

**Statement by Mr Andrejs Pildegovičs
State Secretary of the Ministry of Foreign Affairs of the Republic of Latvia
at the 96th session
of the UN Committee on the Elimination of Racial Discrimination**

Mr Chairperson, distinguished members of the Committee, ladies and gentlemen!

Today I have the honour to present the periodic report of the Republic of Latvia on the implementation of the United Nations Convention on the Elimination of All Forms of Racial Discrimination in Latvia between 2008 and 2016.

I am also honoured to lead the delegation consisting of so many knowledgeable experts directly involved in drafting the Government's policy initiatives and responsible for their implementation. 6 ministries are represented in the delegation – the Ministry of Justice, the Ministry of Interior, the Ministry of Welfare, the Ministry of Culture, the Ministry of Education of Science, and the Ministry of Foreign Affairs, as well as the Permanent Representation of Latvia to the UN in Geneva. I am confident that our dialogue with the Committee will be constructive, professional and productive.

Mr Chairperson,

Latvia attaches high priority to the fulfilment of its international commitments, and to the implementation at the national level of the well-established principles of international human rights law. In my introductory speech, I would first like to recall briefly the most important elements that create the domestic framework for the safeguarding of these principles. I will then continue with the various new legislative and policy planning initiatives that have been introduced during the reporting period. I hope this will already address some of the questions put forward by the Committee, and we will elaborate upon these topics in the course of our dialogue today and tomorrow.

This year we celebrate the centenary of the Republic of Latvia. Founded on November 18, 1918, Latvia de facto lost its independence in June of 1940 as a result of occupation by the USSR. In 1941, Latvia was occupied by Nazi Germany, and then again by the USSR in 1945. In accordance with the doctrine of State continuity, the Republic of Latvia continued to exist *de iure*, up until the restoration of its independence. On May 4 1990, the Republic of Latvia, based on the above-mentioned doctrine of State continuity, adopted a Declaration on the restoration of its independence, which also meant restoring the body of laws (including the Constitution, Civil Law, the Law on Citizenship), and democratic institutions. Social, economic, cultural and political rights were guaranteed to citizens and residents of Latvia in accordance with international human rights, including the Convention on the Elimination of All Forms of Racial Discrimination.

Allow me to underline the key concepts included in the Constitution of the Republic of Latvia. Three concepts deserve particular mention. First, Article 1 of the Constitution states that Latvia is an independent, democratic republic, meaning **a State governed by the rule of law**. Second, Article 91 states that everyone is equal before the law and the courts, and that **human rights are ensured without discrimination of any kind**. Third, Article 89 places the human rights provisions of the Constitution in a wider

context, and provides that Latvia recognises and protects fundamental human rights in accordance with the Constitution, laws **and international agreements binding upon Latvia**. At this stage, I must emphasise the laconic form of the Articles of the Constitution, which allows for their dynamic interpretation taking into account the evolution in legal thought, changes in context, including changes in international law. For example, the above-mentioned Article 91 of the Constitution that contains equality and non-discrimination clauses, establishes general prohibition of discrimination, and the lawmakers intended to leave this provision open in order to cover all grounds of discrimination that may appear in the future. In light of Latvia's international obligations, in particular the Convention, the European Convention on Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of the European Union, this provision of the Constitution now comprises prohibition to discriminate based on race, skin colour, ethnicity, language, birth, sex, age, disability, genetic features, sexual orientation, religion or belief, political or any other opinion, ethnic or social origin, membership of a national minority, property and others. These three key concepts are relevant and directly applicable in interpreting all other legislative acts, as well as in evaluating any de facto action of State institutions.

Another important concept embodied both in the preamble of the Constitution and in Article 114, is the protection of the rights of minorities, particularly the right of persons belonging to ethnic minorities to preserve and develop their language and their ethnic and cultural identity. Latvia has always been multicultural, and people from more than 150 ethnic groups live in Latvia.

In light of Latvia's unique history, however, and to overcome the consequences of the occupation, the promotion and protection of Latvian language is established at the constitutional level. During Soviet occupation, Latvia and the other Baltic States survived massive ethno-demographic changes, such as mass deportations of Latvians to Siberia and forced immigration from Russia, Belarus and Ukraine, coupled with an aggressive russification policy aimed against the use of the Latvian language. I wish to underline that Latvia is the only place in the world where it is possible to guarantee the existence and development of the Latvian language and the culture. Therefore, any reduction of the usage of the Latvian language in the territory of Latvia poses a threat to the democratic structure of the State. The regulation of the status of the State language in the Constitution is not just an instrument of the manifestation of the national character of Latvia, but allows the people to understand each other and participate in the common democratic processes. At the same time, the use of the Latvian language is not regulated in unofficial communication, in internal communication of national and ethnic groups, or in services, ceremonies, rituals and other religious activity of religious organisations. Latest surveys show that the knowledge of Latvian, in particular between young people has increased significantly. In light of these considerations, the purpose of the Government's language policy is twofold: to preserve the Latvian language and to provide all necessary means for the integration of national and linguistic minorities in society while ensuring their right to use their native language.

The sociodemographic changes forced by the Soviet regime also left their marks on the populace residing in the territory of Latvia. Consequently, after the renewal of independence, the authorities had to reintroduce the legal framework on citizenship. In line with the State continuity doctrine, there were persons who were recognized as Latvian citizens under the 1919 Law on Citizenship, as well as their descendants. At

the same time, large numbers of persons who had immigrated to Latvia during the period of Soviet occupation and lost their USSR citizenship after the dissolution of the Soviet Union were also residing permanently in Latvia; however, these people had never been citizens of the Republic of Latvia. Henceforth, a special temporary status was established for former USSR citizens residing in Latvia – “former citizens of the USSR without the citizenship of the Republic of Latvia or any other country” (“non-citizens”). In this context I must stress that Latvia's non-citizens are not stateless persons. The protection provided to non-citizens in Latvia extends beyond that which is required by the 1954 Convention Relating to the Status of Stateless Persons and has been acknowledged by the United Nations High Commissioner for Refugees (UNHCR). In the recent publication of the *Global Trends* report, it is noted that in the specific context of Latvia “Non-citizens may currently be considered persons to whom the Convention [Relating to the Status of Stateless Persons] does not apply”.

I wish to emphasise that non-citizens enjoy the protection of the state in Latvia and abroad, along with most other rights. It is the only group of persons, in addition to citizens, who are granted permanent residence in Latvia *ex lege*. Non-citizens have the same social guarantees as Latvian citizens and enjoy most political rights. The only substantive difference between Latvian citizens and non-citizens is the right to vote and to work in the civil service or occupy posts linked to national security. Such practice does not differ from the practice in other countries. Latvia has created all the preconditions for persons with temporary non-citizen status to acquire Latvian citizenship; legislation in this field is regarded as one of the most liberal in Europe.

Mr Chairperson,

Allow me now turn to developments that are more recent. By becoming a member of the European Union in 2004, Latvia experienced rapid growth and considerable increases in private consumption and investment. However, Latvia was hit severely by the economic crisis in 2008-2009, leaving the Government with difficult and unpopular decisions to be made. Number of public sector employees decreased by 16 %, while the wages were reduced by 12%. The crisis significantly depleted human resources in the State apparatus and limited or delayed intended reforms and plans. At the same time, fiscal austerity amidst of the economic crisis did not dent the Government’s commitment to the protection of human rights, even if the diminished capacity of Government authorities impaired their ability to prepare regular updates on the implementation of a number of international treaties. Since the recovery, however, reporting to the UN Treaty bodies has been a priority, and we have worked diligently to clear the backlog. For example, in 2013, the UN Committee against Torture examined the periodic report of Latvia on the implementation of the Convention against Torture. Earlier this year we have already submitted the next periodic report to this Committee. In 2014, the UN Human Rights Committee examined the respective periodic report of Latvia. In January of 2016, the UN Committee on the Rights of the Child examined the periodic report of Latvia on the implementation of the Convention on the Rights of the Child and its Protocols. Finally, in 2017, the Government submitted an updated Common Core Document, as well as the report examined today by your distinguished Committee.

Since the presentation of the previous periodic report, considerable developments have taken place in Latvia. The Government is facing new challenges, such as the recent

influx in Europe of large numbers of asylum seekers, military conflicts, some of them in Latvia's neighbouring countries, as well as the proliferation of hybrid threats and information warfare. Nevertheless, we believe that the situation with regard to non-discrimination in Latvia has improved in a number of aspects due to the targeted implementation of relevant policies. Now I would like to draw the Committee's attention government initiatives and policies in several key areas where progress has been made since the Committee considered Latvia's previous report.

First, the Government has consistently worked toward reducing the number of non-citizens. Due to the measures taken, reduction in the number of non-citizens has been continuous, which has been noted in the shadow reports submitted by NGOs. The constant decrease in the number of non-citizens is explained firstly by the increased attention devoted to the accessibility of free Latvian language courses for those wishing to naturalise. This has been complemented by a tailored approach and "encouragement activities" for non-citizens who doubt their ability to pass the naturalisation exams. Furthermore, regular surveys are conducted to investigate why more non-citizens do not to apply for naturalization. On October 1, 2013, amendments to the Citizenship Law entered into force, further simplifying the citizenship acquisition and naturalisation processes. These amendments have further facilitated the registration of new-borns into citizenship of Latvia. 99.9% of children born in Latvia in 2017 were registered as citizens of Latvia. In total, during past 5 years a stable decrease of around 10 thousand non-citizens or 1 percentage point is registered every year.

Second, Latvia continues to implement its integration policy, recently with a special focus on the socially disadvantaged groups in the regions, particularly Roma, and young people. Within the framework of the Action Plan for the Implementation of the Guidelines on National Identity, Civil Society and Integration Policy 2012-2018, representatives of active civil society organisations of national minorities were regularly involved in the policy coordination mechanisms of the Government, and have taken part in the drafting process of the Plan for Societal Integration for 2019-2020. Since 2014, NGO supporting regional program is taking place. In 2017, 53 different projects were implemented by national minority NGOs, including Roma NGOs, in order to build their capacity, provide better involvement into civil society, promoting intercultural dialogue, as well as promote culture and identity. In addition, there are several projects implemented aimed at empowering youth of national minorities and fostering their participation in civil society. According to the study "Ethnic Minority Participation in Democratic Processes in Latvia" conducted in 2017, when compared to 2015 there has been a noticeable increase among those ethnic minority representatives that feel belonging to Latvia, as well as to their city and region (84%, up from 67% in 2015). Representatives of ethnic minorities, especially Russians, are increasingly proud of Latvia, (59% are proud or rather proud compared to 44% in 2015).

Third, the Government devotes increased attention to the identification, investigation and adjudication of hate or racially motivated crimes. In recent years, nation-wide awareness campaigns have taken place with the involvement of a wide range of stakeholders. The State Police increasingly uses social media platforms – Facebook, Twitter – to inform the public and to encourage reporting. In addition to traditional forms of reporting hate crimes to the State Police or the Security Police (in person, via phone or in a written form), reporting can be done online. Information received by these

sites is then forwarded to the competent law enforcement authorities. To expand the capacity of the relevant authorities in identification and investigation of hate crimes, the Supreme Court has conducted a study, supplemented with examples of national case law. This paper includes the overview of applicable international standards, and in particular refers to the Convention on the Elimination of All Forms of Racial Discrimination and the General Comments prepared by this Committee. Several training courses for prosecutors, police officers and judges were organised. I would also like to praise active involvement of non-governmental sector. Within the framework of the project “Strengthening of NGO Capacity to Limit Incitement to Hate on Internet” NGOs monitored the content and comments published on internet news portals, online versions of newspapers and magazines as well as social networks. The purpose was to identify and report hateful content, and to test how effective the different reporting methods are. Considering the upcoming general elections in October of this year, the State institutions and mass media pay particular attention to monitoring the presence of hate speech in the political discourse.

On April 2, 2018, amendments to the Law on Education and the Law on General Education came into force. These amendments, initiated by the Ministry of Education and Science, and extensively debated in number of consultation rounds with NGOs, in particular with national minority representatives, introduce significant changes in the approach to general education in Latvia. The reform include a review of the curriculum and teaching methods in all schools of Latvia as well as the transition to a larger proportion of instruction in the State language in general secondary education institutions. The reform seeks to promote consolidated society and equal opportunities for all school graduates, avoiding any form of discrimination. The principal aim of the reform is to ensure that all school graduates have equal command of the Latvian language for a successful and competitive entry into the labour market in Latvia or for the continuation of their studies. At the same time, the national minority education programmes will continue. This will guarantee that the national minorities can preserve and develop their language and their ethnic and cultural identity, in accordance with the Constitution of the Republic of Latvia. The Government will continue to support State-funded national minority education programmes in seven minority languages (Russian, Polish, Belarusian, Ukrainian, Estonian, Lithuanian, and Hebrew) at the primary school level. Meanwhile, at the secondary education level the government will continue to support teaching in the mother tongue of those subjects that pertain to national minorities’ culture and history. The state support for education in minority languages in Latvia will continuously exceed that of many other European countries.

Mr Chairperson, ladies and gentlemen,

In conclusion, I wish to highlight the valuable work our national human rights monitoring institution – the Ombudsperson’s office – is doing in identifying issues requiring further attention. Since 2011, the budget of the Ombudsperson’s office has been increased, reaching 1 375 000 EUR in 2017. The Ombudspersons office has provided an important contribution to the national discussion on the fight against hate crimes and has initiated numerous investigations in response to complaints about discrimination.

Finally, I wish to underline that the delegation of Latvia sees the dialogue with the UN in general and this Committee in particular as one of the key factors that contribute to

the full implementation of the Convention. This is as an opportunity to advance Latvia's work, and we look forward to the comments and questions by the members of the Committee.

Thank you very much for your attention!