

UN Human Rights Council 18th Regular Session

Item 6 – Universal Periodic Review

Consideration of the UPR Outcome of LATVIA

22 September 2011

**Statement by the Permanent Representative of the Republic of Latvia,
Ambassador Raimonds Jansons**

Madam President,

Excellencies, Ladies and Gentlemen,

I am honoured to address the Human Rights Council on the occasion of the consideration of the outcome of the first Universal Periodic Review of Latvia.

I would first like to take this opportunity to extend our appreciation to all the delegations which were engaged in constructive and interactive dialogue on 5th of May this year with Latvian delegation lead by the Secretary of State of the Ministry of Foreign Affairs of Latvia Mr. Andris Teikmanis. The dialogue was fostered by the written questions submitted by a number of states and the views expressed by civil society organizations and other stakeholders prior to the UPR. It greatly facilitated our preparations. We also thank the members of the troika and the Secretariat of the OHCHR for their hard work.

The preparation process and examination of Latvia's first UPR has been an excellent occasion for us to review our human rights record through an open and frank dialogue. It has had a significant effect on our internal review of the accomplishments and challenges we face in the field of human rights. In the preparation process and in consideration of the outcome, the relevant Government institutions and the Ombudsman's Office were engaged. Non-governmental organizations were also invited to participate in the preparation of national report.

During the interactive dialogue Latvia provided additional information on the situation in various fields of its human rights policy, aiming to deliver substantive replies to all the questions and comments put forward by other delegations. Latvia

received 122 recommendations, of which 71 enjoyed our immediate support, 7 were rejected and 44 were left for further examination after the initial dialogue. I may add that many of those recommendations that Latvia accepts have already been implemented or are in the process of implementation. Through the UPR dialogue we were able to find assurance that several steps taken by Latvia to further the promotion and protection of human rights have resonated positively in other countries as well. On the other hand, we appreciate the peer review for indicating areas, where improvement needs to take place.

Madam President,

Opening this discussion of the outcome of our first Universal Periodic Review, I wish to dwell upon the recommendations that had been left open for consideration after the initial interactive dialogue. The views on those recommendations as well as the explanation of position on already rejected recommendations can be found in the addendum to the Working Group Report. I will provide updates on the relevant actions that Latvia has pursued since May and will address various issues that were referred to during the reporting session.

Latvia is a committed member of the international community and since the beginning of 1990-ies has become a party to the core human rights instruments. Regarding the recommendations to ratify or accede to the instruments that Latvia is not yet a party to, we wish to inform this august body that the possibility of ratifying of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination Against Women; Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Convention for the Protection of All Persons from Enforced Disappearance, will be considered gradually in due course.

With regard to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Government's view is based on the profound legal analysis of the domestic legislation, which sets a permanent, domestic legal framework for the protection of migrants. Latvian legal

system in this regard is based on adherence and implementation of the requirements of universal human rights instruments as well as respective European Union regulations. Therefore, in the foreseeable future Latvia does not intend to sign and ratify this Convention.

Madam President,

This May Latvia also received the recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, in order to abolish the death penalty in times of war. Latvia accepts the recommendation and already has taken an immediate action for its implementation. As a first step, on 12th of July this year the Government approved a legislative package on the accession to the Protocol No. 13 to the European Convention on Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances. In fact today, the Parliament is expected to adopt the draft law on the accession to the Protocol No. 13 in its first reading. Following the adoption of the whole package of draft laws by the Parliament and their entry into force, Latvia will assess the possibility of ratifying the Second Optional Protocol to the ICCPR in due course.

Madam President,

During the interactive dialogue we received numerous inquiries to provide the details on the setup of Latvian Ombudsman's Office. A number of delegations raised the questions whether Ombudsman's Office has been established in accordance with the UN Paris Principles. We also received the recommendations to seek the accreditation of the Ombudsman to the National Human Rights Institutions International Coordinating Committee or to enlarge its mandate. Latvia does not envisage enlarging the mandate of the Ombudsman as the established mandate is very broad and fully complies with the Paris Principles. The Ombudsman has the right to initiate an examination of a case upon an application or a complaint or *ex officio*; it also has the right to draw the Parliament's and the Government's attention to the shortcomings of national policies in the field of human rights, and, if necessary, to submit an application to the Constitutional Court. In some cases, when a breach of the principle of equal treatment is established, the Ombudsman is entitled to submit an application to a court of general jurisdiction. The Ombudsman also performs the protection function, providing the assistance to the victims of discrimination. The Ombudsman's

Strategy for 2011-2013 sets amongst the institution's priorities launching the procedure for its accreditation to the international coordination body of national human rights institutions.

Madam President,

Latvia will continue measures aimed at elimination of discrimination, including discrimination against vulnerable groups. The Constitution guarantees that human rights shall be implemented without discrimination of any kind and that all human beings in Latvia are equal before the law and the courts. The provisions on the prohibition of discrimination and differential treatment have also been included in sectoral laws. National legislation provides for administrative and criminal responsibility for violation of the non-discrimination principle. Latvia will continue efforts to protect the rights of women, children and those of persons with disabilities. We recognize, however, that further action is still needed to achieve *de facto* equality. Latvia cannot agree with the recommendation to adopt a comprehensive gender equality law, since the anti-discriminatory provisions are incorporated into sectoral laws as an integral part of the overall legislative framework. For the time being, mainstreaming of anti-discrimination provision in legislative acts of different domains is ensuring expected results and providing an appropriate legal protection of persons against any kind of discrimination.

Our attention was also focused on the recommendations concerning the rights of the LGBT persons. Latvian anti-discrimination norms apply also to eliminate discrimination on the basis of sexual orientation and gender identity. Domestic laws guarantee freedom of expression and peaceful assembly to everyone without discrimination, and no violence has been reported against LGBT persons as such.

As regards the recommendations on introducing amendments to Latvian Criminal Law concerning hate crime, Latvia believes that the Criminal Law and other laws provide for adequate regulation in the field of combating racial and hate crime. Latvian legislation criminalises actions of intentionally inciting national, ethnic or racial hatred or disharmony. Racial discrimination and incitement to racial hatred are

not only regarded as a separate crime, but the Criminal Law also defines racist motive as an aggravating circumstance. Moreover, racial discrimination is effectively prohibited also in other laws (for instance, Civil law, Labour Law). The victims of such crimes in practice are provided with accessible and effective mechanisms for protecting their rights. In recent years, Latvia has succeeded in cutting back on the number of instances of national, ethnic and racial hatred, which is demonstrated by statistics on instituted criminal cases concerning incitement to national, ethnic and racial hatred or disharmony.

At this stage of consideration of the outcome of the first Universal Periodic Review, Latvia cannot provide a definitive answer to the recommendations to sanction under the Criminal Law homophobic and transphobic crime or to amend the Criminal Law in a way that hate speech against LGBT persons would imply sanctions according to the Criminal Law. Currently no amendments to legislation have been planned and discussions on this issue have not yet taken place. However, the law enforcement agencies, within their mandate, will continue efforts in combating discrimination.

Madam President,

A number of international organizations have recognized the important progress Latvia has achieved in the area of society integration. Latvia guarantees cultural autonomy for all its national minorities and provides significant support for strengthening their identities – national minorities have established schools, associations, organizations, cultural institutions and publish media in their native languages. State financed education is available in eight national minority languages. Thorough efforts are being undertaken to prepare the new National Identity and Society Integration Policy Guidelines by involving diverse stakeholders, including State and local institutions, field experts, academic sector, civil society and ethnic minority organizations. Just a few weeks ago, several regional public discussions on the Draft Guidelines, aimed at collection of views about a current draft, were held.

The State Language Law provides the integration of national minorities into Latvian society, securing their rights to use their native or any other languages while preserving, protecting and developing Latvian language. Latvia has always aimed to

keep this balance. However, according to the Constitution, the Latvian language is the only official language in Latvia. The Official Language Law prescribes the use of the official language for record-keeping and documents in State and local government institutions, courts and judicial institutions, State and local government undertakings, and companies where major share of capital is owned by the State or a local government. At the same time, the Latvian legislation provides for exceptions when information should be provided to a person in a language other than the official language to ensure that the human rights of those persons are observed.

Madam President,

As Latvia received several recommendations on granting certain rights to non-citizens, I would like to stress that non-citizens are granted economic, social and cultural rights, as well as a number of political rights, for instance, the right to join political parties and exercise their freedom of speech and assembly, participate in local government society integration councils. Latvia's position remains unchanged as to granting non-citizens the right to participate in municipal elections; the right to vote is seen as an inalienable attribute of citizenship. This position complies with international law and the existing state practice. At the same time, non-citizens are ensured practical and effective access to the naturalisation process, which so far has been used by more than 140,000 non-citizens. Latvia accentuates that non-citizen's status is a temporary status and thus obtaining citizenship is the most effective way of expanding the scope of an individual's rights.

As regards the recommendations granting automatic citizenship to Latvia's non-citizen children, I am pleased to inform you that there have been positive developments since the UPR Working Group in May. The Government Regulations on facilitation of registration of non-citizen children as citizens of Latvia at the time of registration of their birth have been approved on 5th of July 2011.

Let me also stress that the Latvian Government has made significant efforts in facilitating the naturalisation process. The motivation of remaining non-citizens not to

naturalize is assessed on a regular basis. These results are duly considered in the policy planning process and necessary measures prepared. Latvia will seek to further decrease the number of non-citizens. Further measures will be undertaken for the facilitation and optimization of the naturalization process, as well as for society integration.

Madam President,

Latvia is strongly committed to prevent and to combat human trafficking, including its various new forms, such as marriage of convenience. Latvia has accepted all recommendations on this subject and intends continuing active efforts in this field. Effective work of law-enforcement institutions and legislative regulation has already led to a decrease in the number of cases of human trafficking during the past few years.

I would also like to touch upon the recommendations concerning conditions in places of detention and prisons. Latvian Government has already made substantial efforts in order to improve physical conditions in places of deprivation of liberty to comply with international standards, and will continue reforms in this area. For example, to ensure gradual compliance of short-term detention facilities with the standard laid down by the Law on the Procedure of Keeping Apprehended Persons, the minimal requirements for specially equipped police short-term detention facilities shall be implemented by the beginning of next year. During the past few years increased attention has been paid to planning the policy of execution of sentences, as well as to the implementation of the policy of resocialization of inmates. Resocialisation programmes are being carried out in prisons. Inmates receive information on HIV/AIDS prevention, healthy lifestyle, development of communication skills, various motivation programmes, etc. Training for the prison staff is also provided.

Madam President,

Let me also emphasize the following. In order to achieve better human rights record in the country it is important to strengthen overall respect for human rights and fundamental freedoms, increasing the knowledge of population about their rights.

Dissemination of information on human rights, anti-discrimination and tolerance related issues should be provided already at the early age, therefore general information on these topics has been included in the school curricula in Latvia already for several years. Awareness-raising campaigns on specific human rights or discrimination issues are being carried out in co-operation with the State institutions, Ombudsman, NGOs and mass media. The role of NGOs in promotion of human rights is essential – either they work and raise awareness on specific human rights subject, preserve the identity, culture and rights of persons belonging to national minorities or provide support to victims of violence or discrimination.

Madam President,

In conclusion, I would like to state that in twenty-one years after the restoration of independence Latvia has developed modern comprehensive legislation and an institutional system for the protection of human rights and fundamental freedoms. Latvia stands ready to facilitate further improvements and developments in the field of human rights in the future and will report on progress in the next cycle of UPR. Latvia attaches the greatest importance to its human rights commitments and believes that the Human Rights Council's members must lead by example through full commitment to the promotion and protection of human rights, therefore Latvia has put forward its candidacy for the Human Rights Council elections in the year 2014.

I would like to thank the members, observers of the Human Rights Council, as well as the representatives of civil society for their statements today.

Thank you for your attention.