



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues in relation to the third periodic report of Latvia\*

##### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please provide information on cases in which the provisions of the Covenant have been invoked directly before the courts, including the Constitutional Court and administrative courts, and the availability of remedies and their effectiveness for individuals claiming a violation of the rights contained in the Covenant.
2. Please elaborate on the activities and achievements of the Ombudsman, including the information on the complaints subsequently submitted to the Constitutional Court. Please provide information about individual complaints received by the Ombudsman, violations found, remedies requested and recommendations made, including their outcomes. Please clarify whether the Ombudsman's Office has been provided with adequate personnel and financial resources to accomplish its mandate. Has accreditation for the Office of the Ombudsman with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights been sought?

##### **Non-discrimination and status of non-citizens, including naturalization process (arts. 2 (para. 1), 24 and 26)**

3. Please provide up-to-date statistical data on the population of Latvia by ethnicity and nationality criteria (CCPR/C/LVA/3, paras. 8 and 14). With reference to the Committee's previous concluding observations (CCPR/CO/79/LVA, para. 16), please indicate the steps taken to ensure the enjoyment of Covenant rights by non-citizens in accordance with article 2, such as the registration of newborns. Please indicate what steps have been taken to facilitate the naturalization of non-citizens, clarify the impact of the requirement to communicate in Latvian with public institutions and authorities, including in employment or work, on the effective enjoyment of Covenant rights by all individuals (CCPR/C/LVA/3, para. 24) and explain the reasons for the gradual decrease in applications to register a child as a Latvian citizen between 2004 and 2007 (*ibid.*, para. 32).

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\* Adopted by the Committee at its 109th session (14 October–1 November 2013).

**Non-discrimination and equal rights of men and women (arts. 2 (para. 1), 3 and 26)**

4. With reference to the Committee's previous concluding observations (CCPR/CO/79/LVA, para. 14), please indicate what steps have been taken to ensure equal treatment of women and men in the public and private sectors, in particular equal remuneration for work of equal value and equal opportunities for women and men in access to employment. Please also indicate the number and outcome of cases of discrimination against women and whether compensation has been paid.

5. Please provide information on the steps taken, if any, to strengthen national mechanisms for gender equality, and on personnel and financial resources available to those mechanisms. Please also clarify what measures have been taken to increase the participation of women in decision-making bodies in political and public life, as well as in the economic sector.

6. Please describe the measures adopted to prevent and sanction discrimination on the grounds of gender identity and sexual orientation, and remedies available to victims of this discrimination, and indicate whether there is legislation against hate crimes against lesbian, gay, bisexual and transgender persons.

**Violence against women, including domestic violence, trafficking in persons, prohibition of slavery and servitude, and equality before the law (arts. 3, 7, 8, 24 and 26)**

7. With reference to the Committee's previous concluding observations (CCPR/CO/79/LVA, para. 12), please provide the most recent statistical data on trafficking, disaggregated by gender, age and country of origin of the victims. Please indicate the measures taken to improve the identification of victims and enhance the effectiveness of the national mechanisms to protect, assist, support, compensate and rehabilitate victims of trafficking.

8. Please indicate how many investigations pursuant to articles 154 and 165, paragraph 1, of the Criminal Code have taken place and indicate the number of prosecutions, convictions and sentences for perpetrators of trafficking offences (CCPR/C/LVA/3, paras. 93–94). Please also give information about the State party's experience of granting a reflection period to victims of trafficking in persons to facilitate the investigation of such acts (ibid., para. 98).

9. With reference to the Committee's previous concluding observations (CCPR/CO/79/LVA, para. 13), please provide statistical data on violence against women, including domestic violence, and describe the legal and practical steps, including legislative, institutional and awareness-raising measures, taken against it. Please explain whether criminal law has separate provisions criminalizing domestic violence and spousal rape (ibid., para. 120).

10. Please clarify any steps taken to prevent the involvement of underage girls in prostitution and the high demand for underage prostitutes. Please also provide data disaggregated by age categories on prostitution in Latvia and indicate strategies adopted to ensure that rehabilitation and social integration services are available to underage girl prostitutes.

**The right to life and accountability (art. 6)**

11. Please provide an update on the deaths in law enforcement institutions, in psychiatric institutions and during military service, the investigations into those deaths and their results, as the data submitted show low figures and appear to be incomplete (CCPR/C/LVA/3, paras. 154–156 and annex 4). Please also indicate whether such investigations have been systematic and independent (*ibid.*, para. 154).

**Prohibition of torture and cruel, inhuman or degrading treatment or punishment, and fight against impunity (arts. 2, 7, 9 and 13)**

12. Please give details of the developments in incorporating a definition of torture into the respective legislative acts (CCPR/C/LVA/3, para. 158) and indicate: (a) the number of claims of torture and cruel, inhuman or degrading treatment or punishment during the reporting period; (b) the number of cases investigated; (c) the outcome of the investigations, including prosecutions, and sanctions imposed; (d) the number of those convicted of torture and of those who benefited from suspended sentences; and (e) measures taken for the rehabilitation and/or compensation of victims. Please: report on the strategies, including training, to prevent the ill-treatment of persons by the State Police and Prison Authority officers (*ibid.*, annex 5), in particular in Jēkabpils Prison; clarify the final outcomes of criminal and disciplinary proceedings in response to complaints of alleged violence and other ill-treatment by the law enforcement officers; and indicate what compensation has been awarded to the victims (*ibid.*, paras. 163 and 173).

13. With reference to the Committee's previous concluding observations (CCPR/CO/79/LVA, para. 8), please indicate whether the Internal Security Office of the State Police is an independent mechanism for the investigation of complaints of unlawful conduct by members of the police (CCPR/C/LVA/3, para. 179). Please explain how the Department of Supervision of the Pre-Trial Investigations of the Prosecutor General's Office oversees the criminal proceedings conducted by the Office (*ibid.*, para. 180). Please also indicate whether investigations into allegations of ill-treatment by prison staff are carried out by a body that is independent of the prison establishment concerned and of the prison system.

14. Please provide specific information on the internment of persons with psychosocial disabilities and persons with behaviour disorders in places of deprivation of liberty, including the means of restraint and "isolators" used, and indicate how many of these persons have been released during the period under review (CCPR/C/LVA/3, para. 194 and annex 5). Please also give an assessment of the procedures for "involuntary" and "voluntary" placement in psychiatric institutions and of detention on mental health grounds by an outside independent body, and of strategies to prevent prolonged hospitalization due to a lack of adequate care outside internment (*ibid.*, paras. 251–254).

15. With reference to the Committee's previous concluding observations (CCPR/CO/79/LVA, para. 9), please explain the reasons for the short time limits under the Asylum Law for the adoption of a decision on refugee or alternative status under the State border proceedings (within 48 hours), and for the submission of appeal under the same proceedings (within 24 hours) and the accelerated asylum procedure (48 hours). Please also give details on the kind of information provided to potential asylum seekers on their arrival in the State party, the availability of interpretation for them and their access to legal representation upon refusal of their asylum request (*ibid.*, para. 210). Please also explain the low numbers of appeals of refused asylum seekers before the Administrative court (*ibid.*,

para. 210). In the light of article 2 of the Asylum Law, please provide data on deportations and expulsions, as well as procedures to ensure that the principle of non-refoulement is observed (CCPR/C/LVA/3, para. 214).

**Right to liberty and security of person, treatment of persons deprived of their liberty (arts. 9 and 10)**

16. In the light of the introduction of the role of investigative judge under the new Code of Criminal Procedure, please indicate the current average length of pretrial detention, including statistics on how often it is applied. Please also clarify the grounds on which the detention on remand may be authorized by a judge and explain which circumstances justify that certain suspects or accused persons are presented before an investigative judge to decide on application of detention on remand within 12 hours, while others are presented within 48 hours (CCPR/C/LVA/3, paras. 237 and 239).

17. Please indicate what measures have been taken to improve the material conditions of detention in prisons, including for detention in disciplinary cells, and what strategies have been planned to guarantee a living space per prisoner in accordance with article 10 of the Covenant. Please also indicate all measures taken to ensure a regular inspection of all places of deprivation of liberty.

18. Please describe the steps taken to deal with the frequent complaints from prisoners about delays in gaining access to a doctor and the quality of treatment provided, and submit information about the availability of and conditions for receiving regular medical treatment.

**Right to a fair trial (art. 14)**

19. Please explain to what extent non-citizens and foreigners can benefit from the State-guaranteed legal aid (CCPR/C/LVA/3, para. 85). Please also give examples of compensation provided to victims of criminal offences.

**Freedom of expression (art. 19)**

20. Please submit information on the subsidies provided to non-Latvian media. Please comment on the impact of the State language policy on access to information for non-Latvian speakers. Please explain how the amendment to article 19, paragraph 5, of the Law on Radio and Television on the measures to “prevent the threat to the use of the State language” posed by broadcasting in foreign languages in the State territory, is compatible with the Covenant, in particular with regard to the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression.

21. Please explain whether the physical attack against the journalist Leonids Jakobsons in March 2012 has been duly investigated and what the outcome was.

**Right to participate in public life (art. 25)**

22. Please explain what legislative and policy measures have been adopted to ensure the participation of ethnic minorities in the political process, political elected bodies and the public service, and provide updated data, disaggregated by sex, on the representation of ethnic minorities in Parliament and their participation in public affairs and economic life.

**Non-discrimination and rights of persons belonging to minorities (arts. 17, 20, 26 and 27)**

23. With reference to the Committee's previous concluding observations (CCPR/CO/79/LVA, para. 21), please give examples of the measures taken to ensure full inclusion of members of the Roma community in society, and their equal treatment. Please describe the impact of the State programme "Gypsies (Roma people) in Latvia 2007–2009", in particular in the fields of education, employment and human rights (CCPR/C/LVA/3, paras. 43–46).

24. With reference to the Committee's previous concluding observations (CCPR/CO/79/LVA, para. 20), please describe steps taken to prevent the transition to Latvian as the language of instruction, under the Education Law, from having a negative effect on minorities. Please indicate measures taken to remedy the lack of textbooks in some subjects, the reduced quality of the materials and the lack of training for non-Latvian teachers in Latvian. Please also describe measures taken to teach minority languages and cultures in minority schools, while maintaining efforts to improve education in Latvian for children of ethnic minorities, particularly Russian-speaking children, in order to guarantee equal access to higher education and employment.

25. Please describe strategies to fight against racially motivated crimes and indicate whether racially motivated hate speech is prohibited by law. Please describe steps taken to counter the use of racist discourse in politics and in the media.

26. Please clarify what measures have been taken against prevailing discrimination against linguistic minorities, in particular Russian-speaking persons, and indicate whether the steps taken have included the revision of the State Language Law, as requested by the Committee in its Views on the communication No. 1621/2007, *Raihman v. Latvia*, of 28 October 2010.

**Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)**

27. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocol, the consideration of the second periodic report and the Committee's concluding observations, and on training and education on the Covenant and the Optional Protocol given to all categories of public officials. Please also provide information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations and national human rights institutions in the preparation of the third periodic report.

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