

## LATVIA\*

### CERD A/54/18 (1999)

384. The Committee considered the initial, second and third periodic reports of Latvia (CERD/C/309/Add.1) at its 1348<sup>th</sup> and 1349<sup>th</sup> meetings (see CERD/C/SR.1348 and 1349), on 11 and 12 August 1999. At its 1367<sup>th</sup> meeting (see CERD/C/SR.1367), on 23 August 1999, it adopted the following concluding observations.

#### A. Introduction

385. The Committee welcomes the submission of the combined initial, second and third periodic reports of Latvia, which was drafted in accordance with its guidelines for the preparation of reports. It also takes note of the draft core document provided as a working paper for the purpose of facilitating the examination of the report. The initiation of a frank and constructive dialogue with the State party is equally welcomed.

#### B. Factors and difficulties impeding the implementation of the Convention

386. Having regained independence and obtained United Nations membership in 1991, the State party has begun the process of legislative reform in the midst of large-scale economic and political transition. In doing so, the State party must deal with a legacy of difficult relations among various ethnic groups.

#### C. Positive aspects

387. The Committee notes with satisfaction that, notwithstanding the difficulties inherent in this period of transition, the State party has achieved a substantial level of social stability and made important progress in the area of legislative reform. It notes that among the first priorities established by Latvia was the ratification of international and regional human rights instruments. It welcomes the information of the State party that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and other international treaties, have constitutional status in domestic legislation and may be directly invoked in the courts. It also takes note of the addition of a new chapter in the Constitution entitled "Fundamental human rights", which enumerates many of the rights provided for in the Convention.

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\*/ Comments of the Government of Latvia were submitted on the concluding observations of the Committee pursuant to article 9, paragraph 2, of the Convention and are reproduced in annex X.

388. The Committee welcomes the fact that article 69 of the Criminal Code prohibits and provides for legal sanctions against the propagation of ideas based on racial or ethnic superiority or hatred, and against organizations and individuals that propagate such ideas.

389. The Committee notes that a number of restrictions that had been applied to non-citizens have been lifted, including on the right to own land and property, access to employment in various fields and the right to social security benefits.

390. The Committee welcomes the efforts being made to provide instruction, and the materials necessary for instruction, in minority languages. It notes also the efforts to facilitate instruction of members of minority groups in the national language, Latvian, particularly to adults who may not have had an opportunity to learn it in school.

391. The Committee also welcomes the comparative studies, referenda and invitations to residents of Latvia to engage in a national dialogue on such issues as differences in treatment of citizens and non-citizens, amendment of the Citizenship Law and the Framework Document for a National Programme on the Integration of Society.

392. The Committee notes with interest that measures have been taken to incorporate the cultivation of mutual tolerance and respect for the identity of different ethnic groups into school curricula at various levels of instruction on human rights.

#### D. Principal subjects of concern

393. Concern is expressed at the absence of a legal provision explicitly defining racial discrimination, in accordance with article 1 (1) of the Convention.

394. While noting the legislation adopted with respect to article 4 of the Convention, it is noted with concern that no case of dissemination of ideas of ethnic superiority or hatred, or of the use of defamatory language or the advocacy of violence based on such ideas has been brought to justice, and no organization involved in such activities has been prohibited, although the existence of such cases has been widely reported.

395. The Committee notes that only such persons who were citizens of Latvia before 1940 and their descendants have automatically been granted citizenship, while other persons have to apply for citizenship. Therefore, more than 25 per cent of the resident population, many of them belonging to non-Latvian ethnic groups, have to apply and are in a discriminatory position. Although the naturalization process has recently been made more accessible for elderly persons and for children, it is noted with concern that the qualification requirements may not be easily met and the naturalization process remains slow.

396. The Committee draws attention to the situation of persons who do not qualify for citizenship under the Citizenship Law and who are also not registered as residents, including those leaving the country

temporarily. Concern is expressed that such persons may not be protected against racial discrimination in their exercise of rights under article 5 (d) (i) and (ii) and 5 (e) of the Convention.

397. Concern is also expressed about reports that there are still unjustified differences of treatment between citizens and non-citizens, mostly members of minorities, in the enjoyment of the rights provided for in article 5 (e) of the Convention.

398. With respect to article 5 (d) (i), concern is expressed that passports for non-citizens, replacing those issued by the former USSR, are being issued at an unreasonably slow pace. As the old passports are no longer valid for travel, persons who have not obtained a new Latvian passport are effectively prevented from leaving the country or, once departed, are prevented from returning.

399. It is noted with concern that the legislation of the State party requires a person's ethnic origin to be recorded in his or her passport, which may expose members of some minorities to discrimination on grounds of their origin.

400. Concern is expressed over the difficulties hampering the operation of the National Human Rights Office, established in 1996 in accordance with international standards on national human rights institutions, since these have direct consequences for the implementation of article 6 of the Convention.

401. Information that instruction in minority languages may be reduced in the near future is noted with concern.

#### E. Suggestions and recommendations

402. The Committee recommends that the State party take into account in its legislation the definition of racial discrimination in line with article 1 (l) of the Convention.

403. The Committee recommends the State party to actively implement all the provisions of article 4 of the Convention and to include in future reports information on cases brought to justice and their outcome.

404. The Committee urges the State party to streamline the process of naturalization for all those who apply for citizenship. It also encourages the State party to keep the criteria for eligibility under review, so as to solve this problem as soon as possible.

405. The Committee recommends that steps be taken to regularize as soon as possible the status of persons who do not qualify for citizenship and are not registered as residents, in order to avoid discrimination against them.

406. It is also recommended to the State party to review the differences of treatment between citizens and non-citizens, mostly persons belonging to ethnic groups, in the light of the provisions of article 5 (e), so as to eliminate any unjustifiable differences.

407. The Committee recommends the State party to reconsider the requirement to record ethnic origin in passports.

408. The Committee attaches great importance to the speedy resolution of problems facing the National Human Rights Office and calls on the State party to address this as a matter of urgency. The Committee requests information in the next periodic report of the activities of the Office, particularly the number of cases it has dealt with, the solutions that it has achieved for petitioners and its role in the review of national legislation and the consideration of proposed new laws relevant to human rights.

409. The Committee urges the State party to maintain the possibility to receive an education in languages of various ethnic groups or to study those languages at different levels of education, without prejudice for learning the official language, as well as of using mother tongue in private and in public.

410. In view of the need for persons involved in the administration of justice to adapt to a quickly evolving legal system, the Committee recommends that the State party undertake as a matter of priority the training of judges and other members of the legal profession in international human rights standards.

411. The Committee recommends that a wide dissemination be given in the Latvian and Russian languages to the report submitted to this Committee and to the present concluding observations.

412. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

413. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

414. The Committee recommends that the State party's next periodic report, which was due on 14 May 1999, be an updating report, taking into account the points raised in the present concluding observations.

## **CERD A/58/18 (2003)**

437. The Committee considered the fourth and fifth periodic reports of Latvia (CERD/C/398/Add.2), which were due on 14 May 1999 and 2001 respectively, submitted as one document, as well as the additional information provided (CERD/C/398/Add.2 (Suppl.)), at its 1598th and 1599th meetings (CERD/C/SR.1598 and 1599), held on 13 and 14 August 2003. At its 1610th meeting (CERD/C/SR.1610), held on 21 August 2003, it adopted the following concluding observations.

### **A. Introduction**

438. The Committee welcomes the report and the supplementary information submitted by the State party as well as the additional oral and written information provided by the delegation. It expresses satisfaction at the quality of the report and the participatory drafting process. The Committee is encouraged by the attendance of a high-ranking delegation and expresses its appreciation for the candid and constructive responses provided to the questions asked.

### **B. Positive aspects**

439. The Committee welcomes the ongoing efforts of the State party to introduce legislative reform in accordance with international standards. In particular, the Committee notes the amendment to the Law on the Constitutional Court allowing individuals to submit complaints to the Court; the new Labour Law adopted in June 2001 providing for equal rights without discrimination in purpose or effect; and the amendments to the Election Laws adopted in May 2002.

440. The Committee also welcomes the adoption of the new Law on Personal Identification Documents removing the requirement to record a person's ethnic origin, as recommended by the Committee in its previous concluding observations (CERD/C/304/Add.79, para. 24).

441. The Committee is encouraged by the efforts of the State party to support and facilitate the process of naturalization through legal measures and targeted projects.

442. The Committee welcomes the National Programme for the Integration of Society in Latvia adopted in February 2001 and the establishment in 2002 of the post of Minister for Special Assignments for Societal Integration Affairs tasked with coordinating anti-discrimination, minority and social integration policies.

443. The Committee welcomes the Supreme Court ruling of 6 June 2003 declaring unconstitutional section 19, paragraph 5, of the Law on Radio and Television which restricts the airtime of broadcasts in languages spoken by minorities in Latvian private media.

### **C. Concerns and recommendations**

444. The Committee is concerned that the legal provisions defining racial discrimination are not in full conformity with article 1 (1) of the Convention. While acknowledging that amendments to the 2001 Labour Law are being prepared that will define indirect discrimination, the Committee notes that basing the finding of indirect discrimination on a quantitative condition is not in accordance with the Committee's general recommendation XIV. Furthermore, it notes that the relevant provisions of the Labour Law and the Criminal Law lack reference to certain grounds of discrimination enumerated in the Convention, and that these provisions do not fully cover civil, political, economic, social, cultural and other fields of public life, as required by the Convention.

The Committee recommends that the State party pursue its efforts with regard to the preparation of a comprehensive anti-discrimination law and of amendments to the Labour Law. It urges the State party to incorporate fully the definition of racial discrimination stipulated in article 1 (1) of the Convention, into its legislation.

445. The Committee notes the entry into force in September 2000 of the State Language Law aimed at promoting the Latvian language and better integration of members of ethnic minorities into Latvian society. The Committee is concerned at the possible negative effects of a narrow and strict interpretation of this legislation. Furthermore, the scope of language requirements in the State Language Law in relation to employment, particularly in the private sector, may lead to discrimination against minorities.

The Committee recommends that the State party ensure that the State Language Law does not result in unnecessary restrictions that may have the effect of creating or perpetuating ethnic discrimination. The Committee calls on the State party to ensure that vulnerable groups, such as prisoners, sick and poor persons, among non-Latvian speakers have the possibility of communicating with the relevant authorities through provision of, if necessary, translation facilities.

446. The Committee is concerned that the law of the State party does not fully respond to the requirements of article 4 of the Convention. The Committee notes that the State party has failed to effectively prohibit all organized and other propaganda activities and to recognize participation in such activities as an offence punishable by law, in accordance with article 4 (b) of the Convention.

The Committee recommends that the State party review its domestic law in the light of its general recommendation XV concerning the implementation of article 4 of the Convention, and that it adopt specific legislation on organized and other propaganda activities that promote and incite racial discrimination, irrespective of the legal status of the group or organization.

447. The Committee is concerned at the low number of cases initiated relevant to article 4 and recommends that the State party consider whether the limited numbers of complaints is not the result of the victims' lack of awareness of their rights, a lack of confidence on the part of individuals in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination.

The Committee requests that the State party include in its next periodic report disaggregated statistical information on cases reported to the police, prosecutions launched and penalties imposed with respect to offences which relate to the dissemination of ideas based on superiority or hatred, incitement to racial discrimination, racial violence and participation in such acts, as stated in article 4 of the Convention.

448. The Committee recognizes that political rights can be legitimately limited to citizens. Nevertheless, noting that most non-citizens have been residing in Latvia for many years, if not for their whole lives, the Committee strongly recommends that the State party consider facilitating the integration process by making it possible for all non-citizens who are long-time permanent residents to participate in local elections.

449. While noting the measures taken by the State party to increase the rate of naturalization of non-citizens, the Committee remains concerned at the limited results of these efforts. The Committee is concerned at the growing number of persons who fail the language examination and at the possible lack of availability or accessibility of Latvian language instruction for all those wishing to benefit from this facility.

The Committee recommends that the State party further study the underlying reasons for the low level of naturalization applications with a view to devising strategies targeting specific groups of potential applicants. The Committee stresses that positive measures should be employed to attract non-citizens to the process, while ensuring that any measures taken do not adversely affect their current status. It also strongly urges the State party to ensure the availability of Latvian language instruction, to the extent possible, for those wishing to avail themselves of such opportunities.

450. The Committee regrets the lack of disaggregated data in the State party report with respect to the enjoyment of the economic, social and cultural rights enumerated in article 5 (e) of the Convention.

The Committee invites the State party to provide in its next report data, disaggregated by ethnicity and sex, on the enjoyment of the rights enumerated in article 5 (e) of the Convention, taking into account, inter alia, its general recommendations XXV on gender-related dimensions of racial discrimination and XXVII on discrimination against Roma.

451. The Committee expresses concern with regard to the restrictions imposed upon non-citizens in the field of employment.

The Committee urges the State party to reduce the list of occupations restricted to citizens and to keep it under review, with a view to ensuring that the enjoyment of the right to work is not unduly limited.

452. While recognizing the importance of the education system in creating a coherent society, the Committee is concerned that the educational reform that will introduce bilingual education in all

minority schools by September 2004 may cause problems for linguistic minorities in the educational system if it is implemented in the proposed time frame.

The Committee encourages the State party to remain attentive and flexible to the needs and abilities of the persons primarily affected and concerned by the reform. The importance of maintaining a close dialogue with the schools and local communities, including both parents and children, is paramount in the process. It further urges the State party to monitor the reform process closely in order to ensure that a high quality of education is maintained by, inter alia, considering an extension of the transition period to bilingual education and preventing any negative effects that might otherwise arise.

453. While recognizing the possibility of establishing private schools offering, inter alia, education in minority languages, the Committee urges the State party to ensure that the manner in which funding to private schools is provided is in conformity with the Convention.

454. The Committee regrets the lack of any information with respect to article 5 (f) of the Convention relating to the right of access to any place or service intended for use by the general public.

The Committee requests the State party to include information on the implementation of article 5 (f) of the Convention, as recommended in its general recommendation XX. It further recommends that the State party ensure that the relevant provisions are incorporated into the new anti-discrimination legislation which is currently being drafted.

455. While noting that the State party is in the process of improving its legislation with a view to providing effective protection and remedies against any acts of racial discrimination, including the right to seek reparation for discrimination, the Committee is concerned at the very low level of awareness among the population of such a possibility.

The Committee recommends that the State party intensify its efforts to adopt and improve legislation in this respect. The State party is further encouraged to publicize the availability of legal remedies with a view to reaching out to the most vulnerable segments of society.

456. The Committee is concerned at the persistence of negative racial and ethnic stereotypes and notes that educational and training activities undertaken by the State party may not have been sufficient to combat discriminatory attitudes and practices.

The Committee recommends that the State party pursue its efforts to combat prejudices and promote understanding and tolerance through a broad range of measures targeting both professionals working with and persons belonging to minority groups, as well as the general public. The Committee encourages the State party, through the broad-based participatory drafting process of the envisaged National Plan of Action to implement the Durban Declaration and Plan of Action, to create awareness with regard to the diverse issues relating to racial discrimination.



457. The Committee encourages the State party to consult with a broader range of civil society organizations working in the area of human rights, and specifically in the field of combating racial discrimination, during the preparation of the next periodic report.

458. The Committee welcomes the information that the State party is considering making the optional declaration provided for in article 14 of the Convention and looks forward to receiving further information in this respect in the next periodic report.

459. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meetings of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

460. The Committee requests that the State party include in its next periodic report information on the progress made with respect to the National Plan of Action being prepared and on other measures it may have taken to implement the Durban Declaration and Programme of Action at the national level.

461. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized in Latvian, as well as in Russian and other minority languages, as appropriate.

462. The Committee recommends that the State party submit a joint sixth, seventh and eighth periodic report, due on 14 May 2007, and that the report address all points raised in the present concluding observations.