

Latvian Centre for Human Rights
Submission to the Universal Periodic Review
3rd cycle LATVIA

15 October 2020, Riga, Latvia

The Latvian Centre for Human Rights is an independent human rights NGO established in 1993. LCHR works with integration (minority rights and promotion of tolerance) issues, elimination of discrimination and hate crimes/speech, asylum, migration and fundamental rights issues, as well as human rights in closed institutions (prisons, immigration detention facilities). LCHR has been the national focal point of the EU's Fundamental Rights Agency (formerly EUMC) since 2003, member of the International Network against Cyber Hate (INACH), member of ECRE (European Council on Refugees and Exiles).

UN OPCAT and National Preventive Mechanism

1. In 2016, the Ministry of Justice set up a working group to draft a report to advance the ratification of UN OPCAT. The working group, which also included the representative of the Latvian Centre for Human Rights, proposed the ratification of OPCAT and the designation of Ombudsman's Office as a NPM.
2. In 2017, the government allocated funding to the Ombudsman's Office to carry out the functions of the National Preventive Mechanism - EUR 145 149 for 2018, EUR 150 221 for 2019, and EUR 144 776 for 2020 respectively.¹
3. According to the Ombudsman, on 1 March 2018, the Prevention Department was set up. In 2018, 25 preventive visits were conducted to places of detention, in 2019 – 76 preventive visits were conducted.² With the establishment of the new department progress has also been achieved in making the monitoring visit reports available publicly. Given the

¹ Latvia, Ministry of Justice (*Tieslietu ministrija*) (2017). Informatīvais ziņojums "Par Apvienoto Nāciju Organizācijas Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Papildprotokola ieviešanas variantiem", 9 May, at <http://tap.mk.gov.lv/mk/tap/?pid=40414020>

² Latvia, Ombudsman (*Tiesībsargs*) (2020). Preventive mechanism, at https://www.tiesibsargs.lv/lv/pages/preventivais_mehanism_3

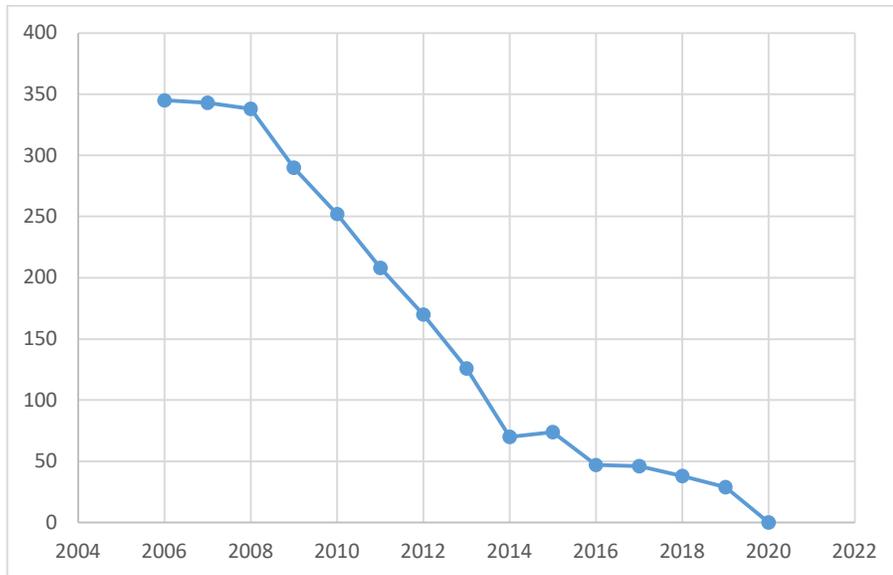
positive developments in monitoring places of detention, there is no reason for the Latvian authorities to delay the ratification of the UN OPCAT.

Recommendation: To ratify UN OPCAT without delay

II. Non-citizen children

4. The adoption of the law “On Terminating the Granting of Non-Citizen Status to Children” by the parliament upon the initiative of the State President in 2019, has effectively put an end to children of non-citizen parents being born without any citizenship.
5. Since 1 January 2020, children born in Latvia to non-citizen parents automatically acquire Latvian citizenship unless the child acquires, or the parents opt for the child to acquire, another nationality. New born children of Latvian non-citizens born abroad can also acquire Latvian citizenship upon registration with the authorities (if they do not acquire another nationality).
6. Regretfully, there was insufficient political support for granting automatic citizenship to all children under 15 born to non-citizen parents. As of 1 July 2020, there were 2 376 non-citizen children under 15 without citizenship. The number of non-citizen children who are not registered as Latvian citizens has, though, steadily decreased since the amendments to the Citizenship Law in 2013 which allow one non-citizen parent to register the child as a Latvian citizen. There are an additional 845 non-citizen children between 15 and 17 years of age, who can apply for the registration themselves.³

³ Office of Citizenship and Migration Affairs (Pilsonības un migrācijas lietu pārvalde) (2020), Residents of Latvia by Year of Birth and Legal Status (01.07.2020), https://www.pmlp.gov.lv/lv/assets/ISVG_Latvija_pec_DZGada_VPD.pdf



Recommendation: To encourage the registration of non-citizen children as Latvian citizens, e.g. through information awareness campaigns at schools

III. Access to territory

7. In some cases access to territory by asylum seekers remains a problem, as state border guard have returned asylum seekers to Belarus and Russian Federation without examining their claims. This is evidenced by a case pending against Latvia in the European Court of Human Rights.⁴

8. The case concerns asylum seekers who are Russian nationals from Chechnya. On 24 November 2017 they reached the Latvian border crossing point “Indra” by train as part of a group of approximately 27 asylum seekers. When officers of the State Border Guard Service boarded the train the applicants asked them for asylum indicating that they could no longer stay in Belarus and that the first applicant was sought by the authorities in Chechnya. They also submitted a written asylum request. After about four hours the applicants were told that they had been denied entry to Latvia. Their passports were stamped indicating that the entry had been denied due to the absence of a valid visa or another document permitting entry. The applicants were asked to sign a document reiterating the same reason for the denial of entry. The applicants refused to sign that document due to its failure to address their application for international protection. The applicants were not served with a copy of that document. After that, the applicants were taken to Belarus. The other asylum seekers, with whom the applicants had travelled, were also returned to Belarus.

⁴ M.A. and Others against Latvia (application no. [25564/18](#) lodged on 23 May 2018)

Recommendation: To duly examine all asylum claims to reduce the risk of refoulement of asylum seekers

IV. Hate crimes/Hate speech

Hate speech

9. As in many countries hate speech in Latvia has proliferated on the internet and social media.
10. In recent years, through own initiatives and with the support of the Riga City Council, the Latvian Centre for Human Rights has conducted training seminars for high schools students and teachers (25 seminars, 600 participants) on how to recognise hate speech, hate crimes and promote tolerance. As the practise shows, there is school demand for such training, and teachers also require support to be able to discuss controversial topics with students.⁵
11. LCHR is also one of the two NGOs in Latvia that enjoys the “trusted flagger” status with social media networks, such as Facebook, twitter, youtube, Instagram, etc. In recent period, it has reported over 1 200 posts with hateful content, resulting in the removal of 70-80% of such posts. The most common hateful content concerns ethnically based hatred (anti-Latvian and anti-Russian), followed by other racist (skin colour), anti-LGBTI, in recent years anti-Muslim and anti-migrant rhetoric. The most common form of hateful content are comments to articles on internet news sites. There has been an increased robotrolling from foreign countries, including from accounts in the Russian Federation.
12. Although the Latvian government has acknowledged the problem, there is insufficient support at national level to tackle hate speech in a systemic and comprehensive manner, and, in this regard, civil society engaged in online monitoring of hate speech remains heavy dependant on foreign donors, e.g. the European Commission, EEA grants, etc.
13. In the end of May 2020, the Prosecutor's Office forwarded the case against a Latvian blogger⁶ charged with incitement to hatred and spread of false information to court. On 31 January 2020, he posted a fake news video about the alleged arrival of a person with the new coronavirus in Riga, Latvia. Among other things, he also stated “generally those Chinese [censored] should be liquidated, the entire country should be. Nothing good ever comes from there.” The video was removed. The blogger has

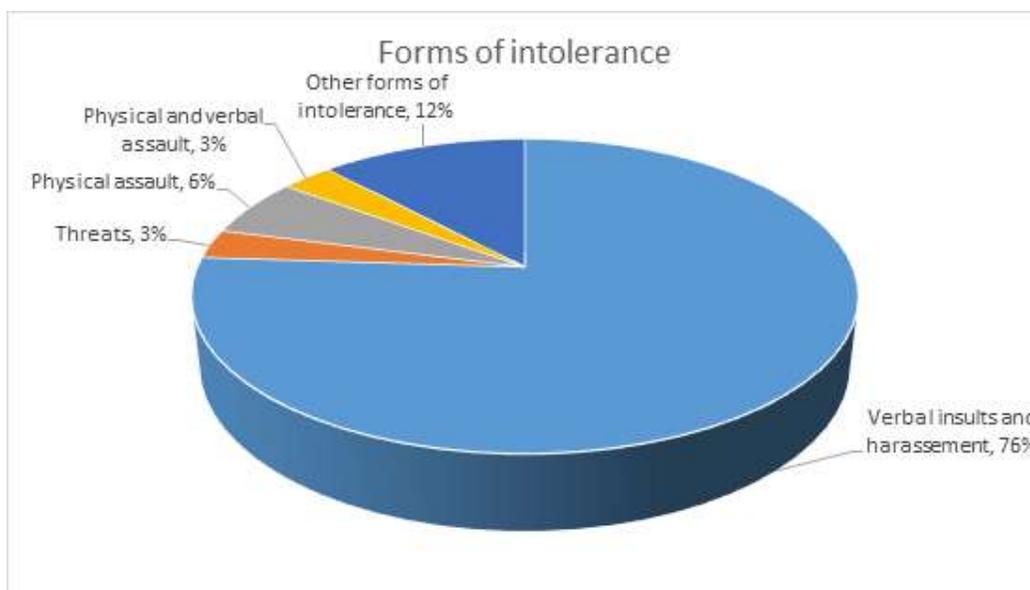
⁵ Latvian Centre for Human Rights (2019). Ir īstenots projekts skolas pret naida runu, 31 October, <http://cilvektiesibas.org.lv/lv/media-materials/ir-istenots-projekts-skolas-pret-naida-runu-477/>

⁶ Latvia, Prosecutors' Office (*Latvijas Republikas Prokuratūra*). Tiesai nodod lietu par nacionālā naida kurināšanu un viltus ziņu izplatīšanu saistībā ar COVID-19, Press release, 25 May 2020. The blogger earlier received a warning for disseminating fake news, e.g. collapse of supermarket roof and casualties.

been charged with incitement to ethnic hatred under Section 78 (2) and hooliganism under Section 231 (1) of the Criminal Law. LCHR observed increased hate speech against Latvian nationals repatriating from abroad due to COVID-19.⁷ Hate speech has also been directed against media entities debunking conspiracy theories. Although there have been occasional instances of targeting vulnerable minorities and dissemination of conspiracy theories with anti-Semitic undertones, hate speech against minorities in relation to covid-19 pandemic has not been widespread in Latvia. Nevertheless, reporting of hate speech to social media companies, such as Facebook, twitter was constrained as the companies worked with reduced capacity during lock-down.

Hate crimes

14. Under-reporting of hate crimes to law enforcement bodies remains a serious problem due to alleged lack of trust by the victims. In January and February 2019, the International Students Association of the Riga Stradins University conducted a survey of foreign students about hate crimes and other forms of intolerance. 169 students took part in the anonymous survey. According to the results of the survey⁸, 70% of respondents have been subject to different forms of intolerance between 1 - 5 times, 5 % 6-9 times, but 9% more than 10 times while residing in Latvia.



⁷ Notifications of hate speech to Facebook during 10-20 March, 2020. On files with LCHR.

⁸ Unpublished survey. LCHR assisted in compiling the results of the survey.

15. 76% of the respondents have experienced verbal insults and harassment due to their skin colour, ethnicity, nationality, religion, and language. 6% experienced physical assaults such as punching; 3% experienced threats; 3% both physical and verbal assaults. 12% experienced other forms of intolerance such as discriminatory attitudes. Intolerant attitudes are most often experienced in public transport (65%), in night clubs or bars (20%), other public places such as streets, shops, hospital (17%) and at university (17%).
16. As in a similar survey in 2016, students cite lack of trust in the police as a key reason for under-reporting.
17. 29 anti-LGBT hate crimes were reported to NGO Mozaika in 2019, of which most (17) targeted gay men. The crimes included sexual and physical assault, blackmail, and arson. The victims did not report the cases to the police. In 2018, 22 cases were reported.⁹
18. Underreporting has been cited as a serious problem in the 2019 report on Latvia by the European Commission against Racism and Intolerance (ECRI). ECRI has recommended, 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.¹⁰

Recommendation:

Dedicate resources for training on diversity, ways of addressing hate speech and promoting tolerance, particularly for high schools students, teachers, youth activists, youth workers, civil servants and other target groups

Appoint contact persons in the municipal police, state police and Security Police to reach out to vulnerable groups

⁹ Ilga-Europe (2020). Full Annual Review. Latvia, p.69, at https://www.ilga-europe.org/sites/default/files/2020/full_annual_review.pdf

¹⁰ European Commission against Racism and Intolerance (2019). ECRI report on Latvia (fifth monitoring cycle), 5 March, p.10 <https://rm.coe.int/fifth-report-on-latvia/1680934a9f>