



Latvijas Republikas pastāvīgā pārstāvniecība ANO Ženēvā
Permanent Mission of the Republic of Latvia to the United
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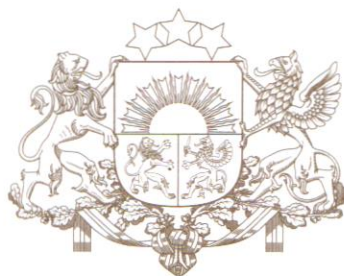
The Permanent Mission of the Republic of Latvia to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit the response of the Minister of Foreign Affairs of the Republic of Latvia to the joint communication from Special Procedures, No. AL LVA 1/2021 dated 31 May 2021.

The Permanent Mission of the Republic 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 consideration.

27 July 2021



Office of the United Nations High Commissioner for Human Rights (OHCHR)



Latvijas Republikas ārlietu ministrs
Minister of Foreign Affairs of the Republic of Latvia

Riga, 27 July 2021

Dear Ms Khan, Ms Boly Barry,
Mr de Varennes and Ms Douhan,

I acknowledge receipt of your letter of 31 May 2021, asking for information about several policy, legislative and practical measures that allegedly affect the use of minority languages in Latvia. In particular, you have raised concerns with regard to the education reform, allegedly growing media restrictions and pre-election campaigning legislation.

After careful examination of the information presented in your letter and Latvia's international obligations invoked therein, I would like to provide you an answer with detailed information allowing to conclude that Latvia fully complies with its international commitments undertaken in the field of the protection of human rights by persons belonging to national minorities.

The present response consists of two parts. The first part contains additional information and comments to correct and clarify the factual circumstances on which your concerns and conclusions about alleged infringements are based. The second part provides observations on the specific questions posed by your letter.

I. Relevant facts and circumstances

Demographical background

During the Soviet occupation (not "Soviet period" as incorrectly used in the letter) Latvia's ethnic composition was considerably changed as the result of deportations of Latvian residents, russification policy and forcible internal migration within the USSR implemented and imposed by the occupying power. The 1989 statistics were striking – the proportion of ethnic Latvians had decreased to 52% comparing to 72% in 1935. In 1989 only 23% of persons belonging to national minorities had knowledge of the Latvian language. The policy of russification severely impacted Latvia's minorities – as you refer in your letter, even now many of them do not speak the language of the minority that they identify with.

Ms Irene Khan, Special Rapporteur on the promotion of the right to freedom of opinion and expression

Ms Koumbou Boly Barry, Special Rapporteur on the right to education

Mr Fernand de Varennes, Special Rapporteur on minority issues

Ms Alena Douhan, Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

Thus, at the moment of restoration of Latvia's independence, ethnic Latvians were almost a minority in their own country and non-Russian minorities had largely lost their languages and cultures. This shocking reality required special long-term protective measures to ensure, maintain and develop the Latvian language as the official language and the common language in the society, and to help restore the linguistic and cultural diversity of the country. At the same time successive Governments have taken great care that all such measures are gradual, proportionate to the aims pursued, and fully consistent with Latvia's international human rights obligations.

The Latvian language policy

Latvia's language policy is aimed at the preservation of the Latvian language as the only State language, while protecting the rights of persons belonging to national minorities to use their native language. As the Latvian language is the only official language in Latvia, the state has an obligation to ensure that every person in the country can easily obtain and impart information both in private and public communication, including with the state authorities, in the official language. The Latvian legislation provides a clear regulatory framework for the use of the Latvian language in public sector (involving public interest). With regard to the use of language in private sector, the state does not interfere in this area, unless a private organization or enterprise performs public functions or their activities affect the lawful interests of the public; in these cases official language proficiency requirements are established.

To enable everyone concerned to fulfil these requirements, Latvia provides state-financed Latvian language courses. Along with improved teaching of the Latvian language at schools, this contributes to the gradual increase of Latvian language skills among minority population. In 1989, 23% of persons belonging to national minorities knew Latvian, while in 2019 – 88% of these persons confirmed knowing the language. **The knowledge of the Latvian language is indispensable for allowing persons belonging to national minorities to actively and meaningfully participate in the public life, politic debate and democratic processes.** At the same time, the state provides opportunities of the minorities in Latvia to develop their identity and culture by funding the programmes in seven minority languages (see further).

Citizenship and ethnicity

There is no correlation between the legal status of an individual in Latvia and their ethnic origin or native tongue. In other words, the native language of an individual is not a criterion that is taken into account when assessing whether that individual should receive citizenship and neither is it a prerequisite for obtaining it.

After the renewal of Latvia's independence based on the principle of State continuity, in 1991 Latvia renewed the citizenship for those inhabitants of Latvia who had it on the day of Latvia's occupation, namely, on 17 June 1940, and their descendants, **regardless of their ethnicity**. At the same time, for humanitarian reasons, a status of a non-citizen of Latvia was established in 1995 as a special temporary status for citizens of the former USSR living in Latvia, and their descendants, who did not have Latvia's citizenship or that of another state. Both the number and proportion of non-citizens has been steadily decreasing in Latvia, from almost 30% in 1996 to 10% in 2021.

Non-citizens of Latvia are not stateless persons within the meaning of the 1954 Convention Relating to the Status of Stateless Persons. This is officially acknowledged by the United Nations High Commissioner for Refugees (UNHCR)¹. According to the official

¹ See UNHCR's *Global Trends* report (published on 19 June 2017) and further publications.

records, there are around 160 stateless persons in Latvia.

The scope of the rights of non-citizens is much wider than the rights of stateless persons and Latvia has undertaken specific commitments with regards to them (e.g. *ex lege* permanent residence rights, consular protection abroad, right to return to/not be expelled from Latvia, majority of other rights guaranteed to the citizens of Latvia). The status of non-citizen is not linked to one's ethnicity; there are non-citizens with the Latvian ethnic origin. **Any non-citizen has the right to naturalize** and Latvia has created all necessary prerequisites for that. Children of non-citizens become Latvian citizens automatically.

The **few limitations implemented** with respect to non-citizens in Latvia are similar to those in force in many other countries – the right to work in the civil service or occupy posts that are linked to national security is available only to citizens of the respective country. The existing restrictions on persons who are not Latvian citizens to take specific posts are not related to their native language but the absence of citizenship.

Thus, the allegation that Latvian legislation and policies discriminate on one's ethnicity, including language, is manifestly misleading and unfounded. The statement that around 200 000 Latvian residents are stateless is ungrounded and false.

Protection of rights of persons belonging to national minorities and their languages

35% of persons residing in Latvia belong to national minorities and they form an integral part of the country. The rights of persons belonging to national minorities to preserve and develop their language, ethnical and cultural identity are ensured by both the Constitution of Latvia and the international legal norms binding upon and implemented by Latvia.

Minority rights are based on individual's self-identification. Therefore, I must firmly reject the repeated usage of the terms "Russian-speaking minority" or "Russian-speakers" in your letter, as they lump together the Russian minority and the minorities russified during the Soviet occupation, who do not identify with the Russian minority, but with Belarusian, Polish and other national minorities.

National minorities residing in Latvia **can freely exercise their minority rights** as long as the public interest to receive and impart information in the official language is ensured.

It should be recalled that according to the Human Rights Committee, states may regulate activities that constitute an essential element in the culture of a minority, provided that the regulation does not amount to a *de facto* denial of this right.² As long as the national regulation does not deprive persons belonging to linguistic minorities from the right to freely use their language within their community or disproportionately infringe upon those rights, the respective State acts are in conformity with Article 27 of the ICCPR.³

Education reform and study language

Until the mid-1990s, two different schooling systems – Russian and Latvian – existed in Latvia, each with its own education programme. Since the Latvian language became an integral part of life in both the public and private sector, it was necessary to create an education system capable of providing equal opportunities in the labour and education market for all graduates irrespective of their ethnic background. Thus, as of 1995 a gradual education reform in schools implementing national minority education programmes has taken place. At the same time state-funded schools for the smaller minorities were reestablished.

Since 2017, the education system in Latvia undergoes modernization, promoting transition to competence-based learning. The use of the official language has been increased in several

²Communication No.511/1992 (*Länsman v. Finland*), para. 9.

³Communication No.1621/07 (*Raihan v. Latvia*); Concluding Observations on Latvia, UN Doc. CCPR/CO/79/LVA (2003), para. 8.6.

stages of the education process, with the goal of providing equal opportunities in continuing education and joining the employment market to all secondary school graduates, as well as enabling meaningful participation in the democratic processes. Teachers receive support in improving their professional competences and language skills; the state prepares and issues appropriate teaching materials.

At the same time, learning of subjects in native (minority) language in Latvia **is provided in a significantly higher proportion compared to other European countries**. Latvia continues supporting bilingual education and funding of national minority education programmes in seven languages. National minority students retain the opportunity to learn subjects in their native language in order to preserve and develop their identity.

General international law, as well as the practice of international supervising bodies **do not recognize a subjective right to obtain education in specific (one's native) language or language of one's choice**. The right to education does not include the right to access education in a particular language, but merely the right to access educational institutions existing at a given time.⁴

On media financing and media environment in Latvia

In response to the allegation that two “the only surviving Russian-language daily newspapers in the EU were deprived of financial support”, I would like to provide the following information.

The Social Integration Foundation (hereinafter – the Foundation) supports projects intended for media outlets of national minorities. The financing of the projects has not been reduced. In April 2020, the Foundation announced an open competition in the state budget program “Support for Media to Reduce the Negative Consequences of Covid-19”. Its aim was to provide support to commercial printed and digital media to empower their continuity and capacity building, in order to provide the public with comprehensive information and views to handle the COVID-19 crisis. LLC “Media Nams Vesti” participated in the competition. In May 2020, the Foundation’s Council approved the results of the competition, whereas newspaper “Segodnja” and online news portal “BB.lv” of LLC “Media Nams Vesti” received state support in the amount of 20,000 EUR. After the competition, various media experts publicly called into question the veracity of the information disseminated by “Segodnja” and “BB.lv”. As a result, an extraordinary meeting of the Foundation’s Council decided to request additional information/opinion from the competent authorities. In the meantime, the Foundation suspended the conclusion of contracts with several media, including “Media Nams Vesti”, until clarification of circumstances. In June 2020, the Foundation received information that newspaper “Segodnja” and the news portal “BB.lv” had published plain disinformation, including regarding the Covid-19 crisis. As a result, the Foundation decided to revoke its decision and to dismiss the application of “Media Nams Vesti”. The latter challenged the Foundation’s decision before the Administrative District Court which has subsequently upheld it. The appeal proceedings are currently pending.

Thus, contrary to what has been alleged, the two Russian-language media outlets were never deprived of the funding because they had never received it. The funding was not granted because the Foundation received information that these media outlets were distributing false information regarding COVID-19 in the public space, not because

⁴Judgment of the European Court of Human Rights of 23 July 1968 in the *Case relating to Certain Aspects of the Laws on the Use of Languages in Education in Belgium (No.2)* (applications Nos. 1474/62, 1677/62, 1691/62, 1769/63, 1994/63, 2126/64), para. 3; the CRC, *General comment No. 1 (2001)*, Article 29 (1), *The aims of education*, 17 April 2001, CRC/GC/2001/1; the CESCR, *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10. Report of the Working Group on a Draft Convention on the Rights of the Child. COMMISSION ON HUMAN RIGHTS Forty-first session Agenda item 13, UN Doc.E/CN.4/1985/64, 3 April 1985, para. 75 and further.

they were published in a minority language. Moreover, the judicial review demonstrates that the financing process is transparent and well monitored by legal means; no rights of national minorities have been breached.

With regard to media environment in Latvia in general, I would like to emphasise that Latvia highly values and respects the right to freedom of speech and opinion, including media freedom (online and offline) and independence, as enshrined in the major human rights treaties. It guarantees and effectively protects the safety of journalists. **In recent years Latvia has provided safe place to several Russian-language independent media outlets from Russia**, such as “Meduza”, “IStories”, “Spektr.press”. These media outlets have moved from Russia to Latvia in order to avoid Russia’s government pressure on them. Latvia has helped to safely relocate several independent media journalists from Russia to Latvia because of direct security risks in connection with their professional work. Thus, **Latvia provides and ensures free, independent and safe media environment for journalists and media outlets.**

As concerns media content platforms for national minorities, public broadcasters in Latvia provide significant amount of content in national minority languages. For example, news content in the languages of national minorities is produced in programme *LTV-7* and portal *LSM.LV*. The Latvian Radio programme “Latvian Radio 4 - Dome Square” is an integration programme that provides programmes in 11 languages (Russian, Estonian, Polish, Lithuanian, Belarusian, Ukrainian, Hebrew, Georgian, German, Armenian and Tatar). Electronic mass media in Latvia have the opportunity to broadcast at least 35% of their broadcasting time in other languages, including in national minority languages.

In the context of COVID-19 pandemic, the Latvian Government undertook additional measures to ensure information related thereto in languages other than Latvian. At the outbreak of pandemic, the National Electronic Mass Media Council launched a competition for mass media on the production of content regarding the pandemic for national minorities. Eight mass media outlets participated and produced the content in order to provide trustful multi-perspective content in national minority languages. The Government decided to distribute the content regarding the pandemic and produced by mass media without any fee. Several broadcasts regarding the pandemic were given and distributed without any fee to mass media outlets that provide information in minority languages. The State Language Centre ensured that all legal acts containing information relevant to public health and safety during the COVID-19 pandemic were translated into Russian and English. The Government set up an informational webpage devoted exclusively to the containment and mitigation of the spread of COVID-19; this webpage is being updated daily, and is available in Latvian, English and Russian.

As to prohibition the retransmission of the channel “Rossiya RTR”

On 8 February 2021, the Latvian National Electronic Mass Media Council (the NEPLP) prohibited the retransmission of the channel “Rossiya RTR” in the territory of Latvia for a period of 12 months under Article 3(2) of the Audiovisual Media Services Directive⁵ because it violated Article 26 of the Electronic Mass Media Law and Article 6 of the Audiovisual Media Services Directive. The channel had repeatedly distributed content containing incitement to hatred against the Ukrainian people, the Baltic States, as well as other former

⁵ A Member State may provisionally derogate from paragraph 1 of this Article where an audiovisual media service provided by a media service provider under the jurisdiction of another Member State manifestly, seriously and gravely infringes point (a) of Article 6(1) or Article 6a(1) or prejudices or presents a serious and grave risk of prejudice to public health.

USSR countries. Similarly, the channel distributed content containing military threats and calls for violence, which were aggressive, hostile and offensive.⁶

On 12 February 2021, the NEPLP notified the European Commission about its decision. On 7 May 2021, after careful examination of the circumstances of the case, the European Commission concluded that Latvia has sufficiently demonstrated that **there have been infringements of manifest, serious and grave character of the prohibition of incitement to violence or hatred in the television broadcasts of “Rossiya RTR”** on at least three occasions in the 12 months previous to the decision of the Latvian authorities of 8 February 2021. The Commission concluded that the measures notified by Latvia on 12 February 2021 were compatible with the European Union law.

Thus, the 8 February 2021 decision to restrict retranslation of “Rossiya RTR” in Latvia was based on the violations of existing regulations on hate speech binding upon all media outlets, not because of the fact that the programme was broadcasting in Russian.

As to the changes to the list of audio and audiovisual programmes

As to the NEPLP decision of 8 February 2021 on changes to the list of audio and audiovisual programmes retransmitted in Latvia, by which 16 programs were removed from the list, the NEPLP adopted its decision because it was not possible to establish in the territory of Latvia the legal representatives of the programmes, with whom the cable television service providers could conclude agreements on the legal distribution of the programmes in Latvia. The programmes were excluded from the list of audio and audiovisual programs to be retransmitted in Latvia in order to ensure compliance with the Latvian normative acts regarding retransmissions of programmes. **The decision was taken solely for legal reasons related to ownership of broadcasting rights and had nothing to do with the language of the programmes.** Each of the excluded programs may be re-included in the list of audio and audiovisual programmes retransmitted in Latvia by submitting the necessary documents to the NEPLP in accordance with the requirements of normative acts. Some of the owners of programmes excluded from the list of audio and audiovisual programmes broadcast in Latvia have applied to the NEPLP to re-include the respective programmes in the list.

Civil participation and freedom of assembly of national minority NGOs

In response to the allegation about impediments on civil participation and freedom of association of national minorities, I would like to point out that for several years already, the Social Integration Foundation administers the state budget program “NGO Fund”, aimed at strengthening sustainable development of civil society in Latvia and to promote public and political participation of non-governmental organizations (NGOs). Under this program, the **national minority organizations can submit their project applications.** Both in 2020 and 2021 the NGOs of national minorities have received financial support.

The Foundation administers the program “Cooperation Program for National Minorities’ and the Latvian Youth” aimed at promoting cooperation between the national minorities’ and ethnic Latvian youth and encourage the minorities’ youth participation in the public life. Between 2017 and 2021 several NGO’s of national minorities have received financing from this program. **Thus, there are no grounds to consider that the national minority organizations suffer from any kind of discrimination or that their operation is restricted or that they cannot exercise their rights to freedom of association.**

On the general public consultation procedure

The legislative process Latvia ensures transparency and comprehensive participation of civil

⁶The National Electronic Mass Media Council. 8 February 2021. *DECISION No. 68/1-2 On the Restriction of Distribution of the Programme “Rossiya RTR” in the territory of Republic of Latvia.* Available: https://www.neplpadome.lv/en/assets/documents/Lemumi/Decision_No.68_1-2_RTR_08.02.2021..pdf

society, including the participation of representatives of national minorities. Consultations with the public take place both during the drafting and the decision-making process. Firstly, public participation, including that of non-governmental organizations, is a mandatory requirement when elaborating normative acts (prior to their submission to the Government). Second, the civil society can participate in the legislative process using internet portal ManaBalss.lv where everyone may come up with an initiative for a new regulation or bill; every initiative that garners 10 000 supporters, is sent as a proposal to the Parliament. Several legal acts have been adopted as a direct result of such initiatives. The sittings of the Government are open to the public; representatives of mass media and NGOs can participate, including the ones of national minorities; everyone can follow the meetings online. The sittings of the Parliament are open and transmitted on the radio.

As to the consultations with regard to the education reform, prior to the adoption of the relevant normative acts, a number of consultation rounds took place with different Latvian civil society organizations, including representatives of national minorities. These consultations were positively assessed by the Venice Commission of the Council of Europe in its opinion of 18 June 2020, noting that “there has been sufficient room for national minorities to voice their opinions and criticisms”. Likewise, the consultation process was welcomed by the High Commissioner on National Minorities of OSCE during his meetings with the Latvian officials in early summer of 2021. Thus, **any allegations or concerns as to the lack of consultations with national minorities is unfounded.**

II. Observations with regard to the posed questions

(1) As to the amendments in the Electronic Mass Media Law

The 11 June 2020 amendments to the Electronic Mass Media Law (the Amendments) relate to the transposition of the EU Audiovisual Media Services Directive⁷ and were drafted **in cooperation with media enterprises that produce original content both in languages of European Union (EU)/the European Economic Area (EEA) and in other (including national minority) languages.** The Directive’s norms are uniform and binding on all EU Member States. The Amendments set unified requirements with respect to ultimate beneficial owners, production and transmission of programmes for all electronic mass media, **irrespective of the language of their programmes.** Procedure for the assessment of alleged infringements is the same for all providers. The Amendments were drafted in close cooperation and consultation with competent ministries and national security institutions. The line ministries **provided representation for the interests of various groups of society, including national minorities.** The debate in the Parliament was widely attended, including by the representatives of electronic mass media broadcasting and distributing programmes in both Latvian and national minority languages.⁸

Article 19, part 12¹ of the Amendments foresee that at least 80% of the TV programmes offered by cable television have to be originally produced in the languages of the EU/EEA. The aim of this norm is to bring the Latvian information space closer to the European information and cultural space. The norm in no way prohibits to translate and offer this content in other languages than EU or EEA. The NEPLP has drafted guidelines on the

⁷ Except Article 19, part 12¹.

⁸[https://titania.saeima.lv/livs/saeimasnotikumi.nsf/0/6c74130536fb99c5c2258569002e8dc2/\\$FILE/PR_2020_05_20_11_00_CTSLK.pdf](https://titania.saeima.lv/livs/saeimasnotikumi.nsf/0/6c74130536fb99c5c2258569002e8dc2/$FILE/PR_2020_05_20_11_00_CTSLK.pdf)

application of Article 19, part 12¹ to specify that a programme is considered to be originally produced in language of EU/EEA, if 25 % of the content of this program is originally produced in the languages of EU/EEA. The rest of content can be originally produced in other languages.

Thus, the Amendments **do not restrict the right to freedom of expression and political participation of national minorities; they only affect the rules regarding operation and production of original content of electronic mass media. Persons belonging to national minorities continue having access to informative and entertaining content both in television programmes originally produced in one of the EU/EEA languages (also as translated content) and in programmes originally produced in other languages. The Amendments do not discriminate among TV programmes and content providers because the same distribution and production rules apply to all electronic mass media equally, regardless of the used language.**

(2) As to the amendments in Pre-election Campaigning Law

On 4 November 2020, the responsible Commission of the Latvian Parliament (before the first reading) considered the draft the amendments to the *Pre-election Campaigning Law* (Draft Amendments) submitted by a group of parliamentarians. The majority of the members of the Commission, as well as several experts (e.g., the Legal Bureau of the Parliament, the Ombudsman) participating in the Commission's discussion raised questions as to the aim and scope of application of the Draft Amendments. As a result, the Commission decided to reject the Draft Amendments.

Subsequently, the initiators of the Draft Amendments exercised their right to request directly the Parliament to consider and vote on the Draft Amendments at its regular session in December 2020. After an extensive debate, the Parliament **conceptually** supported the Draft Amendments and **established a special working group to improve the Draft Amendments to ensure their compliance with international law.** All doubts and criticism expressed during the previous discussions on the Draft Amendments will be duly considered by the working group. It is planned that the Commission will resume the debate in the Parliament's autumn session, which will involve consultations and inclusive participation of civil society. **Consequently, at the present stage it is highly premature to speculate as to the outcome of this debate, the possible wording of the Draft Amendments or its possible impact on the rights of persons belonging to national minorities, given the fact that the discussion on the Draft Amendments is in the early stage of the legislative process.**

(3) On the reform regarding pre-school education establishments and international schools

The amendments to the General Education Law of 14 May 2020 on pre-school education (the Amendments) define that in parallel with education programmes for national minority languages, **local municipalities** must ensure that pre-school education programmes are organized in the Latvian language in all municipal pre-school education establishments in their respective territory. The Amendments **do not prohibit or restrict organization of education programmes in pre-school institutions in national minority languages.** It merely ensures that the education programmes in pre-school education establishments are available also in Latvian. In academic year 2020/2021 the new regulation affected 49 municipal pre-school education establishments with Russian as study language and one education establishment with Polish language.¹¹² pre-school education establishments implement education programmes both in the Latvian and national minority languages. Prior

to the adoption of the Amendments, the Ministry of Education and Science organised a survey and consultations with the municipalities to clarify their needs and assist them in implementing both programmes at the same time. The received requests were duly considered. Thus, **the Amendments in no way discriminate against children of national minorities and comply with Latvia's international commitments.**

In response to your question about international schools I would like to point out that these schools implement **international (not Latvian)** general education programmes in foreign languages in Latvia. Namely, international schools are educational establishments implementing education programmes recognized by other EU or NATO member states, the Board of Governors of the European Schools or the International Baccalaureate Organization in the official languages of the EU and NATO member states. Upon graduation, they issue international certificate on acquisition of an international programme. **International schools conceptually differ** from other private educational establishments which implement Latvian general education programmes and issue Latvian education certificates. Thus, there is no discriminatory treatment towards national minority languages regarding programmes of international schools as they cannot be compared to the education establishments set up within the Latvian education system.

(4) Digital Learning Platforms

During the Covid-19 pandemic, the state introduced or continued several digital learning support measures, including for the children of national minorities. Firstly, individual support was provided to children with learning difficulties and the risk of early school leaving. It was provided to **all children regardless of nationality, mother tongue or educational program in which the child was studying.** In order to reduce the consequences of Covid-19, the target audience of this support programme has been expanded, and as of September 2021, all students of general education establishments and vocational education establishments will be able to receive the support.

Secondly, the project "Tava klase" (Your Class) organized classes using digital tools in Estonian, Polish, Lithuanian and Belarusian. Materials are being translated in Russian. **Children received support regardless of their language, ethnicity or education programme.**

Thirdly, during the Covid-19 pandemic the education establishments implementing education programmes for national minorities were able to use different digital learning platforms such as soma.lv, uzdevumi.lv, māconis.zvaigzne.lv, letonika.lv, ebsco.com.

Finally, to ensure that national minority students can learn their native language and literature, the State Education Content Center has developed model programmes on these subjects; the electronic teaching materials are available online and can be easily used by any teacher of the Russian language and literature. In addition, to provide support for the implementation of the improved curriculum for teachers of Russian language and literature, for the second year in a row, 30-hour professional competence development courses are taking place. Last year, 132 teachers took part in these courses. More than 100 teachers have applied this year.

(5) As to alleged criminal cases opened against protesters, journalists and media organizations

Between 2019 and May 2021, **no criminal proceedings against persons protesting against education reform have been instituted** either by the State Police or the State Security Service.

During the same reference period, the State Police has opened **one criminal case** against journalists (media) pursuant Article 132¹ and Article 157 of the Criminal Law for posing repeated threats during prolonged period of time, unwanted communication with the person, as well as spreading discrediting information, and **one criminal case** pursuant to Article 304 of the Criminal Law on unauthorized dissemination of information obtained in the course of pre-trial proceedings. Both cases are still pending. Other criminal proceedings were initiated but later terminated. At present **no procedural sanctions have been imposed** on any person in pending criminal proceedings.

Between 2019 and May 2021, the State Security Service has instituted **two criminal proceedings** against several legal persons and individuals for the transfer of financial and economic resources to media companies based in Russia, owned or controlled by persons included in the EU sanctions list. At present, one criminal case has been sent to the court, while in the second case procedural actions are still pending. The Latvian Criminal Procedure Law restricts disclosure of detailed information on the course of pending criminal proceedings.

The compliance of criminal proceedings with the international human rights law and the observance of all procedural guarantees ensures both the Constitution of Latvia and the Criminal Procedure Law. Pursuant to Article 92 of the Constitution, any person has a right to the protection of his/her rights before the court. The Criminal Procedure Law sets the principles that must be observed in the course of criminal proceedings, which include due respect for human rights.

To sum up, the reasons for initiating the above described criminal proceedings against individuals clearly demonstrate that they were not targeted at restriction of any of the rights of national minorities, including their rights to freedom of expression, peaceful assembly and association with others guaranteed by Articles 19, 21, 22 and 27 of the ICCPR, and thus there has been no interference with these rights and freedoms.

(6) Stopping the retransmission of channels controlled by “RT” (Article 84 of the Criminal Law) and EU sanctions;

In 2020 the National Electronic Mass Media Council (NEPLP) stopped retransmission of several TV channels in Latvia which were controlled by “RT”. After consulting with the competent institutions NEPLP concluded that these channels were related to person, Dmitry Kiselyov, against whom EU has targeted sanctions. The decision of the NEPLP was based on the necessity to comply with international sanctions binding to Latvia and Article 84 of the Latvian Criminal Law. Decision of NEPLP was not related to the content created by the channels. On the basis of European Union Council Implementation Regulation No. 2010/151/CFSP of March 21, 2014, Dmitry Kiselyov has been included in the list of the persons subjected to restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine indicated in European Union Council Decision 2014/145/CFSP of March 17, 2014.

(7) Compliance with the right to fair trial and due process

The right to a fair trial and due process has been enshrined both in the Latvian Constitution and the Criminal Procedure Law. The Constitution guarantees that the state shall recognize and protect fundamental human rights in accordance with the Constitution, laws and international agreements binding upon Latvia (Article 89). Everyone has a constitutional right to defend his/her rights and lawful interests in a fair court, to be presumed innocent until his/her guilt has been established in accordance with law and to the assistance of

defense counsel (Article 92).

The Criminal Procedure Law defines basic principles of criminal proceedings and lists number of rights. These include: principle of equality, human rights, prohibition of torture and inhuman treatment, reasonable time of proceedings, objective investigation, presumption of innocence and rights to defense. The rights to defense include: to summon the defense counsel immediately and benefit from state-provided legal aid; to meet with the defense counsel in private; to be informed of any suspicion or charge brought against him/her; to receive an oral or written translation in a language which he or she understands; to refuse to testify; to appeal against procedural decisions in the cases, to request information regarding the progress of criminal proceedings, regarding the officials who are or have performed the specific criminal proceedings, etc. The Criminal Procedure Law provides for specific/additional rights and guarantees to persons who have been deprived of their liberty, minors who have the right to defense, suspects and accused persons.

The Criminal Procedure Law regulates the use of language in criminal proceedings. Criminal proceedings shall take place in the official language, however, if the person who is involved in the criminal proceedings does not speak the official language, he/she has the right to use the language that he/she understands and to use the assistance of an interpreter free of charge. Thus, **all persons in Latvia, irrespective of their native language or ethnicity are ensured with equal procedural rights, including the rights to fair trial.**

III. CONCLUSIONS

I hope that you will find the foregoing information and answers to your questions provided in this letter useful and sufficient to assure you that the legislative and practical policies implemented by Latvia in different spheres of public life fully comply with Latvia's international commitments in the field of protection of rights of persons belonging to national minorities and are in the best interest of every individual or group of Latvia's society.

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

Yours sincerely,



Edgars Rinkēvičs