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Latvian Human Rights Committee



CLSF Latvijas Cilvēktiesību komiteja  
F.I.D.H. Latvian Human Rights Committee

**МФПЧ Латвийский комитет по правам человека**

Reg. No. 40008010632, address: 102a-15, Dzirnavu Str. Riga, LV1050, Latvia.

Phone +371 26420477, [www.lhrc.lv](http://www.lhrc.lv), [lhrc@lhrc.lv](mailto:lhrc@lhrc.lv)

**Minority education under attack in Latvia, 2018-2019**

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**[1] Summary of the “reforms”**

In 2018, the authorities have adopted a series of amendments to laws, further restricting the use of minority languages in education.

Since 2004, the Education Law had allowed up to 40 % of the curriculum to be taught in minority languages in public high schools (grades 10 to 12). It did not impose language restrictions on private schools. Cabinet regulations No. 468 of 12.08.2014 (annex 25) has provided for an analogous language proportions in grades 7 to 9, with some flexibility.

In March 2018, the Education Law was amended to further restrict the shares of instruction allowed in minorities' mother tongues, and to apply them to private schools as well. Besides, the use of minority languages is made dependent on whether they are official in the EU. In June and November 2018, similar changes were made concerning private tertiary education and kindergartens (both public and private).

The changes can be summarised as follows:

<b>Education level</b>	<b>Regulation as at early 2018</b>	<b>Amendments adopted in 2018</b>	<b>Entry into force planned</b>
Relevant acts			
<b>Post-secondary private education</b>	No mandatory language use proportions	Instruction in Latvian, with some exceptions for EU official languages and philology	2019-2022
Law on Institutions of Higher Education			

<b>Grades 10-12</b> Education Law	At least 60 % in Latvian (for public schools)	Instruction in Latvian, with some exceptions for EU official languages and ethno-cultural lessons	2020-2021
<b>Grades 7-9</b> Education Law	At least 60 % in Latvian (for public schools; with exceptions)	At least 80 % in Latvian (with exceptions for EU official languages)	2019-2021
<b>Grades 1-6</b> Education Law	No mandatory language use proportions	At least 50 % in Latvian (with exceptions for EU official languages)	2019
<b>Late pre-school (age 5+)</b> Cabinet regulation No. 716 (2018)	No mandatory language use proportions	At least 50 % in Latvian	2019

Excerpts from relevant acts are available in an unofficial English translation.<sup>1</sup>

Moreover, the policy of disproportionate closing or downgrading (e.g., turning a high school into a basic school) minority schools is continuing:<sup>2</sup>

<b>Academic year</b>	<b>Schools offering Latvian-only education programmes</b>	<b>Schools offering education programs with some instruction in Russian</b>	<b>Schools offering education programs with some instruction in Polish</b>
1998/1999	873 (100 %)	340 (100 %)	5 (100 %)
2018/2019	618 (71 %)	145 (43 %)	4 (80 %)

<sup>1</sup> <http://minorities-latvia.info/category/latvia/legislative/> & <http://minorities-latvia.info/2018/11/21/cabinet-regulation-no-716-of-21-11-2018-on-pre-schools-excerpts/>

<sup>2</sup> [https://izm.gov.lv/images/statistika/izglitiba/2018\\_2019/Vs\\_skolu\\_sk\\_18.xlsx](https://izm.gov.lv/images/statistika/izglitiba/2018_2019/Vs_skolu_sk_18.xlsx) See "pa plusmam". "Krievu"="Russian"; "Polu"="Polish". (in Latvian)

## [2] Background: demography and history

As at 2017, Russian is the mother tongue of 36 % of Latvia's population, other minority languages – of 3.2 %<sup>3</sup> As at 2018/2019, 145 schools in Latvia use Russian language as (usually – one of) medium of instruction, 5 – official languages of the EU (Polish, German), 1 – Belarusian, 1 – Ukrainian.<sup>4</sup> Overwhelmingly, these are public schools. The number of pupils is, respectively, 54,718 for Russian, 1232 for Polish, 243 for Ukrainian, 154 for Belarusian, 11 for German.<sup>5</sup> As at 2018, in private education of higher [tertiary] education, 60 % of students study in Russian, English or multilingually.<sup>6</sup>

The authorities are gradually abolishing the well-established minority education:

- 1992 – amendments to the Law on Languages. Public post-secondary education is ordered to be mainly in Latvian, starting from the second year of studies.
- 1995 – Education Law amended. At least 2 subjects in basic schools (grades 1-9) and at least 3 in secondary ones (grades 10-12) must be taught mainly in Latvian, starting from 1996.
- 1998 – a new Education Law is adopted. It provides for education only in Latvian:
  - in public universities (with some exceptions), starting from 1999, and
  - in public high schools (i.e., grades 10-12), starting from 2004.
- 2004 – after the widest non-violent protests since regaining independence<sup>7</sup>, the authorities soften the Education Law provisions. Minority high schools are allowed to teach up to 40 % of curriculum in minority languages.
- 2014 – Cabinet regulations No. 468 require minority schools to teach in Latvian at least 60 % of the curriculum in grades 7-9 (with some exceptions), starting from 2015.

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<sup>3</sup> <https://www.csb.gov.lv/en/statistics/statistics-by-theme/population/search-in-theme/2747-latvian-mother-tongue-608-population-latvia>

<sup>4</sup> [https://izm.gov.lv/images/statistika/izglitiba/2018\\_2019/Vs\\_skolu\\_sk\\_18.xlsx](https://izm.gov.lv/images/statistika/izglitiba/2018_2019/Vs_skolu_sk_18.xlsx) See “pa plusmam” “Krievu”=“Russian”, “Polu”=“Polish” etc. (in Latvian)

<sup>5</sup> [https://izm.gov.lv/images/statistika/izglitiba/2018\\_2019/Vs\\_plusmas\\_tipiem\\_18.xlsx](https://izm.gov.lv/images/statistika/izglitiba/2018_2019/Vs_plusmas_tipiem_18.xlsx) See “pa plusmam” “Krievu”=“Russian”, “Polu”=“Polish” etc. (in Latvian)

<sup>6</sup> [https://izm.gov.lv/images/statistika/augst\\_izgl/Augstakas\\_izglitibas\\_LV\\_parskats\\_2018.pdf](https://izm.gov.lv/images/statistika/augst_izgl/Augstakas_izglitibas_LV_parskats_2018.pdf) p. 72 (in Latvian)

<sup>7</sup> <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=473c550523>

### [3] Evaluations by international bodies and our own ones

**23.08.2018. UN, Committee on the Elimination of Racial Discrimination:**

“the Committee is concerned that: (a) Amendments to the Law on Education reduce the teaching of minority languages in public and private secondary-level education institutions and reduce the portion of minority language education in the last three grades of basic education, which will create undue restrictions on access to education in minority languages; (..) The Committee recommends that the State party (..) (a) Ensure that there are no undue restrictions on access to education in minority languages. Reconsider the necessity of amendments to the Law on Education that create further restrictions on the number of lessons of minority language in public and private schools”<sup>8</sup>

Besides, UN Special Rapporteurs on minority issues, on freedom of expression and on the right to education – have expressed concern by the amendments switching minority education to Latvian – both in schools,<sup>9</sup> and in post-secondary education.<sup>10</sup>

**23.05.2019. Organization for Security and Co-operation in Europe, High Commissioner on National Minorities:**

“the reform constitutes a departure from a previously well-functioning model of bilingual education, which was based on the advice of my institution”<sup>11</sup>

**23.02.2018. Council of Europe, Advisory Committee of the Framework Convention for the Protections of National Minorities:**

“Plans to narrow the scope of national minority language teaching in grades 7 to 9 to 20% of lesson hours within a week and in grades 10 to 12 only to lessons of minority languages and ethno-cultural subjects are of particular concern (..) Issues for immediate action: (..) ensure the continued availability of teaching and learning in languages of national minorities throughout the country with a view to meeting existing demand”<sup>12</sup>

**01.03.2019. European Union, Committee on Culture and Education of the European Parliament:**

”Children need to learn in their native language, especially in primary schools, as highlighted by UNESCO position paper “Education in a multilingual world”, UNESCO SDG4 – Education 2030 Framework for Action, UNESCO policy paper

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<sup>8</sup>CERD/C/LVA/CO/6-12, paras. 16, 17

<sup>9</sup> OL LVA 1/2018 of 26.01.2018

<sup>10</sup> OL LVA 3/2018 of 08.11.2018

<sup>11</sup> Statement to the 1229th Meeting of the OSCE Permanent Council

<sup>12</sup> ACFC/OP/III(2018)001REV, executive summary

“If you don’t understand, how can you learn?” and OSCE Hague recommendations”<sup>13</sup>

NB In the opinion of our NGO, international obligations violated, along with the Framework Convention for the Protections of National Minorities and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD; see above findings by the relevant committees), include:

- the Convention against Discrimination in Education (Article 3 (a)),
- the International Covenant on Economic, Social and Cultural Rights (ICESCR; Article 13),
- the International Covenant on Civil and Political Rights (Article 27),
- the Convention on the Rights of the Child (CRC; Article 3 (1)), and
- the 1st protocol to the European Convention on Human Rights (Article 2) in conjunction with non-discrimination (Article 14 of the Convention).

#### **[4] Pressure on dissenters**

In 2018, the Security Police has initiated a criminal case on the non-violent protests against the “education reform”.<sup>14</sup> The Security Police (as of 2019 named State Security Service) is also smearing those peacefully protesting against minority rights violations – in its annual public reports.<sup>15</sup>

#### **[5] 2019 developments**

January 2019 – a new cabinet of Latvia, led by Mr Krisjanis Karins, is approved. Its declaration maintains the course to abolishing minority rights in education: “160. We will ensure sequential transition to education in the official language”<sup>16</sup>

April 2019 - the Constitutional Court upholds the new restrictions on the use of minority languages in public schools, in a judgment in case No. 2018-12-01.<sup>17</sup> The

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<sup>13</sup> Letter to the Prime Minister Karins No. IPOL-COM-CULT D (2019) 8190, 01.03.2019

<http://minorities-latvia.info/2019/03/01/ep-culture-and-education-committee-letter-to-latvia-2019/>

<sup>14</sup> Police press release in Latvian <https://vdd.gov.lv/lv/noderigi/publikacijas/par-kriminalprocesa-uzsaksanu.art103> Media report in Russian <https://rus.delfi.lv/news/daily/criminal/policiya-bezopasnosti-vozbudila-ugolovnoe-delo-iz-za-vselatvijskogo-roditelskogo-sobraniya.d?id=49995143&all=true>

<sup>15</sup> <http://dp.gov.lv/en/?rt=documents&ac=download&id=33> p. 18

<https://vdd.gov.lv/en/?rt=documents&ac=download&id=46> p. 19

<sup>16</sup>

[https://www.mk.gov.lv/sites/default/files/editor/declaration\\_of\\_the\\_intended\\_activities\\_of\\_the\\_cabinet\\_of\\_ministers.pdf](https://www.mk.gov.lv/sites/default/files/editor/declaration_of_the_intended_activities_of_the_cabinet_of_ministers.pdf)

court ignores its own reasoning on the differential treatment used in 2005.<sup>18</sup> Moreover, it describes the existence of minority schools as segregation<sup>19</sup>. Instead of taking into account the criticism expressed by the Committee on the Elimination of Racial Discrimination and the Advisory Committee of the Framework Convention for the Protections of National Minorities (see above), the court claims that these expert bodies did not have full information.<sup>20</sup> Separate cases on the restrictions as concerns private schools, No. 2018-22-01, and tertiary educations, No. 2019-12-01 are still pending before the Constitutional Court, as at September 2019.

May 2019 – a new President, Mr Egils Levits, is elected. In a September interview, he states: “As a practical element, switching minority schools to Latvian language is very important for open Latvianness. One needs to stop segregation by language in schools and to switch to educating everyone in the official language, which is Latvian. That's why school reform is very important, it must be continued and kindergartens must be made to switch to Latvian as well.”<sup>21</sup>

Most recently, in September 2019, the ruling coalition has expressed support for switching all education levels to Latvian and requested the education ministry to prepare respective “proposals”, or “plan”.<sup>22</sup>

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<sup>17</sup> Press release in English <http://www.satv.tiesa.gov.lv/en/press-release/amendments-to-education-law-and-amendments-to-general-education-law-of-22-march-2018-comply-with-the-second-sentence-of-article-91-and-article-114-of-the-satversme/> Full judgment is only available in Latvian [http://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2018/07/2018-12-01\\_Spriedums.pdf](http://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2018/07/2018-12-01_Spriedums.pdf) A comment in English <http://www.icelds.org/2019/07/23/the-constitutional-court-of-latvia-on-minority-schools-where-does-the-eu-stand/>

<sup>18</sup> Judgment in case No. 2004-18-0106 [www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2004/08/2004-18-0106\\_Spriedums\\_ENG.pdf](http://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2004/08/2004-18-0106_Spriedums_ENG.pdf) see para. 13

<sup>19</sup> Paras. 20.2 and 23.2 of the judgment. This is done despite legitimation of minority-language schools in both the Convention against Discrimination in Education and the Framework Convention for the Protections of National Minorities. Besides, this understanding of segregation is contrary to its understanding in the recommendations of the UN Forum on Minority issues (A/HRC/10/11/Add.1, para. 27), referred to by the Committee on the Elimination of Racial Discrimination (CERD/C/SVK/CO/6-8, para. 16). It is also contrary to the definition in ECRI General Policy Recommendation No. 7, CRI(2003)8 REV., para. 16 of the Explanatory Memorandum. When considering the special provisions for the use of EU official languages, in para. 21.2, the court only mentions the schools using English, Nordic languages and French, to say that this provision is about foreign language acquisition, not about minorities. It is silent on the schools using German and Polish.

<sup>20</sup> Para. 23.2 of the judgment

<sup>21</sup> Excerpts in Russian <http://www.press.lv/post/levits-menyatsya-dolzheny-kak-partii-tak-i-otnoshenie-obshhestva-k-nim/>

Full interview in Latvian <https://nra.lv/politika/291014-levits-jamainas-gan-partijam-gan-arisabiedribas-attieksmei-pret-tam.htm>

<sup>22</sup> <https://www.delfi.lv/news/national/politics/koalicijas-partijas-konceptuali-atbalsta-pilnigu-pareju-uz-macibam-valsts-valoda.d?id=51484563> Latvian <https://rus.delfi.lv/news/daily/latvia/koaliciya-dogovorilas-perevesti-vse-obrazovanie-v-latvii-na-latyshskij-yazyk.d?id=51484483> Russian

**[6] Recommendations for Latvia:**

1. to switch from capping minority language use in education to establishing its minimums for public education and respecting the linguistic freedom of private education;
2. to respect the interpretation of international treaties by the bodies authorized to monitor their implementation;
3. to make the OSCE Hague recommendations the basis of its education policy;
4. to ratify the protocol to the UNESCO Convention against Discrimination in Education, and to allow individual complaints under CRC, CERD & ICESCR;
5. not to discriminate between minorities, based on whether their languages are official in the EU or not.
6. to refrain from pressure on peaceful dissenters.