

**Council of Europe contribution for the 24th UPR session
regarding Latvia**

Prevention of torture

2011 periodic visit

On 27 August 2013, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on its visit to Latvia from 5 to 15 September 2011, together with the Latvian Government's response (both documents are attached below).

In the course of the 2011 visit, the CPT's delegation received a number of allegations from detained persons of physical ill-treatment by the *police* (consisting mainly of punches, kicks and inappropriate use of truncheons) at the time of apprehension and during questioning. Some of these allegations were corroborated by the delegation's own medical observations and other medical evidence. The CPT concluded in the report that persons in police custody continue to face a certain degree of risk of being subjected to ill-treatment and called on the Latvian authorities to exercise constant vigilance in this area. As regards conditions of detention in police establishments, the Committee emphasised that the conditions in some of the detention facilities visited were so poor that they could be considered as amounting to inhuman and degrading treatment.

As regards the situation in *prisons*, the vast majority of prisoners interviewed made no allegations of physical ill-treatment by staff; nevertheless, some allegations were received, in particular at Jelgava Prison. It transpired that inter-prisoner violence was a problem in all the establishments visited; in the Committee's view, certain factors contributed to this phenomenon, including large-capacity accommodation units, cramped conditions in multi-occupancy cells (and consequential stress among prisoners), limited possibilities for most prisoners to occupy themselves and insufficient staffing levels. As for the provision of health care to prisoners, a number of major shortcomings (e.g. insufficient health-care staff, severe shortage of medication, problematic access to specialist care, etc.) were observed, with many inmates being denied effective health care.

Particular attention was paid in the report to the situation of life-sentenced prisoners. The CPT commended the steps taken by the Latvian authorities to improve material conditions of detention for this category of inmates and to develop a regime of activities for life-sentenced prisoners on the medium and high regime levels. However, the regime applied to life-sentenced prisoners on the low regime level (about 65 percent of all such prisoners) remained very impoverished, the vast majority of them being confined to their cells for up to 23 hours per day. Further, the Committee stressed once again that it could see no justification for the systematic handcuffing of almost all life-sentenced prisoners whenever they were escorted inside the prison; it called upon the Latvian authorities to carry out a proper individual risk assessment in respect of these prisoners with a view to adjusting the security measures applied to them accordingly.

The report also examined the treatment and living conditions of patients at a *psychiatric clinic* and of residents at a *social care home*, as well as the legal safeguards in the context of admission procedures.

A complete list of the CPT's recommendations, comments and requests for information is contained in Appendix I to the report.¹



Latvia report
2011.pdf



Latvia response
2011.pdf

2013 ad hoc visit

On 11 March 2014, the CPT published the report on its visit to Latvia from 12 to 17 September 2013, together with the Latvian Government's response (both documents are attached below).

In the course of the visit, the CPT's delegation reviewed the action taken by the Latvian authorities to implement recommendations made by the Committee after the 2011 periodic visit, in particular as regards the situation in prisons (including the regime for life-sentenced prisoners and the provision of health care) and conditions of detention in police establishments.

A complete list of the CPT's recommendations, comments and requests for information is contained in Appendix I to the report.²



Latvia report
2013.pdf



Latvia response
2013.pdf

Fight against racism and intolerance

On 21 February 2012, the European Commission against Racism and Intolerance (ECRI) published its fourth report on Latvia.³ ECRI's Chair ad interim, François Sant'Angelo, said that, while there have been positive developments, issues of concern remain: firstly important budget cuts affecting the Ombudsman and secondly the situation of the Roma.

Human rights associations and foundations are now authorised to represent individuals before court with their consent. Training of the police on non-discrimination and combating hate crime has been carried out. Measures have been taken in order to improve education in Latvia for children of ethnic minorities and to ensure that Roma pupils attend mainstream classes.

However, incitement to hatred is interpreted narrowly. The Ombudsman's budget has been drastically cut. The Ministry for Special Assignments for Society Integration was dismantled. The policy on the use of the state language has been significantly hardened. The Roma remain one of the most discriminated groups in Latvian society. No measures have been taken in order to simplify the naturalisation process for children born in Latvia, from "non-citizen" parents after 1991. The calculation of "non-citizens" pensions raises concerns of unequal treatment.

The report contains findings and recommendations regarding the following issues:

- Existence and implementation of legal provisions⁴
- Discrimination in various fields including official identity documents, employment, exercise of political rights and education⁵
- Racist violence⁶
- Climate of opinion, public discourse and media⁷

¹ pp. 67-84.

² pp. 21-24.

³ A summary of the report can be found on pp. 7-9.

⁴ paras. 1-52.

⁵ paras. 53-76.

⁶ paras. 77-81.

- Vulnerable/target groups including national/ethnic minorities, Roma, Jewish communities, non-nationals, “non-citizens”, migrants, refugees and asylum seekers⁸
- Conduct of law enforcement officials⁹
- Monitoring racism and racial discrimination¹⁰
- Education and awareness-raising¹¹

The following three recommendations were selected for priority implementation to be revisited two years later:

- Endow the Ombudsman’s Office with sufficient funds and human resources, and improve its accessibility in different languages and in the different regions of Latvia;
- Ensure a focus of the Policy Guidelines for the Integration of Society in Latvia on anti-discrimination and an open and integrated society, and provide for sufficient and timely financial resources, coordination and involvement of all relevant actors in the implementation of the guidelines;
- Close any remaining special classes for Roma, integrate Roma pupils in mainstream classes and address the high representation of Roma children in special needs’ schools.

Subsequently, on 9 December 2014, ECRI adopted conclusions on the implementation of these recommendations for which priority follow-up was requested.

ECRI’s report on Latvia, which includes Government observations, and the conclusions on the implementation of the recommendations subject to interim follow-up are attached below.



LVA-CbC-IV-2012-00
3-ENG.doc



LVA-IFU-IV-2015-00
5-ENG.doc

Protection of minorities

Framework Convention for the Protection of National Minorities

On 9 July 2014, the Committee of Ministers adopted a resolution on the protection of national minorities in Latvia (attached below).

The resolution contains conclusions and recommendations, highlighting positive developments¹² but also mentioning issues of concern¹³. Moreover, it mentions a number of areas where further measures are needed to advance the implementation of the Framework Convention for the Protection of National Minorities.

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I¹⁴ and II¹⁵ of the Advisory Committee’s opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- step up measures to actively encourage and promote the naturalisation of all “non-citizens” through targeted awareness-raising and outreach activities and the increased offer of free Latvian language courses; review the list of public positions that are barred to “non-citizens” in line with strict necessity and proportionality criteria and inform the affected population of the underlying motives;

⁷ paras. 82-93.

⁸ paras. 94-171.

⁹ paras. 172-179.

¹⁰ paras. 180-184.

¹¹ paras. 185-188.

¹² Part 1.a) of the resolution.

¹³ Part 1.b) of the resolution.

¹⁴ paras. 7 - 19 of the second Opinion of the Advisory Committee on the Framework Convention on Latvia.

¹⁵ paras. 20 - 144 *ibid.*

- enhance support for activities at central and local level aimed at the preservation and promotion of national minority identities, cultures and traditions and closely involve representatives of minority organisations in relevant allocation procedures;
- strengthen legal provisions and response capacity within law enforcement to promptly and effectively respond to hate crime; promote awareness among persons belonging to national minorities and the population at large of the available legal remedies against discrimination and ethnically based hostility and encourage their use;
- promptly and unequivocally condemn and sanction all expressions of intolerance and disrespect towards national minorities, particularly by public officials; focus the integration debate on inclusion and dialogue irrespective of ethnic affiliation, and reassure persons belonging to national minorities that diversity is welcome and respected;
- while fully respecting the freedom of expression, promote a more diverse media environment with adequate opportunities for persons belonging to national minorities to access quality media in their languages; ensure that the content of media is independently monitored with participation of minority representatives and enhance the role of media in the formation of social cohesion, including through the increased use of bilingual media outlets;
- regularly review the legislative and policy framework related to the use of languages to ensure an adequate balance between the promotion of the official language and the language rights of persons belonging to national minorities; ensure that the methods of monitoring implementation are based on a constructive and incentive-based approach; raise awareness among officials and the public at large of the conditions and terms under which minority languages may be used based on the clarified notion of 'legitimate public interest' in this context;
- promote the development of an integrated education system that offers access to quality education in the official and minority languages for all students; ensure that minority language schools are provided with adequate supplies of education material and suitably trained teachers; discontinue all forms of separate education of Roma without delay and increase the employment of teaching assistants to promote school attendance and achievement;
- continue the debate on granting the right to vote in local elections to permanently residing "non-citizens" to promote their sense of integration and belonging; strengthen the mandate of existing consultation mechanisms for minority communities and ensure that the views and concerns of representatives are timely and effectively taken into account in all relevant decision making at central and local level;
- actively promote the recruitment of persons belonging to national minorities in the public and private sector, including through the enhanced offer of free Latvian language and other vocational courses; promote full and effective equality in access to social services for all persons belonging to national minorities.

The Committee of Ministers' resolution is largely based on the corresponding second Opinion of the Advisory Committee on the Framework Convention on Latvia¹⁶. The concluding remarks, contained in Section III¹⁷, serve as the basis for the Committee of Ministers' Resolution. The Opinion of the Advisory Committee is also attached below.



CM resolution.doc



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European Charter for Regional or Minority Languages

Latvia has not yet signed or ratified the European Charter for Regional or Minority Languages. Thus, the country is not covered by the monitoring carried out by the Committee of Independent Experts under the Charter.

¹⁶ A summary of the report can be found on p. 1.

¹⁷ paras. 211 - 217.

Action against trafficking in human beings

On 31 January 2013, the Group of Experts on Action against Trafficking in Human Beings (GRETA) published its first evaluation report on Latvia¹⁸, together with the final comments of the Latvian Government.

In its report on Latvia, GRETA highlighted several important steps which have been taken in recent years – including the launch of two national anti-trafficking programmes and the creation of both a national coordinator and an inter-institutional working group. The allocation of resources to help victims was also praised, as was cooperation with NGOs and international organisations.

The report states that Latvia is primarily a country of origin for trafficking victims, who are most often trafficked to Cyprus, Germany, Ireland and the UK for sexual exploitation. However, GRETA expressed concern that official figures may be underestimating the true scale of the problem, not least because Latvia lacks a formal system for identifying victims and referring them for appropriate support.

GRETA stated that the Latvian authorities should step up their efforts to prevent trafficking among vulnerable groups, such as children in state institutions or those living in deprived areas.

Furthermore, GRETA noted that the investigation of trafficking-related offences does not often lead to successful trials and effective penalties. The report urged the authorities to strengthen investigation and prosecution procedures and to raise awareness of human trafficking among relevant professionals – including judges, lawyers and investigators.

On the basis of GRETA's report¹⁹, the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings adopted, on 15 February 2013, the following recommendations addressed to the Government of Latvia:

- strengthening the aspect of prevention of human trafficking through social and economic empowerment measures for vulnerable groups and ensuring the registration of all children at birth;
- improving the identification of victims of trafficking by setting up a formalised mechanism for their identification and referral to assistance, and by pursuing a proactive approach to victim identification, in particular as regards cases of trafficking for labour exploitation;
- providing all victims of human trafficking with effective access to assistance for the duration necessary to achieve their rehabilitation, taking into account their specific circumstances and regardless of their participation in criminal proceedings;
- ensuring that all victims of trafficking are systematically informed of the recovery and reflection period and are effectively granted such a period;
- facilitating access to compensation for victims of trafficking, including by providing them systematically with information on the right to compensation and ensuring their effective access to legal aid;
- taking measures to ensure that crimes related to human trafficking are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions.

GRETA's report on Latvia as well as the Committee of the Parties' recommendations to the Latvian authorities are attached below.



GRETA_2012_15_FGCP_2013_2_LVA_en.
R_LVA_en.pdf



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¹⁸ A summary of the report can be found on p. 7.

¹⁹Appendix I provides a complete list of GRETA's proposals to the Latvian authorities.

Preventing and combating violence against women and domestic violence

Latvia has not yet signed or ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. For this reason, it is not concerned by the monitoring procedure under this Convention.

Execution of judgments and decisions of the European Court of Human Rights

At 31 December 2014, there were 58 cases against Latvia pending before the Committee of Ministers for supervision of their execution. 44 of these cases were a “leading case”, i.e. raising a new structural/general problem and requiring the adoption of general measures, the other cases being “repetitive cases” (including a number of friendly settlements) concerning issues already raised before the European Court of Human Rights.

As of 1 June 2015, there are no cases or groups of cases against Latvia under enhanced supervision.

The document attached presents the latest statistical data regarding Latvia.



Status execution
judgments Latvia.doc

Social and economic rights

Latvia ratified the Revised European Social Charter on 26 March 2013, accepting 90 of the 98 paragraphs of the Revised Charter.

Latvia ratified the European Social Charter on 31/01/2002. It has signed and ratified the Amending Protocol to the Charter on 09/12/2003, but has neither signed nor ratified the Protocol providing for a system of collective complaints.

Cases of non-compliance

Thematic Group 1 “Employment, training and equal opportunities

► Article 1§1 - Right to work - Policy of full employment

It has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.

(Conclusions XX-1 (2012))

► Article 1§2 - Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

The restrictions on access to employment for non EU citizens go beyond those permitted by the Charter.

(Conclusions XX-1 (2012))

Thematic Group 2 “Health, social security and social protection”

► Article 11§1 – Right to protection of health – Removal of the causes of ill-health

Insufficient efforts have been undertaken to reduce the prevailing high maternal mortality rate.

(Conclusions XX-2 (2013))

▶ Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need

The level of social assistance benefits is manifestly inadequate and the granting of social assistance benefits to foreign nationals is subject to an excessive length of residence (Conclusions XX-2 (2013))

▶ Article 13§3 – Right to social and medical assistance – Prevention, abolition or alleviation of need

The granting of help and personal advice services to non-nationals is subject to an excessive length of residence requirement of at least 5 years of continuous residence in Latvia. (Conclusions XX-2 (2013))

▶ Article 14§1 – Right to benefit from social services – Promotion or provision of social services
Access to social services by nationals of other States Parties is not equally guaranteed due to an excessive length of residence requirement (5 years).

(Conclusions XX-2 (2013))

Thematic Group 3 “Labour rights”

▶ Article 5 – Right to organise

A minimum of 50 members or at least one quarter of the employees of an undertaking are required to form a trade union, which is an excessive restriction on the right to organise. (Conclusions XX-3 (2014))

▶ Article 6§2 - Right to bargain collectively - Negotiation procedures

The voluntary negotiations are not sufficiently promoted in practice. (Conclusions XX-3 (2014))

Thematic Group 4 “Children, families, migrants”

▶ Article 16 – Right of the family to social, legal and economic protection

1. Measures implemented to address the problem of domestic violence have not been sufficient;
2. The level of family benefits is inadequate;
3. Equal treatment of nationals of other States parties regarding the payment of family benefits is not ensured because the length of residence requirement is excessive.

(Conclusions XIX-4 (2011))

Please find attached below Conclusions XIX-4 (2011), XX-1 (2012), XX-2 (2013) and XX-3 (2014) regarding Latvia as well as the country fact sheet.



LatviaXIX4_en.pdf



LatviaXX1_en.pdf



LatviaXX2_en.pdf



LatviaXX3_en.pdf



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