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Latvia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	14 April 1992	None	Individual complaints (art. 14): No
ICESCR	14 April 1992	None	–
ICCPR	14 April 1992	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	22 June 1994	None	–
CEDAW	14 April 1992	None	–
CAT	14 April 1992	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	14 April 1992	None	–
OP-CRC-AC	19 December 2005	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	22 February 2006	None	–
CRPD	1 March 2010	None	–
CRPD-OP	31 August 2010	None	Inquiry procedure (arts. 6 and 7): Yes

Treaties to which Latvia is not a party: OP-ICESCR,³ ICCPR-OP 2, OP-CEDAW, OP-CAT, ICRMW and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes

ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee on Economic, Social and Cultural Rights (CESCR)⁸ and the Committee on Elimination of Discrimination against Women (CEDAW)⁹ encouraged Latvia to consider ratifying ICRMW.

2. The Committee against Torture (CAT) encouraged Latvia to ratify OP-CAT and recommended that Latvia consider making the declarations under articles 21 and 22 of the Convention.¹⁰ CEDAW urged Latvia to sign and ratify or accede to the Optional Protocol to the Convention.¹¹

B. Constitutional and legislative framework

3. CEDAW expressed concern that, while the Constitution included the prohibition of discrimination and the principle of equality, neither the definition of discrimination against women in article 1 of the Convention nor the principle of equality of men and women had been included in the Constitution or legislation. CEDAW thus recommended that those elements be included in the Constitution or legislation.¹² CEDAW also recommended that Latvia adopt a comprehensive gender equality law.¹³

4. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended the adoption of comprehensive legislation dealing with all forms of discrimination in a readily identifiable legal act, to complement the existing relevant legislation and to ensure that no protection gaps remained.¹⁴ In 2007, CESCR regretted the delay in the enactment of comprehensive anti-discrimination legislation.¹⁵

C. Institutional and human rights infrastructure

5. As of 26 January 2011, Latvia did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹⁶

6. CESCR¹⁷ and CAT¹⁸ welcomed the establishment, in January 2007, of the Office of the Rights Defender (the Ombudsperson), which replaced the National Human Rights Office.¹⁹ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted that the Ombudsman was entrusted with an enlarged mandate and with the power to take the initiative to investigate possible cases of racism and discrimination.²⁰

7. CESCR²¹ and the Special Rapporteur on the sale of children, child prostitution and child pornography²² recommended that Latvia allocate sufficient human and financial resources to the Office of the Rights Defender. The Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance recommended that Latvia should strengthen the capacity of the Office of the Ombudsman to thoroughly investigate and act on allegations of racist crimes and incitement to racial, ethnic or religious hatred and, in particular, strengthen and enlarge the Office's anti-discrimination unit.²³ Furthermore, CAT encouraged Latvia to seek accreditation with the ICC to ensure that it complies with the Paris Principles.²⁴

8. CEDAW recommended that Latvia strengthen its national machinery for gender equality, clearly define the mandate and responsibilities of the different mechanisms related to gender issues and interaction among them, and allocate sufficient budgetary resources to them.²⁵

9. A 2009 report commissioned by the United Nations Office on Drugs and Crime (UNODC) stated that Latvia had not yet developed structures to allow effective leadership of the national response to HIV and AIDS.²⁶

D. Policy measures

10. CAT noted with satisfaction the adoption of the State Programme on the Prevention of Trafficking in Human Beings (2004–2008).²⁷

11. CAT encouraged Latvia to adopt the draft national programme to facilitate tolerance and simplify and facilitate the naturalization process and integration of non-citizens and stateless persons.²⁸

12. In 2009, the Special Rapporteur on the sale of children, child prostitution and child pornography encouraged Latvia to ensure that sufficient funds were made available for all child protection programmes, ensuring that a child-rights approach was integral to all implemented programmes.²⁹

13. In 2007, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that Latvia should reinforce its National Action Programme on the Roma 2007–2009.³⁰ In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations noted a number of measures taken, within the framework of that programme, to raise enrolment rates among Roma children.³¹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body</i> ³²	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2002	August 2003	–	Fourth to seventh report overdue since 2007.
CESCR	2005	May 2007	–	Second to fourth report overdue since 2009.
HR Committee	2002	November 2003	Submitted in 2004.	Third report overdue since 2008.
CEDAW	2001	July 2004	–	Fifth report overdue since 2005.
CAT	2005	November 2007	Submitted in 2010.	Fifth report due in 2011.

CRC	2004	June 2006	–	Third and fourth reports overdue since 2009.
OP-CRC-AC			–	Initial report overdue since 2008
OP-CRC-SC				Initial report overdue since 2008.
CRPD			–	Initial report due 2012.

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance (16–28 September 2007), ³³ Special Rapporteur on the sale of children, child prostitution and child pornography ³⁴ (25–31 October 2008).
<i>Visits agreed upon in principle</i>	–
<i>Visits requested and not yet agreed upon</i>	–
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance expressed his gratitude to Latvia for its cooperation and openness throughout the visit and in the preparatory stage. ³⁵ The Special Rapporteur on the sale of children, child prostitution and child pornography thanked Latvia for its collaboration and cooperation, and welcomed openness and frankness with which the authorities discussed issues. ³⁶
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, one communication was sent. The Government replied to the communication.
<i>Responses to questionnaires on thematic issues</i>	Latvia responded to 5 of the 26 questionnaires sent by special procedures mandate holders ³⁷ and additionally, the European Union responded to the questionnaire referred to in A/HRC/15/32.

3. Cooperation with the Office of the High Commissioner for Human Rights

14. Latvia contributed financially to OHCHR in 2006, 2007 and 2008.³⁸

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

15. CEDAW was concerned about the persistence of patriarchal attitudes and traditional stereotypes regarding the role of men and women in the family and in society at large.³⁹ CESCR was concerned that, in spite of the measures taken to promote equality between men and women, de facto gender inequalities and stereotypes persisted, particularly, with regard to wages and participation in public decision-making.⁴⁰

16. CEDAW noted with concern that, despite legal reform in the field of employment, the position of women in the labour market remained disadvantaged and was characterized by occupational segregation, a substantial wage gap, inter alia, between rural and urban areas, higher unemployment than among men, and hidden gender discrimination in the workplace and in remuneration.⁴¹ Furthermore, CESCR noted the absence of criminal law provisions specifically addressing sexual harassment in the workplace.⁴² CESCR urged effective measures, including affirmative action where necessary, to ensure that women enjoy full and equal participation in the labour market and in political life.⁴³

17. CAT expressed its concern at report of acts of violence against and discrimination of vulnerable groups, including Roma and members of the lesbian, gay, bisexual and transgender (LGBT) community. It recommended that Latvia intensify efforts to combat discrimination against and ill-treatment of vulnerable groups, ensure investigations into all such motivated acts and prosecute and punish perpetrators with appropriate penalties.⁴⁴

18. CAT was concerned that the number of allegedly racially motivated crimes had increased.⁴⁵ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance mentioned that, in prosecuting racially motivated crimes, the lack of specific legal provisions had led to a tendency for law enforcement agencies to prosecute racist aggression as acts of hooliganism or vandalism, disregarding the racial connotations of the crime. The Special Rapporteur recommended the adoption of legislation that unambiguously specifies criminal liability for all types of hate crimes, building on the amendment to the Criminal Code that considered racism an aggravating circumstance.⁴⁶

19. In 2008, CESCR was concerned that the State Language Law, which mandates the use of Latvian in all dealings with public institutions, might be discriminatory in effect against linguistic minorities, including the Russian-speaking minority.⁴⁷ In 2009, the ILO Committee of Experts recalled its previous observation on the discriminatory effects that might follow from the application of the State Language Act and its implementing regulations on the employment and occupation of minority groups, including the Russian-speaking minority.⁴⁸ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended the revision of the language policy to better reflect the multilingual character of society.⁴⁹

20. CRC reiterated its concern that the principle of non-discrimination was not fully implemented for children belonging to minorities, including Roma children, children with disabilities, and children living in rural areas, in particular with regard to their access to adequate health and education facilities.⁵⁰

21. CRC, in 2006, was concerned at regional disparities between rural and urban areas, and marked social inequalities within the population.⁵¹ Furthermore, CESCR, in 2008, was concerned that the strategies to alleviate poverty did not sufficiently address the regional disparities that affect the equal enjoyment by all of economic, social and cultural rights.⁵²

22. CESCR was concerned about the persistent disparities in the levels of unemployment among the regions.⁵³ CESCR was also concerned that persons with mental and physical disabilities continued to face obstacles in accessing the labour market and recommended that Latvia continue its efforts to promote the integration of persons with disabilities into the labour market, by, inter alia, allocating employment quotas for persons with disabilities.⁵⁴

23. A 2009 UNODC-commissioned report stated that, significant challenges were faced by HIV-positive injecting drug users in accessing antiretroviral therapy, including stigmatizing attitudes towards such users among health professionals.⁵⁵

2. Right to life, liberty and security of the person

24. CAT was concerned that Latvia had not incorporated into domestic law the crime of torture as defined in the Convention.⁵⁶

25. CAT expressed its concern at the high number of allegations of the use of force and ill-treatment by law enforcement officials, especially in the course of or in relation to apprehension and at the low number of convictions. It recommended that Latvia send a message that torture, use of force and ill-treatment are unacceptable and ensure that law enforcement officials only use force when strictly necessary and to the extent required for the performance of their duty.⁵⁷ CAT also recommended that Latvia strengthen its measures to ensure prompt, impartial and effective investigations into all allegations of torture and ill-treatment committed by law enforcement officials and that such investigations should not be undertaken by or under the authority of the police, but by an independent body.⁵⁸

26. CAT, in 2008, remained concerned at reports of prolonged periods of detention on remand, including pretrial detention, and the high risk of ill-treatment which it entailed and regretted the lack of use of alternatives to imprisonment.⁵⁹ HR Committee, in 2003, had expressed similar concerns.⁶⁰ CAT recommended further reduction of the duration of detention in custody, and the development and implementation of alternatives to deprivation of liberty.⁶¹

27. UNHCR reported on receiving regular complaints concerning the detention of asylum-seekers at the border. It was concerned that the national legislation permitted indefinite detention of asylum-seekers. UNHCR recommended that Latvia abolish arbitrary detention of asylum-seekers, as well as the inclusion of a maximum period of detention for asylum-seekers in legislation, in accordance with principles of reasonableness and respect for the right to liberty and security of persons. UNHCR noted the necessity to adopt rules dealing with alternatives to detention in national legislation.⁶²

28. UNHCR informed that the material reception conditions of the Centre for Irregular Migrants in Olaine were poor, noting that the building and its facilities required renovation.⁶³

29. CAT was concerned about overcrowding in prisons and recommended that Latvia continue its efforts to alleviate overcrowding in penitentiary institutions, including through the application of alternative measures, and to further improve living conditions in detention facilities.⁶⁴

30. CAT was concerned at the occurrence of inter-prisoner violence and at the high number of suicides and other sudden deaths in detention facilities.⁶⁵

31. CAT remained concerned at conditions in psychiatric institutions and hospitals, including the use of physical restraints and isolation.⁶⁶

32. CESCR, in 2007, was concerned about the high incidence of domestic violence and other forms of abuse against women and children, which, it found, often went unreported.⁶⁷

Furthermore, CAT was concerned that domestic violence was not defined in national legislation and that marital rape was not recognized as a specific crime.⁶⁸ CEDAW,⁶⁹ in 2004, and HR Committee⁷⁰ in 2003 had expressed similar concerns. CAT recommended that Latvia increase its efforts to prevent, combat and punish violence against women and children, including domestic violence, and include a definition of domestic violence in its Criminal Code and recognize marital rape as a specific crime.⁷¹

33. In 2010, UNHCR stated that incidents of human trafficking continued to increase.⁷² CAT, in 2008, was concerned about persistent reports of cross-border trafficking in women for sexual and other exploitative purposes.⁷³ In 2003, HR Committee expressed similar concerns.⁷⁴ UNODC stated that the fact that only those victims identified through the system of the identification commission were eligible for support and protection, created high barriers to access to assistance services.⁷⁵

34. CESCR was concerned that, although trafficking in persons carried a maximum penalty of 15 years' imprisonment, the courts, in most cases, administered lower prison sentences.⁷⁶ Furthermore, the ILO Committee of Experts observed that provisions in the Criminal Law appeared to prohibit only the trafficking of minors to a foreign State, and not children trafficked domestically or trafficked into Latvia from another State.⁷⁷

35. CAT recommended that Latvia continue to take effective measures to prosecute and punish trafficking in persons.⁷⁸ Furthermore, CRC recommended the development of adequate systems of early prevention of sexual exploitation and trafficking.⁷⁹

36. CRC was concerned at reports that violence against children remained a widespread problem and that there was a general belief that violence in the home should be considered as a private matter. It urged Latvia to: strengthen existing legislation on the protection of children from all forms of violence; establish an effective reporting system for cases of child abuse and neglect; and provide care, physical and psychological recovery and social reintegration for child victims of violence.⁸⁰ CRC reiterated its recommendation to ban from practice corporal punishment and other degrading practices in all settings, and to encourage Latvia to strengthen measures to promote alternative forms of discipline in schools and other institutions for children.⁸¹

37. The Special Rapporteur on the sale of children, child prostitution and child pornography noted that child pornography, mainly via the Internet, was on the rise and stated that efforts should be directed towards prevention. The Special Rapporteur recommended that the law should clearly stipulate that a child under 18 years of age, irrespective of the legal age of consent to sexual activity, is unable to consent to any form of sexual exploitation, including child pornography and child prostitution.⁸²

38. CESCR was concerned about the absence of an effective strategy to address the situation of children living and/or working on the street. It recommended that Latvia address problems faced by these children and protect them against all forms of exploitation.⁸³ In 2006, CRC made similar recommendations.⁸⁴

3. Administration of justice, including impunity, and the rule of law

39. CESCR was concerned that, in spite of the actions taken against organized crime and corruption, including the work of the Corruption Prevention and Combating Bureau (KNAB), Latvia continued to face problems of corruption within State institutions, the police force and the judiciary.⁸⁵

40. CAT expressed concern at reports that the right of effective access to a lawyer was not always realized in practice, and at reports of a shortage of State funded defence lawyers, especially in rural areas. It also regretted the lack of a specific reference in the legislation to the right of access of detainees to a doctor.⁸⁶ In its follow-up replies, Latvia noted that the

Committee's concerns were addressed by Article 22 of the Law on Procedure of Detention on Remand.⁸⁷

41. While noting the initiatives taken to improve the conditions of detention for persons under the age of 18, CAT expressed concerns at reports that juveniles were often held in pre-trial detention for prolonged periods and at the high percentage of them remanded in custody.⁸⁸ Furthermore, CRC was concerned about allegations of mistreatment in detention.⁸⁹ CAT recommended that Latvia should increase its efforts to bring its legislation and practice as regards the arrest and detention of juvenile offenders fully in line with international principles, including by: ensuring that deprivation of liberty, including pretrial detention, should be the exception, to be used only as a last resort and for the shortest time possible; and developing and implementing alternatives to deprivation of liberty.⁹⁰

42. CAT recommended that Latvia should strengthen its efforts to provide victims of torture and ill-treatment with redress and fair and adequate compensation. It also recommended that Latvia should develop a specific programme of assistance to victims.⁹¹

4. Right to privacy, marriage and family life

43. In 2006, CRC was concerned that temporary or permanent suspension of parental rights had become a frequently applied measure; that most of the children were sent to institutions; and that a high number of children remained in long-term residential care. It was also concerned about the limited number of foster families and that the foster-care system was insufficiently regulated and resourced.⁹² The Special Rapporteur on the sale of children, child prostitution and child pornography recommended the strengthening of complaints mechanisms for children placed in alternative care institutions.⁹³

44. CRC was concerned that children with mild to moderate disabilities were frequently institutionalised due to a lack of capacity to care for the child, and that families with children with disabilities often faced discriminatory attitudes from professionals and the local community. CRC was also concerned that, in spite of the declared inclusive policy, the majority of children with disabilities attended special schools, and that an allegedly high number of children did not attend school at all.⁹⁴

45. UNICEF reported that children of Russians were denied the right to birth certification.⁹⁵

5. Freedom of association and peaceful assembly and right to participate in public and political life

46. Noting that most non-citizens have been residing in Latvia for many years, if not for their whole life, CERD, in 2003, recommended that Latvia consider facilitating the integration process by making it possible for all non-citizens who have been long-time permanent residents to participate in local elections.⁹⁶ In 2003, HR Committee expressed similar concerns.⁹⁷ In 2004, in its follow-up responses to the HR Committee, Latvia acknowledged that a large proportion of the population was treated as a specific and distinct category of persons with long-standing ties to Latvia. Latvia regarded them as potential citizens; therefore, the fostering of naturalization remained among its priorities. It reiterated its position that granting non-citizens the right to vote at the municipal level would seriously undermine the already weak motivation of many non-citizens to take the few steps required to acquire Latvian citizenship.⁹⁸

6. Right to work and to just and favourable conditions of work

47. CESCR urged Latvia to intensify its efforts to reduce unemployment through specially targeted programmes, including to stimulate rural development, inter alia, through local employment initiatives.⁹⁹

48. CESCR was concerned that the minimum wage was insufficient to provide an adequate standard of living for workers and their families.¹⁰⁰

49. In 2009, the ILO Committee of Experts noted that the remuneration gap between men and women workers continued to decrease in the private sector while increasing in the public sector.¹⁰¹

50. In 2010, the ILO Committee of Experts requested Latvia to ensure that no person under 16 years of age may be authorized to perform hazardous types of work as stipulated by the article 3, paragraph 3, of the ILO Convention Minimum Age Convention (No. 138).¹⁰²

51. In 2009, the ILO Committee of Experts stated that requirement of the Act on Trade Unions, whereby trade unions must have at least 50 members or represent at least one quarter of the workforce in an enterprise in order to be registered, was too high. The ILO Committee of Experts considered that, while such requirement would be permissible for industrial trade unions, it was too high and likely to create an obstacle to the establishment of trade unions at the enterprise level. It requested Latvia to amend the Act so as to reduce the minimum membership.¹⁰³

7. Right to social security and to an adequate standard of living

52. CRC was concerned that, in spite of remarkable growth rates, a large number of families lived in economic hardship, especially families headed by single parents, families with three or more children and families in remote areas. It welcomed the adoption of measures, including financial benefits and additional care facilities, to assist families in extreme adversity and with children at risk. It was, however, concerned that such assistance was not sufficient to prevent the circumstances related to evictions of families with children from their places of residence by court order.¹⁰⁴ CESCR called upon Latvia to ensure that targeted social assistance dependent on family income is guaranteed to all disadvantaged and marginalized individuals and their families, and that such assistance does not fall below subsistence level.¹⁰⁵

53. CESCR was concerned that unemployment benefits might be insufficient to secure a decent standard of living for workers and their families, and in particular, to persons belonging to disadvantaged and marginalized groups.¹⁰⁶

54. CESCR was concerned that, despite the fact that budget allocation on health had increased, the overall funds available for the healthcare system remained insufficient.¹⁰⁷ WHO also noted the inadequate funding for the health sector¹⁰⁸ and was concerned as well about the regional disparities in health-care coverage and the increasing shortage of medical personnel due to economic migration.¹⁰⁹

55. CRC was concerned at the high rates of newborn, infant and child mortality, increasing rates of tuberculosis and hepatitis, and reports of the continued prevalence of iodine deficiency and malnutrition. It was concerned that the rates of child mortality, due to factors such as violence, fires, traffic and other accidents, had increased.¹¹⁰

56. CRC was concerned about rates of adolescent pregnancy and the reliance on abortion as a contraceptive method, particularly among young women aged 15–17 years.¹¹¹

57. CESCR was alarmed by the high suicide rate.¹¹² Similarly, CRC was concerned at the rate of suicide among youth, particularly boys aged 14-17 years.¹¹³

58. CRC noted that while the total number of newly reported cases of HIV was decreasing, the proportion of heterosexual transmissions, particularly among female adolescents, had increased.¹¹⁴ A 2009 UNODC-commissioned report stated that the number of new HIV infections per year through injecting drug use remained relatively high.¹¹⁵

CEDAW urged Latvia to combat the spread of HIV/AIDS and to take strong preventive measures.¹¹⁶

8. Right to education

59. CRC welcomed the fact that education was one of the priorities of the National Development Plan 2007–2013 and noted with appreciation an increase in the enrolment rates of children. It was, however, concerned at reported rates of non-attendance from primary, secondary and vocational schools as a result of, inter alia, hidden costs, poverty, inadequate transportation, closure of schools in sparsely populated areas, voluntary truancy, the lack of parental interest in education, and bullying in schools.¹¹⁷

60. CESCR remained concerned that a high percentage of Roma children dropped out.¹¹⁸ It urged Latvia to continue efforts to increase school attendance by Roma children, including, inter alia, through allocation of scholarships and the recruitment of additional school personnel from the Roma community.¹¹⁹

61. CRC was concerned regarding unsatisfactory conditions of State boarding schools for children with special needs or who are deprived of parental care.¹²⁰

9. Minorities

62. CESCR urged Latvia to ensure that the lack of citizenship of permanent residents does not hinder their equal enjoyment of economic, social and cultural rights, including employment, social security, health services and education. CESCR urged Latvia to ensure that adequate support is provided to members of linguistic minorities, especially older persons, through, inter alia, increased allocation of resources to subsidize language courses. It also recommended that Latvia consider providing translators and interpreters in State and municipal offices, in particular in regions that have a high concentration of minority language speakers.¹²¹

63. In 2008, CAT remained concerned at the continued existence of the status of non-citizens and stateless persons, affecting a large group in society.¹²² In 2010, UNHCR noted that there were approximately 336,000 “non-citizens”. While noting that ‘non-citizens’ might apply for naturalisation at any time, UNHCR stressed that the number of naturalised persons had declined in the past years.¹²³ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance noted the existence of two particularly vulnerable groups of non-citizens – children of non-citizens who were born in Latvia and elderly persons who could enjoy easier access to citizenship.¹²⁴ CRC remained concerned that despite the 1998 amendment of the Citizenship Law, which entitled children born in the period 1992–2005 to citizenship, and was granted upon application, a considerable number of children still did not have Latvian citizenship or remained stateless.¹²⁵ UNHCR made similar observations.¹²⁶

64. In this respect, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance stated that the issue of citizenship and naturalisation regulations were seen by the Russian-speaking community as discriminatory practices that restricted the full enjoyment of their human rights, particularly their political rights. The Special Rapporteur recommended that Latvia should: revisit the existing requirements for naturalization with the objective of facilitating the granting of citizenship to non-citizens; consider measures to tackle the problem of the low level of registration as citizens of children born in Latvia after 21 August 1991 to non-citizens parents, which could include granting automatic citizenship at birth without a requirement of registration by parents and relax naturalization requirements, in particular language proficiency exams, for elderly persons.¹²⁷ UNHCR made similar recommendations.¹²⁸

65. The Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance stated that the Roma community lived in vulnerable conditions and suffered from structural discrimination that manifested itself specifically in the realms of education, employment and cultural stereotypes. While noting some efforts made to address the problems, the Special Rapporteur stated that Latvia should focus on projects that target not only Roma community but society as a whole, as one of the main reasons for the marginalization of Roma citizens was intolerance and lack of acceptance by society at large.¹²⁹

10. Migrants, refugees and asylum-seekers

66. CAT regretted the low asylum recognition rate.¹³⁰ UNHCR reported that access to the asylum procedure remained a major concern. The border guard practice was to conduct an initial interview and fact gathering only if a foreigner explicitly requested asylum. UNHCR referred to reports of forced returns of foreigners who arrived at airport and of denials of access to the asylum procedure.¹³¹ UNHCR recommended that Latvia guarantee full respect of the non-refoulement principle by ensuring access of asylum-seekers to the territory and the national asylum procedure, especially at the entry points to the country.¹³²

67. CAT was concerned at the detention policy applied to asylum-seekers and at the short time limits, in particular for the submission of an appeal under the accelerated asylum procedure. CAT recommended that Latvia ensure that detention of asylum-seekers is used only in exceptional circumstances or as a last resort, and for the shortest possible time; and extend the time limits established under the accelerated asylum procedure.¹³³ In its follow-up replies, Latvia provided statistical data on asylum-seekers, noting that all asylum-seekers had effective remedy and highlighting the new Asylum Law of 2009.¹³⁴ UNHCR recommended the adoption of a legal provision stipulating unimpeded access to the asylum procedure, legal and social assistance, interpretation facilities and access to information for detained asylum-seekers, so that the detention does not constitute an obstacle to the ability to pursue asylum application.¹³⁵

68. CRC recommended that Latvia: undertake measures to ensure the availability of adequate facilities for refugee children, including access to legal counsel and medical care, as well as the availability of education, irrespective of the status of the refugee child; ensure that asylum-seeking children, including separated children, were only detained when it was necessary to protect their best interest and for the shortest time possible; and ensure that the birth of children born to asylum-seekers were immediately registered.¹³⁶

III. Achievements, best practices, challenges and constraints

69. In 2006, CRC recognized the economic and social difficulties faced by Latvia, including the dramatic drop of the gross domestic product, which had negatively impacted the situation of children.¹³⁷

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

70. Latvia made the pledges for its election to the Human Rights Council, including to:

- (a) Consider further ratifications of human rights treaties avoiding reservations, and examine the possibility for accepting further individual communications' and inquiry procedures;

- (b) Continue cooperation with the treaty monitoring bodies, including by submitting periodic reports on time;
- (c) Uphold the standing invitation to all Special procedures extended in 2001;
- (d) Continue the implementation of the National Programme for the Promotion of Tolerance;
- (e) Improve the protection of the rights of the child and women by implementing the recommendations of the relevant UN human rights mechanisms and special procedures;
- (f) Take measures to eliminate human trafficking by implementing the National Programme against Trafficking in Human Beings; (g) Improve the human rights protection through the Ombudsperson institution.¹³⁸

B. Specific recommendations for follow-up

71. In 2008, CAT requested Latvia to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 7 (fundamental safeguards), 8 (asylum-seekers), 11 (juvenile detention), 17 (prompt and impartial investigations)¹³⁹. A response was received in 2010.

V. Capacity-building and technical assistance

N/A

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD

CED International Convention for the Protection of All Persons from Enforced Disappearance.

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ E/C.12/LVA/CO/1, para. 60.
- ⁹ A/59/38 (SUPP), para. 78.
- ¹⁰ CAT/C/LVA/CO/2, paras. 23 and 25.
- ¹¹ A/59/38 (SUPP), para. 75.
- ¹² *Ibid.*, , paras. 45–46.
- ¹³ *Ibid.*, , para. 52, see also E/C.12/LVA/CO/1, para. 39.
- ¹⁴ A/HRC/7/19/Add.3, para. 83.
- ¹⁵ E/C.12/LVA/CO/1, para. 10; see also CERD/C/63/CO/7, para. 8.
- ¹⁶ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/65/340, annex I.
- ¹⁷ E/C.12/LVA/CO/1, para. 4.
- ¹⁸ CAT/C/LVA/CO/2, para. 4.
- ¹⁹ E/C.12/LVA/CO/1, para. 4.
- ²⁰ A/HRC/7/19/Add.3, paras. 23–24.
- ²¹ E/C.12/LVA/CO/1, para. 33.
- ²² A/HRC/12/23/Add.1, para. 84 (h).
- ²³ A/HRC/7/19/Add.3, para. 86.
- ²⁴ CAT/C/LVA/CO/2, para. 6.
- ²⁵ A/59/38 (SUPP), para. 50.
- ²⁶ Kees de Joncheere et al., “Evaluation of Access to HIV/AIDS Treatment and Care in Latvia”, (UNODC), May 2009, p. 27. Available from www.unodc.org/documents/balticstates/Library/Other/Report_ART_Latvia.pdf (accessed on 2 December 2010).
- ²⁷ CAT/C/LVA/CO/2, para. 4.
- ²⁸ *Ibid.*, para. 20, see also CERD/C/63/CO/7, para. 13.

- ²⁹ A/HRC/12/23/Add.1, para. 84 (i).
- ³⁰ A/HRC/7/19/Add.3, para. 91.
- ³¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010LVA182, tenth paragraph; see also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009LVA111, third paragraph.
- ³² The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities. |
- ³³ A/HRC/7/19/Add.3.
- ³⁴ A/HRC/12/23/Add.1.
- ³⁵ A/HRC/7/19/Add.3, para. 3.
- ³⁶ A/HRC/12/23/Add.1, para. 2.
- ³⁷ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 October 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2 (x) A/HRC/14/46/Add.1; (y) A/HRC/15/31/Add.1, para. 6 – for list of responding States see www2.ohchr.org/english/issues/water/iexpert/written_contributions.htm; (z) A/HRC/15/32, para. 5.
- ³⁸ OHCHR, *2006 Annual Report*, p. 158; OHCHR, *2007 Report: Activities and Results*, pp. 147, 151 and 166; OHCHR, *2008 Report: Activities and Results*, pp. 174, 179 and 196.
- ³⁹ A/59/38 (SUPP), para. 53.
- ⁴⁰ E/C.12/LVA/CO/1, para. 13.
- ⁴¹ A/59/38 (SUPP), para. 67, see also CCPR/CO/79/LVA, para. 14.
- ⁴² E/C.12/LVA/CO/1, para. 17.
- ⁴³ *Ibid.*, para. 39.
- ⁴⁴ CAT/C/LVA/CO/2, para. 19.
- ⁴⁵ *Ibid.*, para. 19.
- ⁴⁶ A/HRC/7/19/Add.3, paras. 75 and 84.
- ⁴⁷ E/C.12/LVA/CO/1, para. 12, see also CERD/C/63/CO/7, para. 9.
- ⁴⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 062009LVA111, para. 1.
- ⁴⁹ A/HRC/7/19/Add.3, para. 89.
- ⁵⁰ CRC/C/LVA/CO/2, para. 20.
- ⁵¹ *Ibid.*, para. 48.
- ⁵² E/C.12/LVA/CO/1, para. 24.
- ⁵³ *Ibid.*, para. 14.
- ⁵⁴ *Ibid.*, paras. 16 and 41.
- ⁵⁵ “Evaluation of Access to HIV/AIDS Treatment and Care in Latvia”, p. 24.

- ⁵⁶ CAT/C/LVA/CO/2, para. 5.
- ⁵⁷ Ibid., para. 16, see also CCPR/CO/79/LVA, para. 7.
- ⁵⁸ CAT/C/LVA/CO/2, para. 17.
- ⁵⁹ Ibid., para. 10.
- ⁶⁰ CCPR/CO/79/LVA, para. 10.
- ⁶¹ CAT/C/LVA/CO/2, para. 10.
- ⁶² UNHCR submission to the UPR on Latvia, pp. 3–5.
- ⁶³ Ibid., pp. 4–5.
- ⁶⁴ CAT/C/LVA/CO/2, para. 12.
- ⁶⁵ Ibid., paras. 12–13.
- ⁶⁶ Ibid., para. 15.
- ⁶⁷ E/C.12/LVA/CO/1, para. 21.
- ⁶⁸ CAT/C/LVA/CO/2, para. 20.
- ⁶⁹ A/59/38 (SUPP), para. 55.
- ⁷⁰ CCPR/CO/79/LVA, para. 13.
- ⁷¹ CAT/C/LVA/CO/2, para. 20.
- ⁷² UNHCR submission to the UPR on Latvia, p. 1.
- ⁷³ CAT/C/LVA/CO/2, para. 21.
- ⁷⁴ CCPR/CO/79/LVA, para. 12.
- ⁷⁵ UNODC, *Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims' Assistance and Protection* (Vienna 2010), p. 111. Available from www.unodc.org/documents/human-trafficking/CBSS-UNODC_final_assessment_report.pdf (accessed on 1 December 2010).
- ⁷⁶ E/C.12/LVA/CO/1, para. 22.
- ⁷⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010LVA182, first paragraph.
- ⁷⁸ CAT/C/LVA/CO/2, para. 21; see also E/C.12/LVA/CO/1, para. 47.
- ⁷⁹ CRC/C/LVA/CO/2, para. 59; see also A/59/38 (SUPP), para. 58.
- ⁸⁰ CRC/C/LVA/CO/2, paras. 36–37.
- ⁸¹ Ibid., paras. 30–31.
- ⁸² A/HRC/12/23/Add.1, para. 84 (b).
- ⁸³ E/C.12/LVA/CO/1, paras. 23 and 48.
- ⁸⁴ CRC/C/LVA/CO/2, para. 57.
- ⁸⁵ E/C.12/LVA/CO/1, para. 9.
- ⁸⁶ CAT/C/LVA/CO/2, para. 7.
- ⁸⁷ CAT/C/LVA/CO/2/Add.1.
- ⁸⁸ CRC/C/LVA/CO/2, para. 62.
- ⁸⁹ Ibid., para. 61.
- ⁹⁰ CAT/C/LVA/CO/2, para. 11; see also CRC/C/LVA/CO/2, para. 62, and A/HRC/12/23/Add.1, para. 84 (j).
- ⁹¹ CAT/C/LVA/CO/2, para. 18.
- ⁹² CRC/C/LVA/CO/2, para. 32.
- ⁹³ A/HRC/12/23/Add.1, para. 84 (f).
- ⁹⁴ CRC/C/LVA/CO/2, para. 41.
- ⁹⁵ UNICEF, “Child protection from violence, exploitation and abuse: Birth registration”. Available from www.unicef.org/protection/index_birthregistration.html (accessed on 20 October 2010).
- ⁹⁶ CERD/C/63/CO/7, para. 12.
- ⁹⁷ CCPR/CO/79/LVA, para. 18.
- ⁹⁸ CCPR/CO/79/LVA/Add.1, paras. 9–10.
- ⁹⁹ E/C.12/LVA/CO/1, para. 40.
- ¹⁰⁰ Ibid., para. 19.
- ¹⁰¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2009, Geneva, doc. No. (ILOLEX) 092009LVA100, first paragraph.
- ¹⁰² ILO Committee of Experts on the Application of Conventions and Recommendations, Individual

- Direct Request concerning Minimum Age Convention, 1973 (No. 138), 2010, Geneva, doc. No. (ILOLEX) 092010LVA138, third paragraph.
- ¹⁰³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2010, Geneva, doc. No. (ILOLEX) 092009LVA087, second paragraph.
- ¹⁰⁴ CRC/C/LVA/CO/2, para. 49.
- ¹⁰⁵ E/C.12/LVA/CO/1, para. 45.
- ¹⁰⁶ Ibid., para. 20.
- ¹⁰⁷ Ibid., para. 26.
- ¹⁰⁸ WHO, “Country Cooperation Strategy at a glance”, 2007. Available from www.who.int/countryfocus/cooperation_strategy/ccsbrief_lva_en.pdf (accessed on 3 December 2010).
- ¹⁰⁹ E/C.12/LVA/CO/1, para. 26.
- ¹¹⁰ CRC/C/LVA/CO/2, para. 42.
- ¹¹¹ Ibid., para. 44.
- ¹¹² E/C.12/LVA/CO/1, para. 28.
- ¹¹³ CRC/C/LVA/CO/2, para. 44.
- ¹¹⁴ Ibid., para. 46.
- ¹¹⁵ “Evaluation of Access to HIV/AIDS Treatment and Care in Latvia”, p. 8.
- ¹¹⁶ A/59/38 (SUPP), para. 72.
- ¹¹⁷ CRC/C/LVA/CO/2, para. 50.
- ¹¹⁸ E/C.12/LVA/CO/1, para. 31.
- ¹¹⁹ Ibid., para. 56.
- ¹²⁰ CRC/C/LVA/CO/2, para. 50.
- ¹²¹ E/C.12/LVA/CO/1, paras. 37–38.
- ¹²² CAT/C/LVA/CO/2, para. 19.
- ¹²³ UNHCR submission to the UPR on Latvia, p. 6.
- ¹²⁴ Ibid., p. 7.
- ¹²⁵ CRC/C/LVA/CO/2, para. 26.
- ¹²⁶ UNHCR submission to the UPR on Latvia, p. 6.
- ¹²⁷ A/HRC/7/19/Add.3, paras. 77 and 88.
- ¹²⁸ UNHCR submission to the UPR on Latvia, p.7.
- ¹²⁹ A/HRC/7/19/Add.3, para. 78.
- ¹³⁰ CAT/C/LVA/CO/2, para. 8.
- ¹³¹ UNHCR submission to the UPR on Latvia, p. 3.
- ¹³² UNHCR submission to the UPR on Latvia, p. 5.
- ¹³³ CAT/C/LVA/CO/2, para. 8; see also CCPR/CO/79/LVA, para. 9.
- ¹³⁴ CAT/C/LVA/CO/2/Add.1.
- ¹³⁵ UNHCR submission to the UPR on Latvia, p. 4.
- ¹³⁶ CRC/C/LVA/CO/2, para. 53.
- ¹³⁷ CRC/C/LVA/CO/2, para. 5.
- ¹³⁸ Pledges and commitments undertaken by Latvia before the Human Rights Council, as contained in the letter dated 7 April. 2006 sent by the Permanent Mission of Latvia to the United Nations Secretariat, available at www.ohchr.org/EN/countries/ENACARegion/Pages/LVIndex.aspx (accessed on 13 December 2010).
- ¹³⁹ CAT/C/LVA/CO/2, para. 28.