

Language policy of Latvia

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Language Policies in Latvia 2019-2020

Follow-up report to the Human Rights Comment

“Language policies should accommodate diversity...” of 29.10.2019

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Demographical background

According to the data of the Central Statistical Bureau from 2017¹, Latvian is the mother tongue of 60.8 % of the population, Russian – that of 36.0 %. Latvian is used at home by 61.3 %, Russian by 37.7 %. Sadly the survey does not give detailed information on other minority languages, summarising them as “others”. The data of the last census (2011) show that the most widespread other languages used at home are Lithuanian, Polish and Ukrainian, with about 0.1 % each.² It needs to be noted that just 25.4 % of the population were ethnic Russians in early 2017.³ Thus, the Russian-speaking linguistic minority is much broader than the Russian national minority. This difference has existed since the 19th century, as the 1897 census had shown a notable number of native Russian-speakers in the territory of current Latvia to be Jewish.

¹ The Central Statistical Bureau <https://www.csb.gov.lv/en/statistics/statistics-by-theme/population/search-in-theme/2747-latvian-mother-tongue-608-population-latvia>

² The Central Statistical Bureau http://data1.csb.gov.lv/pxweb/en/iedz/iedz_tautassk_taut_tsk2011/TSG11-07.px/

³ The Central Statistical Bureau https://data.csb.gov.lv/pxweb/en/iedz/iedz_iedzrakst/IRG069.px/

Evaluation of recent education “reforms”: Constitutional Court, Venice Commission and the European Court of Human Rights

In 2018, amendments to education laws and regulations were adopted, providing for a sharp reduction in the use of languages of national minorities in education at all levels – from pre-schools to tertiary education. In high schools and universities, the languages lacking official status in the EU get limited to learning ethnocultural subjects. The “reforms” impact over a quarter of pupils in Latvia’s schools.⁴ Since the autumn of 2019, those amendments began to enter into force.

After the April, 2019, judgment of the Constitutional Court affirming the new minority language use restrictions for public schools, a series of applications to the ECHR were submitted on behalf of parents, supported by the Latvian Human Rights Committee (LHRC) and by the informal Parental Community (www.parents.lv)⁵. Currently, 131 such applications have been registered (e.g., No. 56967/19), all of them are awaiting the first judicial decision. It deserves to be noted that overwhelming majorities of Latvia’s Russian-speakers in all age groups surveyed are in favour of the right to learn in one’s native language, according to a 2020 study sponsored by the Dutch and Swedish embassies.⁶

November 13, 2019 – the Constitutional Court delivers a judgment on the new minority language use restrictions for private schools, in the case No. 2018-22-01. The Court finds the restrictions constitutional – same as it did in April with the same restrictions as concerned public schools (case No. 2018-12-01). A difference is that in the case of private schools, two judges submit dissenting opinions.⁷ An English translation of the private schools judgment has been published in spring 2020.⁸ Some parents of pupils of private schools have also filed applications to the ECHR (e.g., No. 44641/20), without LHRC assistance.

June 11, 2020 – the Constitutional Court delivers a judgment on the new minority language use restrictions for private institutions of tertiary education (case No. 2019-12-01), adopted in 2018. The restrictions are found to be unconstitutional – based on the right to education and academic freedoms. However, they are left in force until May 1, 2021, to give the Parliament a time to elaborate a new regulation.⁹ Moreover, the Con-

4 The Central Statistical Bureau <https://www.csb.gov.lv/en/statistics/statistics-by-theme/social-conditions/education/tables/izg100/general-full-time-school-enrolment-language>

5 [Some information with personal data omitted from the public version of the report]

6 Attitude of the Russian-speaking population of Latvia towards European values and various political and social issues https://drive.google.com/file/d/1Fz_23lUnSoulxHUgxd99szGBb3s-YnVZ/view

7 http://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2018/11/2018-22-01_dissenting-opinion_Ku%C4%8Ds.pdf

& http://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2018/11/2018-22-01_dissenting_opinion_Neimanis.pdf

8 <http://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2018/11/Judgment-in-the-case-2018-22-01-EN-1.pdf>

9 Court press release <http://www.satv.tiesa.gov.lv/en/press-release/norms-that-provide-that-the-language-of-instruction-in-study-programmes-of-private-institutions-of-higher-education-is-the-official-language-are-incompatible-with-article-112-and-article-113-of-the-s/>

stitutional Court decides to apply to the European Court of Justice on the issue of the freedom of establishment and the freedom to provide services.¹⁰

June 18, 2020 – the Venice Commission adopts its opinion¹¹ on the recent amendments on minority education in Latvia. It stresses the need for minority education being available and condemns the language restrictions imposed on kindergartens, private schools and private institutions of tertiary education. However, it does not contest the strictening of language use requirements for public schools, despite having referred to an array of critical evaluations from relevant international bodies, in Para. 58. Moreover, the opinion is inconsistent – it makes strong use of OSCE Hague recommendations in relation to kindergartens, but not in relation to public schools. Strangely, the opinion uncritically accepts preference given for EU official languages over Russian, the native language of 36 % of Latvians.¹²

June 19, 2020 – the Constitutional Court delivers a judgment on the new minority language use restrictions for kindergartens (case No. 2019-20-03)¹³. The restrictions are found to be constitutional. The applicants, supported by our Latvian Human Rights Committee, have decided to apply to the ECtHR. The following statements of the court deserve special attention, as concerns disrespect to international expertise and narrow understanding of discrimination:

18.3. [...] The Constitutional Court concludes that it follows from the letters of the Committee on the Elimination of Racial Discrimination and Special Rapporteurs that those United Nations bodies did not have available, when elaborating those letters, a full information about the scope of the Regulation No. 716, which is being clarified in the present judgment. Those letters shall be considered as an invitation to dialogue between the Latvian government and the relevant United Nations bodies.

[...]

21. [...] Thus, in the circumstances of the present case, educatees belonging to the constituent nation and educatees belonging to national minorities do not form comparable groups.

For a comment on both the CC judgment and the Venice Commission opinion, please see an article by Aleksejs Dimitrovs at *Verfassungsblog*.¹⁴

As at December 19, 2020 (six months after the Constitutional Court judgment), 46 applications on behalf of pre-schoolers have been submitted to the ECtHR with the assistance of LHRC and the Parental Community. Three applications (Nos. 50942/20; 51110/20; 51713/20) have already been registered and are awaiting the first judicial decision.

¹⁰ Court press release <http://www.satv.tiesa.gov.lv/en/press-release/the-constitutional-court-turns-to-the-court-of-justice-of-the-european-union-concerning-the-freedom-of-establishment-of-private-institutions-of-higher-education-and-suspends-legal-proceedings-in-a-cas/>

¹¹ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)012-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)012-e)

¹² For a detailed analysis, see “Opinion of the Venice Commission on Russian schools in Latvia. Critical notes (summary)” http://lhrc.lv/arxiv/Venice2020_answerEN_short.docx (EN). A fuller version of the analysis is available in Russian at http://lhrc.lv/biblioteka/Venice2020_answerRU_full.docx

¹³ Court press release <http://www.satv.tiesa.gov.lv/en/press-release/the-norms-that-determine-the-language-of-instruction-in-pre-school-institutions-comply-with-the-satversme/>

¹⁴ <https://verfassungsblog.de/riga-and-venice-on-a-collision-course/> (EN)

For an overview of 2018-2020 “reforms”, relevant international concerns and constitutional review cases, please see an updated table on the LHRC website¹⁵, also annexed to the present submission.

New education legislation of 2020 and further political plans

May 14, 2020 – the Parliament adopts amendments to the General Education Law prescribing all municipal kindergartens to provide an opportunity for learning in Latvian, starting from 2021.¹⁶

June 8, 2020 – as a result of the amendments in the General Education Law, Liepāja City Education Board predicts that two kindergartens will have to switch from Russian-language programme to a Latvian-language one, as they are too small to have both.¹⁷

July 2, 2020 – the Parliament adopts a Law on International Schools, allowing them to function in official languages of EU and NATO countries only.¹⁸ The reasoning is “a political responsibility not to have any schools with Russian or Chinese language in Latvia”, as explained by the chair of the parliamentary foreign affairs commission Mr Richards Kols (National Alliance) in a commission hearing before the plenary.¹⁹

After the early elections to the Riga City Council in August 2020, a coalition of four electoral lists came to power in the capital. One of the coalition partners, the New Unity, promises in its programme that “learning in municipal kindergartens will be in the official language”²⁰. Another, the New Conservative Party, declares “Education in Latvian – in all schools of Riga”.²¹ This aligns with the plans of the national government (see annex 1).

COVID-19 reaction and minority education

The government of Latvia has provided some televised school education content to support learning during the pandemics. It was made available on *tavaklase.lv*. Sadly the only content available in minority languages was in the lessons of the languages themselves – not of any other subjects. Moreover, as concerns the Russian language, only lessons of it as a foreign language have been made available.²² The Ombudsman

¹⁵ 2018-2020 legislative changes in Latvia: restricting the minority rights to learn in their mother tongue http://lhrc.lv/arxiv/EduRef_table.docx (EN)

¹⁶ <http://minorities-latvia.info/2020/05/14/draft-amendment-to-the-general-education-law-2020/> (EN) See also a media report <https://rus.delfi.lv/news/daily/latvia/s-2021-goda-vse-municipalnye-detskie-sady-dolzheny-obespechivat-obuchenie-na-latyshskom-yazyke.d?id=52140389> (RU)

¹⁷ Media report in Latvian: <https://www.diena.lv/raksts/latvija/zinas/ne-visi-darzini-gatavi-atvert-latviesu-grupas-14242474> Retelling in Russian: <https://lv.sputniknews.ru/Latvia/20200610/13877202/Eto-budet-neprosto-dva-russkikh-detsada-v-Liepae-polnostyu-perevedut-na-latyshskiy.html>

¹⁸ Parliamentary press release <https://www.saeima.lv/en/news/saeima-news/29068-saeima-adopts-law-on-international-schools> (EN) Text of the law <https://titania.saeima.lv/LIVS13/saeimalivs13.nsf/0/6B83B33A45FFB-721C22585A00048EF18?OpenDocument> (LV) See also a translated excerpt <http://minorities-latvia.info/2020/07/02/the-law-on-international-schools-excerpt-2020/> (EN)

¹⁹ Media report <https://bb.lv/statja/nasha-latvija/2020/07/02/oficialno-rossijskih-shkol-v-latvii-ne-budet-i-kitajskih-tozhe> (RU)

²⁰ <https://rd2020.cvk.lv/pub/en/candidate-lists/riga/jauna-vienotiba> (LV)

²¹ <https://rd2020.cvk.lv/pub/en/candidate-lists/riga/jauna-konservativa-partija> (LV)

²² <https://www.tavaklase.lv/programma/> Choose “Mācību priekšmets” [subject] on the left, the only option with “Krieviska valoda” [Russian language] is with a mark “svešvaloda” [foreign language]

has initially not found any problem with this, when applied to by parents²³; later he expressed some concerns. The issue still needs monitoring, as it is likely that a similar programme will be conducted in 2021.

Meanwhile, official language skills checks are still being conducted on teachers [in practice, those of minority schools] – now distantly, as reported by state-owned *Latvijas Radio*.²⁴ It should be noted that teachers can be fined or fired if their Latvian language skills are considered insufficient – even if the teacher teaches minority or foreign languages, or subjects taught in a minority language.

Culture funding

The uneven level of support provided to the Riga Russian Theatre and especially to the bilingual Daugavpils theater in comparison to main Latvian-language theaters is a matter of concern.²⁵

Media law and media funding

June 11, 2020 – the Parliament adopts, in the final reading, the bill No. 559/Lp13, amendments to the Electronic Mass Media Law. It contains a 20 % upper limit on non-EU/EEA official languages (in practice, mainly on Russian) in the basic TV packages.²⁶

August 6, 2020 – the Social Integration Foundation (SIF) deprives of COVID-related funding two Russian-language media outlets, newspaper *Segodnya* (the only surviving Russian-language daily in the EU) and web portal *bb.lv*. It accuses them of spreading misinformation, with a reference to some classified information from security services.²⁷ This development comes after a public political pressure from the National Alliance, a co-ruling party controlling the Ministry of Culture, against *Segodnya* in particular,²⁸ and after an extraordinary meeting at the SIF council.²⁹

November 2020 – the National Council on Electronic Mass Media announces a plan to switch the content of the only state-owned multilingual *LTV7* channel to Latvian language only. It is intended to have some content in minority languages at an online platform (actually, there is already a Russian-language version of the state-owned *lsm.lv* web portal).³⁰

23 NGO report <https://parents.lv/tv-obuchenie-otvet-ot-ombudsmena/> (LV)

24 State-owned media report <https://rus.lsm.lv/statja/novosti/obschestvo/plyusi-i-minusi-distancionnogo-obucheni-ja--mnenie-uchiteley.a356487/> (RU)

25 <https://rus.delfi.lv/delfi-plus/istorija-dnja/zakulise-covid-kompensacii-pochemu-teatr-dailes-poluchil-1-mln-evro-a-daugavpilsskij-teatr-vsego-24-tysyachi.d?id=52481221> (RU, mostly behind a paywall)

26 Parliamentary press release <https://www.saeima.lv/en/news/saeima-news/29028-saeima-at-least-80-percent-of-additional-programmes-included-in-tv-packages-must-be-in-eu-languages> (EN)

27 <https://rus.delfi.lv/news/daily/latvia/sif-reshil-otnyat-finansirovanie-vydelennoe-gazete-segodnya-i-portalu-bb-lv-vo-vremya-kovid-krizisa.d?id=52359041> (RU)

28 <https://www.la.lv/splaviens-seja-nacionalai-pasapzinai-dzintars-naudu-krievu-medijiem-salidzina-ar-terorisma-finansesanu> An interview by the NA leader Mr Raivis Dzintars (LV) See also a comment from Russia-owned Sputnik <https://lv.sputniknews.ru/columnists/20200607/13862276/Proshay-gospodderzhka-Kak-pressuyut-russkoyazychnuyu-pres-su-Latvii.html> (RU)

29 https://www.sif.gov.lv/index.php?option=com_content&view=article&id=10922%3ASabiedribas-integracijas-fonds-Tiks-lugta-informacija-papildu-apstaklu-noskaidrosana&catid=14%3AJaunumi&Itemid=186&lang=lv (LV)

30 <https://bb.lv/statja/politika/2020/11/09/menshe-chem-cherez-god-s-telekanala-ltv7-uberut-russkikh-zhurnalistov> (RU)

Reaction to the pandemics: beyond education

Both the Ministry of Health and the Centre for Disease Prevention and Control have Russian-language versions of their websites, although they had no news sections until recently. Initially, they did not publish any information on COVID-19 in Russian. Public objections were initiated by the Latvian Human Rights Committee in a paid Facebook ad on March 11³¹, then by Harmony Party MPs on March 12.³² On March 13, these websites began providing information on the coronavirus in Russian as well. The same day, state-owned *LTV7* channel has mentioned the issue, calling it “a shame³³”. Later, state-owned *Latvijas Radio* gave word to a social anthropologist noting “lack of a mechanism for direct communication with those living in a Russian-speaking environment”.³⁴

Freedom of political speech

December 3, 2020 – the Parliament adopts, in the first reading of the three, the bill No. 780/Lp13, – “Amendment to the Pre-Election Campaign Law”, reading as follows³⁵:

To supplement the law with a Section 5.1, to read as follows:

“Section 5.1. The Language of the Pre-election Campaign

The pre-election campaigning, the expenses for placement of which fall under expenses subject to restrictions for the amount of pre-election campaign expenses, as provided by law, shall be made in the official language only.”

To supplement the law’s Transitional Provisions as follows:

“Transitional Provisions

5. Section 5.1. of the present law shall come into force on January 1, 2021”

This is done despite a critical letter from the office of the OSCE High Commissioner on National Minorities, received in September³⁶.

The text of the current law is available in English in an almost up-to-date version (the amendments of June 2020, not yet translated there, are procedural)³⁷. For the Council of Europe law context, see ECtHR judgment in *Şükran Aydın and Others v. Turkey*³⁸ and joint opinion on amendments to the Bulgarian electoral code, adopted by the Council for Democratic Elections and the Venice Commission.³⁹

31 <https://www.facebook.com/latvianhumanrightscommittee/posts/3516251801780816> (RU)

32 <https://www.facebook.com/agesins/posts/1504358696399228> (LV, RU)

33 <https://www.facebook.com/ltv7rus/videos/648886455686780/> (RU)

34 <https://rus.lsm.lv/statja/analitika/analitika/v-latvii-ne-hvataet-mehanizma-obschenija-naprjamuyu-s-russkojazychnimi--socioantropolog.a352354/> See also <http://novayagazeta.ee/articles/30301/> (RU)

35 <https://titania.saeima.lv/LIVS13/saeimalivs13.nsf/0/2943494D663BA615C22585D10024170C?OpenDocument> (LV)

36 <https://titania.saeima.lv/LIVS13/saeimalivs13.nsf/0/38CBD809ACA764E3C2258602002B29ED?OpenDocument> (LV, EN)

37 <https://likumi.lv/ta/en/en/id/253543-pre-election-campaign-law>

38 <http://hudoc.echr.coe.int/fre?i=001-116031>

39 [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)016-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)016-e), para.54

Property law

June 11 – the Court of Justice of the European Union applies Directive 2006/123/EC, on services in the internal market, to purchasing agricultural land by legal persons. The court decides that the directive forbids a requirement of knowledge of the official language on a level which enables members/representatives of the legal person to at least converse on everyday subjects and on professional matters. The case, C-206/19, is concerning Latvian law “On the Privatisation of Land in Rural Areas”.⁴⁰ As at December, the law has not been amended, despite some media reports about planned corrections.⁴¹

Communication with the public sector

In February 2020, the parliament of Latvia has dissolved the Riga City Council and appointed a provisional administration for the capital. This change of local power from above raised concerns from the Congress of Local and Regional Authorities.⁴² Afterwards, it was reported that city-owned housing management company – dominating in the market – has started to refuse customers’ applications written in Russian⁴³, the home language of the majority of the city residents.⁴⁴

Employment

August 11, 2020 – the Road Transport Administration announces that newly registered taxi drivers will have to present certification of Latvian language skills of B level at least, or of having received education in Latvian.⁴⁵

New law on administrative violations (petty offences)

The new Law on Administrative Punishments in the Fields of Public Administration, Public Order and Usage of the State Language⁴⁶ (bill No. 342/Lp13) has been adopted by the Parliament in the final reading, on May 7, 2020, and entered force on July 1.

⁴⁰ <http://curia.europa.eu/juris/document/document.jsf?text=&docid=227290&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=4491638>

⁴¹ <https://press.lv/post/gosyazyk-uchit-ne-obyazatelno-latviya-nachinaet-prodavati-zemlyu-inostantsam> (RU)

⁴² <https://www.coe.int/en/web/congress/-/latvia-a-missed-opportunity-to-adopt-a-territorial-reform-in-line-with-the-european-charter-of-local-self-government-say-rapporteurs>

⁴³ <https://lv.sputniknews.ru/Latvia/20200626/13960296/Novaya-metla-Rgas-namu-prvaldnieks-vymela-russkiy-ya-zyk.html> (RU)

⁴⁴ <https://www.csb.gov.lv/en/statistics/statistics-by-theme/population/census/search-in-theme/1442-home-latvian-spoken-62-latvian-population>

⁴⁵ <http://www.atd.lv/lv/jaunumi/no-17-augusta-re%C4%A3istr%C4%93joties-taksometru-vad%C4%ABt%C4%81ju-re%C4%A3istr%C4%81-ir-j%C4%81iesniedz-dokuments-kas> (LV)
<https://rigaplus.lv/ru/predyavite-korochku-voditelej-taksi-budut-proveryatj-na-znanie-gosyazka/> (RU)

⁴⁶ <https://titania.saeima.lv/LIVS13/saeimalivs13.nsf/0/A528F1485FD84433C2258568001C582F?OpenDocument> (LV)

The comparison of the main language-related punitive provisions is as follows:

<i>Corpus delicti</i>	Latvian Administrative Violations Code, in force until June 30, 2020	Law on Administrative Punishments [..]
Insufficient Latvian language skills for one's occupation (most widespread violation)	Fines from EUR 35 up to EUR 280. If repeated – fines from EUR 280 up to EUR 700. <i>Section 201.26</i>	Warning or a fine from EUR 35 up to EUR 700. <i>Section 19.</i>
Providing bilingual information in public places in cases where the law allows using Latvian only (victimless offence)	Warning or a fine from EUR 35 up to EUR 140. <i>Paragraph 7 of Section 201.35</i>	Warning or a fine from EUR 35 up to EUR 140 for natural persons, from EUR 70 up to EUR 300 for officials, from EUR 140 up to EUR 1400 for legal persons. <i>Paragraph 3 of Section 21</i>
Sending prospects, bulletins, catalogues and other materials from public entities to natural and legal persons in a foreign language along the official language, unless those persons request so (victimless offence)	Absent	Warning or a fine from EUR 35 up to EUR 140 for natural persons, from EUR 70 up to EUR 300 for officials, from EUR 140 up to EUR 1000 for legal persons. <i>Paragraph 1 of Section 21</i>
Contempt to the state language (victimless offence, unless it happens to fall under criminal law hate speech provisions)	Fines up to EUR 350. <i>Section 201.36</i>	Fines from EUR 35 up to EUR 700. <i>Section 20</i>
Not ensuring voice-over or dubbing of films screened in public, or their fragments in Latvian, or not ensuring the original sound recording with subtitles in Latvian, if the regulatory enactment specifies this translation	Fines from EUR 140 up to EUR 3600. If repeated – fines from EUR 700 up to EUR 7100. <i>Section 201.32</i>	Warning or a fine from EUR 35 up to EUR 140 for natural persons, from EUR 140 up to EUR 5000 for legal persons. <i>Section 27</i>
Conclusion of a contract of employment with an employee, whose knowledge of Latvian is inadequate to fulfil one's duties, if the regulatory enactment requires knowledge of Latvian	Fine from EUR 140 up to EUR 350. If repeated – fines for a natural person from EUR 280 up to EUR 700, for a legal person from EUR 700 up to EUR 1400. <i>Section 41.1</i>	Warning or a fine from EUR 140 up to EUR 700 for natural persons, from EUR 700 up to EUR 1400 for legal persons. <i>Section 24.</i>

NB In the text of the new law, the size of fines is defined in units. 1 unit now amounts to EUR 5.

ANNEX 1

Latvia's language legislation through an international lens

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Constitution

18. [...] A person elected to the Saeima [*Parliament*] shall acquire the mandate of a Member of the Saeima if such person gives the following solemn promise:

“I [...] do swear (solemnly promise) [...] to strengthen [...] the Latvian language as the only official language [...].”¹

39. [...] requiring the applicants to take the oath on the Gospels was tantamount to requiring two elected representatives of the people to swear allegiance to a particular religion, a requirement which is not compatible with Article 9 of the Convention. As the ECtHR rightly stated in its report, it would be contradictory to make the exercise of a mandate intended to represent different views of society within Parliament subject to a prior declaration of commitment to a particular set of beliefs

European Court of Human Rights. Buscarini and Others v. San Marino. Grand Chamber judgment of 18.02.1999, application No. 24645/94 Link: <http://hudoc.echr.coe.int/eng?i=001-58915>

167. As to what loyalty is required from MPs to the State, the Court considers that such loyalty in principle encompasses respect for the country's Constitution, laws, institutions, independence and territorial integrity. However, the notion of respect in this context must be limited to requiring that any desire to bring about changes to any of these aspects must be pursued in accordance with the laws of the State. Any other view would undermine the ability of MPs to represent the views of their constituents, in particular minority groups. [...] there can be no justification for hindering a political group solely because it seeks to debate in public the situation of part of the State's population and to take part in the nation's political life in order to find, according to democratic rules, solutions capable of satisfying everyone concerned. Similarly, in the present case, the fact that Moldovan MPs [...] may wish to pursue a political programme which is considered by some to be incompatible with the current principles and structures of the Moldovan State does not make it incompatible with the rules of democracy. A fundamental aspect of democracy is that it must allow diverse political programmes to be proposed and debated, even where they call into question the way a State is currently organised, provided that they do not harm democracy itself

European Court of Human Rights. Tanase v. Moldova. Grand Chamber judgment of 27.04.2010, application No. 7/08. Link: <http://hudoc.echr.coe.int/eng?i=001-98428>

State Language Law²

Article 3

(1) In the Republic of Latvia, the state language shall be the Latvian language.

¹ Translation quoted from the parliamentary website <https://www.saeima.lv/en/legislative-process/constitution>

² Unofficial translation of the never-amended 1999 law – courtesy of Boriss Cilevičs http://minelres.lv/NationalLegislation/Latvia/Latvia_Language_English.htm In other translations, called Official Language Law

[..]

(4) The state shall ensure the preservation, protection and development of the Latgalian written language as an historically-established variety of the Latvian language.

39. The authorities should continue their dialogue with representatives of the Latgalian community with a view to more effectively promoting their language and culture, including by considering extending the protection of the Framework Convention – in particular as regards language rights – to this group.

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018
Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

Article 5

For the purpose of this Law, any other language used in the Republic of Latvia, except the Liv language, shall be regarded as a foreign language.

14. (..) Article 5 of the Law, stipulates that any languages used in Latvia other than Latvian, with the exception of the Liv language 5, shall be considered as “other” languages. ECRI regrets that this provision appears to contribute to the creation of an atmosphere of antagonism in language policy with regard to the use of all other languages on the territory of Latvia which might qualify as regional or minority languages.

European Commission against Racism and Intolerance. CRI (2002) 21 Adopted 14.12.2001, public 23.07.2002. Link: <https://rm.coe.int/second-report-on-latvia/16808b58b0>

Article 6

(1) Employees of state and municipal institutions, courts and agencies belonging to the judicial system, state and municipal enterprises, as well as employees in companies in which the state or a municipality holds the largest share of the capital, must know and use the state language to the extent necessary for the performance of their professional and employment duties.

(2) Employees of private institutions, organisations, enterprises (or companies), as well as self-employed persons, must use the state language if their activities relate to legitimate public interests (public safety, health, morals, health care, protection of consumer rights and labour rights, workplace safety and public administrative supervision).

(3) Employees of private institutions, organisations and enterprises (or companies), as well as self-employed persons who, as required by law or other normative acts, perform certain public functions must know and use the state language to the extent necessary for the performance of their functions.

(4) Foreign specialists and foreign members of an enterprise (or company) administration who work in Latvia must know and use the state language to the extent necessary for the performance of their professional and employment duties, or they themselves must ensure translation into the state language.

(5) The required level of the state language proficiency of the persons referred to in paragraphs 1, 2 and 3 of this Article, as well as the assessment procedure of their state language proficiency, shall be set by the Cabinet of Ministers.

16. (..) In particular, the Committee is concerned that: (..) (b) Article 6 of the Law on State Language (1999) requiring the use of knowledge of Latvian language by employees and self-employed persons, may result in direct or indirect discrimination against minorities in access to employment in public and private institutions;

Committee on the Elimination of Racial Discrimination. Concluding observations CERD/C/LVA/CO/6-12 Adopted 23.08.2018, public 30.08.2018 Link: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LVA/CERD_C_LVA_CO_6-12_32235_E.pdf

50. The Advisory Committee calls upon the authorities to revise their approach to language proficiency standards regulating access to public employment so as to eliminate obstacles in law and in practice limiting the ability of non-native Latvian language speakers to access employment.

197. Increasingly strict Latvian language proficiency requirements are applied to virtually all professions and positions included in the classification of professions. Such broad scope of application of linguistic requirements adversely affects the possibility of non-native speakers of Latvian, including, in particular, persons belonging to national minorities, accessing many positions within the public domain. Language proficiency requirements have been used to terminate mandates of elected municipal council members. Moreover, since February 2017, members of ruling boards of NGOs are required to be proficient in the Latvian language at C1 level. These language proficiency requirements constitute impediments to civic participation and freedom of association.

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018 Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

7. The Committee remains concerned at [...] the situation of linguistic minorities. In particular, it is concerned about the impact of the State language policy on the enjoyment of the rights in the Covenant, without any discrimination, by members of linguistic minorities [...] The Committee is further concerned at the discriminatory effects of the language proficiency requirement on the employment and work of minority groups (arts. 2, 26 and 27).

The State party should enhance its efforts to ensure the full enjoyment of the rights in the Covenant by [...] members of linguistic minorities, and further facilitate their integration into society. The State party should review the State Language Law and its application, in order to ensure that any restriction on the rights of non-Latvian speakers is reasonable, proportionate and non-discriminatory [...].

Human Rights Committee. Concluding observations CCPR/C/LVA/CO/3, adopted 25.03.2014. Link: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/LVA/CO/3&Lang=En

Recalling that the concept of inherent requirements must be interpreted restrictively so as to avoid undue limitation of the protection provided by the Convention, the Committee again requests the Government to indicate how it ensures that language requirements do not, in practice, deprive ethnic minority groups of equality of opportunity and treatment in employment and occupation. In this context, the Committee once again requests the Government to review and revise the list of occupations for which the use of the official language is required under section 6(2) of the Law on State Language so as to limit it to cases where language is an inherent requirement of the job. Please provide information on any measures taken in this respect.

ILO CEACR observation on Latvia under ILO Convention No. 111. 2014, published 2015.
Link: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3192118

The Committee also recalls that pursuant to section 6(5) of the Law on State Language, the Cabinet of Ministers Regulation No. 733 of 2009 prescribes the level of proficiency of the Latvian language requirements. The Committee had previously noted that this provision affects a large number of occupations and posts. It had asked the Government to review and revise the list of occupations for which the use of the official language is required under section 6(2) of the Law so as to limit it to cases where language is an inherent requirement of the job. The Government has replied that no such list exists. Noting that the “lawful interests of the public” even with the limits prescribed in section 6(2) of the Law on State Language 1999 is a broad concept, the Committee asks the Government to consider drawing up a list of occupations (or indicators) which are considered to fall within the scope of section 6(2) thereby clarifying where Latvian language proficiency is considered to be an inherent requirement of the job. In this regard, the Committee emphasizes that the concept of inherent requirements of a particular job provided for in the Convention must be interpreted restrictively so as to avoid any undue limitation on employment and occupational opportunities for any group.

ILO CEACR observation on Latvia under ILO Convention No. 111. 2017, published 2018.
Link: http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3340488

Article 10

[..]

(2) State and municipal institutions, courts and agencies belonging to the judicial system, as well as state and municipal enterprises (or companies) shall accept and examine documents from persons only in the state language, except for cases set forth in paragraphs 3 and 4 of this Article and in other laws. The provisions of this Article do not refer to the statements of persons submitted to the police and medical institutions, rescue services and other institutions when urgent medical assistance is summoned, when a crime or other violation of the law has been committed or when emergency assistance is requested in case of fire, traffic accident or any other accident.

- (3) Documents submitted by persons in a foreign languages shall be accepted if they are accompanied by a translation verified according to the procedure prescribed by the Cabinet of Ministers or by a notarised translation. No translation shall be required for documents issued in the territory of Latvia before the date on which this Law comes into force.
- (4) Documents received by state and municipal institutions, organisations and enterprises (or companies) from foreign countries may be accepted and reviewed without a translation into the state language.

123. The Advisory Committee urges the authorities to review the legislative and policy framework related to the use of languages in dealings with administrative authorities to ensure an adequate balance between the promotion of the official language and access to language rights of persons belonging to national minorities, in line with Article 10 of the Framework Convention. They should take steps to raise awareness among officials and the public at large of the conditions and terms under which minority languages may be used.

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018
Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

42. The Committee recommends that the State party introduce policies and programmes to eliminate the multiple forms of discrimination faced by disadvantaged groups of women. More specifically, the Committee recommends that the State party:

[..]

(c) Ensure that adequate support is provided to members of linguistic minorities, especially older persons, including the provision of translators and interpreters in State and municipal offices, in particular in regions that have a high concentration of minority language speakers, in line with article 10 of the Council of Europe Framework Convention for the Protection of National Minorities, to which Latvia is a party.

Committee on the Elimination of Discrimination against Women, Concluding comments CEDAW/C/LVA/CO/4-7, 10.03.2020. Link: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LVA/CO/4-7

Article 13

Legal proceedings in the Republic of Latvia shall be conducted in the state language. The right to use a foreign language in court is prescribed by the laws regulating court functions and procedures.

18. (..) The Committee, while taking note of the information provided by the State party, is concerned that the amendments to the Civil Procedure Law require that litigants assume the cost of interpretation in court, with certain exceptions, and, therefore, that they may restrict access to justice by ethnic minorities when in financial need (art. 5).

19. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party: (..)

(d) Reconsider amendments to the Civil Procedure Law that entered into force on 31 July 2016 so as to ensure easy access to civil justice for Latvian ethnic minorities.

Committee on the Elimination of Racial Discrimination. Concluding observations CERD/C/LVA/CO/6-12 Adopted 23.08.2018, published 30.08.2018 Link: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LVA/CERD_C_LVA_CO_6-12_32235_E.pdf

Article 18

(1) In the Republic of Latvia, place names shall be created and used in the state language.

(2) The names of public institutions, voluntary organisations and enterprises (or companies) founded in the territory of Latvia shall be created and used in the state language except for cases prescribed by other laws.

(3) The names of events mentioned in Article 11 of this Law shall be created and used in the state language except for cases prescribed by other laws.

(4) In the territory of the Liv Shore, the place names and the names of public institutions, voluntary organisations, enterprises (or companies), as well as the names of events held in this territory, shall be created and used also in the Liv language.

(5) Creation and use of designations shall be prescribed by the Cabinet of Ministers regulations.

131. The Advisory Committee urges the authorities to bring without delay their legislative framework regarding the use of minority languages in topography as well as inscriptions and other information of a private nature visible to the public in line with Article 11 of the Framework Convention.

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018 Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

Article 19

(1) Personal names shall be reproduced in accordance with the Latvian language traditions and shall be transliterated according to the accepted norms of the literary language while observing the requirements of paragraph 2 of this Article.

(2) In a person's passport or birth certificate, the person's name and surname reproduced in accordance with Latvian language norms may be supplemented by the historical form of the person's surname or the original form of the person's name in another language transliterated in the Latin alphabet if the person or the parents of a minor so desire and can provide verifying documents.

(3) The spelling and the identification of names and surnames, as well as the spelling and use in the Latvian language for personal names from other languages, shall be prescribed by the Cabinet of Ministers regulations.

8.3. (..) the interference entailed for the author presents major inconveniences, which are not reasonable, given the fact that they are not proportionate to the objective sought. While the question of legislative policy, and the modalities to protect and promote official languages is best left to the appreciation of the State parties [...] the forceful addition of a declinable ending to a surname, which has been used in its original form for decades, and which modifies its phonic pronunciation, is an intrusive measure, which is not proportionate to the aim of protecting the official State language. Relying on the previous jurisprudence, where it held that the protection offered by article 17 encompassed the right to choose and change one's own name, the Committee considers that this protection a fortiori protects persons from being passively imposed a change of name by the State party. The Committee therefore considers that the State party's unilateral modification of the author's name on official documents is not reasonable, and thus amounted to arbitrary interference with his privacy, in violation of article 17 of the Covenant

Human Rights Committee views. CCPR/C/100/D/1621/2007. Adopted 28.10.2010, published 30.11.2010. Link: <http://hrlibrary.umn.edu/undocs/1621-2007.html>

7. The Committee remains concerned at [...] the situation of linguistic minorities. In particular, it is concerned about the impact of the State language policy on the enjoyment of the rights in the Covenant, without any discrimination, by members of linguistic minorities, including the right to choose and change one's own name [...]

Human Rights Committee. Concluding observations CCPR/C/LVA/CO/3, adopted 25.03.2014. Link: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/LVA/CO/3&Lang=En

10. (..) The Government sees no need for an immediate action to amend the existing national regulation of writing personal names in official documents. (..)

Follow-up letter by the Government of Latvia to HRC. 02.04.2012 Link (Latvian): <https://www.vestnesis.lv/ta/id/246861>

16. To summarise the most essential, briefly, the Supreme Court agrees with the view given by the Human Rights Committee in the views in Raihman case on the scope of the right to privacy following from Article 17 of the Covenant. However, it cannot join the evaluation of the factual circumstances given by the Human Rights Committee, neither the related conclusion of proportionality being violated in the specific case, as it does not reflect the true legal and factual situation in the specific case. (..)

Supreme Court judgment in Raihman case on correcting the spellings in his IDs. 04.10.2017. ECLI:LV:AT:2017:1004.A420579912.2.S Case No. A420579912, SKA-424/2017. Link to an anonymised version (in Latvian) <https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/330943.pdf>

127. The Advisory Committee strongly urges the authorities to implement, without delay, the right of persons belonging to national minorities to have their per-

sonal names recognised, including in official documents, and in particular to take urgent steps to amend the law governing the use of names in minority languages in a way that brings it fully into line with the provision of Article 11(1) of the Framework Convention.

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018
Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

Article 21

(1) Information intended for the public provided by state and municipal institutions, courts and agencies belonging to the judicial system, state and municipal enterprises and companies in which the state or a municipality holds the largest share of the capital shall be only in the state language except for cases provided for by paragraph 5 of this Article. This provision shall apply also to private institutions, organisations, enterprises (or companies), as well as to self-employed persons who under law or other normative acts perform certain public functions, if the performance of these functions involves the providing of information.

(2) Information on labels and markings on goods manufactured in Latvia, user instructions, inscriptions on the manufactured product and on its packaging or container shall be in the state language. In cases when a foreign language is used along with the state language, the text in the state language shall be placed in the foreground and shall not be smaller in size or less complete in content than the text in the foreign language. These requirements do not apply to goods meant for export.

(3) If the markings, user instructions, warranties or technical certificates of imported goods are in a foreign language, a translation of the above information in the state language shall be attached to every imported item.

(4) Information on signs, billboards, posters, placards, announcements and any other notices shall be in the state language if it concerns legitimate public interests and is meant to inform the public in places accessible to the public, except for cases provided by paragraph 5 of this Article.

(5) Taking into account the purpose of this Law and the basic principle of language use as provide by Article 2 of this Law, the Cabinet of Ministers shall determine cases when the use of a foreign language along with the state language is permissible in information intended to inform the public in places accessible to the public.

(6) The Cabinet of Ministers shall also determine the cases when the institutions and persons mentioned in paragraph 1 of this Article may provide information in a foreign language and set the procedure for using the languages in information mentioned in paragraphs 1, 2, 3, and 4 of this Article.

(7) If a foreign language is used along with the state language in information, the text in the state language shall be in the foreground and shall not be smaller in size or less complete in content than the text in the foreign language.

143. As concerns access to health care, ECRI has been informed that, while the leaflets of medicine are often translated in other languages, they are not translated in Russian. Further, as regards migrants in an irregular situation, while access to emergency services is ensured, all related costs must be borne by them. ECRI notes that this may represent a problem for those who do not have the means and raises doubts as to their effective access to such services.

European Commission against Racism and Intolerance. CRI(2012)3 adopted 09.12.2011 published 21.02.2012 Link: <https://rm.coe.int/fourth-report-on-latvia/16808b58b6>

a more flexible approach to the use of other languages in the provision of public information, especially in cases involving public health and safety, would better reflect Latvia's linguistic diversity and help promote inclusion

OSCE High Commissioner on National Minorities statement to the 1026th Meeting of the OSCE Permanent Council. 20.11.2014. Link: <http://www.osce.org/pc/127063?download=true>

Education Law, as amended in 2018³

Section 9. Language in which Education is Acquired

(1) Education at State, local government educational institutions and educational institutions of State higher education institutions shall be acquired in the official language.

(1¹) In private educational institutions general education and vocational education at the level of basic education and secondary education shall be acquired in the official language.

(2) Education may be acquired in another language:

1) in educational institutions which are implementing educational programmes according to the bilateral or multilateral international agreements of the Republic of Latvia;

2) in educational institutions which are implementing minority educational programmes on the level of pre-school education and basic education in conformity with the provisions of Section 41 of this Law;

2¹) in educational institutions in which study subjects of general education programmes are completely or partially implemented in a foreign language in order to ensure the learning of other official languages of the European Union in conformity with the conditions of the relevant State education standard;

3) in educational institutions specified in other laws.⁴

[..]

Section 41. Educational Programmes for Ethnic Minorities

(1) Educational programmes for ethnic minorities shall be developed by an educational

³ Translation quoted was made by the State Language Centre, <https://likumi.lv/ta/en/en/id/50759> It deserves to be noted that Latvia had accepted the recommendation to “[m]aintain State preschool and general education institutions with education/teaching in minority languages, including the Russian language” during its first Universal Periodic Review in 2011

⁴ The Law on International Schools of 2020. It restricts international schools to the official languages of EU and NATO member states

institution selecting any of the model educational programmes included in the guidelines for the State pre-school education or State basic education standard.

(1¹) From grades 1 to 6 in educational programmes for ethnic minorities, the acquisition of learning content in the official language shall be ensured in the amount of not less than 50 per cent of the total lesson load in an academic year, including foreign languages.

(1²) From grades 7 to 9 in educational programmes for ethnic minorities, the acquisition of learning content in the official language shall be ensured in the amount of not less than 80 per cent of the total lesson load in an academic year, including foreign languages.

(2) Educational programmes for ethnic minorities shall additionally include the content necessary for the acquisition of the relevant ethnic culture and integration of ethnic minorities in Latvia.

Executive summary (..) Plans to narrow the scope of national minority language teaching in grades 7 to 9 to 20% of lesson hours within a week and in grades 10 to 12 only to lessons of minority languages and ethno-cultural subjects are of particular concern.

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018 Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

16. (..) In particular, the Committee is concerned that:

(a) Amendments to the Law on Education reduce the teaching of minority languages in public and private secondary level education institutions and reduce the portion of minority language education in the last three grades of basic education, which will create undue restrictions on access to education in minority languages; (..)

17. The Committee recommends that the State party take measures to ensure that its language policy and laws do not create direct or indirect discrimination or restrict the rights of ethnic minorities to access education, employment, and basic services, and:

(a) Ensure that there are no undue restrictions on access to education in minority languages. Reconsider the necessity of amendments to the Law on Education which create further restrictions on the number of lessons minority language in public and private schools;

Committee on the Elimination of Racial Discrimination. Concluding observations CERD/C/LVA/CO/6-12 Adopted 23.08.2018, published 30.08.2018 Link: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LVA/CERD_C_LVA_CO_6-12_32235_E.pdf

23.2. (..) In its Opinion, the Advisory Committee expresses its view on education in the languages of ethnic minorities, criticises actions taken by the State and expresses regret regarding Latvia's efforts to consolidate the official language as the basic language of instruction within the united system of education established by the State [citation omitted]. The Constitutional Court finds that also the Committee on Elimination of All Forms of

Racial Discrimination has expressed concern regarding the impact of the process of education reform on the rights of ethnic minorities in Latvia [citation omitted].

The Constitutional Court finds that the considerations included in the aforementioned opinions could be expressed on the basis of information available to the experts. As noted by the Ombudsman at the court hearing, he had had to conclude that these committees do not have full and comprehensive information and legal reasoning at their disposal [citation omitted]. The representatives of the Ministry of Foreign Affairs also drew the Court's attention to this fact [citation omitted]. The Constitutional Court subscribes to this opinion (..)

Constitutional Court judgment of 23.04.2019 in the case No. 2018-12-01. Link: http://www.satv.tiesa.gov.lv/web/viewer.html?file=%2Fwp-content%2Fuploads%2F2018%2F07%2F2018-12-01-12.-Saeimas-dep_latvie%C5%A1u-valoda-valsts-skol%C4%81s_ENG.pdf

When teaching of or in minority languages is provided, it is equally important to uphold the quality of teaching, but also to ensure continuity throughout the education system. For example, limiting the teaching in minority languages only up to a certain grade can act as a clear disincentive for minority language education. In this regard, I am worried, for instance, that the 2018 education reform in Latvia which gradually reduces the share of teaching in Russian (to a ratio of 80% Latvian and 20% Russian) in secondary schools, runs the risk of transforming the existing bilingual education system in place since 2004 into a system which offers only some language and culture classes in the minority language. [..]

Moreover, I find it disturbing that some countries (such as Latvia and Ukraine) have taken steps to establish rules for the teaching in languages of the European Union which are different from those applying to other languages, thereby establishing unjustified differences of treatment between speakers of different national minority languages.

Commissioner for Human Rights (Council of Europe) Human Rights Comment "Language policies should accommodate diversity, protect minority rights and defuse tensions" 29.10.2019. Link: <https://www.coe.int/en/web/commissioner/-/language-policies-should-accomodate-diversity-protect-minority-rights-and-defuse-tensions>

General Education Law: amendments of 2020

To supplement Section 21 of the law with a new Paragraph 2 reading as follows (the existing text of the Section being considered to be Paragraph 1):

(2) A municipality has a duty to ensure an opportunity to acquire pre-school education programmes in the official language in all the pre-school educational institutions subordinated thereto.

I took note that on 22 January draft law No. 407/Lp13, "Amendment to the General Education Law" was supported by the Saeima's Education, Culture and Science Committee for the second reading. [..] the current wording of the draft law,

which obliges all municipal kindergartens, including those with Russian as a language of instruction, to open a Latvian language group, may result in a reduction of learning opportunities for pupils of a minority background.

In this regard, I encourage you to consider including safeguards to enable pupils of a minority background to continue receiving preschool education in their mother tongue, if their parents so choose. I suggest, for example, including a provision that requires a municipality to provide the acquisition of pre-school education programmes in a national minority language in pre-school educational institutions within its territory, should there be sufficient demand.

OSCE High Commissioner on National Minorities. Letter to the Speaker of the Parliament of Latvia, 30.01.2020 Link: <https://titania.saeima.lv/LIVS13/saeimalivs13.nsf/0/C1C551C2C2ADCCF1C22585040051641D?OpenDocument>

NB The wording of the bill at the time of the letter was different, but only slightly: “A municipality has a duty to ensure acquisition of pre-school education programmes in the official language in all the pre-school educational institutions subordinated thereto”

Pre-schools: Cabinet Regulation No. 716 of 21.11.2018

Annex 2

9. (..) For children since the age of five years, the main medium of communication in a play-lesson shall be the Latvian language, except activities organised with an aim of learning national minority's language and ethnic culture.

The Committee welcomes the information provided by the State party on the reform of the education system, the content of the new regulation on preschool education and education models. However, the Committee remains concerned about the discriminatory impact that the above-mentioned legislation may have on ethnic minorities in the field of education (No. 716).

Committee on the Elimination of Racial Discrimination. Letter CERD/EWUAP/99th session/Latvia/JP/ks 29.08.2019 Link: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LVA/INT_CERD_ALE_LVA_8975_E.pdf

18.3. [...] The Constitutional Court concludes that it follows from the letters of the Committee on the Elimination of Racial Discrimination and Special Rapporteurs that those United Nations bodies did not have available, when elaborating those letters, a full information about the scope of the Regulation No. 716, which is being clarified in the present judgment. Those letters shall be considered as an invitation to dialogue between the Latvian government and the relevant United Nations bodies.

Constitutional Court judgment of 19.06.2020. in the case No. 2019-20-03. Link (in Latvian): http://www.satv.tiesa.gov.lv/wp-content/uploads/2019/09/2019-20-03_Spriedums-1.pdf

86. Cases concerning the compatibility of this Regulation with the Latvian Constitution are pending before the Constitutional Court. The Venice Commission should not and does not give an opinion on these constitutional issues. However-

er, in the view of the Venice Commission, this Regulation is problematic from the point of view of proportionality and coherence of the structure of the education system. The Commission recalls that the importance of early learning in the mother tongue for the cognitive development of children, including the subsequent learning of other languages, is widely recognised by international organisations,³² and stressed by the Advisory Committee.³³ According to the Hague Recommendations, “[t]he first years of education are of pivotal importance in a child’s development. Educational research suggests that the medium of teaching at pre-school and kindergarten levels should ideally be the child’s language.”³⁴

87. In a joint letter of 24 September 2019 addressed to the Latvian Government, three UN Special Rapporteurs expressed concern that Cabinet Regulation No. 716 “will harm minority’s children’s equal enjoyment of their human right to education in Latvia. The exclusion of their mother tongue from pre-school learning activities may hinder these minorities children’s learning.”³⁵ The Venice Commission shares these concerns. In its view, by imposing Latvian at the mandatory pre-school (5-7 years) level as the main communication and instruction language, the state does not leave enough room for schools to adapt their education programme and teaching methods to the needs of pupils and for pupils belonging to minorities to preserve and develop their mother tongue. It is also not consonant with the bilingual approach in the legislation as amended, which allows schools 50% of mother tongue instruction in grades 1-6. The Latvian authorities informed the Venice Commission that in pre-school education it is not strictly regulated that the teaching process is implemented only in the state language and that a bilingual approach can be used, as well as several activities are provided in the minority language. Given the importance of early learning in the mother tongue, the Commission is of the opinion that the legislation should be clear and unambiguous. The Commission, therefore, recommends that the Government should amend Cabinet Regulation No. 716 in order to return to the previous “bilingual approach” in play-based lessons applied to the whole period of pre-school education.

Venice Commission. CDL-AD(2020)012; Opinion No. 975/2020. 18.06.2020 Link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)012-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)012-e)

Law on the Institutions of Higher Education, as amended in 2018⁵

Section 56. Regulation of Studies

(3) The study programmes of higher education institutions and colleges shall be implemented in the official language. The use of foreign languages in the implementation of study programmes shall be possible only in the following cases:

1) study programmes which are acquired by foreign students in Latvia, and study programmes which are implemented within the scope of co-operation provided for in European Union programmes and international agreements may be implemented in the official languages of the European Union. [..];

⁵ The translation quoted was made by the State Language Centre <https://likumi.lv/ta/en/en/id/37967>

- 2) not more than one-fifth of the credit point amount of a study programme may be implemented in the official languages of the European Union, taking into account that final and State examinations as well as the writing of qualification, bachelor and master's thesis may not be included in this part;
- 3) study programmes the implementation of which in foreign languages is necessary for the achievement of the aims of the study programme in conformity with the educational classification of the Republic of Latvia for such educational programme groups: language and cultural studies and language programmes. [..];
- 4) joint study programmes may be implemented in the official languages of the European Union.

We wish to express our concern that the new amendment, if adopted, would curtail the rights of minorities in Latvia to receive education at the tertiary level in their mother tongue. The adoption of these amendments will have a negative impact on the protection and promotion of the rights of minorities in Latvia, and in particular with regard to the right to education without discrimination of minority students in relation to the use of their mother tongue. We are concerned that the proposed amendments, by extending the requirement of instruction in the official language to private institutions for higher education would lead to undue interference with the right to freedom of expression, which includes the right to seek, receive and impart information of all kinds, regardless of the language used. Such a requirement would interfere with the autonomy of private institutions for higher education, and may also limit the accessibility of higher education for minority students. (..)

The proposed amendments would, if adopted, contravene the international human rights obligations of Latvia, in particular the International Covenant on Civil and Political Rights (ICCPR)

Letter OL LVA 3/2018 of 08.11.2018, by three UN Human Rights Council's Special Rapporteurs. Link: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24168>

100. The Latvian authorities informed the Venice Commission on the one hand that so far there has been no higher education institution offering a whole study programme only in a minority language, and on the other hand that there are currently no obstacles to study different minority languages, literature and cultures at the tertiary level in study programmes of philology and culture (for example, Russian philology). In the light of the above-mentioned recommendation of the Advisory Committee and underlining its importance for the preservation of the minority languages, the Venice Commission recommends the Latvian authorities to consider enlarging the possibilities for persons belonging to national minorities to have access to higher education in their minority language, either in their own higher education institutions, or at least in state higher education institutions. This recommendation is consistent with the very recent judgment of 11 June 2020 whereby the Constitutional Court of Latvia declared the June 2018 amendments unconstitutional on the ground that the legislator had not proper-

ly assessed the existence of alternative means, which would be less restrictive of the autonomy and academic freedom of higher education institutions, in order to achieve the legitimate aim sought by the amendments.

Venice Commission. CDL-AD(2020)012; Opinion No. 975/2020. 18.06.2020 Link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)012-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)012-e)

Declaration of the Intended Activities of the Kariņš Cabinet

160. We will ensure sequential transition to education in the official language and strengthen patriotism at all levels of education, particularly, at the pre-primary education level.⁶

I am also concerned at media reports indicating that the Latvian government is considering making Latvian the only teaching language in public schools.

Commissioner for Human Rights (Council of Europe) Human Rights Comment “Language policies should accommodate diversity, protect minority rights and defuse tensions” 29.10.2019. Link: <https://www.coe.int/en/web/commissioner/-/language-policies-should-accomodate-diversity-protect-minority-rights-and-defuse-tensions>

Law On the Change of a Given Name, Surname and Nationality* Record

* [By “Nationality”, ethnicity is meant in this context]⁷

Section 6. Documents Necessary for the Change of Nationality Record

(1) A person who wishes to change the nationality record shall submit a submission to the Department in person, presenting a personal identification document.

(2) The following shall be appended to the submission: [..]

5) an education document or another document, which confirms the conformity of the person with the highest (third) level of fluency in the official language, but in cases if the person is a disabled person of Group 1 to whom the disability has been declared for an unlimited period of time, a visually-impaired, hearing-impaired or speech-impaired person of Group 2 or 3 or a person older than 75 years of age – an education document or another document which confirms the conformity of the person with the average (second) level of fluency in the official language, if the person wishes to change the current nationality record to the nationality "Latvian".

42. A person wishing to change the entry on his or her ethnic affiliation to “Latvian” is obliged to prove the highest (third) level of fluency in the official language, or – in the case of persons with disabilities or those over 75 years of age – an average (second) level of fluency in the official language. [...] The Advisory Committee finds these requirements to run contrary to the right to free self-identification, as stipulated in Article 3 of the Framework Convention.²² It notes further that the establishment of such a difficult procedure to change one’s ethnicity record to

⁶ https://www.mk.gov.lv/sites/default/files/editor/declaration_of_the_intended_activities_of_the_cabinet_of_ministers.pdf

⁷ The translation quoted was made by the State Language Centre <https://likumi.lv/ta/en/en/id/191209>

Latvian can be viewed as an exclusion mechanism. For these reasons, the Advisory Committee considers that the possibility of indicating one's ethnicity (even voluntarily) in personal identity documents risks running counter to the aim and spirit of the Framework Convention.

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018
Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

Law on the Privatisation of Land in Rural Areas

Section 28 (1) (2). [Legal persons] 'may acquire ownership of: agricultural land and land where the dominant category of use of that land is for agricultural purposes ... as well as a share in the property held in co-ownership of such land ... [provided that they satisfy] all of the following requirements: [...] (f) in cases where the member or members who together represent more than half of the voting rights in the company, and all persons who are entitled to represent the company, are nationals of other European Union Member States or of States that are part of the European Economic Area or nationals of the Swiss Confederation, those persons have obtained a certificate of registration as a Union citizen and a document demonstrating a knowledge of the official language corresponding to at least level B.2.'

the Court (Sixth Chamber) hereby rules: Articles 9, 10 and 14 of Directive 2006/123/EC [...] must be interpreted as precluding legislation of a Member State which makes the right for a legal person to acquire agricultural land located in the territory of that Member State – in cases where the member or members who together represent more than half of the voting rights in the company, and all persons who are entitled to represent that company, are nationals of other Member States – conditional upon, first, [...] and, second, a document demonstrating that they have a knowledge of the official language of that Member State corresponding to a level which enables them to at least converse on everyday subjects and on professional matters.

Court of Justice of the European Union. Judgment in the case No. C-206/19. 11.06.2020.
Link <http://curia.europa.eu/juris/document/document.jsf?text=&docid=227290&page-Index=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=4491638>

Latvian Administrative Violations Code (in force until June 2020)

Section 201.²⁶ Failure to Use the Official Language in the Required Amount for Performance of Professional or Office Duties

In the case of failure to use the official language in the amount required for performance of Professional and Office duties, if the regulatory enactment specifies the use of the official language –

a fine in an amount from EUR 35 up to EUR 280 shall be imposed.

In the cases of the violations provided for in Paragraph one of this Section, if they have been recommitted within a year after the imposition of an administrative sanction – a fine in an amount from EUR 280 up to EUR 700 shall be imposed.

Section 201.³⁶ Contempt towards the Official Language

In the case of open contempt towards the official language – a fine shall be imposed in an amount up to EUR 350.

Law on Administrative Punishments in the Spheres of Administration, Public Order and the Use of the Official Language (in force since July 2020)*

** One fine unit equals EUR 5, as at 2020*

Section 19. Failure to Use the Official Language in the Required Amount for Performance of Professional or Office Duties

In the case of failure to use the official language in the amount required for performance of Professional and Office duties, if the regulatory enactment specifies the use of the official language, a warning shall be issued or a fine in an amount from 7 up to 140 units shall be imposed.

Section 20. Contempt towards the Official Language

In the case of open contempt towards the official language, a fine shall be imposed in an amount from 7 up to 140 units.

19. (..) ECRI notes that the formulation of certain violations, such as the one establishing a fine for “disrespect towards the state language”, lend themselves to a potentially arbitrary application. (..)

European Commission against Racism and Intolerance. CRI (2002) 21 Adopted 14.12.2001, public 23.07.2002. Link: <https://rm.coe.int/second-report-on-latvia/16808b58b0>

As to the language policy, I highlighted the importance of a pragmatic approach by pursuing a balance between promoting the State language and safeguarding minorities' languages through positive means and incentives, rather than punitive measures, as the latter may undermine any efforts to increase the use of the State language as a tool for integration.

OSCE High Commissioner on National Minorities statement to the 1229th Meeting of the OSCE Permanent Council. 23.05.2019, Link: <https://www.osce.org/permanent-council/420572?download=true>

Positive incentives to use and learn Latvian, including adequate public funding of language courses, should be prioritized over the use of inspections and sanctions, which can undermine minorities' motivation to use the State language.

OSCE High Commissioner on National Minorities statement to the 1026th Meeting of the OSCE Permanent Council. 20.11.2014. Link: <http://www.osce.org/pc/127063?download=true>

Electronic Mass Media Law

Section 32⁸

(3) The national and regional electronic mass media shall ensure that in the television programmes produced by them at least 65 per cent of all broadcasts, except for the advertising, teleshopping and teleshopping windows, are in the official language and that such broadcasts in the official language would take up at least 65 per cent of the transmission time.

99. ECRI urges the Latvian authorities to review the new law on electronic media in so far as it restricts the right to broadcast in minority languages. It also urges them to refrain from hindering the use of minority languages during the election campaigns.

European Commission against Racism and Intolerance. CRI (2012)3 adopted 09.12.2011 published 21.02.2012 Link: <https://rm.coe.int/fourth-report-on-latvia/16808b58b6>

116. The Advisory Committee once again calls upon the authorities to reconsider their approach to the quota requirements in the broadcasting media and develop, in close consultation with minority representatives and media professionals, more appropriate means to ensure that Latvian language speakers and speakers of national minority languages can benefit from a diverse but shared media space. Efforts to promote the state language should be pursued through incentive-based methods rather than through the imposition of quotas or sanctions and flexibility must be applied to ensure that minority languages are not disproportionately affected or excluded from the media.

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018 Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

Law on the Status of the Deputy of the Republic City Council and Municipality Council⁹

Section 4. Revocation of the Mandate of a Deputy

[..] The mandate of the deputy may be revoked by a court judgment, if the knowledge of the official language of the deputy fails to comply with the level of knowledge determined by the Cabinet, or if the deputy fails, without exculpatory circumstances, to appear for checking one's usage of the official language.

167. (..) the Advisory Committee is deeply concerned that language proficiency requirements have been used to terminate mandates of elected local Council members. (..) the Advisory Committee reiterates its view that it considers this an inappropriate interference with the democratic process and finds that other means must be identified to promote Latvian language proficiency in local elected bodies.

⁸ The translation quoted was made by the State Language Centre <https://likumi.lv/ta/en/en/id/214039>

⁹ The case *Baranovs v. Latvia*, on deprivation of a seat in a local council, is pending before the UN Human Rights Committee

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018
Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79>

Bill on amending the Pre-election Campaign Law¹⁰

To supplement the law with a Section 5.1, to read as follows:

“Section 5.1. The Language of the Pre-election Campaign

The pre-election campaigning, the expenses for placement of which fall under expenses subject to restrictions for the amount of pre-election campaign expenses, as provided by law, shall be made in the official language only.”

I took note of the initiative in the Saeima to consider amending the Election Campaigning Law which envisages that election campaign materials must be in the State language only. Although promoting the State language, including through its use during the elections, is key to the successful integration of society, it is equally important to ensure that it is not achieved at the expense of minorities' linguistic rights, which need to be protected in line with Latvia's international obligations and as part of a coherent and comprehensive integration policy.

International standards provide for the right of national minorities to conduct election campaigns in their mother tongues. Notably, paragraphs 32.1 and 32,5 of the Copenhagen Document commit participating States to grant national minorities the right “to use freely their mother tongue in private as well as in public” and “to disseminate, have access to and exchange information in their mother tongue.” In line with the OSCE HCNM *Ljubljana Guidelines on Integration of Diverse Societies*, “the overall framework for political participation should be designed to facilitate the inclusion of minority issues in the public debate as well as to promote the political participation of persons belonging to minorities. This should include displaying electoral information and advertising in minority languages, providing opportunities for the use of minority languages in the media and producing electoral material in minority languages.” (Guideline 27). I would thus respectfully encourage the Saeima not to adopt any amendments that pose restrictions on campaigning in any language other than the State language.

Office of the OSCE High Commissioner on National Minorities. Letter to the Speaker of the Parliament. 03.09.2020. Link: <https://titania.saeima.lv/LIVS13/saeimalivs13.nsf/0/38CBD809ACA764E3C2258602002B29ED?OpenDocument>

NB It needs to be noted that a lot of international concerns have been expressed earlier, suggesting for Latvia to provide more publicly-funded electoral information in minority languages. See., e.g., OSCE/ODIHR report on the 2018 election, para. XV.B.10 <https://www.osce.org/odihr/elections/latvia/409344?download=true>

¹⁰ No. 780/Lp13, adopted in the first reading of the three on December 3, 2020

Some recommendations suggesting Latvia to undertake relevant international obligations

[The provisions of the Framework Convention for Protection of National Minorities which Latvia subjects to declarations, amounting to reservations, are as follows:

Paragraph 2 of Article 10 – In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

Paragraph 3 of Article 11 – In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.]

115. The Advisory Committee considers that, by virtue of the above-mentioned Declaration, the provisions of national law requiring that Latvian alone should be used in the public sphere as a whole, including in the areas which persons belonging to minorities inhabit traditionally or in substantial numbers, have the effect, with regard to Latvia and its minorities, of draining certain key provisions of the Framework Convention of their substance. It also notes that, by reason of its practical consequences, the Declaration in question does not take sufficiently into account the fact that, on acceding to the Framework Convention, the States Parties also adhere to its objectives and its spirit. In addition, the Advisory Committee points out that, in accordance with Article 2, the Framework Convention must be applied "in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States."

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/I(2008)002, adopted 09.10.2008, published 30.03.2011 <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008be5a>

4. ECRI reiterates its recommendation that Latvia sign and/or ratify the following international instruments: Protocol No. 12 to the European Convention on Human Rights, (..), the European Charter for Regional or Minority Languages.

7. ECRI reiterates its recommendation that the Latvian authorities make a declaration under Article 14 of ICERD.

European Commission against Racism and Intolerance. CRI(2012)3 adopted 09.12.2011 published 21.02.2012 Link: <https://rm.coe.int/fourth-report-on-latvia/16808b58b6>

The Congress [...]11. Recommends that the Latvian authorities: [...] d. reconsider the ratification of Protocol No. 12 to the European Convention on Human Rights, which establishes a general ban on discrimination (ETS No. 177), as well as the

signature and ratification of the European Charter for Regional or Minority Languages (ETS No. 148);

Congress of Local and Regional Authorities, recommendation 257 (2008), adopted 03.12.2008. Link: <https://rm.coe.int/16807198b6>

The OSCE Parliamentary Assembly:

15. Calls upon the Latvian authorities at the earliest possible date and without reservation to ratify Framework Convention for Protection of National Minorities

OSCE Parliamentary Assembly. Resolution on National Minorities. July 2004. Link: <http://www.oscepa.org/documents/all-documents/annual-sessions/2004-edinburgh/declaration-11/232-edinburgh-declaration-eng/file>

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

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

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

PACE resolution 1527 (2006), adopted 17.11.2006. Link: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17491&lang=en>

42. [..] Though the declarations entered by Latvia on ratifying the Framework Convention are to be seen as interpretations rather than reservations, they have obviously perpetuated an impression of institutionalised marginalisation among representatives of the minorities.

Commissioner for Human Rights (CoE) memorandum CommDH(2007)9, 16.05.2007 Link: <https://rm.coe.int/16806db753>

21. The Committee welcomes the information that the State party is considering making the optional declaration provided for in article 14 of the Convention and looks forward to receiving further information in this respect in the next periodic report.

Committee on the Elimination of Racial Discrimination. Concluding observations CERD/C/63/CO/7 (also found in A/58/18), adopted 21.08.2003 Link: <http://undocs.org/cerd/c/63/co/7> (also http://www.bayefsky.com/html/latvia_t4_cerd.php)

Remark on the professions subject to language checks in the private sector

[As at 2020, the list for both public and private spheres is contained in annex 1 to Cabinet Regulations No. 733 of 07.07.2009.¹¹ The array includes over a thousand of professions]

¹¹ <https://likumi.lv/ta/en/en/id/194735>

(..) a list specifying the required language proficiencies in the private sector only to the extent necessary to fulfil a legitimate public interest. I trust that the prospective list will, in accordance with international standards, be precise, justified, proportionate to the legitimate aim sought, and limited. (..)

OSCE High Commissioner on National Minorities. Statement regarding the adoption of regulations implementing the Latvian State Language Law, 31.08.2000. Link: <https://www.osce.org/hcnm/52843>

Education level	Situation as at January 2018	Legislative reforms: legal acts and their impact
Post-secondary private education	No mandatory language use quotas	Amendments of 21.06.2018 to the Law on Institutions of Higher Education. Instruction in Latvian, with exceptions for EU official languages and philology (same restrictions as long applied for most public tertiary education)
Grades 10-12 (high school = secondary school)	At least 60 % in Latvian in public schools. Some executive attempts to expand this requirement in practice to private schools as well (Evrika school case)	Amendments of 22.03.2018 to the Education Law. Instruction in Latvian, with exceptions for EU official languages & ethno-cultural lessons
Grades 7-9	At least 60 % in Latvian in public schools (with exceptions)	Amendments of 22.03.2018 to the Education Law. At least 80 % in Latvian, with exceptions for EU official languages
Grades 1-6	No mandatory language use quotas	Amendments of 22.03.2018 to the Education Law. At least 50 % in Latvian, with exceptions for EU official languages
Grades 10-12	Minority native language and literature: 4 lessons a week. Cabinet regulation No. 281 of 21.05.2013, annex 27, para. 10.1	Cabinet regulation No. 416 of 03.09.2019, annex 11, para. 4. Minority native language and literature (optional): 2 lessons a week.
Grades 1-9	Minority native language and literature: 4 to 6 lessons a week, depending on the grade. Cabinet regulation No. 468 of 12.08.2014, annex 25, para. 9	Cabinet Regulation No. 747 of 27.11.2018, annex 12, para. 6. 3 lessons a week in all the grades
Late pre-school (age 5+)	No mandatory language use quotas. Bilingual approach required for minorities	Cabinet Regulation No. 716 of 21.11.2018. Latvian as the main medium of instruction (except ethnocultural lessons)
Pre-school in general	No specific requirements on Latvian-only or minority programmes for pre-schools to have	Amendments of 14.05.2020 to the General Education Law. All municipal pre-schools will have to have a programme taught in Latvian
International schools	No statutory regulation. Isolated agreements with foreign countries on specific schools	Law on International Schools of 02.07.2020. Education in official languages of EU & NATO member states

restricting the minority rights to learn in their mother tongue

International concerns and recommendations	Entry into force	Constitutional Court review
<p>UN, Special Rapporteurs – OL LVA 3/2018 of 08.11.2018.;</p> <p>CoE, Venice Commission - Opinion No. 975/2020; CDL-AD(2020)012, paras. 98-100, 120</p> <p>Earlier concerns: CoE, ECRI – CRI(2012)3, para. 73</p>	2019-2022	Restrictions considered to violate the Constitution based on the right to education and academic freedoms - judgment of 11.06.2020 in the case No. 2019-12-01. However, the restrictions are left in force until May 1, 2021, to give the Parliament time to elaborate new regulation. Besides, the Constitutional Court decides to apply to the European Court of Justice on the issue of property rights.
<p>UN, CERD – CERD/C/LVA/CO/6-12, paras. 16-17 ;</p> <p>UN, Special Rapporteurs – OL LVA 1/2018 of 26.01.2018;</p> <p>OSCE, HCNM – statement to the 1229th Permanent Council;</p> <p>CoE, FNCM Advisory Committee – ACFC/OP/III(2018)001REV , summary, para. 151;</p> <p>EU, EP Education Committee, letter IP-LO-COM-CULT D (2019) 8190;</p> <p>CoE, Venice Commission - Opinion No. 975/2020; CDL-AD(2020)012 of 18.06.2020. Concerns expressed about private schools, paras. 96-97, 120</p>	<p>2020-2021</p> <p>2019-2021</p> <p>2019</p>	<p>Restrictions considered to comply with the Constitution and international obligations of Latvia, in proceedings notable by refusal of the court to request amicus curiae briefs from relevant international bodies.</p> <p>As concerns public schools – judgment of 23.04.2019 in the case No. 2018-12-01, unanimous. Para. 23.2. ignores CERD and FCNM AC criticism by repeating MFA and Ombudsman's claims that the international expert bodies “do not have full and comprehensive information and legal reasoning at their disposal”, despite both MFA and Ombudsman having participated in both reviews.</p> <p>As concerns private schools – judgment of 13.11.2019 in the case No. 2018-22-01 (with 2 judges, from 6, dissenting).</p> <p>NB Over 100 complaints have been submitted to the ECtHR on public schools, with the assistance of the LHRC. Some have been submitted on private schools, without our assistance.</p>
Earlier concerns: UN, HRC, CCPR/C/LVA/CO/3, para. 20	2020-2021	No review yet
Earlier concerns: UN, HRC, CCPR/C/LVA/CO/3, para. 20	2020	No review yet
<p>UN, CERD - urgent procedure letters CERD/EWUAP/ 98th session/Latvia/JP/ks of 10.05.2019 and CERD/EWUAP/99th session/Latvia/JP/ks of 29.08.2019;</p> <p>UN, Special Rapporteurs – OL LVA 1/2019 of 24.09.2019</p> <p>CoE, Venice Commission – Opinion No. 975/2020; CDL-AD(2020)012 of 18.06.2020, paras. 85-87, 120</p>	2019	Restrictions considered to comply with the Constitution and international obligations of Latvia – judgment of 19.06.2020 in the case No. 2019-20-03. Notably, the court ignores international criticism in para. 18.3. by saying that “it follows from the letters of the Committee on the Elimination of Racial Discrimination and of the Special Rapporteurs that those United Nations bodies did not have available, when elaborating those letters, a full information about the scope of the Regulation No. 716.” NB Over 40 applications to the ECtHR submitted with LHRC assistance
<p>OSCE, High Commissioner on National Minorities, letter of 30.01.2020 (wording of the bill slightly changed afterwards).</p> <p>See also earlier concerns – CoE, FCNM Advisory Committee, ACFC/OP/II(2013)001, para. 114</p>	2021	No review yet
No reaction yet	2020-2021	No review yet

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Latvian Human Rights Committee (FIDH) lhrc@lhrc.lv www.lhrc.lv, December 2020

ANNEX 3

Dynamics of minority school numbers

	Total	Latvian	Russian	Dual stream Latvian/Russian	Polish
2019/2020	695	542	79	63	4
1998/1999	1074	728	195	145	5

	Total	Ukrainian	Belarusian	English & French	German
2019/2020	695	1	1	4	1
1998/1999	1074	1	-	x	-

Thus, education fully in Latvian in 1998/99 was available in 873 schools, in 2019/20 in 605 (a fall of 31 %). Education partly in Russian in 1998/99 was available in 340 schools, in 2019/20 in 142 (a fall of 58 %).

Source: the Ministry of Education and Science (MES) <https://www.izm.gov.lv/lv/media/4093/download>, see “pa plūsmām” (by streams).

It should be noted that the sole Belarusian school is a basic school only. The [private] German primary school has only appeared in 2016, and is considered to be more oriented to expatriates than to the historical German minority.

There exist two Jewish secondary schools (a public one and a private one), one public Lithuanian secondary school and one public Estonian basic school (downgraded from a secondary one), all in Riga. They do not appear separately in the MES statistics. Judging by the city education portal iksd.riga.lv, the Lithuanian and Estonian schools are not implementing a minority education programme, so in the MES statistics they probably are classified under “Latvian” ones. The Jewish schools are supposedly classified by MES by language as “dual stream”.

Relevant international recommendations

201. [...] ensure continued availability of teaching and learning in languages of national minorities throughout the country with a view to meeting the existing demand

Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001; adopted 23.02.2018, published 15.10.2018 Link: <https://rm.coe.int/revised-version-of-the-english-language-version-of-the-opinion/1680901e79> [text highlighted among “Issues for immediate action”]

90. [...] Therefore, in order to ensure that the right to minority language instruction is implemented adequately throughout Latvia, it is preferable that the legislation impose a clear obligation for a presence of sufficient state schools offering a minority education programme whenever there is enough demand for it.

Venice Commission. CDL-AD(2020)012; Opinion No. 975/2020. 18.06.2020 Link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)012-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)012-e)