

Cultural Diversity and Tolerance in Latvia

Data Facts Opinions

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Secretariat of the Special Tasks Minister
for Social Integration

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Pictures from Latvian national minority youth festival "Zelta kamoliņš" (Golden Ball) and
Latvian national minority folk festival "Latvijas Vainags" (Latvian crown)
by photographer Sergejs Zhuravlevs.

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Preface

It gives me great pleasure to initiate a dialogue about the promotion of tolerance in Latvian society. Strengthening tolerance is an indispensable part of the integration process, as a unified society is based not only on common values, but also on respect towards difference and otherness. Thus, it is essential to understand that diversity enriches society, but does not threaten its harmony and unity.

Elaboration of a national action plan against intolerance, racism and discrimination is an important step towards the development of an integrated society. The need for such a plan also derives from Latvia's international obligations within the Council of Europe and the United Nations.

The Secretariat of the Special Tasks Minister for Social Integration extends an open invitation to all state and non-governmental organisations involved in combating intolerance and discrimination to cooperate in the development of such an action plan.

I am particularly pleased and honoured to work towards strengthening tolerance in Latvia as I chaired the East European experts meeting organised by the United Nations in preparation for the World Conference against Racism, served as the only NGO participant from Latvia at the European Conference against Racism in Strasbourg, and attended the World Conference against Racism in Durban as a UN expert.

Latvia has made considerable headway over the last decade in strengthening tolerance, but much work remains to be done. I look forward to cooperation and collaboration with Latvian institutions in the development and implementation of the national action plan.

This document is the first step in the process. It compiles data and analysis concerning intolerance and cultural diversity in Latvia. By providing some insight into the situation, it also provides the starting point for further action. I hope that this document will further the activities and initiatives necessary for strengthening Latvia as an integrated, tolerant multicultural society.

I would like to express special gratitude to the Secretariat of the Special Tasks Minister for Social Integration, and especially to Olga Pisarenko and Andrejs Berdnikovs for their contribution to preparing this document.

Nils Muižnieks
Special Tasks Minister for Social Integration

Introduction

The issues of intolerance and racism have become ever more topical in Europe and the world at large. In recent years we have witnessed such extreme forms of racism as genocide in Rwanda and former Yugoslavia. Right-wing populists in many European countries have vented their hate against minorities, immigrants and refugees. Throughout Europe the number of racist attacks has skyrocketed, and the most frequent victims are Roma, Muslims, Jews, immigrants, refugees, even tourists, business people, and diplomats of visibly different cultural origin. Research suggests that discrimination based on race or ethnic origin is still widespread in Europe.

Therefore, international and regional organisations, especially in Europe, have paid considerable attention to combating racism, discrimination and intolerance. Immediately following the decision taken by the UN General Assembly in December 1997 to organise a world conference against racism, racial discrimination, xenophobia and related intolerance, the presiding country of the European Union (Luxemburg) suggested discussion of these negative phenomena at the European level as well. As a result, in October 2000 the Council of Europe organised a European Conference against Racism in Strasbourg under the heading *All Different, All Equal: From Principle to Practice*.

The European conference examined the problem of racism in the context of general human rights. The conclusions emphasised that discrimination based on race, ethnic or national affiliation, religious, linguistic or cultural grounds is a serious violation of human rights and should be combated with all legal means. It was acknowledged that racism and racial discrimination is a threat to Europe as an area of freedom, security and justice.

Soon after the European conference, in September 2001 in Durban, South Africa, the UN World conference against racism, racial discrimination, xenophobia and related intolerance took place. In some respects, this was the culmination of different UN activities in the field of working towards the elimination of racial discrimination and intolerance. The Durban conference repeatedly pointed out that racism should be understood in the widest sense of the term. It includes not only prejudices based on skin colour, but also on national and ethnic origin, religious affiliation, language or citizenship. Racism exists in all countries, although its forms and manifestations may vary.

The World Conference against Racism and its conclusions are in many ways significant for Latvia. First, Latvia had an opportunity to prove its readiness to join the international community in its struggle against racism, discrimination and intolerance. Latvia was one of the few countries represented at the highest level by President Vaira Vike-Freiberga. "On behalf of my country I take this opportunity to express our active and sincere support to international strivings to combat racism, racial discrimination, xenophobia and related intolerance," said the President of Latvia Vaira Vike-Freiberga in her address in Durban.

Second, the conference spurred discussions in Latvia about current expressions of racism and the topicality of this problem in Latvia. A broad understanding of racism leads to the conclusion that this negative phenomenon, similarly to other countries, exists also in Latvia. Russophobia, anti-Roma sentiment, Great Russian chauvinism, prejudice against Latvians, anti-Semitism, a distinctly negative attitude towards refugees or immigrants – all these are forms of racism that can be encountered in Latvia.

Third, of great significance for Latvia is the commitment to draft national policy and action plans to combat racism, racial discrimination, xenophobia, anti-Semitism and related intolerance included in the political declaration of the Durban conference. Latvia took the first steps towards creating its national action plan with this booklet and the organisation of a conference on April 4, 2003, called "Social Integration – Strengthening Tolerance." The conference was organised jointly by the Secretariat of the Special Tasks Minister for Social Integration and the Council of Europe's Information Office, with the participation of representatives of the European Commission against Racism and Intolerance (ECRI).

The objectives of this booklet are:

- to provide basic data and information,
- to explain basic concepts,
- to outline the dialogue process between the Secretariat of the Special Tasks Minister for Social Integration, other ministries and the public that should result in the action plan.

This process began during the preparation for the conference, when consultations were carried out with other ministries, the Council of Europe and the UN, as well as with NGOs. The conference of April 4, 2003 was the first and the most comprehensive dialogue about the problem of intolerance in Latvia.

However, it is important that the dialogue continue after the conference. In 2003 the Secretariat of the Special Tasks Minister for Social Integration will organise seminars together with the Ministry of Education and Science and the Ministry of Welfare, as well as representatives of the media and researchers. Seminars and discussions will also involve the NGO sector. A significant effort will go towards raising public awareness and the role of the media in this process.

It is planned that the draft of the national action plan will be ready for discussion by September 2003. The development process will include internet discussions after the draft plan is placed on the home page of the secretariat, as well as additional discussions with partners in ministries and society. It is intended that the plan will be completed by the end of 2003.

Glossary

Intolerance – a very broad concept including unfounded negative attitudes towards people, their lifestyles, opinions, interests, feelings, customs and beliefs. On the one side, intolerance is based on prejudices against different social and ethnic groups and individual representatives of these groups. But, on the other side, intolerance increases such stereotypes in society and provides favourable conditions for them.

Tolerance – lack of prejudices against other people, ability to accept other lifestyles, culture, religion, interests and feelings. A tolerant person perceives people of different religious, ethnic, racial and other affiliation as equals.

Xenophobia – fear or hatred of strangers, their culture or anything foreign, strange or unfamiliar. The word itself originates from two Greek words: *xenos*- alien and *phobos*-fear. Modern xenophobia expresses itself as hatred and fear of foreigners, fear of people with different skin colour, religious or cultural background, fear of otherness.

Racism¹ means the belief that factors such as race, colour, language, religion, nationality, national or ethnic origin justify contempt for a person or group of persons, or the notion of superiority of a person or group of persons.²

The concept of racism includes all ideologies, prejudices, behaviour, action, structures or institutionalised practices which result in a discriminatory attitude towards a person due to the fact that s/he is different or the mistaken opinion that discriminatory relations between individuals or groups of individuals are morally or scientifically justifiable.

Thus, at present the concept of racism is based not only on differential treatment of a person due to his/her belonging to a particular race.³ At present at the heart of the concept of "racism" lies any differential treatment of a person only due to the fact that s/he has a different ethnic background, mother tongue, skin colour or religion.

Taking into consideration Latvia's geographical position and historical heritage, the most widespread forms of racism are discriminatory attitudes towards a person due to his/her ethnic background (manifesting itself as Russophobia, prejudice towards Latvians, anti-Roma sentiment, anti-Semitism, etc.) and openly negative attitudes towards possible refugees or guest workers.

The word **discrimination** means any unjustified differential treatment. It may have different forms and expressions, such as discrimination on grounds of sex, age, race, sexual orientation, etc.

Racial discrimination⁴ means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

There is a distinction between direct and indirect discrimination.

Direct discrimination⁵ takes place when in a similar situation treatment of one person has been or could be worse than towards another person due to race or ethnic origin.

Indirect discrimination takes place when a seemingly neutral factor such as a provision, criterion or practice puts representatives of one race or ethnic origin in a particularly unfavourable situation in comparison with other persons if only such provision, criterion or practice is not objectively justifiable with a legitimate goal and if it is not proportional or necessary for the attainment of such a goal.

In addition to negative discrimination, which incorporates all negative expressions of direct and indirect discrimination, there can also be **positive discrimination**, sometimes known as reverse discrimination or affirmative action. This comprises measures undertaken to neutralise the consequences created by long-term continuous negative discrimination. In practice, this is a policy of creating favourable conditions for the discriminated person or group of persons in society. The main objective of this policy is to provide equal opportunities for all members of society.

1 In accordance with the general policy recommendations of the European Commission against racism and intolerance (ECRI).

2 ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination.- Strasbourg, 2003.- p. 9.

3 Today the concept "race" in its nature is debatable and its usage is being widely discussed. In anthropology the concept "races" is still occasionally used to define groups of people who differ according to phenotype (colour of eyes and skin, anatomical constitution, shape of head, type of hair, figure, etc.). Some socio-political doctrines and racist movements (Social Darwinism, eugenics, neo-Malthusianism, fascism, apartheid) propagated the idea that races differ by genotype. Today the notion of genetic differences between races is fully discredited. At present the most widespread form of racism is "cultural" racism whose advocates declare that different groups are too distinctive to live together in one territory, arguing that it is better and more "natural" to live separately.

4 In accordance with the 1965 International Convention on the Elimination of All Forms of Racial Discrimination.

5 According to the provisions of the European Union's Council Directive 2000/43/EC.

Latvia – a multicultural society?

In the modern world it is impossible to find a country where the population is comprised of only one ethnic, linguistic or cultural group. Latvia is no exception. Statistical data show that Latvia is an ethnically diverse society (see table 1), but before we call Latvia a multicultural society it is essential to find out whether people's values, attitudes and opinions are in line with the idea of a multicultural society. Do people tolerate otherness?

Unfortunately, little research has been carried out in Latvia to investigate the tolerance level of the Latvian population. Some survey research has included questions which provide some insights. But Latvia lacks research as well as officially compiled data which could provide a definitive answer to the question about the extent of racism and racial discrimination in Latvia and its causes.

Below is a brief introduction to the Latvian situation concerning different ethnic groups living in Latvia, about immigration and emigration trends, as well as the number of refugees and asylum seekers. This should help to understand better the diversity of Latvian society and its people and to realise that we all belong to Latvia and Latvia belongs to us. Latvia's history suggests that cultural diversity enriches Latvia and does not have to be a source of conflict.

Subsequently, we provide an overview of data on the views and attitudes of the Latvian population, tolerance towards different groups of people, perceptions of discrimination and violations of human rights.

Latvia is inhabited by people of many different ethnic backgrounds: Latvians, Russians, Belarussians, Ukrainians, Poles, Lithuanians, Gypsies (Roma), Tatars, Armenians, Azeris, etc. The largest and most active groups, except Latvians, are (see table 1) Russians, Ukrainians, Belarussians, Poles, Lithuanians, Jews, Roma and Germans. Most people of minority origin (62.2%) live in the largest cities: Riga, Daugavpils, Jelgava, Liepaja, Ventspils, Rezekne, Jurmala. Although minorities are mostly urban dwellers, they do not form compact areas of settlement in any one territory or town. Thus, people of different ethnic origin experience frequent daily contact. These contacts create the specific nature of Latvia's multicultural society. According to recent research and official data, Latvia is characterised by a high number of ethnically mixed marriages. Thus, for example, approximately every fourth inhabitant of Russian origin has a family member of Latvian origin. Every fifth Latvian entering a marriage has a partner of minority origin.

Table 1, Ethnic composition of Latvia's population
(*Demographic Yearbook of Latvia 2002*)

Latvians	1 365 319	58.2%
Russians	684 646	29.2%
Belarussians	93 590	4.0%
Ukrainians	61 593	2.6%
Poles	58 502	2.5%
Lithuanians	32 681	1.4%
Jews	9 650	0.4%
Gypsies (Roma)	8 266	0.4%
Germans	3 557	0.2%
Estonians	2 600	0.1%
Other nationalities	25 364	1.0%
Total	2 345 768	100%

Another indicator which characterises Latvia as a multicultural society, more precisely, as a multilingual society, is the native language of the Latvian population. Thus, in accordance with the Latvian population census of 2000, the native language of 60.5% of the Latvian population is the Latvian language, 37.3% have Russian as a native tongue, while the corresponding percentages for smaller language groups are 0.6% Belarussian, 0.6% Ukrainian, 0.4% Lithuanian, 0.3% Polish, 0.2% Gypsy (Roma) and 0.1% other.

Data provided the Board for Religious Affairs (see Table 2) demonstrate that the Latvian population belongs to many different religious denominations.

Table 2, Registered religious congregations in Latvia, 1 February 2003*(Data of the Board for Religious Affairs)*

Denomination	Number of congregations
Total	1098
Evangelical Lutherans	307
Roman Catholics	252
Orthodox	117
Baptists	90
Old Believers	67
Pentecostals	57
Seventh-day Adventists	47
Evangelical Christians and New Generation	43
Dievturi (pre-Christians)	13
Moses believers (Jewish)	13
Methodists	12
Jehovah's Witnesses	12
New Apostles	11
Lutherans of Confession of Augsburg	10
Hare Krishna movement	10
Buddhists	5
Muslims	5
Church of Jesus Christ of Latter day Saints (Mormons)	3
Other	24

An important issue in the specific Latvian ethnopolitical situation is citizenship. Specific Latvian historical conditions have created a situation where only 77% of Latvia's popu-

lation has Latvian citizenship (see Table 3), the majority of the remainder are non-citizens (21.6%) and others are foreigners (1.4%). At present 99.7% of Latvians are citizens. Only 47.4% of Russians are citizens, while only 27.3% of Belarussians and 16.3% of Ukrainians are Latvian citizens. In comparison with other national groups, the situation concerning citizenship is better among Poles, Jews, Lithuanians and Estonians. As an exception, one should mention Gypsies or Roma, of whom more than 90% are citizens. This derives from the deep historical roots of the Roma in Latvia.

Table 3, Number of citizens and non-citizens in Latvia by ethnicity*(Population Register of the Citizenship and Migration Affairs Board, 1 January 2003)*

	Citizens		Non-citizens		Foreigners		Total
Latvians	1 357 915	99.7%	2 788	0.2%	856	0.1%	1 361 559
Gypsies (Roma)	7 694	92.3%	614	7.3	27	0.4%	8 335
Poles	40 076	69.2%	17 356	30%	456	0.8%	57 888
Jews	6 471	63.8%	3 379	33.3%	296	2.9	10 146
Estonians	1 474	56.9%	831	32.1%	287	11%	2 592
Lithuanians	16 710	51.6%	14 384	44.5%	1 264	3.9%	32 358
Germans	1 815	49.5%	1 600	43.6	249	6.9%	3 664
Russians	320 833	47.4%	337 148	49.8%	19 142	2.8%	677 123
Belarussians	25 107	27.3%	64 965	70.8%	1 737	1.9%	91 809
Ukrainians	9 898	16.3%	47 306	80%	3 483	5.7%	60 687
Others	16 970	45.5%	16 120	43.2%	4 215	11.3%	37 305
Total	1 795 454	77%	504 277	21.6%	31 736	1.4%	2 331 467

The naturalisation process in Latvia started in February 1995, following the adoption of Citizenship Law in 1994 and the establishment of the Naturalisation Board. Thus, applications to obtain Latvian citizenship through naturalisation in the regional departments

of the Naturalisation Board have been accepted since February 1, 1995. Through January 31, 2003 the Naturalisation Board received 59,453 naturalisation applications, out of which 51,424 have been reviewed and Latvian citizenship has been granted to 59,511 persons. Since February 5, 1999 the Registration office of the Naturalisation Board started to accept applications to grant citizenship to children of non-citizens born after August 21, 1991 and children of stateless persons. Since then the Naturalisation Board has received 1034 applications to recognise as citizens non-citizen children born after August 21, 1991 and children of stateless persons, of which Latvian citizenship was granted to 1001 persons of non-citizen children born after August 21, 1991 and children of stateless persons.

Concerning immigration and emigration in Latvia (see Table 4), it is clear that migration to Latvia has been minimal since independence. In the early 1990s, when the Russian army was departing, outmigration was significant, as many Russians, Ukrainians and Belarussians left Latvia to the East. Emigration has continued at a slower pace since then, but still outpaces immigration. Emigrants are both Latvian citizens and non-citizens. The only region from which more people arrive is the CIS countries (except Russia), but the number of people arriving is rather small. Taking into consideration the economic situation of Latvia in comparison with current European Union member states, it can be predicted that immigration in Latvia will not significantly increase after Latvia's accession to the European Union.

Table 4, Migration since the restoration of independence
(*Demographic Yearbook of Latvia 2002*)

Year	Immigration	Emigration	Migration balance
1991–1995	30 842	168 230	-137 388
1996–2000	12 223	47 064	-34 841
1998	3 123	8 874	-5 751
1999	1 813	5 898	-4 085
2000	1 627	7 131	-5 504
2001	1 443	6 602	-5 159

According to the data of the Citizenship and Migration Affairs Board, during the period 1998–2001, when the Law on Refugees and Asylum Seekers in Latvia came in force, asylum was requested by 100 persons (see Table 5).

Table 5, Asylum seekers and refugees in Latvia
(*Demographic Yearbook of Latvia 2002*)

Year	New applications	Geneva Convention status granted	Rejected
1998	58	2	33
1999	22	4	38
2000	8	1	5
2001	12	1	13
Total	100	8	92

At the beginning more applications for refugee status came from persons arriving from Asia, but in recent years the countries of origin of applicants are former republics of the USSR. The majority of asylum seekers come from Russia (23), Armenia (12), Afghanistan (10), Vietnam (8), Azerbaijan (7), Pakistan (7), Georgia (6) and Iraq (6).

According to the Citizenship and Migration Affairs Board, the flow of asylum seekers is difficult to forecast and depends on different factors, for example, the socio-economic situation, the political regime or compliance with human rights standards in the person's country of origin. The causes of refugee applications may be various – a person has been persecuted for his/her racial, religious, national, social affiliation or due to political convictions. A person can have multiple causes for leaving the country of origin and seeking asylum in another country.

Refugee status in the Republic of Latvia has been granted to 8 persons (see Table 5), including 5 men, 1 woman and 2 juveniles. The countries of origin are as follows: 1 person each from Egypt, Iraq, Congo, Sudan, Afghanistan and 3 people from Pakistan.

Attitudes – how do we get along?

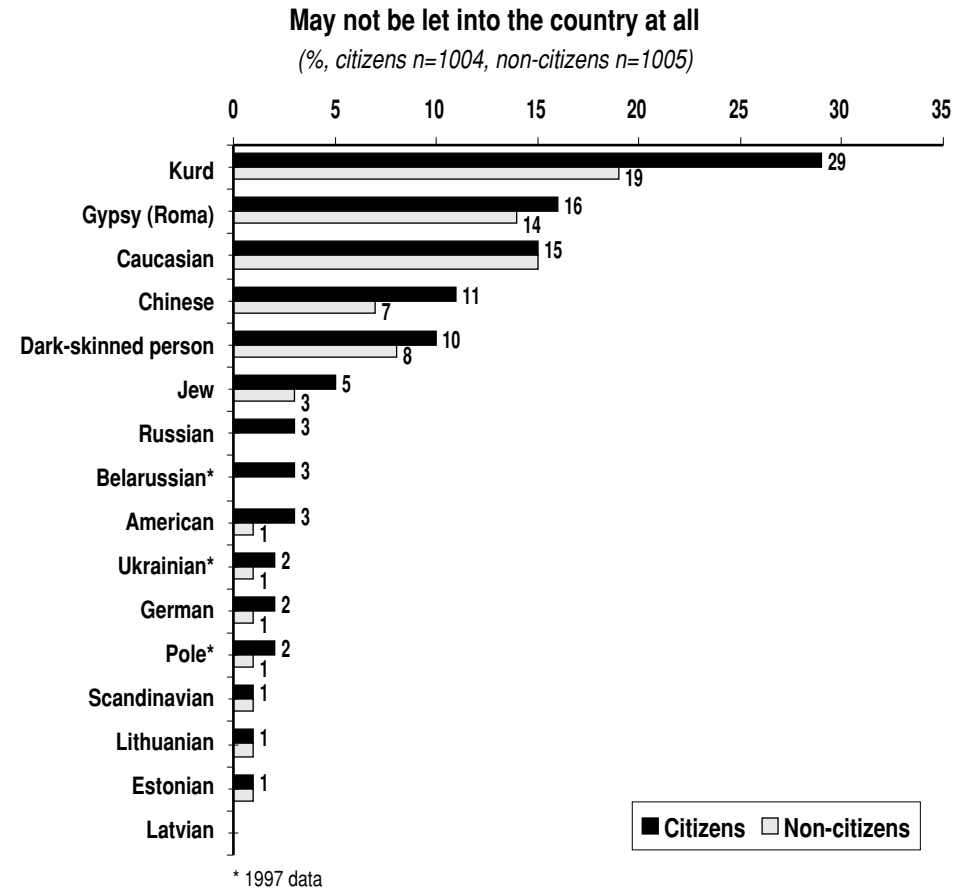
While there are a high number of mixed marriages and intense communication between people of different ethnic origin, there have been no registered incidents of ethnic conflict or violence in Latvia since independence. The 2000 survey "On the Road to a Civil Society" demonstrated that 6% of citizens and 10% of non-citizens evaluate interethnic relations in Latvia negatively. However, every third respondent evaluates interethnic relations as good and two thirds of respondents consider relations satisfactory. Comparing these data with research from 1997, we may conclude that the overall number of negative and satisfactory evaluations of interethnic relations has decreased and the number of positive evaluations has increased. Moreover, in accordance with data from the same research, more than 50% of respondents believe that interethnic relations in Latvia will improve in the coming five-year period.

Asked about the most appropriate model for Latvian society – a single community society, a binational society or a society open to cultural diversity – a plurality (46%) supported the last option. It should be mentioned that the most conservative and distrustful towards representatives of other ethnic groups and the idea of an open society are elderly people with secondary, specialised secondary or primary education, most often pensioners. Representatives of the younger generation and people with higher education are more open to contacts with representatives of other ethnic groups and perceive Latvia as a society open to cultural diversity.

In the 1997 and 2000 surveys "On the Road to a Civil Society," researchers tried to evaluate ethnic distance within the Latvian population. The survey offered a spectrum of seven different possible relationships ("close relationship", "as a close friend", "as a neighbour", "as a colleague", "as a permanent resident", "as a tourist", "should not be let into the country at all"), which had to be chosen with regard to persons of different backgrounds. Out of the ethnic groups offered in the list, Latvia's inhabitants would enter marriage most frequently with Latvians, Russians, Belarussians, Ukrainians, Lithuanians and Estonians – in short, with people of neighbouring origin. They would have good relationships as friends, colleagues and neighbours with others, for example, Germans, Americans, Scandinavians, Jews. The greatest distance is towards Gypsies (Roma), people from the Caucasus, Kurds, Chinese and dark-skinned persons. People would like to contact them as permanent residents or tourists. Concerning Kurds, people from the Caucasus and Gypsies (Roma), the majority of respondents (see Table 6) thought that

people of these nationalities should not be permitted to enter Latvia. However, it should be pointed out that this and subsequent research analyse attitudes, not behaviour. In order to speak about racial discrimination, it is necessary to analyse people's behaviour. Unfortunately, almost no research has been conducted on this in Latvia.

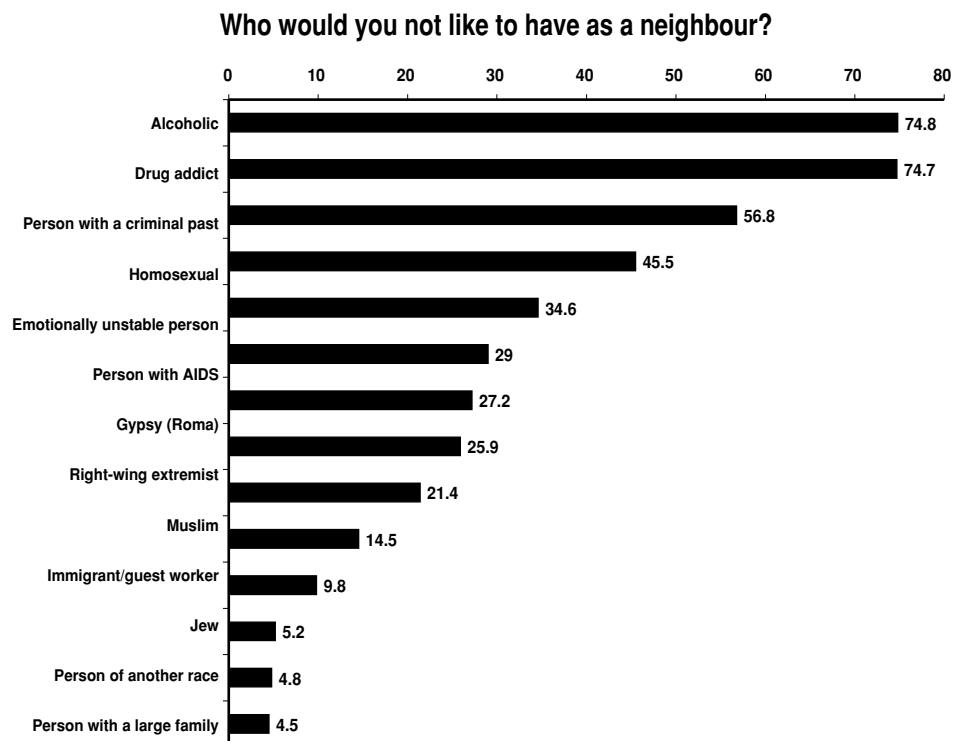
Table 6, Closeness of contact with representatives of other nationalities and races
(Survey "On the Road to Civic Society", 1997, 2000, Baltic Data House)



In 1999, 31 West and East European countries, including Latvia, participated in the European Values Study. In Latvia the study was carried out by the Baltic Social Sciences Institute. The study included questions which help understand the situation in Latvia concerning people's attitudes towards otherness and the level of tolerance in Latvian society.

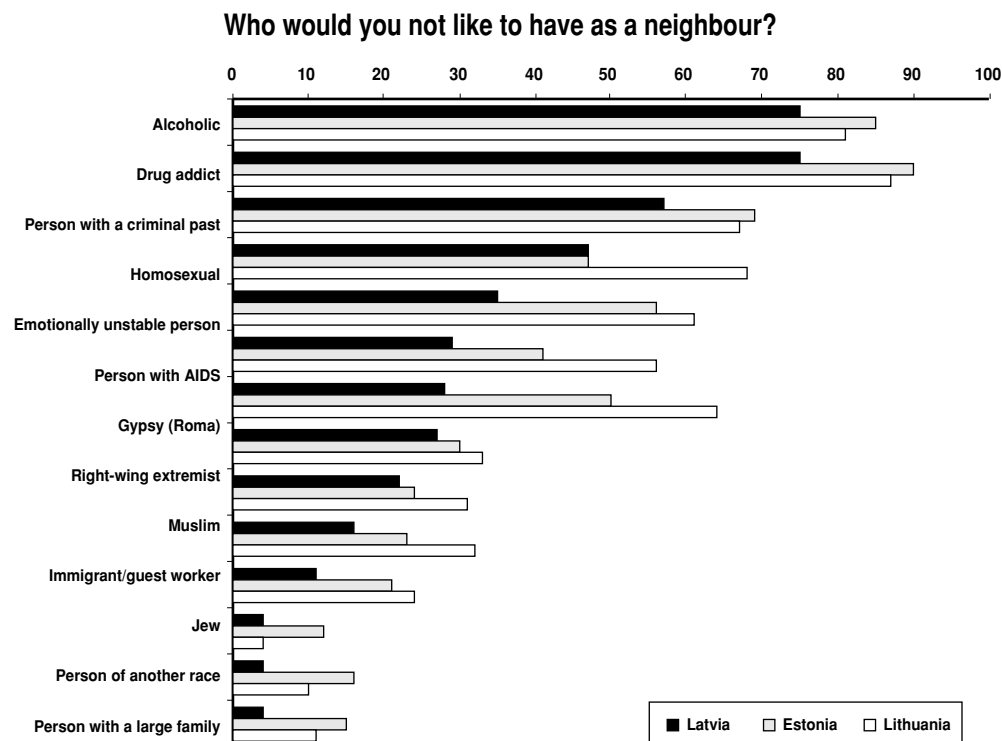
The study included a question concerning people's attitudes towards different social, religious, ethnic and racial groups. It was the following: "This list includes different groups of people. Which of them would you not like to have as neighbours?" As can be seen in Table 7, people in Latvia feel the most distance from people with deviant social behaviour (alcoholics, drug addicts, people with a criminal past), while racial, ethnic and religious affiliation, in turn, is not so important. An alarming fact is the level of prejudice towards Gypsies (Roma), as 27.2% of the respondents would not like to have them as neighbours.

Table 7, European Values, 1999
(Study in Latvia by the Baltic Social Sciences Institute)



Answers to the same questions may be compared with other countries. The data (see Table 8) suggest that Latvian society is more open to different social, ethnic and religious groups than the other Baltic countries, though differences are not great.

Table 8. European Values, 1999. Study results in the Baltic countries



It is interesting to compare the views of the Latvian population with the opinions of people from 30 other European countries which participated in this survey. As can be seen in Table 9, Latvia stands out as a relatively tolerant society towards different ethnic and religious groups. Within Eastern Europe, Latvia has the highest level of tolerance.

Table 9, European Values, 1999
Who would you not like to have as a neighbour? (%)

	Gypsies (Roma)	Muslims	Immigrants/ Guest workers	Representatives of another race	Jews
France	39.8	16	12	8.9	5.8
Great Britain	36.9	13.6	15.5	8.6	6.1
Germany	32.4	11	8.6	4.8	5.2
Austria	24.9	15.4	12.2	6.7	8.3
Italy	55.6	17.2	16.5	15.6	12.9
Spain	28	10.8	9.3	10.3	9.2
Portugal	36.5	7.9	2.5	7.6	10.8
Greece	43.5	31.1	19.4	24.4	29.4
Malta	30.2	28	15.7	19	21
Belgium	33.5	20.1	16.1	14.3	11.2
Netherlands	19.7	11.8	5.3	5.5	1.9
Luxemburg	25.2	14.2	8.4	6.3	8.3
Denmark	15.3	16.3	10.6	7.4	2.5
Sweden	19.9	9.1	2.8	2.5	2.1
Finland	44.3	19.3	13	12.3	8.6
Iceland	9.3	11.6	3	3.1	4.1
Ireland	24.8	13.6	12.3	12.1	10.9
Estonia	49.8	22.2	20.9	15.1	11.1
Latvia	27.2	14.5	9.8	4.8	5.2
Lithuania	63.3	33.1	23.6	9.7	23
Poland	38.7	23.8	23.6	17.3	25.1

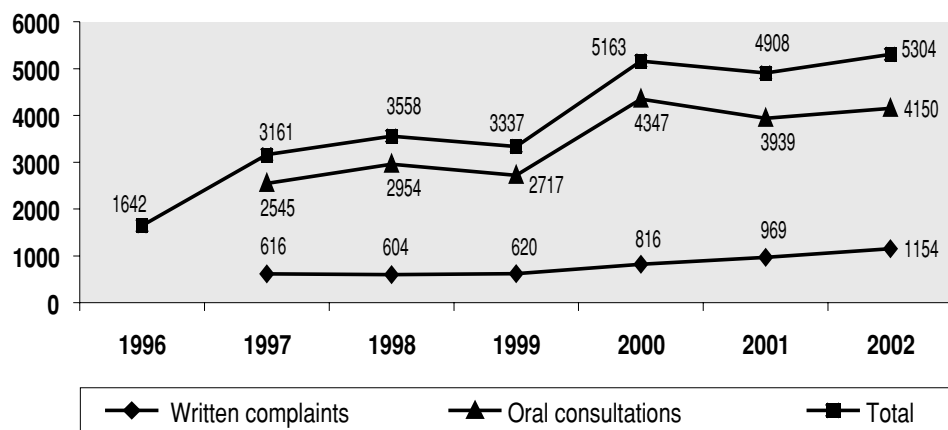
	Gypsies (Roma)	Muslims	Immigrants/ Guest workers	Representatives of another race	Jews
Czech Republic	39.9	15.2	19.4	9.9	4.4
Slovakia	77.2	24.5	22.9	17	9.9
Hungary	68.6	60.3	62	52	44.4
Rumania	51.5	31.4	21.1	24.2	23.2
Bulgaria	53.7	21.2	24.6	28.1	18.1
Slovenia	36.6	22.6	16	12	16.8
Croatia	32.7	23.8	19.3	17.3	15.8
Belarus	51.1	26.6	17.1	16.5	14.8
Ukraine	52.7	24	14.9	10.5	10.4
Russia	45.6	13.8	11	8.1	11.4
Total (average)	40.2	19.7	15.9	12.8	12.1

Discrimination in Latvia – data, facts and research

As mentioned before, Latvia lacks official data on discrimination and the little data available tend to be controversial. Official data on the annual number of complaints and consultations provided regarding the violation of human rights since the establishment of the National Human Rights Office in 1996 is summarized in the graph below.

Table 10, Summary of official data on complaints received and consultations provided by the National Human Rights Office, 1996-2002

Source: National Human Rights Office



The table above shows a steady increase in the number of complaints. The National Human Rights Office believes that this does not indicate an increase in the number of human rights violations, but reflects growing public awareness concerning rights and obligations.

Unfortunately, information about complaints and consultations directly connected with issues of discrimination is available from the National Human Rights Office only from 2000. Data are reflected in table 11.

Table 11, Complaints regarding discrimination at the National Human Rights Office, 2001-2002

	2001		2002	
	written	oral	written	oral
Racial discrimination	-	-	-	2
Gender discrimination	1	10	-	32
Age discrimination	-	19	-	31
National or linguistic discrimination	5	13	7	22
Discrimination on the basis of religious, political or other beliefs	1	7	-	14
Discrimination on the basis of social origin or property status	-	5	-	33
Discrimination on the basis of sexual orientation	13	3	1	-

However, National Human Rights Office data are insufficient to fully analyse the Latvian situation concerning discrimination. According to studies conducted by the survey research centre Baltic Data House, in 1996 only 1.4% of all respondents who believed their human rights had been violated applied for help to the National Human Rights Office, 3.6% in 1998 and 0.8% in 2000. Other respondents who believed their human rights had been violated or that they had faced discrimination apply mainly to local governments, the courts or police. Unfortunately, information from these other institutions has not been compiled and is not available for further analysis.

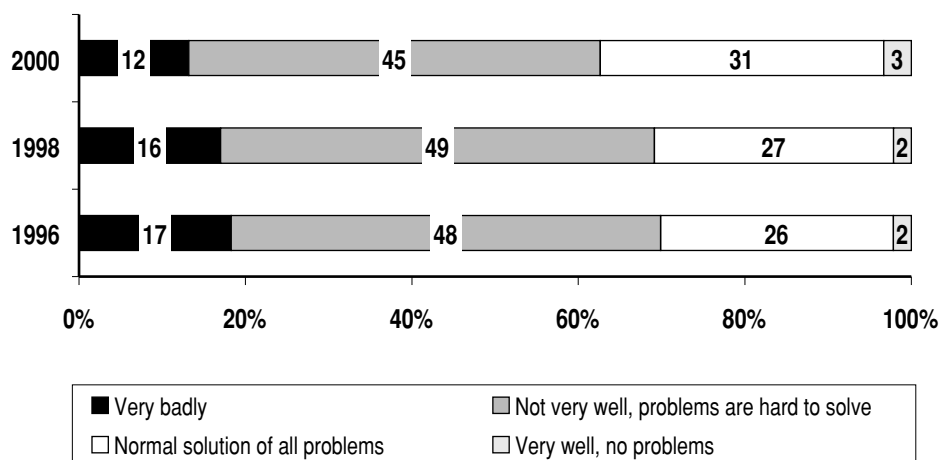
The Baltic Data House conducted surveys in 1996, 1998 and 2000 to investigate the perceived observance of human rights in Latvia, the fields where they are violated and the main causes of human rights violations.

Comparing these three studies, one concludes that the number of people dissatisfied with human rights observance in Latvia has declined (8% less in 2000 compared to 1996). The number of positive answers, however, has increased (see table 12). The

general conclusion is that the majority of respondents rather critically evaluate the situation in the field of human rights observance and combating discrimination.

Table 12, Compliance with human rights in Latvia. 1996-2000

In your opinion, how well are human rights observed in Latvia? (n=1040)



Looking at the results, we see that in the field of human right observance and elimination of discrimination in Latvia, there have been no major changes in perceptions. Thus, in 1996, 27% of Latvian inhabitants thought that in the previous 3 years their human rights had been violated, in 1998 the figure was 23% and in 2000 - 24%. During the whole period non-Latvians, non-citizens, inhabitants of Riga and people with higher education were most often among those who thought that they had been discriminated against in the last three years.

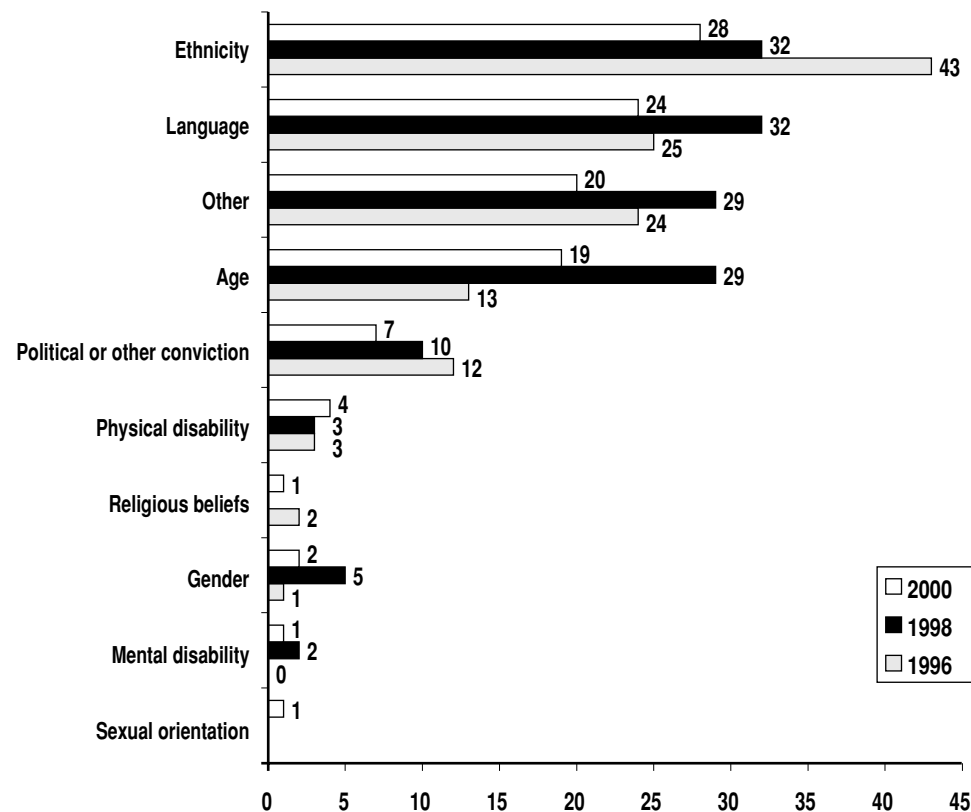
These data differ from the officially received complaints and consultations provided by the National Human Rights Office. It is important to mention that only 33% of respondents in 1996, 32% in 1998 and 26% in 2000 who believed that their human rights had been violated sought assistance. Most frequently people applied for help to local municipalities and courts.

In all the surveys, the main causes mentioned by respondents for human rights violations were similar (see table 13). Latvia has witnessed a substantial decrease in the fre-

quency with which ethnicity has been mentioned as grounds for a human rights violation. However, ethnicity and language remain frequent grounds for discrimination, at least in the perceptions of respondents.

Table 13, Causes of human rights violations, 1996–2000 (Baltic Data House)

(% of those who consider that their human rights have been violated)



Minority representatives more often, especially non-citizens, name ethnicity and language as the cause of human rights violations. Ethnic Latvians more often feel discriminated on the basis of age, political or other beliefs.

Research conducted in 2000 "On the Road to a Civil Society" asked a similar question: "Have your human rights been violated, have you faced discrimination during the last 3 years?" The data obtained may be analysed in connection with the citizenship status of respondents and the discrimination level perceived. Citizens believe that they are less discriminated (16.1%) than non-citizens (26.4%).

Citizens mentioned age (28%), low level of material welfare (17%), physical disability (7%) and language (7%) as the most frequent grounds for discrimination. Non-citizens, in turn, more often mentioned their status as non-citizens (46%), language (39%), ethnicity (31%) and age (21%).

However, there is reason to doubt whether discrimination is widespread in Latvia. The National Human Rights Office receives comparatively few complaints concerning discrimination. Moreover, NGOs such as the Latvian Human Rights Committee and the Latvian Centre for Human Rights and Ethnic Studies rarely mention cases of discrimination in their annual reports, suggesting that the phenomenon is not widespread.

The only research devoted to direct and indirect discrimination on grounds of ethnicity was the study carried out by Artis Pabriks in 2002 called "Occupational Representation and Ethnic Discrimination in Latvia". The data in this study do not suggest the existence of widespread ethnic discrimination in the labour market. The socio-economic status of minorities and Latvians is rather similar. This is not usually the case in societies with widespread ethnic discrimination. The study points to disproportions between Latvians and minorities in certain institutions and branches of industry, but these disproportions do not appear to derive from discrimination.

The case law concerning discrimination is virtually non-existent in Latvian courts. No cases involving ethnic discrimination have been brought to court and only two cases have involved gender discrimination.

In the first case, an employee of the printing house "Latgales druka" Dagmara Abramova successfully sued her employer. In 1999 she signed a new labour contract which did not include 7 duties she had performed before and her salary was five times less than that of her male colleagues. The Rezekne court declared the labour agreement not valid and awarded 2791 Lats which D.Abramova had not received in the course of 12 months. In its verdict, the court referred to the UN Convention on the Elimination of Discrimination against Women, which is ratified by Latvia. After the employer appealed to the Latgale regional court, the claimant appealed to the Supreme Court, which redirected the case

for a repeat trial to the Latgale regional court. On November 1, 2000 the Latgale regional court issued a favourable verdict to Dagmara Abramova.

In the second case, the plaintiff Inga Muhina brought to court the Riga Central prison. Referring to an advertisement in a newspaper, she applied for a warder job in the Central prison. The director of the prison refused to employ her on the grounds of her gender. The Riga Latgale District Court ruled that the decision of the Central prison was discriminatory as it violated the plaintiff's rights to equality, equal conditions for employment, including equal selection criteria in the employment procedure. The court referred to the violation of the UN Convention on Elimination of Discrimination against Women, the Constitution of the Republic of Latvia and the Labour Code of the Republic of Latvia. However, the Court denied her claim for compensation. The Civil Court Collegium of the Riga Regional court maintained that the acknowledgement of the violation of Inga Muhina's rights and a public apology by the representative of the defendant to the plaintiff in the courtroom for incorrect refusal was in itself sufficient compensation and there was no ground for material compensation.

Latvia's court practice has three cases which involve incitement to national hatred and the demeaning of national honour and human dignity.

In May 2000 two out of nine members of the violent neo-Nazi group "Thundercross" who had been arrested in 1998 were convicted of the charge of incitement of ethnic hatred. Later, on December 28, 2000, another member of "Thundercross" was convicted for incitement of national and racial hatred. These were the first cases since the restoration of Latvia's independence when people were convicted for the incitement of national hatred.

The second case is connected with the contents of the racist bulletin "Patriot". In January 2001 Guntars Landmanis was sentenced to an eight months prison term for incitement of national hatred in his openly anti-Semitic bulletin "Patriot". On November 11, 2002, the Criminal Court Collegium of the Kurzeme Regional court in its second reading upheld the ruling that found Guntars Landmanis guilty of violation of the new Criminal Law Article under 78.1 (incitement of national or racial hatred), but increased the prison term to one year, while nevertheless easing the penalty by levying a suspended sentence. In addition the court ruled that Landmanis must pay damages in the amount of 600 LVL (~ 3 1000). It was the first case in Latvia in which a conviction took place for incitement alone (Thundercross had committed various other crimes as well).

At the end of June 2002 controversy erupted over a racist pre-election advertisement for a new political grouping called the Freedom Party. Leaflets and TV advertisements featured black men dressed in Latvian army uniforms and the accompanying text: "Today – guardian of Latvia, tomorrow – maybe your son-in-law?". The context sowed alarm about the possible influx of immigrants after Latvia's accession to the European Union. While law enforcement authorities did not detect incitement of hatred, the leadership of Latvian TV refused to run the clips and found them in contradiction with Article 17.3.3 of the Law on Radio and Television, which states that broadcasts cannot include "incitement to national, racial, gender or religious hatred, to defamation of national honour or respect." Black musicians of the group *Los Amigos* Peter Mensaha and Christopher Chinedu Ejugbo claimed not to have been aware of the contents of the advertisement and filed a claim against the Freedom Party in Riga Regional court requesting 30 001 LVL each as compensation for demeaning their national honour and human dignity. The Riga District Court partly satisfied the claims of the *Los Amigos* musicians, acknowledging that the party advertisement insulted the national honour and human dignity of the musicians, but did not recognise the advertisement as inciting racial hatred, as there was no evidence that the party wanted to cause racial hatred or discord in society. The Riga Regional court ruled that the Freedom Party had to broadcast an apology in prime time on Latvian TV, as well as send by post 180 000 apology letters to Latvia's inhabitants. The Party had to pay moral compensation to both musicians in the amount of 3000 LVL, as well as reimburse 150 LVL court expenses.

Less attention was drawn to the xenophobic, anti-European Union advertisement of the Social Democratic Welfare Party led by Yuri Zhuravlov – a caricature negatively depicting a black man and a woman dressed in Latvian national costume. Neither the Freedom party, nor the Social Democratic Welfare Party gained enough votes for parliamentary representation.

No cases have been officially registered in Latvia when a person has been attacked due to racial or ethnic affiliation. However, recently the media mentioned the first information about a case in Latvia (see <http://www.politika.lv/?id=105117&lang=lv>) in which a foreigner was attacked due to his skin colour. Particularly surprising is the fact that it took place in the very centre of Riga, at the Freedom monument. A group of attackers armed with chains shouted racist slogans. As the victim did not submit an application to the police, this case has not been investigated.

All in all there are no grounds to consider discrimination a widespread phenomenon in

Latvia. However, there is a need to build public awareness about the negative consequences of discrimination and racism and preventive measures should be taken to avert discrimination in the future. This requires improvement of the legal framework in accordance with international standards and consolidation of governmental and public efforts in the field of combating discrimination.

Anti-discrimination legislation in the Republic of Latvia

Latvia has ratified a number of important international legal instruments acts in the field of preventing discrimination in various areas of public life. Among the most important are:

- 1) The Universal Declaration of Human Rights;
- 2) The International Covenant on Civil and Political Rights;
- 3) The International Covenant on Economic, Social and Cultural Rights;
- 4) The 1965 International Convention on the Elimination of All Forms of Racial Discrimination;
- 5) The European Convention for the Protection of Human Rights and Fundamental Freedoms;
- 6) The European Social Charter.

However, Latvia still has to fill some gaps in its international obligations. Although Latvia has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination, it has not made a declaration under Article 14 recognising the competence of the Committee on the Elimination of Racial Discrimination to accept and examine complaints submitted by individuals or groups of persons.

Although Latvia has signed and ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, it has only signed, but not yet ratified Protocol 12 prohibiting discrimination.

Latvia has signed but not ratified the Council of Europe's Framework Convention for the Protection of National Minorities.

Latvian national anti-discrimination legislation has many gaps and weaknesses. Therefore it is important to harmonise legislation acts with the requirements of the

European Council's directive 2000/43/EC passed in June 2000. This directive implements the principle of equal treatment of persons irrespective of racial or ethnic origin and obliges governments to carry out concrete measures to eliminate different forms of discrimination.

The Constitution of the Republic of Latvia contains a general prohibition of any form of discrimination. Article 91 of the Constitution provides: "All human beings in Latvia shall be equal before the law and the court. Human rights shall be realised without discrimination of any kind." Thus non-discrimination, including on the grounds of racial or ethnic origin, is enshrined at the constitutional level. Article 89 of the Constitution also provides that international instruments are binding for Latvia.

Some Latvian laws – "On the Free Development and Rights to Cultural Autonomy for Latvian National and Ethnic Groups," "On Court Power," "On Education" – contain general norms prohibiting discrimination in different fields, such as employment, court procedures and education. The exception is the Labour Law, which contains detailed anti-discrimination provisions.

However, Latvia has not developed comprehensive anti-discrimination legislation involving all spheres of life, including housing, access to public and social services, access to public places and contractual relations between persons, as well as effective mechanisms for implementation of laws and elimination of discrimination.

Except for the laws mentioned above, Latvian legislation does not reflect ethnic or racial origin as a possible grounds for differential treatment. Besides, Article 91 of the Constitution does not provide effective protection against discrimination in the private sphere.

The prohibition of indirect discrimination is established in the Labour Law, but is not regulated in other spheres of life. Article 91 of the Constitution does not provide for effective protection of rights, especially in cases of indirect discrimination in the private sector. Thus, except for labour legislation, where the Labour Law provides for complete prohibition of indirect discrimination, all other spheres (social protection, including social security and health care, social advantages, education, supply of public goods and services, housing) in Latvia need to envisage the prohibition of indirect discrimination.

Latvian legislative acts do not specify the prohibition of racial/ethnic harassment. It is important to provide and define harassment, as under European Council directive 2000/43/EC, harassment is a specific type of discrimination.

The prohibition of victimisation (making somebody a victim) in Latvia is provided only in labour legislation and the individual right to submit an application to the National Human Rights Office. In other cases, the prohibition of victimisation can be derived from Articles 1 and 91 of the Constitution, however, this cannot be considered an effective protection of rights.

Latvia's laws do not clearly provide that issuing orders with an intention to discriminate against third parties due to their racial affiliation or ethnic origin is illegal and considered discrimination under European Council directive 2000/43/EC. This should be clearly declared.

The notion of discrimination in the Criminal Law requires demonstrating intent, not only effect. However, European Council directive 2000/43/EC provides that in cases of discrimination, the goal and the effect of action are critical.

The Criminal Law provides that deliberate propagation of discord in society may be punished beginning with a fine and ending with imprisonment. However, it does not include any provisions clearly banning activities directed at incitement of national honour and respect that was included in Section 69 of the former Criminal Code. Thus, in accordance with Section 78 of the new Criminal Law, criminal prosecution for racial expressions may be initiated only using the provisions which ban incitement of racial hatred. Law enforcement authorities point out that it is very difficult to prove intent to incite hatred and discord in society.

Although Section 156 of the Criminal Law bans abuse of a person's honour, up to now this article has not been applied in cases of offences with racial animus.

Criminal liability for racial expressions in Latvia should be made easier to apply than it is now. However, there is no universal model in the world which meets the needs of all countries. It is difficult to locate the point where freedom of expression ends and responsibility begins for words which jeopardize the rights and freedoms of others.

Latvia does not have criminal law provisions which define crimes with racial motivation as a specific type of crime and there are no provisions allowing courts to clearly take into account racial or xenophobic motives as aggravating circumstances. Latvian anti-discrimination legislation requires incorporation of such provisions.

It is important to conduct a legal analysis of discrimination and incitement of national and racial hatred in Latvia. However, the improvement of legislation is only one part of the

picture. Implementation of laws, improvement of control mechanisms and purposeful action towards eliminating discrimination are important components of the general process.

All national institutions carrying responsibility for combating different manifestations of discrimination and intolerance — the Secretariat of the Special Tasks Minister for Social Integration, the National Human Rights Office, the State Labour Inspectorate, the police, the Prosecutor's office, the courts – all should join their forces in common and effective action.

One of the most important means for influencing public awareness and public values is education. That is why educational institutions are indispensable allies in the common fight against prejudices and negative stereotypes.

The media and NGOs also play an essential role in promoting tolerance. Effective elimination of discrimination will require sustained cooperation between the government and non-governmental institutions. Let's work together, develop a national action plan to combat discrimination and intolerance and implement it together!

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