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Draft report of the Working Group on the Universal Periodic Review*

Latvia

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its eleventh session from 2 to 13 May 2011. The review of Latvia was held at the 7th meeting on 5 May 2011. The delegation of Latvia was headed by Mr. Andris Teikmanis, State Secretary, Ministry of Foreign Affairs. At its 11th meeting held on 9 May 2011, the Working Group adopted the report on Latvia.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Latvia: Hungary, Guatemala and Kyrgyzstan.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Latvia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/11/LVA/1);

(b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/11/LVA/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/11/LVA/3).

4. A list of questions prepared in advance by Belgium, Czech Republic, Denmark, Lithuania, Netherlands, Norway, Slovenia, Sweden, and The United Kingdom of Great Britain and Northern Ireland was transmitted to Latvia through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Mr. Andris Teikmanis, State Secretary of the Ministry of Foreign Affairs, head of delegation, highlighted the importance of the Universal Periodic Review for the human rights protection and promotion. He introduced the delegation involving various portfolios from the Government and indicated that various other stakeholders, including the civil society, were involved in preparing the national report.

6. Since the restoration of its independence, Latvia started its path as a democratic and sovereign state and acceded to more than 50 international human rights instruments, including the core human rights treaties. Latvia was one of the first states to issue a standing invitation to United Nations special procedures and an active promoter of such standing invitations.

7. Latvia was a member of various European organizations promoting human rights and regularly underwent scrutiny of its human rights record, including through binding judgments of the European Court of Human Rights.

8. Latvia had developed modern comprehensive legislation and an institutional system for the protection of human rights. Its Constitution had a separate chapter on fundamental rights and individuals could seize the Constitutional Court. Based on the previous National Human Rights Office, the Ombudsman's Office was created in 2007 in conformity with the Paris Principles. Within its mandate covering human rights and good governance it had also

the right to submit an application to the Constitutional Court and to a court of general jurisdiction.

9. Latvia's society was multi-ethnic and had a long-term history of interethnic tolerance. Latvia guaranteed cultural autonomy for all its national minorities and provided significant support for strengthening their identities. National minorities actively used their constitutionally guaranteed rights and Latvia financially secured education in eight national minority languages.

10. Latvia referred to the 2001 State Program for Society Integration and indicated that it was currently elaborating new draft policy guidelines for integration of society. One example of successful integration policy, highlighted by the Council of Europe as a good practice, was the integration of the Roma into the Latvian society with the recent development of a special program for professional training of teacher assistants with Roma background.

11. Latvia had devoted much efforts and resources to ensure that persons belonging to national minorities and recent immigrants obtain good knowledge of the Latvian language. The results were encouraging, and the knowledge of Latvian was steadily improving in all segments of the society.

12. Given the specific demographic situation prevailing in 1990s, Latvia provided former USSR citizens residing in Latvia and not having any other citizenship, with the special temporary status of non-citizen. Non-citizens enjoyed most of the rights guaranteed to Latvian citizens. A new Citizenship law was adopted in 1994 and a naturalization procedure was introduced. Since then, the number of non-citizens had decreased by more than 50 per cent. Latvia remained committed to the process of civic integration.

13. Latvia considered that cooperation between State and non-State actors was essential and state institutions and municipalities closely cooperated with NGOs through consultative institutions and mechanisms.

14. Turning to advance questions, Latvia indicated that it had achieved remarkable results on gender equality, although further work was still needed to achieve full de facto equality. It notably continued to promote measures aimed at a better reconciliation of family duties and employment and at enhancing women's participation in political and economic decision-making. Latvia monitored progress achieved in this respect and was currently revising the existing policy planning documents to incorporate therein newly emerging issues.

15. The Program for Eliminating Domestic Violence was implemented, notably through three priority activities: identification, prevention and institutional cooperation in the provision of assistance and rehabilitation services. Training, public information, access to psychological assistance and social rehabilitation services for child victims were some issues mentioned. Domestic violence was also included in the 2011 State Family Policy Guidelines and, since 2011, it became an aggravating circumstance in criminal law. Criminal Procedure Law also provided for restraining orders as a safety measure in cases of domestic violence. Latvia planned to introduce soon social rehabilitation for adults, victims of domestic violence.

16. Latvia indicated that the number and percentage of non-citizens continued to decrease steadily and currently stood at 14.5 per cent as compared to 29 per cent in 1995. Latvia continued to take measures to further facilitate the acquisition of the citizenship.

17. The Latvian Constitution and law prohibited discrimination on various grounds, including sexual orientation and Latvia was in the process of transposing the relevant EU non-discrimination directives.

18. As for hate crimes, in addition to specific provisions, Criminal Law defined racial motivation as an aggravating circumstance and due attention was paid to the specifics of investigating racist or homophobic crimes. Police personnel, prosecutors and judges were trained on issues related to intolerance, racism and anti-Semitism. Topics related to Holocaust, anti-Semitism and xenophobia were included in the school curricula.

19. Latvia was making significant efforts to improve conditions of detention and ensure their compliance with international standards. Substantial efforts had been made to implement the Government policy on resocialization of inmates and efficient functioning of the Probation Service remained one of the priorities in order to extend the use of alternative sanctions.

20. Latvia indicated that the definition of torture was included in criminal law in 2009. A special unit within the State police had been assigned to investigate allegations of ill-treatment by the police. Regular steps were also taken to improve the quality of investigation and training.

21. The procedure was underway to amend the relevant legislation regarding the abolition of the death penalty in times of war.

22. Children had always been a priority for Latvia. An effective children's rights protection system was in place and the State Inspectorate for Protection of Children's Rights was the main institution to monitor compliance with children's rights. The delegation mentioned other institutions, such as the Orphans Courts as well as a hotline providing psychological support to children and teenagers. Latvia had developed a specific policy planning document to address the problem of juvenile delinquency. Local governments addressed the issue of availability of public kindergartens and the Government made significant efforts to maintain the system of social benefits for families.

23. Latvia ratified the UN Convention on the Rights of Persons with Disabilities and its Additional Protocol in 2010 and adopted the Action Plan for its implementation. National law already prohibited discrimination based on disability. A special working group composed of Government institutions, the Ombudsman's office and NGOs worked on the draft Guidelines for the Implementation of the UN Convention. In 2011, the employment of disabled persons had slightly increased. Latvia mentioned various ongoing activities relating to environment accessibility for disabled persons.

24. Latvia introduced its strategy for preventing human trafficking and its information campaigns, including on the risks of marriage of convenience. The police worked with the representatives of vulnerable groups at risk of being trafficked and border guards were trained to identify possible cases of trafficking. Victims of trafficking were offered psychological rehabilitation, legal and medical support through a good cooperation with NGOs.

25. The Corruption Prevention and Combating Bureau (KNAB) was the leading specialized anti-corruption authority since 2002. Its aim was to fight corruption in a coordinated and comprehensive way. Several proposals to improve its efficiency were recently submitted and a working group had been set up in this respect.

26. Although Latvia was determined to continue cooperation with international organizations, its current human and institutional capacity was limited and that constituted the main reason why Latvia was very cautious in ratifying new instruments. Although Latvia stood proud of its human rights record and achievements, it understood that there was still room for further improvement and development, as human rights are not static; they reflect challenges faced by the society at the given moment of time.

B. Interactive dialogue and responses by the State under review

27. During the interactive dialogue, 43 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

28. The Russian Federation stated that the documents submitted for the UPR testified the continued discriminatory policy directed to the Russian speaking permanent residents. More than 14 percent of the population were ‘non-citizens’. ‘Non citizens’ were not recognized as national minorities by the legislation. It stated that the Russian language information and cultural-educational space was reduced. Russian Federation expressed concern about the increase in neo-Nazism, xenophobia and anti-Semitism. It made recommendations.

29. Uzbekistan noted with appreciation Latvia’s recent steps to protect human rights and establish the office of the Ombudsman. It raised concerns about overcrowding in penitentiary institutions. It also referred to children with minor disabilities who were frequently institutionalized due to a lack of child care capacity. Uzbekistan made a recommendation.

30. Poland expressed its appreciation for the continued efforts made by Latvia to strengthen its national human rights system. It welcomed all the pledges made by Latvia while seeking election to the Human Rights Council. It noted that in spite of efforts undertaken, including the launch of special programmes, inequalities in the enjoyment of human rights in some areas still persisted. Poland made recommendations.

31. The Republic of Moldova noted that Latvia was party to the main international human rights instruments. It reminded that the Special Rapporteur on the sale of children, child prostitution and child pornography encouraged Latvia to allocate sufficient funds to all child protection programs. The Republic of Moldova also referred to the recommendations made by the Committee against Torture and the Committee on the Rights of the Child to continue adopting measures to prosecute and punish those responsible for trafficking in human beings and sexual exploitation. It made recommendations.

32. Algeria noted that the economic reforms and efforts undertaken by the Government had enabled Latvia to be among the first fifty countries in the Human Development Index. It welcomed the actions carried out by Latvia in the field of social integration and fight against discrimination. Algeria encouraged Latvia to step up its efforts to implement the Program for the Elimination of Domestic Violence and ensure wider education on the subject. Algeria made recommendations.

33. Estonia commended Latvia for the establishment of the National Human Rights Office in 1995 and the ratification of core international human rights instruments. It welcomed also the steps taken to combat human trafficking and the ratification of the Palermo Protocol as well as the special attention given to the protection of women’s rights. Estonia commended Latvia for its achievements in the naturalization process. It stated that the Government’s integration strategy resulted in the protection of ethnic minorities.

34. Canada commended Latvia for its initiatives in the field of human rights, such as its active engagement in combating human trafficking, labour exploitation and smuggling of illegal immigrants. It welcomed Latvia’s ongoing efforts to improve the integration of immigrants and refugees. Canada praised the efforts to establish a system for the reintegration of convicts in places of imprisonment and to clients of the State Probation Service. Canada made recommendations.

35. France inquired about Latvia’s intention to amend its Constitution and legislation in order to include the principle of gender equality and to strengthen its legislation to prohibit and repress any forms of discrimination, particularly on the basis of race and sexual

orientation. France also requested whether Latvia considered defining new guidelines in its integration and national identity policy. France asked about the relevant stakeholders in the elaboration of the new program on society integration. Finally it stressed the high number of “non citizens and stateless persons” living in the country and inquired about measures that Latvia intended to take to provide them with citizenship. France made recommendations.

36. Morocco highlighted the issue of human trafficking referring to Latvia as a country of origin and praised Latvia for its achievements to combat this scourge. It reminded the importance of international cooperation on this issue. Morocco also raised the issue of fictitious marriages that would lead in certain cases to human trafficking or labor exploitation. It sought further information relating to the measures undertaken by Latvia to face this challenge and its expectations for an international cooperation. It also inquired whether Latvia had included human rights dimension in the school curricula and the training of judges, lawyers, security and police forces. Morocco made a recommendation.

37. Azerbaijan noted with satisfaction Latvia’s cooperation with UN human rights mechanisms. It noted the legal protection for the rights of women and the Program for Eliminating Domestic Violence 2008-2011. It welcomed the measures taken to promote children’s rights and the efforts to protect the rights of persons with disabilities. Azerbaijan made recommendations.

38. Germany acknowledged Latvia’s efforts to promote a peaceful coexistence of groups of different language origin. It asked whether Latvia planned to proceed with the ratification of Protocol No. 13 of the European Convention on Human Rights and Fundamental Freedoms. Germany also inquired about measures taken to address pre-trial detention and the high risk of ill-treatment it entailed and human trafficking.

39. Bulgaria commended Latvia for the establishment of the National Human Rights Office in 2007 in accordance with the Paris Principles and the implementation of the National Program for the Promotion of Tolerance for 2005-2009. It asked about the progress achieved in the implementation of the State Language Law and the implementation of the recommendations of the Council of Europe’s Commission against Racism and Intolerance related to implementation of this Law.

40. Norway was concerned about the capacity of the Ombudsman for human rights. It was pleased that Latvia offered protection and rehabilitation programs to victims of human trafficking. It expressed its worries with the deterioration of children’s rights as a result of the financial crisis. It was concerned with the large number of non-citizens and stressed that pro-active measures were needed to address this issue. Norway made recommendations.

41. Czech Republic welcomed Latvia’s voluntary pledge as a candidate to the Human Rights Council to consider ratifying human rights treaties and avoiding reservations. Czech Republic made recommendations.

42. While encouraged about the reforms undertaken to reduce the number of non-citizens residing in Latvia, Austria inquired on how Latvia ensured that these people equally enjoyed economic, social and cultural rights. Austria also inquired about the steps undertaken to ensure that all children born in Latvia from eligible non-citizens acquired the Latvian citizenship. Austria asked about efforts undertaken to reduce overcrowding in prisons and on the “new model for the reintegration and employment of ex-convicts”. Austria made recommendations.

43. Spain commended Latvia for its National Programme on the Promotion of Tolerance. It noted that Latvia was the only country in Europe that still maintained the death penalty in its legislation, though only for cases of murder in times of war. Spain

welcomed Latvia's moratorium on the death penalty established in 2006. Spain made recommendations.

44. Argentina thanked Latvia for its information on measures implementing the principle of non-discrimination for children belonging to minority groups, especially the Roma with regard to access to education services. Argentina inquired whether Latvia planned to implement measures aimed at ensuring greater participation of women in the public sphere and better equal participation in the economic sphere. Argentina made recommendations.

45. Brazil acknowledged the important role of Latvia in promoting the issuance of standing invitation to special procedures. It referred to the concerns expressed by United Nations human rights mechanisms and civil society at the persistence of the issue of non-citizens. It acknowledged Latvia's efforts in promoting rights of persons living with HIV/AIDS. Brazil asked Latvia to comment on the impact that the financial crisis had on the enjoyment of social, economic and cultural rights. Brazil made recommendations.

46. Lithuania noted the efforts undertaken by Latvia in guaranteeing human rights principles although it acknowledged that some challenges remained. It welcomed Latvia's initiative to prepare cross-regional statements at the Human Rights Council concerning standing invitations to the special procedures. Thanking the delegation for their replies to their advanced questions, Lithuania made recommendations.

47. Australia commended Latvia for its actions to combat discrimination and promote tolerance and for acceding to core human rights treaties. It expressed concern that death penalty remained at the domestic level. While noting that Latvia had significantly decreased the number of non-citizen, Australia encouraged Latvia to take steps to decrease further the number of non-citizens and improve social and political rights of non-citizens. Australia made recommendations.

48. Chile commended the measures taken by Latvia to promote and protect human rights such as the adoption of a program to prevent trafficking in persons, the increase of the school enrolment of boys and girls and the fact that treaties were part of the domestic legal order and had primacy. It noted the main national priorities for Latvia, particularly the measures aimed at eliminating hate crimes through information and education and early detection and definition of these crimes. Chile made recommendations.

49. Hungary commended Latvia for its steps to combat human trafficking. It welcomed the moratorium on the death penalty in addition to the abolition of the capital punishment for crimes committed in peacetime, but noted that the Criminal Code still included the death penalty during wartime. Hungary inquired whether the strengthening of the Ombudsman's office could provide additional tools to protect victims of domestic violence. Hungary made recommendations.

50. The Netherlands noted that Latvia was one of the first states to issue a standing invitation to human rights special procedures. It stated that LGBT people may suffer discrimination and be subject to hate speech. It also highlighted the high rate of non-citizens, about 15 % of Latvia's population and the concerns raised by CESCR, CAT, UNHCR and the Special Rapporteur on racism amongst others about the integration of non-citizens. The Netherlands made recommendations.

51. Palestine noted with appreciation Latvia's close cooperation with UN human rights mechanisms and OHCHR. It also noted that Latvia was party to the main international human rights instruments, including the Palermo Protocol that became part of the national legal system. Palestine made recommendations.

52. Mexico acknowledged Latvia's efforts to improve the legal and institutional framework, such as the establishment of the Ombudsman and the adoption of a law to

combat discrimination against persons with disabilities. It encouraged Latvia to give priority to the development and consolidation of the work done by the Ombudsman, as well as the full enforcement of the existing human rights standards, which Latvia is a party to. Mexico made recommendations.

53. Belarus noted with satisfaction a number of measures taken by Latvia to combat trafficking in human beings. It asked about Latvia's experience in implementing national program on combating human trafficking for 2004–2008 and whether Latvia planned to adopt a new strategy in this area. It noted the need for Latvia to engage more effectively in preparation of thematic reports by special procedures. Belarus made recommendations.

54. While expressing its appreciation for the efforts undertaken by Latvia in protecting human rights, the Islamic Republic of Iran expressed its concerns about various issues such as racially motivated statements in the media targeting immigrants, asylum-seekers, refugees and certain ethnic groups, prison overcrowding and the situation of certain minorities, especially the Roma. It made recommendations.

55. The United States of America commended Latvia for working to promote tolerance and an integrated society. It encouraged Latvia to continue its efforts to promote respect for the human rights of all and continue implementation of the National Program for the Promotion of Tolerance. The United States urged Latvia to strengthen its legal framework to combat hate crimes and discrimination and to take steps to address the obstacles in integrating members of the Russian-speaking minority. It expressed concern about the prolonged periods of pretrial detention, ill-treatment and deplorable conditions in detention facilities. The United States made recommendations.

56. Paraguay highlighted the implementation of the action plan to reduce unregistered employment between 2010 and 2013 to consolidate sustainable and long term employment. It also expressed interest in the setting-up of a rehabilitation system for inmates that promoted parole programs and the development of specific instruments of rehabilitation for inmates. It asked for further information in this regard. Paraguay made recommendations.

57. Latvia thanked all delegations for their comments and recommendations. The delegation recalled that Latvia had gone through a severe economic crisis in recent years and the Government had to take severe measures in cutting budget and salaries, while at the same time safeguarding social protection. Latvian economy recovery had started. Due to the increase of unemployment, a special system of social safety measures was introduced to cope with this situation. Various structural reforms step by step have been taken in healthcare and education systems were made, such as the reform of the medical care system or in education aimed at improving operational efficiency and reducing costs.

58. On integration, Latvia stated that the conceptual framework for a new integration programme had been put forward for public discussion. This programme encompassed several issues relating to civic integration such as civil society and democratic participation, the development of Latvian language skills, strengthening the sense of belonging to the country and attraction of country nationals living abroad. There was an old Diaspora who left Latvia after the Second World War and a new Diaspora who left Latvia because of the recent economic crisis. This programme also aimed at maintaining links with these Diasporas.

59. Latvia paid particular attention to the preservation of Latvian language, as the proportion of Latvian living in Latvia decreased from the thirties to 1989 from 77 percent to 52 percent. On the other hand, translation was provided in specific circumstances.

60. The Citizenship Law adopted in 1994 took into account the figures mentioned above and was designed in collaboration with regional organisations. Further to a referendum held in 1998, the law was amended and the naturalisation procedure was facilitated. Non-

citizens could freely become Latvian citizens by passing simple language test. Older people should pass only an oral exam and naturalization fees were very low. Information campaigns were organised. However, according to a survey, the economic situation often was more important than getting the Latvian citizenship. Non-citizen enjoyed most of the rights of citizen and could even travel to the Russian Federation without paying a visa to the contrary of Latvian citizen.

61. Regarding children of non-citizens, the Ministry of Interior had just proposed to the Government new provisions to ease their registration as citizens. They already could become citizens by simple registration and the new measures would ease the process even more.

62. Latvia was condemning in absolute terms any totalitarian ideology, including Nazism and neo-Nazism and the delegation referred to several criminal cases involving expression on the Internet. There were no Nazi marches in Latvia.

63. Latvia recalled that the Constitution guaranteed the principle of non-discrimination and criminal law criminalised all forms of discrimination and any acts of racial hatred and intolerance. Racist motivation was considered as an aggravating circumstance. Marital rape was already criminalised.

64. Although the death penalty was still applicable in time of war, in 2011, the four relevant commissions in the Parliament held a debate and all explicitly supported its abolition. The Ministry of Justice started the process for the ratification of relevant treaties and amendment to the criminal laws.

65. Since the establishment of the Probation Service, alternative sanctions were increasingly used while more crime could be sanctioned through such sanctions. New major criminal law reforms intended to decrease the use of detention while increasing that of alternative sanctions. Rehabilitation of inmates was also at the forefront of reforms. A new detention centre for juvenile prisoners was created and about 5 millions Euros were allocated for renewing existing prisons, while public-private partnerships were under consideration to build new prisons.

66. The Constitution and a number of laws guaranteed gender equality. The Ministry of Welfare together with relevant stakeholders, including NGOs was working on the elaboration of a new planning policy document for the next two years on gender equality and domestic violence.

67. A large number of women were political leaders or held managerial positions in enterprises. Child development in a family was a national priority. Latvia assisted families of disabled children through various services. In 2011, Latvia was discussing a reform on legal capacity for mentally disabled persons pursuant to a decision of the Constitutional Court.

68. Equal access to education was provided for ethnic minorities and Latvia financed education in eight minority languages. In response to demographic challenges, a number of schools had been closed; more Latvian language schools than minority schools had been closed. State provided funds on equal basis for students in minority or Latvian schools. Respect for diversity, civic education and ethics among others were included in the school curriculum and teachers' further education.

69. On human trafficking, Latvia established an effective system to combat human trafficking, 11 years ago. As of today only a few cases were reported. Latvia went beyond the Palermo Protocol, as the use of force against potential victims of sexual exploitation was not a pre-condition for instituting a criminal case against traffickers. Latvia had a system to identify victims and a budget was allocated for the identification and rehabilitation of victims.

70. On society integration, the Ministry of Culture supported ethnic minorities through various financial instruments. Latvia was engaging at different levels various consultative bodies representing ethnic minorities. Funds were also provided to combat intolerance. Development of language skills was a tool to enhance employment and education.

71. Slovenia noted with appreciation that Latvia had ratified the majority of core human rights instruments, including CAT. It welcomed also the fact that the definition of torture was recently incorporated into the Criminal Code. Slovenia made recommendations.

72. The United Kingdom of Great Britain and Northern Ireland was pleased to note the establishment of the Ombudsman's Office while encouraging strengthening its capacity and seeking for its accreditation. The United Kingdom inquired about national responses to allegations of all forms of discrimination. It welcomed the work to update the State Program Society Integration and proposed new Policy Guidelines. It requested further details on measures planned the revised Programme to strengthen the integration of minority groups. It inquired about the steps taken to prevent human trafficking and fictitious marriages abroad. It made recommendations.

73. Italy commended Latvia for its active collaboration with the UN and for its advocacy role in favour of a standing invitation to UN special procedures by other countries. It encouraged Latvia to facilitate the naturalization of non-citizens and inquired about the possibility of granting automatically the citizenship to those born in Latvia. Italy called on Latvia to continue to cooperate with OSCE and the Council of Europe on minority issues and encouraged Latvia to intensify its efforts to facilitate the full social integration of national minorities.

74. Sweden inquired about Latvia's intentions to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. It raised concerns about the shortcoming in prisons and detention centres referring to allegations of ill-treatment by the staff, occurrence of poor material conditions and insufficient outdoor exercise. Sweden made recommendations.

75. China appreciated the progress made in the protection of human rights and welcomed the accession by Latvia to core human rights treaties. It noted Latvia's commitment to protect the rights of women and children and cultural traditions of minorities, and to combat discrimination against Roma. China made a recommendation.

76. Ecuador noted the efforts undertaken by Latvia to implement the human rights international standards. Ecuador made recommendations.

77. Slovakia noted the progress made by Latvia in advancing its human rights record in the recent years. It took positive note of the ratification of the main international human rights instruments by Latvia and the standing invitation issued to the UN Special Procedures. Slovakia made recommendations.

78. Georgia welcomed the positive measures taken by Latvia to protect the rights of national minorities. It noted with satisfaction that non-citizens enjoyed most rights guaranteed to the Latvian citizens and noted that owing to the simplification of the naturalization process the number of non-citizens had considerably decreased. It asked for information about the Concept Paper on Resocialization of Convicted Persons. Georgia made a recommendation.

79. Costa Rica recognized Latvia's action relating to human rights and, in particular, the establishment of a national human rights institution and its constant promotion of the issue of standing invitations to special procedures. It also recognized the measures taken on various issues, such as ethnic minorities, gender equality and elimination of domestic violence. Costa Rica made recommendations.

80. While commending Latvia for its efforts in promoting women's rights, Ukraine asked about measures that Latvia had taken to implement recommendations made by CEDAW regarding the wage gap between men and women, high unemployment of women, occupational segregation and concentration of women in low-wage occupations. Ukraine commended Latvia for providing a state funded support to minority education programs and encouraged Latvia to provide further financial support to education in minority languages. Ukraine made a recommendation.

81. Belgium asked questions on women's rights, on the measures undertaken to incorporate gender equality in the Constitution and domestic legislation and their full participation in the labour market and political life. It also noted that death penalty was not practiced anymore although Latvia had not officially ratified the Protocols aimed at abolishing this practice. Belgium made recommendations.

82. Ireland welcomed Latvia's efforts to eliminate domestic violence and to combat human trafficking. It referred to CAT's recommendations that Latvia intensify its efforts to combat discrimination against and ill-treatment of vulnerable groups. Ireland asked about efforts that had been undertaken to follow up on this recommendation and to strengthen legislation to protect members of the LGBT community. It made a recommendation.

83. Finland welcomed the emphasis put on the development of national legislation and institutions aimed at enhancing the protection of human rights. It inquired about measures that were or intended to be taken by Latvia to ensure the rights of LGBT persons. Finland made recommendations.

84. Djibouti took note of the establishment in 2007 of the Ombudsman's Office and the ratification of the Convention on the Rights of Persons with Disabilities and its Additional Protocol in March 2010. Djibouti made recommendations.

85. Latvia pointed out a mistake in paragraph 45 of the UN compilation as the information mentioned therein had been checked with the relevant United Nations institutions and not confirmed. Therefore Latvia asked for the deletion of the paragraph.

86. Latvia recalled that the Office of the Ombudsman fully complied with the Paris Principles but that it had not yet asked for its accreditation with the International Coordination Committee.

87. Both the Constitution and national laws prohibited discrimination based on gender, ethnicity or sexual orientation and remedies were provided for in case of violation of this principle.

88. On ratification of new instruments, given its current limited human and institutional capacity, Latvia was very cautious. Still, it followed the development at the international level to identify any gaps, which might necessitate a new ratification.

89. Finally, corporal punishment was prohibited through the criminalisation of domestic violence and Latvia did not see the need for a specific additional legislation.

90. Latvia thanked all delegations and committed to reflect upon the recommendations made, many of them being already in the course of implementation.

II. Conclusions and/or recommendations

91. **The recommendations formulated during the interactive dialogue and listed below enjoy the support of Latvia:**

91.1. **Gradually consider the ratification of the outstanding human rights international instruments (Chile);**

- 91.2. Consider acceding to the human rights instruments to which it is not a party, particularly to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Costa Rica);
- 91.3. Ratify step by step the outstanding core international instruments, namely the second Optional Protocol to the International Covenant on Civil and Political Rights, Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Slovenia);
- 91.4. Consider the possibility of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 91.5. Seek accreditation for the Office of the Ombudsman with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (United Kingdom);
- 91.6. Consider raising the Ombudsman as a national institution for human rights accredited to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Algeria);
- 91.7. Accredit the Ombudsman to ensure its conformity with the Paris Principles (Moldova);
- 91.8. Further continue its efforts in the field of protection and promotion of human rights (Georgia);
- 91.9. Continue to earmark sufficient funds for all child protection programs (Moldova);
- 91.10. Continue carry out measures in the field of child's rights protection (Azerbaijan);
- 91.11. Contribute to the implementation of the recently adopted Human Rights Council resolution on children living and working on the streets (Hungary);
- 91.12. Continue its positive actions for further promoting the rights of disabled people (Azerbaijan);
- 91.13. Consider taking measures to implement its international commitments pertaining to the rights of persons with disabilities and, in particular, take appropriate measures to address the issue of accessibility (Costa Rica);
- 91.14. Continue efforts to improve and protect the rights of women and children by implementing recommendations made by the United Nations mechanisms and its related special procedures (Palestine);
- 91.15. Reiterate the commitments expressed on the occasion of its election to the Human Rights Council and continue its cooperation with treaty bodies, particularly by submitting its periodic reports in due time (Djibouti);
- 91.16. Continue cooperation with treaty monitoring bodies and United Nations special rapporteurs (Azerbaijan);

- 91.17. Take steps to implement the recommendations of treaty bodies (Slovenia);
- 91.18. Continue to strengthen the national mechanism on gender equality, as recommended by the Committee on the Elimination of All Forms of Discrimination against Women (Chile);
- 91.19. Establish a comprehensive plan on gender equality, especially stressing prosecution of sexual exploitation and prevention of gender violence (Spain);
- 91.20. Continue efforts in advancing gender equality and continue tackling the gender equality issues indicated in the National Report (Lithuania);
- 91.21. Further adopt and implement policies and legislation to combat gender discrimination and to promote the empowerment of women, including equal job opportunities and equal remuneration for work of equal value (Brazil);
- 91.22. Step up its efforts to combat discrimination against vulnerable groups and minorities, in accordance with internationally established standards (Argentina);
- 91.23. Within the framework of the policy on promoting tolerance, strengthen measures towards inter-ethnic harmony and cultural diversity (Belarus);
- 91.24. Intensify measures to tackle racism and hate crimes (Australia);
- 91.25. Actively engage in fighting against racially motivated crimes (Czech Republic);
- 91.26. Ensure prompt, impartial and effective investigations into all allegations of ill-treatment committed by law enforcement officials (Czech Republic);
- 91.27. Make further efforts to reduce overcrowding of the penitentiary institutions, including through the use of alternative measures, and improve conditions of detention facilities (Uzbekistan);
- 91.28. Continue its efforts to decrease the number of prisoners and take action to improve the conditions in prison and detention centres (Sweden);
- 91.29. Improve overall conditions in detention and prison facilities and combat overcrowding in these facilities (Czech Republic);
- 91.30. Continue reforms to improve conditions of detention and make increased use of non-custodial measures as suggested by treaty bodies (Austria);
- 91.31. Reduce the population of prisons (Iran);
- 91.32. Intensify its efforts to prevent, punish and eliminate all forms of violence against women (Argentina);
- 91.33. Further continue its efforts to combat domestic violence and also through raising public awareness (Azerbaijan);
- 91.34. Undertake specific training of law enforcement staff to better understand and prevent domestic violence (Hungary);
- 91.35. Continue taking measures to eliminate human trafficking (Czech Republic);

- 91.36. Continue to take the necessary measures to end trafficking in human beings, including through the implementation of the national program on combating trafficking in human beings (Palestine);
- 91.37. Pursue its efforts to combat trafficking in human beings, especially women and children (Algeria);
- 91.38. Step up efforts to combat trafficking in human beings, including developing international cooperation with interested governments, international organizations and NGOs (Belarus);
- 91.39. Continue its efforts in combating trafficking in human beings, and pay special attention to its victims (Costa Rica);
- 91.40. Continue to adopt appropriate measures to prosecute and punish perpetrators of trafficking in human beings and develop effective systems for the timely prevention of sexual exploitation and trafficking in children (Republic of Moldova);
- 91.41. Prioritise the implementation of human trafficking protection and rehabilitation programmes (Norway);
- 91.42. Further develop and strengthen its programs and services to promote the rehabilitation of victims of trafficking (Canada);
- 91.43. Prioritise educating the judiciary and the police in how to treat victims of trafficking as well as domestic violence (Norway);
- 91.44. Introduce legislation that allows for partial or segmented transfer of a disabled person's legal capacity (Netherlands);
- 91.45. Consider the possibility of strengthening focused social assistance to poor families with children (Belarus);
- 91.46. Continue its efforts to promote the full integration of ethnic minorities into Latvian society and facilitate the naturalization and acquisition of citizenship, especially in the case of children (Costa Rica);
- 91.47. Take measures to further facilitate the naturalization of non-citizens (Netherlands);
- 91.48. Consider further facilitation of the acquisition of citizenship and increased efforts to promote the registration of newborns (Brazil);
- 91.49. Do more to promote the value of citizenship among all groups, thereby encouraging naturalization of the remaining non-citizens (United States);
- 91.50. Continue pursuing the society integration policies aimed at uniting country's inhabitants in areas such as state language learning, promotion of cultural identity and cultural interaction, with particular care towards Latvia's "non-citizens", representing around 15 percent of the population (Slovakia);
- 91.51. Step up efforts to improve the integration of ethnic and minority linguistic groups, including welcoming migrants, asylum seekers, refugees and stateless persons (Ecuador);
- 91.52. Improve the living conditions of asylum seekers and refugees (Islamic Republic of Iran);
- 91.53. Enhance the training of border guards, immigration personnel and judges in the field of international refugee law with a view to ensuring

protection and full respect for the rights of all refugees and asylum-seekers (Canada);

91.54. Build on existing efforts to facilitate integration of immigrants and refugees, including by fully implementing its multi year program for the integration of Third-country Nationals (Canada).

92. The following recommendations enjoy the support of Latvia, which considers that they are already implemented or in the process of implementation:

92.1. Strengthen the Ombudsman's capacity to investigate and act on allegations of discrimination in all its forms (United Kingdom);

92.2. Support the office of the Ombudsman and recognize its competency in all matters relating to equal treatment for all inhabitants, and comply with the principle of non-discrimination (Ecuador);

92.3. Take all necessary measures to establish a national human rights institution according to the Paris Principles (Czech Republic);

92.4. Establish its national human rights institution to adapt it fully to the Paris Principles with a broad and clear legal mandate and sufficient financial resources (Spain);

92.5. Integrate all groups, which constitute the Latvian society, in the national socio-economic plans (Islamic Republic of Iran);

92.6. Take into account human rights education and training in its national education and training programs (Morocco);

92.7. Take advantage of the substantial expertise that the civil society represents, and enter into regular consultations with the NGOs on human rights related issues, including the follow up of the recommendations of the various UN treaty bodies (Norway);

92.8. Include provisions in domestic legislation to prohibit discrimination in all areas, including especially discrimination based on national origin, ethnicity, language or linguistic groups; adopt necessary civil and administrative measures to guarantee the elimination of all forms of discrimination against all persons, especially those from ethnic or linguistic groups that constitute more than a third of Latvia's population (Ecuador);

92.9. Adopt specific economic, social and cultural measures to combat discrimination and promote equal opportunities for disadvantaged and marginalized individuals and groups (Islamic Republic of Iran);

92.10. Codify the prohibition of the propaganda for xenophobia, anti-Semitism, neo-Nazism, and provide for criminal liability for such acts and establish racism as an aggravating circumstance (Russian Federation);

92.11. Strengthen its criminal legislation on domestic violence, to notably make sure that such violence be considered as an aggravating circumstance (France);

92.12. Adopt the necessary legislative measures in the Criminal Code to define domestic violence and criminalize marital rape as a specific crime (Mexico);

92.13. Develop an early warning system by raising public awareness of risks associated with migration and fictitious marriages (United Kingdom);

- 92.14. Adopt necessary legislation to explicitly prohibit violence against children, including corporal punishment (Finland);
- 92.15. Maintain state pre-school and school education institutions with education/teaching in minority languages, including Russian language (Russian Federation);
- 92.16. Guarantee respect of human rights of foreign citizens, regardless of their immigration status, especially those from vulnerable groups such as refugees, asylum seekers and stateless persons; and guarantee respect for the principle of non-refoulement established in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (Ecuador);
- 92.17. Take measures to ensure the availability of adequate facilities for refugee children, including access to legal counsel, medical care and education (Poland).
93. The following recommendations will be examined by Latvia, which will provide responses in due time, but no later than the 18th session of the Human Rights Council in September 2011:
- 93.1. Accede to or ratify the following international instruments: the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights; to the Convention on the Elimination of all Forms of Discrimination Against Women; to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention for the Protection of All Persons from Enforced Disappearance (Ecuador);
- 93.2. Accelerate process of ratification of Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and of Second Optional Protocol to International Covenant on Civil and Political Rights (Czech Republic);
- 93.3. Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Second Optional Protocol to the International Covenant on Civil and Political Rights (Brazil);
- 93.4. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Second Optional Protocol to International Covenant on Civil and Political Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);
- 93.5. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Second Optional Protocol to International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and; the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

- 93.6. Ratify the Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Lithuania);
- 93.7. Continue the work for the abolition of the death penalty under all circumstances and accede to the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Sweden);
- 93.8. Ratify at the earliest the Second Optional Protocol to International Covenant on Civil and Political Rights as well as Protocol 13 of the European Convention on Human Rights aimed at abolishing the death penalty (Belgium);
- 93.9. Ratify at the earliest the International Convention for the Protection of All Persons from Enforced Disappearance and fully recognize the competence of the Committee on Enforced Disappearances, as provided for in articles 31 and 32 of the Convention (France);
- 93.10. Consider the possibility to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Palestine);
- 93.11. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Paraguay);
- 93.12. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Belgium);
- 93.13. Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Ukraine);
- 93.14. Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Ireland);
- 93.15. Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take the necessary steps to remove the death penalty from Latvia's justice system (Australia);
- 93.16. Recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals (Ecuador);
- 93.17. Enlarge the mandate and allocate sufficient resources to the Office of the Rights Defender, as a human rights institution, and ensure that it complies with the Paris Principles (Poland);
- 93.18. Strengthen the mandate, functions and resources of the Ombudsman's office in accordance with the Paris Principles, particularly by endowing it with means to act and investigate and apply for its accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (France);
- 93.19. Empower the Office of the Ombudsman by providing enough resources to ensure its effectiveness and its full compliance with the Paris Principles (Norway);
- 93.20. Elevate the Ombudsman into an A-status National Human Rights Institution in accordance with the Paris Principles (Canada);

- 93.21. Strengthen the capacity of the State Inspectorate for Protection of Children's Rights and consider establishing an Ombudsman for children (Norway);
- 93.22. Follow up on the recommendation of the Committee on the Elimination of All Forms of Discrimination against Women in order to strengthen its national system relating to women's rights (Djibouti);
- 93.23. Adopt a comprehensive gender equality law (Poland);
- 93.24. Promote the inclusion in the Constitution and national legislation of the definition of discrimination against women, as well as the principle of equality between men and women (Mexico);
- 93.25. Continue to strengthen efforts to combat discrimination against vulnerable groups, in accordance with the recommendations of the Committee against Torture (Chile);
- 93.26. Improve the relevant legislation to further combat racial discrimination and incitement to racial hatred in order to effectively protect the rights of ethnic minorities (China);
- 93.27. Intensify its efforts to combat discrimination on the basis of sexual orientation and gender identity (Spain);
- 93.28. Increase efforts to combat discrimination on the grounds of sexual orientation (United Kingdom);
- 93.29. Provide general information about anti-discrimination and reform the curriculum in schools to put regularly emphasis on information about gender equality, Lesbian Gay, Bisexual and Transgender and ethnic minorities (Norway);
- 93.30. Adopt legislation that recognizes homophobic and transphobic motivation as an aggravating circumstance in the criminal law (Finland);
- 93.31. Amend the criminal law so that the law recognises hate speech against Lesbian Gay, Bisexual and Transgender persons (Norway);
- 93.32. Further strengthen measures to prevent and combat discrimination and hate crimes against ethnic minorities and other vulnerable groups, including Lesbian, Gay, Bisexual and Transgender persons (Brazil);
- 93.33. Consider legislative and administrative measures to recognize violence on the basis of gender identity or sexual orientation as a hate crime (United States);
- 93.34. Engage in awareness raising activities such as stressing the aspect of diversity in curricula of schools in order to alleviate discrimination against Lesbian, Gay, Bisexual and Transgender persons (Finland);
- 93.35. Abolish the death penalty in the Criminal Code for all crimes and in all times, including war (Hungary);
- 93.36. Completely abolish the death penalty in the Criminal Code for all crimes, including in times of war (Austria);
- 93.37. Incorporate necessary reforms for the complete abolition of the death penalty (Ecuador);
- 93.38. Completely abolish the death penalty (Spain);

93.39. Recognize and ensure in the legislation the right of national minorities to receive information in the state and municipal sectors in their national/mother language in the places of their compact residence (Russian Federation);

93.40. In accordance with the recommendations of international human rights institutions, grant to non-citizens, without delay, the right to participate in political life of the country, including in municipal elections, and opportunity for the enjoyment all economic, social and cultural rights (Russian Federation);

93.41. Prevent violence against Roma women and girls, including harassment and abuse at school, and address the gaps in their formal education (Islamic Republic of Iran);

93.42. Revise its legislation to provide automatic acquisition of citizenship by non-citizen children born after 21 August 1991 (Canada);

93.43. Follow through on the proposal to change the Citizenship Law to provide citizenship automatically to the newborn children of non-citizen parents unless the parents refuse it (Norway);

93.44. Seek to further decrease the number of non-citizens and to improve the social and political rights of non-citizens (Australia).

94. The recommendations below did not enjoy the support of Latvia:

94.1. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Paraguay);

94.2. Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families pursuing to recommendation 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe, which Latvia is a member of (Algeria);

94.3. Promote long-term programs and initiatives to effectively promote full national integration and combat structural discrimination, for example including minority languages in official procedures and documents as well as including prohibition of discrimination within the Civil Code (Mexico);

94.4. Adopt a specific program to safeguard the rights of victims of torture and ill-treatment (Islamic Republic of Iran);

94.5. Introduce legislation that recognizes the diversity of forms of families and that provides same sex couples with the same rights and social security as couples of the opposite sex (Netherlands);

94.6. Adopt effective steps to promptly eliminate an unacceptable system of non-citizenship. As a priority and urgent step, simplify the naturalization process for those at the retirement age, as well as grant children of ‘non-citizens’ the right to acquire automatically citizenship at birth (Russian Federation);

94.7. Effectively comply with the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Pay particular attention to the 326.906 persons considered as non-citizens, who are therefore considered as stateless persons. Pay special and urgent attention and solution to this severe and current humanitarian problem (Ecuador).

95. All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Latvia was headed by **Mr. Andris TEIKMANIS**, State Secretary, Ministry of Foreign Affairs, and composed of the following members:

- **Mr. Jānis MAŽEIKS**, Ambassador, Permanent Representative of the Republic of Latvia to the United Nations Office in Geneva;
 - **Mr. Uldis LIELPĒTERS**, Deputy State Secretary, Ministry of Culture;
 - **Ms. Laila MEDINA**, Deputy State Secretary, Ministry of Justice;
 - **Ms. Inga REINE**, Representative of the Government of the Republic of Latvia before International Human Rights Organizations;
 - **Mr. Jānis CITSKOVSKIS**, Deputy Head of the Office of Citizenship and Migration Affairs, Ministry of Interior;
 - **Mr. Dimitrijs TROFIMOVS**, Director of Sectoral Policy Department, Ministry of Interior;
 - **Mr. Valerijs ROMANOVSKIS**, Deputy Permanent Representative of the Republic of Latvia to the United Nations Office in Geneva;
 - **Mr. Dmitrijs KULŠS**, Deputy Director – Head of Lifelong Learning Division, Policy Co-ordination Department, Ministry of Education and Science;
 - **Ms. Ineta TĀRE**, Deputy Director of the European and Legal Affairs Department, Ministry of Welfare;
 - **Mr. Gatis ŠVIKA**, Head of the Cooperation and Development Bureau of the Central Administrative Department of the State Police, Ministry of Interior;
 - **Ms. Inese FREIMANE-DEKSNE**, Head of Human Rights Division, Ministry of Foreign Affairs;
 - **Ms. Jūlija MURARU-KLUČICA**, Legal Adviser, Division of Judicial Cooperation, Ministry of Justice;
 - **Ms. Anita KLEINBERGA**, Senior Desk Officer of the Society Integration Department, Ministry of Culture.
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