



NATIONAL ACTIVITY REPORT LATVIA ANTI-DISCRIMINATION AND DIVERSITY TRAINING

Latvian Centre for Human Rights

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This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train

The Anti-discrimination and Diversity training project was managed by Human European Consultancy (humanconsultancy.com) in consortium with the Migration Policy Group (www.migpolgroup.com) and the International Society for Diversity Management – idm (www.idm-diversity.org).

The national activities were carried out by the Latvian Centre for Human Rights (www.humanrights.org.lv).

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II. Introduction

The Latvian Centre for Human Rights (LCHR) organised three seminars throughout late 2007 – early 2008 within the framework of the project Anti-discrimination and Diversity training. The basic anti-discrimination seminar was held on 20-21 November 2007 in Riga, attracting 29 participants from NGOs and trade unions. The diversity management seminar took place on 8 February 2008 in Riga, and the 18 participants were mainly middle-level representatives of Latvia's businesses. The antidiscrimination follow-up seminar took place on 18-19 March 2008, attracting 37 participants, mainly representatives of NGOs (6 participants represented trade unions).

The main conclusion from observing the seminars is that both awareness and level of interest on anti-discrimination have increased in comparison to the anti-discrimination seminars organised in 2005 or earlier. It is clear that the development of anti-discrimination legislation, but also implementation and practice, have to a great extent been EU-driven, with a focus on the transposition of the Council Directives 2000/43/CE and 2000/78/CE. Nevertheless, as awareness expands and deepens beyond legislators and a rather narrow group of interested experts, discussions on discrimination also become more substantial and at times go beyond the directives.

Even if awareness of discrimination is still insufficient in Latvian society and even among policy-makers, it is fair to say that in the development until now in developing knowledge and spreading awareness NGOs, albeit struggling with capacity and resource problems of their own, have played a key role in Latvia. Just like civil society in general, trade unions in Latvia are still developing their role and voice, but the Association of Free Trade Unions is beginning to engage on anti-discrimination, and representatives from several branch trade unions were active participants in the seminars, which set a good basis for continued cooperation between trade unions and NGOs.

In contrast, diversity training is less recognised, including among employers. In the context of many urgent issues for a still transitional society, which is experiencing the first fears of inflation and a possibly overheating economy, employers and top management may be open and generally positive towards diversity, but are not committed to it as a priority, and it is not realistic to expect top level management involvement in time-consuming seminars. As one of the leaders of the Employers Confederation said in discussions with the seminar organisers while planning the seminar, either companies in Latvia are big, highly professional and with international exposure and believe they already know it all and go it alone, or else are small or middle-sized and struggling, and these may not yet be aware that diversity is not only an issue of social responsibility, but also beneficial to the running of the company. Nevertheless, in the seminar with business representatives and in discussions surrounding the seminar it became clear that business management at different levels are keen to learn specifically about the new antidiscrimination legislation and what implications this may have for them. This interest could serve as an opening for further developing the interest in diversity as well.

III. Anti-discrimination seminars

a) National activities anti-discrimination seminars

Basic antidiscrimination training seminar, 20-21 November 2007

Design of the training

Manual, target group, role international trainer(s), trainers, organising NGO

The coordinating NGO successfully used the experience gained from the previous antidiscrimination training programme in 2005. The manual used in the seminars was updated, including the trade-union section, as well as a more developed chapter on antidiscrimination in Latvia, describing the national legislation, institutions, procedures and actual court cases. Although the seminars were conducted in Latvian, the materials were provided both in Latvian and Russian. We targeted representatives of NGOs interested in antidiscrimination as well as trade unions throughout the country. The role of the national trainers, who participated as trainers also in the previous antidiscrimination project and some of whom have since gained extensive experience as anti-discrimination trainers, was to compose a two-day seminar programme, prepare the substantive part of the seminar and conduct the training. At this stage, the expertise of the international trainer was not requested, since the basic seminar could successfully build on the 2005 seminar experience. The Latvian Centre for Human Rights (LCHR) coordinated and provided premises for the preparatory work of the trainers, updated and organised translation of the training materials, announced the seminars, invited participants and ensured the organisation of the seminar.

Preparation of the seminar

Train the trainers, preparation seminar for follow-up, announcement, selecting participants, logistical arrangements

During the previous antidiscrimination project in 2005, a team of 6 trainers from Latvia was formed. This time, the team of national trainers remained largely the same – only one trainer was new to the project, but also with very good expertise in antidiscrimination and with experience of cooperation with the LCHR in other seminars. No train the trainers activity was conducted, but the trainers had informal discussions on several occasions, sharing ideas and experience gained in the field over time. The seminar was widely announced to NGOs and trade unions in Latvia, making a special effort to reach outside the capital, which tends to have a concentration of all activities. LCHR disseminated information electronically, - mailing list of Civic Alliance-Latvia (CAL), announcement at the homepages of CAL (<http://www.nvo.lv/news.php?id=20&newsid=238&lang=lv>) and Dialogi.lv (<http://www.dialogi.lv/article.php?id=2748&t=0&rub=0&la=2>). Nevertheless, based on LCHR experience in organising seminars, potential participant organisations were also contacted individually, which is time-consuming but ensures both a higher number of participants, as well as participants who have an actual interest in the topic.

The seminar was held in a conference room of the hotel “Konventa seta” in the centre of Riga (Kalēju iela 9/11); the hotel facilities have wheelchair access, which was checked beforehand (and not always obvious in Riga, unfortunately); LCHR covered travel expenses and accommodation in the same hotel for participants from outside the capital.

Carrying out the seminars

Participants, process during the day (observations), evaluation

Participants came from different geographical regions of Latvia, representing a wide range of social groups, including both NGOs and trade-unions. As is usual, the number of invitations far exceeded the number of participants (nearly 10:1!). While 35 representatives of NGOs and trade unions confirmed their participation, 29 actually participated; 6 participants represented trade unions.

Participants showed great interest in discrimination issues, actively engaged in discussions, asked questions and were keen to get answers. Interactive sessions, role playing, work in groups were included, which are not yet common in Latvia, where many seminars stick to a traditional mould of talks or lectures with questions afterwards. These fresh methods received positive feedback and it is clear that they enhance the learning as well as the social interaction experience and should be developed further. While some participants differed in terms of their background knowledge, overall, participants had some previous exposure to basic discrimination issues. Participants were especially interested to hear and discuss information about Latvian antidiscrimination legislation and its latest updates, practical examples of its application, including court cases, but they were also eager to discuss available information and share their experience. The trainers were well prepared, cooperated closely in preparing and conducting the seminar. Interaction between the trainers and participants was very good, allowing for both delivering necessary information to the participants and receiving their questions, feedback and other input.

The general evaluation of the seminar by participants was very positive, including evaluation of the seminar content, design, trainers, premises, materials and results. However, some participants indicated that their pre-seminar knowledge and skills were felt not to be sufficient, and noted that the course could perhaps be improved by providing more information before the seminar. In the evaluation forms, many participants stated that they are going to use the knowledge gained at the seminar in their practical work and to share this knowledge and seminar materials with their colleagues and wider public. Many participants highly valued discussions during the seminar.

Main lessons learned

While the objectives of the seminar were clear to the participants, the level of their knowledge of discrimination issues before the event was uneven and in some instances not very high, and many participants were keen to learn basic /general issues. Interactive methods, which are still a relative novelty to Latvian audiences, were very well received. The focus on case studies and practical examples made for constructive and engaged discussions, and a lesson learned is to ensure that a general and legal background information includes practical examples and invitations to share thoughts on one's own everyday experiences. Participants clearly expressed their interest in further training, in order to gain deeper understanding of specific antidiscrimination issues, receive the EU and Latvian legislation updates, as well as to analyse practical examples of implementation of antidiscrimination legislation, including available remedies and experience from court cases.

Design of the training

Manual, target group, role international trainer(s), trainers, organising NGO

The follow-up antidiscrimination training seminar was designed taking into consideration the experience of the previous antidiscrimination trainings, as well as the participants' evaluations of 2007 seminar. The updated manual as provided for 2007 basic seminar, together with other materials on antidiscrimination and related human rights issues (in Latvian and Russian), were made available to the participants. The training targeted primarily the participants of 2005 and 2007 seminars and it was announced clearly as a *follow-up* activity. However, information about the seminar was also circulated within the trade union networks (thanks to the cooperation of the Association of Free Trade Unions) and NGO community network. The international trainer played an important role in the specific outline and design of the programme and identification of case selection priorities, as well as in discussing of specific legal issues. The team of national trainers, which remained just same as for the basic seminar in 2007 and was led by LCHR staff lawyer Ilvija Puce, designed the programme and performed the training. Taking into consideration the fact that some participants of the training were new to the project, the trainers specifically designed a programme that would allow for both experienced and new participants to benefit from the seminar, including overview of basic issues, focus on specific issues, as well as interactive training. The role of the Latvian Centre for Human Rights was to coordinate and provide premises for the preparatory work of the trainers, update and organise translation of the training materials, announce the seminars, invite participants and ensure overall organisation of the seminar.

Preparation of the seminar

Train the trainers, preparation seminar for follow-up, announcement, selecting participants, logistical arrangements

In the 2008 follow-up seminar, the same team of national trainers prepared and conducted the training as in the 2007 basic antidiscrimination seminar. Although no train the trainer activities per se took place, the December meeting with Declan O'Demsey, the international trainer helped to focus the planning for the seminar, put a stress on the promotion of cooperation amongst NGOs and between NGOs and trade unions, and also to discuss and clarify issues of legal substance. Although all national trainers were not able to participate in the December meeting, the information gained by those who did was shared with the other national trainers and served as a basis for further development of the seminar plans. Participants of 2005 and 2007 antidiscrimination training were specifically invited to take part in the follow up training. In addition, information about the seminar was also circulated within trade unions and NGO networks. Since the circulated information generated sufficient interest among Latvian trade unions and NGOs dealing with human rights and antidiscrimination issues, the LCHR decided to accept applications from "new" participants as well. The trainers took this fact into consideration when elaborating the programme. The seminar was held in a conference room of the hotel "Konventa sēta" in the centre of Riga (Kalēju iela 9/11); the hotel facilities have wheelchair access; LCHR covered travel expenses and accommodation in the same hotel for participants from outside the capital.

Carrying out the seminars

Participants, process during the day (observations), evaluation

Participants came from several different geographical regions of Latvia, including small towns, and represented a wide range of NGOs, with a professional focus on different anti-discrimination grounds, and trade-unions.

As in 2007, the majority of participants represented NGOs: 6 out of 37 represented trade unions. Nevertheless, the trade union representatives were very active participants, and overall a good balance and excellent interaction was achieved.

The two-day seminar begun with participants' exchange of experiences after 2005 and 2007 trainings. The training provided a brief presentation of main antidiscrimination issues (direct and indirect discrimination, instruction to discriminate, reasonable accommodation, positive action, harassment, burden of proof, victimisation). It also presented an update on the recent developments of Latvian and European antidiscrimination legislation. Specific antidiscrimination issues were covered in greater detail: discrimination on the ground of disability, multiple discrimination, the role of the designated equality body (Latvia's Ombudsman). A significant part of the training was done interactively, including case studies, discussions, work groups, covering issues of reasonable accommodation, burden of proof, positive action, multiple discrimination, as well as the role of trade unions, NGOs and their cooperation in antidiscrimination.

As in 2007, participants of 2008 follow-up training participated very actively. It was clear that the level of understanding of antidiscrimination issues was higher than in the previous trainings. Participants asked more specific questions and were quicker to identify discrimination issues in presented practical examples. Participants also demonstrated great interest in specific aspects relevant to the fields of activity of the NGOs or trade unions that they represented. Judging from the interactions during the training, the participating trade unions are increasingly aware of their responsibilities, possible role and opportunities in the prevention and remedying of discrimination. The level of interest and interaction during the seminar, as well as seminar's feedback show that the knowledge gained during the project will be used by participants in practice – applied at work, in their everyday life, educating their friends and colleagues or disseminating this information further. Participants explicitly stated that they are also interested in further training, especially in practical examples of implementation of antidiscrimination legislation as well as legislation updates. The need for cooperation amongst NGOs and between NGOs and trade unions was generally acknowledged, and the seminar also showed to the organising NGO that there is a constructive and practical role for the LCHR to play in the development of networking and cooperation on anti-discrimination issues, where the LCHR can assist with expertise when requested, but also receive much knowledge of the practical situation throughout the country.

Participants evaluated the follow-up training very positively, including evaluation of the seminar content, design, trainers, environment, materials and results. Perhaps the highest evaluation was that the usual gradual dropping out towards the second day or the end of the seminar did not take place, and participants were as eager to continue discussions at the end of the two days as they had been in the beginning. As in the basic seminar, some participants were slightly critical about their pre-seminar knowledge and skills. Participants highly valued discussions and analysis of practical implementation of legislation, and stated that they are going to use the knowledge gained at the seminar in their practical work and to share this knowledge and seminar materials with their colleagues and wider public. An opportunity to relate to the work and experience of others and establish contacts was highly appreciated. Several participating NGO and trade union representatives specifically requested continued cooperation with the organising NGO.

Main lessons learned

The understanding of antidiscrimination issues is gradually increasing in the target audience of the seminar – trade unions NGOs concerned with discrimination. Participants had a far better understanding of general / basic concepts than in previous seminars, even though the different levels of preparedness are still evident and a challenge for trainings. The seminar showed that participants are committed for the long-haul and are eager to deepen their knowledge by going into greater details and learning more about their specific fields of interest / grounds of discrimination.

However, the level of understanding and awareness of antidiscrimination and tolerance issues is still rather low within the society as a whole, as suggested by the results of opinion polls, the number and quality of complaints brought, and the very few discrimination cases brought before Latvian courts so far. In discussions concerning discrimination and intolerance, one still could occasionally hear references to “cultural and mentality differences”, “unique Latvian circumstances” or the Bible being brought into the discourse in order to justify the alleged right to effectively discriminate in public economic interactions (employment and housing in particular).

There is clearly need for raising general public awareness on antidiscrimination issues. The experience with the anti-discrimination seminars shows that a key way forward in this is the deepening of the involvement and knowledge of civil society and in particular the identification, targeting and cooperation amongst organisations who have a commitment to the issues. Both trade unions and NGOs dealing with discrimination have a great interest in regular information on the EU and Latvian antidiscrimination legislation updates and examples of its practical implementation, including court cases.

The seminar clearly illustrated that there is a real opportunity to develop cooperation between NGOs and trade unions, and to work on developing anti-discrimination knowledge in a targeted way. For coherence, follow-up and coordination, it is important to have a lead organisation, which can gain the trust of other organisations and both state and non-state actors by providing reliable and competent expertise.

Preparing the seminar itself was an opportunity for initiating cooperation, especially since the project included development of materials as well as two seminars, instead of a one-shot affair. The LCHR experience with the Trade Union association was especially positive, as a side-outcome from preparatory discussions was a suggestion from the trade union representative that the two organisations could cooperate in developing programs and materials for specific trade union seminars intended for regional trade unions. Thus the focus during preparation on anti-discrimination as a common interest of some NGOs and trade unions can in itself promote such cooperation.

b) Mapping exercise: NGOs/Trade Unions working to combat discrimination

I. Profile of NGOs working to combat discrimination

1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?

NGOs: NGOs started to be established in Latvia in the early-to-mid 1990s, but until today a very small number of NGOs work explicitly with human rights. And only some of the more established ones have over the last four years or so have included anti-discrimination in their fields of activities. There is no NGO, which would deal exclusively with anti-discrimination in Latvia.

The limited number of NGOs whose activities include anti-discrimination work might be divided into two groups: 1) a few general human rights NGOs - Latvian Centre for Human Rights, the Latvian Human Rights Committee and the European Youth Network for Human Rights (EYHR), though the two latter have had a rather low public profile over two years, and 2) several specific interest group and issue oriented NGOs - organisations representing the interests of people with disabilities (APEIRONS, SUSTENTO); organisations representing the interests of the LGTB community – MOZAIKA, Gay and Lesbian Youth Support Group, the Gay Support Group, Homosexuality Information Centre; and Afro-Latvian Association uniting people of African origin.

Of the above-mentioned NGOs, the majority have been working on anti-discrimination with uneven degree of intensity and commitment for several years. Emergence of new visible organisations but MOZAIKA has not been observed over last two years.

Apart from the above mentioned organisations, there are a number of NGOs that have implemented individual projects related to anti-discrimination within the framework of various EU grant schemes, mainly the ESF, EQUAL, Pre-accession Assistance, administered and co-funded by Latvian government.

In the mid- to late-1990s a regional network of human rights NGOs was set up with participating small NGOs in ten Latvian towns, but many of the organizations and thus the cooperation have since petered out. Likewise, the NGO Centre in the capital has relations with regionally set up NGO Centres with varying capacity, some of which coincide with the former human rights network and also claim to be dealing with human rights and anti-discrimination issues, although at low capacity levels. In February 2006, ENAR-Latvia was established currently uniting three organisations – the Latvian Centre for Human Rights, the European Youth Network for Human Rights and the Afro-Latvian Association.

There is a big number of NGOs (in Latvia's context) - about 250 - , claiming to represent the interests of various ethnic and religious groups, including Russians, Jews, Roma, Muslims etc, however, the main focus of their activities are on issues related to culture and preservation of their identity.

Trade unions:

Majority of existing trade unions have been built upon the trade unions and their organisational structure established in the Soviet period. That has contributed to a lack of trust by public at large in work and efficiency of trade unions. Another factor, which explains rather formal and inefficient work of trade unions, is the overall Latvia's socio-economic situation which is still lagging behind in terms of many socio-economic development indicators, such as enumeration, working conditions and others in comparison to the majority of Western and even some Central and East European countries.

Anti-discrimination, except for gender equality, has not been included in either official policies or actual activities of trade unions until now. There have been a number of public statements by leaders of various trade unions implying that anti-discrimination is not a topical issue in Latvia, therefore it is not on trade unions' agenda.

Trade unions are organised across industries and almost all of them (95%) are the members of the Free Trade Union Confederation of Latvia (LBAS in its Latvian acronym). LBAS unites trade unions of twenty-four industries, with 170,000 members at more than 3,000 enterprises, institutions and organizations. No trade union claims to represent a particular social or ethnic group or has been perceived as such by public at large.

2. What ground (s) of discrimination, scope or sector are they concerned with?

NGOs: The NGOs that have dealt with minority rights over the last decade tend to focus on discrimination on racial and ethnic origin. Otherwise, it is disability that seems to have the most developed NGOs. Since the first Gay Pride Parade was organized by the Gay and Lesbian Youth Support Group in Riga in the summer of 2005 and following events in the summer of 2006, when the Riga City Council denied a permission to hold the Parade in 2006, the sexual orientation has become a very visible and society dividing issue.

Age discrimination is coming onto the agenda on pensioners' associations, albeit with little awareness of the content. There have been no organizations specializing on discrimination on grounds of religious belief, but the few ones dealing with racial and ethnic grounds in some cases actively seek to include these as well.

Trade unions: The only ground of discrimination trade unions have been concerned with is gender which is beyond the scope of this exercise.

3. Is anti-discrimination their main area of work or only a small part of what they do

All the NGOs dealing with anti-discrimination do it only partially, being concerned either with broader human rights issues as well, or group-interest oriented concerns of a broader nature.

4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?

NGOs: The NGOs are registered at the State Enterprise Register, which is easy to do, supplying the state institution with legally acceptable statutes and minutes of a founding meeting. Registration is bureaucratic, but fast, and there have only been a few cases where the registration of an NGO has been denied (which can only be done on one of the grounds specified by law). NGOs can be closed down only by a court decision and after a warning of non-compliance with legal requirements. In addition, in 2004 a new law on associations and foundations came into force, and a law on organizations of social benefit was elaborated, presumably to stimulate the development of civil society.

Trade unions: The trade Unions are independent public organizations that may be established by residents of the Republic of Latvia who work or study. Trade unions should be registered at the Register of Enterprises. There have been no cases when trade unions were denied registration. Over last four years, 4-6 new trade unions have been registered each year.

5. Generally how large are these NGOs/trade unions (size of main trade unions)?

NGOs: The majority of these NGOs have small permanent staff, or even none, functioning largely depending on volunteers. The LCHR is an exception, with a staff of 11. The EYHR has 2 permanent staff members (40 members and 40 volunteers); APEIRONS has 8 staff members (over 60 volunteers), AFROLAT has no staff, but appx. 50 members. SUSTENTO is an umbrella organisation for 22 different organisations, representing some 20,000 members, but the organization also has a very limited permanent staff number. MOZAIKA has one permanent staff member and about 10-12 volunteers.

Trade unions: numerical size of trade unions (in total about 25% (200,000) of all employees have registered as members of trade unions) does not reflect their ability to influence any social, economic and political processes.

6. Are they part of larger national networks? Or are they working on their own?

NGOs: Most NGOs work on their own, and although cooperation has improved over the last years, the limited resources and staff capacity has made it difficult to sustain cooperation or more than formal networks. The EYHR, APEIRONS and SUSTENTO are national networks, which do include some regional centres. In LCHR experience, it is extremely important to provide the forum for cooperation of organizations, who deal with different group-oriented issues, on anti-discrimination matters, but the only attempts to do so, so far, have been in the last year, within the framework of LCHR anti-discrimination capacity-raising project, funded by the Netherlands, and the European Commission campaign “For Diversity. Against Discrimination.” In February 2006, the ENAR-Latvia was established currently uniting three organisations – LCHR, EYHR, Afro-Latvian Association.

Trade unions: 95% of trade union organisations are members of the Latvian Association of Free Trade Unions (LBAS). LBAS claims to unite 165,000 members across Latvia.

7. Are they mainly based in the Capital or spread out in the country?

NGOs: Organisations that have some expertise in anti-discrimination work are mainly based in the capital city of Riga. Although a few represent networks with regional support centres, capacity in the regions is even lower (in terms of staffing, resources and experience) and in the experience of LCHR providing anti-discrimination workshops regionally, the understanding of discrimination even among those regional organizations which claim expertise is very limited and discussions tend to include all areas of social problems.

Trade unions: Biggest and most of trade unions are based in the biggest cities partly due to concentration of various industries there. However, smaller organisations are to be found throughout Latvia.

8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?

NGOs: The NGOs that are located in the capital, since they are generally more experienced and are centrally located, participate a lot more in the work of the central government and parliament, and also do more coordination of activities within the country, as well as participate in international fora (at least some of the NGOs). Although the centrally located NGOs also provide services to clients directly, including legal services, the regional NGOs tend to focus their work on relations with clients, but usually without specific legal services, since they generally do not include lawyers on their teams. The regional NGOs at times have more regular contacts with the local authorities.

Trade unions: Trade unions from the capital and the rest of the country are doing the same type of work, while the umbrella organisation LBAS located in the capital focuses on policy development, lobbying and implementation of general policy issues, as well as holding training for trade unions.

9. What is the political or societal weight of these NGOs/trade unions on the national level? (towards the general public, the civil society, the companies/employers, the government)

Traditions of participation of civil society in political and social life and decision-making processes are comparatively new in Latvia. Thus there is lack of established participation mechanisms and modules as well as low awareness on their implementation from both sides civil society and government. There have been un-coordinated attempts from both sides to strengthen the role of civil society in various processes; however, no significant progress has been made yet.

NGOs: a few, more experienced NGOs have acquired certain status with the civil society and the government, however, these are rather exceptional cases and might not be generalised.

Trade unions: due to already mentioned reasons, trade unions in general have rather low profile in Latvia.

10. Are NGOs working in the field cooperating together:

a. For what purpose(s) (eg exchange of expertise, collaboration on case work or campaigns, organising events jointly)

NGOs working in the field of anti-discrimination exchange expertise during seminars and conferences, invite each others' representatives to the events and actions. This cooperation has recently improved, since the anti-discrimination issue has begun to bring together NGOs oriented toward different issues. It is still fair to say, however, that partly due to the overload of work and partly to lack of resources (including not just funding, but also time) the cooperation is insufficient and limits itself largely to participation in seminars. No real coordinated activities have been attempted for e.g. public campaigns, but some smaller cooperative projects with several partners are developing. Case work has not been coordinated until now.

b. Is there greater collaboration in relation to certain grounds of discrimination? If so, which?

There is some coordination in the field of race/ethnicity, but frequently dependent on personal relations, although recently there is some attempt by LCHR to coordinate anti-racist work (including by establishment of a local anti-racism network). The development of national networks of organizations focusing on disability means that there is more coordinated activity on that ground. However, most coordination activity (and activity in general) takes place with the central part of the network/organization.

11. How are these NGOs funded?

a. Do they receive state funding?

There is no direct state funding or subsidies for organizations, but over the last couple of years possibilities for receiving project funding have developed. Thus, with the establishment of the Society Integration Fund, starting in 2002 there was project financing (mostly Phare funding and Pre-Accession Instrument in 2006/2007), including on equality, anti-discrimination and intolerance issues. Funding is generally small-scale, with only a few larger grants (up to EUR 100,000), which in fact reflects the reality that there are very few NGOs with the capacity to design, coordinate, implement and report on larger-scale projects. In 2004, some minority NGOs received small-scale financing from the Secretariat of the Special Task Minister of Social Integration. Local government funding is occasionally available, but on a very small scale. EU funding (e.g. Equal) has since 2005 been made available on a tender basis through the respective ministries (like Welfare).

b. What are the conditions in order to receive public funding?

This funding is received by submitting proposals after a call for tender, and the projects are then evaluated by committees or boards, as the case may be. The conditions for applying are usually to be an officially registered organization in good standing and projects are evaluated on a mix of quality and cost criteria.

c. Do they also receive/apply for private funding?

Private funding in Latvia is underdeveloped as a source and has been available for years by companies providing grants on an ad hoc basis, with no clear rules of the game and frequently, at least in the past, more due to personal connections than the merit of a project. Recently, the field is developing and increasingly NGOs have been receiving some private funds from companies.

Much of the funding provided goes to charity-type of activities or organizations, while those which work on public issues and human rights are not favoured. Some of the relevant organizations also have membership and donations from individuals. There are generally no private foundations, which provide funding that could be available for these purposes. Overall, private funding is not yet developed in Latvia.

d. Do private funders impose any restrictions or conditions?

Private funders use their privilege to choose without clearly known criteria the organizations or projects to support. It is usual for the funders to request PR and visibility, but projects tend to be accepted or rejected outright, without special conditions on the projects proposed.

12. How are these trade unions funded?

a. Do they receive state funding?

According to law, trade unions fall under category of non-governmental organisations and are subjected to the same activity and funding regulations as are NGOs. In practice, trade unions have not received direct state funding till now.

b. Are they funded by a political party? If so, do they have to adhere and respect the party's line?

The law does not prohibit trade unions to be funded by a political party, however, it prohibits any activities which are aimed at direct or indirect influence of trade unions by any state institutions or any other organisations. Trade unions claim to have never received funding from any political party.

c. Do they function only/also with their members' fees?

The main source of funding comes from the member fees, however, according to law there might be other sources of funding, including project funding.

d. Are they able to receive private funding and/or participate in project funded by European/international institutions?

Trade unions might receive both private funding and participate/apply for the money from EU sources. The LBAS has repeatedly applied for EU funds and have been successful on several occasions as well.

13. Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?

The lack of funding goes hand in hand with lack of capacity and has undoubtedly contributed to the insufficiency of civil society development in Latvia. It is very difficult for small NGOs to grow in size and capacity to the point of partaking in larger project, national or international. There is generally no institutional funding and no capacity-raising funding. Very few NGOs in Latvia have the necessary capacity to apply for international funding, including EU funds. However, as the experience of the Society Integration Fund has shown, simply providing funds does not solve the problem of the capacity to design and implement projects, since staff skills and experience are also generally low.

14. Do they work (or are in contact) with similar NGOs/trade unions in other countries?

a. Neighbouring countries?

Most NGOs do not have direct international contacts, but the more developed ones do – especially the issue-oriented ones. Cooperation with neighbouring countries is surprisingly undeveloped, especially with Estonia and Lithuania.

Partly this is due to the fact that those countries also face similar problems of development, but partly also to the fact that international links generally have been with pre-existing high-capacity regional or international organizations or networks.

In 1999, Baltic Sea Trade Union Network was established. However, there has not been any specific joint projects/actions.

b. Other new EU Member States?

Cooperation with other new EU member states is not sufficiently developed. The LCHR is a member of the International Helsinki Federation and through that network some cooperation is established. Likewise there has been the Soros-related organization network that has provided a forum for cooperation of countries, which recently became EU member states.

LBAS is a member of the European Trade Union Confederation.

c. Others.

More recently, by participation in international fora, some organizations are taking up closer links with potential partners in EU countries such as Netherlands, UK, Scandinavian countries. LCHR, for instance, has been asked to be a partner in some all-EU or regional projects by organizations located in Finland, Norway, UK.

15. Do they work on the international level (campaigning, case work, other)

A few of the organizations have recently started to work internationally, but the work has generally been limited to participation at discussion-level internationally and signing up on campaigns organized internationally by others. The LCHR has provided information on case-work to organizations in other countries working, for instance, on asylum cases. However, activities internationally have only recently begun and organizations have yet to take initiative for issue-lobbying, campaigning, etc. on an international level. A logical next step that is starting to develop is the provision of expertise to third countries, especially CIS.

Apart from membership, there is no information on international activities of trade unions.

16. Can they work in English?

Only a couple of organizations have overall English proficiency. The central organizations usually have at least some staff that can, but the regional organizations often do not. Skills are improving, but generally speaking are still rather low, especially if written English is required.

17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union's ability to work on anti-discrimination?

This is not relevant regarding Latvia, as there is no formal link between political parties and trade unions.

18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?

Theoretically it is possible, however, as capacities, resources and expertise of regional branches are much weaker than the headquarters', there is no record on such activities of regional branches.

I. Expertise of NGOs/trade unions working to combat discrimination

As trade unions in Latvia are not involved on anti-discrimination activities, the responses will depict the situation only regarding NGOs.

19. What kind of work do they do?

Since anti-discrimination work has only started in Latvia within the last couple of years (if one does not include the general minority rights work experience), most activities so far have been aimed at awareness-raising: conferences, seminars, lectures, training sessions, street actions, etc. Only a few organizations also do research. The LCHR has also participated in national efforts to develop and lobby for legislation and also has actively sought specific cases by encouraging complaints. Legal representation in court cases is beginning (cf. 26.)

20. Do they take up complaints of discrimination?

As far as can be ascertained, only a few organizations take up complaints of discrimination. Several of the ones that claim that they do actually deal with general social problems and administrative mishandling rather than discrimination.

21. Do they focus on their own community?

The regional organizations do, but for the central ones it depends. The issue-oriented NGOs, like disability and sexual orientation do, of course, but the human rights organizations focus broadly and nationally.

22. Do they work with victims directly?

Many organizations do not have the capacity to work directly with victims, but several ones do (the LCHR, Latvian Human Rights Committee, APEIRON, SUSTENTO). Others, like the youth network EYHR, deal directly with victims in referring them to appropriate organizations with the capacity to provide assistance or advice.

23. Within the company, can trade unions represent only their members or any worker?

Law does not prohibit representation of non-members, however, in practice trade unions represent only their members due to their limited resources and capacities.

24. Do they do 'case work'?

Case work is done only by a handful of organizations – the ones providing legal counselling.

25. Are they able to access state funding for casework?

There is no direct state funding for case work, however, funding might be acquired within relevant EU grant schemes which also have a small part (usually 15%) of state funding. In 2007, LCHR received funding from the Society Integration Foundation to implement a project which includes discrimination testing in employment.

26. Does this include legal representation?

There have been very few legal cases on discrimination in Latvia, but both the LCHR and the Latvian Human Rights Committee have on occasion represented clients legally on racism and discrimination issues.

Since spring 2005 there have been four court cases on discrimination, which in various ways involved NGOs active in the field of anti-discrimination:

- 1) on sexual orientation as cause for non-hiring with legal representative Alexejs Dimitrovs, Latvian Committee for Human Rights and assistant to parliamentary fraction For Human Rights in a United Latvia;
- 2) on access to public space denied on grounds of disability, where the victim was from disability advocacy NGO APEIRONS (with private sector lawyer as legal representative)
- 3) non-hiring on ground of gender with LCHR staff lawyer as legal representative of victim and
- 4) non-equal payment on ground of gender with LCHR staff lawyer as legal representative of victim.

27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?

The legislative situation on anti-discrimination is still under development, with some law amendments for the transposition of the EU directives still pending in parliament. However, the proposed legislation does include provisions on NGOs as potential representative of victims of discrimination. Until now, the victim empowers the specific lawyer to represent them.

28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?

Law does not prohibit to pursue class action, however, the overall capacity of NGOs and trade unions and weak civil society in general would be the main obstacles.

29. Do they do other practical work? (eg assistance to victims or potential victims, social assistance, etc)

The LCHR lawyers provide free-of-charge consultations (in the office in Riga and recently also by making trips to regional centres by advertising in the local papers and engaging with the regional networks of NGOs); APEIRON and SUSTENTO do a lot of social assistance work. There are no specific victim-support activities, apart from possible referrals to the Crisis centre, which provides psychological assistance on all issues (but have no experience with racism or discrimination).

30. Do they advocate changes in legislation and policies?

The lawyer of the LCHR has participated in the official work group at the Social Integration Affairs Secretariat, which was charged with developing the draft anti-discrimination legislation and other LCHR representatives also advocate legislative changes, including on hate crime; SUSTENTO representatives are participating in work groups at the Ministry of Welfare and at the Ministry of Health. Policy change (i.e. the development of policy at all) has been advocated by these organizations at conferences, media interviews and articles.

31. What are their relations with the central government?

On some grounds of discrimination cooperation is easier (disability, age), but where the grounds are seen as controversial or politically sensitive (as ethnicity and sexual orientation), cooperation is more difficult. However, the long-standing organizations have over time developed well-established links with various state institutions (and sometimes individuals within them for unofficial cooperation) and the LCHR and the central disability organizations are not infrequently asked to participate by providing expertise or participating in work groups. However, the relations are at times uneasy, as the NGO criticism is generally still received very defensively and sometime with open derision and public opposition.

Over the last years the issue of including civil society in consultations has started to develop, but is sometimes approached very formally (“ticking the box”), if not ignored altogether.

32. With regional governments or municipalities?

Relations with local government depend on the location (and the organizations). There are recent examples of projects involving regional and local level participants, including the authorities (For example, one of the SUSTENTO projects aims to develop cooperation between people with disabilities and three regional municipalities in order to increase possibilities for active participation in the decision-making processes.) The local NGOs, although generally less developed are better placed for cooperation with regional and local government, but generally it seems that cooperation is largely dependent on individual relations. Some of the regional cities have consultative committees on various issues (not discrimination), where NGOs are included, thus enhancing their abilities to cooperate.

33. For the trade unions, with the employers organisations?

LBAS has co-operation with the Employers Association at national level. However, they claim that co-operation with employers is actually lacking and under-developed as there is a general lack of organisations representing the interests of employers.

34. Do they have relations with the specialised bodies/ombudsman?

The specialised equality body in Latvia (Latvian National Human Rights Office - LNHRO) was established just at the end of 2005 and as of January 2007, it is transforming into the Ombudsman’s Office. The human rights NGOs have had good cooperation with the former LNHRO by sharing information, participating in work groups and seminars, etc. However, the LNHRO did not have higher capacity or more resources than some of the NGOs, although their official mandate did provide for possibilities (e.g. legally guaranteed access to monitoring, role of mediation) that NGOs officially do not have. The funding for the Ombudsman Office has been raised significantly, as well as after almost two years without leadership, a generally supported candidature for post of the Ombudsman was supported by the Saeima in February 2007. That provides a hope for more positive and faster progress in work of the Ombudsman Office and its relations and co-operation with NGOs.

35. What are the qualifications of the staff?

NGO staff usually has higher education, often they come from the social sciences (which, unfortunately, were not the strong side of the previous Soviet education system and are still struggling to develop). The stronger organizations also have legal experts or lawyers. Human rights and equality are not generally available at a qualitative level at the higher education institutions, however, so the staff generally has little training (apart from on the job) on the specific issues. Language proficiency is sometimes a problem for international work, but staff is generally at least bilingual (Latvian and Russian) and frequently the organization has some staff that is proficient in English (less common is French, German).

36. What training has the staff had in relation to anti-discrimination work?

A few representatives of some of the more developed organizations have been able to receive some international training at Abo akademi in Finland, at UN and Council of Europe trainings, a training in Netherlands on litigation, race directive training in Budapest. Locally, the LCHR organized a training in Riga together with the Roma Rights Centre on the Race Directive, for local NGOs. The LCHR has also organized a series of anti-discrimination workshops for Latvian NGOs regionally, including the state of the legislation, the EU directives, the role of NGOs and the possibilities and role of litigation. Generally, the training is inadequate and only a handful of persons of those working on the topic have received focused training.

37. Are they trained in writing funding proposals and reporting?

Most organizations have some experience in writing proposals, but the quality is extremely varied. Only a few organizations have experience with EU funding, including writing of reports and proposals, and also only a few have experience in cooperating with other organizations in projects. The LCHR is a lead organization for a 3-year EU project on closed institutions including international partners, but this is a first occasion in the country. Several of the larger organizations have experience in writing projects for local EU funding or other international funding (from embassies, regional organizations), but it is fair to say that most organizations do not have sufficient skills in proposal writing and reporting. Little training has been provided, and additional training is necessary. Smaller and local NGOs have little capacity and experience in project writing.

38. How do they evaluate their “success” and the quality of their anti-discrimination work?

There has been no real impact assessment to date, partly because the process has started so recently. Indicators watched for include the reflection and frequency of mention in media, the impact on legislation and official policy, and with time, the reflection in opinion polls and public discourse. The LCHR, when providing trainings, collects evaluations sheets at the end of the seminars, but also includes a discussion session in the beginning and the end to get a sense of whether the message has reached its audience. The general sense is that there are great variations among audiences and it is essential to develop individually adapted/adaptable approaches for effective communication with diverse audiences. It is also clear that there need to be follow-up seminars and a series of seminars that are more specialized on certain aspects or certain grounds.

III. Needs and problems of NGOs working to combat discrimination

39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?

Funding is the main problem for Latvian NGO sector in general, but the funding problems is clearly connected to the capacity question in the effective use of funds. Anti-discrimination is a new and unpopular topic and funding is likely to be more difficult to get on a national and private level, but is compensated for by the availability of EU funding in some cases.

40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs involved in anti-discrimination work?

The lack of qualified staff is a problem for most NGOs, and the lack of adequate funding makes it very difficult for organizations to provide necessary training for existing staff.

41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?

There are only a handful of human rights lawyers – or lawyers interested in human rights – in Latvia, and none that focus exclusively on discrimination, which makes it difficult to attract qualitative legal staff. The social sciences provide more interested potential staff, but with clear additional training needs. Staff arrives with commitment and interest, but essentially no pre-existing knowledge of the field.

42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?

Training is needed both on the substance (on the concept of discrimination (including what is not discrimination and in-depth explanations of exceptions to prohibition to discriminate) of directives, of national legislation, on the procedure for complaints and mediation, litigation, on practical examples of discrimination and successful ways to tackle it, on the EU situation and legal remedies internationally. But training is also needed on how to present the information to others in an effective way and how to promote interest and discussions.

43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?

Staff is not sufficiently trained (but the national legislation is also just recently adopted on employment, and not yet adopted completely for other issues).

44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?

Staff is not sufficiently trained.

45. Is their staff trained in relation to advising government: formulating policy proposals? legislative proposals?

Some of the larger organization's staff has rather extensive experience in these matters, but it is altogether only a few individuals who have been learning by participating (as has the government itself). The smaller NGOs have little or no experience. Legislative proposals are in themselves a serious problem in Latvia, as a huge amount of legislation is passed in a very short time, and almost never is adequate attention paid to analysis or formulation. As a result, it is not infrequent to find incompatible legislation in force.

46. Do they need to do more to promote their anti-discrimination role?

As anti-discrimination is such a new topic in Latvia, it is clear that more attention needs to be brought to the issue in general, and also to the NGO role in dealing with discrimination issues. The ones that already do need to make their interest and growing expertise in the field more publicly known.

47. Do they need to "do more" with clients or potential clients?

Although the provision of service to clients varies greatly across the various NGOs, even the ones that do receive clients need to do more. First, there is a need to attract clear cases of discrimination so that strategic litigation can be pursued and case law developed. It has been difficult to attract clients with discrimination complaints (also for the national human rights bureau), which probably has to do with the low awareness. At the same time, the complaints that are received on a presumed discrimination basis often actually are not discrimination issues, no matter how real a problem the client has.

48. Do they need to "do more" with government – to increase their credibility and status?

Many organizations need to improve the participation in government work, the commenting on legislative and policy developments. Credibility and status is raised tactically by international links and participation and substantially by raising the level of expertise, which therefore should be a priority. The cooperation of networks of NGOs that therefore could be more effectively represented at government level also needs to be encouraged. Moving beyond ministerial working groups and parliament committee participation as experts, more effort needs to be put into cooperation with and provision of training for state institutions and key staff in various sectors (e.g. law enforcement, judiciary, employment agencies, etc.)

49. For the trade unions, do they need to do more” with companies/employers organisations?

Trade unions have to raise their capacities in all fields, including work with companies and employers organisations.

50. Would they need to “do more” with public opinion and awareness raising?

Public awareness of discrimination issues is very low and opinion polls vary from seeing all problems as discrimination to denial of discrimination altogether. Work with the media is crucial, and although some organizations have good exposure to all forms of media, the topic of anti-discrimination has not received enough media attention. Focusing on media and identifying potential “allies” is therefore very important. Public events, publications and seminars all need to be further developed, paying special attention to the regions and smaller towns.

51. What would they need to develop?

NGOs need to develop almost all aspects of activities: expertise, fund-raising, project-writing, work with media, work with government, lobbying, mutual cooperation and coordination, etc. NGOs also need to develop mediation skills and litigation skills.

c) National legislation in the field of anti-discrimination

1. The transposition of the Directives into national law

Apart from international human rights documents binding to Latvia, the prohibition of discrimination was included in the Latvian legislation before Latvia became a full member of the EU in 2004. Since 1998, Article 91 of the Constitution includes a general prohibition to discriminate “[a]ll human beings in Latvia shall be equal before the law and the courts. Human rights shall be realized without discrimination of any kind”. On 20.06.2001, the new *Labour Law* was adopted (effective 1.06.2002, with amendments to 21.09.2006), which included most of requirements set in the *Racial Equality Directive* and the *Employment Framework Directive*. A declarative clause on the equality principle is also included in several other laws, in particular, in the *Administrative Procedure Law*, the *Criminal Procedural Law*, the *Laws on Judicial Power, Education, Advocacy, Police, Latvian Penal Code, Children’s Rights Protection, Fire Safety, Border Guard, Scientific Activity, Advertising, Private Pension Funds, and Religious Organizations*. In several laws, the list of prohibited grounds of discrimination is non-exhaustive and exceeds the scope of discrimination’s grounds covered by the EU *Directives*.

The deadline of the transposition of the *Council Directive 2000/43/EC (Racial Equality Directive)* and the *Council Directive 2000/78/EC (Employment Framework Directive)* was 1 May 2004, the date of Latvia’s accession to the EU. As of beginning of July 2007, the requirements of the *Employment Framework Directive* were largely transposed into the Latvian legislation, while the transposition of the *Racial Equality Directive* contained several gaps.

The main requirements of the *Employment Framework Directive 2000/78/EC* were taken into account when the new *Labour Law* was elaborated and adopted in 2002, and through additional amendments to the *Labour Law* (adopted 22.04.2004, effective 08.05.2004). The law includes definitions and prohibition of direct and indirect discrimination, harassment, instruction to discriminate, and victimization, and an obligation for employers to provide reasonable accommodation and facilitate establishing of working relations for disabled persons in order to foster the principle of equal opportunities. The *Labour Law* contains a non-exhaustive list of prohibited grounds of discrimination including gender, race, skin colour, age, disability, religious, political or other beliefs, national or social origin, property or family status, and other conditions as well as a provision on shifting the burden of proof in discrimination cases. The ethnic background is not explicitly included in the list, and is covered by “other conditions”, not by “race”. The law stipulates the prohibition of differential treatment when establishing employment legal relationships, as well as during the period of existence of employment legal relationships, in particular when promoting an employee, determining working conditions, work remuneration, occupational training or raising of qualifications, as well as when giving notice of termination of an employment contract. After prolonged debates and initial refusal to include sexual orientation in a third reading of amendments, which were sent back for review by the President of Latvia for this reason, on 21.09.2006, the Saeima (parliament) finally adopted the amendment to the *Labour Law* by which sexual orientation was explicitly included in the list of prohibited grounds of discrimination (the law amendments effective 25.10.2006). Additionally, on 2.11.2006, the Saeima adopted amendments to the *Law on State Civil Service* (effective 10.11.2006), which were necessary to transpose both the *Employment Framework Directive* and the *Racial Equality Directive*.

Until the beginning of July 2007, the transposition of the *Racial Equality Directive 2000/43/EC* into the Latvian legislation still was incomplete. In July 2006, the European Commission initiated infringement procedures against Latvia for not fully transposing the *Racial Equality Directive*. The *Racial Equality Directive’s* provisions concerning employment have been largely transposed into the *Labour Law*. However, there are still gaps in transposition, especially in the area of publicly available goods and services.

In 2004, a working group under the auspices of the Secretariat of Special Assignments Minister for Social Integration (IUMSILS) elaborated a comprehensive *draft Law on Prevention of Discrimination*, taking into account all international standards relating to the issue of non-discrimination, which Latvia has undertaken, including the requirements of the *Racial Equality Directive*. The *Law* passed its first reading in the Parliament on 7.04.2004. However, after criticism by the Parliament's Human Rights and Public Affairs Committee and Law Bureau and attempts to reduce the protection level set by this law to the minimum requirements of the Equality Directives, draft amendments to eight separate laws were submitted to the Parliament instead.¹ In 2005, amendments to eight laws developed by the working group at the Secretariat of the Special Assignments Minister for Social Integration Affairs (IUMSILS in Latvian acronym) in order to ensure the transposition of the *Racial Equality Directive's* requirements into the Latvian legislation were submitted to various Saeima's Committees: the *Law on Social Security*, the *Law on State Civil Service*, the *Law on Consumers' Rights*, the *Law on the Latvian National Human Rights Office*, the *Law on Associations and Foundations*, the *Civil Law*, the *Criminal Law* and the *Administrative Violations Code*.

As concerns the situation on the adoption of the necessary amendments, two of the previously elaborated amendments were made to the *Law on Social Security* (adopted 1.12.2005, effective 5.01.2006) and the *Law on the Latvian National Human Rights Office* (adopted 15.12.2005, effective 12.01.2006) in 2005. In 2006, Saeima adopted the amendments to the *Law on Associations and Foundations* (adopted 2.11.2006, effective 23.11.2006) and to the above mentioned *Law on the State Civil Service* (adopted 2.11.2006, effective 10.11.2006). On 17.05.2007, the amendments to the *Administrative Violations Code* with changes were adopted (effective 21.06.2007). The amendments with changes to the *Criminal Law* were passed on 21.06.2007 (effective 19.07.2007).² The amendments to the *Civil Law* were adopted in the first reading on 23.11.2006. The *Law on Consumers' Rights* have not passed the first reading in the Saeima so far.

The amendments to the *Law on Social Security* include a non-exhaustive list of prohibited grounds of discrimination (person's race, colour, gender, age, disability, health, religious, political or other conviction, national or social origin, property or family status or other circumstances³), the definitions and prohibition of direct and indirect discrimination, harassment, instruction to discriminate, and victimization, as well as provide that differential treatment (with exception of harassment) can be justified if there is a legitimate goal and the means employed are proportionate. The amendments also re-define social services, extending the application of the *Law on Social Security*.⁴ According to the *Law*, social services for the purpose of this law are considered as measures implemented by the state or municipality by providing social benefits or other services in order to promote a full implementation of a person's social rights.

The amendments to the *Law on the National Human Rights Office* (NHRO) have provided the NHRO the competence of designated institution for implementing the principle of non-discrimination not only on the grounds of race and ethnicity, but for the principle of equal treatment overall (without listing the particular prohibited grounds of discrimination). They also foresaw a right (however, not a duty) of the NHRO to represent victims of discrimination under civil and administrative proceedings. On 6.04.2006, the Saeima adopted the *Law on the Ombudsman's Office* (effective 1.01.2007) stipulating that the Ombudsman's Office takes over the NHRO's duties and rights (see Section 2), as well as takes on new competences.

¹ Pūce, I. *Report on situation of fundamental rights in Latvia 2005* (EU Network of Independent Experts on Fundamental Rights (2005).

² On 17.05.2007, the Saeima has also adopted amendments to the *Criminal Law* in the third reading; however the amendments significantly differed from the draft law submitted to the Parliament, and the President of Latvia has returned the law for review on 24.05.2007.

³ On 9.11.2007, the Cabinet of Ministers submitted draft amendments to the *Law on Social Security* to the Saeima, which would explicitly include ethnicity as prohibited grounds of discrimination. At present no time of adoption of these amendments has been set by the Saeima.

⁴ Feldhune, Gita, 'Latvia' in: human european consultancy, Migration Policy Group, *European Anti-Discrimination Law Review No.4 2006*, the European Network of Legal Experts in the Non-Discrimination Field, p.67, http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/06lawrev4_en.pdf (accessed 26 July 2007).

The functions of the Ombudsman's Office include promotion of the protection of the rights and lawful interests of private individuals, promotion of the compliance with the principles of equal treatment and prevention of any type of discrimination, discovering deficiencies in the anti-discrimination legislation, promotion of the rectification of such deficiencies, promotion of the public awareness and understanding of human rights, of the mechanisms for the protection of such rights and the activities of the Ombudsman's Office. In order to carry out the above-mentioned functions the Ombudsman's Office accepts and examines submissions, complaints and proposals of private individuals, initiates a verification procedure for the clarification of circumstances, requests that institutions clarify the necessary circumstances of the matter and inform the Ombudsman's Office thereof, provides the institutions with recommendations and opinions regarding the lawfulness and effectiveness of their activities, resolves disputes between private individuals and institutions, as well as disputes in respect of human rights between private individuals, provides persons with consultations regarding human rights issues, and conducts surveys and drafts reports regarding the situation in the field of human rights, as well as provides opinions regarding the topical human rights issues. The Ombudsman's Office shall be independent in its activities and shall be governed exclusively by the law (Art. 13). Thus, the mandate of the Ombudsman's Office corresponds with the formal requirements of the *Racial Equality Directive*.

According to the adopted amendments to the *Law on the State Civil Service*, legal norms regulating legal relationships at work and stipulating principle of equality, prohibition of differential treatment and victimization shall be applied in the legal relationships of the civil service.

The adopted amendments to *Law on Associations and Foundations* provide the right for NGOs, whose statutes are aimed to protection of human rights and individual freedoms, to submit applications to institutions or to court with a person's acceptance and to defend the interests and rights of persons in cases related to violation of the principle of equal treatment.

Both draft amendments to the *Administrative Violations Code* and to the *Criminal Law* were adopted in the first reading on 07.04.2004, however, their further adoption process was stopped until the incoming parliament finally adopted them. The delay of the adoption process of these laws was caused by the conviction of the Saeima's Committee that the scope of the amendments is not covered by the *Racial Equality Directive*.⁵ Also according to the IUMSILS, the amendments to these laws promote the transposition of the Directive, although they are not directly connected with its requirements.⁶ The amendments to the *Administrative Violations Code* were adopted on 17.05.2007, and they include a new article 204.17 *Violation of the prohibition of discrimination*. The amendments envisage fines in the amount from LVL 100 (EUR 142) to LVL 500 (EUR 711) for violation of prohibition of discrimination stipulated in legislative acts, which can be imposed by State Labour Inspectorate (in relation to discrimination in employment) or by courts (in all other cases).⁷

⁵ Dimitrovs A., *Direktīvas 2000/43/EK pārņemšana*, presentation for a training seminar (2006).

⁶ Latvijas Republikas nostāja par pārkapumu lietā Nr.2006/2253

http://www.mk.gov.lv/doc/2005/IUMSIL_nostajaEK_2000_43_310806_EK.doc (accessed 26 July 2007).

⁷ The previous version of amendments adopted by the Saeima in the first reading included a list of prohibited grounds of discrimination depending on a person's gender, age, race, skin colour, nationality, or ethnic identity, political or other opinions, social origin, education, social and property status, kind of occupation, health status, or sexual orientation. The list of prohibited grounds of discrimination was abolished due to the protests of some organizations, above all, religious confessions, against the inclusion of sexual orientation into the list of prohibited grounds of discrimination. Latvijas Cilvēktiesību Centrs, unpublished report, *Diskriminācijas novēršana Latvijā: likumi, institūcijas un tiesu prakse 2005-2007* (forthcoming in 2007).

On 21.06.2007, the Saeima adopted the amendments to the *Criminal Law*.⁸ Section 78 (Violation of National or Racial Equality and Restriction of Human Rights) stipulating sanctions for breach of the prohibition of commission of acts knowingly directed towards instigating national or racial hatred or enmity has been renamed 'Incitement to national, ethnic why is ethnicity mentioned in criminal code and not in other pieces of law? - No reason. and racial hatred' and supplemented with new qualifying conditions – through use of automated data processing systems -- and a new form of sanction (community service). The newly introduced Section 149⁷ criminalizes discrimination on the grounds of race or ethnic affiliation, or other prohibited forms of discrimination listed in legislation acts if repeatedly committed within a year. Section 150 (Violation of Equality Rights of Persons on the Basis of Their Attitudes Towards Religion) has been renamed 'Raising Religious Hatred' and includes criminal liability for instigating religious hatred, insulting religious sensibilities and has been supplemented with qualifying conditions – if linked with violence, threats, committed in a group, by an official, through automated data processing, etc.

The draft amendments to the *Civil Law* passed in the first reading in the Saeima, include a non-exhaustive list of prohibited grounds of discrimination (gender, age, race, skin colour, ethnicity, religious convictions, political or other beliefs, and other conditions). The draft law includes definitions and prohibition of direct and indirect discrimination, instruction to discriminate, and victimization in the area of provision of goods and services, which are available to the public or in affairs related to provision of goods and services.⁹ Progress on adoption has been hampered by concerns expressed by some legal experts that the legal system cannot accommodate such amendments to the Civil Law, and attempts to find other solutions for transposing the directive requirements have been initiated.

The draft amendments to the *Law on Consumers' Rights* stipulate that in the area of protection of consumers' rights, the *Civil Law* provisions shall be applied unless otherwise is prescribed by the law. The draft amendments stipulate the right of a consumer to claim for compensation for pecuniary and non-pecuniary damage in the court in cases of violation of prohibition of equality principle and victimization.

Thus, the transposition of the *Racial Equality Directive* is still incomplete in 2007. Most of requirements of the directive have been transposed into national legislation in the area of employment both in public and private sector, and also in the field of social protection, including social security, healthcare and social benefits provided by the state and municipalities. However, the *Directive's* requirements in the area of publicly available goods and services, including housing as well as healthcare in the private sphere, still have not been transposed, as amendments to the *Civil Law* and the *Law on Consumers' rights* have not been adopted.

⁸ The proposed amendments to the *Criminal Law* passed the first reading foresaw that Section 78 (Violation of National or Racial Equality and Restriction of Human Rights) of the *Criminal Law* would be divided. That is, it would continue to include sanctions for breach of the prohibition of commission of acts knowingly directed towards instigating national or racial hatred or enmity, with a more severe sanction for the same act if it caused severe damage, or was associated with violence, fraud or threats, or was committed by a group of persons, a State official, or a responsible employee of an undertaking (company) or organization, or was committed using an automatic system of data processing. Discrimination would be transferred to Section 150 (Violation of Equality Rights of Persons on the Basis of Their Attitudes Towards Religion), which was foreseen to apply so as to include sanctions for breach of prohibition of discrimination based on gender, age, race, skin colour, nationality or ethnic affinity, religious, political or other conviction, social origin, education, social or property status, kind of employment, state of health or sexual orientation, if committed repeatedly in a year. More severe sanctions were foreseen if severe damage was caused, or if it is associated with violence, fraud or threats, or where committed by a group of persons, a State official, or a responsible employee of an undertaking (company) or organization, or committed using an automatic system of data processing.

⁹ The adopted version of the amendments differs from the previously elaborated draft law amendments stipulating a broader list of prohibited grounds of discrimination, including sexual orientation. In October 2005, the Saeima returned the draft amendments to the Cabinet of Ministers for further elaborations with an argument that the list of the prohibited grounds of discrimination was too broad.

Although the anti-discrimination clause in the *Constitution* and also the *Law on Social Security* are applicable to the area of access to goods and services provided by the state and municipalities,¹⁰ the provisions regarding the relevant sphere in private area remains more problematic (See also Section 2.B). In practice, there was a court case, in which the existing *Civil Law* provisions were applied in a discrimination case when a user of a wheelchair, who had twice been refused entry into a nightclub, won a ruling that he had been discriminated against on the basis of disability, thus offending his honour and reputation.¹¹ According to some experts, the *Directive* is also not fully transposed as the proposed amendments do not fully cover its scope, e.g., concerning access to education.¹²

The slow process of the adoption of anti-discrimination legislation in order to transpose the *Directives* reveals a lack of political will to elaborate and implement comprehensive anti-discrimination legal guarantees and policies. Parliamentary debates have not included substantive discussions on anti-discrimination, while several heated discussions have focused on the inclusion of the sexual orientation in the list of the prohibited grounds of discrimination in the *Labour Law* and other draft amendments, when distinctly homophobic rhetoric from several MPs was displayed, including from the Latvian First Party, but also from other parties.

The process of the *Directives*' transposition has been largely facilitated by the IUMSILS responsible for the *Racial Equality Directive*'s transposition, the Welfare Ministry responsible for the *Employment Directive* (and thus the other grounds), and a few NGOs involved in the process by means of participation in the working groups, work with the media, policy lobbying and awareness raising. NGO Latvian Centre for Human Rights (LCHR) has played a major role in raising public awareness by means of organizing conferences and training seminars for judges, lawyers, legal practitioners and civil society. The NGO "Mozaika" and other NGOs representing the LGBT interests have participated debates on highlighting the need to include sexual orientation among prohibited grounds of discrimination in the *Labour Law*. There has been a shortage of analysis and substantive discussions in the media on the issue. At the same time, information on the first ever discrimination case on the grounds of ethnic origin reviewed by Jelgava court in May 2006, could promote the increase of complaints on alleged discrimination on the grounds of race and ethnicity.¹³ The prohibition of discrimination in the area of employment has been discussed more broadly in public as compared to other areas, in particular, access to goods and services, social security, healthcare, housing, and education, due to the fact that most of the few existing court cases, in which provisions of the *Directives* were applied, have been related to the labour market.

¹⁰ Human European Consultancy, Migration Policy Group, *Comparative Analyses on National Measures to Combat Discrimination Outside Employment and Occupation*. Mapping study on existing national legislative measures – and their impact in – tackling discrimination outside the field of employment and occupation on the grounds of sex, religion or belief, disability, age and sexual orientation, VT/2005/062 (December 2006), p.20, http://www.migpolgroup.com/multiattachments/3603/DocumentName/mapstrand1_en.pdf (accessed 26 July 2007).

¹¹ Ibid. Riga regional court 11.07.2005 judgment in case No.CO4386004 Raimonds Smagars v SIA "Vernisažas centrs"

¹² Pūce, I. *Report on situation of fundamental rights in Latvia 2005* (EU Network of Independent Experts on Fundamental Rights (2005). Indeed, Section 3 of the *Law on Education* (adopted 29.10.1998 with the amendments until 19.12.2006) applicable both to public and private sphere stipulates that "Every citizen of the Republic of Latvia and every person who has the right to a non-citizen passport issued by the Republic of Latvia, every person who has received a permanent residence permit, as well as citizens from European Union States who have been issued a temporary residence permit, and their children, have equal right to acquire education, regardless of their property or social status, race, nationality, gender, religious or political convictions, state of health, occupation or place of residence." However, the list of the prohibited grounds does not include age, sexual orientation and disability explicitly. The Constitutional equality clause (Section 91) would apply to discrimination in public bodies only. See: human european consultancy, Migration Policy Group, *Comparative Analyses on National Measures to Combat Discrimination Outside Employment and Occupation*, p.20.

¹³ Latvijas Valsts Cilvēktiesību birojs, *Aktuāli cilvēktiesību jautājumi Latvijā 2006.gada 2.ceturksnī*, http://www.vcb.lv/zinojumi/2006.g.2.cet.doc#_Toc141277897 (accessed 7 July 2007).

The process of the *Directives*' transposition has broadened the functions of the National Human Rights Office (NHRO) in the area of anti-discrimination. On 01.01.2007, the Ombudsman's Office, established on the basis of NHRO, took over its duties for the implementation of the principle of equal treatment and officially designated as a body in accordance with Article 13 of the *Racial Equality Directive* after the adoption of the amendments to the *Law on the National Human Rights Office* on 15.12.2005. Although the competence of the NHRO always included equal treatment as part of its human rights mandate, the amendments have added to this competence. The law provides for the right (but not duty) of the Office to submit an application before a relevant administrative institution or bring a case to the court, with the consent of the person concerned, when the case is about violation of prohibition of differential treatment. The designated specialised equality body has competence on equal treatment overall, on all grounds of discrimination. However, only 4 staff members worked at the Unit for Eliminating Discrimination in 2007, and the issue of capacity of the Ombudsman's Office continued to raise concern, especially in view of the extremely broad mandate of the Office, which includes all human rights as well as good governance.¹⁴

The IUMSILS is the institution responsible for transposition of the *Racial Equality Directive*. The Department for the European Policy of Non-discrimination was established in 2005, and is responsible for elaboration of policy documents on non-discrimination, implementation the *National Action Plan on Promotion of Tolerance 2005-2009* adopted by the government in 2005, raising awareness in society on non-discrimination and tolerance policy, and collaboration with the EU bodies. So far, the scope of projects in the framework of these programs has been primarily aimed at public awareness raising measures with a view of tackling prejudice and promoting tolerance towards various ethnic and religious minorities. The IUMSILS is also responsible for the implementation of the *National Action Plan „Roma in Latvia 2007-2009”* adopted by the Cabinet of Ministers on 17.10.2006. The National Action Plan foresees activities aimed at combating discrimination against Roma and refers also to the *Racial Equality Directive's* provisions. In 2007, 3 persons worked in the department, but its longevity was subject of concern. In October 2007, the department was closed. Functions of the department were divided among the Department for Society Integration Policy, the Legal Department, the Department for National Minorities and the newly established Department for International Relations and Projects.

The Ministry of Welfare has been responsible for the coordination of the implementation of principle of gender equality in the state since 1999.¹⁵ Although the Ministry is also responsible for the transposition of the *Employment Framework Directive*, over the last few years, most of the Ministry's anti-discrimination activities have primarily concerned raising state institutions' and social partners' capacity and public awareness on gender equality issues. Though the Ministry works closely on the measures to promote integration of socially vulnerable groups, discrimination as such on various grounds have not yet been addressed and monitored, although age and disability are allegedly part of planned focus for the near future. The ministry and some institutions under its supervision (e.g., the State Labour Inspectorate – see Section 2) have included a few information campaigns on the *Labour Law*, including on its anti-discrimination provisions.¹⁶

There is generally a lack of comprehensive data on the situation regarding discrimination on various grounds in Latvia. There is also only a small, although slowly increasing number of court cases on discrimination and relatively few complaints (see Section 2). In addition, no systematic data collection and research have been developed in order to monitor the situation of various social groups, cases and practices of discrimination. Only a few studies address the issues of unfavourable differences and the various grounds of discrimination, and no attempts have been made to assess the kinds of discrimination covered by the *Directives* explicitly. However, several opinion polls have included questions on issues of tolerance, stereotypes and prejudice, as well as perceived discrimination. Some of these have been commissioned by the IUMSILS and the NHRO.

¹⁴ Information available on the website www.vcb.lv.

¹⁵ Ministru Kabineta 08.12.1998 sēdes protokola Nr. 6635.

¹⁶ Information on the activities of the Ministry of Welfare is available at: www.lm.gov.lv.

There were several initiatives by NGOs and research institutions to assess possible discrimination, stereotypes and prejudices with a view to influence state policy and to raise public awareness. In 2003, the Latvian Centre for Human Rights published the first study on the situation of Roma in Latvia, which also included issues of discrimination, stereotypes and prejudice against Roma.¹⁷ Econometric studies, commissioned by the World Bank and based on the Central Statistical Bureau's Labour Force Survey, have been made by researcher Mihails Hazans since 2005; the studies address the role of different factors, including gender, age and ethnicity on levels of income and other economic indicators¹⁸. In the framework of the EU Structural Funds' programme, several studies on the labour market commissioned by the Ministry of Welfare were published in June 2007. The studies included gender, age and ethnic dimension; one of the studies included an objective to elaborate mechanisms of monitoring discrimination.¹⁹

Meanwhile, according to the available data and evidence, gender, age, ethnic and racial origin are among the most widespread grounds of discrimination in Latvia (See Section 3), while sexual orientation and disability also appear to be not uncommon, albeit difficult to measure.

Over the last few years, several international organizations have expressed concern about insufficient provisions on prohibition of discrimination in Latvia. The UN Committee on the Elimination of Racial Discrimination (CERD) and the UN Human Rights Committee have issued their last recommendations in 2003²⁰, while the Committee on the Elimination of Discrimination against Women (CEDAW) made its last recommendations in 2004.²¹ The UN Economic and Social Council (ECOSOC) issued its concluding observation in May 2007.²² In 2003, the CERD, while recognizing progress made in certain areas of legislation and policies, recommended to Latvia to pursue its efforts with regard to the preparation of a comprehensive anti-discrimination law, and to incorporate fully the definition of racial discrimination into legislation. In 2007, the ECOSOC regretted the delay in the enactment of comprehensive anti-discrimination legislation, while noting the existence of anti-discrimination provisions in administrative and criminal legislation.

Representatives of international organizations (e.g., CERD, CEDAW, and the ECOSOC) have also pointed to shortcomings related to data collection and the lack of disaggregated data. For example, the CEDAW, in its 2004 Concluding Observations, has pointed to the need to present data on women's situation in correlation to ethnicity in different areas like employment, education, health care and citizenship.

¹⁷ See: Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003).

¹⁸ See, e.g.: Hazans, Mihails, *Unemployment and the Earning Structure in Latvia*, (World Bank Policy Research Working Paper No 3504, Washington: World Bank ECA Region and University of Latvia, 2005); Baltijas Sociālo zinātņu institūts, *Darba algas un to ietekmējošie faktori* (Rīga, 2006); World Bank, *Latvia: Sharing High Growth Dividend. A living Standards Assessment* (World Bank, Washington, D.C., 2007).

¹⁹ See at: http://sf.lm.gov.lv/esf/?main_page_id=5&page_type=d_cat&second_page_id=31 (accessed 26 July 2007).

²⁰ See: Concluding Observations of the Human Rights Committee, Latvia, U.N.Doc.CCPR/CO/79/LVA (2003), see at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.79.LVA.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.79.LVA.En?Opendocument) (accessed 26 July 2007); Concluding observation of the Committee on the Elimination of Racial Discrimination: Latvia, 10.12.2003. CERD/C/63/CO/7, Sixty-third session, 4-22 August 2003, see at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.63.CO.7.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.63.CO.7.En?Opendocument) (accessed 26 July 2007).

²¹ See: CEDAW Concluding Observations on Latvia, A/59/38, APVIENOTO NĀCIJU ORGANIZĀCIJAS Sieviešu diskriminācijas izskaušanas komitejas Ziņojums, Trīsdesmitā sesija (2004. gada 12.-30. janvārī), Trīsdesmit pirmā sesija (2004. gada 6.-23. jūlijā). Ģenerālā Asambleja, Oficiālie Protokoli, Piecdesmit devītā sesija, Pielikums Nr. 38 (A/59/38 <http://www.mkparstavis.am.gov.lv/?id=179>) (accessed 26 July 2007).

²² See: United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Thirty-eight session, Geneva, 30 April-18 May 2007, Consideration of Reports Submitted by State Parties under Articles 16 and 17 of the Covenant, Concluding Observations of the Committee on Economic, Social and Cultural Rights, Latvia, see at: <http://www.ohchr.org/tbruc/cescr/Latvia.pdf> (accessed 26 July 2007).

Several representatives of international organizations such as the Monitoring Committee of the Council of Europe, Council of Europe Commission against Racism and Intolerance, the OSCE High Commissioner for National Minorities, the UN Human Rights Committee and the CERD have pointed to the large number of non-citizens (former Soviet citizens who are permanent residents of Latvia)²³ resulting in a lack of effective enjoyment of several rights, including the right to occupy certain state and public positions and exercise certain professions in the private sector, and recommendations to facilitate the process of naturalization and integration of non-citizens, have been rather regularly forthcoming from these institutions.²⁴ In 2007, the ECOSOC also regretted that ‘it did not receive full and adequate information on the fulfilment of the obligation of the State party to guarantee the enjoyment of rights enshrined in the Covenant without discrimination ... with respect to non-citizens ... who make up some 20% of the population...’. The Committee requested Latvia to provide, in its next periodic report, ‘detailed and comprehensive information on the enjoyment of all economic, social and cultural rights, disaggregated by citizen/non-citizen status.’

There have also been concerns and recommendations related to the implementation of the *State Language Law*, in particular with regards to the scope of language proficiency requirements for jobs and also to the rules stipulating language use with public authorities.²⁵ The ECOSOC was also concerned with the situation of persons with mental and physical disabilities who ‘continue to face serious disadvantages in accessing the labour market’; the high percentage of Roma children drop-outs in schools has been highlighted as another problem.

In the opinion issued by the European Commission on the 27th of June 2007, Latvia was included in the list of states, which have not fully transposed the *Racial Equality Directive* with the following reference ‘The scope of national legislation transposing the Directive is restricted to the field of employment’.²⁶

2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation

2.A Employment and occupation related - all grounds

In case of discriminatory practices carried out by an employer, which is a private body, the affected employees may apply to the employer, the civil court, Ombudsman’s Office, State Labour Inspectorate, trade unions (if the employees are their members) and NGOs to ensure protection of their human rights.

²³ According to the Register of Residents, the overall population of Latvia was 2.3 million in the beginning of 2007. Latvian citizens represented 81% of the total population. Although more than 120 000 persons have become Latvian citizens through the naturalization since the process was launched in 1995, 418,440 of the residents still were non-citizens representing about 18% of the population. The share of foreigners and stateless persons did not exceed 2% of the total number of residents. Most of non-citizens (66%) were Russians, Belorussians (13%) and Ukrainians (9%). See: Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 26 July 2007; Naturalization Board, *Statistics on naturalization*, http://www.np.gov.lv/index.php?en=fakti_en&saite=statistic.htm, accessed 36 July 2007

²⁴ Brands Kehre, Ilze, Puce, Ilvija, ‘Civil and Political Rights’, in: Rozenvalds, Juris, ed.: *How Democratic is Latvia. Audit of Democracy*, (Riga: University of Latvia, 2005). See, e.g., Concluding observation of the Committee on the Elimination of Racial Discrimination: Latvia, 10.12.2003. CERD/C/63/CO/7, Sixty-third session, 4-22 August 2003.

²⁵ In particular, the CERD was concerned that the scope of language requirements in the *State Language Law* in relation to employment, particularly in the private sector, may lead to discrimination against minorities, and recommended that the Law does not result in unnecessary restrictions that may have the effect of creating or perpetuating ethnic discrimination. The CERD has also called the state to ensure that vulnerable groups, such as prisoners, sick and poor persons, among non-Latvian speakers have the possibility of communicating with the relevant authorities through provision of, if necessary, translation facilities. In 2007, the ECOSOC has issued the same recommendation urging Latvia ‘to consider providing translators and interpreters in State and municipal offices, in particular, in regions that have a high concentration of minority language speakers.’ In particular, the ECOSOC was concerned that ‘members of linguistic minorities, especially older persons, may be disadvantaged in their claims to public authorities with regard to their entitlement to public services’.

²⁶ MEMO/07/263, See at: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/263&format=HTML&aged=0&language=EN&guiLanguage=en> (accessed 26 July 2007).

If a public authority discriminates its employees that are employed according to the *Labour Law* (i.e. they are not public officials), they have a right to trigger the same mechanisms for their protection. All the above-mentioned legal and administrative remedies are described in detail below.

Legal remedies

The *Administrative Procedure Law* (adopted 25.10.2001, effective 1.02.2004) explicitly lays down the principle of equality in the administrative process: “In matters where there are identical factual and legal circumstances, institutions and courts shall adopt identical decisions (in matters where there are different factual or legal circumstances – different decisions) irrespective of the gender, age, race, skin colour, language, religious beliefs, political or other views, social origin, nationality, education, social and financial status, type of occupation or other circumstances of participants in the administrative proceedings”. Article 76(2) of the Law permits a challenge to the administrative act before a higher institution, and then, or, if such higher institution does not exist, directly in the court. Section 98 of the Law provides for compensation in cases of violation of rights within the administrative process: “Everyone is entitled to claim due compensation for financial loss or personal harm, including moral harm, which has been caused him or her by an administrative act or an actual action of an institution.”

For discrimination occurring in employment relationships²⁷, remedies are available under the *Labour Law* (art.95 (2)). A person, who considers him/herself a victim of the differential treatment, can apply to the court. In accordance with Article 1 (3) of the *Law on Judicial Power* (adopted 15.12.1992, effective 01.01.1993 with amendments to 2.11.2006), a three - tier court system exists in Latvia: District (City) Courts; Regional Courts; and Supreme Court. The Supreme Court forms the highest level of the court system in Latvia and the judgments thereof at national level are final. Violation of prohibitions against differential treatment and victimisation entitle an employee affected to claim compensation for loss and moral harm. In case of dispute, the court may determine the amount of compensation for moral harm. Apart from two court cases on gender discrimination in 2000, since the amendments to the *Labour Law* entered into the force on 2002, there were several court cases on discrimination in the area of employment: on the grounds of gender and property status (2005), the grounds of sexual orientation (2005, with an appeal in 2006), on the grounds of maternity (2006, with an appeal), on the grounds of ethnicity (2006), on alleged violation on the principle of equal pay for similar work between women and men (2006,2007), and on the grounds of blindness (2006,2007).

As mentioned above, according to the newly adopted amendments (Section 204.17) to the *Administrative Violations Code* (effective 21.06.2007), the State Labour Inspectorate has competence to investigate cases of discrimination in employment (Section 29, 34). In 2007 amendments to the *Criminal Law*, the newly introduced article 149⁷ criminalizes discrimination on the grounds of race or ethnic affiliation, or other prohibited forms of discrimination if repeatedly committed within a year.

The Constitutional Court examines compliance of laws and other legal norms with the *Constitution*, as well as cases under its jurisdiction. It has the right to declare provisions found not in compliance with a higher legal norm to be null and void. A constitutional complaint may be submitted by a person who considers that his or her basic rights have been violated by a legal norm that contradicts a higher norm.²⁸

²⁷ When establishing employment legal relationships, as well as during the period of existence of employment legal relationships, in particular when promoting an employee, determining working conditions, work remuneration, occupational training or raising of qualifications, as well as when giving notice of termination of an employment contract.

²⁸ Feldhüne G. *Report on Measures to Combat Discrimination, Directives 2000/43/EC and 2000/78/EC, Country report, Latvia* (human european consultancy, the Migration Policy Group, 10 December 2004), p.30, http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/lvrep05_en.pdf (accessed 26 July 2007).

Ombudsman's Office

The *Law on the Ombudsman's Office* obliges it, inter alia, to examine and review complaints concerning human rights violations, and to react to such violations (Art.12). The Office then has to attempt to resolve a conflict through conciliation. If this fails, the Office advises the parties of its opinion and proposals in the form of recommendations. However, opinions, conclusions and recommendations issued by the Ombudsman's Office are not binding (Art.25). Providing of legal consultations, resolution of disputes between private persons and between private persons and institutions and promotion of conciliation are part of the Office's functions; the Office also has the right to issue opinions and recommendations concerning legal norms and draft legislation. The *Law on the Ombudsman's Office* has broadened the NHRO's mandate. The Ombudsman has the right to initiate investigations, to request information and documents and to file civil and administrative cases in court, and to represent a person in question during administrative court sessions (Art.13). The Ombudsman's Office has the right, but not the duty, to represent interests of victims of discrimination in civil court proceedings. In 2006, the NHRO received in total 341 written and oral complaints on alleged discrimination; the majority of these were on the grounds of gender (151), race or ethnicity (49), language (28), health (23), and age (17).²⁹ No statistics are available on complaints about discrimination in various fields, although indications are that a large share of the complaints concerned employment issues.

State Labour Inspectorate (SLI)

The SLI is a state supervisory and control institution under the Ministry of Welfare. According to the *State Labour Inspectorate Law* (adopted 13.12.2001, effective), among its functions is the monitoring of compliance with legislation regulating the sphere of employment and the observance of the rights of employee as well as implementing measures to prevent conflicts between employers and employees (Article 3). Employees can turn to the SLI with complaints, which the SLI investigates; it can issue a warning or an instruction to the employer, inform the prosecutor's office and state and local government institutions about violations of law or apply administrative penalties for four administrative violations included in the *Administrative Violations Code*. According to the SLI, it has received in total 9 complaints on alleged discrimination during the period from 2004 till mid 2007.³⁰ Several cases were reported to be "unfounded", while information on the grounds of discrimination was not available from the SLI.

Trade Unions

Article 14 of the *Law on Trade Unions* permits trade unions to represent and defend the rights and interests of their members before state institutions, including bringing a case to court; the same is provided by Art.8 of the *Law on Labour Disputes* stipulating the right of trade unions to represent their members in resolution of individual labour disputes and to the court. In practice, no information is available on the application of these provisions concerning cases of discrimination; there are also no data on complaints on alleged discrimination received by trade unions. So far, Latvian trade unions have not developed anti-discrimination work practice.

NGOs

There is a very small number of NGOs in Latvia, which receive complaints from residents, provide legal consultations and other kinds of assistance in cases of discrimination. Amendments to the *Law on Associations and Foundations* adopted on 2.11.2006 stipulated the right of NGOs to represent victims of discrimination to the court. To date, lawyers of two NGOs have represented victims of discrimination to the court. No practice of promotion of conciliation by NGOs has developed yet.

²⁹ Information obtained from the Ombudsman's Office on 7 May 2007. The number of complaints on discrimination has increased as compared to 2005 (177, in total) allegedly due to various public awareness raising campaigns mainly on gender equality, but also due to development of court practice.

³⁰ Information obtained from the State Labour Inspectorate on 5 July 2007.

Labour dispute resolution in enterprise

The employees have the right to turn to the employer with a request to stop discrimination and to ask for compensation of loss and also moral harm (Art.29(8)) of the *Labour Law*. Although the law foresees labour dispute committees for a variety of labour disputes, cases related to violation of the principle of equal treatment can be brought directly before a court, without turning to labour disputes' committee (Art.7 (3)).

2.B Non-employment or occupation related - race and ethnic origin

Legal remedies

In the cases of differential treatment by state and local government institutions, the norms of *Administrative Procedure Law* are applicable (see Section 2.A).

The *Law on Social Security* (Article 34) stipulates the right to appeal the decisions made by state and local government institutions as prescribed by the *Administrative Procedure Law* and prohibits victimization.

The Constitutional equality clause (Section 91), which refers to “discrimination of any kind”, can be directly relied on as against state actors.³¹

As mentioned above, the transposition of the *Directive's* requirements in the area of publicly available goods and services, including housing as well as healthcare in private sphere, still is incomplete, therefore, to date the existing legislation does not explicitly provide compensation for non-pecuniary damage for victims of discrimination in these areas.³² However, there is a precedent where the court has qualified the discrimination as violation of honour and dignity, and awarded moral compensation under the relevant provision of the *Civil Law* (Section 2352a) (see Section 1). The shifting of the burden of proof is not, however, applicable to remedies stipulated by the *Civil Law*.

Ombudsman's Office

See Section 2.A.

Centre for the Protection of Consumer Rights (CPCR)

The CPCR is a state body under the Ministry of Economy, which is authorized to implement measures to protect the rights and interests of consumers. According to the Rules of the CPCR (Cabinet's of Ministers Rules Nr.632), the Centre has the right, inter alia, to make investigations, controls, checks and requests as well as to provide consultations to costumers. In April 2007, the CPCR fined an advertisement company for publication of a racially discriminating advertisement in amount of LVL 5,000 (EUR 7,144); the advertisement company has appealed the decision of the CPCR in administrative court.

NGOs

See Section 2.A.

³¹ See: Human European Consultancy, Migration Policy Group, *Comparative Analyses on National Measures to Combat Discrimination Outside Employment and Occupation*. p.20.

³² Pūce, I. *Report on situation of fundamental rights in Latvia 2005* (EU Network of Independent Experts on Fundamental Rights (2005)).

2.C Where a choice of avenues for raising either an employment related or a non-employment related complaint exists: Identify the purpose of making the complaint. Identify the criteria that should be used by NGOs/trade unions to select the mechanism appropriate to the identified purpose(s).

In individual cases of discrimination NGOs/trade unions can provide direct assistance themselves depending on their capacity and specialization (provide legal consultations and advice, indicate and double-check that all available relevant documentation and other evidence has been gathered, help prepare documents, promote conciliation or represent a victim in court). If the purpose of the complaint is legal remedy, the qualified NGO may evaluate the existing evidence and discuss with the client the possible outcomes and consequences of referring the case to court or of possible alternatives to court proceedings, such as mediation or reconciliation. It is essential to identify the client's own objectives, i.e. rectifying a wrong on principle, receiving compensation for actual damage or moral damage, retaining or reinstating a job or position, etc., as the choice of avenue will also largely depend on the goal sought. It is also important that the client be aware of possible negative outcomes and risks connected to each of the available options of action. For trade unions it is particularly important to identify the cases, which may affect more than one individual. If the choice of the client is legal proceedings and the evidence warrants such a path, the legal basis on which to proceed must be clear, especially if the area falls outside of employment and the relatively straightforward Labour Law. The NGO and trade unions providing support should also have clear criteria for when to seek additional expert advice or second opinions.

Time limits of legal proceedings depend on various factors, including a number of instances a case is going through and workload of the courts. Thus, a complete cycle of legal proceedings (i.e. hearing of the case in all three instances) may require two or even more years.

In addition to identifying specific remedies for the individual case, it also needs to be remembered that NGOs and trade unions play an important role in gathering information on the real situation concerning discrimination as well as contributing to awareness raising. It is valuable to properly record and analyse complaints for such purposes, even when they are not pursued further by the client, and complaints to these type of organizations should be encouraged. This is especially the case when it concerns sensitive vulnerable groups, who may not have trust in the official institutions of the state, but where support networks, providing various types of assistance, are essential.

2.D What are the technical procedural requirements of each available remedy?

Legal remedies

The procedure in adjudicating non-administrative cases, which also includes cases in employment is determined by the *Civil Procedure Law* (in force as of 1999), while technical rules for administrative cases are prescribed by the *Administrative Procedure Law* (in force as of 2004).

The *Labour Law* provides, in several articles addressing different stages of employment relations (in establishing legal relations, termination of employment contract during probation period, equal pay, working conditions, occupational training or raising of qualifications or promotions) for a one month time limit for bringing the case to the court in cases of discrimination³³ – thus being an exception from the general 2 year time limit for employment related claims.³⁴

³³ Section 34 (1), 48, 60 (3), 95 (2) of the Labour Law

³⁴ Section 31 (1) of the Labour Law.

In administrative court proceedings, the time limit for bringing the case to court is one month (if indicated in writing in the administrative act to be appealed) and one year (if the time limit not indicated or an applicant appeals the actual act of the institution).³⁵ In administrative cases the compensation should initially be asked from the institution.

In civil cases on employment related discrimination applicants are exempted from paying a state fee.³⁶ In administrative cases, the state fee is LVL 10 (EUR 14); however, an applicant may request the court to lower the fee or be exempted from the payment of the fee.³⁷

In civil cases, initial general evidence of discrimination (e.g. records of telephone conversation, discriminatory advertisement, certificates of qualification, documents proving negative effect of discrimination – e.g. state of health etc.) should be presented.³⁸

In December 2005, the LNHRO published a leaflet “What is discrimination? Be Aware and Protect Your Rights!” including core information on discrimination and the main remedies available in such cases.³⁹

A complaint to the Constitutional Court on the compliance of a provision of a legislative act with the Constitution may be submitted only after all ordinary legal remedies (a claim to a higher institution or official, a claim or application to a court of general jurisdiction etc) have been exhausted and within 6 months after the last decision in the case has become effective⁴⁰. In exceptional cases the Court may decide to accept the complaint even if this has not been done.⁴¹

Contact information

Courts:

See Latvian Courts’ portal at: www.tiesas.lv.

Ombudsman’s Office

Address: Dzirnavu iela 16, Riga, LV 1010

Tel.: 67686768

www.vcb.lv

State Labour Inspectorate

Address: K.Valdemara iela 38, Riga, LV 1010

Tel.: 7021704

e-mail: vdi@vdi.gov.lv

NGOs:

Latvian Centre for Human Rights

Alberta iela 17, Riga, LV-1010

Tel.+3717039290

e-mail: office@humanrights.org.lv

www.humanrights.org.lv

³⁵ (1) An administrative act may be disputed within a one-month period from the day it comes into effect, but if there is not set out in an administrative act issued in writing a statement as to where and within what time period it may be disputed – within a one-year period from the day it comes into effect.

Section 76 (2) and Section 79 (1) of the Administrative Procedure Law.

³⁶ Section 43 (1) 1) of the Civil Procedure Law.

³⁷ Section 128 (3) of the Administrative Procedure Law.

³⁸ LNHRO, leaflet “What is discrimination? Be Aware and Protect Your Rights!”

³⁹ LNHRO, leaflet “What is discrimination? Be Aware and Protect Your Rights!”

⁴⁰ Section 19.2 (2) and (4) of the Law on Constitutional Court.

⁴¹ Section 19.2 (3) of the Constitutional Court Law

LGBT and their friends' association 'Mozaika'
Ģertrūdes iela 19/21-5, Rīga, LV-1011
Tel. +26672358
e-mail: office@mozaika.lv
www.mozaika.lv

2.E What support exists at national level for accessing the different procedures, and what can be done to overcome any impediments/obstacles?

On 15 March 2005, the Saeima adopted the *Law on the State Legal Aid* establishing state funded aid in access to court and legal assistance. Since March 2005, after the amendments to the *Civil Procedure Law* have entered into force, it is also not necessary to obtain a warrant, authorized by a notary, to represent a person under the civil procedure. Indeed, it is possible to authorize the representative orally during a court hearing. The same order for authorizing a representative is laid down in the administrative procedure.⁴²

Capacity and awareness on the issue of non-discrimination and the *Directives'* provisions remains rather low among judges and legal practitioners (particularly given the small court practice) as well as NGOs and trade unions. There is no support at national level to address this problem, and trainings and materials have been provided through initiatives of some NGOs (see Section 1). Also, the capacity of the designated equality body – the Ombudsman's Office – remains an issue of concern, as the relevant department has a very small staff, seems to continue being complaint-driven instead of acting on own initiative.

2.F Referrals to the European Court of Justice

Until 2007, no cases have been referred to the ECJ, although the training seminars for judges and legal practitioners provided by LCHR have included information on this possibility.

2.G Petitions to the European Parliament

No data is available on petitions on discrimination to the EP.⁴³

2.H Alerting the European Commission to discriminatory administrative practices

Until 2007, the European Commission has not been alerted to discriminatory administrative practices in Latvia.

2.I Complaints to the European Court of Human Rights

Complaints to the ECtHR have increased in number in the last year, but most complaints concern Articles 5 and 6. Since the year 2000 to 2006, Article 14 had been included in 10 of the 250 submitted complaints. None of the court decisions ruling that violations of the Convention have occurred have included violations of this article. Latvia has signed but not ratified the Protocol No. 12.

⁴² Pūce, I. *Report on situation of fundamental rights in Latvia 2005* (EU Network of Independent Experts on Fundamental Rights (2005)). The existence of such procedures is of considerable importance, for two reasons. Firstly, the plaintiff now is not obliged to turn to a sworn advocate but can choose a representative from, e.g., a NGO competent to litigate in discrimination cases. Secondly, a plaintiff should not have to pay for the services of a notary, as the notary's tariff can be considered rather high, a deterrent from litigation for those on a low income, who are more frequently victims of discrimination.

⁴³ Grundule L, *Pēc ES paplašināšanās nav būtiski pieaudzis iesniegto lūgumrakstu skaits*, National News agency LETA, 28.01.2007. The media reported that in June 2007, more than 16,000 Latvian residents have signed a petition to the European Parliament Committee on Petitions initiated by a MEP on granting Latvian non-citizens voting rights in municipal elections. In 2005, there were petitions challenging the decision on refusal to grant Latvian citizenship. Granting non-citizens' status and the status of non-citizens in Latvia has also been challenged. Grundule L, *EP iesniegti vairāk nekā 16 000 parakstu ar lūgumu piešķirt Latvijas nepilsoņiem tiesības piedalīties pašvaldību vēlēšanās*, National News Agency LETA, 25.06.2007.

2.J Other international remedies

No international remedies other than those mentioned under Section 2 I have been sought.

2.K Professionalism

There are very few NGOs, which are able to and actually have represented persons subject to discrimination in legal proceedings and/or applied to responsible bodies regarding performed discriminatory practices in general (e.g. discriminatory commercials). Their work can be regarded as professional, however their capacity must be increased in order to carry out their activities on a broader scale and more consistently. As the concept of discrimination is relatively new in Latvia, both NGOs and trade unions require more knowledge on discrimination issues and mechanisms of combating discrimination, as well as more experts in this field. Due to the above reasons, there has been a practice that not NGOs, but independent lawyers have represented the discriminated persons in the courts.

The ability to provide relevant information and referrals to another competent bodies can vary from a very limited to very qualified depending on the NGO and trade union in question.

Taking into account the above, there is considerable space for increase of professionalism in the work of NGOs and trade unions with respect to discrimination issues.

3. Societal issues

There are no comprehensive data on the situation of various groups and discrimination, and there has been little attempt at serious analysis so far. Some opinion polls reveal that perception of age discrimination and discrimination on grounds of disability is more widespread than discrimination on other grounds. According to the data of *Eurobarometer* survey on discrimination and inequality in Europe (January 2007), age and disability are mentioned most often in Latvia as grounds of possible discrimination.⁴⁴ Indeed, some interviews and surveys reveal that age stereotypes as well as prejudice about disabled persons are common in Latvia and discrimination on these grounds is not unusual;⁴⁵ persons in pre-retirement age and persons with disability are one of the most vulnerable groups in employment, as identified in the national social inclusion policies.⁴⁶ According to another survey commissioned by the LNHRO⁴⁷, 23% respondents claimed that they have experienced unequal treatment over the last three years. Respondents named ethnicity (11%), age (8%), health or disability (7%), gender (3%), religion and race (2% each) as the most common grounds of discrimination. The most common fields of discrimination were employment (30%), freedom of belief and opinions (17%), rights to education (14%). Non-Latvians and non-citizens more often claim to be discriminated -- primarily in employment and education -- as compared with the majority ethnic group and Latvian citizens (which includes ethnic minorities), respectively.

⁴⁴ 55% of respondents in Latvia believe that discrimination on the ground of **age** is widespread in Latvia (EU average – 46%), 51% of respondents believe that discrimination on the ground of **disability** is widespread in Latvia (EU average – 53%), 32% - on the grounds of **sexual orientation** (EU average – 50%), 29% - on the ground of **ethnic origin** is (EU average – 64%), 21% - **gender** (EU average – 40%). Only 10% of respondents in Latvia believe that discrimination on the ground of **religion or beliefs** (EU average – 44%) is widespread. See: European Commission, *Discrimination in the European Union*, Special Eurobarometer 263/Wave 65.4-TNS Opinion & Social (2007).

⁴⁵ Latvian Centre of Human Rights, *Employment and Income in Latvia: Differences According to Gender, Age, Ethnicity and Regional Factors* (2007, unpublished project materials).

⁴⁶ See information on socially excluded groups at the website of the Ministry of Welfare: www.lm.gov.lv.

⁴⁷ Baltijas Sociālo zinātņu institūts, *Pētījums par cilvēktiesībām Latvijā* (Rīga, 2006), p. 33.

As concerns ethnicity and race⁴⁸, Roma most clearly experience disadvantages and discrimination in all areas while prejudices against Roma are widespread.⁴⁹ Several reported racially motivated verbal and physical attacks on dark-skinned persons since 2005 and intolerant attitudes (both of the majority and the minorities) in public opinion polls reveal that visibly different minorities have a high risk to become victims of racism, xenophobia and exclusion.⁵⁰ There are occasional anti-Semitic statements and hate speech in the Internet and in marginal publications, and attitude surveys also tend to show that prejudice and intolerance against Jews is more common than against larger minorities. Opinion polls also reveal negative attitudes towards the possible arrival of labour migrants and asylum seekers. Although Islam and Muslims are generally considered as not topical in Latvia due to the small number of Muslims in the country, and there is no recorded data on any manifestations of Islamophobia, public opinion polls reveal a high level of social distance towards and intolerance against Muslims.⁵¹

In the last couple of years, and especially starting with the organization of the first Riga Pride in 2005, expressions of intolerance against LGBT people and aggressively worded homophobia have become part of the public arena, including in speeches by mainstream parliamentarians. The discourse and resistance to include sexual orientation among the prohibited discrimination grounds serve as indicators that LGBT persons belong to high-risk group for potentially becoming victims of discrimination.⁵²

⁴⁸ According to the Register of Residents, the overall population of Latvia was 2.3 million in the beginning of 2007. The ethnic composition included 59.0% of Latvians, 28.5% Russians, 3.8% Belorussians, 2.5% Ukrainians, 2.4% Poles, 1.4% Lithuanians, 0.4% Jews, 0.4% Roma, 0.2% Germans, 0.1% Estonians, and 1.3% - other ethnicities. There are several small ethnic minorities (each less than 0.1%), many of them are visibly different from the majority. See: Central Statistical Bureau of Latvia, *Data bases*, <http://www.csb.gov.lv/csp/content/?lng=en&cat=355>, accessed 26 July 2007.

⁴⁹ Latvian Centre for Human Rights and Ethnic Studies, *The Situation of Roma in Latvia* (Riga, 2003).

⁵⁰ Surveys reveal intolerance and social distance from people primarily coming from the Caucasus, Chinese, Africans and Kurds. See: Baltic Institute of Social Science, *Ethnic Tolerance and the Integration of the Latvian Society*, (Riga, 2004).

⁵¹ Ibid.

⁵² Makarovs V., *Latvijas iedzīvotāju attieksme pret seksuālajām minoritātem: gada tendencijas*, Dialogi.lv, SKDS (Rīga, 2007). Most of respondents (61%) had a negative attitude towards sexual minorities. See also: Baltic Institute of Social Science, *Ethnic Tolerance and the Integration of the Latvian Society*, (Riga, 2004).

d) Funding opportunities in the field of anti-discrimination

I. EU FUNDING AT THE EUROPEAN LEVEL FOR NGOs/TRADE UNIONS OPERATING AT THE EU LEVEL

1. EU funding for NGOs/Trade Unions operating at the EU level

a) *European-level NGOs*

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme.

Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €.

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: http://ec.europa.eu/employment_social/progress/index_en.html

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

b) European Trade unions

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm

2. EU funding for national NGOs/Trade Unions

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm

II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL

1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc). Is it easy to access such funding? What are the conditions to receive such funding?

There is no specific funding from the European Commission delegation for NGOs/trade unions working on non-discrimination level.

2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?

The central government does not provide for specific funding for NGOs/trade unions working on anti-discrimination. However, there are two ministries – the Secretariat of the Special Assignment Minister for Social Integration (www.integracija.gov.lv) and the Ministry of Welfare (www.lm.gov.lv)- and a number of state institutions – Society Integration Foundation (www.lsif.lv) and National Employment Agency (www.nva.lv) – which administers EU funding aimed at the implementation of anti-discrimination activities in respective fields of their competence and are also responsible for organising project tenders.

The Secretariat of the Special Assignments Minister for Social Integration is responsible for co-ordination of activities in the framework of EC initiative the European Year of Equal Opportunities for All 2007 and announced a call of project tender for NGOs working on anti-discrimination in December 2006.

Information about upcoming project tenders are available at homepages of the above mentioned organisations and usually in the media. The announcements for calls of project tenders should be checked on regular basis, as some of the tenders are of short notice and do not have regular announcement pattern.

Among the biggest and most recent tenders in the field was the Society Integration Foundation's call for project tenders for NGOs in the fall 2006. The call included three sub-tenders and one of them was aimed at the implementation of activities aimed at the elimination and prevention of intolerance and discrimination. The total funding offered in the sub-tender was EUR 900,000. The funding was provided by the EU new Instrument for Pre-accession Assistance and co-funded by the Latvian Government. Previously, the Society Integration Foundation has been responsible for administration of EU funding (Phare and ESF) aimed at promotion social and ethnic integration.

Another big call of tenders was held by the Ministry of Welfare in 2005 in the framework of the European Social Fund programme EQUAL.

3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)

It only takes the form of Project funding

4. Is it easy to access such funding? What are the conditions?

The EU funding administered by local state institutions is received by submitting proposals after a call for tender, and the projects are then evaluated by committees or boards, as the case may be. The conditions for applying are usually to be an officially registered organization in good standing and projects are evaluated on a mix of quality and cost criteria. Usually the NGO should be able to present a good record of experience in project implementation and the field, as well as provide their own co-funding. Majority of Latvian NGOs are not able to meet both requirements.

5. In case of federal countries, are there funding possibilities at the federated level?

Non applicable, Latvia is not a federal country.

6. Are there other governmental funding possibilities at regional level? At municipality level?

There is no specific, direct funding possibilities at municipality level for NGOs/trade unions working on anti-discrimination. A few bigger municipalities might provide co-funding required for obtaining grants from EU funds (usually 15%).

7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?

As already mentioned both NGOs/trade unions might receive private funding, however, till now there is no information on availability of private funding possibilities for dealing with discrimination.

8. Are there any other source of funding?

Embassies of foreign countries might provide funding for specific projects on individual basis, however, it is very limited and usually is given to NGOs having long-term well established relationship with the embassy.

IV. Diversity Management seminar

Design of the training

Manual, target group, role international trainer, national trainer, organising NGO

The “Training Manual Diversity Management” was translated into Latvian (Dažādības vadības mācību rokasgrāmata) and printed for distribution to the participants. Other materials were made available as well. The seminar targeted employers in all sectors of Latvia’s economy. The role of national trainer was to take part in the international diversity management preparatory training, compile a Needs Assessment document, and, in interaction with international trainer, to prepare the content of the seminar and to carry it out. The role of the international trainer was to provide expertise and / or other assistance to the national trainer in preparing the content of the seminar and to carry it out. The LCHR arranged the translation and publication of the manual, prepared other seminar materials, secured the support of the Employers Confederation for the event, announced the seminar, sent out invitations, registered participants, arranged the venue, as well as provided all necessary organisation during the day of the seminar, including evaluation.

Preparation of the seminar

Training seminar in Köln, announcement, selecting participants, logistical arrangements

The national trainer took part in the diversity management preparatory training in Köln on 20 June 2007. The national trainer also made the initial needs assessment prior to the seminar in Latvia. The term “Diversity Management” is not known to most employers or employees in Latvia. However, the concept of diversity management in Latvia to some extent could be seen in connection with antidiscrimination efforts. Discussions in Latvia involve issues such as discriminative practices concerning gender, age and ethnicity as well as the EU regulations. There is also a lack of representation of ethnic minorities in the state institutions as well as a tendency of separation in private enterprises along lines of language/ethnicity. Unfortunately, no examples of diversity management efforts in Latvia were identified. The interest of Latvian business community to learn about the concept of diversity management and to apply it in their companies is seemingly more connected to the EU antidiscrimination legal provisions and employees’ awareness of their rights, potential competitive advantages and improved working environment.

The LCHR built upon its previous cooperation with the Employers’ Confederation of Latvia (LDDK, the largest employers interest organization in Latvia) and thus secured the distribution of information amongst their members. The LDDK informed its members and published at its’ website the seminar invitation, programme and application form (<http://www.ddd.lv/index.php?lang=1&group=archive&page=2&p=863>). Latvian Chamber of Commerce and Industry (a non-governmental, voluntary organisation uniting Latvian companies of different sectors) disseminated information about the seminar, including invitation, programme and application form at its website (<http://www.chamber.lv/pub/print.php?lid=165>). Latvian Small and Medium Entrepreneurs’ Confederation (LSMEC) disseminated information about the seminar via its e-mailing list, including invitation, programme and application form (<http://www.lmvuk.lv/?lang=en>). The chairman of the LSMEC personally participated in the seminar.

Besides the above-mentioned networks, LCHR addressed leading Latvian companies directly. Every autumn at the end of October newspaper Dienas bizness (the leading business newspaper in Latvia <http://www.db.lv/english>) in cooperation with Lursoft Ltd (IT company providing online access to legally valid databases <http://www.lursoft.lv/?&v=en>) draws the yearly balance of Latvia’s biggest companies - Top 500. Using the latest list of Top 500 as a basis for selection, we invited about 200 leading Latvian companies, sending each a paper-form invitation, programme and application form.

26 applications were received for the seminar, representing companies of different sizes from various sectors of economy. No company or representative was declined participation. However, some of those who applied to take part did not actually show up on the day of the seminar. It is likely that a more personally targeted effort to mobilise participation from amongst employers could have increased participation, but since LCHR was only the coordinator and did not participate in the training or the development of the substance of the seminar, it was not felt that such an approach building on the LCHR networking and individual outreach experience would be appropriate. It should also be recognised that interest for diversity and commitment to the approach is not necessarily yet on the radar screen of most Latvian enterprises, but the participants who did sign up did so because they have a real interest in the topic.

The seminar has taken place in a conference room of the European Union House in the centre of Riga (Aspazijas bulvāris 28).

Carrying out the seminars

Business cases, ration of participants, process during the day (observations), evaluation

Diversity management is a new concept to Latvia, and while there is some understanding within academic and NGO community, the business sector was hardly aware of it as of early 2008. Participants of the seminar were presented with business cases included in the training manual. These cases exemplify implementation of the concept of diversity management in the “old” EU member states. Unfortunately, no examples of diversity management efforts in Latvia could be identified during preparation stage, and thus there were no presentations by Latvian companies.

In the end, out of 18 people participating in the seminar, 14 represented Latvia’s companies (including human resources management departments) and one represented Latvian Human resources management association.

The seminar was conducted by the national trainer, with a contribution by international trainer. Since the knowledge of English among the participants was insufficient, interpretation was provided for the interaction with the international trainer.

Participants were truly interested in the issues of diversity management. Interaction between the participants and trainers was very good, as the participants were well motivated to receive new information, ask questions, engage in discussions and provide feedback. Since the concept of diversity management is very new to Latvia, a lot of questions from the audience were quite general; some participants were not sure how the concept of diversity management is different from anti-discrimination.

Generally, the issue of diversity management was well received and supported by the audience at the seminar. However, while acknowledging potential and importance of diversity management, a particular opinion expressed and supported by a large number of participants was that employers in Latvia are not really interested in implementing diversity management in their personnel policies: it was argued that at the moment, the employers already have a wide range of candidates to choose from, so they can ignore all the other considerations. Many in the audience also argued that the concept of diversity management is topical for big enterprises, with large number of employees, but not for small enterprises. Also, many participants were concerned that some practical examples provided in the manual referred to enterprises subsidised by the state or municipalities (*Dublin Bus*).

In general the audience was satisfied with the content of the training and its organisation (average evaluation form points are just below 5). However, given the novelty of the DM concept to Latvia, it is not surprising that many participants doubted whether they had the necessary knowledge and skills to take part (the average point for this question is 3).

This was also reflected in the fact that many participants stated they would like more information on diversity management to be provided before the seminar, including circulation of information in a wider society, through the newspapers, for policy makers and top management (CEOs), as well as suggesting some introductory courses within the school curricula. Many participants claimed they will familiarise their colleagues with the knowledge gained at the seminar and apply it in their work, stating that diversity management creates good psychological environment, motivates employees and widens potential business interaction. Evaluation forms also reflected participants' interest to see more practical examples, including diversity management concepts adapted / applied to Latvian environment. An opportunity to exchange experience with other participants or other enterprises was also appreciated.

Main lessons learned

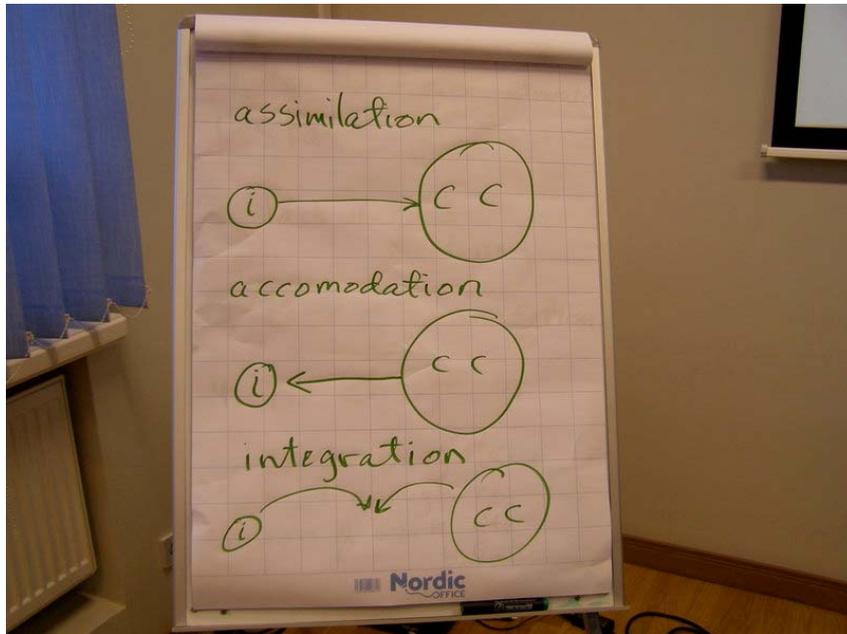
The concept of diversity management is rather new to Latvia and while the academic community and NGOs have some understanding of the issue, the level of awareness within the society at large, including the business community, is quite low. As anti-discrimination is also relatively new in Latvia, and the first news of court cases concerning employment discrimination are reflected in the media in public discussions, employers are still keen to learn about discrimination and understand their obligations as employers to prevent discrimination.

The number of applications and participants was not very big, but apart from the context of generally low awareness of the relevance of the topic for business, it should also be seen in relation to the size of the country (2.3 million inhabitants) and its economy, which perhaps should be factored in when planning the seminars. Moreover, Latvia is still in a transitional phase in terms of societal and economic development, in which challenges to business survival and development abound. In this context, and given the novelty of diversity management concept, it should be seen as a success that the intended target audience was reached, and that the Employers' Confederation was willing to support the event as well as open to future cooperation on both anti-discrimination, anti-xenophobia (one of the very few voices for labour migration to Latvia) and diversity issues. Interestingly, the difficulty of NGO cooperation with business sometimes reported in other countries was not in evidence, since in contrast to this it was clear that there was an openness towards possible future events organised by NGOs. In particular, NGOs link to EU-level information and expertise is seen as valuable and a sign of competence useful for practice.

It became clear during the seminar that the target audience wants to see more contextually based training materials, building on the local starting point in combination with good practice examples from elsewhere to eventually produce practical examples of diversity management concepts adapted / applied to Latvian circumstances. The seminar should be seen in a long-term perspective, as it does contribute to begin raising awareness within the business community.

Given the interactions during the seminar and the evaluation forms, there is clearly a need not only for more information to be provided to society at large, through media and through education programmes. Training programs and materials have to be developed to take into account the specific target audience, their perceptions and needs, thus ensuring the quality of the seminars, conferences and trainings. The Latvian Centre for Human Rights is planning to continue building on its extensive experience on anti-discrimination training to develop also materials, training and advocacy on diversity and diversity management targeting specific groups, including employers.





Annexes

The role of trade unions combating discrimination

Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

1. What is a trade union?

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

2. What is the role of a trade union in combating discrimination?

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

3. What activities can a trade union do to combat discrimination?

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
 - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
 - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
 - Promote female members and members from a minority background in positions of decision-making and leadership.

4. What does a trade union need to fulfil its role?

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

6. What are the obstacles for trade unions and how might these be overcome?

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.