



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

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined sixth to twelfth periodic reports of Latvia\*

1. The Committee considered the combined sixth to twelfth periodic reports of Latvia (CERD/C/LVA/6-12), submitted in one document, at its 2650th and 2651st meetings (CERD/C/SR.2650 and 2651), held on 8 and 9 August 2018. At its 2669th meeting, held on 23 August 2018, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the sixth to twelfth periodic reports of the State party and the resumption of dialogue. While noting the limited resources due to the financial crisis, the Committee regrets the 10-year delay in submitting the periodic report, which resulted in a prolonged interval since the State party's last periodic report was considered by the Committee in 2003.

3. The Committee expresses its appreciation for the frank and constructive dialogue with the State party's high-level delegation. The Committee wishes to thank the delegation for the information provided during the consideration of the report, and for the additional written information submitted thereafter.

#### B. Positive aspects

4. The Committee welcomes the State party's ratification or accession to the following international human rights instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2005;

(b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2006;

(c) Convention on the Rights of Persons with Disabilities, in 2010;

(d) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2013.

5. The Committee also welcomes the following legislative and policy measures taken by the State party:

(a) Amendments in 2004 and 2006 to article 29 of the Labour Law to clarify the term "racial discrimination";

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\* Adopted by the Committee at its ninety-sixth session (6–30 August 2018).



- (b) Amendments to article 74 of the Criminal Law in 2014 to criminalize public glorification of genocide, crimes against humanity, crimes against peace and war crimes;
- (c) Amendments to the Citizenship Law in 2013 to simplify the acquisition and naturalization procedures, in particular for children under 15;
- (d) The organization of campaigns with regard to naturalization and targeted counselling for “non-citizens”;
- (e) The adoption of the Asylum Law in 2015, which sets higher standards for the asylum procedure, use of detention, integration measures and introducing resettlement.

## C. Concerns and recommendations

### Statistics

6. The Committee remains concerned about the lack of statistics on the enjoyment of economic and social rights by persons belonging to various ethnic groups. The Committee is also concerned about the lack of statistics on the representation of ethnic minorities in political life and the limited public data on the ethnic composition of the prison population (art. 2).

7. **Drawing attention to the revised guidelines for reporting under the Convention (see CERD/C/2007/1, paras. 10–12) and recalling its general recommendation No. 24 (1999) concerning article 1 of the Convention, the Committee recommends that the State party collect and publicize reliable statistics on the social and economic situation of the different ethnic groups, disaggregated by relevant indicators, including sex, and by areas in which minority groups live in substantial numbers, in order to provide an adequate empirical basis for policies to enhance the equal enjoyment of rights under the Convention. The Committee also recommends that the State party collect and publish data on the ethnic composition of the prison population and on the representation of minority groups in political life. The Committee requests the State party to provide it with such information in its next periodic report.**

### National human rights institution

8. While welcoming the additional funding allocated in 2016, as well as the gradual increase in resources since 2011, the Committee is concerned that the Office of the Ombudsman continues to lack adequate financial resources to fully discharge its mandate. The Committee welcomes the written information provided by the Office during the dialogue. However, the Committee regrets the reported decrease in the work on racial discrimination by the Office and the lack of disaggregated data on the complaints of discrimination it examines and their outcomes.

9. **The Committee recommends that the State party provide the Office of the Ombudsman with adequate financial and human resources, in order to fully discharge its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee recommends that the Office increase its work on prohibiting racial discrimination, assist victims of violations under the Convention with access to justice and provide information, including data on the complaints of discrimination it examines and their outcomes.**

### Definition of racial discrimination

10. While noting that article 91 of the Constitution mentions a general prohibition of discrimination with the intention of covering all possible grounds thereof, the Committee is concerned at the absence in the State party’s Constitution and legislation of a specific definition prohibiting racial discrimination that is fully in accordance with article 1 of the Convention (art. 1).

11. **The Committee recommends that the State party include in its legislation a definition of racial discrimination that is in accordance with article 1 of the Convention.**

#### **Anti-discrimination legal framework and its enforcement**

12. While noting certain amendments to a few provisions in the Labour Law, the Code of Administrative Offences and the Criminal Law that prohibit racial discrimination, the Committee is concerned at the lack of a comprehensive anti-discrimination law, which may hinder the full implementation of the rights in the Convention. The Committee is further concerned at the limited invocation of existing provisions prohibiting racial discrimination and the low rate of convictions for offences under these provisions.

13. **The Committee recommends that the State party adopt a comprehensive anti-discrimination law, including a definition of direct and indirect discrimination, as stipulated in article 1 (1) of the Convention, in order to ensure the full implementation of the rights in the Convention and effective access to justice and appropriate remedies for victims of racial discrimination. The Committee recalls that the low numbers of complaints and cases of legal action for racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of will on the part of the authorities to prosecute the perpetrators of such acts, a lack of trust in the criminal justice system or a fear of reprisals against victims. The Committee recommends that the State party take measures to ensure the effective implementation of existing legal provisions prohibiting racial discrimination and to ensure access to justice for all victims, and that cases of racial discrimination are registered and investigated, and perpetrators prosecuted and convicted. The Committee requests that the State party provide it with data on the application of the Convention through judicial and administrative decisions in its next periodic report.**

#### **Hate crimes and hate speech**

14. The Committee is concerned that unofficial data show a higher number of hate crimes and hate speech than are officially reported and at reports that victims of hate crimes are unwilling to report crimes to the authorities. The Committee is concerned about the use of hate speech by politicians in relation to the upcoming election. The Committee is also concerned about the use of hate speech on the Internet, and regrets the lack of detailed up-to-date information about the implementation and impact of the amendments to the Criminal Law on punishment of hate speech on the Internet (art. 4).

15. **Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Review the adequacy of its current legislation in addressing and sanctioning racist hate speech and incitement to racial hatred, and ensure that the legislative framework conforms to article 4 of the Convention;**

(b) **Prioritize the collection of reliable and comprehensive statistics, disaggregated by the ethnicity of the victims, on reports, investigations, prosecutions, convictions and sanctions for racist hate speech, hate crimes and incitement to racial hatred, and provide such data in the next periodic report;**

(c) **Develop training programmes on proper methods for identifying, registering, investigating and prosecuting racist incidents, hate crimes and cases of hate speech;**

(d) **Ensure that all reported incidents of racist hate crimes and hate speech, and incitement to racist violence are effectively investigated and, as appropriate, prosecute and punish acts of hate speech, including those committed by politicians during political campaigns;**

(e) **Take measures to prevent the use of hate speech on the Internet. Provide updated detailed information on the implementation and impact of the amendments to the Criminal Law on punishment of hate speech on the Internet, in its next periodic report.**

**Language policy**

16. While taking note of the State party's statement dealing with the historical circumstances leading to the Constitutional protection of the Latvian language, the Committee is concerned at the reports that the current language policies discriminate against ethnic minorities in the fields of education and employment, public and political life and access to services. In particular, the Committee is concerned that:

(a) Amendments to the Law on Education reduce the teaching of minority languages in public and private secondary-level education institutions and reduce the portion of minority language education in the last three grades of basic education, which will create undue restrictions on access to education in minority languages;

(b) Article 6 of the Law on State Language, which requires the use of and a knowledge of the Latvian language by employees and self-employed persons, may result in direct or indirect discrimination against minorities in access to employment in public and private institutions;

(c) Requirements as regards knowledge of the Latvian language have reportedly affected the ability of minorities to participate in public and political life, and access basic services.

**17. The Committee recommends that the State party take measures to ensure that its language policy and laws do not create direct or indirect discrimination or restrict the rights of ethnic minorities to access education, employment and basic services, and:**

(a) **Ensure that there are no undue restrictions on access to education in minority languages. Reconsider the necessity of amendments to the Law on Education that create further restrictions on the number of lessons of minority language in public and private schools;**

(b) **Reiterates its previous recommendation that the State party ensure that the Law on State Language does not result in unnecessary restrictions that may have the effect of creating or perpetuating ethnic discrimination and ensure that language policies do not impede the ability of ethnic minorities to find employment in the public and private sectors;**

(c) **Take concrete measures to ensure that persons belonging to ethnic groups are represented in public and political life, at all levels, and are not excluded on the basis of language;**

(d) **Ensure that ethnic minorities have access to services.**

**Access to justice**

18. The Committee is concerned about the reports of the high number of persons from ethnic minorities among the prison population, including ethnic Russians and Roma. The Committee is further concerned at the reported impediments in access to justice faced by ethnic minorities in the State party. The Committee, while taking note of the information provided by the State party, is concerned that the amendments to the Civil Procedure Law require that litigants assume the cost of interpretation in court, with certain exceptions, and, therefore, that they may restrict access to justice by ethnic minorities when in financial need (art. 5).

**19. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:**

(a) **Undertake a thorough analysis of the reasons for the high incarceration rates of ethnic minorities, including Russian-speaking minorities and Roma, with a view to addressing underlying concerns;**

(b) **Collect and publish statistics on the ethnic composition of the prison population at regular intervals;**

(c) **Take immediate measures to prevent barriers in access to justice by ethnic minorities;**

(d) **Reconsider amendments to the Civil Procedure Law that entered into force on 31 July 2016 so as to ensure easy access to civil justice for Latvian ethnic minorities.**

#### **Non-citizens**

20. While noting the efforts by the State party to facilitate naturalization, the Committee is concerned that:

(a) 11 per cent of the population or 233,000 people reside in Latvia with no nationality;

(b) This population is considered as a separate legal category of non-citizens who are at risk of statelessness, which may impede their access to certain rights under international law;

(c) Although 13 per cent of such persons are reportedly of voting age, they do not have the right to vote or participate in political life;

(d) This group faces discrimination in access to public services;

(e) Current rates of naturalization are low;

(f) Efforts to amend the Citizenship Law in 2017 to allow children of non-citizen parents to automatically have Latvian citizenship reportedly failed and non-citizen children continue to be born in Latvia (art. 5).

21. **Taking into account its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Step up measures to decrease the number of persons without nationality by continuing to facilitate access to naturalization;**

(b) **Find ways and means to phase out the separate legal category of non-citizen;**

(c) **Consider allowing non-citizens who are long-time permanent residents to participate in local elections;**

(d) **Prevent discrimination of these individuals in access to public services;**

(e) **Continue to remove any remaining barriers to naturalization and facilitate naturalization for individuals wishing to partake in it;**

(f) **Intensify efforts to ensure that all children have access to a nationality at birth, including by successfully amending the Citizenship Law to automatically grant citizenship to children born in Latvia who would otherwise be without a nationality;**

(g) **Consider ratifying the European Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession.**

#### **Situation of Roma**

22. While noting the positive efforts made by the State party, the Committee is concerned at the continued stigma and socioeconomic discrimination against members of the Roma community, especially Roma women, who continue to face discrimination in education, employment and access to services. The Committee is also concerned at the lack of a current national action plan on improving the situation of Roma, and that a post in the Office of the Ombudsman for a Roma consultant, tasked with promoting Roma integration, reportedly no longer exists.

23. **Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:**

(a) **Take effective measures, including those in accordance with its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, with a view to enhancing the socioeconomic situation of Roma persons, including in the fields of education and employment;**

(b) **Take measures to address societal stigma and stereotypes against Roma persons;**

(c) **Adopt and implement a national action plan with timelines and concrete targets to eliminate the discrimination faced by Roma persons. Engage Roma communities and representatives in the design, implementation and evaluation of an action plan and consult with civil society organizations, especially those working on the promotion and respect of Roma rights;**

(d) **Reinstate the post of Roma consultant in the Office of the Ombudsman to help increase visibility and consultations with the Roma community on issues concerning them.**

#### **Asylum seekers and refugees**

24. **The Committee is concerned about the detention of asylum seekers, in particular children. The Committee is concerned that refugees have reportedly experienced xenophobia.**

25. **The Committee recommends that the State party end the detention of asylum-seeking children, and only detain adult asylum seekers as a measure of last resort, after considering all available alternatives and for as short a time as possible. The Committee recommends that the State party take measures to eliminate xenophobic attitudes towards refugees through educational campaigns to break down stereotypes and encourage tolerance and inclusion.**

### **D. Other recommendations**

#### **Ratification of other treaties**

26. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

#### **Follow-up to the Durban Declaration and Programme of Action**

27. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

#### **International Decade for People of African Descent**

28. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and**

Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### Consultations with civil society

29. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### Declaration under article 14 of the Convention

30. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

#### Amendment to article 8 of the Convention

31. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

#### Follow-up to the present concluding observations

32. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 21 (a) and (b) and 23 (d) above.

#### Paragraphs of particular importance

33. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 9, 13, 15 and 17 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### Dissemination of information

34. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

#### Preparation of the next periodic report

35. The Committee recommends that the State party submit its combined thirteenth and fourteenth periodic reports, as a single document, by 14 May 2021, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.