



**International covenant
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HUMAN RIGHTS COMMITTEE
Seventy-ninth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE

Latvia

1. The Committee examined the second periodic report submitted by Latvia (CCPR/C/LVA/2002/2) at its 2150 to 2152nd meetings, held on 28 and 29 October 2003, and adopted the following concluding observations at its 2162nd meeting, held on 5 November 2003.

A. Introduction

2. The Committee has examined the detailed and comprehensive report of Latvia. The Committee regrets the delay of over four years in the submission of the report. The Committee is grateful to the delegation of Latvia for providing a substantive amount of information about the implementation of the Covenant in Latvia. Some additional written material received on 3 November 2003 was taken into account by the Committee.

B. Positive aspects

3. The Committee welcomes the consistent references to the previous concluding observations in the second periodic report. It further welcomes the publication in the *Official Gazette* and the *Latvian Human Rights Quarterly* of the initial report to the Committee, its recommendations and the debate. It welcomes the publication of the Committee's views in cases concerning Latvia in the *Official Gazette*. The Committee welcomes the readiness of the State party to implement its views.

4. The Committee welcomes the significant progress in legislative and institutional reform since the review of the first periodic report in 1995, in particular the inclusion in the Constitution of chapter VIII on fundamental human rights, as well as the establishment of a Constitutional Court and the introduction of the right of individuals to launch a constitutional complaint. The Committee notes with great interest the rulings by the Constitutional Court removing from the national legal system norms conflicting with international human rights standards. Other positive legislative reforms include in particular the adoption and entry into force of a new Asylum Law, dealing with the question of non-refoulement; the labour law; amendments to the election law, removing the language requirement to stand for election and to legislation on trafficking in human beings. The Committee also welcomes the creation of the National Programme for Integration of Society in Latvia and the Society Integration Fund.

5. The Committee welcomes the establishment of the National Human Rights Office and particularly its use of the mandate to submit complaints to the Constitutional Court.

6. The Committee welcomes amendments to national legislation to harmonize it with the provisions of the Second Optional Protocol. It encourages the State party to accede to the Second Optional Protocol.

C. Principal subjects of concern and recommendations

7. The Committee is concerned about allegations of ill-treatment of persons by police officers, as well as the lack of statistical data on the number, details and outcome of cases of ill-treatment by police officers. Although it notes that, as of 2003, statistics on physical ill-treatment by police officers are being systematized (art. 7).

The State party should take firm measures to eradicate all forms of police ill-treatment, including prompt investigations, prosecution of perpetrators and the provision of effective remedies to the victims.

8. The Committee is concerned that no independent oversight mechanism exists for investigating complaints of criminal conduct against members of the police, which could contribute to impunity for police officers involved in human rights violations (arts. 2, 7 and 9).

The State party should establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuse of power by the police.

9. While welcoming the entry into force of the new asylum law, the Committee remains concerned at the short time limits, in particular for the submission of an appeal under the accelerated asylum procedure, which raises concerns regarding the availability of an effective remedy in cases of refoulement (arts. 6, 7 and 2, paragraph 3).

The State party should ensure that the time limits under the accelerated asylum procedure are extended, in particular for the submission of an appeal.

10. While acknowledging the State party's admission that the average length of pre-trial detention is unsatisfactory and its attempt to remedy the situation in the proposed code of criminal procedure, the Committee is concerned about the length of pre-trial detention, which is often incompatible with articles 9, paragraph 3, and 14. While being aware of the draft criminal procedure law intended, inter alia, to speed up trials, the Committee remains concerned at the length and frequency of pre-trial detention, particularly with regard to juvenile offenders.

The State party should take all legislative and administrative measures to ensure compliance with articles 9, paragraph 3, and 14 as a matter of priority.

11. The Committee notes the information provided by the delegation regarding the improvement of the situation of overcrowding in prisons, as well as measures envisaged by the State party to increase use of alternative forms of punishment. However, in view of reports that overcrowding in prisons continues to be a concern, the Committee should be provided with specific information to indicate to what extent overcrowding in prisons is a problem (rt. 10).

The State party should continue to take measures to address overcrowding in prisons and to ensure compliance with the requirements of article 10.

12. The Committee notes the efforts made by the State party to address the situation regarding trafficking in persons, in particular by amending legislation, the adoption of a preventive strategy by providing information to potential victims, and through international cooperation. However, the Committee is concerned about the slow progress made in implementing those policies and notes that it has received only limited statistical information from the State party (arts. 3 and 8).

The State party should take measures to combat this practice, which constitutes a violation of several Covenant rights, including article 3 and the right under article 8 to be free from slavery and servitude. Strong measures should be taken to prevent trafficking and to impose sanctions on those who exploit women in this way. Protection should be extended to women who are victims of this kind of trafficking so that they may have a place of refuge and an opportunity to give evidence against the persons responsible in criminal or civil proceedings. The Committee encourages the State party to continue its cooperative efforts with other States to eliminate trafficking across national borders. The Committee wishes to be informed of the measures taken and their result.

13. While noting the efforts made by the State party to combat domestic violence, particularly in the area of legislative reform, the Committee regrets the lack of detailed information on the nature of the problem. The Committee is concerned at reports that domestic violence persists (arts. 3, 9 and 26).

The State party should adopt the necessary policy and legal framework to combat domestic violence, as envisaged, inter alia, by the draft programme on the implementation of gender equality. Furthermore, the Committee recommends that the State party establish crisis-centre hotlines and victim-support centres offering medical, psychological, legal and emotional support. In order to raise public awareness, it should disseminate information on this issue through the media.

14. The Committee notes that discrimination against women with regard to remuneration persists, notwithstanding the measures taken by the Government to guarantee equal treatment, including through employment law and the programme on the implementation of gender equality. The Committee regrets that insufficient information was provided by the State party in regard to the number and results of cases brought and whether compensation has been paid. (arts. 3 and 26).

The State party should take all necessary measures to ensure equal treatment of women and men in the public and private sectors, if necessary through appropriate positive measures, in order to give effect to its obligations under articles 3 and 26.

15. The Committee notes with satisfaction that in 2002 a new law on alternative service entered into force, which provides for the right to conscientious objection. However, the Committee remains concerned that, pending a change in the conscription law, the duration of alternative service is up to twice that of military service and appears to be discriminatory (art. 18).

The State party should ensure that the alternative service is not of a discriminatory duration.

16. While noting the measures taken by the State party to make the naturalization process more accessible and to increase the rate of naturalization of non-citizens, the Committee is concerned about the limited results of these policies, with many candidates not even initiating the procedure. The Committee takes note of the different reasons underlying this phenomenon, but considers that it has adverse consequences in terms of enjoyment of Covenant rights, and that the State party has a positive duty to ensure and protect those rights. Furthermore, the Committee is concerned at the possible obstacles posed by the requirement to pass a language examination,

The State party should further strengthen its efforts to effectively address the lack of applications for naturalization as well as possible obstacles posed by the requirement to pass a language examination, in order to ensure full compliance with article 2 of the Covenant.

17. The Committee is concerned at the low level of registration as citizens of children born in Latvia after 21 August 1991, to non-citizen parents (art. 24).

The State party should take all necessary measures to further encourage registration of children as citizens.

18. With regard to the status of non-citizens, the Committee notes the policy of the Government to further social integration through naturalization. However, the Committee is concerned about the large proportion of non-citizens in the State party, who by law are treated neither as foreigners nor as stateless persons but as distinct category of persons with long-lasting and effective ties to Latvia, in many respects comparable to citizens but in other respects without the rights that come with full citizenship. The Committee expresses its concern over the perpetuation of a situation of exclusion, resulting in lack of effective enjoyment of many Covenant rights by the non-citizen segment of the population, including political rights, the possibility to occupy certain State and public positions, the possibility to exercise certain professions in the

private sector, restrictions in the area of ownership of agricultural land, as well as social benefits (art. 26).

The State party should prevent the perpetuation of a situation where a considerable part of the population is classified as “non-citizens”. In the interim, the State party should facilitate the integration process by enabling non-citizens who are long-term residents of Latvia to participate in local elections and to limit the number of other restrictions on non-citizens in order to facilitate the participation of non-citizens in public life in Latvia.

19. The Committee is concerned about the impact of the State language policy on the full enjoyment of rights stipulated in the Covenant. Areas of concern include the possible negative impact of the requirement to communicate in Latvian except under limited conditions, on access of non-Latvian speakers to public institutions and communication with public authorities (-art. 26).

The State party should take all necessary measures to prevent negative effects of its language policy on the rights of individuals under the Covenant, and, if required, adopt measures such as the further development of translation services.

20. While noting the explanation provided by the State party for the adoption of the Education Law of 1998, particularly the gradual transition to Latvian as the language of instruction, the Committee remains concerned about the impact of the current time-limit on the move to Latvian as the language of instruction, in particular in secondary schools, on Russian-speakers and other minorities. Furthermore, the Committee is concerned about the distinction made in providing State support to private schools based on the language of instruction (arts.26 and 27).

The State party should take all necessary measures to prevent negative effects on minorities of the transition to Latvian as the language of instruction. It should also ensure that if State subsidies are provided to private schools, they are provided in a non-discriminatory manner.

21. The Committee is concerned about the social and economic situation of the Roma minority and its impact on the full enjoyment of their rights under the Covenant, as well as the potentially negative effect on them of the present regulations regarding the entry of ethnic origin in passports and identity documents. (arts. 2, 26 and 27).

The State party should take steps to remove obstacles to the practical enjoyment by the Roma of their rights under the Covenant, and, in particular, abolish the provisions allowing for entry of ethnic origin in passports and identity documents.

22. The State party should widely publicize the present examination of its second periodic report by the Committee and, in particular, these concluding observations.

23. The State party is asked, pursuant to rule 70, paragraph 5, of the Committee’s rules of procedure, to forward information within 12 months on the implementation of the Committee’s recommendations regarding naturalization (para. 16), the status of non-citizens (para. 18), State language policy (para. 19) and the education law (para. 20). The Committee requests that

information concerning the remainder of its recommendations be included in the third periodic report, to be presented by 1 November 2008.
