



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

Distr.: General

15 August 2018  
Original: English

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## Committee on the Elimination of Racial Discrimination Ninety-sixth session

### Summary record of the 2650th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 8 August 2018, at 3 p.m.

*Chair:* Mr. Amir

## 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*

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*The meeting was called to order at 3 p.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 (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. **Mr. Pildegovičs** (Latvia), introducing the combined sixth to twelfth periodic reports of Latvia (CERD/C/LVA/6-12), said that the Latvian Constitution embodied key principles of international human rights law, in particular, the rule of law; equality before the law and the protection of human rights without discrimination of any kind; and the binding nature of international agreements. The intentionally laconic wording of the Constitution allowed for an evolving interpretation that could take account of new developments in legal thought. As a result, the general prohibition set out in the Constitution's equality and non-discrimination clauses now covered discrimination on all the specific grounds defined in international instruments to which Latvia was a party, including race, skin colour, ethnicity, language, religion or belief, or membership of a national minority. Those three principles were directly applicable when interpreting all legislative acts and when evaluating the actions of State institutions.

3. A further key principle embodied in the Constitution was the protection of the rights of minorities, in particular their right to preserve and develop their languages and their ethnic and cultural identity. The Constitution's provisions on the promotion and protection of the Latvian language were intended to offset the aggressive ethno-demographic and linguistic policies pursued under the Soviet occupation. Latvia was the only place in the world where the existence and development of the Latvian language and culture could be guaranteed; any reduction of its scope in the national territory posed a threat to the democratic structure of the State. The purpose of the Government's language policy was thus twofold: to preserve the Latvian language and to provide all the necessary means for the integration of national and linguistic minorities into society while ensuring their right to use their native languages.

4. As for the situation of the country's non-citizens, he wished to stress that the individuals in question were not stateless. The United Nations High Commissioner for Refugees had indicated in his 2017 report on global trends that the Convention relating to the Status of Stateless Persons was not applicable to the situation of non-citizens in Latvia. They enjoyed the protection of the State in Latvia and abroad and had the same social and political rights as citizens, with the exception of the right to vote and the ability to work in the civil service or to occupy posts linked to national security. The Government had created all the preconditions for persons with temporary non-citizenship status to acquire Latvian citizenship, and its legislation in that area was regarded as one of the most liberal in Europe.

5. Despite the new challenges being faced in connection with the influx of large numbers of asylum seekers in Europe, military conflict in neighbouring countries and the proliferation of information warfare, the situation with regard to non-discrimination in Latvia had improved in a number of aspects. First, the Government had been working consistently and successfully towards reducing the number of non-citizens, such as by offering free Latvian language courses, conducting regular surveys to ascertain why more non-citizens did not apply for naturalization and, in 2013, amending the Citizenship Law to further simplify the naturalization process and the registration of non-citizens' newborn children as Latvian citizens. The previous five years had seen a steady decrease in the number of non-citizens amounting to 1 percentage point per year, or some 10,000 persons.

6. Secondly, the Government continued to pursue its integration policy with a special focus on socially disadvantaged groups, in particular Roma and young people from minority communities. Under the country's Action Plan for the Implementation of the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018), civil society organizations representing minorities had regularly been involved in the

Government's policy coordination mechanisms and had contributed to the drafting of a new social integration plan. Over 50 projects were under way to support such organizations' participation in Latvian political life, to promote minority cultures and identity and to encourage young people from minority groups to become active in civil society. As a result, more and more members of ethnic minorities had reported that they felt included in Latvian society.

7. Thirdly, the Government had strengthened its efforts to identify, investigate and adjudicate hate crimes and conducted awareness-raising campaigns with multiple stakeholders. The State Police and the Security Police were increasingly using social media platforms to inform the public and to encourage the reporting of crimes, which could now be done online. Training courses had been organized for public prosecutors, police officers and judges. Under a project to strengthen the capacity of non-governmental organizations (NGOs) to combat incitement to hatred on the Internet, NGOs had begun monitoring content and comments posted in online publications and on social media in order to identify and report hateful content and test the efficacy of different reporting methods. The presence of hate speech in political discourse was being closely monitored in the run-up to the October 2018 general election.

8. With regard to the situation of minorities, the Law on Education and the Law on General Education had been amended in April 2018 after extensive consultation with NGOs and national minorities. The reform entailed a review of curricula and teaching methods at all schools in Latvia and an increase in the number of courses taught in Latvian at general secondary schools. The aim was to ensure that all graduates had an equal command of the language and thus equal opportunities for employment and further education. Support would continue, however, for minority education programmes in seven minority languages in primary schools, as well as instruction in minority languages at the secondary level for subjects that pertained to national minority cultures and history, in order to ensure the preservation and development of national minority languages and ethnic and cultural identity.

9. As to the activity of the national human rights institution, the Office of the Ombudsperson had initiated numerous investigations in response to complaints about discrimination. Its budget had been increased, standing in 2017 at 1,375,000 euros.

10. **Ms. Li** (Country Rapporteur), noting that the State party had made several positive changes to its legal framework in response to the Committee's previous recommendations, said that Latvia had clearly stepped up its efforts to meet its obligations under the international human rights instruments, including the Convention. The Committee wished to know, however, how the State party ensured that all laws were interpreted in line with the principle of non-discrimination without an all-encompassing law on the prohibition of racial discrimination. Moreover, it would be useful to know more about the status of the Labour Law in the domestic legal framework, with particular regard to the implications of its definition of racial discrimination for other relevant laws. The State party should also clarify how international treaties acquired legal force in domestic law; it would be useful to know whether they could be applied directly in the national courts or by other judicial or administrative mechanisms. In addition, the Committee would welcome more detailed information on the policy and administrative measures that the State party had taken to combat racial discrimination and promote tolerance and the integration of ethnic groups into Latvian society, including information regarding the funding, scale and results of the strategies and projects devised for that purpose.

11. She noted with satisfaction the establishment of the Office of the Ombudsperson and its accreditation with A status under the Paris Principles. However, reports suggested that the Office's equality and anti-discrimination mandate was a low priority for the Government, inasmuch as no financial or human resources were specifically allocated for the purpose and its legal equality unit had been closed. Indeed, the Office had ceased to publish statistics on discrimination, had not brought any civil or administrative cases of discrimination since 2007 and had abolished the post of Roma affairs adviser, which had been created to promote Roma integration and combat discrimination against that population group. In that connection, many Roma had claimed that they had been refused work on account of their ethnic origin but the Ombudsperson had done nothing to address

their concerns. She would welcome information on that situation and also wished to know whether there were plans to introduce functional immunity for the Office, ensure the security of tenure of the Office's governing body and allocate sufficient funding to enable the Office to carry out its racial discrimination mandate.

12. While noting the positive changes that had occurred in legislation designed to combat and prevent hate crimes, she wondered why the penalty for incitement to hatred online, an offence that had previously been punishable by up to 10 years in prison, had been reduced to a fine and community service. She also wondered what reasons could account for the underreporting of hate crimes by victims to the authorities; whether aggravating factors, such as racial motivation, were being considered in practice by the courts; what measures had been taken to support victims of hate crimes, including through specialized support programmes; and whether the State party had established an action plan with dedicated funding to address online hate speech. In that connection, she was concerned at reports of hate speech being used by politicians and at the fact that an annual march honouring Latvian veterans who had fought with the Nazi forces in the Second World War had been allowed to go ahead, despite widespread criticism; could the delegation provide information as to why such activities were allowed?

13. While welcoming the amendments made to the Citizenship Law in 2013, she had noted that the law was not yet fully compliant with the Convention with regard to preventing statelessness and ensuring the right to nationality. Given that non-citizens did not enjoy full employment and political rights, she wished to know what their legal status and rights were, why the naturalization rate was so low and whether there were any plans to simplify the naturalization process. In addition, children born in Latvia to non-citizen parents still did not receive Latvian citizenship automatically. Placing the responsibility on the parents to apply for the registration of their child as a Latvian citizen created a risk that they might unintentionally help to perpetuate their child's statelessness if they failed to recognize the impact it could have on the child's future. Did the Government intend to amend its legislation to ensure that every child born in Latvia acquired nationality at birth, in line with the 1961 Convention on the Reduction of Statelessness?

14. Regarding persons holding refugee or alternative status under Latvian law, she would appreciate information on the State party's strategy for integrating individuals benefiting from international protection and the funding that had been allocated for that purpose. In addition, she wondered what measures the State party was taking to ensure that those persons enjoyed similar rights and entitlements, had an adequate standard of living and support, and were able to integrate into society and become naturalized citizens. Information on how the State party was tackling the reportedly widespread xenophobia, intolerance and negative attitudes towards immigrants, refugees and asylum seekers should also be provided.

15. Lastly, she would welcome information on specific measures taken by the State party to develop and provide funding for education in minority languages and to implement the recommendations of the Human Rights Committee, which had expressed concern to Latvia in its concluding observations (CCPR/C/LVA/CO/3) at the gradual decrease of measures in support of the teaching of minority languages and cultures in minority schools. As the recent amendments to legislation on education had further reduced minority language education at the primary, secondary and tertiary levels, she would appreciate details concerning consultations held with minority groups in that process and in the process of amending the State Language Law.

16. **Mr. Calí Tzay** said that, although the Latvian Constitution of 1922 had been amended to include a chapter on human rights, he was concerned that a specific and comprehensive definition of racial discrimination was still lacking. Indeed, among the many anti-discrimination laws in force in the State party, it was difficult to find a consistent definition of that form of discrimination.

17. He would welcome examples of any civil or labour law cases involving racial discrimination. In particular, he wished to know which institution was responsible for dealing with such cases, how many cases had been prosecuted and what their outcomes had been, including whether any sanctions had been imposed.

18. National human rights institutions accredited with A status under the Paris Principles were entitled to make a statement to the Committee. It was therefore regrettable that no representative of the Office of the Ombudsperson was present for the dialogue. He would be interested to know whether the Ombudsperson was authorized to handle complaints of racial discrimination and with whom the burden of proof lay in cases concerning racial discrimination. Lastly, he would welcome information on the proportion of the prison population that came from a minority background.

19. **Ms. Dah** said that she, too, found it regrettable that the Office of the Ombudsperson was not present, since the Committee attached great importance to the participation of such institutions in its dialogues. She would be interested to hear about the process that was in place for amending the Constitution and wondered whether there were any plans to incorporate a general definition of discrimination and a specific definition of racial discrimination.

20. She noted that the State party had placed a priority on Latvian language skills as a prerequisite for nationality and citizenship; had allowed foreigners, minorities and non-citizens to be naturalized only under certain conditions; and had removed support for minority languages in secondary schools. She therefore had the impression that the State party's overriding policy was one of assimilation rather than integration.

21. **Mr. Murillo Martínez**, observing that hate speech and extremism were on the rise around the world and were being increasingly used by politicians to incite hatred, instil fear and gain political power, said that he wished to know what the Government was doing at the national and regional levels to combat hate speech, incitement to hatred and extremism in the run-up to the country's parliamentary elections. In the light of the Committee's general recommendation No. 35 on combating racist hate speech, he would also like to know how the State party reconciled the right to freedom of expression with the need to combat extremism. Lastly, he wondered whether the delegation could provide statistics on racial discrimination cases in which the burden of proof had been reversed.

22. **Mr. Avtonomov** said that it would be helpful if the delegation could explain the rationale behind the decision to amend the Civil Procedure Law to do away with the State's obligation to provide interpreters in civil court proceedings for persons who did not speak Latvian. Furthermore, the broad scope of article 6 of the State Language Law, which provided that private institutions, organizations, companies and self-employed persons must use the State language if their activities affected the lawful interests of the public, could prevent members of minority groups from gaining employment in several fields. He asked whether there was an exhaustive list of occupations where using the Latvian language was a requirement. Despite the State party's efforts to increase the participation of Roma in the labour market, the employment rate of that group was still well below the national average. It would be useful if the delegation could shed light on the reasons for that discrepancy.

23. He would also welcome information on the proposed amendments to the Law on Education, which, if adopted, would do away with minority language teaching in public and private secondary schools and cut back minority language teaching at the basic education level, and on the related appeal pending before the Constitutional Court. In addition, he would be interested to know why the State party had failed to act upon the Ombudsperson's recommendation that the language and culture of national minority groups, including Roma, should be taught alongside the general curriculum in mainstream schools and not separately in segregated schools. The delegation should also describe the current situation with respect to segregation in Latvian schools.

24. Given that the ethnic Latvian population had been declining steadily since 1991, he would like to know what the reasons for that demographic change might be. He would also like to hear about the impact of the Action Plan for the Implementation of the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018). The delegation might also describe the measures taken by the State party to ensure the survival of the Livs, the only other indigenous people of Latvia, who were very few in number. Lastly, he asked how the State party planned to promote and commemorate the International Decade for People of African Descent.

25. **Mr. Bossuyt** said that it was important to take the history of Latvia into account when examining issues relating to language and citizenship. The impact of three consecutive periods of foreign occupation on the State party's demography, national identity and status of its language could not be overstated. He asked whether persons born in Latvia to non-citizens were also considered non-citizens and, if so, was it not overly complicated for them to acquire citizenship only much later on in life, once they were able to demonstrate the requisite language skills? He also wished to know whether the requirements laid down in the new regulations on dual citizenship differed depending on the other State concerned and its acceptance of dual citizenship. It would be useful to hear more about the circumstances under which Latvian non-citizens had lost their original citizenship; had that been imposed on them or had it been voluntary?

26. The delegation might also indicate how broadly article 6 of the State Language Law was interpreted in practice and provide information on the enforcement of the requirement laid down in article 10 of that Law for documents drafted in a language other than Latvian to be translated and certified by a notary. The fact that 50 per cent of students had passed the Latvian language and literature examinations set as part of educational programmes for national minority groups gave cause for concern, as it could be inferred from that result that almost half of students belonging to those groups did not have a sufficient command of the national language. He would be grateful if the delegation could explain the organization of instruction in bilingual schools; were some courses taught in Latvian and others in a minority language? Lastly, noting that Israel was one of the countries supporting minority schools but that there were no schools that taught in Hebrew, he wondered what that support consisted of.

27. He would also appreciate clarification on the minimum number of persons required to establish a trade union under the Law on Trade Unions.

28. **Ms. Mohamed** asked whether a foreign national who did not have a command of the Latvian language but who met the other requirements could apply for Latvian citizenship. According to the State party's report, steps had been taken to enable every politically active inhabitant of Latvia to acquire Latvian citizenship. The delegation should clarify the meaning of "politically active" and indicate whether inhabitants who were not politically active were still eligible to apply for Latvian citizenship. She also wished to know whether private schools provided instruction in minority languages and whether the State party's gender equality policies had led to a greater gender balance in appointments to political institutions such as the national parliament and municipal councils.

29. **Mr. Diaby** said that the almost total absence of Latvian NGOs in the run-up to and during the consideration of the State party's report seemed to run counter to the State party's affirmation that it protected freedom of association and freedom of assembly. It was also regrettable that the meeting scheduled between the Committee and the Ombudsperson had not taken place, as a valuable opportunity had been missed to hear about the racial discrimination encountered by certain population groups in Latvia.

30. Noting that, in 2014, the Constitution had been amended to refer to Latvia as a nation and not a State, he asked why those amendments had been introduced, given that the nationalist feeling that such language might arouse could have the effect of alienating certain minority groups. He was also concerned about the discriminatory nature of a number of international and bilateral agreements concluded by the State party, including its visa regime, which allowed Latvian citizens to travel to over 90 countries without a visa, whereas Latvian non-citizens could only travel to fewer than 40 countries visa-free. He would be grateful if the delegation could explain the reasons behind that differential treatment.

31. He noted with satisfaction that the State party had ratified the Convention on the Reduction of Statelessness and had made efforts to reduce the number of non-citizens in its national territory. Although the State party maintained that non-citizens were not in fact stateless, the risk of those persons becoming stateless nonetheless remained high. He asked whether the State party intended to take further steps towards eliminating that risk by helping those persons become full citizens.

*The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.*

32. **Mr. Calí Tzay** asked what practical measures the State party was taking to facilitate the acquisition of Latvian citizenship by non-citizens, including through naturalization, and to ensure that they could exercise their legal rights on an equal footing with Latvian citizens. It would also be helpful to know whether Latvian non-citizens had the status of permanent residents, whether they tended to hold the citizenship of another country and whether they were represented in the national parliament or on the staff of the Ombudsperson's Office. He also wished to know in what circumstances dual citizenship for Latvian non-citizens might be authorized or denied and whether it was legally possible for children born in Latvia to non-citizens to be automatically registered as Latvian citizens.

33. Given that almost 40 per cent of the population was Russian-speaking, he would be interested to know why schooling in Russian was not readily accessible. He asked whether instruction was available only in Latvian in secondary schools and whether the State party collected statistics disaggregated by mother tongue on the number of students who dropped out of school. He would also appreciate more information on the sanctions imposed on persons who did not have a sufficient command of the Latvian language in the workplace; had the State party considered introducing secondary working languages to remedy that problem? Were students taught about the various periods of foreign occupation of Latvia as part of the national history curriculum?

34. **Ms. Izsák-Ndiaye** said that she would welcome clarification of the situation with regard to religious holidays. As not all holidays observed by minority communities were recognized as national holidays, she wondered whether the Government had any plans to grant those communities' requests in that regard.

35. She would like to know whether there were any constraints on the use of patronymics and topographical names by minority communities.

36. She would be interested to know how the State party had conducted the consultations on the proposed amendments to the State Language Law. What had been done to ensure that the proposals were understood and accepted and to avoid tension arising between different communities? She wondered whether the outcome reflected the desires of the affected communities.

37. She had been disturbed to learn, from the prison administration's data for 2016, that the ratio of Russian-minority prisoners to ethnic Latvian inmates was 2 to 1, while for Roma the proportion was 10 to 1. She would be interested to know what policies were in place to prevent discrimination in the criminal justice system. She would appreciate receiving more up-to-date figures from the delegation.

38. **Mr. Pildegovičs** (Latvia) said that, as of January 2018, there were 233,000 non-citizens, representing 11 per cent of the population; that was down from 30 per cent in the early 1990s. The basic principle governing the question of citizenship and the issue of non-citizens was that of individual freedom of choice. All non-citizens were permanent residents of Latvia, all had virtually the same rights and freedoms as citizens and, in particular, all were free to choose to become citizens. However, in part owing to the historical context of occupation of the country, the State's position was clear: no one would be compelled to acquire Latvian citizenship.

39. One reason for the slow rate of naturalization was that older non-citizens saw no need to change their status, not least because many of them enjoyed visa-free travel to visit their families and business contacts in countries to the east; maintenance of pensions and other social benefits was another reason.

40. The Government nevertheless tried to encourage people to choose naturalization. The procedure had been simplified and the fees reduced, or indeed waived altogether for certain categories of applicants. There was no language test if the applicant had learned Latvian at school, and the pass rate for those who were obliged to take the test was 85 per cent; for the history and culture test, the pass rate was 94 per cent.

41. The Office of Citizenship and Migration Affairs organized regular campaigns around the country targeting specific groups, notably non-citizen parents of eligible children and secondary school graduates. Ample information was available on government

websites, including samples of the relevant tests. Surveys on attitudes towards naturalization were conducted every two years.

42. The commemoration event that had taken place on 16 March 2017 had to be viewed in the country's historical context. Both the occupying Powers — the Soviet Union and the German Nazi regime — had drafted Latvians into their armed forces. Latvia had lost more than one third of its population during the Second World War. The event on 16 March had not been an official act of remembrance and had not been attended by senior State officials. The official remembrance day was 11 November. The courts had ruled that freedom of assembly could not be restricted on such occasions; the State's role was to ensure that there was no breach of the peace. Such events were not related to hate crimes or the propagation of Nazi ideology.

43. **Ms. Līce** (Latvia) said that the overarching legal framework for non-discrimination was the Constitution, which included a general prohibition of discrimination and made reference to international agreements entered into by Latvia. The Constitution was sufficiently dynamic and flexible for the courts to be able to rely on it when interpreting the law and determining whether official actions were in line with relevant international instruments and with developments in international law and doctrine.

44. **Mr. Kārklīņš** (Latvia) said that Latvian non-citizens were not considered stateless persons. In 2003, Latvia had negotiated with the Office of the United Nations High Commissioner for Refugees for a footnote to be included in the Office's annual report on global trends to make the distinction clear. The footnote had been removed in the 2008 report without consultation with Latvia but had been reinstated in 2015.

45. As to the question of acquisition of nationality at birth, a newborn's parents, whether citizens or non-citizens, were asked to check a box on the birth registration form to state whether they wished the child to be a Latvian citizen or not. The question of opting in to citizenship or opting out had been the subject of considerable debate but, in line with the policy of freedom of choice of citizenship, the parliament had preferred a procedure for opting in.

46. **Mr. Pildegovičs** (Latvia) said that the status of non-citizen had originated with the dissolution of the Soviet Union, when any Latvian residents who so wished had been able to choose citizenship of a former Soviet republic. However, they were still residents of Latvia and thus still entitled to take Latvian citizenship if they so desired.

47. All aspects of the history of Latvia, including the various periods of occupation, the Second World War, the Holocaust and the persecution of Roma, for example, were taught as part of the school curriculum. It was important to transmit such knowledge to the younger generations.

48. About 99.9 per cent of newborns received Latvian nationality. The number of those whose parents opted out of citizenship was very small, around 50. It was nevertheless important that the parents were able to exercise their freedom of choice.

*The meeting rose at 5.50 p.m.*