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**Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

**Latvia\***

The present report is a summary of 7 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.



## **I. Information provided by the national human rights institution of the State under review accredited in full compliance with the Paris Principles**

1. The Ombudsman noted that new regulations relating to restrictions on legal capacity enacted in 2013 had introduced significant improvements in this area. Legal capacity could now only be restricted in certain areas, such as financial matters and the right to manage property.<sup>2</sup> In examining court judgments in this area subsequent to the changes, it noted cases where restrictions had been applied in areas which were not subject to restrictions and drew the attention of the Ministry of Justice to such shortcomings in 2014.<sup>3</sup> It observed that notwithstanding that the Ministry had acknowledged the existence of problems, the restrictions continued in contradiction with the individual's rights.<sup>4</sup>

2. The Ombudsman noted that Latvia had not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT).<sup>5</sup> It considered that Latvia had no national preventive mechanism as the Ombudsman could not be treated as an effective independent preventive mechanism, because of its limited capacities in this field. It disagreed with a reply it received on the issue from the Government in 2012 in which the Government noted that the mandate of the Ombudsman largely met the criteria for such a mechanism under OP-CAT.<sup>6</sup>

3. The Ombudsman noted that the transformation of the Internal Security Office from an institution supervised by the Police into one supervised by the Ministry of the Interior with the institutional autonomy of an investigative authority had been rescheduled from October 2014 until autumn 2015. It stated that changes in the existing practices were crucial in addressing shortcomings in internal investigations of police officers noted by the European Court for Human Rights in a judgment issued in 2011.<sup>7</sup> It emphasized the need to focus on increasing the capacity of the said institution.<sup>8</sup>

4. The Ombudsman outlined concerns in the issues of the protection of the rights of children without parental care who were accommodated in care institutions.<sup>9</sup> It observed that in practice children were referred to orphanages because of the lack of guardians and foster families in Latvia rather than because institutional care was best suited to them. It had informed the Saeima (Parliament) and the Government of the need to pursue the appropriate policies for providing alternative care and provide sufficient funding and guarantees for foster carers as well as other forms of support.<sup>10</sup> It considered that progress in addressing the issue was too slow because of insufficient funding.<sup>11</sup> It noted that courts were obliged to review the dossiers of children in institutional care and seek care in a foster family if their reunion with their biological family was impossible, but that children frequently remained in institutional care for between periods of between 2 and 6 years.<sup>12</sup> It called on the State to develop preventive support for families and ensure effective social services for families in a situation of crisis.<sup>13</sup>

5. The Ombudsmen drew the attention of the Government in 2011 to its view that the minimum levels of old-age pension were insufficient to guarantee minimum social provision and called for the use of internationally-recognized methods for determining the minimum levels of pensions.<sup>14</sup> It also drew attention to the State's failure to guarantee at least a minimum level of social security.<sup>15</sup> It had pointed out in 2012 the high level of poverty risk and emphasized that, in spite of the recovering economy, more than a half of all population in Latvia, and even as much as 78 per cent in some regions, still experienced poverty.<sup>16</sup> The Ombudsman drew attention to the insufficient level of the minimum wage and noted that, following a decrease in the percentage of employees earning the minimum

wage between 2011 and 2014, this proportion had increased to 25.3 per cent in 2015 along with the increase in the minimum wage.<sup>17</sup>

6. The Ombudsman stated that a high proportion of patients had no access to the healthcare services they were entitled to, and on most occasions, had to pay for consultations with medical professionals because the quotas guaranteed by the State had been exhausted.<sup>18</sup> It considered that the funding deficit prevented medical professionals from providing treatment in accord with the applicable clinical guidelines.<sup>19</sup> It stated that according to a 2003 opinion issued by international experts, Latvia would require about 7 per cent of GDP in an adequate health budget. The Ombudsman reported that in 2013 the budget amounted to 3 per cent of GDP.<sup>20</sup>

7. The Ombudsman mentioned its opinion on the availability and quality of housing provided by the municipalities and noted that compliance with the criteria to be fit for dwelling was often merely formal and that tenants from vulnerable groups had to meet disproportionate requirements for their own investments in decorating the housing.<sup>21</sup> It referred to the insufficient funding by the State for maintaining and increasing municipal housing.<sup>22</sup>

8. The Ombudsman was concerned that violence between children was common in educational establishments.<sup>23</sup> It stated that the normative regulations were inadequate and not applied to their full potential.<sup>24</sup> It had also established that the legal obligations to develop correction programmes for anti-social behaviour had been neglected by most municipalities.<sup>25</sup>

9. The Ombudsman noted that the right of children with special needs to pursue education appropriate to their health condition, development level and abilities was topical in Latvia, but that on most occasions children with special needs had no special educational establishments available in their vicinity. These children therefore mainly attended special boarding schools.<sup>26</sup> It called on the state to facilitate the availability of special curricula to guarantee that each municipality meets its obligation to provide pre-school and basic education.<sup>27</sup>

10. The Ombudsman pointed out that the requirements of the Convention on the Rights of Persons with Disabilities (CRPD) with respect to the provision of technical facilities had not been met by Latvia and it had indicated to the Government and Parliament the need to provide technical facilities to persons with disabilities within a reasonable period of time.<sup>28</sup> It believed that complete environmental access must be provided, at least in medical, educational and social care institutions, but noted the access requirements had been reduced by the Government in 2013 and referred to reports where persons with disabilities had been provided with medical services on the street because of a lack of access.<sup>29</sup>

## **II. Information provided by other stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations<sup>30</sup>**

11. The Latvian Human Rights Committee (LHRC) and the Latvian Centre for Human Rights (LCHR) recommended that Latvia ratify the OP-CAT.<sup>31</sup> LHRC also recommended that Latvia 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, 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.<sup>32</sup> It also called

upon Latvia to recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals.<sup>33</sup>

12. LHRC noted that despite repeated recommendations from the European Commission against Racism and Intolerance (CoE-ECRI), Latvia had not joined Protocol No. 12 to the European Convention on Human Rights and Fundamental Freedoms, the European Charter for Regional or Minority Languages, the European Convention on Nationality and the Convention on the Participation of Foreigners in Public Life at Local Level.<sup>34</sup>

13. The Council of Europe (CoE) stated that Latvia had not signed or ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.<sup>35</sup> It also mentioned that it had neither signed nor ratified the Protocol to the European Social Charter providing for a system of collective complaints.<sup>36</sup>

## **2. Institutional and human rights infrastructure and policy measures**

14. LCHR stated that, after significant cuts during the years of economic crisis, the budget of the Ombudsman had been raised from 2011 onwards, but it had not returned to its 2008 level.<sup>37</sup> LHRC had similar observations and both submissions recommended that adequate or increased support financial support be provided to the institution.<sup>38</sup> CoE highlighted the recommendation of CoE-ECRI that the Ombudsman be provided with sufficient resources and that its accessibility in different languages and in the different regions of Latvia be improved.<sup>39</sup>

15. LCHR observed that in the period under review the Ombudsman had focussed on the rights of the child and the impact of austerity on socio-economic rights, including those of several vulnerable groups, but had not given similar attention to civil and political rights.<sup>40</sup> It stated that the Ombudsman's stance towards certain minority groups had been perceived as controversial, this included its calls to transfer instruction in state-funded schools into the Latvian language only, which had generated a lack of trust towards the Ombudsman.<sup>41</sup>

16. LCHR considered that the Ombudsman's capacity to investigate and act on allegations of discrimination remained limited.<sup>42</sup> It also stated that the Ombudsman had not brought any discrimination cases before the courts since 2006 and that the Roma Council which was established under its auspices was considered to have made only a limited contribution to the equality of Roma.<sup>43</sup> It recommended strengthening the Ombudsman's capacity to address non-discrimination issues and raising public awareness of its mandate concerning non-discrimination and the available remedies, particularly among vulnerable groups.<sup>44</sup>

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

### **1. Equality and non-discrimination**

17. LHRC observed that while there were anti-discrimination provisions in a number of laws, there was no all-encompassing law on discrimination, except the general prohibition of discrimination in the Constitution.<sup>45</sup> It also noted that the Law on Residential Tenancy lacked anti-discrimination provisions.<sup>46</sup> It recommended the adoption of a comprehensive act explicitly prohibiting discrimination in all spheres and providing for assistance in procedural issues to those seeking redress.<sup>47</sup>

18. The 2012 findings of CoE-ECRI noted positive developments, including training of the police in non-discrimination and combatting hate crime.<sup>48</sup> Among CoE-ECRI's concerns was that incitement to hatred was being interpreted narrowly.<sup>49</sup> Among its priority

recommendations for follow-up was that the country ensures a focus on the Policy Guidelines for the Integration of Society in Latvia and provide sufficient and timely financial resources and ensure coordination for their implementation.<sup>50</sup>

19. LCHR and EU-FRA noted amendments to the Criminal Law in 2014 which added “racist” motivation as an aggravating factor.<sup>51</sup> LCHR observed that hate crimes and hate speech were now criminalised on “the grounds of a person’s gender, age, disability or any other feature”, but required that a substantial harm was caused by such act.<sup>52</sup> EU-FRA mentioned research conducted in Riga had found one in three respondents had negative attitudes towards migrants.<sup>53</sup> LCHR reported that, despite the fact that surveys indicated high levels of intolerance against LGBT persons, there was insufficient support in the Parliament to explicitly include sexual orientation among the protected characteristics.<sup>54</sup> It recommended that incitement to violence on grounds of sexual orientation or gender identity be defined as a criminal offence.<sup>55</sup>

20. LCHR stated that reporting of hate crimes remained limited, predominantly due to a lack of trust in law enforcement authorities. It considered that data official and unofficial collection remained inadequate.<sup>56</sup> The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE-ODIHR) cited figures provided by Latvia on hate crimes and reported that in 2013, 22 hate crimes were recorded by the police; zero hate crime prosecutions and 892 sentenced cases were also recorded.<sup>57</sup> LCHR noted that in 2014, the Latvian State Police signed a co-operation agreement with OSCE-ODIHR on training police officers on hate crimes which it considered as recognition on the part of authorities that Latvia needed to address hate crimes, although it believed that such crimes were not high on the police list of priorities.<sup>58</sup> LCHR recommended that Latvia organise training on hate crime for law enforcement officers and the judiciary and raise public awareness on hate crimes to encourage reporting.<sup>59</sup> CoE highlighted the recommendations adopted by the Committee of Ministers (CoE-CoM) in 2014 that Latvia strengthen legal provisions and response capacity within law enforcement to promptly and effectively respond to hate crime; and promote awareness among persons belonging to national minorities and the population at large of the available legal remedies against discrimination and ethnically based hostility and encourage their use.<sup>60</sup> It also recommended that Latvia condemn and sanction all expressions of intolerance and disrespect towards national minorities, particularly by public officials.<sup>61</sup>

21. CoE-ECRI expressed concern regarding the authorisation of certain public events including a gathering held every year in March in the Centre of Riga commemorating soldiers who fought in a Latvian unit of the Waffen SS. It recommended that the Latvian authorities condemn all attempts to commemorate persons who fought in the Waffen SS and collaborated with the Nazis and that the authorities ban any gathering or march legitimising in any way Nazism.<sup>62</sup>

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

22. The Council of Europe (CoE) highlighted the findings of its Committee for the Prevention of Torture (CoE-CPT) from its 2011 visit.<sup>63</sup> The delegation received a number of allegations from detainees of physical ill-treatment by the police at the time of apprehension and during questioning, some which were corroborated by its own medical observations and other medical evidence.<sup>64</sup> CoE-CPT concluded that persons in police custody continued to face a certain degree of risk of being subjected to ill-treatment and called on the Latvian authorities to exercise constant vigilance in this area.<sup>65</sup> As regards conditions of detention in police establishments, CoE-CPT emphasized that the conditions in some of the detention facilities it visited were so poor that they could be considered as amounting to inhuman and degrading treatment.<sup>66</sup>

23. As regards the situation in prisons, CoE-CPT noted that the vast majority of prisoners interviewed made no allegations of physical ill-treatment by staff; nevertheless, some allegations were received.<sup>67</sup> It stated that inter-prisoner violence was a problem in all the establishments visited and observed that certain factors contributed to this phenomenon, including cramped conditions in multi-occupancy cells, limited possibilities for most prisoners to occupy themselves and insufficient staffing levels.<sup>68</sup> LCHR noted that a significant number of prisons remained dilapidated and were older than 100 years.<sup>69</sup> CoE-CPT also observed major shortcomings in the provision of healthcare to prisoners and LCHR recommended increasing the budgetary allocation for prisoner healthcare.<sup>70</sup>

24. LCHR noted that Ombudsman was the only independent body monitoring places of detention, but that its work was dedicated to addressing prisoner complaints and its visits were few.<sup>71</sup> It called for the designation of a national preventive mechanism with an adequate budget and the publication of the Ombudsman's monitoring reports on prisons.<sup>72</sup>

25. LCHR noted the amendments to the Criminal Law which came into force in 2013 which had decriminalized several offences and broadened the community-based sanctions. This measure, and other factors had contributed to a decrease in prisoner numbers, although the numbers remained high.<sup>73</sup> It recommended expanding the use of alternatives to detention and increasing the budget for the National Probation Service.<sup>74</sup> LCHR had similar observations and considered that further efforts were needed by Latvia to promote the use of criminal law sanctions other than imprisonment.<sup>75</sup>

26. CoE-CPT commended the steps taken by the Latvian authorities to improve material conditions of detention for prisoners on life sentences. However, it noted that the regime applied to about 65 per cent of all such prisoners life-sentenced prisoners (those on the low regime level) was impoverished, the vast majority of them being confined to their cells for up to 23 hours per day.<sup>76</sup> CoE also noted that CoE-CPT had reviewed the actions taken by the authorities to implement its recommendations in an ad hoc visit in 2013.<sup>77</sup>

27. CoE noted that in 2011 the European Committee of Social Rights (CoE-ECSR) had found in relation to Latvia that measures implemented to address the problem of domestic violence had not been sufficient.<sup>78</sup>

28. CoE referred to the 2013 findings of its Group of Experts on Action against Trafficking (CoE-GRETA) which highlighted important steps which had been taken by Latvia in recent years and praised the allocation of resources to help victims.<sup>79</sup> It was concerned that Latvia lacked a formal system for identifying victims and referring them for support. It called on the authorities to step up their efforts to prevent trafficking among vulnerable groups such as children living in state institutions.<sup>80</sup> Based on the CoE-GRETA findings the Committee of the Parties to the relevant convention addressed other recommendations to Latvia including that it provide all victims with effective access to assistance for the duration necessary to achieve their rehabilitation; ensure that all victims are systematically informed of the recovery and reflection period and are effectively granted such a period; facilitate access to compensation for victims; and take measures to ensure that crimes related to human trafficking are investigated and prosecuted effectively.<sup>81</sup>

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

29. EU-FRA, noted draft amendments to the Criminal Procedure Law, proposed in May 2014 by the Ministry of Justice, would expand victims' rights, inter alia, victims would have the right to be informed about how to receive state compensation, about conciliation and protection measures and available support.<sup>82</sup>

30. LHRC recommended that the, Internal Security Office, the body investigating police ill-treatment, be made independent of the Ministry of the Interior, possibly by putting it under the prosecution service.<sup>83</sup>

31. EU-FRA noted that Latvia had reformed its law on the protection of children's rights requiring that professionals working with children acquire specialised knowledge. This reform had addressed one of the challenges EU-FRA had identified in its research.<sup>84</sup>

32. OSCE-ODIHR referred to its opinion on the Law on the Bureau on Prevention and Combating of Corruption of Latvia which was adopted in 2014.<sup>85</sup> It noted that the Law generally complied with international anti-corruption standards, but made recommendations on possible improvements, including that the threshold for the initiation of investigations be specified and the Bureau's oversight mechanisms be strengthened where it may interfere with Article 8 of the European Convention on Human Rights in the course of its investigations.<sup>86</sup>

#### **4. Right to privacy**

33. EU-FRA reported that in the case of Latvia the data protection authorities had no powers over national intelligence services. According to the general data protection law, the data protection authority was not competent to supervise files classified as 'official secrets'. It observed that this should not be taken as a critical comment, if another specialised oversight body carried out proper oversight of the intelligence services' work.<sup>87</sup> EU-FRA reported other issues concerning access to remedies relating to data protection, including that complainants interviewed had indicated that the burden of proof was a barrier and had described the data protection authority as not being completely independent.<sup>88</sup>

#### **5. Freedom of religion or belief, expression, association, and right to participate in public and political life**

34. ADF International (ADF) considered that the Law on Religious Organizations gave the Government an undue level of control over religious life in Latvia.<sup>89</sup> It observed that religious groups were not required to register, but registration offered significant privileges.<sup>90</sup> It noted that registration could be burdensome for new religious groups and associations, particularly during the first-ten years, and that the law could have the effect of discouraging or preventing new religious organisations and associations from forming or, at the very least, growing.<sup>91</sup> ADF recommended that Latvia simplify and streamline the process of registration as a religious group or association.<sup>92</sup>

35. ADF noted that non-registered religious organizations were not allowed to set up their own schools for training clergy.<sup>93</sup> It further observed that the Law on Religious Organizations placed strong restrictions on foreign missionaries. Such missionaries could only hold public meetings and evangelize if they were invited by a registered religious organization.<sup>94</sup> It called for restrictions on work by foreign missionaries to be reduced.<sup>95</sup>

36. ADF referred to other problematic aspects of the registration requirements stating that the Latvian government did not permit the registration of multiple religious organisations of a single denomination or faith.<sup>96</sup> It stated that only the Latvian Orthodox Church was allowed to register with the word "orthodox" in its name and that splinter groups could not register.<sup>97</sup> ADF stated that it was not clear whether governments had the theological authority or insight to make such determinations and that in Latvia these determinations were being made by default by preventing the registration of newer groups that were part of denominations which were already registered.<sup>98</sup> It recommended that multiple groups of the same denomination or faith be allowed to register.<sup>99</sup>

37. ADF was concerned that the law in Latvia placed illegitimate and troublesome restrictions on freedom of speech.<sup>100</sup> It stated that sections of the Criminal Law detailed

how some forms of speech were criminally punishable and these forms did not simply include incitement to violence.<sup>101</sup> It reported that Section 78.1 of the Criminal Law stated that people can be imprisoned or fined for speech that incited not violence but merely “enmity” and was concerned that while violence could be easily defined and identified, “enmity” was abstract.<sup>102</sup> It considered that the law elided the distinction between speech and action and gave the government the right to determine what could and could not be said.<sup>103</sup>

38. ADF was also concerned that the Criminal Law allowed criminal punishment for “demeaning the dignity of a person” and gave the State great latitude to coercively repress speech it deemed objectionable.<sup>104</sup> ADF recommended that Latvia end criminal punishments for speech that did not directly incite violence.<sup>105</sup>

39. ADF stated that there was evidence that the authorities took steps to restrict the freedom of the press and referred to a report that in 2013 a journalist accused the Government of bringing charges merely to discourage him from continuing to report.<sup>106</sup> It recommended action to prevent the public intimidation of journalists.<sup>107</sup>

40. OSCE-ODIHR highlighted the findings of its Election Assessment Mission for the October 2014 elections.<sup>108</sup> While the report concluded, *inter alia*, that the media covered the election campaign extensively, including through a number of televised debates, its mission’s interlocutors expressed concerns about the objectivity of several private outlets due to perceived affiliations with political actors and observed that while new campaign finance regulations improved transparency, they could benefit from further review.<sup>109</sup>

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

41. In 2012 CoE-ECSR found in relation to Latvia that it had not been established that employment policy efforts had been adequate in combatting unemployment and promoting job creation and that the restrictions on access to employment for non-European Union citizens went beyond those permitted by the European Social Charter.<sup>110</sup>

42. In 2014 CoE-ECSR found in relation to Latvia that the minimum of 50 members or at least one quarter of the employees of an undertaking that were required to form a trade union was an excessive restriction on the right to organise.<sup>111</sup>

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

43. In 2013 CoE-ECSR found in relation to Latvia that the level of social assistance benefits was manifestly inadequate and the granting of social assistance benefits to foreign nationals was subject to an excessive length of residence: and that the granting of help and personal advice services to non-nationals was subject to an excessive length of residence in Latvia.<sup>112</sup> CoE-ECSR also found in 2011 that the level of family benefits was inadequate.<sup>113</sup>

## **8. Right to health**

44. In 2013 CoE-ECSR found in relation to Latvia that insufficient efforts had been undertaken to reduce the prevailing high maternal mortality rate.<sup>114</sup>

## **9. Persons with disabilities**

45. EU-FRA reported that Guidelines for the Implementation of the CRPD 2014–2020 in Latvia highlighted a number of key challenges in the area of political participation, including a lack of accessible information, and the absence of alternative means of voting or legislation prescribing how assistance is to be provided to persons with disabilities in the electoral process.<sup>115</sup> It also reported that Latvia still relied on institutional settings for the provision of care for people with disabilities.<sup>116</sup>



## 10. Minorities

46. LHRC mentioned that 59.8 per cent of the population were ethnic Latvians and in many municipalities ethnic Latvians were in the minority while 37.2 per cent responded in the 2011 as speaking mainly Russian at home.<sup>117</sup> It noted that schools may implement education programmes in minority languages, but a 2014 government regulation provided for most municipal minority schools to introduce teaching mostly in Latvian in grades 7 to 9, from 2015.<sup>118</sup> Noting the recommendations accepted in the first UPR, LHRC was concerned at the gradual abolition of the network of schools and minority classes in schools which also offered education programmes in Latvian with bilingual Latvian/Russian instruction. It reported that the number dropped from 240 in 2006/7 to 176 in 2010/11 and 160 in 2014/15.<sup>119</sup>

47. LHRC also stated that since 2012, Latvian language exams had been uniform for those graduating from Latvian-only and minority high schools and it was not surprising that the average results of minority school graduates were lower; minority pupils' chances to obtain a state-paid place at a university were also lower.<sup>120</sup> It recommended that the requirements should be differentiated between graduates of minority schools and those of schools teaching in the Latvian-language only.<sup>121</sup>

48. LHRC noted that as of January 2015, 12 per cent of the population were so-called "non-citizens" residing in Latvia and that these were without any citizenship, who were not considered by the Constitutional Court to be either Latvian nationals or stateless persons, and that almost all of them belonged to ethnic minorities.<sup>122</sup> It reported that in recent years the naturalisation rate had declined to one lower than before the previous UPR in 2009.<sup>123</sup> CoE-ECRI was concerned that no measures had been taken to simplify the naturalization process for children born to "non-citizen" parents after 1991.<sup>124</sup> LHRC, LCHR and CoE-FCNM mentioned amendments to the Citizenship Law which were adopted in 2013.<sup>125</sup> LHRC commended the new possibility for only one parent to apply for a child rather than two as previously and LCHR noted that this provision applied retroactively and the proportion of new-born non-citizen children registered as citizens increased in 2014.<sup>126</sup> LHRC regretted that the amendments included restrictive provisions allowing the Government to refuse naturalization on vague "security/constitutional order" grounds which were not subject to judicial review and had concerns that the choice of states for which dual citizenship was possible may allow discrimination.<sup>127</sup> CoE-FCNM was deeply concerned by aspects of the amended Citizenship Law which favoured Latvians and Livs in their access to dual citizenship and at the introduction of the notion of "constituent nation" within the integration guidelines.<sup>128</sup> LCHR called on the authorities to resolve the child statelessness issued by 2018, including by pro-actively facilitating their registration.<sup>129</sup> LHRC recommended other measures to ensure effective naturalization; simplifying the procedures for new-born children and allowing all refusals of naturalization to be subject to judicial review.<sup>130</sup>

49. LHRC reported that "non-citizens" had rights akin to citizens, but some rights were reserved only for citizens, including the right to participate in elections, establish political parties, property rights in some territories, access to some professions and some pension rights.<sup>131</sup> It noted that some of these rights were also guaranteed to European Union citizens if they reside in Latvia, but they were not granted to "non-citizens". It recommended that disproportionate restrictions on "non-citizens" be cancelled, such as the ban for "non-citizens" to work as lawyers and that non-citizens be granted the right to participate at least in local elections.<sup>132</sup> It also called on the Government to ensure that old-age pension for work periods accrued during the Soviet period outside Latvia was paid to "non-citizens" in the same manner as to citizens in compliance with a judgment of the European Court of Human Rights.<sup>133</sup>

50. LHRC mentioned that the Official Language Law stipulated that all languages, except the Latvian language and the nearly-extinct Liv language, were defined as foreign languages. Employees of state and municipal institutions and enterprises were required to know and use the state language to the extent necessary for the performance of their professional duties.<sup>134</sup> It noted that the Administrative Violations Code included insufficient knowledge of Latvian in performing one's duties as a violation, and that this was applicable to the public sector and also many professions in the private sector.<sup>135</sup> It recommended that sanctions for the professional state language proficiency requirements should be reviewed, taking into account the principle of proportionality.<sup>136</sup>

51. LHRC observed that the legislation demanded that all personal names, place names, street names and other topographical indications be spelled in the state language only, but upon request personal names may be supplemented by the original form.<sup>137</sup> It observed that, despite a 2010 view issued by the Human Rights Committee asking for the narrowing of the restrictions on the use of minority names, the legislation had not been changed.<sup>138</sup> LHRC stated that the legislation did not guarantee the right to use languages other than the state language for communication with the authorities and directly prohibited the use of other languages in written communications with official bodies. The rule was also applied in regions where the share of the non-Latvian population was significant or even dominant.<sup>139</sup> It recommended that Latvia ensure that the legislation provide the opportunity to use personal names, place names, street names and other topographical indications in minority languages, as well as the right to contact the authorities in a minority language on the territories where a significant part of population belongs to minorities.<sup>140</sup>

52. CoE-ECRI observed that the Roma remained one of the most discriminated groups in Latvian society and EU-FRA repeated CoE-ECRI's finding that schools with separate classes for Roma remained and a large proportion of Roma children found themselves in special needs schools.<sup>141</sup> CoE-CoM recommended that Latvia enhance support for activities aimed at the preservation and promotion of national minority identities, cultures and traditions and closely involve representatives of minority organisations in relevant procedures.<sup>142</sup>

## **11. Migrants, refugees and asylum seekers**

53. LCHR mentioned that Latvia received 364 asylum applications in 2014 and that between 1998 and 2014 less than 200 persons had been granted refugee or alternative status.<sup>143</sup> It was concerned that the detention of asylum seekers was the norm and children were not exempted, except for unaccompanied minors, and that interpretation of the grounds for detention was frequently not in line with international standards.<sup>144</sup> It stated that there was no structured integration of those receiving international protection in Latvia and the activities which did exist were reliant upon European Union funds.<sup>145</sup> It recommended the use of detention as a last resort, developing adequate identification mechanisms for vulnerable persons and granting free legal aid from the beginning of the asylum procedure.<sup>146</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status).

Civil society:

*Individual submissions:*

ADF ADF international (Alliance Defending Freedom), Geneva (Switzerland);  
LCHR Latvian Centre for Human Rights, Riga (Latvia);  
LHRC Latvian Human Rights Committee, Riga (Latvia).

*National human rights institution:*

Ombudsman Ombudsman of the Republic of Latvia, Riga (Latvia).

*Regional intergovernmental organization(s):*

CoE The Council of Europe, Strasbourg (France);

Attachments:

CoE-ECRI(2012) – European Commission against Racism and Tolerance (ECRI), Report on Latvia (fourth monitoring cycle), Published 21 February 2012;

CoE-ECRI(2015) ECRI Conclusions on the Implementation of the Recommendations in Respect of Latvia Subject to Interim Follow-Up, Published on 24 February 2015, CRI(2015)5;

CoE-CPT(2013) – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Latvian Government on the visit to Latvia from 5 to 15 September 2011, Strasbourg, 27 August 2013, CPT/Inf (2013) 20;

CoE-CPT(2013 Response) – Responses of the Latvian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Latvia from 5 to 15 September 2011, CPT/Inf (2013) 21;

CoE-CPT(2014) – Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 12 to 17 September 2013, Strasbourg, 11 March 2014, CPT/Inf (2014)5;

CoE-CPT(2014 Response) – Response of the Latvian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Latvia from 12 to 17 September 2013, Strasbourg, 11 March 2014, CPT/Inf (2014) 6;

CoE-FCNM(2013) – Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Latvia, adopted on 18 June 2013, ACFC/OP/II(2013)001;

CoE-CoM(2014) – Resolution CM/ResCMN(2014)9 on the implementation of the Framework Convention for the Protection of National Minorities by Latvia, (Adopted by the Committee of Ministers on 9 July 2014);

CoE-GRETA(2012) – Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia, Strasbourg, 31 January 2013, GRETA(2012)15;

CoE-CoP(2013) – Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings Recommendation CP(2013)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Latvia adopted at the 10th meeting of the Committee of the Parties on 15 February 2013;

CoE-ECSR(2011) – European Social Charter, European Committee of Social Rights, Conclusions XIX-4 (2011), (Latvia), Articles 8, 16 and 17 of the Charter, January 2012;

CoE-ECSR(2012) – European Social Charter, European Committee of Social Rights, Conclusions XX-1 (2012), (Latvia), Articles 1 and 9 of the 1961 Charter, January 2013;

CoE-ECSR(2013) – European Social Charter, European Committee of Social Rights, Conclusions XX-2 (2013) (Latvia), Articles 11, 13 and 14 of the 1961 Charter; January 2014;

CoE-ECSR(2014) – European Social Charter, European Committee of Social Rights, Conclusions XX-3 (2014), (Latvia), Articles 5 and 6 of the 1961 Charter; January 2015;

EU-FRA European Union Agency for Fundamental Rights, Vienna (Austria);

OSCE-ODIHR Organization for Security and Co-operation in Europe – Office for Democratic Institutions and Human Rights, Warsaw (Poland);

Attachments:

Republic of Latvia, Parliamentary Elections, 4 October 2014, OSCE/ODIHR Election Assessment Mission, Final Report, Warsaw, 18 December 2014;

Opinion on the Law on the Bureau on Prevention and Combating of Corruption of Latvia, Opinion-Nr.: GEN-LV/265/2014 [RJU], Warsaw, 17 November 2014.

<sup>2</sup> Ombudsman, p. 4. See also EU-FRA, p. 9.

<sup>3</sup> Ombudsman, p. 4.

<sup>4</sup> Ombudsman, p. 4.

<sup>5</sup> Ombudsman, p. 4.

<sup>6</sup> Ombudsman, p. 4. See also para. 24 of this document; LCHR, p. 6.

<sup>7</sup> Ombudsman, p. 4. See also para. 30 of this document; LHRC, paras. 9-10.

<sup>8</sup> Ombudsman, p. 5.

<sup>9</sup> Ombudsman, p. 2.

<sup>10</sup> Ombudsman, p. 2.

<sup>11</sup> Ombudsman, p. 2.

<sup>12</sup> Ombudsman, p. 2.

<sup>13</sup> Ombudsman, p. 3.

<sup>14</sup> Ombudsman, p. 5.

<sup>15</sup> Ombudsman, p. 5.

<sup>16</sup> Ombudsman, p. 5.

<sup>17</sup> Ombudsman, p. 5.

<sup>18</sup> Ombudsman, p. 6.

<sup>19</sup> Ombudsman, p. 6.

<sup>20</sup> Ombudsman, p. 6.

<sup>21</sup> Ombudsman, p. 6.

<sup>22</sup> Ombudsman, p. 7.

<sup>23</sup> Ombudsman, p. 3.

<sup>24</sup> Ombudsman, p. 3.

<sup>25</sup> Ombudsman, p. 3.

<sup>26</sup> Ombudsman, p. 1.

<sup>27</sup> Ombudsman, p. 2.

<sup>28</sup> Ombudsman, p. 7. See also EU-FRA, p. 4.

<sup>29</sup> Ombudsman, p. 7.

<sup>30</sup> The following abbreviations are used in UPR documents:

ICERD International Convention on the Elimination of All Forms of Racial Discrimination

ICESCR International Covenant on Economic, Social and Cultural Rights

OP-ICESCR Optional Protocol to ICESCR

ICCPR International Covenant on Civil and Political Rights

ICCPR-OP 1 Optional Protocol to ICCPR

ICCPR-OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

CEDAW Convention on the Elimination of All Forms of Discrimination against

	Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>31</sup> LHRC, para. 4; LHRC, p. 6.

<sup>32</sup> LHRC, para. 4.

<sup>33</sup> LHRC, para. 4.

<sup>34</sup> LHRC, para. 3. See also CoE, p. 4.

<sup>35</sup> CoE, p. 6.

<sup>36</sup> CoE, p. 6.

<sup>37</sup> LCHR, p. 7.

<sup>38</sup> LCHR, paras, 5-6; LCHR, p. 8.

<sup>39</sup> CoE, p. 3. See also CoE-ECRI(2012), p. 17; CoE-ECRI(2015), p. 5.

<sup>40</sup> LCHR, pp. 7-8.

<sup>41</sup> LCHR, p. 8.

<sup>42</sup> LCHR, p. 8.

<sup>43</sup> LCHR, p. 8.

<sup>44</sup> LCHR, p. 8.

<sup>45</sup> LHRC, para. 11.

<sup>46</sup> LHRC, para. 11.

<sup>47</sup> LHRC, para. 12.

<sup>48</sup> CoE, p. 2. See also CoE-ECRI(2012), p. 7.

<sup>49</sup> CoE, p. 2. See also CoE-ECRI(2012), pp. 7 and 53.

<sup>50</sup> CoE, p. 3. See also CoE-ECRI(2012), pp. 8, 19 and 55; CoE, p.4; CoE-FCNM(2013), pp. 5 and 47.

<sup>51</sup> LCHR, p. 7; EU-FRA, p. 4.

<sup>52</sup> LCHR, p. 7.

<sup>53</sup> EU-FRA, p. 4.

<sup>54</sup> LCHR, p. 7. See also EU-FRA, p. 8.

<sup>55</sup> LCHR, p. 7.

<sup>56</sup> LCHR, p. 7.

<sup>57</sup> OSCE-ODIHR, p. 4.

<sup>58</sup> LCHR, p. 7.

<sup>59</sup> LCHR, p. 7.

<sup>60</sup> CoE, p. 4. See also CoE-CoM(2014), p. 4.

<sup>61</sup> CoE, p. 4. See also CoE-CoM(2014), p. 4.

<sup>62</sup> CoE-ECRI, pp. 26-27.

<sup>63</sup> CoE, p. 1. See also CoE-CPT(2013); CoE-CPT(2013 Response).

<sup>64</sup> CoE, p. 1. See also CoE -CPT(2013), p. 12.

<sup>65</sup> CoE, p. 1. See also CoE -CPT(2013), p. 13.

<sup>66</sup> CoE, p. 1. See also CoE -CPT(2013), p. 16.

<sup>67</sup> CoE, p. 1. See also CoE -CPT(2013), p. 23.

<sup>68</sup> CoE, p. 1. See also CoE -CPT(2013), p. 24; CoE-CPT(2013 Response), pp. 23-30.

<sup>69</sup> LCHR, p. 5.

- 70 CoE, p. 1; LCHR, pp. 5-6. See also CoE-CPT(2013), p. 24-36; CoE-CPT(2013 Response), pp. 8-11 and 41-44.
- 71 LCHR, p. 6.
- 72 LCHR, p. 6. See also para. 2 of this document; Ombudsman, p. 4.
- 73 LCHR, pp. 4-5.
- 74 LCHR, p. 6.
- 75 LHRC, paras. 7 and 10.
- 76 CoE, p. 1. See also CoE-CPT(2013), pp. 30-32; CoE-CPT(2013 Response), pp. 5-8 and 39-41.
- 77 CoE, p. 1. See also CoE-CPT(2014); CoE-CPT(2014 Response).
- 78 CoE, p. 7. See also CoE-ECSR(2011), pp. 10-11.
- 79 CoE, p. 5. See also CoE-GRETA(2012), p. 7.
- 80 CoE, p. 5, CoE-GRETA, p. 24.
- 81 CoE, p. 5. See also CoE-CoP(2013), p. 2; CoE-GRETA(2012), pp. 44-45.
- 82 EU-FRA, p. 5.
- 83 LHRC, paras. 9-10. See also para. 3 of this document; Ombudsman, pp. 4-5.
- 84 EU-FRA, p. 5.
- 85 OSCE-ODIHR, p. 3. See also Opinion on the Law on the Bureau on Prevention and Combating of Corruption of Latvia, Opinion-Nr.: GEN-LV/265/2014 [RJU], Warsaw, 17 November 2014, p. 4.
- 86 OSCE-ODIHR, p. 3. See also Opinion on the Law on the Bureau on Prevention and Combating of Corruption of Latvia, Opinion-Nr.: GEN-LV/265/2014 [RJU], Warsaw, 17 November 2014, p. 4.
- 87 EU-FRA, p. 4.
- 88 EU-FRA, pp. 11-12.
- 89 ADF, para. 15.
- 90 ADF, para. 9.
- 91 ADF, para. 10.
- 92 ADF, para. 27.
- 93 ADF, para. 12.
- 94 ADF, para. 16.
- 95 ADF, para. 27.
- 96 ADF, para. 13.
- 97 ADF, para. 13.
- 98 ADF, para. 14.
- 99 ADF, para. 27.
- 100 ADF, para. 18.
- 101 ADF, para. 18.
- 102 ADF, paras. 19-20.
- 103 ADF, para. 20.
- 104 ADF, para. 25.
- 105 ADF, para. 27.
- 106 ADF, para. 26.
- 107 ADF, para. 27.
- 108 OSCE-ODIHR, p. 2. See also OSCE-ODIHR Election Assessment Mission, Final Report, Warsaw, 18 December 2014.
- 109 OSCE-ODIHR, p. 2. See also OSCE-ODIHR Election Assessment Mission, Final Report, Warsaw, 18 December 2014, pp. 1-2.
- 110 CoE, p. 6. See also CoE-ESCR(2012), pp. 5 and 7.
- 111 CoE, p. 7. See also CoE-ESCR(2012), pp. 4-5.
- 112 CoE, p. 7. See also CoE-ECSR(2013), pp. 12-13.
- 113 CoE, p. 7. See also CoE-ECSR(2011), p. 12.
- 114 CoE, p. 6. See also CoE-ECSR(2013), p. 5.
- 115 EU-FRA, p. 10.
- 116 EU-FRA, p. 16.
- 117 LHRC, para. 18.
- 118 LHRC, para. 19.
- 119 LHRC, para. 20. See also A/HRC/18/9, para. 92.15 (Russian Federation); CoE, p. 4; CoE-FCNM(2013), p. 47.

- <sup>120</sup> LHRC, para. 21.  
<sup>121</sup> LHRC, para. 22.  
<sup>122</sup> LHRC, para. 13.  
<sup>123</sup> LHRC, para. 13. See also A/HRC/18/9, para. 91.46 (Costa Rica).  
<sup>124</sup> CoE, p. 2. See also CoE-ECRI(2012), pp. 34 and 61-62.  
<sup>125</sup> LHRC, para. 14; LCHR, p. 1; CoE-FCNM(2013), pp. 1, 4, 14-15, 17 and 45.  
<sup>126</sup> LHRC, para. 14; LCHR, p. 1.  
<sup>127</sup> LHRC, para. 14. See also CoE-FCNM(2013), pp. 4 and 15.  
<sup>128</sup> CoE-FCNM(2013), p. 15. See also. p. 5; para. 18 of this document; CoE, p. 3; CoE-ECRI(2012), pp. 8, 19 and 55.  
<sup>129</sup> LCHR, p. 2.  
<sup>130</sup> LHRC, para. 15.  
<sup>131</sup> LHRC; para. 16. See also CoE, pp. 2 and 4, CoE-ECRI(2012), pp. 8, 35, and 62; CoE-FCNM(2013), p. 47.  
<sup>132</sup> LHRC, para. 17. See also CoE-FCNM(2013), p. 35 and 39-42.  
<sup>133</sup> LHRC, para. 17. See also CoE-FCNM(2013), p. 7 and 42.  
<sup>134</sup> LHRC, para. 23.  
<sup>135</sup> LHRC, para. 25.  
<sup>136</sup> LHRC, para. 26. See also CoE, p. 4; CoE-FCMN(2013), p. 47.  
<sup>137</sup> LHRC, para. 24.  
<sup>138</sup> LHRC, para. 24.  
<sup>139</sup> LHRC, para. 24.  
<sup>140</sup> LHRC, para. 26. See also, CoE, p. 4, CoE-FCMN(2013), pp. 6 and 29-32.  
<sup>141</sup> CoE, p. 2; EU-FRA, p. 15. See also CoE-ECRI(2012), pp. 8, 29-32 and 60.  
<sup>142</sup> CoE, p. 4. See also CoE-CoM, p. 4.  
<sup>143</sup> LCHR, p. 2.  
<sup>144</sup> LCHR, p. 3.  
<sup>145</sup> LCHR, p. 3.  
<sup>146</sup> LCHR, p. 4.
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