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F.I.D.H. Latvian Human Rights Committee
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Contribution

for the report on the Declaration on Human Rights Defenders under GA resolution A/RES/72/247:
Challenges in Latvia

[1] Arbitrariness under pretense of security

On 2 November, 2017, the Parliament has approved in the final reading the amendments for the Associations and Foundations Law.¹ The amendments provide for imposition of additional reporting requirements for accounting of “suspicious” NGOs and even allows suspending NGOs’ public activities for up to two months and forced dissolution of NGOs on vague grounds including “threats to state or public security”.

Some of the more specific prohibitions introduced are reasonable – against Nazism and Fascism, propaganda of warm inciting violence, racial hatred, calls to commit crimes etc. However, if adopted, just “a reason to think” that activity of an NGO might be “aiming to”, e.g., violate the prohibitions for calling to disobey a law (if the latter would threaten state security or public order), even without any violent inclinations, or to propagate Communist ideas, will be sufficient for imposing additional requirements on NGOs. Relevant provision – the new Section 10.1. being added to the law by the bill, and the new version of Section 10.

Most importantly, the amendments allow to dissolve NGOs in case of their actions being considered to be “threatening state security, public security, public order or otherwise in contradiction the Constitution, laws or other regulatory enactments”. The previous text of the law, in Sections 57 and 105, required activities “in contradiction with the Constitution, laws or other regulatory enactments” as a ground for forced dissolution (and even it was too restrictive, because it allows dissolving NGOs for any violations, even those not causing any legal responsibility for humans involved).

¹ <https://likumi.lv/ta/id/295233-grozijumi-biedribu-un-nodibinajumu-likuma> (in Latvian)

The annotation of the bill² points to NGOs receiving funding from Russia³ as a threat. It also speaks of some vague “activities which are seemingly in accordance with the Constitution of the Republic of Latvia, but in reality, anti-state activities and those dividing the society are underway”. Any criticism of government policies might be labeled as “anti-state” and any unpopular views as “divisive” – so, at the very least, the amendments will have a chilling effect.

The parliament’s own Legal Bureau has raised concerns over the procedural rights of suspect NGOs and over the proportionality of dissolving NGOs for statements in favour of any law-breaking activity, whether there is criminal liability for such action or not.⁴ Indeed, any civil disobedience is prohibited for NGOs under threat of dissolution under the new rules, without any proportionality.

The approach of amendments to foreign funding of NGOs is not consistent with Human Rights Council resolution 22/6 (para. 9), neither the OSCE standards on minority rights, as expressed in the Bolzano/Bozen recommendations, in particular Paras. 3, 4 and 13.⁵

Besides, their vague approach, allowing arbitrariness, also causes grave concerns over respect to freedom of association (in particular, the prohibition of Communist activism by NGOs is contrary to the ECtHR judgment in *Partidul Comunistilor (..) v. Romania*).⁶

[2] Smearing of minority rights defenders by authorities

In March 2018, the Security Police has published its annual report for 2017.⁷

Without any allegation of illegal activity, it attacks our Latvian Human Rights Committee (FIDH) “so-called” human rights organisations (page 16). Interestingly, in order to do so, the police has not mentioned our full name, as it contains a reference to FIDH we are a member of. In its report for 2013, the police did mention our full name, so this is not a coincidence. The only specific allegation against us is having had funding from foundations from Russia – never-hidden by us and a normal practice for NGOs working with minority rights (see UN and OSCE standards mentioned above).

Besides, on page 18, the report also attacks Ms Elizabete Krivcova, LL.M., a municipal councilor critical of the government and well-known human rights activist. She is also a member of the

²<http://titania.saeima.lv/LIVS12/saeimalivs12.nsf/0/F669DEA5ABA5709FC2257FA10028E51E?OpenDocument> (in Latvian)

³ Disclosure – LHRC has had a series of various projects with various foundations, including those from Russia. We’ve never tried to hide them: see, e.g., mentioning the sponsoring foundation in the very beginning of our most recent English-language book and thanks expressed to it in the preface http://www.russkije.lv/files/images/text/PDF_Files/Legal-and-social-situation.pdf The details of our funding are also publicly accessible in the lursoft.lv database, with more specifics than required by law NB The annotation speaks about “growing” Russian funding for NGOs in Latvia. However, in 2017, own Latvian-government owned TV station confirmed that in reality, such funding is getting smaller <http://www.lsm.lv/ru/statja/analitika/fond-russkiy-mir-suditsja-s-sootechestvennikami-iz-latvii.a222391/> (in Russian)

⁴ <http://titania.saeima.lv/LIVS12/saeimalivs12.nsf/0/4B48C8FEB09CBBEBC225805F002DD2B5?OpenDocument> (in Latvian)

⁵ <http://www.osce.org/hcnm/33633?download=true>

⁶ Excerpts <http://hudoc.echr.coe.int/eng?i=001-68175> Full text – in French <http://hudoc.echr.coe.int/eng?i=001-68174>

⁷ <http://dp.gov.lv/lv/?rt=documents&ac=download&id=32> (in Latvian)

Advisory Council under the Ministry of Education and Science⁸, and she was a OHCHR Minority Fellow. Ms Krivcova is blamed for organising an event for commemoration of the World War II Allies soldiers, with this Anti-Fascist event being presented as “maintaining Russia’s historical memory” and “a means of Russia’s humanitarian influence”.

It should be noted that such practice has already attracted OSCE attention – see its report on Protection of Human Rights Defenders in the OSCE Region (2014–2016).⁹

Yours sincerely,

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⁸ http://www.izm.gov.lv/images/aktualitates/Konsultativas_padomes-sastavs_mazakumtautibu_izglitibas_jautajumos.pdf (in Latvian)

⁹ <https://www.osce.org/odihr/341366?download=true> see p. 59 – para. 170 and footnote