



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country: Latvia
Title: Accession to Istanbul Convention
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Context
Issue at stake: Accession to Istanbul Convention
Ground of discrimination: Sex
Source: Policy development
Field: Other

Content

Policy development: After long and heated debates on 10 May 2016, the Cabinet of Ministers finally adopted a decision on the signing the Istanbul Convention. Latvia is the last EU Member State who has not signed such international agreement. However, the debate is not over yet. The Ministry of Justice (*Dzintars Rasnačs*) after the respective decision of the Cabinet of Ministers announced that the Parliament (*Saeima*) will nevertheless not ratify it.

Shortly before the meeting of the Cabinet of Ministers where the decision was taken (30 April 2016), the Ministry of Justice presented its legal research (analysis) on the possible impact of the Istanbul Convention on the Latvian legal system. The legal research presented the opinion that the Istanbul Convention runs contrary to the Constitution (*Satversme*). Among various ideologically based assumptions, the most discussed are following. First, it states that the definition of 'gender' is provided separately from 'sex', thus the Convention introduces the social concept of gender and ideas of 'genderism'. It also endangers the concept of 'family' provided by the Constitution as a unity between male and female. Second, it presents male persons as oppressors thus it discriminates against men in general. Third, the Convention requires introduction of study programmes at schools complying with principle of gender equality and combating stereotypes. This runs contrary to the traditional beliefs of parents and restricts their rights to raise their children according to their religious beliefs. In addition, gender neutral and contra-stereotyping school programmes may negatively affect the self-esteem of boys. The 'legal research' was sharply criticized by many authoritative lawyers and other professionals as well as NGOs representing liberal views.

The lawyers, including ex-judge of the Constitutional Court, stressed that the respective research lacks legal argumentation, including reference to the legal doctrine and interpretation of the Constitution and the European Convention provided by the decisions of the Constitutional Court and the European Court of Human Rights. Such position was fully supported by the Ministry of Welfare and Ministry of Foreign Affairs. Furthermore, the current judge of the CJEU from Latvia, as author of the recently adopted Preamble to

the Constitution, stressed that making connection between Istanbul Convention and Preamble of the Constitution is indelicate.

Sharp criticism was also given regarding the procedure under which the lawyer to conduct the 'legal research' was chosen. First, no reasonable arguments were provided on why such legal assessment was not carried out by the officials of the Ministry of Justice. Second, there were no public tender announced for outsourcing a contractor for the performance of the task, irrespective of the fact that the fees provided was high in the context of Latvia (EUR 3000). Instead, the Ministry of Justice choose a legal office where the research was carried out by Dr.iur.Baiba Rudevska, the same lawyer who had earlier expressed her very conservative views. Moreover, the Minister of Justice in his press briefing on 9 May 2016 did not deny that the contractor for the respective work was chosen on account of her views, which coincide with the political views of the Minister himself.

As a result, on 10 May 2016 the President of the State sharply criticized the actions of the Minister of Justice. This was primarily because the Ministry of Justice should represent legally argued and objective positions and should not just represent the views of one group of society in legal research. Further, several NGOs submitted a request to the Prime Minister to call for the resignation of the Minister of Justice. However, the Prime Minister said there is no sufficiently serious ground for such action.

Consequently, the current state of affairs concerning accession to the Istanbul Convention is the following: although on 10 May 2016 the Cabinet of Ministers adopted a positive decision on the signing of Istanbul Convention and on 18 May 2016 the Minister of Welfare finally signed it, the Minister of Justice announced that the Istanbul Convention will not be ratified by the current Parliament or by the next one.

Internet link sources:

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Vējonis [*The President of the State*]: The actions of the Minister of Justice in connection with the Istanbul Convention are not acceptable (*Vējonis: Tieslietu ministra rīcība saistībā ar Stambulas konvenciju nav pieņemama*), portal tvnet.lv, 10 May 2016, <http://www.tvnet.lv/zinas/viedokli/607795-vejonis-tieslietu-ministra-riciba-saistiba-ar-stambulas-konvenciju-nav-pienemama>, accessed 16 May 2016.

Rasnačs [*the Minister of Justice*]: The Parliament will not ratify Istanbul Convention (*Rasnačs: Saeima neratificēs Stambulas konvenciju*), portal delfi.lv, 10 May 2016, <http://www.delfi.lv/news/national/politics/rasnacs-saeima-neratifices-stambulas-konvenciju.d?id=47420095>, accessed 16 May 2016.

Hustle around the Istanbul Convention (*Jezga ap Stambulas konvenciju*), portal diena.lv, 10 May 2016 <http://www.diena.lv/latvija/politika/jezga-ap-stambulas-konvenciju-14139997>, accessed 16 May 2016.

Levits [*the judge of the CJEU*]: linking of analysis of Istanbul Convention with the Preamble of the Constitution – indelicate approach (*Levits: Stambulas konvencijas analīzes sasaiste ar Satversmes preambulu – nekorekta pieeja*), portal lsm.lv, 10 May 2016, <http://www.lsm.lv/lv/raksts/latvija/zinas/levits-stambulas-konvencijas-analizes-sasaiste-ar-satversmes-preambulu--nekorekta-pieeja-precizets.a182186/>, accessed 16 May 2016.

Opinion on Istanbul Convention deserves massive criticism by the lawyers (*Atzinums par Stambulas konvenciju izpelnās pamatīgu juristu kritiku*), portal lsm.lv, 6 May 2016, <http://www.lsm.lv/lv/raksts/latvija/zinas/atzinums-par-stambulas-konvenciju-izpelnas-pamatigu-juristu-kritiku.a181528/>, accessed 16 May 2016.