



**International Convention
on the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Latvia*

1. The Committee considered the initial, second and third periodic reports of Latvia (CERD/C/309/Add.1) at its 1348th and 1349th meetings (see CERD/C/SR.1348 and 1349), on 11 and 12 August 1999. At its 1367th meeting (see CERD/C/SR.1367), on 23 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined initial, second and third periodic reports of Latvia, which was drafted in accordance with its guidelines for the preparation of reports. It also takes note of the draft core document provided as a working paper for the purpose of facilitating the examination of the report. The initiation of a frank and constructive dialogue with the State party is equally welcomed.

B. Factors and difficulties impeding the
Implementation of the Convention

3. Having regained independence and obtained United Nations membership in 1991, the State party has begun the process of legislative reform in the midst of large-scale economic and political transition. In doing so, the State party must deal with a legacy of difficult relations among various ethnic groups.

C. Positive aspects

4. The Committee notes with satisfaction that, notwithstanding the difficulties inherent in this period of transition, the State party has achieved a substantial level of social stability and made important progress in the area of legislative reform. It notes that among the first priorities established by Latvia was the ratification of international and regional human rights instruments. It welcomes the information of the State party that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and other international treaties, have constitutional status in domestic legislation and may be directly invoked in the courts. It also takes note of the addition of a new chapter in the Constitution entitled "Fundamental human rights", which enumerates many of the rights provided for in the Convention.

5. The Committee welcomes the fact that article 69 of the Criminal Code prohibits and provides for legal sanctions against the propagation of ideas based on racial or ethnic superiority or hatred, and against organizations and individuals that propagate such ideas.

6. The Committee notes that a number of restrictions that had been applied to non-citizens have been lifted, including on the right to own land and property, access to employment in various fields and the right to social security benefits.

7. The Committee welcomes the efforts being made to provide instruction, and the materials necessary for instruction, in minority languages. It notes also the efforts to facilitate instruction of members of minority groups in the national language, Latvian, particularly to adults who may not have had an opportunity to learn it in school.

8. The Committee also welcomes the comparative studies, referenda and invitations to residents of Latvia to engage in a national dialogue on such issues as differences in treatment of citizens and non-citizens, amendment of the Citizenship Law and the Framework Document for a National Programme on the Integration of Society.

9. The Committee notes with interest that measures have been taken to incorporate the cultivation of mutual tolerance and respect for the identity of different ethnic groups into school curricula at various levels of instruction on human rights.

D. Principal subjects of concern

10. Concern is expressed at the absence of a legal provision explicitly defining racial discrimination, in accordance with article 1 (1) of the Convention.

11. While noting the legislation adopted with respect to article 4 of the Convention, it is noted with concern that no case of dissemination of ideas of ethnic superiority or hatred, or of the use of defamatory language or the advocacy of violence based on such ideas has been brought to justice, and no organization involved in such activities has been prohibited, although the existence of such cases has been widely reported.

12. The Committee notes that only such persons who were citizens of Latvia before 1940 and their descendants have automatically been granted citizenship, while other persons have to apply for citizenship. Therefore, more than 25 per cent of the resident population, many of them belonging to non-Latvian ethnic groups, have to apply and are in a discriminatory position. Although the naturalization process has recently been made more accessible for elderly persons and for children, it is noted with concern that the qualification requirements may not be easily met and the naturalization process remains slow.

13. The Committee draws attention to the situation of persons who do not qualify for citizenship under the Citizenship Law and who are also not registered as residents, including those leaving the country temporarily. Concern is expressed that such persons may not be protected against racial discrimination in their exercise of rights under article 5 (d) (i) and (ii) and 5 (e) of the Convention.

14. Concern is also expressed about reports that there are still unjustified differences of treatment between citizens and non-citizens, mostly members of minorities, in the enjoyment of the rights provided for in article 5 (e) of the Convention.

15. With respect to article 5 (d) (i), concern is expressed that passports for non-citizens, replacing those issued by the former USSR, are being issued at an unreasonably slow pace. As the old passports are no longer valid for travel, persons who have not obtained a new Latvian passport are effectively prevented from leaving the country or, once departed, are prevented from returning.

16. It is noted with concern that the legislation of the State party requires a person's ethnic origin to be recorded in his or her passport, which may expose members of some minorities to discrimination on grounds of their origin.

17. Concern is expressed over the difficulties hampering the operation of the National Human Rights Office, established in 1996 in accordance with international standards on national human rights institutions, since these have direct consequences for the implementation of article 6 of the Convention.

18. Information that instruction in minority languages may be reduced in the near future is noted with concern.

E. Suggestions and recommendations

19. The Committee recommends that the State party take into account in its legislation the definition of racial discrimination in line with article 1 (1) of the Convention.

20. The Committee recommends the State party to actively implement all the provisions of article 4 of the Convention and to include in future reports information on cases brought to justice and their outcome.

21. The Committee urges the State party to streamline the process of naturalization for all those who apply for citizenship. It also encourages the State party to keep the criteria for eligibility under review, so as to solve this problem as soon as possible.

22. The Committee recommends that steps be taken to regularize as soon as possible the status of persons who do not qualify for citizenship and are not registered as residents, in order to avoid discrimination against them.

23. It is also recommended to the State party to review the differences of treatment between citizens and non-citizens, mostly persons belonging to ethnic groups, in the light of the provisions of article 5 (e), so as to eliminate any unjustifiable differences.

24. The Committee recommends the State party to reconsider the requirement to record ethnic origin in passports.

25. The Committee attaches great importance to the speedy resolution of problems facing the National Human Rights Office and calls on the State party

to address this as a matter of urgency. The Committee requests information in the next periodic report of the activities of the Office, particularly the number of cases it has dealt with, the solutions that it has achieved for petitioners and its role in the review of national legislation and the consideration of proposed new laws relevant to human rights.

26. The Committee urges the State party to maintain the possibility to receive an education in languages of various ethnic groups or to study those languages at different levels of education, without prejudice for learning the official language, as well as of using mother tongue in private and in public.

27. In view of the need for persons involved in the administration of justice to adapt to a quickly evolving legal system, the Committee recommends that the State party undertake as a matter of priority the training of judges and other members of the legal profession in international human rights standards.

28. The Committee recommends that a wide dissemination be given in the Latvian and Russian languages to the report submitted to this Committee and to the present concluding observations.

29. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

30. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

31. The Committee recommends that the State party's next periodic report, which was due on 14 May 1999, be an updating report, taking into account the points raised in the present concluding observations.
