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Potential threat for freedom of expression and association?

Human Rights Without Frontiers is sharing with you a personal message received from MEP Tatjana Zdanoka

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Dear Mr Willy Fautre,

I want to draw your attention to the potential threat for the freedom of expression and association, related to the new draft which will be adopted by Latvian Parliament on April 7, 2016. The new norms of Criminal Law will make possible to punish by real imprisonment for peaceful expression of ideas, which do not conform with the position of the government and dominating ethno-nationalist vision of Latvia.

On 3 March 2016, the Parliament of Latvia adopted in the first reading draft amendments[1] to the Criminal Law tabled by the two standing committees (on Legal Affairs and on National Security) and prepared by three Latvian security services. These amendments drastically change the chapter on the "Crimes against State".

The new draft (No. 514/Lp12) criminalizes any, also non-violent action against Latvian independence, sovereignty, territorial integrity, state power or state structure (the new Article 80. In the annotation to the bill, it is claimed that overthrowing state power can also refer to non-violent actions) as well as "establishment of organization" aiming to act against the same interests of Latvia (new Article 80.1), The draft criminalizes also "public calls for an action against state independence, sovereignty or territorial integrity, overthrowing state power or changing the state structure" (new Article 81), as well as "assistance to another state or foreign organization" in its "harmful activities against the security interests" of Latvia (new Article 81.1). All these provisions envisage a sanction of up to 5-8 years' imprisonment, even in the absence of violence or calls for violence.

The amendments have been considered in accordance with the urgent procedure, which means that draft is to be adopted in two, not three readings. Therefore, the next reading (scheduled for 7 April) will be a final one. The

President cannot veto a law adopted in such procedure; he expressed some concerns about the draft.[2] Besides, the President is currently ill, but Acting President, Inara Murniece, voted in favour of amendments.[3]

The bill's Annotation and an article by the head of the parliamentary National Security Commission, Solvita Aboltina, both invoke[4] the notions of "hybrid war" and "information warfare" to justify the amendments. So, the bill is obviously intended to apply to the field protected by freedom of expression. Ms. Abolţina wrote: "The draft law will criminalise the activities aimed against vital interests of the Republic of Latvia". The draft's Annotation expresses the same thought: "...the draft provides criminal penalty for any activity, which does not conform to the Constitution of the Republic of Latvia and threatens the vital interests of the Republic of Latvia". In the conditions when the state vital interests are defined by current government, the draft may become a tool of oppression of any critical view concerning state policy and any peaceful attempt to change the Constitution.

Not only opposition activists, but also some of the mainstream media[5], have expressed the opinion that upcoming criminalization of vague offences will have a chilling effect on public criticism of government policy.

Similar vague terms in criminal legislation have been criticized by the Council of Europe's Venice Commission in 2014.[6] The European Court of Human Rights, too, has pointed in a series of judgments, that peaceful advocacy for radical reforms and even for secession is protected.[7]

Finally, legal advisors of the Parliament itself have drawn attention to the fact that some of the actions intended to be criminalized are actually protected by the Constitution.[8]

I consider the draft amendments to undermine the freedom of expression. Procedurally, I find that the bill deserves careful consideration without urgent procedure. Besides, there is a reasonable proposal by a former head of the Constitutional Court - to submit the bill for evaluation to the Venice Commission before final decision.[9]

I want to ask for your kind assistance in organising the international influence on Latvian authorities in order to reject the controversial draft.

Yours sincerely,

Tatjana Źdanoka

[1] <http://bit.ly/25iI45q> (LV)

[2] <http://bit.ly/1XJUtk1> (RU)

[3] <http://bit.ly/1o48I01> (LV)

[4] <http://bit.ly/1T5dFmd> (LV)

[5] <http://bit.ly/1Rx9vV4> (LV) <http://bit.ly/22ChYb3> (RU)

[6] <http://bit.ly/1bXoUKy> Context of the relevant amendments in paras. 11-13, analysis in paras. 107-131, conclusion in paras. 138-139. Advocacy for fundamental reforms has also been deemed to be legitimate in other opinions of the commission: <http://bit.ly/1RhZeGP> (para. 73), <http://bit.ly/1S3n20T> (para. 7), <http://bit.ly/1IWFHdo> (para. 49)

[7] Socialist Party and Others v. Turkey, no. 21237/93, 25 May 1998, para. 47; Stankov and the United Macedonian Organisation Ilinden v. Bulgaria, nos. 29221/95 and 29225/95, 2 October 2001, para. 97; Tanase v. Moldova, no. 7/08, 27 April 2010, para. 167; Murat Vural v. Turkey, no. 9540/07, 21 October 2014, para. 66

[8] <http://bit.ly/22CiCFH> (LV)

[9] <http://bit.ly/1S3nkVm> (LV) <http://bit.ly/21FjfvC> (RU)

Latvian MP: Moscow using Russian organizations to destabilize Latvia

Euromaidan Press (09.03.2015) - <http://euromaidanpress.com/2015/03/09/latvian-mp-moscow-using-russian-organizations-to-destabilize-latvia/> Solvita Āboltiņa, chairman of the Latvian parliament's security committee, [says](#) that the 100 NGOs in Latvia receiving money from Moscow are not "organizations concerned with the development of the culture and traditions of national minorities in Latvia."

Instead, the 100 Moscow-backed organizations the Security Police have identified are those which "are carrying out actions hostile to official policy of the state, including those connected with Latvia's status as an independent state" and such actions must be considered "interference in [Latvia's] internal affairs."

The situation in Latvia is less secure than it was a year ago, the deputy says, given Moscow's actions in Ukraine, its declarations of regret about the demise of the USSR and suggestions that "Latvia is in general not a country but a territory belonging to Russia, Russian overflights of Latvian territory, and Russian military maneuvers near the Latvian border.

What makes all these things especially worrisome, Āboltiņa says, is that they are quite similar to the actions Moscow took before invading Ukraine and Georgia.

Latvians can feel secure because Latvia is a member of *NATO* and protected by the provisions of Article 5, "but its own security is the greatest task of each country." And consequently, she adds, Riga is boosting defense spending, although that alone will not be sufficient.

She agrees with her interviewer that "even the strongest army cannot resolve all the problems of the security of the country." Security is not just blocking invasions; it is about ensuring domestic security, fighting international terrorism, and ensuring that its media freedom is not exploited by those who want to destabilize Latvia.

Āboltiņa says that Latvia devoted too little attention to the impact of Russian television in the past, but it is now correcting this. On the one hand, she says, people should be free to choose what they watch. But on the other, the government has an interest in ensuring that channels which seek to destabilize the situation, as *RTR* does in Latgale, are countered.

In her view, Latvia does not have the possibility of creating a Russian-language channel of its own that could satisfy all the entertainment needs of the population, even with European support. But it does need to work to create a series of news and information programming for Russian speakers.

Despite some criticism, Āboltiņa says she always speaks Russian with those journalists and others who speak it. Her "position," she says is that "Latvian is our single state language and speaking it we show respect to it. But if a politician wants to be heard, then it is important to speak on that language in which he wants to be heard."

Translators, she continues, do not always "catch important nuances," noting that she often has to correct them. And she "always stresses: in Latvia at all times have lived people of various nationalities and it is important to have a dialogue with them."

Several upcoming holidays, on March 6 and May 9, are likely to be more explosive this year than in the past, Āboltiņa says, because of the geopolitical situation, Latvia's current status as chairman in office of the *EU Council*, and the dangers of terrorism. But precisely because of those dangers, Latvian politicians must be careful.

And she calls on all of them and everyone else as well to attend to the words of Riga Archbishop Jānis Vanags who has pointed out that "Latvia has a very complicated history, that Latvia did not start World War II" – Hitler and Stalin did that – and "that residents of Latvia fought on various sides of the front, but each fought for Latvia."

Consequently, the Lutheran leader says, "each of them has the right to remember his fallen comrades." But Āboltiņa says it is imperative and especially in this year of heightened tensions for politicians avoiding making a political issue out of how they do.
