



PERMANENT MISSION OF THE REPUBLIC OF LATVIA  
TO THE UNITED NATIONS OFFICE IN GENEVA

Note No. UN-G-8961

The Permanent Representation of Latvia to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and herewith submits the reply to letter dated 26 January 2018 regarding the issue of education reform in Latvia and the so called “loyalty” clause or teachers and schools administrators introduced in the Law on Education in 2015,

The Permanent Representation of Latvia to the United Nations Office in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest considerations.

9 April 2018

OHCHR REGISTRY

10 APR 2018

Recipients :.....*SPB*.....  
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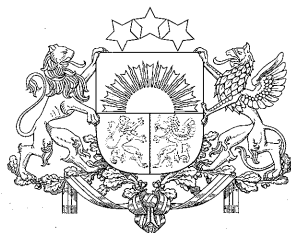


United Nations Office of the High Commissioner for Human Rights



OFFICE OF THE SECRETARY

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LATVIJAS REPUBLIKAS ĀRLIETU MINISTRS

MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF LATVIA

Riga, 28 March 2018

Dear Mrs Koumbou Boly Barry,  
Mr David Kaye  
and Mr Fernand de Varennnes,

With reference to your letter, dated 26 January 2018, in which you addressed the issue of education reform in Latvia, as well as the so called “loyalty” clause for teachers and schools administrators introduced in the Law on Education in 2015, I would like to, inform you of the following.

The Ministry of Education and Science has proposed **significant changes in the approach to general education in Latvia**. These changes include a review of the curriculum and the methods of teaching, leading to teachers at all levels of the education system organizing and managing learning on a daily basis, including for minority students, in a unified system and a successive manner. The transition to instruction in the state language in general secondary education institutions will contribute to the introduction of the new general educational curriculum and learning approach.

I wish to underline that the proposed reform of the general education in Latvia presented by the Ministry of Education and Science, is a complex set of different cross-cutting measures and steps to be taken in order to bring the whole education system in Latvia at all its stages to a **new, unified education standard**. It is comprehensive in the scope and character, and will affect all educational establishments in Latvia, not only the schools with national minority education programmes. The proposed reform is based on the Sustainable Development Strategy “Latvia2030” principles<sup>1</sup>. It entails several major changes, including the optimization of the whole school network across Latvia<sup>2</sup>, lowering the age of school entry from 7 to 6 years, as well as implementation of a competence-based education model which requires some changes and adaptation in the curriculum of the schools, including those with national minority education programmes.

**Mrs Koumbou Boly Barry, Special Rapporteur on the right to education**

**Mr David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

**Mr Fernand de Varennnes, Special Rapporteur on minority issues**

<sup>1</sup>Accessibility, high quality, life-long and creativity-oriented education, responding to global competition and demographic challenges.

<sup>2</sup> As a result of new requirements for the number of pupils in each school to be operational, a number of schools will have to be closed – these changes will affect mostly rural schools.

Minority education is an integral part of the general education system of Latvia, and the issues raised in your letter should be viewed in this larger context of this comprehensive education reform.

The education reform seeks to promote consolidated society and equal opportunities for all school graduates, avoiding any form of discrimination. The principal aim is to ensure that all school graduates have equal command of the Latvian language for a successful and competitive entry into labour market in Latvia or for the continuation of their studies. At the same time, during and after the reform, the national minority education programmes **will continue guaranteeing that the national minorities can preserve and develop their language and their ethnic and cultural identity**, in accordance with the Constitution of the Republic of Latvia.

The draft amendments to the Law on Education and the Law on General Education, referred to in your letter, were approved by the Parliament in the third and final reading on March 22, 2018. They will enter into force after proclamation of the amendments to the Law on Education and the Law on General Education by the President of Latvia and their publication in the official newspaper "Latvijas Vēstnesis".

The changes will include new regulation on the language of instruction in ethnic minorities' education programmes and will be implemented gradually, using a step-by-step approach. The opportunity for students to acquire ethnic minority's languages, history and culture will be preserved. The government of Latvia will continue to support **state-funded national minority education** programmes in seven minority languages: Russian, Polish, Belarusian, Ukrainian, Estonian, Lithuanian, and Hebrew both at primary and secondary school levels, ensuring that national minorities are able to study minority language, literature and other subjects related to their culture and history in their native language. State support for education in minority languages in Latvia exceeds that of many other European countries.

The next steps for the introduction of changes are the following:

- In the 2018/19 school year, new educational guidelines for pre-school will ensure significant increase in the role of the Latvian language in the learning process from the age of five. This will encourage more successful integration of minority children into primary education.
- In the 2019/20 school year, three new models of minority education chosen individually by the school will be introduced for the grades 1-6. The three models of choice are: close to 100% in Latvian; 80% Latvian or 50% in Latvian (free choice of the school). In the 2019/20 school year, transition to the new model of bilingual education in grade 7 will start; not less than 80% of the curriculum<sup>3</sup>, will be taught in the state language.
- As of the 2020/21 school year, all general subjects in grades 10-11 in general education institutions will be taught in Latvian. Subjects related to the respective minority's language, literature, culture and history will continue to be taught in the students' native language.
- Starting with the 2021/22 school year, all general subjects throughout secondary education will be taught in Latvian. Subjects related to the respective minority's language, literature, culture and history will continue to be taught in the students' mother tongue.

The education reform will also include broad and multi-faceted **assistance to the teachers**. Since 1999 Latvian Language Agency has been providing Latvian language and methodology combined courses for professional needs of teachers of ethnic minorities' schools and pre-school education institutions, 7830 teachers have been trained. This trend will be continued and widened, in support of the reform the Ministry of Education and Science will introduce targeted support measures to improve the professional competence as well as Latvian language skills of teachers. From 2018 to 2020

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<sup>3</sup> Foreign languages are counted as part of the 80%.

approximately EUR 3.6 million from the state budget will be allocated in support to the teachers to implement the new general education content. Another EUR 3.299 million will be made available from the EU funds to the teachers working in the schools with national minority education programmes. Teachers will be provided with improved teaching aids and methodological materials, while their professional and language skills will be improved.

Throughout the process of discussion of the proposed amendments to the Law on Education and the Law on General Education there have been a number of **consultation rounds with different Latvian public society organizations**, including representatives of national minorities. Association in Support of Schools with Education in Russian Schools (LAŠOR), Latvian Trade Union Association and some other NGOs submitted their proposals during the inter-agency consultation stage of the draft law. Well before action in the Government and Parliament the amendments were presented and discussed at the meeting of Advisory Council on Minority Education Issues, receiving conceptual support. Several NGOs – LAŠOR, Staff for Protection of Russian Schools, Russian Society of Ventspils, society “Humanitarian Perspective” - participated in the Parliamentary commission’s debate on February 14, 2018. The amendments had been supported by the principals of the schools with national minority education programmes and relevant professional and civil society organizations and other partners concerned in accordance with the Latvian legislation and the best standards of good governance.

There are currently 109 education institutions that implement ethnic minorities’ education programmes at basic and secondary level, 54 – at basic level only, and 4 - at secondary level only.

For the school year of 2017/18 a total of 49 380 students are registered in basic ethnic minorities’ education programmes (out of 176 675 students at this education level in total) and 9271 student are registered in secondary ethnic minorities’ education programmes (out of 36 693 students at this education level in total).

Most of the education institutions implementing ethnic minorities’ education programmes are located in the capital Riga (77) or other main cities: Daugavpils (15), Rezekne (6), Liepaja (7), Jelgava (4), Ventspils (4) and Jūrmala (6). Absolute majority of them use Russian language for teaching, but there are also 4 Polish schools, as well as Ukrainian, Jewish, Estonian and Lithuanian schools (one each). New regulation will be applied to general education institutions that provide education in the official languages of the European Union and at the same time respecting the state education standard.

Currently the International school of Latvia, which implements the American curriculum according to a bilateral agreement, is the only exemption from the national general education system.

The proposed **education reform meets Latvia’s international obligations**. It ensures equal rights to education for all children; it also ensures that national minorities are able to study minority language, literature and other subjects related to their culture and history in their native language. For more detailed explanation, please refer to the information annexed to this letter.

In your letter you have expressed concerns that the amendments to the Law on Education might have a negative impact on the right to education without discrimination of minority students. Let me assure you to the contrary – better knowledge of the state language in addition to their native language will enable the students belonging to national minorities to raise the level of competitiveness in the studies at the higher education establishments in Latvia. Although knowledge of Latvian among representatives of other nationalities has been steadily growing and almost 80% are proficient in Latvian (to varying degrees), a recent study revealed that 22% have only acquired basic Latvian language skills or have poor knowledge of Latvian.

The **examination system** and use of Latvian language for ethnic minorities at the exams has developed gradually. Starting from 2006/2007 school year, materials for centralized examinations in general secondary education (grade 12) are prepared in Latvian, and until the beginning of this school year the minority students had an opportunity to choose Latvian or Russian language to complete the exam (for centralized exam in mathematics, biology, physics, chemistry). According to the adopted amendments, starting from 2017/2018 the centralized exams, will be taken in Latvian only. The non-centralized (informatics, geography, economics) exams will switch to the Latvian only as of 2018/2019.

There is a strong tendency for minority school graduates increasingly to choose to take exams in Latvian – this number has grown from 60% in 2008/2009 to 76% in 2013/2014 and to 92% in 2016/2017. Building on this experience, in 2017 the Cabinet of Ministers of Latvia accepted the regulation that provides for the centralized exam to be taken in Latvian in grade 12 and grade 9 (with a transition period).

As to non-centralized examinations in basic education, transition to Latvian language will be gradual: until the year 2018/2019 grade 9 students will receive instruction materials in Latvian only (for subjects of mathematics and history), but students in ethnic minorities' education programmes will have an opportunity to choose Latvian or Russian language to complete the tasks. Starting from 2019/2020, grade 9 students in ethnic minorities' education programmes will complete their examination tasks in Latvian only.

Regarding the amendments to the Law on Education on the so called **“teacher loyalty clause”** reflected in this Law, it is important to stress that this regulation is non-discriminatory and by no means should be considered as directed against representatives of national minorities. The regulation is equally applicable to all teachers and school administrators regardless of their ethnic origin, native language or other aspects, the approach is the same for everyone. Latvia doesn't promote or reproduce any stereotyping of people based on their ethnic origin. The aim to educate respectable, honest, responsible people who are patriots of their country would certainly be a legitimate goal in any democratic society, including Latvia. The said amendments are in line with requirements for some other professions, for example, for a public prosecutor or a judge. It should also be noted that teachers in other EU countries are civil servants and accordingly are subject to the requirements of loyalty.

The law with its latest amendments provides a detailed, clear mechanism on the application of this clause, as well as the appeal procedure. The State Education Quality Service, a subordinated institution of the Ministry of Education and science, primarily in charge of ensuring high quality and lawful education, is also entrusted with the task to control implementation of this so called “loyalty” clause. It has published a number of methodological and informative materials regarding the requirements for teachers and school administrators to be loyal to the Republic of Latvia and its Constitution, as well as regularly provides consultations on this matter.

Since the adoption of the amendments to the Education Law that included “loyalty issue”, there have been no cases when teacher or school administrator would be transferred, dismissed or intimidated under the ‘loyalty clause’.

In 2016 and 2017, State Education Quality Service, received 10 complaints that included suspicions about teacher's or school administrator's loyalty to the Republic of Latvia and its Constitution. Based on complaints received, State Education Quality Service made appropriate inspections, using various methods – studying of documents, students' interviews, and observation of teaching process. None of these cases resulted in finding any actions that would be qualified as an expression of disloyalty. There are also no reports regarding possible abuse of the law for intimidation, harassment or any other unlawful purpose.

On 21 December 2017, the Constitutional Court of Latvia adopted a judgement No.2017-03-01, declaring that the said requirements for teachers and school administrators are in conformity with the first sentences of Article 100 (freedom of expression) and Article 106 (right to choose one's occupation) of the Constitution (19.3). According to the Constitutional Court, “loyalty” is a legal term

and general clause and inclusion of such clauses in the law is permissible providing that there is a clear understanding about the aim, scope and results aimed to achieve with the said notion. In the opinion of the Constitutional Court, the meaning and understanding of term "loyalty" and its contents is very clear. The Constitutional Court further ruled that the disputed provision pursues the legitimate aim - the protection of the state democratic order and rights of others. Finally, according to the Constitutional Court, the main aim of the educational process is to ensure that the training and education creates and strengthens one's connection with the State, and it corresponds not only to the needs and interests of the students, but also to those of the whole society. In the opinion of the Constitutional Court, the disputed provision struck fair balance between the competing interests of the society and the individual, and therefore the disputed interference was proportionate to the legitimate aims pursued.

Referring to the allegations about possible restrictions in **access to minority languages** as a result of the education reform, I would like to underscore that the new legislation only regulates the use of minority languages in the education process, the wide availability of different media and information sources in the public sphere can hardly be characterized as restrictive.

The state supports diversity of the media, there is also a broad availability of foreign media in Latvia. In 2015, 41 newspapers and 33 magazines were published in Russian. One of the public radio channels LR4, aimed primarily at national minority audiences, broadcasts mainly in Russian. Regarding the television a public service channel *LTV7* has a Russian-language news service producing news and analytical programmes. Main Russian TV channels are included in basic packages and are easily available from all cable TV operators, Russian and Belarussian TV broadcasts can still be watched in some eastern regions of Latvia, significantly populated by Russian minority and other minorities who understand Russian. One of the public service media portals, a joint digital Latvian Television and Latvian Radio news portal *lsm.lv*, operates also in Russian and English, it provides informative and analytical content from public service media organizations as well as creates its own publications.

I hope that you will find information provided in this letter useful. Let me once again assure you that the education reform will be implemented gradually and carefully, in the best interest of every individual member or group of the society of Latvia and with full account of our international commitments.

Availing myself of this opportunity, please accept the assurances of my highest esteem and consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Edgars Rinkēvičs', written in a cursive style.

Edgars Rinkēvičs

## Conformity of the Law on Education with the international commitments of Latvia in respect to national minorities

Article 14 (2) of the Framework Convention for the Protection of National Minorities stipulates that “in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.” Similar emphasis can be found in the 2012 and 2017 reports by the Special Rapporteur on minority issues, that you had highlighted in the annex to your letter. The Government of Latvia not only provides the opportunities for being taught the minority languages but also sustains a network of schools with state-funded national minority education programmes in 7 languages, counting more than 160 schools across Latvia. As already noted in the letter, these schools are located in the areas most densely populated by ethnic minorities, where the demand is the highest. Government’s support to national minority education in Latvia is substantially greater than in other European countries.

Articles 26 and 27 of the International Covenant on Civil and Political Rights prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds. The International Convention on the Elimination of all Forms of Racial Discrimination also requires prohibition of discrimination and equality before the law, notably in the enjoyment of the right to education and training. Article 78 of the *Criminal Law* of Latvia provides for criminal liability for incitement to national, ethnic, racial or religious hatred or enmity. The *Latvian Administrative Offences Code* provides sanctions for violating the prohibition of discrimination as contained in legislative acts. Article 29 of the *Labour Law* was amended in order to clarify the term „racial discrimination” prohibits direct and indirect discrimination and harassment or an instruction to discriminate based on the employee’s sex, race, skin colour, age, disability, religious, political or other belief, national or social origin, property or family status, sexual orientation or other ground. Above all - prohibition of discrimination of any kind is enshrined in the text of the Constitution of Latvia (Article 91), it also states that “All human beings in Latvia shall be equal before the law and the courts”.

Articles 15 of the International Covenant on Economic, Social and Cultural Rights speaks about right of minorities to take part in cultural life of society, their right to cultural diversity, traditions, customs, forms of education and other manifestations of their cultural identity. Similarly, 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities calls for protection of minorities and promotion of their identity. The Government of Latvia provides a significant support for ethnic minority NGOs to preserve and develop specific cultural interests or social group’s interests. There is a large network of ethnic minority associations in Latvia<sup>1</sup> and 15 of these are youth organisations. In order to strengthen the capacity and support regional minority NGOs each year the Ministry of Culture implements NGO support program, each year a grant of 160 000 EUR is provided. Any organisation identifying itself as ethnic minority organisation can apply for state financing in open calls for project proposals. Specific support is provided for Roma organisations and promotion of Roma culture, language and traditions.

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<sup>1</sup> 72 NGOs represent Russians, 31 – Jewish, 20 Roma, 22 Ukrainian, 21 Belarusian, 15 German, 12 Lithuanian, and 11 Polish. More than 3 associations are registered to Armenians, Azerbaijanis, Kazakhs, and Tatars. Another 55 ethnic minority organisations represent a multiple of ethnicities.



For additional information regarding the education system in Latvia and its conformity with the international commitments in respect to national minorities, please refer to the most recent Latvia's national reports<sup>2</sup>.

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<sup>2</sup> See information provided in the documents HRI/CORE/LVA/2017, paragraphs 189-199, CERD/C/LVA/6-12, paragraphs 107-145, CRC/C/LVA/3-5, paragraphs 669-710.