



Latvijas Cilvēktiesību komiteja  
Latvian Human Rights Committee  
Латвийский комитет по правам человека

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Riga, June 22, 2015

**Stakeholder's submission to the Universal Periodic Review:  
the Republic of Latvia  
(2<sup>nd</sup> cycle; 24<sup>th</sup> session)  
*by Latvian Human Rights Committee (LHRC)  
(in Latvian – Latvijas Cilvēktiesību komiteja (LCK))***

Latvian Human Rights Committee is a NGO established in 1992 (incorporated in 1995) and mainly working on minority issues and housing. Since 1995, LHRC has been affiliated with FIDH.

[1] KEYWORDS: *International human rights law - National human rights institutions – Criminal law - Ill-treatment - Discrimination – Nationality - Persons belonging to minorities*

### *International human rights law*

[2] Since the last review, the most notable ratifications of non-UN instruments by the Republic of Latvia have been those of the Revised European Social Charter and the Protocol No. 13 to the European Convention on Human Rights.

[3] Despite repeated recommendations from the European Commission against Racism and Intolerance<sup>1</sup>, Latvia has not yet joined Protocol No. 12 to the European Convention on Human Rights, the European Charter for Regional or Minority Languages, the European Convention on Nationality, the Convention on the Participation of Foreigners in Public Life at Local Level.

[4] Recommendation: Latvia should sign and ratify the human rights treaties mentioned above in para. [3], as well as the following documents: the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, International Convention for the Protection of All Persons from Enforced Disappearance. Latvia should also recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals.

### *National human rights institutions*

[5] The Ombudsman of the Republic of Latvia is an official elected by the Parliament, whose main tasks are encouragement of the protection of human rights and promotion of good administration practices. The funding of the Ombudsman's Office has grown from 0.8 million EUR in 2010 to 1.2 million EUR in 2014.<sup>2</sup> However, this level is still far below the pre-crisis level of over 1.8 million EUR in 2007 and 2008. The Ombudsman's Office has not yet been accredited in accordance with Paris Principles.

[6] Recommendation: Adequate financial support should be guaranteed for the Ombudsman Office.

### *Criminal law reforms. Cruel, inhuman or degrading treatment*

[7] The prison population rate in Latvia is estimated as 264 per 100,000 as of April 2014. This is lower than before the previous UPR (333 in 2010)<sup>3</sup>, but still much

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<sup>1</sup> Report on Latvia (fourth monitoring cycle) CRI(2012)3 - see para. 1-7

<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-IV-2012-003-ENG.pdf>

<sup>2</sup> Report on the year 2014 by the Ombudsman of the Republic of Latvia – p. 194

[http://www.tiesibsargs.lv/files/content/zinojumi/Tiesibsarga%20zinojums\\_2014\\_ENG\\_FINAL.pdf](http://www.tiesibsargs.lv/files/content/zinojumi/Tiesibsarga%20zinojums_2014_ENG_FINAL.pdf)

<sup>3</sup> World Prison Brief: Latvia <http://www.prisonstudies.org/country/latvia>

higher than in most EU member states.<sup>4</sup> The progress can be attributed to the 2013 reform of the Criminal Law, having lowered possible sanctions in many cases.

[8] Concerning the recommendations of the previous UPR: marital rape and hate crimes based on sexual orientation or gender identity have not been described as separate offences. However, the new version of Section 150 of the Criminal Law<sup>5</sup>, as of 2014, criminalizes (in cases when considerable harm is done) triggering “social hatred”, defined as one based on person’s “sex, age, disability or any other feature”. Its judicial interpretation is not clear yet.

[9] A new Law on the Internal Security Office<sup>6</sup>, adopted in December 2014, is scheduled to come into force in November 2015. Thus, the Internal Security Office of the State Police, which usually investigates allegations of police ill-treatment, will be separated from the State Police. Nevertheless, it will remain under the auspices of the same Ministry of Interior, so its independence remains questionable.

[10] Recommendation: Further efforts are needed to promote use of criminal law sanctions other than imprisonment. The body investigating police ill-treatment should be made independent from the Ministry of Interior, possibly, by putting it under the Prosecution Service.

#### *Discrimination law*

[11] While there are anti-discrimination provisions in a number of laws, there is still no all-encompassing law on discrimination, except the general prohibition of discrimination in the Constitution. This might create problems, *inter alia*, in non-commercial renting of housing, since the Law on Residential Tenancy<sup>7</sup> lacks anti-discrimination provisions.

[12] Recommendation: a comprehensive act of legislation should be adopted, explicitly prohibiting discrimination in all spheres and providing for assistance in procedural issues to those seeking redress.

#### *Nationality – core statistics, obtaining and keeping one*

[13] As at 1 January 2015 there were 262,622<sup>8</sup> so-called “non-citizens” residing in Latvia, or 12.16 % of the total population, and 180 persons who have a Latvian-issued ID of a person recognized as stateless. 7846 “non-citizens” and 1 person recognized as stateless are under the age of 18.<sup>9</sup> The “non-citizens” are a special group of bearers

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<sup>4</sup>Highest to Lowest – Prison Population Rate [http://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=14](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=14)

<sup>5</sup>Criminal Law [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The\\_Criminal\\_Law.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/The_Criminal_Law.doc)

<sup>6</sup>Law on the Internal Security Office <http://likumi.lv/ta/id/271327-ieksejas-drosibas-biroja-likums> (in Latvian)

<sup>7</sup>Law on Residential Tenancy [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/On\\_Residential\\_Tenancy.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/On_Residential_Tenancy.doc)

<sup>8</sup>Distribution of population of Latvia by nationality [http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVP_Latvija_pec_VPD.pdf) (in Latvian)

<sup>9</sup>Distribution of population of Latvia by year of birth and nationality [http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVG\\_Latvija\\_pec\\_DZGada\\_VP](http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVG_Latvija_pec_DZGada_VP)

of Latvian “alien passports” - people without any citizenship, not considered by the Constitutional Court to be either Latvian nationals or stateless persons<sup>10</sup>); almost all of them are persons belonging to ethnic minorities.<sup>11</sup> In recent years the naturalisation has declined even lower than before the previous UPR - in 2009, 3,470 naturalisation applications were received; 2,080 people were naturalized. In 2014, 1,147 naturalisation applications were received; 939 people were granted citizenship of Latvia this way.<sup>12</sup>

[14] Amendments to the Citizenship Law<sup>13</sup>, adopted in 2013, have introduced some novel provisions, including:

- One to be commended - an application from one parent only (earlier – both parents, save exceptional circumstances) is needed to register a child of two non-citizens or stateless people (born after August 1991) as a citizen of Latvia. See Section 3.<sup>1</sup>
- One of a mixed impact - dual citizenship being allowed in some additional cases, but not with all states – only with EU, EFTA, NATO member states, Australia, Brazil and New Zealand. The choice raises concerns of discrimination in the view of impact on those willing to have dual citizenship of Latvia and a country not listed. See Sections 9 and 12.
- Some regrettably restrictive provisions, lacking proportionality to legitimate aims: The government is allowed to refuse naturalization on vague “security/constitutional order” grounds, in a way not subject to court review. Besides, the rule that before naturalization, the applicant must live in Latvia as a permanent resident for five years, is specified –“an interruption of one year in total is permitted but which cannot be during the last year before the day of submitting the application for naturalisation”. See Sections 11, 12 and 17.

[15] Recommendation: Latvia should ensure effective naturalisation through free training courses for the naturalisation examinations and abolition of examinations for people of retirement age and the disabled, as well as persons who received their education in Latvia. The procedure should be simplified for the newborn children born in Latvia - providing that they receive citizenship together with their birth registration, without need for an express parent’s application, if otherwise a child would be left without nationality. All refusals of naturalizations should be subject to judicial review.

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[D.pdf](#) (in Latvian)

<sup>10</sup>Constitutional Court judgment in case No. 2004-15-0106 <http://www.satv.tiesa.gov.lv/upload/2004-15-0106E.rtf> See Para. 15 and 17

<sup>11</sup> Distribution of population of Latvia by ethnicity and nationality [http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVN\\_Latvija\\_pec\\_TTB\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVN_Latvija_pec_TTB_VPD.pdf) (in Latvian)

<sup>12</sup>Naturalization: Statistics <http://www.pmlp.gov.lv/en/home/statistics/naturalization.html>

<sup>13</sup>Citizenship Law [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Citizenship\\_Law.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Citizenship_Law.doc)  
Can be compared with its 1998-2013 version available at <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018407.pdf>

### *Nationality – rights of those lacking it*

[16] “Non-citizens” have rights akin to citizens, for example, the right to reside in Latvia without visas or residence permits. In accordance with some legislative acts, some rights and opportunities are reserved only for citizens. This includes political rights (the right to participate in elections, establish political parties) and social and economic rights (land property rights in some territories, public and private sector careers in some professions, pension for work periods accrued during the Soviet period outside Latvia). Some of these rights are also guaranteed to the EU citizens if they reside in Latvia, but they are not granted to “non-citizens”.<sup>14</sup>

[17] Recommendation: Disproportional restrictions on “non-citizens” are to be cancelled, such as the ban for “non-citizens” to work as advocates, patent attorneys. Non-citizens should be granted the right to participate at least in local elections. The rights guaranteed to the EU citizens should be guaranteed also for “non-citizens”. The Government should comply with the judgment of the European Court of Human Rights in the case *Andrejeva v Latvia*<sup>15</sup> and ensure that old-age pension for work periods accrued during the Soviet period outside Latvia is paid to “non-citizens” in the same manner as to citizens.

### *Persons belonging to minorities – core statistics and education issues*

[18] As of 1 January 2015, 59.8% of the population were ethnic Latvians; others were persons belonging to ethnic minorities (Russian – 26.6%, Belarusians – 3.3%, Ukrainians – 2.4%, Poles – 2.2%, Lithuanians – 1.3%);<sup>16</sup> in many municipalities ethnic Latvians are in minority. According to the 2011 census, 62.1% of those having responded to the question named Latvian as the language mostly spoken at home, 37.2% said their language mostly spoken at home was Russian.<sup>17</sup>

[19] Public primary and secondary schools may implement education programmes in minority languages. Since 2004, in such secondary schools at least 60% of the curricula must be in Latvian<sup>18</sup> and since 2007 all state examinations shall be passed in Latvian. A government regulation adopted in 2014 provides for most municipal minority schools to introduce teaching mostly in Latvian in grades 7 to 9, too, starting from 2015.<sup>19</sup>

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<sup>14</sup> Buzayev V. Legal and social situation of the Russian-speaking minority in Latvia. Riga: Averti-R, 2013. ISBN 978-9934-8245-1-7 [http://www.russkije.lv/files/images/text/PDF\\_Files/Legal-and-social-situation.pdf](http://www.russkije.lv/files/images/text/PDF_Files/Legal-and-social-situation.pdf) See Annex 1 for an annotated list of differences in rights of citizens and “non-citizens”

<sup>15</sup> Application No. 55707/00

<sup>16</sup> Distribution of population of Latvia by ethnicity and nationality [http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVN\\_Latvija\\_pec\\_TTB\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/statistika/01.01.2015/ISVN_Latvija_pec_TTB_VPD.pdf) (in Latvian)

<sup>17</sup> Final results of the Population and Housing Census 2011 [http://data.csb.gov.lv/pxweb/en/tautassk\\_11/tautassk\\_11\\_tsk2011/?tablelist=true&rxid=992a0682-2c7d-4148-b242-7b48ff9fe0c2](http://data.csb.gov.lv/pxweb/en/tautassk_11/tautassk_11_tsk2011/?tablelist=true&rxid=992a0682-2c7d-4148-b242-7b48ff9fe0c2) See table TSG11-07

<sup>18</sup> Education Law [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Education\\_Law.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Education_Law.doc) See Section 9 and Para. 9 of the Transitional Rules

<sup>19</sup> Cabinet regulation No. 468 of 12 August 2014 <http://likumi.lv//ta/id/268342> (in Latvian)

[20] The most urgent issue of concern (taking into account also the recommendations of the previous UPR accepted by Latvia) is the gradual abolition of the network of schools and “streams” (minority classes in schools also offering education programmes in Latvian language only) with bilingual Latvian/Russian instruction. In 2006/2007, there were 240 such schools; in 2010/2011 – 176. In 2014/2015, there are only 160 left.<sup>20</sup>

[21] Another problem is, that since 2012, Latvian language exams are uniform for those graduating from Latvian-only and minority (virtually all of the latter are bilingual) high schools. Unsurprisingly, the average results of minority school graduates are lower and so are their chances to obtain a state-paid place to study at a university (usually offering those places based on results of final school exams).<sup>21</sup>

[22] Recommendation: The right to qualitative education in the languages of minorities should be guaranteed, including by increasing their number; the administration of educational institutions should have the right to choose independently the proportion of different languages of instruction in their educational programmes; requirements for final exams in Latvian should be differentiated for graduates of minority and Latvian-language-only schools.

*Persons belonging to minorities – impact of language legislation outside education*

[23] The current Official Language Law stipulates that all other languages, except the Latvian language, are defined as foreign languages with the only exception for the nearly-extinct Liv language.<sup>22</sup> Employees of state and municipal institutions and enterprises must know and use the state language to the extent necessary for the performance of their professional duties. The Government defines the level of proficiency necessary for each profession. In the private sector, employers set their own requirements as to the state language proficiency of their employees, but the Government set requirements in respect of those employees, whose activities affect the legitimate interests of the society.

[24] The legislation demands that all personal names, place names, street names and other topographical indications be spelled in the state language only (upon wish in documents personal name may be supplemented by the historical or original form in another language transliterated in the Latin alphabet. Despite the 2010 Human Rights Committee views in *Raihman v. Latvia*,<sup>23</sup> asking for narrowing restrictions on the use of minority names, the relevant law hasn't been changed). The legislation does not guarantee the right to use languages other than the state language for communication with the authorities; it also directly prohibits the use of other languages in written

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<sup>20</sup>Statistics on the website of the Ministry of Education and Science – number of schools in 2014/2015 [http://www.izm.gov.lv/images/statistika/visp\\_izgl/2014\\_2015/VS\\_skolu\\_sk\\_14.xls](http://www.izm.gov.lv/images/statistika/visp_izgl/2014_2015/VS_skolu_sk_14.xls) (in Latvian) - see "pa plusmam". "Latviešu"="Latvian [language]"; "krievu"="Russian [language]"

<sup>21</sup> A comparative evaluation of the successes of graduates of Latvian-language classes and classes with partial use of Russian language – according to centralized exams [http://www.lhrc.lv/axiv/Comparative\\_grades.pdf](http://www.lhrc.lv/axiv/Comparative_grades.pdf) (in Russian)

<sup>22</sup> Official Language Law [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Official\\_Language\\_Law.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Official_Language_Law.doc)

<sup>23</sup> Communication No. 1621/2007

communications with official bodies. This rule is also applied in regions where the share of the non-Latvian population is significant or even dominant.

[25] The Administrative Violations Code<sup>24</sup> outlines different kinds of language violations, including knowledge of Latvian being insufficient for performing one's duties (applicable not only to the public sector, but also to many professions in the private sector).

[26] Recommendation: status of minority languages should be explicitly recognised in the legislation, providing the opportunity to use personal names (also in the main pages), place names, street names and other topographical indications in minority languages, as well as the right to contact the authorities in minority language on the territories where a significant part of population belongs to minorities. Sanctions for the professional state language proficiency requirements should be reviewed, taking into account the principle of proportionality.

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<sup>24</sup> Administrative Violations Code

[http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Latvian\\_Administrative\\_Violations\\_Code.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Latvian_Administrative_Violations_Code.doc) See Sections 201.26 and the following ones