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HUMAN RIGHTS COMMITTEE

Seventy-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 2152nd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 29 October 2003, at 3 p.m.

Chairperson: Mr. AMOR

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.2152/Add.1.

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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 (continued) (CCPR/C/LVA/2002/2; CCPR/C/79/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 resumed their places at the Committee table.
2. Mr. SCHMIDT (Secretary of the Committee) apologized to the delegation for any misunderstandings that might have arisen in connection with the working methods of the Committee. The delegation seemed to have been under the impression that the conduct of proceedings would mirror the proceedings undertaken by the Committee on the Elimination of Racial Discrimination when it had examined Latvia's report in August 2003. Although there had been some harmonization of working methods between the treaty bodies, it was not yet possible to extrapolate the conduct of proceedings in one treaty body from the conduct of proceedings in another. In order to avoid any misunderstandings in the future, the secretariat would henceforth attach to the note verbale informing States parties of the dates of the examination of their report an explanatory note spelling out the Committee's methodology.
3. As to whether alternative reports by NGOs were automatically made available to States parties, he said that the Committee's practice was to provide relevant NGO documents on request. The limited amount of NGO information relating to Latvia's second periodic report (CCPR/C/LVA/2002/2) that had been received by the Committee a few days previously would be made available to the delegation as soon as possible.
4. Mr. MUIZNIEKS (Latvia) thanked the Secretary for having clarified the points raised by his delegation at the previous meeting. It was in the interests of all concerned to ensure that the Committee's working methods were clear.
5. Ms. MALINOVSKA (Latvia) said that a "government agent" was responsible for the preparation of Latvia's reports to the human rights treaty bodies. When preparing a report, the agent set up a special working group comprising representatives from all the relevant ministries. Reports were always initially drafted in Latvian. Before being presented to the Government, they were submitted for consideration by the National Human Rights Office and the Human Rights Institute within the Faculty of Law at the University of Latvia. They were also published on the Internet and the public was invited to comment. Subsequently, reports were submitted to the Government for consideration and published in an the official gazette.
6. The Committee's concluding observations would be translated into Latvian and published with the report in a special issue of "Human Rights Quarterly", a journal produced by the Human Rights Institute. The Committee's concluding observations following consideration in 1995 of Latvia's initial report and the 2001 concluding observations by the Committee on the Rights of the Child had received similar treatment. No restrictions were placed on the publication and dissemination of such documents.

7. An asylum-seeker whose application for refugee status had been rejected by the Department of Refugee Affairs was not automatically expelled from Latvia. He or she had the right to lodge an appeal within seven days of the rejection decision to an Appeals Board. If the appeal was rejected, the provisions of the Asylum Law were no longer applicable. The person would subsequently be subject to the normal immigration laws. However, a second appeal could be submitted if newly-discovered circumstances substantially changed the individual's situation. The Appeals Board comprised five independent experts from various institutions. The chairperson of the Board was appointed by the Cabinet and the other members were appointed by the Ministry of Justice. The Board was financed under the budget of the Ministry of Justice. However, the only way in which the Minister of Justice could interfere with the work of the Board was to rescind an unlawful decision. Otherwise, the Board was totally independent.

8. On gaining independence in 1991, Latvia had inherited a segregated school system in which all Latvians went to Latvian-language schools and all members of minorities attended Russian-language schools. There was clearly a need for a unified and democratic system to ensure that minorities had a knowledge of Latvian as well as their own language and culture, to guarantee equal rights and possibilities of competition in the labour market, and to promote social harmony and development. The measures taken by the Latvian authorities to democratize the education system had also created the preconditions for the establishment of schools for the minorities. Eight minority languages were used as languages of instruction in basic education (grades 1 to 9) and seven were used in secondary education (grades 10 to 12).

9. The education reform for the period 1995 to 2010 was gradually being introduced with corresponding transition periods. Since 1995, minority schools providing basic education had been required to teach two subjects in Latvian. Secondary schools had to teach three subjects in Latvian. The school councils, comprising representatives of the school administration, students and parents, were responsible for choosing the subjects that should be taught in Latvian. A new Education Law had been adopted in 1998, containing provisions to introduce minority education programmes.

10. The transitional period for basic schools had ended in 2002. Since then, priority attention had been given to the implementation of secondary education reform. However, no changes had yet been made. From 1 September 2004, five subjects at the tenth-grade level would have to be taught in Latvian and only 40 per cent of subjects could be taught in a minority language.

11. Latvia had a traditional State school system and provided free and compulsory basic education. Private schools had been introduced only quite recently. At present, only 4 per cent of the 1,059 schools in Latvia were privately run. Although private schools formed part of the education system and were mostly subject to the same laws as State schools, the existing legislation stipulated that the main language of instruction in private schools could be a language other than Latvian. Consequently, over half of all private schools provided instruction in Russian. The education reform did not apply to the private sector.

12. Several measures had been taken by the Government to ensure the financing of private schools. The salaries of teachers at municipal and State schools were currently funded by the State budget. As from 1 January 2004, the State would also pay the salaries of teachers at

private schools where the language of instruction was Latvian. Regardless of the language of instruction, private schools could receive local authority funding to cover up to 75 per cent of their maintenance costs.

13. Candidates were currently given a choice between Latvian or Russian versions of examination papers and could write their answers in either language. As from June 2007, however, the examination papers for twelfth-grade students would be in Latvian only. Candidates would still be able to write in either language. The change formed part of the Government's efforts to better prepare students for university, given that the language of instruction at the University of Latvia was Latvian and all university examinations were in Latvian. At the level of basic education, examinations would continue to be set in at least two languages.

14. Mr. MUIZNIEKS (Latvia) said that education reform was a key element of social integration in Latvia and crucial in overcoming the segregated education system that Latvia had inherited from the Soviet era. It was also necessary in order to create a society where all individuals could compete on an equal basis. His Government therefore attached great importance to the successful implementation of the reform. The language component was only a small part of the overall reform.

15. Although the Latvian language was no longer threatened, it had been severely weakened by Soviet policy. When independence had been restored in 1991, Latvians had represented only 52 per cent of the total population. The major cities continued to be populated largely by minorities, who, for example, represented approximately 60 per cent of the population of Riga. One of the legacies of the Soviet era had been a system which produced Latvians who were bilingual speakers of Latvian and Russian and monolingual Russian-speaking minorities. The situation had improved in recent years, partly thanks to the education reform and the National Programme for Latvian Language Training that had been introduced in 1996 in cooperation with UNDP. In the 2000 census, just over half of all Russians living in Latvia claimed to have some knowledge of Latvian. Nevertheless, knowledge of Russian continued to be more widespread than knowledge of Latvian.

16. Between 1999 and 2000, the European Union, the Organization for Security and Cooperation in Europe and the Council of Europe had been engaged with his Government in a debate about language policy in Latvia. It was a delicate issue, as it involved fundamental human rights such as minority rights, the right to privacy and freedom of expression. Following the debate, the State Language Law and a set of implementing regulations had been adopted in 2000. Under the new legislation, the Government could regulate the use of language only where there was a legitimate public interest relating to public health, safety or order. Otherwise, the concept of free choice must prevail.

17. State officials were legally entitled to provide oral or written information to a person in languages other than Latvian if the person concerned so wished. Members of the public were permitted to submit official documents in a language other than Latvian in medical or police emergencies. In all other cases, a certified translation must be provided. However, the State authorities were proving to be fairly flexible in that regard. All civil servants must have a good command of Latvian, although not necessarily a perfect one. Some posts required a higher level of Latvian than others.

18. Referring to the fact that elected officials were required to take an oath of office in Latvian, he said the Government did not consider that efforts to strengthen the Latvian language and efforts to strengthen the minority languages were mutually exclusive. While it had a responsibility to help the population to learn Latvian, it also had a responsibility to support minority languages and cultures. Latvia's diversity would be its strength within the European Union.
19. The legislation on radio and television broadcasting had been amended following a Constitutional Court decision in June 2003 to abolish the restrictive provision regulating the content and language of broadcasts. Consequently, both State-owned and commercial channels were increasing the amount of time allocated to Russian-language programmes. One commercial television channel offered the choice of Latvian or Russian-language broadcasting for most of its programmes. Another private channel had recently announced that it would be launching a sister satellite channel that would broadcast only in Russian. A number of foreign television and radio stations could be received in Latvia.
20. According to the Law on Higher Education, all students had the right to vote and be elected to student councils. The provision restricting council membership to citizens had never been enforced and had been rescinded in early 2003.
21. An ongoing debate in Latvia had been whether or not to recognize Orthodox Christmas according to the old calendar as a national holiday. Although the coalition Government had postponed consideration of the issue, it was hoped that the debate would be resumed in the near future.
22. There were between 8,000 and 15,000 Roma living in Latvia. As almost all of them had Latvian citizenship and were trilingual, they did not face the citizenship and language problems that affected most minorities; however, they were subject to the same kind of social exclusion as Roma populations elsewhere in the region. The Centre for Human Rights and Ethnic Studies had recently conducted the first research into the Latvian Roma and another research project had just been approved. There was a high rate of illiteracy among the Roma population and their level of educational achievement was generally very low. Several remedial classes and a number of special classes on Roma culture had been made available to Roma schoolchildren. However, the consensus was that the Roma should not be provided with a separate education system.
23. A number of measures were being taken to improve the situation of the Roma population in Latvia. For example, representatives of the National Human Rights Office had travelled outside the capital on a number of occasions to meet with Roma leaders and representatives of NGOs in order to discuss Roma issues. Furthermore, the Roma would be major beneficiaries of the national action plan against intolerance that was being drafted by the Ministry of Social Integration. In addition, a proposal had been made in Parliament to increase the amount of funding channelled to NGOs dealing with Roma issues.
24. Ms. REINE (Latvia) said that alternative service was almost double the length of military service in order to reflect the easier working conditions, shorter hours and less stringent disciplinary requirements in civilian life.

25. Confinement to a psychiatric hospital could be imposed as a criminal sanction after a medical opinion found that the accused was a danger either to himself or to the public. Defence counsel was entitled to contest such claims in court, to appeal the judge's decision, or to seek a review on the basis of subsequent evidence attesting to an improvement in his client's condition. In 2001, 64 persons had been placed in general psychiatric wards and 45 in specialized psychiatric hospitals; in 2002, the equivalent figures had been 69 and 98 respectively. The draft Mental Health Law and draft Law on Psychiatric Assistance, referred to in the written replies to question 14, were in fact one and the same. A special commission was responsible for investigating all injuries and disabilities that impaired a person's capacity for employment, recommending that persons should be placed in institutional care, and monitoring conditions in medical institutions. It received complaints concerning inadequate conditions and carried out regular inspections of hospitals. In 2001, only 3 out of the 331 complaints received and, in 2002, 5 out of 471, had concerned conditions in psychiatric institutions.

26. Latvia had ratified both the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Since 1993, there had been 31 cases of alleged war crimes or crimes of genocide, as a result of which 10 people had faced trial and 3 had been convicted of genocide.

27. As a general rule, courtrooms were open to the public during criminal proceedings. However, trials could be held in camera, at the judge's request, if they affected the honour, reputation or private life of the persons concerned, particularly in rape or child abuse cases, or if they revealed State secrets. Nevertheless, details of such trials would be made public, with names or State secrets deleted from the record. A proposal had been made to ban television cameras from courtrooms, but journalists would still be entitled to attend hearings, take notes and make sketches.

28. Ms. WEDGWOOD said it would be useful if the Government could make Russian translations of the report and concluding observations available when the delegation returned to Latvia. She would be interested to learn whether Russian-speakers were provided with a free translation service in respect of government documents. According to information from one NGO, the pass rate for the Latvian-language proficiency test was 72 per cent, and not 87 per cent, as the delegation had indicated. She asked why the language proficiency test was applicable only to non-citizens, and not to Latvians returning from abroad, who were just as likely to have difficulty in speaking Latvian. In her country, blacks had been excluded from public life for many years through the application of literacy tests; she therefore knew all too well how such procedures could be used for purposes of discrimination.

29. Mr. SCHEININ said that the delegation had referred to a rising trend in applications for citizenship in recent weeks. However, the long-term trend was less encouraging, since there were fewer applications and an increasing number of rejections. On that basis, it might be concluded that the Government's strategy on naturalization was not working.

30. Sir Nigel RODLEY welcomed the amendment of the Criminal Procedure Law to reduce to 48 hours the period in which a suspect could be detained before he or she was charged. With regard to the current procedure, he wanted to know whether the suspect enjoyed access to legal counsel throughout the 72-hour period, especially during interrogation. He asked what

safeguards were in place to ensure that suspects were not put under pressure from police to waive their right to legal counsel. He would welcome an explanation as to where remand prisoners were detained, and whether they could be returned to police premises for interrogation.

31. Mr. KĀLIN asked whether the principle of non-refoulement applied without exception under the Asylum Law. He would be interested to learn how the State party reconciled article 1 (F) and article 33, paragraph 2, of the Convention relating to the Status of Refugees (concerning exceptions to non-refoulement) with articles 6 and 7 of the Covenant. He understood that the period of time in which an appeal could be made against refoulement had been shortened under the accelerated procedure for dealing with asylum-seekers.

32. Mr. MUIZNIEKS (Latvia) said that non-citizens in Latvia were not comparable to disenfranchised blacks in the United States because the Government actively encouraged them to become citizens and because the language proficiency test was relatively easy. He acknowledged that the long-term trend in applications for citizenship was not very encouraging. However, the Government hoped that its policy measures, combined with the shift to a professional army and membership of the European Union, would soon lead to an upturn in the number of applications. While there was no official Russian translation service, the Russian-language press would be the first to publish the concluding observations of the Committee. The expression “principled non-citizens” referred to people who would not be persuaded to apply for citizenship by any number of campaigns or policy changes, because they saw it as a fundamental issue of identity.

33. Ms. MALINOVSKA (Latvia) said that the 24-hour appeal rule applied only under the shortened asylum procedure, which was used in the case of manifestly unfounded applications. Otherwise, asylum-seekers had seven days in which to appeal a rejection of their application.

34. Ms. REINE (Latvia) said that the right to legal counsel was applicable throughout a suspect’s detention, including during interrogation. A decision to waive the right to counsel would be ignored by the prosecutor if there were grounds for believing that it had been taken under duress. Suspects adjudged to be in a fragile state of mind, or children, were not permitted to waive the right to counsel. Self-implicating confessions were not binding in court, especially if they contradicted other evidence. Any person was entitled to lodge a complaint if they believed their rights to have been violated in police custody.

35. Mr. MUIZNIEKS (Latvia) said that the discrepancy in the figures concerning the pass rate for language tests had arisen because the figure of 72 per cent applied to the number of people who passed first time, while 87 per cent was the overall pass rate.

36. The CHAIRPERSON thanked the delegation of Latvia for its cooperative approach, and praised the State party for a well-balanced, precise report. He invited the delegation to submit supplementary information in writing concerning any questions left unanswered during the discussion.

37. He welcomed the substantial changes that had already taken place in the human rights situation in Latvia and those announced for the future. In particular, the Constitutional Court was now playing an effective role in reinforcing implementation of the Covenant. Its relations

with the National Human Rights Office had prompted the Court to state its position on a number of human rights issues. There had also been major changes in the prison system and the judicial system as a whole.

38. He commended the State party's efforts to disseminate information about the Covenant and to offer human rights training opportunities to a wide range of actors in Latvian society. He also welcomed the State party's intention to ratify the Second Optional Protocol to the Covenant as soon as possible and to establish the office of ombudsman.

39. Turning to areas in which an additional effort was necessary, he noted in particular the lack of independent machinery to address potential abuses by the security forces, especially the police. More vigorous action was also needed to tackle the problem of trafficking in human beings. The 72-hour period of police custody was too long. While he was pleased to hear of plans to reduce it to 48 hours, he suggested that 24 hours would be preferable.

40. Latvia's search for what might be described as a "safe haven" for its identity was understandable but aroused a certain amount of apprehension. It was a small country that had only recently cast off the yoke of foreign domination and whose sociological situation was a legacy of that recent history. It seemed to feel that its cultural identity was under threat. However legitimate that concern, it engendered an attitude of distrust of others rather than of tolerance and respect. Taken to extremes, linguistic fear could result in a form of xenophobia. Attitudes to ownership of agricultural and other property constituted another manifestation of distrust. The authorities adopted an unduly cautious approach to naturalization, as reflected in the distinction between citizens and non-citizens. He suggested that circumstances had evolved since independence and that the present international situation was such that Latvia's fears were no longer justified.

41. Mr. MUIZNIEKS (Latvia) said that the delegation's meeting with the Committee had been a stimulating experience. Latvia would clearly have to take a fresh look at its legislation, policies and practice. The country had undergone enormous changes in a short time, setting up an entirely new political, legal and economic system. It was difficult for judges to keep abreast of the new domestic legislation, while at the same time familiarizing themselves with European and international case law.

42. As a result of social change, Latvians had been confronted for the first time with employment, poverty and phenomena such as drug abuse. Such a transition was even more difficult in a country whose diversity was the product of violence, repression and discrimination under the previous regime. However, there had been no case of inter-ethnic violence during the transition period, and inter-ethnic friendships and marriages were common. Membership of the European Union and the North Atlantic Treaty Organization would help Latvia to overcome the legacy of the past. The older generation had been traumatized by history but the younger generation were less affected. People were recognizing that diversity could be a source of strength.

43. International cooperation had played an important role in liberalizing the citizenship and language legislation, implementing social integration policy, building institutions such as the National Human Rights Office and strengthening the judiciary. The pace of naturalization must clearly be accelerated. Lack of knowledge of the Latvian language should no longer be a barrier

to full participation in economic and social life, and minority cultures and languages should be allowed to thrive. The authorities were aware of the need to redouble efforts to reduce the number of prisoners and persons awaiting trial, the number of children in homes and the number of persons in institutions for the mentally ill.

44. Reforms were being promoted not only through the Constitutional Court but also through the European Court of Human Rights, whose first judgements on Latvia the previous year had had a favourable impact on the judiciary and the legal profession.

The public part of the meeting rose at 4.40 p.m.