

Akdeniz University
Institute of Social Sciences

University of Hamburg
School of Business, Economics and Social Sciences

Tatjana OZKARA

**“Ethnic Minorities in Latvia, Their Rights and Protection:
Case of Russian-Speaking Minorities and Non-Citizens”**

Joint Master’s Programme European Studies Master Thesis

Antalya / Hamburg, 2013

Akdeniz University
Institute of Social Sciences

University of Hamburg
School of Business, Economics and Social Sciences

Tatjana OZKARA

**“Ethnic Minorities in Latvia, Their Rights and Protection:
Case of Russian-Speaking Minorities and Non-Citizens”**

Supervisors

Prof. Dr. Wolfgang VOEGELI

Assoc. Prof. Dr. Nurdan AKINER

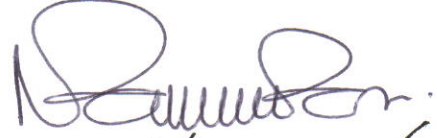
Joint Master's Programme European Studies Master Thesis

Antalya / Hamburg, 2013

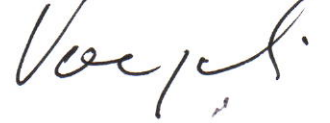
Akdeniz Üniversitesi
Sosyal Bilimler Enstitüsü Müdürlüğüne,

Tatjana Özkara'nın bu çalışması jürimiz tarafından Uluslararası İlişkiler Ana Bilim Dalı Avrupa Çalışmaları Ortak Yüksek Lisans Programı tezi olarak kabul edilmiştir.

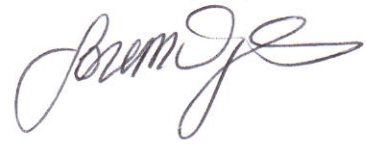
Başkan : Doç. Dr. Nurdan AKINER



Üye (Danışmanı) : Prof. Dr. Wolfgang VOEGELI



Üye : Yrd. Doç. Dr. Sanem ÖZER



Tez Başlığı: ETHNIC MINORITIES IN LATVIA, THEIR
RIGHTS AND PROTECTION: CASE OF RUSSIAN-
SPEAKING MINORITIES AND NON-CITIZENS

Onay : Yukarıdaki imzaların, adı geçen öğretim üyelerine ait olduğunu onaylarım.

Tez Savunma Tarihi 22/03/2013

Mezuniyet Tarihi 04/04/2013

Doç. Dr. Zekeriya KARADAVUT
Müdür

.....

TABLE OF CONTENTS

LIST OF FIGURES.....	iv
LIST OF GRAPHICS	v
LIST OF TABLES.....	vi
LIST OF ABBREVIATIONS.....	vii
ABSTRACT	ix
ANOTĂCIJA	x
АННОТАЦИЯ	xi
ÖZET	xii
INTRODUCTION	1

CHAPTER 1

1. INTEGRATION OF MINORITIES, ITS THREATS AND PROTECTION	5
1.1. Integration and its Threats	5
1.1.1. A Brief History of the Idea of “Integration”	5
1.1.2. Integration in Multicultural-State	8
1.1.3. Integration in post-socialist countries.....	12
1.1.4. Threats to Integration	13
1.2. Minorities under the international law	17
1.2.1. Minorities in the framework of UN.....	17
1.2.2. Minorities in the framework of the Council of Europe	20
1.2.2.1. The European Convention on Human Rights	20
1.2.2.2. The Framework Convention for the Protection of National Minorities	22
1.2.2.3. The European Charter for Regional and Minority Languages.....	23
1.2.3. Minorities in the framework of the OSCE.....	25
1.2.4. Minorities in the framework of the European Union	26
1.2.4.1. Treaty on European Union	26
1.2.4.2. Treaty on the Functioning of the European Union.....	27
1.2.4.3. Charter of Fundamental Rights of the European Union.....	28
1.2.4.4. The Racial Equality Directive 2000/43/EC	29
1.2.4.5. Council Framework Decision 2008/913/JHA	29

CHAPTER 2

2. ETHNIC MINORITIES IN LATVIA	31
2.1. Ethnic developments in Latvia	31
2.2. Ethnic composition of Latvia	32
2.3. Russian minorities in Latvia	33
2.4. Documents concerning the social integration of minorities in Latvia.....	34
2.4.1. The Latvian National Action Plan for 2004-2006, National Report on Strategy Reports for Social Protection and Social Inclusion for the periods 2006-2008 and 2008- 2010	35
2.4.2. The National Program “Roma in Latvia” 2007-2009.....	36
2.4.3. The Latvian National Development Plan for 2007-2013	36
2.4.4. National program Society Integration in Latvia.....	37
2.4.5. National Culture Policy Guidelines 2006-2015	38
2.4.6. Guidelines of National Identity, Civil Society and Integration Policy 2012-2018 .	39
2.5. Legal Basis of Minorities’ Integration in Latvia	41
2.5.1. Ombudsman of the Republic of Latvia	42
2.5.2. Latvian Human Rights Committee	42
2.5.3. The Latvian Centre for Human Rights	42
2.5.4. NGO “Culture. Tolerance. Friendship.”	43
2.5.5. Legal Integration	43

CHAPTER 3

3. RUSSIAN-SPEAKING MINORITY: THEIR STATUS AND RIGHTS ON CITIZENSHIP, LANGUAGE, AND EDUCATION.....	45
3.1. Citizenship of Latvia and non-citizen status.....	45
3.1.1. The path of development of the Citizenship Law	47
3.1.1.1. OSCE and the Council of Europe	47
3.1.1.2. Assessments of HCNM.....	48
3.1.1.3. The European Union	50
3.1.2. Ethnic minorities and non-citizens status	52
3.1.2.1. Who are they – non-citizens?.....	56
3.1.2.2. The non-citizens rights and restrictions	58
3.2. Language and education issues regarding to minorities in Latvia.....	61

3.2.1. State Language	61
3.2.2. Minority Education in Latvia	62
3.3. Russian-speaking minorities' rights in Latvia vis a vis conformity with the international and EU laws	64
3.3.1. Citizenship.....	64
3.3.2. Language and education	67
3.3.2.1. Language.....	68
3.3.2.2. Education	69
3.3.3. ECHR Case Study: Petropavlovskis v. Latvia (Application No. 44230/06).....	72
3.3.3.1. Short review of the case	72
3.3.3.2. Discussion of the case	74
CONCLUSION	77
RECOMMENDATIONS	83
BIBLIOGRAPHY.....	84
APPENDIX NO.1	95
APPENDIX NO.2	108
CURRICULUM VITAE	114

LIST OF FIGURES

Figure 1.1. “Integration” in the context of multiculturalism by John Berry	9
Figure 1.2. Suggested success criteria for integration and key integration concepts	11

LIST OF GRAPHICS

Graphic 2.1. Resident population by ethnicity in 2000	33
Graphic 2.2. Resident population by ethnicity in 2011	33
Graphic 3.1. Resident population of Latvia by citizenship at the beginning of the year in the period from 1996 till 2012.....	52
Graphic 3.2. Resident population of Latvia by citizenship at the beginning of the year 1996, 2000, 2011, and 2012 (in %)	54
Graphic 3.3. Ethnic distribution of non-citizens in Latvia in July 2011 (%)	55
Graphic 3.4. Percentage of non-citizens in the ethnic groups in August 1993, in January 2000, and in July 2011.....	55
Graphic 3.5. Languages mostly spoken at home in Latvia (1 March 2011).....	61

LIST OF TABLES

Table 1. Summery of some rights of non-citizens and its restrictions	60
Table 2. Articles of international and European Laws to which Latvia contradicts	72

LIST OF ABBREVIATIONS

CAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEE	Central and Eastern Europe
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CSCE	Commission on Security and Cooperation in Europe
EC	European Commission
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECRI	European Commission Against Racism and Intolerance
EU	European Union
EUDO	European Union Democracy Observatory
HCNM	High Commissioner on National Minorities
ICCPR	International Covenant on Civil and Political Rights
ICEDAW	International Convention on the Elimination of All Forms of Discrimination Against Women
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
JHA	Justice and Home Affairs
LCHR	Latvian Centre for Human Rights
LHRC	Latvian Human Rights Committee
LNNK	Latvijas Nacionālās Neatkarības Kustības
MWC	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
PCIJ	Permanent Court of International Justice
SU	Soviet Union
TEU	Treaty on European Union

TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDM	Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
USSR	Union of Soviet Socialist Republics

ABSTRACT

“Ethnic Minorities in Latvia, Their Rights and Protection: Case of Russian-Speaking Minorities and Non-Citizens”

With the advent of increased multiculturalism and globalization the theme of minorities' integration and protection became very significant at both national and international levels. Despite the known challenges of Russian-speaking minorities in Latvia, not much research has been done to investigate the problems of their integration and protection. During the research for this paper the documents detailing social policies and legal provisions of the Republic of Latvia regarding the national minorities were analyzed. Additionally, special attention was given to the rights of non-citizens regarding citizenship law, education law, and official language law and their various levels of conformity with international and European laws. This study is an examination of the discriminatory treatment of the Russian-speaking minority in Latvia, which has created problems of integration and, in many cases, violates international and European human rights norms.

Keywords: integration, minorities, Russian-speaking minorities, non-citizens, citizenship, education, language, international law

ANOTĀCIJA

“Etniskās minoritātes Latvijā, viņu tiesības un aizsardzība: krievvalodīgo un nepilsoņu gadījumā”

Multikulturālisma un globalizācijas laikā minoritāšu integrācija un aizsardzība kļuva par ļoti nozīmīgu tēmu nacionālajā un starptautiskajā līmenī. Neskatoties uz visiem zināmo problēmu par krievvalodīgajiem iedzīvotājiem Latvijā, ir veikti maz pētījumu, lai izpētītu problēmu par minoritātes integrāciju un aizsardzību. Šajā dokumentā Latvijas Republikas sociālās politikas dokumenti un tiesību akti par nacionālās minoritātes tika analizēti. Turklāt, īpaša uzmanība tika pievērsta nepilsoņiem un viņu pilsonības, izglītības un valodas tiesībām saskaņā ar starptautiskajām un Eiropas tiesībām. Tas ir pētījums par diskriminējošo attieksmi pret krievvalodīgo minoritāti Latvijā, kas rada problēmas integrācijai un pārkāpj starptautiskās un Eiropas cilvēktiesību normas.

Atslēgas vārdi: integrācija, minoritātes, krievvalodīgās minoritātes, nepilsoņi, pilsonības likums, izglītības likums, valodas likums, starptautiskās tiesības

АННОТАЦИЯ

“Национальные меньшинства Латвии, их права и защита: на примере русско-говорящего населения и неграждан”

Во время мультикультурализма и глобализации тема интеграции и защиты меньшинств стала очень значимой на национальном и международном уровнях. Несмотря на известные проблемы с русскоговорящим меньшинством в Латвии, исследовательских работ было сделано не так много, чтобы определить проблемы интеграции и защиты национальных меньшинств. В ходе исследования данной работы, документы социальной политики и правовые положения Латвийской Республики о национальных меньшинствах, были проанализированы. Кроме того, особое внимание было уделено правам неграждан в отношении закона о гражданстве, образовании и государственного языка в соответствии с международными и европейскими законами. Эта работа представляет собой исследование дискриминационного обращения с русскоговорящим меньшинством в Латвии, которое вызывает проблемы интеграции и нарушает международные и европейские нормы прав человека.

Ключевые слова: интеграция, национальные меньшинства, русскоговорящие меньшинства, неграждане, закон о гражданстве, закон об образовании, закон о государственном языке, международное право.

ÖZET

“Letonya’da Etnik Azınlıklar:

Rusça-Konuşan Azınlıklar ve Olmayan Vatandaşların Haklarının Korunması Durumu”

Çok kültürlülük ve globalleşme sürecinde azınlıkların entegrasyonu ve korunması hem ulusal hem de uluslararası arenada büyük önem arz etmektedir. Letonya'daki Rusça konuşan azınlıkların artık meşhur olan mücadelelerine rağmen, bu insanların entegrasyon ve korunması konularına ilişkin yeterince çalışma yürütülmemiştir. Bu çalışmadaki ana hedefim bu eksikliği gidermeye katkıda bulunarak, Rusça konuşan azınlıkların maruz kaldığı, entegrasyon problemlerinin yanı sıra Uluslararası ve Avrupa İnsan Hakları normlarının ihlaline de neden olan ayrımcılıkları gözler önüne sermektir. Bu doğrultuda Letonya'da yaşayan azınlıkların konu olduğu sosyal politika dokümanları ve yasal düzenlemeler incelenmiştir.

Anahtar kelimeler: entegrasyon, azınlıklar, Rusça konuşan azınlıklar, vatandaşlık hakkı tanınmayanlar, vatandaşlık, eğitim, dil, uluslararası hukuk

INTRODUCTION

Most countries today are culturally diverse. In earlier times, humans tended to practice nomadism and move from one place to another. If we look at the economic/cultural development of humans through the ages we can, in the broadest of terms, see we moved from an *Agrarian Society* through an *Industrial Society* to our present *Information Society*, which is full of diversity. Presently, we are well on our way to the *Global Multicultural Society* of the 21st century.¹

Europe is very ethnically diverse and there is no country where there is not at least some small group of ethnic minorities. **Stefan Wolff** considers that, nowadays, it is widely acknowledged that individuals make their own choice in which group to be. In other they may 'self-identify' whether they belong to the minority or the majority. However, not every ethnic minority and everyone who considers himself or herself a member of a minority community is officially recognized as such.² Nevertheless, the policy of the European Union considers one of their main aims to facilitate the integration of national minorities and the protection of their rights.

Ethnic composition of Latvia has changed during the 20th century, and the Baltic States region in general is one of the better examples of a minority's integration challenges in the European Union. As of today, the Russian minorities still remain the largest ethnic group among the minorities living in Latvia. Additionally, Russian is the most popular language between minorities, and is also one of the primary foreign languages in Latvia. It is also worth mentioning that Russians prefer to live in the larger urban centers of Latvia: such as Riga, Daugavpils and Rezekne.³

Furthermore, Latvia is burdened with its so-called *non-citizens* issue. The collapse of the Soviet Union in 1991 created problems for those persons who lived in Latvia as nationals of the USSR. In an attempt to avoid this group becoming statelessness, Latvia introduced the special status of "*non-citizen*" in 1995.⁴ Thus, this citizenship legislation became one of the most significant and central factors in determining the Russian-speaking minority's status and

¹ Rosado (1996), p. 1

² Wolff (2002) p. 1.

³ Ibid.

⁴ Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State, adopted on 12 April 1995, entered into force 9 May 1995

its eventual integration to Latvian society.

From my point of view, the Russian-speaking minority is a very specific issue in Latvia. However, I would like to underline that in Latvia what is important to look at is not *ethnic* Russian minorities, but *Russian-speaking minorities*. In my opinion, this description was created by the Latvian government to group together so-called “*post-soviet minorities*”, which were left living in Latvia even after the collapse of the Soviet Union. It is important to understand that because of the previous soviet policies, the official language for all Soviet controlled countries was Russian regardless of how small a percentage actual Russian speaking residents there might be. That is why, many families, regardless of their actual nationality, still preserved Russian as their mother-tongue. Consequently, when Latvian policy and law refers to Russian-speaking minorities, European society and the rest of the world should understand it applies not just to ethnic Russian minorities, but also to all so-called “*post-soviet minorities*” – Russians, Ukrainians, Belarusians, etc.

In my opinion, the most significant problems of integration of Russian-speaking minorities are – their political status, i.e. non-citizen status and right to be a citizen. Because I think that citizenship is the main element for the person to feel that he or she belongs to the nation and country, i.e. without citizenship the sense of belonging is impossible and, as a result, integrating these people culturally will be harder. Additionally, after the Latvia’s entry in to the European Union in 2004, the broader EU rights of citizens and non-citizens (Russian-speaking minorities) are not equal. For instance, non-citizens must obtain visas to some EU countries, cannot work in some positions, etc. However, I suppose one of the major and most sensitive challenges of Latvian non-citizens vis a vis EU law and policy is that non-citizens cannot vote in municipal elections.⁵ Also, the inequality in the fields of language and education is also a great challenge for integration of Russian-speaking minorities as called for by the EU.

As a member of the Russian-speaking minority community, I was very interested to examine this issue and to try to understand why there are still problems with integration. In my view, this problem should have been resolved long before entry was allowed to the European Union because associating with the EU should have extended equal rights and legal

⁵ City Dome and Rural District Councils Election Law, adopted on 13 January 1994, entered into force on 25 January 1994, Article 5

protections to all Latvians regardless of their minority. Unless you suffer under this stateless status I think it is difficult to understand the emotional and psychological stress it creates. I have no home.

To investigate this issue I posed myself a question: **Does the official government treatment of the Russian-speaking minority in Latvia directly cause the problems of Russian speaking minority integration and, if so, does that treatment violate international and/or European human rights norms?**

Methodology

The purpose of my thesis is to investigate the issue of integration of ethnic minorities in Latvia, particularly Russian-speaking minorities and “non-citizens”, as well as related problems, such as their rights and protections as regards conformity with international law.

Primary, I will use a **qualitative method** – case study and analysis of documents, materials and legislation, survey data, etc. – as well as a **quantitative method** – content analysis, and analysis of official statistics, etc.

The thesis is structured around three main blocks. The first block will start with the overview of the concept of integration, namely, historical notions of integration, integration in multicultural-states and post-socialist countries, through which I will examine the situation in Latvia. I will also suggest some of the possible perceived threats of integration. What’s more, I will discuss minority rights and protections as described by international organisations such as the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, and the European Union. In my opinion, it is very important, especially in this time of multiculturalism and globalisation, to understand the intended purpose of integration and when nationality and citizenship should be considered synonymous. The threats to the existing society will be examined so that as appropriate policies and laws are adopted those threats can be minimized and so create favourable conditions for integration. In addition, it will be useful to examine actual international law on minority protections because healthy integration and its legal protection should be included together in any rational policy.

The second block will represent minorities’ issue in Latvia specifically. Firstly, I will prove the situation of Russian-speaking minorities should be analysed because of their high per cent in Latvia; secondly, I will investigate an approach toward social integration of ethnic

minorities where, in particular, I will analyze the official documents and programs for integration, such as the National Action Plan, the Integration of Society in Latvia plan, etc. In my point of view, they should be regarded as the main key for the promotion of social inclusion of minorities and it will show how Latvian government proposes to cope with this issue through these various policies and plan.

In the third block I will investigate the issue of Russian-speaking minorities and “non-citizens” and their rights in Latvia in conformity with the international and EU laws. This analysis will help to discover the legal protection of minorities as well as the possibility for further integration into Latvian society. It will also help to answer on the second part of the research question. Additionally, I am going to analyze the case of ECHR with an empirical approach.

CHAPTER I

INTEGRATION OF MINORITIES, ITS THREATS AND PROTECTION

1.1. Integration and its Threats

1.1.1. A Brief History of the Idea of “Integration”

Emile Durkheim (1858–1917) was the first to start formally researching integration. According to him, because of the developing of labor, to maintain coherence and unity inside the social system was very important, and this process he called as “*integration*”.⁶ According to Durkheim, the social life is dual: the similarity of *consciousness* and the *division of social labor*.⁷ He noted that in a “primitive” society solidarity is caused by a community of representations which creates the laws, which impose invariable beliefs and practices on individuals under the threat of overpowering punishments, and this system he calls “*mechanical solidarity*” or normative integration.⁸ On the other hand, the division of social labor improves an individuation, as well as “*organic solidarity*”, which is based on the relations of the combined functioning of individuals and groups and is indexed by juridical rules defining the nature and relations of functions.⁹ In his *theory of “change”* such values as justice, individuality and human dignity are very important for the change in the division of labor in the future.¹⁰ As for Durkheim, for **Talcott Parsons** (1902–1979) social change was a differentiation too. He also supposed social change inevitably involved “*integration*” through political and institutional change, and also through common social values, norms, and expectations.¹¹

John Stuart Mill stated that one nationality can be merged with another: “*it is possible for one nationality to merge and be absorbed in another.*”¹² Integration can be seen as a positive outcome for minorities, however, not all scholars agree with that. For instance, for **Lord Acton** cultural diversity was more as a protection from tyranny: “*The presence of different nations under the same sovereignty . . . provides against the servility which*

⁶ Durkheim (1933), pp. 70–132, and Janos (1986), pp. 23–24

⁷ Merton (1994), p. 2

⁸ Ibid.

⁹ Ibid.

¹⁰ Sirianni (1984), p. 451

¹¹ Parsons (1966), pp. 22–23; Parsons and Shils (1962), pp. 76–81; Lidz (2000), pp. 388–431.

¹² Mill (1946), pp. 294–295

*flourishes under the shadow of a single authority, by balancing interests, multiplying associations, and giving the subject the restraint and support of a combined opinion.”*¹³

During the period of “*modernization*”, when the social, economic and political changes were going beyond industrialization, the concept of “*political integration*” started to be very popular. In 1965, **Myron Weiner** identified that the term “*integration*” can be used in the situation of unification of different groups into a one territory area and in the creation of national identity.¹⁴ As **Weiner** noted, “*since there are many ways in which systems may fall apart, there are as many ways of defining “integration”*”.¹⁵ However, this usage of integration became very famous and widespread among scholars of *nationalism*, “*nation-building*” and “*national integration*”. For instance, **Karl Deutsch** defined a “*community*” in terms of “*complementary habits and facilities of communication*”.¹⁶ His theory of nationalism focused on the social mobilization¹⁷ of previously repressed ethnic and social groups and the need for their assimilation into the national culture.¹⁸ According to **Deutsch**, if assimilation is faster than mobilization or is at the same level with it, then the government probably will be stable and everybody will be integrated; however, if mobilization will be faster than assimilation, then opposite will happen.¹⁹

Additionally, **Ernest Gellner**, one of the theorists of nationalism, has argued that for the successful functioning of state “*a mobile, literate, culturally standardized, interchangeable population*” is needed.²⁰ What is more, the development of a state economy directly depends on communication between individuals, which are socialized into a high culture.²¹ Thereto, **Dankwart Rostow** claimed that *national unity* is very important for the

¹³ Acton (1967), p. 149

¹⁴ Weiner (1965), p. 53

¹⁵ Ibid., p. 54

¹⁶ Deutsch (1953), p. 70

¹⁷ “**Social mobilization** is a process of change of some part of a population in the way to new and modern life. This process involves changes in place of residence, employment, social setting, face-to-face associates, institutions, roles, and ways of acting, of experiences and expectations, and finally of personal memories, habits and needs, including the need for new patterns of group affiliation and new images of personal identity. Singly, and even more in their cumulative impact, these changes tend to influence and sometimes to transform political behavior” (Deutsch (1961), p. 493).

¹⁸ Russett (2006), p. 678;

¹⁹ Deutsch (1969), p. 27

²⁰ Gellner (1983), p. 461

²¹ Ibid., p. 140

change to democracy: “*the vast majority of the citizens in a democracy-to-be must have no doubt or mental reservations as to which political community they belong to.*”²²

Despite of the thought that assimilation should be a desirable outcome for policy goals, a genuine assimilation of some minorities, immigrants and indigenous people in Europe of the 21st century seems impossible. **Walker Connor** did not believe that it was a good idea to eliminate cultural differences in society.²³ As he stated, “*advances in communications and transportation tend also to increase the cultural awareness of the minorities by making their members more aware of the distinctions between themselves and others*”.²⁴

In sum, the idea of integration appeared a long time ago. First of all, social change involved “*integration*” through political and institutional change, and also through common social values, norms, and expectations. This process can positively impact on minorities; however, strict assimilation of minorities and loss of their diversity can lead to tyranny. Additionally, the term integration unifies different groups of one state and establishes a national identity. As a result, the state can function well, especially if it has “*a mobile, literate, culturally standardized, interchangeable population*”.²⁵ Thereto, integration is very important; because every person should know to which political community he or she belongs to help foster democracy and to develop his or her country into a functioning, forward moving society.²⁶

In my opinion, the process of minorities’ integration should not be strictly tied to full assimilation, because not everybody wants to adopt the culture, traditions and language of another community; forced assimilation and strict policy can lead to ethnic conflict. I believe *multiculturalism* holds better prospects for the social stabilization of the state. In order to create and maintain good relationships between all communities, the state should establish the goal of integration of minorities to be the inclusion of many groups into a national whole. Thus, individual community integrity is preserved, common rights and protections established and the threat of tyranny lessened.

²² Rostow (1970), p. 350

²³ Connor (1994), p. 139

²⁴ Connor (1972), p. 329

²⁵ Gellner (1983), p. 461

²⁶ Rostow (1970), p. 350

1.1.2. Integration in Multicultural-State

In a time of global migration, most developed and developing countries are experiencing a significant increase in cultural diversity, especially EU countries. Consequently, multiculturalism can be viewed as an inescapable by product of the 21st century globalisation process.

Multiculturalism can be categorised as the political, social, and cultural movement which aims to create a society where all cultures will be respected by the state and the state's inhabitants.²⁷ As a consequence, when we talk about the multicultural society, city or state we have to underscore one very significant thing. A country or society is multicultural when its policy aims to stimulate good relations between individuals with different cultures; when the inhabitants of the country respect different cultures and do not discriminate against each other. As a result, I can conclude the state can be considered as multicultural when it achieves the *integration* of isolated groups, including minorities, into society. In my view, a "*multicultural society*" can be seen as a synonym of successful integration.

However, concepts of integration differ in various *national policies* and range from next-to-assimilation to multiculturalism.²⁸ Additionally, *national integration policies* create different integration measures for different groups; for instance, not every person who immigrates would be referenced by national integration policy, and not every person who falls under the national integration policy is an immigrant (e.g. the second generation).²⁹

It is also worth mentioning that a basic supposition in a **liberal democracy** is that every individual who resides legally shall have equal rights to participate in the state's life (i.e. economic, social and political), despite his or her race, color, ethnic or national origins.³⁰

Furthermore, according to the **Council of Europe**, "*integration*", is first a common framework of legal rights; secondly, an active participation of all groups in society; and finally, it is an unrestricted choice of religion, political views, culture and sexual preference while taking into consideration basic democratic rights and liberties.³¹

²⁷ Willet (1998), p. 1

²⁸ Council of Europe (2005a), p. 5

²⁹ Ibid.

³⁰ Coussey and Christensen, p. 15

³¹ Ibid.

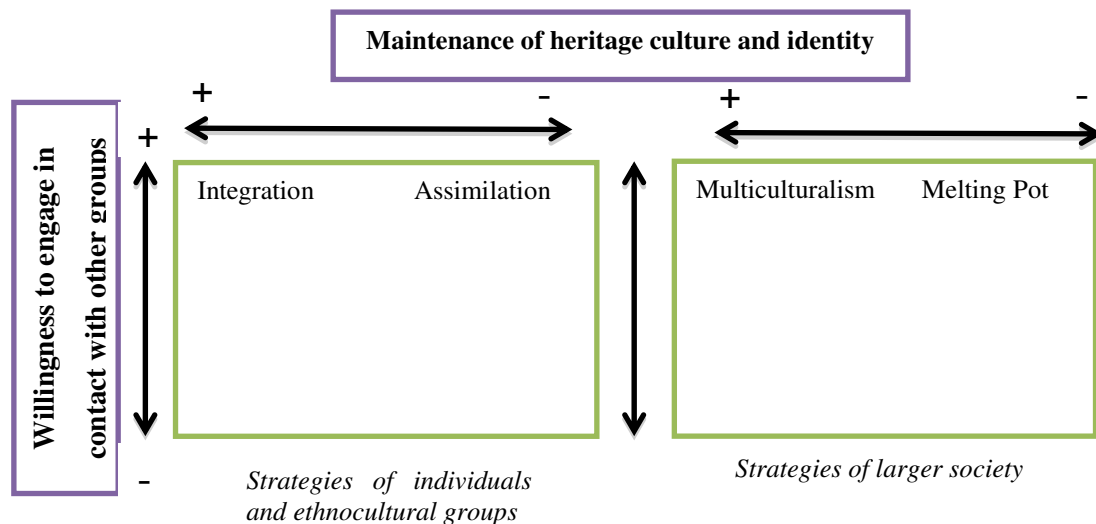
One of the most influential analysts of “*integration*” in the context of multiculturalism is the Canadian social scientist **John Berry**, who has written widely about “*acculturation attitudes*” – “*the ways people prefer to live in intercultural contact situations*” and “*acculturation expectations*” – “*views about how immigrants and other non-dominant ethnocultural groups should acculturate*”.³²

According to **Berry**, two issues are critical:

1. to what extent do individuals from non-dominant groups would like to maintain their cultural attributes, and
2. to what extent do individuals from non-dominant groups would like to have contacts with other groups.

As can be seen in the Figure No.1, the two above mentioned issues can be used to describe the position of minorities, as well as those individuals who are not part of the minority groups – broader society. Consequently, the term “*integration*” at the individual level can be understood as the wish to maintain the identity and at the same time to have contact with members of other cultural groups. However, at the societal level, the term “*integration*” can be seen as a promotion of preservation of minority identities and a wish to be involved in the intercultural contacts.

Figure1.1. “Integration” in the context of multiculturalism by John Berry



Source: Berry (2006a), p. 35.

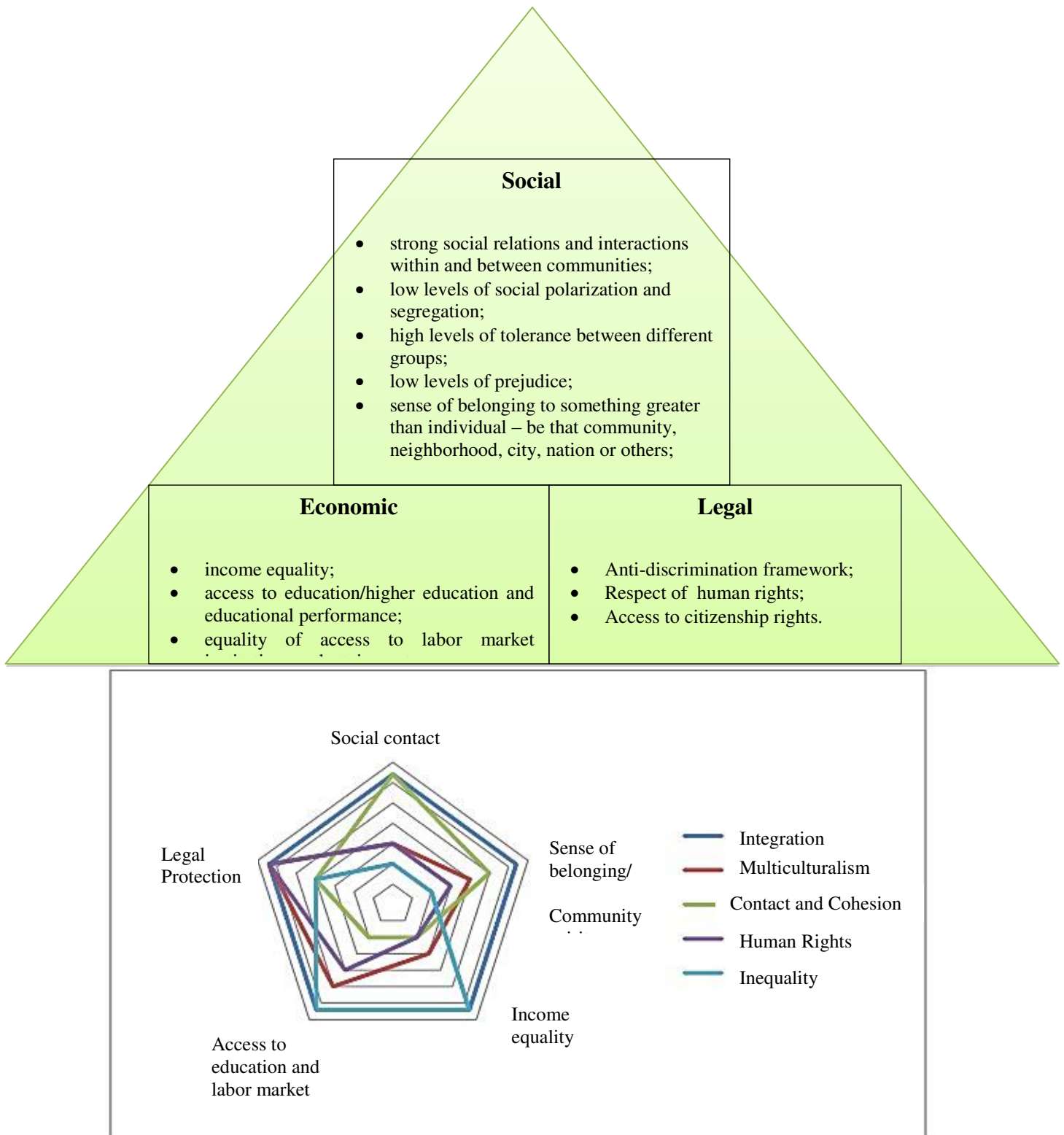
³² Berry, eds. (2006b), p. 73

Another interesting view on successful integration is suggested by **Nick Johnson** in his briefing paper “*Integration and cohesion in Europe: an overview*”. He argued that a theory of integration will be successful if it can unite the multicultural tolerance, which is supported by legal protection, with the intercultural contact and social solidarity.³³ In addition, he supposes that different groups of society should have equal opportunities and equal social outcomes, because *social cohesion* should apply not just to minorities but to the whole society.³⁴ The suggested success criteria are presented by three essential elements, such as *economic integration*, *social integration*, and *legal protection*. (see Figure 1.2.). Consequently, Nick Johnson stated that integration cannot be full and successful if one of these elements will not be implemented.

³³ Johnson (2012), p.16

³⁴ Ibid.

Figure 1.2. Suggested success criteria for integration and key integration concepts



Source: Johnson (April 2012), pp. 17-18

1.1.3. Integration in post-socialist countries

In the post-socialist countries, such as the Central and Eastern Europe (CEE), as well as in the ex-republics of the Soviet Union (SU), the national minorities are still excluded from the democratic and state-building processes;³⁵ that is why I believe the political integration of ethnic minorities should take a higher priority in the policy building.

Additionally, it is worth mentioning the republics of the Soviet Union were a hybrid of ethnic and civic states, i.e., it was a multinational state based on a non-ethnic ideology (Soviet Marxism). However, it was also an ethnic empire based on the power dominance of the largest nation, the Russians.³⁶

Furthermore, after the events of 1989, the European Coal and Steel Community received a lot of new applications from Central and Eastern European countries. In June 1993 a significant decision was made by the **European Council**, namely, “*The associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required.*”³⁷ Additionally, one of the criteria for inclusion in the European Union was “*stability of institutions consisting of democracy, rule of law, human rights, and respect for and protection of minorities*”.

Moreover, the term “*social integration*” was defined in the human rights community at the **1995 UN World Summit for Social Development** in Copenhagen. The report notes that “*social integration, or the capacity of people to live together with full respect for the dignity of each individual, the common good, pluralism and diversity, non-violence and solidarity, as well as their ability to participate in social, cultural, economic and political life, encompasses all aspects of social development and all policies*”.³⁸ Additionally, at the **Program of Action of the World Summit for Social Development**, it was noted that if social integration would fail, it would lead to social fragmentation and inequalities.³⁹ What is

³⁵ Regelman, (2012), p.1

³⁶ Nahaylo and Swoboda, (1990)

³⁷ European Council (1993), Conclusions of the Presidency, (21-22 June 1993, SN 180/1/93), Copenhagen, p. 13

³⁸ United Nations (1995), “*Report of the World Summit for Social Development*”, A/CONF. 166/9, Chapter I, Resolution 1, Annex II, § 2

³⁹ Ibid., § 68

more, the **UN Millennium Declaration** stated that “*social integration is a synthesis of peace, security, development and human rights*”.⁴⁰

All in all, the promotion of social integration and inclusion are the main instruments for the creation of a *society for all* which should uphold *fundamental human rights* and the principles of *equality* and *equity*. The main reason is great disparities between the inhabitants of a state led to the reduction of growth and welfare of that same society. If social integration is promoted within the country, then that society will be safer and more stable which will generally lead to the economic growth and development of the country.

However, to analyze how integrated minorities are in a given society, we have to identify possible threats to integration.

1.1.4. Threats to Integration

Taking into consideration the **Berry’s theory**, the threat to integration is the unwillingness of a minority group to have contact with majority population, maintaining their identity; as well as society’s unwillingness to preserve minorities’ identities and to have intercultural contact.

According to the **Johnson’s theory**, the threat to integration is the non-fulfillment of the main elements of integration: social, economic and legal, i.e. unequal opportunities and rights. Taking into account the Figure 1.2 I emphasize the main indicators of disintegration:

- *Social integration*: absence of social relations and tolerance between communities, as well as lack of a sense of belonging to the community or nation, in addition, a high level of polarization, segregation, and prejudice;
- *Economic integration*: income inequality, as well as prohibition and restrictions to education and the labor market
- *Legal protection*: discriminatory framework, violation of human rights, restrictions to citizenship rights

According to the **European Council** and the main principles and accession criteria to the European Union, the main threats to successful integration of national minorities into society and its further development is *banal discrimination* on the basis of *fundamental*

⁴⁰ UN General Assembly (2005), Official Records, Sixtieth Session, Supplement No.1 (A/60/1),§ 103.

human rights, which leads to the *exclusion* from the *social* and *political* life of the state, namely, restrictions to labor markets, to housing and social services, to education, and restrictions to participation in political life of the country.

Many international organizations, such as the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE) have used social integration in their agendas in the context of human rights.⁴¹ For instance, a subsequent UN report that continues the work of the Social Summit argues that inclusion, participation and justice are the three main “*building blocks of social integration*”.⁴² The Council of Europe has not focused so much on “*social integration*”, like the UN, but it has also focused on participation and achieving “*cohesion through human rights*.”⁴³ Further, the publication of CoE of **Concerted Development of Social Cohesion Indicators** defines “*social cohesion*” as “*society’s ability to secure the long-term well-being of all its members, including equitable access to available resources, respect for human dignity with due regard to diversity, personal and collective autonomy and responsible participation*.”⁴⁴ Also, the Council of Europe’s **European Commission Against Racism and Intolerance** (ECRI) has increasingly touched on issues of integration in its work. ECRI has drawn attention to the links between integration and combating racism and racial discrimination, by pointing out that public debate on integration may stigmatize communities,⁴⁵ and that certain integration measures may be in breach of non-discrimination principles.⁴⁶

As a result, analyzing the notion of integration and its necessity, as well as threats to integration, I came to the conclusion, that unification or, with other words, integration of different nationalities is possible and at a time of multiculturalism it is the key element for the well-being of the state and its further development. In addition, I found out that the role in integration of minorities plays in the **legal system** of the state, namely, its **policies on integration** and the **rights of minorities**, have an enormous impact on the willingness and possibility of minorities to be integrated.

⁴¹ Muižnieks (2010), p. 26

⁴² United Nations (2007), p. 11

⁴³ Council of Europe (2005b), p. 15

⁴⁴ Ibid., p. 23

⁴⁵ See, e.g., ECRI (2008), the third report on the Netherlands, §128

⁴⁶ See, e.g., ECRI (2008), the third report on the Netherlands, §49–§50 and ECRI (2006), the third report on Denmark, §68

Due to my research about the main indicators of disintegration, I identified what I believe to be three of the most significant concepts for successful integration, which are:

1. **Citizenship**
2. **Education**
3. **Language**

I consider the term “*citizenship*” to combine all elements of *social integration*, *economic integration* and *legal protection*, i.e. if an individual has citizenship, then he or she will be protected by the state, will have equal rights and opportunities, as well as contact with other individuals from different communities. Also, if all inhabitants of the country have citizenship, then it is obvious that the level of social polarization, prejudice and segregation will be lowered, but the level of tolerance between different groups and the sense of belonging will be high. **Marshall** argues that the welfare state is an expression of citizenship because it is the scope of public requests and obligations set on people by this status on which depends the development of the state;⁴⁷ however, there is no universal system of determining those requests and obligations.⁴⁸

I think the two concepts of *education* and *language* should be analyzed together, because they are connected to each other, i.e. we learn language to be able to study, and then to use acquired knowledge to participate in the social life of the country. Education as well as language combines all elements of *social integration*, *economic integration* and *legal protection*, i.e. it ensures contact with other communities, income equality, access to education, as well as equality of access to labor markets, all of which should be protected by law.

As a result, if the minority will be integrated on the basis of these three concepts, then according to *Berry's theory* and *Johnson's theory*, the successful integration of minorities is possible, because the three elements of integration (social, economic and legal) will be implemented and minorities will be able to maintain their identity while at the same time have contact with members of other cultural groups. Additionally, the majority will hopefully be benevolent enough to promote a preservation of minority identities and to be involved in the intercultural contacts.

⁴⁷ Lawrence (1997), p. 198

⁴⁸ Soysal (1994), p. 18

Consequently, I can state that “*integration*” is a component of **minority rights** and/or **anti-discrimination strategies**. So it is useful to investigate how *minorities’ protection* has been used in human rights discourse as this provides a useful supplement to the social sciences.

1.2. Minorities under the international law

1.2.1. Minorities in the framework of UN

The investigation of the protection of a minority under international law starts from the **League of Nations**. It tried to protect “racial”, “religious” and “linguistic” minorities.⁴⁹ However, its work was not successful and it collapsed following the outbreak of the Second World War.⁵⁰ At that time, the *nation-state* held the dominant place.⁵¹ Consequently, the minority protection and the maintenance of ethnic diversity proposed by the League of Nations was inappropriate for the nation-state, wherein homogeneity was held priority so as to control national unity and political stability.⁵²

A new international system was created in 1945 under the **United Nations** (UN). The UN’s main principles were and are to ensure “*international peace and security*”,⁵³ “*to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of people*”,⁵⁴ “*to promote social and economic development and to encourage respect for human rights*”.⁵⁵ **Article 1(3)** of the **Charter of the UN** shows very well the main principles of the time after World War II. It was, first of all, “*international co-operation (...) and encouraging respect for the human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion*”.⁵⁶ The widespread opinion of that period was that individual rights and non-discrimination were suitable means of *protecting everyone*, including minorities.⁵⁷ Consequently, minorities’ rights were not directly mentioned in the Charter of the UN.

The **Universal Declaration of Human Rights** (UDHR) expanded the main principles of the Charter of the UN. Accordingly, to its **Article 2**, “*Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property,*

⁴⁹ Kovačević (n.d.) p.1

⁵⁰ Hannum (1990), pp. 54-55 and Lerner in Brölman (1993), pp. 85-96

⁵¹ Herman in P. Peter R. Baehr, Monique C. Castermans-Holleman, J Smith (1998), p. 293

⁵² Ibid. pp. 292-294

⁵³ Charter of the UN, adopted on 26 June 1945, entered into force on 24 October 1945, Article 1(1)

⁵⁴ Ibid., Article 1(2)

⁵⁵ Ibid., Article 1(3)

⁵⁶ Ibid., Article 1(3)

⁵⁷ Lerner in Brölman (1993), p. 85; and Hannum (1990), p. 57

birth or any other status”.⁵⁸ After examining the UDHR I recognise it also, like the UN charter, does not have any direct provisions for the protection of minorities. However, **Article 26(2)** underlines that education “*shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.*”⁵⁹ Additionally, its **Articles 15** and **21(1)** state that every person has the right to nationality;⁶⁰ to be a citizen and to take part in the government of the country.⁶¹ Furthermore, the General Assembly of the UN stated that “*the UN could not remain indifferent to the fate of minorities.*”⁶² Consequently, no reference was made to minorities in the UDHR.

Nevertheless, some states made the proposal to include several provisions to protect minorities. Denmark, the former Yugoslavia and the Soviet Union were in favour of these suggested clauses, but all their proposals were rejected by the other member states.⁶³

One of the reasons for the rejection of proposals was the national policies of states regarding integration and assimilation.⁶⁴ Another reason is that some countries were afraid the recognition of minority rights will encourage fragmentation or separatism and that could destroy national unity.⁶⁵ Another very strong reason against minority rights, pointed out by **Welhengama**, was that “*the very process of singling out a minority for special treatment was detrimental to the stability of the nation-state system*”.⁶⁶ Consequently, at that time there was a fear that to make distinctions for minorities could lead to a sense of disadvantage for the other citizens of the state.

Despite of exclusion of the provisions regarding protection of minority rights from UDHR, the UN decided that “*it is necessary to make a thorough study of the problem of minorities that the United Nations may be able to take effective measures for the protection of*

⁵⁸ Universal Declaration of Human Rights, adopted on 10 December 1948, Article 2

⁵⁹ Ibid., Article 26 (2)

⁶⁰ Ibid., Article 15(1)

⁶¹ Ibid., Article 21(1)

⁶² Resolution 217 C (III) of 10 December 1948, United Nations

⁶³ A de Zayas quoted in Brölmann, Lefeber, Zieck (1993), pp. 258-259

⁶⁴ Lerner in Brölmann (1993), p. 85

⁶⁵ Hannum (1990), p. 71

⁶⁶ Welhengama (2000), p. 18

racial, national, religious or linguistic minorities”.⁶⁷ However, the UNCHR and the sub-commission failed in this task.⁶⁸

Except for the UDHR, the main legally-binding UN human rights instruments are:

- the International Covenant on Civil and Political Rights (ICCPR);
- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- the International Convention on the Elimination of All Forms of Discrimination Against Women (ICEDAW);
- the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- the Convention on the Rights of the Child (CRC); and
- the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC)

Relevant non-binding UN instruments include:

- the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM); and
- the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

Almost all of the above-mentioned binding instruments are an expansion of the non-discrimination principle in different fields. Primarily they are formulated from concepts following the UN’s main principle of individual rights and freedoms. For the acceptance of these instruments, UN tried to avoid entitling minorities to any right as a group.

The most significant provision developed under the UN affecting the rights of minorities is **Article 27** of the **ICCPR**, which says: *“In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own*

⁶⁷ Resolution 217 C (III) of 10 December 1948, United Nations

⁶⁸ Preece (1998), p. 112

culture, to profess and practice their own religion, or to use their own language".⁶⁹ This was the first international norm that protected minority rights universally.⁷⁰ Additionally, the **Articles 2(1) and 26** specify the state must respect and ensure all rights prescribed under ICCPR without distinction,⁷¹ as well as everybody being granted equal protection without discrimination.⁷² ICCPR also protects the right of self-determination⁷³ in that it states all children have the right to gain citizenship⁷⁴ and every citizen has the right to take part in political life of the state.⁷⁵

The **1948 UN Convention on the Prevention and Punishment of the Crime of Genocide** was one exception from the trend of including minority rights within the more limiting category of individual human rights. The Genocide Convention is specifically directed against the destruction of national, racial, ethnic, and religious groups as such, as opposed to the rights of individuals.⁷⁶ Accordingly, it guarantees the right to the physical existence of groups. However, this convention does not protect minorities' characteristic features from destruction while they are not destroyed in physical or biological genocide process.⁷⁷

1.2.2. Minorities in the framework of the Council of Europe

1.2.2.1. The European Convention on Human Rights

The European Convention on Human Rights and Fundamental Freedoms (ECHR) entered into force in 1953. During its existence the ECHR has been revised through a series of protocols. The last time it was amended by the provisions of Protocol No. 14 and went into force on the 1st June 2010.

⁶⁹ International Covenant on Civil and Political Rights, adopted on 16 December 1966, entered into force on 23 March 1976, Article 27

⁷⁰ Thornberry (1980), p. 443

⁷¹ International Covenant on Civil and Political Rights, adopted on 16 December 1966, entered into force on 23 March 1976, Article 2(1)

⁷² Ibid., Article 26

⁷³ Ibid., Article 1(1)

⁷⁴ Ibid., Article 24(3)

⁷⁵ Ibid., Article 25

⁷⁶ Convention on the Prevention and Punishment of the Crime of Genocide (1948), adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948, entered into force on 12 January 1951, Article 2

⁷⁷ Nersessian (2005), p. 7

The ECHR does not have minority rights provisions comparable with **Article 27** of the **International Covenant on Civil and Political Rights**. Consequently, minorities cannot directly make a claim about their rights before the **European Court of Human Rights**. However, some articles prescribed by the ECHR could be seen as tangentially addressing minority's rights.

A *national minority* is not defined under ECHR either; that is why it has *indirect reference* to minority rights. The ECHR is quite general and is suitable for each individual as almost all articles of ECHR are started with reference to “*everyone*”. **Article 14** of the ECHR “**Prohibition of Discrimination**” is just one article with the open reference to national minority: “*The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status*”.⁷⁸ However, this Article is not an independent right to non-discrimination, accordingly to it, it can be used only if there was a violation of some another article of the ECHR. Additionally, the **Article 1 of the protocol No.12** also states that nobody should be discriminated against by any public authority on the ground of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.⁷⁹

Article 10 of the ECHR “**Freedom of Expression**” protects the rights of minorities to use their language in the private life and between each other.⁸⁰ Consequently, this article gives the rights to minorities to publish their own newspapers, to have their own television programs, etc. Therefore, minorities have the right to get information in their own language.

Article 2 of the Protocol 1 of the ECHR protects the minority's identity through **education of children**, is states that “*No person shall be denied the right to education. (...)the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions*.”⁸¹ However, there is no right to study in the mother-tongue. The abstention of this right calls into question **Article 10** of the ECHR, which guarantees the rights of freedom of expression and rights to “*receive and impart*

⁷⁸ European Convention on Human Rights, as amended by Protocols Nos. 11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13, adopted on 4 November 1950, entered into force 3 September 1953, Article 14

⁷⁹ Ibid., Article 1 of the protocol No.12

⁸⁰ Ibid., Article 10

⁸¹ Ibid., Article 2 of the Protocol 1

information”⁸² in the minority’s language.

Article 9 of the ECHR “**freedom of religion**” includes the right to live inside their community regarding their beliefs and thoughts.⁸³

Article 11 and **Article 3 of the Protocol 1** of the ECHR state that minority groups should **participate effectively in cultural, religious, social, economic and public life**.⁸⁴ In addition, **Article 3 of the Protocol No. 1** prescribes the right for free elections.⁸⁵ Consequently, any restriction on group’s participation political life contradicts the principles of the Council of Europe.

1.2.2.2. The Framework Convention for the Protection of National Minorities

The Framework Convention for the Protection of National Minorities (Convention) was adopted by the Committee of Ministers of the Council of Europe in 1994 and went into effect in 1998. It is a legal international document which should protect minorities and details their rights.

However, in my opinion, the Convention consists more of the obligations of the state than the rights of ethnic minorities. Additionally, because of its broad language, sometimes States can make legislation and policies appropriated to their own circumstances rather than in keeping with spirit of the Convention.

In **Articles 1-3** of the Convention are described main principles. **Article 1** states that *the protection of national minorities is part of the international system for human rights protection*.⁸⁶ **Article 2** underlines that the Convention should be implemented faithfully between states.⁸⁷ **Article 3** gives person the right to choose does he or she want to be treated as a minority or no.⁸⁸ Another significant principle is mentioned in **Article 22** of the Convention, which clarifies that *the Convention may not be used to reduce existing standards*

⁸² Ibid., Article 10

⁸³ Ibid., Article 9

⁸⁴ Ibid., Article 11 and Protocol 1, Article 3

⁸⁵ Ibid., Article 3, Protocol No.1

⁸⁶ Framework Convention for the Protection of National Minorities, adopted on 10 November 1994, opened for signature by the Council of Europe’s member States on 1 February 1995, Article 1

⁸⁷ Ibid., Article 2

⁸⁸ Ibid., Article 3

of protection.⁸⁹ Additionally, the Convention states that the government of the state should promote tolerance and intercultural dialogue that to protect persons who can be discriminated on the ground of ethnicity.⁹⁰ Unfortunately, the Convention does define a *national minority*.

Article 4(1) of the Convention proclaims “*the right of equality before the law and of equal protection of the law for national minorities*”.⁹¹ **Article 4(2)** states that the government should give the same rights “*in all areas of economic, social, political and cultural life*” for national minorities and majorities.⁹² **Article 4(2)** gives minorities equal rights with the majority which leads to the sense of belonging.⁹³ **Article 4(3)** underlines that any measures made according to paragraph 2 should to be an act of discrimination.⁹⁴ Other provisions of the Convention include a lot of different areas and some of them may require special measures from the state. For instance, the national minorities have the right to develop their culture and identity,⁹⁵ the right to use their language in private and in public,⁹⁶ as well as to keep their official surnames and first names in their own language,⁹⁷ the rights to manage their own educational establishments and learn their own language,⁹⁸ the rights for the effective participation in cultural, social and economic life, and in public affairs,⁹⁹ etc.

The Convention covers a number of valuable points, but, again, without a definition of *national minority*, it lacks clarity. That lack can lead to the abuse of the very rights it seeks to protect.

1.2.2.3. The European Charter for Regional and Minority Languages

The European Charter for Regional of Minority Languages (Charter) contains only the rights for national minorities. More precisely, it protects the *minority languages* and the right to use it in public.

⁸⁹ Ibid., Article 22

⁹⁰ Ibid., Article 6

⁹¹ UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted on 18 December 1992, United Nations, A/RES/47/135, 92nd plenary meeting, Article 4(1)

⁹² Ibid., Article 4(2)

⁹³ Framework Convention for the Protection of National Minorities, adopted on 10 November 1994, opened for signature by the Council of Europe’s member States on 1 February 1995, Article 4(2)

⁹⁴ Ibid., Article 4(3)

⁹⁵ Ibid., Article 5

⁹⁶ Ibid., Articles 10 and 11

⁹⁷ Ibid., Article 11

⁹⁸ Ibid., Articles 13 and 14

⁹⁹ Ibid., Article 15

The definitions of the languages are given in **Article 1** of the Charter. I think it is very important to understand the differences between the official languages and regional or minority languages. *Official languages* can be any language declared official by the state for the whole territory through a legal document of constitutional status.¹⁰⁰ *Regional or minority languages* are defined as being “*within a given territory of a state by minorities, a group numerically smaller than the rest of the population of the state*”,¹⁰¹ and should not include dialects of the official languages.¹⁰² There is also a third kind group of languages described as the *non-territorial languages*, which, according to the Charter are “*traditionally used within the territory of the state, but cannot be identified with a particular area*.”¹⁰³ Yiddish and Romany would be two examples of this.¹⁰⁴

The second part of the Charter specifies objectives and principles valid for all languages.¹⁰⁵ For instance, the Charter proclaims to recognize minority languages as an expression of cultural wealth,¹⁰⁶ it declares the promotion of minority languages,¹⁰⁷ it encourages the use of minority languages in public and private life,¹⁰⁸ as well as the study and research on minority languages at universities or other institutions, etc.¹⁰⁹

The third part of the Charter describes which measures should be taken to promote the use of the minority languages in education, judiciary, public services, and media.¹¹⁰ This part is the most flexible for the States, because they can change it and interpret regarding to their needs.

All in all, the European Charter for Regional or Minority Languages protects and promotes minority languages of Europe. However, I suppose that it depends on the situation in each state. For instance, if the state tries to be a *nation-state* (as Latvia), and is building a state with one nation, culture and language, then their implementation of the Charter will

¹⁰⁰ Vieytes (2004), p. 30

¹⁰¹ European Charter for Regional or Minority Languages, adopted on 25 June 1992, entered into force 1 March 1998, Article 1a(i)

¹⁰² Ibid., Article 1a(ii)

¹⁰³ Ibid., Article 1c

¹⁰⁴ Vieytes (2004), p. 30

¹⁰⁵ European Charter for Regional or Minority Languages, adopted on 25 June 1992, entered into force 1 March 1998, Part II

¹⁰⁶ Ibid., Article 7(1a)

¹⁰⁷ Ibid., Article 7(1c)

¹⁰⁸ Ibid., Article 7(1d)

¹⁰⁹ Ibid., Article 7(1h)

¹¹⁰ Ibid., Part III

differ from the more clearly multicultural states where government is more open to minorities and to their demands. It would also depend on how many national minorities were living in the state and using their languages. Despite the fact that Charter sets out the measures for protection and promotion of minority languages, I think that minorities should learn the official language of a state where they live in order have more chances for integration and to be able to communicate with other parts of society.

1.2.3. Minorities in the framework of the OSCE

The Organisation for Security and Cooperation in Europe (OSCE) is the institutionalized development of the **Conference on Security and Co-operation in Europe (CSCE)**, it was established in 1975 by signing the **Helsinki Final Act**.

In spite of the existence of the protection of national minorities in the agenda of the OSCE, it was not a high priority until 1990.¹¹¹ During the Cold War, the OSCE was not interested in the protection of national minorities; however, Yugoslavia tried to develop proposals for the protection of minorities, including the protection of ethnic, linguistic and religious minorities. Unfortunately, there was no interest from other participating states.¹¹² Nevertheless, **the Helsinki Final Act 1975**, which established the OSCE framework, contained some provisions about national minorities: *“on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere”*.¹¹³

The collapse of the Soviet Union was the main incitement for changes inside the OSCE. In 1990, the **Copenhagen Document** was issued. The **Section Four of the Copenhagen Document** mostly devoted to national minorities.¹¹⁴ It repeats universal rights of non-discrimination and equality. For instance, **Article 32** proclaims that national minorities *“have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects”* as well as *“to use freely their mother tongue in private as well as in public”*¹¹⁵ and *“to establish and maintain their own educational, cultural*

¹¹¹ Bloed (1993), p. 4

¹¹² Brett (1993), p. 154

¹¹³ OSCE (1995), CSCE/OSCE Provisions Concerning Persons Belonging To National Minorities, p. 3

¹¹⁴ Copenhagen Document (1990), Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (5-29 June 1990), Section Four

¹¹⁵ Ibid., Article 32(1)

and religious institutions”.¹¹⁶ The Copenhagen Document also binds the states to “*protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity*”.¹¹⁷ The educational establishments should additionally take into consideration the history and culture of national minorities.¹¹⁸

All in all, the achievements of the OSCE policy in relation to the protection of national minorities’ rights can be seen in three aspects. First, an empowerment of the improvement of the situation with national minorities; secondly, the ability to manage conflicts relating to minorities, and finally, the capacity to build a more unified Europe.

1.2.4. Minorities in the framework of the European Union

There were and are a lot of minorities in the European Union because of its multinational nature and its history. However, these minorities still have the risk to be excluded from a society, and consequently, from the economic, political, social and cultural life of state.

With the entry into force of **the Lisbon Treaty**, minorities are now mentioned in two important documents of EU law: *The Charter of Fundamental Rights* and *the Treaty on European Union*.

1.2.4.1. Treaty on European Union

When talking about minorities it is necessary to look at the **Treaty on European Union (TEU)**, which is one of the main treaties signed in the EU. According to it, “*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities*”.¹¹⁹ However, the term “minorities” is not clear and raises a series of questions. **Article 3** states that the EU aim is to “*promote peace*”¹²⁰ and “*offer its citizens freedom and security*”,¹²¹ as well as to fight against “*social exclusion and discrimination*”,¹²² “*respect*

¹¹⁶ Ibid., Article 32(2)

¹¹⁷ Ibid., Article 33

¹¹⁸ Ibid., Article 34

¹¹⁹ Treaty on the European Union (TEU), adopted on 7 February 1992, entered into force on 1 November 1993, after Lisbon Treaty entered into force on 1 December 2009, Article 2

¹²⁰ Ibid., Article 3(1)

¹²¹ Ibid., Article 3(2)

cultural and linguistic diversity”,¹²³ and should “*ensure that Europe’s cultural heritage is safeguarded and enhanced*”.¹²⁴

Furthermore, the **Articles 9 and 10** of TEU states that all citizens should receive equal attention from government, everybody should be a citizen of the Union¹²⁵ and everyone is to have the ability to take part in the democratic life of the Union.¹²⁶

It would be worth also mentioning that **Article 6** of the TEU proclaims that “*The Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union (...) which shall have the same legal value as the Treaties*”.¹²⁷ Consequently, it prohibits discrimination on the basis of membership in a national minority as is prescribed in Article 21 of the Charter of Fundamental Rights of the European Union.¹²⁸

1.2.4.2. Treaty on the Functioning of the European Union

According to the **Treaty on the Functioning of the European Union (TFEU)**, discrimination based on racial or ethnic origin, or religion is inconsistent with the basic principles of the European Union.¹²⁹ Accordingly, under this treaty any discrimination on grounds of nationality is prohibited.¹³⁰

Furthermore, in the TFEU there is mentioned such terms as “*Citizenship of the Union*” which is prescribed to “*every person holding the nationality of a Member State*”.¹³¹ According to the law, such citizens have the rights “*to move and reside freely*”,¹³² as well as “*to vote and to stand as candidates in elections to the European Parliament and in municipal elections in the Member State of their residence, under the same conditions as nationals of that State*”.¹³³

¹²² Ibid Article 3(3)

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid., Article 9

¹²⁶ Ibid., Article 10

¹²⁷ Ibid., Article 6

¹²⁸ Charter of Fundamental Rights of the European Union, adopted on 7 December 2000, the Charter became legally binding when the Treaty of Lisbon entered into force on 1 December 2009, Article 21

¹²⁹ Treaty on the Functioning of the European Union, after Lisbon Treaty entered into force on 1 December 2009, (TFEU), Article 10

¹³⁰ Ibid., Article 18

¹³¹ Ibid., Article 20(1)

¹³² Ibid., Article 20(1a) and Article 21(1)

¹³³ Ibid., Article 20(2b) and Article 22(1)

1.2.4.3. Charter of Fundamental Rights of the European Union

The preamble of **The European Union Charter of Fundamental Rights (Charter)** says that the peoples of Europe are resolved to share a peaceful future based on common values.¹³⁴

This Charter prescribes the rights of *dignity, freedoms, equality, solidarity, citizens' rights, and justice*. Generally, these rights are based on the fundamental rights and freedoms prescribed under the European Convention on Human Rights, the constitutional traditions of the EU Member States, and other international conventions to which the European Union or its Member States are parties.¹³⁵

There is no direct protection of minorities in the European Union Charter of Fundamental Rights except the **Article 21 and Article 22**. These articles state that any discrimination on the ground of “*sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation*”¹³⁶ should be prohibited, and “*cultural, religious and linguistic diversity*” should be respected.¹³⁷ However, in my opinion, **Article 14, Article 15, and Article 17** of this Charter could be related to protection of minorities too, because they prescribe the right to study,¹³⁸ to work,¹³⁹ and right to property for everyone.¹⁴⁰ What is more, according to **Article 39 and Article 40**, the citizens of the European Union have the right to vote and to stand as a candidate at elections to the European Parliament in the Member State where they reside, under the same conditions as nationals of that State.¹⁴¹ In addition, everybody who is a citizen of the Union has the right to move and reside freely,¹⁴² and if the rights of a citizen, as prescribed under the law of the Union, are violated, then, he or she has the right to an effective remedy.¹⁴³

¹³⁴ Charter of Fundamental Rights of the European Union, adopted on 7 December 2000, the Charter became legally binding when the Treaty of Lisbon entered into force on 1 December 2009, Preamble

¹³⁵ Ibid.

¹³⁶ Ibid., Article 21(1)

¹³⁷ Ibid., Article 22

¹³⁸ Ibid., Article 14

¹³⁹ Ibid., Article 15

¹⁴⁰ Ibid., Article 17

¹⁴¹ Ibid., Article 39(1) and Article 40

¹⁴² Ibid., Article 45(1)

¹⁴³ Ibid., Article 47

1.2.4.4. The Racial Equality Directive 2000/43/EC

According to the **Directive 2000/43/EC** Member States should implement the principle of equal treatment despite race or ethnic origin.¹⁴⁴ The main principles of this directive are protection against discrimination in different areas such as employment, education, social protection and access to goods and services.¹⁴⁵ The protection against discrimination in this area applies to anyone living in the EU and not only to EU citizens.¹⁴⁶ Moreover, Member States should establish an independent body for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin,¹⁴⁷ to help people who have been discriminated against on the grounds of their racial or ethnic origin to get advice and support to pursue their complaints.¹⁴⁸

1.2.4.5. Council Framework Decision 2008/913/JHA

Another example of EU legislation to fight racism and xenophobia is **the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA)**.

The main aim of the Council Framework Decision is to ensure that racism and xenophobia offences are addressed in all EU Member States by effective, proportionate and dissuasive penalties.¹⁴⁹

Punishable offences include public incitement to violence or hatred against a group of persons or a member of such a group, defined by reference to race, color, religion, descent or national or ethnic origin.¹⁵⁰ Such incitement is also to be punishable if committed through public dissemination or distribution of tracts, pictures or other material.¹⁵¹ The public condoning, denial or gross trivialization of the Nazi crimes, crimes of genocide, crimes against humanity and war crimes, when the conduct is carried out in a manner likely to incite

¹⁴⁴ Racial Equality Directive 2000/43/, 29 June 2000, Article 1

¹⁴⁵ Ibid., Article 3(1)

¹⁴⁶ Ibid., Article 3(2)

¹⁴⁷ Ibid., Article 13(1)

¹⁴⁸ Ibid., Article 13(2)

¹⁴⁹ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008), § 5

¹⁵⁰ Ibid., Article 1(a)

¹⁵¹ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008), Article 1(b)

to violence or hatred, are also to be punished.¹⁵²

In sum, the obvious necessity to protect minorities came after the World Wars, when the notion of protection of human rights took the top spot. It developed during over a long period, every step including new norms and obligations due to changes in societies' development and its new requirements.

After my analysis of international norms on minorities I can conclude that minorities are guaranteed protection via *institutional tolerance*, or, in other words, with *non-discrimination rights*. These rights are supposed to ensure minorities will have equal opportunities to preserve their cultures, religion, to use their own *language*, without government's interference even as it prescribes equal rights to *education* and the *citizen's* rights. Additionally, international law looks to ensure international peace, respect among nations and the promotion of social and economic development.

Taking into consideration my identified three main concepts for successful integration, I can make the conclusion that minorities rights on citizenship, despite of the fact that it is not directly mentioned but is obviously referenced, as well as the rights on education and preservation of their languages, are in fact prescribed under international law which guarantees the integration of minorities for the well-being of the state.

¹⁵² Ibid., Article 1(c)

CHAPTER 2

2. ETHNIC MINORITIES IN LATVIA

2.1. Ethnic developments in Latvia

Latvia belongs to the Baltic region of the East European Plain. It has an auspicious location. The neighbor countries of Latvia are Estonia, Lithuania, Belarus, and Russian Federation. Due to its location in relation to the Baltic Sea and Daugava River for many centuries it was in the middle of two huge ethnic groups – German and Slavs.¹⁵³ Due to these circumstances Latvia has never really been a mono-ethnic country.

The first discussions of the Latvian nation occurred when the state had not been established yet.¹⁵⁴ As stated by **Dennis Hanova** from the “Baltic Journal”, which is one of the oldest and most important civil Latvian presses, in the 19th century Latvian intellectuals start to discuss about the concept of Latvian nation, about what constitutes membership of a national community, and what one should include or exclude in the community.

The first Latvian cultural activists joined together the Latvian language and culture, thus defining the Latvian community as a *cultural community*.¹⁵⁵ Interesting to note that in the 1890's, under the “new authority's” aegis there appeared quite different opinions. For example, open views on the membership to the nation, which is possible not only as an inherited trait, ethnicity, but it was found that it can also be achieved through acculturation or education, that is, via the learning and acceptance of a nation values.¹⁵⁶ Consequently, a new dimension appeared in the explanation of nation, which emphasized the nation as an individual set, who adopt specific characteristics of ethnic culture by his/her wish.¹⁵⁷ However, this idea did not get support.¹⁵⁸

At the end of 20th century in Latvia had several conferences. During this period were published articles and books in which there was discussion of such concepts as “nation state”, “nation”, “nationalism”, and “citizenship”.¹⁵⁹ During a conference in 1998, which was

¹⁵³ Apine (2007a), p. 9

¹⁵⁴ Latvija. Pārskats par tautas attīstību (2011), p.16

¹⁵⁵ Latvija. Pārskats par tautas attīstību (2011), p.16

¹⁵⁶ Ibid.

¹⁵⁷ Ijabs (2007), p. 143

¹⁵⁸ Latvija. Pārskats par tautas attīstību (2011), p.16

¹⁵⁹ Ibid., p.16

dedicated to the issues of national politic and ethnic identity, the Judge of the European Court of Human Rights, **Egils Levits**, raised the questions – “*Would Latvians like to remain as a purely ethnically defined cultural nation, or is a Latvian state nation is desirable, and is it possible? Would it be more realistic to combine desirable characteristics of two big nations*”.¹⁶⁰

2.2. Ethnic composition of Latvia

If we look inside of the history of Latvian ethnicity we see that the first Baits were the predecessors of Latvians and Lithuanians, and they occupied quite a huge territory – from Berlin to Moscow.¹⁶¹ However, the most tight contacts as well as genetic links Latvians have with the Finno-Ugric and Slavic nations.¹⁶²

Extensive immigration of Slavs from their original territory to Latvia is connected with a climate change. From the 5th till the 7th centuries Slavs came from Berezina, Sozha, Dnepr, Desna, Daugava, Nareva, etc., rivers, and then they mixed with the Baits and assimilated them.¹⁶³

The closest Latvians neighbors were Pleskava, Novgorod, Polocka, Vitebsk East-Slavs – later Russians and Belarusians.¹⁶⁴ The most interesting thing is that during that period there were not any barriers between the ethnic groups, its cultures’ synthesis and ethnic interactions happened very quickly.¹⁶⁵

Taking into consideration these contacts, I come to the conclusion that during the ancient migrations the assimilation process happened mutually. In my opinion, it is quite hard to believe that in this world there existed a pure ethnic nation, because clearly all the nations are mixed with each other. Consequently, I can argue that the beginnings of multiculturalism in Latvia already started in ancient times.

Today in Latvia seven main ethnic nations predominate, excluding *Latvians* as the majority: *Poles*, *Belarusians*, *Ukrainians*, as well as *Jews*, *Germans*, and, of course, *Russians* (see Graphic 2.1. and Graphic 2.2.). Each of these groups has its own history of migration to Latvian territory.

¹⁶⁰ Levits (1998) in Latvija. Pārskats par tautas attīstību (2011), p.16

¹⁶¹ Apine (2007a), p.9

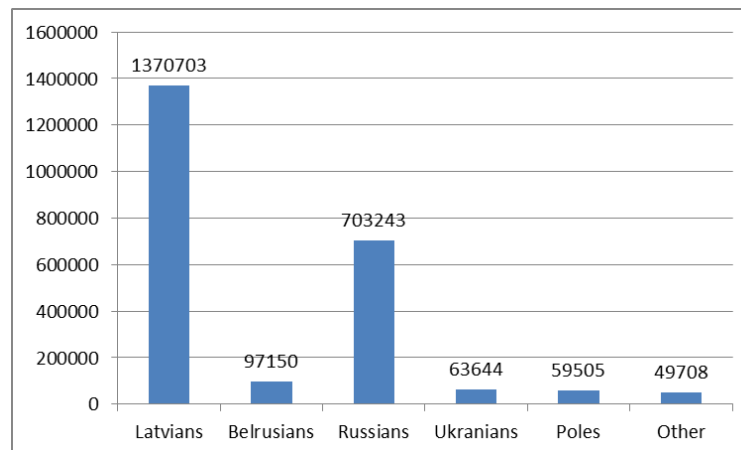
¹⁶² Ibid.

¹⁶³ Sedovs (1992), pp. 96-98

¹⁶⁴ Apine (2007a), p.10

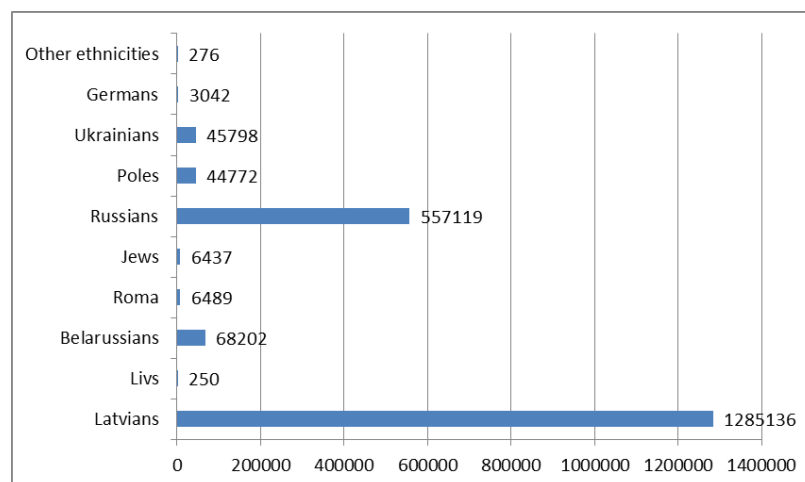
¹⁶⁵ Ibid.

Graphic 2.1. Resident population by ethnicity in 2000



Source: Central Statistical Bureau of the Republic of Latvia

Graphic 2.2. Resident population by ethnicity in 2011



Source: Central Statistical Bureau of the Republic of Latvia

2.3. Russian minorities in Latvia

The history of appearance of Russians in Latvia is very long. It starts from the first Russian merchants in the 12th - 13th centuries,¹⁶⁶ continues with the immigration of Russian old Believers in 1650's and 1660's,¹⁶⁷ the entrance of Latvia to the Russian Empire in the 17th century,¹⁶⁸ and finally, the occupation of Latvia by the Soviet Union in 1940–1941 and

¹⁶⁶ Mežs (2010), The Russians, [accessed on 3 November 2012]

¹⁶⁷ Feigman and Mitrofanov (2009), p.8

¹⁶⁸ Ibid., p. 10

1945–1991.

On the 18th November 1918 the Republic of Latvia was created to be an independent and democratic state.¹⁶⁹ During its independence period, Russians were the biggest minority group in the country (in 1935, the Russians represented 10.5% of the population of Latvia).¹⁷⁰ Additionally, during the Civil War a lot of people immigrated to Latvia.¹⁷¹ It should be mentioned that these Russians chose to live in the big cities, such as Riga, Daugavpils and Rezekne.¹⁷² Basically, the Russian minorities in Latvia have an historical sense of belonging. This is why they see their future in Latvia and do not wish to go back to their historical homeland (see appendix No.1).

However, before the analysis of the legal integration of minorities in Latvia, it would be worthwhile to analyze those Latvian documents concerning the social integration of minorities. From my point of view they should be regarded as one of the main keys for the *promotion* of social inclusion of minorities. Additionally, it will show how the Latvian government copes with this issue and whether it addresses this problem in its social policies.

2.4. Documents concerning the social integration of minorities in Latvia

The first *Latvian National Action Plan for Reduction of Poverty and Social Exclusion* was developed in 2004 for the period of three years. In 2006 there was developed *the National Report on Strategy for Social Protection and Social Inclusion* (2006-2008). In 2008 was written *the National Strategy Report on Social Protection and Social Inclusion* (2008-2010).

I also would like to draw attention to Latvian groups at risk of social exclusion. The Latvian Ministry of Welfare underlines following groups:¹⁷³

- retired people (especially women and single pensioners);
- before retirement persons;
- large and single-parent families;
- children;
- disabled persons;

¹⁶⁹ Ibid., p.26

¹⁷⁰ Central Statistical Bureau of the Republic of Latvia, [accessed on 3 November 2012]

¹⁷¹ Mežs (2010), The Russians, [accessed on 3 November 2012]

¹⁷² Central Statistical Bureau of the Republic of Latvia, [accessed on 3 November 2012]

¹⁷³ The Latvian Ministry of Welfare, [accessed on 3 November 2012]

- unemployed persons (particularly long-term unemployed);
- the homeless;
- Roma;
- prisoners and ex-prisoners;
- victims of trafficking;
- from severe substance (alcohol, drugs, toxic or other intoxicating substances) abusers;
- persons with insufficient, low, or inappropriate labor market knowledge and skills;
- needy persons.

Note there are no ethnic minorities in the groups listed above except of the Roma although I suppose that maybe there could indirect or tangential relationships to them. That is why I am going to analyze the National Action Plan for 2004-2006 and National Report on Strategy Reports for Social Protection and Social Inclusion for the periods 2006-2008 and 2008-2010, the National Program “Roma in Latvia” for a period 2007-2009, the Latvian National Development Plan for a period 2007-2013, as well as the National program Society Integration in Latvia, the National Culture Policy Guidelines for a period 2006-2015, and finally the Guidelines of National Identity, Civil Society and Integration Policy for a period 2012-2018.

2.4.1. The Latvian National Action Plan for 2004-2006, National Report on Strategy Reports for Social Protection and Social Inclusion for the periods 2006-2008 and 2008-2010

According to my research, the Latvian National Action Plan for 2004-2006, as well as the National Strategy Reports on Social Protection and Social Inclusion (National Reports) did not include direct declarations of the social inclusion of minorities. As a result, there still not any national plans directly mentioning the ethnic minorities. Despite the huge ethnic groups in Latvia, all of these documents state that there are no considerable differences in social exclusion between Latvians and non-Latvians, except for a relatively small minority group – *Roma*.¹⁷⁴

¹⁷⁴ Latvian National Action Plan (2004-2006), p.24; National Report on Strategy Reports for Social Protection and Social Inclusion (2006-2008), p.6; National Report on Strategy Reports for Social Protection and Social Inclusion (2008-2010), p.28

For instance, in the specific case of Roma, all documents state that Roma have a high risk of social exclusion;¹⁷⁵ many of their children do not go to school and as a result they are not educated and therefore have trouble accessing the labor market.¹⁷⁶

2.4.2. The National Program “Roma in Latvia” 2007-2009

One of the challenges with Roma minorities is their being perceived as stereotypes. As an example, a lot of people are afraid of them because they think that all Roma are criminals.

The main goal of the Program was the promotion of Roma inclusion in Latvian society and their anti-discrimination by inhabitants, i.e. that Roma minorities have the same rights for education, employment and other rights according to their needs and conditions.¹⁷⁷

2.4.3. The Latvian National Development Plan for 2007-2013

In the Latvian National Development Plan for the period of 2007-2013, paragraph 4.2. “*A secure, unified and civil society*” of Chapter 5 “*Prerequisites for sure and sustained development*” is indirectly dedicated to the ethnic minorities. For instance, it states that everybody can actively participate in various social processes, freely express their views and ideas, just as everybody should respect the views and ideas of others as well as decisions made by the majority.¹⁷⁸ In my opinion, this is the case for a unified society and necessary for an increase of the common good and the prevention of institutionalized segregation. It also recognizes that each nationality has not just a need to preserve their language, but also an obligation to be tolerant towards others in order to develop a *civil society*.¹⁷⁹ A prime reason for this is Latvian civil society is based on a *common cultural space* which is characterized by *cultural diversity* united by *common values*, such as cultural institutions and historical heritage, which have a crucial role in creating a single national culture.¹⁸⁰

According to the Latvian National Development Plan’s aims for the period of 2007-2013, new tasks were created. First of all, each person of the Latvian society should have equal opportunities to participate in cultural processes of the country.¹⁸¹ Not surprisingly that

¹⁷⁵ National Report on Strategy Reports for Social Protection and Social Inclusion (2008-2010), p.28

¹⁷⁶ National Program “*Roma in Latvia*” 2007-2009

¹⁷⁷ For more information see The National Program “*Roma in Latvia*” 2007-2009

¹⁷⁸ Latvian National Development Plan for the period of 2007-2013, § 4.2., p.28

¹⁷⁹ Ibid., § 4.2.2, p.29

¹⁸⁰ Ibid.

¹⁸¹ Ibid., § 4.2.2, p.30

again huge attention was paid to preserving and to developing the Latvian language.¹⁸² However, it was also suggested to facilitate intercultural dialogue and understanding among different ethnic, religious and social groups, as well as to maintain and support unique national cultural values.¹⁸³

2.4.4. National program Society Integration in Latvia

National Program "Society Integration in Latvia" is a national policy document, which includes ethnic, linguistic, cultural and inclusion issues. In this program four main areas related to ethnic and social integration are described:

1. *Civic participation and political integration* (including non-governmental organizations and cooperation with the Latvian groups abroad);¹⁸⁴
2. *Social and regional society integration* (including support to unemployed non-Latvians with poor knowledge of Latvian language);¹⁸⁵
3. *Education, language, culture* (including preparation of minority (bilingual) education programs, courses for teachers in Latvian and bilingual education);¹⁸⁶
4. *Information* (including access to information in the minority language in public mass media).¹⁸⁷

In the National Program "Societal Integration in Latvia" there is also discussed implementation of educational reform, the main aim of which was the transition to bilingual education in minority schools.¹⁸⁸ Other goals of the Program were strengthening the Latvian language as the official language.¹⁸⁹ Here I can make the conclusion that to the Latvian government knowledge of Latvian language is the most important element for successful integration.

Additionally, one of the most important achievements which came about due to the National Program, was the establishment of the *Secretariat of the Special Assignments Minister for Society Integration*, which was responsible for implementation and coordination of the society integration policy. But at the decree of the Cabinet of Ministers those functions

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ National program Society Integration in Latvia, Chapter One

¹⁸⁵ Ibid., Chapter Two

¹⁸⁶ Ibid., Chapter Three

¹⁸⁷ Ibid., Chapter Four

¹⁸⁸ Ibid., Chapter Three, Main directions for action Education

¹⁸⁹ Ibid.

were handed over to *the Ministry of Culture*, which is in charge of elaborating national policy in the field of society integration, and also of its implementation and coordination, and *the Ministry of Interior*, which is responsible for the elaboration and implementation of immigrants' integration policy and for carrying out the supervisorial functions of the European Fund for the Integration of Third Country Nationals, in the end of the year 2010.¹⁹⁰

On the 5th July 2001 the Latvian Parliament adopted the "*Law on the Society Integration Fund*", which came into effect on the 1st September 2001.¹⁹¹ The main aim of the Fund was the promotion of the society integration by funding language courses, cultural identity and cultural interaction projects, etc.¹⁹² In my opinion, the best projects financed by Fund were "*Latvian Language Learning for Adults*", giving citizens a chance to learn the Latvian language for free.¹⁹³ However, the implementation of the program was suspended due to lack of funding in 2009.¹⁹⁴

2.4.5. National Culture Policy Guidelines 2006-2015

The aim the National Culture Policy Guidelines 2006-2015 is to create auspicious preliminary provisions for the development of culture to contribute to the development of the people, society and state.¹⁹⁵

National Culture Policy Guidelines argues that it is crucial to see culture in all its manifestations: as a way of life and co-existence, as a factor in making the national identity stronger, and as the aim and as the instrument of development.¹⁹⁶

One of these, a way of life and co-existence, is the tool for the self-identification.¹⁹⁷ It happens because the culture for an individual is the main guideline as it is conducive to self-awareness and assists in finding answers to the questions "who am I?" and "where are my origins?"¹⁹⁸

¹⁹⁰ Ministry of Foreign Affairs of the republic of Latvia # 1, [accessed on 15 November 2012]

¹⁹¹ Ministry of Foreign Affairs of the republic of Latvia # 2, [accessed on 15 November 2012]

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ National Culture Policy Guidelines 2006-2015, § 1.1., p.3

¹⁹⁶ Ibid., § 2.1. p. 5

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

Furthermore, the paragraph 6.1 “*National Identity and Cultural Values*” of the Chapter 6 of the National Culture Policy Guidelines 2006-2015 “*The Lines of Activity, Medium term Priorities and Expected Outcomes of Culture Policy*” it is stated that its aim is to maintain and create shared national cultural values in order to strengthen national identity and the unification of Latvian society.¹⁹⁹

Much attention is again given to the preservation of the Latvian language, because it is seen as the means of national cultural communication between ethnic groups and because it is the highest value of the national culture.²⁰⁰

Moreover, the National Culture Policy Guidelines 2006-2015 proclaim that everybody in Latvia can express and develop their ethnic, cultural and religious identity.²⁰¹ It also states that Latvian government should take care of the cultural heritage of Latvians and Liivs, as well as of other minorities²⁰² and to create new shared values.²⁰³ What is more, knowledge of Latvian and global history helps society to understand the similarities and the differences in cultures between each nation.

2.4.6. Guidelines of National Identity, Civil Society and Integration Policy 2012-2018

On the 11th October 2011, the Government approved *the Guidelines of National Identity and Society Integration for 2012-2018*, drafted by the Ministry of Culture.

The key goal of the Guidelines is to unify the Latvian nation, as well as to ensure the preservation of its unifying foundations, such as “*the Latvian language, culture and national identity, European democratic values and unique cultural space*”,²⁰⁴ so to develop Latvia as a unified, national and democratic country.

Other measures for society integration, which are mentioned in the Guidelines, are divided into three directions:

- 1) *Civic Society and Integration* is responsible for the civic participation in elections, political parties and political organizations, etc., encouraging social inclusion and preventing discrimination, as well as for the civic education in

¹⁹⁹ Ibid., § 6.1.(1)

²⁰⁰ Ibid., p.30

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ Guidelines of National Identity and Society Integration for 2012-2018, § 1.4.p.9

order to teach individuals civic participation skills, knowledge, attitudes and values. Additionally, it involves citizenship issues, because it is the basis for creating a legal connection between the individuals and the state.²⁰⁵

- 2) *National Identity: Language and Cultural Space* is responsible for the preservation of the Latvian language, as well as strengthening the feeling of inhabitants belonging to a uniquely Latvian group. Additionally, it aims to improve the knowledge of Latvian language because its importance for education and work, especially for ethnic minorities, non-citizens, and immigrants.²⁰⁶
- 3) *United Social Memory* is responsible for the understanding of Latvian and European history, especially World War II and the effects of Soviet and Nazi occupation.²⁰⁷

In sum, during my research on the policy documents concerning ethnic minorities and their social integration, I faced difficulties finding them. However, from my point of view, it was necessary to analyze Latvian social integration policies as national action plans and national development plans are the most important steps in social inclusion and integration of minorities.

All in all, the *Latvian NAP 2004-2006* and *National Reports* mentioned ethnic minorities and social inclusion/exclusion only regarding language policy and its necessity for the education and continued training of minority groups, as language is considered as the main key for integration by Latvian authorities. Additionally, I found it quite strange that the Latvian government elaborates a huge national program for a very small ethnic minority in Latvia - Roma, excluding from its attention the biggest minority community – the Russian-speaking minorities.

According to the *Latvian National Development Plan's for the period of 2007-2013*, each person in Latvian society should have equal opportunities to participate in cultural processes of the country and intercultural dialogue and understanding among different ethnic, religious and social groups should be facilitated. In the National program “*Society Integration in Latvia*” civic participation and political integration, social and regional society integration,

²⁰⁵ Guidelines of National Identity and Society Integration for 2012-2018, § 3.1. pp. 11-15

²⁰⁶ Ibid. § 3.2. pp. 15-22

²⁰⁷ Ibid., § 3.3. pp. 22-25

education, language, culture, and information are underlined as the main areas of integration.

In addition, the *National Culture Policy Guidelines 2006-2015* contains two significant aims: to strengthen a national identity and to integrate ethnic groups to Latvian society. However, Latvia, as a society, lacks symbols of national identity. Consequently, the Guidelines suggested some activities that to create Latvian identity. Some of these activities are: to create research of the national culture, to preserve Latvian language and cultural heritage, as well as the maintenance of the ties with the Latvian Diasporas abroad.²⁰⁸ Other activities for society integration which are mentioned in the *Guidelines of National Identity and Society Integration for 2012-2018*, are the individual participation in the political life of the state and addressing citizenship issues to create a legal connection between the individual and the state. Additionally, it looks to emphasize the role of united social memories in the further integration of minorities to the Latvian society.

As a result, I can conclude that in comparison with the previous national action plans and reports, Latvian government is starting to pay more attention to the minorities' integration issue. However, while preserving minorities' culture and religion, they still emphasize that Latvian language is the main key of integration without taking into account the challenge with non-citizens, who, because of their legal status, cannot integrate even on the basis of these social policies.

Consequently, the main barrier in integration is not the loss of culture, because it is preserved by social policies, or lack of language skills, but the legal status. That is why it is necessary to look at the legal basis of integration.

2.5. Legal Basis of Minorities' Integration in Latvia

Before looking into the legislative part of the ethnic integration, it is worth mentioning some state and private organizations who work on the protection of rights of ethnic minorities in Latvia. The following organizations are some of the better known regarding the minorities' rights protection:

- The Ombudsman of the Republic of Latvia
- Latvian Human Rights Committee

²⁰⁸ National Culture Policy Guidelines 2006-2015, pp.29-30

- The Latvian Centre for Human Rights
- The non-governmental organization "Culture. Tolerance. Friendship."

2.5.1. Ombudsman of the Republic of Latvia

The Ombudsman of the Republic of Latvia is independent and it is elected by the Parliament, which actions are governed only by law.²⁰⁹ The Ombudsman is elected for five years and assumes his or her duties after taking an oath.²¹⁰ The Ombudsman is responsible for prevention and remediation of discrimination.²¹¹ They can deal with complaints in cases of discrimination or a breach of the principle of equal treatment by private individuals or legal entities.²¹²

2.5.2. Latvian Human Rights Committee

Latvian Human Rights Committee (LHRC) is human rights NGO founded in 1992. LHRC protects social, economic and minority rights. They are known for tackling issues such as: registration in the Population Register, the citizenship of Latvia, residence permits, etc. Additionally, the Committee assists in the European Court of Human Rights and in the UN Human Rights Committee.²¹³

2.5.3. The Latvian Centre for Human Rights

The Latvian Centre for Human Rights (LCHR) is independent non-governmental organization, which was established in 1993 with the aim of promoting human rights and tolerance in Latvia. In recent years, LCHR's main goals have been the protection of individuals and their rights vs. private institutions, as well as the social integration of minorities. The LCHR also provides expert opinions for Parliament, media, educational institutions, courts, prosecutors and lawyers, as well as for embassies' and foreign ministries' representatives of various countries, and for regional and international organizations, such as European Commission, OSCE, Council of Europe Parliamentary Assembly, ECRI, etc.²¹⁴

²⁰⁹ Ombudsman Law, adopted on 6 April 2006, entered into force on 1 January 2007, Article 3(1) and Article 4(1)

²¹⁰ Ibid., Article 7(1)

²¹¹ Ibid., Article 11(2)

²¹² Ibid., Article 23(1)

²¹³ Latvian Human Rights Committee (www), [accessed on 20 November 2012]

²¹⁴ Latvian Centre for Human Rights (www), [accessed on 20 November 2012]

2.5.4. NGO “Culture. Tolerance. Friendship.”

The youth non-governmental organization “Culture. Tolerance. Friendship.” was established in 1996. The organization deals with educational and awareness-raising activities, such as seminars, conferences, summer camps, publishing of information and education materials, etc. The main areas of interest for this organization are the rights of children, young people, ethnic minorities, European citizenship, as well as the fight against discrimination.²¹⁵

2.5.5. Legal Integration

In general, ethnic integration is the promotion of social inclusion of minorities in society and in the social and economic life of the state. This notwithstanding, ethnic integration in Latvian society is not directly regulated by any specific law or policies. However, the Constitution of the Republic of Latvia (Satversme), and a number of other laws and regulations do prohibit discrimination and grant the right of individuals to use their own language and develop their ethnic identity.

During my research on the legal provisions, I reviewed many national laws, as well as international and European conventions which were adopted or ratified by Latvian government since 1922 (see appendix No.2.). In my point of view, the most significant for ethnic minorities in Latvia are:

- The Constitution of the Republic of Latvia (1922),
- Laws about the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups (1991),
- Citizenship Law (1994),
- Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State (1995),
- Education Law (1998),
- Official Language Law (1999),
- Council Directive 2000/43/EC (2000),
- Labour Law (2001),

²¹⁵ NGO “Culture. Tolerance. Friendship.” (www), [accessed on 20 November 2012]

- The Cabinet of Ministers regulation No. 584 “National Program for the Promotion of Tolerance in Latvia” (2004),
- Framework Convention for the Protection of National Minorities (2005),
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2007)

In my opinion, after looking at the legal basis of ethnic minorities’ integration and protection in Latvia, it is obvious that its legal system has a lot of flaws and contradictions *vis a vis* international and European laws. For instance, even after the ratification of the *Framework Convention for the Protection of National Minorities* in 2005, there is still dissatisfaction among minorities. Additionally, there still exist *non-citizens*, the meaning of which eludes understanding in Europe and the rest of the world. There still exist disputes about the education and language issues. That is why I am going to analyse the situation of Russian-speaking minorities in Latvia in the fields of three concepts of successful integration – *citizenship, education, and language* – to understand the treatment of the Russian-speaking minority in Latvia and how that treatment contradicts the international and European Union vision of the protection of minorities.

CHAPTER 3

3. RUSSIAN-SPEAKING MINORITY: THEIR STATUS AND RIGHTS ON CITIZENSHIP, LANGUAGE, AND EDUCATION

After Latvia became to be independent in 1991 Latvian nationality policy started its new and still developing path. The actions, which were made by domestic, regional, and state level actors, had a huge influence on the development of Latvian citizenship, language, and education policies and legislation all of which directly influences the integration of ethnic minorities living within the borders of Latvia.

3.1. Citizenship of Latvia and non-citizen status

Latvia is very uniquely suited to research of the ethnic minorities issue, because on its territory live more ethnic Russians than in any other Baltic country. Consequently, the issue of citizenship for the Russian-speaking minority, which composes 37.2 % of the population of Latvia but of whom just 17.8 % are citizens,²¹⁶ becomes very important to Latvia's path to democratization and its access to the international organizations.²¹⁷

In the case of Latvia the comparison of “they” and “we” has had an ethnic character to it because the Soviet Union was identified just with the Russians.²¹⁸ Moscow sociologist **Renaldo Simonyan** showed that during the collapse of the Soviet Union in the Baltic States just a few Russians were amongst the earliest inhabitants, the majority of which formed the military and low-skilled workers.²¹⁹

During the awakening period the National Democratic Movement leaders of the Popular Front understood very well how complex are the Latvian ethnic relations were and how important it was to find a flexible solution to the issue.²²⁰ In the documents of that time it was thought that the restoration of national independence could happen just with the support of all ethnic groups in Latvia.²²¹ To permanent inhabitants, who lived in Latvia more than 10

²¹⁶ Latvian Human Development Report (1997), p. 49, and Latvian Elections: Democracy and Human Rights (1993), p. 16

²¹⁷ Latvian Elections: Democracy and Human Rights (1993), p. 30

²¹⁸ Блейере (2006), pp.60-61

²¹⁹ Симонян (2005), pp. 114-118

²²⁰ Apine (2007b), p.10

²²¹ Ibid.

years, it was intended to grant citizenship.²²² However, on 15 October 1991 the Supreme Council's decision on the restoration of the citizenship of those Latvian inhabitants who had it before the 17 June 1940, provided that the ethno politic model will be based on ethnic nationalism.²²³ Consequently, the Latvian society was immediately and drastically divided into citizens and non-citizens. Additionally, this decision created an absolute dominance by ethnic Latvian citizens, and, hence, in the parliament and other governmental bodies.²²⁴

Unfortunately, addressing ethnic policy did not become a priority in the independent Latvia.²²⁵ The only special minority status law “*Law About the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups*” passed on 19 March 1991. This law does specify the right of all Latvian residents, despite of their nationality, to equal human rights which correspond to international standards, but did nothing regarding citizenship status.²²⁶

Latvian ethnic policy was determined by a strong commitment to reverse the consequences of Soviet national policy.²²⁷ Overall, in the early days of independence of Latvia supporters of renewal of nationalism retained power in the domestic arena and later supported the adoption of a restrictive Citizenship Law.²²⁸ However, President **Guntis Ulmanis** and some political parties, excluding the political party “*For Fatherland and Freedom/LNNK*” (in Latvian “*Latvijas Nacionālās Neatkarības Kustības*”), made an effort to resolve the problem concerning Latvian nationality policy, changing the legislation in pursuance of recommendations received from the OSCE, Council of Europe, and the European Union.²²⁹ However, these external organizations had different influences on the Citizenship Law in Latvia.

²²² Latvijas Tautas fronts (1990), p.13

²²³ Apine (2007b), p.11

²²⁴ Bogušēvica (2005), pp. 202-203

²²⁵ Apine (2007b), p.15

²²⁶ Law About the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups, adopted on 19 March 1991, entered into force on 19 March 1991, Article 1

²²⁷ Dribins (2007), p.19

²²⁸ Ibid., p.22

²²⁹ Ibid., p. 14

3.1.1. The path of development of the Citizenship Law

3.1.1.1. OSCE and the Council of Europe

Latvia made an application to join the Council of Europe (CoE) on the 13th September 1991. One of the CoE's major requirements of Latvia as an applicant for membership was the adoption of a Citizenship Law.²³⁰ The question about "non-citizens" status was also important to resolve.²³¹ Consequently, the CoE's experts were very active in discussions about the Citizenship Law. That is why the High Commissioner's activities were analyzed together with the Council of Europe.

The **CSCE/OSCE** High Commissioner on National Minorities (HCNM), **Max van der Stoep**, who visited Latvia several times, tried to examine the situation of ethnicity in Latvia, which could conceivably endanger stable and friendly relations between other OSCE member states. More precisely, he tried to resolve problems of citizenship of national minorities if, in his opinion, it could cause a conflict.²³²

During the readings on the Citizenship Law, many aspects of the Law did not satisfy the European experts and the HCNM. Most of all, they criticized the quota system proposed for naturalization, which could not improve the naturalization process at all.

The main debates were about **Article 14**, which proclaimed that the number of citizenry should not exceed 0.1% of the citizenry in the previous year.²³³ As a consequence, the international bodies were against it and stated that Latvia was risking its accession to the Council of Europe and the further integration into the European political and military order by retaining this provision in the Citizenship Law.²³⁴ The Latvian President, **Guntis Ulmanis**, returned the Law for the repeated consideration, and the quota system was removed from the Law.

I think the changes made by the Latvian government, as will be shown in the next sections, were not in the line with the HCNM recommendations. However, according to the

²³⁰ Opinion No.183 (1995) on the Application by Latvia for Membership of the Council of Europe, 31 January 1995, 2nd Sitting

²³¹ Ibid.

²³² Bloed (1998), p. 41

²³³ Dorodnova (2003), p. 35

²³⁴ Ibid.

President, people who came to Latvia as a part of the Soviet occupation created a problem for the survival of the Latvian state and nation. As a result, the Latvian Citizenship Law could not comply with the European standards because the Law was created to fight against Soviet occupation's consequences.²³⁵

According to **Boris Tsilevich**, the Latvian Parliament introduced some amendments into the Citizenship Law. If Latvia would not fulfill CoE's requirements, it would not have a chance to join the Council of Europe and would be isolated in the long run.²³⁶ However, Latvia was admitted to the Council of Europe on the 10th February 1995.²³⁷

3.1.1.2. Assessments of HCNM

The High Commissioner, in cooperation with the OSCE Mission in Latvia, took a most active part in pushing for the liberalization of the Citizenship Law. His approach found overwhelming support on the part of the EU and the Council of Europe.²³⁸

Furthermore, the HCNM gave some advice concerning the non-ethnic Latvian population too. He suggested preserving the Latvian nation through strengthening the Latvian identity in the cultural, educational, and linguistic areas, instead of using the Citizenship Law for this reason.²³⁹ In my opinion, one of the most important of his ideas was about children who were born in Latvia but who anyway would be stateless. He proposed that for such children the citizenship should be given.²⁴⁰ **Van der Stoel** also suggested that the requirement for residency should be just 5 years, and that citizenship should be acquired without a delay if all requirements are met;²⁴¹ additionally, requirements for language should not be higher than level of conversation, and people 60 years and older should be exempt from the language examinations.²⁴² Moreover, van der Stoel stated that the Latvian government should help the non-Latvians to reach an admissible language level; as a consequence, they should clarify the

²³⁵ President speech, quoted in Dorodnova (2003), p. 35

²³⁶ Цилевич (1998), p. 152.

²³⁷ Council of Europe (www), [accessed on 7 December 2012]

²³⁸ Dorodnova (2003), p.47

²³⁹ Letter to Georgs Andrejevs, Minister for Foreign Affairs of the Republic of Latvia, from CSCE HCNM Max van der Stoel, The Hague, No 238/93/L/Rev, 6 April 1993

²⁴⁰ Ibid.

²⁴¹ Ibid.

²⁴² Ibid.

Language Law.²⁴³

After the election of 1993, the Latvian Parliament created a draft of a Citizenship Law; the HCNM responded that all non-Latvians who had a wish to become a citizen of Latvia and at the same time met all necessary requirements should obtain it, except for those who posed a clear threat to Latvia.²⁴⁴ Additionally, such applicants should be interested in integration into Latvian society and they should obtain a basic level of the Latvian language and a basic knowledge of the Latvian Constitution, which would be examined during naturalization.²⁴⁵ They would also have to swear an oath of loyalty to the Republic of Latvia.²⁴⁶

Furthermore, the HCNM criticized the *Article 9* of the drafted Citizenship Law, which prescribed annual quotas in the naturalization system.²⁴⁷ The law-makers defended their decision by stating that the quotas would be decided upon “*taking into consideration the demographic and economic situation in the country, in order to ensure the development of Latvia as a single-nation state*”.²⁴⁸ What is more, he suggested that the courts should decide can a person to get a citizenship or no, and arbitrary refusal of citizenship should be avoided. Actions which made one ineligible should be clearly defined.²⁴⁹ However, Latvian lawmakers concluded that there was no persecution of the non-Latvians after the restoration of independence of Latvia and so ignored **van der Stoel**.²⁵⁰

After the HCNM visit in January 1996, he offered a number of recommendations for naturalization process. First of all, he criticized the language and history exams,²⁵¹ because it demanded more than a basic knowledge. In response to these comments, the Latvian authorities underlined that the *Naturalization Board* had issued a publication, “*The Basic Issues of Latvian History and the State Constitutional Principles*”, which should help

²⁴³ Ibid.

²⁴⁴ Letter to Georgs Andrejevs, Minister of Foreign Affairs of the Republic of Latvia, from CSCE HCNM Max van der Stoel, The Hague, 10 December 1993

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

²⁴⁸ Quoted in *ibid.*

²⁴⁹ Ibid.

²⁵⁰ Letter to Georgs Andrejevs, Minister for Foreign Affairs of the Republic of Latvia, from CSCE HCNM, Max van der Stoel, The Hague, No 238/93/L/Rev, 6 April 1993.

²⁵¹ Letter to Valdis Birkavs, Minister for Foreign Affairs of the Republic of Latvia from OSCE HCNM, Max van der Stoel, The Hague, 14 March 1996

applicants in preparing to the examination.²⁵² However, the recommendations, which were suggested regarding the language test, were rejected because it also required changes in the law, prohibited by the government coalition agreement at that time.²⁵³

3.1.1.3. The European Union

The European Union is interested in the non-citizen minority situation because of its influence on economic and political integration. Latvia made an application to join the EU on 13 October 1995.²⁵⁴ However, the EU has very specific criteria for membership which Latvia must fulfill, including those relating to nationality policy.²⁵⁵

In 1993 there was an important decision for Latvia made by the Copenhagen European Council, which agreed to take new countries of Central and Eastern Europe in to the EU when they could undertake the commitments of membership.²⁵⁶ The European Council in Copenhagen stated that the main criteria for the acceptance to the EU for the associated countries of Eastern and Central Europe are stability of institutions, which should guarantee democracy, the rule of law, human rights, and *respect for and protection of minorities*.²⁵⁷ These countries should have a functioning market economy, the ability to be competitive within the Union;²⁵⁸ and they had to comply with the aims of the political, economic, and monetary union.²⁵⁹

After Latvia applied to the EU, *the European Commission* (EC) published the report where they assess the possibility of Latvia joining the EU.²⁶⁰ The report suggested Latvian government should speed the naturalization process and there should also be fewer differences between citizens and non-citizens.²⁶¹ Another criticism from the EU was the high

²⁵² Letter to H.E. Mr. Max van der Stoep, OSCE High Commissioner on National Minorities from Ministry for foreign affairs of the Republic of Latvia, Valdis Birkavš, Minister of Foreign Affairs of Latvia, Riga, 22 April, 1996

²⁵³ Ibid.

²⁵⁴ Ministry of Foreign Affairs of the Republic of Latvia (2005), p.1

²⁵⁵ Treaty on European union and of the Treaty Establishing the European Community, Article 6

²⁵⁶ European Council (1993), Conclusions of the Presidency, (21-22 June 1993, SN 180/1/93), Copenhagen, p.12

²⁵⁷ Ibid., p.13

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ Agenda 2000 (1997), "Commission Opinion on Latvia's Application for Membership of the European Union", DOC/97/14 Brussels, 15th July 1997, Preface p. 2

²⁶¹ Ibid., p. 20

examination enrolment fees.²⁶²

Furthermore, the Agenda 2000 Report underlined that the process of naturalization should be easier for stateless children born in Latvia so that Latvia could apply the European Convention on Nationality concluded by the Council of Europe.²⁶³ The EU was not satisfied with the unequal status between citizens and non-citizens in Latvia.²⁶⁴ Especially, the EU was concerned about the Latvian government high standards regarding knowledge of the Latvian language, which even extended to qualifying for unemployment benefit.²⁶⁵ What is more, the EU Report underlined there could be a situation where EU nationals would come to work to Latvia could be hired for a position from which Latvian non-citizens are barred because of the employment restrictions on them.²⁶⁶ The EC also suggested giving the right for voting in local elections.²⁶⁷

Overall the EC did not see a lot of problems in respect to fundamental rights.²⁶⁸ However, Latvia had to improve the naturalization process and the integration of Russian-speaking non-citizens into Latvian society.²⁶⁹ Additionally, the Latvian government needed to ensure a general equality of treatment for non-citizens and minorities, especially access to the professions and participation in the democratic process.²⁷⁰

As a group, the OSCE, the EU, and the Council of Europe proposed that the Latvian government should take more measures to integrate ethnic minorities. They were not satisfied with the slow rate of naturalization and challenges regarding to its process. Consequently, they stressed that Latvia must make the efforts to promote the naturalization process for the integration of non-citizens into Latvian society, especially for stateless children and to improve Latvian language training for non-Latvian speaking population.

In my opinion, all three of these international organizations left their own imprints on the development of the Latvian citizenship policy, but in various degrees, which gave a

²⁶² Ibid., p.19

²⁶³ Ibid.

²⁶⁴ Ibid.

²⁶⁵ Ibid., p. 20

²⁶⁶ Ibid.

²⁶⁷ Agenda 2000 (1997), "Commission Opinion on Latvia's Application for Membership of the European Union", DOC/97/14 Brussels, 15th July 1997, p. 20

²⁶⁸ Ibid., p.21

²⁶⁹ Ibid.

²⁷⁰ Ibid.

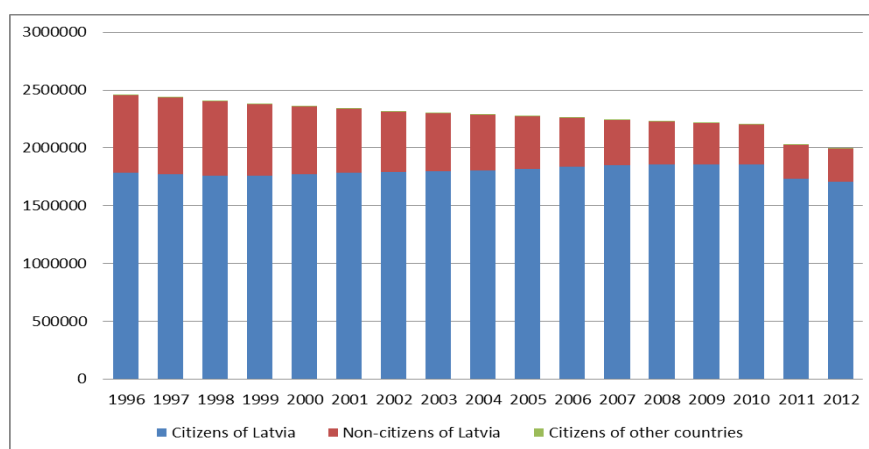
chance for Latvia to enter the European Union in 2004. For instance, the OSCE Mission with its recommendations and pressure brought Latvia to a point where the Council of Europe and the EU effectively forced the Latvian government to observe all OSCE recommendations regarding citizenship.

3.1.2. Ethnic minorities and non-citizens status

Notwithstanding the thoroughgoing changes in Latvian nationality policy and its entrance to the European Union in 2004, there are still many unresolved issues which worry both domestic and external interested parties. The most significant challenge is the number and status of the *Russian-speaking minorities*, the major portion of which are *non-citizens*.

The numbers of the citizens of Latvia, non-citizens of Latvia, and citizens of other countries in the period from 1996 till 2012 are reflected in the following Graphic 3.1.:

Graphic 3.1. Resident population of Latvia by citizenship at the beginning of the year in the period from 1996 till 2012



Source: Central Statistical Bureau of Latvia

According to the Graphic 3.1. in the period from 1996 till 1999 a decline of citizens of Latvia was observed even as there was an increase of non-citizens. This could be a result of the adoption of new very strict Citizenship Law in 1994 and adoption of the “*Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State*” in 1995. However, starting from the year 2000 till the beginning of the year 2012 an obvious decrease of non-citizens and increase of citizens were observed. The reason for such a change is the fundamental changes of Citizenship Law according to recommendations of OSCE, and the Council of Europe, as well as the pressure from the EU side at the time when Latvia tried to

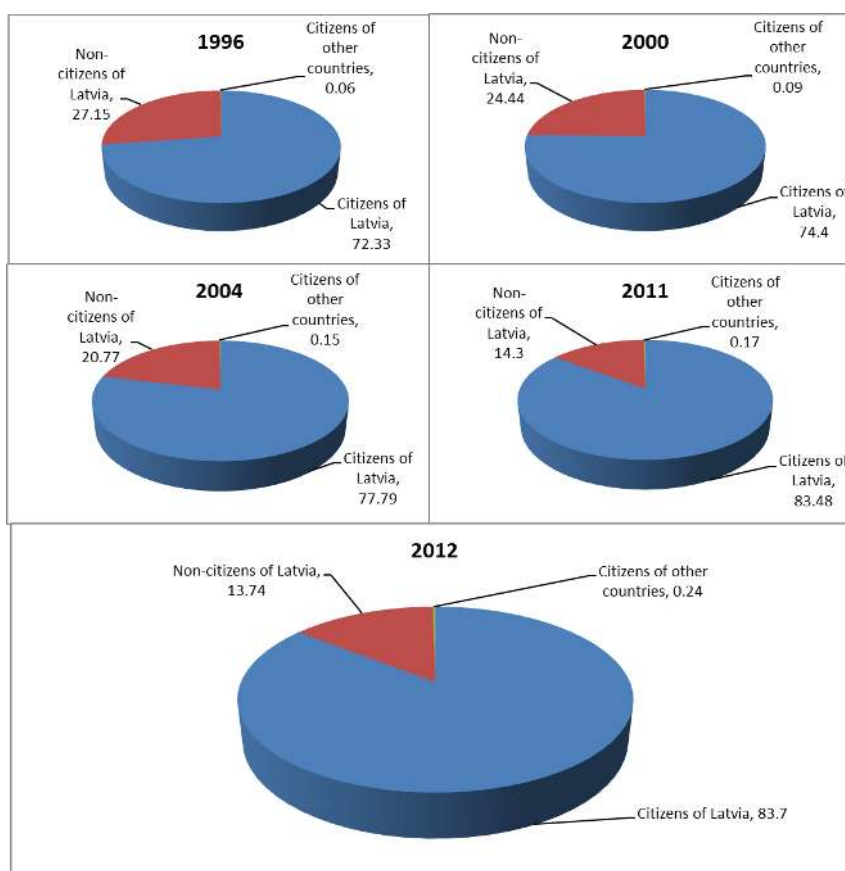
enter the Council of Europe and later the European Union.

The most important years for Latvia were the beginning of the years 2000 and 2004 when Latvia was preparing to enter the European Union. Comparing these years (see Graphic 3.2.), it is obvious that the number of citizens of Latvia was increasing, for instance, it increased on 2,07% from 1996 till 2000, 3,39% from 2000 till 2004, 5,69% from 2004 till 2011. Finally, the number of citizens increased 11,37% in 2012, if baselined from the year 1996.

According to the survey, which was made in the beginning of the year 2013 (see Appendix No.1), the increase of citizens from the beginning of the year 2004 could be explained by the long-awaited entrance of Latvia to the European Union in 2004. The motivation for non-citizens to gain citizenship of Latvia increased, not just to integrate more into Latvian society and to have the right to vote in the elections, but also to obtain access to the same rights of EU citizens, namely, the possibility to migrate to another EU member state to study or work, as well as traveling without visas within the territory of the EU. This last motivation refers to those respondents who got their citizenship of through naturalization till the year 2007, when it was decided that non-citizens can travel without visa within the European Union with the exception of the United Kingdom and Ireland.²⁷¹

²⁷¹ Workpermit.com (02 January 2007), Latvian & Estonian "non-citizens:" visa-free travel for most of EU-27, [accessed on 11 December 2012]

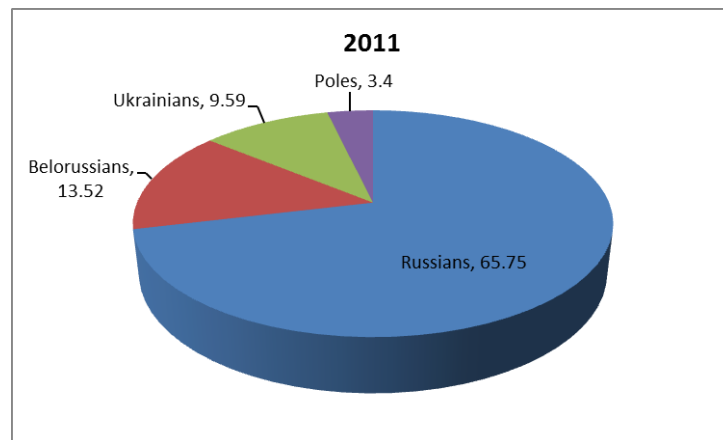
Graphic 3.2. Resident population of Latvia by citizenship at the beginning of the year 1996, 2000, 2011, and 2012 (in %)



Source: Central Statistical Bureau of Latvia

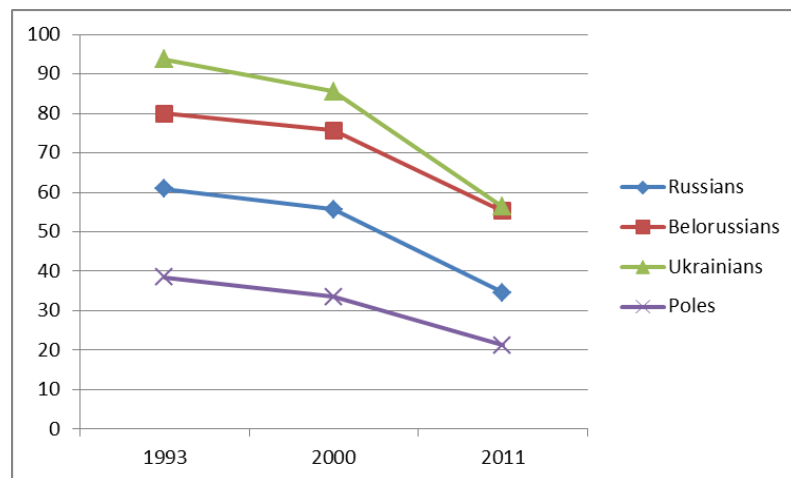
The Graphic 3.3. shows that the biggest proportion in the amount of non-citizens occupies Russian ethnic minorities, and then Belarusians, Ukrainians, and Poles. However, as I mentioned above and according to the official Latvian Statistic (see also Graphic 3.5.), the main language inside of such ethnic minorities' families is Russian; therefore all of them are included in the group of *Russian-speaking minorities*. An obvious decrease of non-citizens in ethnic minority groups from 1993 till 2011 is observed (see Graphic 3.4.). For instance, the number of Russian minorities with status of non-citizens decreased 26,31% which is 1,72% more than Belarusians and on 9,19% more than Poles; however, the biggest decrease of non-citizens is noticed in the Ukrainian minority group, it decreased 37,4%.

Graphic 3.3. Ethnic distribution of non-citizens in Latvia in July 2011 (%)



Source: Central Statistical Bureau of Latvia

Graphic 3.4. Percentage of non-citizens in the ethnic groups in August 1993, in January 2000, and in July 2011.



Source: Central Statistical Bureau of Latvia

From these data sets I can conclude that it is quite obvious that there are still a substantial number of non-citizens of Latvia the majority of which are the Russian-speaking minorities. Consequently, the Latvian government and the international bodies, such as the OSCE, the Council of Europe, the European Union, etc., should not look overlook this problem, ignoring this obvious discrimination and infringement of rights. In my opinion, a major sticking point is in the definition of non-citizens and its understanding by Latvian government and other international agencies. The Latvian authorities are rightly criticized by

theses international organizations, such as the UN and the Council of Europe about the treatment of non-citizens and each agency has given specific recommendations regarding non-citizens rights and naturalization process.²⁷² Now it's time to look more closely at what all this means, who are these non-citizens exactly and what does an analysis of their situation tell us about broader issues?

3.1.2.1. Who are they – non-citizens?

Almost all ex-USSR Republics, including Lithuania, automatically gave to their residents citizenship - via the so-called “*zero option*”.²⁷³ Nevertheless, Latvia and Estonia did not follow their neighbors' example and choose a different way. Before the referendum in 1991, the political movement “Popular Front”, whose main aim was an independent Latvia, promised citizenship to every person who wanted to become a citizen of Latvia.²⁷⁴ As a result, many ethnic minorities believed them and voted for an independent democratic Latvia at the referendum.²⁷⁵

Latvia was recognized as an independent state by most of the UN Member States, however, on 15 October 1991, when the Chairman of the Supreme Council of Latvia signed the *1975 Helsinki Act*, the Supreme Council adopted the resolution “*On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization*”. According to this law the citizenship of Latvia was granted only to residents who were citizens up to 17 June 1940 and their descendants.²⁷⁶ Consequently, the Latvian Parliament did not give citizenship to its own voters and as a result they were stripped of the right to vote despite having this right for the initial elections. This decision created fundamental challenges for non-citizens which are still not resolved.

In June 1992 the law “*On Entry into Residence in the Republic of Latvia of Aliens and Stateless persons*” was adopted by the Supreme Council. Its main aim was to regulate the

²⁷² Amnesty international report (2009), p. 205

²⁷³ Zepa (2003), p. 86

²⁷⁴ Pre-election program of the “Popular Front”, adopted in October, 1989, § 2.5., cited in Buzajevs, Dimitrovs, Kuzmins, and Ždanoka (2011), p. 4

²⁷⁵ Buzajevs, Dimitrovs, Kuzmins, and Ždanoka (2011), p. 4

²⁷⁶ Law On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization, adopted and entered into force on 15 October 1991, has lapsed on 25 August 1994, Article 2

process of getting a residence permit;²⁷⁷ however, there was a possibility that all residents without Latvian citizenship would be subject to this law.²⁷⁸ Nevertheless, because of the hard work of the opposition political group “*For Equal Rights*”, the Supreme Council stated that people who obtained permanent registration of residence before this law became effective on 1 July 1992, would be subjected to the special law.²⁷⁹

On 25 April 1995 the “*Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State*” was adopted. As a result, all people who were directly related to this law automatically got the status of “*non-citizens of Latvia*” and, thus, the special *non-citizen’s/alien’s passport*.²⁸⁰

Furthermore, on 7 March 2005 the *Constitutional Court of Latvia* in its judgment declared that “*After passing the Non-Citizen Law a new, and hitherto unknown category of persons appeared – Latvian non-citizens. Latvian non-citizens cannot be compared with any other status of a physical entity, determined in international legal acts, as the rights, established for non-citizens, do not comply with any other status. Latvian non-citizens can be regarded neither as citizens, nor as aliens or stateless persons but as persons with “a specific legal status”*”.²⁸¹

Additionally, it stated that “*The status of non-citizen is not and cannot be regarded as a variety of Latvian citizenship*”.²⁸² However, at the same time the Constitutional Court claimed that “*The rights and international liabilities, determined for non-citizens testify that the legal ties of non-citizens with Latvia are to a certain extent recognized and mutual obligations and rights have been created on the basis of the above. It follows from Article 98 of the Constitution of Latvia, which inter alia establishes that everyone having a Latvian passport shall be protected by the State and has the right to freely return to Latvia*”.²⁸³ Here comes one very obvious question, if the person is protected by the State and have a right to redress from the state, then are those essential characteristics of being a ‘national?’ The

²⁷⁷ Law On the Entry and Stay of Foreign Citizens and Stateless Persons in the Republic of Latvia, adopted on 9 June 1992, entered into force on 1 July 1992, has lapsed on 1 May 2003, Article 2

²⁷⁸ Buzajevs, Dimitrovs, Kuzmins, and Ždanoka (2011), p. 4

²⁷⁹ Ibid.

²⁸⁰ Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State, adopted on 12 April 1995, entered into force 9 May 1995, Article 1 and Article 3

²⁸¹ Buzajevs, Dimitrovs, Kuzmins, and Ždanoka (2011), p. 5.,

²⁸² Ibid.

²⁸³ Ibid.

Constitutional Court answered this question as follow: “*the fact, whether the Latvian non-citizens can be regarded as nationals in the understanding of international law is not only a juridical but mainly a political issue, which shall be reviewed within the framework of the democratic political process of the state*”.²⁸⁴

I suppose that Latvian authorities are using the status of non-citizens to create a citizenship of a non-existent state – the USSR. Additionally, according to the law, the non-citizens are not stateless persons; as a result Latvia can evade fulfillment of a number of international obligations defined under the *UN Convention on the Reduction of Statelessness* (1961) and the *European Convention on Nationality* (1997). However, the Latvian authorities seem to have simply created the so-called *second-class citizens* – the non-citizens.

3.1.2.2. The non-citizens rights and restrictions

Despite the UN Human Rights Council’s statement that “*non-citizens enjoyed most of the rights of citizens*”,²⁸⁵ there are still a lot of differences between the rights of citizens and non-citizens.

For instance, non-citizens have a right for permanent resident and employment, but there are exceptions for some public and private sector positions related to national security.²⁸⁶ Additionally, the *European Commission against Racism and Intolerance* (ECRI) reported that in March 2011, as provided by the amendment to the police legislation, non-citizens who were working in the municipal police had to retire if they had not applied for naturalization.²⁸⁷ What is more, the ECRI also underlined that, according to the research of the *Latvian Ombudsman* in 2008, the non-citizens cannot work as lawyers, patent attorneys or as the members of the board of detective agencies.²⁸⁸

Nevertheless, the non-citizens have the right to the same social welfare benefits as nationals.²⁸⁹ Moreover, the non-citizens have diplomatic protection²⁹⁰ and a “*special*”

²⁸⁴ Ibid.

²⁸⁵ UN (11 July 2011), Report of the Working Group on the Universal Periodic Review: Latvia, § 60

²⁸⁶ US (24 May 2012), “Latvia”, Country Reports on Human Rights Practices for 2011, p. 12

²⁸⁷ ECRI (21 February 2012), ECRI Report on Latvia, § 124

²⁸⁸ Ibid.

²⁸⁹ US (24 May 2012), p. 12; Latvia (30 March 2011), Comments of the Government of Latvia on the First Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by Latvia, p. 14

passport, which allows them to entry the Schengen area.²⁹¹ In addition, the Russian Federation in 2008 allowed the ethnic Russian minorities from Latvia to enter its territory without a visa.²⁹²

However, the non-citizens cannot vote at local or national elections;²⁹³ consequently, they do not have political rights or any measure of political control of their lives. Latvian authorities explained their decision as follows- if they will allow non-citizens to vote at local elections then the motivation of non-citizens to naturalize and integrate into Latvian society would likely decrease which would negatively effect on the Latvian integration policy.²⁹⁴ Additionally, it is forbidden for the non-citizens to organize political parties “*without the participation of an equal number of citizens in the party*”.²⁹⁵ There are some Russian minority’s members in different elected bodies, but, of course, they all are citizens.²⁹⁶ The best example is the mayor of Riga **Nil Ushakov**, who is an ethnic Russian.²⁹⁷

Furthermore, the non-citizens of Latvia do have the right to become citizens, but they must first pass the Latvian language and history tests.²⁹⁸ There is some facilitation. For instance, people in the age of 65 and older must pass just the oral part of the language exam²⁹⁹ Children of non-citizens have the right to obtain citizenship through the procedure of recognition,³⁰⁰ i.e., they can be naturalized before their 15th birthday if their parents apply for it.³⁰¹ Additionally, children with the status of non-citizens between their 15th and 18th years have a chance to apply for a citizenship if they can prove their proficiency in the Latvian language.³⁰² However, some non-citizens of Latvia do not have the right to be naturalized because of the **Citizenship Law**. Namely **Article 11** of that law states that some residents of Latvia shall not have a Latvian citizenship if “*after 4 May 1990 a person has propagated*

²⁹⁰ US (24 May 2012), p. 12; Refugees International (31 January 2011), “Latvia: the Perilous State of Nationality Rights”

²⁹¹ Ibid.

²⁹² Political Handbook of the World (2011); Latvia (30 Mar. 2011), p. 24; UN (11 July 2011), § 60

²⁹³ Latvia (21 February 2012), Comments of the Government of Latvia on the European Commission’s Against Racism and Intolerance (ECRI) Fourth Report on Latvia, p. 62; US (24 May 2012), p. 1

²⁹⁴ Latvia (21 February 2012), p. 62

²⁹⁵ US (24 May 2012), p. 14

²⁹⁶ Ibid.

²⁹⁷ ECRI (21 February 2012), § 96; RIA Novosti (28 August 2012), “*Russians Blast Latvian Minister over War Memorial Call*”.

²⁹⁸ US (24 May 2012), p. 13; Refugees International (31 January 2011), “Latvia: the Perilous State of Nationality Rights”

²⁹⁹ Latvia (30 March 2011), p. 15

³⁰⁰ Latvia (12 August 2012)

³⁰¹ ECRI (21 February 2012), § 121

³⁰² Ibid., note 62

fascist, national-socialist, communist or other totalitarian ideas”,³⁰³ “*if the person serves in the armed forces, internal forces, security service or the police (militia) of a foreign state*”³⁰⁴; “*if after 17 June 1940 he or she has chosen the Republic of Latvia as their place of residence after demobilization from the USSR (Russian) Armed Forces or USSR (Russian) Interior Armed Forces and who, on the day of their conscription or enlistment, were not permanently residing in Latvia*”,³⁰⁵ as well as “*if he or she has been employees, informants, agents or have been in charge of conspirator premises of the former USSR (LSSR) KGB or other foreign security service*”,³⁰⁶ “*if after 13 January 1991 the person has acted against the Republic of Latvia through participation in the Communist Party of the Soviet Union (Latvian Communist Party), Working Peoples’ International Front of the Latvian SSR, United Council of Labor Collectives, Organization of War and Labor Veterans, or the All-Latvian Salvation Committee and its regional committees*”,³⁰⁷ and so on. It is worth mentioning the organizations mentioned above had many of members and were legal, but after September 1991 they ceased their activity.

Table 1. Summery of some rights of non-citizens and its restrictions

Authorisations	Restrictions
- the rights specified in the Constitution of the Republic of Latvia - to preserve the native language, culture, and traditions within the ethno-cultural autonomy - not be expelled from Latvia - permanent resident - employment - travel without visa within some EU countries and Russian Federation	- exceptions for some public and private sector positions - to vote at local or national elections - to organize political parties - rejection for some non-citizens to gain a citizenship through naturalization process - restrictions in property rights - restrictions in private enterprise - restrictions in social rights - restrictions to study in certain higher education establishments - Etc.

³⁰³ Citizenship Law, adopted on 22 July 1994, entered into force 25 August 1994, Article 11(2)

³⁰⁴ Ibid., Article 11(2-4)

³⁰⁵ Citizenship Law, adopted on 22 July 1994, entered into force 25 August 1994, Article 11(2-5)

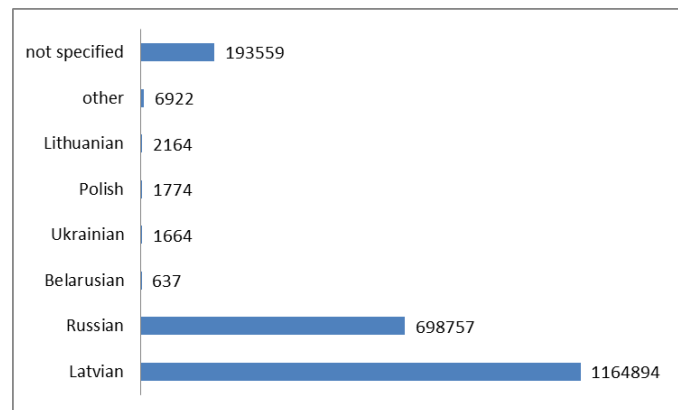
³⁰⁶ Ibid., Article 11(2-6)

³⁰⁷ Ibid., Article 11(2-8)

3.2. Language and education issues regarding to minorities in Latvia

According to the 2011 Latvian census data the number of minorities who speak Russian language made up 33,75% of total inhabitants. (see Graphic 3.5.) Additionally, 34,38% of inhabitants of Latvia speak different language from Latvian, which is 21,87% less than people who speak Latvian language. However, 9,35% of Latvian inhabitants did not specify the language spoken at home, it could be Russian or another minority language. In my opinion, such a situation could arise where an ethnic minority family does not speak their inherited language but uses Russian as their mother-tongue language, or it is a mix-family where two or more languages are using.

Graphic 3.5. Languages mostly spoken at home in Latvia (1 March 2011)



Source: Central Statistical Bureau of Latvia

Another reason of resentment among the minorities of Latvia is the *Education reform*. The *Education Law 1998* prescribed that instruction in secondary schools should be in Latvian.³⁰⁸

3.2.1. State Language

Such enormous attention being paid to the language policy of the Latvian government can be explained by the severe restrictions of the use of the Latvian language during the Soviet regime.³⁰⁹ During that period, the Latvian language could be used only in the areas of culture, education, media, and private life, while the Russian language dominated in

³⁰⁸ Education Law, adopted on 29 October 1998, entered into force on 1 June 1998, Transitional provisions, p. 30

³⁰⁹ Zepa (2003), p.90

administrative, economic, professional life, and science areas.³¹⁰ As a result, not all non-Latvians nowadays know the Latvian language despite living in Latvia, sometimes for decades.

It was understandably necessary to make the Latvian language the official language of the state, in order to restore its status and use in the areas where it was previously forbidden.³¹¹ Consequently, according to the **Official Language Law**, the Latvian language is the official language of Latvia.³¹²

When Latvia became independent new amendments were made in 1992. The main aim of these amendments was to make the Latvian language the main language in communication between all groups of Latvian inhabitants.³¹³ After these amendments, two new institutions were established, the **State Language Center** and the **State Language Expert**, whose main goal was to monitor the implementation of the *Official Language Law*.³¹⁴ Finally, the Latvian language became the official language in Latvia.

I would make special note of the irony that one of the purposes of the **Official Language Law**, adopted in 1999, is the integration of ethnic minorities, maintaining their rights of using their native language.³¹⁵ However, the Official Language Law strictly defines the use of the state language in public life.³¹⁶

3.2.2. Minority Education in Latvia

The state educational institutions are available in eight national minority programs – *Russian, Polish, Ukrainian, Belarusian, Lithuanian, Estonian, Hebrew, and Romani*.³¹⁷

Because of the history of Latvia, Russian school system and Latvian school system existed separately in Latvia.³¹⁸

³¹⁰ Ibid.

³¹¹ Ibid., pp.90-91

³¹² Official Language Law, adopted on 9 December 1999, entered into force on 1 September 2000, Article 3(1)

³¹³ Zepa (2003), p.91

³¹⁴ Official Language Law, adopted on 9 December 1999, entered into force on 1 September 2000, Article 23(2)

³¹⁵ Ibid., Article 1(4)

³¹⁶ Ibid., Article 2(2)

³¹⁷ Ministry of Foreign Affairs of the republic of Latvia # 3, [accessed on 20 December 2012]

³¹⁸ Analytical Report PHARE (2004), p.3

In 1998 **the Law on Education** was adopted by Latvian government, and the law on minority education was implemented on the 1st September 2004.³¹⁹

Starting from the academic year 2004/2005, the language ratio in grades 10, 11, and 12 of education institutions was changed: 60% in Latvian and 40% in the language of a national minority.³²⁰ However, it was not done at once; namely, in the academic year 2004/2005 the language ratio was done in grade 10, in 2005/2006 – in grades 10 and 11, and in 2006/2007 – in grades 10, 11, and 12.³²¹ Nevertheless, the subjects could, and still can be, taught bilingually. Additionally, from the year 2007 state exam materials are just in Latvian; however, the pupil can still answer in Latvian or Russian.³²²

International organizations viewed positively the Latvian education reforms of 2004. For instance, the *Commissioner for Human Rights of the Council of Europe*, **Álvaro Gil-Robles**, supported the education reforms in Latvia.³²³ The reforms garnered the support of *the OSCE High Commissioner on National Minorities*, **Rolf Ekeus**. He stated the reforms met the standards of international national minority rights, he also underlined that the use of Latvian language in the classroom is necessary because it is the official language of the state.³²⁴ The Commissioner emphasized that it is the duty of Latvia to do so.³²⁵

The *educational reform* or, in other words, the *bilingual education* in minority schools is the most significant integration policy in Latvia. Through this reform the Latvian government tried to improve knowledge of Latvian language in the non-Latvian population, including non-citizens, to integrate them all to Latvian society. However, there was some criticism from the minority rights defenders about the implementation of this reform.

After the analyses of the situation of ethnic minorities in Latvia, I can conclude there are a lot of challenges regarding language and education rights for minorities, as well as quite obvious and serious differences between the citizens and non-citizens of Latvia and these differences and challenges are in conflict with international law, including the EU legislation. I will try to provide proof of my statement in the next chapter.

³¹⁹ Education Law, adopted on 29 October 1998, entered into force on 1 June 1998, Transitional provisions, p. 30

³²⁰ Бухвалов and Плинер (2008), p. 11

³²¹ Ministry of Foreign Affairs of the republic of Latvia # 4, [accessed on 20 December 2012]

³²² Ibid.

³²³ Ministry of Foreign Affairs of the republic of Latvia # 5, [accessed on 20 December 2012]

³²⁴ Youth Policy in Latvia (2008), p. 119

³²⁵ Ibid.

3.3. Russian-speaking minorities' rights in Latvia vis a vis conformity with the international and EU laws

In my point of view, the way how Russian-speaking minorities, especially with the status of non-citizens of Latvia, are treated in Latvia is obvious discrimination.

For instance, according to almost all international laws the human rights and fundamental freedoms must be respected by state, despite of race, color, sex, language, religion, nationality, birth, etc.³²⁶ However, the non-Latvian inhabitants or so-called Russian-speaking minorities due to historical obstacles have different citizen's status; thus, they have different rights in comparison with Latvian citizens. Consequently, this group of inhabitants is being discriminated against, directly influencing their lives.

3.3.1. Citizenship

In any person's perception of themselves and their place in the world, the concepts of citizenship and nationality are strongly tied together. If any person is born in a given state or is a resident of that state for an extended period of time, they should have a clear and consistent path to citizenship. This path should be designed to facilitate the process people who wish to change their status and be without undue or discriminatory hardships built into it.

Article 15 of UDHR states that "*Everyone has the right to a nationality*",³²⁷ I understand that to mean each person who is living in a state has the right to be a citizen of that country, if he or she has a sense of belonging to it and would like to be its national. Each person has a right to a status that allows them to take part in the government of his country in order that they may freely determine their political fate and, equally freely, pursue their

³²⁶ *Treaty on the European Union* (TEU), adopted on 7 February 1992, entered into force on 1 November 1993, after Lisbon Treaty entered into force on 1 December 2009, Article 2; *Treaty on the Functioning of the European Union* (TFEU), after Lisbon Treaty entered into force on 1 December 2009, Article 18; *Charter of the UN*, adopted on 26 June 1945, entered into force on 24 October 1945, Article 1(3); *Universal Declaration of Human Rights*, adopted on 10 December 1948, Article 2; *International Covenant on Civil and Political Rights*, adopted on 16 December 1966, entered into force on 23 March 1976, Article 2(1) and Article 26; *European Convention on Human Rights*, as amended by Protocols Nos. 11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, adopted on 4 November 1950, entered into force 3 September 1953, Article 14 and Article 1 of protocol no.12; *Framework Convention for the Protection of National Minorities*, adopted on 10 November 1994, opened for signature by the Council of Europe's member States on 1 February 1995, Article 6; *Helsinki Final Act 1975*, Chapter VII.

³²⁷ Universal Declaration of Human Rights, adopted on 10 December 1948, Article 15

economic,³²⁸ have a right to work and free choice of employment.³²⁹ Withal, the **Article 15** of the **Framework Convention for the Protection of National Minorities**, which states that the member states should “*create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them*”,³³⁰ emphasizes the importance of the involving of ethnic minorities in the political life of the state. This principle is also supported by:

- **Article 25 of ICCPR** which protects the right to be involved in the political and social life of the state, namely, to take part in public affairs, to vote or to be elected and have access to public services,³³¹
- **Article 3 of ECHR** which gives the right of free elections that to ensure that people freely choose a new legislature³³²
- **Article 10 of the TEU** which states that every citizen should have the right to participate in the life of Union³³³
- **Article 20 (2b) of TFEU** which states that each resident of the country has the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections, under the same conditions as nationals of that State.³³⁴
- **Article 9 of the TEU** underlines that all citizens must receive an equal attention from all government institutions and bodies, that every national of a Member State

³²⁸ *Universal Declaration of Human Rights*, adopted on 10 December 1948, the Article 21 (1), *International Covenant on Civil and Political Rights*, adopted on 16 December 1966, entered into force on 23 March 1976, Article 1, *Helsinki Final Act 1975*, Chapter VII, *Copenhagen Document (1990)*, Article 31

³²⁹ *Universal Declaration of Human Rights*, adopted on 10 December 1948, Article 23

³³⁰ *Framework Convention for the Protection of National Minorities*, adopted on 10 November 1994, opened for signature by the Council of Europe's member States on 1 February 1995, Article 15

³³¹ *International Covenant on Civil and Political Rights*, adopted on 16 December 1966, entered into force on 23 March 1976, Article 25 (a),(b), and (c)

³³² *European Convention on Human Rights*, as amended by Protocols Nos.11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, adopted on 4 November 1950, entered into force 3 September 1953, Article 3

³³³ *Treaty on the European Union (TEU)*, adopted on 7 February 1992, entered into force on 1 November 1993, after Lisbon Treaty entered into force on 1 December 2009, Article 10

³³⁴ *Treaty on the Functioning of the European Union (TFEU)*, after Lisbon Treaty entered into force on 1 December 2009, Article 20 (2b), see also *Helsinki Final Act 1975*, Chapter VIII and Article 3(1) of the *Treaty on the European Union (TEU)*, adopted on 7 February 1992, entered into force on 1 November 1993, after Lisbon Treaty entered into force on 1 December 2009

should be a citizen of the Union.³³⁵

However, Russian-speaking minorities with the status of non-citizens do not get an equal attention from its government as they do not take part in the political life of the country. They do not have the right to vote or to be elected due to their status; consequently, they cannot influence new legislation or the economy. On the contrary, the citizens of other Member States of the EU residing in Latvia have the right to vote and to stand as a candidate at municipal elections under the same conditions as nationals of that State.³³⁶

Additionally, Russian minorities have restrictions in employment; for instance, some professions in state institutions are prohibited by Latvian law from being filled with Russian non-citizens. Civil servants³³⁷ are restricted in private and public sectors, as well as other professions such as sworn advocates,³³⁸ notaries,³³⁹ aircraft and ship captains,³⁴⁰ etc. What is more, the non-citizens can only join political parties where at least 1/2 of the members are citizens.³⁴¹ Moreover, because of the status of the non-citizens of Latvia they cannot use the rights of free movement for workers as described in **Article 45 of TFEU**.³⁴²

According to **ICCPR and TFEU**, each person has the right to free movement and choice of residence³⁴³ as well as the right to leave a country or to enter his own country.³⁴⁴ However, Latvian legislation states that if the person was in the Soviet military, and left

³³⁵ Treaty on the European Union (TEU), adopted on 7 February 1992, entered into force on 1 November 1993, after Lisbon Treaty entered into force on 1 December 2009, Article 9, see also Treaty on the Functioning of the European Union (TFEU), after Lisbon Treaty entered into force on 1 December 2009, Article 20 (1)

³³⁶ Treaty on the Functioning of the European Union (TFEU), after Lisbon Treaty entered into force on 1 December 2009, Article 22 (1)

³³⁷ Law On the State Civil Service, adopted on 21 April 1994, entered into force 3 May 1994, has lapsed on 1 January 2001, Article 6(1); and Constitution of the Republic of Latvia, adopted on 15 February 1922, entered into force on 7 November 1992, Amendments adopted on 15 November 1998, Article 101

³³⁸ Law "On Advocacy", adopted on 27 April 1993, entered into force on 21 May 1993, Article 14 (1) and Article 83

³³⁹ Notary Law, adopted on 1 June 1993, entered into force on 1 September 1993, Article 9(1) and Article 147(1)

³⁴⁰ Law "On Aviation", adopted on 23 February 1993, at present –Law "On Aviation", adopted on 05 October 1994, entered into force on 3 November 1994, Article 137 (Regulations of Cabinet of Ministers No.168, adopted on 16 August 1994)

³⁴¹ Law "On Public Organizations and Associations", adopted on 15 December 1992, entered into force on 29 December 1992, Article 45 with amendments adopted on 5 April 1995

³⁴² Treaty on the Functioning of the European Union (TFEU), after Lisbon Treaty entered into force on 1 December 2009, Article 45

³⁴³ International Covenant on Civil and Political Rights, adopted on 16 December 1966, entered into force on 23 March 1976 Article 12(1), and Treaty on the Functioning of the European Union (TFEU), after Lisbon Treaty entered into force on 1 December 2009, Article 20(2a)

³⁴⁴ International Covenant on Civil and Political Rights, adopted on 16 December 1966, entered into force on 23 March 1976 Article 12(2) and (4)

service after 28 January 1992, who was conscripted from outside of Latvia, then members of his family and relatives who came to Latvia with them do not have a right to a legal status, if at least one person from them not a citizen of Latvia;³⁴⁵ Non-citizens who have received compensations while outside of Latvia from any state institutions or from abroad, lose their former limited legal status and lose the right to re-enter Latvia for residency.³⁴⁶

Furthermore, **the Article 24 of ICCPR** states that every child should not be discriminated against on any grounds.³⁴⁷ They must also be registered at once after birth and should not be prohibited to acquire a nationality.³⁴⁸ However, the Latvian legislation only gives the right to gain automatic citizenship just for non-citizens' children born after the 21st August 1991.³⁴⁹ If a child was born earlier then he or she must gain citizenship through the naturalization process just as everybody does.

Article 18 of the Framework Convention for the Protection of National Minorities underlines good relations should be created with neighbor countries through bilateral and multilateral agreements, especially if people with the nationality of the neighbor-country live within its borders.³⁵⁰ A decree signed by Russian President **Dmitry Medvedev** in 2008 to simplify visa requirements for former U.S.S.R. citizens currently residing in Latvia and Estonia, as well as to let non-citizens of Latvia and Estonia to travel to Russia without visas,³⁵¹ could be seen as an implementation of this Article. However, this decision was criticized by the Latvian Foreign Ministry who stated that this decision undermines the naturalization process and disrupts Russia-EU negotiations.³⁵²

3.3.2. Language and education

Another challenge of Russian-speaking minorities in Latvia is the use of their language and the right to study where and in whatever language they wish.

³⁴⁵ Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State, adopted on 12 April 1995, entered into force 9 May 1995, Article 1(3) § 2

³⁴⁶ Ibid., Article 1(3) § 3

³⁴⁷ International Covenant on Civil and Political Rights, adopted on 16 December 1966, entered into force on 23 March 1976, Article 24(1)

³⁴⁸ Ibid., Article 24(2) and (3)

³⁴⁹ Citizenship Law, adopted on 22 July 1994, entered into force 25 August 1994, Article 3.1

³⁵⁰ Framework Convention for the Protection of National Minorities, adopted on 10 November 1994, opened for signature by the Council of Europe's member States on 1 February 1995, Article 18

³⁵¹ Ministry of foreign affairs of the republic of Latvia # 6, [accessed on 23 December 2012]

³⁵² RiaNovosti (18 June 2008), "*Visa waiving for Latvia's 'non-citizens' jeopardizes Russia-EU talks*"

3.3.2.1. Language

The **Article 7** of the **European Charter for Regional and Minority Languages** describes very well how the minority languages should be treated in the state to maintain peace and tolerance of all ethnic groups living in its territory. It prescribes the state should protect the minority language from any unjustified distinction, exclusion, or restriction.³⁵³ It should, therefore, promote equality between the users of minority languages and the rest of the population.³⁵⁴ The state is not to overlook that language is one of the primary expressions of minority's culture,³⁵⁵ it should recognize and respect all minorities' languages.³⁵⁶ It should promote regional or minority languages in order to safeguard them and to allow other inhabitants to learn them if they so desire.³⁵⁷ Additionally, the minority language should be allowed to be used in speech and writing, in public life as well as private.³⁵⁸ According to **Article 10(2)**, the state, where the use of the minority language is wide-spread, should allow and encourage the use of that language when they would like to communicate with the regional or local authorities.³⁵⁹ These same minority language users should also have the right to submit oral or written applications in their languages.³⁶⁰

However, the Russian-speaking minorities in Latvia do not feel that the Latvian government neither respects nor encourages their language. It is questionable whether the minorities can use their language everywhere in public life or they cannot. As far as I know, as an inhabitant of Latvia, in all state institutions only Latvian is used. In such institutions if a person asks a question in Russian or other minority language, then he or she probably will get their answer in Latvian even if the person asked understands and speaks the language in which the original question was posed.

³⁵³ European Charter for Regional or Minority Languages, adopted on 25 June 1992, entered into force 1 March 1998, Article 7

³⁵⁴ Ibid., Article 7 (2)

³⁵⁵ Ibid., Article 7 (1a)

³⁵⁶ Ibid., Article 7

³⁵⁷ Ibid., Article 7 (1c) and (1g)

³⁵⁸ *European Charter for Regional or Minority Languages*, adopted on 25 June 1992, entered into force 1 March 1998, Article 7 (1d), and *Framework Convention for the Protection of National Minorities*, adopted on 10 November 1994, opened for signature by the Council of Europe's member States on 1 February 1995, Article 10(1)

³⁵⁹ *Framework Convention for the Protection of National Minorities*, adopted on 10 November 1994, opened for signature by the Council of Europe's member States on 1 February 1995, Article 10(2a)

³⁶⁰ Ibid., Article 10(2b)

Furthermore, the **Convention of National Minorities** and the **European Charter for Regional and Minority Languages** underline that the state should recognize the right of minority to use his or her name and surname in his or her language in official documents, communications, etc.³⁶¹ However, according to the **Article 19** of the Latvian **Official Language Law** “*names of persons shall be presented in accordance with the traditions of the Latvian language and written in accordance with the existing norms of the literary language.*”³⁶²

It is obvious all above-mentioned practices are contrary to international and European laws. And while Latvia does comply with **Article 9** of the **Framework Convention for the Protection of National Minorities** by allowing all inhabitants including minorities to exercise their right to freedom of speech and to impart information in their languages, as well as having access to the media,³⁶³ these expressions are not political.³⁶⁴ Similarly, **Article 10(3)** of the **Framework Convention for the Protection of National Minorities** may be being implemented,³⁶⁵ but according to my personal research while each inhabitant of Latvia can technically submit a request to and receive a reply in their language from public services, such as shops, hospitals, restaurants, hotels, etc., in practice this does not reflect the daily reality of the Russian minorities.

3.3.2.2. Education

According to the **ECHR** and to the **Framework Convention for the Protection of National Minorities**, everybody has the right to an education.³⁶⁶ **Article 26 of the UDHR** says, “*Parents have a prior right to choose the kind of education that shall be given to their children*”.³⁶⁷ In my opinion, it seems very clear that all minorities have the right to an

³⁶¹ *Framework Convention for the Protection of National Minorities*, adopted on 10 November 1994, opened for signature by the Council of Europe’s member States on 1 February 1995, Article 11; *European Charter for Regional or Minority Languages*, adopted on 25 June 1992, entered into force 1 March 1998, Article 10(5)

³⁶² *Official Language Law*, adopted on 9 December 1999, entered into force on 1 September 2000, Article 19 (1)

³⁶³ *Framework Convention for the Protection of National Minorities*, adopted on 10 November 1994, opened for signature by the Council of Europe’s member States on 1 February 1995, Article 9

³⁶⁴ See case *Petropavlovskis v. Latvia* (Application No. 44230/06)

³⁶⁵ *Framework Convention for the Protection of National Minorities*, adopted on 10 November 1994, opened for signature by the Council of Europe’s member States on 1 February 1995, Article 10(3)

³⁶⁶ *European Convention on Human Rights*, as amended by Protocols Nos. 11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, adopted on 4 November 1950, entered into force 3 September 1953, Article 2, and *Framework Convention for the Protection of National Minorities*, adopted on 10 November 1994, opened for signature by the Council of Europe’s member States on 1 February 1995, Article 12

³⁶⁷ *Universal Declaration of Human Rights*, adopted on 10 December 1948, Article 26

education and the parents can choose what and in which language the child will study.

Article 8 of the **European Charter for Regional and Minority Languages** includes provisions about the right of education in the minority language and states that pre-school, as well as primary and secondary, education should be available in the relevant regional or minority languages, or it should apply the measures provided for under Article 8 (a-i to iii), (b-i to iii), (c-i to iii), (d-i to iii), (e-i to iii), (f-i to iii), at least to those pupils, who or whose families wish so, if the number of such pupils is considered sufficient.³⁶⁸

Study at universities and other higher educations should be also available in regional or minority languages³⁶⁹ or the state should ensure that minorities have the opportunities for being taught the minority language or for receiving instruction in this language.³⁷⁰ All in all, if the number of users of a regional or minority language is considered sufficient, the state should allow or provide teaching in the regional or minority language at all appropriate levels of education.³⁷¹ Furthermore, according to **Article 32(2)** of the **Copenhagen Document**, minorities have the right to establish their own educational institutions.³⁷²

In my opinion, Latvia does well in the area of education for national minorities. First of all, it has minorities' schools where children can get an education in their own language.³⁷³ Secondly, in Latvia there are private higher education institutions where the student can choose programs different languages than Latvian, such as Russian or English.³⁷⁴

The main challenge in this field was the **Law on Education** and the **Latvian Education Reform**, which faced strong criticism from Russian-speaking minorities and their official representatives.³⁷⁵ One of the reasons for resentment was the fact that, despite the decision to implement this reform gradually, in the beginning the teachers and pupils were not

³⁶⁸ European Charter for Regional or Minority Languages, adopted on 25 June 1992, entered into force 1 March 1998 Article 8

³⁶⁹ Ibid., Article 8(e)

³⁷⁰ Framework Convention for the Protection of National Minorities, adopted on 10 November 1994, opened for signature by the Council of Europe's member States on 1 February 1995, Article 14

³⁷¹ European Charter for Regional or Minority Languages, adopted on 25 June 1992, entered into force 1 March 1998, Article 8(2)

³⁷² Copenhagen Document (1990), Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (5-29 June 1990), Article 32(2)

³⁷³ Brands Kehris and Landes (2005), p.9

³⁷⁴ See Latvian University, Turība, RECEBA, etc

³⁷⁵ Штаб защиты русских школ (www), [accessed on 3 January 2013]

ready for such significant changes.³⁷⁶ Secondly, the law on education discriminated against minorities from getting the education in their own language.³⁷⁷ However, in the **second part of Article 9(2)**, it was written that parents could send their children to private minorities' schools,³⁷⁸ although not everyone could afford it. Additionally, the **Article 9(3)** required that pupils should learn the Latvian language and pass a language exam in order to get his or her certificate.³⁷⁹ But the reality was it was almost impossible to do this when for 9 or 12 years a pupil was studying in Russian. What is more, **Article 9(5)** states that a student who wants to study in the higher education institutions had to write a thesis in just Latvian.³⁸⁰ I believe this article obviously discriminates against those students who do not know state language on a level to write research papers, as well as those for whom private higher education institutions are not available for them for financial reasons.

On 5 February 2004, following mass protests by the Russian-speaking population and the collection of 107,000 signatures against this "reform",³⁸¹ the Latvian Parliament decided that from 1 September 2004 in the 10th classes at least 60% of teaching hours should be taught in Latvian, and just 40% in the students' native language.³⁸²

Nevertheless, in my opinion, this decision should not be seen as a part of the integration process, because knowledge of a state language does not mean that this person will be integrated and accepted by Latvian society. A good example would be a Russian-speaking minority member who might learn a language and acquire citizenship through naturalization, but still feel that they are not a part of society (see appendix No.1). I consider Latvian Education Reform to be *just* a good way for non-Latvian inhabitants to learn official the state language while in school. Admittedly, it is a huge advantage for their future and career, but not necessarily the way to genuine integration.

All in all, I think the massive protest could have inadvertently sparked a political calculation in that it provided an opportunity to further the divide between Russians and Latvians. Such an increased division of society could be desirable for some nationalistic

³⁷⁶ Бухвалов and Плинер (2008), p.7

³⁷⁷ Education Law, adopted on 29 October 1998, entered into force on 1 June 1998, Article 9(1)

³⁷⁸ Ibid., Article 9(2)

³⁷⁹ Ibid., Article 9(3)

³⁸⁰ Ibid., Article 9(5)

³⁸¹ Latvian Centre for Human Rights (25.09.2003), Integration and Minority Information Service of the Latvian Centre for Human Rights and Ethnic Studies, [accessed on 3 January 2013]

³⁸² Бухвалов and Плинер (2008), p.11

Latvian politicians.

Table 2. Articles of international and European Laws to which Latvia contradicts

Treaties	General protection	Citizenship	Language	Education
Treaty on the European Union (TEU)	Article 2, Article 3	Article 10, Article 9	Article 3(3)	
Treaty on the Functioning of the European Union (TFEU)	Article 18	Article 20(2b)		
Charter of the UN	Article 1(3)			
Universal Declaration of Human Rights	Article 2	Article 15, Article 21(1), Article 23		Article 26
International Covenant on Civil and Political Rights	Article 2 (1), Article 26	Article 1, Article 25, Article 24		
European Convention on Human Rights	Article 14, Article 1 of the protocol No.12	Article 3 of the Protocol No 1		Article 2 of the protocol No.1
Framework Convention for the Protection of National Minorities	Article 6	Article 15	Article 11	Article 12, Article 14
Helsinki Final Act 1975	Chapter VII	Chapter VII		
Copenhagen Document		Article 6		Article 32(2)
European Charter for Regional and Minority Languages			Article 7, Article 10(2), article 10(5)	Article 8
European Convention on Nationality (not ratified)		Article 12		
The European Union Charter of Fundamental Rights	Article 21, Article 22	Article 39, Article 40		
Racial Equality Directive 2000/43/EC	Article 1			Article 3(1)
Council Framework Decision 2008/913/JHA	Article 1			

3.3.3. ECHR Case Study: Petropavlovskis v. Latvia (Application No. 44230/06)

3.3.3.1. Short review of the case

The applicant (Jurijs Petropavlovskis) is a non-citizen of Latvia, who was born in Riga in 1955 and has since lived there continuously.³⁸³ In 2003 and 2004, after adoption of the Education Law in 1998, the applicant actively participated in protests against the changes being suggested by Latvian authorities, namely, that all instructions in all schools must be in Latvian language.³⁸⁴ At the meetings and demonstrations he publicly advocated for the

³⁸³ Petropavlovskis v. Latvia (Application No. 44230/06), p.1

³⁸⁴ Ibid., p.2

Russian-speaking minority's rights to education in Russian.³⁸⁵ Due to these widespread objections, the Latvian Parliament decided the proportion of Russian and Latvian instruction in the schools would be 40:60.³⁸⁶

Later in November 2003 the applicant decided to apply to the Naturalization Board to gain citizenship.³⁸⁷ On 1 December 2003 he passed all necessary naturalization exams.³⁸⁸ Then, despite of the Naturalization Board's decision that he met the requirements of Articles 11 and 12 of the Citizenship Law, the Cabinet of Ministers refused to grant him Latvian citizenship.³⁸⁹

As a consequence, the applicant decided to start administrative proceedings against the Cabinet of Ministers. The administrative courts of Latvia, including *District Court, Regional Court, and Chamber of the Supreme Court*, held that the decision of the Cabinet of Ministers to refuse to grant a citizenship was a political decision and therefore should not be examined by a court. The *Chamber of the Supreme Court* specifically cited that when members of the Cabinet voted, the reasons for his or her vote were not required and that the Law did not stipulate the details of the decision-making process.³⁹⁰

Consequently, he appealed to the **European Court of Human Rights** and filed under **Article 10 and Article 11** of the **European Convention on Human Rights** (Convention) that the ostensibly groundless refusal of Latvian citizenship through the naturalization procedure was a retributive measure for having advocated for his minority group and for having exerted his right to peaceful assembly to criticize the Government's position.³⁹¹ Additionally, the applicant also complained under **Article 13** of the **Convention**, because he claimed he did not have any effective domestic remedy in respect to his infringed rights.³⁹²

The Latvian **government** countered that the application was incompatible with the provisions of the Convention.³⁹³ According to it, the applicant's complaint did not correspond to the allegedly arbitrary refusal to grant him Latvian citizenship through the naturalization

³⁸⁵ Ibid.

³⁸⁶ Ibid., p.2

³⁸⁷ Petropavlovskis v. Latvia (Application No. 44230/06), p. 2

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ Petropavlovskis v. Latvia (Application No. 44230/06), p.3

³⁹¹ Ibid., p.7

³⁹² Ibid.

³⁹³ Ibid., p.8

procedure.³⁹⁴ The Latvian government cited the decisions of the PCIJ and the ICJ³⁹⁵ that every state has the exclusive right to settle its own legislation relating to the acquisition of nationality and should be within the domestic jurisdiction of the State only.³⁹⁶ Furthermore, it stated the applicant did not sufficiently indicate how the refusal to grant citizenship violated his rights under Articles 10 and 11 of the Convention.³⁹⁷

The **European Court of Human Rights** decided that the application was *admissible*, because the objection to the Court's jurisdiction *ratione materiae* in the circumstances of this case is linked to the essentials of the applicant's complaint under Articles 10, 11 and 13 of the Convention.³⁹⁸ Consequently, it stated to include this objection to the merits.³⁹⁹

3.3.3.2. Discussion of the case

From my point of view, this case very clearly describes the situation of citizenship in Latvia, which is very sensitive for the Russian-speaking minorities with non-citizen status, and it proves my statement that Russian-speaking minorities' rights are vulnerable to discrimination under the international and European laws.

Despite of the recondite status of permanent residents – so-called “non-citizens”, which exists only in Latvia and Estonia, Latvia has very strict citizenship policy and requirements for exams for naturalization.⁴⁰⁰ These restrictions slow down the naturalization process itself or simply do not all for the right to gain a citizenship.⁴⁰¹ Consequently, it is not a surprise that the European Court of Human Rights deals with issues of citizenship, in spite of the fact that the European Convention on Human Rights does not guarantee a right to a citizenship. However, the European Court states that a case of citizenship can be remedied under **Article 8** of the Convention, because the arbitrary denial of citizenship may influence on private life of individual.⁴⁰²

³⁹⁴ Ibid.

³⁹⁵ Ibid.

³⁹⁶ Ibid., pp.6-7

³⁹⁷ Ibid., p.8

³⁹⁸ Ibid., p.9

³⁹⁹ Ibid.

⁴⁰⁰ Citizenship Law, adopted on 22 July 1994, entered into force 25 August 1994, Article 12,

⁴⁰¹ Ibid., Article 14

⁴⁰² EUDO Observatory on the Citizenship (www), [accessed on 10 January 2013]

Furthermore, according to **Article 12** of the **European Convention on Nationality**, which was signed by Latvia but has not yet ratified, but still applies as a part of the European law, the state should ensure that the decisions relating to the acquisition of its nationality are open to administrative or judicial review in conformity with its internal law.⁴⁰³

Moreover, it should be remarked the decision of the Latvian courts according to this case is contrary to not just the international and European Law, but to its own national laws as well:

- **Article 100** of the *Constitution of Latvia* states that everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express one's views.⁴⁰⁴
- **Article 103** protects the freedom of peaceful meetings, street processions and pickets.⁴⁰⁵
- **Article 11** of the *Citizenship Law* states a person cannot get a citizenship of Latvia if the court establishes that he or she acted against the independence of the Republic of Latvia, the democratic parliamentary structure of the State or the existing State authority in Latvia.⁴⁰⁶ However, if a person is not subjected to the naturalization restrictions described under its Article 11, then he or she can be admitted to citizenship through naturalization.⁴⁰⁷
- **Article 17** states that a decision of the Naturalization Board regarding refusal of naturalization may be appealed to a court.⁴⁰⁸ Consequently, the Latvian Courts must try this case due to its own legislation first of all.

The Government submitted that to grant a citizenship purely due to the individual's interest is not enough, that it is also important for a State to be sure that the individual merited "*such a privilege, including verification that the reasons behind such a request [we]re not*

⁴⁰³ European Convention on Nationality, CETS No.: 166, opening for signature on 6 November 1997, Article 12

⁴⁰⁴ Constitution of the Republic of Latvia, adopted on 15 February 1922, entered into force on 7 November 1992, Article 100

⁴⁰⁵ Ibid., Article 103

⁴⁰⁶ Citizenship Law, adopted on 22 July 1994, entered into force 25 August 1994, Article 11

⁴⁰⁷ Ibid., Article 12

⁴⁰⁸ Ibid., Article 17

abusive”.⁴⁰⁹ As a result, the Courts upheld the statement of the Cabinet of Ministers, because, as the Cabinet of Ministers stated, the actions of applicant were aimed to destabilize the situation in the country.⁴¹⁰

In my opinion, the decision made by the European Court is *right*, and it is indicated not only by European law, but also by Latvian national law. I agree with the applicant that the court has to protect people from the decisions in a situation when the refusal of citizenship is used as a political weapon.⁴¹¹ In this case, the rejection of granting the citizenship by the Latvian government is based on the fact that the applicant actively participated in protests against changes in the Latvian education system, which in his opinion (a right theoretically protected under the Latvian Constitution) violated the Russian-speaking minority’s rights for education in their own language. The Latvian government decided that these actions threatened the national policy. However, since both internal and external laws do not prohibit the right of free expression;⁴¹² it is obvious that the applicant’s rights of both freedom of expression and assembly were violated by the Latvian government. Additionally, because the Latvian court declined to try this case, the right to an effective remedy also was violated.⁴¹³

All in all, citizenship should be granted to the applicant despite of his political views and opinions. Primarily because he passed all the necessary examinations prescribed under national law, but also because international, European and even portions of Latvian law states that human rights and fundamental freedoms must be respected and protected by the state despite of the ethnicity and political opinion.

⁴⁰⁹ Petropavlovskis v. Latvia (Application No. 44230/06), p.8

⁴¹⁰ Ibid., p.3

⁴¹¹ Ibid.

⁴¹² *Charter of Fundamental Rights of the European Union*, adopted on 7 December 2000, The Charter became legally binding when the Treaty of Lisbon entered into force on 1 December 2009, Article 11; *European Convention on Human Rights*, as amended by Protocols Nos. 11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, adopted on 4 November 1950, Rome, entered into force 3 September 1953, Article 10; *Universal Declaration of Human Rights*, adopted on 10 December 1948, Article 19

⁴¹³ *Universal Declaration of Human Rights*, adopted on 10 December 1948, Article 8; *International Covenant on Civil and Political Rights*, adopted on 16 December 1966, entered into force on 23 March 1976, Article 2(3); *European Convention on Human Rights*, as amended by Protocols Nos. 11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, adopted on 4 November 1950, entered into force 3 September 1953, Article 13; *Charter of Fundamental Rights of the European Union*, adopted on 7 December 2000, The Charter became legally binding when the Treaty of Lisbon entered into force on 1 December 2009, Article 47

CONCLUSION

The concept of integration originated a long time ago. First of all, social change involved “*integration*” through political and institutional change, and also through common social values, norms, and expectations. Additionally, some scholars believe it is possible to integrate one nation into another and that this process can positively impact minorities. However, there is another opinion that assimilation of minorities and the subsequent loss of their diversity/identity is not a good thing, because cultural diversity can protect from tyranny.

At the time of industrialization, the term integration appeared in a new light, that it could unify different groups of one state and establish a national identity. This idea became very famous among scholars of nationalism, “nation-building” and “national integration”. It was theorized that social mobilization and assimilation were connected and influenced each other. Additionally, the state could function well if it has a mobile, literate, culturally standardized, interchangeable population. Thereto, national unity is very important for the transition to democracy because everybody must know to which political community he or she belongs.

It’s my opinion the process of minorities’ integration should not be connected with full assimilation, because not everybody is ready to adopt the culture, traditions and language of other communities. Assimilation under a strict policy can easily lead to ethnic conflict. On the contrary, to stabilize the situation in the state and to create good relationships between all communities, the state should make the integration of minorities safer by protecting their rights as it is prescribed by international law.

Furthermore, in the time of global migration countries start to be culturally diverse, including member states of the European Union. Consequently, multiculturalism takes essential part in the globalization process of the 21st century. In this day and age of *liberal democracy*, individuals who reside legally should have an equal right to participate in the state’s life (i.e. economic, social and political), regardless of his or her race, color, ethnic or national origins. This is why the process of integration took a lead position in international organizations such as the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE), all of which have used social integration in their agendas in the context of human rights.

Moreover, analyzing the main principles of the successful integration of minorities, I identify the following potential threats to integration:

- unwillingness of a minority group to have contact with the majority population, maintaining their identity;
- unwillingness of majority society to preserve minorities' identities and to have intercultural contact;
- absence of social relations and tolerance between communities;
- lack of sense of belonging to the community or nation;
- a high level of polarization, segregation, and prejudice;
- prohibition and restrictions to an education and labor markets;
- discrimination which creates a denial of fundamental human rights, for instance, restrictions to participation in political processes and in decision-making, or with other words, restrictions to citizenship rights.

All in all, I found out the main role in the integration of minorities is played by the legal system of the state, especially where the rights of minorities are concerned. The legal system's practices and policies have an enormous impact on the willingness and even the possibility of minorities to be integrated, as well as the execution of state policy on integration, such as national action plans, etc. Consequently, "integration" as a legal concept expressed through the courts and their decisions is a key component of minority rights and/or anti-discrimination strategies.

My research led me to the main indicators of integration. I identified three of the most significant concepts for successful integration, which are: **citizenship**, **education**, and **language**. I believe they combine all the elements of social integration, economic integration and legal protection. Consequently, if the minority will be integrated on the basis of these three concepts, then, according to *Berry's theory* and *Johnson's theory*, the successful integration of minorities is possible.

However, in the case of Latvia, where there reside many different ethnic minorities, the highest percent of which belongs to Latvians, Russians, Ukrainians, Byelorussians, Jews, and Poles, it was shown that not every state is ready to be multinational even if it is already *de facto* multinational. The history of the Republic of Latvia demonstrates its territory has never been a mono-ethnic. Indeed, there have always been different nationalities due to location and trade. Over several centuries the territory of Latvia was subjected to immigration from its close neighbors, such as Germany, Poland, Byelorussia, Ukraine, and Russia. The reasons of immigration were very different. Nevertheless, the largest imprint in the formation of ethnic composition in Latvia was left by two World Wars and their consequences.

The Republic of Latvia is famous for its challenges for *Russian-speaking minorities*, which include all post-soviet nationalities – Russians, Ukrainians, Byelorussians, etc. However, I propose a person who was either born or lived for an extended time in Latvia and has links with Latvia and its government, then he or she has the right to consider themselves as Latvian, because they have the sense of belonging to this country.

It is obvious that after the collapse of the Soviet Union, the Latvian people had a deep desire to reclaim and rebuild its former national identity. However, only thirteen years after its long-awaited independence, the Latvian government decided to become a part of the European Union, thereby committing to fulfill all its requirements, including the protection of Russian-speaking minorities.

However, after analyzing the policy documents concerning the ethnic minorities and their social inclusion dating from Latvia's entrance to the European Union, I find some difficulties in Latvia following through on the commitments they assumed when they joined the EU. Interestingly, the Latvian government in 2007 goes to great lengths in a huge national program for its smallest ethnic minority group, Roma, while excluding the biggest minority community, the Russian-speaking minorities, from those same rights and protections. However, in some documents and policies, I did find indirect relation to the protection of 'all' ethnic minorities, but much weaker and not very specific.

During my research on the legal provisions, I investigated Latvian national laws, as well as international and European conventions adopted or ratified by Latvian government since 1922 until present day. In my opinion, looking at the legal basis of ethnic minorities' integration and protection in Latvia, it is obvious that its legal system has a lot of flaws and

contradictions to the international and European laws. For instance, even after the ratification of the Framework Convention for the Protection of National Minorities in 2005, there is still discontent among minorities. Additionally, there still exist non-citizens, which tends to baffle Europe and the rest of the World. There still exist disputes about education and language issues. That is why I analysed the situation of Russian-speaking minorities regarding to citizenship, language and education rights, as they are the main components of successful integration and the further development of the country. This has led me to a greater understanding that it is the treatment itself of the Russian-speaking minority in Latvia causing the problems of integration even as that treatment contradicts the European Union vision of the protection of minorities.

Regarding Latvian citizenship law, I conclude Latvia, with their very strict Citizenship Law, has been unwillingly guided by three main international bodies-the OSCE, Council of Europe and the European Union. In general, the OSCE, the EU, and the Council of Europe had proposed the Latvian government must make more serious efforts to integrate ethnic minorities. Additionally, they were not satisfied with the slow rate of naturalization and challenges regarding to the process. Consequently, they stressed that Latvia must make the effort to promote the naturalization process for the integration of non-citizens to Latvian society.

In my opinion, the OSCE has had the strongest effect on the development of citizenship policy in Latvia, because the OSCE made very direct, very specific recommendations. The OSCE seems to have had more opportunities to be more than the EU of the Council of Europe, because, first of all, the HCNM was active on the territory of Latvia; secondly, his main mission was specifically the reduction of interethnic tension; and finally, the OSCE membership was broader than membership of the EU or Council of Europe. Furthermore, the HCNM gave very detailed advice to the Latvian government on how they should change their legislation in order to fulfill their international obligations and, at the same time, build to a more integrated Latvian society.

However, I would suggest these changes and improvements were not made to improve situation with ethnic minorities and to build a peaceful Latvian society *per se*, but rather the main enticement and reason was an enormous wish by the Latvian government to join to the European Union and finally become genuinely independent from the Russian Federation.

Moreover, the situation with the education and language in Latvia is now more stable than before. The educational reforms, which were criticized by Russian-speaking minorities, have improved. These reforms were theoretically made initially in order to integrate minorities into Latvian society even though minorities saw it rather as assimilation. Nevertheless, I do think these reforms give Russian-speaking minorities more opportunities for a better future, but I am not sure that it will help them to integrate into society as this reform was perceived as a threat to their identity.

Analyzing Latvian legislation regarding to Russian-speaking minorities, I found the treatment of this minority by Latvian government is quite questionable, and contradicts international and European laws (see Table 2.)

From my point of view, the hardest challenge of successful integration of Russian-speaking minorities is the restrictions on naturalization and gaining citizenship in Latvia. A good example of such restrictions is the ECHR case *Petropavlovskis v. Latvia*, this case very clearly describes the situation in Latvia, which is very sensitive for the Russian-speaking minorities with non-citizen status. This case is additionally interesting because the ECHR does not have direct jurisdiction with the citizenship. However, the European Court states that the case of citizenship can be argued under **Article 8** of the ECHR because the arbitrary denial of citizenship may influence the private life of individual. Analyzing this case I came to the conclusion that the Latvian citizenship law clearly and overtly contradicts international and European law (see Table 2), as well as to its own national laws. Consequently, the decision made by the European Court is *right* in my opinion, and it is indicated not only by European law, but also by Latvian national law.

Given the events of the year 2012, I conclude the challenges of Latvia's Russian-speaking minorities will not be resolve in the near future. For instance, because of the high percentage of Russian-speaking minorities and the widespread use of the Russian language, the **Referendum for the Russian as a second official state language** was held on the **18th February 2012**.⁴¹⁴ This proposal was rejected by the citizens of Latvia.⁴¹⁵ I think that if non-citizens, many of which are Russian speakers, could legally vote then it is possible the result

⁴¹⁴ Delfi.lv (18 February 2012), *Provīzorisks rezultāts: vēlētāji pārliecinoši noraida divvalodību Latvijā; par to nobalso gandrīz 25%*, [accessed on 15 January 2013]

⁴¹⁵ New York Times (February 19, 2012), *Latvians Reject Russian as Second Language*, [accessed on 15 January 2013]

of such a referendum would be different. However, from the survey data (see Appendix No.1) I also conclude Russian-speaking minorities would not necessarily insist the Latvian government make Russian an official language. On the contrary, their main concern is to simply integrate. Additionally, another proposal, **Citizenship Referendum 2012**, the main aim of which was to give citizenship to all non-citizens, was rejected, not by voters, but because the Foreign Ministry decided that the referendum bill was not acceptable according to the **Article 78 of Latvian Constitution**. The Foreign Ministry argued giving citizenship automatically would lead to contradictions within the legal system of Latvia.⁴¹⁶ Even so, the Russian Foreign Ministry Alexander Lukashevich noted that the decision not to hold a second stage to prepare a referendum for the automatic granting of citizenship to non-citizens is discriminatory.⁴¹⁷

To conclude, I believe global society today is multicultural, and where that multiculturalism is respected it helps different communities of the state to live together and participate as equal partners in the political life of their joint state. However, there are a lot of controversial challenges and questions in the case of Latvia, which require more investigation. This is especially true in regards to ethnic minorities, their integration and the protection of their rights. It is clear to me Russian-speaking minorities and so-called “non-citizens” are at high risk of social exclusion, as well as socially disadvantaged, discriminated against and politically oppressed by Latvian government, this despite of the fact Latvia is a Member State of the European Union, the Council of Europe and the OSCE. Latvia has signed many international conventions and treaties, where discrimination is prohibited. Consequently, after my research, I can state **that the treatment of the Russian speaking minority in Latvia cause obvious problems of integration, which violates international and European human rights norms.**

⁴¹⁶ The Baltic Course, International Magazine for Decision Makers, by Alla Petrova (12.10.2012), *Latvian MFA: non-citizen referendum may violate Latvia's international commitments*, [accessed on 15 January 2013]

⁴¹⁷ Strategic Culture Foundation, online journal, (03.11.2012), *Latvia refusal to prepare referendum to grant citizenship to non-citizens discriminatory — FM*, [accessed on 15 January 2013]

RECOMMENDATIONS

On the basis of my analysis and research regarding improving the situation of the Russian-speaking minorities, including non-citizens, and in the interest of promoting their integration, especially into political life and decision-making processes, I suggest to Latvian government, the following:

1. To introduce positive measures to attract non-citizens to the naturalization process, e.g., distribute information about citizenship and its privileges;
2. To revise legislation to provide automatic acquisition of citizenship by children born in Latvia, regardless of their year of birth;
3. To make naturalization procedures more flexible in order to increase the rate of naturalization and to speed up the process, e.g., making the language proficiency exam easier and providing government financed language courses;
4. To review the Language Law in order that minorities could use their own language in their interactions with administrative authorities, especially in the geographical areas where they live in substantial numbers;
5. If the Latvian government does not wish to automatically give citizenship for non-citizens, then at least facilitate (and simplify) the naturalization process for those non-citizens who are long-time permanent residents;
6. The Latvian government should give long term or native born residents suffering under the official status of 'non-citizen' the right to participate in local elections.

Latvian authorities should understand that the granting of citizenship to the Russian-speaking minorities and non-citizens would give a chance for the Latvian government to gain their trust and, thereby, to maintain harmonious relations between ethnic Latvians and non-ethnic Latvians. Consequently, they will integrate faster and it will lead to the further development of the state as an independent country, one where everybody is protected regardless of race, language, religion, political or other opinion, or association with a national minority.

BIBLIOGRAPHY

- A de Zayas (1993), "*The international judicial protection of peoples and minorities*" in Brölmann, Lefeber, Zieck (eds.), "*Peoples and minorities in international law*", Martinus Nijhoff Publishers, Dordrecht, the Netherlands
- Acton, J. (1967), "*Essays in the Liberal Interpretation of History*", University of Chicago Press, Chicago, USA
- Additional Protocol to the Convention On Cybercrime, Concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed Through Computer Systems, Strasbourg, opening for signature 28 January 2003, Strasbourg, treaty open for signature by the States which have signed the Treaty ETS 185, available at: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=189&CM=4&CL=ENG>
- Agenda 2000 (1997), "*Commission Opinion on Latvia's Application for Membership of the European Union*", DOC/97/14 Brussels, 15 July 1997, available at: http://ec.europa.eu/enlargement/archives/pdf/dwn/opinions/latvia/la-op_en.pdf
- Amnesty international report (2009), Amnesty International Publications, London, UK; available at: <http://report2009.amnesty.org/sites/report2009.amnesty.org/files/documents/air09-en.pdf>
- Analytical Report PHARE RAXEN_CC (2004), "*Minority Education, RAXEN_CC National Focal Point Latvia*", Latvian Centre for Human Rights and Ethnic Studies Minority Education in Latvia, Vienna, Austria, available at: http://fra.europa.eu/sites/default/files/fra_uploads/275-EDU-Latvia-final.pdf
- Apine, Ilga (2007a), "*Mazākumtautību loma vēsturē un mūsdienās. Multikulturālas sabiedrības izveidošanās un attīstība*". In: Dribins, Leo (2007), "*Mazākumtautības Latvijā. Vēsture un tagadne*", Latvijas Universitātes Filozofijas un Socioloģijas Institūts, Rīga, Latvia, pp. 9-25
- Apine, Ilga (2007b), "*Krievu problēmas Latvijas vēsturē*". In: Apine, Ilga, Volkovs, Vladislavs (Hrsg.) "*Latvijas krievu identitāte. Vēsturisks un socioloģisks apcerējums*", Latvijas Universitātes Filozofijas un Socioloģijas Institūts, Rīga, Latvia, pp. 9-96
- Berry, John W. (2006a), "*Contexts of acculturation*". In David L. Sam and John W. Berry, eds., *The Cambridge Handbook of Acculturation Psychology*, Cambridge University Press, Cambridge, UK
- Berry, John W., Phinney, Jean, Sam, David L. and Vedder, Paul, eds., (2006b), "*Immigrant Youth in Cultural Transition: Acculturation, Identity and Adaptation Across National Contexts*", Lawrence Erlbaum Assoc., Mahwah, New Jersey, USA
- Bloed, Arie (1993), "*The CSCE and the Protection of Minorities*", CSCE ODIHR Bulletin Vol.1, No.3 (David Chandler, Chapter for Ethnicity and Democracy in the New Europe, ed. Karl Cordell, Routledge, London, UK) The OSCE and the internationalization of national minority rights
- Bloed, Arie (1998), "*Citizenship Issues and the OSCE High Commissioner on National Minorities*". In: Siofra O'Leary and Teija Tiilikainen, "*Citizenship and Nationality Status in the New Europe*", Sweet & Maxwell, London, UK
- Boguševica, T. (2005), "*Etnisko konfliktu novērošanas teorētiskās iespējas: Latvijas situācijas analīze salīdzinošā perspektīvā*". Grām.: Politikas zinātnes jautājumi., LU Akadēmiskais apgāds, Rīga, Latvija
- Brands Kehris, Ilze, and Landes, Xavier (2005), "*Multicultural Education in Latvia, A European Approach to Multicultural Citizenship: Legal, Political and Education Challenges*", EMILIE, Contract No. CIT5-CT-2005-028205, Work package 3: D4 Report, Latvian Centre for Human Rights, available at: http://www.eliamap.gr/wp-content/uploads/en/2008/10/wp3_education_report_latvia.pdf

- Brett, R. (1993), "*The Human Dimension of the CSCE and the CSCE Response to Minorities*". In Lucas, M.R. (ed.), "*The CSCE In The 1990s: Constructing European Security And Cooperation*", Nomos Verlagsgesellschaft, Baden-Baden, Germany
- Brölmann, C., Lefeber, R., Zieck, M. (1993), Amsterdam International Law Conference, "*Peoples and Minorities in International Law*", 2nd edition, n.p. Martinus Nijhoff Publishers
- Buzajevs V., Dimitrovs A., Kuzmins A., and Ždanoka T. (2011), "*Citizens of a Non-Existed State: The long-term Phenomenon of Mass Statelessness in Latvia*", 2nd edition, Latvian Human Rights Committee, "Averti-R" ltd., Riga, Latvia
- Central Statistical Bureau of Latvia, available at: <<http://data.csb.gov.lv>>
- Charter of Fundamental Rights of the European Union, adopted on 7 December 2000, Official Journal of the European Union, (2012/C 326/02), The Charter became legally binding when the Treaty of Lisbon entered into force on 1 December 2009, as the Treaty confers on the Charter the same legal value as the Treaties, available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:0391:0407:EN:PDF>>
- Charter of the UN, adopted on 26 June 1945, entered into force on 24 October 1945, available at: <<http://www.un.org/en/documents/charter/>>
- Citizenship Law, adopted on 22 July 1994, entered into force 25 August 1994, SIA "Latvijas Vēstnesis", 2005 – 2013, available at: <<http://www.likumi.lv/doc.php?id=57512>> and <<http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan018407.pdf>>
- City Dome and Rural District Councils Election Law, adopted on 13 January 1994, entered into force on 25 January 1994, SIA "Latvijas Vēstnesis", 2005 – 2013, available at: <<http://www.likumi.lv/doc.php?id=57839>>
- Connor, Walker (1972), "*Nation-Building or Nation-Destroying?*", World Politics, Vol. XXIV, No. 3, JSTOR Arts & Sciences I, EBSCOhost
- Connor, Walker (1994), "*Ethnonationalism: The Quest for Understanding*", Princeton University Press, UK
- Constitution of the Republic of Latvia, adopted on 15 February 1922, entered into force on 7 November 1992, available at: <http://www.wipo.int/wipolex/en/text.jsp?file_id=190855>
- Convention on the Prevention and Punishment of the Crime of Genocide (1948), adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948, entered into force on 12 January 1951, United Nations, available at: <<http://www2.ohchr.org/english/law/genocide.htm>>
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Paris, adopted on 20 October 2005, entered into force on 18 March 2007, available at: <http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html>
- Copenhagen Document (1990), Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (5-29 June 1990), Copenhagen, 29 June 1990, available at: <<http://www.osce.org/odihr/elections/14304>>
- Council Framework Decision 2008/913/JHA of 28 November 2008 on Combating certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law (2008), Official Journal-European Union Legislation L, 51, 328, pp. 55-58, available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF>>

- Council of Europe (2005a), "*Measurement and indicators of integration*", Community Relations, Directorate of Social and Economic Affairs, Council of Europe Publishing, Strasbourg, France, available at: http://www.coe.int/t/dg3/migration/archives/documentation/Series_Community_Relations/Measurement_indicators_integration_en.pdf
- Council of Europe (2005b), *Concerted Development of Social Cohesion Indicators: Methodological Guide*. Council of Europe, Strasbourg, France
- Council of Europe (www), <http://hub.coe.int/country/latvia>
- Coussey, M., Christensen, E. S. (1998), "*Indicators of Integration*". In Council of Europe (2005a), "*Measurement and Indicators of Integration*", Community Relations, Directorate of Social and Economic Affairs, Council of Europe Publishing, Strasbourg, France, pp. 15–22, available at: http://www.coe.int/t/dg3/migration/archives/documentation/Series_Community_Relations/Measurement_indicators_integration_en.pdf
- Delfi.lv (18 February 2012), Provizoriskie rezultāti: vēlētāji pārliecinoši noraida divvalodību Latvijā; par to nobalso gandrīz 25%, available at: <http://www.delfi.lv/news/national/politics/provizoriskie-rezultati-veletaji-parliecinosi-noraida-divvalodibu-latvija-par-to-nobalso-gandrizz-25.d?id=42142394>
- Deutsch, Karl W. (1953), "*Nationalism and Social Communication*", MIT Press, Cambridge, USA
- Deutsch, Karl W. (1961), *The American Political Science Review*, Vol.55, No.3 (September 1961), American Political Science Association, pp. 493-514, available at: <http://www.rochelleterman.com/ComparativeExam/sites/default/files/Bibliography%20and%20Summaries/Deutsch%201961.pdf>
- Deutsch, Karl W. (1969), "*Nationalism and Its Alternatives*", Knopf, New York, USA
- Dorodnova, Jekaterina (2003), "*Challenging Ethnic Democracy: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Latvia, 1993-2001*", CORE Working Paper 10, Institute for Peace Research and Security Policy at the University of Hamburg, Hamburg, Germany, available at: http://www.core-hamburg.de/documents/CORE_Working_Paper_10.pdf
- Dribins, Leo (2007), "*Mazākumtautības Latvijā. Vēsture un tagadne*", Latvijas Universitātes Filozofijas un Socioloģijas Institūts, Rīga, Latvija
- Durkheim, E. (1933), "*The Division of Labor in Society*", Alexander Street Press, Glencoe, IL, USA
- ECRI (2006), "*Third report on Denmark Adopted on 16 December 2005*", Council of Europe, Strasbourg, France, available at: http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/DNK-CbC-III-2006-18-ENG.pdf
- ECRI (21 February 2012), ECRI Report on Latvia, fourth monitoring cycle, adopted on 9 December 2011, ECRI Secretariat, Directorate General II – Democracy, Council of Europe, Strasbourg, France, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-IV-2012-003-ENG.pdf>
- ECRI (2008), "*Third report on the Netherlands Adopted on 29 June 2007*", Council of Europe, Strasbourg, France, available at: http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/NLD-CbC-III-2008-3-ENG.pdf
- Education Law, adopted on 29 October 1998, entered into force on 1 June 1998, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=50759> and <http://izm.izm.gov.lv/laws-regulations/2093.html>

- EUDO Observatory on the Citizenship, Funded by the European Commission, DG Home Affairs, European Fund for the Integration of non-EU Immigrants, <<http://eudo-citizenship.eu/databases/citizenship-case-law/?search=1&name=&year=&country=Latvia&european=1>>
- European Charter for Regional or Minority Languages, adopted on 25 June 1992, entered into force 1 March 1998, Council of Europe, Strasbourg, France, available at: <<http://conventions.coe.int/Treaty/en/Treaties/Html/148.htm>>
- European Convention on Human Rights, as amended by Protocols Nos. 11 and 14, supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, adopted on 4 November 1950, Rome, entered into force 3 September 1953, Council of Europe, F-67075 Strasbourg cedex, France, available at: <http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf>
- European Convention on Nationality, CETS No.: 166, opening for signature on 6 November 1997, Strasbourg, France, available at: <<http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>>
- European Council (1993), Conclusions of the Presidency, (21-22 June 1993, SN 180/1/93), Copenhagen, Denmark, available at: <http://ec.europa.eu/bulgaria/documents/abc/72921_en.pdf>
- Feigman, Tatjana and Mitrofanov, Miroslav (2009), “*Russian Minority in Latvia*”, Exhibition Catalog, Foundation of MEP, Tatjana Ždanoka “For Russian Schools”, Riga-Brussels 2008-2009, available at: <<http://www.russkije.lv/files/images/text/rusinlat-buklet-en.pdf>>
- Framework Convention for the Protection of National Minorities, adopted on 10 November 1994, opened for signature by the Council of Europe’s member States on 1 February 1995, Council of Europe, Strasbourg, France, available at: <<http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>>
- Gellner, Ernest (1983), “*Nations and Nationalism*”, Cornell University Press, Ithaca and London
- Guidelines of National Identity, Civil Society and Integration Policy 2012-2018, approved by Ministers Cabinet on 20 October 2011, Rule Nr.542, available at: <http://www.km.gov.lv/lv/ministrija/integracijas_pamatnostadnes.html>
- Hannum, Hurst (1990), “*Autonomy, sovereignty and self-determination: the accommodation of conflicting rights*”, University of Pennsylvania press, Philadelphia, USA
- Hanovs, D. (2003), “*Pilsonības nācija: Baltijas Vēstnesis. 1868.–1906*”. Elpa, Rīga, Latvia
- Helsinki Final Act 1975, Conference on Security and Co-operation in Europe Final Act, Helsinki, 1 August 1975, available at: <http://www.internationaldemocracywatch.org/attachments/347_Helsinki%20summit%201975%20-%20Helsinki%20final%20Act.pdf>
- Ijabs, I. (2007), “*Pilsoniskās sabiedrības diskurss modernajā politikas teorijā un tā elementi Latvijas politisko ideju vēsturē*”, (Miķelis Valters un Pauls Šīmanis), Promocijas darbs, Rīga, Latvija
- Immigration Law, adopted on 31 October 2002, entered into force on 20 November 2002, available at: <<http://www.latio.lv/files/e0500 - immigration law.pdf>>
- International Covenant on Civil and Political Rights, adopted on 16 December 1966, entered into force on 23 March 1976, Office of the United Nations High Commissioner for Human Rights, available at: <<http://www2.ohchr.org/english/law/ccpr.htm>>
- Janos, Andrew C. (1986), “*Politics and Paradigms: Changing Theories of Change in Social Science*”, Stanford University Press, Stanford, USA

- Johnson, Nick (April 2012), "*Integration and cohesion in Europe: an overview*", Briefing Paper for ISD's Integration: What Works? project, Institute for Strategic Dialogue, Open Society Foundation, available at: <http://www.strategicdialogue.org/allnewmats/Integration%20and%20Cohesion%20in%20Europe%20Literature%20Review%20FINAL.pdf>
- Kovačević, Dragana (n.d.), "*International Minority Protection System*", Ethnicity Research Center, Belgrade, Serbia, available at: http://www.kas.de/upload/auslandshomepages/serbien/Kovacevic_en.pdf
- Labor Law, adopted on 20 June 2001, entered into force on 6 July 2001, available at: <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018399.pdf>
- Latvia (12 August 2012), Embassy of the Republic of Latvia in Ottawa, Correspondence sent by an official to the Research Directorate
- Latvia (21 February 2012), "*Comments of the Government of Latvia on the European Commission's Against Racism and Intolerance (ECRI) Fourth Report on Latvia.*" Attached to ECRI Report on Latvia, published by ECRI, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-IV-2012-003-ENG.pdf>
- Latvia (30 March 2011), Comments of the Government of Latvia on the First Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by Latvia, (GVT/COM/I(2009)001), Council of Europe, available at: [http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=4eddeb0b2&skip=0&query=latvia GVT/COM/I\(2009\)001](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=4eddeb0b2&skip=0&query=latvia%20GVT/COM/I(2009)001)
- Latvian Centre for Human Rights (25.09.2003), Integration and Minority Information Service of the Latvian Centre for Human Rights and Ethnic Studies, available at: <http://cilvektiesibas.org.lv/ru/monitoring/1827/integration-and-minority-information-serviceof-the/>
- Latvian Centre for Human Rights (www), <http://cilvektiesibas.org.lv/ru/monitoring/1827/integration-and-minority-information-serviceof-the/>
- Latvian Elections: Democracy and Human Rights (July 1993), the British Helsinki Human Rights Group, Oxford, UK
- Latvian Human Development Report 1997, UNDP, Riga, Latvia
- Latvian Human Rights Committee (www), <http://www.lhrc.lv/index.php?lang=en&mendes=men2#textbegin>
- Latvian National Action Plan for 2004-2006, available at: http://ec.europa.eu/employment_social/social_inclusion/docs/nap_incl_2004_lv_en_version.pdf
- Latvian National Development Plan for 2007-2013, available at: http://planipolis.iiep.unesco.org/upload/Latvia/Latvia_National_development_plan_2007-2013.pdf
- Latvija. Pārskats par tautas attīstību 2010/2011 (2011), "*Nacionālā identitāte, mobilitāte un rīcībspēja*", Galv. red. Brigita Zepa un Evija Kļave., LU Sociālo un politisko pētījumu institūts, Rīga, Latvija, available at: http://www.biss.soc.lv/downloads/resources/TAP/Latvija_TAP_2011.pdf
- Latvijas Tautas fronts (1990), 2. Kongress. Programma. Statūti. Rezolūcijas. Rīga, Latvija
- Law "On Advocacy", adopted on 27 April 1993, entered into force on 21 May 1993, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=59283>

- Law "On Aviation", adopted on 23 February 1993, at present –Law "On Aviation", adopted on 05 October 1994, entered into force on 3 November 1994, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=57659>
- Law "On Public Organizations and Associations", adopted on 15 December 1992, entered into force on 29 December 1992, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=62836>
- Law About the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups, adopted on 19 March 1991, entered into force on 19 March 1991, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=65772>
- Law On Asylum Seekers and Refugees in Republic of Latvia, adopted on 19 June 1997, entered into force on 18 July 1997, has lapsed on 1 September 2002, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=44221> and <http://www.humanrights.lv/doc/latlik/refugee.htm>
- Law on IDs, adopted on 23 May 2002, entered into force on 1 July 2002, has lapsed on 15 February 2012, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=62793>
- Law On the Change of a Given Name, Surname and Ethnicity Record, adopted on 8 April 2009, entered into force on 13 May 2009, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=191209> and http://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCoQFjAA&url=http%3A%2F%2Fwww.vvc.gov.lv%2Fexport%2Fsites%2Fdefault%2Fdocs%2FLRTA%2FLikumi%2FChange%20of%20a%20Given%20Name%20Surname%20and%20Ethnicity%20Record.doc&ei=HRUhUbPAA8ml4AT9jYDQBg&usg=AFQjCNHS1gTlgdpsMuWo9w_rUj-h4CJumw&bvm=bv.42553238,d.bGE
- Law On the Entry and Stay of Foreign Citizens and Stateless Persons in the Republic of Latvia, adopted on 9 June 1992, entered into force on 1 July 1992, has lapsed on 1 May 2003, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=73092> and <http://www.humanrights.lv/doc/latlik/resperm.htm>
- Law On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization, adopted and entered into force on 15 October 1991, has lapsed on 25 August 1994, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=69914>
- Law on the Residents' Register, adopted on 27 August 1998, entered into force on 24 September 1998, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=49641>
- Law On the State Civil Service, adopted on 21 April 1994, entered into force 3 May 1994, has lapsed on 1 January 2001, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=57240>
- Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State, adopted on 12 April 1995, entered into force 9 May 1995, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <http://www.likumi.lv/doc.php?id=77481> and <http://www.coe.int/t/dghl/standardsetting/nationality/National%20legislation/Latvia%20-%20Law%20on%20non-citizens.pdf>
- Lawrence, Mead (1997), *"Citizenship and Social Policy: T.H. Marshall and Poverty"*, Social Philosophy and Policy, 14(2), pp. 197-230
- Lerner, N. (1993), *"The evolution of minority rights in international law"*. In Brölmann, C., Lefebber, R., Zieck, M., Amsterdam International Law Conference, *"Peoples and Minorities in International Law"*, 2nd edition, n.p. Martinus Nijhoff Publishers

- Letter to Georgs Andrejevs, Minister for Foreign Affairs of the Republic of Latvia, from CSCE HCNM Max van der Stoel, The Hague, No 238/93/L/Rev, 6 April 1993, available at: <http://www.cilevics.eu/minelres/count/latvia/930406r.htm> >
- Letter to Georgs Andrejevs, Minister of Foreign Affairs of the Republic of Latvia, from CSCE HCNM Max van der Stoel, The Hague, 10 December 1993, available at: <http://www.cilevics.eu/minelres/count/latvia/931210r.htm> >
- Letter to H.E. Mr. Max van der Stoel, OSCE High Commissioner on National Minorities from Ministry for foreign affairs of the Republic of Latvia, Valdis Birkavs, Minister of Foreign Affairs of Latvia, Riga, 22 Aprie, 1996, available at: <http://www.cilevics.eu/minelres/count/latvia/960422a.htm> >
- Letter to Valdis Birkavs, Minister for Foreign Affairs of the Republic of Latvia from OSCE HCNM, Max van der Stoel, The Hague, 14 March 1996, available at: <http://www.cilevics.eu/minelres/count/latvia/960314r.htm> >
- Levits, E. (1998), “*Valsts nācija un kultūrnācija – franču un vācu nācijas vēsturiskie modeļi*”. Grām.: Pilsoniskā apziņa, Latvijas Universitātes Filozofijas un socioloģijas institūts, Rīga, Latvija
- Lidz, Victor (2000), “*Talcott Parsons*.” In George Ritzer, ed., “*The Blackwell Companion to Major Social Theorists*”, Blackwell Publishers, Oxford, UK
- Merton, RK (1994), “*Durkheim’s Division of Labour in Society*”, Sociological Forum, 9, 1, p.17, Academic Search Complete, EBSCOhost
- Mežs, Ilmārs (2010), “*Ethnic Minorities in Latvia*”, Latvian Institute, [online], available at <http://www.latvia.lv/library/ethnic-minorities-latvia> >
- Mill, JS (1946), “*On Liberty and Considerations on Representative Government*”, Basil Blackwell, Oxford, UK
- Ministry of Foreign Affairs of the republic of Latvia # 1, <http://www.mfa.gov.lv/en/policy/4641/4642/4649/guidelines/> >
- Ministry of Foreign Affairs of the republic of Latvia # 2, <http://www.mfa.gov.lv/en/policy/4641/4642/4649/fund/> >
- Ministry of Foreign Affairs of the republic of Latvia # 3, <http://www.mfa.gov.lv/en/policy/4641/4642/4643/Minority-education-statistics> >
- Ministry of Foreign Affairs of the republic of Latvia # 4, <http://www.mfa.gov.lv/en/policy/4641/4642/4643/implementation-of-minority-education/> >
- Ministry of Foreign Affairs of the republic of Latvia # 5, <http://www.mfa.gov.lv/en/policy/4641/4642/4643/evaluation-of-education-reform/> >
- Ministry of foreign affairs of the republic of Latvia # 6, <http://www.mfa.gov.lv/en/news/press-releases/2007/january/17-2/> >
- Ministry of Foreign Affairs of the Republic of Latvia, (2005), Latvia – the European Union, available at: <http://www.mfa.gov.lv/data/visit/09-latvija-es.pdf> >
- Muižnieks, Nils (2010), “*How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges*”, University of Latvia Advanced Social and Political Research Institute, University of Latvia Press, Riga, Latvia
- Nahaylo, Bohdan and Swoboda, Victor (1990), “*Soviet Disunio.: A History of Nationalities Problems in the USSR*”, Hamish Hamilton, London, UK

- National Culture Policy Guidelines 2006-2015, available at:
[<http://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&sqi=2&ved=0CCkQFjAA&url=http%3A%2F%2Fwww.km.gov.lv%2Fen%2Fdoc%2Fministry%2Fvadlinijas_en.pdf&ei=cCb3UN3iFumn4AS7v4DIBg&usg=AFQjCNEdYnIDMnP25vVdtfWB21J3hbPn6Q&sig2=RLVuSpawV_qP9YwdQed6DA>](http://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&sqi=2&ved=0CCkQFjAA&url=http%3A%2F%2Fwww.km.gov.lv%2Fen%2Fdoc%2Fministry%2Fvadlinijas_en.pdf&ei=cCb3UN3iFumn4AS7v4DIBg&usg=AFQjCNEdYnIDMnP25vVdtfWB21J3hbPn6Q&sig2=RLVuSpawV_qP9YwdQed6DA)
- National Program “Roma in Latvia” 2007-2009 (2006), Riga, available at:
[<http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=3656>](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=3656)
- National Program Society Integration in Latvia, available at: < <http://www.latvia-usa.org/noname5.html>>
- National Report on Strategy Reports for Social Protection and Social Inclusion for the period 2006-2008, available at:
[<http://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&ved=0CFUQFjAH&url=http%3A%2F%2Fwww.lm.gov.lv%2Fupload%2Fsocila_aizsardziba%2Fsocila_ieklausana%2Flatvia_report_2006-2008.doc&ei=NSL3UIfdGO374QTS6oGOBQ&usg=AFQjCNER10H6Vk-geDXZk3bf4shsoUNoww&sig2=mnvpv-EmAQkDVn1ISGJVH8Q>](http://www.google.com.tr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&ved=0CFUQFjAH&url=http%3A%2F%2Fwww.lm.gov.lv%2Fupload%2Fsocila_aizsardziba%2Fsocila_ieklausana%2Flatvia_report_2006-2008.doc&ei=NSL3UIfdGO374QTS6oGOBQ&usg=AFQjCNER10H6Vk-geDXZk3bf4shsoUNoww&sig2=mnvpv-EmAQkDVn1ISGJVH8Q)
- National Report on Strategy Reports for Social Protection and Social Inclusion for the period 2008-2010, available at:
[<http://ec.europa.eu/social/keyDocuments.jsp?pager.offset=10&langId=en&mode=advancedSubmit&policyArea=750&subCategory=753&year=0&country=0&type=3&advSearchKey=nsr%20spsi>](http://ec.europa.eu/social/keyDocuments.jsp?pager.offset=10&langId=en&mode=advancedSubmit&policyArea=750&subCategory=753&year=0&country=0&type=3&advSearchKey=nsr%20spsi)
- Nersessian, David L. (2005), “*Rethinking cultural genocide under international law*”, Human Rights Dialogue Vol. 2, No.: 12, Spring 2005, Carnegie Council on Ethnicity and International Affairs, available at: <http://www.cceia.org/resources/publications/dialogue/2_12/section_1/5139.html>
- New York Times (February 19, 2012), *Latvians Reject Russian as Second Language*, <<http://www.nytimes.com/2012/02/20/world/europe/latvia-rejects-bid-to-adopt-russian-as-second-language.html>>
- NGO “Culture. Tolerance. Friendship.” (www), < <http://www.kid.lv/en/O-KIDe>>
- Notary Law , adopted on 1 June 1993, entered into force on 1 September 1993, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <<http://www.likumi.lv/doc.php?id=59982>>
- Official Language Law, adopted on 9 December 1999, entered into force on 1 September 2000, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at:
[<http://valoda.lv/en/downloadDoc_43](http://valoda.lv/en/downloadDoc_43) Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State6/mid_644 and <http://www.likumi.lv/doc.php?id=14740>>
- Ombudsman Law, adopted on 6 April 2006, entered into force on 1 January 2007, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <<http://www.likumi.lv/doc.php?id=133535>>
- Opinion No.183 (1995) on the Application by Latvia for Membership of the Council of Europe, 31 January 1995, 2nd Sitting, available at:
[<http://assembly.coe.int/documents/AdoptedText/ta95/eopi183.htm>](http://assembly.coe.int/documents/AdoptedText/ta95/eopi183.htm)
- OSCE (1995), “*CSCE/OSCE Provisions Concerning Persons Belonging To National Minorities*”, Office for Democratic Institutions and Human Rights, Warsaw, Poland
- P. Peter R. Baehr, Monique C. Castermans-Holleman, J Smith (1998), “*The Role of the Nation-State in the 21st Century: Human Rights, International Organisations and Foreign Policy. Essays on honor of Peter Baehr*”, Martinus Nijhoff Publishers, Hague, the Netherlands
- Parsons, Talcott (1966), “*Societies: Evolutionary and Comparative Perspectives*”, Prentice-Hall, Englewood Cliffs, N.J., USA

- Parsons, Talcott and Shils, Edward A. (1962), *"Toward a General Theory of Action"*, 2nd ed., Harvard University Press, Cambridge, New York, USA
- Personal Data Protection Law, adopted on 23 March 2000, entered into force on 20 April 2000, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <<http://www.likumi.lv/doc.php?id=4042>> and <<http://www.dvi.gov.lv/eng/legislation/pdp/>>
- Petropavlovskis v. Latvia (Application No. 44230/06), The European Court of Human Rights (Third Section), sitting on 3 June 2008, available at: <<http://eudo-citizenship.eu/caselawDB/docs/ECHR%20Petropavlovskis.pdf>>
- Political Handbook of the World (2011), "Latvia." Edited by Thomas C. Muller, William R. Overstreet, Judith F. Isacoff and Tom Lansdorf., CQ Press, Washington, DC, USA, available at: <http://library.cqpress.com/phw/document.php?id=phw2011_Latvia>
- Preece, Jennifer Jackson (1998), *"National Minorities and the European Nation-States System"*, Oxford University Press, New York, USA
- Protection of the Rights of the Child Law, adopted on 19 June 1998, entered into force on 22 July 1998, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <<http://www.likumi.lv/doc.php?id=49096>> and <<http://www.humanrights.lv/doc/latlik/bern.htm>>
- Racial Equality Directive 2000/43/EC, 29 June 2000, Official Journal L 180 , 19/07/2000 P. 0022 – 0026, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>>
- Refugees International (31 January 2011), *"Latvia: the Perilous State of Nationality Rights"*, Field Report, Maureen Lynch, available at: <<http://www.refugeesinternational.org/sites/default/files/Latvia%20The%20Perilous%20State%20of%20Nationality%20Rights.pdf>>
- Regelmann, Ada-Charlotte (2012), *"Social integration processes in Estonia and Slovakia"*, PhD thesis, University of Glasgow, UK, available at: <<http://theses.gla.ac.uk/3321/1/2012regelmannphd.pdf>>
- Repatriation Law, adopted on 21 September 1995, entered into force on 24 October 1995, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: <<http://www.likumi.lv/doc.php?id=37187>>
- Resolution 217 C (III) of 10 December 1948, United Nations, available at <<http://www.un-documents.net/a3r217c.htm>>
- RIA Novosti (28 August 2012), *"Russians Blast Latvian Minister over War Memorial Call"*, <<http://en.rian.ru/society/20120828/175476336.html>>
- RiaNovosti (18 June 2008), *"Visa waiving for Latvia's 'non-citizens' jeopardizes Russia-EU talks"*, <<http://en.rian.ru/world/20080618/111152829.html>>
- Rome Statute of the International Criminal Court, document A/CONF.183/9 of 17 July 1998 and corrected by procès-verbaux of 10 November 1998, 12 July 1999, 30 November 1999, 8 May 2000, 17 January 2001 and 16 January 2002. The Statute entered into force on 1 July 2002. available at: <http://untreaty.un.org/cod/icc/statute/english/rome_statute%28e%29.pdf>
- Rosado, C. (1996), *"Toward a Definition of Multiculturalism"*, Ph.D. for Change in Human Systems, available at: <http://www.rosado.net/pdf/Def_of_Multiculturalism.pdf>
- Rostow, Dankwart A. (1970), *"Transitions to Democracy: Toward a Dynamic Model"*, Comparative Politics, Vol. 2, No. 3
- Russett, Bruce (2006), *"Social Mobilization and Political Development"*, American Political Science Review 55. American Political Science Review 100, No.4: 678-679, academic Search Complete, EBSCOhost

- Saeima Election Law, adopted on 25 May 1995, entered into force on 7 June 1995, VSIA "Latvijas Vēstnesis", 2005 – 2013, available at: < <http://www.likumi.lv/doc.php?id=35261> > and <http://www.cilevics.eu/minelres/NationalLegislation/Latvia/Latvia_ElecParl_excerpts_English.htm>
- Sedovs, V.(1992), “*Balti senatnē*”, Zinātne, Rīga, Latvija
- Sirianni, C.J. (1984), “*Justice and the division of labour: a reconsideration of Durkheim’s Division of Labour in Society*”, Sociological Review, 32, 3, pp. 449-470, SocINDEX with Full Text, EBSCOhost
- Soysal, Yasemin (1994), “*Limits of Citizenship: Migrants and Post-national membership in Europe*”, University of Chicago Press, USA
- Strategic Culture Foundation, online journal (03.11.2012), *Latvia refusal to prepare referendum to grant citizenship to non-citizens discriminatory — FM*, <<http://www.strategic-culture.org/news/2012/11/03/latvia-refusal-to-prepare-referendum-to-grant-citizenship-to-non-citizens-discriminatory.html>>
- The Baltic Course, International Magazine for Decision Makers, by Alla Petrova, BC, Riga (12.10.2012), available at: < <http://www.baltic-course.com/eng/legislation/?doc=64315> >
- The Council of Europe (www), < <http://hub.coe.int/country/latvia> >
- The Latvian Ministry of Welfare (www), <<http://www.lm.gov.lv/text/548>>
- Thornberry, Patrick (1980), “*Is there a phoenix in the Ashes? – International Law and Minority Rights*”, Ethnic & Racial Studies, 3, 3, p. 249, SocINDEX with Full Text, EBSCOhost
- Treaty on European union and of the Treaty Establishing the European Community, Official Journal of the European Union, (2012/C 326/01), available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:0001:0012:EN:PDF>>
- Treaty on the European Union (TEU), adopted on 7 February 1992, entered into force on 1 November 1993, after Lisbon Treaty entered into force on 1 December 2009, Official Journal of the European Union, (2012/C 326/01), available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:0013:0046:EN:PDF>>
- Treaty on the Functioning of the European Union (TFEU), after Lisbon Treaty entered into force on 1 December 2009, Official Journal of the European Union, (2012/C 326/01), available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:0047:0200:EN:PDF>>
- UN (11 July 2011), Report of the Working Group on the Universal Periodic Review: Latvia. Human Rights Council. (A/HRC/18/9), available at: <<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=topic&docid=4e72ea1a2&skip=0&tocid=459d17822&toid=485683562&querysi=report+working+group&searchin=title&display=50&sort=date>>
- UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted on 18 December 1992, United Nations, A/RES/47/135, 92nd plenary meeting, available at: <<http://www.un.org/documents/ga/res/47/a47r135.htm>>
- UN General Assembly (2000), Resolution A/RES/55/2: United Nations Millennium Declaration Environmental Policy & Law, 30, 5, p. 263, GreenFILE, EBSCOhost
- UN General Assembly (2005), Official Records, Sixtieth Session, Supplement No.1 (A/60/1), New York, USA, available at :< <http://www.un.org/millenniumgoals/sgreport2005.pdf> >
- United Nations (1995), “*Report of the World Summit for Social Development*”, A/ CONF. 166/9, 19 April 1995, adopted on 12 March 1995, available at <<http://www.un.org/documents/ga/conf166/aconf166-9.htm>>
- United Nations (2007), “*Participatory Dialogue: Towards a Stable, Safe and Just Society for All*”, United Nations Department of Economic and Social Affairs New York, USA

- Universal Declaration of Human Rights, adopted on 10 December 1948, available at: <http://www.un.org/en/documents/udhr/index.shtml>
- US (24 May 2012), “Latvia”, Country Reports on Human Rights Practices for 2011, Department of State, available at: http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186369
- Vieytes, E. J. R (2004), “Working together: NGOs and Regional or Minority languages”. [online] Strasburg, available at: http://www.coe.int/t/e/legal_affairs/local_and_regional_democracy/regional_or_minority_languages/5_Publications/Working%20together_NGO_E.pdf
- Weiner, Myron (1965), “Political Integration and Political Development”, The Annals of the American Academy of Political and Social Science 358
- Welhengama, G. (2000), “Minorities’ claims: From autonomy to secession”, Ashgate, Aldershot, UK
- Willet, C. (1998), “Theorizing Multiculturalism, A Guide to the Current Debate”, Blackwell Publishers, Oxford, UK
- Wolff, Stefan (2002) “Ethnic Minorities in Europe: The Basic Facts”, Centre for International Crisis Management and Conflict Resolution”; University of Nottingham, UK, available at: <http://www.stefanwolff.com/files/min-eu.pdf>
- Workpermit.com (02 January 2007), *Latvian & Estonian "non-citizens:" visa-free travel for most of EU-27*, available at: http://www.workpermit.com/news/2007_01_02/eu/visa-free_travel_stateless_alien.htm
- Youth Policy in Latvia (2008), “Conclusions of the Council of Europe international review team”, Editors: Herwig Reiter, Seija Astala, Guy-Michel Brandtner, Aleksandar Jovanovic, Metka Kuhar, Howard Williamson, Julia Zubok, Council of Europe Publishing, Jouve, Paris, available at: http://www.coe.int/t/dg4/youth/Source/IG_Coop/YP_Latvia_en.pdf
- Zepa, B. (2003), “Citizenship, Official Language, Bilingual Education in Latvia: Public Policy in the Last 10 Years”, Baltic Institute of Social Sciences, Latvia, available at: <http://www.biss.soc.lv/downloads/publications/bilingvalaIzglitiba10g.pdf>
- Блейере, Д. (2006), “Последствия оккупации Балтийский путь к свободе”. Рига, Латвия
- Бухвалов, Валерий and Плинер, Яков (2008), “Реформа школ нацменьшинств в Латвии: анализ, оценка, перспективы”, Фонд Татьяны Жданок «Русской школе», Совет по образованию и культуре при ЗаПЧЕЛ, Рига, Латвия, available at: <http://www.zapchel.lv/pdf/EkspRef.pdf>
- Симонян Р.(2005), “Россия и страны Балтии”, 2-е издание, Институт социологии РАН, Москва, Российская Федерация
- Цилевич Б.Л. (1998), Альтернатива, "Insight" Ltd., Рига, Латвия
- Штаб защиты русских школ, <http://www.shtab.lv/main.php?w2=about>

APPENDIX NO.1

Example of Questionnaire list

(translated from Latvian–Russian Questionnaire list)

Thank you for participating in this survey.

The aim of this survey is to discover the opinion of Latvian inhabitants about the situation of non-citizens. Your response to this survey, or any individual question on the survey, is completely voluntary, and your responses will be used for statistical purposes only. Put ☒ if you agree with the answer. For each question just one answer is possible.

Your information will be kept strictly confidential.

1. What is your political status in Latvia?

☐ Citizen ☐ Non-citizen

For Citizens only	For non-citizens only
2. How did you become a citizen of Latvia? ☐ I got it automatically (<i>go to question No. 3</i>) ☐ through naturalization ☐ other way _____	2. Why do you have a non-citizen status? ☐ I came to Latvia during the Soviet Union ☐ I was born in Latvia before 21 August 1991 ☐ other reason _____
3. Why did you decided to get citizenship through naturalization? <i>(Choose answer which is more important for you)</i> ☐ I wanted to have rights to vote ☐ I wanted to travel and/or work in other EU Member States ☐ I just wanted to be a citizen of my homeland ☐ other reason _____	3. Why do not you apply for a citizenship? ☐ I applied, but I cannot pass a naturalization exam ☐ I do not want to be a citizen because of my principles ☐ other reason _____
4. Did you vote for or against Russian on the referendum of the second official state	4. If you could have right to vote during the referendum for Russian as the second official

language? ☐ for (<i>go to question No. 6</i>) ☐ against	state language, would you vote for or against it? ☐ for (<i>go to question No. 6</i>) ☐ against
5. Why did you vote against it? ☐ in Latvia must be just one state language - Latvian ☐ I do not need to make Russian as a state language, but I want to protect it and to have rights to use it in public ☐ I do not like Russian language ☐ Russian does not need official status, it is already the most spoken foreign language in Latvia ☐ other reason _____	5. Why would you vote against it? ☐ in Latvia must be just one state language - Latvian ☐ I do not need to make Russian as a state language, but I want to protect it and to have rights to use it in public ☐ I do not like Russian language ☐ Russian does not need official status, it is already the most spoken foreign language in Latvia ☐ other reason _____
Questions for both citizens and non-citizens	
6. How do you think would it be correct to give a citizenship automatically to all non-citizens?	☐ yes, it is correct (<i>go to question No.8</i>) ☐ no, it is not correct (<i>go to question No. 7</i>) ☐ I am not interested in this question (<i>go to question No.8</i>)
7. Why do you think that it will not be correct?	☐ they are not Latvians and must come back to their nationality country ☐ it predicts Latvian law ☐ then we again will be “occupied” by Russians ☐ other reason _____
8. How do you think is it correct to give the right of voting for non-citizens at least at the domestic level?	☐ yes, it is correct ☐ no, it is not correct

	☐ I am not interested in this question ☐ other reason _____
9. Do you feel yourself as a part of Latvian society?	☐ Yes ☐ No
Question for non-Latvians only	
10. Are you planning to go back to your nationality country?	☐ yes ☐ no, I see my future just in Latvia ☐ I do not know yet

Thank you.

Sincerely,

Tatyana Özkara,

MA European Studies,

Hamburg University (Hamburg, Germany) and Akdeniz University (Antalya, Turkey)

Aptaujas lapa/ Опросный лист

Paldies par dalību šajā aptaujā.

Šīs aptaujas mērķis ir noskaidrot Latvijas iedzīvotāju viedokli par situāciju ar nepilsoņiem. Jūsu atbildes uz šo aptauju, vai uz kādu individuālo jautājumu, ir pilnīgi brīvprātīga, un Jūsu atbildes tiks izmantotas tikai statistikas nolūkiem. Likiet ☒ ja Jūs piekrītat ar atbildi. Katrā jautājumā tikai viena atbilde ir iespējama.

Jūsu informācija ir konfidenciāla.

Благодарим Вас за участие в этом опросе.

Целью данного опроса является выявление мнения жителей Латвии о положении неграждан. Ваши ответы в этом опросе, или ответ на любой отдельный вопрос, является добровольным, и ваши ответы будут использоваться только для статистических целей. Поставьте ☒, если Вы согласны с ответом. На каждый вопрос возможен только один ответ.

Ваша информация будет строго конфиденциальной.

1. Kāds ir Jūsu politiskais statuss Latvijā?/Какой Ваш политический статус в Латвии?

☐ pilsonis/гражданин ☐ nepilsonis/негражданин

Pilsoņiem tikai/ только для граждан	Nepilsoņiem tikai/ только для неграждан
2. Kā Jūs kļūvāt par Latvijas pilsoni?/Как Вы стали гражданином Латвии? ☐ Es to dabūju automātiski/я получил его автоматически <i>(ejiet uz jautājumu Nr.4/ переходите к вопросу № 4)</i> ☐ caur naturalizāciju/путем натурализации ☐ citā veidā/другим путем _____	2. Kāpēc Jums ir nepilsoņa statuss?/ Почему у Вас статус негражданина? ☐ Es atbraucu uz Latviju padomju Savienībā/Я приехал в Латвию во времена Советского Союза ☐ Esmu dzimis Latvijā pirms 21. augusta 1991/Я родился в Латвии до 21 августа 1991 ☐ cita iemesla dēļ/по другой причине _____
3. Kāpēc Jūs nolēmāt iegūt pilsonību caur naturalizāciju?/Почему Вы решили получить гражданство путем натурализации?	3. Kāpēc Jums joprojām nav pilsonības?/ почему Вы до сих пор не приняли гражданство?

<i>(Izvēlieties atbildi, kāds ir visvairāk svarīgi Jums/ Выберите ответ, который является более важным для Вас)</i> ☐ es gribēju iegūt tiesības balsot/ я хотел иметь право голоса ☐ es gribēju ceļot un/vai strādāt citās ES dalībvalstīs/я хотел путешествовать и/или работы в других государствах ЕС ☐ Es tikai gribēju būt pilsonis savā dzimtenē/Я просто хотел быть гражданином своей Родины ☐ cita iemesla dēļ/по другой причине _____	☐ es nevaru nokārtot naturalizācijas eksāmenu/я не могу сдать экзамен по натурализации ☐ es nevēlos kļūt par pilsonim maniē principiem dēļ/Я не хочу быть гражданином из-за моих принципов ☐ cita iemesla dēļ/по другой причине _____
4. Vai Jūs balsojāt par vai pret krievu valodu referendumā par otro valsts valodu?/Во время референдума о Русском языке как второй государственной язык, Вы проголосовали за или против? ☐ par/за (uz jautājumu nr.6/переходите к вопросу № 6) ☐ pret/против	4. Ja Jums būtu tiesības balsot, vai jūs balsotu par vai pret krievu valodu referendumā par otro valsts valodu?/Если бы у Вас было право голоса, на референдуме за русский язык как второй государственной язык, Вы проголосовали бы за или против? ☐ par/за (uz jautājumu nr.6/переходите к вопросу № 6) ☐ pret/против
5. Kāpēc Jūs balsojāt pret?/Почему Вы проголосовали против? ☐ Latvijā jābūt tikai viena valsts valoda – latviešu/ в Латвии должен быть только один государственный язык - латышский ☐ Man nepatīk krievu valoda/я не люблю русский язык ☐ Krievu valodai nav nepieciešams oficiālais statuss, tas jau ir vispopulārākā svešvaloda Latvijā kura jāzin/русскому языку не нужен официальный статус, он уже является самым популярным иностранным языком в Латвии, который надо знать ☐ cita iemesla dēļ/по другой причине _____	5. Kāpēc Jūs balsotu pret?/Почему бы Вы проголосовали против? ☐ Latvijā jābūt tikai viena valsts valoda – latviešu/ в Латвии должен быть только один государственный язык - латышский ☐ Man nepatīk krievu valoda/я не люблю русский язык ☐ Krievu valodai nav nepieciešams oficiālais statuss, tas jau ir vispopulārākā svešvaloda Latvijā kura jāzin/русскому языку не нужен официальный статус, он уже является самым популярным иностранным языком в Латвии, который надо знать ☐ cita iemesla dēļ/по другой причине _____
Jautājumi gan pilsoņiem, gan nepilsoņiem/Вопросы для граждан, так и неграждан	

6. Kā Jūs domājat, tas būtu pareizi piešķirt automātiski pilsonību visiem nepilsoņiem?/Как Вы думаете, было бы это правильным, дать автоматически гражданство всем негражданам?	☐ jā, tas būtu pareizi/да, это было бы правильно (<i>ejiet uz jautājumu Nr.8 /переходите к вопросу № 8</i>) ☐ nē, tas būtu nepareizi/нет, это было бы не правильно (<i>ejiet uz jautājumu Nr.7/ переходите к вопросу № 7</i>) ☐ Es neesmu ieinteresēts šajā jautājumā/Я не заинтересован в этом вопросе (<i>ejiet uz jautājumu Nr.8/переходите к вопросу № 8</i>)
7. Kāpēc Jūs domājat, ka tas būtu nepareizi?/ Почему Вы думаете, что это было бы не правильно?	☐ viņi nav latvieši un viņiem jāatgriežas uz savu tautības valsti ☐ ir pretrunā ar Latvijas likumiem/это противоречит Латвийским законам ☐ tad mēs atkal būsim krievu "ukupacijā"/снова будет «оккупированы» русскими ☐ cita iemesla dēļ/по другой причине _____
8. Kā Jūs domājat, vai tas ir pareizi sniegt balsošanas tiesības nepilsoņiem vismaz vietējā līmenī?/ Как Вы думаете, было бы это правильным дать право голоса негражданам хотябы на муниципальных выборах?	☐ jā, tas būtu pareizi/да, это было бы правильно ☐ nē, tas būtu nepareizi/нет, это было бы не правильно ☐ Es neesmu ieinteresēts šajā jautājumā/Я не заинтересован в этом вопросе

9. Vai Jūs justies kā daļa no Latvijas sabiedrības?/Чувствуете ли Вы себя частью латвийского общества?	☐ jā/да ☐ nē/нет
Jautājums tikai cittautiešiem/Вопрос только для нелатышей	
10. Vai Jūs plānojat atgriezties uz savu tautības valsti?/ Планируете ли Вы вернуться в страну своей национальности?	☐ jā/да ☐ nē, es redzu savu nākotni tikai Latvijā/нет, я вижу мое будущее только в Латвии ☐ Es vēl nezinu/я пока не знаю

Paldies,

Ar cieņu,

Tatjana Özkara,

MA Eiropas studijas,

Hamburgas universitātes (Hamburga, Vācija) un Akdeniz Universitāte (Antālija, Turcija)

Спасибо,

С уважением,

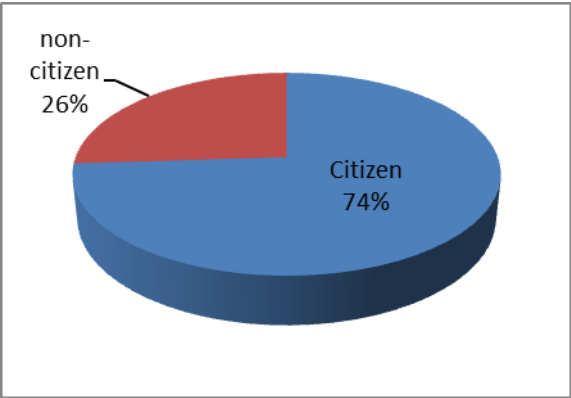
Татьяна Озкара,

МИ Европейских знаний,

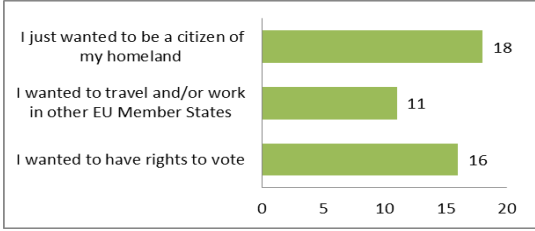
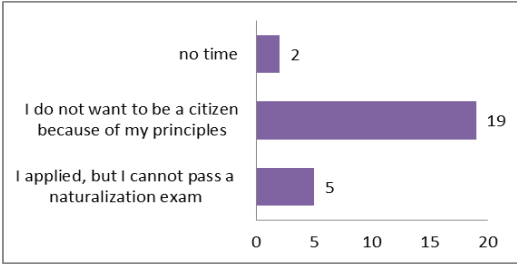
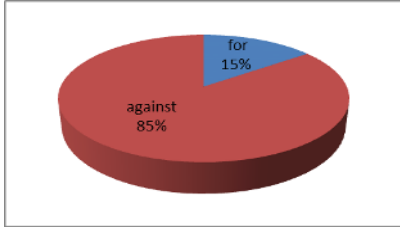
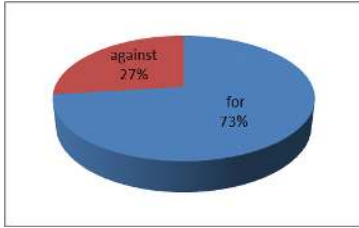
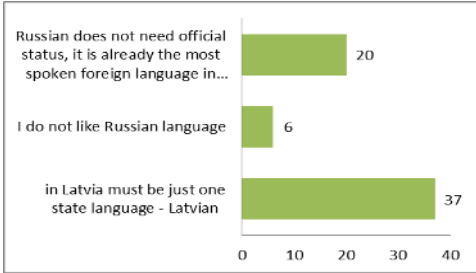
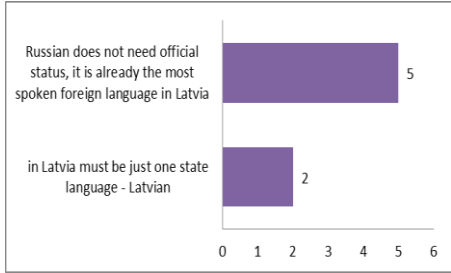
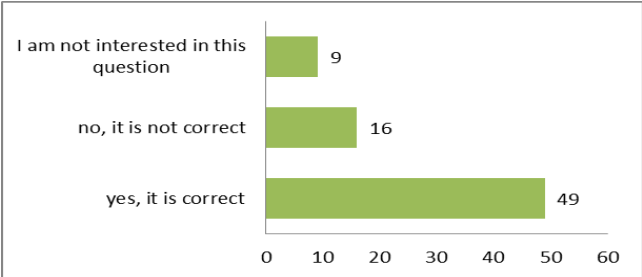
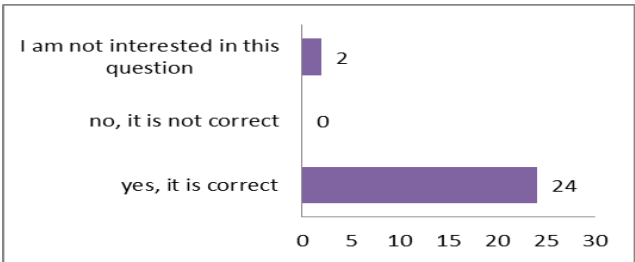
Гамбургского университета (Гамбург, Германия) и Университета Акдениз (Анталия, Турция)

Analysis of the survey

1. What is your political status in Latvia?

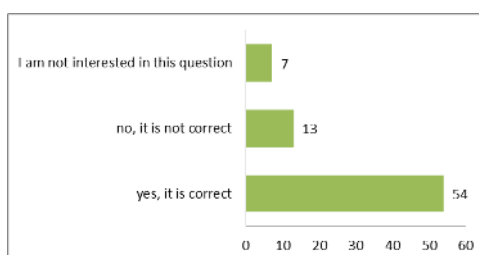


For Citizens only	
2. How did you become a citizen of Latvia?	
through naturalization	
I got it automatically	29
For non-citizens only	
2. Why do you have a non-citizen status?	
I was born in Latvia before 21 August 1991	17
I came to Latvia during the Soviet Union	9

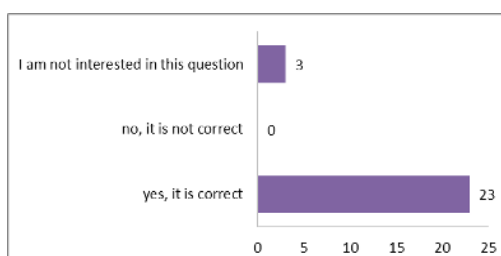
For Citizens only	For non-citizens only
3. Why did you decided to get citizenship through naturalization? 	3. Why do not you apply for a citizenship? 103 
4. Did you vote for or against Russian on the referendum of the second official state language? 	4. If you could have right to vote during the referendum for Russian as the second official state language, would you vote for or against it? 
5. Why did you vote against it? 	5. Why would you vote against it? 
Questions for both citizens and non-citizens	
6. How do you think would it be correct to give a citizenship automatically to all non-citizens?	Citizens:  Non-citizens: 
7. Why do you think that it will not be correct?	Citizens: 

8. How do you think is it correct to give the right of voting for non-citizens at least at the domestic level?

Citizens:

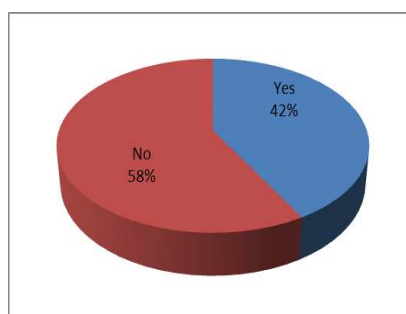


Non-citizens:

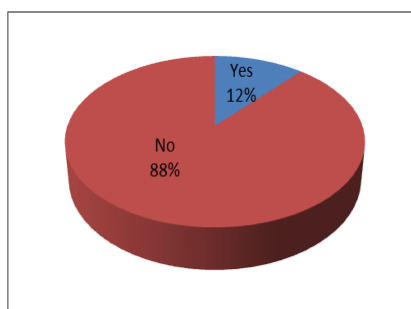


9. Do you feel yourself as a part of Latvian society?

Citizens:



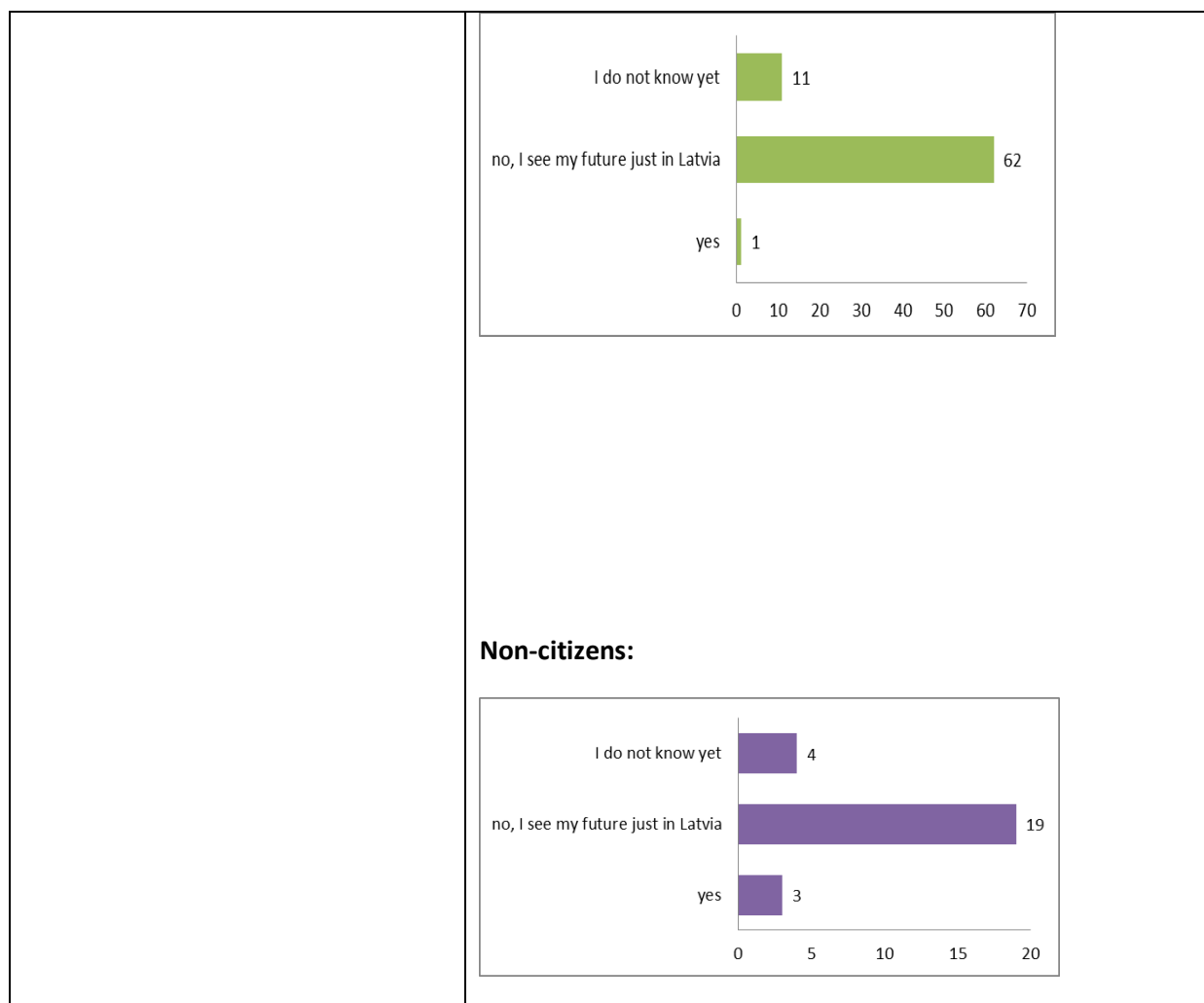
Non-citizens:



Question for non-Latvians only

10. Are you planning to go back to your nationality country?

Citizens:



Analysis of the survey

The survey was made in January 2013 in Riga. One hundred people took part in this survey with different age and social status. 74 % of the respondents were citizens of Latvia, and 26 % of the respondents were non-citizens of Latvia. According to the survey results, 45 persons got citizenship through naturalization process and just 29 persons got it automatically. Additionally, 17 respondents are non-citizens because they were born in Latvia before the 21st August 1991 and 9 respondents got status of non-citizen as they immigrated to Latvia during the Soviet Union period. Consequently, children who were born before 1991 are exposed to be a non-citizen and to be discriminated in their rights.

Furthermore, 18 persons decided to become a citizen through naturalization process because they wanted to be a citizen of their homeland, obviously, that these persons were born in Latvia. Additionally, 16 persons of respondents passed all naturalization exams that to have rights for voting; consequently, they wanted to have their political rights and influence on

their life. Finally, 11 persons got a citizen's passport that to travel and/or to have possibility to work in another EU Member State. However, despite of the fact that 19 respondents do not have wish to naturalize because of their principles, 5 persons applied to naturalization process but could not passed the exams. Consequently, the naturalization exams are quite hard and it is necessary to make them easier.

At the referendum of the second official language, 15 % of Latvian responded citizens voted for and 85 % voted against it. Nevertheless, if the non-citizens of Latvia could have rights to vote then 73 % of responded non-citizens would vote for and just 27 % would vote against it. So high percentage of negative result is that citizens of Latvia suppose that it must be just one official language – Latvian, and those non-citizens who would vote also against the second official language explained their decision as follow: that Russian does not need official status because it is already the most spoken foreign language in Latvia. Consequently, despite of the high percentage of Russian-speaking minorities in Latvia, the government, Latvians and some part of non-Latvians do not want to make Russian as a second official language. However, the obvious interest from the Russian-speaking minorities to have a possibility to get education and to have contact with administrative authorities in Russian is observed.

Moreover, at the question about the automatic citizenship for all non-citizens, 49 citizens answered positive, 16 answered negative, and 9 persons were not interested in this question. The similar situation is with non-citizens, i.e. 24 persons of non-citizens answered positive on this question and just 2 of them were not interested in it. On the next question about the reason of negative answer, 9 persons of citizens suppose that it predicts to Latvian law, 4 people afraid that they will be again occupied by “Russians”, and 3 persons supposed that all non-citizens must come back to their historical homeland. However, on the question about the permission of voting at least at the domestic level 54 persons of citizens answered positive, 23 persons of non-citizens answered positive too, and just 13 persons of citizens answered negative.

Finally, 58 % of respondent citizens and 88 % of respondent non-citizens do not feel their selves as a part of Latvian society; however, they see their future just in Latvia. Consequently, I can conclude that even if a person does not feel him/her-self as a part of society he/she still can have a sense of belonging to the country where he/she was born or

spent the biggest part of his/her-life in this country.

All in all, this survey showed that there is a huge percent of non-citizens in Latvia, and the main reason of it is the Latvian legislation, as well as quite hard naturalization process. Moreover, the motivation for non-citizens become to be citizens is, first of all, the sense of belonging and wish to be a citizen of their home country; secondly, it is a wish to have political rights and influence on their life; and finally, it is a wish to have the right to travel and/or work in other EU's Member States. Additionally, despite of the high percent of Russian-speaking minorities in Latvia, they do not insist Latvian government to make Russian as a second official language, but inhabitants of Latvia would like to give the rights for non-citizens to vote at local elections.

APPENDIX NO.2

Summary of the Legal Basis of Ethnic Minorities Integration in Latvia

Date of adoption/ ratification	Law, Regulations, Conventions, Agreements	Description, Articles
15.02.1922	<i>“The Constitution of the Republic of Latvia”</i>	Article 114 states that persons, belonging to national minorities, have the right to preserve and develop their language, as well as their ethnic and cultural identity. ⁴¹⁸
19.03.1991	<i>“Law About the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups”</i>	This Law is adopted to guarantee to all nationalities and ethnic groups in the Republic of Latvia the rights to cultural autonomy and self-administration of their culture. Additionally, according to Article 2 each 16 years old citizen of Latvia or person who has neither Latvia’s nor other state’s citizenship and who is a permanent resident of Latvia, has the right to establish or to restore ethnicity records in personal documents, according to his or her national consciousness and ethnic origin, and according to procedure established by law. ⁴¹⁹
13.01.1994	<i>City Dome and Rural District Councils Election Law</i>	This law describes circumstances when persons shall not be nominated as candidates for the council election and shall not be elected to the councils. For instance, persons, who after 13 January 1991 acted in soviet communist parties, persons, who had salary from the former USSR, Latvian SSR or foreign states’ security, intelligence or counterintelligence services; as well as persons who are not proficient in the State language. ⁴²⁰
22.07.1994	<i>“Citizenship Law”</i>	Article 10 states that a person may, upon his or her request, to be admitted to Latvian citizenship through naturalization procedures. ⁴²¹

⁴¹⁸ Constitution of the Republic of Latvia, adopted on 15 February 1922, entered into force on 7 November 1992, Article 114

⁴¹⁹ Law About the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups, adopted on 19 March 1991, entered into force on 19 March 1991, Article 2

⁴²⁰ City Dome and Rural District Councils Election Law, adopted on 13 January 1994, entered into force on 25 January 1994, Article 9(5), 9(6), 9(7)

⁴²¹ Citizenship Law, adopted on 22 July 1994, entered into force 25 August 1994, Article 10

		In Article 12 are described the general provisions for naturalization. ⁴²²
12.04.1995	<i>“Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State”</i>	Article 2 states that non-citizens have the right to preserve his or her native language and culture within the ethno-cultural autonomy and to preserve his or her traditions provided that such traditions are not in conflict with the laws of Latvia. ⁴²³
25.05.1995	<i>The Saeima Election Law</i>	Article 5 describes the circumstances when a persons should not be included in the candidate lists and are not eligible to the Saeima. For instance, persons, who after 13 January 1991 acted in soviet communist parties, persons, who had salary from the former USSR, Latvian SSR or foreign states’ security, intelligence or counterintelligence services; as well as persons who are not proficient in the State language. ⁴²⁴
21.09.1995	<i>“Repatriation Law”</i>	The preamble of law states that the Republic of Latvia supports the reunion of the Latvian people and invites Latvians and Liivs who have a sense of belonging to Latvia to return to their ethnic homeland. ⁴²⁵ Article 1 describes the purpose of this Law, which is (1) to create basic conditions and guarantees so that persons of Latvian or Liiv origin may take up permanent residence in Latvia; (2) to promote the voluntary repatriation of other ethnicities to their ethnic homeland; (3) and to specify the functions of State and local government institutions in relation to repatriation and emigration. ⁴²⁶
19.06.1998	<i>“Protection of the Rights of the Child Law”</i>	Article 3(2) states that the State shall ensure the rights and freedoms of all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or health status, birth or other circumstances of the

⁴²² Ibid., Article 12

⁴²³ Law on the Status of Former Soviet Citizens who are not Citizens of Latvia or any Other State, adopted on 12 April 1995, entered into force 9 May 1995, Article 2

⁴²⁴ Saeima Election Law, adopted on 25 May 1995, entered into force on 7 June 1995, Article 5

⁴²⁵ Repatriation Law, adopted on 21 September 1995, entered into force on 24 October 1995, Preamble

⁴²⁶ Ibid., Article 1

		child, or of his or her parents, guardians, or family members. ⁴²⁷
27.08.1998	<i>Law on the Residents' Register</i>	Article 3 states that the main task of the Register is to ensure registration of Latvia's citizens and non-citizens, as well as foreign citizens with residence permits in Latvia, stateless persons and refugees by entering and updating the information in the Register in the order set by law. ⁴²⁸
29.10.1998	<i>"Education Law"</i>	Article 2 states that every resident of Latvia has the opportunity to develop his or her mental and physical potential, in order to become an independent and a fully developed individual, a member of the democratic State and society of Latvia.⁴²⁹ Article 3 describes the person, who has the rights for education in Latvia, non-citizens, citizens of the European Union, of the European Economic Area and of Swiss Confederation, a third-country nationals, etc. were mentioned.⁴³⁰ Article 41 specifies the Educational Programs for Ethnic Minorities, and Article 41(2) of states that the programs for ethnic minorities shall include content necessary for acquisition of the relevant ethnic culture and for integration of ethnic minorities in Latvia.⁴³¹
09.12.1999	<i>"Official Language Law"</i>	Article 1 describes the purpose of this law, which is to ensure:⁴³² 1) the maintenance, protection and development of the Latvian language; 2) the maintenance of the cultural and historic heritage of the Latvian nation; 3) the right to freely use the Latvian language in any sphere of life within the whole territory of

⁴²⁷ Protection of the Rights of the Child Law, adopted on 19 June 1998, entered into force on 22 July 1998, Article 3(2)

⁴²⁸ Law on the Residents' Register, adopted on 27 August 1998, entered into force on 24 September 1998, Article 3

⁴²⁹ Education Law, adopted on 29 October 1998, entered into force on 1 June 1998, Article 2

⁴³⁰ Ibid., Article 3

⁴³¹ Ibid., Article 41

⁴³² Official Language Law, adopted on 9 December 1999, entered into force on 1 September 2000, Article 1

		Latvia; 4) the integration of members of ethnic minorities into the society of Latvia, while observing their rights to use their native language or other languages; 5) the increased influence of the Latvian language in the cultural environment of Latvia, to promote a more rapid integration of society.
23.03.2000	<i>“Personal Data Protection Law”</i>	Article 2(8) states that personal data that indicates the race, ethnic origin, religious, philosophical or political convictions, or trade union membership of a person, or provides information as to the health or sexual life of a person is sensitive personal data, processing of which is prohibited, except cases which are described in Article 11. ⁴³³
29.06.2000	<i>Racial Equality Directive 2000/43/EC</i>	The Directive implements the principle of equal treatment between persons irrespective of racial or ethnic origin. ⁴³⁴
07.12.2000	<i>The Charter of Fundamental Rights of the European Union</i>	Its Article II-81 states that any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited, as well as any discrimination on grounds of nationality shall be prohibited. ⁴³⁵
20.06.2001	<i>“Labor Law”</i>	This law includes the principle of equal treatment between persons irrespective of race or ethnicity. ⁴³⁶
07.03.2002	<i>“Law On Asylum Seekers and Refugees in Republic of Latvia”</i>	Article 1 prescribes that in accordance with generally accepted international principles of human rights, the procedures for ensuring the rights of persons to gain asylum and obtain refugee status in the Republic of Latvia and sets

⁴³³ Personal Data Protection Law, adopted on 23 March 2000, entered into force on 20 April 2000, Article 2(8)

⁴³⁴ Racial Equality Directive 2000/43/EC, 29 June 2000

⁴³⁵ Charter of Fundamental Rights of the European Union, adopted on 7 December 2000, The Charter became legally binding when the Treaty of Lisbon entered into force on 1 December 2009, Article II-81

⁴³⁶ Labor Law, adopted on 20 June 2001, entered into force on 6 July 2001, Article 7

		forth the rights and obligations of asylum seekers and refugees. ⁴³⁷
23.05.2002	<i>Law on IDs</i>	Article 5 of this law gives the right for a person to write his or her nationality and name and surname in the native language to the pass, if he or she wants so. ⁴³⁸
20.06.2002	<i>“Rome Statute of the International Criminal Court”</i>	Article 6 gives the definition to the term “genocide”, which means any of the acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious Group. ⁴³⁹
31.10.2002	<i>“Immigration Law”</i>	Article 2 describes the purpose of this Law, which is to determine the procedures for the entry, residence, transit, exit and detention of foreigners, as well as the procedures by which foreigners are kept under temporary custody in the Republic of Latvia and expelled from it in order to ensure the implementation of migration policy conforming with the norms of international law and the State interests of Latvia. ⁴⁴⁰
26.05.2005	<i>“Framework Convention for the Protection of National Minorities”</i>	Article 1 states that the protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.⁴⁴¹ The convention establishes the equality before the law and protection of persons belonging to national minorities and commits to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

⁴³⁷ Law On Asylum Seekers and Refugees in Republic of Latvia, adopted on 19 June 1997, entered into force on 18 July 1997, has lapsed on 1 September 2002, Article 1

⁴³⁸ Law on IDs, adopted on 23 May 2002, entered into force on 1 July 2002, has lapsed on 15 February 2012, Article 5 (4,5)

⁴³⁹ Rome Statute of the International Criminal Court, document A/CONF.183/9 of 17 July 1998 and corrected by procès-verbaux of 10 November 1998, 12 July 1999, 30 November 1999, 8 May 2000, 17 January 2001 and 16 January 2002. The Statute entered into force on 1 July 2002, Article 6

⁴⁴⁰ Immigration Law, adopted on 31 October 2002, entered into force on 20 November 2002, Article 2

⁴⁴¹ Framework Convention for the Protection of National Minorities, adopted on 10 November 1994, opened for signature by the Council of Europe’s member States on 1 February 1995, Article 1

06.10.2006	<i>“Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems”</i>	Article 2 gives the definition of “ <i>racist and xenophobic material</i> ”, which means any written material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, color, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors. ⁴⁴²
24.05.2007	<i>“Convention on the Protection and Promotion of the Diversity of Cultural Expressions”</i>	Article 2 sets out the Convention's “ <i>Guiding Principles</i> ”: respect for human rights and fundamental freedoms; state sovereignty; equal dignity and respect for all cultures; international solidarity and cooperation; the complementarity of economic and cultural aspects of development; sustainable development; equitable access, and openness and balance. ⁴⁴³
08.04.2009	<i>On the Change of a Given Name, Surname and Ethnicity Record</i>	Article 9 states that an ethnicity record may be changed, if a submitter wishes to enter into the passport or another personal identification document the ethnicity of his or her relatives in the direct ascending line within the limits of two generations, if he or she can prove the belonging to such kinship thereof. Additionally, on the basis of this Law an ethnicity record may be changed only once. ⁴⁴⁴

⁴⁴² Additional Protocol to the Convention On Cybercrime, Concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed Through Computer Systems, Strasbourg, opening for signature 28 January 2003, Article 2

⁴⁴³ Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Paris, adopted on 20 October 2005, entered into force on 18 March 2007, Article 2

⁴⁴⁴ Law On the Change of a Given Name, Surname and Ethnicity Record, adopted on 8 April 2009, entered into force on 13 May 2009, Article 9

CURRICULUM VITAE

Tatyana Özkara

19.05.1986

Citizen of Latvia

Pınarbaşı Mah. 727 Sokak Yavuz Apt. No: 2/2 Konyaaltı/ANTALYA Turkey

E-mail: tatyana.ozkara@gmail.com

Cell: (+90) 05389616876

Summary

Entrepreneurial and innovative with excellent organizational and communication skills without any fear of responsibilities where all possible circumstances have to be taken into account before any decisions are made; capable of resolving multiple and complex issues. Core competencies are punctuality accompanied by an outgoing personality, team building spirit, and a willingness to learn and discover more.

Professional Experience

Hotel Titanic Beach Lara (Turkey) Front Office Administrator

12/05/2013 – present

- Supervising the front office staff, from maintaining proper cash control to guest service standards on a day-to-day basis;
- Attending to Guests' enquiries, requests, complaints and compliments;
- Informing other operating departments, notably Housekeeping of all Front Office matters that concerns them;

Centre for European and Transition Studies Administration and consultation (Internship)

01/04/2012 – 01/08/2012

- Implementation of international conferences organized by the Centre in co-operation with European Representation in Latvia and the Latvian Republic Ministry of Foreign Affairs;
- Administrative work;
- Co-ordination of research projects;

Hotel Jurmala SPA (Latvia) Front Office Manager/Administrator (Internship)

12/05/2008 – 29/07/2008

- Supervising the front office staff, from maintaining proper cash control to guest service standards on a day-to-day basis;
- Attending to Guests' enquiries, requests, complaints and compliments;
- Informing other operating departments, notably Housekeeping of all Front Office matters that concerns them;

Education

Bachelor Degree in *2005-2009*
Tourism and Hospitality Business Administration with a specialization in Hotel
Administration

Turība: School of Business Administration in Riga, Latvia

Master Degree in *2010-2013*
M.A. European Studies

Hamburg University (Hamburg; Germany) and Akdeniz University (Antalya; Turkey)

Additional Skills

Languages:

Russian: Native language;
English: Fluent;
Latvian: Fluent;
German: Good;
Turkish: Good (learning);

Computer skills and competences:

Microsoft Office tools (Word, Excel, and PowerPoint);
Basic knowledge of graphic design applications (PhotoShop)
Fidelio property management system

Artistic skills and competencies:

- Dancing;
 - Music;
 - Reading;
 - Sport;
 - Traveling;
 - Drawing;
 - Languages.
-

DECLARATION OF AUTHORSHIP

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Tatjana OZKARAA handwritten signature in blue ink, appearing to be 'Tatjana OZKARA', with a large, stylized loop at the beginning and a horizontal line extending to the right.