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**Mandate of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination,
Xenophobia and Related Intolerance.**

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolution 16/33.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **the draft law on *The Status of a Person Conscripted during the Second World War* proposed to the Saeima of the Republic of Latvia (Parliament) by the Parliamentary Social Cohesion Committee on 22 November 2012; and the organization of a public demonstration on 16 March 2013 in Riga to celebrate the Latvian veterans who fought with the Nazi armed forces during World War II (WWII).**

According to information received:

Upon the initiative of H.E. President Andris Berzins a discussion on the possibility of drafting the above mentioned law was first discussed during the summer of 2012. On 22 November 2012 the Parliamentary Social Cohesion Committee proposed a draft law on *The Status of a Person Conscripted during the Second World War*. Reportedly the draft law commemorates persons who fought along with the German Nazi Army during the Second World War from 5 August 1940 to 8 May 1945 and was sent to the Human Rights and Public Affairs Committee of the Parliament. Furthermore the draft law does not differentiate between the persons who were "forcibly" conscripted to fight along with the German Nazi Army and those who "volunteered" to do so. Indeed the draft law establishes the status of "Person conscripted during the Second World War", which grants a number of benefits to the veterans who were conscripted,

voluntarily or not, to fight during the Second World War from 5 August 1940 to 8 May 1945, whether they fought for the German Nazi Army or the Soviet Army. According to this draft law those persons who will be granted such a status will benefit from advantages such as free health care and social rehabilitation services, reduced tax rates, concessions on the costs of public transportation and a monthly “pension”. It is also reported that the benefits to be provided by the status of “*Person conscripted during the Second World War*” are to be specified in subsequent implementation laws and that municipalities will have the possibility to provide additional benefits. It was also reported that the draft law sets up an institution that will oversee the implementation of this law.

In addition according to this draft law, only Latvian nationals would be eligible for the preferential status of “*Person conscripted during the Second World War*” and to access the related benefits. It was reported that those who fought during the above mentioned period, who reside in Latvia but are not Latvian citizens, would not be eligible for the preferential status. Allegedly the majority of those non-citizen veterans belong to the Russian speaking minority in Latvia.

Furthermore, allegedly a public demonstration was allowed to be held by the municipality of Riga on 16 March 2013 during which hundreds of Latvians marched through the Capital Riga to celebrate Latvian veterans who fought with the Nazi armed forces during World War II. Allegedly around 1000 persons, including persons from Estonia and Lithuania and several politicians from the Latvian ruling governmental party were present. In the past such demonstrations were reportedly held in Latvia.

While I do not wish to prejudge the accuracy of the allegations received, I am concerned that the draft law commemorates persons who fought along with the German Nazi Army during the above mentioned period of WWII, and that it does not differentiate between the persons who were “forcibly” conscripted to fight along with the German Nazi Army, and those who “volunteered” to do so. I am also concerned that according to the draft law the veterans residing in Latvia but without Latvian citizenship, will not be eligible for the preferential status. Such a draft law may fuel racism, anti-Semitism and contribute to the spread of extremist political parties, movements and groups, including Nazi and neo-Nazi. In this regard I am concerned by the public demonstrations that have been allowed by the authorities, the most recent on 16 March 2013, to glorify the Latvian veterans who fought with the Nazi armed forces. I am also concerned that the above mentioned draft law may contribute to legitimize such public demonstrations and that politicians who attend them may contribute to messages aimed at glorifying the Nazi past.

In this regard, while taking into account the absolute condemnation of all totalitarian ideologies, including Nazism and neo-Nazism made by your Excellency’s

Government during the Universal Periodic Review (A/HRC/18/9, para. 62), I would like to recall Latvia's international human rights obligations as derived from the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) ratified by Latvia on 14 April 1992; the Durban Declaration and Programme of Action; the Outcome document of the Durban Review Conference; and General Assembly resolution 67/154 entitled *Glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, which expressed deep concern about the glorification of the Nazi movement and former members of the Waffen SS organization, including by holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism.

I also recall that according to article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties shall declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred [...]; and I strongly reiterate the recommendation made by the European Commission against Racism and Intolerance that the Latvian authorities condemn all attempts to commemorate persons who fought in the Waffen SS and collaborated with the Nazis (CRI, 2012 (3), para. 87).

Moreover I would like to recall the provisions of the Durban Declaration and Programme of Action (paragraph 98) regarding the importance and necessity of teaching about the facts and truth of the history of human kind as well as of teaching about the facts and truth of the history, causes, nature and consequences of racism, racial discrimination, xenophobia and related intolerance, with a view to achieving a comprehensive and objective cognizance of the tragedies of the past.

I also recall the provisions of the Durban Programme of Action (paragraph 115) which encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society. I reiterate that political leaders and political parties have an important responsibility to explicitly and strongly condemn all political messages that disseminate ideas based on racial superiority.

Finally I would like to draw the attention of your Excellency's Government to article 1 of the ICERD, and to recall Latvia's obligation under article 5 to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. As stated in CERD General Recommendation XXX (2004) on Discrimination against Non-Citizens "4. under the Convention, differential treatment based on citizenship [...] constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim". Furthermore according to CERD General Recommendation XXX (2004) States parties should "6. review and revise legislation, as appropriate, in order to guarantee that such

legislation is in full compliance with the Convention [...]” and “7. ensure that [...] the implementation of legislation does not have a discriminatory effect on non-citizens”.

As it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Are the facts alleged in the above summary accurate?
2. Please provide more information about the objectives of the draft law, the status of the Parliamentary discussion, the steps required for its adoption and the measures taken to ensure that it complies with international human rights standards.
3. Please provide information on whether and how the draft law differentiates between the persons who were “forcibly” conscripted to fight along with the German Nazi Army and those who “volunteered” to do so.
4. Please provide statistics on the number of non-citizens veterans of Latvia conscripted during the Second World War.
5. Please indicate whether there has been any discussion with all the relevant actors, including all the veterans whether Latvian citizens or not, and civil society regarding the draft law, and indicate the steps taken to ensure their consultation and involvement.
6. Please provide information on measures to be taken to ensure non-discrimination and equality before the law between Latvian citizens and non-citizens living in Latvia, including the World War II veterans, who still reside in the territory of Latvia.
7. Please provide information on history classes provided in the school curricula, in particular programmes aimed at teaching about the grave human suffering and violations that resulted from the ideologies of Nazism.

I would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, I urge your Excellency’s Government to take all necessary measures to guarantee the postponement of the adoption of such a law, and review its content in order to ensure that it is in conformity with international human rights law.

Please accept, Excellency, the assurances of my highest consideration.

Mutuma Ruteere
Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance