

# Latvia

## Mid-term Implementation Assessment



Promoting and strengthening  
the Universal Periodic Review  
<http://www.upr-info.org>



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate the index is described at the end of this document.

Geneva, 31 March 2013

## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/latvia>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

5 stakeholders' reports were submitted for the UPR. 6 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

1 NGOs responded to our enquiry. 1 UN agency responded. The State under Review did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **UN Agency:** United Nations High Commissioner for Refugees (UNHCR)
2. **NGOs:** (1) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (2) International Lesbian, Gay, Bisexual, Trans and Intersex Association - Europe (ILGAE) (3) Latvian Centre for Human Rights (LCHR) (4) Latvian Human Rights Committee (LHRC) (5) SOS Children's Villages (SOSCV) (6) World Coalition Against Death Penalty (WCADP)

*IRI:* 37 recommendations are not implemented, 23 recommendations are partially implemented, and 24 recommendations are fully implemented. No answer was received for 37 out of 126 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



## 2. Index

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Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
4	Argentina	Enforced disappearances,International instruments,Labour,Migrants,Women's rights	-	page 18
22	Argentina	Minorities	partially impl.	page 7
32	Argentina	Women's rights	partially impl.	page 29
24	Australia	Racial discrimination	partially impl.	page 8
89	Australia	Death penalty,International instruments	fully impl.	page 22
119	Australia	Migrants	partially impl.	page 17
30	Austria	Detention conditions,Treaty bodies	fully impl.	page 19
111	Austria	Death penalty	fully impl.	page 26
10	Azerbaijan	Rights of the Child	fully impl.	page 29
12	Azerbaijan	Disabilities	fully impl.	page 7
16	Azerbaijan	Special procedures,Treaty bodies	fully impl.	page 19
33	Azerbaijan	Human rights education and training,Rights of the Child,Women's rights	fully impl.	page 30
45	Belarus	Poverty,Rights of the Child	-	page 7
82	Belgium	Death penalty,International instruments	fully impl.	page 22
86	Belgium	International instruments,Women's rights	not impl.	page 23
48	Brazil	Other	fully impl.	page 11
76	Brazil	Death penalty,Detention conditions,International instruments,Torture and other CID treatment,Women's rights	partially impl.	page 21
107	Brazil	Minorities,Racial discrimination,Sexual Orientation and Gender Identity	not impl.	page 28
53	Canada	Asylum-seekers - refugees,Human rights education and training	fully impl.	page 13
54	Canada	Asylum-seekers - refugees,Migrants	not impl.	page 14
94	Canada	NHRI	not impl.	page 32
117	Canada	Rights of the Child	not impl.	page 16
1	Chile	International instruments	fully impl.	page 17
100	Chile	Minorities,Treaty bodies	-	page 23
2	Costa Rica	Detention conditions,International instruments,Torture and other CID treatment	partially impl.	page 17
46	Costa Rica	Minorities,Rights of the Child	partially impl.	page 9
26	Czech Republic	Human rights violations by state agents,Torture and other CID treatment	not impl.	page 23
29	Czech Republic	Detention conditions	partially impl.	page 25
75	Czech Republic	Death penalty,Detention conditions,International instruments,Torture and other CID treatment,Women's rights	partially impl.	page 21
15	Djibouti	Treaty bodies	partially impl.	page 19
51	Ecuador	Asylum-seekers - refugees,Migrants,Minorities	not impl.	page 12
62	Ecuador	Racial discrimination	partially impl.	page 14



rec. n°	Rec. State	Issue	IRI	page
70	Ecuador	Asylum-seekers - refugees,International instruments,Migrants	partially impl.	page 19
72	Ecuador	Death penalty,International instruments	fully impl.	page 20
73	Ecuador	International instruments,Labour,Migrants	not impl.	page 20
74	Ecuador	Detention conditions,Enforced disappearances,ESC rights - general,International instruments,Torture and other CID treatment,Women's rights	not impl.	page 20
90	Ecuador	Racial discrimination,Treaty bodies	not impl.	page 21
112	Ecuador	Death penalty	fully impl.	page 26
68	Finland	Rights of the Child,Torture and other CID treatment	fully impl.	page 30
105	Finland	Sexual Orientation and Gender Identity	not impl.	page 27
109	Finland	Human rights education and training,Right to education,Sexual Orientation and Gender Identity	not impl.	page 27
77	France	Death penalty,Detention conditions,International instruments,Torture and other CID treatment,Women's rights	partially impl.	page 21
83	France	Enforced disappearances,International instruments	not impl.	page 21
92	France	NHRI	not impl.	page 33
110	Hungary	Death penalty	fully impl.	page 26
31	Iran	Detention conditions	fully impl.	page 25
52	Iran	Asylum-seekers - refugees	-	page 13
88	Ireland	International instruments,Women's rights	not impl.	page 21
20	Lithuania	Women's rights	fully impl.	page 29
80	Lithuania	Death penalty,International instruments	fully impl.	page 20
66	Mexico	Rights of the Child,Women's rights	not impl.	page 30
7	Moldova	NHRI	not impl.	page 32
9	Moldova	Rights of the Child	not impl.	page 28
44	Netherlands	Disabilities	fully impl.	page 8
47	Netherlands	Migrants	partially impl.	page 10
124	Netherlands	Sexual Orientation and Gender Identity	not impl.	page 28
43	Norway	Rights of the Child,Trafficking,Women's rights	-	page 26
93	Norway	NHRI	partially impl.	page 33
95	Norway	Rights of the Child	fully impl.	page 31
96	Norway	NHRI,Rights of the Child	-	page 31
104	Norway	Minorities,Racial discrimination,Sexual Orientation and Gender Identity,Women's rights	not impl.	page 27
106	Norway	Sexual Orientation and Gender Identity	not impl.	page 27
118	Norway	Rights of the Child	not impl.	page 16
14	Palestine	Rights of the Child,Special procedures,Women's rights	fully impl.	page 18
36	Palestine	Trafficking	-	page 26
85	Paraguay	Detention conditions,International instruments,Torture and other CID treatment	not impl.	page 23
120	Paraguay	International instruments,Labour,Migrants	not impl.	page 21
71	Poland	Asylum-seekers - refugees,Rights of the Child	not impl.	page 15
91	Poland	NHRI	partially impl.	page 33
98	Poland	Women's rights	not impl.	page 31



rec. n°	Rec. State	Issue	IRI	page
64	Russian Federation	Racial discrimination	partially impl.	page 14
69	Russian Federation	Minorities, Right to education	partially impl.	page 15
114	Russian Federation	Minorities	not impl.	page 15
115	Russian Federation	Elections, ESC rights - general	not impl.	page 16
50	Slovakia	Minorities	partially impl.	page 12
3	Slovenia	Death penalty, Detention conditions, International instruments, Torture and other CID treatment, Women's rights	partially impl.	page 18
19	Spain	Women's rights	not impl.	page 29
58	Spain	NHRI	not impl.	page 32
78	Spain	Detention conditions, Enforced disappearances, ESC rights - general, International instruments, Torture and other CID treatment, Women's rights	not impl.	page 20
79	Spain	Death penalty, International instruments	fully impl.	page 20
102	Spain	Sexual Orientation and Gender Identity	not impl.	page 27
113	Spain	Death penalty	fully impl.	page 26
28	Sweden	Detention conditions	partially impl.	page 24
81	Sweden	Death penalty, International instruments	fully impl.	page 22
87	Ukraine	Detention conditions, International instruments, Torture and other CID treatment, Women's rights	not impl.	page 23
5	United Kingdom	NHRI	not impl.	page 31
55	United Kingdom	NHRI	not impl.	page 32
103	United Kingdom	Sexual Orientation and Gender Identity	not impl.	page 27
49	United States	Migrants	partially impl.	page 12
108	United States	Sexual Orientation and Gender Identity	not impl.	page 28
27	Uzbekistan	Detention conditions	partially impl.	page 24

### 3. Feedback on recommendations

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## ESC Rights

Recommendation n°45: *Consider the possibility of strengthening focused social assistance to poor families with children (Recommended by Belarus)*

IRI: -

SOS Children's Villages (SOSCV) response:

The percentage of children living in a household at risk of poverty or social exclusion in Europe ranges from 14.9 % in Finland to more than 40 % in Latvia. The main factors affecting child poverty are the labour market situation of the parents, which is linked to their level of education, the composition of the household in which the children live and the effectiveness of government intervention through income support and the provision of enabling services. Still there is not enough funding on state and municipality level to provide effective social assistance and social support system for families with children.

## Minorities

Recommendation n°12: *Continue its positive actions for further promoting the rights of disabled people (Recommended by Azerbaijan)*

IRI: *fully implemented*

Latvian Human Rights Committee (LHRC) response:

[...] the disability benefits, in particular, will grow in 2014.

Recommendation n°22: *Step up efforts to combat discrimination against vulnerable groups and minorities, in accordance with internationally established standards (Recommended by Argentina)*

IRI: *partially implemented*

LHRC response:

[...] The efforts did not expand, and still do not meet international standards in such field as the rights of ethnic minorities, stateless people and foreigners with temporary residence permits (as identified in the recommendations of monitoring bodies).

International Lesbian, Gay, Bisexual, Trans and Intersex Association - Europe (ILGAE) response:

Within Council of Europe LGBT project MOZAIKA has prepared Action plan "Advancing equality and respectful society". Action plan includes broad range of activities in order to promote equality and call for actions from the government for all vulnerable groups in the Latvian society



There is no activity and expressed will from Ombudsman's office to work against discrimination on basis of sexual orientation and gender identity.

Latvian Centre for Human Rights (LCHR) response:

Anti-discrimination legislation has been significantly developed since Latvia's accession to the EU. Around 35 laws have anti-discrimination provisions, with Labour Law being the most developed in terms of tackling discrimination. In 2013 a new Law on the Prohibition of Discrimination of Physical Persons - Economic Operators was adopted to provide protection for self-employed persons. Prohibited discrimination grounds differ in various laws with most protection provided on grounds of ethnic origin/race, gender, disability. Only two laws provide for prohibition of discrimination on grounds of sexual orientation explicitly. The number of discrimination cases before courts has increased, but remains small, predominantly on gender grounds. There remains only one case concerning discrimination on grounds of ethnicity (Roma) in 2006.

Recommendation n°24: *Intensify measures to tackle racism and hate crimes* (Recommended by *Australia*)

IRI: *partially implemented*

LHRC response:

[...] - refusals to initiate criminal proceedings on hate speech remain widespread. The punishments were not made stricter.

ILGAE response:

[See response to recommendation n°22]

LCHR response:

Criminal Law [CL] amendments foreseen in 2014. The current version of the amendments (not made public yet, but cited in an informative report on CL amendments) envisages criminalising incitement to social hatred and discontent and lists a wide range of grounds - gender, age, public of other beliefs, social origin, education, social or property status, type of occupation, or any other feature, if resulting in a significant damage. There is no explicit mention of sexual minorities as a protected group, despite the fact that surveys indicate high levels of intolerance against the LGBT. A Supreme Court report analysing the case law concerning racist crimes was published in 2013 and proposes recommendations concerning the improvement relevant legislation. 16-20 criminal proceedings on incitement to racial/ethnic/national hatred opened annually, predominantly concerning cases of incitement to hatred on the internet. In 2013 criminal proceedings opened in a case of racially motivated violence, the first such case in the last five years. Data collection - official and unofficial - remains inadequate due to lack of trust in law enforcement authorities.

Recommendation n°44: *Introduce legislation that allows for partial or segmented transfer of the legal capacity of a disabled person* (Recommended by *Netherlands*)

IRI: *fully implemented*

LHRC response:

Implemented by amendments in the Civil Code, entering into force in 2013.

LCHR response:

[...] On 29 November 2012 the Parliament approved in the final reading amendments to the Civil Law, Civil Procedure Law and Orphan's Courts Law, introducing new regulation on persons' legal capacity in line with international standards. Thus, the contradiction of the Civil Law with the Constitution and with the UN Convention on the Rights of Persons with Disabilities was averted. According to the 28 December 2010 ruling of the Constitutional Court the previous person's legal capacity regulation lost its legal force from 1 January 2012. According to amendments, the Civil Law no longer envisages complete withholding of person's legal capacity and replaces it with person's partial legal capacity provision: the legal capacity of a person with mental disability may be restricted if such restriction is necessary and the only available way to protect that person's interests; guardianship is established in that case. The Law envisages the option of temporary guardianship without the restriction of legal capacity. The Law also envisages that a person cannot be restricted in its personal non-material rights, therefore, the person's right to defend one's rights and legal interests in the institutions and courts regarding the restrictions on its legal capacity and freedom, controversies with its guardian as well as the nomination and dismissal of the guardian. Amendments to the Civil Procedure Law regulate the review of the cases of the restriction of legal capacity made before 31 December 2011, in order to ensure that all such cases are gradually reviewed according to the new regulation. The amendments entered into force on 1 January 2013. However, relevant provisions of Latvia's electoral legislation have not been fully brought in line with the amendments to the Civil Law. The Law on Elections to the European Parliament was amended to exclude the restriction on voting rights of persons deprived of legal capacity. The Saeima Election Law and the Law on Elections of the Republic City Council and Municipality Council still provide for restrictions and thus the persons deprived of legal capacity are still potentially denied voting rights in national parliamentary and local government (municipality) elections.

Recommendation n<sup>o</sup>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* (Recommended by Costa Rica)

IRI: *partially implemented*

LHRC response:

[...] The 2013 amendments to the Citizenship Law improve, to some extent, the measures against statelessness of children born in Latvia. However, those measures do not go as far as recommended by the UN High Commissioner on Refugees before the 1st cycle of UPR. Moreover, the same pack of amendments has widened the discretion of authorities in denying naturalization and made the residence requirements for naturalization stricter.

United Nations High Commissioner for Refugees (UNHCR) response:

We wish to note that in May 2013, the Parliament of Latvia adopted several amendments to the Citizenship Law, which set forth the procedure for granting citizenship to children born in Latvia to non-citizens and stateless persons, as well as introduced changes in the naturalization procedure. The Government of Latvia has a clear objective to reduce the existence of statelessness in its country. However, the



Citizenship Law is not consistent with this objective and the recently reformed provisions raise issues under the ICCPR and the 1961 Convention on the Reduction of Statelessness. The adopted amendments do not grant automatically Latvian citizenship to children born stateless in Latvia to stateless parents (including those with the official status of 'non-citizen') but require that stateless children shall be recognized as Latvian citizen by birth if one of the child's parents submits a request at the time of birth registration. Neither do the amendments stipulate a possibility to obtain Latvian citizenship at birth for children born in Latvia of parents who have another citizenship, but who cannot transmit this citizenship to their children. Finally, the law imposes conditions for applications for acquisition of citizenship by stateless children, which are not compatible with the requirements of the 1961 Convention on the Reduction of Statelessness. For example, the law stipulates that upon submission of an application for recognition of their child as a Latvian citizen, the parents shall undertake to assist the child in learning the Latvian language as the state language and instill respect and loyalty towards the Republic of Latvia. Given that a number of parents of children born stateless in Latvia have neglected to apply for Latvian citizenship for their children using the existing simple and widely accessible procedure and have therefore left them stateless, UNHCR believes there are clear reasons for amending the law to ensure the automatic grant of citizenship to children who do not acquire any other citizenship at birth. By introducing a responsibility on one parent to submit an application for the registration of his or her child as a Latvian citizen, there is a risk that parents who do not fully appreciate the importance of submitting such an application and the impact it will have on their child's ability to be a full-fledged member and rights-holder of Latvian society, unintentionally contribute to perpetuating their children's statelessness. It is therefore important to grant automatically the Latvian citizenship to children who would otherwise be stateless, as this will ensure enjoyment of the right to acquire a nationality by all children as well as full enjoyment of rights as nationals. It will also prevent the perpetuation of statelessness across generations.

LCHR response:

Naturalisation rates remain low, the number of persons failing Latvian language and history exams have increased, the number of non-citizens remains high ~ 300,000 inhabitants or 13,27% of Latvia's population. The new Citizenship Law which came into force in October 2013 fails to grant automatic citizenship to non-citizen children, but provides for easier registration of children born to non-citizen parents (one parent can now register). The number of non-citizen children born after Latvia regained independence remains around 15,000, with around 9,000 below 15. The new Citizenship Law provides for dual citizenship with EU, NATO, EEA countries, Australia, New Zealand, Brazil, but excludes former soviet republics. The law provides for new naturalisation restrictions, and greater discretion of government authorities in refusing granting of citizenship. Apart from easier registration of new born children of non-citizen parents as Latvian citizens, there have been no other efforts to facilitate the naturalisation of non-citizen children.

**Recommendation n°47: *Take measures to further facilitate the naturalization of non-citizens* (Recommended by *Netherlands*)**

*IRI: partially implemented*

LHRC response:

[...] The 2013 amendments to the Citizenship Law improve to some extent the measures against statelessness of children born in Latvia. However, those measures do not go as far as recommended by the UN High Commissioner on Refugees before the 1st cycle of UPR. Moreover, the same pack of amendments has widened the discretion of authorities in denying naturalization and made the residence requirements for naturalization stricter. NB: The issue is not limited to migrants, since more than 40 % of approximately 300,000 so-called "non-citizens of Latvia" (a special category of people who are not recognized as citizens by any state) were born in Latvia, as at 2012.

UNHCR response:

Despite adoption of amendments to the Citizenship Law in 2013, stateless children, who were born in Latvia, are not eligible for automatic acquisition of Latvian citizenship and can become citizens only on the basis of application lodged by one of parents. Neither the law stipulates a possibility to obtain citizenship by otherwise stateless children (those who born in LVA of parents who have another citizenship, but who cannot transmit this citizenship to their children). Finally, the law imposes additional conditions for stateless parents, which are not compatible with the 1961 Convention on the Reduction of Statelessness. For example, the law stipulates that upon submission of an application for recognition of their child as a Latvian citizen, the parents shall undertake to assist the child in learning Latvian language as the state language and instill respect and loyalty towards the Republic of Latvia. Standards of treatment of "non-citizens" are indeed very high and UNHCR has consistently acknowledged this. However, research conducted since 2005 has indicated that "non-citizens" are denied a broad range of rights which are enjoyed by citizens, including the right to vote in parliamentary and local elections, and referenda, the right to work in a range of specific posts in the civil service, the right to work as detectives, defense counsels, patent attorneys, or in security companies, certain property rights, some pension rights. In January 2014, European Commission initiated an infringement procedure against Latvia in the EUCJ because of Latvia's failure to abolish ban for working as notary for non-citizens and other aliens.

LCHR response:

Naturalisation rates remain low. During 2009-2012 - an average 2,000-2,300 persons naturalised, while in 2013 the number was a record low of only ~1,700 persons naturalising. The support measures facilitating naturalisation remain limited, however support for Latvian language training has increased in the last two years. The failure rate in Latvian language exams is high (41,4% in 2011, compared to 10% in 2004). The failure rate has also increased in history exams - 19,6% in 2011. Research conducted in 2012 indicates that 24,8% of non-citizens do not apply for Latvian citizenship as they doubt whether they are able to pass the Latvian language exam.

**Recommendation n<sup>o</sup>48: Consider further facilitation of the acquisition of citizenship and increased efforts to promote the registration of newborns (Recommended by Brazil)**

IRI: *fully implemented*

LHRC response:

[See response to recommendation n°46]

LCHR response:

[See response to recommendation n°46]

Recommendation n°49: *Do more to promote the value of citizenship among all groups, thereby encouraging naturalization of the remaining non-citizens (Recommended by United States)*

IRI: *partially implemented*

LHRC response:

[...] The rate of naturalization continued to fall in 2013.

LCHR response:

[See response to recommendation n°46]

Recommendation n°50: *Continue pursuing society integration policies aimed at uniting the country's inhabitants in areas such as State-language learning, promotion of cultural identity and cultural interaction, with particular attention to Latvia's "non-citizens" who represent around 15 per cent of the population (Recommended by Slovakia)*

IRI: *partially implemented*

LCHR response:

A new integration programme National Identity, Civil Society and Integration Policy Fundamental Guidelines 2012-2018 was adopted in October 2011. The document proved highly controversial and was criticised by national minorities and integration experts for its strong ethnocentric approach, emphasising the primary role of Latvians, and the shift from political nation to ethnic nation. Sanctions have been raised for violations of the legislation governing the use of the state (Latvian) language, the State Language Centre (SLC) has continued enforcing language legislation through Latvian language proficiency checks in public and private sector, the number of cases when SLC prohibited public authorities to disseminate printed information in Russian increased (invitations on preventive breast/cervical cancer checks by Ministry of Health, various brochures on public safety issues published by State Police, informative newspaper on transfer to euro as national currency by Ministry of Finance). Opportunities for Latvian language training increased after the referendum on Russian as a second language in 2012, with more funding allocated to Latvian language training by both national and local authorities. Integration programmes exist in largest urban areas and are said to meet the integration needs of different target groups.

Recommendation n°51: *Step up efforts to improve the integration of ethnic and minority linguistic groups, including welcoming migrants, asylum-seekers, refugees and stateless persons (Recommended by Ecuador)*

IRI: *not implemented*

UNHCR response:

The national legislation prescribes rather vague guarantees and makes no provision for a special integration programme for refugees and other of concern. There is a



lack of special provisions on family reunification in Immigration Law which does not take into consideration the specific status of beneficiaries of international protection. Also, there is a need to undertake a comprehensive analysis of the situation with family reunification in Latvia. In general, the integration programmes for refugees are poorly funded. The provision of integration support is based mainly on the short-term projects financially supported by the ERF [European Refugee Fund]. The Parliamentary Society Consolidation Committee considers that there are systemic problems in the field of society integration, caused by the lack of coordination between state institutions, proper supervision, absence of a government programme and strategy on the issue of non-citizens.

**Recommendation n°52: *Improve the living conditions of asylum-seekers and refugees***  
(Recommended by *Iran*)

IRI: -

UNHCR response:

The integration programmes for refugees are poorly funded. The provision of integration support is based mainly on the short-term projects financially supported by the ERF [European Refugee Fund]. The reception conditions are of satisfactory level in the accommodation centre for asylum-seekers in Mucenieki and the detention centre in Daugavpils.

**Recommendation n°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***  
(Recommended by *Canada*)

IRI: *fully implemented*

UNHCR response:

We wish to note that in 2011, the Latvian State Border Guard and UNHCR signed a Memorandum of Understanding (MoU) on the modalities of mutual cooperation to support the access of asylum-seekers to the territory and the asylum procedures of the Republic of Latvia. The main objective of the MoU is to strengthen the cooperation between both institutions to support the development and implementation of a protection-sensitive border management that takes into account the needs of refugees and of other persons with various protection needs who move within mixed migratory flows. The MoU is also a basis for regular monitoring visits to the Latvian border-crossing points and detention facilities. The MoU envisages organization of regular capacity-building exercises for the SBG staff. There was also one training seminar organized by UNHCR for Latvian judges in December 2012.

LCHR response:

The number of asylum applications from 1998 until 2013 - 1,076. Of those 166 persons were granted either refugee or subsidiary status by the end of 2013, recent years around 20-30 asylum seekers have received refugee or subsidiary status. The training of border guards, immigration personnel and judges in the field of international refugee law have been trained by the UNHCR and domestic human rights organisation, a border monitoring project between UNHCR and State Border Guard has been in operation since 2012 and has been carried out by a local human rights NGO. Anecdotal evidence suggests that in certain instances asylum seekers



are prevented from submitting asylum applications. Detention of asylum seekers is frequently applied, although amendments to Asylum Law in 2013 provide for alternatives to detention.

Recommendation n°54: *Build on existing efforts to facilitate integration of immigrants and refugees, including by fully implementing its multiyear program for the integration of third-country nationals* (Recommended by Canada)

IRI: *not implemented*

UNHCR response:

The current national integration programme makes no provision for a special integration activities or measures for refugees and beneficiaries of subsidiary protection.

Recommendation n°62: *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, who constitute more than one third of the population of Latvia* (Recommended by Ecuador)

IRI: *partially implemented*

LHRC response:

[...] While there were some provisions on discrimination added to sectoral laws, no comprehensive anti-discrimination act is adopted. The government remains especially reluctant to name language as a ground of discrimination.

LCHR response:

Anti-discrimination legislation has been significantly developed since the accession of Latvia in the EU. Around 35 laws have anti-discrimination provisions, with Labour Law being the most developed in terms of tackling discrimination. In 2013 a new Law on the Prohibition of Discrimination of Physical Persons - Economic Operators was adopted. Prohibited discrimination grounds differ in various with most protection provided on grounds of ethnic origin/race, gender, disability. Only two laws provide for prohibition of discrimination on grounds of sexual orientation explicitly. The number of discrimination cases before courts has increased, but remains small, predominantly on gender grounds. There remains only one case concerning discrimination on grounds of ethnicity (Roma) in 2006.

Recommendation n°64: *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* (Recommended by Russian Federation)

IRI: *partially implemented*

LCHR response:

Racism as an aggravating circumstance was introduced through Criminal Law amendments in 2006.



Recommendation n°69: *Maintain State preschool and general education institutions with education/teaching in minority languages, including the Russian language (Recommended by Russian Federation)*

IRI: *partially implemented*

LHRC response:

[...] The number of schools teaching in minority languages is decreasing. There were 184 such schools in 2010/2011, and only 173 in 2012/2013. Moreover, certain public officials, including those working in the Ombudsman's Office, come forward with the proposals directed against public education in minority languages. The coalition agreement (of January 2014) allows one of the co-ruling parties to put forward its initiative to switch all public schools to Latvian as the (only) language of instruction by 2018 - those proposals won't be considered to violate the coalition agreement, even if lacking support from the whole coalition. Such proposals are a serious threat: similar proposals on kindergartens were rejected in May 2013 - but only with 43 MPs against 41.

LCHR response:

Concerns have been raised by minority groups about the attempts of certain political parties (e.g. National alliance "All for Latvia! Fatherland and Freedom/LNNK) to seek a constitutional referendum on the transfer of all state/municipality funded schools to instruction in Latvian language only. The attempt failed in 2011. Concerns have been voiced about the plans outlined in the Government Coalition Co-operation Agreement to prepare the transfer of schools implementing bilingual education (ratio 60%/40% instruction in Latvian and minority language) programmes to instruction in Latvian by 2018 leaving some subjects related to minority language, culture in minority language. No research, data have been presented by the authorities to substantiate the change.

Recommendation n°71: *Take measures to ensure the availability of adequate facilities for refugee children, including access to legal counsel, medical care and education (Recommended by Poland)*

IRI: *not implemented*

UNHCR response:

We wish to note that Latvian legislation does not single out asylum-seekers with specific needs as a separate group requiring special attention, appropriate reception conditions and treatment. There are no official guidelines of how to identify persons with specific needs (including UAMs). It is thus recommended to elaborate guidelines on the identification and treatment of applicants in need of special procedural guarantees. Children who do not speak Latvian, English or Russian, experience serious difficulties in access to education.

Recommendation n°114: *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 (Recommended by Russian Federation)*

IRI: *not implemented*

LHRC response:

Not implemented.



Recommendation n°115: *In accordance with the recommendations of international human rights institutions, grant to non-citizens, without delay, the right to participate in the political life of the country, including in municipal elections, and the opportunity to enjoy all economic, social and cultural rights (Recommended by Russian Federation)*

*IRI: not implemented*

LHRC response:  
Not implemented.

LCHR response:  
Not implemented. No plans to grant non-citizens the right to participate in municipal elections.

Recommendation n°117: *Revise its legislation to provide automatic acquisition of citizenship by children born to non-citizens after 21 August 1991 (Recommended by Canada)*

*IRI: not implemented*

LHRC response:  
Not implemented.

UNHCR response:  
The adopted in 2013 amendments to the Citizenship Law has facilitated the application procedure for stateless children born in Latvia after 1991 - instead of both parents, it became possible to lodge an application for Latvian citizenship by only one of parents.

LCHR response:  
Not implemented. New Citizenship Law that came into effect in October 2013 provides for easier registration of new born children of non-citizen parents upon submitting an application by one parent.

Recommendation n°118: *Follow through on the proposal to change the Citizenship Law to provide citizenship automatically to newborn children of non-citizen parents, unless the parents refuse it (Recommended by Norway)*

*IRI: not implemented*

LHRC response:  
Not implemented.

UNHCR response:  
This proposal was rejected by Latvian Parliament.

LCHR response:  
Not implemented. New Citizenship Law that came into effect in October 2013 provides for easier registration of new born children of non-citizen parents upon submitting an application by one parent.

Recommendation n°119: *Seek to further decrease the number of non-citizens and to improve the social and political rights of non-citizens (Recommended by Australia)*

IRI: *partially implemented*

LHRC response:

[...] 1. The 2013 amendments to the Citizenship Law improve to some extent the measures against statelessness of children born in Latvia. However, those measures do not go as far as recommended by the UN High Commissioner on Refugees before the 1st cycle of UPR. Moreover, the same pack of amendments has widened the discretion of authorities in denying naturalization and made the residence requirements for naturalization stricter. NB: The issue is not limited to migrants, since more than 40 % of approximately 300,000 so-called "non-citizens of Latvia" (a special category of people who are not recognized as citizens by any state) were born in Latvia, as at 2012. 2. While some earlier restrictions on the social rights of non-citizens were lifted, it does not concern most of contested restrictions, including those internationally recognised as discriminatory (on calculating pensions and working as municipal policemen). There is no progress on political rights of non-citizens

UNHCR response:

We wish to note that standards of treatment of "non-citizens" are indeed very high compared with the 1954 Convention and UNHCR has consistently acknowledged this. However, still "non-citizens" are denied a broad range of rights which are enjoyed by citizens, including the right to vote in parliamentary and local elections, and referenda, the right to work in a range of specific posts in the civil service, the right to work as detectives, defense counsels, patent attorneys, or in security companies, certain property rights, some pension rights.

## International Instruments

Recommendation n°1: *Gradually consider the ratification of outstanding international human rights instruments (Recommended by Chile)*

IRI: *fully implemented*

LHRC response:

[...] Accession to the Second Optional Protocol to the International Covenant on Civil and Political Right took place, as well as to some relevant Council of Europe conventions (CETS187, CETS163).

Recommendation n°2: *Consider acceding to human rights instruments to which it is not yet party, particularly the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Recommended by Costa Rica)*

IRI: *partially implemented*

LHRC response:

[...] Accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights took place, as well as to some relevant Council of Europe



conventions (CETS187, CETS163). The Optional Protocol to the Convention against Torture, however, was not ratified

LCHR response:

[...] No indication that acceding to OPCAT is envisaged in foreseeable future.

Recommendation n°3: *Ratify step by step the outstanding core international instruments, namely the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Slovenia)*

IRI: *partially implemented*

LHRC response:

[...] accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights took place, as well as to some relevant Council of Europe conventions (CETS187, CETS163). The Optional Protocol to the Convention against Torture, however, was not ratified

World Coalition Against Death Penalty (WCADP) response:

Latvia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights on 19 April 2013

LCHR response:

[...] No indication that acceding to OPCAT is envisaged in foreseeable future

Recommendation n°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 (Recommended by Argentina)*

IRI: -

LCHR response:

[...] No indication that acceding to or ratification of OPCAT is envisaged in foreseeable future.

Recommendation n°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 (Recommended by Palestine)*

IRI: *fully implemented*

LHRC response:

[...] Notably, the 2013 amendments to the Citizenship Law improve to some extent the measures against statelessness of children born in Latvia. However, those measures do not go as far as recommended by the UN High Commissioner on Refugees before the 1st cycle of UPR.



Recommendation n°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* (Recommended by Djibouti)

IRI: *partially implemented*

LHRC response:

[...] The response to the list of issues concerning the Convention against Torture was provided timely. However, the report on ICCPR was delayed.

Recommendation n°16: *Continue cooperation with treaty monitoring bodies and United Nations special rapporteurs* (Recommended by Azerbaijan)

IRI: *fully implemented*

LHRC response:

[...] The response to the list of issues concerning the Convention against Torture was provided timely. However, the report on ICCPR was delayed. In 2012, a visit took place by the UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights. Notably, government expressed unwillingness to implement Human Rights Committee views in 2010 case Raihman v. Latvia.

Recommendation n°30: *Continue reforms to improve conditions of detention and make increased use of non-custodial measures as suggested by treaty bodies* (Recommended by Austria)

IRI: *fully implemented*

LCHR response:

Comprehensive amendments to Criminal Law adopted in 2013 (minimum and maximum sentences reduced for a range of crimes, particularly property crimes, certain offences decriminalised, non-custodial sanctions expanded for a wider range of crimes, a range of crimes re-qualified, etc.) with the purpose of liberalising penal policy and gradually bringing down the prison population by 30%. Some decrease of prison population in 2013 (5,470 - August 2013) compared with 2012 (6,561 - January). Conditions in many prisons remain dilapidated

Recommendation n°70: *Guarantee respect for 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* (Recommended by Ecuador)

IRI: *partially implemented*

LHRC response:

[...] Notably, a part of Latvia's numerous stateless people (so-called "non-citizens") continue to suffer from discrimination (identified by ECtHR in Andrejeva v. Latvia in 2009) in calculating pensions for the time they worked abroad. The foreigners with a temporary residence permit are still harshly restricted in access to social benefits (identified as a violation by the European Committee of Social Rights).



UNHCR response:

We wish to note that Latvian legislation does not single out asylum-seekers with specific needs as a separate group requiring special attention, appropriate reception conditions and treatment. Although there are no official guidelines of how to identify persons with specific needs (or vulnerable persons), the results of the border monitoring in Latvia in 2012 indicate that such identification usually occurs in situations when vulnerability of the person is visible and obvious. In practice, SBG ensures the compliance with cultural and religious standards concerning food provision. Despite the seemingly good practice, it is recommended to elaborate guidelines on the identification and treatment of applicants in need of special procedural guarantees.

Recommendation n°72: *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* (Recommended by Ecuador)

IRI: *fully implemented*

+

Recommendation n°79: *Sign and ratify the Second Optional Protocol to International Covenant on Civil and Political Rights* (Recommended by Spain)

IRI: *fully implemented*

+

Recommendation n°80: *Ratify the Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* (Recommended by Lithuania)

IRI: *fully implemented*

LHRC response:

Implemented.

WCADP response:

Latvia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights on 19 April 2013.

Recommendation n°73: *Accede to or ratify the following international instruments: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by Ecuador)

IRI: *not implemented*

+

Recommendation n°74: *Accede to or ratify the following international instruments: the Optional Protocol to the International Covenant on Economic, Social and Cultural 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* (Recommended by Ecuador)

IRI: *not implemented*

+

Recommendation n°78: *Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural 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 (Recommended by Spain)*

IRI: *not implemented*

+

*Recommendation n°83: 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 (Recommended by France)*

IRI: *not implemented*

+

*Recommendation n°88: Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by Ireland)*

IRI: *not implemented*

+

*Recommendation n°90: Recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals (Recommended by Ecuador)*

IRI: *not implemented*

+

*Recommendation n°120: Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Recommended by Paraguay)*

IRI: *not implemented*

LHRC response:  
Not implemented.

*Recommendation n°75: Accelerate the process of ratification of 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 and Degrading Treatment or Punishment, and the Second Optional Protocol to the International Covenant on Civil and Political Rights (Recommended by Czech Republic)*

IRI: *partially implemented*

+

*Recommendation n°76: 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 (Recommended by Brazil)*

IRI: *partially implemented*

+

*Recommendation n°77: 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 (Recommended by France)*

IRI: *partially implemented*

LHRC response:

[...] Latvia became a member of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

WCADP response:

Latvia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights on 19 April 2013.

*Recommendation n°81: Continue the work towards 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 (Recommended by Sweden)*

IRI: *fully implemented*

+

*Recommendation n°89: Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and take the necessary steps to remove the death penalty from Latvia's justice system (Recommended by Australia)*

IRI: *fully implemented*

LHRC response:

Implemented (including amendments to the Criminal Code abolishing the death penalty).

WCADP response:

Latvia abolished the death penalty for all crimes, including in times of war in its legislation on 1st January 2012 and Latvia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights on 19 April 2013.

*Recommendation n°82: Ratify at the earliest the Second Optional Protocol to International Covenant on Civil and Political Rights as well as Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty (Recommended by Belgium)*

IRI: *fully implemented*

LHRC response:

Implemented.

WCADP response:

Latvia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights on 19 April 2013 and Latvia ratified Protocol No. 13 to the European Convention for Human Rights on 5 January 2012.



Recommendation n°85: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Recommended by *Paraguay*)

IRI: *not implemented*

+

Recommendation n°86: *Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* (Recommended by *Belgium*)

IRI: *not implemented*

+

Recommendation n°87: *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* (Recommended by *Ukraine*)

IRI: *not implemented*

LHRC response:

Not implemented.

LCHR response:

Not implemented. No public information indicating the ratification of Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women or OPCAT.

Recommendation n°100: *Continue to strengthen efforts to combat discrimination against vulnerable groups, in accordance with the recommendations of the Committee against Torture* (Recommended by *Chile*)

IRI: -

LHRC response:

[...] The naturalization process was not simplified (despite para. 19 of CAT/C/LVA/CO/2).

## Justice

Recommendation n°26: *Ensure prompt, impartial and effective investigations into all allegations of ill-treatment committed by law enforcement officials* (Recommended by *Czech Republic*)

IRI: *not implemented*

LCHR response:

Continuing criticism by CPT and ECtHR about lack of effective investigation into allegations of ill-treatment committed by law enforcement officials. The Internal Security Office tasked with the investigation of allegations of ill-treatment remains subordinated to the State Police Chief. Plans envisaged to transfer the ISO under the Ministry of Interior, however, it falls short of required independence.

Recommendation n°27: *Make further efforts to reduce overcrowding in penitentiary institutions, including through the use of alternative measures, and improve conditions in detention facilities* (Recommended by *Uzbekistan*)

IRI: *partially implemented*

LHRC response:

[...] In 2013, a reform of the Criminal Code entered into force. It is directed to reduce prison population by reducing terms of imprisonment for numerous offenses and sometimes abolishing them in favour of alternative measures.

UNHCR response:

Although children and some other vulnerable groups, such as women with minors, have in practice been released after initial detention, the current Latvian legislation does not protect vulnerable groups, including children, survivors of torture or sexual violence and traumatized persons, from being detained. In respect of the detention of persons under the age of 18 years, we would like to refer to Article 37 of the Convention on the Rights of the Child, General Comment No. 6 of the Committee on the Rights of the Child and UNHCR's Executive Committee Conclusion No. 107 (LVIII), 2007, on Children at Risk, which require State parties to ensure that the detention of minors be only used as a measure of last resort and for the shortest appropriate period of time. As a general rule, unaccompanied minors should not be detained. Moreover, the Asylum Law does not impose an obligation to consider alternatives to detention first. It is thus also recommended to adopt explicit exceptions to detention measures in relation to children, nursing mothers and women in the later stages of pregnancy, survivors of torture or sexual violence, and traumatized persons, in view of their special needs. In particular, asylum-seeking children should not be detained.

LCHR response:

Comprehensive amendments to Criminal Law adopted in 2013 (minimum and maximum sentences reduced for a range of crimes, particularly property crimes, certain offences decriminalised, non-custodial sanctions expanded for a wider range of crimes, a range of crimes re-qualified, etc.) with the purpose of liberalising penal policy and gradually bringing down the prison population by 30%. Slight decrease of prison population in 2013 (5,470 - August 2013) compared with 2012 (6,561 - January).

Recommendation n°28: *Continue efforts to decrease the number of prisoners and take action to improve the conditions in prisons and detention centres* (Recommended by *Sweden*)

IRI: *partially implemented*

LHRC response:

[See response to recommendation n°27]

UNHCR response:

We wish to add that asylum-seekers admitted to the Latvian asylum procedure and staying either at the border-crossing points (BCPs) or the SBG detention/accommodation facilities are entitled to primary health care and essential treatment only. Article 10(6) of the Asylum Law limits the medical assistance only to



emergency medical assistance and primary health care, which is provided by such medical professionals as: general practitioner, doctor's assistant, nurse, midwife, dentist, dentist's assistant, dental nurse and dental hygienist. At the same time, other imprisoned foreigners seem to receive more extended medical assistance compared to the detained asylum-seekers in Latvia. This is because the provision of medical assistance to the imprisoned foreigners is regulated by the Medical Treatment Law, which provides advanced health treatment to persons detained, arrested and sentenced with deprivation of liberty. Such a situation puts detained asylum-seekers in a less advantageous position due to the lack of any income during the detention resulting in inability to pay for a visit to a doctor and/or for special medication. In view of UNHCR, the state should equalize in rights detained asylum-seekers with other foreigners put under custody in Latvia, especially taking into account that asylum-seekers are one of the most vulnerable groups with often complex health and social care needs.

LCHR response:

[See response to recommendation n°27] + Conditions in many prisons remain dilapidated.

Recommendation n°29: *Improve overall conditions in detention and prison facilities and combat overcrowding in these facilities (Recommended by Czech Republic)*

IRI: *partially implemented*

LHRC response:

[See response to recommendation n°27]

UNHCR response:

We wish to add that the procedures for accommodation of asylum-seekers held in the State Border Guard temporary detention premises as well as the requirements for arrangement and equipping of such premises are stipulated by the Cabinet Regulation No. 542. This legal act, however, provides neither concrete time-frames for keeping the asylum-seekers in the temporary detention premises, nor provisions required when persons are kept in detention for more than several hours. The most important shortcomings in the act are the absence of a duty to provide the person with daily outdoor exercise if his/her freedom has been limited for more than 24 hours and the absence of a provision which indicates how often the person can use washing facilities (shower).

LCHR response:

Limited efforts. Conditions in prisons remain dilapidated. Juvenile Prison (boys) at Cesis was refurbished with the financial assistance of the Norwegian government.

Recommendation n°31: *Reduce the prison population (Recommended by Iran)*

IRI: *fully implemented*

LHRC response:

[See response to recommendation n°27]

LCHR response:

[See response to recommendation n°27]



Recommendation n°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* (Recommended by *Palestine*)

IRI: -

+

Recommendation n°43: *Prioritize training for the judiciary and the police on how to treat victims of trafficking as well as domestic violence* (Recommended by *Norway*)

IRI: -

UNHCR response:

We wish to note that refugees and asylum-seekers are particularly at risk of falling victim to trafficking or smuggling due to the vulnerable and volatile situations they often face. A proper referral system to the refugee status determination procedure should be established at the border-crossing points and inside the territory in order to ensure that the victim's right to seek and be granted asylum is fully and duly respected. In particular, the State party should adopt proper measures, including the development of standard operating procedures, to facilitate their prompt identification and referral to the asylum system, when appropriate. Moreover, RSD procedures should be improved to ensure that asylum claims from victims of trafficking are fairly and appropriately examined, in line with international standards. Additionally, specialized programs and policies to protect and support victims who cannot return to their countries of origin should be adopted. The Latvian Government should take into account the fact that victims or potential victims of human trafficking who are at risk of persecution, if returned to their countries of origin, may qualify as refugees within the meaning of the 1951 Convention relating to the Status of Refugees. The Committee may wish to note that UNHCR's Guidelines on victims of trafficking provide guidance on the adjudication of asylum applications submitted by victims or potential victims of trafficking.

Recommendation n°110: *Abolish the death penalty in the Criminal Code for all crimes and in all times, including war* (Recommended by *Hungary*)

IRI: *fully implemented*

+

Recommendation n°111: *Completely abolish the death penalty in the Criminal Code for all crimes, including in times of war* (Recommended by *Austria*)

IRI: *fully implemented*

+

Recommendation n°112: *Incorporate necessary reforms for the complete abolition of the death penalty* (Recommended by *Ecuador*)

IRI: *fully implemented*

+

Recommendation n°113: *Completely abolish the death penalty* (Recommended by *Spain*)

IRI: *fully implemented*

LHRC response:

Implemented.

WCADP response:

Latvia abolished the death penalty for all crimes, including in times of war in its legislation on 1st January 2012.

LCHR response:

Implemented. Criminal Law amendments abolishing death penalty during war were adopted on 1 December 2011 (in force from 1 January 2012). Protocol of the European Convention for Human Rights abolishing death penalty for all circumstances on 26 December 2012 which entered into force on 1 May 2012. Latvia acceded to Second Optional Protocol of the ICCPR in May 2013.

**SOGI**

Recommendation n°102: *Intensify its efforts to combat discrimination on the basis of sexual orientation and gender identity* (Recommended by Spain)

IRI: not implemented

+

Recommendation n°103: *Increase efforts to combat discrimination on the grounds of sexual orientation* (Recommended by United Kingdom)

IRI: not implemented

ILGAE response:

No actions done. No policy documents, no legislation amendments.

Recommendation n°104: *Provide general information about anti-discrimination and reform the school curricula to regularly emphasize information about gender equality, lesbian, gay, bisexual and transgender people and ethnic minorities* (Recommended by Norway)

IRI: not implemented

+

Recommendation n°109: *Engage in awareness-raising activities such as stressing diversity in school curricula in order to alleviate discrimination against lesbian, gay, bisexual and transgender persons* (Recommended by Finland)

IRI: not implemented

ILGAE response:

No action done.

Recommendation n°105: *Adopt legislation that recognizes homophobic and transphobic motivation as an aggravating circumstance in the Criminal Law* (Recommended by Finland)

IRI: not implemented

+

Recommendation n°106: *Amend the Criminal Law to recognizes hate speech against lesbian, gay, bisexual and transgender persons* (Recommended by Norway)

IRI: not implemented

+



Recommendation n°107: *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* (Recommended by Brazil)

IRI: *not implemented*

+

Recommendation n°108: *Consider legislative and administrative measures to recognize violence on the basis of gender identity or sexual orientation as a hate crime* (Recommended by United States)

IRI: *not implemented*

LHRC response:

Not implemented.

ILGAE response:

There are debates at the moment, both in the Ministry of Justice and in the Parliament of Latvia (separate debates) in regards to hate crime legislation. Hate crimes towards LGBT community were mentioned. Both commissions are closed.

There are no debates on recognizing hate speech. No measures are considered at the particular moment.

LCHR response:

Not implemented. Criminal Law amendments foreseen in 2014. The current version of the amendments (not made public yet, but cited in an informative report on CL amendments) envisages criminalising incitement to social hatred and discontent and lists a wide range of grounds - gender, age, public of other beliefs, social origin, education, social or property status, type of occupation, or any other feature, if resulting in a significant damage. There is no explicit mention of sexual minorities as a protected group, despite the fact that surveys indicate high levels of intolerance against the LGBT.

Recommendation n°124: *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* (Recommended by Netherlands)

IRI: *not implemented*

LHRC response:

Not implemented.

ILGAE response:

No actions done.

## Women & Children

Recommendation n°9: *Continue to earmark sufficient funds for all child protection programs* (Recommended by Moldova)

IRI: *not implemented*



SOSCV response:

In last two years there have not been assigned additional funding to strengthen child protection programmes and there are still insufficient funding for implementing child protection programmes.

Recommendation n°10: *Continue to carry out measures in the field of child rights protection* (Recommended by Azerbaijan)

IRI: *fully implemented*

LHRC response:

[...] Notably, an advisory Commission on Protection of Rights of Children is re-established under the ministry of welfare in 2013 according to the 2013 amendments to the Children's Rights Protection Law. Earlier, an analogous commission existed under cabinet regulations, but it was not active lately

Recommendation n°19: *Establish a comprehensive plan on gender equality, especially stressing prosecution of sexual exploitation and prevention of gender violence* (Recommended by Spain)

IRI: *not implemented*

LHRC response:

[...] A plan was adopted in 2012, but it is in no way comprehensive concerning sexual exploitation and its scope on violence prevention is quite limited.

ILGAE response:

Ministry of Welfare is working on gender equality programme. Gender identity and gender expression is not included in the plan. In 2014, Mozaika will work on the inclusion of gender identity and gender expression in the national gender equality policy documents.

Recommendation n°20: *Continue efforts to advance gender equality and continue tackling the gender equality issues indicated in the national report* (Recommended by Lithuania)

IRI: *fully implemented*

ILGAE response:

Ministry of Welfare is working on gender equality programme. Gender identity and gender expression is not included in the plan. In 2014, Mozaika will work on the inclusion of gender identity and gender expression in the national gender equality policy documents.

Recommendation n°32: *Intensify its efforts to prevent, punish and eliminate all forms of violence against women* (Recommended by Argentina)

IRI: *partially implemented*

SOSCV response:

There is not available data and statistics about violence against women, there are still not implemented comprehensive system for protecting and supporting violence victims and rehabilitation of victims is not funded by state programmes, only child abuse victims receive rehabilitation till 60 days. There are still not implemented programmes on state level to work with perpetrators.



LCHR response:

Comprehensive Civil Law/Law on Police amendments to come into force in March 2014 aimed at combating domestic violence through the introduction of civil protection orders, broadening police powers to intervene in domestic violence cases, including separation of victims and offenders (offenders will be barred from households where victims reside, various other measures introduced). Implementation of measures into practice will require monitoring. No national victim support service to date, no state funded support services to adult victims of violence (postponed since 2010, except for victims of human trafficking).

Recommendation n°33: *Further continue its efforts to combat domestic violence, including through raising public awareness* (Recommended by Azerbaijan)

IRI: *fully implemented*

SOSCV response:

Domestic violence is not defined, there is no statistical data on domestic violence, there is available data on children who have received rehabilitation services and children who are placed in alternative care due to abuse. Public awareness campaigns are organized by NGOs on project basis, but there is not consequent and sustainable funding available for combating domestic violence on state level. Municipalities have lack of human and financial resources for prevention programmes and support services for dealing with domestic abuse cases.

LCHR response:

Comprehensive Civil Law/Law on Police amendments to come into force in March 2014 aimed at combating domestic violence through the introduction of civil protection orders, broadening police powers to intervene in domestic violence cases, including separation of victims and offenders (offenders will be barred from households where victims reside, various other measures introduced). Implementation of measures into practice will require monitoring. No national victim support service to date, no state funded support services to adult victims of violence (postponed since 2010, except for victims of human trafficking).

Recommendation n°66: *Adopt the necessary legislative measures in the Criminal Code to define domestic violence and criminalize marital rape as a specific crime* (Recommended by Mexico)

IRI: *not implemented*

LHRC response:

Not implemented.

LCHR response:

Not implemented. No definition of domestic violence, no criminalisation of marital rape as a specific crime.

Recommendation n°68: *Adopt the necessary legislation to explicitly prohibit violence against children, including corporal punishment* (Recommended by Finland)

IRI: *fully implemented*

LHRC response:

[...] The definitions of violence in the Children's Right Protection Law were specified in 2013.

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

Latvia achieved law reform to prohibit all corporal punishment of children in all settings including the home in 1998 (Law on Protection of the Rights of the Child 1998, art. 9). For a detailed report, see [[GIEACPC's website](#)]

Recommendation n°95: *Strengthen the capacity of the State Inspectorate for the Protection of Children's Rights* (Recommended by Norway)

IRI: *fully implemented*

LHRC response:

[...] The resources allocated were increased in 2012, but only by 4 % (with annual inflation reaching 1.6 %).

Recommendation n°96: *Consider establishing an Ombudsman for children* (Recommended by Norway)

IRI: -

LHRC response:

Not implemented.

SOSCV response:

State Inspectorate for the Protection of Children's Rights is not working as independent body and is a part of hierarchic system under Ministry of Welfare, therefore it can impact the scope of work in child protection field, considering establishing of an Ombudsman for Children or reforming State Inspectorate for Protection of Children's rights as independent body should be evaluated in order to achieve effective child protection system in country.

Recommendation n°98: *Adopt a comprehensive gender equality law* (Recommended by Poland)

IRI: *not implemented*

LHRC response:

Not implemented.

## Other

Recommendation n°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* (Recommended by United Kingdom)

IRI: *not implemented*

+

Recommendation n°7: *Accredit the Ombudsman to ensure its conformity with the Paris Principles* (Recommended by *Moldova*)

IRI: *not implemented*

+

Recommendation n°58: *Establish its national human rights institution to be fully adapted to the Paris Principles, with a broad and clear legal mandate and sufficient financial resources* (Recommended by *Spain*)

IRI: *not implemented*

+

Recommendation n°94: *Elevate the Ombudsman to an A-status national human rights institution in accordance with the Paris Principles* (Recommended by *Canada*)

IRI: *not implemented*

LHRC response:

Not implemented

LCHR response:

Not implemented. Seeking of accreditation was mentioned in the Ombudsman's Mid-Term Strategy 2011-2013.

Recommendation n°55: *Strengthen the Ombudsman's capacity to investigate and act on allegations of discrimination in all its forms* (Recommended by *United Kingdom*)

IRI: *not implemented*

ILGAE response:

Within Council of Europe LGBT project MOZAIKA have prepared Action plan "Advancing equality and respectful society". Action plan includes broad range of activities in order to promote equality and call for actions from the government for all vulnerable groups in the Latvian society.

There is no activity and expressed will from Ombudsman's office to work against discrimination on basis of sexual orientation and gender identity.

LCHR response:

Ombudsman's capacity to investigate and act on allegation of discrimination remains limited. There has been no discrimination case brought by the Ombudsman before the courts since 2006. Ombudsman's stance towards certain minority groups in 2011-2013 (LGBT, non-citizens, e.g. ethnic minorities - calls to transfer to instruction in Latvian language only in all state funded schools, reporting of teachers with inadequate Latvian language skills to State Language Centre) has created public controversies and questioning of Ombudsman's independence. The Ombudsman has criticised the spending of EU and state funds for Roma integration as ineffective and called for inclusion of Roma in project design and implementation and more effective control mechanism concerning allocation of funding. Although a Roma Council was established under the auspices of the Ombudsman's Office, according to Second Opinion of CoE AC FCNM, the Office is considered to have made only limited concrete contribution for the promotion of full and effective equality of Roma in society.

Recommendation n°91: *Enlarge the mandate and allocate sufficient resources to the Office of the Ombudsman, as a human rights institution, and ensure that it complies with the Paris Principles (Recommended by Poland)*

IRI: *partially implemented*

LHRC response:

[...] Resources allocated were somewhat increased in 2012 and are planned to increase in 2014, but still not reaching the level of 2009; the institution has not yet received full accreditation in compliance with the Paris Principles with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. There were no mandate-expanding amendments to the Law on the Ombudsman.

Recommendation n°92: *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 (Recommended by France)*

IRI: *not implemented*

LHRC response:

[...] Resources allocated were somewhat increased in 2012 and are planned to increase in 2014, but still not reaching the level of 2009; the institution has not yet received full accreditation in compliance with the Paris Principles with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. There were no mandate-expanding amendments to the Law on the Ombudsman.

LCHR response:

Not implemented. Accreditation with the ICC though foreseen in Ombudsman's strategy 2011-2013.

Recommendation n°93: *Empower the Office of the Ombudsman by providing enough resources to ensure its effectiveness and full compliance with the Paris Principles (Recommended by Norway)*

IRI: *partially implemented*

LHRC response:

[...] Resources allocated were somewhat increased in 2012 and are planned to increase in 2014, but still not reaching the level of 2009; the institution has not yet received full accreditation in compliance with the Paris Principles with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection on all of the States:

1. We contacted the Permanent Mission to the UN either in Geneva (when one exists) or in New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was contacted individually;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI and, also, sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedback from the latter.

### B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet that we provide. The Excel sheet includes all of the recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when



comments are defamatory or inappropriate. While we do not mention the recommendations that were not addressed, they can be accessed, unedited, on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account the possibility of stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. On the contrary, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1. An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then, the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims to have partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25 and will, thus, be considered as “not implemented”.

#### **Disclaimer**

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*

## Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
6	Consider raising the Ombudsman as a national institution for human rights accredited with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights	Algeria	Accepted	3	NHRI
8	Further continue its efforts in the field of protection and promotion of human rights	Georgia	Accepted	2	General
11	Contribute to the implementation of the recently adopted Human Rights Council resolution on children living and working on the streets	Hungary	Accepted	4	Rights of the Child
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	Accepted	3	Disabilities
17	Take steps to implement the recommendations of treaty bodies	Slovenia	Accepted	4	Treaty bodies
18	Continue to strengthen the national mechanism on gender equality, as recommended by the Committee on the Elimination of Discrimination against Women	Chile	Accepted	2	Treaty bodies, Women's rights
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	Accepted	5	Women's rights
23	Within the framework of the policy on promoting tolerance, strengthen measures towards interethnic harmony and cultural diversity	Belarus	Accepted	4	Minorities
25	Actively engage in the fight against racially motivated crimes	Czech Republic	Accepted	4	Racial discrimination
34	Provide specific training to law enforcement staff to enable them to better understand and prevent domestic violence	Hungary	Accepted	5	Rights of the Child, Women's rights
35	Continue taking measures to eliminate human trafficking	Czech Republic	Accepted	2	Trafficking
37	Pursue its efforts to combat trafficking in human beings, especially women and children	Algeria	Accepted	2	Rights of the Child, Trafficking, Women's rights



rec. n°	Recommendation	SMR	Response	A	Issue
38	Step up efforts to combat trafficking in human beings, including developing international cooperation with interested governments, international organizations and NGOs	Belarus	Accepted	4	Civil society, Trafficking
39	Continue its efforts to combat trafficking in human beings, and pay special attention to its victims	Costa Rica	Accepted	2	Trafficking
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	Moldova	Accepted	2	Rights of the Child, Trafficking
41	Prioritize the implementation of human trafficking protection and rehabilitation programmes	Norway	Accepted	4	Trafficking
42	Further develop and strengthen its programs and services to promote the rehabilitation of victims of trafficking	Canada	Accepted	5	Trafficking
56	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	Accepted	4	NHRI
57	Take all necessary measures to establish a national human rights institution according to the Paris Principles	Czech Republic	Accepted	4	NHRI
59	Integrate all groups that constitute Latvian society in national socioeconomic plans	Iran	Accepted	4	ESC rights - general
60	Take into account human rights education and training in its national education and training programs	Morocco	Accepted	4	Human rights education and training, Right to education
61	Take advantage of the substantial expertise that civil society represents, and enter into regular consultations with NGOs on human rights related issues, including the follow-up of the recommendations of the various United Nations treaty bodies	Norway	Accepted	4	Civil society, Treaty bodies
63	Adopt specific economic, social and cultural measures to combat discrimination and promote equal opportunities for disadvantaged and marginalized individuals and groups	Iran	Accepted	4	Other
65	Strengthen its criminal legislation on domestic violence to notably make sure that such violence is considered as an aggravating circumstance	France	Accepted	4	Rights of the Child, Women's rights
67	Develop an early-warning system by raising public awareness of the risks associated with migration and fictitious marriages	United Kingdom	Accepted	5	Migrants
84	Consider the possibility of ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Palestine	No Response	3	ESC rights - general, International instruments



rec. n°	Recommendation	SMR	Response	A	Issue
97	Follow up on the recommendation of the Committee on the Elimination of Discrimination against Women in order to strengthen its national system relating to women's rights	Djibouti	Accepted	4	Treaty bodies, Women's rights
99	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	Rejected	4	Women's rights
101	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	Rejected	4	Minorities, Racial discrimination
116	Prevent violence against Roma women and girls, including harassment and abuse at school, and address the gaps in their formal education	Iran	Accepted	4	Minorities, Right to education, Rights of the Child, Women's rights
121	Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families pursuant to recommendation 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe, of which Latvia is a member	Algeria	Rejected	3	International instruments, Labour, Migrants
122	Promote long-term programmes and initiatives to effectively promote full national integration and combat structural discrimination, for example by including minority languages in official procedures and documents, as well as including prohibition of discrimination in the Civil Code	Mexico	Rejected	5	Minorities
123	Adopt a specific programme to safeguard the rights of victims of torture and ill-treatment	Iran	Rejected	5	Torture and other CID treatment
125	Adopt effective steps to promptly eliminate an unacceptable system of non-citizenship. As a priority and urgent step, simplify the naturalization process for persons who have reached retirement age, as well as grant children of non-citizens the right to automatically acquire citizenship at birth	Russian Federation	Rejected	5	Other
126	Effectively comply with the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and pay particular attention to the 326,906 persons considered as non-citizens, and therefore stateless persons. Pay special and urgent attention and provide a solution to this severe and current humanitarian problem	Ecuador	Rejected	4	International instruments

A= Action Category (see on [our website](#))

SMR = State making recommendation

## Contact

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