

The Situation of Ethnic Minorities in Latvia

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1. History and Demography

When Latvia emerged as an independent state in 1918 its social structure mirrored the multinational character and socioeconomic cleavages of the region. Ethnic Latvians constituted an overwhelming majority of the rural population, while people of other national backgrounds dominated urban areas. Since the end of the 19th century, the proportion of Latvians varied significantly depending on the movements of the urban population,¹ reaching 76 per cent in 1935.²

In 1940 Latvia was annexed by the USSR as a result of the so-called Ribbentrop-Molotov pact. The annexation, as well as the upheavals of World War II and of the early postwar years, entailed dramatic demographic changes which lastingly altered the ethnic composition of the Latvian population. Repatriation of Baltic Germans in autumn 1939 and the extermination of Jews by Nazis in 1941-42, virtually eliminated the republic's two largest minority communities. Thousands of Latvians fled to the West. After World War II Latvia experienced a large-scale influx of mostly Slavic population from the USSR. Combined, these developments led to a dramatic decrease of the share of ethnic Latvians: from 62 per cent in 1959, to 52.5 per cent in 1989. Thus, Latvians came close to becoming a minority in their own country.

These demographic trends were reversed in 1990, after the Latvian Popular Front won parliamentary elections and the republic's independence was restored. Due to the considerable out-migration of the Slavic population, in March 1995 ethnic Latvians constituted nearly 56 per cent of the residents. They were followed by Russians (32.8 per cent), Belarussians (4 per cent), Ukrainians (2.9 per cent), Poles (2.2 per cent), and Lithuanians (1.3 per cent).³ Since 1990, the number of Russians in Latvia decreased by 8.3 per cent, Belarussians by 15.2 per cent, Ukrainians by 18.1 per cent, and Jews by 46.1 per cent.⁴

1. At the end of the 19th century non-Latvians constituted 32 per cent of the total population but their share grew up to 40 per cent at the beginning of World War I. However, a large-scale evacuation of urban population during the war helped ethnic Latvians increase their share to about 73 per cent in 1918.

2. The largest minorities than were Russians (8.8 per cent), Jews (4.9 per cent), Germans (3.3 per cent), Poles (2.5 per cent), Belarussians (1.5 per cent).

3. *Etnosituacija Latvija. Fakti un komentari*, Riga, 1994

4. Latvian State Committee on Statistics, 1995.

2. Legislation

2.1 Citizenship

Some aspects of majority-minority relations in Latvia bear a strong similarity to those in other post-communist countries. In other respects, however, the situation of minorities in Latvia is very special. The way independent Latvia chose to solve its citizenship problem is the main factor accounting for this peculiarity.

Preserving the ethnic identity of Latvians was the main political objective of the independence movement during perestroika. Widespread fears of ethnic extinction provided the movement with the most powerful incentive to seek the restoration of the Latvian state. Latvia (and Estonia) were the only two successor states to the USSR to reject the so-called "zero option" on citizenship (that is, granting citizenship to all permanent residents of a state at the moment of the passage of the law). According to the Resolution of the Supreme Council of October 1991, only those who had possessed Latvian citizenship in 1940 and their descendants were automatically recognized as citizens. Persons who arrived in Latvia after 1940, including their Latvia-born offspring, were declared subject to naturalization upon meeting certain conditions.⁵

The concept of "restored statehood" provided the formal ground for the exclusive citizenship legislation.⁶ On the political level, such choice was dictated by deeply-rooted ethnic animosities and the perceived danger "of losing control over one's own historical territory."⁷ Although the 1991 Resolution was not explicitly based on ethnic criteria, most persons eligible for "automatic" citizenship were ethnic Latvians, while an overwhelming majority of non-eligible "post-war newcomers" were of Russian origin. Among ethnic Latvians, eligibility for the restored citizenship reached 98.4 per cent while only a minority of Russians (39.1 per cent), Belarussians (20.1 per cent), Ukrainians (6.3 per cent) were eligible. Consequently, ethnic Latvians made up 78.5 per cent of the "restored citizenry."⁸

A Citizenship Law outlining the legal conditions for naturalization was adopted as late as in July 1994.⁹ For the acquisition of citizenship it granted preferential treatment to Latvians and the Livs, a small indigenous minority inhabiting Latvia. In March 1995, the Latvian Parliament adopted amend-

5. Resolution "On the Renewal of Citizens' Rights and Fundamental Principles of Naturalization in Latvia," October 15, 1991, *Citizenship and Language Laws in the Newly Independent States of Europe*, Copenhagen 1993.

6. W. R. Brubaker, "Citizenship Struggles in Soviet Successor States," *International Migration Review*, vol. 26, no. 2, 1992.

7. Velio Pettai, "Emerging Ethnic Democracy in Estonia and Latvia: the Dynamics of Sovereign Nationalism and Minority Identities," paper presented at the 14th Conference of the Association for the Advancement of Baltic Studies, Chicago, Illinois, June 8-11, 1994.

8. M. Opalski, B. Tsilevich and P. Dutkiewicz, *Ethnic Conflict in the Baltic States: the Case of Latvia*, Kingston 1994.

9. The Law on Citizenship, July 22, 1994, *Latvijas Vestnesis*, August 11, 1994.

ments to the Citizenship Law which extended citizenship by request to all ethnic Latvians, thereby establishing a direct link between citizenship legislation and the ethnic origin of applicants. The amendments also applied to graduates from schools with Latvian as a language of instruction.

In other words, unlike in most other post-Communist countries, except for Estonia, the question of national minorities in Latvia can be addressed only in the context of citizenship. The key question in the ongoing debate over "who should be treated as a minority," is whether non-citizens can legitimately claim to belong to national minorities.

2.2 The Status of Non-citizens

The legal status of non-citizens remained undetermined until April 1995. In the protracted absence of any legal regulation even their right to reside in Latvia was questioned. Over 60 laws, decrees and other normative acts were imposed upon non-citizens resulting in an array of restrictions of the social, economic, property and employment rights.¹⁰ Their situation was additionally aggravated by arbitrary decisions and violations of the law on the part of Latvian officials, a phenomenon best illustrated by bureaucratic abuses of the process of resident registration.¹¹

Finally, the long-awaited Law on the Status of Former Soviet Citizens who are Neither Latvian Citizens of any Other State was adopted on April 12, 1995.¹² It recognized the right of non-citizens (except for the military and their families) to reside in Latvia, to freely cross the republics borders, and to reunite with their closest family (spouses and dependant children and parents). However, to be implemented these provisions required several amendments in the Immigration Law which were still missing in December 1995.

The Law on the Status of Former Soviet Citizens prohibits the expulsion of non-citizens from Latvia unless there is a country willing to accept them. It establishes special identification documents for non-citizens. However, as of January 1996 these "non-citizens passports" were not printed, further delaying the implementation of the law. Most importantly, the Law on Former Soviet Citizens does not recognize non-citizens as stateless persons. This makes them ineligible for the special protection foreseen for stateless persons by international human rights instruments.

2.3 Basic Legal Provisions on Minority Rights

Latvian legislation pertaining to national minorities differs from regulations of majority-minority relations in most East European countries in that minority rights are defined by the "restored state" principle. During the interwar period, Latvia pursued a liberal policy toward national minorities (liberal even by today's standards), which remains a source of pride to many Latvians. Although highly advanced, this policy and the resulting practices were never strictly based on legal regulations.

10. M. Opalski, B. Tsilevich, P. Dutkiewicz, *ibid.*

11. *Helsinki Watch*, vol. 5, no. 19, October 1993.

12. Annex to *Diena*, April 26, 1995.

The Constitution (Satversme) of 1922, restored in 1991 in an unchanged form, contains no provisions on human or minority rights. In December 1991 the Latvian Parliament passed a constitutional Law on the Rights and Responsibilities of Citizens and People,¹³ which seeks to fill some of this legal vacuum. Thus, Article 12 of the Law declares that all people in Latvia, regardless of race, nationality or language, are equal before the law. At the same time, the Law contains no clauses dealing specifically with minority rights. Controversy about whether non-citizens can be treated as minorities, seems to have been finally resolved by the adoption of the previously mentioned Law On the Status of Former Soviet Citizens. According to Paragraph 4 of Article 2, subjects of this law have the right "to preserve their mother tongue, culture and traditions within the framework of a cultural autonomy if this is compatible with Latvia's legal system." Although the law avoids using the term "minority," its provisions can be understood as defining minority rights indirectly.

The only legislative act of this kind was the law outlining the principles of autonomy for minority schools. Adopted in 1919, it was restored after Latvia regained independence.¹⁴

2.4 The Law on Cultural Autonomy

In March 1991, a special Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups was adopted.¹⁵ The Law guarantees all ethnic groups in Latvia the right to cultural autonomy and self-administration in cultural matters. Article 8 gives all permanent residents the right to observe their traditions, use national symbols and commemorate national holidays. Article 5 entitles minority groups to establish their cultural societies, associations and organizations. These organizations are guaranteed access to government-owned mass media as well as the right to establish and operate their own media (Article 13). They can legally engage in entrepreneurial activities and benefit from tax exemptions in accordance with other Latvian laws (Article 14). At the same time, minority organizations are obliged to work within the framework of the Latvian legal system and respect Latvia's sovereignty and territorial integrity.

Outlining the principles of cultural autonomy for the minority groups, the Law on Cultural Autonomy was the first legal act of its kind adopted in post-communist Europe. However, its vague and declarative provisions made their practical implementation difficult. As no subsequent legal acts defined the notion of "ethnic cultural associations," tax exemptions envisaged for these bodies had to be decided by the Parliament on a case by case basis. The term "minority" is not used in the document. This avoidance is probably due to the fact that non-Latvians constitute too large a share of the republic's residents to be classified as a minority.

13. Constitutional Law on the Rights and Responsibilities of Citizens and People, December 10, 1991, Citizenship and Language Laws, *ibid*.

14. The Law on Ethnic Minority Schools in Latvia adopted on December 10, 1919.

15. Law on the Unrestricted Development and Right to Cultural Autonomy of Nationalities and Ethnic Groups in Latvia, March 19, 1991.

3. State Institutions Dealing with Minorities

In January 1991 the Latvian legislature established a new body designed to integrate the representatives of all national communities for a joint discussion of inter-ethnic relations and minority groups rights.¹⁶ Affiliated with the Parliament, the Council was to participate in drafting new legislation, developing proposals to protect the rights and interests of ethnic groups, and advising the relevant Parliamentary Commissions and other state institutions on minority matters. The Regulations on Establishing a Consultative Council of Nationalities, the legal act that brought the Council into existence, assigned every ethnic group three seats on the Council. Article 7 of the Law on Cultural Autonomy guaranteed all national groups the right to name their representatives to and participate in the work of the Council and through its intermediary role to "participate in drafting the laws of the Republic of Latvia." However, neither the Regulations nor the March 1991 Law outlined the procedures for electing the members of the Council or ways to oversee the election process. As a result, candidates to the Council were nominated after a long delay only to be rejected by the Parliament. The Council has never begun its practical activities.

In autumn 1993 the newly elected President Ulmanis declared his intention to create yet another Consultative Council to report directly to the President. As of May 1995 practical steps in this respect were limited to behind-the-scene consultations. No new institution was created. In the spring of 1991, the Department of Nationalities came into being as a result of a governmental decree. With the status of an independent department, unattached to any ministry, the new institution sought to facilitate the resolution of practical problems of ethnic groups and their cultural associations. However, the status of the department and its staff were subsequently downgraded. In May 1995 the institution employed three officers from the Ministry of Justice and had little influence on making decisions pertaining to national minorities.

A very important step toward "institutionalizing" minority issues was made in 1990, when the Office on Minorities Education was created within the Ministry of Education. The main task of the Office was to oversee the re-emerging minority schools, then in the process of being established, at the conceptual as well as organizational levels. However, the new body's four-member staff was halved in size within a year. The following year the Office was dismantled. Instead, the Ministry of Education appointed one official to serve as part-time supervisor of minority schools.

In autumn 1988, in the heyday of national awakening, Latvia's Nationalities Forum was summoned for a session.¹⁷ It was an outstanding event which ultimately determined the direction of ethnic policy for several years. The Forum was intended to become a regular event, however, despite pressure from ethnic cultural associations, it last convened in 1988.

16. Press release of the Supreme Council of the Republic of Latvia, February 11, 1991.

17. *Latvijas PSR Tautu Foruma materiāli*, December 11-12, 1988, Riga 1989.

4. Public Activities of Ethnic Minorities

Latvian national revival was accompanied by a considerable growth of ethnic self-awareness among other national groups. Latvia's Nationalities Forum mentioned above played a crucial role in speeding up this process. The Latvian Popular Front helped establish the Association of Ethnic Cultural Societies (ANKOL) in 1989. It provided an umbrella organization for cultural societies whose activities centered mainly on learning native languages, creating schools and Sunday schools, fostering the development of professional and amateur arts and helping minorities to establish ties to their respective ethnic homelands.

Although highly visible and well-publicized, the activities of cultural societies attracted a negligible fraction of Latvia's minority population. In 1993, the total membership of the 20 societies coordinated by ANKOL numbered 9,500. The most dynamic were Jewish and Polish societies with 4,000 and 3,000 members, respectively.¹⁸ Even taking into account that several societies did not join ANKOL, only about 1 per cent of non-Latvians were involved in their activities. The associations formed by Russians, Latvia's largest national minority, were marked by small size, fragmentation and bitter infighting. By and large, ethnic groups in Latvia failed form self-organized, separate "ethnic communities." This is particularly true of the large Russian minority.

5. Education

The 1919 Law on School Autonomy granted minorities very broad rights to govern their own school networks. Appropriate offices were set up within the framework of the Ministry of Education, headed by officials appointed by minority factions in the Latvian legislature. Their extensive powers included the right to participate in the meetings of the Cabinet of Ministers when the issues concerning national minorities were discussed. In 1920 there were 212 minority schools in Latvia,¹⁹ along with 1051 schools with Latvian as a language of instruction. The number of minority schools continued to grow until the mid-1930s. After the coup of 1934 established an authoritarian regime in Latvia, minority autonomy was considerably curtailed and the number of minority schools declined rapidly.²⁰ After World War II education in languages other than Latvian and Russian was eliminated. Polish schools were shut down in 1949; the last Lithuanian class survived in a small town in Kurzeme until the late 1960s.

After the restoration of independence, Latvian leadership saw minority schools as a remedy against the Russification of minorities which had made significant progress under Soviet rule. Article 40 of the Constitutional Law provides that "people and their societies have the right to establish educational institutions at various levels with any language of instruction." In the meantime, the question about

18. Nils Muiznieks, unpublished paper based on data from the Latvian Ministry of Justice.

19. Of these 124 were Russian, 42 German, 21 Jewish, 17 Polish, 5 Lithuanian and 3 Estonian. In 1924, 36 Belarussian schools were opened.

20. Out of 555 minority schools only 323 remained in 1939, among them 144 Russian (236 in 1934), 60 Jewish (100), 16 Polish (35), 1 Belarussian (23).

funding these schools was left aside. On the one hand, the question appeared settled by Article 10 of the Law on Cultural Autonomy which stipulates that "government institutions should promote the creation of material conditions for the development of the education, language and culture of the nationalities and ethnic groups residing within Latvia's territory, allocating appropriate funding from the government's budget for this purpose." Thus, the law clearly envisages state-funded education in minority languages.

On the other hand, the same article of the Law on Cultural Autonomy refers to the Law on Education (adopted in June 1991) which regulates the more practical aspects of the workings of minority education. It guarantees the right to education in the state language, that is, Latvian (Article 5). Residents of other ethnic backgrounds are also entitled to education in their respective mother tongues, while the state is obliged to create optimal conditions for the implementation of this right. However, from the second year of instruction on, state-financed higher education is provided in the state language only.

Neither the Law on Education nor other normative acts subsequently adopted determine precisely when and where minority schools must be opened. By comparison, Article 14 of the Law provides that a Latvian-language primary school must be opened if this is requested by parents of at least 10 children. In the case of minority schools, municipalities are free to set criteria for establishing schools on a case by case basis. Since the upkeep of minority schools is generally more costly than that of Latvian or Russian schools, municipalities are often reluctant to open them, despite some funding available from other sources. Nevertheless, the number of minority schools in Latvia has increased considerably since 1988. In the late 1980s, the first Jewish school was opened in Riga, followed by Polish, Ukrainian and Estonian schools. Lithuanian, Roma and Belarussian classes were also established.²¹ The enrolment in minority schools does not exceed 1 per cent of the total student body in Latvia.

One of the main problems of minority education is uncertainty over the future of education in Russian. Over the last few years the proportion of children educated in Latvian grew from 52 per cent in 1988 to 59 per cent in 1995, while the proportion of students enrolled in Russian schools decreased from 48 per cent to less than 41 per cent during the same period. At the primary school level, the share of children educated in Latvian is 63 per cent. Latvian officials explain the gradual reduction of educational opportunities in Russian by demographic changes and the growing tendency among non-Latvians to send their children to Latvian schools. They see this process as natural and democratic. On the other hand, Russian-speakers perceive the trend as discriminatory and aimed at limiting the upward mobility of their children. In some cases, decisions taken by municipal governments to close Russian schools have entailed serious and protracted protests on the part of Russian-speaking parents, including court proceedings.²² Many experts predict that secondary education in languages other than Latvian will soon be eliminated altogether. However, as of spring 1995 no such objective has been formulated in public.

21. Ilmars Mezs' data, Ministry of Education. In 6 Polish schools about 600 students were taught in 1995, a record number. There were 470 students enrolled in Jewish schools constituting 24.4 per cent of all school age Jewish children.

22. Russian parents responses to the 1994 closure of school no. 26 in Riga provides a good example of this.

According to Article 62 of the Law on Education, licensed private schools can have up to 80 per cent of their operational costs covered by the state budget. However, a decree of the Cabinet of Ministers of May 1994 makes these subsidies available only for Latvian-language schools.²³ This measure may seriously hinder the development of private minority schools.

6. Language Legislation

The Language Law adopted in May 1989 declared Latvian the only state language. All office work is to be conducted in Latvian. Along with this basic principle, certain guarantees were made for the use of Russian. However, in March 1992 the law was amended, reducing the status of Russian to that of an ordinary foreign language. Subsequent regulations determined various aspects of language use in Latvia. Thus, amendments to the Administrative Code introduced punishments for violations of the Language Law (July 1992).²⁴ Regulations on Use of Languages in Information and Advertisement (November 1992) permitted public use of languages other than Latvian in the context of public safety, activities of cultural societies, or international conferences or exhibitions. In all other cases public information is permitted in Latvian only.²⁵ Later, they were extended to include announcements pertaining to taxation.²⁶

State-wide language examinations for people employed in state and private sectors were organized. According to data of the Center of State Language, as of January 1995, 224 thousand persons have passed the language tests.²⁷ Latvia's Labor Code was amended to allow employers to fire those who failed the test for "lack of professional competence." An accurate number of persons dismissed due to their lack of proficiency in the state language is not known, though several such cases have been reported by the media.

Unlike in Lithuania and Estonia, no special rules have been adopted to set standards for the official use of minority languages, along with the state language, in districts populated mostly by non-Latvians. For example, the problem remains unresolved in Latvia's second biggest city, Daugavpils, where Russians constitute over 60 per cent of residents while the share of Latvians is 14 per cent, as large as the share of Poles.

23. *Latvijas Vestnesis*, June 9, 1944.

24. A. Kamenska, *The State Language in Latvia. Achievements, Problems and Prospects*, Riga 1995.

25. *Diena*, December 11, 1992.

26. Amendments to the Regulations... of July 25, 1995 Annex to *Diena*, August 16, 1995.

27. *Citizenship and Language Laws*, *ibid.*

A new draft language is currently under construction by the Latvian parliament. Approved by the Cabinet of Ministers in November 1995, the draft considers all languages other than Latvian to "foreign."²⁸ Without being granted a minority language status, these languages cannot become subject to any legal regulation. The only exception is made for the Liv Language which the draft places under "special protection."

In comparison with the 1992 Language Law, the draft Law on the State Language considerably tightens Latvia's language policy. While the 1992 Language Law required that all state and municipal officials be fluent in the state and other languages necessary for the fulfillment of their duties, the draft passes over in silence the very existence of "other" languages. All documents, applications, complaints must be addressed to state and municipal institutions in Latvian while the previous version authorized the use of English, German, and Russian. NGOs and religious organizations may conduct their activities in Latvian only, except for public events organized by ethno-cultural societies and religious services.

The draft provides that by 2005 Latvian will become the sole language of education at the secondary and post secondary levels. Private schools and educational institutions financed from abroad can use languages of instruction other than Latvian only if they obtain a special permission of the Cabinet of Ministers. Provisions of the draft may be changed or reversed by the Parliament. The Director of the Center of State Language Dzintra Hirsha wrote: "Unlike other laws, the language law is a process. It includes visions to gradually turned into reality."²⁹

In autumn 1995 the Cabinet Ministers adopted the National Latvian Language Training Program submitted by the UN Development Program in Latvia with an annual budget of 254 million US dollars.³⁰ The program proposes to train 180,000 school children and students over 10 years. The program is supported by several international organizations.

7. Official Record on Ethnic Origin

As was the practice under Soviet rule, Latvian passports contain, in addition to "citizenship," a mandatory record of the holder's "nationality" (ethnicity). A similar entry is planned for "non-citizen passports" now in the process of being introduced. Records on ethnic background are also kept in the Register of Residents. Registration of nationality is obligatory for everyone, including newborn babies.

Article 2 of the 1991 Law on Cultural Autonomy guarantees every permanent resident the right to free choice of nationality in accordance to his/her sense of identity. However, procedures of the Ministry of the Interior restrict this right by requiring that one of the parents be of the stated nationality. After the protracted controversy this requirement generated, an amendment was made in June 1994.³¹ The

28. For the text of the draft see *Latvijas Vestnesis*, November 28, 1995.

29. *Diena*, November 29, 1995.

30. *Diena*, October 10, 1995.

amendment actually sanctions the practice of introducing in the records ethnic background determined by the nationality of the parents, contradicting the principle of free choice of nationality outlined in the original version of the Law on Cultural Autonomy. Some human rights experts criticize the practice of mandatory records of ethnicity as potentially discriminatory, especially in the context of the role played by ethnicity in acquiring Latvian citizenship. According to the Law on the Change of the First and Last Names and Ethnic Origins Records, individuals desiring to change their ethnicity record to "Latvians" must, in addition to proving Latvian origins of at least one parent, pass the language test with the highest mark.³² While this requirement theoretically does not apply to 16-year olds receiving their first passports, in practice a language test certificate is frequently demanded from citizens of mixed ethnic parentage.

8. Minorities and Human Rights

Generally, the problem of minorities is not considered by the authorities to be one of the key human rights problems in Latvia. The National Program on Protection and Promotion of Human Rights adopted by the Cabinet of Ministers of Latvia in January 1995 contains no section on minority rights. Some international human rights experts expressed their concern in respect of minority issues in Latvia.³³ In the meantime, no direct allegations of minority rights violations have ever been officially raised against Latvia by international organizations.

9. Conclusions

Tensions and contradictions in minority policy in post-communist Latvia have several sources. Nationalist sentiments, widespread in post-Communist Europe, have been strengthened in Latvia by the memories of decades of Russification, an insecure demographic situation and lingering fears of "national extinction." These are the main reasons why the legal framework taking shape aims, first of all, at consolidating the dominant position of ethnic Latvians. On the other hand, the strong legacy of a well-developed framework of minority autonomy, as well as constant pressure of Europe with which Latvia strives to be integrated, are pushing the republic toward a more inclusive minority policy. On the whole, a strong "compensatory" spirit underlies Latvia's official policy toward minorities: non-Latvians are expected to accept complete control over the state by ethnic Latvians. As compensation for their exclusion from power-sharing, minorities can be granted certain cultural rights in exchange for political "loyalty."

31. The amendment is based on the Law on the Change of First and Last Names and Ethnic Origin Records, passed on June 15, 1994.

32. Paragraph 1 Article 11 of the Law.

33. Recommendations of CSCE High Commissioner on National Minorities, *Human Rights Law Journal*, vol. 14, nos. 5-6, 1993.