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**UN Committee on the
Elimination of Racial Discrimination**
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**Permanent Mission of the Republic of Latvia
To the United Nations Office in Geneva**
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*Consideration of State Report of Latvia
On the International Convention on the Elimination
of All Forms of Racial Discrimination*

With this letter I would like to comment on some issues that the reporter of the UN Committee on the Elimination of Racial Discrimination has requested addition information and explanation with regard to consideration of the report of Latvia.

Taking into account independence of Ombudsman's institution and being accredited with A status by the International Coordinating Committee of National Human Rights Institutions Ombudsman confers rights to participate in the work and decision making of International Coordination Committee, as well as participate in the work of the UN Human Rights Council and other UN mechanisms, including Committees. Here I would like to note that Office has ever since been open and responsive to national and international stakeholders by meeting and responding to requests on different topics. I as Ombudsman convey my right of independence to take decisions on participating in meetings. Reporter of the Committee stated that Ombudsman prioritizes children rights and social and economic rights of the inhabitants of Latvia. I can partially confirm this statement as these are the topics that Office has been more actively communicating with the public, as children and people subject to poverty are the most vulnerable groups and they require special support from the State.

I am disappointed that there is no unified reporting system within UN Committees and equal opportunities for National Human Rights Institutions to convey their alternative reports and participate in pre-sessions and sessions of consideration of State Reports or responses to Lists of Issues. As children rights have been one of the main issues I have addressed as the Ombudsman of Latvia, I had limited access to participate in presence in the consideration of State report in 2015.

Committee raised the issue of budgeting of the Ombudsman's Office. Financing of the Office had significantly been decreased during the financial crisis in 2009 and 2010. Since 2011 it has been gradually increased, although it still has not reached the pre-crisis level. I would like to note that in 2016 additional funding was allocated to the Ombudsman's Office for urgent measures including monitoring of ensuring human rights in forced-return procedures and strengthening the capacity of the Office.

Non-discrimination and equal treatment principles are closely linked with other areas of rights. For example, the right to education for children with disabilities is linked with children rights. The right to equality principle in tax system for EU citizens is linked with social – economic rights. Thus, by reorganizing Equal treatment division, equal treatment principle and non-discrimination principle was incorporated into work of other areas of rights which were represented by other divisions of the Ombudsman's Office. This system works more efficient as the legal professionals have more in-depth knowledge of the represented areas.

Currently instead of one division three divisions work with non-discrimination and equal treatment issues. For example, the Ombudsman initiated verification procedure on discrimination based on ethnic origins (Children's rights division). Minority kindergarten (Jewish), financed by the local municipality, did not enrol children from other ethnic minority groups except Jewish. The Ombudsman concluded the violation of non-discrimination principle.

Currently under investigation is a verification procedure on the right of religion in health care (Civil and political rights division). In June of 2018 the Ombudsman won discrimination case in the Constitutional court where local municipality has put higher tax for EU citizens than for inhabitants of Latvia (Social, economic and cultural rights division). The Ombudsman pointed out the violation of non-discrimination principle. The Constitutional court joined the Ombudsman's opinion.

Additional to cases the Ombudsman also conducts researches regarding the non-discrimination and equality principle. For example on 2016 the Ombudsman conducted the research on hate crime and hate speech.

These are only a few examples on discrimination issues. According to the Constitution of Latvia there are 16 discrimination criteria in Latvia. The Ombudsman considers all

discrimination criteria equally important. However, the work on the Ombudsman is organized based on the issues submitted by each group protected by non-discrimination principle. Currently people with disabilities and parents of young children are very active in Latvia, thus the Ombudsman pays more attention to ensure the rights of these groups. It is mentioned that since 2007 the Ombudsman has not brought cases before civil and administrative courts. The Ombudsman points out that the Ombudsman as an independent institution has rights not obligation to bring cases before court. The Ombudsman has other methods how to ensure rights of people, for example, mediation for parties as a method to solve a conflict. This method is chosen over bringing cases to civil and administrative courts as court procedure is time consuming.

The Ombudsman chooses to bring cases before Constitutional Court of the Republic of Latvia and submits opinions on various topics, as the Constitutional Court ensures more in-depth analysis. According to statistical data of Constitutional Court, Constitutional court has initiated 25 cases, made judgements in 20 cases and in 5 ended cases based on the Ombudsman submissions to the Constitutional court since foundation of the Ombudsman (before – State Human rights office). Constitutional court has requested the Ombudsman's opinion in 181 cases. Constitutional court has not requested an opinion of any other institution or person so many times (the next institution after Ombudsman is Ministry of Justice which has been asked for the opinion in 116 cases).

In 2016 we promoted the understanding of tolerance and non-discrimination particularly with regard to the topicality of hate crimes and hate speech developing a study "Issues of Investigating Hate Crimes and Hate Speech in the Republic of Latvia". While conducting the study we identified anonymous comment on the internet portal inviting to violence against refugees and asylum seekers. Ombudsman applied to the Prosecutor General and the application resulted in initiating criminal proceedings. Accordingly, also one of the topics of Ombudsman's Annual Conference was discussion "Promoting the tolerance in the society: recognition of hate crimes and hate speech in Latvia". I would like to note that after the conference and particular attention drawn by the Office to this issue we started receiving more applications on the topic.

Since 2011 Ombudsman has had close cooperation with the Roma community in Latvia. Ombudsman signed a cooperation memorandum with the International Romani Union on prevention of discrimination against Roma. As one of the most widespread issues the Roma are facing is lack of information on their rights the Ombudsman has on number of occasions met with the Roma communities in different regions of Latvia.

With best regards,

Ombudsman

Juris Jansons