

AMNESTY INTERNATIONAL

Public Statement

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Latvia: Discrimination based on sexual orientation is a human rights violation

Amnesty International is concerned about the failure of Latvia to include sexual orientation as a ground for discrimination in its Labour Law. Latvia is required by European Union (EU) law to do so and by not amending its laws it is in clear breach of its obligations to the EU. Amnesty International calls on the Latvian parliament to include sexual orientation as a ground for discrimination on the labour market as soon as possible. Amnesty International reminds the Latvian authorities that discrimination based on sexual orientation is a human rights violation.

On 15 June, the Latvian Parliament voted against an amendment to article 7 of the Latvian Labour Law. The amendment would have explicitly banned discrimination on the grounds of sexual orientation. The EU's Employment Equality Directive (EU 200/78/EC) explicitly requires EU member states to ban discrimination based on sexual orientation in the work place. Transposing this Directive into its domestic law was an integral part of what Latvia signed up to when joining the EU, yet it has failed to live up to this obligation. By failing to comply with EU standards, Latvia risks being the subject of the European Commission's infringement procedure. This could result in significant penalties for Latvia.

Latvia's president, Vaira Vike-Freiberga, decided not to sign the Labour Law Bill and thus make it into law, and sent the Bill back to parliament. By sending it back to parliament she has given parliament a second chance to include sexual orientation as a ground for discrimination in the work place.

The failure to transpose the EU Directive takes place amidst a series of events relating to LGBT issues which have marred Latvia's human rights record. In July 2005, the Latvian authorities initially withdrew permission for the LGBT community to hold a Gay Pride march. Only after the organisers of the march made an official complaint to the Riga administrative court regarding the decision to ban the march was the march allowed to go ahead. In public debates in the weeks leading up to the march, several government and local government representative made statements that can be interpreted as homophobic.

While appreciating the condemnation of the failure to transpose the EU Directive on behalf of amongst other the prime minister of Latvia, Aigars Kalvitis and the Foreign Minister of Latvia, Artis Pabriks, Amnesty International is still concerned about the way issues relating to the lesbian, gay, bisexual and transgender (LGBT) community are debated in Latvia, both by some officials and by the wider public. LGBT rights are human rights and such be treated as such. Any failure to respect principles of non-discrimination against the LGBT community is a breach of human rights.

In light of the issues discussed above, Amnesty International calls on:

The Latvian parliament to adopt a Labour Law which is in conformity with EU's Employment Equality Directive by including sexual orientation as a ground for discrimination the Labour Law Bill.

Latvia's president Vaira Vike-Freiberga to continue to refuse to sign any Labour Law Bill which is not in conformity with EU legislation.

The European Commission to monitor the implementation by Latvia of the Employment Equality Directive (2000/78/EC) closely and to ensure that Latvia fully transposes all bans on discrimination as required by EU law and to take all appropriate steps, including through infringement proceedings, were Latvia to fail to fully transpose the Employment Equality Directive.

The European Commission to take concrete steps to monitor not only the transposition but also implementation of EU standards and press Latvia and other EU Member States to adhere to their commitments to the EU combat all forms of discrimination, including discrimination on grounds of sexual orientation.

The upcoming Finnish EU Presidency to continue to work on the European Commission's proposed Framework Decision on combating racism and xenophobia and to consider broadening the scope of the proposal to include all grounds of discrimination that are outlined in Article 13 of the EC Treaty (TEC) - in line with the European parliament's resolution on racism and homophobia of 15 June 2006 (P6_TA-PROV(2006)0273) .