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Rights of national minorities in Latvia

Reply to Recommendation: Recommendation 1772 (2006)
Committee of Ministers

1. The Committee of Ministers informs the Parliamentary Assembly that the following reply was adopted by a majority as provided by Article 20 (d) of the Statute.

2. The Committee of Ministers has carefully examined both Resolution 1527 (2006) and Recommendation 1772 (2006) concerning the rights of national minorities in Latvia. It notes that the matters raised in these texts are of the utmost importance both for the populations concerned and in the interest of the respect of the Council of Europe's standards.

3. The Committee endorses the Assembly's assertion, in paragraph 7 of Resolution 1527 (2006) that "The issue of national minorities' rights must be broached in its political, social and historical context, and it is necessary to consider how the principles, values and standards upheld by the Council of Europe, which are designed as a universal model, should apply in order to achieve the objective of encouraging balanced inter-ethnic coexistence, the integration of the various communities in society and, over and above that, the development of a country united by a common vision of the future. The Assembly considers that the ultimate objective of policy towards minorities is the cohesion of society and inter-ethnic coexistence based on respect for diversity and a system of rights, obligations and responsibilities negotiated in a rational and constructive spirit by those directly concerned."

4. In quoting this paragraph, the Committee underlines the need for a forward-looking and constructive approach in adopting measures to achieve the identified aim.

5. In this respect, the Committee takes note of statistics provided by the Latvian authorities concerning the implementation of the integration policy pursued in Latvia, summarised in the table below:

Since the passage of the Latvian Law on Citizenship in 1995, nearly 130 000 people have been granted Latvian citizenship, reducing the proportion of "non-citizens" in the population from 29% in 1995 to 16% in May 2008.

Annual rates of naturalisation from 2002 onwards were as follows:

2002	**9 844**
2003	**10 049**
2004	**16 064**
2005	**19 169**
2006	**16 439**
2007*	**6 826**

* Note: in view of the decline in registrations in 2007, the Naturalisation Board ordered an investigation into the reasons and took remedial action.

It takes note in particular of the provision of state-funded education in Latvia in eight minority languages: Russian, Ukrainian, Belarusian, Lithuanian, Estonian, Polish, Hebrew/Yiddish and Rom. It recalls, in this context, its position expressed in its reply to Parliamentary Assembly Recommendation 1740 (2006) on "The place of mother tongue in school education" that the principle that every young European has the duty to learn an official language of the country of which he or she is a resident citizen, is an important factor of social cohesion and integration. The educational provision outlined above appears to conform to the principle expressed in Recommendation 1740 (2006) that the aim should be to promote real bilingual proficiency, not a process leading to assimilation of the majority language.

1. The Committee recalls that in its reply to Recommendation 1740 (2006) it also:

i. underlined the status of the European Charter for Regional and Minority Languages and the accompanying monitoring mechanism as "a key instrument for promoting the place of the mother tongue in school education. Assessment of the Charter's implementation by the States Parties regularly gives rise to recommendations by the Committee of Ministers.

In this connection, the Committee calls on all member states, which have not yet ratified the European Charter for Regional and Minority Languages, to consider again doing so.

ii. recalled the relevance of the Framework Convention for the Protection of National Minorities which commits States Parties to promoting the conditions necessary for persons belonging to national minorities to maintain and develop their culture and to preserve the essential elements of their identity, namely their religion, language, traditions and historical heritage.

In this connection, the Committee recalls that the Advisory Committee of the Framework Convention recently made a country visit to Latvia and that its opinion will be adopted in the autumn of 2008.

iii. summarised relevant technical work carried out in the intergovernmental sector of the Council of Europe. For details see reply to Recommendation 1740 (2006) (CM/AS(2008)Rec1740 final of 18 January 2008).

2. The Committee recalls that the Council of Europe Commissioner for Human Rights had drawn attention to the situation of persons belonging to national minorities in Latvia in the report of his visit to that country (document CommDH(2004)3 of 12 February 2004), particularly with regard to citizenship, language issues and education. In a memorandum to the Latvian Government dated 16 May 2007 (CommDH(2007)9), after a follow-up visit by the Commissioner's Office, these matters were brought up again, noting that some progress had indeed been made on naturalisation, but efforts in this field are to be continued, as the problem is not yet solved. Furthermore, in the Commissioner's Viewpoint of 9 June 2008 he recalls that he has recommended, *inter alia*, to the Government of Latvia "that steps be taken to grant citizenship automatically to children and to relieve older people from the requirement to go through the tests for naturalisation".

3. The Committee of Ministers welcomes the fact that, following that memorandum, in respect of which the Latvian Government had expressed certain reservations, appended to the document, the Commissioner made a contact visit to Latvia on 1 October 2007, and during this visit a basis for a dialogue between the authorities and the Commissioner was established on these different questions, including the prevention of new cases of non-citizen status. This approach is in line with the Ministers' Deputies' decision, adopted at their 873rd meeting (17-18 February 2004), which the Committee of Ministers again reconfirms, encouraging all member states to pursue constructive dialogue with the Commissioner concerning recommendations formulated in his reports.

4. The Committee further recalls that a number of the issues raised in the resolution and recommendation relate to the implementation of the Framework Convention for the Protection of National Minorities. The Committee notes that Latvia has made the following declaration in its instrument of ratification of this Convention:

> *"Persons who are not citizens of Latvia or another state but who permanently and legally reside in the Republic of Latvia, who do not belong to a national minority within the meaning of the Framework Convention for the Protection of National Minorities as defined in this declaration, but who identify themselves with a national minority that meets the definition contained in this declaration, shall enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law."*

5. The Committee welcomes this approach but it also calls on Latvia to ensure that such exceptions are limited to those which are strictly necessary in a democratic society. The Convention entered into force in respect of Latvia on 1 October 2005. In October 2006, the Latvian authorities transmitted, in accordance with Article 25 of the Convention, their first state report on implementation of the Framework Convention. The next step in the monitoring procedure is the adoption of the first opinion by the Advisory Committee after its

country-visit to Latvia. This will provide a framework in which the Committee of Ministers will adopt conclusions concerning the implementation of the Framework Convention by Latvia. It will also form part of the ongoing constructive dialogue with the Advisory Committee which forms the basis for monitoring of the implementation of states' obligations under the Framework Convention.

6. Turning to the specific requests formulated by the Assembly in Recommendation 1772 (2006), the Committee of Ministers wishes to indicate that it supports the process of integration of national minorities in Latvia leading to the steady reduction as soon as possible of the number of non-citizens and encourages the implementation in Latvia of recommendations made by the Assembly, the Council of Europe Commissioner for Human Rights and by other relevant bodies both of the Council of Europe and of other international organisations to the extent that these are relevant and in compliance with the standards of the Council of Europe (items 1.1 and 1.2).

7. In relation to the encouragement of the Latvian authorities to take into account, in the preparation of future elections, the conclusions of the OSCE Election Observation Mission with regard to the elections held on 7 October 2006 (item 1.3), the Committee, while noting that these matters do not lie within its field of direct competence, is confident that Latvia, as a member state of that organisation, is giving due consideration to those conclusions. The Committee is also confident that Latvia will give due consideration to the pertinent recommendations of the Assembly, the Council of Europe Commissioner for Human Rights, the European Commission against Racism and Intolerance and relevant international bodies, regarding the granting of the right to vote in local elections to residents with the status of "non-citizens".

8. In this context, the Committee notes that in its third country-by-country report on Latvia adopted in June 2007 (document CM(2008)9 add), in paragraph 132, ECRI, "noting that most non-citizens have resided in the country for most or all their lives, […] urges the Latvian authorities to confer eligibility and voting rights to resident non-citizens in local elections".

9. But the Committee of Ministers also takes fully into account the position of Latvia, which is to further encourage naturalisation, as Latvia aims at having citizens with full rights. By giving non-citizens voting rights, Latvia considers that the boundary between citizens and non-citizens becomes blurred and citizenship is devalued because it is no longer tied to any substantial additional rights beyond those already granted to non-citizens. Latvia believes that granting voting rights to non-citizens in local elections in Latvia would reduce the incentive to naturalise. Furthermore, this would require a change of the Constitution of Latvia which could become a major legal and political problem.

10. Finally, concerning the Parliamentary Assembly's call in item 1.8 to ensure "the same political approach, the same level of protection of minorities and the same level of inter-ethnic integration in all Council of Europe member states", the Committee of Ministers stresses that, while "double standards" are to be rejected and human rights are to be guaranteed in a uniform manner throughout the continent, there is no rigid "one-size-fits-all model" for the protection of national minorities. This is also reflected in the formulation of the legal standards of the Framework Convention for the Protection of National Minorities.