syllabi for the teaching of other subjects in minority languages, ensure the publication of textbooks in minority languages;

11. European Parliament, Resolution on the comprehensive monitoring report of the European Commission on the state of preparedness for EU membership of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia; 11.03.2004: P5_TA(2004)0180

73. Recognises that, in terms of their legal framework, citizenship, language and education policies have been brought into line with international standards; calls, however, on the Latvian authorities to ensure bilingual school education, including the final exams, according to the current rules, which envisage 60% of teaching in the state language and 40% in the minority language; stresses the necessity of maintaining adequate scope for minority language teaching; considers that flexible application of the education law could contribute to social and economic integration of the Russian-speaking minority in Latvian society and promote dialogue so as to soften tensions with this minority, which represents a significant part of the population;

12. OSCE Parliamentary Assembly, Resolution on the National Minorities; July 2004:

14. Calls upon national parliaments and governments of Latvia and Estonia to approve comprehensive legislation prohibiting discrimination based on (..), language (..) as well as excluding decision-making directed towards assimilation of national minorities;

15. Calls upon the Latvian authorities at the earliest possible date and without reservation to ratify Framework Convention for Protection of National Minorities as well as Protocols No.12 and No.13 to the European Convention on the Protection of Human Rights and Fundamental Freedoms.

13. Committee on the Rights of the Child, Concluding observations; Adopted 02.06.2006; public 28.06.2006.; CRC/C/LVA/CO/2;

19. The Committee recommends that the State party: (a) Continue its efforts to disseminate the Convention in all relevant languages, and also through the use of child-friendly materials and school curricula in primary and secondary schools; (..)

64. The Committee recommends that the State party:

(a) Continue to provide information to children and their parents about the shift to the Latvian language in secondary education;

(b) Assist children who have language deficits;

(c) Train teachers to ensure that children are not disadvantaged by the new medium of instruction; and

(d) Continue to monitor and to include information on the implementation of the language policy in the educational system in the next State party report.

14. Parliamentary Assembly of the Council of Europe, Resolution 1527 "Rights of national minorities in Latvia"; Adopted 21.11.2006:

17. The Parliamentary Assembly therefore invites the Latvian authorities to:

(..)17.2. sign and ratify the European Charter for Regional or Minority Languages (ETS No. 148);

17.3. implement the Framework Convention for the Protection of National Minorities in good faith and to consider withdrawing the two declarations recorded in the instrument of ratification, concerning Articles 10.2 and 11 of the framework convention, in line with Assembly

Recommendation 1766 (2006) on the ratification of the Framework Convention for the Protection of National Minorities by the member states of the Council of Europe; (..)

17.11. devise and introduce means of encouraging and guaranteeing the civic integration of ethnic communities, including their integration in the political process and the public service, and, inter alia:

17.11.1. to amend legislation so as to make it possible to use the minority language in relations between national minorities and the administrative authorities in areas where they live in substantial numbers;

15. OSCE/ODIHR Limited Election Observation Mission Final Report on the Republic of Latvia: Parliamentary Elections 7 October 2006; Adopted 08.02.2007.

XV. Recommendations (..)

3. The legal restriction on the ability of the Central Election Commission to provide voter education material in minority languages continues to create an information gap for a significant proportion of the electorate. Official voter education material in languages other than Latvian should be available for sizeable minority linguistic communities. It is recommended that the Cabinet of Ministers act on its authority to allow the CEC to produce instructional materials, voter information and other relevant documents in both Latvian and Russian.

16. Commissioner for Human Rights of the Council of Europe, Memorandum to the Latvian Government.16.05.2007; CommDH(2007)9;

42. (..). Some even go so far as to describe the Latvian authorities' policy vis-à-vis Russians as discriminatory. There may be political reasons for these statements, but the reality itself does cause some serious human rights concerns. Though the declarations entered by Latvia on ratifying the Framework Convention are to be seen as interpretations rather than reservations, they have obviously perpetuated an impression of institutionalised marginalisation among representatives of the minorities.

44. The 2003 report recommended facilitating the use of minority languages in the administration, particularly in written correspondence between persons belonging to the national minorities and administrative staff. Not only has there been no change to the relevant legislation, but it would appear that all discussion of this topic has been dropped. Officially, only the Latvian language can be used in communications with the authorities or administrative departments. This rigid legal provision is an obstacle to the integration of minorities. Fortunately, there is some flexibility in practice. Some local administrations and institutions agree to consider applications in minority languages. For instance, more than half of all complaints submitted to the National Human Rights Office are in the Russian language. Other departments, e.g. in Daugavpils, provide translators for such communications. The Commissioner renews the previous recommendation and invites the Latvian authorities to devote particular attention to it.

Summary of recommendations (..) 7) To facilitate the use of minority languages in written correspondence between people belonging to the national minorities and the administration. 8) To ensure that the Agency in charge of assessing the quality of education given the same attention to Latvian language and minority language schools and textbooks.

17. Committee on Economical, Social and Cultural Rights, Concluding observations Adopted 16.05.2007, public 07.01.2008 E/C.12/LVA/CO/1

38. The Committee urges the State Party to ensure that adequate support is provided to members of linguistic minorities, especially older persons, through, inter alia, increased allocation of resources to subsidize language courses, with a view to enhancing opportunities for those wishing to acquire fluency in Latvian. The Committee also recommends the State Party, in line with article 10 of the Council of Europe Framework Convention for the Protection of National Minorities to which Latvia is a party, consider providing translators and interpreters in Satet and municipal offices, in particular, in regions that have a high concentration of minority language speakers.

18. European Commission against Racism and Intolerance, Third report on Latvia; Adopted 29.06.2007, public 12.02.2008; CRI(2008)2:

Executive summary (..) there remain a number of problems as to the full integration of the Russian-speaking population, partly due to discrimination on the grounds of language in access to employment (..)

7. ECRI reiterates its recommendation that Latvia ratify the following international instruments as soon as possible: (..) the European Charter for Regional or Minority Languages (..)

16. ECRI encourages the Latvian authorities to reinforce their efforts to inform and explain to the persons concerned the language rules applying to names in official documents and to guarantee the right to reproduction of the original form of a name in addition to the Latvian version

43. (..)ECRI also recommends that the authorities provide the Ombudsman with sufficient funds and human resources and that they support the Ombudsman's efforts to improve the accessibility of this institution in different languages and in the different regions of Latvia

55. ECRI strongly recommends that the Latvian authorities maintain their efforts to improve education in Latvian for children of ethnic minorities, and particularly Russian-speaking children, in order to guarantee that when they leave school they will have equal access to higher education and employment. In this respect, ECRI draws attention to its General Policy Recommendation N° 10 on combating racism and racial discrimination in and through school education which provides guidelines in this field.

56. At the same time ECRI strongly recommends to the Latvian authorities that adequate room be left in minority schools for teaching minority languages and cultures. The Latvian authorities must therefore do everything possible to ensure that the new system of bilingual education in minority schools is not perceived by the ethnic minorities as a threat to their cultures and languages.

57. In general ECRI recommends adopting an approach in which all measures concerning the schooling of children of ethnic minorities, particularly measures to promote the teaching of Latvian, are taken progressively, in consultation with the minorities concerned and with due regard for their interests

76. (..) ECRI recommends that the Latvian authorities pursue and step up their efforts to promote Roma culture and the Romani language among teachers and pupils.

125. ECRI urges the Latvian authorities to take all necessary measures to ensure a balanced implementation of the State Language Law by the State language inspectors, particularly by giving due regard to human rights principles as indicated in the OSCE "Practical Guide for the State Language Inspectors on the Implementation of the Latvian State Language Law".

126. ECRI strongly encourages the Latvian authorities to give priority to constructive and non-obligatory measures, inciting the Russian-speaking population to learn and use Latvian in all cases where it should be used according to the law. Accessible and quality language training should remain a key element of such measures. In particular, the National Agency for Latvian Language Training should be given all the necessary human and financial resources to maintain and develop its activities.

127. ECRI recommends that the Latvian authorities take care to preserve and encourage the use of minority languages without infringing on the status and teaching of the official language. Ways should be found to reassure ethnic minorities that learning Latvian is not tantamount to an attack on the use of their native languages.

19. UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Report to the Human Rights Council. Addendum. Mission to Latvia. Public 05.03.2008; A/HRC/7/19/Add.3

89. The Special Rapporteur recommends that Latvia's language policy be revisited, aiming to better reflect the multilingual character of its society. This process should aim to promote the cohabitation of all the communities in Latvia on the basis of two principles: first, the legitimate right of the Latvian Government to disseminate Latvian language among all residents; second, the respect for the existence of minority languages spoken by sizeable communities, in particular Russian, in full compliance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, in particular, article 2.1 which states that "States shall take measures where required to create favourable conditions to enable persons belonging to minorities to [..] develop their culture, language religion, traditions and customs" and article 4.3 which states that "States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue". Specific measures that could be taken to improve the situation of linguistic minorities include extending free-of-charge Latvian language courses for all residents in Latvian territory.

20. Advisory Committee on the Framework Convention for the Protection of National Minorities; opinion on Latvia; Adopted 09.10.2008, public 30.03.2011; ACFC/OP/I(2008)002

187. The Advisory Committee finds that, in spite of the efforts made by the authorities to accelerate the naturalisation process, the Latvian language proficiency requirements imposed

in the context of the naturalisation procedure are perceived as a major obstacle to the access to Latvian citizenship. The Advisory Committee considers that the authorities should examine the situation, including the practical conditions under which the language tests are held, and take all necessary steps to ensure that candidates for citizenship can effectively prove their knowledge of the Latvian language during the testing as well as their genuine desire to integrate in Latvian society. In addition, more resolute efforts are required to improve the accessibility and quality of Latvian language courses and to create, in society, a climate more favourable to naturalisation.

192. The Advisory Committee finds that the persons belonging to national minorities benefit from legal and practical opportunities to have access to the audiovisual media and receive and impart information in their minority language, both in the public and private sectors. At the same time, it considers that the financial difficulties faced by certain minorities, in particular the numerically smaller ones, to maintain their print media deserve increased attention from the authorities.

193. The Advisory Committee finds that legislative provisions imposing the exclusive use of the state language in the public sphere and in an increasing number of occupations or jobs in the private sector, as well as their implementation modalities, are a matter for serious concern. While acknowledging the legitimate aim of protection of the state language, the Advisory Committee considers that these measures represent a significant limitation of the right to use freely the minority language as provided by the Framework Convention. It considers that the authorities should seek to strike a balance between protection of the state language and the language related rights of the persons belonging to national minorities. In particular, the Advisory Committee considers it important that the authorities adopt a more flexible approach towards the monitoring system of the implementation of the Law on the State Language and opt for more constructive measures in this area.

194. The Advisory Committee finds that, as a result of the Declaration submitted by Latvia upon ratification of the Framework Convention, and by virtue of the state language-related legislation, persons belonging to national minorities cannot benefit, except in very few cases, from the right to use the minority language in dealings with the administrative authorities, as provided for by the Framework Convention. The Advisory Committee considers that, as a result, a considerable number of persons, belonging to the various national minorities are prevented from effectively participating in public affairs at the local level and from adequately accessing public services. The domestic legislation in question should be reviewed so as to enable the effective implementation of Article 10.2 of the Convention.

195. The Advisory Committee finds that the issue of the use of minority languages in the individuals' first names and surnames has not been fully settled. It considers that the authorities should further examine this question and find ways to remedy the remaining shortcomings, in consultation with the representatives of national minorities.

196. The Advisory Committee finds that, as a result of the Declaration submitted by Latvia upon ratification of the Framework Convention, and by virtue of the national language-related legislation, persons belonging to national minorities cannot benefit from the right to use minority languages, alongside Latvian, for local topographical and other indications.

198. While welcoming positive examples of steps taken to provide national minorities with adequate opportunities for quality education, the Advisory Committee finds that the availability of teaching in minority languages is diminishing and that there is a shortage of qualified teaching staff for bilingual education and adequate educational resources. It considers that the authorities should review the situation in co-operation with the representatives of the national minorities, and identify ways to ensure that the educational offer corresponds to the actual needs.

199. The Advisory Committee finds that the developments recorded in recent years have resulted in predominance of the Latvian language (with a requirement of minimum 60% of the secondary public school curricula for national minorities in Latvian) and more restrictive conditions placed on the use of minority languages in education. It also finds that the compulsory use of Latvian for the secondary school leaving examination raises problems for persons belonging to national minorities. The Advisory Committee considers that the authorities should take better account of the language-related needs and rights of persons belonging to national minorities through consultation and effective participation of minority representatives in the decision-making in this sphere.

200. The Advisory Committee considers that, although they are legitimate, the measures taken to reinforce the status and the use of the Latvian language should not result in depriving persons belonging to national minorities of the exercise of linguistic rights protected by the Framework Convention. It considers, at the same time, that the authorities should pay increased

attention to the quality of teaching of Latvian for persons belonging to national minorities and adopt a flexible methodology, more adapted to the various categories of individuals concerned and their specific needs.

201. The Advisory Committee finds it commendable that the state provides subsidies to private educational establishments set up by national minorities. Nevertheless, it finds that the reported trend towards extending the obligation to use Latvian in state-funded private universities that have been using minority languages as languages of instruction is a source of concern. It considers that the authorities should avoid undue interference in the private sphere and any measures which do not adequately respect the right of persons belonging to national minorities to set up and manage their own private educational establishments as set out in Article 13 of the Framework Convention

21. The Congress of Local and Regional Authorities of the Council of Europe, Recommendation 257 (2008); Adopted 02.12.2008

11. Recommends that the Latvian authorities:

(..) d. reconsider the ratification of Protocol No. 12 to the European Convention on Human Rights, which establishes a general ban on discrimination (ETS No. 177), as well as the signature and ratification of the European Charter for Regional or Minority Languages (ETS No. 148)

22. UN High Commissioner for Refugees, Submission for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Latvia; 2010:

The Right to a Nationality, IV. Recommendations. (..) the Government should relax the language proficiency requirements [for naturalization] for elderly persons (..)

23. OSCE/ODIHR Limited Election Observation Mission, Final Report: Latvia: Parliamentary Elections 2 October 2010; Adopted 10.12.2010:

XV. Recommendations (..)

7. While maintaining efforts to promote the acquisition of the state language, the authorities should adopt a more flexible approach to the use of minority languages in the election process, including issuing voter education materials in languages other than Latvian in line with General Comment 25, and enabling the use of minority languages when dealing with election authorities, particularly at the local level.

24. Committee of Experts on the Application of Conventions and Recommendations. Observation on Latvia under ILO Convention No. 111. Adopted 2010, public 2011.

Discrimination on the basis of national extraction. For a number of years the Committee has expressed concern over certain provisions of the State Language Act, 1999, which might have a discriminatory effect on the employment or work of minority groups, including the large Russian-speaking minority in the country. The Committee notes from the Government's report that the two state agencies dealing with language were merged to form the new Latvian Language Agency (LLA) which has as its main objective to promote the strengthening of the status and sustainable development of the Latvian language. The Government indicates that the official language policy defined in the Guidelines for Official Language Policy for the Time Period 2005–14 and the Official Language Policy Programme for the Time Period 2006–10 are implemented by the LLA. The Committee notes the conclusions of the LLA study entitled "Impact of migration on the language environment in Latvia" (2009) indicating the difficulties faced by immigrants, in particular in integrating in the labour market. The Committee furthermore notes from the information provided by the Government concerning the application of the State Language Act that the provision regarding failure to use the official language to the extent required for the performance of duties is the most predominant issue related to that Law before the courts.

While noting the participation of minority groups including Russian-speaking minority groups in language training courses conducted by the State Employment Agency, the Committee asks the Government to provide more detailed information on the situation of minority groups in the labour market, including statistical data on the proportion of those attending such courses that have subsequently obtained employment. The Committee also asks the Government to continue to provide information on activities undertaken by the LLA, and the results achieved to improve access to employment and occupation for all ethnic and linguistic minority groups. Please also continue to provide information on the percentage of men and women belonging to minority

groups that have participated in the language training courses, as well as information on relevant administrative and judicial decisions concerning the application of the State Language Act.

25. OSCE High Commissioner on National Minorities; Statement to the 868th Plenary Meeting of the OSCE Permanent Council; 16.06.2011

The education reform, which increased the amount of Latvian instruction in minority-language schools while preserving the right of national minorities to receive instruction in their own languages, has achieved one of its key goals. At Russian and Polish schools in Daugavpils, it was evident that pupils face fewer language barriers because of their good knowledge of the State language. Vigorous monitoring should be maintained to ensure that all pupils receive the high-quality education they deserve, both in the State and in minority languages. The increasingly strong position of the Latvian language and the extent to which national minorities embrace the need to learn it, throw into question the need to use inspections and sanctions to enforce the language policy. Positive measures for learning the State language, such as meeting the high demand for free or low-cost Latvian language training, would better serve the goal of increasing proficiency. The Language Inspectorate's enforcement methods and the gradual expansion of requirements and the level of fines fuel unnecessary resentment. Language requirements for the private sector, which in Latvia extend to more than 1,000 professions, should be pursued only in specific cases involving public health and safety.

26. European Commission against Racism and Intolerance, Report on Latvia (fourth monitoring cycle); Adopted 09.12.2011, public 21.02.2012; CRI(2012)3

Summary (..) The Latvian authorities have significantly hardened their policy on the use of the state language, including in the employment sector, and sanctions for breaches of the Law on State Language have been made stricter. Resources for teaching Latvian to non-native speakers have decreased. Further to amendments to the Law on the Status of Members of the City and Regional Councils, as of 2013 a regional court will be entitled to terminate the mandate of elected Council members who have been found not to master the state language to C1 level. (..) The accessibility of this institution [The Ombudsman's Office] in different languages and in the different regions of Latvia should be improved (..)The policy on state language should be reconsidered and should provide for an obligation to use it only in cases where a legitimate public interest can be clearly discerned. Latvian language courses provided by the Society Integration Fund should be resumed and the demand for language training in Latvian should be fully met. The legal provisions under which the regional court may terminate the mandate of an elected member if he/she does not meet set language requirements, should be abrogated. (..) Language courses should be provided, free of charge, for "non-citizens" who wish to naturalise (..)

4. ECRI reiterates its recommendation that Latvia sign and/or ratify the following international instruments: (..) the European Charter for Regional or Minority Languages (..)

39. ECRI strongly recommends that the Latvian authorities endow the Ombudsman's Office with sufficient funds and human resources and reverse the present trend of cutting its budget. It further reiterates its recommendation to improve the accessibility of this institution in different languages and in the different regions of Latvia.

66. ECRI recommends that the Latvian authorities reconsider their policy on the use of state language and provide for an obligation to use the state language only in cases where a legitimate public interest can clearly be discerned.

67. ECRI strongly recommends that the Latvian authorities resume the Latvian language courses provided by the Society Integration Fund and ensure that the demand for language training in Latvian is fully met.

72. ECRI recommends that the Latvian authorities introduce a higher education bilingual training degree, in order to improve the preparation of teachers in bilingual education.

74. ECRI reiterates its recommendation to Latvian authorities that adequate room be left for teaching minority language and culture so that the new system of bilingual education in minority schools is not perceived by the ethnic minorities as a threat to their culture and language.

99. ECRI urges the Latvian authorities to review the new law on electronic media in so far as it restricts the right to broadcast in minority languages. It also urges them to refrain from hindering the use of minority languages during the election campaigns.

122. (..) ECRI further recommends that the authorities provide language courses, free of charge, for "non-citizens" who wish to naturalise.

184. ECRI recommends that the Latvian authorities ensure that relevant information broken down according to the categories of (..) language, (..) is collected and published in different policy

areas, on a continual basis, with a view of monitoring the integration of Latvian society. This exercise should be carried out with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group.

27. OSCE/ODIHR Limited Election Observation Mission Final Report: the Republic of Latvia: Early Parliamentary Elections 17 September 2011. Adopted 19.12.2011

XIII. Recommendations (..)

4. Latvian authorities should consider a more flexible approach to the provision of official voter information in minority languages, which would be consistent with international human rights standards and send a positive message of inclusion to people belonging to national minorities.

16. Latvian authorities should consider measures to accelerate the naturalization rate, such as exempting people over 65 from all examinations, conducting public campaigns to encourage naturalization, and expanding access to free Latvian language courses. (..).

28. European Committee of Social Rights; Conclusions XX-1 (2012) (Latvia); January 2013

Article 1 – Right to work. Paragraph 2 – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects) (..) The Committee further notes from a European Commission against Racism and Intolerance report on Latvia 2012 that there are a substantial number of occupations in the private sector which require a certain proficiency in the Latvian language, the number of occupations on this list is expanding. Persons not possessing the proficiency required may be fined. The Committee seeks confirmation this language requirement is only imposed in cases of genuine occupational requirements and is proportional to the objective, as otherwise this would amount to indirect discrimination against non citizens.

29. UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights. Report to the Human Rights Council. Addendum: Mission to Latvia (14 to 18 May 2012); Public 27.05.2013; A/HRC/23/37/Add.1

90. (..) (h) With regard to the rights of national minorities in the field of employment, ensure proportionality of language and citizenship requirements in the labour market as well as eliminate excessively restrictive regulations on professional language proficiency, which have a discriminatory effect on the working opportunities of minorities.

30. Advisory Committee on the Framework Convention for the Protection of National Minorities; Second Opinion on Latvia; Adopted_18.06.2013, public 03.01.2014; ACFC/OP/II(2013)001

24. The Advisory Committee invites the authorities to enter into a dialogue with representatives of the Latgalian community with a view to jointly establishing suitable steps towards the more effective promotion of their language and culture, including by considering extending the protection of the Framework Convention – in particular as regards language rights – to this group.

81. The Advisory Committee calls on the authorities to increase their efforts, while fully respecting the freedom of expression, to promote an attractive and diverse media environment with effective opportunities for persons belonging to national minorities, including the numerically smaller ones, to access quality media in their minority languages.

88. The Advisory Committee urges the authorities to review their legislative and policy framework in order to create a balance between the goal of promoting the official language and the language rights of persons belonging to national minorities. In addition, existing methods of monitoring implementation of the official language policy should be modified, favouring a more constructive and incentive-based approach over the applied system of inspections and sanctions. More efforts should be made to adequately raise awareness among officials and the public at large of the conditions under which minority languages may be used as well as the circumstances in which a legitimate public interest is affected, to reduce the level of tension in society surrounding language issues.

89. The Advisory Committee further calls on the authorities to provide more funding for positive measures such as the organisation of free Latvian language courses to ensure that persons belonging to national minorities have an effective opportunity to learn the state language, and that they are encouraged to do so.

93. The Advisory Committee calls on the authorities to establish clear standards regarding the conditions for the use of minority languages in contact with public authorities, in line with Article 10.2 of the Framework Convention, and to ensure that all officials in charge are sufficiently informed of the linguistic rights of persons belonging to national minorities.

97. The Advisory Committee calls on the authorities to review their legislation related to personal names in line with Article 11.1 and in close consultation with minority representatives. In addition, appropriate steps should be taken to facilitate the introduction of personal names in minority languages in birth certificates, in accordance with international transliteration rules and upon request of the parents.

101. The Advisory Committee calls again on the authorities to bring their legislative framework into line with Article 11 of the Framework Convention and provide more opportunities for the use of minority languages in publicly accessible locations, including on sign-posts, as an effective tool to promote social cohesion.

116. The Advisory Committee calls on the authorities to continue their efforts to provide high quality education in minority languages, including at pre-school level, and to ensure that Article 41 of the Law on Education is implemented consistently throughout Latvia, irrespective of the representation of minority communities in local authorities.

117. The Advisory Committee further invites the authorities to consult closely with representatives of minority communities, including parents, to ensure that their interests and concerns with regard to languages of instruction and supervision of quality standards in minority language schools are effectively taken into account.

122. The Advisory Committee invites the authorities to pursue their efforts to promote Latvian language proficiency among pupils in all schools, while applying more flexibility to ensure that only suitably trained teachers are employed to teach in Latvian and that the quality of education itself does not suffer. In addition, more opportunities for Latvian language learning for adults, including parents, should be provided.

133. The Advisory Committee (..) strongly encourages the authorities to value democratic participation, including as regards access for all to information on elections, over the interest of promoting the exclusive use of the official language.

138. The Advisory Committee further notes with concern that the list of professions, including in the private sector, requiring high language proficiency (C1 level) has repeatedly been expanded and includes well over 1 000 professions, following the expiry of the transition period in September 2011. It is particularly concerned by the repeated reference to the concept of "lawful interest of the public", despite the lack of clarity on what exactly this concept entails. The Advisory Committee is pleased to note that the issue has been reviewed by Administrative Courts (see above comments on Article 10) revealing that no such interest could be established or that the violations established by the State Language Centre were to be considered insignificant. It reiterates its opinion that language proficiency requirements constitute a barrier for the access to employment for persons belonging to national minorities and must not be disproportionate. Where proficiency in the official language may indeed be a legitimate precondition for a number of positions, requirements must in each case be proportionate to the public interest pursued, which must be clearly defined, and must not go beyond what is necessary to achieve that aim.

141. The Advisory Committee further invites the authorities to review the legislative and administrative framework regulating access to social services, including social security benefits, to ensure that persons belonging to national minorities are not disadvantaged due to their limited Latvian language knowledge or status of "non-citizens".

31. Committee against Torture; Concluding observations on the combined third to fifth periodic reports of Latvia Adopted 15.11.2013. Public 23.12.2013. CAT/C/LVA/CO/3-5

16. (..) The State party should (..) (c) Consider offering language courses free of charge to all non-citizen residents and stateless persons who wish to apply for Latvian citizenship.

26. The State party is requested to disseminate widely the report submitted to the Committee and the Committee's concluding observations in appropriate languages, including Russian, through official websites, the media and non-governmental organizations.

32. Committee of Experts on the Application of Conventions and Recommendations. Observation on Latvia under ILO Convention No. 111. Adopted 2013, public 2014.

Discrimination on the basis of national extraction. The Committee welcomes the amendment of the Labour Law on 21 June 2012, to include a new provision according to which "it is prohibited to

indicate a skill of specific foreign language in a job advertisement, except when it is justifiably necessary for the performance of work duties" (section 32(21)) and therefore improves equal opportunities for minority language groups. The Committee recalls that for a number of years, it has expressed concern, over certain provisions of the Law on State Language of 1999, which might have a discriminatory effect on the employment or work of minority groups. The Committee notes the detailed information provided by the Government on the numerous Latvian language courses offered to children and adults of minority groups by the Latvian Language Agency (LLA). The Committee notes the Government's indication that the number of violations for not mastering the official language to the extent necessary to perform professional duties or duties of office remained relatively stable from 2005 to 2012 (between 529 and 544). The Committee however notes that the European Commission against Racism and Intolerance (ECRI) indicates that the list of occupations in the private sector which "affect the lawful interests of the public" – which means occupations in which the official language shall be used in accordance with section 6(2) of the Law on State Language – has been repeatedly expanded and now includes over 1,000 professions. According to the ECRI "the progressive tightening of the regulations on language use and raising of the sanctions for violations of the Law on State Language is creating an inquisitorial climate which is very likely to deteriorate inter-ethnic relations (notably with the Russian speaking population), as well as affect migrants' ability to integrate in Latvian society" (CRI(2012)3, 9 December 2011, paragraph 62). The Committee considers that discrimination based on national extraction can occur when legislation imposing a State language for employment in public and private sector activities is interpreted and implemented too broadly, and as such disproportionately and adversely affects the employment and occupational opportunities of minority language groups (General Survey on the fundamental Conventions, 2012, paragraph 764). Furthermore, it recalls that any limitation regarding access to employment must be required by the characteristics of the particular job, and be in proportion to its inherent requirements.

The Committee asks the Government to take measures to ensure that workers from minority groups are effectively protected against discrimination in employment and occupation, including measures to ensure that the level of language proficiency required does not disproportionately affect them as regards access to employment and occupation, both in the private and public sectors. The Committee also asks the Government to assess the impact of such limitations on the employment of members of minority groups, and to review and revise the list of occupations for which the use of the official language is required under section 6(2) of the Law on State Language to ensure that the language prerequisite is based on the inherent requirements of the particular job. The Government is asked to provide information on the measures taken in this respect.

33. Human Rights Committee; Concluding observations on the third periodic report of Latvia; Adopted 25.03.2014; CCPR/C/LVA/CO/3

7. The Committee remains concerned at the status of "non-citizen" residents and the situation of linguistic minorities. In particular, it is concerned about the impact of the State language policy on the enjoyment of the rights in the Covenant, without any discrimination, by members of linguistic minorities, including the right to choose and change one's own name and the right to an effective remedy. The Committee is further concerned at the discriminatory effects of the language proficiency requirement on the employment and work of minority groups (arts. 2, 26 and 27).

The State party should enhance its efforts to ensure the full enjoyment of the rights in the Covenant by "non-citizen" residents and members of linguistic minorities, and further facilitate their integration into society. The State party should review the State Language Law and its application, in order to ensure that any restriction on the rights of non-Latvian speakers is reasonable, proportionate and non-discriminatory, and take measures to ensure access by non-Latvian speakers to public institutions and facilitate their communication with public authorities. The State party should also consider offering more Latvian language courses free of charge to "non-citizen" and stateless persons who wish to apply for Latvian citizenship.

20. While noting that 22 per cent of educational institutions offer bilingual education in Latvian and one of seven minority languages, the Committee is concerned at the prevailing negative effects on minorities of the transition to Latvian as the language of instruction, based on the Education Law, and the gradual decrease of measures in support of teaching minority languages and cultures in minority schools (arts. 26 and 27).

The State party should intensify measures to prevent the negative effects on minorities of the transition to Latvian as the language of instruction and in particular to remedy the lack of textbooks in some subjects and the lack of quality of materials and training in the Latvian language for non-Latvian teachers. The State party should also take further steps in support of the teaching of minority languages and cultures in minority schools.