



OMBUDSMAN OF THE REPUBLIC OF LATVIA

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Organization for Security and Cooperation in Europe

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Re: On issues related to national minorities in Latvia

Ombudsman of the Republic of Latvia has been paying particular attention in 2013 and 2014 to the prevailing social and ethnic particular issues in society, criticizing the process of integration of the individuals who have entered the country during the period of occupation, and their descendants. Ombudsman of the Republic of Latvia stands strictly against the pressure exerted by the neighbor state of Russia on the actual inhabitants of Latvia: “Given the inability of Latvian politicians to clarify the related matters, the actual inhabitants of Latvia who have the status of non-citizens lack motivation to naturalization and obtaining the citizenship of Latvia since they expect to benefit from the advantages of the status of non-citizenship as well as those promised by the organizations that seek to split the society in Latvia.¹”

The Universal Convention on the protection of rights of national minorities and the clarifications and recommendations contained in the Convention are frequently referred to, yet inappropriately interpreted in the Republic of Latvia. The Russian-speaking NGOs and political parties in Latvia position themselves as a minority and demand contribution from the government of the Republic of Latvia in the development of Russian language and culture in Latvia, in spite of the fact that Russian Language is from the global context among the largest languages worldwide and a working language of the UN; representatives of the Russian nation have their own country and a well-established culture with rich history; and preservation of the Russian identity, language and culture presents no problems. Such problems are rather observed in case of the small European nations and languages, including Latvian, Lithuanian and Estonian, and globally such nations have grounds to concerns regarding the preservation of their respective language and culture.

¹ <http://www.focus.lv/latvija/sabiedriba/krievu-skolu-atbalsta-stabs-proteste-pret-tiesibsarga-darbibu>

The high proportion of Russian nationals in Latvia is the result of the policy pursued by the USSR including deportation and Russification of the inhabitants of Latvia and the USSR domestic migration². When the Republic of Latvia regained sovereignty, the individuals who had come to Latvia as a result of migration promoted during the period of soviet occupation reasonably could not expect to have the status of citizens of the Republic of Latvia automatically granted to them. So the status of non-citizens was introduced as a temporary status to enable the holders of such status to seek naturalization in the Republic of Latvia or to select another country and establish legal relations with such selected country. The situation where such persons are used as tools to split the society and aggravate ethnic differences should not be tolerated. Ombudsman of the Republic of Latvia is emphasizing again and again the importance of mutual respect, learning of Latvian language and culture, and naturalization. Handling the complaints on daily basis, Ombudsman of the Republic of Latvia has found out that the right of representatives of other nationalities who live in Latvia to preservation of their ethnic identity, language and culture is not restricted, and no material breaches of the human rights guaranteed by the European Convention for Human Rights and Fundamental Freedoms and by the Satversme (Constitution) of the Republic of Latvia in the grounds of nationality or racial, national or ethnical origin have been established.

Inadequate attention has been paid until present in Latvia to the meaning of the term “minority” in the context with the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities, and to their application in the Latvian situation, in particular to identify the groups of persons in Latvia in need of special efforts for the preservation of their minority language, culture, and identity. The European Charter for Regional or Minority Languages³ does not specify the European languages covered by term of regional or national minority languages. The Charter is not aimed at solving the problems that result from the recent immigration phenomenon that has fostered the formation of the groups of people who speak in foreign language in their immigration country and eventually in the country of their origin if they select to return. Terms such as “European historical regional or minority languages” (see the second paragraph in Preamble) and the languages “traditionally used” in the country (subparagraph a) in Section 1) clearly show that the Charter only applies to the historical languages, that is, to the languages continuously spoken by people in the given country⁴.

The Framework Convention for the Protection of National Minorities contains no definition of “national minorities”. It has been decided to pursue the pragmatic approach that no definition acceptable to all Member States of the Council of Europe can be approved at this point⁵. The Republic of Latvia has stated upon the ratification of the Framework Convention for the Protection of National Minorities⁶ that the term “national minorities” the definition of which is not provided by the Convention, for the purposes of the Convention means the citizens of Latvia who differ from Latvians by their culture, religion or language, and who have traditionally lived in Latvia for several generations and feel that they belong to the State and society of Latvia, whilst preserving and developing their different culture, religion, or language. Persons who usually and legally reside in the Republic of Latvia and who are not citizens of Latvia or any other country, should not be treated as national minorities within the meaning of the Convention according to the definition of national minority provided in the

² According to the census data as of 1989, the net weight of Latvians in Latvia has decreased to 52%, compared to 77% in 1935. Latvijas demogrāfijas gadagrāmata, National Statistic Committee of the Republic of Latvia, Riga, 1995, p.p. 17.

³ <http://m.likumi.lv/doc.php?id=209969>

⁴ Regarding the clarification of terms, Paragraph 31 of the Explanatory Report to the European Charter for Regional or Minority Languages stipulates: Paragraph 21 of the Explanatory Report to the European Charter for Regional or Minority Languages. Accessible online at: http://www.coe.int/t/dg4/education/minlang/textcharter/Charter/Explreport_lv.pdf

⁵ Paragraph 12 of the to the Framework Convention for the Protection of National Minorities. Paragraph 12 of the Explanatory Report, Strasburg, February 1995. Accessible online at: http://www.coe.int/t/dghl/monitoring/minorities/1_atglance/PDF_Text_FCNM_lv.pdf

⁶ Section 2 of the Law on the Framework Convention for the Protection of National Minorities.

corresponding declaration made by the Republic of Latvia, where such persons identify themselves with the national minority covered by such definition, enjoy the rights provided for in the Convention, unless exceptions are prescribed by the law. The discussions lack adequate understanding of the fact that the relevant protection extends to the persons who have “traditionally lived in Latvia for several generations and feel that they belong to the State and society of Latvia”.

The national policy of Latvia in terms of strengthening the importance of learning the national (Latvian) language has been inadequately moderate until present. There are a little more than 100 schools in Latvia established by municipalities and funded from the assets of State budget to implement national minority curricula for Russian, Polish, Byelorussian, Estonian, Lithuanian and other national minorities. The use of national minority languages at schools is not only an objective necessity to enable ethnic versatility but also a result of historical consequences, because historically many schools provided education in Russian language. In 1999, state and municipal comprehensive education establishments offering education in other languages launched an education program for national minorities with gradual transfer to education in the official language, with due regard to the preservation of culture and language of national minorities (60% of education content is taught in the official language and no more than 40% of syllabic disciplines is available in the national minority language). According to the Education Law, the State was committed to provide from 1 September 2004 education in the official language at the State and municipality funded schools with national minority curricula, starting from the tenth grade, with the exception of such disciplines as culture, language and religion of the respective national minority.

The monitoring carried out by the Ombudsman in late 2013 revealed that such commitment is not always really implemented in practice. In the Ombudsman’s opinion, the protest activities of Command Post for the Protection of Russian Schools⁷ actively expanded in 2004 have prevented proper implementation of the education policy for teaching Latvian language at national minority schools. Ombudsman of the Republic of Latvia has identified during the monitoring carried out at national minority schools that the attention paid to the learning of the official language is not sufficient and that certain teachers do not know the official language and therefore they are unable to teach it properly to the children representing national minorities.

The issues faced by education establishments that provide national minority programs differ from one national minority to another. There are no national minority programs in Latvia for education of Roma people due to the lack of teaching aids and good primers suitable for all dialects. It has been found that teachers have insufficient knowledge of the Roma language and culture. In case of schools that provide national minority education programs in Russian language, negative attitude towards the learning of the official language has been observed due to the historical situation as well as due to the influence exerted by individual politicians and the Russian media. Such situation, in the context with aggravation of the influence from foreign policy environment, presents certain threats to Latvians as well as to Lithuanians and Estonians who have small national states in Europe yet occasionally lack force to withstand the influence of the neighbor state and to make the persons who have come to the Baltic States in the course of occupation and their descendants to provide preservation and respect of the national language and culture values of native inhabitants of the Baltic States.

The Ombudsman has made recommendations emphasizing that the education system has to ensure, both on regulatory and actual level, that the best interests of the child are always protected. It is crucial to guarantee that children – representatives of national minorities can

⁷ PCTVL and Command Post for the Protection of Russian Schools.
http://www.pctvl.lv/?lang=lv&mode=party&submode=history&page_id=89

adequately learn the official language so that they can enjoy equal rights and opportunities at labor market. Learning of the literature, culture and language of the respective national minority on high level is equally important so that national minorities perceive the learning of the official language as a value, rather than a threat to their identity. It is necessary to increase the State monitoring at minority education establishments in terms of teaching of the minority language and culture, use of the official language, quality of education process, and employment of teachers who possess knowledge and skills that meet the requirements prescribed by regulatory acts. It is also necessary to provide training to the teachers of national minorities towards improvement of the use of Latvian language and the minority language, as well as improvement of bilingual methodology. Education system available to representatives of different nationalities has to be aimed primarily at consolidation, rather than segregation of the representatives of different nationalities.

Global preservation of ethnic, linguistic and culture diversity is a value, including the national languages and culture of the Baltic States: Latvia, Lithuania, and Estonia. In the Ombudsman's opinion, leaders of the Baltic States are obligated to demonstrate strict position regarding the importance of citizenship and learning of the official languages and culture by the representatives of different nationalities that live in the Baltic States. Implementation of such policy also requires understanding on the part of international organizations, the UN and the OSCE to ensure that the recommendations aimed at protection of the rights of minorities are made with due regard to the fact that the ethnic situation prevailing in the Baltic States is largely influenced by the consequences of occupation, and that in relation to the persons who have entered our country during the occupation period and their descendants it is necessary to improve the learning of the official language and to instill respect to the State, whilst paying adequate attention to the minorities so small that the loss of their language and culture would jeopardize the especially protected diversity existing in Europe.

Respectfully submitted by,

J. Jansons, the Ombudsman