



# **ECRI REPORT ON LATVIA**

**(fifth monitoring cycle)**

Adopted on 4 December 2018

Published on 5 March 2019

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## FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, racial discrimination, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles, covering 9-10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, and those of the fourth round in the beginning of 2014. Work on the fifth round reports started in November 2012.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The fifth round country-by-country reports focus on four topics common to all member States: (1) Legislative issues, (2) Hate speech, (3) Violence, (4) Integration policies and a number of topics specific to each one of them. The fourth-cycle interim recommendations not implemented or partially implemented during the fourth monitoring cycle will be followed up in this connection.

In the framework of the fifth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

**The following report was drawn up by ECRI under its own responsibility. It covers the situation up to 20 June 2018; developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**



## SUMMARY

**Since the adoption of ECRI's fourth report on Latvia on 9 December 2011, progress has been made in a number of fields.**

The financial situation, visibility and accessibility of the Ombudsman's office have improved. In 2016, the Ombudsman conducted research into problems concerning the investigation of hate crime and hate speech. Subsequently, the State Police, with the State Police College and the Security Police and in consultation with the Prosecutor General, the Ombudsman and the Latvian Centre for Human Rights, issued guidelines on the investigation of hate speech and hate crime.

In 2014, the State Police signed a Memorandum of Understanding with the OSCE's Office for Democratic Institutions and Human Rights in the framework of the Training against Hate Crimes for Law Enforcement (TAHCLE) programme. Since then, the State Police College has significantly intensified its training activities in the area of hate crimes, including for police officers, the Prosecutor General's office and the Supreme Court. The activities also involved NGOs linked to vulnerable groups which reported a very positive working relationship with the police.

In the area of integration, the authorities developed an Action Plan for the implementation of the Guidelines on National Identity, Civil Society and Integration Policy (2012-2018). They also provided a large number of free Latvian language courses to national minorities and immigrants, as well as to so-called "non-citizens" who wish to apply for citizenship. The rules for granting Latvian nationality to newly-born children of "non-citizens" were eased, now requiring only one parent's request instead of both.

Furthermore, a number of activities were implemented to facilitate the integration of refugees and beneficiaries of subsidiary protection, including those who arrived in Latvia under the EU quota distribution system. At local level, Riga City Council carried out various support programmes, together with NGOs, including training seminars for teachers on integrating refugee children in schools, awareness-raising for social workers and support to local citizens' initiatives.

**ECRI welcomes these positive developments in Latvia. However, despite the progress achieved, some issues give rise to concern.**

Latvia's criminal, civil and administrative law is not yet fully in line with ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, in spite of previous recommendations to this effect.

ECRI notes that the State Police does not have a dedicated team tasked with reaching out to vulnerable groups in the context of combating hate crime. There is also a lack of promotion of counter-speech among high-level political representatives and other public figures in response to racist and homo-/transphobic hate speech.

A Presidential initiative launched in 2017 for the automatic recognition of Latvian citizenship at birth for children born to "non-citizens" did not succeed due to a lack of political support.

ECRI also notes that the support activities for refugees and beneficiaries of subsidiary protection (alternative status) are not sufficient, especially in the areas of language training and integration into the labour market. Furthermore, ECRI is seriously concerned about incidents of alleged discrimination against refugees/persons with alternative status when trying to access health care services.

The situation of the Roma community is still of grave concern and the level of their social marginalisation remains very high. This problem is especially pronounced in the areas of education, where a disproportionately high number of Roma children are placed in special-needs programmes, and employment.

LGBT persons also face a number of problems in Latvia and there is a marked absence of official research into this issue and of programmes promoting tolerance towards this group.

**In this report, ECRI requests that the authorities take action in a number of areas; in this context, it makes a series of recommendations, including the following.**

ECRI recommends that the authorities bring the Latvian criminal, civil and administrative law into line with its General Policy Recommendation No. 7.

The authorities should establish a unit within the State Police tasked with reaching out to vulnerable groups in order to increase trust in the police and address the problem of under-reporting of racist and homo-/transphobic hate crimes.\*

The authorities should provide for the automatic recognition of Latvian citizenship for children born to “non-citizens”.\*

ECRI recommends that the authorities increase the number of hours of Latvian language tuition for refugees and persons with alternative status. Furthermore, ECRI strongly recommends that the Ministry of Health investigates allegations of racial discrimination in the health sector.

ECRI strongly recommends that the Latvian authorities take immediate action to remedy the situation for Roma pupils who have been wrongly placed in special needs programmes. It also recommends that the State Employment Agency offers professional and vocational training also for persons with very low levels of formal education in order to benefit those members of the Roma community who have been hitherto excluded.

The authorities should carry out a study on discrimination against LGBT persons in Latvia and promote LGBT awareness-raising and tolerance campaigns in schools.

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\* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

## FINDINGS AND RECOMMENDATIONS

### I. Common topics

#### 1. Legislation against racism<sup>1</sup> and racial discrimination<sup>2</sup>

##### - Protocol No. 12 to the European Convention on Human Rights

1. Latvia signed Protocol No. 12 to the European Convention on Human Rights on 4 November 2000, but still has not ratified it. In its third and fourth reports on Latvia, ECRI had recommended that the country ratify this instrument.

2. ECRI reiterates its recommendation to Latvia to ratify Protocol No. 12 to the European Convention on Human Rights.

##### - Existence of criminal, civil and administrative law provisions as per General Policy Recommendation No. 7

###### - Criminal law provisions

3. The provisions of Latvia's Criminal Law reflect many of ECRI's recommendations concerning criminal law contained in its General Policy Recommendation (GPR) No. 7. However, some provisions are not fully in line with this GPR and various gaps remain. The following analysis focuses on the lacunae. In addition, the absence of sexual orientation and gender identity as enumerated grounds in Articles 48 on aggravating circumstances and 150 (1) on inciting hatred or enmity against a social group is discussed in section II.3 below (policies to combat discrimination against LGBT persons).

4. Article 78 of the Criminal Law prohibits inciting national, ethnic and racial hatred.<sup>3</sup> There are, however, no specific provisions punishing the public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with a racist aim, of written, pictorial or other racist material, as recommended in ECRI's GPR No. 7, § 18 (f).<sup>4</sup>

5. In its last report<sup>5</sup>, ECRI noted that there were no criminal law provisions prohibiting public insults, defamation or threats on grounds such as "race" and ethnic origin, or explicitly prohibiting the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their "race", colour, language, religion, nationality, or national or ethnic origin, as recommended in ECRI's GPR No. 7, § 18 (d). While ECRI has been informed that Article 78 (3) of the Criminal Law

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<sup>1</sup> According to ECRI's General Policy Recommendation (GPR) No.7, "racism" shall mean the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons.

<sup>2</sup> According to GPR No. 7 "racial discrimination" shall mean any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

<sup>3</sup> The authorities informed ECRI that language is also considered to be included in the list of grounds, as confirmed by the case law of the Supreme Court. (See: Supreme Court of the Republic of Latvia, Jurisprudence in criminal cases concerning the instigation of national, ethnic and racial hate (2012): 6)

<sup>4</sup> In its last report, ECRI noted that the authorities had stated that Article 78 of the Criminal Law encompasses all activities which aim to instigate hate, including the distribution, production, acquisition, transportation and storage of items and that spelling out the prohibited activities in detail would limit the scope of application of this Article. ECRI found, however, that in practice the distribution and storage of material with a racist aim was not prosecuted (ECRI (2012): § 11) and pointed to the need for these acts to be mentioned explicitly in the Law (Ibid. § 13). During ECRI's 2017 visit to Latvia, the authorities explained that their views on this matter remained unchanged. ECRI reiterated its position, advocating for specific provisions.

<sup>5</sup> ECRI (2012): § 10, footnote 5.

penalises racist threats and Article 157 covers slander and libel<sup>6</sup>, the other aspects mentioned (public insults, public expression of a supremacist racist ideology and acts of defamation that are not categorised as slander or libel) are still not expressly prohibited.

6. The creation or the leadership of a group which promotes racism; support for such a group; and participation in its activities as per GPR 7, § 18 (g) is also not expressly prohibited. In its fourth report on Latvia,<sup>7</sup> ECRI considered that a specific provision targeting racist organisations should be included in the criminal law. While the Criminal Law contains provisions covering the formation and leadership of organised criminal groups, these are either of a general nature (Article 21) or refer specifically to serious crimes against the State, crimes against humanity or peace, war crimes and genocide (Article 89).

7. ECRI recommends that the authorities bring the Latvian criminal law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) criminalise the public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with a racist aim, of written, pictorial or other racist material; (ii) criminalise public insults and all forms of defamation on grounds such as “race” and ethnic origin; (iii) criminalise the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their “race”, colour, language, religion, nationality, or national or ethnic origin; and (iv) criminalise the creation or the leadership of a group which promotes racism, support for such a group, and participation in its activities.

- *Civil and administrative law provisions*

8. There is currently no dedicated comprehensive legislation in Latvia for the prohibition of discrimination.<sup>8</sup> Provisions to combat racial discrimination are contained in several different laws covering different fields of life, such as the Labour Law; the Law on the Prohibition of Discrimination of Natural Persons-Economic Operators (a law dealing with self-employed persons not covered by the Labour Law); the Law on Social Security; the Consumer Rights Protection Law; the Law on the Rights of Patients; the Law on Education and the Law on Support to Unemployed Persons and Job Seekers. The enumerated grounds differ between the laws and do not contain all the grounds mentioned in ECRI’s GPR No. 7.
9. In the Labour Law, the grounds of language, nationality and national origin<sup>9</sup> are not explicitly<sup>10</sup> listed. In the Law on the Prohibition of Discrimination of Natural Persons-Economic Operators, the grounds of language, colour, nationality and national origin are not mentioned. In the Consumer Rights Protection Law, the grounds of language, colour, nationality, religion and national origin are missing. In the Law on the Rights of Patients, the grounds of language and nationality are not explicitly<sup>11</sup> listed. In the Law on Social Security, the grounds of language,

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<sup>6</sup> Defamation includes slander and libel, but should not be limited to these (see: ECRI GPR No. 7, Explanatory Memorandum, § 40).

<sup>7</sup> ECRI (2012): § 12.

<sup>8</sup> Cf. *ibid.*: § 23.

<sup>9</sup> Some of the laws mention “ethnic origin” (Labour Law) or “ethnic belonging” (Law on Education), while others contain the term “national origin” (Law on Social Security). The Law on the Rights of Patients contains “ethnic origin” and “national origin”, which indicates that the two terms are treated as referring to different characteristics and grounds. Hence, ECRI advocates for both terms to be listed in all relevant laws.

<sup>10</sup> Although the list of grounds is open-ended, as indicated by the wording “or other circumstances”, ECRI always advocates for mentioning these grounds explicitly.

<sup>11</sup> See footnote above.

nationality and ethnic origin are not explicitly<sup>12</sup> listed. In the Law on Support to Unemployed Persons and Job Seekers, the grounds of language, colour, nationality, religion and national origin are not mentioned, and in the Law on Education, the grounds of language, colour and national origin are missing.<sup>13</sup>

10. There are no legal provisions allowing for the adoption of special temporary measures to prevent or compensate for disadvantages suffered by persons designated by the enumerated grounds or to facilitate their full participation in all fields of life, as recommended in GPR No. 7, § 5. While the authorities consider this to be implicitly included in the legislation and point out that positive measures are in practice permitted, ECRI always advocates for mentioning this explicitly in the relevant laws.
11. Segregation, discrimination by association, announced intention to discriminate, inciting another to discriminate and aiding another to discriminate are not specifically mentioned in any of these laws,<sup>14</sup> as recommended in ECRI's GPR No. 7, § 6.
12. There are no explicit provisions in these laws that place an obligation on public authorities to promote equality and prevent discrimination; or to ensure that contractors or partners they work with adhere to non-discrimination principles, as recommended in ECRI's GPR No. 7, §§ 8 and 9 respectively. While the Labour Law (Article 6) contains a provision addressing the recommendation mentioned in ECRI's GPR No. 7, § 14 concerning the amendment or annulment of discriminatory provisions included in existing contracts or agreements, such a provision is not included in other relevant laws.
13. The Labour Law, the Law on the Prohibition of Discrimination of Natural Persons-Economic Operators, the Law on Social Security, the Law on Support to Unemployed Persons and Job Seekers, the Education Law and the Consumer Rights Protection Law provide for a reversal of the burden of proof in line with the recommendation contained in ECRI's GPR 7, § 11. However, such a provision is not contained in the Law on the Rights of Patients.
14. The law does not provide for an obligation to review the conformity with the prohibition of discrimination of all laws, regulations and administrative provisions at the national and local level, as recommended in ECRI's GPR No. 7, § 13. The authorities informed ECRI that such a review is performed on an on-going basis, although there is no legal obligation to do so. ECRI always advocates for including a provision to this effect in the law.
15. While NGOs can submit a complaint or bring a case on behalf of victims of discrimination, they cannot do this if a specific victim is not referred to, in spite of ECRI's recommendation to this effect in its last report (see also ECRI's GPR No. 7, § 25).<sup>15</sup>
16. ECRI recommends that the authorities bring the Latvian civil and administrative law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) adopt comprehensive anti-discrimination legislation; (ii) ensure that the grounds enumerated in the existing anti-discrimination provisions include all the grounds listed in ECRI's GPR No. 7; and (iii) introduce an explicit obligation for public authorities to promote equality and prevent discrimination.

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<sup>12</sup> See footnote above.

<sup>13</sup> For sexual orientation and gender identity, please refer to section II.3.

<sup>14</sup> The authorities informed ECRI that they consider these aspects to be *implicitly* included in these laws. ECRI, however, always advocates for mentioning these acts *explicitly* in the relevant legislation.

<sup>15</sup> ECRI (2012): § 25.

## - **Equality Bodies**

### - *Office of the Ombudsman*

17. The Ombudsman has most of the powers and competencies listed in ECRI's GPR No. 7, but its mandate still does not include the provision of independent assistance to victims of racism and racial discrimination. This was already recommended by ECRI in its last report on Latvia.<sup>16</sup> Article 13 of the Ombudsman Law sets down the Ombudsman's investigation powers, as recommended in ECRI's GPR 7, § 24. The Ombudsman cannot enforce its recommendations or levy any fines, but is entitled to submit an application to the Constitutional Court requesting the initiation of proceedings against a public institution that has not rectified discriminatory actions. The Ombudsman can also file a complaint in an administrative court if it is in the public interest or bring a case to the civil courts if the issue concerns a violation of equal treatment. The implementation of ECRI's previous priority recommendation to endow the Ombudsman office with sufficient funding and staff is discussed in section II.1 below.

18. ECRI reiterates its recommendation that the Ombudsman's mandate should include the provision of independent assistance to victims of racism and racial discrimination.

## **2. Hate Speech<sup>17</sup>**

### - **Data**

19. Latvia regularly reports hate crime data to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). The data, however, combines cases of hate speech and violence, which are discussed in different sections in this report (I.2 and I.3). It is therefore difficult to arrive at a comprehensive statistical overview for each category separately. In 2016 and 2015, there were 11 hate crime incidents per year reported by the Latvian authorities to ODIHR. In previous years, the number of reported incidents was higher: 13 in 2014, 22 in 2013 and 18 in 2012 (for the number of prosecutions and sentences, see § 35 below).<sup>18</sup>

20. While the authorities compile statistics of incidents registered as hate crimes, additional cases in which hate motivations are recognised by the courts as aggravating circumstances would be recorded separately by the courts' administration database. However, ECRI has not received any information that Article 48 on aggravating circumstances has ever been applied so far. ECRI was informed by the authorities about current plans to reform this database so as to take the need for an overall comprehensive statistical overview into consideration, which would give a more accurate and complete picture of the situation.

21. In addition to data provided by the authorities, several NGOs also report hate speech incidents against different minority groups in Latvia. In 2016, the Latvian Centre for Human Rights (LCHR) held interviews with representatives of 11 NGOs and migrants and conducted an anonymous online survey of foreign students studying in Latvia about their experiences of different manifestations of intolerance. Almost 68% had been either victims (33 %) or witnesses of hate speech, hate crime or discrimination, or had heard about such incidents from

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<sup>16</sup> Ibid.: § 45.

<sup>17</sup> According to ECRI's GPR No. 15 on combating hate speech, "hate speech" shall mean the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.

<sup>18</sup> OSCE / ODIHR (2018).

others. The most common form of intolerance was verbal insults/harassment (62%).<sup>19</sup>

22. However, NGOs and minority representatives, as well as the Ombudsman, also indicated to ECRI that victims of hate speech do not often report incidents to the police due to lack of trust in the willingness or ability of the law enforcement agencies to investigate these cases effectively.

23. ECRI recommends that the authorities establish a comprehensive data collection system for hate crime incidents.

- **Hate Speech in public life**

24. In the 2016 LCHR survey, migrant representatives and foreign students indicated that hate speech is mostly encountered in public places, such as streets, public transport, cafes and bars, but also in higher educational establishments.<sup>20</sup> For example, the Riga Technical University took disciplinary action against a professor who had allegedly called a Black student a “monkey”.<sup>21</sup>

25. Civil society representatives also informed ECRI that racist insults against Black persons still occur frequently in day-to-day life, especially on public transport. Members of the Roma community are also regularly subjected to discriminatory comments in public. The LCHR carried out a study on the coverage of Roma in Latvian Media in 2013-14 and highlighted cases of stereotyping. The study found that although some media also discussed matters of daily life and social issues concerning Roma, there was nevertheless a common practice of portraying Roma as offenders, which in turn reinforced the widespread negative stereotypes about Roma in Latvia.<sup>22</sup> ECRI also received information about antisemitic threats that were made to the Jewish community school in 2015.

26. With the recent arrival of a larger number of persons seeking international protection, incidents of racist hate speech and even threats against asylum-seekers and refugees have been observed, including in close proximity to their reception centre.<sup>23</sup> While ECRI did not receive any information indicating that this is a widespread pattern or a regular occurrence in Latvia, it strongly encourages the authorities to remain vigilant in this respect and to take the pre-existing vulnerabilities of this group into consideration.

- **Hate speech in political and other public discourse**

27. In its last report, ECRI expressed concern about the annual commemoration ceremonies on 16 March for soldiers who fought in the Latvian Legion of the Waffen SS.<sup>24</sup> The authorities explained to ECRI that although they do not support this commemoration, they are unable to prevent it taking place, following court judgements in previous years which had overturned Riga City Council’s ban of the event. The authorities underlined that they remain vigilant and would intervene if any symbols of Nazism were shown during these events. While ECRI understands that the authorities cannot act contrary to court decisions, it emphasises the urgent need for high-level government officials to condemn such commemorations in the strongest possible way.<sup>25</sup> In this context, ECRI is particularly concerned about the fact that Members of Parliament belonging to the

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<sup>19</sup> Latvian Centre for Human Rights (LCHR) (2016a): 1-2.

<sup>20</sup> Ibid.: 3.

<sup>21</sup> European network against racism (ENAR) (2016): 27.

<sup>22</sup> LCHR (2015): 2.

<sup>23</sup> OSCE / ODIHR (2018) – On 2 October 2017, for example, members of a radical nationalist group made a provocative visit to a reception centre.

<sup>24</sup> ECRI (2012): §§ 85 – 87.

<sup>25</sup> See also ECRI’s GPR No. 15 on combating hate speech (§ 4g) for the importance of counter-speech.

National Alliance Party, which is part of the governing coalition, have been repeatedly observed attending these commemoration ceremonies.

28. ECRI reiterates its recommendation that the Latvian authorities condemn all attempts to commemorate persons who fought in the Waffen SS and collaborated with the Nazis. Furthermore, the government should call upon its coalition parties' Members of Parliament to abstain from attending such commemoration ceremonies.

29. In May 2017, a Member of Parliament from the National Alliance published an article in which, quoting a pre-war Latvian Minister, he wrote that "Once you let Russian lice into your fur, it will be hard to get them out"; and further "Indeed, we see that the Soviet-era Russian-speaking immigrants, although constantly bad-mouthing Latvia, are not leaving".<sup>26</sup>

30. Following the terrorist attacks in France (2015) and Belgium (2016), an increase in Islamophobic rhetoric and hate speech was also noted in Latvia.<sup>27</sup> In 2015, an Islamic cultural centre was targeted with graffiti.<sup>28</sup> In the context of discussions about Latvia accepting EU quota refugees, further Islamophobic comments were observed, also equating refugees to terrorist threats and targeting migrants in general.<sup>29</sup>

#### - **Hate speech on the Internet**

31. As in many countries, a considerable part of hate speech in Latvia is now found on-line: on websites, in comments sections and in social media. This is also acknowledged by the government.<sup>30</sup> In a study carried out in 2016, the Ombudsman identified online hate speech in the form of anonymous comments as a key problem<sup>31</sup> and approached the Prosecutor General's Office with a request to initiate criminal proceedings against the author of an anonymous comment calling for violence against immigrants.

32. Extreme examples include the case of a Latvian entrepreneur who used the Internet for inciting racial hatred against dark-skinned persons and stating that he was prepared to shoot them. In another case, comments were posted calling for the burning of persons who have converted to Islam.<sup>32</sup> The Jewish community also informed ECRI about a number of antisemitic Internet postings.

#### - **Homo-/transphobic hate speech**

33. With regard to hate speech targeting LGBT persons, the results of a survey carried out by FRA in 2012 showed that 35% of the respondents from the LGBT community in Latvia considered that the expression of hatred towards LGBT persons in public was very widespread and 48% thought it was fairly widespread.<sup>33</sup> Civil society organisations met by ECRI consider LGBT persons to be one of the most vulnerable groups with regard to hate speech in Latvia. The Council of Europe's Human Rights Commissioner had previously reached the same conclusion.<sup>34</sup>

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<sup>26</sup> Baltic News Service (2 June 2017).

<sup>27</sup> ENAR (2017): 10.

<sup>28</sup> OSCE / ODIHR (2018).

<sup>29</sup> International Federation for Human Rights / Latvian Human Rights Committee (2016).

<sup>30</sup> See for example: Ministry of Culture (27 September 2016).

<sup>31</sup> See also: Ombudsman of the Republic of Latvia (2017): 19-20.

<sup>32</sup> LCHR (30 June 2016).

<sup>33</sup> European Union Fundamental Rights Agency (2012).

<sup>34</sup> Council of Europe's Commissioner for Human Rights (2016): 21.

34. Hate speech against LGBT persons is often expressed on the Internet and in social media. Monitoring of online hate speech conducted from 1 July to 31 October 2014 by the LCHR showed that sexual minorities were among the main target groups. The NGO Mozaika reported that, in 2014, a local Councillor in the Kandava Region had tweeted that homosexual persons living in the country-side “are not proud” of their sexual orientation “because there are basic values”. She also allegedly tweeted “Thank God! The Germans shot them in their time.” In another example, following the tragic events of the June 2016 killings in an Orlando nightclub, a man wrote an online comment supporting the mass shooting of homosexual people.<sup>35</sup>

- **Response by the authorities**

35. According to the 2012-16 hate crime data reported to ODIHR (see § 19 above), 17 hate crime prosecutions took place and 16 sentences for hate crime offences were handed down by courts during this period.<sup>36</sup> On 6 June 2014, for example, the Riga City Latgale District Court sentenced a person to four months imprisonment for inciting national, ethnic and racial hatred as per Article 78(2) of the Criminal Law.<sup>37</sup> Examples of judicial follow-up also include a case of Islamophobic hate speech which was referred to court and in which a punishment of 140 hours of community service was imposed on the offender. In another case, a young man who had posted a call on Facebook for people to beat up immigrants in the town of Tukums was sentenced to 160 hours of community service.<sup>38</sup> The case of the local Councillor tweeting anti-LGBT hate speech (see § 34 above) was reported to the State Police but later dismissed by the Tukums Regional Prosecutor’s Office with the explanation that it lacked a basis for criminal proceedings. While investigations concerning Article 78 of the Criminal Law are under the jurisdiction of the Security Police, the State Police is in charge of investigations under Articles 149.1 and 150.<sup>39</sup>

36. In 2016, the Ombudsman conducted a study entitled “Problematic aspects of the investigation of hate crime and hate speech in the Republic of Latvia”, which identifies difficulties encountered in the investigation of hate speech and hate crime and proposes solutions. The Ombudsman analysed, inter alia, criminal statistics, the effectiveness of criminal investigations and the mechanism for the protection of victim’s rights, the contents and accessibility of training for investigators, as well as the spread of hate speech in anonymous comments on the Internet.<sup>40</sup> The study noted that there is no common understanding and practice among police departments in the area of hate speech and hate crime.<sup>41</sup> It also indicated that hate speech and hate crimes might not be investigated in a timely and effective manner and that police lacked expertise in identifying these crimes.<sup>42</sup> The Ombudsman recommended that guidelines be drawn up for the recognition, identification and investigation of such offences. Furthermore, police officers should receive training on the identification and investigation of hate speech and hate crime. The Ombudsman also recommended a single system of records to make it possible to analyse hate crime trends (see § 23). In addition,

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<sup>35</sup> Latvian Centre for Human Rights (30 June 2016).

<sup>36</sup> OSCE / ODIHR (2018).

<sup>37</sup> UN-CERD (12 October 2017): § 32.

<sup>38</sup> Tukums District Court, Case Nr. 11390001416, K 37-0083/17.

<sup>39</sup> Cf. ECRI’s recommendation in its last report (2012: § 90).

<sup>40</sup> Information provided to ECRI by the Ombudsman (2017).

<sup>41</sup> See also: OSCE/ODIHR (2018).

<sup>42</sup> Information provided to ECRI by the Ombudsman (2017).

such offences seem to be under-reported by victims because they lack confidence in the police (see also § 22).<sup>43</sup>

37. ECRI is pleased to note that the State Police, jointly with the State Police College and the Security Police and after consultation with the Office of the Prosecutor General, the Ombudsman's Office and the Latvian Centre for Human Rights, issued guidelines for the investigation of hate speech and hate crime in August 2017. The authorities informed ECRI that these guidelines have been widely distributed and are now being used, but that it is too early to assess their impact.

38. ECRI recommends that the authorities monitor the use and impact of the guidelines of the State Police for the investigation of hate speech and hate crime.

39. In its last report on Latvia (§ 30), ECRI recommended that the authorities step up their efforts to train judges, prosecutors and police officers on the legal provisions against racism and that training be conceived as a periodic recurrence rather than a "one-off" event. ECRI is pleased to note that since then the State Police College significantly intensified its training activities in the area of identification and investigation of hate crimes. Participants included police officers, but also members of the Prosecutor General's Office and the Supreme Court. In 2014, the State Police signed a Memorandum of Understanding with the OSCE and has been working with its Office for Democratic Institutions and Human Rights (ODIHR) in the framework of the Training against Hate Crimes for Law Enforcement (TAHCLE). In this context, it is particularly noteworthy that these trainings also include substantial involvement of and contributions from NGOs, including those directly linked to vulnerable groups, such as Mozaika. ECRI is pleased to note that NGOs have reported a very positive working relationship in this respect with the State Police College. This points to the effectiveness of close cooperation with, and outreach to, the communities most affected by hate crime in Latvia. In order to overcome the problem of under-reporting of hate crime caused by insufficient trust in the law enforcement authorities, such cooperation should become institutionalised within the police.

40. ECRI recommends, as a matter of priority, that the authorities establish a unit within the State Police tasked with reaching out to vulnerable groups in order to increase trust in the police and address the problem of under-reporting of racist and homo-/transphobic hate crimes.

41. The Parliamentary Commission on Ethics considered the case of the anti-Russian article published by an MP (see § 29 above) in June 2017 and issued an oral warning. ECRI has not received any information about condemnation of hate speech or examples of counter-speech by high-level representatives of the government.

42. ECRI recommends that the authorities encourage and promote counter-speech among high-level political representatives and other public figures in response to racist and homo-/transphobic hate speech.

### **3. Racist and homo-/transphobic violence**

#### **- Data**

43. As pointed out in section I.2 above, the Latvian authorities do not report incidents of racist and homo-/transphobic violence separately from hate speech. The authorities pointed out to ECRI that the number of registered incidents of racist violence in Latvia is very low, and that according to their knowledge only one case of racially motivated violence was officially recorded in the period 2013-

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<sup>43</sup> Ibid.

2016.<sup>44</sup> However, as pointed out already for hate speech cases above, victims might often not report cases to the police.<sup>45</sup> According to the LCHR 2016 survey of migrants and foreign students (see also § 21),<sup>46</sup> 13% of respondents had been victims of an attack or an attempted attack or had heard that others were victims of such attacks. In at least two cases, attacks took place on the ground of sexual orientation. According to the respondents, hate crime incidents allegedly occurred due to victim's skin colour/"race" (36%), ethnic origin/xenophobia (25%), language (22%), religion (6%) and sexual orientation (5%). The 2016 survey noted that 50% of those who had been victims of violence had not reported the incidents to the police.<sup>47</sup> It is unknown how the reported incidents were processed by the police (see also ECRI's recommendation in § 38 above.)

44. NGOs have reported several incidents of racist violence, including an assault (pushing) on refugee children on their way to school on public transport in January 2016. In the same month, a refugee was threatened by a group with a firearm. In December 2016, an African woman travelling with her son on public transport was spat at.<sup>48</sup>
45. In 2013, the LGBT NGO Mozaika reported several cases of assault against LGBT persons, including three that were carried out by groups and one which resulted in the victim being seriously injured and requiring hospital treatment.<sup>49</sup> Mozaika also informed ECRI that in at least one case the victims called the police, who encouraged them not to report the incident. In the first nine months of 2015, Mozaika recorded 14 attacks against LGBT persons, none of whom reported the attacks due to lack of confidence in the police.<sup>50</sup>
46. The Jewish community of Latvia informed ECRI about five cases of vandalism and desecration of the Jewish cemetery in Riga in 2016. In 2017, Latvian Public Media reported that the Jewish cemetery in Rezekne was vandalised four times in August and September of this year.<sup>51</sup>

- **The authorities' response**

47. Information on the prosecution of hate crime cases, the training of police officers, the development of guidelines for the investigation of hate speech and hate crime and the need to establish an outreach unit within the police is provided in section I.2 above.
48. In § 81 of its last report, ECRI reiterated its recommendation that the authorities monitor the situation as regards the presence and activities of right wing extremist and skinhead groups in Latvia and address this problem. ECRI is pleased to note that it received information from various civil society groups confirming that the presence of such groups in public places and the resulting threats of violence to persons of concern to ECRI is no longer a problem. ECRI would like to commend the authorities for having taken strong measures in this respect.
49. ECRI was informed that the 2016 attacks on the Jewish cemetery in Riga (see § 46) were investigated by the police and treated as an antisemitic hate crime.

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<sup>44</sup> In 2013, the authorities reported one case of homicide to ODIHR, but no further information as to the details of the case or the outcome of any judicial follow-up could be obtained.

<sup>45</sup> ENAR (2017): 45.

<sup>46</sup> LCHR (2016a): 3-4.

<sup>47</sup> Ibid.: 4-5.

<sup>48</sup> OSCE/ODIHR (2018).

<sup>49</sup> Ibid.

<sup>50</sup> Commissioner for Human Rights (2016): 21.

<sup>51</sup> LSM (22 September 2017).

With regard to the incidents in Rezekne, four youths were apprehended in September 2017 and criminal proceedings were opened against them. ECRI has not received any information, however, if these acts are also being treated as antisemitic hate crimes.

#### 4. Integration

##### - General overview

50. Latvia has a long tradition of being a multi-ethnic country. According to the January 2017 data of the Central Statistical Bureau (CSB), the ethnic distribution of the Latvian population of 1 950 116 persons included 62% Latvians, 25.4% Russians, 3.3% Belarusians, 2.2% Ukrainians, 2.1% Poles, 1.2% Lithuanians, 0.27% Roma, 0.25% Jewish, 0.13% Germans, 0.1% Estonians, as well as other smaller ethnic groups.<sup>52</sup> In its last report on Latvia,<sup>53</sup> ECRI recommended as a matter of priority that the authorities ensure that the then newly adopted Policy Guidelines for the Integration of Society in Latvia (the title of the final document was “*Guidelines on National Identity, Civil Society and Integration Policy, 2012-2018*”) pave the way for a broad based programme focusing on anti-discrimination, an open and integrated society and concrete measures to implement it. ECRI further recommended that sufficient financial resources be allocated in a timely manner to implement the Guidelines and that civil society, national/ethnic minorities and local authorities be involved in its implementation.
51. In its 2015 conclusions, ECRI considered this recommendation partially implemented. An Action Plan for the implementation of the Guidelines had been formulated and awareness campaigns and training seminars for professionals to encourage tolerance and promote integration have taken place. Furthermore, outside of the Action Plan, the authorities provided a large number of free Latvian language courses to national/ethnic minorities and immigrants. However, ECRI expressed reservations about the proportion of external funds (such as EU and EEA grants) compared to state funding for projects and whether this funding would prove sufficient, as well as about the lack of strategic and conceptual links between the language courses and the Action Plan.<sup>54</sup> ECRI considered that more should be done to ensure greater involvement of representatives of different vulnerable groups in the implementation of the Guidelines.<sup>55</sup>
52. The Guidelines define social integration as “*inclusion of all people living in Latvia into society notwithstanding of their national belonging and self-identification*”<sup>56</sup>. The priorities of the guidelines are the development of civic society; strengthening civic participation; reducing the discrimination of socially marginalized groups and promoting their inclusion; increasing the role of the media in society integration through support for diverse, modern and high quality journalism; and improving the proficiency of Latvian among ethnic minorities, “non-citizens” and new immigrants. The Ministry of Culture has overall responsibility for national integration policy and related measures. Other stake-holders, including representatives of state media, are represented on the Monitoring board for the implementation of the Guidelines. The authorities also plan to provide financial support to minority NGOs during the period 2018-2020 in order to organise multi-stakeholder conferences at local and regional level. This initiative aims at overcoming a certain lack of trust in the authorities among some minority groups.

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<sup>52</sup> Central Statistical Bureau of Latvia (2017): 32.

<sup>53</sup> ECRI (2012): § 50.

<sup>54</sup> In this respect, ECRI notes positively that the authorities have made language courses a central element in their integration efforts for “non-citizens” (see § 60 below) as well as for newly arrived refugees and beneficiaries of subsidiary protection (see § 78).

<sup>55</sup> ECRI (2015): 5.

<sup>56</sup> Ministry of Culture (2012): 7.

53. While ECRI notes that additional state funds have been provided to support the implementation of the Action Plan<sup>57</sup> and that the authorities have taken steps to involve various minority representatives more actively (cf. § 51 above), a certain policy principle contained in the guidelines seems to underpin government actions in a way that can easily run counter to promoting enhanced integration. In the Guidelines, the authorities underline their idea that “*National identity is rooted in a common perception of a nation’s history. [...] Divided social memory means a divided society. [...] Ever since Latvia regained independence, a different perception of Soviet occupation and its consequences among a part of the Russian speaking population has become a significant challenge for building a cohesive national and civic identity.*”<sup>58</sup> While ECRI fully understands the need for a national narrative, as part of a nation-building process after regaining independence, it would like to remind the authorities that diverging perceptions of the past are an important part of open societies. In this regard, it is vital to pursue a dialogue about the country’s history with various groups, including those that hold views which differ from the state-sponsored historiography, rather than engaging in a top-down politics of memory<sup>59</sup> in which an official version of the country’s past is imposed, which might risk alienating rather than integrating certain groups into Latvian society.
54. With regard to some specific issues concerning historical ethnic and national minorities, such as expressions of a separate identity (for example mother tongue education or minority language media) or their participation in public and political life, ECRI refers to the 3<sup>rd</sup> Opinion of the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), which carried out its last visit to Latvia in parallel to ECRI’s visit. The work of both monitoring bodies is based on mutual complementarity. The Advisory Committee also examined the situation of national minorities which are not covered in ECRI’s report.
- **“Non-citizens”**
55. According to the CSB January 2017 data, there were 222 847 so-called “non-citizens” residing in Latvia, accounting for 11.4% of the country’s population.<sup>60</sup> The majority of them are ethnic Russians. They are a special category of persons, citizens of the former USSR who were residents in Latvia on 1 July 1991 and who do not possess citizenship of any other country.<sup>61</sup> The term “non-citizens” does not cover foreign nationals. Although they do not have the same rights as citizens, the United Nations High Commissioner for Refugees (UNHCR) points out that the “Non-citizens” enjoy the right to reside in Latvia *ex lege* and a set of rights and obligations generally beyond the rights prescribed by the 1954 Convention relating to the Status of Stateless Persons, including protection from removal, and as such the “Non-citizens” may currently be considered persons to whom the Convention does not apply in accordance with its Article 1.2(ii).<sup>62</sup>
56. Since ECRI’s last report, the number of “non-citizens” has further declined (326 735 persons in 2011, who then made up 14.6% of the population).<sup>63</sup> This is partially due to demographic factors and mortality, as around 40% of “non-

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<sup>57</sup> In 2016, for example, the authorities provided an additional € 200 000 to the Latvian Language Centre for the development of language study aids, which are now in use.

<sup>58</sup> Ministry of Culture (2012): 29.

<sup>59</sup> Cf. *ibid.*: 31.

<sup>60</sup> Central Statistical Bureau of Latvia (2017): 31.

<sup>61</sup> However, the Latvian authorities point out that they do not know if any, and if so how many, “non-citizens” might indeed also hold Russian citizenship without having informed the Latvian authorities.

<sup>62</sup> UNHCR (2016): 65, note 26.

<sup>63</sup> ECRI (2012): § 120.

citizens” are 60 years or older. At the same time, the number of naturalisations has also declined but now stabilised at approximately 1 000 per year. According to the authorities, 98% of “non-citizen” applicants pass the necessary naturalisation exams, although not all of them on their first attempt. According to a 2016 survey carried out by the Office for Citizenship and Migration Affairs, among “non-citizens”, the personal reasons why respondents did not want to apply for naturalisation have changed. In previous years, the Latvian language requirement and the fees had been mentioned as obstacles. These no longer feature strongly among the reasons given. Instead, the advantages of visa-free travel to the Russian Federation and eligibility for a then more advantageous Russian pension are highlighted by many respondents. In addition, many “non-citizens” refuse to apply for naturalisation out of principle, as they believe they should be granted Latvian citizenship automatically. These reasons and sentiments were also confirmed to ECRI by various representatives of “non-citizen” organisations.

57. The Latvian authorities underlined that instead of making the “non-citizen” status more equal to that of citizens,<sup>64</sup> it is their stated aim to eventually abolish this category by promoting and facilitating naturalisations.<sup>65</sup> To this end, they simplified citizenship registration at birth for children born to “non-citizens”. The request for Latvian citizenship for a new-born child now only needs to be made by one parent instead of both parents which was the case previously and which often caused practical difficulties. A legislative initiative launched in 2017 by the President of Latvia for the automatic recognition of Latvian citizenship at birth for children born to “non-citizens” did, however, not succeed due to a lack of sufficient political support. Although the registration process at birth has been simplified, and subsequently the number of new-born “non-citizens” dropped to only 52 cases in 2016 and 23 in 2017,<sup>66</sup> the question of automatic recognition remains of important symbolic value to “non-citizens”.<sup>67</sup> A positive decision in this respect would stop children being born as “non-citizens” and also be a very helpful step towards better integration, as it would effectively signal the abolition of this population category in the long-term, as envisaged by the authorities.
58. ECRI recommends, as a matter of priority, that the authorities provide for the automatic recognition of Latvian citizenship for children born to “non-citizens”.
59. Further steps taken by the authorities to promote the naturalisations of “non-citizens” include information-days organised in municipalities with a high proportion of “non-citizens” among the residents, during which details of the naturalisation process are explained. The authorities, through the Society Integration Fund, also provide free Latvian language classes for “non-citizens” in preparation for their naturalisation exams,<sup>68</sup> as recommended by ECRI in its last report.<sup>69</sup> While ECRI commends the authorities for this measure, it also received information that these language classes, at times, fill up very quickly, resulting in insufficient capacity for all “non-citizens” who wish to enrol. This problem might grow, if the authorities’ efforts to promote naturalisation are successful.
60. ECRI recommends that the authorities ensure that sufficient places are available for “non-citizens” wishing to enrol in Latvian language courses free of charge in preparation for their naturalisation exams.

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<sup>64</sup> Cf. ECRI’s recommendations in its 2012 report: §§ 123-128.

<sup>65</sup> See also Ministry of Culture (2012): 19.

<sup>66</sup> In these cases, no applications for Latvian citizenship were made.

<sup>67</sup> Cf. ECRI (2012): § 122.

<sup>68</sup> The required level is B2 of the Common European Framework of Reference for Languages.

<sup>69</sup> ECRI (2012): § 122.

- **Minority schools**

61. While ECRI does not examine issues concerning the right to use minority languages in education (see § 54 above), it is concerned with aspects of regulating minority schools that might have an impact on the integration of minority pupils, such as teaching-standards and educational outcomes. It should be noted that this does not only affect “non-citizens”, as many members of the Russian minority, for example, are Latvian citizens. In addition, persons belonging to minorities originating from other parts of the former USSR might also opt for education in the Russian language for their children. In this respect, legal status, ethnicity and linguistic identity are not necessarily identical.
62. The Latvian authorities plan to make, with effect from 2021 onwards, Latvian the compulsory language of instruction in grades 10-12 across all bi-lingual schools. The only exceptions allowed will be the teaching of minority languages and cultures. In this context, ECRI would like to remind the authorities of the need to ensure that sufficient and adequate training is provided to teachers in minority schools in order to avoid any decrease in the quality of teaching provided to minority children as a result of the envisaged changes.
63. The authorities pointed out to ECRI that they decided to increase the number of subjects to be taught in Latvian in grades 7-9 in bilingual schools to further improve learning of the Latvian language before 2021. They also emphasise that while in 2010, 40% of minority pupils opted for the use of Russian in their exams, this number had fallen to only 8% in 2016, indicating high levels of Latvian language proficiency. In spite of these developments, ECRI encourages the authorities to assess the need for additional Latvian language tuition for minority pupils on an on-going basis in order to avoid them being put at a disadvantage with respect to educational outcomes and school results, which in turn could have a negative impact on their potential for successful socio-economic integration.

- **Roma**

64. The Roma community in Latvia is relatively small; the CSB 2017 figures indicated 5191 persons.<sup>70</sup> Roma associations, however, point out that many Roma do not volunteer information about their ethnic origin to the authorities due to persistent stigmatisation and prejudice against Roma in the public sphere. Roma NGOs estimate that the number might easily be two or three times as high.<sup>71</sup> In 2012, in order to promote the integration policy for Roma, evaluate its implementation and increase participation of the Roma community, the authorities set up the Advisory Council for Implementation of the Roma Integration Policy. The Council consists of representatives from public bodies, local governments, NGOs and members of the Roma community.<sup>72</sup> In 2015, the Society Integration Foundation commissioned a research project on Roma in Latvia, which examined their access to education, employment, health care and housing services. The report shows that although some progress has been made, for example in certain areas of health care (access to obstetrics and frequency of visits to family doctors<sup>73</sup>), Roma remain one of the most socially marginalised groups in the country.<sup>74</sup> In spite of ECRI’s recommendation in its last report,<sup>75</sup> the authorities decided not to

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<sup>70</sup> Central Statistical Bureau of Latvia (2017): 32.

<sup>71</sup> The Council of Europe estimates the number to be around 12 500. (See: <https://www.coe.int/en/web/portal/roma>).

<sup>72</sup> The Council implemented, for example, the project Latvian Roma platform I “Dialogue, cooperation and involvement”, which supported the dialogue between Roma groups, government and municipality institutions in order to ensure better coordination of integration measures for Roma at national, regional and local level.

<sup>73</sup> Society Integration Foundation (SIF) / Market and Opinion Research Agency (2015): 7 and 81.

<sup>74</sup> Ibid.: 3-5.

<sup>75</sup> ECRI (2012): § 103.

adopt a new national Roma strategy, but instead opted for a general approach which aims at including Roma into existing mainstream integration policies and programmes. However, given the difficult situation of the Roma community<sup>76</sup> and the existing barriers to accessing regular social integration programmes (see, for example, § 71 below), ECRI encourages the authorities to closely monitor the effectiveness of their choice and to reconsider the decision if necessary.

- *Education*

65. In spite of various efforts by the authorities,<sup>77</sup> including at local level, to support the education of Roma children, and some progress with regard to enrolment rates of Roma children in previous years,<sup>78</sup> overall success has been very limited.<sup>79</sup> The 2015 research report on Roma in Latvia revealed the full extent of the dismally low levels (or even complete absence) of formal education among many Roma. Almost half (48.8%) of the surveyed members of the Roma community had not completed compulsory primary school education (which in Latvia extends to the 9<sup>th</sup> grade), including 8.9% who had never been to school at all and some 30% who only completed less than 7 grades (completion of the 7<sup>th</sup> grade is the minimum schooling requirement for participation in vocational training courses offered by the State Employment Agency – see § 71 below). A further 34% had only finished primary education, while just 12% finished secondary education.<sup>80</sup> These findings point to the urgent need for strong action to tackle the problem of marginalisation of Roma in the field of education, which in turn is a root cause for their high rates of unemployment and related socio-economic exclusion.<sup>81</sup>
66. In its last report, ECRI reiterated as a matter of priority<sup>82</sup> its previous recommendation to close any remaining special classes for Roma and integrate Roma students into mainstream classes. To facilitate this, ECRI recommended that the authorities reinstate the Roma assistant teachers trained under the previous Plan for Roma and also address the high representation of Roma children in special needs' schools. In its 2015 interim follow-up conclusions, ECRI noted that progress had been made through the reinstatement of Roma assistant teachers and through the provision of guidance material to teachers on how to better integrate Roma children into mainstream classes. ECRI also noted that further to a recommendation from the Ombudsman in 2013, some local authorities had discontinued separate classes for Roma, but others had not, although negotiations were reportedly underway to change this situation. On the other hand, however, ECRI was concerned about information indicating that the percentage of Roma children attending special needs schools had actually increased, from 11.6% in 2011 to 16.1% for the academic year 2013-2014 and therefore considered its priority recommendation as partially implemented.<sup>83</sup>
67. During its visit to Latvia in 2017, ECRI did not receive any information about the existence of separate Roma classes anymore, but encourages the authorities to monitor this situation to avoid any reintroduction of such a practice in the future. However, according to figures provided to ECRI by the Ministry of Education and Science, out of a total of 900 Roma pupils enrolled during the school year

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<sup>76</sup> See for example: EU Commission (2014).

<sup>77</sup> Cf. ECRI (2012): § 107.

<sup>78</sup> SIF (2015): 45.

<sup>79</sup> See for example: *Ibid.*: 35.

<sup>80</sup> *Ibid.*: 37. - Survey among 365 Roma, which equates to approximately 7% of the registered Roma population in Latvia.

<sup>81</sup> *Ibid.*: 34 and 37.

<sup>82</sup> ECRI (2012): § 108.

<sup>83</sup> ECRI (2015): 5.

2016/17 in Latvia, more than one third (34.2%) were enrolled in special needs programmes. In the *Special primary education programme for students with learning disabilities*, 22.4% of pupils were Roma children, in spite of the fact that Roma account for less than 1% of the country's population. In the *Special primary education programme for students with mental development disorders*, the ratio is even higher at 39%. ECRI continues to be deeply concerned about the disproportionately high number of Roma children enrolled in special needs programmes. In this respect, the authorities informed ECRI that they are in the process of generally integrating children with special needs into mainstream education, which should also benefit Roma children who might be wrongly placed in special needs programmes. However, given the time it will take to implement this strategy and the large number of Roma pupils concerned, ECRI considers that the situation requires urgent measures to address the high representation of Roma children in special needs programmes.

68. With regard to Roma teaching assistants, the Ministry of Education and Science informed ECRI that while four teaching assistants of Roma ethnicity were employed in general education institutions in the school year 2013/2014, there were only two in the 2016/2017 period. At the same time, schools indicated that in the 2017/2018 study year they would require 16 Roma teaching assistants, making the mismatch between needs and existing capacities in this area evident. In addition, ECRI has been informed that Roma mediators currently work in five municipalities in the education sector. Their work is said to have been very useful in increasing school enrolment and decreasing dropout rates among Roma children. However the positions of these mediators are not funded for the long term which could undermine the results that have been achieved so far.
69. ECRI strongly recommends that the Latvian authorities take more effective steps to improve the situation of Roma children in the education sector. The authorities should in particular (i) take immediate action to remedy the situation for Roma pupils who have been wrongly placed in special needs programmes; (ii) ensure that a sufficient number of Roma teaching assistants are employed; and (iii) make the positions of existing Roma mediators permanent and assess if additional mediators are required.

- *Employment*

70. The very low levels of education described above, as well as frequently reported cases of anti-Roma prejudice and discrimination from potential employers result in high rates of unemployment among Roma, which in turn impacts negatively on their standard of living. The 2015 research project found that the ratio of the unemployed, both registered and unregistered, among (potentially) economically active Roma was around two-thirds (67.6%). While this can be viewed as an improvement compared to 2003 study results which had indicated a ratio of 90-95%, the 2015 figure for Latvia's overall population stood, in sharp contrast, at 9.9%.<sup>84</sup>
71. In the context of high unemployment rates among Roma, the issue of professional and vocational training and qualifications is of particular importance. From its discussions with the various relevant stakeholders, ECRI gained the distinct impression that the State Employment Agency (SEA) does not cooperate with other public entities and NGOs as much as is needed and expected when it comes to the difficult task of Roma integration into the labour market. A particular problem in this regard remains the absence of Roma-specific measures. While professional and vocational training courses are offered by the SEA to all unemployed persons, they usually require participants to have completed primary school up to 7<sup>th</sup> grade, a requirement which already excludes a large number of Roma (see § 66 above). According to SEA data of August 2015, the educational

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<sup>84</sup> SIF (2015): 64.

level of 67.4% of registered unemployed Roma was lower than the compulsory primary education and 20% of them did not possess reading and writing skills.<sup>85</sup> There is a lack of programmes suitable for Roma who have such limited education. Attempts to persuade the SEA to develop and offer courses for participants with lower educational backgrounds have so far not yielded any success.

72. ECRI recommends that the authorities ensure that the State Employment Agency offers professional and vocational training also for persons with very low levels of formal education in order to benefit those members of the Roma community who have been hitherto excluded.

- *Health*

73. Although some progress has been made with regard to Roma accessing health care, especially for their children,<sup>86</sup> significant gaps remain in the area of knowledge about different health care options and entitlements.<sup>87</sup> It has come to ECRI's attention in this context that the planned new health insurance scheme might create disadvantages for unemployed persons. Although the authorities realised this problem and included hardship provisions, for example for long term unemployed persons, this could still affect members of the Roma community disproportionately, as they often do not register as unemployed and are in many cases insufficiently aware of available services and relevant provisions.<sup>88</sup>

74. ECRI recommends that the authorities closely monitor the impact of the new health insurance rules on the Roma community and make adjustments if necessary. In this context, the authorities should conduct out-reach and information campaigns to ensure that members of the Roma community are fully aware of their rights and entitlements in the field of health care.

- **Refugees and beneficiaries of subsidiary protection**

75. Latvia accepted to receive persons seeking international protection as part of the EU distribution quota. The authorities informed ECRI that they expect approximately 530 persons, of which 363 have arrived in the country so far. However, in spite of the various integration measures put in place by the national and local authorities, only 36 of them remained in Latvia, while the vast majority made their way to other EU member States, following their initial processing in Latvia. The authorities underline that they cannot prevent this, given the general absence of border controls in the Schengen-area and the fact that this category of persons is not subject to detention. However, ECRI is also aware of the fact that the authorities reduced the relevant benefits.<sup>89</sup> In addition to those who arrived as part of the EU quota system, others arrived in Latvia on their own, resulting, at the end of 2017, in an official total number of 671 refugees and beneficiaries of subsidiary protection (the latter being referred to in Latvia as persons with "alternative status") since 1998. Out of this total number, 298 arrived in 2017.

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<sup>85</sup> Ibid.: 5.

<sup>86</sup> Ibid.: 81.

<sup>87</sup> Ibid.: 89-92.

<sup>88</sup> Ibid.: 89 and 91.

<sup>89</sup> In December 2015, the government decreased the benefits for refugees and those with subsidiary status (adults) from € 256 to € 139, payable to refugees for 12 months, to those with subsidiary status for 9 months. For each next of kin adult person, the benefit is € 97 and for unaccompanied minors it is also € 97. The amendments came into force on 1 January 2016. The former State Secretary of the Ministry of Interior acknowledged in 2016, that it was a mistake to decrease the benefits. (See: LSM (6 September 2016)).

76. With the onset of the migration crisis<sup>90</sup> in Europe in 2015, the Ministry of Interior prepared an Action Plan to prepare and manage the reception and integration of an increasing number of migrants. This included cross-cultural awareness raising activities carried out by the Information Centre for Immigrants; support to local associations of volunteers engaging in support for newly arrived persons and the expansion of the Latvian language course programme. The Society Integration Fund also initiated a mentoring programme, in cooperation with the Latvian Red Cross. In addition, Riga City Council has implemented various positive integration support activities, together with NGOs, including training seminars for teachers on integrating refugee children in schools, awareness-raising for social workers and support to local initiatives. ECRI strongly encourages the national authorities to provide additional financial support to municipalities for integration activities.
77. The two core elements, on which national integration measures are based, are learning of the Latvian language and enhancing beneficiaries' chances to find employment in order to be economically self-sufficient. To this end, the authorities provide 120 hours of free-of-charge language classes to refugees and persons with alternative status during the initial 4-months reception period. However, this only comes to a daily average of approximately 1.5 hours, which civil society interlocutors working with this group of persons told ECRI is far from sufficient, especially when the aim is to integrate beneficiaries into the Latvian labour market. Various experts expressed the view that 360 hours would be a useful level for a basic course.
78. Insufficient language skills are only one problem when it comes to finding employment. Lack of relevant and recognised professional qualifications is often another problem. Although refugees and persons with alternative status have access to education and to special support and vocational training programmes offered by the State Employment Agency on an equal footing with Latvian citizens, finding work remains a key challenge for many. In this context, ECRI notes that persons with international protection are not given a financial allowance to enable them to subsist, let alone integrate (see also footnote 89). In addition, ECRI also notes that the duration of entitlements to the allowance differs between refugees and persons with alternative status. ECRI would like to point out that, because the socio-economic difficulties are the same for both categories, such reduced benefits can pose an obstacle to successful integration and may conflict with EU protection standards.<sup>91</sup>
79. ECRI has been informed by NGOs of several cases in which refugees / persons with alternative status were refused consultations by doctors (GPs). They could eventually register and received medical attention, but only after NGO volunteers accompanied them and complained on their behalf. While it remains unclear to ECRI if this is a widespread pattern, even isolated cases of such racial discrimination are of grave concern and require urgent attention.
80. ECRI recommends that the authorities increase significantly the number of hours of Latvian language tuition during the initial reception period for refugees and persons with alternative status. ECRI also recommends that persons with international protection should receive adequate financial assistance. Furthermore, ECRI strongly recommends that the Ministry of Health investigates allegations of racial discrimination in the health sector and issues a circular to all medical staff reminding them of their obligations under the Law on the Rights of Patients as well as applicable professional ethics in this regard.

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<sup>90</sup> As defined in ECRI's Annual Report 2015.

<sup>91</sup> See: Article 29(2) of EU Directive 2011/95.

## **II. Topics specific to Latvia**

### **1. Interim follow-up recommendations of the fourth cycle**

81. In its fourth report, ECRI recommended as a priority recommendation that the authorities endow the Ombudsman's Office with sufficient funds and human resources. It also recommended improving the accessibility of the institution in different languages and in the different regions of Latvia. In its 2015 interim follow-up conclusions, ECRI considered that this recommendation had been implemented.<sup>92</sup> It had received information from the Ombudsman's office that the trend of cutting its budget had been stopped and reversed. Furthermore, the accessibility of the Ombudsman had been improved, with the website now providing information in Latvian, Russian and English. The Ombudsman also accepts applications made in other languages. Instead of opening regional offices, the institution opted to conduct outreach activities, including regular and ad hoc visits to the different regions of Latvia, which, given the relatively small size of the country, it considers to be sufficient. During its 2017 visit to Latvia, ECRI received confirmation that the positive trend regarding the institution's budget has continued and ECRI trusts that the authorities will also ensure that this will be the case in the future.
82. Further follow-up given to the other two priority recommendations made by ECRI in its fourth report on Latvia are discussed above in section I.4, §§ 51-53 on the Policy Guidelines for the Integration of Society in Latvia and §§ 66-69 on Roma pupils respectively.

### **2. Restitution of Jewish community property**

83. In its fourth report on Latvia, ECRI recommended that the authorities make provision for the restitution of the religious and communal property of the Jewish community and dispel any antisemitic sentiment that may stem from such action.<sup>93</sup> In 2016, the Latvian Parliament decided to return five properties, which were owned by the Jewish community until World War II and the Shoah, to the local Jewish community. The list of disputed properties, however, is much longer and contains 265 items. It appears that the authorities have shown no intention to discuss the restitution of the remaining properties and instead consider the matter closed. While ECRI commends the authorities for the restitution of the five properties, it does not view this issue as resolved and underlines the need for a comprehensive agreement in this respect. ECRI also notes that no particular activities were conducted to dispel antisemitic sentiments during the discussions about property restitution, as these did not lead to a significant increase in antisemitic hatred. ECRI encourages the authorities, however, to closely monitor this situation in the context of further and more comprehensive deliberations about property restitution to the Jewish community.
84. ECRI reiterates its recommendation that the authorities make provision for the restitution of the religious and communal property of the Jewish community and dispel any antisemitic sentiment that may stem from such action. The restitution process should lead to a comprehensive agreement about all disputed properties and not be limited to only a small number of them.

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<sup>92</sup> ECRI (2015): 5.

<sup>93</sup> ECRI (2012): §§ 118-119.

### 3. Policies to combat discrimination and intolerance against LGBT persons

#### - Data

85. There is no official data on the size of the LGBT population in Latvia. Article 2(8) and Article 11 of the Personal Data Protection Act prohibit the processing of “sensitive data” concerning inter alia health or sex life without the person’s prior written consent, except in specific cases provided for in laws and regulations.<sup>94</sup> In this context, ECRI reminds the Latvian authorities of Recommendation CM/Rec(2010)5 of the Council of Europe’s Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity which indicates that personal data referring to a person’s sexual orientation or gender identity can be collected when this is necessary for the performance of a specific, lawful and legitimate purpose. It is clear that without such information there can be no solid basis for developing and implementing policies to address intolerance and discrimination of LGBT persons.
86. NGOs report that most LGBT persons hide their sexual orientation and/or gender identity, which also results in very few discrimination and hate crime cases being reported to law enforcement authorities or brought to the courts (see also sections I.2 and I.3).<sup>95</sup> In November 2014, Latvia’s Foreign Minister Edgars Rinkēvičs was the first high-ranking politician in his country to publicise his homosexuality.<sup>96</sup> There is no government research or monitoring mechanism in relation to LGBT issues. There is also no funding allocated for LGBT research by the government.<sup>97</sup>
87. The EU Fundamental Rights Agency’s (FRA) 2013 *LGBT survey* included 501 self-identifying LGBT respondents from Latvia.<sup>98</sup> 43% of these respondents said that discrimination on grounds of sexual orientation is “very widespread” in their country (the EU average was 31%).<sup>99</sup> On the ILGA *Rainbow Europe Map 2016* reflecting European countries’ legislation and policies guaranteeing LGBT rights, Latvia ranks 40<sup>th</sup> out of 49 countries scored.<sup>100</sup> According to the European Commission’s *Eurobarometer 2015*, 51% of Latvians disagreed with granting equal rights to LGB persons.<sup>101</sup> When asked how comfortable they would feel with an LGB person in the highest elected political position in their country, Latvians scored 3.1 (on a scale from 1: totally uncomfortable, to 10: totally comfortable), while the EU28 average was 6.6. Latvians scored 2.3 on the same scale when asked about a transgender/transsexual person in the same position (EU28 average 5.7).<sup>102</sup>
88. ECRI recommends that the authorities carry out a study on areas and levels of discrimination against LGBT persons in Latvian society.

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<sup>94</sup> Personal Data Protection Act (as amended in 2014).

<sup>95</sup> Kamenska (2016): 6.

<sup>96</sup> The Economist (12 November 2014).

<sup>97</sup> ILGA-Europe & Mozaika (no date), Submission to the UN Human Rights Council for its UPR of Latvia (11<sup>th</sup> Session).

<sup>98</sup> FRA (2013): 25.

<sup>99</sup> FRA (2012).

<sup>100</sup> ILGA-Europe (2016a).

<sup>101</sup> European Commission (2015).

<sup>102</sup> Ibid.

- **Legislative issues**

- *Criminal and civil law*

89. Article 150 (1) of the Criminal Law punishes incitement to social hatred or enmity on the grounds of gender, age, disability or any other characteristics, if substantial harm has been caused.<sup>103</sup> Sexual orientation and gender identity are not explicitly mentioned among the prohibited grounds.<sup>104</sup> ECRI notes that the list of grounds is open, but it nevertheless advocates for expressly mentioning these additional grounds.
90. Sexual orientation and gender identity are also not included in the grounds under Article 48 of the Criminal Law which establishes aggravating circumstances.
91. Concerning the enumerated grounds on which discrimination is prohibited in the various laws listed in section I.1 above (§ 8), sexual orientation only features in the Labour Law and the Law on the Prohibition of Discrimination of Natural Persons-Economic Operators, while gender identity appears in none.
92. ECRI recommends that the authorities amend the existing legislation in order to (i) include the grounds of sexual orientation and gender identity in Articles 48 and 150 of the Criminal Law; and (ii) ensure that in the absence of comprehensive anti-discrimination legislation in Latvia both sexual orientation and gender identity are explicitly listed among the grounds on which discrimination is prohibited in the Labour Law, the Law on the Prohibition of Discrimination of Natural Persons-Economic Operators, the Law on Social Security, the Consumer Rights Protection Law, the Law on the Rights of Patients; the Law on Education and the Law on Support to Unemployed Persons and Job Seekers.

- *Same-sex partnerships*

93. Concerning family law matters, the current legislation does not recognise any form of same sex partnerships. Following amendments made in 2005, Article 110 of the Latvian Constitution defines marriage as a union between a man and a woman.<sup>105</sup> Article 35 of the Civil Law explicitly prohibits marriage between two persons of the same sex.<sup>106</sup> ECRI regrets that the Saeima (Latvian Parliament), in March 2018, dismissed a public initiative for a Civil Partnership Law (for both heterosexual and homosexual couples), for which 10,000 signatures had been collected. The Latvian Parliament is under an obligation to examine public legislative initiatives which have been signed by at least 10,000 citizens.
94. ECRI considers that the absence of recognition of same-sex partnerships can lead to various forms of discrimination in the field of social rights. In this regard, it draws the attention of the authorities to the Recommendation CM/Rec(2010)5 of the Council of Europe's Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.<sup>107</sup>

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<sup>103</sup> Article 150 (2) provides for an increased maximum punishment if the act was committed by a public official, or a responsible employee of a company or organisation, or a group of persons, or if it was committed using an automated data processing system. Article 150 (3) provides for a further increase of the maximum punishment if the act was related to violence, fraud or threats, or committed by an organised group.

<sup>104</sup> According to the authorities, there is one court case pending which touches on the question of whether sexual orientation can be considered as included in this list of grounds.

<sup>105</sup> Kamenska (2016): 66.

<sup>106</sup> Civil Law (as amended in 2014).

<sup>107</sup> Council of Europe, Committee of Ministers (2010), in particular § 25.

95. ECRI recommends that the authorities provide a legal framework that affords same-sex couples, without discrimination of any kind, the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live.

- *Gender reassignment*

96. Transgender persons are currently not covered by the national health system for medical treatment related to gender reassignment. Cabinet Regulation No. 1529 dated December 2013 explicitly states in its Article 11.7 that the state budget does not cover healthcare services related to “sexology treatment and gender reassignment.”<sup>108</sup> Article 2(6) of the Law on Changing the Records of Name, Surname and Nationality of 29 April 2009 states that it is allowed to change the name and surname of a person if they have changed their sex.<sup>109</sup> The Law, however, does not define what constitutes gender reassignment; but merely requires that a medical certificate or other document confirming gender reassignment is submitted to the authorities as proof.<sup>110</sup> Currently, there is no law regulating the procedure and conditions of gender reassignment. According to NGOs, sterilisation and gender reassignment surgery are, in practice, obligatory in order to legally change one’s gender.<sup>111</sup> In this context, ECRI encourages the authorities to make use of existing decisions and guidance developed by various bodies of the Council of Europe in order to establish criteria for regulating the procedure for gender reassignment and legal gender recognition.<sup>112</sup>

97. ECRI recommends that the authorities regulate the procedure and conditions of gender reassignment, in line with Council of Europe guidelines.

- **Discrimination against LGBT persons in key areas of social life**

98. Although the Labour Law in its Article 7(2) establishes the principle of equality regardless of, inter alia, sexual orientation (but not gender identity), discrimination against LGBT persons remains a widespread problem in the workplace. The EU LGBT Survey released by FRA indicates that 52% of LGBT persons in Latvia always avoided revealing their sexual orientation at work. The survey also found that 26% of Latvian respondents felt discriminated against at work in the last twelve months because of their LGBT characteristics and 18% of them when looking for a job.<sup>113</sup> Furthermore, 48% of respondents in Latvia replied that they were personally discriminated against or harassed on the grounds of their sexual orientation in the previous 12 months. A total of 20% of Latvian respondents felt discriminated against in cafes, restaurants, bars or nightclubs. While only 9% of the respondents felt discriminated against by healthcare personnel, it is noteworthy that 68% of them stated they always avoided revealing their sexual orientation to medical staff and healthcare providers.<sup>114</sup> The persistence of these problems has also been confirmed by LGBT community representatives with whom ECRI met.

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<sup>108</sup> TGEU (2017).

<sup>109</sup> Law on Changing the Records of Name, Surname and Nationality (29 April 2009).

<sup>110</sup> Article 37 of the Civil Registration Law (1 January 2013).

<sup>111</sup> See for example: TGEU (2017).

<sup>112</sup> In particular: relevant judgments of the ECtHR, such as: ECtHR (2015), *Y.Y v. Turkey* (Application no.14793/08) Judgment; and ECtHR (2002), *Goodwin v. UK*, (Application no. 28957/95) Judgment [GC]; Council of Europe, Committee of Ministers, Recommendation CM/Rec(2010)5, §§ 20, 21 and 22; Council of Europe, Sexual Orientation and Gender Identity unit (2015), *Protecting human rights of transgender persons - A short guide to legal gender recognition*; and Council of Europe, Commissioner for Human Rights (2009), *Human Rights and Gender Identity*.

<sup>113</sup> FRA (2012).

<sup>114</sup> *Ibid.*

99. In February 2016, Riga transport services (RMS) organised a special scheme on Valentine's day, offering couples who kiss in front of a municipal mini-bus driver free use of public transport ("kiss-and-ride"). The offer, however, only extended to heterosexual couples, while same-sex couples were expressly excluded.<sup>115</sup> The LGBT organisation Mozaika publicly complained about this<sup>116</sup> and the Ombudsman also found the scheme to be discriminatory. Rather than opening it up to homosexual couples though, RMS decided to scrap the initiative altogether. ECRI regrets this outcome, as not only were same-sex couples put in a position of potentially being blamed for the cancellation of this offer, but also a good opportunity to publicly promote tolerance vis-à-vis homosexual persons was lost.

- *Education and awareness-raising*

100. The EU LGBT Survey indicates that 78% of LGBT persons in Latvia always avoided revealing their sexual orientation at school. The survey also revealed that 23% of Latvian respondents felt discriminated against by school or university personnel in the last 12 months and 33% of them experienced negative comments or conduct at school.<sup>117</sup> According to a 2016 FRA study, the interviewed public officials and professionals reported that negative stereotyping of and prejudiced attitudes towards LGBT persons are common in Latvian schools and across the education system.<sup>118</sup> In March 2016, the UN Committee on the Rights of the Child expressed concern about the lack of official information on discrimination faced by LGBT children and recommended that Latvia strengthen its efforts to combat negative attitudes and eliminate discrimination against LGBT children.<sup>119</sup>

101. In June 2015, amendments to the Education Law were adopted by the Latvian Parliament, according to which education institutions must provide "moral instruction on the constitutional values of family and marriage."<sup>120</sup> ECRI has not received any information as to how the authorities envisage this provision to be applied without increasing negative stigmatisation of LGBT persons. LGBT activists explained to ECRI that, as a result of the new legal provision, schools are extremely reluctant to accept offers of awareness-raising activities to promote tolerance vis-à-vis LGBT persons. This state of affairs not only affects the pupils who are directly concerned (see § 100 above), but also results in the non-utilisation of the potential impact that schools can have for increasing tolerance in society. This is of particular importance given the general absence of LGBT tolerance campaigns in Latvia.

102. ECRI recommends that the authorities promote and facilitate LGBT awareness-raising and tolerance campaigns in schools.

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<sup>115</sup> Baltic Times online (12 February 2016).

<sup>116</sup> Latvian Public Broadcasting English-language service (12 February 2016).

<sup>117</sup> FRA (2012).

<sup>118</sup> FRA (2016).

<sup>119</sup> UN Committee on the Rights of the Child (14 March 2016).

<sup>120</sup> ILGA-Europe (2016b): 101.

## INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Latvia are the following:

- ECRI recommends, as a matter of priority, that the authorities establish a unit within the State Police tasked with reaching out to vulnerable groups in order to increase trust in the police and address the problem of under-reporting of racist and homo-/transphobic hate crimes.
- ECRI recommends, as a matter of priority, that the authorities provide for the automatic recognition of Latvian citizenship for children born to “non-citizens”.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.



## LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 2) ECRI reiterates its recommendation to Latvia to ratify Protocol No. 12 to the European Convention on Human Rights.
2. (§ 7) ECRI recommends that the authorities bring the Latvian criminal law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) criminalise the public dissemination or public distribution, or the production or storage aimed at public dissemination or public distribution, with a racist aim, of written, pictorial or other racist material; (ii) criminalise public insults and all forms of defamation on grounds such as “race” and ethnic origin; (iii) criminalise the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their “race”, colour, language, religion, nationality, or national or ethnic origin; and (iv) criminalise the creation or the leadership of a group which promotes racism, support for such a group, and participation in its activities.
3. (§ 16) ECRI recommends that the authorities bring the Latvian civil and administrative law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) adopt comprehensive anti-discrimination legislation; (ii) ensure that the grounds enumerated in the existing anti-discrimination provisions include all the grounds listed in ECRI’s GPR No. 7; and (iii) introduce an explicit obligation for public authorities to promote equality and prevent discrimination.
4. (§ 18) ECRI reiterates its recommendation that the Ombudsman’s mandate should include the provision of independent assistance to victims of racism and racial discrimination.
5. (§ 23) ECRI recommends that the authorities establish a comprehensive data collection system for hate crime incidents.
6. (§ 28) ECRI reiterates its recommendation that the Latvian authorities condemn all attempts to commemorate persons who fought in the Waffen SS and collaborated with the Nazis. Furthermore, the government should call upon its coalition parties’ Members of Parliament to abstain from attending such commemoration ceremonies.
7. (§ 38) ECRI recommends that the authorities monitor the use and impact of the guidelines of the State Police for the investigation of hate speech and hate crime.
8. (§ 40) ECRI recommends, as a matter of priority, that the authorities establish a unit within the State Police tasked with reaching out to vulnerable groups in order to increase trust in the police and address the problem of under-reporting of racist and homo-/transphobic hate crimes.
9. (§ 42) ECRI recommends that the authorities encourage and promote counter-speech among high-level political representatives and other public figures in response to racist and homo-/transphobic hate speech.
10. (§ 58) ECRI recommends, as a matter of priority, that the authorities provide for the automatic recognition of Latvian citizenship for children born to “non-citizens”.
11. (§ 60) ECRI recommends that the authorities ensure that sufficient places are available for “non-citizens” wishing to enrol in Latvian language courses free of charge in preparation for their naturalisation exams.

12. (§ 69) ECRI strongly recommends that the Latvian authorities take more effective steps to improve the situation of Roma children in the education sector. The authorities should in particular (i) take immediate action to remedy the situation for Roma pupils who have been wrongly placed in special needs programmes; (ii) ensure that a sufficient number of Roma teaching assistants are employed; and (iii) make the positions of existing Roma mediators permanent and assess if additional mediators are required.
13. (§ 72) ECRI recommends that the authorities ensure that the State Employment Agency offers professional and vocational training also for persons with very low levels of formal education in order to benefit those members of the Roma community who have been hitherto excluded.
14. (§ 74) ECRI recommends that the authorities closely monitor the impact of the new health insurance rules on the Roma community and make adjustments if necessary. In this context, the authorities should conduct out-reach and information campaigns to ensure that members of the Roma community are fully aware of their rights and entitlements in the field of health care.
15. (§ 80) ECRI recommends that the authorities increase significantly the number of hours of Latvian language tuition during the initial reception period for refugees and persons with alternative status. ECRI also recommends that persons with international protection should receive adequate financial assistance. Furthermore, ECRI strongly recommends that the Ministry of Health investigates allegations of racial discrimination in the health sector and issues a circular to all medical staff reminding them of their obligations under the Law on the Rights of Patients as well as applicable professional ethics in this regard.
16. (§ 84) ECRI reiterates its recommendation that the authorities make provision for the restitution of the religious and communal property of the Jewish community and dispel any antisemitic sentiment that may stem from such action. The restitution process should lead to a comprehensive agreement about all disputed properties and not be limited to only a small number of them.
17. (§ 88) ECRI recommends that the authorities carry out a study on areas and levels of discrimination against LGBT persons in Latvian society.
18. (§ 92) ECRI recommends that the authorities amend the existing legislation in order to (i) include the grounds of sexual orientation and gender identity in Articles 48 and 150 of the Criminal Law; and (ii) ensure that in the absence of comprehensive anti-discrimination legislation in Latvia both sexual orientation and gender identity are explicitly listed among the grounds on which discrimination is prohibited in the Labour Law, the Law on the Prohibition of Discrimination of Natural Persons-Economic Operators, the Law on Social Security, the Consumer Rights Protection Law, the Law on the Rights of Patients; the Law on Education and the Law on Support to Unemployed Persons and Job Seekers.
19. (§ 95) ECRI recommends that the authorities provide a legal framework that affords same-sex couples, without discrimination of any kind, the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live.
20. (§ 97) ECRI recommends that the authorities regulate the procedure and conditions of gender reassignment, in line with Council of Europe guidelines.
21. (§ 102) ECRI recommends that the authorities promote and facilitate LGBT awareness-raising and tolerance campaigns in schools.

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