



## **World Jewish Restitution Organization (WJRO)**

WJRO's Submission for the 3rd Universal Periodic Review of Latvia  
For consideration at the 38th session of the UPR Working Group to be held in April / May 2021

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WJRO is a non-profit organization that serves as the legal and moral representative of world Jewry in pursuing claims for the recovery of Jewish properties in Europe (with the exception of Germany and Austria). Following the collapse of the Communist regimes in Eastern Europe, the leading world Jewish organizations established the WJRO in 1993 to address the restitution of Jewish property and the material wrongs caused to European Jewry during the Holocaust.

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## Executive Summary

1. WJRO is the legal and moral representative of world Jewry in pursuing claims for the recovery of Jewish properties in Europe. WJRO's 14 member organizations are major Jewish non-profit organizations in Europe, North America, and Israel.<sup>1</sup> In Latvia, WJRO works closely with the Latvian Council of Jewish Communities (LCJC). WJRO also serves on the Council of the Latvian Jewish Community Restitution Fund (LEKOREF), which manages Jewish religious and communal properties in Latvia restituted pursuant to a 2016 law.
2. WJRO welcomes the opportunity to contribute to the third cycle of the Universal Periodic Review (UPR) of Latvia.
3. This submission focuses on the Government of Latvia's compliance with international human rights commitments to provide restitution of, or compensation for, property wrongfully confiscated in the Holocaust and its aftermath, during the occupation of Latvia.
4. The thriving pre-war Jewish community of Latvia suffered enormous losses during the Holocaust. Approximately 95,000 Jewish people lived in Latvia before the war – in 1944, when the Soviet army reoccupied Latvia, only a few hundred Jews remained. In addition, several thousand Latvian Jews survived the Holocaust and returned to Latvia after the war, including those who survived deportation to concentration camps or had fled to the Soviet Union to escape the Nazis. About 9,500 Jewish people currently reside in the country. In addition to the loss of life, Jewish properties, including homes, synagogues, cemeteries, hospitals, schools, and other communal and religious spaces were systematically destroyed or stolen during the Soviet occupation between 1940 and 1941 and subsequently during the Nazi occupation.
5. Latvia has taken important steps on property restitution. However, thirty years since Latvia regained independence, the Latvian Jewish communities together with WJRO continue to await the return of, or compensation for, remaining communal and religious properties, as well as for property that was left heirless as a result of the murder of entire families during the Holocaust.
6. WJRO notes that during the first and second cycles of the UPR, recommendations were not made to the Government of Latvia relating to property rights in general, nor on the issue of Holocaust-era property restitution. The second cycle of the UPR was held on 26 January 2016, when Latvia was in the process of passing legislation for the return of 5 Jewish religious and communal properties, which was meant as a step toward addressing remaining claims. In this context, the United States of America commended Latvia during the second cycle of the UPR for "its effort towards the restitution of Jewish communal properties and encouraged further progress." (A/HRC/32/15 - Para. 67).
7. WJRO is concerned by the lack of progress in Latvia since 2016 relating to Holocaust-era property restitution and makes recommendations to address this concern.

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<sup>1</sup> WJRO Members: Agudath Israel World Organization; American Gathering of Jewish Holocaust Survivors and Their Descendants; American Jewish Committee; American Jewish Joint Distribution Committee; B'nai B'rith International; Centre of Organizations of Holocaust Survivors in Israel; Conference of European Rabbis; Conference on Jewish Material Claims Against Germany; European Council of Jewish Communities; European Jewish Congress; Jewish Agency for Israel; National Coalition Supporting Eurasian Jewry; World Jewish Congress; World Zionist Organization.

## Background and framework

8. The right to property is firmly rooted in international human rights law and Latvia's domestic law. Article 17(1) of the Universal Declaration of Human Rights states that "Everyone has the right to own property alone as well as in association with others." Article 17(2) provides that "No one shall be arbitrarily deprived of his property." The right to property is also enshrined in Article 1 of Protocol 1 to the European Convention on Human Rights and Article 17 of the Charter of Fundamental Rights of the European Union. Article 89 of Latvia's constitution obligates the State to recognize and protect fundamental human rights in accordance with international agreements, and Article 105 expressly protects the right to property.<sup>2</sup> Latvia's *Law on the Restitution of Property to Religious Organizations* (1992) further provides for the return to religious organizations of "religious" property confiscated between 1940 and 1992.
9. The right to an effective remedy for violations of human rights is also enshrined in international law, and requires States to, among other things, take appropriate legislative and administrative measures to prevent violations and to provide victims with remedies, including restitution and compensation for property wrongfully taken.<sup>3</sup> Latvia was a co-sponsor of General Assembly resolution 60/147 (21 March 2006), which sets out the Basic Principles and Guidelines on the Right to a Remedy. Article 19 provides that "Restitution should, whenever possible, restore the victim to the original situation" and that restitution includes the "return of property." Where complete restitution is not possible, Article 20 indicates that "Compensation should be provided for any economically assessable damage, as appropriate." The European Parliament's December 1995 Resolution on the return of plundered property to Jewish communities "Calls on all countries of Central and Eastern Europe which have not already done so to adopt appropriate legislation regarding the return of plundered property so that the property of Jewish communities may be returned to Jewish institutions, in accordance with the principles of justice and morality;" and "Asks also that all countries of Central and Eastern Europe which have not already done so adopt appropriate legislation for the return of other property plundered by the Communists or the Nazis and their accomplices to their rightful owners."<sup>4</sup> Similarly, the European Parliament's July 1998 Resolution on the restitution of the possessions of Holocaust victims "Calls on the Council and Commission, out of respect for the memory of millions of victims and the most elementary human rights, to bring every pressure to bear on the governments concerned to ensure that these assets are disclosed and returned to their original owners or those now entitled to them."<sup>5</sup>

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<sup>2</sup>The Constitution of the Republic of Latvia, available at: <https://www.president.lv/en/republic-of-latvia/the-constitution-of-the-republic-of-latvia#gsc.tab=0> (Article 89: "The State shall recognise and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia."; Article 105: "Everyone has the right to own property. Property shall not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law. Expropriation of property for public purposes shall be allowed only in exceptional cases on the basis of a specific law and in return for fair compensation.")

<sup>3</sup> See for example: UDHR, Article 8; ICCPR, Article 2(3); European Convention on Human Rights, Article 13; and Charter of Fundamental Rights of the European Union, Article 47.

<sup>4</sup> Official Journal C017, 22/01/1996 P. 0199, available at: <https://op.europa.eu/en/publication-detail/-/publication/0418d6e6-f5d7-4fdc-b097-f1786a5effb7>.

<sup>5</sup> Official Journal C 292, 21/09/1998 P. 0166, available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A51998IP0763>.

<sup>6</sup> Terezin Declaration on Holocaust Era Assets and Related Issues, available at: <http://www.eu2009.cz/en/news-and-documents/news/terezin-declaration-26304>.

10. The 2009 Terezin Declaration on Holocaust Era Assets,<sup>6</sup> endorsed by 47 countries including Latvia, and the accompanying 2010 Guidelines and Best Practices for immovable property,<sup>7</sup> endorsed by 43 countries including Latvia, establish international standards for the restitution of Jewish property wrongfully taken during the Holocaust or its aftermath, including Jewish communal and religious property. The Terezin Declaration states “that the protection of property rights is an essential component of a democratic society and the rule of law, acknowledge[es] the immeasurable damage sustained by individuals and Jewish communities as a result of wrongful property seizures during the Holocaust (Shoah), [and] recogniz[es] the importance of restitution or compensating Holocaust-related confiscations made during the Holocaust era between 1933-45 and as its immediate consequence.” More specifically, the Terezin Declaration recognizes “the importance of recovering communal and religious immovable property in reviving and enhancing Jewish life, ensuring its future, assisting the welfare needs of Holocaust (Shoah) survivors, and fostering the preservation of Jewish cultural heritage,” emphasizes “the importance of restituting communal and individual immovable property that belonged to the victims of the Holocaust (Shoah) and other victims of Nazi persecution,” and urges “that every effort be made to rectify the consequences of wrongful property seizures ... which were part of the persecution of these innocent people and groups, the vast majority of whom died heirless.” In accordance with the accompanying Guidelines and Best Practices, communal property is broadly defined as “property owned by religious or communal organizations and includes buildings and land used for religious purposes, e.g. synagogues, churches cemeteries, and other immovable religious sites which should be restituted in proper order and protected from desecration or misuse, as well as buildings and land used for communal purposes, e.g. schools, hospitals, social institutions and youth camps, or for income generating purposes.” In endorsing the Terezin Declaration and its accompanying Guidelines and Best Practices, Latvia committed to “make every effort to provide for the restitution of former Jewish communal and religious property by either in *rem restitution* or compensation.”

## **Implementation of international human rights obligations and commitments**

### Achievements

11. Latvia has taken important steps toward redressing property wrongfully confiscated during the Soviet occupation, the Holocaust and its aftermath. Under special laws, the Government restituted the Riga Jewish Community Center and the Bikur Holim hospital.
12. Shortly after declaring independence, Latvia enacted a series of private property restitution laws between 1990 and 1992. Consistent with what was later articulated in the Terezin Declaration, this legislation did not discriminate based on citizenship, thus including people who no longer held Latvian citizenship, such as Holocaust survivors and their descendants who now live outside Latvia.
13. Latvia also adopted the *Law on the Restitution of Property to Religious Organizations* (1992), which applied to all religious groups. The law entitled religious organizations or the central authority of the religion to the return of “religious” property confiscated between 1940 and 1992 (Article 2). The legislation provided for compensation in cases where property could not be returned (Article 3).

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<sup>6</sup> Terezin Declaration on Holocaust Era Assets and Related Issues, available at: <http://www.eu2009.cz/en/news-and-documents/news/terezin-declaration-26304>.

<sup>7</sup> Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II, available at: <http://www.shoahlegacy.org/storage/app/media/2.1/2.1.1.%20Guidelines%20and%20Best%20Practices%202010.pdf>.

Administration of justice and the rule of law

14. Unfortunately, Latvia's 1992 *Law on the Restitution of Property to Religious Organizations* failed sufficiently to take into account the fate of the Jewish community of Latvia and the peculiarities of the Jewish faith in general. Notably:
  - i. Under Article 4 of the law, religious organizations would not be compensated for property "destroyed during World War II." However, Jewish communal and religious property was specifically targeted for destruction during World War II.
  - ii. There is no provision in the law for restitution of Jewish communal or religious property in communities that were entirely wiped out in the Holocaust. Rather, Article 6 of the legislation states that if a congregation or religious organization does not exist anymore, then its property is passed to the appropriate "religious center." However, Jewish communities in general and in Latvia do not have a central authority, as Judaism is a decentralized religion. This provision meant that to reclaim properties, it would have been necessary to re-create Jewish communities in towns where no Jews exist today.
  - iii. The law also neglected to reflect the religious nature of many communal organizations.
  
15. The legislation's shortcomings have resulted in Latvia providing restitution for only a small number of Jewish communal or religious properties, and the law of 1992 continues to have negative implications on Latvian Jewish communities.<sup>8</sup> For instance:
  - i. In Liepaja, where the community was re-established, only 6 religious properties were returned out of 38.
  - ii. In Daugavpils, where the community was re-established, only 6 religious properties were returned out of 70.
  - iii. The Jewish religious welfare and burial organization, the Hevra Kadisha (Holy Society), building in Liepaja was not returned as the property was considered "not religious."
  - iv. The government initially contended that the building of the Religious School on Birznieka Upīša 12 was just a school, lacking a religious component. Ultimately, the community was able to prove that it was a religious school and reclaim their property.
  
16. Beginning in 2003, the government and Jewish community – through the use of a special working group, which included government and Jewish representatives – agreed on proposed legislation that would have comprehensively addressed the restitution of religious, communal and heirless property. However, the Saeima did not pass the draft legislation. Subsequently, a government-only working group was established in 2008, which in 2010 presented a report identifying religious and communal properties eligible for restitution. However, in 2012, the Justice Minister resigned after being asked by the Prime Minister to establish a new working group with the Jewish community to decide which of the identified properties should be restituted *in rem* and which should be compensated for. At this point, then-Prime Minister Dombrovskis announced that future action on restitution would require parliamentary action.
  
17. In February 2016, after years of discussions with the WJRO and LCJC, the Latvian Saeima passed legislation that restituted an initial five of the remaining properties. This legislation was intended as a step toward addressing the remaining Jewish communal and religious properties that have not been restituted. However, since 2016, no additional properties have been returned.
  
18. According to the LCJC, the Government of Latvia has yet to return, or provide compensation for, 270 remaining properties.

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<sup>8</sup> By contrast, other religious organizations and denominations were able to reclaim almost all of their religious and communal properties, including schools, rental houses, clergy houses, and land.

19. In June 2019, legislation was introduced in the Saeima to address outstanding Jewish property claims, including remaining Jewish communal and religious properties. The proposed law would compensate the Jewish community via the Latvian Jewish Restitution Fund, and the proceeds would be used to sustain and revitalize Jewish life in Latvia and preserve the cultural and historical heritage of Latvian Jews. The Fund would also provide social and material assistance to Holocaust survivors in Latvia, including those who currently live in other countries. The proposed law also contained safeguards to ensure the highest level of governance for the funds. Unfortunately, the draft legislation has not yet moved forward.
  
20. In 2017, the WJRO was one of the lead organizers of a conference at the European Parliament “Conference on Unfinished Justice: Restitution and Remembrance.” At the Conference, the European Shoah Legacy Institute (ESLI) presented its report, which reviewed the progress made by each country that endorsed the Terezin Declaration in meeting the principles of the Terezin Declaration and the Guidelines and Best Practices.<sup>9</sup> The ESLI report found that in Latvia, “Limitations written into the law made it difficult for the Jewish religious community to receive restitution or compensation for communal property. The main obstacle preventing return of religious properties was the law’s requirement that where the religious community had been wiped out by the Holocaust, the property would be returned to the ‘religious centre of faith in Latvia’. Historically, there was no such centre of faith for the Jewish religion in Latvia, and thus, no one to receive the property.”<sup>10</sup> The ESLI Report further notes that in 2016 “Parliament passed legislation that resulted in the return of five (5) additional pieces of communal property to the Jewish community as well as the removal of restrictions on one (1) property. However, most of the properties are in poor condition.”<sup>11</sup>
  
21. The United States Department of States published the Justice for Uncompensated Survivors Act (JUST Act) Report on 29 July 2020,<sup>12</sup> as the United States government’s first-ever comprehensive review of the state of restitution of Holocaust-era assets. The report focuses on the progress that countries have made toward fulfilling commitments they took upon themselves by endorsing the Terezin Declaration. The report found that “Jewish communities throughout Europe continue to face challenges in recovering or receiving compensation for communal and religious properties confiscated, destroyed, or nationalized in the Holocaust or Communist eras.”<sup>13</sup> The report also found that “Over the last 75 years, the inability of many Jewish communities to regain ownership of the synagogues, schools, and community centers that once sustained religious and communal life has had far-reaching, negative effects, likely exacerbating the shrinking of Jewish communities in several European countries in the years after the devastation of the Holocaust.”<sup>14</sup> With respect to Latvia in particular, the report showed that “From 1991 to 2016, Latvia returned some of the communal and religious property confiscated during the Holocaust and Communist eras, but the Latvian Council of Jewish Communities has identified approximately 265 such properties that still need to be returned.”<sup>15</sup> The report further notes that “In mid-2019, the country’s new coalition government expressed a willingness to take up the remaining restitution issues, but as of October 2019, the parliament had not adopted the government’s draft legislation.”<sup>16</sup>

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<sup>9</sup> European Shoah Legacy Institute, Immovable Property Restitution Study, available at: <http://shoahlegacy.org/storage/app/media/2.1/2.1.4.2%20Immovable%20Property%20Restitution%20Study.pdf>.

<sup>10</sup> ESLI Report, p. 215.

<sup>11</sup> ESLI Report, p. 215.

<sup>12</sup> Justice for Uncompensated Survivors Today (JUST) Act Report, available at: <https://www.state.gov/reports/just-act-report-to-congress>.

<sup>13</sup> JUST Act Report, p. 6.

<sup>14</sup> JUST Act Report, p. 7.

<sup>15</sup> JUST Act Report, p. 100.

<sup>16</sup> JUST Act Report, p. 100.

## **Recommendations**

22. In light of this context, WJRO calls upon the Government of Latvia to adopt legislation, such as the draft law introduced in June 2019, to address outstanding Jewish property claims from the Holocaust era and its aftermath, including remaining Jewish communal properties.
23. This legislation should be consistent with international standards set forth in the Terezin Declaration and the accompanying Guidelines and Best Practices.
24. Finalizing this process would be a meaningful acknowledgement of the unique tragedy that befell Latvian Jewry, and a powerful statement of Latvia's abiding goodwill to its Jewish Community and to Latvian Holocaust survivors. The legislation would enable the Latvian Jewish community to further revitalize itself, preserve its heritage, and help elderly Latvian Holocaust survivors, wherever they now reside, live their remaining days with the dignity they deserve.