

Distr.
GENERAL

الجمعية العامة



A/HRC/7/19/Add.3
5 March 2008

ARABIC
Original: ENGLISH

مجلس حقوق الإنسان
الدورة السابعة
البند ٩ من جدول الأعمال

العنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك
من تعصب، متابعة وتنفيذ إعلان وبرنامج عمل ديربان

تقرير المقرر الخاص المعني بالأشكال المعاصرة للعنصرية والتمييز العنصري
وكره الأجانب وما يتصل بذلك من تعصب، السيد دودو دين

إضافة

البعثة التي قام بها إلى لاتفيا**

* يُعمم موجز هذه الوثيقة بجميع اللغات الرسمية. أما التقرير، المرفق بالموجز، فيُعمم باللغة التي قُدم بها فقط.

** تقدم هذه الوثيقة متأخرة حتى تتضمن أحدث المعلومات.

موجز

بدعوة من حكومة لاتفيا، قام المقرر الخاص المعني بالأشكال المعاصرة للعنصرية والتمييز العنصري، وكره الأجنب وما يتصل بذلك من تعصب بزيارة إلى لاتفيا في الفترة من ٢٠ إلى ٢٤ أيلول/سبتمبر ٢٠٠٧. وكان الهدف من هذه البعثة جمع المعلومات الأولية عن القضايا المتصلة بولايتيه. ولهذا الغرض، عقد المقرر الخاص اجتماعات مع السلطات في الأجهزة التنفيذية والتشريعية والقضائية، ومع المجتمع المدني، وممثلي جماعات الأقليات وضحايا العنصرية والتمييز العنصري، وكره الأجنب وما يتصل بذلك من تعصب.

وانتهى المقرر الخاص إلى أن لاتفيا وضعت قوانين وعدداً من المؤسسات الرامية إلى التصدي إلى العنصرية والتمييز العنصري، لكن خطوات أخرى ما تزال ضرورية لتكملة هذه الإنجازات بسن قوانين شاملة جامعة لجميع أشكال التمييز.

ووقف المقرر الخاص على مجالات كبيرة تشكل مصدر قلق، لا سيما فيما يتعلق بثلاث فئات وجماعات ضعيفة، تمثل مع ذلك مشاكل متميزة. تتألف الفئة الأولى من المنحدرين من أصل روسي الذين هاجروا إلى لاتفيا أثناء الاحتلال السوفياتي، ويتعين على العديد منهم اكتساب الجنسية اللاتفية ويعيشون في وضع غير المواطنين. ويحدد المقرر الخاص الفئة الضعيفة الثانية في جماعة الروما، التي تعاني، كما هو الشأن في معظم البلدان الأوروبية، الوصم الثقافي والتمييز الاجتماعي الاقتصادي وتعيش في ظروف يسودها التهميش. وختاماً أجرى المقرر الخاص تقييماً لوضع الفئة الضعيفة الثالثة، وتتكون من المهاجرين غير الأوروبيين الذين لم يصلوا إلى البلد إلا مؤخراً، وكانوا عرضة للعنف العنصري وموضوعاً لخطاب الكراهية، لا سيما في وسائل الإعلام الإلكتروني، المنتهية في معظمها إلى جماعات المتطرفين والنازيين الجدد. وبخلاف الأقليات التقليدية، التي كانت موجودة في البلد لعقود أو قرون، يعد هؤلاء المهاجرون مصدر توترات جديدة على مستوى الهوية ينبغي التغلب عليها عبر تعزيز التعددية الثقافية في جو من الديمقراطية والمساواة والتفاعل.

وعلى غرار باقي بلدان منطقة البلطيق، توجد لاتفيا حالياً في مفترق طرق من تاريخها. فالتحدي المركزي الذي تواجهه هو بناء مجتمع ديمقراطي عادل تفاعلي بمراعاة كل من ضرورة التشديد من جديد على استمرارية هوية البلد القومية - التي زرعها الاحتلال ونال منها لكن جذورها ما تزال ضاربة في الذاكرة - والاعتراف بحقوق جميع الأقليات واحترامها بما في ذلك الحقوق الناتجة عن الاحتلال. وهذه عملية ينبغي توجيهها على أساس مبدئين هما: احترام الحقيقة التاريخية المتمثلة في بناء الهوية القومية الجديدة، وعدم التمييز ضد الأقليات. ولتنفيذ هذه الاستراتيجية بالكامل، ستكون العوامل الوطنية والإقليمية عوامل رئيسية ذات صلة بالجماعات الروسية. فالاحترام الكامل لحقوق هذه الجماعات - من حيث المواطنة، واللغة، والثقافة والقضاء على أي شكل من أشكال التمييز - أمر وثيق الصلة بإشراكها ومشاركتها في عملية بناء مجتمع يتعايش في وئام وأمة جديدة متعددة الثقافات تحترمها بلدان المنطقة جميعها احتراماً تاماً. وثمة تحدٍ ملح آخر يتمثل في إعداد المجتمع اللاتفي لوصول موجات جديدة من المهاجرين غير الأوروبيين بشكل تدريجي لكنه مطرد، حاملين معهم تقاليدهم، وثقافتهم وأديانهم. ويعد هذا التحدي أيضاً فرصة لإثراء المجتمع اللاتفي بمزيد من التنوع، والحوار والتفاعل بين الثقافات.

ويقدم المقرر الخاص عدداً من التوصيات، منها ما يلي:

- ينبغي للسلطات أن تبرز إرادتها والتزامها السياسيين القويين بمكافحة جميع أشكال العنصرية والتمييز العنصري في المجتمع اللاتفي وأن تعزز يقظتها لمواجهة التحديات الجديدة الناجمة عن التوترات المتزايدة على مستوى الهجرة والتعددية الثقافية والهوية مع الاحترام التام لمبادئ الديمقراطية وحقوق الإنسان؛
- ينبغي للحكومة أن تسن قوانين وطنية شاملة تتناول جميع أشكال التمييز في شكل وثيقة قانونية يسهل التعرف عليها. وينبغي للحكومة أيضاً أن تسن قوانين تكميلية تنص بشكل واضح على المسؤولية الجنائية بالنسبة لجميع أشكال جرائم الكراهية. وسيكمل ذلك الأساس التشريعي القائم في لاتفيا، والأهم من ذلك أنه سيعمل على عدم بقاء أي ثغرات في مجال الحماية؛
- ينبغي للحكومة أن تراجع الشروط الحالية للتجنيس بهدف تيسير منح الجنسية لغير المواطنين، وتنفيذ الالتزامات المنصوص عليها في اتفاقية الحد من انعدام الجنسية لعام ١٩٦١؛
- ينبغي تعزيز دور وزير المهام الخاصة من أجل الإدماج الاجتماعي وتعزيز أمانته، على مستوى كل من الولاية والموارد. وبوجه خاص، لن يعمل تحويل الأمانة إلى وزارة كاملة على تعزيز فعاليتها وصوتها فحسب، بل سيحسد رمزياً أيضاً إرادة الحكومة لمعالجة قضايا العنصرية والتمييز سعياً وراء تحقيق الهدف الأسمى المتمثل في بناء تعددية ثقافية ديمقراطية عادلة ومتفاعلة في المجتمع اللاتفي؛
- ينبغي للحكومة أن تعزز خطة عملها الوطنية "الروما في لاتفيا ٢٠٠٧-٢٠٠٩"، الرامية إلى كل من تعزيز واحترام الهوية الثقافية لشعب الروما والقضاء على تهميشه اجتماعياً واقتصادياً، لا سيما ضعف التحصيل التعليمي لأطفال الروما والارتفاع الشديد في معدلات البطالة في أوساط المواطنين الروما؛
- ينبغي للحكومة والمجتمع المدني اعتماد استراتيجية أخلاقية وثقافية تتصدى عبر كتابة التاريخ، والتعليم، والثقافة والإعلام إلى أعماق جذور العنصرية وكره الأجانب والتعصب وتمحور حول تعزيز المعرفة المتبادلة للثقافات والقيم، والتفاعل فيما بين مختلف الجماعات والربط بين مكافحة العنصرية وكره الأجانب والتمييز وبناء مجتمع ديمقراطي عادل متفاعل متعدد الثقافات في الأجل الطويل.

ANNEX

**REPORT SUBMITTED BY THE SPECIAL RAPPOREUR ON
CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION,
XENOPHOBIA AND RELATED INTOLERANCE, DOUDOU DIÈNE, ON
HIS MISSION TO LATVIA**

(20-24 SEPTEMBER 2007)

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 3	5
I. GENERAL BACKGROUND	4 - 18	5
A. Historical and political context	4 - 9	5
B. Demographic, ethnic and religious composition	10 - 12	6
C. Political structure	13	6
D. International human rights instruments	14 - 15	7
E. Methodology	16 - 18	7
II. POLITICAL AND LEGAL STRATEGY OF THE PUB AUTHORITIES	19 - 50	7
A. The legal and institutional framework to combat racism and racial discrimination	19 - 36	7
B. Policies and programmes to combat racism, racial discrimination, xenophobia and related intolerance	37 - 42	10
C. Perceptions and reactions of State officials and Government agencies	43 - 50	11
III. VIEWS OF CIVIL SOCIETY AND COMMUNITIES CONCERNED	51 - 70	13
A. Concerns in response to State policies and measures	51 - 54	13
B. Views of the Russian-speaking communities	55 - 60	14
C. Views of the Roma community	61 - 65	15
D. Views of non-European communities	66 - 70	16
IV. ANALYSIS AND ASSESSMENT OF THE SPECIAL RAPPOREUR .	71 - 80	16
V. RECOMMENDATIONS OF THE SPECIAL RAPPOREUR	81 - 95	19

Introduction

1. At the invitation of the Government, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Latvia (Daugavpils and Riga) from 20 to 24 September 2007. At the Government level, he held meetings with the Prime Minister, the Minister of Foreign Affairs, the Minister of Education and Science, the Special Assignments Minister for Social Integration, officials at the Ministry of Interior, including the Security Police, and the Ministry of Justice, and the Deputy Head of the Naturalization Board. He also met with the President of the Constitutional Court, the Head of the Human Rights and Public Affairs Committee of the *Saeima* (the Latvian Parliament) and the Ombudsman.

2. Apart from the agenda with the Government and State institutions, the Special Rapporteur also had extensive meetings with representatives of civil society organizations that are active in the realm of racism and xenophobia, minority communities and victims of racism and racial discrimination, both in Daugavpils and Riga. The Special Rapporteur also visited the Occupation Museum as well as the Latvian Ethnographic Museum in Riga.

3. The Special Rapporteur wishes to express his gratitude to the Government of Latvia for its cooperation and openness throughout the visit and in the preparatory stages. He also wishes to thank the United Nations country team in Riga, particularly the staff of the United Nations Development Programme (UNDP), for its outstanding support.

I. GENERAL BACKGROUND

A. Historical and political context

4. For many centuries, the territory that constitutes Latvia today has been an important trading crossroads in Europe, linking distinct civilizations, particularly Scandinavia and the Byzantine Empire, in what has been famously described in ancient chronicles as the “route from the Vikings to the Greeks”. The geographic position of the Daugava river also provided Western European traders with direct access to Russia, amplifying opportunities for cultural contact between the tribes that lived in the territory and the outside world.

5. An important episode in Latvian history was the arrival, in the twelfth century, of German traders and preachers who attempted to convert local pagan believers to Christianity. Local resistance led Pope Innocent III to send German crusaders to Latvia. These crusaders founded Riga in 1201 and conquered the territory, unifying the separate tribes under the Livonian Confederation. Due to its commercial importance, Riga quickly became the centre of the Baltic region, joining the Hanseatic League in the late thirteenth century. In subsequent centuries, Latvia was conquered by the Polish-Lithuanian Commonwealth and Sweden, becoming part of Russia after the Great Northern War in 1700.

6. A nationalistic revival took place in the mid-nineteenth century, among intellectuals, but only gained momentum during the Russian Revolution of 1905. However, Latvia remained under Russian rule until the end of the First World War, gaining independence in 1918 when the Soviet Government renounced all claims to Latvian territory.

7. The history of Latvia would be profoundly affected by the start of the Second World War. The Molotov-Ribbentrop pact led to the first Soviet occupation in 1940-1941. In this period, some 35,000 Latvians were deported to the Soviet Union, particularly to Siberia. Latvia fell under Nazi Germany's control from 1941 to 1944, leading to the extermination of the Jewish population; an estimated number of 70,000 Jews were killed in Latvia during the Holocaust. As the confrontation between Nazi Germany and the Soviet Union approached Latvia, particularly in 1943-1944, the local population was divided: some

groups joined the Red Army while others, most of whom were forcibly drafted, fought with the Waffen SS.

8. The second Soviet occupation started in 1944, as the war came to an end, and lasted until 1991. As in the other Baltic countries, the first years of occupation, in particular during Stalin's era, were marked by high levels of repression, with forced deportation of more than 120,000 Latvians to the East and the fleeing of some 130,000 to the West to take refuge. Other policies implemented by the Soviet Union led to what many historians call an attempted Russification of Latvian society, in particular through the introduction of Russian as an official language and the arrival of large numbers of migrants from other parts of the Soviet Union, in particular a large Russian community.

9. With the restoration of independence in 1991, Latvia embarked on a process of close rapprochement with the West, particularly through the introduction of widespread economic reforms, including privatization, to integrate the economy into global markets. This process culminated in 2004, when Latvia was admitted to the European Union (EU) as well as to NATO. During this period, the adaptation of EU legislation in order to implement the *acquis communautaire* led to important changes in policies that directly affect the fight against racism, racial discrimination, xenophobia and related intolerance.

B. Demographic, ethnic and religious composition

10. Due to its historical legacy and geographical position, Latvia has developed a multicultural society with a core Latvian national identity. Out of its population of around 2.2 million, 59 per cent are of Latvian origin and 28.5 per cent of Russian descent. Other sizeable ethnic groups are Belorussians (3.8 per cent), Ukrainians (2.5 per cent), Poles (2.4 per cent), Lithuanians (1.4 per cent), Jews and Roma (0.4 per cent each).

11. There is an important demographic distinction between citizens, non-citizens and foreigners. The Government formally differentiates between non-citizens and stateless persons. It argues that non-citizens may not be regarded as stateless persons within the meaning of the 1954 Convention relating to the Status of Stateless Persons due to the specific nature of their legal status, its temporary character and the broad scope of rights enjoyed thereby. The Government emphasizes that non-citizens are granted permanent residence in Latvia *ex lege*. It was also emphasized to the Special Rapporteur that non-citizens are entitled to visa-free travel within the EU. In 2007, 81 per cent of the population were Latvian citizens, 17.2 per cent were non-citizens and 1.8 per cent were foreign citizens.

12. Although there are no centralized statistics concerning religious affiliation, estimates indicate that around 22 per cent of the population are Catholic, 20 per cent are Lutherans and some 16 per cent are Orthodox. A significant proportion of the population is believed to be atheist. The Muslim and Jewish communities, as well as those of other religions or beliefs, are very small.

C. Political structure

13. Latvia is a parliamentary democracy whose Government is headed by the Prime Minister. The Head of State is the President, who is elected by the 100-seat Parliament (*Saeima*). Seats in Parliament are allocated proportionally for all party lists meeting the threshold of 5 per cent of national votes. A multiparty system is in place, and government has traditionally been coalitional. Only citizens have the right to vote in both national and municipal elections.

D. International human rights instruments

14. Latvia is a State party to the core international human rights instruments, including the International Covenant on Civil and Political Rights and its first Optional Protocol, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Latvia is also party to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.

15. At the European level, Latvia has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and the Council of Europe Framework Convention for the Protection of National Minorities. Latvia has yet to become a party to other legal instruments that are relevant for questions of racism and discrimination, including Protocol No. 12 to the European Convention on Human Rights on general non-discrimination (signed, but not ratified), the European Convention on Nationality (signed, but not ratified), the Convention on the Participation of Foreigners in Local Public Life at Local Level and the European Charter for Regional or Minority Languages.

E. Methodology

16. The Special Rapporteur carried out extensive meetings with authorities at the executive, legislative and judiciary branches to collect their views, as well as information concerning racism and xenophobia in Latvia, the adequacy of the existing legal framework and the programmes and policies adopted by the authorities to fight racism, racial discrimination and xenophobia. Additionally, a series of meetings with civil society organizations, communities and associations representing minority groups, victims of discrimination and journalists was organized.

17. In order to objectively assess the situation and collect information concerning his mandate, the Special Rapporteur structured his meetings with all his interlocutors around three questions: (a) Is there racism, racial discrimination, xenophobia and related intolerance in Latvia? (b) If this is the case, what are their main manifestations and expressions and the communities affected? (c) What are or should be Governmental policies and programmes to fight these phenomena at the political, legal and cultural levels?

18. Chapter II of this report analyses the political and legal strategy adopted by State institutions in Latvia, with a particular focus on the perceptions of State officials concerning the problems related to racism and discrimination in the country. Subsequently, in chapter III, the views of civil society organizations, representatives of minorities and victims of discrimination are introduced. This is followed in chapter IV by an analysis of the situation by the Special Rapporteur and in chapter V his recommendations to the Latvian Government.

II. POLITICAL AND LEGAL STRATEGY OF THE PUBLIC AUTHORITIES

A. The legal and institutional framework to combat racism and racial discrimination

1. Constitutional and legislative provisions

19. Through an amendment to the Latvian Constitution in 1998, a chapter on fundamental human rights was introduced. The general legal provision of equal treatment is contained in article 91, which asserts that: "All human beings in Latvia shall be equal before the law and the courts" and that: "Human rights shall be realized without discrimination of any kind".

20. The Constitution also provides for particular protection for minorities under article 114, which asserts that: “Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity”.

21. Incitement to national or racial hatred is prohibited under section 78 of the Criminal Code and carries a punishment of up to three years of detention. The restriction of rights based on racial or ethnic origin is also considered a criminal act that entails the same sanctions. In October 2006, the *Saeima* passed an amendment to the Criminal Code whereby racism is considered 1 of 14 aggravating factors in crimes. It is expected that this amendment should more clearly distinguish cases of incitement to racial, religious or ethnic hatred and racially motivated crimes.

22. Rather than taking the approach of passing broad anti-discrimination legislation, Latvia’s policy choice was to include provisions on anti-discrimination throughout its legal framework, such as in the Labour Law. The main mechanism available to redress alleged discrimination is the Office of the Ombudsman, which replaced the Latvian National Human Rights Office with a broader mandate, as well as national courts.

2. Office of the Ombudsman

23. The Office of the Ombudsman, the main mechanism available to redress alleged discrimination, replaced the Latvian National Human Rights Office on 1 January 2007, after the adoption of the Ombudsman Law. This Law entrusts the Ombudsman with an enlarged mandate and more robust resources, including twice as many staff as the National Human Rights Office.

24. The Office of the Ombudsman is responsible for activities such as awareness-raising among the general public concerning human rights; promoting recognition, monitoring and responding to violations of these rights; drafting programmes and coordinating the implementation of projects developed by Government institutions at the national or local level; and assessing the adequacy of existing legislation and proposing new laws. The role of the Ombudsman is thus not only reactive; he is entrusted with the power to take the initiative to investigate possible cases of racism and discrimination.

25. In his meeting with the Ombudsman, the Special Rapporteur was informed that although his office does not receive a large number of complaints of discrimination, this number has been steadily increasing (64 complaints in 2006 and 67 complaints from January-August 2007).

26. A particular form of action carried out by the Ombudsman is to review cases of racist crimes in order to analyse whether the racist connotation is being considered and registered by the police. The Ombudsman explained that there used to be important obstacles to the categorization and prosecution of racially motivated crimes, which led in most instances to the qualification of these crimes as acts of hooliganism. However, in the Ombudsman’s view this problem was solved in 2006 after the adoption of amendments to the Criminal Code clearly stipulating racial crimes.

27. The Office of the Ombudsman receives a limited number of complaints regarding citizenship regulations (17 from January-August 2007). However, the Ombudsman informed the Special Rapporteur that there are elements of the legislation on citizenship that can be improved, including regulations for automatic citizenship for all children born in Latvia and facilitating the procedure for elderly residents.

28. The overall perception of the Ombudsman is that Latvia has made important advances in the progressive transposition of EU directives, notwithstanding the difficulties in the realm of access to goods and services. He noted that racial discrimination is a recent problem in Latvia, connected to new waves of migration that are likely to expand, and therefore will require concerted efforts for the future.

3 Citizenship legislation

29. Citizenship policy in Latvia after the restoration of independence was based on the doctrine of legal continuity of the Latvian State. According to this principle, the end of the Soviet occupation did not create a new State, but rather restored a previously existing State whose independence was interrupted by forcible annexation into the USSR. In this regard, the first steps after the end of occupation were to restore the Latvian political and legal framework, including the Constitution that existed in 1940.

30. The policy after the restoration of independence was to recognize as citizens only those persons who enjoyed citizenship prior to 1940 and their direct descendants. For all others, no regulations were in place, which left some 740,000 persons, mostly Russian-speaking, without citizenship of Latvia or any other State, and thus stateless.¹ A large number of citizenship requests by Russian-speaking residents were denied due to claims of links to the Soviet army. The Law on Citizenship approved in 1994 set out specific conditions for the acquisition of Latvian citizenship, directly affecting the status of the non-citizen populace. Strict rules for naturalization were put in place at that time, which included requirements regarding command of the Latvian language and knowledge of the Constitution and the history of the country. An “age windows system” was also created, which only allowed individuals from certain age groups to apply for citizenship at a certain time (e.g. in 1996, only persons between the ages of 16 and 20 were allowed to apply).

31. In 1998, Latvia liberalized its citizenship laws, eliminating the window system and granting citizenship to children born in the country after 1991 upon registration by the parents. These changes quickly increased the number of naturalizations granted, which almost tripled between 1998 and 1999.²

32. A second piece of legislation - the Law on the Status of those Former USSR Citizens who do not Possess Citizenship of Latvia or Citizenship of any Other Country, approved in 1995 - regulated the rights of those former USSR citizens who, after the restoration of independence, were left without citizenship of Latvia or any other State. These persons were granted the formal status of non-citizens. In particular, it establishes that “a non-citizen has those rights and obligations set forth by the Constitution ...” including the right to “maintain his/her native language and culture within the limits of cultural-national autonomy and traditions if such do not contravene the laws of the Republic of Latvia”.³ Non-citizens are also issued with a special passport that allows for international travel. However, non-citizens do not have the right to vote or be elected for office in national or municipal elections, nor to work as civil servants. There are also limitations concerning the right to property and land ownership as well as private sector jobs linked to the judiciary.⁴

33. At present, there are around 372,000 non-citizens in Latvia, 66 per cent of whom are of Russian origin, 13.4 per cent of Belorussian origin, 9.5 per cent of Ukrainian origin. Other groups of non-citizens are Poles (3.4 per cent), Lithuanians (2.8 per cent) and Jews (0.9 per cent). The majority of non-citizens reside in Riga, although sizeable communities also exist in Daugavpils and Liepāja.

¹ Under international law, a stateless person is generally defined as a person who is not considered as a national by any State under the operation of its law.

² Naturalization Board of the Republic of Latvia, available at http://www.np.gov.lv/en/faili_en/stat_angl.xls.

³ Art. 2.

⁴ Nils Muižnieks, *Latvian-Russian Relations: Domestic and International Dimensions* (Riga, University of Latvia), p. 16.

4. Language legislation

34. The Official Language Law approved in 1999 defines the status of languages spoken in Latvian territory. The Law aims to ensure “the maintenance, protection and development of the Latvian language” and “of the cultural and historic heritage of the Latvian nation”. Although the law recognizes the right of different communities to use their native language, it sets language policy as a means to ensure the integration of members of ethnic minorities into the society of Latvia and the increased influence of the Latvian language in the cultural environment of Latvia.

35. The Law recognizes Latvian as the official state language and no specific provisions for minority languages are contained in the Law. It establishes that the exclusive use of Latvian is compulsory in any public institution as well as in private institutions performing activities of legitimate public interest. Communications with public institutions are normally required to be carried out in Latvian. The Law also establishes that the names of all persons living in Latvia, including non-citizens, need to be presented in identification documents according to Latvian language norms.

36. The monitoring of the Official Language Law and implementation of the language policy is conducted by the State Language Center, which operates under the aegis of the Ministry of Justice. Particular violations of the Law are also established in the Administrative Violations Code, including cases of private institutions with a legitimate public interest.

B. Policies and programmes to combat racism, racial discrimination, xenophobia and related intolerance

37. According to Latvian authorities, the legal and institutional framework, including the central role played by the Office of the Ombudsman, are only one part of the fight against racism and discrimination. The second form of action concerns positive initiatives that aim to promote tolerance, respect for diversity and, ultimately, integration of racial, ethnic and religious minorities in Latvian society. This includes specific integration measures as well as broader efforts carried out in other areas, particularly education.

38. The overarching policy to promote the integration in Latvia is carried out by the Secretariat of the Special Assignment Minister for Social Integration. This Government body, headed by a Cabinet Minister, is responsible for the implementation of the National Programme for the Integration of Society, either directly or in concert with other Governmental institutions - including the Ministries of Education and Science, Culture, Children and Family Affairs - whose actions have a direct impact on ethnic or racial minorities. It also implements the National Tolerance Programme 2005-2009 and the National Action Plan “Roma in Latvia 2007-2009”. The Secretariat is also responsible for the implementation of different international instruments pertaining to racism and minorities, including transposing the EU Race Directive, as well as for the drafting of anti-discrimination legislation.

39. The Secretariat collaborates closely with non-governmental organizations (NGOs), in particular community organizations, to develop actions aimed at preserving their cultural identity, promote integration and respect for cultural diversity. It created a network of NGOs, funded by the Secretariat, which is regularly consulted and decides on the type of integration actions that will be implemented. Consultation with civil society was highlighted by the Secretariat as a key ingredient of the success of these initiatives. Two main consultative bodies were created to promote consultation with civil society: (a) a council on ethno-political issues composed of delegates sent by some 150 NGOs; (b) the Minister’s Advisory Board, composed of 17 members who represent regional NGOs, ethnic minorities, journalists, human rights experts and a delegate representing Russian schools.

40. Although an important part of the Secretariat's focus is related to traditional minorities living in Latvia, including the Russian-speaking communities, actions are also being developed for newly arrived migrants of non-European origin. A number of cultural activities fostering interaction among the different communities living in Latvia are organized, such as inter-ethnic festivals of Indian, Arab and African cultures.

41. The Special Rapporteur also enquired as to the impact of educational policies on minority communities, their integration into society and on the promotion of respect for their cultural identity. Latvia's educational system is mainly based on two types of schools: Latvian-language and minority-language (mostly Russian) schools. In application of the Law on Education, which establishes that a certain proportion of the courses need to be taught in Latvian, minority-language schools are gradually introducing bilingual education. A major educational reform was passed in 2004, establishing that in public secondary schools at least 60 per cent of the courses in secondary education need to be taught in Latvian or bilingually.

42. The Minister of Education emphasized that the language policy in the educational system is an important means of promoting linguistic integration into Latvia of students of all ethnic and racial minorities. The central principle followed during the reform was to progressively improve the quality of education for all students and to allow for access to higher education, which is exclusively taught in Latvian. According to data of the Ministry's Examination Centre, 61 per cent of minority students finishing secondary education choose to undertake the maturity exam in Latvian, which according to Ministry officials shows that the educational system is managing to promote linguistic integration. Examination data also show that minority schools have the best results in terms of quality of education in Latvia. The subject where minorities have a poorer performance is history, which according to Ministry officials is evidence of Latvia's complex historical legacy.

C. Perceptions and reactions of State officials and Government agencies

43. The majority of State authorities highlighted the importance of recognizing Latvia's historical heritage in order to understand inter-community relations today, particularly for issues such as citizenship and language. At the same time, these officials stressed that Latvia has historically been a multicultural State open to different communities and that this tradition still resonates among the population today. The high rate of mixed marriages (around 20 per cent) and the growth of multi-ethnic parties were pointed out as examples of tolerance and multiculturalism in Latvia.

44. The common opinion expressed by State authorities was that racism and discrimination are not widespread phenomena in Latvia, but isolated cases, usually perpetrated by extremists that do not represent the country's tradition of tolerance. However, it was emphasized that all acts of racism and discrimination are to be condemned and that Latvia counts on mechanisms such as the Ombudsman to redress this problem. In this context, the authorities pointed out that Latvia's legal framework unambiguously establishes the principle of equality and prohibits any form of discrimination. The Prime Minister, in particular, emphasized the measures that have been taken to protect minorities and improve inter-community relations, including Latvia's ratification of the Council of Europe Framework Convention for the Protection of National Minorities. He also explained that Latvia's tradition of tolerance and respect for other cultures reflects in its favourable position towards Turkish membership of the EU.

45. Most authorities saw the large number of non-citizens not as evidence of discrimination, but rather as the outcome of large-scale historical processes; instead of dispute between ethnic groups, it is believed to be a reflection of international political tensions projected onto ethnic issues. In spite of these deep-rooted problems, the Special Rapporteur's interlocutors also pointed out that a number of actions have been taken to facilitate the process of naturalization for non-citizens, particularly the simplification

of citizenship exams. Furthermore, it was emphasized that non-citizens enjoy virtually the same rights as citizens, except for some political rights and the possibility of being employed in the civil service. However, many interlocutors recognized that the high number of non-citizens is a problem that needs long-term solutions, whilst pointing out that a complete reversal of Latvia's citizenship policy would pose a threat to the present status of Latvians, who could become a minority in their own country.

46. The Minister of Foreign Affairs also focused on the need to bridge the gap in the interpretation of history between ethnic groups, particularly regarding symbolic events such as the Second World War, collaboration with the Nazis and the meaning of the Soviet occupation. This gulf in the reading of the past has been an important source of problems for inter-community relations not only in Latvia, but also in the other Baltic States. A particularly important problem expressed by the Minister, as well as other authorities, is that some groups have instrumentalized history in order to question the legitimacy of Latvia as an independent State, which has made most of the population question the loyalty of these groups to the Latvian State. The Minister also emphasized the importance of the intellectual debate on this issue, to which he contributed an important scholarly work.⁵

47. Apart from the issues related to citizenship and integration of the Russian-speaking minorities, the Special Rapporteur also asked his interlocutors for their views on the mounting racist violence that is seen in Latvia, as in other countries, including the problem of groups that instrumentalize the principle of freedom of expression to incite racial, ethnic and religious hatred.

48. Officials at the Ministry of Justice emphasized that the qualification of racially motivated crimes is the function of public prosecutors and the police, arguing that any intervention by the Ministry would be seen as interference with the independence of justice. Officers of the State police assured the Special Rapporteur that it had been putting a major focus on racially motivated crimes, not only in terms of prevention but also when investigations need to be carried out. However, they noted that there are difficulties in concretely establishing the racist motivation for crimes, which in many cases did not allow for such a qualification. Police officials acknowledged that hate speech is a current problem in Latvia, reaching a peak in 2005, but noted that these are instances of young extremists trying to affect public opinion rather than a structural problem in the country.

49. The President of the Constitutional Court argued that there is an important gap in the existing legal framework, in terms of comprehensive anti-discrimination legislation, particularly because it does not formally comprise all forms of discrimination. However, he emphasized that existing norms are effective and pointed to the most recent examples of their application to complaints of discrimination in Latvia.

50. Some State authorities, in particular the Minister of Foreign Affairs, recognized that Latvia is facing new challenges concerning the new migratory dynamics, especially of non-European migrants, that will reach the country as it integrates in the global economy. These new waves of migration have the potential to create negative reactions on the part of some groups, particularly neo-Nazi extremists. These interlocutors therefore acknowledged that innovative policies and strategies will have to be devised to tackle emerging challenges and that it is not clear whether the Latvian society is already prepared for this new context.

⁵ Artis Pabriks, *Occupational Representation and Ethnic Discrimination in Latvia* (Riga, The Soros Foundation, 2002).

III. VIEWS OF CIVIL SOCIETY AND COMMUNITIES CONCERNED

A. Concerns in response to State policies and measures

51. Civil society, including human rights NGOs, representatives of minorities and victims of discrimination, strongly expressed to the Special Rapporteur the perception that, contrary to the statements of most Government officials, racism and discrimination are widespread and pervasive in Latvian society. Although separate interlocutors raised different types of criticism, their common thread was concern over the lack of political leadership and willingness to tackle racism and discrimination issues, and devise policies to promote tolerance. In particular, they emphasized their concern that State institutions have been slow to recognize the central importance and current relevance of these issues and have often approached racism and discrimination as isolated instances rather than structural and deep-rooted problems. Civil society recognized the prominent position and positive role played by a few officials, in particular the former Minister of Foreign Affairs, in bringing racism and discrimination to the centre of the public debate, but argued that these are as yet lone voices in the fight against racism.

52. A grave indicator of the increase in racism and discrimination mentioned by civil society interlocutors was the mounting number of racially motivated crimes committed in the past years. This included a surge in incitement to racial, ethnic and religious hatred, often fuelled by politicians from extremist parties. Latvian legislation was considered severely deficient in terms of responding to hate speech and racially motivated crimes. Criminal prosecution of incitement to hatred has formally demanded overly high thresholds of proof to show explicit intent to incite violence. This provision has meant, in practice, that the accused must individually confess to showing intent, while other relevant indicators have not been taken into account. Furthermore, until 2006 the only provision available for prosecuting racially motivated crimes was incitement to racial, ethnic or religious hatred under section 78 of the Criminal Code. Since this type of charge often requires a higher threshold of evidence, the lack of specific provisions on hate crimes has led to widespread qualification of racist violence as cases of hooliganism, which entails softer sanctions. The amendment approved by the *Saeima* in 2006 to include racism as an aggravating factor in criminal acts is considered incomplete and overly general. Human rights NGOs have called for the drafting of a norm that clearly stipulates criminal liability for hate crimes.

53. One of the major obstacles to full protection against racism and discrimination, in the view of civil society, is the weak institutional framework in this area. It was emphasized that although the Office of the Ombudsman is an important mechanism to redress and prevent violations, it has not taken a very active stance on racism and discrimination and has limited capacity to do so, illustrated by the small size of its anti-discrimination unit (four staff). Furthermore, there is no systematic collection of data on hate crimes, which hinders many efforts to tackle the problem. Civil society also recognized the importance of the Secretariat of the Special Assignment Minister for Social Integration, especially for the transposition of the EU Race Directive. However, it pointed to the lack of resources and, in particular, political backing for the Secretariat, which undermined its effectiveness.

54. The Special Rapporteur has identified three main groups that are vulnerable to racism and discrimination and xenophobia in Latvia, but who face very distinct problems. The Russian-speaking minorities, particularly ethnic Russians, are mostly affected by the problem of citizenship as well as the restrictions on the use of Russian language in public life. The Roma community and persons of non-European origin have been the main victims of racially motivated crimes and negative stereotyping. The Roma, in particular, have historically faced cultural stigma and structural discrimination that directly hinders their ability to fully enjoy their rights.

B. Views of the Russian-speaking communities

55. The Russian-speaking communities in Latvia are composed mostly of ethnic Russians, but also of smaller groups of ethnic Belorussians and other minorities. Ethnic Russians arrived in Latvia during different waves of migration that extended from the sixteenth century to the aftermath of the 1917 Revolution; only a part - albeit a large one - of the Russian community arrived during the Soviet occupation. Therefore, it is inaccurate to speak of a unified ethnic Russian minority, since different members of this group have different legal status in Latvia. The Special Rapporteur speaks of the Russian-speaking communities to refer to those former USSR citizens that immigrated to Latvia during the Soviet occupation.

56. Members of the Russian-speaking communities expressed the view that the most important form of discrimination in Latvia originates not in society, but rather in State institutions, in the form of the existing citizenship policy. The large number of stateless persons - 392,000 at present - was pointed out as evidence of discrimination on the basis of denial of citizenship rights. It was pointed out that despite an increase in naturalization rates in the early 2000s, the rate has fallen drastically in the past few years.

57. The Special Rapporteur's interlocutors pointed to the failure by the Government to implement the recommendations of the Committee on the Elimination of Racial Discrimination (CERD) for Latvia to accelerate the pace of naturalization and, in particular, to let non-citizens participate in local government, including the right to vote and be elected for local office.⁶ The restriction of some political rights to non-citizens, many of whom were born in Latvia, is considered by Russian-speaking communities a form of discrimination that hinders their representation in local government and restricts their ability to voice their concerns in the public arena.

58. Apart from the problem of citizenship, the Russian-speaking communities highlighted concerns over language policy in Latvia, in terms of language requirements for naturalization, regulations on the use of non-official languages in public and private life and the role of language in education. One of the main reasons that was raised as an explanation for the decline in the rate of naturalization was the language requirement in the naturalization exam, which is seen as strict by representatives of the Russian-speaking communities. In particular, although the Government has sponsored some language instruction courses for non-citizens, free-of-charge Latvian language classes in preparation for the naturalization exam are seen as a fundamental step to positively encourage more applications for citizenship, particularly of marginalized members of the Russian-speaking communities.

59. Regulations for the use of non-official languages are believed to have drastically curtailed the use of Russian even in community affairs, permission only being granted to use Russian in police and hospital emergencies. These restrictions have especially affected vulnerable groups. NGOs highlighted the situation of Russian-speaking persons in Latvian prisons, who have limited access to legal counsel and formal communication with wardens and the judicial system. Concerns have been expressed that the existing regulations are sometimes used to restrict usage of Russian even in private affairs, by claims of a "legitimate public interest". The Russian-speaking communities highlighted the importance of establishing clear limits to the regulations prohibiting use of non-official languages in order to guarantee that private affairs, including business, is not affected. Moreover, the Special Rapporteur's interlocutors called for authorization of the use of Russian in local affairs in areas densely populated by Russian-speaking citizens.

⁶ CERD/C/63/CO/7, paras. 12 and 13.

60. Another area of concern in terms of language policy regards the educational reforms introduced in 2004, which introduced bilingual education in minority schools by establishing a minimum share of 60 per cent of courses that need to be taught in Latvian, or bilingually, in public secondary schools. In its concluding observations on Latvia, CERD called for closer dialogue between the Government, schools, parents and pupils in order to ensure that a high quality of education is maintained and that the educational needs of minorities are met.⁷

C. Views of the Roma community

61. Representatives of the Roma community expressed their concern regarding widespread discrimination faced in various fields of social life, including the constant threat of physical violence by extremist groups. This discrimination was reportedly not manifested in regard to citizenship status, as some 92 per cent of Roma are citizens. Rather, Roma representatives, as well as human rights NGOs, argue that discrimination against Roma has two major expressions: (a) structural discrimination, manifested in the field of economic, social and cultural rights (particularly employment and education), in the judiciary and law enforcement agencies, as well as in the negative stereotypes of the Roma that are still pervasive in Latvian society; (b) racist violence by extremist groups, which has been on the rise in the past few years and has not been met with a firm reaction by State officials, particularly those in law enforcement.

62. Concerning structural discrimination, Roma representatives brought a number of instances and concrete examples to the Special Rapporteur's attention. An issue of particular concern is education. According to statistics collected by local NGOs, Roma students have drastically lower educational enrolment and achievement rates than the rest of the population, as well as a higher dropout rate. For example, while 46.4 per cent of ethnic Latvians and 46.5 per cent of ethnic Russians have completed secondary education, this rate is only 7.9 per cent for Roma. Although the Ministry of Education has prioritized Roma education, the Roma community emphasized the difficult material conditions faced by children in attending and performing well in schools, as well as the negative stereotypes they face from both instructors and peers. The poor educational performance of Roma children is seen as the most important challenge for their access to the labour market and subsequent integration into Latvian society. The impact of discrimination and poor education on unemployment among Roma citizens is striking: only 5 per cent of Roma citizens are believed to be employed in long-term jobs.⁸

63. Other areas of preoccupation highlighted by the Roma community and human rights NGOs were the judiciary and law enforcement agencies. Roma representatives expressed their perception that proceedings are not always equitable and fair, claiming that there is a tendency for members of the Roma community, when convicted, to be given the maximum sentence. Roma citizens, particularly women, are over-represented in prisons, which has also contributed to further stereotyping and, in particular, informal profiling of Roma by law enforcement officials. Violence perpetrated by the police was also a matter of the utmost concern, in particular the issue of impunity for police officers who commit crimes against Roma persons.

64. Apart from structural discrimination, the central issue of concern expressed by Roma representatives concerned cases of racist violence and incitement to racial hatred against Roma by members of extremist groups, including neo-Nazi sympathizers. Widespread insecurity and fear of attacks among the Roma were reported. In particular, a case was brought to the Special Rapporteur's attention concerning a member of a neo-Nazi group who called in public for the "extermination of Jews and

⁷ Ibid., para. 15.

⁸ Latvian Center for Human Rights and Ethnic Studies, *The Situation of Roma* (Riga, 2003), p. 40.

gypsies as non-humans". Even though this appalling statement was videotaped and in spite of criminal provisions concerning incitement to racial, ethnic and religious hatred and violence, the case was initially dismissed by a public prosecutor on the grounds of freedom of expression and further rejected by a high court. The Special Rapporteur received the information that on 12 November 2007 the Office of the Prosecutor General revoked the decision to terminate proceedings in this case. In December 2007, the final bill on indictment was prepared and the criminal case was transferred to the court for adjudication.

65. Some concrete demands were made by the Roma community, including the establishment of Roma cultural centres, which do not exist presently in Latvia; the adoption of all international, in particular EU, directives against racism and discrimination; the strengthening of the Office of the Ombudsman and the character of its recommendations; and more inclusive and frequent consultations between the Government and community representatives.

D. Views of non-European communities

66. The Special Rapporteur held meetings with several representatives of the African and Arab communities in Latvia. These communities are small in size and many of their members have lived in the country for many years, acquiring Latvian citizenship. However, they expressed concerns regarding mounting racism and discrimination, giving examples of the particular expressions of these phenomena.

67. The two main concerns expressed by residents of non-European origin in Latvia are racially motivated crimes, particularly by members of extremist organizations, including neo-Nazi groups, and relations with law enforcement officials, especially the police and border guards. According to minority representatives, these two trends will pose a grave threat to residents of non-European origin in the future, particularly with the new waves of migration that are likely to follow Latvia's accession to the EU.

68. Insofar as racially motivated crimes are concerned, non-European communities emphasized the lack of adequate mechanisms to redress violations and, in particular, punish perpetrators. The problem of an overly high burden of proof was mentioned, which makes it virtually impossible to accurately prosecute racist crimes as such. Furthermore, members of these communities expressed serious concern regarding the tendency to qualify racist violence as acts of hooliganism, often leading only to suspended sentences and a formal apology.

69. Relations with law enforcement officials were also emphasized as an important form of discrimination against persons of non-European origins. Numerous cases of harassment by police officers were reported, and many interlocutors mentioned that informal racial profiling is widespread. This has been a particularly sensitive problem for the Arab community, affected with negative stereotypes as terrorists, which has increased harassment by the police in general as well as border guards.

70. Non-European communities emphasized the importance of multicultural training programmes for law enforcement officials, focusing on respect for diversity and promotion of tolerance. On the legal level, more comprehensive legislation was called for, especially in the realm of racially motivated crimes, as well as clear guidelines for the prosecution of cases of incitement to racial and religious hatred.

IV. ANALYSIS AND ASSESSMENT OF THE SPECIAL RAPPORTEUR

71. After closely analysing the statements of Government officials and those of civil society organizations, representatives of minorities and victims of racism and discrimination, the Special Rapporteur reached the following conclusions.

72. The Special Rapporteur has noted that Latvian society has a history of tolerance, multiculturalism 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.

73. The Special Rapporteur considers that Latvia has managed to put in place some institutions and legislation that address racism and discrimination and attempt to provide effective remedies to these problems. In this regard, he was positively impressed by the work developed by the Office of the Ombudsman and the Constitutional Court. He was also particularly impressed by the progressiveness and proactive stance of the Minister of Foreign Affairs, who has managed to become the Government's leading voice on racism and discrimination and has gained the utmost respect of his civil society interlocutors. Furthermore, the Special Rapporteur is grateful to have been able to meet with the Prime Minister, which he takes as a sign of the Government's strong commitment at its highest level to fight racism and discrimination.

74. Apart from the institutions that operate on the legal level, the Special Rapporteur strongly supports the work of the Secretariat of the Special Assignment Minister for Social Integration, which performs a central role within the Government to promote the integration of all minorities. Notwithstanding the lack of financial resources and at times political support, the Secretariat has managed to develop innovative programmes and set up a framework for close consultations between the Government, the communities concerned and civil society on issues relating to minority rights and integration.

75. Despite the existence of provisions that establish the principles of equality and non-discrimination throughout the Latvian legal framework, including in the Labour Code, the Special Rapporteur has noted the existence of protection gaps that need to be corrected. This applies in particular to the problems faced in prosecuting racially motivated crimes due to the lack of specific legal provisions in this regard. This has led to a tendency for law enforcement agencies to prosecute racist aggression as acts of hooliganism or vandalism, disregarding the racial connotations of the crime. Although State authorities have pointed to a new amendment of the Criminal Code, approved by the *Saeima*, which considers racism as one of the aggravating factors for crimes, the Special Rapporteur considers that the existing legal framework contains protection gaps for the prosecution of hate crimes, which undermines an important deterrent against the future increase of this type of crime.

76. Apart from the issue of the legal and institutional framework to fight racism and discrimination, the Special Rapporteur has noted a strong dissonance between the opinion expressed by most State institutions, who view racism and discrimination as rare and isolated cases, and the views of civil society, who expressed serious concern regarding the structural nature of these problems. Civil society interlocutors expressed in strong terms their perception of serious and widespread discrimination that, albeit in different ways, targets particular groups: the Russian-speaking communities, Roma and persons of non-European origin.

77. The issues of citizenship and naturalization regulations are seen by the Russian community as discriminatory practices that directly restrict the full enjoyment of their human rights, particularly political rights. The large number of non-citizens persons living in Latvia - many of whom were born in the country - is evidence that a problem exists and that broader efforts need to be undertaken to overcome it. Although citizenship regulations are not formally discriminatory in the sense of treating distinct ethnic groups differently, historical circumstances mean that these regulations mostly affect Russian-speaking minorities, particularly ethnic Russians. The Special Rapporteur is aware that the problem of citizenship in Latvia involves sensitive issues related to the recent historical experience of the country, in particular

the need to reaffirm the principle of the legal continuity of the Latvian State and the reinforcing of Latvia's national identity. However, he highlights the need to revisit this policy as a means to overcome this divisive issue between the Latvian and Russian-speaking communities. In particular, he noted the existence of two especially vulnerable groups of non-citizens - children of non-citizens who were born in Latvia and elderly persons - who could enjoy easier access to citizenship.

78. The Roma community in Latvia, as in most European countries, lives in particularly vulnerable conditions and suffers from structural discrimination that manifests itself specifically in the realms of education, employment and cultural stereotypes. Furthermore, Roma citizens have been exposed to mounting racist violence that has already claimed lives and that has left the Roma community under constant fear of attacks. The Special Rapporteur recognizes that some efforts have been made to address these problems, particularly with the implementation of the National Action Plan "Roma in Latvia 2007-2009". However, apart from the provision of basic economic, social and cultural rights, authorities should focus on projects that target not only the community itself, but society as a whole. One of the main reasons for the marginalization of Roma citizens is intolerance and lack of acceptance by society at large, which can only be redressed through a national strategy that promotes cultural diversity and acceptance of multiculturalism. Such a strategy would also include activities that promote Roma culture as an enriching and unique component of Latvian national culture, thus deepening social and economic interactions between the Roma community and the rest of society.

79. The Special Rapporteur notes that racism and discrimination are phenomena under constant evolution, changing forms, expressions and typical targets. The gradual arrival in Latvia of new waves of migration, bringing for the first time non-European migrants to the country, is posing new challenges for the country in the integration of racially, ethnically and religiously different minorities. These challenges have already become present threats as non-Europeans have suffered from physical attacks and verbal threats, mainly by extremist groups. Although these crimes need to be met with a strong response by State institutions in the first instance, broader efforts need to be made to prepare Latvian society for the arrival and integration of persons with different traditions, ensuring respect for their culture, religion and customs.

80. The Special Rapporteur has noted that Latvia, like the other Baltic countries, is currently at a turning point in history. Its society is profoundly marked by the legacy of the Soviet domination and occupation, which has left scars that have yet to be healed, as the Special Rapporteur noted in his visit to the Occupation Museum. The central challenge it thus faces is to build a democratic, egalitarian and interactive multicultural society by taking into account both the need to reassert the continuity of its national identity - shaken and eroded by occupation but deeply rooted in a long memory - and the recognition and respect of the rights of minorities that arrived during the occupation. This new identity tension, with its political and cultural expressions, requires political vision, legal vigilance and cultural creativity to foster among communities a long-lasting sense of belonging and living together. Two principles should guide this process: respect for the historical truth and non-discrimination against minorities. To fully implement this strategy, national and regional factors will be of key relevance as far as the Russian communities are concerned. The full respect of their rights - in terms of citizenship, language, culture and the eradication of any form of discrimination - is closely linked to their involvement and participation in the process of a new multicultural nation that is fully respected by all countries in the region.

V. RECOMMENDATIONS OF THE SPECIAL RAPPORTEUR

81. State authorities in the executive, legislative and judiciary branches should highlight their strong political will and commitment to fighting all forms of racism and discrimination in Latvian society and their vigilance as to the new challenges that arise from growing migration, multiculturalism and identity changes. It is especially important to firmly condemn any racist or xenophobic action or discourse, including by political parties and the media.

82. Latvia has a strong heritage of tolerance and multiculturalism that originated in its strategic position of the trade route in the Middle Ages, bringing many different ethnic groups together. State authorities and civil society should build on these pluralistic traditions to strengthen all actions against racism and discrimination and to promote a democratic multiculturalism that will be central to including new minorities in Latvian society.

83. Insofar as Latvia's legal framework is concerned, to fight racism and discrimination, despite the existence of separate provisions in various different laws, the Special Rapporteur recommends that the Government adopt comprehensive national legislation dealing with all forms of discrimination in a readily identifiable legal act. This would complement the relevant legislative basis that already exists in Latvia and, most importantly, ensure that no protection gaps remain.

84. In order to deter and punish hate crimes, particularly racially, ethnically and religiously motivated crimes, the Government should also adopt complementary legislation that unambiguously specifies criminal liability for all types of hate crimes, building on the recent amendment to the Criminal Code that considers racism an aggravating circumstance. However, apart from legislative changes, training programmes for law enforcement agencies and prosecutors to improve the implementation of this legislation are required, including the drafting of clear guidelines for the investigation and prosecution of hate crimes. Additionally, the Government should systematically collect data on hate crimes and make them publicly available, allowing for monitoring by civil society and international instruments.

85. The Government should develop best practices and general guidelines for the prosecution of cases of incitement to racial hatred, developing clear criteria for the threshold of evidence that is required to be presented and for the investigative conduct of law enforcement bodies. Whilst developing these guidelines, the Government should bear in mind the need for the prohibition of incitement to racial, religious or ethnic hatred established by section 78 of the Criminal Code, article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Discrimination.

86. The Government should also strengthen the capacity of the Office of the Ombudsman to thoroughly investigate and act on allegations of racist crimes and incitement to racial, ethnic or religious hatred. In particular, the anti-discrimination unit of the Office, which currently employs four officials, should be significantly strengthened and enlarged.

87. To complement the role of the Ombudsman and to ensure that no protection gaps remain, the Special Rapporteur recommends that the Government put in place an independent institution that will link the fight against all forms of discrimination to the active promotion of multiculturalism as the long-term solution to this problem.

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.

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 "Persons belonging to national ... minorities have the right to ... use their own language, in private and in public, freely and without interference or any form of discrimination"; article 4.2 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.

90. The role of the Special Assignment Minister for Social Integration and his Secretariat should be strengthened, both in terms of mandate and resources. Transforming the Secretariat into a fully-fledged Ministry would not only enhance its effectiveness and voice, but symbolically reflect the will of the Government to tackle the issues of racism and discrimination and promote integration. The Secretariat should expand its activities to promote the cultural expressions of minority communities based on its distinctive vision of multicultural integration. Besides working with traditional minorities, the Secretariat should be given the capacity to focus also on the integration of new religious and ethnic communities.

91. Particular attention should be granted to the vulnerable situation of the Roma community. The Government should reinforce its National Action Plan "Roma in Latvia 2007-2009", aiming at both promoting and respecting their cultural identity and living cultural expressions and at eradicating the deep cultural stigma affecting the community, their social and economic marginalization, particularly the poor educational attainment of Roma children and the drastically high unemployment rates among Roma citizens. The programme should also have a strong component that focuses on sensitizing society at large to Roma history and traditions, including their fate during the Holocaust, in order to eliminate the negative stigma and stereotypes constantly associated with the Roma.

92. The Government should develop mandatory training schemes for all law enforcement officials, including border guards, focusing on human rights education in general and racism and discrimination in particular. Achieving a multicultural composition and training of these officials will in the medium-term improve their relations with, and increase respect for, minority communities. Additionally, adequate mechanisms should be put in place to identify and punish unprofessional behaviour of law enforcement officials when dealing with minorities, in particular in cases of harassment and racial, ethnic or religious profiling.

93. **The Government should promote a profound process of multiculturalism in Latvian society, based both on the recognition and the respect of the cultural and religious diversity of its different communities, old and recent, and the strengthening of the unity of the nation. Education, in particular the writing and teaching of history, based on this dialectical approach should play a key role in this long-term process.**

94. **The Government should strengthen its cooperation with civil society, which has been playing an important monitoring role for human rights violations and legislative developments in the realm of racism and discrimination. Civil society should be encouraged to further its work in providing legal counsel to victims, as well as access to international instruments, both at the international and regional levels.**

95. **In parallel with a political and legal strategy, the Government, in cooperation with civil society, should adopt an ethical and cultural strategy that addresses the deepest roots of racism, xenophobia and intolerance and is built around the promotion of reciprocal knowledge of cultures and values, interaction among the different communities and the link between the fight against racism, xenophobia and discrimination and the long-term construction of a democratic, egalitarian and interactive multicultural society.**

- - - - -