

## A world map with a black dot indicating the study area in the North Atlantic Ocean, east of North America.

Riga, August 1998

## INTRODUCTION

The commemoration of the 50th Anniversary of the Universal Declaration of Human Rights is an important occasion to evaluate the human rights situation in Latvia. Even though the protection of human rights in Latvia was stalled for decades under the Soviet regime, whose consequences for the development of Latvian society are still felt, Latvia has continuously kept refining the mechanisms of human rights protection.

Latvia restored its independence in 21 August, 1991, after fifty years of Soviet occupation. The reestablishment of independence allowed Latvia to ensure the protection of human rights domestically, as well as to become actively involved in the activities of international organisations in the sphere of human rights. The development of international relations after the end of the Cold War promoted the strengthening of democracy around the world. This progress has been reflected in the Latvian national legislation adopted after 1990.

The purpose of this national report is to present a general overview of the issue of human rights in Latvia with a particular focus on the process of social integration. Human rights and the integration of Latvian society are issues which are closely interrelated but at the same time deserve separate analysis.

The present national report offers an overview of the development of human rights protection in Latvia and the international and national framework for the protection of these fundamental rights. The report also outlines the main goals of the Government in the sphere of human rights. The central part of the report consists of an analysis of the national survey "On the Way to a Civil Society" carried out by the Latvian Government in co-operation with research institutions and international bodies, and which was intended to provide specific information for the elaboration of a broader integration program. In this context the report also describes future perspectives and possibilities for development in the field of social integration.

### **In the context of this report:**

- **citizenship** - the legal bond between a person and a State; not indicating ethnic origin
- **ethnicity** - ethnic origin

## 1. THE INTERNATIONAL FRAMEWORK

- Even before *de facto* independence, on 4 May, 1990, the Latvian Parliament declared the accession of Latvia to more than 50 international human rights instruments. These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (including its 1<sup>st</sup> Optional Protocol), the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child.
- On 17 September, 1991, less than a month after regaining full independence, Latvia became member of the United Nations. In May 1998, Latvia was elected a member of the UN Commission on Human Rights. Membership in the Commission on Human Rights provides Latvia with the opportunity to participate actively in one of the most important international fora dealing with human rights issues.
- In addition to committing itself to the universal human rights norms, Latvia has also assumed important regional obligations. Latvia is an associate member of the European Union. Upon concluding the agreement on the establishment of association between the EU and Latvia in 1995, Latvia committed itself anew to the respect for human rights. The Opinion of the European Commission (the "*avis*" of 16 June, 1997) underlined that **"Latvia presents the characteristics of a democracy, with stable institutions, guaranteeing the rule of law, human rights and respect for and protection of minorities."**
- Upon joining the Council of Europe in 1995, Latvia signed the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Additional Protocol No.11. On 4 June 1997, the Latvian Parliament ratified the European Convention on Human Rights and its Additional Protocols 1,2,4,7, and 11.
- On 24 September, 1996, the State President of Latvia, Guntis Ulmanis, in his address to the Parliamentary Assembly of the Council of Europe, declared a presidential moratorium on the execution of death penalties pending a decision by the Latvian Parliament. On 26 May, 1998, the Government accepted Latvia's accession to the 6th Protocol of the ECHR, which foresees the abolition of the death penalty. It will come into force upon the ratification by Parliament.
- In May 1995 Latvia signed the Council of Europe Framework Convention on the Protection of National Minorities. The Government is currently working towards its ratification.
- Latvia joined the Organisation on Security and Co-operation in Europe in 1991. Since November 1993 the Government has hosted

an OSCE Mission in Latvia. The Mission's mandate is to be at the disposal of the Latvian Government and to advise it on issues related to citizenship.

- The current human rights situation in Latvia has been assessed by various international organisations, including the Office of the UN High Commissioner for Human Rights, the OSCE, the Council of Europe and the Council of Baltic Sea States. According to these assessments the Latvian Government's human rights policies and practices are in accordance with accepted standards of international human rights law.

## **2. THE NATIONAL FRAMEWORK AND THE MAIN OBJECTIVES OF THE GOVERNMENT**

**The Soviet legacy is one of the major challenges faced by Latvia in establishing respect for human rights, democratic institutions and the rule of law. The Soviet constitution and many Soviet laws guaranteed a variety of rights which in practice were ignored. From the very first day of renewed independence, the Parliament and Government of Latvia have declared the protection and promotion of human rights as a major priority. Nevertheless, to ensure that human rights are protected in Latvia, not only must the Government adopt legislation in the field of human rights, but it also has to make sure it is implemented. This challenge has been taken up by both governmental and non-governmental organisations, and the process of strengthening human rights is taking place not only in the legislative and executive branches of Government, but in a number of NGOs as well.**

2.1. The legislative aspects of human rights are dealt with by the Saeima (Parliament) Commission on Human Rights and Social Affairs. At present an *ad hoc* parliamentary Commission has submitted a draft of a separate section of the *Satversme* (Constitution) which would specifically deal with the protection of human rights. This development is significant, as a section on human rights would mean constitutional guarantees for human rights.

It is anticipated that this draft will be actively debated before it is put to a vote in the Parliament. Such a discussion will help to bring human rights issues to the forefront of public consciousness.

2.2. Alongside the activities in the field of legislation important steps have already been taken in the practical implementation of the human rights policy:

2.2.1. In order to create a framework for the integration of society, on 31 March, 1998, the Prime Minister established an interministerial Integration Council. This Council has the task to develop a conceptual draft National Programme for Integration by October 1998. In its work the Council has used the results of the research survey "On the Way to a Civil Society", carried out by the Naturalisation Board with the participation of governmental institutions, NGOs, international organisations and experts, as well as research institutions. The survey is described in greater detail in other parts of this report.

2.2.2. The development of the education system as well as the rise of the general educational level in society, including the promotion of Latvian language teaching, are important aspects of integration. The Government of Latvia, in co-operation with the UNDP, approved the National Programme for Latvian Language Training in 1995. The aim of the project is to promote equal study and employment opportunities. The project envisages gradual increase in the number of subjects taught in Latvian in minority schools.

2.2.3. The Latvian Government is in the process of developing a gender equality policy. In September 1995 Latvia signed the Platform of Action adopted at the Fourth World Conference on Women in Beijing, committing thereby to implement the twelve principles set out in the document. The main task is to find a mechanism to promote equal rights in the country not only legally, but also in practice. Discussions are taking place about the possibility of establishing an inter-ministerial working group (committee) which would include representatives of every ministry and state institution dealing with these problems as well as of NGOs and international organisations. On 7-10 August, 1997, Latvia hosted a Baltic-Nordic Conference on Gender Equality "*Women and Men in Dialogue*" which was designed to raise awareness about gender equality issues, bringing together some 1500 participants from the Baltic and Nordic countries. The conference was an important event, stimulating discussions on gender equality issues both in the mass media and in society at large.

2.2.4. The Government of Latvia guarantees the rights of ethnic minorities in the spheres of language and culture, and provides financial support for their development. In this respect Latvia can serve as an example of how to guarantee minority rights in a multi-ethnic state. The rights of ethnic minorities to cultural autonomy in Latvia are guaranteed by law. It is possible to obtain state-financed secondary education in 8 minority languages. The State is supporting more than 20 minority cultural societies.

2.2.5. On 16 July, 1996, the Consultative Council of Nationalities was established by the President of Latvia, Guntis Ulmanis. Representatives of eleven ethnic minorities, as well as experts involved in research of interethnic relations, sit on the Council. The aim of the Council is to regularly discuss information relating to issues related to ethnic minorities in Latvia, with a view to providing guidelines and recommendations for action, while providing a forum for dialogue between the minorities and state institutions. The Council has been active in the debate on naturalisation and citizenship issues, as well as in the discussion on minority education. Opinions have been voiced lately that the Council should be given a higher profile in Latvian political life.

2.2.6. Following the recommendations of the Vienna Declaration and Plan of Action, Latvia was one of the first states in CEE/CIS to establish an independent human rights institution, the National Human Rights Office (LNHRO).

The Latvian National Human Rights Office is an independent government agency with a mandate to:

- provide information to the public on human rights, to promote an understanding and recognition of those rights;
- investigate and conciliate individual complaints related to the violation of human rights;
- investigate the observance of human rights in various areas, specifically those affecting the interests of particularly vulnerable groups (children, persons with physical or mental disabilities);
- prepare recommendations for the Parliament and Cabinet of Ministers on improving Latvia's legislation and other practices for the prevention of human rights violations, promotion of human rights and compliance with Latvia's international treaty obligations in the field of human rights.

Its activities have been positively evaluated both by society in Latvia and by the international community.

2.3. After the re-establishment of independence Latvia faced both problems that were acute during the Soviet rule, as well as problems which it had not been exposed to before. One of the Soviet legacies was the outdated prison system. Prison reform was started in 1994 and is expected to be completed by the year 2000. The improvement of living conditions in prisons, education and language training according to the international human rights norms are among the priorities of this reform.

The problem of refugees was a completely new one to Latvia. The Law on Refugees and Asylum Seekers entered into force in January 1998, following ratification on 2 October 1997 of the UN Convention on the Status of Refugees and its Protocol of 1967.

The Refugee reception centre in Mucenieki was established in close co-operation between the Latvian Government and the United Nations High Commissioner for Refugees as well as the UNHCR Regional Office for the Baltic and Nordic Countries and the construction work is almost finished – expected to be finalised by the end of this year (1998).

As has already been mentioned, human rights protection is not and cannot be a concern only of the Government. Both civil society through NGOs and the mass media have an important role to play, especially in the field of human rights promotion.

There has been expansion in the activity of non-governmental organisations (NGOs) advocating human rights, including rights of the most vulnerable and disadvantaged groups of society (such as children, the elderly, people with physical or mental disabilities, prisoners). There are groups involved in advising and assisting individuals on matters related to residency status and citizenship. 15 organisations meet regularly in the Women's Co-operation Council, which is a forum to exchange ideas about the promotion of gender equality.

The "NGO Centre Riga", which co-ordinates and provides technical support to almost 700 registered NGOs, was established in the summer of 1996 and supported by UNDP, the Government of Denmark, the Soros Foundation and the EU Phare Programme.

The Government is oriented towards active public participation in political and economic life in order to strengthen the development of an open, democratic civil society in Latvia. The Government supports the activities of NGOs and has engaged in an open dialogue on different issues, such as the adoption by the Cabinet of Ministers of the National Programme on the Protection and Promotion of Human Rights in Latvia.

2.4. The mass media are playing an increasingly active role in discussing current human rights issues. The 1995 Law on Radio and Television and the 1990 Law on the Press and other Means of Public Information prohibit censorship of the press or other mass media. Most newspapers and magazines are privately owned, and Latvian, Russian and English language publications express a wide range of viewpoints.

### 3. ISSUES OF SOCIAL INTEGRATION

One of the major challenges facing Latvia is the question of integration. The country must deal with the social legacy of Soviet migration policies, which led to hundreds of thousands of people from Russia, Ukraine and Belarus settling in Latvia in the decades following the Second World War. Most of these people do not have Latvian citizenship, making the interrelated issues of integration and citizenship among the most important one for Latvia over the coming years.

The present demographic situation in Latvia is a legacy of the policy of Russification pursued during the Soviet era. Throughout the Soviet years migration was the primary source of population growth and the basic reason for the manifold increase in the number of non-Latvians in Latvia. Today, Latvians are a minority in most of the largest cities, including the capital, and make up about 57% of the total population, down from 77% in 1935. The non-Latvian population is currently split into numerous ethnic groups, including Russians (30%), Belarussians (4%), Ukrainians (3%) and Poles (2%). Out of some 2,500,000 registered residents of Latvia, about 72% are citizens of Latvia. Almost 400,000 of the citizens are of non-Latvian origin.

There are significant differences in the perception of different segments of the Latvian society with regard to the possible violations of their rights.

#### ***Have your human rights been violated since the re-establishment of independence?***

		Yes	No
<b>In total</b>		22.6 %	77.4 %
<b>Ethnicity</b>	Latvians	17.8 %	82.2 %
	Others	28.5 %	71.5 %
<b>Citizenship</b>	Citizens of Latvia	18.1 %	81.9 %
	Others	33.1 %	66.9 %
<b>Sex</b>	Male	20.8 %	79.2 %
	Female	24.1 %	75.9 %
<b>Education</b>	Primary	21.1 %	78.9 %
	Secondary	17 %	83 %
	Trade	23.2 %	76.8 %
	Higher	32.2 %	67.8 %



All population groups give similar responses to questions about the violation of their rights with regard to labour relations and the quality of life. Non-Latvians and persons without Latvian citizenship are more likely to respond that they have suffered human rights violations than Latvians and citizens. The responses of non-Latvians and non-citizens reveal a perception that they are more likely to suffer violations of their right to citizenship, of their political rights and of the right of freedom of movement, i.e. those categories of rights which are linked with the status of citizenship.<sup>1</sup>

### 3.1. Citizenship related issues

Having restored Latvian independence, it was necessary to define who were the citizens of the state. On October 15, 1991, the Supreme Council of the Republic of Latvia adopted the resolution "On the Renewal of Citizens' Rights of the Republic of Latvia and Fundamental Principles of Naturalisation". It declared that persons who were citizens of the Republic of Latvia on June 17, 1940 and their descendants were to be recognised as citizens of the Republic of Latvia; however, this resolution did not deal with people who had entered Latvia during the Soviet occupation. On July 22, 1994, the Parliament of the Republic of Latvia adopted the Law on Citizenship. It was subsequently amended in 1995, 1997 and 1998. The Law on Citizenship of the Republic of Latvia embodied the principle of legal succession of the Republic of Latvia - the citizenship of Latvia was restored to all who had it before 1940, irrespective of their ethnic origin. The Law determined who could become citizens of the state and defined how Latvian citizenship could be acquired.

The Law on Citizenship determined that persons born in Latvia would have priority over those born elsewhere and that the younger persons would have priority. This was done because of expectations that the number of applicants could be too large for the Naturalisation Board to handle immediately.

According to the latest data as of Spring 1998, prepared by Baltic Data House for the Board of Citizenship and Migration Affairs, the population of Latvia can be divided according to their ethnicity and citizenship as follows:

Ethnicity	Citizens of Latvia	%	Citizens of the former USSR	Citizens of foreign countries	Total	%
Latvians	<b>1381674</b>	<b>78.0</b>	<b>8536</b>	<b>557</b>	<b>1390767</b>	<b>57.1</b>
Russians	<b>289432</b>	<b>16.3</b>	<b>429272</b>	<b>10291</b>	<b>728995</b>	<b>29.9</b>
Belarussians	<b>21133</b>	<b>1.2</b>	<b>79783</b>	<b>1023</b>	<b>101939</b>	<b>4.2</b>

<sup>1</sup> Culvķktiesības, January, 1998, Baltic Data House

Poles	<b>39205</b>	<b>2.2</b>	<b>22083</b>	<b>447</b>	<b>61735</b>	<b>2.5</b>
Lithuanians	<b>13518</b>	<b>0.8</b>	<b>20008</b>	<b>965</b>	<b>34491</b>	<b>1.4</b>
Ukrainians	<b>4876</b>	<b>0.3</b>	<b>59763</b>	<b>1788</b>	<b>66427</b>	<b>2.7</b>
Other	<b>20517</b>	<b>1.2</b>	<b>27278</b>	<b>2320</b>	<b>50115</b>	<b>2.1</b>
Total	<b>1770355</b>		<b>646723</b>	<b>17391</b>	<b>2434469</b>	

There are almost 650,000 persons, or 26.5% of all legal residents of the country, who neither have been its citizens, nor are descendants of citizens of Latvia. When the naturalisation process began in 1995, the number of residents who were entitled to apply for Latvian citizenship was as follows:

<b>Year</b>	<b>Number eligible</b>
1995	<b>approximately 60,000</b>
1996	<b>33,327</b>
1997	<b>31,252</b>
1998	<b>27,605</b>
1999	<b>51,284</b>
2000	<b>65,865</b>
2001	<b>120,783</b>
2002	<b>214,456</b>
2003	<b>133,814</b>

The non-citizens form a heterogeneous group. They include members of the Soviet armed forces who were stationed in Latvia, immigrants from other republics of the Soviet Union and their descendants, as well as other groups.

The 1994 Law on Citizenship determines the general procedure according to which naturalisation takes place. Persons who were born in Latvia are the first ones who can become citizens of the Republic of Latvia. Those persons who were not born in Latvia will be entitled to apply for citizenship starting on January 1, 2001.

### **3.2. The programme of research and practical activities “On the Way to a Civil Society”**

Mutual tolerance and trust are preconditions for integration. It is important to find the ways in which the society of Latvia can integrate on the basis of the state language, common values, goals and interests. Without information and empirical data state institutions, NGOs and international partners cannot work towards integration and development of civic consciousness in Latvia. There is a need for a comprehensive programme of activities to facilitate the integration of non-citizens while maintaining their ethnic

identity. In order to elaborate such a programme, thorough research on the problems relating to the formation and development of civil society was necessary. For this purpose the research programme ***"On the Way to a Civil Society"*** was developed. Within its framework the attitude of the Latvian population towards a civil and integrated society was studied; the data acquired by sociologists was analysed and recommendations for the harmonious development of the state were summed up.

The main objective of the project was to acquire and analyse information with regard to non-citizens' readiness to become citizens of the Republic of Latvia and citizens' readiness to encourage the integration of the future citizens in the body of citizens of the Republic of Latvia. As a result of this programme proposals are to be made for drafting the national programme of integration. The programme of studies and activities "On the Way to a Civil Society" consisted of four stages:

I. Discussions in focus groups of citizens and non-citizens, including a special group of teachers and language experts. Its objective was to acquire information on citizens' and non-citizens' sentiments, motivation, their attitude towards the development of civic consciousness, human rights, citizenship and naturalisation. This information was used to prepare a national opinion poll.

II. During the second stage a national opinion poll was carried out, which examined changes in the values of the population of Latvia and people's attitude towards the state, citizenship, naturalisation, ethnic groups and language. The opinion poll was carried out between November, 1997, and January, 1998. 3,009 respondents - 1,507 citizens and 1,502 non-citizens took part in this public opinion poll. In March, 1998, the findings of the opinion poll were published.

III. The third stage consisted of three parts:

- In April 1998, about all of the above-mentioned questions 60 experts were interviewed, including members of Parliament, civil servants, members of educational, academic and research organisations, representatives of minority culture associations, mass media, etc.
- Between February and April 1998, content analysis of the mass media was carried out. It furnished information about how the questions of human rights, citizenship, language etc., appear in the mass media, how often this information reaches the residents of Latvia and how qualitative it is.
- Latvian legislation in the sphere of citizenship and human rights was analysed. Taking into account the findings of the national opinion poll, this analysis should help to draft recommendations for amendments to existing legislation, thus helping to eliminate shortcomings in it, while ensuring

compliance of the legislation of the Republic of Latvia with international law.

**IV** During the first six months of 1998 four regional conferences on integration were held. In these conferences the particular problems of the various regions of Latvia were examined. The information collected and conclusions of these conferences were examined during the final conference, which took place in Riga on June 11 - 12, 1998. During all the conferences the residents of Latvia had the opportunity to become involved in a discussion about civil society; the participants' recommendations for the draft national programme on integration of society in Latvia were collected and summarised. In order to involve students and high school students more actively in the discussion on the development of society and to improve their understanding of human rights, students' essay competition ***"On the Way to a Civil Society"*** was organised on the initiative of the Naturalisation Board.

### **3.3. Conclusions of the study**

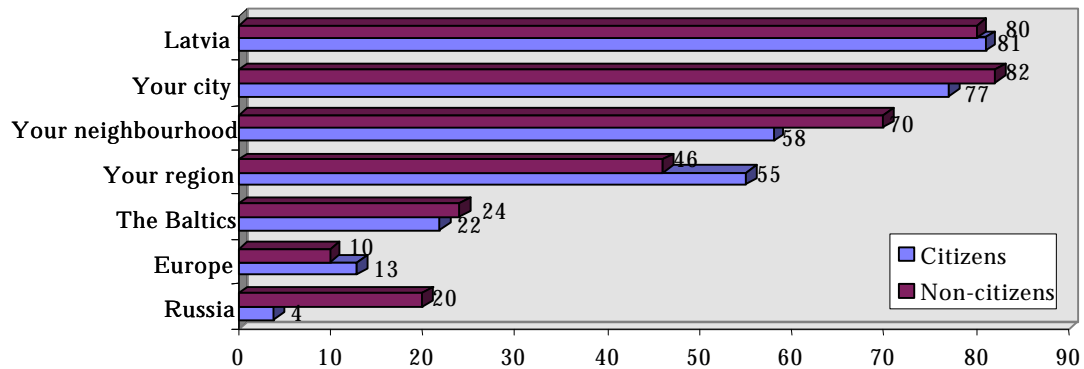
#### **3.3.1. Factors Which Bring Society Together**

A comparison of the findings of this study with the data collected during the opinion polls in 1991 and 1994 allows one to draw the following conclusions. Since 1991 the number of non-Latvians who believe in Latvian independence has increased considerably. In 1991 35% of non-Latvians firmly believed that Latvia would not join Russia in the future, while in 1994 the percentage had increased to 53%. In 1997 56% of non-Latvians supported Latvia as an independent state.

A necessary precondition for the development of civic consciousness is a sense of affiliation with Latvia. 80% of citizens and non-citizens feel closely affiliated with Latvia (37% of citizens and 33% of non-citizens - "very closely"). 94% of citizens and 90% of non-citizens responded to the question *"Have you thought about leaving Latvia?"* as follows: *"I have decided to stay in Latvia."* Both among citizens and non-citizens the number of those who are certain to leave Latvia is very low (less than 1%).

The political participation of the inhabitants of Latvia is weak since 76% of citizens and 90% of non-citizens are not members of any non-governmental organisation. This means that people mainly have contacts with members of their family and their colleagues at work, but they do not form networks of new social contacts which would enhance their links with other people and facilitate their integration into Latvian society. The most popular non-governmental organisations in Latvia are trade unions (12% of citizens, 5% of non-citizens), religious organisations, church parishes (6% of citizens, 2% of non-citizens), and sports and entertainment organisations (4% of citizens, 1% of non-citizens).

### How closely do you feel tied to ...



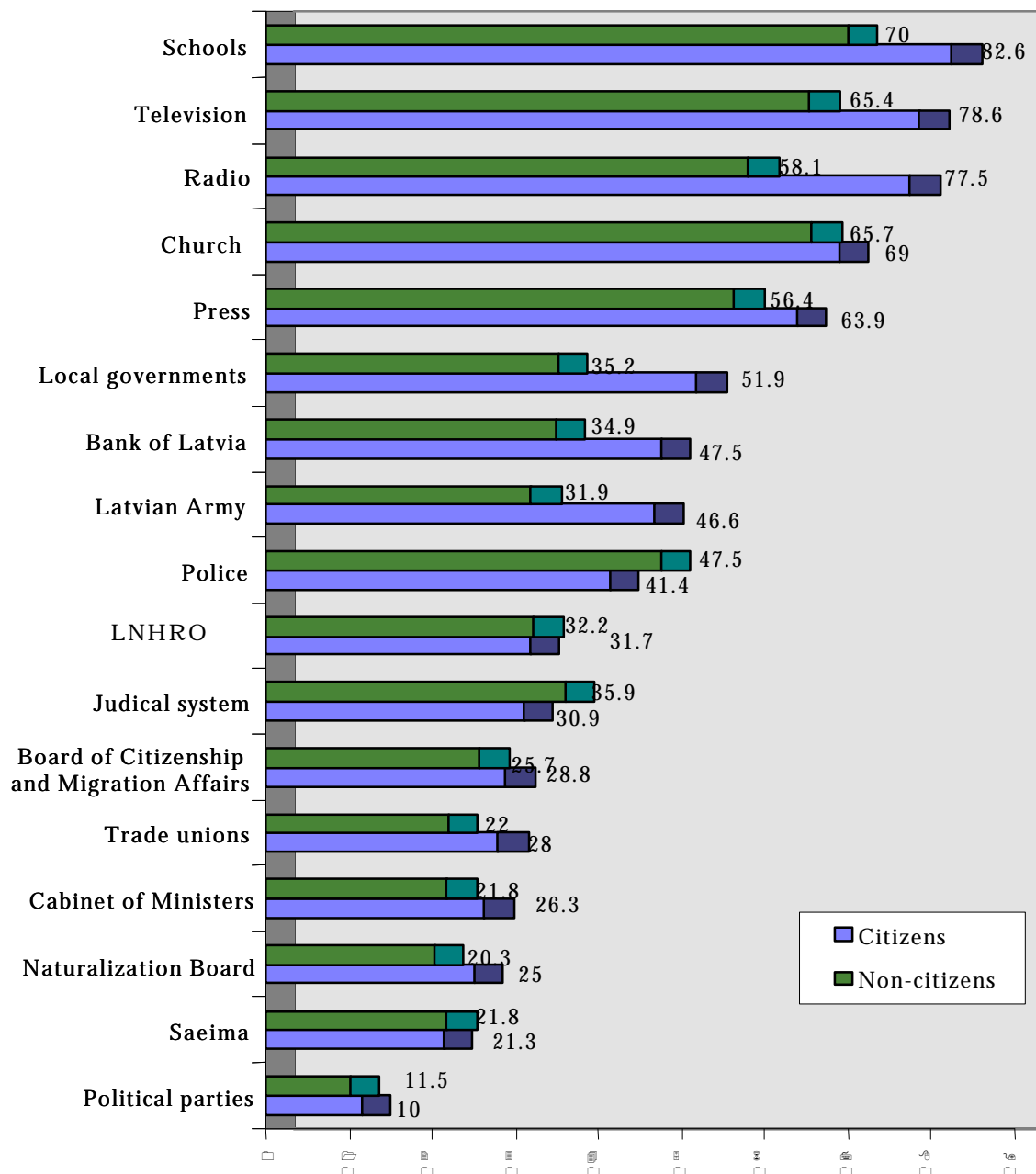
The inhabitants of Latvia, both citizens and non-citizens, exhibit greater trust in those institutions whose goal is to inform and educate the public. Their trust in state authorities and political parties is significantly lower (21% of citizens and non-citizens trust Parliament, 26% of citizens and 22% of non-citizens trust the Cabinet of Ministers, 10% trust political parties). In most cases citizens, as compared with non-citizens, have more trust in state authorities, with the exception of the police and the judicial system. These data suggest a significant degree of alienation of the common people from the state.

Political trust and belief in one's political efficacy are significant indicators of the integration of society. In Latvia, as in the other Baltic States, there is a pronounced distance between the people and the higher state authorities. People feel alienated from the state authorities, which diminishes trust in them and restricts contacts between the public and political leaders. Networks of contacts have been formed both on the "higher" level, i.e. on the level of the authorities, as well as on the "lower" level, i.e. among the common people. The links between these two levels are very weak. This is a typical feature of an underdeveloped civic society."

Nevertheless, most people can agree on certain common values - welfare and security, and this is a stabilising factor for society. "The younger generation regards the following values as important: participation in the making of political decisions on the national level, participation in dealing with problems at work and in their neighbourhoods, progress towards a more human society, freedom of speech". This is a positive sign for the development of an integrated civil society.<sup>2</sup>

<sup>2</sup> The Programme for Studies and Activities "Towards a Civic Society". Report. The Results of 1<sup>st</sup> and 2<sup>nd</sup> Stages, Baltic Data House

### Trust in institutions



### 3.3.2. Differences in values

The answers given by non-citizens demonstrate a certain inability to deal personally with the issue of one's citizenship status, to clearly define one's attitude, a vagueness in expressing one's wishes. All this can be, to a certain extent, explained as a result of the Soviet regime, as a feature of the transitional society (the same could be said with regard to the way people deal with other problems). At the same time, however, these attitudes make this group of people more susceptible to manipulations, to conscious efforts to form negative attitudes towards citizenship and the procedure of naturalisation.<sup>3</sup>

Out of the total number of 1,502 non-citizens surveyed, 18 % do not wish to apply for the citizenship of Latvia. The main reasons why a significant percentage of non-citizens do not wish to become citizens of Latvia are as follows: doubts about their ability to pass the Latvian language and history examinations (40% of young people, 56% - of those over 30), lack of interest (26% of young people, 37% - of those over 30), alienation from the state of Latvia (one fifth of non-citizens, in both age groups), lack of desire to assume the obligations of a citizen of this country, distrust towards the state of Latvia (also one fifth of non-citizens, in both age groups), psychologically negative attitude towards the naturalisation procedure as such (one third of non-citizens, in both age groups).

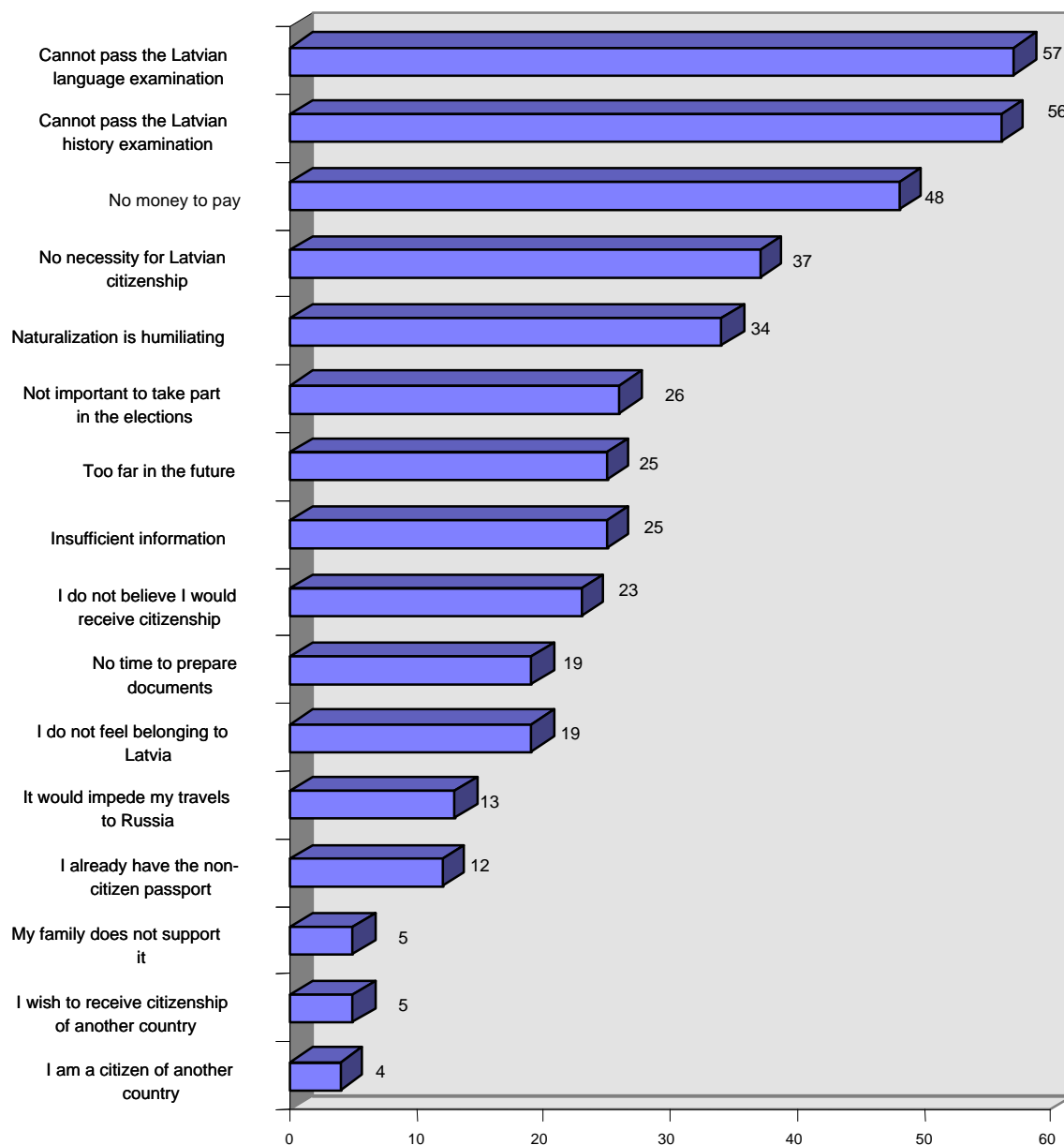
Among non-citizens the status of a non-citizen is considered to be a disadvantage. This is reflected in their psychological perceptions: non-citizens consider that to be a non-citizen in Latvia means to feel unsafe about the future due to this status (73% of non-citizens, 43% of citizens), to be a non-citizen means to feel humiliation (47% of non-citizens, 17% of citizens). These aspects are stressed more frequently by non-citizens having higher income, a higher level of education and by those living in Riga.

Citizens stress more often the "privileges" one can enjoy through having the status of a non-citizen because it is easier for a non-citizen to go to Russia (77% of citizens, 71% of non-citizens) and males who are non-citizens are not required to serve in the Latvian army (72% of citizens, 62% of non-citizens).

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<sup>3</sup> **The Programme for Studies and Activities "Towards a Civic Society". Report. The Results of 1<sup>st</sup> and 2<sup>nd</sup> Stages**, Baltic Data House

## Why do you not intend to apply for Latvian citizenship?





### 3.4. Concrete Challenges and Future Prospects

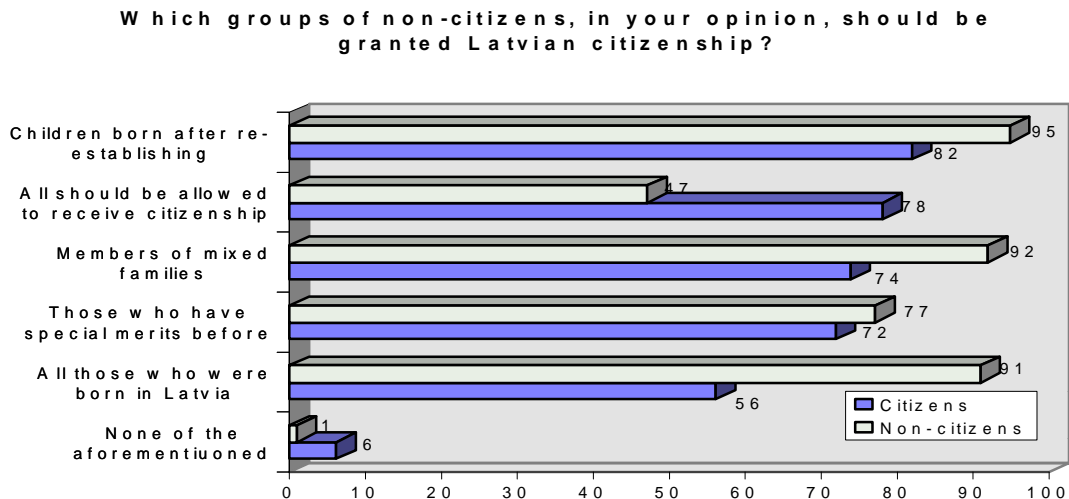
#### 3.4.1. The Law on Citizenship

The Law on Citizenship is one of the most significant steps taken by Latvia to define the legal status of its residents and is an important factor on its way to integration in the European Union. The Law on Citizenship states that *"The citizenship of Latvia is a person's permanent legal bond with the State of Latvia"*. The programme **"On the Way to a Civil Society"** confirmed that both citizens and non-citizens believe that citizenship should be granted first of all to children who were born in Latvia. The majority of citizens (74%) and non-citizens (92%) support the proposition that citizenship should be granted to the members of families where one of the spouses has citizenship but the other does not. As in other cases, this point of view is less widespread among Latvians who are citizens (72%) than among non-Latvians who are citizens (87% );

- approximately half of the citizens (47%) - (42% of Latvians, 70% of Russians) and three out of every four non-citizens believe that everyone desiring citizenship should be able to acquire it through naturalisation without delay;

- only 6% of citizens (Latvians - 7%, Russians - 1%) and 1% of non-citizens are of the opinion that none of these groups ought to be granted citizenship.

- citizens' opinions differ on the procedure for granting citizenship: some people support simplifying this procedure while others do not. Older citizens support stricter criteria for determining who has the right to become a citizen: 54% believe that only people who were citizens in 1940 and their descendants are entitled to citizenship today. Citizens from the younger generation are more likely to support the view that citizenship should be granted to everyone born in Latvia (34%), they often support other means of easing the acquisition of citizenship.



### Prospects

On June 22, 1998 the Saeima of the Republic of Latvia adopted amendments to the Law on Citizenship, thus marking a major step in the simplification of the process of naturalisation. These amendments provided for every resident of Latvia the possibility to naturalise when she/he have reached the age of fifteen, thus eliminating the system of age brackets which determined that the younger non-citizens were eligible to naturalise before the older ones. The amendments also outlined the procedure according to which the children who have been born after the reestablishment of independence would be granted Latvian citizenship. The amendments are due in force after the national referendum vote that will be scheduled to take place during September/October 1998.

#### 3.4.2. Citizenship of children

The existing Law on Citizenship states that a child is a citizen of Latvia, irrespective of his/her birthplace, if one of his/her parents is a citizen. If both parents are non-citizens, the child is a non-citizen as well. The law also provides for the right to naturalise when the child reaches 16 years of age, or to acquire citizenship automatically before that age if one of the child's parents acquires citizenship.

Children whose both parents are non-citizens do not acquire citizenship automatically. Thus, non-citizens continue to be born in Latvia. About 18,500 children have been born since the reestablishment of independence in 1991 who are non-citizens. In Latvia 2,000-3,000 non-citizens are born every year.

Both citizens as well as non-citizens support the opinion that citizenship should be granted, first of all, to all those children who were born in Latvia: this opinion is supported by 82% of all citizens and 95% of non-citizens. The second positive development in the

recently adopted amendments to the citizenship law is the simplification of naturalisation of children born after August 21, 1991, whose parents are non-citizens. The amendments to the Law on Citizenship adopted by the Saeima on June 22, 1998 established a special procedure which would allow non-citizen parents to request citizenship for their children who have been born after August 21, 1991. The only requirements are: the parents must be registered in the Residents' Register, they must have resided in Latvia at least for five years and they must sign a statement promising to help their child learn Latvian, acquire an education and respect the Republic of Latvia. If the parents do not claim for citizenship for their child, the child her/himself will be able to naturalise upon reaching the age of 15. The amendments to the Law on Citizenship have yet to take effect, pending the results of a referendum to be held later this year.

### Prospects

Granting citizenship to non-citizen children born in independent Latvia is only one of the steps towards a civil and integrated society. It is necessary to perfect the educational system of Latvia which is the basis for the linguistic integration of society. The statistical data show that the rate of the non-Latvian children increases in schools with Latvian language of instruction (in 1995 - 4.6%, in 1996 - 5.7%).<sup>4</sup> In schools with Russian language of instruction it is important to ensure the teaching of the Latvian language on an adequate level, as well as qualitative teaching of separate subjects in Latvian.

#### 3.4.3. Differences between the citizens' and non-citizens' rights

"In almost every country in the world there are certain differences between the rights and obligations of citizens and non-citizens. Usually, political rights – the right to work in public administration and the right to participate in elections to the country-wide legislature - are the prerogative of citizens. However, successful human development requires that non-citizen rights be guaranteed in other spheres, so that there are no basic obstacles to their socio-economic integration and their status is clear and stable."<sup>5</sup>

Only the citizens of Latvia have the right to be elected or to participate in Parliamentary and municipal elections. Article 25 of the ICCPR provides that only citizens are guaranteed the right to elect and to be elected. Consequently, the differences in rights of citizens and non-citizens in this sphere do not contradict Latvia's international commitments.

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<sup>4</sup> **Latvia. Human Development Report** 1997, UNDP, Riga, 1997, p.62

<sup>5</sup> **Latvia. Human Development Report** 1997, UNDP, Riga, 1997, p.56

Article 25 of the UN International Covenant "On Civil and Political Rights" guarantees the right to work in the public service only to citizens of a state. Thus the legal provisions that only citizens can be civil servants, policemen, judges, prosecutors, diplomats, or employees of the state security services does not contradict Latvia's international commitments or the practice of other democratic countries. Moreover, Latvian legislation states that those non-citizens who have worked in these spheres before the enactment of the relevant law can continue their work.

Just like other countries, Latvia's legislation protects its national economy. The laws "On the Privatisation of Land in Rural Regions" and "On Land Reform in the Towns and Cities of the Republic of Latvia" place certain restrictions on non-citizens regarding transactions with real estate. Generally, non-citizens can acquire land. The existing restrictions are to be regarded as reasonable and pursuant to international law.

In December 1996, the Latvian National Human Rights Office (LNHRO) circulated its opinion on the differences in the rights of citizens and non-citizens. The opinion identified 10 differences between the rights of citizens and of non-citizens which, in the opinion of the LNHRO, contradicted Latvia's international commitments.

These differences referred to the right to work as a fireman, an attorney, an attorney's assistant, a member of an aircraft crew, a private detective, a pharmacy administrator, a pharmacist, an armed guard, as well as the rights to be elected in the institutions of religious congregations and the right to amnesty.

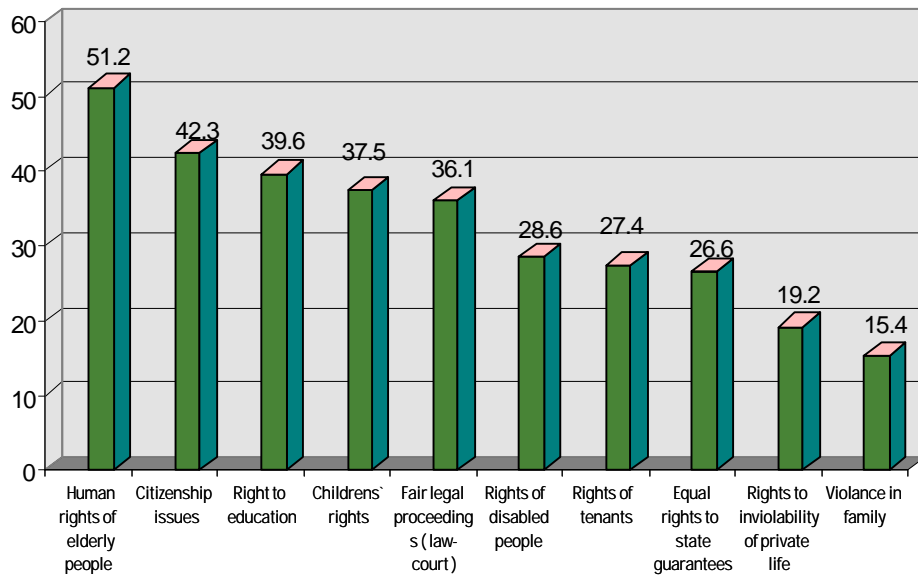
From December, 1996, to present serious work has been done to eliminate the above-mentioned differences. The Saeima of the Republic of Latvia has adopted amendments to the relevant laws according to which non-citizens are also allowed to work as firemen, pharmacists, members of an aircraft crew and to receive a licence for opening a pharmacy.

The findings of the research programme "On the Way to a Civil Society" shows that In the view of citizens there are no significant differences between citizens and non-citizens: both have similarly low living standards and difficult everyday problems to face.<sup>6</sup>

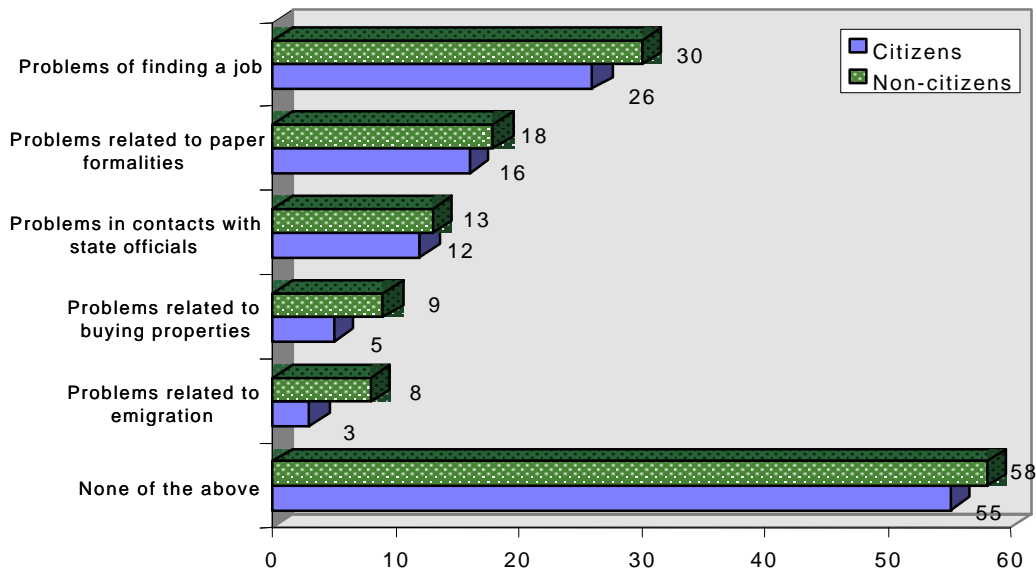
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<sup>6</sup> The Programme for Studies and Activities "Towards a Civic Society". Report. The Results of 1<sup>st</sup> and 2<sup>nd</sup> Stages , Baltic Data House, p.11

**Which in your opinion are the most significant problems in observance of human Rights in Latvia?**

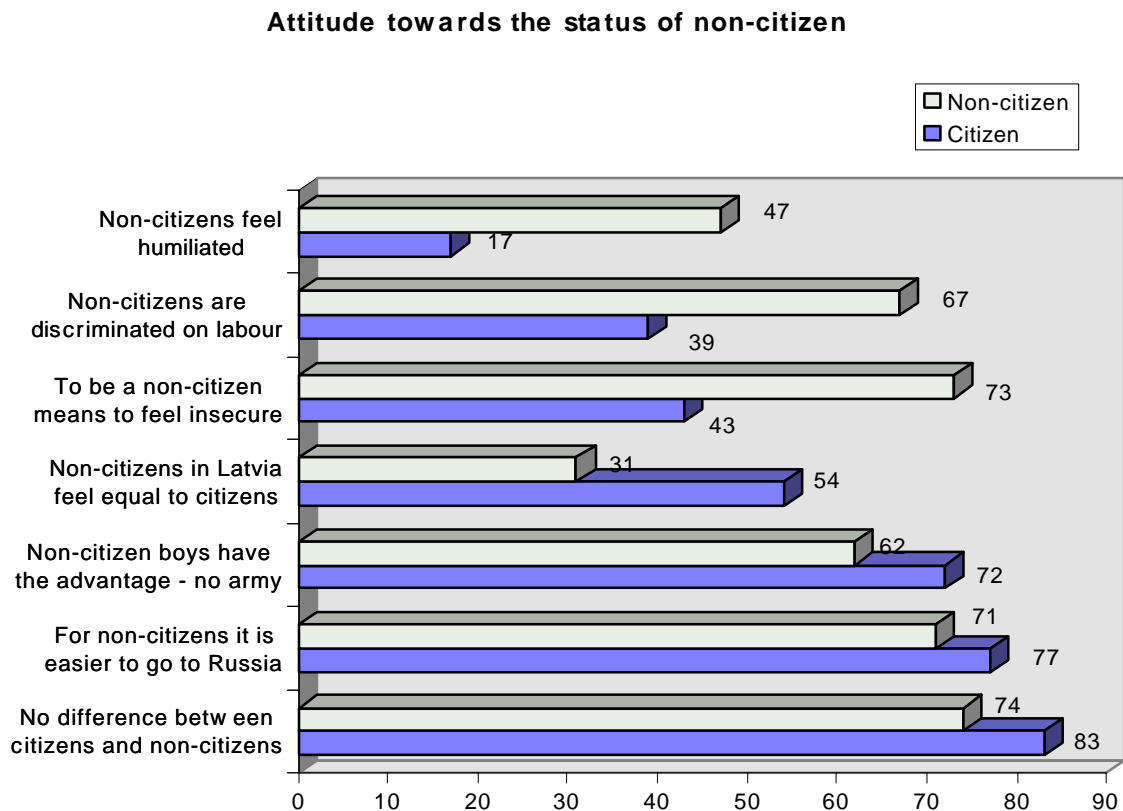


**Which of the following problems have you encountered in your everyday life during the last years?**



Citizens hold the opinion that there is no special need for the non-citizens to aspire to the status of a citizen. Non-citizens are of the contrary opinion – they believe that the status of a non-citizen is linked with great uncertainty and many of them consider it to be insulting and undeserved. The findings of the opinion poll show that

74% of non-citizens and 83% of citizens believe that in everyday life there are no differences whatsoever between a citizen and a non-citizen. Few people believe that a non-citizen is equal to a citizen (31% of non-citizens, 54% of citizens).



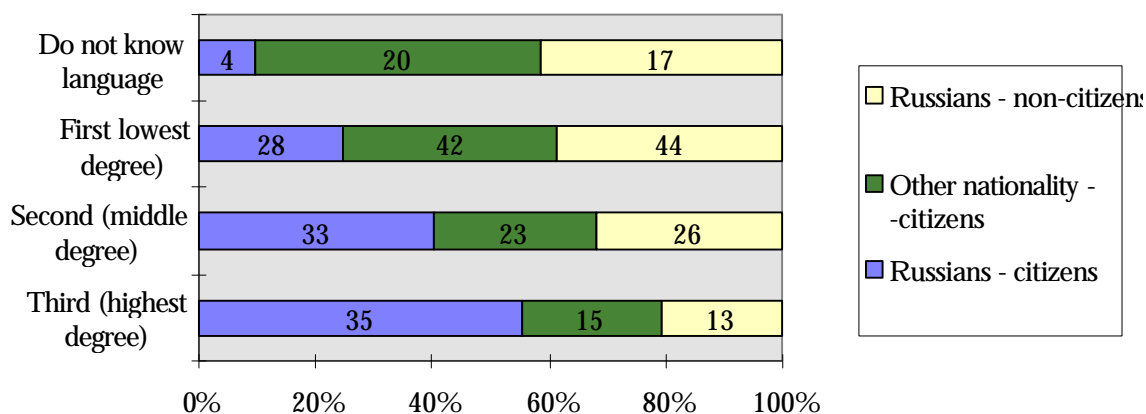
#### 3.4.4. Language Policy

Language is one of the most important tools for the integration of the society. The Soviet policy of russification led to a situation when most Latvians knew Russian while most non-Latvians did not know Latvian. Given the high value Latvians attach to their language, only significant improvements in the level of knowledge of Latvian by non-Latvians will take away the potential for tension and mistrust in the society at large. Knowledge of Latvian will not only provide every resident with an opportunity to participate fully in the life of society, but will improve the competitiveness of non-Latvians on the labour market.

Following a request by the Government of Latvia, addressed to the United Nations Development Programme, the National Programme for Latvian Language Training was developed with the participation of foreign experts and specialists and approved by the Cabinet of Ministers in 1995. It covers a period of 10 years during which it is planned to improve the knowledge of Latvian so that all

residents of Latvia will have equal opportunities to engage in every sphere of life. Its goal is to reorganise the whole system of teaching the Latvian language both at school and for adults, thus enhancing social integration.

### Combined indicator of knowledge of the Latvian language



In recent years the examination of the State Language Centre has been passed by 388,000 persons (from 1992 to 1997) and the language situation has considerably improved; still there are many challenges to be faced.

The process of mastering the language is slowed down due to the high proportion of people who do not know Latvian as compared to those who do. The majority of non-Latvian speakers live compactly in certain cities. Their everyday needs can be met by the Russian language, thus there is little motivation to learn Latvian. As a result in many places in Latvia there is no Latvian-language environment which would promote the need for communication in Latvian. As many of the people who do not speak Latvian are citizens of the country, this is a problem that cuts across the issue of citizenship.

The mass media compound the isolation from each other of those people who speak Latvian and those who do not. In Latvia there are two informational spheres with few points of contact. Those who read Latvian press often receive different information from those who read the Russian language press. It would be important for the development of an integrated civil society to draw these two information streams closer together.

The lack of knowledge of Latvian is often mentioned as a reason for the slow speed of naturalisation. The integration process has been slowed down by the lack of proficiency of the Latvian language among non-citizens - about 20% of non-citizens do not know the Latvian language at all and 40% know it very poorly. 10% - 20% of non-citizens point to the fact they hear the Latvian language

very little in everyday life. This shows that they have few opportunities to learn and use the Latvian language.

One of the positive signs that were revealed both during the survey "On the Way to a Civil Society" and the opinion poll "Language," carried out every six months by the National Programme for the Latvian Language Training and the Baltic Data House (1996 - 1998)<sup>7</sup> on the language situation in Latvia, is the fact that the majority of non-Latvian speakers want to improve their knowledge of Latvian. However, various age groups differ radically from each other, namely, the younger the respondents, the greater the wish to master the language.

### Prospects

Language policy is one of the most important questions with which Latvian society has to deal. The Latvian language must be accessible to every resident of Latvia. In addition, a positive environment and a wish to use the Latvian language must be supported. Motivation plays a great role in mastering the Latvian language. The state has to ensure that everyone who finishes primary nine-year school knows the state language. The Latvian language must bring people together in the public sphere. The educational system is therefore one of the cornerstones for consolidating the Latvian language.

#### 3.4.5. Education

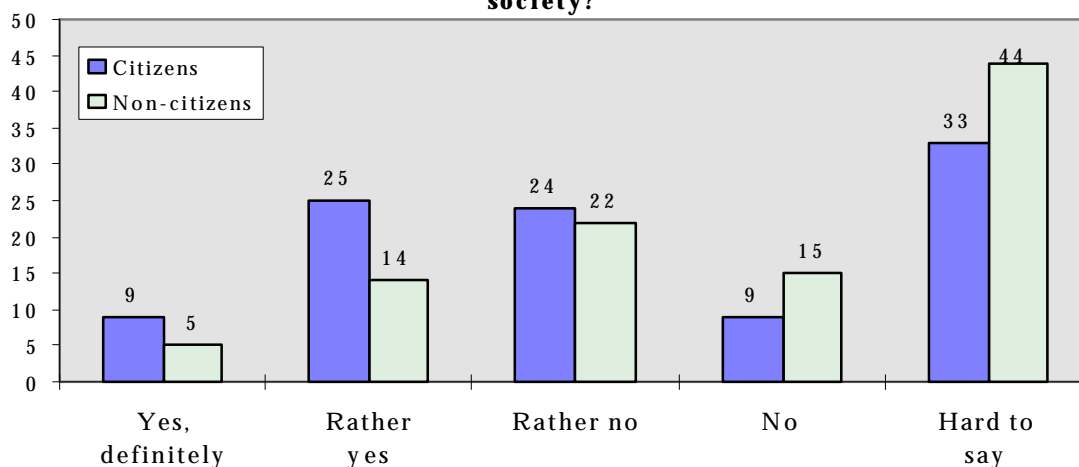
As the main task of the policy of social integration is to ensure the development of a body of citizens unified by common values and their responsibility for their society's future, the most important target groups for the implementation of such a policy are children and young people. Thus the educational system of Latvia must be the main facilitator of the process of social integration. Aside from ensuring knowledge of Latvian, the educational system must develop a consciousness of the values of a civil society - tolerance, rational reasoning and political culture - in the younger generation. This is a complex task including both the development of the content and the methodology of the Latvian educational system.

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<sup>7</sup> Language. Survey of Residents of Latvia. February – March, 1998, Baltic data House



**Do you think that educational institutions give sufficient knowledge and promote the formation of civic understanding of society?**



The research done in the project "On the Way to a Civil Society" confirms that the educational system plays a decisive role in the successful process of social integration.

Although the relevance of the educational system to the formation of civil society was not directly addressed in this research, its findings and conclusions point to the fact that in order to successfully overcome many challenges improvements in the educational system are necessary.

One of the main conclusions of the research project was that the residents of Latvia, both citizens and non-citizens, place more trust in those institutions whose task it is to inform and to educate society (schools rank first among the institutions trusted by the residents of Latvia, both citizens - 82.6% and non-citizens - 70%); this points to the opportunity for the educational system to exert a positive influence on the process of social integration.

The development of the education for ethnic minorities must play a important role. Even though since the reestablishment of independence a number schools for ethnic minorities has been opened, the optimum model for the education of ethnic minorities from the point of view of educational content is only now being developed. While defining new national standards for general education and making the transition to bilingual syllabi, the part of the curriculum pertaining to the culture, history and the native language of the ethnic minorities must also be developed.

People polled during the research programme "On the Way to a Civil Society" pointed to a number of concrete problems: the organisation of teaching in ethnic minority schools, the status and prospects of the Russian language schools, the development of the basic principles for preparing educational programmes and curricula, the development of special sample lesson plans for Russian-language classes in schools where Latvian is the language of instruction, the

development of sample syllabi for those subjects which will be taught in Latvian in the national minority schools, the preparation of teaching aids etc.

An important problem to be dealt with in the sphere of education is that of truancy. The Ministry of Education and Science and NGOs have different estimates on the number of the children not attending school, and this number ranges from 15,000 to 27,000. The Cabinet of Ministers has adopted regulations establishing a unified register of pupils. The implementation of these should improve the situation. The Ministry of Education and Science have also engaged in promotional activities to deal with truancy.

The desire for education among the young remains very high. After a slight drop in student enrolment figures in the 1993-1994 academic year, numbers began to rise again in 1995 - 1996<sup>8</sup>. This academic year (1997/1998) this number is still higher, and Latvia occupies one of the leading places in Europe as to the number of students in proportion to the number of the population.

#### 3.4.6. Minority protection

Along with strengthening the Latvian language and culture, the cultural and linguistic identity of other ethnic groups should be supported, because only an individual with her/his own identity will be able to enrich the society. Among other positive developments, movement towards the re-establishment of Latvian independence in late 1980s was characterised by the birth or rebirth of national cultural societies, schools, Sunday schools, mass media, etc. Already starting from 1989 several minorities had the opportunity to have radio broadcasts in their languages.

Apart from the general human rights protection framework, which has been dealt with in the introductory part of the report, there is a number of legal provisions relating specifically to minorities. Perhaps the most important one of them is the *Law On The Unrestricted Development And Right To Cultural Autonomy Of Latvia's National And Ethnic Groups of 1991*. The Law established the principles of equal treatment and non-discrimination, individual choice of national affiliation, the right to establish national organisations, state support for such organisations, right to contacts with kin states, state support to the development of the education, language and culture of the national and ethnic groups, etc.

These rights ensured in the national legislation are implemented in practice. More than 20 ethnic cultural societies have been established. Latvia has ensured the possibility to obtain state-financed secondary education in 8 minority languages. Latvia has 199 Russian, 6 Polish, 1 Jewish, 1 Lithuanian, 1 Estonian, 1 Ukrainian

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<sup>8</sup> **Latvia. Human Development Report** 1997, UNDP, Riga, 1997, p.40-41

school, as well as classes for Belarussians and Roma (Gypsy). To fully develop the potential of minorities, the minority school system should be further strengthened, as until now most minority children attend Russian or Latvian schools.

### Language of instruction in 1996-1997<sup>9</sup>

Ethnic group	Latvian	Russian	Other <sup>10</sup>
Latvians	93.0	7.0	0.1
Russians	5.7	94.1	0.2
Belarussians	9.8	89.6	0.5
Ukrainians	8.8	88.4	2.8
Poles	11.4	77.7	10.9
Lithuanians	55.1	41.3	3.6
Jews	2.3	64.3	33.3
Estonians	27.7	63.0	9.2
Gypsies	61.8	32.5	5.7
Others	11.4	88.5	0.1

The speed with which different minorities have re-emerged has varied substantially. In general, those groups which are smaller and more established in Latvia, have been able to establish the infrastructure for maintaining and developing their identities faster than those ethnic groups, which are large and have only recent ties with Latvia. The development of minority communities is one of those aspects of integration where time is an essential factor. This can be seen, for example, from the dynamics of gradual growth in the number of students in minority schools.

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<sup>9</sup> **Latvia. Human Development Report** 1997, UNDP, Riga, 1997, Table 3.3, p.62

<sup>10</sup> As there are still very few minority schools, most cases refer to instruction in respective “native” language

## CONCLUSION

*The situation of Latvia is unique in many respects, which is particularly true of integration. Therefore, it is not possible to directly apply models of integration developed elsewhere. Integration is a long-term process but the first signs of increased social cohesion can be seen through the trends revealed by sociological surveys.*

*The developments in the field of social integration since the reestablishment of independence have in general been positive, even though many problems have been extremely complicated. However, these developments have not always complemented each other. For these purposes, a detailed, balanced and comprehensive integration program is necessary, which would build upon the existing assets while developing new ones.*

*However, to develop such a program, adequate information on the existing situation is important. The study "Towards a Civil Society in Latvia" has given understanding of the values and ideas among citizens and non-citizens which can be used for the development of such a program.*

*In the process of integration, the pool of values, knowledge and interests is consolidated both on individual and society level. Among the values that are significance for the people living in Latvia*

- that we have a common state,*
- that it is only with joint efforts that we would be able to improve the levels of welfare and safety,*
- that each individual with his or her knowledge, initiative and goodwill is needed by Latvia for the further advancement of the individual and common interests.*

*Integration includes processes which take place in ethnic, educational, cultural, judicial, political, social, psychological, and other spheres of human life. Integration will happen with the active participation in the social life of Latvia of all people living there. It is going to develop by observing the rights and retaining the distinct cultural identity of the ethnic minorities. Thus, it is deeply rooted in the respect for human rights of all the people living in this country.*

*Two fundamental elements of integration of the society are **citizenship** and **Latvian language training**. Even though there is no single correct model for granting citizenship, each model chosen will affect the process of integration.*

*The Latvian education system must increase its capacity to develop instruction in Latvian for non-Latvian students, while providing the conditions for students to receive instruction in their mother tongue.*

*With regard to Latvian language training attention and corresponding resources should be focused on the younger generation as they will constitute the society of tomorrow. Research suggests that*

**many divisions in Latvian society are generational in nature.** The younger generation is more open to inter-ethnic contact and co-operation than the older generation; it has not been traumatised by past repression and loss. Moreover, knowledge of the Latvian language - a core prerequisite for the emergence of an integrated society in Latvia - is far more widespread among the younger generation of non-Latvians. The trust of society in schools as an institution can be used in order to facilitate the integration of the youth.

Integration is a psychological process. For instance, the opinion poll **"On the Way to a Civil Society"** indicates that poor knowledge of the Latvian language is only one of the reasons for the low rate of naturalisation. Therefore, care should be taken not only to ensure the objective conditions for the technical aspects of integration, such as facilities for learning the Latvian language, but also of **addressing the psychological perceptions of the people.** One of the future tasks is to **support favourable attitude towards the naturalisation process, thus ensuring that a greater number of residents become part of an integrated society.** Related to this is the need for objective information about human rights, including specific information on the rights of a particular individual and of rights of ethnic minorities.

While transcending past divisions is partly a matter of time, it is also contingent on a favourable international climate. Continued integration into European economic and political structures, along with the strengthening of positive economic trends, will facilitate the management of diversity and strengthen the rule of law.

The integration of society in Latvia means mutual understanding and co-operation of different groups and individuals to enable everyone in the country to live in XXI century a life adequate to the achievements of the modern civilisation offering prosperity, education, protection and harmonious inter-ethnic relations.