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VIOLATIONS COMMITTED AGAINST NATIONAL MINORITIES AND THEIR PREVENTION  
DIFFICULTIES IN POLICE ACTIVITIES

Summary of Doctoral Thesis

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## **SUMMARY**

One of the objectives of political development in Latvia is the achievement of national justice, so proper protection of rights for national minorities is important not only at a theoretical but also at a practical level.

In this research the essence of national minorities was analysed, the process of its development in Latvian Republic was shown; several international and regional documents connected with the research, current and declined law of Latvian Republic were inquired; the comparison of mentioned documents & practice was made; the mechanism of national minorities protection was investigated in Latvian Republic and also in other countries of the European Union; suggestions and recommendations are considered about policing in multinational society, which have been developed by the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe, the European Commission against Racism and Intolerance and the Council of Europe, as well as the decisions of the European Court of Human Rights; were shown the role of the police in the matter of the protection of national minorities, problems associated with the rights of national minorities were pointed out and solution to those problems were provided.

When investigating violent incidents, state authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether ethnic hatred or prejudice may have played a role in the events.

Despite progress in recent years, which has resulted in a greater awareness among police in Latvia about the specific nature of hate crimes, there remains a strong need for a concerted and sustained effort in capacity building of law enforcement, the prosecution and the judiciary.

This research provides practical methods for improving preventive police work in stopping the offences against individuals of national minorities.

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# GENERAL DESCRIPTION OF THE THESIS

## Topicality and Novelty Themes

From the beginning of the independent Latvia, on the 18th November 1918, the same day when the People's Council meeting, K. Ulmanis, in the name of the Temporary Government announced the establishment of the Latvian state, said: "All citizens without distinction of nationality are asked to help because the rights of all nationalities will be secured in Latvia" (Latvijas vēstures institūta žurnāls, 2003, Nr.3) until the present day, when on 13th February, 2012 a number of Latvian public figures, with the State President A. Berzins forefront signed the Good Will Manifesto (Latvijas Vēstnesis, 2012. 15.februāris, Nr.26), the issue of the rights of national minorities' does not lose its topicality.

The Doctoral thesis " Violations committed against national minorities and their prevention difficulties in police activities" offers a number of solutions for improving police actions against national minorities facing the fight against crime, to strengthen the protection of national minorities in the country.

After the Latvian Republic's accession to the European Union, May 1, 2004 the interaction between representatives of different race, colour, nationality, ethnic origin, religion or culture increased and continues to grow with each year. The communication experience and lack of information is a breeding ground for prejudice and violence. The unfavourable economic situation and social challenges are promoting prejudice, intolerance, racism and discrimination.

In 2005, the issue of criminal offenses related to the hatred and intolerance became topical in Latvia, for the first time violent, racist incidents in Riga were reported. This does not mean that similar crimes were not committed in the territory of Latvia in the past (Kamenska, Brands-Kehris, 2008), but that the events of 2005 have become the catalyst that led to widespread public resonance and indignation at the national minorities' unions (ENAR, 2006; Kamenska, Brands-Kehris, 2008). The most common victims of these attacks in the country are the visually distinct national minorities whose representation is very low. People with darker skin and/or of non-European origin are particularly vulnerable.

The thesis topicality is also based on the fact that human equality and non-discrimination are secured in the Latvian Constitution and binding international and regional human rights instruments. A wide range of materials on the European Court of Human Rights, as well as existing jurisprudence in the Republic of Latvia, show enhanced attention to this issue, for example, the European Court of Human Rights has emphasized that "Racial violence is a particular affront to human dignity and, in view of its perilous consequences, requires from the authorities special vigilance and a vigorous reaction. It is for this reason that the authorities must use all available means to combat racism and racist violence, thereby reinforcing democracy's vision of a society in which diversity is not perceived as a threat but as a source of its enrichment" (The judgement of European Court of Human Rights in cases: 43577/98 and 43579/98 Nachova and Others v. Bulgaria, para.145).

In The National Security Concept of the Republic of Latvia, it is stated: The strategic goal of Latvia is to limit extremism in all its forms of expression, especially turning against political extremism and extreme forms of radicalism of the society, to take preventive and educational measures in order to reduce risks that may be caused by radically oriented organizations to public order and security (Nacionālās drošības koncepcija, 2011).

The topicality of the theme is based on the fact that, so far in Latvia, the necessary attention has not been given to the prevention of delinquency against national minorities. While in other European countries the police have developed a series of measures to be taken to improve police work in order to enhance its effectiveness and to implement preventive measures against national minorities facing delinquency, in Latvia this is not currently done sufficiently. The theoretical value and the novelty of

the thesis shows adaptation of the European Union police authorities 'best practice' in Latvia, as well as offering crime prevention measures strictly necessary for Latvia. The novelty of the theoretical aspect expresses the author's conclusions and proposals that are stated in the definitions of the concepts used in the paper.

In practice, the novelty receives a significant amount of jurisprudence in assessing and drawing conclusions that can become the basis for further development of the practical methods of policing. The dissertation, which contains useful information about working with representatives of national minorities, should also be a reference for practicing police. In this paper are suggestions for the necessary legislative amendments, expressed as a specific proposal, as well as enabling the initial ideas that can be further evaluated and discussed.

## **Objective and Tasks of the Doctoral Thesis**

The aim of the doctoral thesis is to develop methods to improve preventive police action against national minorities facing delinquency.

To achieve this objective the following tasks have to be fulfilled:

- 1) Summarize scientific studies on the rights of national minorities, to draw conclusions and recommendations, with particular attention to the formulation of the concept of minority issues;
- 2) Explore the historical development of the national minorities rights in Latvia clarifying the historical circumstances that contributed to the current state of affairs, and led to the existing problems and to offer possible solutions to challenges cleared;
- 3) Carry out Latvian and international comparative analysis of the regulatory framework and the formulation of proposals for amendments in legislation and practice relating to those cases where there is non-compliance with the country's international commitments and regulations in the national legislation;
- 4) Examine the existing legal framework evolution, revealing the most important national and international factors that affect this process;
- 5) Collect the practice and research results, of the European Union countries' scientists, about the concept and type of hate crimes, draw conclusions and make proposals, which let the experience adapt to Latvian conditions;
- 6) Identify and explore the most typical offenses against national minorities that took place in Latvia;
- 7) Summarize the jurisprudence in matters of national, ethnic and racial hatred, draw conclusions and proposals to improve the current jurisprudence, so that the penalties applied achieve the objectives set out in the Criminal Law;
- 8) Find the investigative function of hate-related matters;
- 9) Analyse the European Union and Latvian court practice in cases of violation of the discrimination prohibition, revealing the Court developed methodology and principles of such proceedings;
- 10) Collect administrative practices of Latvian law enforcement agencies in cases of violation of the discrimination prohibition, draw conclusions and proposals to improve the current practice;
- 11) Carry out a survey among the State Police officers with special ranks, the results of which would determine whether their level of professional training as well as ensuring their tolerance meets the requirements necessary to work in a multi-national society in the interest of professional and equal treatment to national minorities, to illustrate police officers' knowledge and level of competence;
- 12) Study the protection mechanisms of national minority rights in the European Union, as a whole, and its Member States, as well as what measures national police authorities of the European Union carry out to implement the integration of national minorities' policies and crime prevention oriented towards these groups.

The object of the research - violations committed against national minorities, the subject of the research - police actions to be taken in order to prevent violations committed against the representatives of national minorities.

## Research Questions

During the research of the Doctoral thesis the answers to the following questions have been looked for:

- 1) What are national minorities?
- 2) What historical events influenced the development of the national minority rights in Latvia?
- 3) What kinds of violations are being committed against national minorities more often?
- 4) What are hate crimes?
- 5) What problems police officers face investigating crimes directed at national, ethnic or racial hatred or discordance instigation?
- 6) What is jurisprudence in Latvia in cases on national, ethnic or racial hatred or discordance instigation?
- 7) What is discrimination?
- 8) What are features of the creating prohibited criteria catalogue?
- 9) What is jurisprudence in Latvia in cases of violating discrimination prohibition?
- 10) What administrative practice has developed in Latvian law enforcement authorities, making examination of misdemeanour cases of violation of the prohibition of discrimination?
- 11) What role is played by the State Police in the implementation of national minorities integration policy?
- 12) What practices are developed in law enforcement agencies of European countries dealing with national minorities?
- 13) To what extent in the State Police are observed Recommendations of police work in a multinational society which a group of OSCE experts developed in the leadership of the High Commissioner on National Minorities?
- 14) What difficulties may encounter representatives of national minorities who want to start working at the State Police?
- 15) What improvements are needed in police training on national minority issues?
- 16) What is the national representation of minorities in the State Police?
- 17) Which way the State Police work must be organized to improve prevention of violations committed against national minorities?
- 18) What are the problems in relations between the State Police and national minorities?
- 19) Do representatives of national minorities are granted the rights to apply to the State Police authorities?
- 20) What is the role of the Public Order Police Department officers in the implementation of preventive work in national minority communities?
- 21) What police officers have to look out for patrolling urban areas of national minorities?
- 22) What is profiling?
- 23) What role is played by the State Police in prevention and settlement of ethnic conflicts?
- 24) How police officers should report for actions taken?
- 25) How do police officers organize general and individual preventive work to prevent violations of the law addressed against national minorities?

## Characteristics of Research Methods

The interdisciplinary analysis of the theme is performed using the following general research methods of comparison and aggregation, causal discovery, analysis and synthesis, induction and deduction, abstraction and concretization, qualitative and quantitative analysis, as well as a variety of other research methods:

- *The Historical Method*: the development of the national minorities' rights in the world, as well as in Latvia, is studied based on historical chronology. The historical method is also used to identify the objectives which the legislature sought to achieve, adopting research-related provisions (*ratio*

*legis*). As justly pointed out by Professor K. Dišlers, this method helps to clarify the nature of legal institutions, sometimes the real contents of the legal regulations by looking at their progress (Dišlers, 1930);

- *The Comparative Method*, which Professor K. Dišlers suggests to use in two ways:

1) *Dogmatic Comparative*: if a more complete disclosure of the same legal regulation in the whole, or the system of legal norms and institutions pursue, by comparing them with other sets of rules or legal systems found in the currently existing legal norms and institutions;

2) *Historically Comparative* - if the same purpose compares law or legal institutions in development in various legal systems (Dišlers, 1930).

In this thesis will be used both types of comparison, but preference will be given to dogmatic comparative method. The paper will compare the various international scientific findings and the proposed definitions and recommendations of the European Union institutions and experts, and police institution 'good practices'. As justifiably pointed out by Professor P. de Cruz, learning from the experience of other countries can develop competencies, which in turn will help improve the efficiency of legal institutions (Cruz, 1999);

- *Modelling method*: you will be offered to make amendments to the Latvian laws and other legislation in the light of the world and the European Union experience in the field of national minorities' rights, i.e., will be modelled as a situation in the time of positive effects;

- *Sociological method* (which includes such advanced processes as surveys, statistical analysis, and mathematical compilation of received information (Dobreņkov, Kravčenko, 2004; Orlov, 2004)) will be used for the survey among State Police officers with special ranks (Treļs, 2011). The survey results, using historical and comparative methods will be compared with similar surveys carried out in recent years, which in turn will clarify the dynamics of the process under consideration.

## **Approbation Results of the Doctoral Thesis**

The research results presented at 20 conferences and 24 scientific publications.

### ***List of scientific publications***

1. *National Minorities Rights: Recommendations of the European Organisations on improvement of Police activity*. (in Latvian) In: Topical Problems of Realization of Human Rights and Freedoms: International Scientific, Practical Conference. Collection of the Abstracts. Ed. I. Danilova, R. Voronkova, T. Kovalova. Riga: Higher School of Social Technologies, 2009. p. 52 - 54. ISBN 978-9984-748-31-3.
2. *National Minorities: Recommendations of the European Organisations on improvement of Police activity*. (in Russian) In: Policajné vedy a policajné činnosti 2009. Meteňko Jozef ed. Bratislava: Akadémia Policajného zboru v Bratislave, 2010. 105 - 111 s. ISBN 978-80-8054-489-8.
3. *The concept of the national minority*. (in Latvian) In: Development of Law under Economic Crisis Conditions: International Scientific, Practical Conference. Collection of the Abstracts. Ed. I. Danilova, R. Voronkova, T. Kovalova. Riga: Higher School of Social Technologies, 2010. p. 46 - 47. ISBN 978-9984-748-33-7.
4. *The concept of "national minority" definition*. (in Russian) In journal: Economics, Sociology and Law, Moscow: Nauka+, 2010, Nr.5. ISSN 1995-9648.
5. *Policing deviance against national minorities*. (in English) In: Social Control of Unconventional Deviance. The Eight Biennial International Conference Policing in Central and Eastern Europe. Ed. G. Meško, A. Sotlar, B. Tominc. Ljubljana: Faculty of Criminal Justice and Security, University of Maribor, 2010. p. 149 - 150. ISBN 978-961-6821-04-9.
6. *The concept of the national minority*. (in Latvian) In: Proceedings of the 52nd International Scientific Conference of Daugavpils University. Ed. I. Zugicka. Daugavpils: Daugavpils University, 2011. p. 303 - 308. ISBN 978-9984-14-521-1.

7. *Integration problems of national minorities.* (in Latvian) In: International Scientific Conference „Current Problems of State and Law”. List of Scientific Articles. Ed. Baikovs A. Daugavpils: Daugavpils University, 2011. p. 86 - 90. ISBN 978-9984-14-543-3.
8. *The prevention of hate crimes on the example of Latvia and Sweden.* (in Latvian) In: Development of International and National Law in Modern Times: International Scientific - Practical Conference. Collection of the Abstracts. Riga: Higher School of Social Technologies, 2011. p. 97 - 99. ISBN 978-9984-748-38-2.
9. *The State police officers' tolerance level and ability to work in a multinational society.* (in Latvian) The survey of the State Police officers. March – April, 2011. Accessible at: [http://www.trels.lv/aptaujas\\_rezultati.pdf](http://www.trels.lv/aptaujas_rezultati.pdf) [last visited 05.05.2013.].
10. *Policing in hate crime prevention in the European Union countries.* (in Latvian) In: Aktuālas tiesību realizācijas problēmas: Latvijas Universitātes 69. konferences rakstu krājums. Riga: LU Akadēmiskais apgāds, 2011. p. 339 - 346. ISBN 978-9984-45-354-5.
11. *The prevention of hate crimes in European Union.* (in Latvian) In: Abstracts of the 53rd International Scientific Conference of Daugavpils University. Ed. D. Olehnovics. Daugavpils: Daugavpils University, 2011. p. 116. ISBN 978-9984-14-522-8.
12. *The prevention of hate crimes on the example of Latvia and Sweden.* (in Russian) In journal: Doctrine of Law, Tambov: Business-Science-Society, 2011, Nr.1, p. 62 - 65. ISSN 2218-8657.
13. *The policing in Multi-Ethnic Societies.* (in Russian) In: Международная и внутригосударственная правовая политика в условиях глобализации: проблемы теории и практики. The 3rd International Scientific Conference. List of Scientific Articles. (13<sup>th</sup> - 15<sup>th</sup> October, 2011.). Ed. A. Malko, R. Puzikov. Tambov: Business-Science-Society, 2011, p. 413 - 418. ISBN 978-5-4343-0048-3.
14. *Resistance to the right extremist group activities in the territory of the Republic of Latvia.* (in Russian) In: Социально-правовые, гендерные и политические аспекты противодействия экстремистской деятельности. List of Scientific Articles. Ed. O. Omelickin, M. Zeltov, V. Schiller. Kemerovo: Kemerovo State University, 2011, p. 382 - 387. ISBN 978-5-8353-1224-5.
15. *Hate Crimes: the concept, nature and forms of expression.* (in Latvian) In: Juridiskās zinātnes aktuālās problēmas. Rakstu krājums. Riga: Zvaigzne ABC, 2012. p. 212 - 221. ISBN 978-9934-0-2032-2.
16. *Instigation to national, ethnic and racial hatred in the Internet: legal and practical problems.* (in Latvian) Co-author J. Vash. In: Theoretical and Practical Problems of the Development of Modern Law: International Scientific - Practical Conference. Collection of the Abstracts. Riga: Higher School of Social Technologies, 2012. p. 52 - 54. ISBN 978-9984-748-39-9.
17. *Instigation to national, ethnic and racial hatred in the Internet.* (in Russian) In: Современные тенденции развития юридической науки, правового образования и воспитания: материалы международной научно-практической конференции. Vol II. Ed. A. Pugachyov. Novopolotsk: Polotsk State University, 2012, p. 143 - 147. ISBN 978-985-531-321-3.
18. *Latvian court practice in cases of national, ethnic and racial hatred.* (in Latvian) In: Juridiskās zinātnes teorētiskie un praktiskie problēmjaudājumi. Juridiskās zinātnes doktorantu un zinātniskā grāda pretendentu III zinātniski praktiskās konferences rakstu krājums. Riga: LU Akadēmiskais apgāds, 2012. p. 383 - 293. ISBN 978-9984-45-583-9.
19. *State police work in Multi-ethnic Societies. Monograph.* (in Latvian) Riga: P&K, 2012, 189 p. ISBN 978-9984-49-717-4.
20. *National minorities' personal names in the state language.* (in Latvian) In: Development of Law in Contemporary Society: International Scientific and Practical Conference. Riga: Higher School of Social Technologies, 2013. p. 40 - 42. ISBN 978-9984-748-40-5.
21. *Activities of the Public Order Police Inspector in Multinational Society.* (in Latvian) In journal: Administrative and Criminal Justice, 2013, Nr.2, p. 46 - 57. ISSN 1407-2971.
22. *Struggle against discrimination in the labour market of Latvia and Belarus: a comparative analysis.* (in Russian) Co-author J. A. Pozogo. Submitted for publication in Belarus State Economic University. List of scientific articles.
23. *Latvian court practice in cases of national, ethnic and racial hatred.* (in Russian) Submitted for publication in Russian Law Academy of the Russian Federation Ministry of Justice. The

- International Scientific and Practical Conference „Актуальные проблемы современного права в научных исследованиях молодых ученых-юристов”. List of Scientific Articles.
24. *Maintenance of the public order and security in the settlements of national minorities.* (in Latvian) Submitted for publication in “Proceedings of the 3rd International Scientific Conference of State Police College”.

### ***List of scientific conferences***

1. 29<sup>th</sup> - 30<sup>th</sup> May, 2009. Higher School of Social Technologies, The 2nd International Scientific and Practical Conference „Topical Problems of Realization of Human Rights and Freedoms”, publication in Latvian „National Minorities Rights: Recommendations of the European Organisations on improvement of Police activity.”, 0,2 author’s sheet;
2. 8<sup>th</sup> - 13<sup>th</sup> November, 2009. Bratislava, Slovakia. Police Academy of Slovakia, The Conference “Police sciences and Policing 2009”, publication in Russian „National Minorities: Recommendations of the European Organisations on improvement of Police activity”, 0,25 author’s sheet;
3. 23<sup>rd</sup> - 24<sup>th</sup> April, 2010. Higher School of Social Technologies, The 3rd International Scientific and Practical Conference „Development of Law under Economic Crisis Conditions”, publication in Latvian „The concept of the national minority”, 0,2 author’s sheet;
4. 14<sup>th</sup> - 17<sup>th</sup> April, 2010. Daugavpils University. The 52nd International Scientific Conference of Daugavpils University, publication in Latvian „The concept of the national minority”, 0,25 author’s sheet;
5. 10<sup>th</sup> - 15<sup>th</sup> May, 2010. Moscow, Russia. The International Scientific Conference „Economics, Sociology, Law: New Challenges and Perspectives”, without attendance, publication in Russian „The concept of "national minority" definition”, 0,3 author’s sheet;
6. 11<sup>th</sup> June, 2010. The University of Latvia. The 1st Law Scientific Conference for Doctoral students, publication in Latvian „Hate Crimes: the concept, nature and forms of expression”, 0,3 author’s sheet;
7. 22<sup>nd</sup> - 24<sup>th</sup> September, 2010. Ljubljana, Slovenia. Faculty of Criminal Justice and Security, University of Maribor, The 8th Biennial International Conference Policing in Central and Eastern Europe Social Control of Unconventional Deviance, publication in English „Policing deviance against national minorities”, 0,5 author’s sheet;
8. 26<sup>th</sup> - 27<sup>th</sup> November, 2010. Daugavpils University, The International Scientific Conference „Current Problems of State and Law”, publication in Latvian „Integration problems of national minorities”, 0,4 author’s sheet;
9. 8<sup>th</sup> February, 2011. The University of Latvia. The 69th Conference of University of Latvia, publication in Latvian „Policing in hate crime prevention in the European Union countries”, 0,4 author’s sheet;
10. 13<sup>th</sup> - 14<sup>th</sup> April, 2011. Daugavpils University. The 53rd International Scientific Conference of Daugavpils University, publication in Latvian „The prevention of hate crimes in European Union”, 0,3 author’s sheet;
11. 15<sup>th</sup> - 16<sup>th</sup> April, 2011. Higher School of Social Technologies, The 4th International Scientific and Practical Conference „Development of International and National Law in Modern Times”, publication in Latvian „The prevention of hate crimes on the example of Latvia and Sweden”, 0,3 author’s sheet;
12. 17<sup>th</sup> June, 2011. The University of Latvia. The 2nd Law Scientific Conference for Doctoral students, report in Latvian "The State police officers’ tolerance level and ability to work in a multinational society";
13. 13<sup>th</sup> - 15<sup>th</sup> October, 2011. Russia, Tambov State University Named After G. R. Derzhavin. The 3rd International Scientific Conference „Международная и внутригосударственная правовая политика в условиях глобализации: проблемы теории и практики”, without attendance, publication in Russian „The policing in Multi-Ethnic Societies”, 0,3 author’s sheet;
14. 28<sup>th</sup> - 29<sup>th</sup> November, 2011. Russia, Kemerovo State University. The International Scientific Conference „Социально-правовые, гендерные и политические аспекты противодействия

- экстремистской деятельности”, without attendance, publication in Russian „Resistance to the right extremist group activities in the territory of the Republic of Latvia”, 0,3 author’s sheet;
15. 16<sup>th</sup> April, 2012. The University of Latvia. The 3rd Law Scientific Conference for Doctoral students, publication in Latvian „Latvian court practice in cases of national, ethnic and racial hatred”, 0,5 author’s sheet;
  16. 18<sup>th</sup> - 19<sup>th</sup> May, 2012. Belarus, Polotsk State University. The International Scientific and Practical Conference «Современные тенденции развития юридической науки, правового образования и воспитания», without attendance, publication in Russian „Instigation to national, ethnic and racial hatred in the Internet”, 0,2 author’s sheet;
  17. 18<sup>th</sup> - 19<sup>th</sup> May, 2012. Higher School of Social Technologies, The International Scientific and Practical Conference „Theoretical and Practical Problems of the Development of Modern Law”, publication in Latvian „Instigation to national, ethnic and racial hatred in the Internet: legal and practical problems” (co-author J. Vash), 0,2 author’s sheet;
  18. 24<sup>th</sup> - 25<sup>th</sup> April, 2013. State Police College, The 3rd International Scientific Conference, publication in Latvian „Maintenance of the public order and security in the settlements of national minorities”, 0,7 author’s sheet;
  19. 24<sup>th</sup> - 25<sup>th</sup> May, 2013. Higher School of Social Technologies, The International Scientific and Practical Conference „Development of Law in Contemporary Society”, publication in Latvian „National minorities personal names in the state language”, 0,2 author’s sheet;
  20. 28<sup>th</sup> May, 2013. Moscow, Russia. The Russian Law Academy of the Russian Federation Ministry of Justice. The International Scientific and Practical Conference „Актуальные проблемы современного права в научных исследованиях молодых ученых-юристов”, publication in Russian „Latvian court practice in cases of national, ethnic and racial hatred”, 0,2 author’s sheet.

### ***The amount and the structure of the Doctoral thesis***

The amount of the Doctoral thesis work is 226 pages. According to the set aim and tasks of the Thesis, the structure consists of introduction, five chapters and summary.

# 1. RECAPITULATIVE LAYOUT OF THE DOCTORAL THESIS

## 1.1. Theoretical Basis of the Research

The theoretical basis of the Doctoral Thesis is mainly legal literature. In the thesis are used monographs and articles, the authors of which are the Latvian scientists and experts Balodis, R., Blūzma, V., Bojārs, J., Brands-Kehris, I., Briede, J., Dišlers, K., Endziņš, A., Judins, A., Kamenska, A., Kovaļevska, A., Krastiņš, U., Kučs, A., Levits, E., Liholaja, V., Meikališa, Ā., Mincs, P., Muižnieks, N., Pleps, J., Šilde, Ā., Zankovska-Odiņa, S., Ziemele, I.; foreign scientists Alfredsson, G., Capotorti, F., Carty, K., Belsky, K., Cesare, B. B., Deschenes, J., Eide, A., Henrard, K., Iganski, P., Kambeks, L., Oakley, R., Okolski, A., Thornberry, P. and several other authors. In order to achieve the tasks and objectives, the work is analysed and a large range of laws and regulations studied, which are widely used in jurisprudence of the European Union and Latvia. The theoretical value and the novelty of the thesis shows adaptation of the European Union police authorities 'best practice' in Latvia, as well as offering crime prevention measures strictly necessary for Latvia. The author has used his own articles related to the research subject that were published for the approbation of this thesis result.

## 1.2. Methods Used in the Research

For the performance of the tasks of the Doctoral Thesis and achievement of the objectives set for the study, research methods usual for law science have been used: the methods of comparison and aggregation, causal discovery, analysis and synthesis, induction and deduction, abstraction and concretization, qualitative and quantitative analysis, historical method, modelling method and sociological method.

## 1.3. Main Results of the Research

The study results are set up in five chapters, the first chapter discovers the concept of national minorities and minority rights in the historical development of Latvia, the second – the most often committed violations against the representatives of national minorities. The third, fourth and fifth chapters are devoted to the central research question - to the prevention of violations committed against national minorities, the State Police work organization and the main activities regarding this area.

In the Doctoral thesis is used a broad range of legal literature - both created in Latvia and abroad. Bibliography includes legislation and jurisprudence - 530 sources, of which 284 are sources of literature, 148 - legislation, 81 - jurisprudence materials, 15 - other practice materials, 2 – archive materials. From 383 sources used are in Latvian, 84 – English, 39 - Russian, 4 - German, 3 – French, 3 - Estonian, 2 - Czech and 12 other languages.

As shown by a variety of literature source analysis, in Latvia different terminology is used to describe the study subject - national minorities. The words "minority", "foreigners" and "ethnic minorities" are used. The term "national minorities" is used by the Parliament (the Saeima), ratifying the Framework Convention for the Protection of National Minorities (Par Vispārējo konvenciju par nacionālo minoritāšu aizsardzību, 2005); accordingly in the thesis will be used for exactly this term, despite the fact that, from the perspective of language culture the term "minority" should be used (Cilvēktiesību Žurnāls, 1998, Nr.7/8). In the original language of international and regional legal documents, a number of the European Union recommendations and proposals, as well as scientific research has used in the work is English, in Latvian it is not always possible to find an identical translation for all terms, like in the work widely-used terms: *community policing*, *profiling*, *accountability*, etc.

### *1.3.1. The Concept of National Minorities and the Development of Minority Rights in Latvia*

The first chapter covers problems related to the concept of the "national minority" definition. The use of the term in the dissertation is essential because the term determines the range of subjects aimed at the police. Carrying out the comparative analysis of the world scientists' proposed definition, there is pointed out the main differences and described the resulting effects on the definition used in the thesis.

One of the aspects of integration policy enforcements could also be a national minority status to non-citizens. In this thesis, the proposed definition will be used in the concept of "population", which is broader than the concept of "citizens" and includes both citizens and non-citizens. Despite the fact, this extended study of the entities does not extend the study subject; the police must take the same steps that are necessary to prevent violations against representatives of national minorities.

In this thesis is offered the definition of national minorities: National minorities are a group of national population, residing in a country, that differ from the rest of the population by ethnic, religious and/or linguistic attributes, as they seek to maintain and develop. Generally, this group is numerically small and in a non-dominant position. While the national minority representative is a state resident who identifies themselves as belonging to a particular national minority groups, others in the group accept the individual as their own.

The development of national minorities rights in Latvia will be reviewed in three stages, divided into the following historical periods: from the establishment of the Republic of Latvia on November 18, 1918 till the loss of independence on June 17, 1940; period of occupation of Latvia from June 17, 1940 till May 4, 1990; and the period of the recovery of independence from the State on May 4, 1990 until joining the European Union on May 1, 2004.

Laying the foundation for national minorities' rights in Latvia started after gaining independence on November 18, 1918. The development of national minorities' rights contributed to the formation of Latvia as a republic based on united, autonomous, independent and democratic principles.

The laws passed by the People's Council were mostly not contradicted with the rights of national minorities, but some of them were progressive. For example, the law "On Citizenship", because it was not narrowly national did not postulate ethnic criteria for Latvian citizenship, the laws "On School Facilities for Minorities in Latvia" and "On the Latvian Educational Institutions" allowed parties belonging to national minorities to maintain and develop their language and their ethnic and cultural identity, and guarantee the rights to education. Also the documents adopted during the activity of the Constituent Assembly, the "Declaration of the Latvian State" and "Latvian National Provisional Regulations" were not contrary to the rights of national minorities. The rights of national minorities continued to develop at the parliamentary stage, as evidenced by adopted laws by the Parliament (The Saeima) "On Associations, Unions and Political Organizations", "On Meetings" and Law on the Press.

In Latvia, during the authoritarian regime of K. Ulmanis', the Nazi and Soviet occupation, the rights of national minorities were repeatedly violated. The study identifies a number of facts about these violations and restrictions.

Despite the instability of the bilingualism period in 1991, in the renewed Latvian State active political activities began, which resulted in a number of key documents, including the Law "On Unrestricted Development and Right to Cultural Autonomy of National and Ethnic Groups in Latvia." The constitutional law "The Rights and Obligations of a Human and Citizen" played the important role which until the adoption of Chapter 8 of the Latvian Constitution guaranteed the implementation of the Latvian populations' rights, including the rights of national minorities. The most important step in the development of national minorities' rights in the Republic of Latvia was conducted on October 15, 1998, when the Constitution was supplemented with Chapter 8, "Fundamental Human Rights", because in the constitutional framework human rights are one of the key strands of the Constitution's content

and serves as an important indicator of constitutional democracy. Accession to the European Union on 1 May, 2004, contributed positively to the development of national minorities' rights, because Latvia has to liken its rights, including the rights of national minorities, to the European Union law.

### ***1.3.2. Violations against National Minorities***

The second chapter describes the violations committed against national minorities. This chapter addresses the concept of "hate crimes" and the nature of "discrimination". These offenses are directed to the diverse spheres of society, including the representatives of national minorities.

The definition of hate crimes is offered in this thesis: Hate crime is any crime which is perceived as a hate crime by a victim or any other person. However, in the Latvian Criminal Law there is no section that includes the concept of "hate crime" and liability for the offense. In the author's view, a development of such section is not required because of the hate crimes in Latvian territory can be considered criminal offenses qualified in the Criminal Law Section 78 (Triggering of National, Ethnic and Racial Hatred), Section 149.1 (Violation of Discrimination Prohibitions), Section 150 (Incitement of Religious Hatred) and section 151 (Interference with Religious Rituals).

The criminal offense included in the first paragraph of Section 78 of the Criminal Law is classified as a less serious crime, while in the second paragraph - as a particularly serious crime, it is defined as an activity that is intentionally directed towards triggering national, ethnic or racial hatred or enmity. Starting objective expression analysis of this crime, it should be indicated that the activities referred to can range as verbal as well as physical injury, which already accounts for the corpus delicti.

Considered in this chapter will be the types of hate crimes, as well as an analysis and Latvian jurisprudence of the application of Criminal Law regulations in cases of national, ethnic and racial hatred. Given the characteristics of Criminal Law in this thesis, hate crimes will be divided into physical violations (violence), verbal violations and other forms of hatred (Criminal Law Section 185 - Intentional Destruction of and Damage to Property, Section 228 - Desecration of Graves, etc.).

European Court of Human Rights has stressed that the investigation of incidents involving violence, impose to public institutions additional obligations to unmask any racist motivation, and to find out whether ethnic hatred or prejudice have influenced events (The judgement of European Court of Human Rights in cases: 43577/98 and 43579/98 Nachova and Others v. Bulgaria, para.164). If the state fails to do so, and encouraged to believe racist violence and brutality cases are dealt with the same way as those with no racist motives, it means that the country close their eyes to the special nature of these activities, which is particularly dangerous in terms of observation of fundamental human rights.

Unlike a physical invasion (violence), verbal invasion (which can be done either orally or in writing) may be more widely affected. Verbal invasion is often, especially in English-language studies, referred to as "hate speech". The Committee of Ministers as the Council of Europe points out that the concept of verbal invasion "covers all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin" (The Committee of Ministers as the Council of Europe, 1997).

Most of the criminal proceedings initiated in Latvia are related to national hatred, which manifests itself in hostile comment placements on web sites. This points to the need for the services responsible for monitoring the Internet to detect and solve criminal offences, as well as to search and detain persons who have committed them.

When examining the Latvian court judgements, it can be concluded that in several cases the court to the persons who are accused according to the Criminal Law's Section 78 second paragraph, of committing a crime, imposed penalties for non-imprisonment as accused persons sentenced to imprisonment in accordance with the Section 55 of the Criminal Law, shall be determined conditionally on probation. Insufficiently severe penalties of the Criminal Law does not provide one of penalty goals given in the second part of the Section 35, namely to ensure that the other persons comply with the law and refrain from committing criminal offences (Kriminālikums, 1998). This could serve as one of the reasons that similar crimes continue to happen. The European Commission against Racism and Intolerance (ECRI) points out that the penalties for racist violence (with a few exceptions, the imposition of custodial penalties) in Latvia are too lenient (ECRI, 2012).

Using personal professional experience, in a separate chapter the author writes about the practical problems faced by law enforcement officials during the investigation of hate-related cases. National, ethnic and racial hatred causing corpus delicti of their design foresees the existence of intent as an element of subjective party. The finding of intention is one of the issues of criminal offenses against representatives of national minorities. Hatred from the subjective side is always a deliberate act, and is characterized by direct intention. The offender knows that his actions cause a national, ethnic and/or racial hatred and desires the outcome.

Separately addressed is the issue of discrimination prohibition legislation framework in Latvia and restricted criteria for development of the catalogue properties and features of the fight against discrimination, which will be analysed within the framework of Latvian and other European Union Member States' jurisprudence in cases of discrimination against national minorities. In addition to the analysis of the Latvian law enforcement institution decisions in matters of misdemeanour violation of discrimination prohibition.

Equal value and equal rights of all citizens is a core value in a democratic society in the country. Therefore, an important feature of the law in this country is equality before the law and non-discrimination, which is regulated by Section 91 of the Constitution of the Republic of Latvia. The section does not contain the prohibition criteria catalogue, and their determination is possible with the methods of interpretation. When you create a catalogue of prohibited criteria, you should note that Latvia is a Member State of the European Union, which is bound by European Union law. Article 21 of the Charter of Fundamental Rights of the European Union and the Treaty on the European Convention for the Protection of Human Rights and Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms also contains the prohibition of discrimination in relation to the affiliation to a national minority. These documents reflect the European Union's general perception of human rights, and no Member State can afford the right or concept that would be in conflict with the overall legal framework. This demonstrates the need to refer to the "affiliation to national minority" as a separate criterion for establishing prohibited criteria catalogue.

Dissertation shows that in Latvia is a good anti-discrimination practice. By studying the development of the historical chronology, it can be concluded that it has improved. The latest legislation contains provisions for direct and indirect discrimination, harassment and instructions to discriminate them. However, the Latvian court practice in cases involving discrimination in our country is still not great. Latvian Centre for Human Rights staff indicates that most of the cases of discrimination affecting the employment relationship, primarily on the basis of sex, and since the year 2006 no known cases of alleged discrimination on ethnic grounds (Latvijas Cilvēktiesību centrs, 2011). Also, administrative practice of the law enforcement institutions in cases of violations of discriminations in Latvia is still developing.

### ***1.3.3. Integration of Policy Implementation at the State Police***

The third chapter is dedicated to the Latvian integration policy implementation features, within which the question of the State Police's role in this process is viewed. This chapter will consider "The Guidelines on National Identity, Civil Society and Integration Policy for the years 2012-2018", which is planned for the future of the Latvian Society Integration Policy. It was proposed to supplement this document with tasks, the fulfilment of which could be assigned to the State Police.

It was proposed to increase the role and responsibilities of the State Police management, as well as the departments of management, in steps to be taken to organize, control and plan preventive measures to stop racist violence and other hate crimes. The State Police governing board must take all necessary measures to improve the professionalism of police officers, their service quality and to increase the effectiveness of police action in accordance with international standards of human rights, including minority issues. To achieve these goals, the instructions and action plans should be developed to improve the policing, increase the effectiveness of the work and the implementation of preventive measures against violations committed against national minorities.

In the chapter are examples of European law enforcement agencies "good" practices, as well as recommendations from the European Union's institutions designed to help countries integrate national minorities, at the same time improve police performance. Involving the State Police in the implementation of integration policy, the author recommends the use of "Recommendations on Policing in Multi-Ethnic Societies", in which general principles of state policy with regards to national minorities are formulated (OSCE, 2006).

By adapting European law enforcement institution experience for Latvian conditions, it was proposed to improve hate crime statistics in Latvia by amending the State Police Regulations, "The Integrated Information System subsystem's Electronic Event Log" in addition to Article 12 "The system shall include the following information about the event" with a section - "whether an event is associated with hatred or intolerance," including the possibility of the scale in the Information system. The Information Centre of the Ministry of the Interior collected data should batch in a statistical form that law enforcement officers will be able to use them in their work by the monitoring and analysis of the situation dynamics.

It was proposed to amend the provisions of the State Police "On the organization and control of public order and traffic monitoring services", "Organization of the State Police Operative management department official duties", "Organization provisions of the District Officer performance of official duties", "Organization provisions of the Juvenile Matters inspectors performance of official duties" and other documents, providing activities related to the detection and investigation of the disturbance of national minorities' rights.

In order to assess the extent to which compliance with the State Police recommendations from the European Union institutions, particularly in relation to the thesis, St, the survey of the State Police officers with special ranks was carried out, the results of which will be analysed in the section (Treļš, 2011). The survey covered 173 respondents, representing approximately 2.3% of all State Police officers. The survey carried out has proved that the State Police officers have a low level of professional training for dealing with national minorities, which complicates their ability to work in a multinational society, as well as to fulfil the rights of national minorities. The survey results agree with the view that in recent years an increase in tolerance from the police has been seen (Pilsoniskās izglītības centrs, 2010), on the contrary - tolerance levels among the police officers do not provide professional and equal treatment towards national minorities. This in turn means that the Latvian territory "Recommendations for police work in the multinational society" does not completely work.

### ***1.3.4. State Police Personnel Selection, Training and Career Development***

The fourth chapter investigated the issue of the State Police personnel recruitment, training and career development challenges that hinder the implementation of preventive measures. Particular attention is paid to the representation of national minorities in the State Police, recruitment of minority members to the police service, as well as their training and future career development. This chapter analyses the statistical material that reflects the official data of the national minorities in Latvia, and the very limited amount of information available on minority representation in the State Police, as well as the resulting statistics obtained in the author's survey.

Police officers should be a reflection of the national society in terms of diversity, in terms of personnel selection and recruitment, which should be encouraged in all sectors of society, including the representation of national minorities in the police. Representation of national minorities in law enforcement is beneficial to the police, which allow having employees who have contact with their own ethnic groups and have minority language knowledge.

Given the information regarding the lack of Gypsy (Roma) ethnic representation in the State Police, police management should take appropriate measures to help the candidates learn the required standards and to encourage them to submit applications for service with the police. Causative factors, which have become a reason of Gypsy (Roma) ethnic group under-representation in the police, should be clarified and steps should be taken to overcome these obstacles.

Representatives of national minorities, who begin work with the State Police, should be provided similar career opportunities as indigenous representatives. State police departments must maintain order in which any police officer, including minorities', career develops. The process is dependent only on their professionalism, experience and leadership abilities, rather than from membership of a particular group.

Police detection and violation investigation of minorities' rights should be professional, meaning police officers have special training. This training is necessary for the newly recruited as well as employees who already have extensive experience in law enforcement. Work in a multinational society requires trained front-line staff as well as officers, including police management.

The author agrees with the representative A. Osse from Amnesty International that "recruitment, selection and training are equally important when seeking to establish a police agency that respects and protects human rights" (Osse, 2007).

### ***1.3.5. Organization of the State Police and its Key Performance Measures***

The fifth chapter of the dissertation dealt with the State Police organization characteristics and the main spheres of action to be undertaken to improve crime prevention against the violations committed towards national minorities. This chapter focuses on issues related to State Police interaction with minority communities, and the rights of national minorities to apply to the State Police, on the Inspector of Public Order Police role in the implementation of preventative work, on patrolling characteristics in national minority settlements, on prevention of police profiling, on potential conflict prevention and resolution, as well as the State Police duty to provide an overview of the activities carried out. This chapter focuses on in-depth questions about the police officers' general and individual preventive work, which is focused on meeting the needs of society.

Modern policing philosophy of the European Union countries, mainly in the form of police interaction with society, dealing with crime and public nuisance problems, and is known as "Community policing". In this chapter is demonstrated the need for the Latvian police service to focus on the needs of society too.

Under this strategy, the State Police should try to establish a relationship of trust with national minority communities and unions that provide protection of minority rights by entering into cooperation agreements for solving specific tasks. In order to achieve more efficient cooperation, it is important to find common goals and ways to achieve them.

State Police work efficiency is affected by the establishment of trust between the police and minority representatives, which are maintained at an appropriate level, through regular contacts and practical cooperation. In order to obtain cooperation from the minority communities, the police should develop appropriate methods and application practices. Failure to make such cooperation often results in a negative reaction from representatives of national minorities and can even lead to conflicts. Conversely, if an agreement between the police and minority communities is established and a trusting relationship maintained, this will enable police officers to be timely informed of possible minority rights violations as well as offenses committed by national minorities.

State police must set up the advisory board to work with national minorities. Work in the board should attract representatives of minority associations and other organizations, as well as independent experts in the field. The board must be a structure that would facilitate cooperation between State Police and minorities, to advise on issues and offer possible solutions.

The police should take steps to promote national minorities to report crime. As elsewhere in the world, in Latvia activity of the law enforcement institutions depends on people wishing to report incidents to the police. Without the desire to report crimes and cooperate with the police, the police cannot begin to identify and respond effectively to the most "everyday" crimes. In this respect, hate crimes are no different from other crimes because police are dependent on the desire of the public to report incidents. In this sense, it would be useful for the information about application submission and review procedures of the State Police to be put at the disposal of national minority communities and unions that provide protection of minority rights, which would not only distribute the information among national minorities, but also support reporting to the police. Information about the application submissions and review procedures to the State Police among national minorities should be disseminated through the Inspectors of Public Order Police too.

The Inspector of Public Order Police carrying out their duties in minority areas should be provided additional training to work within a multinational community and the job description should include an obligation to communicate with minorities. In this step, the Inspector of Public Order Police must provide general and individual preventive work implementation in the minority communities. The Inspector of Public Order Police must have information about the composition of the national minorities in the served territory, of the unions, which provide protection of minority rights, as well as vacancies in the State Police and allow minorities the opportunity to join. These police officers should be empowered to represent the minority associations, and participate in discussions and seminars held on the issues of minorities. National minorities should be provided office space and time to freely communicate with these workers. The Inspector of Public Order Police must obtain trust of national minorities living in the area of service, purposefully network with them, indicate the measures to be taken to avoid threats while informing the person about criminal offenses, stolen (robbed) belongings, and wanted persons, to get useful information for crime detection and locating a wanted person. In addition, the Inspector of Public Order Police, whose job description includes an obligation to communicate with minorities, personally attends educational institutions, historical and religious sites of national minorities, as well as participates in patrolling minority communities.

When patrolling populated national minorities' areas, where possible, the police are recommended to have patrols or groups of minorities and indigenous peoples' representatives. This, of course, enhances public confidence and police performance. In addition, it demonstrates that people of different nationalities can work together in the performance of public administration duties, which in turn points to the stability of a multi-ethnic country.

In multinational patrol areas, the police should maintain the appearance and behaviour tactics that meet the assigned tasks to a level that does not provoke minorities and does not strain the situation. This refers to the number of police officers, special selection and appearance. The police should avoid excessive number of officers in urban areas of national minorities, as well as the choice of armament, which is different from the everyday use. It is advisable to patrol using beat rather than patrol car crews, because it will be better in communicating with the local residents.

When patrolling multinational areas, police officers should adhere to the law in respect of all members of society not favouring unreasonable discrimination of any minority group. Police officers should be prohibited from taking undue "profiling" or any activities that, without objective justification, are solely based on their nationality or ethnic origin, religion or citizenship, as the sole reason for testing national minorities. In order to maintain objectivity law enforcement officers making decisions on profiling should evaluate the need (perhaps there are other means to achieve the objectives) and efficiency (whether profiling will help to achieve a set target?). A profiling decision is not acceptable in cases where the decision is based on stereotypes of certain minority groups' propensity to offend. Law enforcement measures should be based on an individual's personal conduct, not the identity.

The police have a special role in solving inter-ethnic conflict. This role is based on several factors, among which can be highlighted: police tasks to ensure the safety of individuals and society, as well as prevent and detect criminal offenses (Par policiju, 1991); police information about the possible risks of ethnic conflict; professionalism which is necessary for a process of peaceful conflict resolution. If between the police and ethnic minorities are established and maintained a relationship of trust, it will undoubtedly affect the effectiveness of police work and give the opportunity to be informed in good time about the tensions of national relations, as well as to reduce the potential risk of ethnic conflict.

Police should provide monitoring for offenses that are committed against national minorities. It is preferable to take all necessary measures to ensure the police are supplied with information on crimes reported, as well as events that are not officially announced to the police. The obtained information should be batched, analysed and systematized to predict future developments and the probability of potential conflicts. To prevent and resolve ethnic conflicts, the police should work closely with other state institutions coordinating their activities. Police legitimacy and ability to solve ethnic conflicts peacefully will raise police prestige in the eyes of national minorities and indigenous representatives.

The police are responsible and accountable to the public for their actions. The police duty to report on their actions essentially imposes an obligation to report to higher authority about an act or a failure to act. In addition, the police department or a particular police officer must correct their future actions in order to prevent repeats. A number of European Union countries demand the police report, stating that they are accountable to the state institutions (executive, legislative and judiciary powers), must report to the public (including national minority communities) to independent institutions (including associations that provide minority rights protection), and to their own department (self-assessment). It would be useful to improve current practices and adopt the best of European Union, implementing the policy in the State Police, directed to needs of society in Latvia.

In a democratic state, policing is positioned as a public service that is offered to all members of society without discrimination on the basis of clear professional standards, which in turn is based on the principles of justice and fairness, as well as international human rights standards. Police are entrusted with an important role of an individual's rights and freedoms, including ensuring minority rights, in order to facilitate their integration into society.

#### **1.4. Discussions and interpretations, restrictions of the study**

Due to the fact that police activities taken to prevent minorities from discrimination in Latvia have not been analysed in extensive researches, it is possible for the author to a very limited extent to dispute the other authors of the theoretical and practical aspects of this activity. Furthermore, in theoretical discussions, and a small number of publications that Latvian law experts, Professor Liholaja, V., Judins, A., etc. have assessed violations committed against national minorities in the form of national, ethnic and racial hatred are mainly related to the analysis of Latvian Criminal Law provisions or international and European law applying to Latvian conditions (Kučas, A., etc.). In this work for the first time, crime prevention aspects against national minorities facing police rights in Latvia are being studied.

In the European Union, a number of suggestions and recommendations to improve the functioning of the police are being developed, as well as a number of articles and studies published, which enable the author to offer a vision of the "best practices" to apply for the Latvian conditions. In this dissertation is offered a comparative analysis of the Latvian legislation and its practical application, which also includes a comparison with the standards developed in the world and the European Union. In cases of discrepancy between the Latvian and international legislation is offered concrete proposals for rectifying the identified shortcomings options. In addition, work cited reasons why these amendments are needed.

## MAIN CONCLUSIONS AND PROPOSALS

Accomplishing the goal and objectives, the author puts forward the following thesis for the defence, expressed in the form of conclusions and recommendations.

1. Latvian State was established as a united, independent and on democratic foundations based republic. Representatives of all nationalities living in Latvian territory were invited to participate in the state building process. However, after sixteen years of independence followed the authoritarian and totalitarian regimes, an act of war and fifty years of Soviet occupation, which adversely affected the development process of the rights of national minorities. These historical events continue their negative effects nowadays and hinder integration of national minorities in society. Renewal of Latvian statehood status law reform and harmonization of development was based on human rights legal regulations. Latvia became an independent democratic republic, but human rights including the respected rights of national minorities, are an integral part of the functioning of a democratic state. Continuing the traditions of pre-war Latvia, public administration must be organized in the interests of the general public. Latvia should develop a strategy aimed at the integration of national minorities in society. Within this program, police professionalism, quality of service and police performance in accordance with international standards of human rights, including minority issues should also be improve.
2. Ministry of Culture of the Republic of Latvia has developed "The Guidelines on National Identity, Civil Society and Integration Policy for the years 2012-2018" (hereinafter - Guidelines), in which is planned the future integration policy of the Latvian society. The Guidelines do not contain the tasks of police work to fight against violations against national minorities and respect for national minority rights among the police officers. A clearer political position in this area could have a positive impact on police effectiveness, police professionalism and the quality of police services. Thus it would be necessary to supplement the Guidelines by giving the State Police tasks that would improve the integration of public policy in combating crime and protection of public order and safety as well as protection of the rights and legitimate interests of the persons belonging to national minorities. It is necessary to make following amendments in „The Guidelines on National Identity, Civil Society and Integration Policy for the years 2012-2018”:
  - 2.1. To add in the Section 1.3.3. mentioned list of employees in public administration a who need training on tolerance and social exclusion, intercultural competences, on jurisprudence in relation to discrimination, and express in following text:

*"Specialists of assisting professions - employees who carry out professional activities in law enforcement, social, education and health sector, such as police officers, social workers, educational staff (psychologists, teachers), physicians and other employees of public administration."*
  - 2.2. To add in sections 1.3.3., 1.3.4., 1.3.5. and 1.3.6. part "Responsible authority and institutions involved" with the words *"the Ministry of the Interior"*.
3. Several laws of the Republic of Latvia contain provisions prohibiting discrimination, as well as offering the prohibited criterion catalogues. In these catalogues are usually included criteria such as race, skin colour, nationality, language, gender, age, and disability, religious, political or other opinion, social origin, or other similar circumstances. It should be taken into account when creating a catalogue of prohibited criteria that Latvia is a member state of the European Union, which binds the European Union law. Article 21 of the Charter of Fundamental Rights of the European Union and Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms also contains a prohibition of discrimination in relation to the affiliation to a national minority. These documents reflect the common conception of the human rights in the European Union countries, and no Member State can afford itself the right or claim of understanding that would be in radical contrast with the overall legal framework. This

demonstrates the necessity to refer to "affiliation to the national minority" as a separate criterion establishing the catalogue of prohibited criteria, newly adopted legislation and amending existing laws.

4. On October 12, 2006 the first part of the Criminal Law Section 48 Aggravating Circumstances was supplemented with paragraph 14 "the criminal offence was committed due to racist motives". If the criminal offence was not qualified after Section 78 of the Criminal Law, but forms another corpus delicti of the criminal offence, the motive of which was national, ethnic or racial hatred, the court imposing the punishment must apply paragraph 14 of the first part of Section 48 of the Criminal Law. However, this rule until now has never been applied in practice. The reason that paragraph 14 has not been applied might be that this provision did not apply to cases where the offense was committed on the basis of national or ethnic origin of the person. According to the first part of Section 1 of the UN International Convention on the Elimination of All Forms of Racial Discrimination the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. The interpretation of the first part of paragraph 14 of Section 48 of the Criminal Law is used according to the international provisions on human rights, the Section also applies to those cases where the motive for the criminal offence was a national or ethnic hatred. Therefore, in order to prevent a different interpretation of the first part of paragraph 14 of Section 48 of the Criminal Law, it would be appropriate to amend the Criminal Law and to state the first part of paragraph 14 of Section 48 as follows:

*"14) the criminal offence motive was a national, ethnic or racial hatred."*

5. In Latvia is generated statistics on criminal offenses committed against minorities, and is qualified under Section 78 of the Criminal Law (Triggering of National, Ethnic and Racial Hatred). Because the crime statistics for national minorities are not included in the offenses described under Chapter IX of the Criminal Law (intentional property damage, theft, etc.), as well as other offenses that seem to be motivated by hatred, intolerance or racial reasons. Lack of statistics in this field forbids law enforcement officers to carry out a thorough monitoring of the situation and dynamics analysis. Identified problems can be solved by amending the State Police Regulations, "The Integrated Information System subsystem's Electronic Event Log" in addition to Article 12 "The system shall include the following information about the event" with a section –

*"12.8. Whether an event is associated with hatred or intolerance,"*

including the possibility of the scale in the Information system. The collected data from the Information Centre of the Ministry of the Interior should be batched in a statistical form that law enforcement agents will be able to use in their work. The amendments and information system improvements will allow police officers to obtain accurate data on the dynamics of hate crimes in the country, which in turn will make it possible to forecast the future development of the situation and immediately respond to the emergency situation in a given service area, as well as to take all necessary preventive measures not to allow the deterioration of the situation.

6. In Latvia there is no single national strategy in the field of crime prevention, as well as no body to coordinate and manage the preventive work in the country. A good example of such a structure may be The Swedish National Council for Crime Prevention, which performs already since 1974 under the supervision of the Swedish Ministry of Justice. In Latvia, to the author's view, should be developed a Prevention Board, which could become a national central coordinating body in the field of prevention, the core functions should include the coordination and management, aggregating of statistical data, and maintenance of the research work in the field of prevention.
7. In order to prevent violations against national minorities, as well as the fight against crimes related to national, ethnic and racial hatred, it is necessary to increase the State Police management, as well as the department management roles and responsibilities of the measures which are taken to

organize, control and plan preventive work to stop racist violence and other hate crimes. To achieve these goals, collaboration with representatives of national minorities by identifying their problems and needs, instructions, regulations or policies that will assist the improved policing should be developed; this will increase the effectiveness of the work and the implementation of preventive measures. In addition, it should also include instructions for specific actions to police officers after being informed of the criminal offenses or other violations against national minorities. It is also necessary to make amendments to the existing internal regulations:

7.1. in State Police regulations of December 18, 2009 No 27. „Organization provisions of the State Police Operative management department official duties” V chapter „The order of information announcement” in the section 33 immediately notifiable list of information supplement with subparagraph 33.33. as follows:

*"33.33. criminal offenses related to national, ethnic and racial hatred instigation."*

7.2. in State Police regulations of February 22, 2010 No 5 „On the organization and control of public order and traffic monitoring services”, to add to the list of the objects mentioned in the section 35 to which police officers should pay special attention, during preventive patrolling, a subparagraph 35.12. as follows:

*„35.12. national minorities assembly areas, cultural and religious sites, as well as associations ensuring the protection of minorities rights”.*

8. In personnel selection and recruitment in the State Police service, representation of the national minority representatives should be facilitated in the police. This means that if the representatives of the national minorities in Latvia make up according to the various statistical data, from 37.9% to 40.4% of the country's total population, then their representation in the police must be at this level. If any of the existing nationalities is not represented in the police, the state should encourage the involvement of their representatives in police work. According to the European Commission provided information against racism and intolerance, now is the lack of Gypsy (Roma) ethnic representation in the police. Due to the positive discrimination limits (equality of opportunity for the basic representatives, as well as aliens should be ensured) it is necessary to make a Gypsy (Roma) representative selection for police work. Candidates must meet the requirements of the "Law on Career Course of Service of Officials of the Ministry of the Interior and Prison Administration". State Police must take special measures to help the candidates to learn the required standards and to encourage them to submit applications for the service in the police. The causes for Gypsy (Roma) ethnic group under-representation in the police must be clarified, and the steps to overcome these obstacles must be taken. It is necessary to disseminate information about jobs and vacancies in the police, which could include the advertising in media, as well as a brochure distribution in educational institutions, and any cultural or religious centres of national minorities. This information should be transferred in national minority communities as well as associations that provide protection of minority rights. In addition, to ensure the possibility of Gypsy (Roma) ethnic representatives who wish to work for the State Police, but have not mastered the language to the extent necessary to work and perform duties to attend free public language courses.

9. The survey "The State police officers' tolerance level and ability to work in a multinational society" results show that the State Police staff has low level of professional training to work with national minorities, which complicates their ability to work in a multinational society, as well as valuable observance of the rights of national minorities. The tolerance level among the police officers does not provide professional and equal treatment towards national minorities. It is therefore necessary to provide State police officers training to ensure professional activities in detection and investigation the violation of the rights of national minorities. This tutorial is required for new recruits, as well as employees who have a long experience in law enforcement institutions. To work in a multinational society must be trained as rank and file officers as well as senior officers, including Police management. The thesis author, as a lecturer at the State Police

College, has participated in the work and has developed the State Police College professional development programs "The Observance of National Minority Rights in the Work of the State Police" and "The Policing in Multi-Ethnic Societies". There is a need to improve education possibilities for the State Police officers. Academic education for police officers can ensure the restoration of the Police Academy of Latvia or the establishment of a new police education institution. The new education institution's curricula must include a separate discipline or individual lectures in any other study course of academic training in discrimination and hate crime issues.

10. Modern policing philosophy of the European Union countries is mainly in the form of police interaction with the community, dealing with crime and public disorder problems. In Latvia police action should be targeted to the needs of society. Within these policies in the State Police should be an established advisory board to work with national minorities. For work in this board, should involve representatives of minority associations and other organizations, as well as independent experts in the field. The board must become a structure that would facilitate cooperation between State Police and minorities, to advise on issues and offer possible solutions.
11. In the territorial units there must be deployed specially trained personnel whose official duties include the issue of communication with minorities. Employees must refer to the information on the composition of the national minorities within the served territory, associations that provide protection of minority rights, as well as vacancies in the State Police and career opportunities for minorities to join. These police officers should be empowered to represent the police in minority associations, participate in discussions and seminars, which are held on the issues of minorities. National minorities can freely communicate with these employees; and must be provided the office place and hours. In order to establish contacts with minorities, these employees also should participate in the patrols in areas where national minorities live, and visit the educational institutions minorities attend. It is necessary to make amendments in State Police regulations of February 17, 2010 No 4 „Organization provisions of the District Officer performance of official duties” II chapter „District Officer's main duties”:
  - 11.1. Express section 13 as follows:
    13. *The district officer during the performance of official duties detailed studying the service territory, operational status and getting to know people:*
      - 13.1. *patrols the area, interviews with residents, property managers and their authorized persons, local government employees, personnel of businesses, institutions, commercial and other facilities as well as uses the information provided by other police departments;*
      - 13.2. *communicates with representatives of national minorities, representing the State Police in associations of national minorities, as well as associations that provide protection of minority rights, participates in discussions and seminars organized for minority issues;*
      - 13.3. *analyses informational materials and statistical data on crimes and other offenses;*
      - 13.4. *takes any other actions to inquire served area.*
  - 11.2. To add to the mentioned list of information in the section 14 and to express as follows  
*„14. The District officer knows information in his service territory about:*
    - 14.1. *streets, roads, bridges, parks, forests, banks, post offices, sensitive sites, chemists, car parks, markets, sports fields, schools, industrial and commercial facilities, medical offices, stock warehouses, security or detective activity licensed commercial companies, national minorities assembly sites, cultural and historical and religious sites, as well as associations that provide protection of minority rights and other important information."*
12. When patrolling minority populated areas, where possible, the police are recommended to use mixed patrols or groups in which there are representatives of the minorities and indigenous. This will undoubtedly improve the trust of the public and effectiveness of police performance. It is recommended to use foot patrols, not car patrols as this will give better communication with the

local inhabitants. While patrolling in the multinational areas, police officers should adhere to the laws, and in respect to all members of society police are not to discriminate against any minority group. Police officers should be prohibited to take undue "profiling" or any acts that, without objective justification, based solely on their nationality or ethnic origin, religion or nationality as the sole reason for control to stop and check national minorities. While profiling is officially condemned by all European Union countries, it is still used. National minority groups that are subject to this profiling in the European countries are different, however, in all these countries are consistently profiled representatives of Gypsy (Roma) ethnic group. Also, in Latvia, according to the European Commission against racism and intolerance information, police officers often unreasonably stop and check Gypsies (Roma). It is necessary to make amendments in State Police regulations of May 31, 2005 No 1 „State Police Officers Professional Ethics and Code of Conduct”, adding with the section 10.<sup>1</sup> as follows:

*„10.<sup>1</sup> A police officer does not highlight, stop and check a representative of any minority group, based solely on the nationality or ethnic origin, religion or citizenship as the sole reason for the inspection.”*

13. State police performance depends on the person wishing to report crimes to the police. In this respect, hate crimes do not differ from other crimes because police are dependent on public willingness to report incidents. The leadership of State Police must ensure measures that are taken to improve the national minorities' possibilities to report crimes. These measures could include dissemination of information on application submission and review procedures in the State Police; it should be brought to national minority communities, as well as associations that provide protection of minority rights. In addition the information about the possibility of complaints about illegal activities of the police should be disseminated.
14. In the State Police, existing assessment and reporting system is solely based on the quantity of work performance. It does not allow finding the actual contribution of the police to insurance of public order and security, as well as crime prevention, where the operations are not carried out in a numerical evaluation. In addition, the measures taken in quantity are not evidence of their quality and effectiveness. Additionally to the quantitative work indicators (which are also necessary), for the actual investment of the district inspector also shows the dynamics of crime in the served territory (including national minorities areas inhabited), feedback from citizens (including national minorities) the presence of frequency of the inspector in public places. Thus, there is a need to improve the assessment system in the State Police defining the evaluation criteria from population, local government representatives, public authorities and independent expert evaluation. Although reporting system improvements are required: State police should report to the state institutions (executive, legislative and judiciary), to the public (including national minority communities), to independent bodies (including the unions, which provide protection of minority rights), as well as to its police department (self-assessment). This will improve the transparency of police operations, which in turn will allow the acquisition and development of public trust. As well as the amendments are necessary to be made in State Police regulations of February 17, 2010 No 4 „Organization provisions of the District Officer performance of official duties”, adding section 35 as follows:  
*„35. The immediate superior of the district officer compiles information about the district officer's actual contribution in the maintenance of public order and the fight against crime, as well as information on the quantitative and qualitative results of the performance of official duties, evaluates the effectiveness of preventive work and on request of natural or legal persons shall provide information on served territory safety and district officer's personal contribution in public order and security maintenance”.*

# LIST OF SOURCES USED IN THE COMPENDIUM

## 1. Bibliography

1. Cruz P. de. (1999). Comparative Law in a Changing World. London: Cavendish Publishing Limited. ISBN: 1-85941-432-X.
2. Diskriminācijas novēršana Latvijā: no likumdošanas līdz tiesu praksei. (2011). Rīga: Latvijas Cilvēktiesību centrs.
3. Dišlers K. (1931). Demokrātiskās valsts iekārtas pamati. Ievads konstitucionālās tiesībās. Rīga: A.Gulbis.
4. Dobrenkov V. I., Kravčenko A. I. (2004). Metodi socioloģiskāgo issledzovaniya [Socioloģiskās pētniecības metodes]. Moskva: Infra-M [Maskava: Infra-M]. ISBN: 5-16-002113-2.
5. Etniskā dažādība un lēmumu pieņemšana: politiķu un minoritāšu dialogs. (2010). Rīga: Pilsniskās izglītības centrs.
6. Izraksts no Tautas Padomes sēdes protokola par Latvijas valsts pasludināšanu. (2003). Latvijas vēstures institūta žurnāls, Nr.3.
7. Kamenska A., Brands-Kehris I. (2008). Naida noziegumi Latvijā: likumdošana un policijas prakse. Rīga: Latvijas Cilvēktiesību centrs. ISBN: 978-9984-9920-1-3.
8. Mazākumtiesību rokasgrāmata. (1998). Cilvēktiesību Žurnāls, Nr.7/8.
9. Nacionālās drošības koncepcija. Informatīvā daļa. (2011). Latvijas Vēstnesis, Nr.45.
10. Orlov A. I. (2004). Prikladnaja statistika [Lietišķā statistika]. Moskva: Eksamen [Maskava: Eksāmens]. ISBN: 5-472-01122-1.
11. Osse A. (2007). Understanding Policing. Amsterdam: Amnesty International. ISBN: 978-90-6463-175-7.
12. Par saliedētību un cieņu pret Latviju. (2012). Latvijas Vēstnesis, Nr.26.
13. Reakcija uz rasismu Latvijā. (2006). Rīga: The European Network Against Racism - Latvia.
14. Recommendation No. R (97) 20 of the Committee of Ministers to Member States on "Hate Speech". (1997). Pieejams: [http://www.coe.int/t/dghl/standardsetting/hrpolicy/other\\_committees/dh-lgbt\\_docs/CM\\_Rec\(97\)20\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/dh-lgbt_docs/CM_Rec(97)20_en.pdf) [aplūkots 2013. gada 5. septembrī].
15. Recommendations on Policing in Multi-Ethnic Societies. (2006). Hague: Organization on Security and Cooperation in Europe, High Commissioner on National Minorities. ISBN: 90-75989-05-9.
16. Report on Latvia (fourth monitoring cycle). (2012). Strasbourg: European Commission against Racism and Intolerance of the Council of Europe.
17. Treļš Ē. (2011). Valsts policijas darbinieku tolerances līmenis un spēja strādāt daudznacionālajā sabiedrībā. Valsts policijas darbinieku aptauja. Pieejams: [http://www.trels.lv/aptaujas\\_rezultati.pdf](http://www.trels.lv/aptaujas_rezultati.pdf) [aplūkots 2013. gada 5. septembrī].

## 2. Laws and Regulations

18. Latvijas Republikas Satversme: LR likums. Latvijas Vēstnesis, 1993. 1.jūlijs, Nr.43.
19. Krimināllikums: LR likums. Latvijas Vēstnesis, 1998. 8.jūlijs, Nr.199/200.
20. Par policiju: LR likums. Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1992. 24.septembris, Nr.37.
21. Par Vispārējo konvenciju par nacionālo minoritāšu aizsardzību: LR likums. Latvijas Vēstnesis, 2005. 31.maijs, Nr.85.

## 3. Legal Practice Materials

22. The judgement of European Court of Human Rights in cases: 43577/98 and 43579/98 Nachova and Others v. Bulgaria, 06.06.2005.