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Report of the Working Group on the Universal Periodic Review*

Latvia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document is being issued without formal editing.



The Government of the Republic of Latvia appreciates the interactive dialogue held on 11 May 2021 during the thirty-eighth session of the United Nations (hereinafter – UN) Human Rights Council’s Working Group on the Universal Periodic Review. Latvia offers its opinion on the 244 recommendations received.

Opinion on recommendations received

134.1. **Supported in part.** Latvia **supports** the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter – OPCAT). Latvia has ratified all major international agreements on climate (SDG 13).

134.2. **Supported in part.** (See 134.1)

134.3–134.6. **Noted.** A comprehensive legal framework is currently in force in Latvia for the protection of migrants’ rights in various fields, including the European Union directives, regulations, instruments of the UN and the Council of Europe.

134.7–134.9. **Noted.**

134.10. **Noted.**

134.11–134.18. **Supported.**

134.19–134.21. **Noted.**

134.22. **Noted.**

134.23. **Supported in part.** Latvia **supports** recommendation insofar it applies to prevention of gender-based violence. Latvia **notes** recommendation on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter – Istanbul Convention).

134.24, 134.28. **Noted.**

134.29. **Noted.** Latvia’s criminal law is based on gender neutrality.

134.30–134.32. **Noted.**

134.33. **Supported in part.** Latvia **supports** ratification of OPCAT. Latvia **notes** recommendation on the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter – OP-CEDAW).

134.34. **Supported in part.** Latvia **supports** ratification of OPCAT. Latvia **notes** recommendation on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

134.35. **Supported in part.** Latvia **supports** ratification of OPCAT. Latvia **notes** recommendation on the ratification of the Istanbul Convention.

134.36. **Noted.**

134.37. **Supported in part.** Latvia **supports** ratification of OPCAT. Latvia **notes** recommendation on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; of the International Convention for the Protection of All Persons from Enforced Disappearance; of OP-CEDAW.

134.38. **Noted.**

134.39. **Noted.**

134.40. **Noted.** Pursuant to Article 6, Paragraph 2 of the Law on Stateless Persons, and Article 6 and 9 of the Personal Identification Documents Law, a stateless person has the right to receive a travel document.

134.41. **Noted.**

134.42. **Noted.**

134.43. **Noted.**

134.44. **Supported.** The recommendation has already been implemented.

134.45–134.46. **Supported.** Latvia has issued a standing invitation to UN special procedures and rapporteurs.

134.47–134.49. **Supported.** The recommendation has already been implemented.

134.50. **Supported in part.** Latvia **supports** recommendation on providing sufficient financial resources (See 134.48). Latvia **notes** rest of the recommendation. The Ombudsman is independent in the exercise of his/her activities.

134.51–134.52. **Noted.** (See 134.50)

134.53. **Noted.**

134.54. **Supported.**

134.55. **Supported.**

134.56. **Supported.** Pursuant to the Education Law, everyone, including a citizen, a non-citizen, an asylum seeker, and others, has the right to inclusive and quality education. Basic education is compulsory. The Guidelines for the State Pre-School Education and the State Basic Education Standard also provide for the possibility of implementing a national minority educational programme. In addition, the General Secondary Education Standard provides for the possibility of including, in a specialised course, minority languages and subjects related to minority culture and traditions.

134.57–134.58. **Supported.**

134.59. **Supported.**

134.60. **Supported.**

134.61–134.64. **Supported.**

134.65. **Supported.**

134.66. **Supported.**

134.67. **Supported.**

134.68–134.71. **Noted.** Article 91 of the Constitution contains a general prohibition of discrimination; Article 149.1 and 150 of the Criminal Law criminalise a violation of the prohibition of discrimination.

134.72–134.73. **Supported.**

134.74. **Noted.**

134.75. **Supported.** The Ministry of Education and Science performs monitoring of the quality of education among Roma pupils on a regular basis in order to promote acquisition of pre-school, general basic and secondary education among Roma, prevent the risks of early school leaving and ensure various measures of support for Roma pupils.

134.76. **Supported.**

134.77. **Noted.** (See 134.68)

134.78. **Supported.**

134.79. **Noted.** (See 134.68)

134.80–134.81. **Supported.**

134.82. **Noted.** The right of national minorities to implement programmes in minority languages has been laid down in the Guidelines for the State Pre-School Education and the State Basic Education Standard. Additionally, acquisition of national minority languages, culture and traditions is ensured through informal education – in optional and interest education classes.

134.83–134.86. **Supported.**

134.87. **Supported.**

134.88–134.89. **Noted.**

134.90. **Supported.**

134.91. **Noted.**

134.92. **Noted.** In Latvia legal, social and economic protection of all families is ensured by law.

134.93–134.95. **Noted.**

134.96–134.98. **Noted.** (See 134.92)

134.99. **Noted.**

134.100–134.103. **Supported.**

134.104–134.107. **Noted.**

134.108–134.110. **Supported.**

134.111. **Noted.**

134.112. **Supported.**

134.113. **Supported in part.** Latvia **supports** recommendation concerning specialized training for prosecutors on investigation into hate crimes. The establishment of a separate unit is currently not being considered.

134.114. **Supported.**

134.115. **Noted.**

134.116. **Supported.**

134.117. **Supported.** Latvia has acceded to the major international human rights instruments. These norms have been transposed into the Constitution, and laws, having thereby become binding to companies that are operating under Latvian legislation.

134.118. **Supported.**

134.119. **Supported.** Latvia promotes transparency of the Government's decisions. A Law on transparency in lobbying is being drafted in Latvia, which is expected to render the Government's work more transparent and ensure an open and fair representation of various interests in public decision-making.

134.120. **Supported.**

134.121. **Supported.**

134.122. **Supported.**

134.123. **Supported.** The recommendation has already been implemented. Once the consequences set by the Law "On State Compensation to Victims" are present, victim will be granted compensation.

134.124. **Supported.** All relevant instruments already exist both in the legal framework and in practice.

134.125. **Noted.**

134.126. **Supported.** All relevant instruments already exist both in the legal framework and in practice. The budgetary allocation is sufficient.

134.127. **Supported.** All respective measures are being taken within the limits of budget allocations.

134.128. **Supported.** All relevant basic measures are already provided for in the legal framework. Constant improvements take place.

134.129. **Supported.** All relevant instruments already exist in the legal framework.

134.130. **Supported.** All relevant instruments already exist in the legal framework. No cases of violence against persons with disabilities have been recorded in prisons.

134.131. **Supported.** All relevant instruments already exist in the legal framework. Constant improvements take place.

134.132. **Supported.**

134.133–134.134. **Noted.** Marital rape qualifies under the respective paragraph of Article 159 of the Criminal Law, or, where murder has been committed, under Article 117, Clause 7 of the Criminal Law. Aggravating circumstance specified in Article 48, Paragraph 1, Clause 15 of the Criminal Law apply in both cases. The fact of domestic violence, depending on consequences, qualifies under Article 125, Paragraph 2, Clause 9; Article 126, Paragraph 2, Clause 7, and Article 130, Paragraph 3, Clause 6 of the Criminal Law.

134.135. **Supported.** A comprehensive legal framework for protection against violence has been introduced in Latvia since 2014. It is being continuously improved and developed in order to protect those suffering from domestic violence and offer them assistance, to punish the perpetrators as well as preventively affect violent persons and reduce criminal behaviour. Protection measures are accessible to any person affected by domestic violence regardless of gender and other characteristics. The Criminal Law is gender-neutral and domestic violence is criminalised.

134.136. **Supported.** Any person (incl. victims) has the right to receive legal assistance, while the state ensures representation and legal assistance in both criminal proceedings and civil proceedings (incl. civil protection against violence) to persons whose property status or special circumstances (incl. violence against them) prevent them from agreeing independently with a provider of legal assistance; such legal assistance does not depend on gender but on aforementioned conditions. Informational and psychological support is ensured to all victims.

134.137. **Supported.**

134.138. **Supported.**

134.139. **Supported.** Judicial independence is continuously strengthened. The Economic Court began its function in 2021. It is a major breakthrough in combating economic crime, including corruption.

134.140. **Supported.** The legal framework already stipulates equal rights for all regardless of ethnic background. Different range of rights and obligations is not envisaged for different ethnic groups in Latvia. Legal framework that covers guaranteed access to justice, including state-provided legal assistance, exemption from payment of court fees, and possibility for using an interpreter's services by persons who do not have command of the language of legal proceedings is applicable in Latvia regardless of the person's ethnic background or other criteria.

134.141. **Supported.** An independent bar has been established and a free market of services is functioning. Meanwhile, legal assistance in civil cases, a certain type of administrative cases, in criminal proceedings, cases concerning compulsory medical treatment and in the Constitutional Court's proceedings is ensured by the state to persons whose property status or special circumstances prevent them from agreeing independently with a provider of legal assistance.

134.142. **Supported.** The Criminal Procedure Law stipulates mandatory presence of defence counsel for minors. This recommendation is implemented in part in administrative offence proceedings.

134.143–134.145. **Noted.**

134.146. **Supported.**

134.147–134.153. **Supported.**

134.154. **Noted.**

134.155–134.158. **Supported.**

134.159–134.164. **Supported.**

134.165. **Noted.**

134.166. **Supported.**

134.167–134.172. **Supported.**

134.173. **Supported.** The recommendation has been implemented. Acquisition of general education is ensured both in cities and rural areas. In 2020/2021 school year, there were 353 educational institutions in cities and 326 in rural areas.

134.174. **Supported.** The recommendation has been implemented. In 2020/2021 school year, there were 162039 pupils in cities; 44 884 pupils in rural areas.

134.175. **Supported.** The recommendation has been implemented. In 2020/2021 school year, there were 162039 pupils in cities; 44 884 pupils in rural areas, including in the national minority educational programme.

134.176. **Supported.** Equal access to education is ensured to all pupils regardless of their ethnic background, to persons with special needs, asylum seekers etc. In 2020/2021 school year, 28% of all pupils were acquiring the national minority educational programme; the special education programme was acquired by 11866 pupils; 63% of them at schools of general education. 853 Roma pupils were acquiring pre-school, basic and general secondary education.

134.177. **Supported.** The Education Law stipulates that education is acquired in the official State language; at the same time, the State Guidelines for Pre-School Education, and the State Basic Education Standard provide for the possibility of also implementing national minority educational programmes. The State Guidelines for Pre-School Education, the State Basic Education Standard and the State General Education Standard provide for the possibility of implementing special education programmes: for visually impaired pupils; for hearing impaired pupils; for pupils with disturbances of physical development; for pupils with somatic diseases; for pupils with language disturbances; for pupils with learning disturbances; for pupils with mental health disturbances; for pupils with mental development disturbances; for pupils with serious mental development disturbances.

134.178. **Supported.** The Ministry of Education and Science performs monitoring of the quality of education among Roma pupils on a regular basis in order to promote the acquisition of pre-school, general basic and secondary education among Roma, prevent the risks of early school leaving and ensure various measures of support for Roma pupils. In 2020/2021 school year, general education was acquired by 853 Roma pupils, including 322 girls.

134.179. **Supported.** The State Guidelines for Pre-School Education, the State Basic Education Standard and the State General Education Standard provide for the possibility of implementing special education programmes: for visually impaired pupils; for hearing impaired pupils; for pupils with disturbances of physical development; for pupils with somatic diseases; for pupils with language disturbances; for pupils with learning disturbances; for pupils with mental health disturbances; for pupils with mental development disturbances; for pupils with serious mental development disturbances.

134.180–134.181. **Supported.**

134.182. **Supported.** The recommendation has been implemented. In 2020/2021 school year, 11866 pupils acquired special educational programmes; 63% of them at institutions of general education.

134.183–134.184. **Supported.**

134.185–134.186. **Supported.**

134.187. **Supported.**

134.188. **Supported in part.** Latvia supports the recommendation till its part on women's participation in decision-making in politics, because the State cannot influence it directly.

134.189. **Supported.**

134.190. **Noted.**

134.191. **Noted.** No measures addressing such challenges have been set out in the Plan for the Promotion of Equal Rights and Opportunities for Women and Men for 2021-2023. The activities are of an indirect nature, which can influence attitudes, changes in the understanding of gender roles in society and family, awareness of the aspects of diversity management in a company, an organisation.

134.192. **Noted.**

134.193–134.194. **Noted.** Latvia's criminal law is based on gender equality. A comprehensive and gender-neutral legal framework for combating violence has been in place in Latvia since 2014 (See 134.135).

134.195. **Supported.**

134.196. **Noted.** (See 134.135.; 134.193)

134.197. **Supported in part.** Latvia **supports** the part of the recommendation concerning the implementation of various measures. Latvia **notes** the recommendation on the ratification of the Istanbul Convention.

134.198–134.199. **Supported.**

134.200. **Supported in part.** Latvia **supports** part of the recommendation concerning the elimination of violence against women. Latvia **notes** recommendation on the ratification of the Istanbul Convention.

134.201–134.202. **Supported.**

134.203–134.205. **Supported.**

134.206. **Supported.**

134.207. **Noted.** (See 134.140).

134.208. **Noted.**

134.209. **Supported.** Article 149.1 of the Criminal Law already criminalises discrimination on the basis of race, national or ethnic background or for any other violation of prohibition of discrimination.

134.210. **Supported.**

134.211–134.215. **Noted.**

134.216. **Supported.**

134.217. **Noted.** At present, the process of property denationalisation and the land reform has in fact been completed; consequently, the restitution of real estate can only be undertaken pursuant to a separate law adopted by the Parliament of Latvia on the restitution of a specific real estate to a specific subject (for instance, an association).

134.218–134.228. **Supported.**

134.229. **Noted.**

134.230. **Supported.**

134.231. **Supported.** Support programmes for refugees and persons with alternative status have already been developed and are being implemented, including those to promote their integration into the labour market; nevertheless, it is important to continue improving these programmes.

134.232–134.234. **Noted.**

134.235. **Supported.**

134.236. **Supported.** The recommendation has been implemented in view of Article 3.1 and Article 12 of the Citizenship Law, which have been recognised as being compliant with all international requirements.

134.237. **Supported.** The recommendation has been implemented. Children of stateless persons are granted Latvian citizenship if they meet the conditions laid down in Article 3.1 of the Citizenship Law, which have been recognised as being compliant with all international requirements.

134.238. **Supported.** The recommendation has been implemented in view of Article 3.1 of the Citizenship Law and the Law on the Termination of the Granting of the Status of a Non-citizen to Children.

134.239. **Supported.** (See 134.237)

134.240. **Noted.** Children 15 years of age and older are given a choice of obtaining Latvian citizenship. Children of non-citizens and stateless persons acquire Latvian citizenship if they meet the conditions laid down in Article 3.1 of the Citizenship Law.

134.241. **Noted.**

134.242. **Noted.** The recommendation has been implemented. The process has been simplified for children under 15 years of age: they acquire citizenship together with their parents; persons 15 years of age and older, enjoy facilitations in taking tests; the naturalisation process has been simplified for persons over 65; persons with disabilities are exempt from naturalisation tests.

134.243. **Noted.** The process of naturalisation is simple. The process has been simplified for children under 15 – they acquire Latvian citizenship together with their parents; persons 15 years of age and older enjoy facilitations in taking tests.

134.244. **Noted.** The number of stateless persons in Latvia is low (160 stateless persons as of 1 January 2021). The total process of naturalisation takes an average of four months. The Office of Citizenship and Migration Affairs is organizing information days on a regular basis when it is possible to get acquainted with the naturalisation process and take sample tests. An electronic self-testing tool is being developed and information campaigns held in 2021.
