Parliamentary Assembly
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COUNCIL OF EUROPE
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Resolution 1527 (2006)[1]

Rights of national minorities in Latvia

Parliamentary Assembly

1. Latvia has specific demographic features relating to the ethnic make-up of its population, as well as a specific policy towards national minorities and inter-ethnic relations, and has, for these reasons, been a centre of attention both at the Council of Europe since it joined in 1995 and in other international organisations. Of the 2.3 million inhabitants, 59% are Latvians and 41% are from different ethnic minorities, Russians making up 28.5% of the whole population. Given the multi-ethnic and multicultural character of Latvian society, the establishment of a cohesive society and a reliable civic nation raises enormous challenges.

2. This demographic situation is compounded by a legal peculiarity: about one-fifth of the resident population, or 418 440 people according to the figures as at 1 February 2006, have no nationality whatsoever, whether Latvian or other, even though they were Latvian residents and Soviet nationals when the country became independent. These non-citizens feel discriminated against, relegated to the fringes of society and humiliated, sometimes for reasons connected with the realities of their existence (not least the differences between their rights and the rights of Latvian citizens) or for psychological reasons (understandably characteristic of former majority populations that have become minorities).

3. This particular legal situation stems from the manner in which the country regained its independence in 1991 in the context of the dissolution of the Soviet Union. Technically, independence was the result of a referendum and parliamentary elections – held within the framework of the modernised Soviet legislation – during which a vast number of the people belonging to different minorities voted for independence and supported the opposition People's Front party. However, in substance, Latvia's return to independence was based on the principle of continuity between the old Latvian state that had existed before it became part of the Soviet Union and the current post-Soviet Latvian state, and not on the principle of the present Latvian state being one of the direct successors to the former Soviet Union.

4. In these circumstances, what remains to be done is to establish a modern Latvian nation that is both civic and multicultural. The specific nature of this task inevitably affects the equally specific way in which inter-ethnic relations, the status of minorities and intercultural integration are developing and perceived in Latvia. The Parliamentary Assembly considers that it should establish its requirements in respect of Latvia in the light of this specific situation, balancing full respect for common European standards with the need for achieving a coherent and cohesive society and Latvian state.

5. In matters of state succession, citizenship is one of the sensitive questions which underlie all problems related to the status of minorities. According to the Council of Europe's legal instruments, statelessness should be avoided and anyone who, at the time of state succession, had the nationality of the predecessor state, has the right to nationality. The Assembly is of the opinion that, regardless of the reasons for which one state was succeeded by another, the principle to be respected is that of free choice in respect of their new citizenship for the nationals of the predecessor state. Reasonable doubts as to the loyalty of some citizens of the predecessor state towards the successor state cannot be grounds for denying their right to free choice of citizenship (nationality), but can only be an argument for applying "lustration" procedures, albeit always in compliance with the human rights of those concerned, as stated in Resolution 1096 (1996) of the Parliamentary Assembly on measures to dismantle the heritage of former communist totalitarian systems. Furthermore, when state succession takes place in the context of a liberation process, only those who, as

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 17 November 2006 (see Doc. 11094, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Severin).

representatives of the predecessor state, violated the human rights of those who supported the self-determination process which led to the formation of the successor state, may be exempted from the free choice of citizenship (nationality).

6. The existence and coexistence of various ethnic, cultural and linguistic communities in a society in search of criteria for national cohesion, and the weight of the contemporary historical context, which dominates to a great extent the collective consciousness and public opinion, often transform inter-ethnic relations and the status of minorities, despite efforts to foster inter-ethnic integration, into a source of mutual incomprehension and distrust among ethnic groups, to which all sides contribute. These factors have also fuelled domestic and international policy debate over the situation of minorities in Latvia and in the neighbouring Russian Federation for over a decade. The Assembly itself has addressed the issue on numerous occasions (for example, in its Resolution 1236 (2001) on honouring of obligations and commitments by Latvia).

7. 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.

8. The Assembly notes that Latvia has undertaken to comply with the Organisation's existing standards, principles and requirements as laid down, in particular, in the European Convention on Human Rights (ETS No. 5) and the European Court of Human Right's case law, as well as the Framework Convention for the Protection of National Minorities (ETS No. 157). The ratification by Latvia of the Framework Convention in 2005 was a welcome development. The supervision systems of these conventions and the European Court of Human Rights, whenever appropriate, should monitor their implementation and assess their application in Latvia, thus providing the only legitimate international guarantee for the protection of minorities, free of any partisan interest or biased political motivation.

9. The Council of Europe, along with other international organisations, has drawn up a set of general guidelines providing a framework for the rights of national minorities. The Assembly considers that member states' policies in this field should be in keeping with this overall framework. Compliance with the Council of Europe's general recommendations should therefore be assessed and achieved in the specific context of each state. It is therefore important that these recommendations should be translated into legal provisions by means of a constructive domestic policy and dialogue involving the various parties directly concerned. As long as the political will to comply with these recommendations exists, the Council of Europe's role must be to encourage the successful completion of this process and offer its expertise. In the case of Latvia, despite the delays and hesitations observed, it cannot be denied that the political will is progressing. The Assembly hopes that those delays and hesitations will not hinder the expected further progress of that political will or slow it down.

10. The Assembly believes that genuine and constructive efforts must continue to be made by all sides to resolve the statelessness issue as effectively as possible, by means of both a naturalisation policy and measures to back up this process, such as information and awareness campaigns. The Assembly welcomes the fact that the approach applied so far has reduced the percentage of non-citizens from 29% to 18% in the space of ten years. In the present circumstances, the naturalisation of individuals appears to be a lasting solution to the problem of statelessness. However, the Assembly notes that the percentage of non-citizens in the population is still rather high and it is concerned by the fact that the rate of naturalisation has recently fallen.

11. The Assembly considers that the naturalisation regulations adopted in Latvia do not raise insuperable obstacles to the acquisition of Latvian nationality and that the applicable procedure does not entail any requirements that are excessive or contrary to existing European standards. However, when it comes to the very specific situation of non-citizens, which is unprecedented and therefore lacks a reference framework of European norms or practices, the Assembly considers that further improvements are possible to avoid unnecessary requirements for the acquisition of Latvian nationality. At the same time, the Assembly encourages people residing in Latvia who do not yet have Latvian citizenship, especially those who have been reluctant to apply for naturalisation, to do so as soon as possible.

12. In this context, the Assembly notes the concerns expressed by the Organization for Security and Co-operation in Europe's (OSCE) international observers with regard to the parliamentary elections of 7 October 2006, namely that "the fact that a significant percentage of the adult population does not enjoy voting rights represents a continuing democratic deficit". Thus, an important step towards greater inclusion of minorities would be granting non-citizens the right to vote at least in local elections, as advocated by the Assembly.

13. In order to encourage national cohesion and foster stability of the state, the Assembly considers, in the light of existing standards, that the Latvian Government authorities, the country's political leadership and Latvian civil society should devise means of integrating the members of the ethnic minority communities. This includes ensuring their participation in central and local policy making.

14. In this context, the Assembly believes that an official road map formulated by the Latvian Government and agreed with the representatives of the minorities, fixing steps towards the full implementation of the best European practices in the field of minorities' rights and inter-ethnic integration, should be adopted. The speed of implementation of the measures included in such a road map should be accelerated following progress in the consolidation of the Latvian state and civic nation.

15. Issues of education and language are among the most delicate in the context of national minorities. Each country should devise an education policy that is receptive to the integration of the various communities and the promotion of linguistic diversity. That is the declared goal of the education reform currently under way in Latvia and the Assembly welcomes all progress made in that direction. However, the concern of the minority communities which allege that the new policy has resulted in a deterioration of the quality of education, should be properly addressed by means of intensive and structured dialogue between the authorities and the minorities' representatives. In order to ensure a high quality of teaching and thus guarantee the competitiveness of young people belonging to minorities in today's globalised world, targeted measures should be taken to reconcile the objective need and the constitutional obligation of mastering the official language as an element of cohesion of the civic state with bilingualism and flexibility in terms of choice and percentage of subjects taught in the mother tongue.

16. The possibility for minorities to communicate with the authorities in their native language in places where they live in substantial numbers would, as best practice in Europe bears witness, give an immense boost to the integration of minorities and to the creation of a climate of dialogue and mutual understanding. The Latvian authorities might consider making appropriate amendments to existing legislation in this respect. Such amendments should be carried out to promote confidence between minorities and the majority, in such a way as not to threaten the status of the Latvian language which is already well established in Latvia as an element of identity and as a general means of communication of the civic and not of an ethnic state.

17. The Parliamentary Assembly therefore invites the Latvian authorities to:

17.1. ratify, as soon as possible, Protocol No. 12 to the European Convention on Human Rights, which lays down a general prohibition on discrimination (ETS No. 177);

17.2. sign and ratify the European Charter for Regional or Minority Languages (ETS No. 148);

17.3. implement the Framework Convention for the Protection of National Minorities in good faith and to consider withdrawing the two declarations recorded in the instrument of ratification, concerning Articles 10.2 and 11 of the framework convention, in line with Assembly Recommendation 1766 (2006) on the ratification of the Framework Convention for the Protection of National Minorities by the member states of the Council of Europe;

17.4. elaborate and adopt, with the co-operation of the European Commission for Democracy through Law (Venice Commission), legislation which will guarantee the prohibition of any discrimination on ethnic grounds and lead to real equality between all ethno-cultural communities living in Latvia, be they from the majority or from minorities, while eliminating the possibility of any one community equating itself with the state to the detriment of the others;

17.5. consider all possibilities and explore all appropriate ways leading to the implementation of the pertinent recommendations made by the Assembly, the Council of Europe Commissioner for Human Rights, and by relevant OSCE and United Nations bodies, in order to grant voting rights at local elections to all permanent residents;

17.6. consolidate relations among ethnic communities and intercultural dialogue on the basis of the principle of effective participation as enshrined in Article 15 of the framework convention and, towards this end, reconstitute the Minority Consultative Council attached to the President of Latvia in order to carry out constructive co-operation with non-governmental organisations and representative associations;

17.7. continue their awareness-raising campaign in order to further the policy for the acquisition of Latvian nationality by naturalisation, particularly among the workforce and young people;

17.8. consider automatically naturalising people who are elderly, as well as those born in Latvia or having made a worthwhile contribution to the establishment of the newly independent Latvian state;

17.9. avoid requirements that can undermine the ethnic and cultural dignity of those applying for naturalisation, by asking them to express convictions that are contrary to their reading of the history of their cultural community or nation;

17.10. consider making the conditions attached to the existing naturalisation procedures more flexible in order to increase the rate of naturalisation and to speed up the process;

17.11. devise and introduce means of encouraging and guaranteeing the civic integration of ethnic communities, including their integration in the political process and the public service, and, *inter alia*:

17.11.1. to amend legislation so as to make it possible to use the minority language in relations between national minorities and the administrative authorities in areas where they live in substantial numbers;

17.11.2. to review the existing differences in rights between citizens and non-citizens with a view to abolishing those that are not justified or strictly necessary, at least by providing non-citizens with the same rights as are enjoyed by nationals of other European Union member states within the Latvian territory;

17.12. continue their efforts to implement their policy as regards education, the fostering of respect for diversity and the promotion of linguistic diversity, in a spirit of openness; to implement education legislation and consider amending it, whenever necessary, in accordance with the provisions and spirit of the Framework Convention for the Protection of National Minorities and with due regard for relevant Council of Europe recommendations, in particular to ensure adequate training for teachers able to teach subjects in minority languages.

18. The Assembly also asks the various Latvian political players to refrain from making speeches based on intolerance, racism or hatred and from exploiting inter-community tensions for purely political purposes. It recalls Resolution 1495 (2006) on combating the resurgence of Nazi ideology and Resolution 1481 (2006) on the need for international condemnation of crimes of totalitarian communist regimes and hopes that the Latvian authorities will continue to adopt a strict stance with regard to attempts to justify crimes committed in Latvia by Nazi troops and the totalitarian communist regime.

19. The Assembly calls upon the European Union to ensure that the status of the minorities and the progress of inter-ethnic integration are ensured at the highest level in all its member states. One concrete step in this direction would be to grant non-citizens residing in Latvia the same rights as are enjoyed by European Union citizens across the Union.

20. Lastly, the Assembly, in the light of the history of Russo-Latvian relations and the importance for Latvia, at present and in the future, of a nearby market and culture as important as those of the Russian Federation, in respect of which the Russian minority can serve as a bridge, considers that progress towards social reconciliation and inter-ethnic integration in Latvia could be greatly facilitated by relaunching bilateral political dialogue between Latvia and the Russian Federation. The Assembly proposes that high-level contacts be established between the Latvian and Russian Governments, as part of a neighbourly relations policy, which has yet to be established in the region.