



**PERMANENT MISSION OF THE REPUBLIC OF LATVIA
TO THE UNITED NATIONS OFFICE IN GENEVA**

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The Permanent Mission of the Republic of Latvia to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and herewith submits the replies of the Republic of Latvia to the "Report of the Human Rights Council on the preparations for the Durban Review Conference".

The Permanent Mission of the Republic of Latvia to the United Nations Office in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 4 March 2008

**Office of the High Commissioner for Human Rights
Anti-Discrimination Unit
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OHCHR REGISTRY

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QUESTIONNAIRE TO MEMBER STATES PREPARED BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, PURSUANT TO DECISION PC.1/10 OF THE PREPARATORY COMMITTEE OF THE DURBAN REVIEW CONFERENCE AT ITS FIRST SESSION (A/62/375)

REPLIES BY THE REPUBLIC OF LATVIA

Core questions

- 1. CAN YOU ASSESS THE IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION IN YOUR COUNTRY?**

In 2001 Latvia participated in Durban World Conference, and agreed on the final document. Since the adoption of the Durban Declaration and Programme of Action (DDPA) Latvia has aspired to implement of the agreed principles and operational recommendations of the DDPA. The Constitution of the Republic of Latvia enshrines the concept that all men and women are born free and equal in dignity and these rights are one of the fundamental principles. Therefore, Latvia is fully committed to the fight against racism, racial discrimination, xenophobia and related intolerance which undermine this principle.

Along with joining the European Union (EU), in 2004, Latvia incorporated the two major sources of the EU legislation, namely the Directives on Racial Equality and on Employment Equality, into its national legislation and continues to supplement it. These two Directives address discrimination on the grounds of race, ethnic origin, religion, disability, age and sexual orientation. The core national legal acts that now include these elements are the Labour Law, the Criminal Law, the State Civil Service Law, and the Administrative Violations Code. Amendments to other acts of legislation have been drafted.

As it can be observed by the changes in the legal acts and other actions taken during the last five years Latvia has made significant progress in the implementation of the Durban Declaration and Programme of Action.

The leading state institutions in this field are 1) Ministry of Welfare (responsible for the implementation of the principle of gender equality and realisation of integrated approach to gender equality), 2) Secretariat of the Minister of Special Assignments for Society Integration Affairs (responsible for the implementation of the principle of non-discrimination), 3) the Office of the Ombudsman (primary goal is to promote compliance of the principle of equal treatment and prevention of any form of discrimination).

In April 2007 a Framework Decision on Racism and Xenophobia of the Council of the EU was enacted. The Framework Decision criminalizes acts of racism and xenophobia throughout member states of the EU, preventing impunity for crimes motivated by racist or xenophobic attitudes.

Year 2007 marked the 10th anniversary of the European Year against Racism and was celebrated as the Year for Equal Opportunities for all, thus contributing to raising awareness of principle of non-discrimination.

The Republic of Latvia ratified the Framework Convention for the Protection of National Minorities of the Council of Europe in June 2005.

- 2. CAN YOU ASSESS CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AS WELL AS INITIATIVES IN THIS REGARD WITH A VIEW TO ELIMINATING THEM IN YOUR COUNTRY?**

Latvia considers that the Durban DPA provides an adequate framework for dealing with all contemporary manifestations of racism and intolerance. Latvia makes an effort to prevent manifestations of racism and intolerance, and uses all measures to combat it where it occurs.

While the number of complaints of racial discrimination at the Ombudsman is rather low (13 written complaints about alleged discrimination on racial or ethnic grounds in 2007), it has been growing in the past years along with the total number of complaints to the Ombudsman. This shows that the population considers the Ombudsman as a credible mechanism to address their human rights problems. It is still common that not all victims of intolerance report or even are aware of discrimination taking place. All measures taken to combat racism and intolerance apply to all potential victims and all victims receive equal treatment and protection.

3. PLEASE IDENTIFY CONCRETE MEASURES AND INITIATIVES FOR COMBATING AND ELIMINATING ALL MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE IN ORDER TO FOSTER THE EFFECTIVE IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION.

See reply to Question number 5

4. HOW WOULD YOUR GOVERNMENT ASSESS THE EFFECTIVENESS OF THE EXISTING DURBAN FOLLOW-UP MECHANISM AND OTHER RELEVANT UNITED NATIONS MECHANISMS DEALING WITH THE ISSUE OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE IN ORDER TO ENHANCE THEM?

The Republic of Latvia considers that the existing Durban follow-up mechanism is adequate; together with other relevant UN mechanisms dedicated to combat contemporary trends of increasing racism and intolerance in the world it provides sufficient structure to continue work in the future – both at national and international levels.

It is crucial to assess and address the risks of proliferation, overlap and duplication of mechanisms dedicated to combat racism and intolerance.

The existing Durban follow-up mechanism along with other relevant UN mechanisms provides effective guidance for Latvia to improve national actions to combat racism and intolerance in the future.

5. WHAT ARE THE STEPS TAKEN BY YOUR GOVERNMENT TO RATIFY AND/OR IMPLEMENT THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AND GIVE PROPER CONSIDERATION OF THE RECOMMENDATIONS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION?

International Convention on the Elimination of All Forms of Racial Discrimination entered into force in Latvia as early as on April 14, 1992, shortly after Latvia regained independence.

To describe the measures and actions taken by the government two major directions need to be described:

- Adjustments of legal framework;
- Development and execution of policies towards combating discrimination, promotion of integration and tolerance.

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Adjustments of legal framework

The legal framework in Latvia is rather well adjusted to the new challenges in the field of prevention and fighting discrimination.

Criminal law provisions

In April 2005 a provision was added to Article 71 of the Criminal Code criminalizing incitement to genocide. The sanction provided for in this case is a deprivation of liberty for a term not exceeding eight years.

In October 2006 racist motivation was introduced into the list of aggravating circumstances to be taken into account by the courts when deciding upon a sanction (Article 48 of the Criminal Code).

The most recent changes were made in June 2007 - Articles 78 and 150 of the Criminal Code were amended by new provisions aimed at combating incitement to racial hatred and racial discrimination. As a result, the distinction between racial discrimination on the one hand and racist speech on the other hand was clarified. The three new provisions which entered into force on 19 July 2007 are the following: 1) Article 78-1 (Incitement to National, Ethnic and Racial Hatred) stipulates that actions, knowingly intended to incite national, ethnic or racial hatred or enmity, are penalised by a deprivation of liberty for a term not exceeding three years, or community service, or with a fine not exceeding sixty times the minimum monthly wage. Under Article 78-2, when such acts are accompanied by violence, fraud or threats, or committed by a group of persons, a State official, or a responsible employee of a corporation, or when they are committed by using a data processing system, the applicable sentence is deprivation of liberty for a term not exceeding ten years. 2) Article 149-1 (Breaches of Prohibition of Discrimination) prohibits discrimination on the grounds of racial or ethnic origin, or other forms of discrimination prohibited by legislative enactments, if repeated within a one-year period. The applicable sanction is a fine not exceeding thirty times the minimum monthly wage. 3) Article 150 (Incitement to Religious Enmity) prohibits offence against a person's religious feelings, or inciting enmity in relation to that person's attitude towards religion or atheism. The applicable sanction is a deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage.

Civil and administrative law provisions

Latvian authorities have taken steps to strengthen the existing legislation prohibiting racial discrimination. The aim is to extend this prohibition to several fields of life and to improve the enforcement mechanisms of such legislation, in accordance with the two relevant European Union directives (Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation). The Secretariat of the Minister for Special Assignments for Society Integration is responsible for the transposition of these two directives.

In April 2004, the Labour Code was amended in order to introduce a clear prohibition of discrimination, including on the grounds of race, skin colour, religious belief and national origin. The Labour Code now contains a definition and prohibition of direct and indirect discrimination, harassment, as well as a provision allowing for a shared burden of proof in discrimination cases. In 2005, similar provisions were incorporated into the Law on Social Security.

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Amendments have been introduced in the legislation or are underway in order to improve the enforcement mechanisms for combating discrimination. For instance, the competencies of the Ombudsman have been extended to the field of combating discrimination.

Development and execution of policies towards combating discrimination, promotion of integration and tolerance

There are two main policy documents that have been developed and are implemented with the focus on prevention and fighting discrimination: **National Programme for the Promotion of Tolerance** and **National Programme "Roma in Latvia"**.

National Programme for the Promotion of Tolerance has been developed taking into consideration the documents adopted by the United Nations, the European Union, the Council of Europe and other international organizations. The problem of intolerance concerns of the entire society since it may affect any person living in Latvia. On the basis of international legal practice, expert opinions and the action plans of various EU member states, the following grounds for intolerance and discrimination were identified: Race, skin colour, nationality, ethnic origin, gender, age, religion, political opinion, world view, social status and origin, property, origin (birth), professional rank, affiliation with a political party, disability, genetic characteristics, sexual orientation, opinions other than political, and other features.

The **National Programme for the Promotion of Tolerance** is a medium-term policy document intended for five years and adopted in 2004. It is currently reviewed by experts in order to bring it up-to-date and make it a more relevant and effective tool in combating discrimination and promotion of tolerance.

Another mechanism of Latvian Government for combating racism, racial discrimination, xenophobia and related intolerance is the implementation of the **National Programme "Roma in Latvia" 2007-2009** and the Action Plan of this Programme. The text of the Programme is available in Latvian and English on www.integracija.gov.lv.

The elaboration of the programme started in 2005. The working group, which developed the programme, included representatives from state institutions and representatives of Roma NGOs, experts in human rights, and ethno-psychology researchers.

On 18 October 2006 the Cabinet of Ministers of Latvia adopted the **National Programme "Roma in Latvia" 2007-2009**, which had been developed by the Secretariat of Special Assignments Minister for Social Integration.

The **National Programme** aims to improve the implementation of policy promoting the integration of Roma and ensuring equal opportunity for the members of their community by effectively implementing the requirements of international standards.

The aim of the **National Programme** is to promote the inclusion of the Roma community in Latvian society and ensuring that Roma are not discriminated against but instead are given equal opportunity in education, employment, and human rights in accordance with the community's specific needs, as set forth in the Framework Convention for the Protection of National Minorities of the Council of Europe.

The programme envisages the creation of a consistent government policy in order to prevent discrimination of the Roma community in the labour market, to facilitate the further integration of Roma to the education system and to limit intolerance and prejudice.

Secretariat of the Special Assignment Minister for Social Integration is responsible for implementation of the **National Programme "Roma in Latvia" 2007-2009**.

6. PLEASE IDENTIFY AND SHARE GOOD PRACTICES ACHIEVED IN THE FIGHT AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE IN YOUR COUNTRY.

Court case-law – step forward and positive precedent

On 25 May 2006 the Jelgava City Court ordered a company to pay compensation for mental suffering and anguish of approximately 1 000 Lats (1 400 Euro) to a Roma woman who had been discriminated against in access to work on ethnic grounds. The Ombudsman's Office represented the victim before the Court using its extended mandate in the field of combating discrimination.

As ECRI, the European Commission against Racism and Intolerance, noted in its recent report: "This case is all the more significant since it was the first case ever where a court recognised the existence of racial discrimination and sanctioned the perpetrator accordingly. Furthermore, this case is generally quoted as a positive precedent by human rights NGOs. It seems that it has played a role in changing the mentality of victims of racial discrimination who are now more ready to seek legal advice with the Ombudsman or NGOs and to use the legal remedies available to them than they were previously."

Good practices – inclusive education for Roma children

The following good practices to fight against racism, racial discrimination, xenophobia and related intolerance have been identified in the context of the realization of the Action Plan of the National Programme "Roma in Latvia" 2007-2009:

1. The Secretariat of Special Assignments Minister for Social Integration, in cooperation with the Center for Education Initiatives (www.iic.lv), has formed new preschool groups that will operate in accordance with the principles of inclusive education for integration children of Roma community, promoting collaboration among children of diverse ethnic backgrounds;
2. In cooperation with the Centre for Education Initiatives, the Secretariat of Special Assignments Minister for Social Integration has developed a programme "Roma – an assistant of a teacher" for the preparation of teaching assistants for preschool pupils from the Roma community, preparing and introducing teacher assistants of Roma origin in preschool institutions;
3. Latvian Roma NGOs have organized and participated in seminars and public discussions "Roma child in school – a step into the future" and "Teachers' work in classes where Roma children are taught" to inform about the necessity for education among members of the Roma community;
4. In cooperation with the Ministry of Education and Science, as well as Roma and other NGO's, the Secretariat of Special Assignments Minister for Social Integration has held motivational and educational events for teachers working with Roma children;
5. Secretariat of Special Assignments Minister for Social Integration has collaborated with Latvian Roma NGOs to organize activities for promoting a positive image of the Roma community in Latvia (cultural event "Šarad"- a traditional Roma autumn festival);
6. in close cooperation with Roma NGOs, Secretariat of Special Assignments Minister for Social Integration has supported the Roma community practically and financially in its work to develop Roma cultural projects and efforts to sustain the ethnic identity of the Roma (financial support from the Government for organization of cultural and traditional events, for training and professional skills improving courses, for improving the administrative capacity of the organization).