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Report of the Working Group on the Universal Periodic Review*

Latvia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. The Government of Latvia welcomes the interactive dialogue which took place on 5 May 2011 as part of the eleventh session of the UN Working Group on the Universal Periodic Review (UPR), during which Latvia received 122 recommendations from 43 countries. Latvia accepted 71 recommendations out of 122 recommendations included in the Report on Latvia of the Working Group on UPR (recommendations No.91.1.–91.54.; of which 17 recommendations (No.92.1.–92.17.) have already been implemented or are in the process of implementation).
2. Having once again considered the recommendations after the eleventh session of the Working Group on UPR, Latvia provides the following views and kindly asks to include these views as an addendum to the Working Group Report.
3. Information on the implementation of the recommendations accepted by Latvia (recommendations No. 91.1.–91.54. and No. 92.1.–92.17.) will be provided during the second cycle of UPR.
4. After further examination, Latvia would like to express its views on the recommendations No. 93.1.–93.44., as well as on the rejected recommendations (recommendations No. 94.1.–94.7.).

Additionally examined recommendations

93.1., 93.2., 93.3., 93.4., 93.5., 93.9., 93.10., 93.11., 93.12., 93.13., 93.14.

Currently, Latvia cannot provide a definitive answer on the eventuality of acceding to or ratifying the following international instruments: OP-ICESCR, OP-CEDAW, OP-CAT, ICPED. Latvia gradually in the course of time will evaluate the possibility of ratifying these documents and will provide information about the state of implementation of these recommendations in the next report.

93.6., 93.7., 93.8., 93.15., 93.35., 93.36., 93.37., 93.38.

Latvia accepts these recommendations. As regards the ratification of ICCPR-OP 2, aiming at the abolition of the death penalty, Latvia informs that on 12 July 2011 the Government approved a legislative package on the accession to the Protocol No. 13 to the European Convention on Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances. Following the adoption of these draft laws by the Parliament and their entry into force, Latvia will evaluate the possibility of ratifying ICCPR-OP 2. Information about the state of implementation of this recommendation will be provided in the next report.

93.16. Currently Latvia cannot provide a definitive answer on accepting or rejecting this recommendation. Latvia will continue co-operation with the UN Committee on the Elimination of Racial Discrimination by reporting on the implementation of the provisions of ICERD. Latvia is continuously reviewing and, if need be, adjusting national legislation to the evolving standards in the field of racial discrimination, and ensures their practical implementation. At the same time, Latvia appreciates efforts and extensive expertise of the European Court of Human Rights in the field of eliminating discrimination as well as co-operation with the European Commission against Racism and Intolerance.

Accordingly, Latvia considers that it has subjected itself to comprehensive monitoring at the international level, which includes both an individual complaints mechanism and a national reporting system and visits under review mechanisms. Latvia fully relies on the competence of the existing mechanisms. The next report will provide information on whether any changes have taken place in Latvia's position on this matter.

93.17., 93.18., 93.19., 93.20.

Latvia partly accepts these recommendations. Latvia does not accept the recommendation in the part concerning the need to enlarge the mandate of the Ombudsman or the need to set up a national human rights institution in compliance with the UN Paris Principles. The Office of the Ombudsman has been established under the law, its mandate is very broad and fully complies with the Paris Principles: Ombudsman has the right to review individual complaints, analyse the compliance of legal provisions with the human rights standards and to submit an application to courts.

The Ombudsman can act on the basis of a complaint or upon his/her own initiative and has a major role in raising human rights awareness. The Parliament elects the Ombudsman for the term of five years. The Ombudsman's Strategy for 2011-2013 sets amongst the institution's priorities launching the procedure for its accreditation to the National Human Rights Institutions International Coordinating Committee. In the next report, Latvia will provide information on measures taken to further strengthen the Ombudsman's Office within available national budget resources.

93.21. The recommendation can be accepted in part. Latvia accepts the part on strengthening the capacity of the State Inspectorate for the Protection of Children's Rights within available national budget resources; information on the measures taken will be provided in the next report. At the same time, Latvia rejects the recommendation to consider establishing an Ombudsman for children, as the functions of the Ombudsman for children are performed by the Ombudsman's Office which is assigned authority over all human rights matters, including those of the children's rights protection.

93.22. Latvia accepts the recommendation (similarly to the recommendation No.91.18). Latvia has ratified CEDAW and adheres to other binding international law which forbids the discrimination of women. Under the Constitution, all human beings are equal irrespective of their gender. In its next report, Latvia will provide information on steps taken to further strengthen the national system for the protection of women's rights.

93.23., 93.24. Latvia rejects the recommendations as, instead of adopting a general gender equality law, it has chosen a different approach – to integrate anti-discriminatory provisions into sectoral laws. Such approach is consistent with the Latvian legal tradition and is no less effective than the comprehensive law approach. Latvia will continue providing information on promoting gender equality in the next report.

93.25. Latvia accepts the recommendation and will further intensify efforts to combat discrimination against vulnerable groups. The Constitution guarantees that all human beings in Latvia are equal before the law and the courts, human rights shall be implemented without discrimination of any kind. The provisions on the prohibition of discrimination and differential treatment have also been included in sectoral laws. National legislation provides for administrative liability and criminal liability for violating the prohibition of discrimination. Latvia will continue providing information concerning combating discrimination in its next report.

93.26. Latvia rejects the recommendation. Latvia believes that the Criminal Law and other laws provide for adequate regulation in the field of combating racial and hate crime. Latvian legislation criminalises actions of intentionally inciting national, ethnic or racial hatred or disharmony as required by Article 4 of ICERD and the 28 January 2003 Additional Protocol to the European Convention on Cybercrime

concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

Racial discrimination and incitement to racial hatred are not only regarded as a separate crime, but the Criminal Law also defines racist motive as an aggravating circumstance. Moreover, racial discrimination is effectively prohibited also in other laws (for instance, Civil law, Labour Law), and the victims are provided with accessible and effective mechanisms for protecting their rights. In recent years, Latvia has succeeded in cutting back on the number of instances of national, ethnic and racial hatred, which is demonstrated by statistics on initiated criminal cases concerning incitement to national, ethnic and racial hatred or disharmony. Notwithstanding the rejection of this recommendation, Latvia will provide further information in its next report on the measures taken towards combating racial discrimination.

93.27., 93.28. Latvia accepts the recommendations. Under the Constitution, all human beings are equal. The principle of equality has also been integrated in sectoral laws, for instance, in the Labour Law. Latvia will continue providing information on combating discrimination based on person's sexual orientation in its next report.

93.29., 93.34. Latvia accepts the recommendations and at the same time indicates that educational measures are carried out concerning both hate crime against LGBT persons and the issues of intolerance, racism and anti-Semitism. Besides, it should be noted that the issues of anti-discrimination, gender equality and human rights, including the issues of sexual minorities, have already been included in the school curricula. Latvia will include information on the provision of general information on anti-discrimination issues in its next report.

93.30. Currently, Latvia cannot provide a definitive answer to the recommendation to sanction under the Criminal Law homophobic and transphobic crime. Such amendments would require an open public debate and the hearing of the views of groups concerned. At the same time, the State Police is considering possibilities to introduce a special programme that would enable any resident to report a hate crime. In its next report, Latvia will provide information on the development of this discussion.

93.31. Currently, Latvia cannot provide a definitive answer to the recommendation to amend the Criminal Law in order to sanction hate speech against LGBT persons (to include sexual orientation in the definition of hate crime). Discussions on this issue have not yet been held and currently no amendments to legislation have been planned. In its next report, Latvia will provide information on the development in this matter.

93.32. Latvia accepts the recommendation. The Constitution and other laws contain the principles of equality and the prohibition of discrimination. Besides, work on the transposition of relevant European Union anti-discrimination directives is under way. Within its mandate, the Police will continue efforts in combating discrimination. In recent years, Latvia has succeeded in cutting back on the number of instances of national, ethnic and racial hatred, which is demonstrated by statistics on instituted criminal cases concerning incitement to national, ethnic and racial hatred or disharmony. At the same time, the Police cooperate with LGBT activists by providing security measures during LGBT public events.

93.33. At this point, Latvia cannot provide a definitive answer to the recommendation on recognizing violence on the basis of gender identity or sexual orientation as a hate crime. Discussions on this issue have not yet taken place and

currently no amendments to legislation have been planned. At the same time, no violence has been reported against homosexual and transgender persons as such. In its next report, Latvia will provide information on developments in this matter.

93.39. The recommendation cannot be accepted. Under the Constitution, the Latvian language is the official language in Latvia. The Official Language Law prescribes the use of the official language for record-keeping and documents in State and local government institutions, courts and judicial institutions, State and local government undertakings, and companies where major share of capital is owned by the State or a local government. Correspondence and other type of communication with foreign states may take place in a foreign language. At the same time, the Latvian legislation provides for exceptions when information should be provided to a person in a language other than the official language to ensure that the human rights of those persons are observed. In its next report Latvia will continue providing information on this issue.

93.40. The recommendation is to be partly rejected. Latvia indicates that this recommendation has already been partly implemented, because non-citizens are granted economic, social and cultural rights, as well as a number of political rights, for instance, the right to join political parties and exercise their freedom of speech and assembly, thus participating in political life. One of the most significant instruments for promoting participation in decision-making process is local government councils and commissions for the matters of society integration and non-citizens.

Latvia's position remains unchanged as to granting non-citizens the right to participate in municipal elections; the right to vote is seen as an integral part of citizenship. This position complies with international law and the existing practice. Non-citizens are ensured practical and effective access to the naturalisation process, which so far has been used by more than 140,000 non-citizens. Latvia accentuates that non-citizen's status is a temporary status and thus obtaining citizenship is the most effective way of expanding the scope of an individual's rights. In its next report, Latvia will provide further information on this matter.

93.41. The recommendation can be partly accepted, as the competent state institutions which co-operate with Education authorities, schools, non-governmental organisations and the Roma Culture Society do not possess any information concerning the statement contained in the recommendation. At the same time it should be noted that regular monitoring is being carried out regarding the education opportunities and the quality of education for Roma pupils: statistical data about Roma pupils, education programmes and learning achievements are gathered from all education establishments.

Schools are urged to provide additional assistance in cases when pupils have difficulties with learning specific subjects. A number of pre-school and general education establishments provide opportunities to learn about the Romany language, Roma culture and traditions through informal education. Education establishments also involve parents of Roma pupils in informal education. Several local governments ensure that education establishments employ Roma teaching assistants. Latvian project on Roma Teaching Assistants has been recognized by the Council of Europe as an example of good practice. Latvia intends to continue these measures. In its next report Latvia will provide further information on this matter.

93.42., 93.43. The recommendations are to be partly rejected. Latvia reminds that the defined circle of citizens is an integral part of a sovereign state. Latvia would like to emphasize that, presently, all non-citizens, including the children of non-citizens, are guaranteed a practical and effective access to Latvian citizenship through

registration and/or naturalisation, which has so far been used by more than 140,000 non-citizens. This number as such already demonstrates the effectiveness of the process of citizenship and naturalisation.

At the same time it should be noted that on 5 July 2011 the Government approved a number of regulations aimed at further simplification of administrative procedures of acquiring of Latvian citizenship, including granting Latvian citizenship to children born to non-citizens and stateless persons. In its next report Latvia will provide further information on this matter.

93.44. The recommendation can be partly accepted. Latvia will seek to further decrease the number of non-citizens. Further measures will be undertaken for the facilitation and optimization of the naturalization process, as well as for society integration. It must be indicated that non-citizens are ensured economic, social and cultural rights, as well as a number of political rights. At the same time, it should be noted that the state policy is to take care of the well-being of all its residents. In the next report Latvia will provide further information on this matter.

Recommendations already rejected by Latvia (No. 94.1.–94.7.)

94.1., 94.2. Latvia rejects the recommendations to ratify ICRMW. Domestic legislation already guarantees most of the rights included in the said Convention; Latvia has also acceded to a number of international legal instruments which provide a broad framework for the protection of migrants' rights. Ratification of this convention is not on the agenda of the present Government.

94.3. Latvia rejects the recommendation. From 2001, the national programme *Society Integration in Latvia* has been in force. Draft Guidelines for National Identity and Society Integration have been prepared and as of 10 August 2011 public consultations have been launched with the aim of improving the draft.

With regard to including the prohibition of discrimination in the Civil Law, Latvia indicates that the Constitution and other laws include provision concerning a general prohibition of discrimination; besides, the work on the transposition of the relevant European Union's anti-discrimination directives is underway. The already adopted legislative amendments are sufficient and additional amendments to the Civil Law are not required.

As regards the use non-official languages in official procedures and documents, Latvia indicates that under the Constitution the Latvian language is the official language in Latvia. Under the Official Language Law, in State and local government institutions, courts and judicial institutions, State and local government undertakings, and companies where major share of capital is owned by the State or a local government, the official language shall be used for record-keeping and documents. At the same time, Latvian legislation provides for exceptions when information should be provided to a person in a language other than the official language to ensure that the human rights of those persons are observed.

94.4. Either in short or in medium term Latvia is not planning to adopt a specific programme to safeguard the rights of victims of torture and ill-treatment. To date, no criminal offence involving torture has been recorded in Latvia. Neither have international monitoring mechanisms indicated that any practices of torture existed in Latvia. In any case, victims of crimes have access to various rehabilitation services, which would also be accessible for victims of torture and ill-treatment, as well as the right to receive state compensation for victims.

94.5. The recommendation cannot be accepted. Latvian legislation recognizes marriage as a union between a man and a woman.

94.6. Latvia rejects the recommendation. Latvia reiterates its consistent position that the defined circle of citizens is an integral part of a sovereign state. Non-citizen's status is a temporary status. Latvia would like to emphasize that, presently, all non-citizens, including the children of non-citizens, are guaranteed a practical and effective access to Latvian citizenship through registration and/or naturalisation, which has so far been used by more than 140,000 non-citizens. This number as such already demonstrates the effectiveness of the process of citizenship and naturalisation.

94.7. Latvia rejects the recommendation. The status of Latvia's non-citizen is a specific legal status with temporary character that has emerged under specific historical circumstances, when Latvia regained its independence after 50 years of Soviet occupation and shortly afterwards the USSR itself ceased to exist.

Latvia's non-citizens cannot be compared with any other legal status of a person as defined in international law. Latvian non-citizens cannot be regarded as stateless persons in the meaning of the 1954 Convention relating to the Status of Stateless Persons, as protection afforded to non-citizens is far broader than what is required by the Convention for stateless persons.

Non-citizens of Latvia is the only category of residents who are not Latvian citizens, but who enjoy the right to reside in Latvia *ex lege* (all others require a residence permit) and an immediate right to acquire citizenship through registration and/or naturalisation (depending on age). Likewise, Latvia undertakes certain obligations with regard to these persons: guarantees diplomatic protection abroad, as well as the right to return to Latvia and not to be extradited from Latvia.
