



Office for Democratic Institutions and Human Rights

**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, 22 JUNE 2015

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

Participating/Partner State: Latvia

UPR Session and Date of Review: 24th Session, January-February 2016

Background

Latvia is a participating State in the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹ The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including Latvia, to assist them in implementing their human dimension commitments. OSCE/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. 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.

Election-related activities

Following an invitation from the Permanent Mission of the Republic of Latvia to the OSCE and based on the recommendations of a Needs Assessment Mission conducted to Latvia from 12 to 14 June 2014, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) for the 4 October parliamentary elections. The OSCE/ODIHR EAM focused on the amended electoral legal framework and its implementation, political party and campaign financing, and media coverage of the campaign.

The EAM final report concluded that: “The electoral legal framework generally provides a sound basis for the conduct of democratic elections and election stakeholders expressed high confidence in the overall process. Voters had an opportunity to make a choice among a field of 13 candidate lists presenting different political alternatives and registered by the Central Election Commission in an inclusive manner. The election administration performed its duties in an impartial and transparent manner and managed the process efficiently. The media covered the election campaign extensively, including through a number of televised debates. However, the OSCE/ODIHR EAM interlocutors expressed concerns about the objectivity of several private outlets due to perceived affiliations with political actors. While new campaign finance regulations improved transparency, they could benefit from further review”. See full report at <http://www.osce.org/odihr/elections/latvia/132416?download=true>

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

Legislation reviewed by ODIHR

Upon request by authorities of a participating State, OSCE field operation or another OSCE institution, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Venice Commission of the Council of Europe, are available at www.legislationline.org. Basic information about the constitutional system and human dimension-related legislation of Latvia is also available in English on www.legislationline.org. In 2011-2015, one legal opinion (on topics other than elections) was issued on the Law on the Bureau on Prevention and Combating of Corruption of Latvia:

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

This Opinion on the Law on the Bureau on Prevention and Combating of Corruption of Latvia, prepared by OSCE/ODIHR upon the request of the Deputy Speaker of the Saeima (Parliament) of Latvia, was prepared in order to assess the Law against the background of its compatibility with relevant international human rights standards and OSCE commitments.

The OSCE/ODIHR noted that the Law generally complies with international anti-corruption standards. The Law creates a broad mandate for the Bureau in the areas of both investigation and prevention of corruption, and has provided the Bureau with a wide range of powers to be able to carry out its tasks. Provisions on the Bureau's internal structure and on the protection of its staff from outside interference overall help strengthen the role of the Bureau. OSCE/ODIHR noted that possible improvements for consideration would concern the clarification of the nature of the supervisory role of the Cabinet, to the effect that no outside body or actor should control or influence the Bureau. It was also recommended to enhance the Bureau's accountability through the creation of one or more advisory committees, specify the threshold for the initiation of investigations, and strengthen the oversight mechanisms of the Bureau where it may interfere with Article 8 of the European Convention on Human Rights in the course of its investigations. The Opinion recommended providing the Bureau with the power to freeze assets in cases of urgency, subject to timely and adequate judicial remedies. It was also proposed to clarify whether, and to what extent, there is a review mechanism for the Bureau's decisions not to pursue certain cases. So far, no amendments to the Law on the Bureau on Prevention and Combating of Corruption of Latvia have been introduced.

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR reports annually on hate crimes, incidents and responses in the OSCE region— to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness about hate crimes among governmental officials, civil

society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

Information concerning Latvia in OSCE/ODIHR's most recent hate crime reporting cycle (2013)² includes the following:

Information from the Latvian authorities:

For ODIHR's 2013 reporting cycle, the National Point of Contact for Latvia submitted a completed questionnaire and reported that 22 hate crimes were recorded by the police, and zero hate crime prosecutions and 892 sentenced cases were also recorded. Only data on incitement to hatred prosecutions were received, and therefore excluded from ODIHR's figures. Specifically, Latvia recorded one homicide and 21 unspecified hate crimes committed on the basis of racism and xenophobia. These figures also include cases of bias against religion, which could not be disaggregated because the precise number is unknown. These data are collected by Ministry of Interior, law enforcement agencies, the Department of Analysis and Management of the Prosecutor General's Office, the Courts Administration unit of the Ministry of Justice and the Security Police of the Republic of Latvia.

Roma and Sinti issues

Latvia in its reply to ODIHR questionnaire for the 2013 Status Report on the Implementation of the Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area indicated the amount of funding made available for the implementation of Roma strategies and education of Roma as fields where some positive achievements have been attained. For example the Roma school mediator program is implemented by civil society and financially supported by the state authorities and other donors. See full report at <http://www.osce.org/odihr/107406>

Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)

NTR

Other assessments and recommendations contained in ODIHR reports on thematic human issues

NTR

Migration

In 2013-2014 ODIHR assisted in building the capacity of the competent national authorities and civil society actors in Latvia by conducting upon request two trainings on best practices in migrant integration in line with OSCE commitments (in Riga - in June 2013 and February 2014). Latvia was also among three OSCE participating States (Estonia, Latvia and Lithuania), whose representatives of national authorities participated in the two-day regional capacity building training on gender-sensitive labour migration policies organized by ODIHR in Riga in May 2014.

² <http://hatecrime.osce.org/latvia>