
ADVANCE UNEDITED VERSION

Human Rights Committee

Concluding observations of the third report of Latvia*

1. The Committee considered the third periodic report submitted by Latvia (CCPR/C/LVA/3) at its 3042nd and 3043rd meetings (CCPR/C/SR.3042 and CCPR/C/SR.3043), held on 12 and 13 March 2014. At its 3060th meeting (CCPR/C/SR.3060), held on 25 March 2014, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Latvia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high level delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/LVA/Q/3/Add.1) to the list of issues which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption of the following legislative and institutional measures by the State party:

(a) The amendments to the Law 'On the Procedures for the Coming into Force and Application of the Criminal Law', which introduced a separate definition of torture, in 2009;

(b) The amendments to the Law on Medical Treatment, to clarify, inter alia, the criteria for the admission to psychiatric hospital, on 8 November 2007, and the institutional reforms to enhance out-patient care, in 2009;

(c) The amendments to the Asylum Law which adjusted the mandate of the State Border Guard and the Office of Citizenship and Migration Affairs in dealing with asylum applications, which entered into force on 21 November 2013;

* Adopted by the Committee at its 110th session (10–28 March 2014).

(d) The National Strategy for the Prevention of Human Trafficking 2014-2020, on 14 January 2014.

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

(a) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 19 December 2005, and on the sale of children, child prostitution and child pornography, on 22 February 2006 respectively;

(b) The Convention on the Rights of Persons with Disabilities, on 1 March 2010;

(c) The Optional protocol to the Convention on the Rights of Persons with Disabilities, on 31 August 2010;

(d) The Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, on 19 April 2013.

C. Principal matters of concern and recommendations

Ombudsman's Office

5. The Committee is concerned that the budget cuts have had a negative effect on the capacity of the Ombudsman's Office to exercise its mandate effectively (art. 2).

The State party should provide the Ombudsman's Office with adequate financial and human resources, in order to exercise its mandate in line with the Paris Principles (General Assembly resolution 48/134, annex), and finalize an application for accreditation of the Ombudsman's Office with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

Gender equality

6. While welcoming measures taken by the State party to reduce gender inequality, such as the adoption of the Gender Equality Action Plan 2012-2014, the Committee is concerned at the persistence of a wage gap between men and women of 13-17 per cent in the private sector, as well as the high unemployment rate of women (arts. 2, 3 and 26).

The State party should:

(a) **Adopt concrete measures to ensure that women enjoy equal pay for work of equal value and address the sources of the limited effectiveness of equal remuneration legislation;**

(b) **Ensure equal access of women and men to freely chosen occupations.**

Non-discrimination of 'non-citizen' residents and linguistic minorities

7. The Committee remains concerned at the status of 'non-citizen' residents and the situation of linguistic minorities. In particular, it is concerned about the impact of the State language policy on the enjoyment of the Covenant rights, without any discrimination, by members of linguistic minorities, including the right to choose and change one's own name and the right to an effective remedy. The Committee is further concerned at discriminatory effects of the language proficiency requirement on the employment and work of minority groups (arts. 2, 26 and 27).

The State party should enhance its efforts to ensure the full enjoyment of the Covenant rights by 'non-citizen' residents and members of linguistic minorities and

further facilitate their integration into society. The State party should review the State Language Law and its application in order to ensure that any restriction on the rights of non-Latvian speakers is reasonable, proportionate and non-discriminatory, and take measures to ensure access by non-Latvian speakers to public institutions and facilitate their communication with public authorities. The State party should also consider offering more Latvian language courses free of charge to 'non-citizen' and stateless persons who wish to apply for Latvian citizenship.

Trafficking in human beings

8. The Committee is concerned that trafficking in human beings persists in the State party, which also remains a country of origin for trafficking in human beings for sexual and labour exploitation, in particular of young women aged 18-25. The Committee is further concerned at insufficient identification and referral mechanisms, as evidenced by the low figures on identified and possible victims of trafficking, and the slow progress in implementing measures against trafficking (arts. 3 and 8).

The State party should:

(a) **Enhance proper identification and referral mechanisms and expand training to law enforcement officials and other professionals to improve their capacity to assist victims of trafficking;**

(b) **Promptly, effectively and impartially investigate, prosecute and punish all acts of trafficking in human beings and other related offences;**

(c) **Reinforce the mechanisms of support, rehabilitation, protection and redress, including the State-funded social rehabilitation services and assistance in reporting incidents of trafficking to the police, and ensure their availability to all victims of trafficking, as relevant;**

(d) **Carry out awareness-raising campaigns on the criminal nature of trafficking in human beings.**

Violence against women, including domestic violence

9. The Committee is concerned about insufficient reporting and investigation by the police of cases of violence against women, including domestic violence and rape, the absence of protection measures, in particular restraining orders against perpetrators of domestic violence, and the lack of systematic assistance to the victims of such acts. The Committee also regrets the absence of specific legislation proscribing domestic violence and spousal rape (arts. 3 and 7).

The State party should:

(a) **Consider establishing domestic violence and spousal rape as specific crimes in its Criminal Law;**

(b) **Encourage the reporting of cases of violence against women, including domestic violence and spousal rape, by victims;**

(c) **Ensure that cases of violence against women, including domestic violence and spousal rape, are thoroughly investigated and that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions and the victims are adequately compensated;**

(d) **Improve its research and data collection methods in order to establish the magnitude of the problem, its causes and consequences on women;**

(e) Ensure adequate assistance, including psychosocial counselling, and availability of a sufficient number of adequately resourced shelters.

Right to life

10. The Committee is concerned about deficiencies in reporting on the results of investigation, prosecution and application of appropriate penalties in the instances of death in places of detention (including cases of suicide and drug intoxication). The Committee is also concerned about the lack of independent mechanism for examination of instances of death in psychiatric institutions (art. 6).

The State party should ensure that all incidents of death in places of detention are properly investigated and reported. The State party should also ensure periodic independent review and evaluation of the work of commissions established following the death in the psychiatric institutions, which only consist of medical personnel and members of administration of the hospital concerned.

Torture

11. The Committee is concerned that the penalties for acts of torture, stipulated in several articles of the Criminal Law, do not represent appropriate sanctions for such criminal acts, and that acts of torture are subject to a statute of limitations the duration of which is not commensurate with a gravity of the crime. The Committee is also concerned at reports of inadequate observance of article 7 of the Covenant in the context of extraditions (art. 7).

The State party should:

(a) Include torture as a specific crime in the Criminal Law and stipulate sanctions for acts of torture which are commensurate with the gravity of such offences;

(b) Amend the statute of limitations for acts of torture, to be commensurate with the duration of statutory limitations for other crimes of a serious nature under the law of the State party, so that all acts of torture, including attempted acts of torture as well as complicity and participation in their commission, can be effectively investigated, and as relevant, prosecuted and punished;

(c) Ensure that it complies with the requirements of article 7 of the Covenant when determining the permissibility of extraditions.

Investigation of torture and ill-treatment by law enforcement officers

12. The Committee notes with satisfaction the State party's intention to reform the Internal Security Office of the State Police as well as the Prison Authority; however, it remains concerned that the Internal Security Office of the State Police as well as the Prison Authority, which are mandated to investigate unlawful conduct of members of the police and prison staff are not fully independent, as complaints are investigated by a police force investigator and prison authority superiors. The Committee is also concerned at continued reports of instances of physical violence and ill-treatment of detainees by law enforcement personnel and the low numbers of effective investigations and disciplinary sanctions for such acts (arts. 2, 7 and 10).

The State party should:

(a) **Take appropriate measures to establish an independent mechanism to carry out investigations of alleged misconduct by police officers and prison staff;**

(b) **Ensure that law enforcement personnel continue to receive training on the investigation of torture and ill-treatment, on the basis of the Istanbul Protocol of 1999 (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment);**

(c) **Ensure that allegations of torture and ill-treatment are effectively investigated and that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated;**

(d) **Safeguard effectiveness of complaints mechanisms for reporting of cases of ill-treatment and abuse in prisons.**

Detention on remand

13. The Committee is concerned about instances of lengthy detention on remand at the pre-trial phase of criminal proceedings, high numbers of detainees on remand amounting to around 29 per cent of the incarcerated population and the practice of lengthy detention for administrative offences in police detention. The Committee also regrets the absence of data on the length of pre-trial detention on remand and frequency of its application (arts. 9 and 14).

The State party should take urgent measures to reduce the length and frequency of pre-trial detention on remand and devise alternative measures to incarceration, compile reliable data on the length and frequency of pre-trial detention, and eliminate the practice of detention for administrative offences from its system of law enforcement.

Asylum seekers

14. The Committee is concerned about the lack of clear legal grounds on which asylum-seekers may be placed in detention upon arrival, reports of protracted detention of asylum seekers including children in facilities with poor conditions, and obstacles in accessing asylum procedures at some border-crossings. The Committee is also concerned at the determination of a refugee or asylum status through the accelerated procedure. It also regrets reported expulsions of refugees and asylum seekers based on article 3 of the Asylum Law, before an appeal against deportation has been adjudicated, if they are regarded as posing a threat to national security or public order and safety, notwithstanding the possible exposure of those deported to a violation of their rights under article 7 of the Covenant in the country of return (arts. 7, 9, 10 and 13).

The State party should:

(a) **Ensure strict respect for the principle of *non-refoulement*;**

(b) **Amend the Asylum Law to establish safeguards against arbitrary detention of asylum seekers and ensure that all persons in need of international protection receive appropriate and fair treatment at all stages and can benefit from procedural safeguards, in particular during the accelerated procedure;**

(c) **Ensure that decisions on expulsion, return or extradition are dealt with expeditiously, in accordance with due process of law, including the suspensive effect of appeals against decisions concerning asylum;**

(d) **Ensure that detention of asylum seekers is used only as a measure of last resort, for the shortest possible period, and that such detention is necessary and proportionate in light of the individual circumstances, and avoid detaining minors;**

(e) **Ensure that living conditions and treatment in all immigration detention centres are in conformity with international standards;**

(f) **Guarantee access to standardized asylum procedures and establish a referral procedure between the Office of Citizenship and Migration Affairs and the State Border Guard at all border points, in compliance with the international norms and standards.**

Conditions in police, remand, and prison facilities

15. While acknowledging improvements in certain areas, the Committee is concerned at the substantial number of complaints about poor material conditions in many police, remand and prison facilities, and that a number of deficiencies remains, in particular concerning the insufficient partition of hygienic areas in prison multi-occupancy cells, prevalence of violence among prisoners and excessive use of special measures such as hand-cuffing of life-term prisoners, without assessments of individual circumstances (art. 10).

The State party should:

(a) **Guarantee safeguards to inmates in accordance with article 10 of the Covenant;**

(b) **Take additional steps to improve material conditions, including space, in police, remand and prison facilities;**

(c) **Provide adequate supervisory staff to prevent violence among prisoners.**

Psycho-neurological hospitals and state social care centres

16. The Committee is concerned at the lack of state regulation of the application of compulsory medical treatment, physical restraints and restrictions of the right to privacy in psycho-neurological hospitals. The Committee is also concerned at shortcomings in State social care centres for adults with psychosocial and mental disabilities, such as the lack of accommodation alternatives and inappropriate activities, and in particular at forced medication in high dosage and use of isolation wards (arts. 2, 7, 9, 10, 17 and 26).

The State party should:

(a) **Review its policy and devise a proper regulatory framework for mental health and social care institutions in order to ensure that any decision to use restraint and coercive force in such institutions be made after a thorough and professional medical assessment that determines the amount of restraint or coercive force to be applied, and that any restrictions be legal, necessary and proportionate to the individual circumstances, and include the guarantees of an effective remedy;**

(b) **Ensure that non-consensual use of psychiatric medication, electroshocks Electroconvulsive Therapy (ECT) and other restrictive and coercive practices in mental health services is generally prohibited. Non-consensual psychiatric treatment may only be applied, if at all, in exceptional cases as a measure of last resort, where absolutely necessary for the benefit of the person concerned, provided that he or she is unable to give consent, for the shortest possible time, without any long-term impact, and under independent review;**

(c) **Promote psychiatric care aimed at preserving the dignity of patients, both adults and minors;**

(d) **Offer adequate community-based or alternative social care services for persons with psychosocial and mental disabilities to provide less restrictive alternatives to forcible confinement;**

(e) **Devise a program of adequate activities and ensure sufficient accommodation space for persons in social care centres;**

(f) **Ensure an effective and independent monitoring and reporting system of mental and social care institutions, aiming at effectively investigating and sanctioning abuses and providing compensation to the victims and their families.**

The right to a fair trial

17. The Committee is concerned at reported delays in the completion of criminal trials involving detention on remand while awaiting final judgements, the practice of which is inconsistent with the right to a fair trial (art. 14).

The State party should take appropriate measures to effectively observe safeguards of the right to a fair trial, including a timely delivery of judgments.

Freedom of expression

18. The Committee is concerned that the investigation of a physical attack against the journalist Leonids Jakobsons has been pending since March 2012 (art. 19).

The State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and interpreted in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, including by effectively investigating attacks against journalists.

Protection against hate crimes

19. The Committee is concerned at reports of racist speech and acts of violence, and of discrimination against vulnerable groups, including Roma and lesbian, gay, bisexual and transgender persons and at reported increase of incidents of violence against minorities in recent years. The Committee is also concerned at the inadequate application of the legislative framework against hate crime with respect to lesbian, gay, bisexual and transgender persons. The Committee is furthermore concerned at allegations of insufficient hate crime recording, monitoring, investigation and prosecution (arts. 20 and 26).

The State party should

(a) **Strengthen its strategies to fight against racially motivated crimes and to counter the use of racist discourse in politics and in the media;**

(b) **Implement criminal law provisions aimed at combating racially motivated crimes, punish perpetrators with appropriate penalties and facilitate the reporting procedure for hate crimes;**

(c) **Define incitement to violence on grounds of sexual orientation or gender identity as a criminal offence.**

National minorities and education

20. While noting that 22 per cent of educational institutions offer bilingual education in Latvian and one of seven minority languages, the Committee is concerned at the prevailing negative effects on minorities of the transition to Latvian as the language of instruction,

based on the Education Law, and the gradual decrease of the measures in support of teaching minority languages and cultures in minority schools (arts. 26 and 27).

The State party should intensify measures to prevent negative effects on minorities of the transition to Latvian as the language of instruction, in particular to remedy the lack of textbooks in some subjects and the lack of quality of the materials and of training for non-Latvian teachers in the Latvian language. The State party should also take further steps in support of teaching minority languages and cultures in minority schools.

Roma

21. The Committee is concerned that Roma continue to suffer from discrimination and social exclusion, especially in the areas of employment, housing, health and education. The Committee is particularly concerned that certain municipalities have continued to exclude Roma children by placing them in separate classes from other children which prevents them from receiving equal quality of education and limits their professional opportunities (arts. 26 and 27).

The State party should intensify its measures to ensure effective enjoyment by Roma of all the rights under the Covenant, without any discrimination, and take, in particular, immediate steps to eradicate the segregation of Roma children in its education system by ensuring that the placement in schools is carried out on an individual basis, after due assessment of the child's circumstances and capacities, and is not adversely influenced by the child's ethnic origin or socially disadvantaged condition.

22. The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the third periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the other commonly used languages of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and non-governmental organizations.

23. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 15, 19 and 20 above.

24. The Committee requests the State party, in its next periodic report, due to be submitted by 28 March 2020, to provide specific and up-to-date information on all its recommendations and on the Covenant as a whole.
