Introduction
Ethnic minorities in almost every European country have suffered from various forms of social and political exclusion. While the reasons of such exclusion do not differ much, the instruments used to create and maintain this misbalance vary greatly. Legally and on the administrative level this can be done through the status of citizenship and language restrictions, as it is the case in Latvia. This brings about limited opportunities in participation of ethnic minorities in decision-making and representation in public administration, as well as restricted access to public services.

Latvia as a state, where ethnic Latvians are only 58.1% of the residents, can provide a fine example of the necessity not only to adopt the principle of non-discrimination but also to undertake an effective protection of minorities.

Latvia has not ratified the Framework Convention for the Protection of National Minorities and thus it is not pledged to observe the situation of the national minorities' representation in public administration contenting with declaring the principle of non-discrimination. In practice, it means that this principle is often violated.
Latvia has one of the highest proportions of minorities in Central and Eastern Europe. Persons of other ethnic origin then Latvian constitute more than 42% of the total population of 2.3 million. 29.4% of all residents are ethnic Russians.

After a decade of independence, citizenship still remains the most crucial factor restricting the rights of minorities in Latvia: about 550,000 persons are stateless “non-citizens”, of whom 547,515 are ethnic non-Latvians.

The Latvian language is the single state language in the country. Apart from Latvian, the State Language Law officially recognizes Liv, but considers all other languages to be “foreign”, though about 42% of the population does not speak Latvian as a first language. Still, the state has not provided language training commensurate with the demand this necessarily creates, EC Phare continues to be the most important contributor to the programme.

Chapter 2: Participation, Representation and Access to Public Services of Ethnic Minorities in Latvia

The problems of low participation and under-representation of ethnic minorities in Latvia should not be envisaged as separate. Though no legal barriers on the ground of nationality exist with regard to accession the governmental structures, the lack of political participation of national minorities can be envisaged as a serious obstacle to adequate political representation of ethnic minorities. It is worth looking at the main factors preventing effective political participation of national minorities thus paving the way for the valid under-representation.

Exploring the problems of political participation, representation and access to the public services we will concentrate on two main obstacles, those imposed by the status of citizenship and the language restrictions.

1.1 Obstacles to the Political Participation of Ethnic Minorities in Latvia

1.1.1. Lack of Citizenship.

Regarding elections as the main source of legitimacy in democratic systems we will look at the state regulation of situation with participation both at the local and parliamentary elections.
Non-citizens have no right to participate in elections, neither as candidates nor as electors. Although Latvia is obliged to guarantee the rights to the citizens of the EU member states to vote and to be elected in the municipal elections after the process of accession is completed, the ruling parties consider the possibility of revising the Constitution so that it would state that only Latvian citizens have the right to elect the municipalities.

The Election Law already contains respective provisions but the initiators of the project want to fix the requirement in the Constitution for it is not as easy amendable as the law (67 votes of MPs out of 100 are necessary to change it). It might be done first of all due to the reasons of foreign policy, so that no requirements for giving the rights to vote in the municipal elections to the Latvian non-citizens would be imposed by international organizations. It would also help to avoid amending the Election Law if the composition of the Parliament changes considerably after the elections (October, 6).

1.1.2. Language Restrictions.
Candidates standing for the local as well as for the parliamentary elections must be proficient in the State language in accordance with the highest (third) knowledge degree of the State language (if a person who has not graduated from a school with instruction in the Latvian language is proposed as a candidate, then a copy of the certificate of the highest (third) knowledge level of the State language shall be attached to the candidate list). There were cases when candidates were scored out of the lists because the real level of their proficiency in the language was not adequate to the degree verified by their certificate.

1.1.3. Lack of Conditions Necessary for the Effective Participation of Ethnic Minorities.
No measures mentioned in the Lund Recommendations on the Effective Participation of National Minorities in Public Life are effectively used and no institutional bodies providing instruments to ensure minorities' effective participation are anticipated in Latvia. Although representatives of national minorities sometimes are invited as consultants when preparing state programmes which directly affect the national minorities, they are likely to be ignored at the stage of adoption.

The Society Integration Foundation (SIF) that was supposed to play a crucial role in promoting the integration of ethnic minorities was composed mainly of political actors with no authoritative
minority organizations represented. Besides, the way the SIF allocates the funds disappoints the integration experts and makes think that some projects are lobbied through by interested members of the SIF. This, in turn, seriously damages both the credibility of the Foundation in the eyes of foreign investors and the very idea of making the institution one of the main assets of integration. One more factor that might cause incomprehension is that the distribution of funds took place with no experts involved. Among the major projects supported are those destined for the people with special needs thus leaving the problem of ethnic integration with a little way off.

Though municipal boards in two Latvian cities where minorities live in substantial numbers have undertaken the initiative of creating consultative councils on non-citizens issues to promote their integration into the Latvian society, the idea lacks support from the government and is implemented without any financial aid, allocating the necessary means from the municipalities' budgets. Notwithstanding the evident compliance of the municipal boards' activities with the Framework Convention's for Protection of National Minorities provisions as well as with the Lund Recommendations, the reaction of the government seems to be controversial. While valuating positively the idea of teaching the Latvian language, it is often pointed out that “ensuring various participation channels, the motivation of non-citizens to get naturalized can decrease”.

1.2 Representation of Ethnic Minorities in Governmental Structures and Public Administration in Latvia

Taking into account the situation described as well as low level of ethnic mobilization, it must be acknowledged that complications made to political participation of ethnic minorities entail their non-representation both in the governmental structures and in public administration.

1.2.1. Governmental structures

We can consider the current situation in the Parliament of Latvia as appropriate - only 19 members of Parliament out of 100 are of other ethnic origin than Latvian. Consequently, only 1 member of the Cabinet of Ministers (composed of 16 members) belongs to national minority. The Minister represents Latvian nationalistic alliance "For Fatherland and Freedom/LNNK". There are no persons belonging to national minorities amongst the 7 supreme judges as well as in the State Council on the Radio and Television as these state officials are appointed by the Parliament.
Dr. Artis Pabriks (The Human Rights and Ethnic Studies Centre) in January has introduced the draft of his research project “Representation of ethnic minorities in the state bodies and companies: proportionality, stability, discrimination”. One of the main ideas of the research was to explore the extent to which minorities are represented at the state level.

The political scientist presented some data, according to which posts in the ministries are almost totally (up to 90%) occupied by ethnic Latvians. One of the possible explanations of the situation, as he put it, is that the stuff of the ministries was assembled in the 1991-1993 mainly from the members of the movement for independence of Latvia People's Front. Among other important factors named was the lack of information about the positions available in the state sector (as the respective announcements are published only in the Latvian-language press) and mistrust. The author has concluded that it would be misleading to comprehend the data as proving ethnic discrimination in Latvia “if only we do not understand the language and citizenship requirements as discriminative by their nature”. The project is to be completed and presented by the end of March.

1.2.2. Public Administration

As for the public administration, it must be acknowledged that the language and citizenship requirements pave the way for the exclusion of minorities on the legal basis.

Civil servants and candidates to the posts of civil servants, the heads of state administration institutions and their structural units, as well as employees whose work includes work with documents and record keeping besides the citizenship must show high level of proficiency in the Latvian language. The Law provides that persons employed in the state and municipal bodies, institutions and enterprises must know and use the state language. Persons employed in the private organizations and enterprises must know and use the state language, if their activities concern “legitimate public interest” or they execute public functions.

The research conducted by Dr. Pabriks would be the first attempt to analyze the current situation with representation of ethnic minorities in the public administration since the regaining of independence. After the results of this highly contributive research will be made public in March, it would be possible to use the data reflecting the outcomes of the policy implemented by Latvia with regard to ethnic minorities.
1.3. Access of Minorities to Public Services in Latvia

Analyzing the conditions of access of minorities to public services the attention will be paid mainly to the most problematic issues, in particular, to those of access to the state, municipal and judicial institutions as well as the educational services. As a distinct area of special concern we would indicate the situation with electronic media outlets. Although it is widely accepted that in democratic societies this is the sphere of little or no state interference, in Latvia language regulations are imposed even for private radio and TV-channels.

1.3.1 State, municipal and judicial institutions

The State Language Law prohibits state from accepting written applications, statements and complaints from private persons in any language other than Latvian except for some emergency situations (calls for emergency medical help, cases of criminal violations or other violations of law, calls for emergency help in cases of fire, crash or other accidents). Documents in foreign languages can be accepted only when a notary-certified translation into the state language is attached. Translation and certification are very costly procedures, and the provision in fact deprives many persons belonging to minorities of the opportunity to protect their rights in the state institutions.

On April 5, 2001 the Saeima rejected a significant amendment to the Law on consideration of individual applications and complaints by state and municipal officials. The main idea of the draft amendment was to permit the state and municipal officials to speak with an individual in any language acceptable for both sides, when considering his/her application or complaint.

On May 12, 2001 the leading Latvian-language daily "Diena" ("The Day") published information about how the Riga City Council treats incoming mail in different languages. According to the newspaper, the mail board of the Riga City Council does not register letters in Russian and sends them back with request to write in the state (i.e. Latvian) language. Heads of the Council's committees can consider applications or complaints written in foreign languages, but in this case they must register these letters themselves. However, letters written in English, German or French are translated by the Council's translators. There were no translators from Russian among
the Council's staff then. In Riga 43.8% of the residents are ethnic Russians (data of the 2000 Population Census, http://www.csb.lv/Pres/census6.htm) and even more people indicate Russian as their mother tongue.

Consequently, in the cities like Daugavpils, where 95% of population are Russian-speakers, the rule simply is not respected.

As to the Code of Criminal Procedure, every witness, victim or the accused can testify in his/her native language in criminal case. However, the State Language Law provides that all documents must be submitted to court or the Prosecutor's Office in the state language. In 2000 and 2001, the police did not have specific budget for translation. Thus, in fact a lot of documents were not translated from Russian into Latvian, but judges and prosecutors understood them. The Coalition Council (an unofficial political body created by leaders of the ruling coalition parties) pointed out that the lack of finance is not a reason for changing the State Language Law. Such regulations of national legislation can influence upon person's free access to the court, especially taking into account high prices of translations and service of notaries.

1.3.2. Access of Minorities to Educational Services

According to the 1998 Law on Education, after 2004 all public secondary and vocational education must be in the state language only, which means that existing minority language secondary schools have to adopt Latvian as the language of instruction. Teachers in the public schools must show the highest level of proficiency in the Latvian language. Even private schools with minority language curricula will suffer from legislative discrimination: the state funding may only be allocated to private schools where “state accredited education programs in the state language are implemented”.

1.3.3. Access to Media

While no language regulations for printed media exist, the Law on Radio and Television obliges broadcasters to conduct TV and radio programs predominantly (75% of airing time) in the state language. There are two public TV channels in Latvia financed from the state budget. The first must broadcast only in the state language, while the second is allowed to transmit up to 20% of
time in other languages.

**Chapter 3: Policy Recommendations**

After demonstrating just some practical issues it becomes clear that stating the principle of non-discrimination does not help to avoid discrimination and that more effective mechanisms must be implemented in order to ensure minorities participation in public affairs and representation in public administration. Consequently this, in turn, would eliminate the problems existing in regard to the access of ethnic minorities to public services.

As we have shown, the main problems are found within the legislative field, so the solution also lies in liberalization of the legislation, primarily on the issues concerning the procedure of acquisition of citizenship as well as language requirements. The government also has to take all possible measures to encourage faster naturalisation and to make the Language Training Programme meet the demands of those willing to learn the language. Ratification of the Framework Convention without reservations touching upon the core values fixed in the document and harmonisation of legislation with Convention provisions are seen as matters of the highest priority.

The question of positive discrimination is now actively discussed, stressing the necessity of creating so-called “quotas” or reserved number of seats in parliament to guarantee representation of national minorities thus ensuring their participation in the decision-making process. Despite the strong and evident effect of such arrangement at the level of central government, it would be important to analyze attentively its drawbacks. One of them could be that it still does not guarantee minorities any automatically exercised influence upon the decision-making process. The other is the extremely complicated procedure of valuating to what extent this or that party represents interests of minorities etc. Besides, this would only strengthen the practice of institutionalization of ethnicity so very much criticised by human rights defenders.

We would see following the Lund Recommendations in what concerns creation of advisory and consultative bodies both at the local and central level as the best practice possible in the Latvian circumstances. Already being implemented at the municipal level, the idea has to be explicitly supported by the government.
Conclusion

The paper presents the case of the country where no legal mechanisms exist for ensuring minorities participation in decision-making through their representation in public administration (yet, according to the legislation discrimination on the base of ethnicity is prohibited). As the result, state programs aimed at changing the situation of national minorities or affecting them are adopted without taking into account the "object's" considerations and needs. Consequently, the gap between what the government is doing and what has to be done in order to engage the minorities socially and politically is increasing.

The process of building the state of ethnic democracy is inevitably accompanied by “politisation” and conferring of ethnic dimension on almost every sphere of life. In the case of Latvia the citizenship and language issues are the key to understanding the political nature of social processes.

Needless to stress that exclusion as such undermines the very principles and core values of liberal democracy. People whose voices cannot be heard will either keep silence or marginalize searching for another ways of making the majority count with their interests. This has already become a challenge in many states of the Central and Eastern Europe.