



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

### **NEWS REPORT**

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| <b>Country:</b>                  | Latvia   |
| <b>Title:</b>                    | UN CERD publishes conclusions and recommendations on Latvia periodic reports   |
| <b>Date:</b>                     | 18 September 2018  |
| <b>Expert:</b>                   | Anhelita Kamenska  |
| <b><u>Context</u></b>            |  |
| <b>Issue at stake:</b>           | On 30 August, the UN Committee on the Elimination of Racial Discrimination published Concluding Observations on the combined report by Latvia. The observations pay special attention to the collection of statistics, NHRI, anti-discrimination legislation and its enforcement, hate crimes and hate speech, access to justice, non-citizens and the situation of Roma |
| <b>Ground of discrimination:</b> | Race   |
| <b>Source:</b>                   | Legislative development  |
| <b>Field:</b>                    | Employment, education and other  |
| <b>Applicable law:</b>           | UN Convention on the Elimination of Racial Discrimination  |

### **Content**

**Law:** On 30 August 2018 UN CERD published concluding observations on the sixth to twelfth combined periodic reports of Latvia.<sup>1</sup> The Committee expressed regret about the 10 years delay in submitting the report.

CERD expresses concern about the lack of statistics on the enjoyment of economic and social rights of persons belonging to various ethnic groups and recommends collecting and publicising reliable disaggregated statistics on that subject. It raises concern about the lack of adequate funding for Ombudsman's Office to fully discharge its mandate and reported decrease on work concerning racial discrimination by the office. It recommends providing the Office with adequate financial and human resources, increasing its work on prohibiting racial discrimination, assisting victims and providing information, including data, on complaints of discrimination and their outcomes. CERD recommends Latvia to adopt a comprehensive anti-discrimination law and take measures to ensure the effective implementation of legal provisions prohibiting racial discrimination. Concerning hate speech and hate crimes, CERD urges Latvia to prioritise the collection of reliable and comprehensive statistics on racist hate speech and hate crimes, ensure effective investigation, prosecution and punishment of such crimes and develop training programmes for identifying, registering and prosecuting racist crimes.

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<sup>1</sup> All States parties to the UNCERD are obliged to submit a report every two years on how the rights of the Convention are being applied in the country. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

CERD also expresses concern about the amendments to the Law on Education reducing the portion of minority language education in the last three grades of basic education.<sup>2</sup> It recommends Latvia to take measures to ensure that there are no undue restrictions on access to education in minority languages. It reiterates its previous recommendation<sup>3</sup> that Latvia ensures that the State Language Law does not result in unnecessary restrictions that may have the effect of creating or perpetuating ethnic discrimination and ensure that the language policies do not impede in the ability of ethnic minorities to access employment in public and private sector. It also recommends Latvia to take measures to ensure that persons belonging to ethnic groups are represented in public and political life at all levels.

In the realm of access to justice, the Committee expresses concern about the high numbers of ethnic minorities among the prison population, including Russians and Roma. The Committee recommended that Latvia undertakes analysis of the reasons for the high numbers of incarceration of minorities. CERD also urges Latvia to take measures to decrease the number of persons without nationality by facilitating naturalisation, find ways to phase out the separate legal category of non-citizens,<sup>4</sup> intensify efforts that all children have access to naturalisation at birth.

Concerning the situation of Roma, the Committee urges Latvia to take effective measures, including special measures to enhance the socio-economic situation of Roma persons, adopt and implement a national action plan with timelines and concrete targets to eliminate discrimination against Roma.

**Key points of analysis:** CERD recommendations address several old standing issues raised consistently by the UN and regional treaty bodies (high number of non-citizens, granting of automatic citizenship to children of non-citizens, absence of comprehensive umbrella anti-discrimination law, the collection of comprehensive disaggregated data). In the case of some, it can be expected that there will be no follow-up by the Latvian authorities due to lack of political support for recommendations. The conclusions include criticism of the Ombudsman's work concerning prevention of racial discrimination which in the case of Latvia cannot be attributed to reduced financial resources only. CERD also expresses concern and issues recommendations concerning recent amendments to the Education Law which reduce the share of minority language instruction in senior grades, an issue likely to be brought up also by regional treaty bodies as there has been no effective participation by minorities in the process. Unlike other areas of life, data on prisoners by ethnicity remains collected and is regularly included in government reports to treaty bodies. Although there has been no comprehensive research on the reasons for high proportion of Russian minority in prisons, their numbers have dropped and are generally explained by the fact that Russians (Russian speakers) constitute majorities in the two largest cities in Latvia – capital Riga and 2<sup>nd</sup> largest city Daugavpils where crime levels are the highest.

Two NGOs (Latvian Centre for Human Rights and Latvia Human Rights Committee) submitted shadow reports.) LCHR report highlights the disproportionate number of Roma children (over 30%) in special education programmes and schools, the symbolic value of

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<sup>2</sup> Currently the Education Law foresees the following language ratio - 60%/40% (Latvian/minority language) concerning language of instruction in grades 10-12 in minority schools implementing bilingual education programmes. The amendments envisage switch to the language ratio of 80%/20% in 2019/2020 in Grades 10-12.

<sup>3</sup> Report of the Committee on the Elimination of Racial Discrimination, Concluding observations on Latvia (2003), paras. 437-462, p. 76. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=A%2F58%2F18\(SUPP\)&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2F58%2F18(SUPP)&Lang=en).

<sup>4</sup> Non-citizens are a special category of people - former USSR citizens who were resident in Latvia on 01.07.1991 and have not obtained citizenship of any other country. According to the Office of Citizenship and Migration Affairs, as of 1 July 2018 there are 228 855 non-citizens in Latvia [http://www.pmlp.gov.lv/lv/assets/documents/statistika/Iedz%C4%ABvot%C4%81ju%20re%C4%A3istrs%20st.%20uz%2001072018/ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/statistika/Iedz%C4%ABvot%C4%81ju%20re%C4%A3istrs%20st.%20uz%2001072018/ISVP_Latvija_pec_VPD.pdf).

granting automatic citizenship to non-citizen children, low capacity of Ombudsman in fighting racial discrimination, situation with hate crimes/hate speech. The LHRC report focuses on restriction of minority language use in education, language policy outside education, political hate speech, etc. The Ombudsman has accused them of lying and spreading false information allegedly to discredit Latvia.

**Internet link source:**

Concluding observations on the combined sixth to twelfth periodic reports of Latvia:

[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LVA/CERD\\_C\\_LVA\\_C\\_O\\_6-12\\_32235\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/LVA/CERD_C_LVA_C_O_6-12_32235_E.pdf).

State Party's Report:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLVA%2f6-12&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLVA%2f6-12&Lang=en);

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fADR%2fLVA%2f29201&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fADR%2fLVA%2f29201&Lang=en);

<https://eng.lsm.lv/article/society/society/united-nations-is-being-lied-to-claims-latvias-rights-ombudsman.a288436/>.

NGO

Latvian Centre for Human Rights, Shadow Report to the UN Committee on the Elimination of Racial Discrimination, available at:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fCSS%2fLVA%2f31855&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fCSS%2fLVA%2f31855&Lang=en).