



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
15 August 2018

Original: English

Committee on the Elimination of Racial Discrimination Ninety-sixth session

Summary record of the 2651st meeting

Held at the Palais Wilson, Geneva, on Thursday, 9 August 2018, at 10 a.m.

Chair: Mr. Murillo Martínez (Vice-Chair)

later: Mr. Amir (Chair)

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined sixth to twelfth periodic reports of Latvia (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@unog.ch).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-13311 (E) 140818 150818



* 1 8 1 3 3 1 1 *

Please recycle A recycling symbol consisting of three chasing arrows forming a triangle.



In the absence of Mr. Amir, Mr. Murillo Martínez (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined sixth to twelfth periodic reports of Latvia (continued) (CERD/C/LVA/6-12; CERD/C/LVA/Q/6-12)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*

2. **Ms. Ozola** (Latvia) said that articles on hate crime and discrimination in Latvian legislation had been amended in 2014. International law, such as the Convention, the Universal Declaration of Human Rights and relevant European Union legislation, had been taken into consideration when drafting the amendments. The reform of the Criminal Law in 2013 had modified the sanctions for criminal offences under article 78 in order to apply more widely the use of alternative sanctions for non-violent crimes. Nonetheless, violent crimes and the threat of violent crimes were still severely punished pursuant to article 78 of the Criminal Law. The Criminal Procedure Law had also been amended by introducing the concept of specially protected victims in article 96. Persons who had suffered discrimination on the grounds of race or ethnicity were considered specially protected victims. A website and hotline had been set up by the Government to offer psychological support to such individuals.

3. In 2017, a total of 3,996 persons were in prison in Latvia, of whom 2,953 were Latvian citizens, 942 were non-citizens and 101 were foreign nationals. Among the Latvian citizens, 134 were of Roma ethnicity, 664 of Russian ethnicity and 1,548 of Latvian ethnicity. With regard to anti-discrimination safeguards in criminal proceedings, the Constitution and the Criminal Procedure Law both forbade all forms of discrimination; the Sentence Execution Code also prohibited discrimination against persons who had been convicted of a crime. Any person who had been subjected to discrimination at any point during criminal proceedings or detention was entitled to bring a case before the Constitutional Court or the European Court of Human Rights. Statistics on the number of cases brought before the court of first instance pursuant to article 78 of the Criminal Law between 2008 and 2016 were available in the annex to the State party's report.

4. Concerning the burden of proof in criminal proceedings, in accordance with article 19 of the Criminal Procedure Law, all persons were presumed innocent until such time as guilt was proven beyond a reasonable doubt. Efforts were being made to improve awareness of discrimination in the judiciary. For example, national training courses were offered in judicial training centres, in addition to courses organized by the Academy of European Law on the topic of anti-discrimination, equality, tolerance and hate crime.

5. *Mr. Amir took the Chair.*

6. **Mr. Zaķis** (Latvia) said that, in the light of the 2014 report on the legal framework of liability for inciting national or ethnic hatred, calling for an end to independence, undermining territorial integrity or desecrating national symbols, the Government had concluded that law enforcement agencies needed to provide their officers with further training on recognizing hate speech. In 2016, the Government had considered another report on proposals to prevent the dissemination of materials fostering hatred and violence in the public domain, including on the Internet. The report contained information on preventive measures, safeguards and the investigation and punishment of such offences. In 2016, the Security Police had participated in drafting amendments to the Law on Associations and Foundations in order to improve the legal framework prohibiting the activities of associations that threatened national security. Such activities included the preaching of violence and national or racial hatred.

7. In 2017, a degree programme on human rights and combating delinquency had been introduced at a university in Riga. The State Police College also offered informal training programmes on a number of subjects, including the protection of human rights in the course of police work, police in a multinational society, victim support, identification and

investigation of hate crimes and ways of combating radicalization, among others. The Safer Internet Centre offered information on how people could report breaches of human rights via a specially designed hotline and had also produced a social network safety guide. In 2017, the Centre for Human Rights had held 10 training seminars for young people and 1 seminar for teachers on combating intolerance and hate speech. The seminars had been organized as part of the project “Say NO to hate speech”. In 2015, the Centre had held a seminar in cooperation with the State Police College on hate-motivated speech in which a number of non-governmental organizations (NGOs) and academic institutions from different countries had participated. The State Police College, together with the Mozaika Association of LGBT and Their Friends, had organized a training session on hate crime and, in 2017, a set of guidelines on the investigation of hate crime, developed by the State Police and Security Police, had been adopted. Within the next two years, the State Police and the Office of the Prosecutor General aimed to produce further guidelines on the investigation of such crimes.

8. **Mr. Gūte** (Latvia) said that refugees were protected under the Asylum Law. They were also protected by the Office of the Ombudsperson, which had identified asylum seekers as a priority target group, and by a number of national foundations that were working to defend the rights of asylum seekers.

9. The amendments to the Civil Procedure Law did not prevent interpretation services from being provided in court proceedings when needed. Those provisions were aimed at preventing large corporations from using public funds to access interpretation services even though they could afford to pay for them. Pursuant to the Civil Procedure Law, anyone was able to request free interpretation services, but it was at the discretion of the judge whether or not to grant the request. The State had an obligation to provide interpretation services in civil proceedings for persons receiving State-funded legal aid. Although, by law, documents in a foreign language could only be presented before a court if a translation into the State language had been certified by a notary, not every case required the authorization of a notary; in certain instances, the translation could be certified by another person’s signature.

10. **Ms. Rancāne-Delekolē** (Latvia) said that measures to combat racial discrimination were included in national diversity promotion policies. The Ministry of Culture offered financial support for awareness-raising among target social groups, which included Roma. Activities were also being undertaken at the European level through the Council of Europe campaign entitled “Dosta! Go beyond prejudice, meet the Roma!” The Roma Cultural Centre organized events for International Roma Day which promoted the art and history of the Roma people. The Centre for Human Rights worked to promote a positive image of Roma in the media by highlighting individual success stories and also offered advocacy support to Roma who had been victims of discrimination and violence. The Latvian Roma Platform III Project had been adopted by the Government and would continue to implement measures to combat anti-Roma attitudes and to foster intercultural dialogue. The European Social Fund, in cooperation with the Society Integration Foundation, had developed a large-scale project to promote diversity in Latvia that was to be implemented from 2016 to 2022 with a budget of €6 million. The Roma population had been identified as one of the target groups of the project. The final assessment of the action plan for the implementation of the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018) was scheduled to take place in 2019. The first assessment of results and indicators had taken place in 2015. The Ministry of Culture continued to work to improve the system for monitoring the implementation of the Policy and develop innovative approaches for future policymaking efforts.

11. **Ms. Arkle** (Latvia) said that two different education programmes were available in Latvia, one of which was taught in the State language and the other in both the State and minority languages. The State financed teaching in primary and secondary schools in seven different minority languages and gave students as much opportunity as possible to choose education programmes in their preferred language. The first minority schools in Latvia had been the Polish, Ukrainian and Jewish schools that had been opened in 1989 in Riga. In 1995, common education standards, including a common system of examination, had been introduced for pupils in grades three, six and nine. Bilingual education programmes in

primary schools had been offered since 1998, and the State had drawn up five bilingual curriculum models for primary schools. In 2004, a system had been established whereby secondary schools had to teach 60 per cent of their subjects in Latvian, while 40 per cent could be taught in a minority language. As of 2017, there were approximately 49,000 students — 27 per cent of the total — enrolled in national minority education programmes; 4,931 teachers worked in minority schools; and Latvian was the language of instruction in 20,759 schools. At the preschool level, 458 early childhood education institutions used Latvian as a language of instruction, 117 had both Latvian and minority language programmes, while 65 used Russian and 1 used Polish as the language of instruction.

12. In 2018, Latvia had introduced some important changes in its education system that would allow it to gradually move towards competency-based learning in preschool, basic and secondary education. The Government had issued new regulations on the language of instruction so that, from the first to sixth grades, not less than 30 per cent of the subjects would be taught in Latvian, while from the seventh to ninth grades, not less than 80 per cent of the subjects would be taught in Latvian. As from 2022, all general subjects in secondary education would be taught in Latvian, although students from national minorities would still have the opportunity to study their minority language, literature and culture, and historical subjects in their mother tongue.

13. The Government planned to invest €3 million to help teachers improve their knowledge of Latvian, while the Latvian Language Agency provided support for the education of national minorities in Latvian. The Ministry of Education and Science had taken steps to improve the collection of data and monitoring with regard to the educational situation of Roma children. The country's 900 Roma pupils attended mainstream education institutions and were not placed in separate classes.

14. As of 1 January 2019, universities would not be able to admit new students to programmes taught in Russian, although students already enrolled in such programmes would be able to complete their studies. Most universities planned to offer programmes in a number of the other official languages of the European Union besides Latvian. The Ministry of Education and Science constantly monitored the quality of education, and statistics showed that examination results in minority schools were the same as or better than those obtained in previous years. The Latvian education system had become an important force in the process of social integration.

15. **Ms. Tāre** (Latvia) said that the State Labour Inspectorate, which came under the supervision of the Ministry of Welfare, had responsibility for monitoring employment relations and health and safety at work and had the power to impose administrative fines of up to €14,000. In 2017, it had received 3,464 complaints of alleged violations of labour law and health and safety at work regulations, many of which referred to the termination of employment contracts. The Inspectorate had upheld most of the complaints, issuing 4,556 orders to employers and, in 686 cases, administrative fines. In 2017, the Inspectorate had received 31 complaints of violations of anti-discrimination laws. It had confirmed the information received in eight cases and had issued one administrative punishment and five reprimands. The violations had related to vacancy advertisements based on gender and age, requests for candidates to provide information about family or property status and the failure to provide equal pay for equal work. No cases of racial discrimination had been detected in recent years. Regarding the application of article 29 of the Labour Law, described in paragraph 153 of the report, the courts had discretion to decide the amount of compensation for damages incurred as a result of direct or indirect discrimination. According to judicial statistics, between 2008 and 2017, 527 claims had been filed on the basis of article 29, while 221 claims had cited article 91 of the Constitution.

16. In all, 79.8 per cent of men and 74.3 per cent of women aged 15–64 years had been economically active in 2017. The percentage of economically active women had risen by 4 per cent during the previous 10 years. According to November 2017 data from the European Institute for Gender Equality, women's representation in the parliament stood at 17 per cent, while in government services it was 21.4 per cent and in regional assemblies 23.6 per cent. Women accounted for 28.8 per cent of board members of the largest listed companies. Latvia also had the highest proportion of women in science of all European Union countries, at 52 per cent. In 2016, 76 per cent of civil servants were women.

17. **Ms. Līce** said that the aim of the State Language Law was to preserve and develop the Latvian language and to provide a tool for the integration of national and linguistic minorities, while ensuring their right to use their native language. As a rule, communications with public institutions had to be in Latvian, although there were several exceptions. For instance, public institutions might provide information in languages other than Latvian if it dealt with public awareness, public safety or emergency situations. Information about the rights and obligations of persons in places of imprisonment and information for asylum seekers had been translated into other languages. Another exception was that public institutions might respond in a foreign language to requests by private, natural or legal persons in response to their specific needs; for example, embassies might issue documents in the language of the country where they were located. The police, medical institutions and the emergency services all accepted requests in languages other than Latvian — usually English, German or Russian.

18. In respect of language use in the workplace, the State Language Law stipulated that employees in private companies and self-employed persons must use Latvian in dealing with the public. Employees who interacted with customers were therefore obliged to have a certain level of proficiency in Latvian but were not expected to be perfectly fluent. Those provisions did not apply to unofficial or internal communications, to communications within ethnic or national groups, or to religious activities. In short, the law simply required that workers dealing with the public were able to respond in Latvian to questions related to the performance of their functions.

19. The State Language Law also established that persons' names appearing on State-issued identity documents must be transcribed into Latvian. If the person so wished, the original form might also be entered on the identity document next to the name in Latvian. The transliteration of foreign names into the Latin alphabet was done in accordance with the rules of the International Civil Aviation Organization.

20. **Mr. Pildegovičs** (Latvia), responding to questions about the contribution of Latvia to the International Decade for People of African Descent, said that, since 2004, Latvia had celebrated Africa Day each year on 25 May. On that occasion, which was becoming a tradition, African cultural heritage events and other initiatives were organized with the support of NGOs and civic groups and with the participation of high-level visitors from African countries.

21. **Mr. Kārklīņš** (Latvia) said that the questions asked by the Committee members about the Office of the Ombudsperson had been conveyed to that Office and that, in response, the Ombudsperson had sent a letter to the secretariat of the Committee.

22. **Mr. Arraya** (Acting Secretary of the Committee), reading from the letter, said that the Office of the Ombudsperson participated in the work of the Human Rights Council and other mechanisms of the United Nations. While the Office was responsive to national and international stakeholders, it was also independent and had the right to take decisions on whether to participate in any given meeting. The Office confirmed the observation that to a certain extent it prioritized children's rights and the social and economic rights of the inhabitants of Latvia, considering that children and the poor were vulnerable groups who required special support from the State.

23. Funding of the Office had diminished significantly during the financial crisis of 2009–2010 and had not yet returned to its pre-crisis level. In 2016, additional funding had been allocated for urgent measures, including the monitoring of forced returns, and for strengthening the capacity of the Office.

24. The Office had three divisions that worked on non-discrimination and equal treatment issues. In June 2018, the Ombudsperson had won a discrimination case in the Constitutional Court in which a local municipality had set a higher tax rate for citizens of the European Union than for Latvian citizens. Under the Constitution, there were 16 discrimination criteria in Latvia, to which the Ombudsperson attached equal importance. However, as persons with disabilities and the parents of young children were very active in Latvia, in practice the Office paid more attention to protecting the rights of persons with disabilities and children.

25. While it had been noted that the Office had not brought any cases before the civil and administrative courts since 2007, the Ombudsperson wished to point out that, as an independent institution, it was not under any obligation to do so. In fact, the Office pursued other methods to uphold people's rights, including mediation, which was preferable to time-consuming court proceedings. The Office also brought cases before the Constitutional Court, which had initiated 25 cases and had passed judgment on 20 cases on the basis of the Ombudsperson's submissions. In addition, it had requested the Ombudsperson's opinion in 181 cases.

26. In 2016, for instance, the Office had conducted a study on hate crimes and hate speech in the course of which it had identified an anonymous comment on the Internet that constituted incitement to violence against refugees and asylum seekers; it had referred that case to the Office of the Prosecutor General. At its annual conference, the Office of the Ombudsperson had hosted a discussion on promoting tolerance in society and recognizing hate speech and hate crimes, which had raised awareness of the topic and led to an increase in the number of complaints that had been filed. Lastly, since 2011, the Office had worked closely with the Roma community and had signed a cooperation memorandum with the International Romani Union for the prevention of discrimination against Roma. It had also met on several occasions with Roma communities in different regions to help address the issue of Roma not having information on their rights.

27. **Mr. Kārklīņš** (Latvia) said that he hoped that the Committee members would take into account the information provided by the Ombudsperson when drafting their final observations.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

28. **Mr. Albuquerque e Silva** said that he would appreciate a comment from the delegation on reports that a Latvian political party, the Latvian Social Democratic Workers' Party, had shared a Nazi image on social media. He wondered whether the Ombudsperson had taken action in that connection. He would like to know whether the sharing of such an image might have an effect on the electoral process, especially with regard to migration issues. What was the Government's stance on that matter?

29. **Ms. Mohamed**, thanking the delegation for their detailed replies, said that she nevertheless found it necessary to repeat her earlier question regarding the acquisition of citizenship. She would like to know whether people had a right to citizenship only if they were politically active.

30. **Ms. Li** said that she would welcome more information regarding the representation of minorities in public bodies. Given that non-citizens did not have voting rights, she wondered whether they had the right to be consulted on political matters that concerned them. In the light of reports that the provisions of the Asylum Law were not sufficient to ensure that detention was used only as a last resort and for the shortest time possible, she would like to hear the delegation's comments on that issue. Were any minors who were seeking asylum being held in detention in the country?

The meeting was suspended at 11.50 a.m. and resumed at noon.

31. **Mr. Pildegovičs** (Latvia) said that the Government condemned the social media post in question, just as it condemned all hate speech and hate crimes. The police had responded rapidly by opening a criminal case. The political party involved had distanced itself from the image, claiming that it represented the view of an individual member, who would be expelled from the party. In the lead-up to the 2018 general election, the Government had established centres of excellence to educate journalists about hate speech and the need to be especially vigilant regarding bigotry in political campaigns.

32. Non-citizens enjoyed similar rights to citizens; they could join political parties and non-governmental organizations. However, non-citizens did not have the right to vote or hold political office. The Government considered the right to full political participation to be one of the incentives for acquiring full citizenship. A constant dialogue was maintained with NGOs that represented non-citizens on subjects including education, cultural heritage, religious affairs and human rights. The President, the Minister of Culture and the Minister of Education and Science all engaged in regular dialogue with the national advisory

councils on minority issues. An advisory council for dialogue with third-country nationals and working groups to address Roma issues also existed.

33. **Mr. Kārklīņš** (Latvia), responding to a question from Ms. Mohamed, said that political activism was not a prerequisite for the acquisition of citizenship. All non-citizens, regardless of whether they were politically active, were required to follow a naturalization procedure in order to acquire citizenship.

34. **Mr. Pildegovičs** (Latvia) said that more detailed statistics regarding the representation of minorities in public bodies would be provided in writing.

35. **Mr. Zaķis** (Latvia) said that Latvian officials had taken part in Council of Europe activities devoted to an analysis of the legal and practical aspects of effective alternatives to detention in the context of migration. The institutions involved in the asylum process took measures to ensure that the rights of asylum seekers were respected. However, asylum seekers might be detained if their identity, nationality or the facts contained in their application needed to be verified. Other possible reasons for their detention could include: a decision needed to be made regarding whether they had the right to enter Latvia; State authorities had reason to believe that they represented a threat to national security or public order; it was suspected that they had submitted an application to hamper a removal order; or the necessity of a transfer under article 28 of the Dublin III Regulation needed to be ascertained. The fact that detention was used only as a last resort was reflected in recent national statistics: in 2016, 25 per cent of all asylum seekers had been placed in detention and, in 2017, only 15 per cent had been detained. A very small number of children were detained in appropriate facilities where they had access to education and recreational activities.

36. **Mr. Avtonomov** said that, considering that non-citizens faced restrictions in accessing some professions and their pensions were subject to different regulations, and yet the rate of citizenship acquisition was very low, he wondered whether the Government was reconsidering its policies with respect to non-citizens and citizenship acquisition, particularly for individuals who had not acquired another nationality. Lastly, he wondered whether a new approach was required to address issues of discrimination in the post-Soviet era.

37. **Mr. Diaby** said that he would appreciate further information on the amendments to the Constitution that had been enacted in 2014, particularly the changes made to the preamble. Paragraphs 65 to 71 of the State party report, which addressed freedom of association, made very little reference to the formation of associations by non-citizens. He therefore wondered whether non-citizens had participated in the drafting of the report. As Latvia was a party to a long list of bilateral agreements, he would welcome information on any provisions within them that could be seen as discriminatory, for instance with regard to visas. It was unclear what protection was offered to residents in the State party who were recognized neither as citizens of Latvia nor as citizens of another country. As Latvia had ratified the Convention on the Reduction of Statelessness, he saw an opportunity for the State party to take action to remedy the situation with regard to residents who might be stateless.

38. Although the Office of the Ombudsperson had a very broad mandate, the Committee had heard that it had rarely been involved in cases regarding discrimination, specifically racial discrimination. He would welcome information on why that was the case. In particular, he would like to know whether associations that represented non-citizens ever petitioned the Office and, if so, whether their complaints had been followed up on. He would be interested to receive information on whether minorities, in particular those which were relatively larger in number, could use minority languages when communicating with local authorities.

39. **Mr. Murillo Martínez** said that he would be interested to hear more about how the Government perceived its role in tackling the complex and widespread issue of hate speech, not just nationally, but also regionally and as a member of the European Union. Welcoming the information that the State party had made significant efforts to foster the critical analysis of issues pertaining to racial discrimination through education and training, he

would be interested in seeing detailed statistics that showed which sectors of the population, in particular, had benefited from such training.

40. The State party was to be commended on its observance of 25 May as a day to recognize the contribution of persons of African descent, including students. He would welcome the further engagement of Latvia in the International Decade for People of African Descent.

41. **Mr. Pildegovičs** (Latvia) said that Latvia was a very strong voice against hate speech in the European Union. In the current era of information warfare and hybrid threats, Latvia had co-sponsored the creation of a special strategic communications unit within the European External Action Service to combat hate speech and incitement to radicalization in the digital realm. The Government also worked in close cooperation with the Eastern Partnership countries of Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, as well as countries of Central Asia, to help them in tackling the same issues.

42. Although Latvia had come a long way since the days of the Soviet Union and currently had more than 60 agreements in place with the Russian Federation, including a border settlement, some of the issues discussed during the dialogue with the Committee were a legacy of the circumstances that had prevailed during and in the decades after the Second World War. For example, a considerable proportion of non-citizens in Latvia were former members of the Red Army. Although the Government wished that all the people of Latvia should flourish and prosper, it did not believe that citizenship should be imposed, and it therefore respected the decision of some residents not to seek Latvian citizenship. Non-citizens could, for instance, travel visa-free to the Russian Federation, and many regularly benefited from that privilege. Regarding bilateral agreements, Latvia had raised the issue of restricted travel opportunities for non-citizens with the States concerned, but it did not have the power to impose any foreign policy decisions on those States. Nevertheless, non-citizens were accorded the same treatment as citizens of Latvia when it came to receiving consular support.

43. **Ms. Līce** (Latvia) said that the 2014 amendments to the Constitution had not altered its substantive provisions. The portion of the preamble that had been added stated that Latvia was a democratic State that respected ethnic minorities and that the sovereign power of the State lay with the people of Latvia, without distinction based on nationality or ethnicity.

44. **Mr. Kārklīņš** (Latvia) said that there were 178 stateless persons in Latvia, and a specific programme and legal process had been created to help them to acquire citizenship of Latvia or of another country if they so wished. Latvia played an active role in the efforts and campaigns of the Office of the United Nations High Commissioner for Human Rights to reduce statelessness and encourage other States to become parties to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

45. **Ms. Li**, thanking the delegation for the many answers supplied, said that the dialogue had been both candid and constructive.

46. **Mr. Pildegovičs** (Latvia) said that the dialogue had been a stimulating exchange. Supplementary statistics and information would be submitted to the Committee the following week.

47. **The Chair** said that the Committee greatly appreciated the delegation's willingness to engage with its questions. The Committee would continue to maintain a constructive relationship with the State party in relation to all issues pertaining to the elimination of racial discrimination.

The meeting rose at 12.55 p.m.