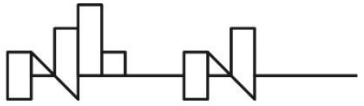




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National Human Rights Structure: The situation of Latvia

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2023

National Human Rights Structure

Situation of Latvia

Abbreviations

MoD	Ministry of Defence
UN	The United Nations
MoF	Ministry of Foreign Affairs
MoCFA	Ministry of Children and Family Affairs (2004-2009)
CSB	Central Statistical Bureau
MoE	Ministry of Economics
PG	Prosecutor General
MoF	Ministry of Finance
MoI	Ministry of the Interior
MoES	Ministry of Education and Science
MSASI	Minister for Special Assignments for Social Integration (2002-2008)
MoC	Ministry of Culture
MoW	Ministry of Welfare
Memorandum Council	Council for implementation of the Memorandum of Co-operation between Non-governmental Organisations and the Cabinet of Ministers
Representative of the CoM	Representative of the Cabinet of Ministers in the international human rights institutions
NTCC	National Tripartite Cooperation Council
CSO	Civil society organisation
MoRDLG	Ministry of Regional Development and Local Government (1993-2011)
Constitution	The Constitution of the Republic of Latvia
MoT	Ministry of Transport
TAP Portal	Unified portal for the development and agreement of draft legal acts
OO	Ombudsman's Office
MoJ	Ministry of Justice
MoEPRD	Ministry of Environmental Protection and Regional Development
SIPCR	State Inspectorate for the Protection of Children's Rights
MoH	Ministry of Health

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Introduction

Upon invitation of the European Union Agency for Fundamental Rights, research is carried out on the national human rights structure in Latvia.

The aim of the research is to summarise information about state institutions, non-governmental organisations and various cooperation platforms in Latvia that are involved in the implementation of the UN international human rights law binding on Latvia. In addition, this study provides information on the cooperation and interaction among stakeholders, the submission of national and alternative reports to UN bodies, assessing the effectiveness of these processes, identifying possible gaps and providing recommendations for improving the system.

Given the limited scope of the study, key UN human rights conventions have been selected for research. This research does not study regional human rights instruments, given that the principles of cooperation are broadly similar.

To ensure the fulfilment of the task, information is obtained from the websites of Latvian state institutions and non-governmental organisations, the information available in the resources of the United Nations is discussed, by studying in detail the main UN international conventions, national reports and alternative reports submitted by CSOs.

For a comprehensive presentation of the situation, additional information was obtained by interviewing the representative of Latvia in international human rights institutions. The interview included questions about the capacity of cooperation among public administration institutions, reporting procedures and cooperation with the CSOs.

There have also been interviews with representatives of such non-governmental organisations as the Latvian Centre for Human Rights, the Centre MARTA, public defender of rights — Save the Children, the Association for Disabled Persons and their Friends Apeirons, the Latvian People with Special Needs Cooperation Organisation SUSTENTO, the Latvian Movement for Independent Life, and the Resource Centre for People with Mental Disorders “Zelda”.

Representatives of non-governmental organisations were asked about representation of civil society, opportunities for participation in policy making and potential challenges. The position on national reports, the comprehensibility of the system, possible participation, alternative reporting possibilities and practices was also examined in detail.

Special thanks to all those who responded and shared their experience, providing valuable recommendations for improvement of the situation.

Participants of the Latvian National Human Rights Structure, their interaction

General legal framework of the national human rights body

The basic principles for the functioning of a national human rights body are determined by international law to which Latvia is a party. While the wording of the obligations of a Member State may differ among the UN human rights acts, there are common principles for the functioning of a national human rights body in the implementation of UN international human rights law, namely:

- 1) measures shall be taken at all possible levels within the national framework — legislative, executive, judicial and others;
- 2) the measures cover a wide range of national discretion in the choice of methods that contribute to the implementation of the relevant legislation: practical application, adoption of policy documents and regulations, cooperation in the adoption and practical implementation of these documents;
- 3) the measures must be effective and comprehensive¹.

At national level, the fundamental principle is laid down in Article 89 of the Constitution, which provides a comprehensive legal framework for the implementation of human rights, namely, “the State shall recognise and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia.”² According to the above, all three branches of state power, each within the limits of their competence, are responsible for the observance and implementation of human rights in the country. The Latvian legal doctrine also recognises that the protection of human rights in a democratic state governed by the rule of law must be ensured by all three branches of the state, namely, the legislative, the executive and the judiciary, in accordance with the functions of a particular branch of power.³

Legislator as an implementer of international human rights law

In the broader scope of human rights mechanisms, it is possible to distinguish between mechanisms which confirm the existence of a legal relationship, namely, it is the legislator⁴.

Article 64 of the Constitution provides that legislative rights belong to the Parliament (Saeima), as well as to the people, in accordance with the procedures and amounts provided for in this Constitution. Article 65 of the Constitution provides that draft laws may be submitted to the Saeima by the President of the State, the Cabinet of Ministers, Parliamentary Committees, not less than five Members of Parliament (MP),

¹ See, for example, Article 2(2) of the [International Covenant on Civil and Political Rights](#) or Article 2 (1) of the [International Covenant on Economic, Social and Cultural Rights](#)

² [The Constitution of the Republic of Latvia](#)

³ *Cilvēktiesības pasaulē un Latvijā*. Inetas Ziemeles zinātniskajā redakcijā. Otrais papildinātais izdevums. – Rīga. Tiesu namu aģentūra, 2021, p. 442 (available in Latvian)

⁴ *Ibid.*, p. 443 (available in Latvian)

as well as one-tenth of voters in the cases and procedures provided for in the Constitution. In accordance with Article 68 of the Constitution, international agreements, which settle matters to be resolved by legislative means, require the approval of the Saeima. The main role of the Latvian legislator, the Saeima, is to adopt laws that implement the commitments made by international human rights law, as well as to approve international human rights legislation.

This means that, in essence, any committee of the Saeima may have to deal with relevant human rights issues within the area to be monitored. That principle is consistent with the second paragraph of Article 8 of the Code of Ethics for Members of the Parliament, according to which an MP respects human rights and does not use, for argumentation, reliance on his opponent's race, gender, colour, nationality, language, religious belief, social origin, or state of health.⁵

The Rules of Order of the Saeima provide that the Human Rights and Public Affairs Committee shall operate on a permanent basis in the Saeima.⁶ The Committee focuses on a wide range of human rights, including the rights of children, persons with disabilities, minorities and asylum seekers, and related issues.⁷ The Committee's meetings are open to the public, but Members may also decide to hold a closed session. In general, this happens at the request of the party invited to the Committee. The Committee also organises external sessions, meetings and conferences at different levels.⁸

In the field of human rights, the Committee cooperates with the Ombudsman's Office; the representative of the Cabinet of Ministers, which is the direct link with the government. The Committee has close cooperation with the Ministry of Culture, the Ministry of Justice, the Ministry of Interior, the Ministry of Foreign Affairs, and the Ministry of Welfare. The Committee develops cooperation with non-governmental organisations such as the Association for Disabled Persons and their Friends "Apeiron", the organisation "Shelter "Safe House"", the Resource Centre for Women "Marta", the Resource Centre for People with Mental Disorders "Zelda", "Save the Children", Latvian Children's Fund, Latvian Children's Welfare Network, Latvian Centre for Human Rights, Latvian SOS Children's Villages Association, Latvian Women's Non-Governmental Organisations Network, Crisis and Advisory Centre "Skalbes", I. Kozakēvičs Latvian Association of National Cultural Societies.⁹

Cooperation with Parliamentary Committees in preparation of national reports on the implementation of UN human rights law can be varied, both by informing the responsible ministry of the report and by receiving formal agreement.¹⁰

⁵ [Rules of Order of Saeima, Annex "Code of Ethics of Members of Saeima"](#)

⁶ Article 149, Paragraph 1, Clause 4 of the [Rules of Order of Saeima](#)

⁷ [Factsheet on the Human Rights and Public Affairs Committee \(available in Latvian\)](#)

⁸ Ibid.

⁹ Ibid.

¹⁰ For example, it is stated in the [Article 5 of the Latvia's IV-VII report on the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women from 1 January 2005 to 31 December 2017](#) that the report was presented to the Human Rights and Public Affairs of the Saeima. For example, it is stated in the [Article 3 of the Consolidated III-V Periodic report on the implementation of the 1989 Convention on the Rights of the Child](#) was sent for information to the Human Rights and Public Affairs Committee and the Parliamentary Inquiry Committee.

Executive power as implementer of international human rights law

Respect of human rights' principles in the executive power

State institutions ensure daily operation of human rights.¹¹ By detailing the obligation of the executive power provided for in Article 89 of the Constitution, and Section 10(2) of the State Administration Structure Law directly strengthens the principle (obligation) of respect for human rights for the executive power, namely, "state administration shall comply with human rights in its activities".

The principle of respect for human rights creates three fundamental obligations:

- 1) to respect human rights, which implies an obligation to refrain from interference with the respective rights;
- 2) to protection human rights, which implies the obligation to protect the relevant rights from interference by other individuals;
- 3) to ensure the exercise of human rights, which implies the obligation to take specific assets, positive steps in the exercise of the respective rights.¹²

The principle of respect for human rights must also be ensured by the public administration in municipalities and their institutions, as well as in private law matters.¹³

Regarding the implementation of human rights by the executive power in the light of national human rights bodies one must speak in two aspects:

- 1) whether and how cooperation among institutions, CSOs and platforms of relevant institutions is ensured through the adoption of policy planning documents and legislation that promotes the realisation and development of human rights in all areas;
- 2) which are the most important institutions, CSOs and cooperation platforms of the relevant institutions implementing international human rights requirements.

Executive institutions in the implementation of human rights: procedural dimension

Cabinet of Ministers

In a national human rights structure at the executive level, the main actor is the Cabinet of Ministers, and the administrative institutions under the authority of the Cabinet.¹⁴ The Cabinet shall deliberate draft laws prepared by individual ministries as well as matters which pertain to the activities of more than one ministry, and issues of State policy raised by individual members of Cabinet.¹⁵ The Cabinet shall discuss or

¹¹ Cilvēktiesības pasaulē un Latvijā. Inetas Ziemeles zinātniskajā redakcijā. Otrais papildinātais izdevums. – Rīga. Tiesu namu aģentūra, 2021, p. 443 (available in Latvian)

¹² J. Briede, E. Danovskis, A. Kovalevska. Administratīvās tiesības, Mācību grāmata. Rīga: Tiesu namu aģentūra, 2016, p. 62 (available in Latvian)

¹³ Section 41 Paragraph 3 Clause 4, and Section 89 of the [State Administration Structure Law](#)

¹⁴ Section 58 of the [Constitution of the Republic of Latvia](#)

¹⁵ Ibid., Section 61

decide all matters within the competence thereof in accordance with the Constitution, international legal norms and laws.¹⁶ The Cabinet shall be responsible for the fulfilment of the obligations provided in the international treaties .¹⁷

The Cabinet may issue external regulatory enactments — regulations — only in the following cases:

- 1) if the law has especially authorised the Cabinet for this purpose. Authorisation shall indicate the major directions of content thereof;
- 2) to endorse an international treaty or a draft thereof, denounce or suspend an international treaty, unless the Constitution or law provides otherwise;
- 3) if this is required for the application of European Union legislation and the relevant issue is not governed by law. Such provisions may not restrict the fundamental rights of a private individual.¹⁸

That provision gives rise to the powers and limitations of the Cabinet of Ministers to adopt laws and regulations in the field of human rights. The Cabinet, in accordance with its competence, examines various issues, including in the field of human rights:

- draft development planning documents;
- external legal acts, including international treaties or drafts thereof; draft laws, draft Cabinet regulations;
- draft documents of the official opinion of Latvia for examination in authorities of international organisations and the European Union;
- draft national position of the Republic of Latvia regarding international law issues.¹⁹

Ministries

Ministries, as managers of the sectors, play a key role in directing documents important to public interest (projects of policy planning documents, draft legal acts, etc.) towards consideration in the Cabinet. The Ministry is responsible for informing the public about the content and significant changes that are relevant to the sector and the public interest under consideration in the Cabinet.

When preparing information to the public on decisions taken, the following principles shall be observed:

- the ministry shall, in a timely manner, plan and ensure communication with the public in respect of the drafts and the decisions taken;
- appropriate communication channels and tools shall be used which correspond to the habits of acquisition and use of information of the target audience;

¹⁶ Section 3 of the [Cabinet Structure Law](#)

¹⁷ Section 12 of the [Law on International Treaties of the Republic of Latvia](#)

¹⁸ Section 31 Paragraph 1 of the [Cabinet Structure Law](#)

¹⁹ [Rules of Procedure of the Cabinet of Ministers](#). It regulates the types of documents to be examined in the Cabinet of Ministers, the procedures for submitting and co-ordinating, the progress, the procedures for the preparation and conduct of meetings of Cabinet and Cabinet committees, as well as meetings of State Secretaries, and other issues of internal procedures and activities of the Cabinet of Ministers.

- the ministry shall send the information distributed to the mass media regarding projects and decisions taken by the government electronically to the State Chancellery and the official journal *Latvijas Vēstnesis*.²⁰

Therefore, in the development of human rights implementation documents, public involvement at the level of regulatory enactments and policy planning is implemented already in the initial development process. Access to projects, including regarding human rights, is ensured through the TAP portal. It is a national information system used to ensure the functioning of the Cabinet, to inform the public and to ensure participation in the drafting of legislation.²¹

The responsible Ministry shall ensure compliance of the developed projects with legal norms of the same level and higher legal force, as well as with the international obligations of Latvia.²² It is also ensured that they comply with human rights.

When preparing a draft legislative act, the Government's rules provide for an obligation to carry out an *ex-ante* assessment of the initial impact of a draft legislative act. It assesses the draft legislation: impact on the system of legal norms and the international obligations of the Republic of Latvia, impact on human rights, democratic values and development of civil society, impact on gender equality, impact on equal opportunities and rights of persons with disabilities, compliance with the best interests of the child, impact on health, including on equal rights and opportunities of people and on new rights and obligations in the field of health, social impact, including impact on groups at risk of social exclusion, impact on data protection.²³

The responsible ministry shall direct the prepared draft for agreement, indicating the ministries or authorities with which this draft should be agreed upon.²⁴ A ministry or another authority may not refuse to provide an opinion if the relevant draft directly affects the issues within the competence thereof.²⁵

Projects relating to the development of civil society and the activities of associations and foundations (horizontal issues of civil society, culture of democracy and human rights) shall be submitted to the Memorandum Council for consideration by the Government.²⁶ Thus, human rights issues before taking a decision of the Cabinet shall be coordinated with representatives of non-governmental organisations (CSOs).

Role of other institutions

Other state and local government institutions, as well as non-governmental organisations and social partners of the government (hereinafter — other institutions) are entitled to submit a project to the government only through the intermediary of the Minister, who is politically responsible for the relevant field, sector or sub-sector. If

²⁰ Article 8 of the [Rules of Procedure of the Cabinet of Ministers](#)

²¹ *Ibid.*, Article 30

²² *Ibid.*, Article 50

²³ Article 9 of the [Cabinet Regulation No 617 of 7 September 2021 "Initial Impact Assessment Procedures for a Draft Legislative Act"](#)

²⁴ Article 51 of the [Rules of Procedure of the Cabinet](#). The Ministry or the authority with which the project is to be agreed upon shall receive information on the TAP portal.

²⁵ *Ibid.*, Articles 58, 59, 60

²⁶ *Ibid.*, Article 74

the relevant Minister refuses to advance the draft prepared by other institutions for consideration in the Cabinet, the institution is entitled to submit it to the Prime Minister for a final decision on the further direction of the project.²⁷

According to the above it, firstly, follows that it is possible to direct a fundamental issue, including human rights, via several legal ways. This excludes the possibility for institutions to singly set the agenda, and, accordingly, to slow down the examination of matters of public interest. Secondly, such option is not only for state institutions, but also for non-governmental organisations, which demonstrate that participation is ensured.

Role of the State Chancellery — the Four-eye Principle in the Implementation of Human Rights

After submitting the project, the State Chancellery assesses, inter alia, the compliance of the project with laws and other legislation, as well as the planning documents, declaration, and action plan in force (if necessary). The State Chancellery, after legal and editorial design of the project, shall co-ordinate it with the responsible ministry. The State Chancellery shall include legal and editorial drafts in the draft agenda of the meeting of the Cabinet.²⁸

Role of the Meeting of State Secretaries

In the light of the National human rights structure, the meetings of state secretaries (administrative managers of ministries) are considered a meaningful format for discussions. Meetings of State Secretaries shall, inter alia, examine:

- drafts on which no agreement has been reached in the agreement process, except for drafts that do not require a political and conceptual decision;
- draft official opinion of the Republic of Latvia for defending the national development goals in international organisations or the issues related to the development thereof if it is not possible to agree on the division of responsibilities and competences of ministries or other authorities.²⁹

The meeting of State Secretaries shall be attended with voting rights by the Director of the State Chancellery, State Secretaries, and heads of Secretariats of Ministers for Special Assignments; in an advisory capacity - Parliamentary Secretaries, the head of office of the Prime Minister, the head of office of the Deputy Prime Minister, officials of the State Chancellery, the head of the Cross-Sectoral Coordination Centre or an authorised representative thereof, a representative of the Corruption Prevention and Combating Bureau, a representative of the State Audit Office, a representative of the Office of the Prosecutor General, a representative of the Latvian Association of Local and Regional Governments, a representative of the Public Utilities Commission, a representative of the National Tripartite Co-operation Council, a representative of the Competition Council, a representative of the State Data Inspectorate, the Ombudsman or an authorised representative thereof, a representative of the planning council, a

²⁷ Articles 77, 78 of the [Rules of Procedure of the Cabinet](#)

²⁸ Ibid., Articles 82, 84, 85, 88

²⁹ Ibid., Article 94

representative authorised by the Memorandum Council, and a representative of non-governmental organisations.³⁰

Only such draft which has been supported at a meeting of State Secretaries without amendments or with amendments on which an agreement has been reached during the meeting shall be taken forward for examination at a Cabinet sitting.³¹ Thus, after inter-institutional meetings, this next level of compromises on issues of dispute also in the field of human rights enforcement, including through the involvement of the representation of various institutions and CSOs.

Cabinet Committee and its role

Regulatory enactments provide for the possibility before taking decisions in the Cabinet to examine certain issues in the Cabinet Committee sittings of the chaired by the Prime Minister. The composition of the Committee shall be the composition of the Cabinet. The Committee shall examine issues which have not been fully coordinated by the institutions and which have not been agreed upon at the meeting of State Secretaries. Several representatives of public authorities and CSOs may also participate in those sittings in advisory capacity.³² Cabinet Committee sittings are a semi-political discussion platform, where, with the involvement of a wide range of experts, controversial issues are discussed, and a vision of the prima facie Cabinet decision is presented.

However, it should be noted that since January 2019, Cabinet Committee sittings are not organised, instead calling for agreements at the level of meeting of State Secretaries.³³

To sum up, in regulatory enactments at the procedural level of the executive power a comprehensive obligation to assess human rights is established to be implemented in all areas where human rights matter.

³⁰ Article 93 of the [Rules of Procedure of the Cabinet](#)

³¹ Ibid., Article 97.

³² Ibid., Article 103, 105

³³ [Meetings of the Committee of the Cabinet of Ministers](#)

Executive institutions in the implementation of human rights: practical dimension

The UN international human rights law covers several horizontal issues, the implementation of which involves several institutions at the same time. These institutions can be referred to as the practical implementers of relevant international human rights law according to the institution's competence through policy planning documents, laws and practices. Some of the institutions are coordinating bodies responsible for collecting the actions and information required by the provisions of a specific international human rights document to "see the common picture" and to report on progress to international organisations. On the other hand, the vast majority are support institutions.

The role of the Ministry of Foreign Affairs as the coordinating authority in the implementation of human rights

The Ministry of Foreign Affairs, which is the leading national institution in the field of foreign affairs, is one of the key actors in the implementation of the UN international human rights law.³⁴ The Ministry of Foreign Affairs draws up draft international agreements, sectoral legislation and policy planning documents and issues opinions on draft international treaties, legal acts and policy planning documents drawn up by other institutions.³⁵ The Ministry of Foreign Affairs is the responsible institution for the preparation and coordination of Latvia's national report on the situation of human rights within the framework of the UN Universal Periodic Review.³⁶

Representative of Latvia in international human rights institutions

Similarly, the Representative of the CoM is one of the central coordinating bodies in the framework of the UN International Monitoring Mechanisms on Human Rights³⁷. Authorisation to the Representative shall be issued by the Cabinet on the recommendation of the Minister for Foreign Affairs, in agreement with the Minister of Justice.³⁸

The Representative of the CoM shall coordinate the preparation of national reports on the fulfilment of obligations under the UN human rights conventions and report thereon to the relevant UN committees. The competence and role of the representative of the Cabinet of Ministers in the preparation of national reports is described in more detail in "National Reports to International Institutions".

³⁴ Article 1 of the [By-laws of the Ministry of Foreign Affairs](#) (available in Latvian)

³⁵ *Ibid.*, Article 6

³⁶ Article 3 of the [National Report of Latvia in the 3rd cycle of the UN Universal Periodic Review](#)

³⁷ [Information about the Representative of Latvia in the international human rights institutions](#) (available in Latvian)

³⁸ Article 3 of the [Procedure of Representation in the International Human Rights Institutions](#) (available in Latvian)

Ministry of Welfare as coordinating bodies in the implementation of human rights

The coordinating body for the fulfilment of the obligations of the UN Convention on the Rights of Persons with Disabilities is the Ministry of Welfare.³⁹

Implementing the obligations of the Convention on the Rights of Persons with Disabilities, the Ministry of Welfare drew up and the Cabinet approved the Guidelines for the implementation of the Convention on the Rights of Persons with Disabilities for 2014-2020, which include measures aimed at promoting the implementation of equal opportunities and rights of persons with disabilities. According to the order of the Ministry of Welfare a working group was set up to develop these guidelines. The working group includes representatives of ministries and local governments, the Ombudsman, and a broad representation of CSOs.⁴⁰

Support Authorities

First, the notion of 'support institutions' is conditional.; it is used to better describe the role of these institutions in the common national human rights structure.

Secondly, in line with the basic principles of the Latvian public administration structure and the basic principles of institutions belonging to the judicial system, the support authorities may be any authority competent for any of the matters governed by international human rights law.

Thirdly, it is the task of the support institutions to implement the international human rights commitments in practice, by adopting and implementing policy documents, drawing up draft laws and applying them in specific cases.

The idea of supporting ministries and institutions involved in the implementation of international human rights law can be obtained by getting acquainted with Latvia's national reports on the implementation of binding international documents. For example, the Consolidated II-IV Report on the UN International Covenant on Economic, Social and Cultural Rights, for 2008-2017, which was submitted on 3 April 2019, states that the information was compiled by the Ministry of Foreign Affairs in cooperation with the Ministry of Economics, the Ministry of Finance, the Ministry of the Interior, the Ministry of Education and Science, the Ministry of Culture, the Ministry of Welfare, the Ministry of Transport, the Ministry of Justice, and the Ministry of Health.⁴¹

More detailed information on the support institutions can be found in the section 'National Reports to International Institutions' sub-section 'Coordination capacity'.

It is also important to emphasise that support institutions do not necessarily mean sectoral ministries. Various authorities under the supervision or subordination of ministries are also responsible for the promotion and protection of human rights, as well as the fulfilment of international human rights obligations. For example, the State

³⁹ Section 2 of the [law On Convention on the Rights of Persons with Disabilities](#)

⁴⁰ [Cabinet Order "On Guidelines for Implementation of the United Nations Convention on the Rights of Persons with Disabilities 2014-2020"](#) (available in Latvian)

⁴¹ Article 2 of the [Combined second to sixth periodic report of the Republic of Latvia on the implementation of the 1966 International Covenant on Economic, Social and Cultural Rights in 2008-2017](#)

Inspectorate for the Protection of the Rights of the Child operates under the supervision of the Ministry of Welfare.⁴² In order to enforce the children's right to social security by guaranteeing a minimum amount of maintenance for children who are provided by only one parent, because the other parent does not comply with a court decision regarding maintenance, the Maintenance Guarantee Fund operates under the authority of the Ministry of Justice.⁴³ The Legal Aid Administration is also subordinate to the Ministry of Justice⁴⁴, providing state legal assistance to the poor and the needy, and paying state compensation to victims, as well as the State Probation Service⁴⁵, ensuring execution of sentences to be served in society and promoting the reintegration of former inmates. The Ministry of Health is under the authority of Health Inspectorate⁴⁶ supervising of the possibility of receiving health care services and their provision⁴⁷ and others.

It can therefore be concluded that any state institution may be involved in the implementation of the UN's international human rights obligations and, consequently, in the preparation of the national report.

The judiciary as an implementer of international human rights law

In Latvia, court cases shall be heard by district (city) courts, regional courts and the Supreme Court, but in the event of war or a state of emergency, also by military courts.⁴⁸ The Constitution states that judges are independent and subject only to the law.⁴⁹ The Law on Judicial Power supplements this norm with that the judicial power is exercised in conformity with the rule of law principle.⁵⁰

The rule of law principle also requires compliance with legality, i.e., that judicial proceedings in the Republic of Latvia shall be conducted in accordance with the laws and regulations of the Republic of Latvia, and judgments shall be proclaimed in the name of the Republic of Latvia. In the cases provided for by laws and international agreements, a court shall also apply the principles of international law, or the laws of other countries.⁵¹ In administering justice, a judge shall precisely fulfil the requirements of law, shall ensure the protection of the rights, freedoms, honour, and dignity of human beings, and shall be fair and humane.⁵²

⁴² [State Inspectorate for the Protection of Children Rights](#)

⁴³ [Administration of the Maintenance Guarantee Fund](#) (webpage available in Latvian)

⁴⁴ [Legal Aid Administration](#)

⁴⁵ [State Probation Service](#) (webpage available in Latvian)

⁴⁶ [Health Inspectorate](#)

⁴⁷ Section M of the [National Report of Latvia in the 3rd cycle of the UN Universal Periodic Review](#)

⁴⁸ Section 82 of the [Constitution of the Republic of Latvia](#); Section 1 of the [Law "On Judicial Power"](#)

⁴⁹ Section 83 of the [Constitution of the Republic of Latvia](#)

⁵⁰ Section 1 Paragraph 2 of the [Law "On Judicial Power"](#)

⁵¹ *Ibid.*, Section 18

⁵² *Ibid.*, Section 89 Paragraph 1

Latvian law doctrine recognises that the international human rights' protection regime differs from other international law regimes in that it has established a network of both judiciary and similar institutions aimed at ensuring the implementation of human rights.⁵³

If the legislator and the public administration correctly perform their functions by taking the necessary legislation and enforcing them, then human rights violations should not occur. Otherwise, the judiciary must be able not only to resolve the particular dispute, but also to exercise constitutional supervision, namely, to ensure that the legislation adopted is legal and proportionate to restrict human rights.⁵⁴

According to the above, any court in Latvia may be the perpetrator of international human rights law. The judiciary does not directly implement human rights in relation to policy planning documents and the adoption of regulatory enactments. However, apart from the direct application and interpretation of international human rights law in Latvia, courts have other instruments to influence them. It is useful to consider these instruments by type of court.

General Courts

The Constitutional Court has recognised that the task of the judicial power is to ensure that the implementation of norms of the Constitution, laws and other regulatory enactments, observance of general legal principles, as well as the protection of human rights and freedoms are guaranteed when examining each specific case. In a State governed by the rule of law, it is for the ordinary courts to be regarded as the most effective mechanism for determining, on a case-by-case basis, whether a reasonable balance has been struck between the rights of the person concerned and the public interest.⁵⁵

The General Court (district (city) courts, regional courts) shall rule on the following:

- Justice in civil cases shall be administered by a court examining and deciding in court hearings cases regarding disputes relating to the protection of the civil, employment, family, and other rights and lawful interests of natural and legal persons.⁵⁶
- Justice in criminal cases shall be administered by a court examining and deciding in court hearings the validity of charges brought against persons, and either acquitting innocent persons or finding persons guilty of committing a criminal offence and prescribing a punishment therefore.⁵⁷

⁵³ [I. Ziemele. Par cilvēktiesību iedzīvināšanas mehānismiem](#), Latvijas Vēstnesis, 22.05.1996., Nr. 88 (available in Latvian)

⁵⁴ Cilvēktiesības pasaulē un Latvijā. Inetas Ziemeles zinātniskajā redakcijā. Otrais papildinātais izdevums. Rīga: Tiesu namu aģentūra, 2021, p. 443 (available in Latvian)

⁵⁵ Article 10 of the [Constitutional Court decision of 13 October 2010 to terminate legal proceedings in case No. 2010-09-01](#) (available in Latvian)

⁵⁶ Section 5 of the [Law "On Judicial Power"](#)

⁵⁷ Ibid., Section 6

- Justice in administrative violation cases shall be administered by a court examining and deciding in court hearings cases regarding administrative violations committed by persons.⁵⁸

The General Court determines a court in civil matters in accordance with the Civil Procedure Law⁵⁹, in criminal matters under the Criminal Procedure Law⁶⁰ and in administrative infringement cases under the Law on Administrative Liability⁶¹.

As previously mentioned, without the direct application and interpretation of international human rights law, all those procedural laws provide for the possibility for the ordinary court to issue ancillary decisions, which may, inter alia, constitute violations of UN international human rights law. Thus, for example, Section 533(1) and (3) of the Criminal Procedure Law provides that a court may take an ancillary decision, simultaneously with a final ruling, in which violations of legal norms determined in a criminal case shall be indicated for the competent authority or official, as well as the causes and facilitating circumstances thereof, and the elimination thereof shall be requested. The authority or official who has received an ancillary court decision shall take the necessary measures and notify the court of its results not later than within one month.⁶²

Complaints in civil cases may be submitted to the Department of Civil Cases of the Senate of the Supreme Court and in criminal cases — in the Department of Criminal Cases of the Senate of the Supreme Court.⁶³ There is no cassation instance in administrative violation cases.

Administrative Courts

The Administrative Court shall adjudicate administrative cases, i.e., exercises control over an activity of the executive power which relates to the lawfulness and validity of a specific public law relation (an administrative act or the actual actions of an institution) and establishes the public legal obligations or rights of a person.⁶⁴

The basic objective of the Administrative Procedure Law is, among other things, to ensure respect for the basic principles of democracy and rule of law, especially human rights, in specific public legal relations between the State and a private person.⁶⁵ A court may take an ancillary decision if during examination of a case circumstances have been established which indicate a possible violation of legal provisions, and also in other cases. The ancillary decision shall be sent to the relevant authority. The court may determine in an ancillary decision a specific time for the performance of assignments as well as which authority shall provide a reply and the time period therefor.⁶⁶

⁵⁸ Ibid., Section 7 Paragraph 2

⁵⁹ [Civil Procedure Law](#)

⁶⁰ [Criminal Procedure Law](#)

⁶¹ [Law on Administrative Liability](#)

⁶² Similar norms in the Section 235 of the [Law on Administrative Liability](#) and Section 232 of the [Civil Procedure Law](#)

⁶³ Section 43 and 44 of the of the [Law “On Judicial Power”](#)

⁶⁴ Section 7(1) of the [Law “On Judicial Power”](#), Section 103 Paragraph 1 of the [Administrative Procedure Law](#)

⁶⁵ Section 2(1) of the [Administrative Procedure Law](#)

⁶⁶ Ibid., Section 288(1) and (2)

Administrative cases are examined in the first instance by the District Administrative Courts⁶⁷, which have five courthouses⁶⁸. The appellate instance in administrative cases is the Regional Administrative Court⁶⁹. Whereas, in cassation procedure administrative cases are reviewed in the Department of Administrative Cases of the Senate of the Supreme Court.⁷⁰

It is important to emphasise that in administrative cases the administrative courts, within the limits of the claim, in order to ascertain, within the limits of the claim, the true circumstances of the case and to achieve fair examination of an administrative case, a court shall give participants in the administrative procedure instructions and recommendations, and also collect evidence upon its own initiative.⁷¹

Constitutional Court

There is a Constitutional Court in Latvia, which, within its jurisdiction as provided for by law, reviews cases concerning the conformity of laws with the Constitution, as well as other cases conferred within the jurisdiction thereof by law. The Constitutional Court is entitled to declare laws or other enactments or parts thereof invalid.⁷²

In the context of this study, it should be emphasised that the Constitutional Court, inter alia, examines cases regarding:

- conformity of laws with the Constitution;
- conformity of international agreements signed or entered into by Latvia (also until approval of the relevant agreements by the Saeima) with the Constitution;
- conformity of other laws and regulations or parts thereof with the norms (acts) of a higher legal force;
- conformity of Latvian national legal norms with those international agreements entered into by Latvia that are not in conflict with the Constitution.⁷³

The way the Constitutional Court uses UN human rights law when analysing the content of the norms of national law can be found, for example, in the following judgments⁷⁴:

- judgment of 23 September 2002 “On the conformity of the Section 38 (1) Sentence 2 of the Law on the Election of the Saeima with Section 6, 8, 91 and 116 of the Constitution”⁷⁵;

⁶⁷ Section 122 of the [Administrative Procedure Law](#)

⁶⁸ [List of Administrative courts](#) (available in Latvian)

⁶⁹ Section 290 of the [Administrative Procedure Law](#)

⁷⁰ Sections 43 and 44 of the [Law “On Judicial Power”](#)

⁷¹ *Ibid.*, Section 25.¹

⁷² Section 85 of the [Constitution of the Republic of Latvia](#)

⁷³ Section 16(1), (2), (3) and (6) of the [Constitutional Court Law](#)

⁷⁴ These judgments are only illustrative, in the case-law of the Constitutional Court there are other judgments in which the disclosure of the content of national legal norms uses UN human rights law, which due to the limited scope of the research report is not possible to describe.

⁷⁵ [In this case, the Constitutional Court analyses what principles of electoral law derive from the International Covenant on Civil and Political Rights and how they are applicable to the national regulatory framework](#) (available in Latvian)

- judgment of 22 February 2010 “On the conformity of Section 33 of the Law “On Pre-election Campaign Before Local Government Elections” with the Section 100 of the Constitution of the Republic of Latvia”⁷⁶;
- judgment of the Constitutional Court of 27 December 2010 “On the conformity of Section 358 and Section 364 of the Civil Law with Section 96 of the Constitution of the Republic of Latvia”⁷⁷.

Describing the application and use of UN human rights law by Latvian courts, it is concluded in Latvian legal doctrine that in cases where human rights are concerned, the rulings of both the Senate and all other Latvian courts (including the Constitutional Court) are more often referred to the regional human rights treaties, such as the Convention on Human Rights and Fundamental Freedoms of the Council of Europe, including the EU Charter of Fundamental Rights, and the case-law resulting therefrom. UN Conventions or Covenants are generally used by courts if they or the norms contained therein do not have a regional equivalent, such as the UN Convention on the Rights of the Child.⁷⁸

For a provision not to remain a declaratory and abstract design, it must be put into effect — and it is usually done through the court, interpreting the content of the provision, and defining the limits of its scope. The content of UN law enforcement instruments — conventions and pacts — is first and foremost revealed by the relevant committees, whose main task is to monitor compliance with the relevant international instruments in the Member States⁷⁹. But these sources are not always uncontroversial. For example, the Department of Administrative Cases of the Senate of the Supreme Court in its judgment of 4 October 2017 in case No SKA -424/2017 (A420579912), when analysing the legal significance of the opinion of the UN Human Rights Committee, recognised that the State must consider in good faith the opinion of the UN Human Rights Committee, while it does not deprive the State of the right to disagree after careful reflection, if it does not reflect the true legal situation in the particular case.⁸⁰

When assessing the application of UN human rights law within the judiciary, there seems to be a reluctant approach, especially comparing the importance given to regional human rights law. In this context, the observations of the judge of the European Court of Human Rights, Martins Mits, appear to be significant regarding application of the UN human rights law: “Prioritisation of the European Convention on Human Rights makes no sense unless it is borne in mind that, first, universal human rights standards are equivalent in their binding nature to European standards and, secondly, universal human rights standards may impose more far-reaching obligations

⁷⁶ [In this case, the Constitutional Court analysed the content of freedom of expression enshrined in the International Covenant on Civil and Political Rights and its compliance with the scope of these rights included in the Constitution](#) (available in Latvian)

⁷⁷ [In this case, the Constitutional Court referred to the right to privacy enshrined in the International Covenant on Civil and Political Rights, the UN Convention on the Rights of Persons with Disabilities, as well as to the Thematic Report of the UN Human Rights Council on the UN Convention on the Rights of Persons with Disabilities](#) (available in Latvian)

⁷⁸ [Pūce, I. Apvienoto Nāciju Organizācijas komiteju vispārējie komentāri kā tiesību avots](#) (available in Latvian). A similar idea regarding the more frequent practice of the application of regional human rights law is also revealed in the report by [Mārtiņš Mits: Eiropas Cilvēktiesību standarti – izaicinājums vai rutīna?](#) (available in Latvian)

⁷⁹ [Pūce, I. Apvienoto Nāciju Organizācijas komiteju vispārējie komentāri kā tiesību avots](#) (available in Latvian)

⁸⁰ [Judgment of the Department of Administrative Cases of the Supreme Court in the case SKA-424/2017](#) (available in Latvian)

on states than European standards. From the point of view of Latvian law, courts must apply the most far-reaching human rights standard. In other words, the Europeanisation of Latvia should not lead to the marginalisation of universal human rights standards. Therefore, when discussing human rights issues within Europe, it is important not to lose sight of the full spectrum of rights.”⁸¹

Ombudsman

The Ombudsman and the Ombudsman’s Office play an important role in the structure of Latvian national human rights institutions.⁸²

The Ombudsman is an official approved in accordance with the procedures laid down in this Law who performs the functions and tasks specified by the Law. No one has the right to influence the Ombudsman in the performance of his or her functions and tasks.⁸³

The functions of the Ombudsman will include:

- 1) promoting the protection of human rights of private individuals;
- 2) promoting the compliance with the principles of equal treatment and prevention of any kind of discrimination;
- 3) evaluation and promoting the compliance with the principles of good administration (good governance) in the State administration;
- 4) discovering deficiencies in the legislation and the application thereof regarding the issues related to the observance of human rights and the principle of good administration, and also to promote the rectification of such deficiencies;
- 5) promoting the public awareness and understanding of human rights, of the mechanisms for the protection of such rights and the activities of the Ombudsman.⁸⁴

In the exercise of the functions, the Ombudsman shall, inter alia, have the task of providing recommendations to the Saeima, the Cabinet, local governments or other institutions in respect of the issuance of or amendments to the legislation and to conduct research and analyse the situation in the field of human rights, and also provide opinions regarding the topical human rights issues.⁸⁵

The Ombudsman has the right to:

- submit an application regarding the initiation of proceedings in the Constitutional Court if an institution that has issued the disputable act has not rectified the established deficiencies within the time limit stipulated by the Ombudsman;
- protect the rights and interests of a private individual in an administrative court if it is necessary in the public interest;
- apply to a court in such civil cases where the nature of the action is related to a violation of the prohibition of differential treatment;
- consult other competent institutions in order to decide the issue regarding the initiation of proceedings;

⁸¹ [Martins Mits. Eiropas Cilvēktiesību standarti – izaicinājums vai rutīna?](#) (available in Latvian)

⁸² Section 18 of the [Ombudsman Law](#)

⁸³ Ibid. Sections 3 and 4

⁸⁴ Ibid., Section 11

⁸⁵ Ibid., Section 12

- take participate in the Cabinet meetings in the advisory capacity.⁸⁶

The Ombudsman may establish advisory councils and working groups to develop individual projects or prepare questions.⁸⁷ For example, the Ombudsman established an Advisory Council on the legal framework for partnership in 2011.⁸⁸ In August 2011, the Ombudsman also established an Advisory Council on access to education.⁸⁹ On 18 October 2013, the Ombudsman's Advisory Council on healthcare was established to assess the actual health situation in Latvia⁹⁰, inter alia, in the context of Article 12 of the International Covenant on Social, Economic and Cultural Rights.

Ombudsman's opinions and conclusions are of recommendatory nature.⁹¹ On shortcomings and necessary improvements regarding human rights, the Ombudsman draws up an annual report and submits it to the Parliament and the President.⁹² The aim of the report is that, as an expert in the field, the Ombudsman, in direct contact with the legislator, identifies and particularly raises problems that require solution, since the Ombudsman does not have a coercive mechanism and the right of legislative initiative. The Parliament, on the other hand, has instruments of power that the Ombudsman does not have. The President of Latvia as the second addressee has been chosen to act with his authority and right of legislative initiative if the Parliament does not have the political will/sufficient support to solve the problem or does not act for another reason.

The Ombudsman also has the right to submit reports to the Parliament, its Committees, the President, the Cabinet, the public administration institutions and international organisations on certain issues.⁹³

The Ombudsman combines the following mandates:

⁸⁶ Section 13 of the [Ombudsman Law](#)

⁸⁷ Ibid., Section 14

⁸⁸ On 26 January 2012 the Ombudsman sent his opinion to the Human Rights and Public Affairs Committee and the Legal Committee of the Saeima on the legal framework of the partnership and invited the Saeima to make amendments to several legal provisions relating to the protection of patients' rights, prevention of conflicts of interest, procedural legal norms, social rights, and the right to information. See [Ombudsman's Annual Report 2011](#), p. 112, 118, 119, 142 (available in Latvian). See also [Advisory Council regarding legislation on partnership](#) (available in Latvian)

⁸⁹ [Ombudsman's Annual Report 2011](#), p. 30. The work of this Advisory Council resulted in Ombudsman's report in May 2012 on the provision of basic and general secondary education free of charge in educational institutions established by local government. See. [Ombudsman's Annual Report 2012](#), p. 119.

⁹⁰ [Advisory Council on healthcare](#). Work of this Advisory Council resulted in the conclusion that although health care system in Latvia is one of the most regulated, it is one of the most unclear areas, the Ombudsman informed the Parliament. See [Ombudsman's Annual Report 2016](#), p. 189 (available in Latvian).

⁹¹ Section 25(4) of the [Ombudsman Law](#)

⁹² Ibid., Section 15(1)

⁹³ Ibid., Section 15(2)

- **National human rights institution** in accordance with the Paris Principles⁹⁴
- **The Ombudsman**, in accordance with the Venice Principles⁹⁵
- **Children’s Ombudsman** in accordance with the Law on the Protection of the Children's Rights⁹⁶
- **Independent monitoring mechanism for the rights of persons with disabilities** under the Convention on the Rights of Persons with Disabilities⁹⁷
- **National Preventive Mechanism** under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁹⁸
- **A mechanism for monitoring** forced returns under the Immigration Law⁹⁹
- **Equality body** in accordance with European Union directives¹⁰⁰
- **A complaint-handling mechanism on the accessibility of websites or mobile applications** in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies¹⁰¹.

To summarise the role of the ombudsman in the human rights structure of Latvia, it should be concluded that the Ombudsman has wide possibilities to influence implementation of human rights in any field of human rights, including the implementation of UN human rights law.

CSO Engagement Platforms

In the practical implementation of international human rights law, extensive cooperation structures — advisory councils, working groups, different formats of discussions, which can be permanent or one time — have been set up within the relevant institutions. Considering the limited capacity of this research, this chapter provides information on the most important cooperation platforms for the involvement of non-governmental organisations (CSOs). A comprehensive analysis of these platforms should be subject to separate research.

National Council for Disability as a Platform for Participation

To promote cooperation between institutions and to involve civil society organisations in decision-making related to promoting the integration of persons with disabilities,

⁹⁴ UN General Assembly Resolution 48/134 of 20 December 1993 [Principles relating to the Status of National Institutions \(The Paris Principles\)](#)

⁹⁵ [Council of Europe Commission for Democracy through Law \(Venice Commission\) Principles for the Protection of Ombudsman Institutions \(The Venice Principles\)](#)

⁹⁶ Section 65² of the [Law on the Protection of the Children's Rights](#)

⁹⁷ Section 2 of the [Law on Convention on the Rights of Persons with Disabilities](#)

⁹⁸ Section 3 of the [Law On the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#)

⁹⁹ Section 50.⁷ of the [Immigration Law](#)

¹⁰⁰ Law of the Ombudsman, Information reference to European Union directives, <https://likumi.lv/ta/id/133535>

¹⁰¹ [Directive \(EU\) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies](#) and Cabinet Regulation No 445 of 14 July 2020 “[Procedures for Publishing Information on the Internet by Institutions](#)”

the Ministry of Welfare has established the National Council for Disability Matters.¹⁰² The National Council for Disability Matters is a consultative institution that participates in the development and implementation of policies for the integration of persons with disabilities.

National Council for Disability Matters:

- coordinates and improves the activities of state, local government and other institutions, as well as non-governmental organisations, legal and natural persons in order to promote the integration of persons with disabilities;
- promote public participation and promote policies for the integration of persons with disabilities;
- implements policies for the integration of persons with disabilities, promotes the inclusion of related issues in the work (action) plans of ministries;
- prepares draft legislation and development planning documents, develops proposals to better implement measures to promote the integration of persons with disabilities;
- coordinates the implementation of the United Nations Convention on the Rights of Persons with Disabilities at cross-sectoral level.

The Council may set up working parties to prepare matters falling within the remit of the Council, to invite experts to analyse and address issues related to the integration of persons with disabilities.¹⁰³

The National Council for Disability Matters consists of: the Minister of Welfare (Chairman of the Council), the Minister of Education and Science, the Minister of Economics, the Minister of Health, the Minister of Environmental Protection and Regional Development, the chairman of the Association of Local Governments of Latvia, the chairman of the Public Utilities Commission, the president of the Latvian Association of the Deaf, the chairman of the Central Board of the Association of the Blind, the Chairman of the Board of the Association "Rīgas pilsētas "Rupju bērns"", the Chairman of the Board of the Association of Disabled and their Friends "Apeirons", director of the Secretariat of the Society Integration Foundation, Chairman of the Free Trade Union Confederation of Latvia, President of the Latvian Paralympic Committee, Director of the Resource Centre for People with Mental Disorders "Zelda", Director General of the Association "Employers' Confederation of Latvia". The Ombudsman or his/her authorised representative may attend meetings of the Council in an advisory capacity.¹⁰⁴

Thus, the implementation of the UN Convention on the Rights of Persons with Disabilities has a framework in which stakeholders are widely involved at a horizontal level.

Gender Equality Committee as a participatory platform

The Gender Equality Committee is to be noted as a special platform in the national human rights structure in Latvia. It is a consultative body in the field of equal rights and opportunities for women and men. It aims to promote cooperation and participation

¹⁰² Cabinet Regulation No. 561 of 29 June 2004 "[By-laws of the National Council for Disability Matters](#)" (available in Latvian)

¹⁰³ Ibid., Articles 3 and 4

¹⁰⁴ Ibid., Articles 5 and 5.1

of institutions of direct public administration, non-governmental organisations, social partners, local authorities, and other stakeholders to facilitate the planning, implementation, monitoring and improvement of policies on equal rights and opportunities for women and men.

The Gender Equality Committee is composed of representatives from sectoral ministries, the State Chancellery, the office of the Representative of the CoM, social partners, seven CSOs, as well as the Nordic Council of Ministers' Office in Latvia. A representative of the Ombudsman's Office shall also participate in the meetings of the Gender Equality Committee as an independent observer. The work of the Gender Equality Committee is chaired by the State Secretary of the Ministry of Welfare.¹⁰⁵

In addition, the meetings of the Gender Equality Committee examine gender-sensitive policy measures in different sectors, such as reconciliation of work and family life, prevention of domestic violence and violence against women, health, education, and EU and international developments. During its meetings, the regular sessions of the Commission on the Status of Women of the United Nations Council for Economic and Social Affairs and the latest developments related to international human rights conventions were also discussed.¹⁰⁶

The involvement of the Gender Equality Committee in the national human rights structure of Latvia is characterised, for example, by the fact that the working group set up by the Gender Equality Committee to reduce segregation in education in 2013 developed recommendations "Balancing of the Number of Women and Men and Gender Mainstreaming in Educational Process and Content at Pre-school, General, Vocational and Higher education Levels in Latvia by 2020" and sent the recommendation to the authorities involved in the educational policy making.¹⁰⁷

Memorandum Council

As has already been pointed out in the chapter on the implementation of human rights in the procedural dimension of the executive power, the Memorandum Council has an important role to play in dealing with human rights issues.¹⁰⁸ It is a consultative body

¹⁰⁵ [Gender Equality Committee](#) (available in Latvian)

¹⁰⁶ Article 142 (p. 25) of the [General Basic Document of the Republic of Latvia for 2002-2016](#) (available in Latvian), for example, according to Article 4 of the [Combined IV-VII periodic report of the Republic of Latvia on the implementation of the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women 1 January 2005 - 31 December 2017](#) the Report was examined and discussed at the 23rd meeting of the Committee on Gender Equality

¹⁰⁷ Article 136 of the [Combined IV-VII periodic report of the Republic of Latvia on the implementation of the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women 1 January 2005 - 31 December 2017](#)

¹⁰⁸ Article 74 of the [Rules of Procedures of the Cabinet](#)

whose purpose is to contribute to the achievement of the objectives¹⁰⁹ set out in the Memorandum of Cooperation between Non-Governmental Organisations and the Cabinet of Ministers, namely, to promote the functioning of public administration that is efficient and in line with public interests by ensuring the development and involvement of civil society in decision-making processes at all levels and stages of public administration, thus contributing to the participation and development of a fundamental element of a democratic state — civil society.¹¹⁰

To ensure the involvement of civil society in decision-making processes and to promote the functioning of public administration in accordance with the public interest, the Memorandum Council has the right to delegate representatives to the meetings of State Secretaries, to the meetings of the Cabinet Committee and meetings of the National Tripartite Cooperation Council and to other formats as necessary.¹¹¹

Other platforms

The National Tripartite Cooperation Council (NTCC) — coordinates and organises tripartite social dialogue between employers' organisations, state institutions and trade unions to reconcile the interests of these organisations in social and economic matters as an important platform for cooperation at national level. On parity basis, the NTCC consists of representatives nominated by the government, the Employers' Confederation of Latvia, and the Free Trade Union Confederation of Latvia.¹¹²

Consultative bodies with the involvement of CSOs and experts for the promotion of human rights in their areas of competence have been set up in several sectoral ministries. For example, the Advisory Council on Minority Education of the Ministry of Education and Science¹¹³ promotes the exchange of different public views and encourages discussions on how to promote the implementation of high-quality education in minority schools¹¹⁴. The Youth Advisory Council ensures the coordination of youth policies and promotes the participation of young people in decision-making and in public life.¹¹⁵

The Ministry of Culture has established an Advisory Council of representatives of minority CSOs, which is a consultative body aimed at promoting the participation of CSOs, the formation of civil society, the development of ethnic policy, minority rights and culture.¹¹⁶

The President of Latvia has established a number of consultative bodies whose task is to assess the situation and make proposals, including in areas related to human rights.

¹⁰⁹ [Memorandum of Cooperation between non-governmental organisations and the Cabinet of Ministers](#) (available in Latvian)

¹¹⁰ Ibid., Article 1

¹¹¹ [Memorandum Council](#) (available in Latvian); Delegation Representatives takes place in accordance with the [“Procedures by which the Council for the Implementation of the Memorandum of Cooperation between Non-Governmental Organisations and the Cabinet of Ministers delegates \(including criteria\) to participate in various cooperation and monitoring mechanisms”](#) approved by the Council on 26 May 2021 (available in Latvian)

¹¹² [National Tripartite Cooperation Council](#) (available in Latvian)

¹¹³ [Advisory Council on Minority Education](#) (available in Latvian)

¹¹⁴ Article 14 of the [National Report of Latvia in the 3rd cycle of the UN Universal Periodic Review](#)

¹¹⁵ [Youth Advisory Council of the Agency for International Youth Programmes](#)

¹¹⁶ [Advisory Council of representatives of minority non-governmental organisations](#) (available in Latvia)

For example, the Minority Advisory Council¹¹⁷ aims to promote dialogue on ethnic, cultural, linguistic, and religious identity of minorities, as well as to support the promotion of minority social and political participation. The Council provides opinions on topical minority issues, as well as evaluates and expresses its opinion on the basic principles of national autonomy of minorities. In 2015, the Commission for the Improvement of the Legal Environment was established, with the aim to provide an expert view on issues of national defence, improvement of the functioning of the judicial system, efficiency of legislation and other issues of national importance.¹¹⁸

In addition to these platforms, the Ministry of Welfare also has a Sub-Council for Tripartite Cooperation on Labour Affairs¹¹⁹, Steering Committee on Social Inclusion Policy¹²⁰, Council for Senior Affairs¹²¹, Cooperation Council of Social Work Professionals¹²², Training Commission for the Determination of Training Areas, Education Programmes, Occupations Social and Professional Skills¹²³, and the Council on Social Services' Development¹²⁴. The Ministry of Welfare also serves as a secretariat for the Council on Demographic Affairs¹²⁵.

It is clear from this analysis that a wide range of platforms and discussion formats on a wide range of human rights aspects have been established to discuss various issues, to listen to the public and to engage. However, discussions with CSO representatives have shown that cooperation is not always as successful in practice. Most often, CSO representatives point to the following individual circumstances:

- in some cases, the views of CSOs on issues of importance to them are not sought. Some CSOs acknowledged the availability of the TAP portal, where various policy initiatives and draft legislation can be found and get involved, but CSOs do not have sufficient human resources to monitor it regularly, i.e., they do not have the possibility to have a person to systematically and continuously keep up with all the policy planning documents on the TAP portal;
- cooperation with Parliamentary Committees is more successful, as CSO representatives are specifically invited to speak and give their views, although, in the opinion of individual CSOs, the format of the remote work has reduced the level and quality of discussion and full involvement;
- sometimes late requests are made, i.e., insufficient time to prepare the opinion, sometimes only one day;
- in some cases, CSOs pointed that the invitation to participate and engage is rather formal, they feel that sometimes public authorities have no interest in

¹¹⁷ [Minority Advisory Council](#) (available in Latvian)

¹¹⁸ [Commission for the Improvement of the Legal Environment](#) (available in Latvian)

¹¹⁹ [Sub-Council for Tripartite Cooperation on Labour Affairs](#) (available in Latvian)

¹²⁰ [Steering Committee on Social Inclusion Policies](#) (available in Latvian)

¹²¹ [Council for Senior Affairs](#) (available in Latvian)

¹²² [Cooperation Council of Social Work Professionals](#) (available in Latvian)

¹²³ [Training Commission for the Determination of Training Areas, Education Programmes, Occupations Social and Professional Skills](#) (available in Latvian)

¹²⁴ [Council on Social Services' Development](#) (available in Latvian)

¹²⁵ [Council on Demographic Affairs](#) (available in Latvian)

CSOs' views, especially on "uncomfortable" issues where there is a lack of political support.

National Reports to International Institutions

Most international human rights law to which Latvia has acceded obliges Member States to report regularly to international organisations on legislative, judicial, administrative, or other measures taken to implement the provisions of the Convention and on the progress made in this respect (hereinafter referred to as the National Report).¹²⁶

To understand how Latvia ensures compliance with this obligation, it is necessary to clarify several aspects:

- 1) **availability of information** to assess the functioning of the reporting mechanism requires, first and foremost, how easy and conveniently information on reporting obligations, reports, conclusions and reporting deadlines can be obtained;
- 2) **coordination capacity**, i.e., how the information required for the national report is collected and compiled;
- 3) **participatory capacity**, whether and how independent human rights actors, such as CSOs, universities, national human rights institution, are involved in the drafting of the report; whether these participants have sufficient information and opportunities to submit alternative or parallel reports;
- 4) **management capacity** of the Member State to ensure that the national report is submitted within the deadline.

Availability of information

When looking at international human rights documents that establish regular reporting obligations for Member States, it is necessary to note that not all of them are available in Latvian on the official legal portal of the Republic of Latvia likumi.lv. Searching for conventions that the Ministry of Foreign Affairs has identified as “Main International Human Rights Conventions binding on Latvia”, a total of ten¹²⁷, it can be found that, for example, the International Covenant on Economic, Social and Cultural Rights¹²⁸ and the Convention on the Elimination of All Forms of Racial Discrimination¹²⁹ are not available on the official portal likumi.lv.

The UN Convention on the Rights of Persons with Disabilities, which is clearly a human rights convention binding on Latvia, can be found on the portal likumi.lv, however, it is not mentioned at all in the Annex of the General Basic Document of the Ministry of Foreign Affairs.

¹²⁶ Article 40 of the [International Covenant on Civil and Political Rights](#); Article 16 of the [International Covenant on Economic, Social and Cultural Rights](#); Article 18 of the [Convention on the Elimination of All Forms of Discrimination against Women](#), etc.

¹²⁷ Annex of the [General Basic Document of the Republic of Latvia for 2002-2016](#) (available in Latvian)

¹²⁸ [Translation the International Covenant on Economic, Social and Cultural Rights in Latvian is available on the website of the State Language Centre](#)

¹²⁹ [Translation of the Convention on the Elimination of All Forms of Racial Discrimination in Latvian is available on webpage of the State Language Centre](#)

This does not give a clear and convincing impression that all human rights conventions binding on Latvia are available in one place in a clear and understandable system.

As regards the availability of national reports, it can be noted that the government regulations specifically mention six international human rights instruments, i.e., the Representative of the CoM draws up national reports and present them to the relevant UN monitoring mechanism on the enforcement of the following UN human rights conventions in Latvia:

- 1965 Convention on the Elimination of All Forms of Racial Discrimination,
- 1966 International Covenant on Civil and Political Rights,
- 1966 International Covenant on Economic, Social and Cultural Rights,
- 1979 Convention on the Elimination of All Forms of Discrimination against Women,
- 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- 1989 Convention on the Rights of the Child.¹³⁰

Information on these six conventions can be found in one place on the webpage of the Ministry of Foreign Affairs.¹³¹ There are also national reports on each reporting period and final conclusions of the relevant UN Committees in Latvian and English. Not all documents have translations in Latvian.¹³² However, this applies more to reports and conclusions submitted in earlier years. Reports and conclusions of recent years are available in Latvian. At the same time, it should be noted that no information can be found when Latvia will have to submit the next report. Information can be found in the specific concluding observations of the respective UN Committees. Such information is also available on the UN website.¹³³ However, to find it, the user needs to know where and how exactly to search for the particular information.

As these are not the only conventions that include regular national reporting obligation, the Convention on the Rights of Persons with Disabilities is addressed. According to the Law on Convention on the Rights of Persons with Disabilities, the Ministry of Welfare coordinates the implementation of obligations provided for in the Convention.¹³⁴ Accordingly, on the website of the Ministry of Welfare, the section “UN Convention on the Rights of Persons with Disabilities” contains a link to the National Report on the Implementation of the Convention in Latvia for the period from 31 March 2010 to 31 December 2013” (initial report), which takes it to the Government website. In this section, you can also find the final conclusions of the relevant UN Committee in Latvian and English on the specific report, as well as additional working material and an

¹³⁰ Article 12 of the [Procedure of Representation in the International Human Rights Institutions](#) (available in Latvian)

¹³¹ [Representative of Latvia in the international human rights institutions](#) (available in Latvian)

¹³² See, for example, the Initial report of the Republic of Latvia on the implementation of the [1966 Covenant on Civil and Political Rights in the Republic of Latvia](#) (page available in Latvian); Second Periodic Report of the Republic of Latvia on the Implementation of the [1989 Convention on the Rights of the Child 2001 until 1 March 2004](#) (page available in Latvian)

¹³³ [United Nations website](#)

¹³⁴ Section 2 of the [Law on Convention on the Rights of Persons with Disabilities](#)

indication of reports submitted by non-governmental organisations with a link to the UN website.¹³⁵

However, according to the information available on the UN website on this Convention, on 17 September 2021 Latvia has submitted the Combined Second and Third Periodic Report under the Convention.¹³⁶ No specific report can be found on the homepage of the Ministry of Welfare. General information that such a report has been prepared and approved by the government can be found only on the Ministry's webpage as a news item.¹³⁷ Accordingly, it is possible to find out in which government session the national report is viewed, so there is an opportunity to find it in the agenda documents of the particular government meeting on the TAP portal.¹³⁸ As in the case of the Ministry of Foreign Affairs, there is no indication here as to when the next report is to be submitted.

This study will address another important national report, submitted within the framework of the UN Universal Periodic Review. These reports are not found on the webpage of the Ministry of Foreign Affairs, nor are there any indications that they have been drawn up. According to the UN, Latvia has submitted three reports on the human rights situation under the UN Universal Periodic Review of the United Nations.¹³⁹ These reports are available in English on the UN webpage, however, it is possible to find them in Latvian only by studying the text of the reports, where you can find a specific indication of the date when it had been approved by the government (in the first report),¹⁴⁰ according to what it can be found on the TAP portal. Accordingly, such dates are not included in the next two reports and can only be found on the TAP portal using specific search key word and period.

It can therefore be concluded that information on national reports in Latvia is available in a fragmented, unclear and non-transparent manner. The most complete information is available on the UN website; however, it is important to emphasise that it is essential for the participants of the human rights system in Latvia to find such information in one place logically, sequentially arranged, and accessible in Latvian, including with indications when the next national report is to be submitted. Moreover, such a situation is not in line with the obligation imposed by the Conventions on a Member State to ensure that reports are made available to the general public in its territory.¹⁴¹

¹³⁵ [Information on the UN Convention on the Rights of Persons with Disabilities on the webpage of the Ministry of Welfare](#) (page available in Latvian)

¹³⁶ [Combined Second and Third Periodic Report of Latvia on the implementation of the UN Convention on Rights of Persons with Disabilities](#)

¹³⁷ [MoW publication on the Report regarding progress of implementation of the UN Convention on the Rights of Persons with Disabilities](#) (available in Latvian)

¹³⁸ [Information Report on the "Joint Second and Third Reports of the Republic of Latvia on Implementation of the United Nations Convention on the Rights of Persons with Disabilities of 13 December 2006 in the Republic of Latvia from 1 January 2017 to 31 December 2019"](#) (available in Latvian)

¹³⁹ [UN Human Rights Council webpage on the UPR on Latvia](#)

¹⁴⁰ [Article 2 of the National Report of Latvia in the 3rd cycle of the UN Universal Periodic Review](#)

¹⁴¹ See, for example, Article 44(6) of the [Convention on the Rights of the Child](#)

Coordination Capacity

As mentioned above, the Representative of the CoM is one of the central coordinating bodies in the framework of the UN International Human Rights Enforcement Mechanisms.¹⁴²

In the context of the preparation and examination of national reports, the representative of the Cabinet of Ministers shall, inter alia:

- In accordance with UN guidelines, compile the information provided by the authorities responsible for the implementation of UN Conventions in Latvia in the National Report. The Minister of Foreign Affairs submits the National Report to the Cabinet of Ministers.
- Compile the additional information requested under the UN Convention monitoring mechanisms and submit it to the UN;
- after examination of the National Report, provide the translation into Latvian of the concluding observations of the mechanisms for monitoring the implementation of the UN Conventions, publication in the official publication *Latvijas Vēstnesis* and dissemination thereof.¹⁴³

Initially, in the period up to mid-2014, working groups were set up for the preparation of reports, which were also defined by the government's rules accordingly.¹⁴⁴ Later reports indicate that the Ministry of Foreign Affairs prepared them upon receiving information from other sectoral ministries.¹⁴⁵ There is a different approach to the UN Convention on the Rights of Persons with Disabilities, where the information to be included in the report is compiled by the Ministry of Welfare. Information is received from the responsible sectoral ministries. Ministries responsible for the relevant issues covered by the international human rights document are involved as shown in Table 1 below. As can be seen from the table, the Prosecutor General also provides a report on the fulfilment of obligations under certain conventions. In rare cases, especially when working groups are established, certain executive bodies, such as the State Inspectorate for the Protection of Children Rights and the Central Statistical Bureau, are also involved in the assessment of the obligations laid down in the Convention of the Rights of the Child.

¹⁴² [Information on the Representative of Latvia in the international human rights institutions](#) (available in Latvian)

¹⁴³ Article 12 of the [Procedure of Representation in the International Human Rights Institutions](#) (available in Latvian)

¹⁴⁴ Article 7(1) of the [Regulations Regarding the Representation of the Cabinet of Ministers in International Human Rights Institutions](#) (in force from 20 March 1998 to 3 July 2014; available in Latvian)

¹⁴⁵ See, for example, Article 3 of the [Report of Latvia in the framework of the second cycle of the Universal Periodic Review](#); or Article 2 of the [Combined Second to Sixth Periodic Report of the Republic of Latvia on the Implementation of the 1966 International Covenant on Economic, Social and Cultural Rights in Latvia 2008-2017](#)

Table No 1

1965 UN Convention on the Elimination of All Forms of Racial Discrimination ¹⁴⁶	1966 UN Covenant on Civil and Political rights ¹⁴⁷	1966 UN Covenant on Economic, Social and Cultural Rights ¹⁴⁸	1979 UN Convention on the Elimination of All Forms of Discrimination against Women ¹⁴⁹	1984 UN Convention against Torture, Inhuman and Cruel Treatment ¹⁵⁰	1989 UN Convention on the Rights of the Child ¹⁵¹	2006 UN Convention on the Rights of Persons with Disabilities ¹⁵²	Overview of the human rights situation in the country (UPR) ¹⁵³
MoE	MoD MoCFA MoE	MoE MoF			MoE	No specific information in the Report, reference to sectoral ministries	
MoI MoES	MoI MoES MSASI	MoI MoES	MoI MoES	MoI	MoI MoES		MoI MoES
MoC MoW	MoC MoW MoRDLG	MoC MoW	MoC MoW	MoW	MoC MoW MoRDLG		MoW
MoJ	MoJ	MoJ MoT	MoJ	MoJ	MoJ		MoJ
MoH	MoH	MoH	MoH MoEPRD	MoH	MoH		MoH MoEPRD
PG	PG			PG	PG CSB SIPCR		PG

The representative of the CoN explains that ministries are usually given approximately one month to prepare and submit information on the National, which is considered sufficient. Also, there are no difficulties with the coordination and coherence of topics within several reports, as the ministries know their field best.

In general, it can be concluded that there are no difficulties at the executive level in collecting and compiling complete information in the preparation of National Reports.

¹⁴⁶ Article 3 of the [Sixth to Twelfth Combined Periodic Report on the Implementation of the 1965 Convention On The Elimination of all Forms Of Racial Discrimination in Latvia between 2008 And 2016](#)

¹⁴⁷ Article 3 of the [Third Periodic Report on the Implementation of the 1966 International Covenant on Civil and Political Rights](#) (page available in Latvian)

¹⁴⁸ Article 2 of the [Combined second to sixth periodic report of the Republic of Latvia on the implementation of the 1966 United Nations Covenant on Economic, Social and Cultural Rights in 2008-2017](#)

¹⁴⁹ Article 3 of the [Combined fourth, fifth, sixth and seventh periodic report of the Republic of Latvia on the implementation of the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women 1 January 2005 – 31 December 2017](#)

¹⁵⁰ Article 4 of the [Sixth periodic report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from 1 January 2014 to 31 December 2016](#)

¹⁵¹ Article 3 of the [Consolidated \(Third, Fourth and Fifth\) Periodic Report of the Republic of Latvia on Implementation of the United Nations Convention on the Rights of the Child, 20 November 1989, in the Republic of Latvia for the period 1 January 2004 – 30 June 2012](#)

¹⁵² Article 10 of the [Joint Second and Third Report of the Republic of Latvia on implementation of the United Nations Convention on the Rights of Persons with Disabilities of 13 December 2006 in the period from 1 January 2017 to 31 December 2019](#)

¹⁵³ Article 3 of the [National Report of Latvia in the 3rd cycle of the UN Universal Periodic Review](#)

Participatory Capacity

In the assessment of the human rights situation, international human rights law considers participation of civil society, the involvement of academia and independent monitoring mechanisms as very important.

Previous National Reports show that working groups, if any, included CSOs representing the sector and, as far as possible, the national human rights institution - the State Human Rights Office (later - Ombudsman's Office).¹⁵⁴ The initial reports show that participants from the academia were also involved in the formation of the national position, such as the Institute for Human Rights of the Faculty of Law of the University of Latvia (2002)¹⁵⁵ and the Centre for Human Rights Studies and Research of the University of Latvia (2013).¹⁵⁶

If a separate working group is not established, the responsible ministry submits the draft national report to non-governmental organisations representing the sector and the Ombudsman's Office for comment.¹⁵⁷

At present (in the period since 2013) there is no need to comment on the national report from universities or research institutes. The Representative of the CoM points out that there is no such practice, as there are no scientific research centres in Latvia, institutions specifically engaged in in-depth research on human rights issues.

There are different practices on when CSOs and the Ombudsman's Office provide their comments or opinions on the National Report, and not all national reports contain such information.¹⁵⁸ Whereas in some reports it is particularly emphasised that the Ombudsman has provided opinion on the report and that the draft report was specifically discussed with representatives of CSOs.¹⁵⁹

Several CSOs¹⁶⁰ have indicated that the period the ministries are open to comments is disproportionately short, i.e., usually it is two weeks. Organisations have pointed out that in such a short period of time, given the resources and capacity of CSOs, it is not possible to give a comprehensive comment. All the CSOs addressed indicated the lack of time, human and financial resources. To provide a comprehensive comment, a

¹⁵⁴ Article 2 of the [Initial Report of the Republic of Latvia on the Implementation of the 1966 International Covenant on Economic, Social and Cultural Rights in the Republic of Latvia until 1 January 2002](#)

¹⁵⁵ Ibid.

¹⁵⁶ Article 3 of the [Consolidated \(third, fourth and fifth\) Periodic national report of the Republic of Latvia on the implementation of the 1989 UN Convention on the Rights of the Child between 1 January 2004 and 30 June 2012](#)

¹⁵⁷ Article 10 of the [Joint Second and Third Report of the Republic of Latvia on implementation of the United Nations Convention on the Rights of Persons with Disabilities of 13 December 2006 in the period from 1 January 2017 to 31 December 2019](#), and Article 3 of the [National Report of Latvia in the 3rd cycle of the UN Universal Periodic Review](#)

¹⁵⁸ See, for example, the [Combined second to sixth periodic report of the Republic of Latvia on the implementation of the 1966 United Nations Covenant on Economic, Social and Cultural Rights in 2008-2017](#)

¹⁵⁹ See, for example, Articles 3 and 4 of the [Combined fourth, fifth, sixth and seventh periodic report of the Republic of Latvia on the implementation of the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women 1 January 2005 – 31 December 2017](#)

¹⁶⁰ From the interviews with the Resource Centre for People with Mental Disorders "Zelda" and "Save the Children"

longer period of time is required, as well as adequate funding for the work of CSO experts.

However, CSOs emphasise the importance of the opinion of civil society in the National Report, given that the responsible ministries usually explain the legal framework that is often written perfectly from the point of view of law, but the biggest challenges are in practical implementation, so that the voice of CSOs is important to highlight shortcomings in the application of the law.¹⁶¹

It should be noted that ministries always invite the Ombudsman's Office to comment on any National Report. The decision to comment or submit an alternative report depends on the subject framework. The Ombudsman usually gives a comment on those sections where specific information on the Ombudsman's role and performance as the national human rights institution in the context of the report. On the other hand, if the Ombudsman has identified any shortcomings in the legal framework and in the application of legal provisions, he most often would decide to provide an alternative report.

According to the Ministry of Foreign Affairs, to ensure comprehensive and objective examination of the report, the responsible UN committee invites CSOs, public organisations and others to submit alternative reports, which the Committee considers upon examination of the reports and concluding observations submitted by Latvia. Traditionally, CSOs submit their reports directly to the committee.¹⁶²

Non-governmental organisations note the following issues for the submission of alternative reports:

- lack of capacity (financing of the expert; time resource);
- lack of information (the lack of common information on both when the next report will be delivered and that the country has submitted the national report and the availability of the report itself);
- lack of knowledge (several CSOs pointed to the need for training to understand how to better shape the alternative report and guide it to UN bodies);
- lack of finance for representation in the UN (representation process at the UN is expensive, mission expenses that CSOs cannot afford).

Most of the CSOs surveyed indicated that they would be interested in submitting alternative reports if there were timely information available in one place on when the country was going to provide the next national report and had sufficient capacity.

¹⁶¹ From the interviews with the Latvian Centre for Human Rights

¹⁶² [Information on the documents regarding the 1966 International Covenant on Civil and Political Rights](#) (page available in Latvian)

Management Capacity

According to Conventions, the initial National Reports are to be submitted within one or two years of the entry into force of the Convention in the Member State, while periodic reports are to be submitted at the request of the Committee or at a certain frequency, mostly every two¹⁶³, four¹⁶⁴ or five¹⁶⁵ years.

The experience in complying with the reporting deadlines on the relevant Conventions is shown in Table 2.

Table 2

Convention	Entry into force	Initial report		Periodic Report	Periodic Report	Periodic Report	Periodic Report
Convention on the Elimination of All Forms of Racial Discrimination	14 May 1992	Report I-III		IV-V	V-XII	XIII-IVX	
		Submission due	14 May 1993	14 May 1999	14 May 2007	14 May 2021	
		Submitted	17 Sept. 1998	08 April 2002	12 Oct. 2017	—	
		Delay	5 years and 4 months	3 years	10 years and 5 months	2 years	
International Covenant on Civil and Political Rights	14 July 1992	Report I		II	THE III	THE IV	
		Submission due	14 July 1993	14 July 1998	01 Nov 2008	29 March 2020	
		Submitted	26 Sept 1994	13 Nov 2002	24 May 2012	—	
		Delay	14 months	4 years and 4 months	3 years and 7 months	3 years	
International Covenant on Economic, Social and Cultural Rights	14 July 1992	Report I		II-VI	VII		
		Submission due	14 July 1993	30 Sept 2009	31 March 2026		
		Submitted	12 Aug 2005	03 April 2019			
		Delay	12 years	9 years and 5 months			
Convention on the Elimination of All Forms of Discrimination against Women	14 May 1992	Report I-III		IV-VII	VIII		
		Submission due	14 May 1993	14 May 1999	February 2024		
		Submitted	14 June 2003	10 Dec 2018			
		Delay	10 years and 1 month	9 years and 7 months			
Convention against Torture, Inhuman and Cruel Treatment	14 May 1992	Report I		II	III-V	VI	VII
		Submission due	14 May 1993	13 May 2005	30 Dec 2011	22 Nov 2017	6 Dec 2023
		Submitted	27 June 2002	24 Aug 2005	3 May 2012	12 June 2018	

¹⁶³ Article 9 of the [International Convention on the Elimination of All Forms of Racial Discrimination](#)

¹⁶⁴ Article 18 of the [Convention on the Elimination of All Forms of Discrimination against Women](#)

¹⁶⁵ Article 44 of the [Convention on the Rights of the Child](#)

Convention	Entry into force	Initial report		Periodic Report	Periodic Report	Periodic Report	Periodic Report
		Delay					
		Delay	9 years and 1 month	3 months	4 months	5 months	
Convention on the Rights of the Child	14 May 1992	Report I		II	III-V	VI-VII	
		Submission due	13 May 1994	13 May 1999	13 May 2009	13 May 2021	
		Submitted	25 Nov 1998	8 Sep 2004	23 Oct 2013	—	
		Delay	4 years and 6 months	5 years and 3 months	4 years and 5 months	2 years	
Convention on the Rights of Persons with Disabilities	31 March 2010	Report I		II-III			
		Submission due	01 April 2012	01 April 2020	not determined		
		Submitted	03 April 2014	17 Sep 2021			
		Delay	2 years	1 year and 5 months			
Overview of the human rights situation in the country (UPR)			Report I	II	III		
		Submission due				February 2026	
		Submitted	14 Feb 2011	06 Jan 2016	04 March 2021		
		Delay					

Following the entry into force of the Conventions, initial delays in national reporting deadlines of up to five years and more are observed. The Representative of the CoM pointed out that this situation had evolved, as Latvia ratified many international human rights instruments at the same time after the restoration of independence. Given the capacity of the Ministry of Foreign Affairs, it was not possible to compile several national reports at the same time in a short period of time, and therefore the reports were drawn up gradually. The 2009 economic crisis also had a certain impact, which led to a corresponding reduction in the budgetary resources available to the Ministry. At present, such significant delays in reporting are not noticeable. In fact, all current reports are under development and are being prepared for submission. Delays are due to the limited resources of the Ministry, and in cases of higher priority tasks, such as the urgent need to prepare an opinion for the European Court of Human Rights. The Representative of the CoM also pointed out that delays were observed on the UN side, as the submitted reports are usually on hold for examination for about two to three years.

Several CSOs pointed out that they understood the situation with delays with reporting and did not assess it as critical. However, almost all CSOs pointed to the lack of information on when the country plans to submit the next report. CSOs called for the creation of a unified state website with information on drafting of national reports and when it is expected to be reviewed by the Cabinet. This would allow CSOs to plan their work and, if necessary, to mobilise additional resources for the timely preparation of alternative reports, possibly applying this activity as a separate project, obtaining funding under some funding programmes.

Conclusions and recommendations

Conclusions

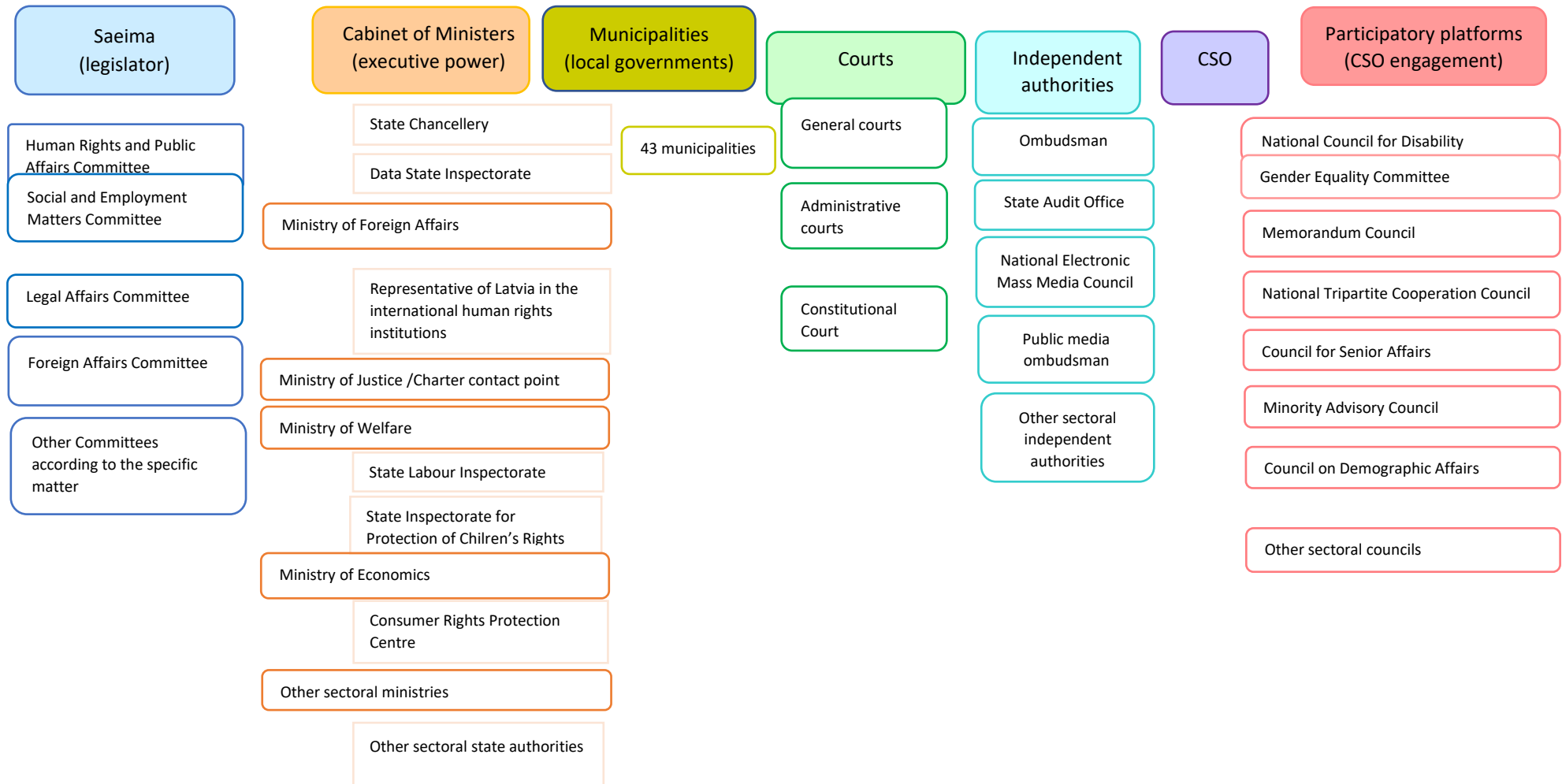
1. The Saeima (Parliament) plays a key role in the national human rights structure at the level of the legislator, and the Cabinet of Ministers at the level of the executive power.
2. Sectoral Ministries play a key role in directing documents important to the public interest towards consideration in the Cabinet.
3. Civil society is being involved in the initial stages of the drafting of regulatory enactments and policy planning documents regarding implementation of human rights.
4. The responsible sectoral Ministry ensures, inter alia, compliance of the developed drafts with legal norms of the same level and higher legal force, as well as with Latvia's international obligations, ensuring also compliance with human rights.
5. Human rights issues shall be coordinated with representatives of CSOs prior to the decision of the Cabinet.
6. It is possible to direct a fundamental issue, including human rights, via several legal ways. This excludes the possibility for institutions to singly set the agenda, and, accordingly, to slow down the examination of matters of public interest. Secondly, such option is not only for state institutions, but also for non-governmental organisations, which demonstrate that participation is ensured.
7. A comprehensive human rights review obligation is established by the executive power at the procedural level, so that it is implemented as far as possible in all areas where human rights play a role.
8. Any court in Latvia may be an implementer of international human rights law. When assessing the application of UN human rights law within the judiciary, there is a reluctant approach, when comparing the importance attached to regional human rights law.
9. The Ombudsman has wide possibilities to influence human rights implementation processes in any human rights area.
10. Several platforms and discussion formats on a wide range of human rights aspects have been established to discuss various issues, to listen to and engage with the public. In practice, however, CSO representatives point to the following aspects:
 - In some cases, the views of CSOs on issues of importance to them are not sought.
 - Cooperation with Parliamentary Committees is more successful, as CSO representatives are specifically invited to speak and give their views, although, according to some CSOs, the remote work has reduced the level of discussion and quality engagement.

- Sometimes requests for opinions of CSOs are belated, i.e., there is insufficient time to prepare the opinion, sometimes it is only one day.
 - In some cases CSOs pointed that the invitation to participate and engage is rather formal, they feel that sometimes public authorities have no interest in CSOs' views, especially on "uncomfortable" issues where there is a lack of political support.
11. Not all international human rights treaties to which Latvia has acceded are available in Latvian and can be found on the official legal portal www.likumi.lv.
 12. Information on national reports in Latvia is available in a fragmented, unclear and non-transparent manner. The most complete information is available on the UN website; however, it is important to emphasise that it is essential for the participants of the human rights system in Latvia to find logically and sequentially arranged information in one place and available in Latvian, including with indications when the next national report is to be submitted. Moreover, it is not in line with the obligation imposed by the Conventions on a Member State to ensure that reports are made available to the general public in its territory.
 13. At executive level, there is no difficulty in collecting and compiling comprehensive information in the preparation of national reports.
 14. CSOs note the following issues for the submission of alternative reports:
 - lack of capacity (financing of the expert; time resource);
 - lack of information (the lack of unified information on both when the next report will be delivered and that the country has submitted the national report and the availability of the report itself);
 - lack of knowledge (several CSOs pointed to the need for training on preparation and submission of alternative reports to the UN bodies);
 - lack of finance for representation in the UN (representation process at the UN is expensive, CSOs cannot afford travel expenses).
 15. There are currently no significant delays in the submission of national reports. In fact, all current reports are under development and are being prepared for submission. Delays are due to the limited resources of the Ministry, and also in cases where tasks with higher priority are to be carried out. CSOs invite to create a unified state website with information on drafting of the national reports and when they are expected to be reviewed by the Cabinet.

Recommendations

1. To ensure the involvement of civil society on the merits, developing respectful dialogue.
2. To ensure that all human rights treaties to which Latvia is a party are available in Latvian on the official legal portal.
3. To create a unified platform with documents available in Latvian according to division by human rights instruments:
 - all national reports submitted by Latvia to the UN;
 - conclusions of UN Committees;
 - reporting deadlines (according to respective UN Committees);
 - information on the drafting of the report and the forecasted deadline for submission of the report to the government.
4. Provide training for the CSOs on international human rights instruments and opportunities for participation.
5. Strengthen the capacity of the CSOs by providing access to financial instruments.

Annex 1: Participants of the Human Rights System



Annex 2: Interaction of the participants of the Latvian National Human Rights Structure

