



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE:KF/fup-118

7 December 2016

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 15, 19, and 20 of the concluding observations on the report submitted by Latvia ([CCPR/C/LVA/CO/3](#)), adopted at the 110th session in March 2014.

On 4 November 2015, the Committee received the reply of the State party. At its 117th session, held in July 2016, the Committee evaluated that information. The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations ([CCPR/C/117/2](#)). I hereby attach, for ease of reference, a copy of the advanced unedited version of the relevant section of the said report.

During its 118th session held in October-November 2016, the Committee noted that the additional information requested from the State party has not yet been provided and decided to send a reminder to the State party. The Committee would appreciate receiving the information requested by **7 March 2017**.

The State party is kindly requested, when submitting its reply to the Committee, not to reiterate information that has already been provided to the Committee.

The reply should be sent in Microsoft Word electronic version to the Secretariat of the Human Rights Committee (Kate Fox: [kfox@ohchr.org](mailto:kfox@ohchr.org) and [ccpr@ohchr.org](mailto:ccpr@ohchr.org)). In accordance with the Note by the Human Rights Committee on the procedure for follow-up to concluding observations (see [CCPR/C/108/2](#)), the follow-up report should not exceed a maximum of 3,500 words.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

H.E. Mr. Janis Karklins  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative  
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Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, reading "Sarah H. Cleveland".

Sarah Cleveland  
Special Rapporteur for Follow-up to Concluding Observations  
Human Rights Committee

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## Assessment of replies

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### *Reply/action satisfactory*

- A Response largely satisfactory

### *Reply/action partially satisfactory*

- B1 Substantive action taken, but additional information required
- B2 Initial action taken, but additional information and measures required

### *Reply/action not satisfactory*

- C1 Response received but actions taken do not implement the recommendation
- C2 Response received but not relevant to the recommendation

### *No cooperation with the Committee*

- D1 No response received within the deadline, or no reply to a specific question in the report
- D2 No response received after reminder(s)

### *The measures taken are contrary to the Committee's recommendations*

- E Response indicates that the measures taken are contrary to the Committee's recommendations
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## Latvia

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Concluding observations:	CCPR/C/LVA/CO/3, 25 March 2014
Follow-up paragraphs:	15, 19, and 20
First reply:	4 November 2015
Committee's evaluation:	Additional information required on paragraphs 15[B2][B2][C1] 19[B1][B2][B2] and 20[B2].

### **Paragraph 15: 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 numbers of supervisory staff to prevent violence among prisoners.**

### **Summary of State party's reply:**

- (a) The State party repeated information provided in its Periodic Report (CCPR/C/LVA/3, paras. 275, 288, 305 325 and 327).

The State party referred to Regulation No. 25, adopted in January 2014, to ensure free medical care for all convicted persons and those detained on remand.

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*Latvia*

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Prisoners with life sentences are held separately in facilities with increased security. They are involved in some re-socialization activities.

As per Regulation No.283 (2015), officials may only use special measures in exceptional cases, after a thorough assessment of the situation. Handcuffs and footcuffs on prisoners serving life-sentences are only allowed when the prisoner may cause danger.

(b) The State party elaborated on information about material conditions provided in its Periodic Report (CCPR/C/LVA/Q/3/Add.1 para. 311) and in its replies to List of Issues (CCPR/C/LVA/Q/3/Add.1 para. 126-128). In January 2015 Latvia began the process of renovating close to a dozen police detention facilities.

In 2014, ten prisons and a Correctional Facility for Juveniles were renovated or reconstructed. Material conditions in prisons are constantly improving.

The State party reiterated information provided in its Replies to List of Issues (CCPR/C/LVA/Q/3/Add.1 para. 129).

(c) If a prison officer believes that a prisoner has been subjected to violence, the officer must report to the prison's Medical Unit. The Head of the prison will investigate and initiate criminal proceedings if merited.

Prisons have installed additional video surveillance cameras to monitor corridors and common areas. In 2014, additional security video cameras were installed in Riga Central Prison.

During 2014, 21 prison officers received a training, which includes the issue on the prevention of risks of violence.

**Committee's evaluation:**

(a)[B2]: The Committee takes note of information provided by the State party, including Regulation No. 283, adopted in June 2015, to reduce the use of restraints, but requests data on the frequency of cases in which restraints are used and the criteria applied. The Committee also requests clarification regarding the measures taken, after the adoption of the Committee's concluding observations to guarantee safeguards to inmates, in accordance with Article 10 of the Covenant.

(b)[B2]: The Committee notes the information provided by the State party regarding renovation of police and youth detention facilities and prisons. It requests specific information on the measures taken, following the adoption of the concluding observations, to improve space and material facilities, including the nature of the renovations and the number of detention spaces affected.

(c)[C1]: The Committee regrets the absence of information on measures taken to increase the number of supervisory staff and requests that such information be provided.

**Paragraph 19: The State party should**

**(a) Strengthen its strategies to fight against racially motivated crimes and 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.**

**Summary of State party's reply:**

**(a) In June 2014, the Government adopted an informative report requiring several**

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*Latvia*

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amendments to the Criminal Law, covering matters such as online hate crimes and hate-based actions of public officials. In September 2014, Articles 48 and 78 of the Criminal Law were amended.

Regarding racist discourse in the media, the State party repeats some information offered in its Periodic Report (CCPR/C/LVA/3, para. 470).

In September 2014, the Advertising Law provisions were amended to provide more detailed requirements on the monitoring of the law, which prohibits advocacy of violence and war propaganda and forbids incitement to discriminate on the grounds of race, colour, gender, age, religious, political or other convictions, national or social origin, financial status or other factors. Furthermore, in 2014 the Ministry of Culture established a working group to develop media policy guidelines. The government has sponsored projects aimed at combatting discrimination and promoting tolerance, including the program Different people. (b) In 2014, 89 criminal proceedings were initiated for alleged criminal offences committed under Article 78 (Inciting to National, Ethnic or Racial Hatred or Enmity) of the Criminal Law.

A 2014 Supreme Court decision established that a person may be found guilty under Article 78 for inciting to racial hatred using an automated database, even if it does not lead to damage of a particular person.

(c) In September 2014, Article 150 (Inciting to Social Hatred and Enmity) of the Criminal Law was amended to criminalize inciting hatred based on gender, age, disability or any other factor if substantial harm is caused. Article 150 is construed broadly enough to encompass sexual orientation. Sentences are more severe if an automated data processing system is used.

**Committee's evaluation:**

(a)[B1]: The Committee welcomes the legislative amendments and development of strategies to combat racially motivated crimes. It requests, however, information on the impact of these measures and on measures taken to counter the use of racist discourse in politics.

(b)[B2]: The Committee notes the information provided by the State party on the implementation of Article 78 of the Criminal Law, but requests additional statistical data on: the number of complaints of racially motivated crimes, prosecutions, sentences and reparations granted since the adoption of the concluding observations, as well as information about the motives of such crimes and measures taken to facilitate reporting of such crimes.

(c)[B2]: While the Committee welcomes the amendment of Article 150 of the Criminal Law, it regrets that the State party has not explicitly defined incitement to violence on grounds of sexual orientation or gender identity as a criminal offence. The Committee requests information on the application of Article 150 to crimes committed on grounds of sexual orientation and gender identity, and reiterates its recommendation.

**Paragraph 20: The State party should intensify measures to prevent the negative effects on minorities of the transition to Latvian as the language of instruction and in particular to remedy the lack of textbooks in some subjects and the lack of quality of materials and training in the Latvian language for non-Latvian teachers. The State party should also take further steps in support of the teaching of minority languages and cultures in minority schools.**

**Summary of State party's reply:**

The State party repeated information provided in its Replies to the List of Issues (CCPR/C/LVA/Q/3/Add.1 para. 166) and in its Periodic Report (CCPR/C/LVA/3 para.

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*Latvia*

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The Latvian Language Agency aims to provide both teachers and students with various materials for those teaching and learning Latvian at a beginner's level. Beginning in 2015, the materials will also cover other levels of language proficiency.

In the 2014-2015 school year approximately 56,400 students attended educational institutions utilizing the minority curriculum. All educational institutions implementing minority education curriculum must teach a mandatory subject on minority language and literature. Students of the minority schools are entitled to pass the concluding exams in the minority language.

**Committee's evaluation:**

[B2]: The Committee welcomes the information provided on language and professional development courses, teaching and learning materials. The Committee notes the initiative of the Latvian Language Agency to provide both teachers and students with various materials for those teaching and learning Latvian at a beginner's level, but requires information on steps taken since the last concluding observations in this regard, including the number of persons trained pursuant to each of the referenced programs. The Committee also requires information on measures taken to support the teaching of minority languages, since the last concluding observations in this regard. The Committee reiterates its recommendations.

**Recommended action:** A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 28 March 2020

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