

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of Latvia**



Warsaw, 15 October 2020

OSCE/ODIHR Submission of Information about an OSCE Participating State or Partner for Co-operation under Consideration in the Universal Periodic Review Process

Participating State: Latvia

UPR Working Group Session and Date of Review: 38th Session, 3-21 May 2021

Background

1. Latvia has been a participating State in Organization for Security and Co-operation in Europe (OSCE) since 1991 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE-Documents.¹

2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Latvia, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE-Area.

3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Latvia and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Latvia.

Election-related activities

ODIHR has observed seven elections in the country, most recently the 2018 parliamentary elections.

Parliamentary elections, 6 October 2018

4. Following an invitation from the Latvian Ministry of Foreign Affairs (MFA) to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 6 October 2018 parliamentary elections, and in accordance with its mandate, ODIHR deployed an Election Assessment Mission (EAM) to observe the elections.

5. According to the 2019 ODIHR EAM Final Report, “[t]he elections were conducted professionally, and the election administration enjoyed a high level of public confidence. Contestants were able to campaign freely in a competitive and pluralistic environment in which fundamental freedoms were generally respected. The legal framework is comprehensive and serves as an adequate basis for the conduct of elections, although it could be further refined to enhance the inclusiveness of the electoral process.” The full EAM report is available at <https://www.osce.org/odihr/elections/latvia/409344>

6. ODIHR, within its mandate, offered 19 recommendations including the following 7 priority recommendations:²

- a) The blanket restriction of candidacy rights of citizens who have committed an intentional crime, irrespective of its gravity, is disproportionate and should be revised. The law should be amended to remove the life-ban for those who have committed a crime in a state of mental disorder.

- b) Consistent with prior ODIHR recommendations, the authorities should review the need to maintain restrictions on candidate eligibility based on prior political affiliation or occupation. Any criteria on eligibility of candidates should be objective, proportionate, and clearly provided for by law.
- c) The restriction on the registration of parties which were created less than one year prior to elections should be revised.
- d) In order to promote inclusive political participation, the authorities could further explore ways to increase the naturalization rate of adult non-citizens, such as conducting campaigns to promote naturalization, publicizing opportunities for simplified naturalization under the revised Citizenship Law in Latvian and minority languages, and expanding the availability of free opportunities to learn Latvian.
- e) To comply with international standards, criminal provisions for defamation should be repealed in favour of civil remedies and non-pecuniary measures designed to restore the reputation harmed.
- f) As previously recommended, consideration should be given to amending the legislation to explicitly provide for the presence of observers, both citizen and international, to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.
- g) The law should be clarified to provide for timely and effective review of election-related complaints and appeals, including within the election administration, and should be revised to eliminate restrictions on the standing of complainants.

7. The deployment of the ODIHR EAM was recommended following an ODIHR Needs Assessment Mission (NAM) deployed to Latvia from 4 to 7 June 2018. The ODIHR NAM report noted “the confidence of interlocutors in the integrity of the electoral process and the professionalism and impartiality of the election administration in organizing the elections. No significant concerns were expressed related to the respect for fundamental freedoms, transparency of the electoral process, and administration of Election Day proceedings. Nevertheless, several ODIHR NAM interlocutors noted that only a few previous ODIHR recommendations have been implemented and that an external assessment could contribute to continued refinements of election legislation and practice. a number of aspects would merit specific attention from an ODIHR observation activity, including the management of voter lists, candidacy rights, campaign finance, media access and coverage of the campaign, and participation of national minorities and women. On this basis, the ODIHR NAM recommends the deployment of an Election Assessment Mission for the 6 October parliamentary elections.” The full NAM report is available at <https://www.osce.org/odihr/elections/latvia/387665>

Electoral Follow-up in Latvia

8. Final reports include priority recommendations and as such are treated as a central element of any follow-up process. In view of the above-mentioned, ODIHR visited Riga in October 2019 to present the ODIHR final report on 6 October 2018 early parliamentary elections in Latvia. The report’s findings and recommendations were presented by ODIHR to the Ministry of Foreign Affairs, the Central Election Commission, members of parliament, other government agencies, and civil society.

9. The authorities stated their intention in following-up on recommendations and engaging ODIHR’s expertise on legislative initiatives related to voter registration and campaign

finance. ODIHR confirmed its willingness to support any such initiatives, including through a review of a legal amendments and technical expertise.

Tolerance and non-discrimination issues:

10. ODIHR's 2020 report "OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic" found that, as the coronavirus is widely considered to have spread from China to other countries, in some participating States, including Latvia, intolerance and discrimination was significantly directed towards people perceived to be of Asian descent in the early phase of the pandemic. ODIHR's recommendations for Latvia include

- Latvia should uphold existing commitments and international obligations on tolerance and non-discrimination.³
- Condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities.
- Ensure that any measures and restrictions imposed due to the emergency situation are created and applied in a non-discriminatory manner, as prescribed by relevant international standards. Working together with civil society organizations and minority communities in this process is crucial.
- Design and implement recovery assistance in a non-discriminatory manner, with the participation of underrepresented groups affected by discrimination.
- Celebrate and harness the strength of diversity within the participating State, as a means of overcoming current and forthcoming social and economic challenges of the pandemic.

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

² In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

³ OSCE participating States have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE participating States have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of participating States' realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).