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SUMMARY RECORD OF THE 2150th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 28 October 2003, at 3 p.m.

Chairperson: Mr. AMOR

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Latvia (CCPR/C/LVA/2002/2; CCPR/C/79/L/LVA; written responses of the Government of Latvia to the list of issues, document without a symbol, distributed in English only)

1. At the invitation of the Chairperson, the members of the delegation of Latvia took places at the Committee table.

2. Mr. KARKLINS (Latvia) said he wished to establish the context in which the Latvian Government had conducted its policy since independence in 1991. The 50 years of occupation by the Soviet Union had left a legacy which continued to cause Latvia difficulties. Such issues as citizenship, minorities and language must be seen against the complex background of mass inflows of non-Latvians during that period, which had nearly overwhelmed the Latvian population and given rise to various problematic legal situations. For example, great precision was required when speaking of the various groups: the Latvian majority included Latvians who were citizens of Latvia, Latvians who were non-citizens, Latvians who were aliens or citizens of third countries and Latvians who were stateless persons. The population also comprised Russians, Ukrainians and Belarusians.

3. Mr. MUIZNIEKS (Latvia), introducing the report (CCPR/C/LVA/2002/2), said enormous changes had taken place since Latvia had submitted its initial report in 1995. At that time, reporting capacity had been very limited and few officials or human rights activists had been aware of the Covenant or other international human rights instruments. Now the Covenant was frequently invoked by officials, activists and judges, and the reporting capacity of the Government had been considerably strengthened.

4. Latvia had recently submitted a report to the Committee on the Elimination of Racial Discrimination, and an inter-sectoral working group had been established within his own department, the Ministry of Social Integration, to evaluate that Committee's recommendations and make proposals for implementation.

5. Since 1995, when the last Soviet troops had withdrawn and Latvia had begun the painful transition from a command economy to a market economy, significant legislative changes had taken place, and many reforms had been undertaken pursuant to the Covenant, most notably the establishment of the National Human Rights Office and the Constitutional Court. The latter played a major role in the development of human rights, reviewing individual complaints in the light of not only the Constitution but also Latvia's treaty obligations, including the Covenant. A Bill of Rights had been incorporated in the Constitution in 1998. The Government had recently submitted the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, to Parliament for ratification.

6. Latvia, like all other countries of the region, had had to face major challenges in the area of criminal justice, including demilitarization of the prison system, repair and reconstruction of dilapidated facilities inherited from the Soviet regime, outbreaks of HIV and multi-drug resistant

tuberculosis, high incarceration rates and overcrowding. Alternatives to imprisonment, such as community service, had been introduced through the new Criminal Code that had entered into force in 1999, and institutions had been opened up to monitoring by international and non-governmental bodies. International cooperation had been of vital importance in promoting reforms and staff training.

7. Concerted efforts had been made to involve judges and prosecutors in the reform, and a new probation service had recently been established in order to help reduce the prison population, cut recidivism rates and promote the social reintegration of former offenders. Pre-trial detention periods had been limited through amendments to the Code of Criminal Procedure, and new legislation currently before Parliament, which envisaged significant improvements in investigative procedures, held out hope of further progress.

8. With regard to juvenile justice, case processing had been speeded up through amendments made in 2000 to the Code of Criminal Procedure and the Criminal Code, and young offenders had recently been transferred to a newly-renovated institution.

9. A new multi-year project launched by human rights NGOs, in cooperation with the Ministries of Justice and the Interior, involving on-site visits and human rights training for staff, should help improve conditions in closed institutions such as prisons, police cells and mental hospitals.

10. In the area of minority policy, the core issues were citizenship, naturalization, language policy and education reform. Since the 1998 referendum liberalizing the Citizenship Law, steps had been taken to promote naturalization for non-citizens, including free language training and a reduction in the naturalization fee. Applications had been boosted by the recent successful referendum on European Union (EU) membership: EU citizenship was considered an advantage.

11. Language legislation drafted in close consultation with the EU, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, and adopted in 1999 and 2000, limited government regulation of language use in the private sector to instances in which there was a legitimate public health or safety interest.

12. Education reform during the 1990s had focused on attempts to unify the school system, which under Soviet rule had been segregated and divided into Latvian-language and Russian-language schools, the latter being attended by members of all minorities. Latvian language courses had been introduced, more subjects were taught in Latvian and various bilingual education models had been introduced in minority secondary schools. The overall aim was to ensure equal opportunities for all.

13. With regard to the integration of minorities, he said the fund established as part of the national programme for the integration of society had a budget of € 3 million for 2003, and his own post of Minister for Social Integration had been created in late 2002 in order to promote the process. He had added a new anti-discrimination component, including legislative and educational reform; a national plan of action against intolerance had also been drafted in line with the recommendations of the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

14. Latvia had now ratified the 1951 Convention relating to the Status of Refugees, in line with the Committee's recommendations, and had recently adopted new legislation on immigration and asylum.
15. In the area of gender equality, progressive new anti-discrimination provisions had been introduced into labour legislation, a national conference on gender equality had been organized, and women's participation in politics and the civil service had expanded considerably. A Gender Equality Council had been established in 2002, under the Ministry of Welfare, to further promote policy development.
16. Also in 2002, a Ministry for Children's and Family Affairs had been created, in part with the aim of promoting the deinstitutionalization of childcare through increased foster care and adoption.
17. Lastly, his delegation was unaware of additional issues that might have been brought to the Committee's attention by NGOs, since it had received no reply to its request for information on that point from the secretariat.
18. The CHAIRPERSON invited the delegation of Latvia to reply to questions 1 to 12 of the list of issues (CCPR/C/79/L/LVA).
19. Ms. REINE (Latvia) said her Government's written responses had been distributed to Committee members and so she would merely make some brief supplementary comments.
20. On question 1, she pointed out that the role and legitimacy of the Constitutional Court had been recognized by the European Court of Human Rights, which had rejected certain complaints on the grounds that they had not first been brought before the former Court.
21. With regard to question 2, she said that the National Human Rights Office was a fully recognized institution for the protection of human rights, with corresponding powers. Although it was a full member of the International Ombudsman Institute, it was not the same as an ombudsman's office. It not only dealt with awareness-raising, but also received complaints from individuals and groups and was empowered to act on its own initiative. It made frequent use of its power to bring complaints before the Constitutional Court and had won a number of cases there.
22. Turning to question 3, she wished to emphasize the fact that Latvia's counter-terrorism measures had had no visible impact on individual human rights and no complaints had been lodged concerning possible violations in that regard.
23. With regard to progress in women's participation in public life (question 4), she drew attention to the fact that her delegation was made up primarily of women.
24. On question 5, she said the Ministry of Welfare was in the process of drafting new amendments to the anti-discrimination legislation in order to further safeguard the principles of non-discrimination and gender equality.
25. With regard to question 10, she drew attention to the role of the National Human Rights Office in disseminating information on the United Nations Standard Minimum Rules for the

Treatment of Prisoners: on request, it would send a summary or the full text of the Rules to any interested party. Any relevant complaints to the National Human Rights Office were treated in strictest confidence, thereby ensuring unrestricted communication on such issues. Information was also sent to places of detention.

26. Mr. WIERUSZEWSKI welcomed the delegation's positive attitude to the dialogue with the Committee. He thanked it for the very comprehensive report, which had adopted a model approach, following the Committee's guidelines and addressing the concerns and recommendations relating to the State party's initial report.

27. The Committee on the Elimination of Racial Discrimination had recently examined the situation in the State party and had produced conclusions and recommendations on a number of issues that were also of interest to the Human Rights Committee. Although the delegation had reacted positively to those conclusions and recommendations, he was somewhat troubled by the fact that the Prime Minister had explicitly stated in a recent interview that the recommendations might not be implemented fully, if at all, as they were not legally binding. He would be interested in knowing the degree of importance attached by the Government to the recommendations of the human rights treaty bodies.

28. He appreciated the fact that the delegation had provided written replies to the questions on the list of issues, but it was regrettable that the replies had been submitted late and in English only, thereby making it difficult for the non-English-speaking members of the Committee to participate fully in the dialogue.

29. According to the information provided by the State party, in February 2002 the Cabinet of Ministers had submitted to Parliament for adoption two draft laws on "Accession to the Second Optional Protocol to the ... Covenant" and on "Accession to Protocol 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms". He wondered why there had been such a delay in their adoption and whether it was likely that those draft laws would be adopted in the foreseeable future.

30. The statistics provided by the State party on allegations of physical ill-treatment of persons detained by the police, both at the time of arrest and during police interrogations, reflected only complaints received between 2001 and the first half of 2002 and did not paint a very clear picture of the situation. According to the information provided by the State party, 14 criminal proceedings had been instituted under article 317, paragraph 2, of the Criminal Law on the Abuse of Power by Police Officers. Of the seven cases that had been sent to court, three had been terminated during the pre-trial investigation. He would be interested to know why the figures were so low and what the outcome of the court cases had been. Although an office had been established to examine complaints of police misconduct, no independent mechanism for the investigation of complaints appeared to have been set up. Likewise, the statistics provided on violence in the army were surprisingly low. He wished to know the extent to which those statistics reflected reality.

31. Mr. BHAGWATI commended the State party for having prepared a report that satisfactorily addressed all the issues raised by the Committee during its consideration of Latvia's initial report (CCPR/C/81/Add.1/Rev.1) in 1995. Furthermore, the report had been

prepared in accordance with the Committee's guidelines. He also appreciated the very exhaustive and detailed written answers that had been provided by the delegation.

32. The situation in Latvia had improved tremendously in recent years. He particularly welcomed the establishment of the Constitutional Court in 1996; the Court had referred to the Covenant in a number of its judgements. The delegation should indicate whether there had been any cases where domestic legislation had been found to be inconsistent with the Covenant and consequently been repealed.

33. He also welcomed the establishment of the National Human Rights Office in 1995. The Office had, on several occasions, exercised its right to submit applications to the Constitutional Court regarding legal provisions it considered to be in breach of the Constitution and the treaties to which Latvia was a party. Further information should be provided about the nature and outcome of those applications. He would be equally interested to know whether there was any conflict between the provisions of the Covenant and those of the Constitution.

34. The delegation should also indicate whether the Government intended to establish an ombudsman's office or other similar independent authority to examine allegations of misapplication of the law by the Executive or by State officials, given that the National Human Rights Office did not have the power to investigate such allegations.

35. Mr. YALDEN said that he had visited Latvia twice in the 1990s in his capacity as head of a Canadian commission providing support to the Government of Latvia in its efforts to establish the national human rights office. The Government had taken its responsibilities in that regard very seriously at the time, and it obviously continued to do so.

36. It was well known that many of the major social and human rights problems encountered by Latvia since the end of the Soviet occupation stemmed from the fact that the country had a large Russian-speaking minority. The head of the delegation had referred to the segregated school system, which had been a legacy of Soviet rule and had produced bilingual Latvian and monolingual Russian-speaking minorities. He would like to know how many of the complaints addressed to the National Human Rights Office were based on language-related problems.

37. Although information had been provided about the number of written complaints received by the National Human Rights Office, it would be useful for the Committee to have a full account of the nature of the complaints and the results obtained. According to the information provided by the State party, it was expected that the Office would serve as a basis for the establishment of the institution of ombudsman. The delegation should clarify the relationship that would exist between the two institutions. For example, it would be useful to know whether the Office would eventually be incorporated into the ombudsman's office or whether the two offices would work side by side.

38. A significant volume of information had been provided by the Government about the mechanisms in place for preventing discrimination against women. However, the reporting State should be more specific about the number of cases of discrimination that were reported to the authorities and the outcome of investigations. It would also be useful to know whether victims received any compensation. Some information had been provided about the efforts made by the Government to ensure that women in public service were treated equally. He wondered whether

any similar measures had been taken in the private sector. Information should also be given about cases of harassment in the workplace and measures to prevent it. Although the Committee had received information about proposed legislation to prevent domestic violence, no detailed information had been provided about the nature and the extent of the problem. Further attention should be given to that issue.

39. Mr. SCHEININ said that he had been working with Latvian governmental, non-governmental and academic institutions for several years and therefore had some knowledge of the rapid pace of development in many aspects of human rights protection. The signs were very promising.

40. He nevertheless expressed concern about the Government's lax attitude towards counter-terrorism measures. He had studied Latvia's report to the Counter-Terrorism Committee of the Security Council and identified two areas of concern. The first was the question of non-refoulement and whether denial of refugee status could lead to an individual being removed from Latvia, even if the individual might be at risk of torture or inhuman treatment in his or her country of origin. However, he noted with satisfaction that a new law had been adopted in that regard and that consequently the principle of non-refoulement was now an absolute norm in Latvia's legal order.

41. The second area of concern was the postponement of the discussion aimed at formulating a definition of the crime of terrorism due to an "academic dispute" on the necessity of a broad definition. However, the question whether or not there should be a definition of terrorism and what that definition should be was a serious human rights issue, and not an academic issue. The broadness of the definition was directly relevant under article 15 of the Covenant, which required not only the non-retroactivity of criminal law but precision, accuracy and the full coverage of all elements of a crime in the text of the law. In that regard he would be interested to know where the academic dispute had taken the authorities in their efforts to provide a definition of terrorism and why the dispute had been categorized as "academic".

42. He had been led to believe that delays in criminal proceedings were a serious human rights concern in Latvia, and would welcome confirmation on that point. As far as he understood, the undue delays affected people in pre-trial detention and detention pending appeal. He would like to know whether any measures had been taken to speed up the workings of justice.

43. Mr. SHEARER welcomed the fact that the United Nations Standard Minimum Rules for the Treatment of Prisoners had been widely distributed, including to prisoners. The Committee did not have a clear idea whether there was a problem of overcrowding in prisons. The figures provided by the State party in connection with the numbers of persons in detention and the number of prison places were unclear and should be clarified. The number of persons in detention during pre-trial investigation seemed to be low in comparison with the number of persons in detention awaiting trial. However, there appeared to have been an encouraging decline in the proportion of those detained awaiting trial compared with convicted prisoners. The decline in the total prison population during the period 2000-2003 was equally encouraging. He wished to know whether the Government had established any targets to encourage a further decline in the prison population and in the number of persons awaiting trial.

44. Referring to paragraphs 59 to 61 of the written responses, he welcomed the establishment of the State Probation Service, which should help promote alternative penalties to the deprivation of liberty. He suggested that the term “community service order” should be used instead of “forced labour”, since the latter was prohibited under article 8 of the Covenant.

45. Mr. GLELE AHANHANZO, referring to paragraph 20 (d) of the report, asked for further details of the criteria used to deny Latvian citizenship to persons “who had turned against the independence of the Republic of Latvia, the democratic parliamentary public system or the existing public power in Latvia”.

46. Mr. ANDO said that, according to information he had received, trafficking in women and children had increased substantially in the State party during the difficult transition to a market economy. He wished to know whether the Government had any programmes, such as public awareness campaigns, designed to eliminate that problem. The delegation should also explain how the Government approached the issue of domestic violence. In his country, Japan, State agencies and NGOs provided shelters for victims of domestic violence, and took steps to educate society in that regard.

47. Sir Nigel RODLEY, referring to paragraph 135 of the report, asked for further information concerning the conditions in which suspects were detained during the 72 hours following their arrest. He would like to know where suspects were detained, when they were provided with access to a lawyer and what safeguards were in place to ensure adequate conditions. The delegation should also explain whether suspects could remain in police detention after a remand order had been issued or whether they were transferred to remand centres.

The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.

48. The CHAIRPERSON said that the Committee welcomed the written replies to the list of issues, but would have appreciated their submission at an earlier date, so as to enable them to be translated into the other working languages. He invited the delegation to reply to the oral questions asked by members.

49. Mr. MUIZNIEKS (Latvia) said that his Government took its international obligations very seriously, as reflected by the fact that it had set up a working group at cabinet level to follow up the recommendations made by the Committee on the Elimination of Racial Discrimination. With regard to voting rights for non-citizens at municipal level, government policy was to promote naturalization and, therefore, it would be contradictory to offer non-citizens the same rights as Latvians. Nevertheless, the working group was studying all the recommendations with a view to making the appropriate reform proposals.

50. There were no plans to appoint separate ombudsmen parallel to the National Human Rights Office. A bill would be submitted to Parliament before the end of 2003, with a view to expanding the functions of the Office so as to ensure good governance in all spheres of public administration. In 2002, only 29 out of a total of approximately 5,000 complaints received by the Office had concerned ethnic or linguistic discrimination.

51. There were no arbitrary restrictions on the acquisition of citizenship through naturalization. Citizenship could be refused to applicants with criminal convictions either for threatening the public authorities, independence or parliamentary system of Latvia, or for expressing ideas of fascism, totalitarianism or incitement to national or racial superiority. Other restrictions applied to members of the armed forces or security services of foreign countries. Discussions concerning ratification of the Second Optional Protocol to the Covenant were still in progress, although they had been delayed by the parliamentary elections in 2002, following which two thirds of members of Parliament were new.

52. Ms. REINE (Latvia) said that the National Human Rights Office published an annual report, available in English as well as Latvian. It also maintained a web site, through which quarterly and special reports could be accessed, together with up-to-date statistics. A number of complaints brought by the Office before the Constitutional Court had resulted in decisions in the Office's favour. For instance, the Court had ordered the amendment of labour legislation to allow temporary residents to receive unemployment benefits, and also the repeal of a law stipulating that only graduates of State universities could become public prosecutors. On the other hand, the Court had rejected a complaint concerning the application of bonds in exchange for property, issued by the Government as part of its property restitution programme. Two cases, concerning pensions for public prosecutors and compensation for occupational injuries, remained pending.

53. Mr. KARKLINS (Latvia) said that the small number of complaints concerning violence in the armed forces was simply a reflection of the size of the army, which recruited only 3,000-4,000 persons each year. Nevertheless, military commanders had identified the elimination of violence within units as a priority, and officials paid random visits to bases with the aim of detecting abuses.

54. Since trafficking in women had begun to emerge as a problem in the 1990s, a special task force had been set up within the organized crime division of the national police. The Government, in conjunction with the International Organization for Migration, had launched a public awareness campaign in 2002 designed to dissuade women from responding to apparently attractive offers of employment abroad.

55. According to statistics for 2002, 14 per cent of men were actively seeking employment, while 13 per cent of women were in that situation; 16 per cent of men had benefited from higher education, while the figure was 24 per cent for women. While more men occupied positions as legislators, managers or senior officials, women occupied a greater number of professional posts. Jobs as machine operators or factory workers were favoured by men, while jobs in the service or retail sectors attracted more female applicants.

56. The CHAIRPERSON invited the delegation to reply to questions 13 to 26 of the list of issues.

57. Ms. REINE (Latvia), replying to question 13, said that the written replies to the list of issues contained extensive information concerning the draft Criminal Procedure Law, which would remedy a number of problems relating, for example, to lengthy pre-trial detention and the time required for adjudication of cases.

58. The delegation would expand, if necessary, on the information provided in the written reply to question 14 concerning involuntary placement in psychiatric institutions.

59. With regard to question 15, the provision regarding non-refoulement, which was the major development in the new Asylum Law, had been addressed in the written reply. Not many people had been granted asylum for the simple reason that not many had sought asylum in Latvia.

60. Turning to question 16 concerning statistics about trafficking in women and girls for purposes of prostitution, she said her delegation would respond at the next meeting to the questions raised orally by Committee members that had not been covered in the written replies.

61. On question 17, she said that the Law on Alternative Service permitting a civilian alternative to military service had come into effect. Not many Latvians had applied for that option, but according to the Ministry of Defence and the National Human Rights Office, which were represented on the relevant decision-making body, all applications received had been approved.

62. Statistics regarding violence against children had been provided in the written reply to question 18. The Committee's oral question about domestic violence and trafficking in children would be addressed at the next meeting.

63. Extensive information on Latvia's encouragement of the process of naturalization, especially through awareness campaigns, had been provided in the written reply to question 19. Moreover, Latvia had already stated its position on the issue to the United Nations Committee on the Elimination of Racial Discrimination (CERD).

64. In reply to question 20, she referred to a Constitutional Court judgement to the effect that voting restrictions on persons held on remand were anti-constitutional. The provision of the Law on Parliamentary Elections imposing such restrictions had therefore become null and void.

65. The issue raised in question 21 regarding the Education Law had been discussed at length in connection with Latvia's report to CERD. It had also been addressed in detail in the written replies to the list of issues. Extensive information taking into account Latvia's dialogue with CERD had been provided in response to question 22 concerning the Latvian State Language Law.

66. The written information provided in response to question 23 concerning the National Programme for the Integration of Society included a description of projects designed to achieve that goal. The delegation's introductory statement had supplemented the information provided in the written reply to question 24 concerning the representation of ethnic minorities in Parliament and their participation in public affairs and economic life.

67. In reply to question 25, she said that comments by the Human Rights Institute of the University of Latvia and the National Human Rights Office had been reflected in Latvia's report to the Committee. The report had already been published on the web site of the Ministry of Foreign Affairs and the Committee's concluding observations would also be published as soon as they became available.

68. In reply to question 26, she said that training was given to all categories of public officials on the Covenant and the Optional Protocol. For example, regular training courses on international instruments and jurisprudence were held for judges at the Judicial Training Centre. The University of Latvia's Human Rights Institute ran seminars for judges, prosecutors, members of Parliament, public officials and journalists. Two seminars had been held in 2003 on possible improvements in pre-trial detention procedures and the honour and reputation of public officials. International standards were also addressed on a regular and ad hoc basis in the training of civil servants, police officers, prison officials and prosecutors.

69. The CHAIRPERSON observed that the written replies were unfortunately available in English only, which left non-English-speaking members of the Committee at a disadvantage. In addition, while the Committee endeavoured to follow developments in other treaty bodies, its perspective was somewhat different from that adopted by CERD.

70. Mr. KARKLINS (Latvia) said that the purpose of the written replies had been to ensure that sufficient time was available for a genuine dialogue with the Committee.

71. The CHAIRPERSON said that while that was a praiseworthy objective, the written replies should have been submitted somewhat earlier to allow time for translation into the other working languages.

72. Mr. KÄLIN, commending the Latvian report, said he particularly appreciated the State party's willingness to implement the Committee's Views on individual communications under the Optional Protocol.

73. He was pleased to note that the new Law on Asylum introduced a single procedure for asylum and non-refoulement which ensured that nobody would be sent back to a country where he or she risked torture or even death. He wished to know whether the prohibition of forcible return was absolute or whether exceptions could be made in specific cases.

74. He understood from the written reply that persons who submitted applications for asylum at the Latvian border were interviewed by a border guard, following which a decision on their case was taken by the Department of Refugee Affairs. He had been informed that the period during which that decision could be appealed was only one or two days. It was difficult to reconcile such a short period with the right to an effective remedy, especially where the appeal concerned both the granting of asylum and non-refoulement. How could a foreigner without easy access to a lawyer and who was unfamiliar with the Latvian language and legal system be expected to file a well-argued appeal within such a short time? The Constitutional Courts of both Germany and Austria had ruled that a period of 24 to 48 hours was insufficient for preparation of an appeal. He suggested that a similar conclusion could be drawn from the provisions of the Covenant.

75. He asked for more information about the Appeal Council on Refugee Affairs, whose members were described as independent. Was it a completely independent tribunal or a body under the supervision of the relevant Ministry?

76. He wished to know how the length of alternative service compared with that of military service and what conditions an applicant had to meet for alternative service to be approved.

77. With reference to article 26 of the Covenant concerning non-discrimination, he understood that, following an amendment to Latvian legislation, the mention of a person's ethnicity in passports and identity documents was no longer mandatory but voluntary. He wondered whether that was the ideal solution. While a person of Latvian origin might be proud to register his or her origin, the same might not be true of, for example, a member of the Roma minority. If the relevant space was left blank, the implication might be that the holder of the document had something to hide and probably belonged to a minority. He asked the delegation to comment.

78. Mr. SCHEININ also commended the change in the law concerning non-refoulement, particularly its extension to cover the risk of capital punishment, which was in line with the Committee's jurisprudence: under article 6 of the Covenant, a country that had abolished capital punishment should not extradite a person to a country where it was still in force.

79. He had been somewhat troubled by the delegation's frequent references to the recent consideration of the Latvian report by CERD, mainly because the International Convention on the Elimination of All Forms of Racial Discrimination was not applicable to distinctions between citizens and non-citizens. It was perhaps time for Latvia to rethink its approach to citizenship. It had created a difficult situation by regulating the status of non-citizens. There were now four categories under Latvian law: citizens, foreigners, stateless persons and non-citizens. He wondered whether article 25 of the Covenant, which referred to citizens, could be interpreted in the case of Latvia as covering both citizens and non-citizens. The State was not entirely free to introduce distinctions among its subjects so that some were defined as non-citizens but nonetheless granted far-reaching rights in terms of residence and freedom to enter and leave the country. Perhaps non-citizens under Latvian law would qualify as citizens under international law. The problem had been highlighted by Latvia's forthcoming accession to the European Union (EU), since EU citizenship was based on nationality. The question arose whether non-citizens under Latvian law would be treated as nationals for the purpose of applying EU laws, such as that concerning participation in municipal elections in another EU country. He was troubled by the fact that the exclusion of non-citizens from municipal elections in Latvia had only recently been included in the Constitution in order to guard against the effect of international treaties that Latvia had ratified.

80. A practical dimension of the same issue concerned pension rights. In its Views on Gueye et al. v. France, the Committee had ruled on distinctions in pension entitlements based on citizenship. The arrangement in Latvia whereby time spent abroad counted towards the pension entitlements of citizens but not non-citizens seemed, in the light of that case, to be a violation of article 26 of the Covenant.

81. He asked to what extent non-citizens were excluded from ownership of land. The report had referred to ownership in the "borderland zone" but he gathered from other sources that there were also distinctions relating to ownership of agricultural land. He wondered whether, after accession to the European Union, citizens of other EU countries would be allowed to buy land but non-citizens of Latvia prevented from doing so.

82. Turning to question 19 concerning the naturalization of children, he referred to the policy of giving preference to naturalization over extension of the rights of non-citizens. In the light of

article 24 (3) of the Covenant, which stated that every child had the right to acquire a nationality, he suggested that schools should offer counselling services for children who were non-citizens to speed up the process of naturalization.

83. The continued denial of voting rights to suspects, accused persons or persons on trial was obsolete and open to abuse. That provision should be abolished.

84. He asked whether private schools played a significant role in the education system and, if so, whether State subsidies differed according to the language of instruction. If distinctions were made on that basis, how could they be reconciled with the Covenant? Were students whose schooling had been in a language other than Latvian required to take their examinations in Latvian?

85. He requested further information on language requirements in public and private broadcasting organizations, especially in the light of a recent court decision calling for changes in the requirement for Latvian language components in radio and television programming. What legal conclusions had been drawn from that judgement and what practical measures would be taken?

86. Noting that Latvian was the sole official language, he referred to the Committee's Views in the Diergaardt et al. v. Namibia case to the effect that while a person had no right to receive a response from public officials in a non-official language, it was contrary to the Covenant to prohibit officials from answering in such a language when they were both competent and willing to do so. If a person in Latvia wished to write to the public authorities in, for example, Russian and an official was willing to answer in that language, was he or she prohibited from doing so?

The meeting rose at 6 p.m.