

APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Latvia

ECRI, in accordance with its country monitoring procedure, engaged in confidential dialogue with the authorities of Latvia on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which only takes into account developments up until 20 June 2018, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

Comments of the Government of Latvia on the European Commission's Against Racism and Intolerance fifth report on Latvia

I. Common topics

1. Legislation against racism and racial discrimination

Existence of criminal, civil and administrative law provisions as per General Policy Recommendation No. 7

Criminal law provisions

Paragraphs 4-7

As Latvia has stated in its comments on the European Commission's Against Racism and Intolerance (hereinafter - ECRI) fourth report on Latvia, Section 78 of the Criminal Law (hereinafter - the CL) does not list the acts exhaustively but the wording „acts directed towards” covers all the possible acts with the particular intent, including production, distribution, acquisition, transportation or storage of items that incite hatred on ethnic, racial or similar grounds. The listing of specific acts does not ensure the flexibility of legal provisions. Therefore, the legislator has chosen wording that does not limit the possible types of acts, which may incite hatred on ethnic, racial or similar grounds. Also, the Supreme Court of the Republic of Latvia points to this recognition in its case-law summary “Case-law in criminal cases about provoking of national, ethnical and racial hatred”¹ (hereinafter - the case-law summary). The Supreme Court of the Republic of Latvia has also stressed that the detection of constituent elements of a criminal offence in cases related to the CL Section 78 depends largely on the person's subjective attitudes and motivation when undertaking such acts.

The CL Section 78 already provides for criminal liability for acts specified in Paragraph 5: public insults, defamation or threats on grounds such as “race” and ethnic origin, or public expression with a racist aim, expression of an ideology which depreciates or denigrates a grouping of persons on the grounds of their “race”, colour, language, religion, nationality, or national or ethnic origin. From the objective point of view, the criminal offence provided for in the CL Section 78 manifests as an active act, for example, verbal or written calling or dissemination of ideas, beliefs, and theories among a group of persons, or initiating in any other way hostile attitudes against any person or group of persons, on the grounds of the racial, national, ethnic, or religious affiliation.

The current wording of the provision is very broad and covers all possible cases, thus providing a flexible application of the provision. In addition, the specific acts are not limited by violence or threats of violence. As the Supreme Court of the Republic of Latvia explains in its case-law summary, such acts may take the following form: physical insult (violence), verbal insult (oral and written), reproducing symbols or performing rituals, which symbolize the hatred, and other hate forms, for example, the intentional destruction and damaging of property, desecration of graves. Therefore, if a person defames, depreciates or denigrates any person or group of persons on the grounds of their “race”, national, ethnic or religious origin, it is an act directed towards initiation of racial or religious hate, and such offence is to be qualified under the CL Section 78.

¹ Available at the Supreme Court website: <http://www.at.gov.lv/en/judikatura/tiesu-prakses-akopojumi/kriminaltiesibas>.

In turn, the CL Section 157 “Defamation” applies only to intentional dissemination of fictions, knowing them to be untrue and defamatory of another person, in printed or otherwise reproduced material, as well as orally, if such has been committed publicly except in cases where a person is defamed on the grounds of its “race”, national, ethnic or religious affiliation since it is to be considered as an act that is directed towards initiation of racial or religious hate, and such offence is to be qualified under the CL Section 78.

In addition, we would like to specify that the CL Section 78(3) provides for increased criminal liability for acts directed towards triggering national, ethnic, racial or religious hatred or enmity where such acts are committed by an organised group. The CL Section 21 stipulates that an organised group is an association formed by more than two persons which has been created for the purpose of jointly committing one or several crimes and the participants of which have divided responsibilities in accordance with previous agreement.

The CL is designed in such a way that an organized group is defined in Section 21 of the CL General Part but the liability for the criminal offence committed by an organised group as a qualifying feature is included in the constituent elements of specific criminal offences in the CL Special Part. Therefore, the CL Section 78 is to be read in conjunction with the CL Section 21, which defines the organized group. Taking into account that the criminal offence referred to in the CL Section 78 is to be considered an especially serious crime, the liability sets in also for an attempted crime and for preparation for a crime. In accordance with the CL Section 15(4), a conscious act (failure to act) which is directly dedicated to intentional commission of a crime shall be considered an attempted crime if the crime has not been completed for reasons independent of the will of the guilty party. In turn, the CL Section 15(3) stipulates that the locating of, or adaptation of, means or instrumentalities, or the intentional creation of circumstances conducive for the commission of an intentional offence, shall be considered to be preparation for a crime if, in addition, it has not been continued for reasons independent of the will of the guilty party.

Civil and administrative law provisions

Paragraph 9

This paragraph lists laws and non-discrimination catalogue criteria included in the listed laws and, respectively, concludes that the laws are incomplete because they do not contain all the non-discrimination criteria. It should be emphasized that Article 91 of the Constitution of the Republic of Latvia (hereinafter - the Constitution) provides for the principles of legal equality and non-discrimination. The Constitution does not list the catalogue of prohibited criteria in detail; however, having regard to the historic development of the Constitution and international acts currently applicable in Latvia, Article 91 includes the following catalogue of prohibited criteria: race and skin colour; nationality, ethnicity; language; birth and origin; gender; age; disability; genetic characteristics; sexual orientation; religion; political and other beliefs; worldview; party affiliation; social status and social origin; service status; property, and other similar circumstances, but the list is not exhaustive. So, currently the Constitution includes 15 specific criteria and one open criterion, which can be supplemented depending on further development of the law.

In addition, Latvia points out that both the Labour Law and the Law on the Prohibition of Discrimination of Natural Persons-Economic Operators, the Consumer Rights Protection Law, the Law on the Rights of Patients, the Law on Social Security, the Law on Support to Unemployed Persons and Job Seekers, and Law on Education refers to ethnicity, national origin and race as to the non-discrimination grounds. Moreover, such grounds are referred to in other laws as well. Besides, the non-discrimination principle is also laid down in the

international human rights treaties binding to Latvia, for example, the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is directly applicable in Latvia.

In accordance with the *lex superior derogat legi inferiori* principle, if a legal rule of a higher legal force is incompatible with a legal rule of lower legal force, the legal rule of higher legal force is to be applied. In accordance with the hierarchy of norms, the Constitution has the highest legal force in Latvia. Consequently, even if legislation of lower legal force do not contain any specific criteria of the discrimination catalogue, it is applied in practice subject to the Constitution. This is affirmed by the Ombudsman's case on the discrimination on the grounds of sexual orientation in the Valentine's Day promotion described in paragraph 99 of the report.

Equality bodies

Office of the Ombudsman

Paragraph 17

Paragraph 17 of the Report expresses regret that the Ombudsman's mandate does not include the provision of independent assistance to victims of racism and racial discrimination. Paragraph 24 of the ECRI General Policy Recommendation No°7 on national legislation to combat racism and racial discrimination lays down that the law should provide for the establishment of an independent specialized body to combat racism and racial discrimination at national level. The law should include within the competence of such a body: assistance to victims; investigation powers; the right to initiate, and participate in, court proceedings; monitoring legislation and advice to legislative and executive authorities; awareness-raising of issues of racism and racial discrimination among society and promotion of policies and practices to ensure equal treatment.

Section 11(1) and 11(2) of the Ombudsman Law provides for the Ombudsman's functions to promote the protection of the human rights of a private individual and to promote the compliance with the principles of equal treatment and prevention of any kind of discrimination. Section 12 and Section 13 of the Ombudsman Law provides for the Ombudsman's tasks and rights for execution of functions specified in the law including with regard to racial discrimination. The Report points out the following tools of the Ombudsman's action: to represent the individuals' rights before court or address the Constitutional Court; however, it should be noted that also other rights of the Ombudsman are attributable to the area of combating racism and racial discrimination. Namely, the Ombudsman can provide consultations regarding human rights issues, consider persons' applications, initiate examination cases and give opinions, request the authority to provide the Ombudsman with the requested information and carry out the examination, promote a settlement between the parties to the dispute, provide recommendations to the Saeima of the Republic of Latvia (hereinafter - Saeima), the Cabinet of Ministers, local governments or other institutions in respect of the issuance or amending of the legislation.

It should also be noted that recommendations of an Ombudsman of any country have an advisory nature. In general, in order to ensure the achieving of the aims laid down in the Ombudsman Law, the Ombudsman uses a range of means, which include public information, cooperation with the media, as well as the right to apply to institutions that are responsible for making decisions binding to the individuals.

2. Hate speech

Data

Paragraph 23

Latvia would like to point out that Paragraph 3 of Regulations No 618 “Regulations Regarding the Judicial Informative System” adopted by the Cabinet of Ministers on 20 September 2016 provide for the following: the aim of establishing and using the system is the automation of the judicial proceedings cycle providing a single electronic information recording, processing, storage, use, transmission, and availability of information, as well as the exchange of the necessary information between courts and authorities, exchange of information in the automated mode with other information systems and preparing of automated statistical reports.

The Judicial Information System (hereinafter - JIS) provides information on convictions and court rulings related to hate crimes, as well as the data on the aggravating circumstances. Currently, modifications to the existing JIS functionality which would permit the change of data storage and collection are not planned but an active work on “JIS 2” is carried out. Namely, within the framework of the justice department, the implementation of projects planned in the first stage of the E-case programme - investigation and proceedings improvement - was commenced in 2018. Within the framework of the first stage of the E-case programme, the Court Administration plans to implement the leading project “Judicial Information System development” of the E-case programme by the first quarter of 2021. The overarching objective of this project is to create a single and effective electronic legal proceedings process reducing legal proceedings' time limits and ensuring the openness and availability of information. The objectives of the project are as follows: establishing of effective and single electronic legal proceedings process; efficient exchange of information between courts, parties to a case and other information systems related to legal proceedings; and rational improvement of the JIS through creating new and using existing sharing solutions.

In order to assess the options for implementing the “JIS 2” additions, the amount of data and criteria included in the “comprehensive data collection” needs to be assessed. It will then be possible to evaluate the extent to which the necessary data can be derived without further system adjustments, as well as the effectiveness to make additional adjustments to the system functionality taking into account the amount and proportionality of information.

Response by the authorities

Paragraphs 39-40

The State Police introduces the community policing approach through the district prevention plans, which are used as a systematic method with specific tasks. Over the last three years, the State Police has carried out major job changes (for example, transfer of the criminal investigation to the criminal police) in order to attract the available police resources to the implementation of the community policing principles. In addition, the community policing is to be viewed in a broader context - not just as the prevention work but also in form of public information, education, dialogue between the public and the police as well as effective cooperation with national authorities and non-governmental organisations (hereinafter - NGOs) and other involved parties. For example, the State Police officers regularly meet with the NGO “Marta” and “Safe House”). Regional headquarters of the State Police actively communicate with the public on regular bases and provide inform about the police work, give interviews, statements and information materials to various media. In order to prevent the committing of specific criminal offences, information on topicality of certain types of criminal

offences, mechanisms for commitment of such crimes, types of activity and security measures is provided to citizens via the mass media repeatedly. Consequently, taking into account the common working methodology of the State Police and restructuring with regard to the implementation of the general preventive function, the establishment of a special department currently is not planned.

4. Integration

General overview

Paragraph 51

Latvia would like to inform that the state budget funding intended for integration policy implementation and target achievement including improvement of the Latvian language skills for different target groups has been significantly increased during the last years. In 2011 and 2012, when the implementation of the Guidelines on National Identity, Civil Society and Integration Policy was launched, the state budget funding composed only 46,425 euro, in 2013 it was 242,018 euro, in 2014 - 557,827 euro, and in 2018 it reached 2,008,100 euro.

In addition, we would like to indicate that the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020² approved by the Cabinet of Ministers on 17 July 2018 includes integration measures for different population groups exposed to the social exclusion risk, such as Roma, third country nationals and persons in need of international protection. The measures aim to increase the integration into society and labour market of persons exposed to discrimination risks, including by promoting the public understanding of diversity. These measures include activities such as intercultural communication courses for different professions, support measures for the social inclusion of Roma, and support to the civic participation of third-country nationals, including persons in need of international protection.

Minority NGOs, including Roma NGO representatives, regularly and actively participate in the work of the Advisory Committee of Representatives from Minority Non-Governmental Organizations and the Advisory Council of Roma Integration Policy Implementation, chaired by the Ministry of Culture. This is to ensure the participation of ethnic minorities in both the integration policy planning and implementation. In order to promote the trust between Latvians and national minorities, a number of measures was introduced which have helped to develop mutual dialogue and cooperation. For example, since 2013, the Ministry of Culture organises the Latvian Minority Forum, which annually brings together around 200 representatives of national minorities NGOs, public institutions, experts and interested participants from all regions of Latvia. The forum has turned into a discussion platform, in which the relevant national minority participation issues are discussed. The forum results are confirmed by the Advisory Committee of Representatives from Minority Non-Governmental Organizations chaired by the Ministry of Culture and serve as the basis for the development and planning of new measures in the next budgetary year, thus becoming a real impact mechanism, which builds mutual trust and cooperation.

In order to promote intercultural dialogue, the collectives of minorities are encouraged to participate actively in cultural measures significant to the cultural life of Latvia, for example, the Song and Dance Festival and the international folklore festival "Baltica". In 2018, the festival was attended by 81 minority collectives with more than 1,200 participants but the international folklore festival "Baltica" - by 22 minority collectives with around

² [Nacionālās identitātes, pilsoniskās sabiedrības un integrācijas politikas īstenošanas plāns 2019.-2020.gadam](#), available on the Ministry of Culture web page.

300 participants. This information as well as research data indicate that vulnerable groups are actively involved.

Moreover, Latvia informs that the National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020 lays down the objective “to strengthen the Latvian language skills.” The plan includes a series of measures, which are being implemented and provide a strategic link between the learning of the language and the policy plan, including the following results to be achieved:

- the Latvian language skills of the various target groups are improved and the language is practically used in everyday situations;
- the population understand the language learning conditions well and has access to both high-quality learning places and information about them;
- creative language learning tools are created and developed: language cafes, Latvian language clubs, volunteer language teachers.

Paragraph 52

The objectives of financial support programmes for minority NGOs include promotion of the participation of such groups and engaging in dialogue and civil society development, as well as interest representation. By implementing these objectives, the mutual trust of the population and the feeling of belonging to the Latvian state is improved. The set of the relevant financial support programme objectives does not identify a separate objective to overcome the lack of trust between minorities and the state, but clearly, this goal is achieved, as the feeling of belonging to the state is improved.

Results of the research on the progress of Guidelines on National Identity, Civil Society and Integration Policy 2012-2018 implementation show that national minorities integration indicators are improving gradually. For example, in accordance with research “Minority Participation in Democratic Processes in Latvia”³, the sense of belonging to Latvia of minorities' youth has considerably enhanced in recent years. In addition, the pride of belonging to Latvia of minority representatives has increased significantly, particularly among Russians: this year, 59 % are proud of or rather proud of the belonging to Latvia compared to 44 % in 2015. Half of minority representatives see themselves as patriots of Latvia.

Paragraph 53

Latvia would like to emphasize that the national social memory policy development is based on conclusions of professional and independent academic and heritage institutions and historians, as well as on research materials and results of independent research. It is a professional and independent process, and the Latvian government creates a favourable environment for it. The state contributes to an active bottom-up involvement of civil society and different communities and the development of initiatives, for example, with the State Culture Capital Foundation and other funds where independent experts evaluated the Centenary Program of Latvia and literature, film and other creative industry projects. The Centenary Program was established with the participation of all ministries, local governments, and state and local government partners, NGOs and diverse groups of society, including minority representatives. The Centenary Program contributes to the exploration of different historical stages and facts using creative means and methods that result in cultural

³ Research “Minority Participation in Democratic Processes in Latvia” (Rīga: Philosophy and sociology institute of the University of Latvia, 2017), available on the Ministry of Culture web page: <https://www.km.gov.lv/lv/integracija-un-sabiedriba/petijumi-un-publikacijas>.

products - theatrical performances, literary works, dramas, researching digital engagement tools, and a variety of interactive and participative activities reach a wide audience and allows to look at the historical events and the future perspective from different angles.

Cultural content in Latvia, including in the framework of the Latvia's Centenary, is being implemented within the principles of academic and artistic freedom and freedom of speech and expression. These measures address diverse communities, which engage in the building of the measures, and they show different viewpoints and contribute to the pluralism of opinions. Similarly, the non-governmental sector implements important social memory initiatives, for example, the Latvian Occupation Museum as an independent association has performed a considerable work to reflect and explain the war and occupation effects to the general public. Similar public initiatives are implemented in the highly appreciated museum "Žanis Lipke Memorial", the Jewish association "Shamir", within the Riga Ghetto Museum, the association "Roma cultural centre", which provides extensive information about the Roma holocaust in Latvia, the association "Cooperation platform" with a variety of minority inclusive activities for young people, and others.

As a member of the International Holocaust Remembrance Alliance Latvia implements the commitments of the Stockholm Declaration and has done a lot in the field of holocaust education, remembrance and independent research. This is particularly important, because during the Soviet occupation the discussions about the past, including crimes against humanity, and its study were not encouraged or were directly prohibited. The President of Latvia initiated the establishment of an independent commission of Latvian historians, which now actively operates. A significant number of historians are engaged in holocaust research, holocaust history lessons are included in the compulsory curriculum of the Latvian education system, in history and cultural studies programmes; memorial sites for holocaust victims are marked with memorials and commemorative plates. The History Teachers' Association has been actively engaged in holocaust history teaching by improving teachers' qualifications.

In Latvia, an active dialogue is carried on about historical events, especially about the events with high conflict potential, for example, cooperation with the totalitarian regimes and the double occupation of Latvia during the Second World War. This discussion involves people who represent opinion-based groups and participate in various remembrance rituals.

Social memory events included in National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020 are directly focused on the dialogue with the public about complex historical issues and their aim is to improve public awareness of the history of Latvia on the grounds of evidence-based information, as well as taking into account the diversity of public views and opinions regarding the historical events. It should be emphasized that the current Plan for the Strategic Objective of Memory Policy asks for the strengthening of a shared memory culture and tolerant social memory. Such formulation of the objective is based on the idea of a shared memory, which conceptually differs from the idea included in the Guidelines target that underlined the need for a common social memory. The existing measures in the field of social memory have been concentrated on informing the public about misinformation cases in connection with sensitive events in the history of Latvia. Likewise, they are aimed at explaining such historical crimes that affect the development of the society and clearly have to be condemned: crimes against humanity committed by two totalitarian regimes - the Soviet Union and Nazi Germany. Objective information about these events, especially information focused on the younger generation, is an essential part of social memory, which needs to be interpreted and must be understood as a tragic lesson of history that may not be forgotten in order to prevent politicization and radicalism, and not fall into

provocation traps. The culture of the remembrance of victims of war crimes has the potential to be educational and to unify society/

Non-citizens

Paragraphs 57-58

On 1 October 2013, amendments to Section 3¹(1) of the Citizenship Law entered into force, facilitating the granting of Latvian citizenship to non-citizen children born in Latvia after 21 August 1991. The relevant provision stipulates that a child who is born in Latvia after 21 August 1991 shall be recognised as a Latvian citizen concurrently with the registration of the child's birth fact on the basis of the volition expressed by one of the parents, provided that the conditions laid down in the law are fulfilled at the same time. Namely, if one of the parents expresses a respective volition, the new-born child shall be recognised as a Latvian citizen; thus, the request of both parents is not required.

According to the Report, in 2017, the Saeima rejected the Draft Law on Termination of Granting of Non-citizen Status to Children submitted to the Saeima by the President of Latvia. Thus, the legislator, having assessed the specific legislative initiative, has stated its position, at the same time indicating that at present non-citizen children are not deprived of opportunities to acquire Latvian citizenship.

Minority schools

Paragraph 63

Latvia would like to inform that currently the procedures providing for state-funded additional support measures if a learner of another country, who has not acquired the education in Latvia previously, has arrived from studying in another country are in force (Regulation No 591 "Procedures for Enrolling Students in and Discharging from General Educational Institutions and Special Pre-school Educational Groups, and also for Moving Them up into the Next Grade" adopted by the Cabinet of Ministers on 13 October 2015). In such a case, support measures to be implemented during one to three school years for the studying of compulsory basic education are determined for studying of Latvian language or Literature, Social science, History of Latvia, and for the studying of those study subjects that differ in Latvia and in the educational programme previously studied by the student. In addition to the formal education, the educational institution is entitled to implement non-formal education classes, for example, additional studies of minority language and other interest education classes. In school year 2016/2017 7,291 pupils studied additional minority language studies, while in the same school year 708 pupils studied ethnic cultural exploration.

Roma

Paragraph 64

When providing information about the number of Roma in the Republic of Latvia, not only the opinion of the Roma civil society representatives but also research data should be considered. Calculations of the number of Roma in the country should be made by taking into account the fact that the officially available statistics reflect only those Roma, who have recorded their Roma nationality in official documentation. The survey within the framework of year 2015 research "Roma in Latvia" shows that the number of respondents who have identified themselves as Roma is significantly higher than the one reflected in the data of the Central Statistical Bureau and the Population Register of the Office of Citizenship and Migration Affairs (hereinafter - OCMA). The answer to the question "*Is nationality stated in your passport?*" shows that 49.3 % of the interviewed Roma answered in the negative, while 12.9 % admitted that another nationality is stated, and only 36.5 % recognized themselves in the

passport as Roma.⁴ There is no information or reasons, on whether people of Roma origin do not want to indicate their ethnicity in the passport due to the negative stereotypes and prejudices about Roma common in society. Other Latvian residents also do not use the possibility to identify their ethnicity in the passport. Furthermore, many of the Roma population, just as nationals of other ethnic groups, travel to foreign countries for economic reasons without registering this fact at the OCMA.

In accordance with the Council conclusions on an EU Framework for National Roma Integration Strategies up to 2020 and considering the national situation and conditions, such as the small Roma population in the country, Latvia, like several other EU countries, chose to develop a set of national policy measures for Roma integration (hereinafter - set of measures) rather than create a separate Roma integration strategy. This set of measures is included in the development planning document Guidelines on National Identity, Civil Society and Integration Policy 2012-2018. The set of measures contains both the targeted measures and mainstreaming measures, which are planned and implemented in cooperation with the competent public authorities, local authorities and Roma NGOs as well as civil society representatives and experts. The set of measures includes also awareness-rising and educational measures to promote Roma involvement in the programs for social inclusion and support for integration at the national and local level.

Education

Paragraphs 65-69

Currently in Latvia there are no schools with a Roma ethnic class or a class with majority of Roma pupils in comparison with children of other nationalities. Latvia has taken support actions to reduce Roma marginalisation in the field of education and to promote their involvement in the educational process. Roma pupils with recommendation of the National Pedagogical Medical Commission for special education programs with learning disabilities are planned to be integrated in the general education institutions while also providing support measures to avert such learning difficulties.

In order to promote the involvement of Roma children and youth in the education process as well as to lessen the number of school absences among Roma pupils, in October 2017, within the project “Latvian Roma platform”, five Roma mediators started to work in cities of Latvia.⁵ The objective of Roma mediators is to promote and ensure dialogue and cooperation between Roma families and professionals of local authorities and government agencies in areas such as education, social issues, employment, children's rights, etc. In parallel to other tasks Roma mediators facilitate the involvement of Roma children in the educational process, namely, ensure regular meetings with the Education Department representatives and parents of Roma children, as well as identify the real situation in the field of Roma pupils' education at the local level as far as possible. Roma mediators also contribute to Roma pupils' access to the support of the European Social Fund (hereinafter - ESF) project “PUMPURS” that is aimed at reducing of children's “falling out” of the education process. Roma mediators make sure that the Roma children attend general education schools rather than special schools.

⁴ Market and opinion research agency “Latvian Facts”, “Roma in Latvia. Research Report 2015” (2015) p. 17.

⁵ A Roma mediator also works in the Ventspils municipality, where in 2017 Ventspils evening secondary school a Roma ethnic class was removed and the Roma children from this class were introduced in “general classes” in various schools around the municipality. Roma mediator aids these children to better assimilate in the school environment and works with the parents of these children, in order to promote the children's involvement in the education process and school attendance.

According to the evaluation of the work carried out by Roma mediators and its results, Roma families in several cities give the highest valuation to the Roma mediator work in addressing educational and social issues, supporting health care, employment and housing issues. The employees of urban local authorities have also welcomed the mediator's work because it has contributed to the Roma access to various services and support measures, motivated the Roma parents and their children to participate in the education process more actively and helped to maintain a dialogue between municipalities and Roma communities.

In several municipalities the Roma mediators also participate in city council commission meetings to find better and more effective solution of socially problematic situations of Roma. Within the project “Latvian Roma platform”, starting from September 2018, Roma mediators continue to work in cities of Latvia, partly receiving support also from local governments, including working as employees of the municipal institutions. This is to ensure the sustainability of the Roma mediation practice development.

In 2017, practical workshops “Improvement of the social situation of Roma families at the local level” were organized in Latvian municipalities. The aim of the workshops was to improve the knowledge of the local government professionals about the issues of Roma integration, to facilitate the access of Roma representatives to social services and support measures provided by local governments and to inform the participants about the available support activities provided by the EU structural funds, for example, about project “PUMPURS”, in order to reduce the risk that children and young people, including Roma children and young people, drop out of school and do not receive documents on graduation from educational institution.

Employment

Paragraphs 71-72

In accordance with the recommendations of representatives of Roma civil society, in 2018, within the project “Latvian Roma platform”, a seminar “Better access of Roma representatives to the labour market” was organized with the aim to foster cooperation between the potential Roma employees, employers and social partners, as well as to develop the exchange of experience and information about Roma participation in the labour market. Participants of the seminar discussed the situation of Latvian Roma in the field of employment as well as the good practice of Roma involvement in the labour market and enhancing measures that would facilitate a more efficient inclusion of Roma in the labour market. The State Employment Agency (hereinafter - SEA) specialists also participated in the project. At the end of the project a report on the results of the plenary session and working group discussions was prepared including practical proposals for further work and development of cooperation. Based on the proposals included in the report, Latvia plans to elaborate support measures for Roma inclusion in the labour market as well as to create and develop employers' network with entrepreneurs willing to support Roma employment.

It should be emphasized that Roma fall into the SEA activities according to individually developed job-search plan. The requirement for the primary education refers to the training activities, in which the unemployed persons learn a profession or re-qualify, while, for example, temporary public works may be performed by unemployed persons without education as well. The motivation program for long-term unemployed persons and other measures is offered to unemployed persons with a low education level as well.

Information collected by the SEA shows that Roma most frequently participate in these two measures - temporary public work and motivation programme for long-term unemployed; in

addition, the number of Roma who have found a job int. al. after participation in active employment measures increases since 2015.

In addition, on 27 March 2018, the Cabinet of Ministers approved Regulations No 173 “Regulations on Population Groups Exposed to the Social Exclusion Risks and the Procedure Regarding Granting, Registering and Monitoring of the Social Enterprise Status”, where Roma are specified as one of the population groups exposed to the social exclusion risk.

Health

Paragraphs 73-74

Latvia has already enshrined the ensuring of health care services in binding normative documents (the Law on the Rights of Patients) without permitting different treatment on any grounds. Therefore, the legislation does not separate health care services, which focus on Roma, because such legislation would include discrimination in relation to other groups. Roma have the opportunity to receive the same health services as other residents.

At the same time, it should be emphasized that in accordance with the sub-objective of Public Health Guidelines 2014-2020, which aims to ensure all Latvia's residents with equal access to quality health care services paid from the state budget, within the ESF planning period 2014- 2020 it is planned to:

1. implement measures for health promotion and disease prevention of people exposed to the risk of poverty and social exclusion at the national and local level;
2. improve the availability to residents who live outside Riga of medical treatment and medical support persons, who provide services in the priority health areas (intended to provide support for the attraction of doctors and nurses to work in the regions);
3. improve the availability of quality health care services, especially to residents exposed to the risk of social and territorial exclusion and poverty, by developing health care infrastructure.

Thus, if persons, including Roma, are exposed to the risk of social and territorial exclusion and poverty, these persons will be provided with opportunities to receive adequate information about options of receiving health services, health promotion and disease prevention within the framework of activities organised by ESF. For example, Maternal and Child Health Improvement Plan 2018-2020 (approved by order No 259 of the Cabinet of Ministers on 6 June 2018) includes measures, which will be provided in the scope of ESF 9.2.4.1 measure “Complex health promotion and disease prevention measures” to ensure that women exposed to the social risk have access to information about family planning and contraceptive options.

In addition, Latvia informs that the new Health Care Funding Law adopted by the Saeima on 14 December 2017 provides for the following: from 2019, the state-funded health care will be ensured both to insured persons and to persons which are exposed to the social exclusion risk and are unable to engage actively in the labour market.

The state-funded medical assistance minimum (emergency medical assistance; childbirth assistance; family medical health care services; health care services related to the treatment of illness, which have a major impact on public health indicators or which endanger the public health) or the basic range of health care services will be ensured to all residents regardless of the insurance status.

The full range of health care services within the framework of state-funded obligatory health insurance, as set by the Cabinet of Ministers, will be provided to legal employees (persons paying state compulsory social insurance contributions) and persons who fall into one of the socially vulnerable groups (for example, an unemployed person registered in the SEA).

Refugees and beneficiaries of subsidiary protection

Paragraph 78

Since 2016 SEA implements the ESF co-financed project “Integration of refugees and beneficiaries of subsidiary protection into the Latvian labour market”. From 2016 to the end of 2018, 23 introductory lectures “Labour market in Latvia” were organised for 160 asylum seekers in Arabic, English, Russian, Tigrinya and Sorani languages. From 2016 to the end of 2018, the SEA registered 156 persons with refugee status or persons with subsidiary protection status. In the Accommodation Centre for Asylum Seekers “Mucenieki”, asylum seekers are provided with individual consultations about employment options. The SEA uses an individual approach, carrying out customer profiling, developing individual job search plans, providing career advice and job-search assistance offering relevant vacancies or employment and training activities as well as organizing visits to employers. E-booklet for asylum seekers, refugees and persons with subsidiary protection status “First steps to employment” is published on the SEA website.⁶

Latvia continues development of support measures to promote integration of refugees and persons with subsidiary protection status in the local society and labour market. For example, in 2018, the SEA launched a new support measure - Latvian language mentor services for employed refugees and persons with subsidiary protection status to assist in improvement of the Latvian language skills necessary for the work and to facilitate integration into the working environment. At the same time, the Ministry of Welfare coordinates the activities of the inter-institutional working group on Asylum seeker, refugee and person with the subsidiary protection status socioeconomic inclusion. The aim of the working group is to improve the comprehensive socioeconomic inclusion of the target groups in Latvia by developing strategic solutions and advancing the cooperation between the institutions participating in the working group. Additionally, in 2019 the Ministry of Welfare plans to submit to the Cabinet of Ministers proposals for promoting socioeconomic inclusion, including regarding assistance in housing matters.

Paragraphs 79-80

The Law on the Rights of Patients does not permit different treatment on the grounds of a person's race, ethnic origin, skin colour, gender, age, disability, health condition, religious, political or other opinion, national or social origin, property or family status or other circumstances, and thus protects the recipient of the health care service. Different treatment also includes direct or indirect discrimination of a person, personal harassment or instruction to discriminate.

⁶ Available at the SEA website: <https://begluintegracija.nva.gov.lv/en/first-steps-to-employment/>

II. Topics specific to Latvia

2. Restitution of Jewish community property

Paragraphs 83-84

Since the restoration of the independence of Latvia, we have provided the legal basis for the return to their owners or their heirs and legal successors of public and religious organisations of nationalized properties and properties seized during the occupation. In the context of the private property restitution, Latvian legislation is among the most liberal ones in the Europe: the heirs and successors of public and religious organisations could claim the return of the seized property regardless of their current country of residence, citizenship, ethnic origin or religious belief.

The process of the real estate denationalisation and land reform is completed. Thus, at the moment, there is no basis to launch a debate on additional defence of the interests of certain associations while ignoring the potential interest of other associations to the restoration of property rights. Associations (public organisations), which were interested in recovering their property, have completed or proceed with this process, addressing the Saeima with a request to adopt a special law on transfer of a particular real estate to the property of the respective association. Considering the above, the issue of separate transfer of ownership to certain religious organizations should be dealt with by adopting a special law on transfer of a particular real estate to the property of the respective association the Republic of Latvia to the Saeima. For example, the Saeima adopted special laws, which resulted in transfer of six real estates to the association “Council of Jewish Communities of Latvia” without compensation in 2016. In addition, on 28 June 2016, the foundation “Restitution fund of Latvian Jewish community” was established. One of its operational objectives is to manage the real estate and funds received within the restitution process.

3. Policies to combat discrimination and intolerance against LGBT persons

Legislative issues

Criminal and civil law

Paragraphs 89 and 92

In the current version of CL, the scope of the provisions is very broad and concerns not only person's gender, age or disability but also any other features. The CL Section 150 was deliberately developed using the words “other characteristics” thus leaving the list of elements open. When developing the framework of the CL Section 150, it was taken into account that the international law provides for persons' protection from hate crimes directed against different groups of persons on the grounds of various social characteristics including political beliefs, origin, disability, property status, sexual orientation, and gender.

Discrimination against LGBT persons in key areas of social life

Same sex partnerships

Paragraph 93-95

On 15 December 2005, the legislator expressed Article 110 of the Constitution in the following wording: “110. The State shall protect and support marriage - a union between a man and a woman, the family, the rights of parents and rights of the child. The State shall provide special support to disabled children, children left without parental care or who have suffered from violence,” and has consequently made a political decision that a union of unmarried persons does not equate to marriage. These amendments were necessary to strengthen the

traditional view of marriage, which is the union between a woman and a man, and the family that has established in the course of cultural and historical development of Latvia and would avert the constant threats to this traditional value. Despite the provisions of Article 110 of the Constitution, in accordance with the existing laws and regulations there are no obstacles to persons of the same sex living together to arrange the property issues, participate in the civil law relationships, enter into various transactions, and obtain the relevant rights and obligations. Everyone has equal rights to protect their rights in the civil courts, and a variety of legal instruments to regulate the personal and property relations with a partner are available to any person. Namely, the legislation provides for the opportunity to enter into a variety of civil transactions, for example, to enter into heritage agreements, loan agreements, lending contracts, sales contracts, exchange contracts, maintenance contracts, agency agreements or future authorizations (by which a person assigns the management of his or her business to another person, if the beneficiary due to ill health or other reasons or circumstances will not be able to understand the meaning of his or her acts and will not be able to manage his or her acts (for example, if a person will be in a coma)), also to draw up a will; likewise, when buying a joint real property, to record it into the land register as a joint property in order to protect the right to the joint property share, and the like. Consequently, in accordance with the current legal framework, each person, without reference to the relationship model and gender chosen by the person, can equally realize his or her civil rights and participate in civil-law relationships.

Education and awareness-raising

Paragraphs 100-102

Section 3^l of the Education Law provides for the prohibition of different treatment: persons have the right to acquire education regardless of the material and social status, race, nationality, ethnic belonging, gender, religious and political affiliation, state of health, occupation, and place of residence. In addition, Regulations No 480 “Guidelines for Education of Learners and Procedures for Evaluation of Information, Teaching Aids, Materials and Educational and Upbringing Methods” adopted by the Cabinet of Ministers on 15 July 2016 (hereinafter - the Guidelines) lay down that when implementing the educational objective and tasks, the educational institution complies with the rule of law and equality for all learners regardless of the race, nationality, sex, age, language, social origin, nationality, religion, political or other beliefs, health condition or other circumstances of the learner or their family members (10.1.); respects individual peculiarities of the development as well as religious, linguistic, cultural and socio-emotional environmental differences, different abilities, and different education and special needs of each learner (10.2.). The Guidelines lay down certain educational tasks, such as self-awareness, respect for life, themselves and others. The main virtues that should be fostered in the educational process are such as responsibility, justice and tolerance.

These issues are also included in the methodical guide Class Lesson Programme Sample for grades 1-12 and methodical aid Recommendations for Implementation of Class Lesson Programme.

The United Nations Convention on the Rights of the Child (1989) explicitly establishes the right to information, as well as the obligation of the state to provide children with education. Human rights are the leading Reproductive Health Strategy principle of the World Health Organization in order to accelerate the progress in international development goals and targets, where sexual health provision is one of the five basic aspects.

The essential requirements for learning the general secondary education subject Health Education (as set out in Regulations No 281 “Regulations Regarding the State General Secondary Education Standard, Subject Standards and Sample Education programmes” adopted by the Cabinet of Ministers on 21 May 2013) determine that when graduating from 12th grade, the learner, for example, expresses his or her views on different family models; is aware of different divergences of social norms and traditions regarding the family and marriage; is aware of the situation of inequality and limitation of rights in the families.

The essential requirements for learning the general secondary education subject Ethics (as set out in Regulations No 281 “Regulations Regarding the State General Secondary Education Standard, Subject Standards and Sample Education programmes” adopted by the Cabinet of Ministers on 21 May 2013) determine that when graduating from 12th grade, the learner, for example, respects privacy and recognises otherness; understands the purpose and meaning of tolerance encouraging inclusion of the otherness and various social segments and groups in society.

General education standards and subject program samples have been made publicly available in the website of the State Education Content Centre - www.visc.gov.lv, section General Education - Standards and Curriculum - General education programs.

Latvia would like to draw attention also to the fact that currently, improvement of the teaching content in competence approach is carried out in accordance with the tasks laid down in the Action Line “1.1: Development of educational content that is oriented to knowledge-based society requested competences and facilitates creativity, innovation, and a healthy lifestyle” of section V. “Plan of tasks and actions laid down in guidelines” of the medium-term education policy planning document “Education development guidelines 2014-2020”.

The Cabinet of Ministers on 21 November 2018 approved “Regulations on State Pre-school Education Guidelines and Primary Education Programme Examples” (hereinafter - pre-school education guidelines) and on 27 November 2018 - “Regulations on State Primary Education Standard and Primary Education Programme Examples” (hereinafter - primary education standard). These regulations were developed within the ESF project “Competence approach to the education content”, which is realised by the State Education Content Centre. The values and virtues, which are defined in the Constitution and the Cabinet of Ministers Regulations on the Guidelines on the Education of Pupils and the Order of Method Evaluation of Information, Education Means, Materials and Education, are included in the realisation of pre-school education guidelines and primary education standard. The understanding of the value “life” includes the context of health, highlighting the promotion of habits advancing health and the understanding and prevention of health-affecting risk factors. Additionally, the understanding of the value “human respect” includes equality of access to education and the ensuring of equal opportunities and attitude within the education content and the education process, including the development of relationships based on mutual respect and equality, which enable a life free of any discrimination.

Changes in the educational approach in Latvia are important to develop, approbate and successively implement general education content and approaches to learning that develop pupils’ knowledge, skills and habits, which are important for the life in 21th century and are based on values.