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Human Rights Committee

Concluding observations on the third periodic report of Latvia

Addendum

Information received from Latvia on follow-up to the concluding observations*

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* The present document is being issued without formal editing.



1. On 11 April 2014, the United Nations Human Rights Committee (Committee) adopted the Concluding observations on the third periodic report of Latvia (Concluding observations) (CCPR/C/LVA/CO/3).
2. The present document includes the follow-up information in response to the recommendations contained in paragraphs 15, 19 and 20 of the Concluding observations.

I. Follow-up to the recommendation in paragraph 15 of the concluding observations

(a) Safeguards to inmates in accordance with Article 10 of the Covenant

3. As regards the safeguards provided for by the domestic law to a person deprived of his/her liberty, the Government notes that an overview of the regulatory and policy framework is provided in paragraphs 258-338 of the third periodic report on the implementation of the UN 1966 Covenant on Civil and Political Right by the Republic of Latvia in 2004-2008, and paragraphs 119-124 of the Replies to the List of issues to the third periodic report covering the period from 2008 to 2013.
4. It should also be highlighted that when a domestic legal act in the field of criminal justice is drafted, the vast body of standards and norms in crime prevention and criminal justice that had been adopted by the international human rights bodies are thoroughly considered. To name but a few, the United Nations Standard Minimum Rules for the Treatment of Prisoners (1975), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988), Basic Principles for the Treatment of Prisoners (1990), Rules for the Protection of Juveniles Deprived of their Liberty (1990), European Prison Rules (European Council Committee of Ministers recommendation No. (2006)2)) are taken into consideration.
5. In this regard, the Government finds it important to point out a number of specific developments concerning the treatment of persons deprived of their liberty.
6. At the outset, it should be pointed out that pursuant to the domestic law provisions apprehended persons, persons detained on remand and convicted persons are kept separately. Likewise, apprehended, detained on remand or convicted men, women and minors (boys and girls) are kept separately. In addition, as an example of more detailed rules, it is ensured that apprehended and persons detainees on remand who have allegedly committed the same criminal offence are kept separately. The law also provides that convicted persons whose personal characteristics and criminal background negatively influence prisoners are separated from other inmates.
7. The procedural status of an inmate determines the applicable re-socialisation measures, and available out-of-cell activities. For example, a detainee on remand is entitled to take a walk for at least an hour per day (in case of medical necessity attested by a doctor – at least an hour and a half), use telephone, receive visits and exercise the right to correspondence. As regards the convicted persons, they have the right to both, short-term and long-term contact visits, are entitled to use telephone, and exercise the right to correspondence.
8. The minors detained on remand are entitled to meet their relatives or other persons for one hour per week. A walk which must last not less than one and a half hour per day is ensured. It is also prescribed that the exercise (walking) area for minors should be equipped with the inventory for active physical exercises. In addition, during the day minors detained on remand participate in cultural and sport events, as well as the events organised by the investigative prison, which are aimed at social rehabilitation and behavioural adjustment. If placed in a disciplinary cell, a minor is entitled to take a walk for at least one hour per day.

Even more, a minor may be granted leave from the investigation prison for a time period necessary for passing his/her exams in the general or professional educational institution. After being convicted, a minor is entitled to long-term and short-term visits, may use telephone, and exercise the right to correspondence.

9. With the aim to facilitate re-socialisation and reintegration of persons deprived of their liberty, domestic law provides for a number of specific re-socialisation measures.

10. As regards convicts, pursuant to the Law on Enforcement of Sentences, within two months after a convict has been placed in a prison for serving his/her sentence, the prison authorities assess the convict's risk and needs, and identify the most appropriate re-socialisation programmes. As of 1 January 2012, at least once per year repeated assessment of inmate's risks and needs is held. Based on the results obtained in the assessment, every convict is provided with the re-socialisation programme which is best tailored to his/her needs, and which eventually produces a positive impact on the re-socialisation process as such.

11. Presently, numerous re-socialisation programmes, including behaviour correction programmes and social rehabilitation programmes, targeted at both juveniles and adults take place in prisons. For example, the following behaviour correction programmes are implemented: Stress reduction programme (in Brasa Prison, Rīga Central Prison, Daugavgrīva Prison, Ilģuciems Prison, Liepāja Prison, Olaine Prison, Šķīrotava Prison, Valmiera Prison, Vecumnieku Prison, Jēkabpils Prison); Addiction prevention programme (in the Cēsis Correctional Institution for Juveniles); Motivation programme for the promotion of the re-socialisation measures among prisoners (in Brasa Prison, Cēsis Correctional Institution for Juveniles, Jēkabpils Prison, Olaine Prison, Jelgava Prison, Liepāja Prison, Šķīrotavs Prison, Daugavgrīva Prison, Valmiera Prison); Programme for the prevention of the sex crimes (in Valmiera Prison, Cēsis Correctional Institution for Juveniles, Daugavgrīva Prison); Programme for the prevention of alcohol addiction "12 steps" (in Ilģuciems Prison). With respect to the social rehabilitation programmes, inmates are also involved in such activities as School of Life II programme (in Ilģuciems Prison), Social skills' development programme (in Šķīrotava Prison, Liepāja Prison), Risk and harm reduction programme among drug users (in Šķīrotava Prison), Value education and interpersonal skills, Addiction and prevention (in Šķīrotava Prison, Liepāja Prison).

12. As a part of re-socialisation process, both convicts and persons detained on remand are involved in general, professional and higher education programmes, as well as interest education programmes. It must be noted that all minors placed in the Cēsis Correctional Institution for Juveniles and Ilģuciems Prison are involved in primary education programmes (see additional information in Annex, Figures 1, 2).

13. With respect to the employment opportunities, it should be noted that, for example, pursuant to Law on Enforcement of Sentences the convicts may be employed for remuneration either at the place of imprisonment, or outside of it. The employment level of the inmates in 2014 amounted to 22% of the total number of imprisoned persons, and to 31.1% of the total number of convicted persons. The convicted persons may be employed without remuneration only in services aimed at upkeep and improving prison facilities and its surroundings, as well as improving cultural and living conditions of the convicts. These persons are allowed to be employed for not longer than four hours per day.

14. In accordance with the Law on the Procedure of Keeping Persons on Remand the aforesaid employment opportunities, if available in the investigation prison facilities, are also provided for detainees on remand. Working hours for detainees on remand who are employed without remuneration must not exceed two hours per day, unless a detainee wishes to work longer hours. If employed under a contract, a detainee on remand must not

receive less than the amount being paid for the equivalent work outside the investigation prison.

15. In accordance with the statistical data, on 21 December 2014, 1,036 inmates were employed in total, out of which 477 convicts work in prison maintenance services, and 559 imprisoned persons in private enterprises (out of which 18 detainees on remand are employed at the Ilġuciems Prison for women).

16. With respect to the medical care for convicted persons and those detained on remand, on 14 January 2014 the Cabinet of Ministers adopted the Regulation No. 25 On the Health Care for Detained on Remand and Convicted Persons placed in the Places of Deprivation of Liberty. This Regulation ensures that emergency medical care, including emergency dental care, is provided for all detained on remand and convicted persons free of charge twenty-four hours a day. After submitting a written application, a person is entitled to receive health care services, medical consultation or medical examination outside the imprisonment facility, as well as to purchase the medicines or medical equipment at his/her own expense. Moreover, an inmate is entitled to receive the state-ensured medication.

17. Pursuant to the Law on the Procedure of Keeping Apprehended Persons, those being apprehended under Criminal Procedure Law provisions are provided with state-ensured health care, including emergency medical care, health care in case of trauma, acute diseases, chronic diseases, etc. In 2014, a new Department in the Prison Hospital was opened; it is equipped to provide medical care for patients with somatic diseases and those who have undergone surgeries.

18. Next, in order to exercise the freedom of religion in places of deprivation of liberty, the chaplains provide spiritual care and organise different religious events for the inmates (public worships, concerts, demonstration of religious films, religious literature studies, and individual discussions on religious issues) on a regular basis. In total, 10,261 religious events took place in 2014.

19. With regard to the conditions of imprisonment of life-sentenced prisoners, the Government would like to draw the Committee's attention to a number of important aspects.

20. Firstly, life-sentenced prisoners and those whose life-sentence has been replaced with the deprivation of liberty, are placed separately from other inmates, in a prison block with increased security. Therefore, the possibilities of employment for life-sentenced prisoners are currently limited. Nevertheless, for example, in 2013, 7 life-sentenced prisoners were employed in Daugavgrīva Prison. Presently, the Administration of Places of Deprivation of Liberty and the Ministry of Justice explore the ways to foster the employment opportunities available for life-sentenced prisoners.

21. Secondly, life-sentenced prisoners are ensured with the possibility to watch TV, play board games, read and exchange books, attend the gym, and communicate with each other. In 2013-2014, re-socialisation activities for the life-sentenced prisoners in Jelgava Prison and Daugavgrīva Prison included various religious events and creative workshops, demonstration of educational movies and movies with therapy elements followed by discussion, training courses on mediation, stress reduction and the Latvian language studies. In the course of re-socialisation activities, for example, during academic year 2014-2015, 22 life-sentenced inmates of Daugavgrīva Prison continued acquiring a profession of a tailor in the Daugavpils Professional Secondary School, whereas seven inmates continued to obtain secondary education, and two inmates were enrolled in primary education programme in the Daugavpils Secondary School.

22. Since 1 June 2014, in Daugavgrīva Prison, Jelgava Prison and Olaine Prison (Prison Hospital) Skype services are provided for life-sentenced prisoners who are willing to

communicate with relatives. For instance, these video call opportunities in Daugavgrīva Prison have been used by 21 inmates (out of 44 inmates in total serving life sentence at the strictest and medium regime prison).

23. With respect to the concerns expressed by the Committee in connection with the excessive use of handcuffing of life-sentenced prisoners, the Government would like to highlight that in June 2015, the Cabinet of Ministers adopted Regulation No. 283 On the Order for the Use of the Special Measures by the Officials of the Places of Detention which states that an official is entitled to use the special measures in exceptional cases only, that is, in order to prevent an offence, disturbances, or an attempt to escape. This regulation sets out that special measures must be used only after thorough assessment of the situation. With regard to the life-sentenced prisoners particularly, it provides that the use of the handcuffs and footcuffs may be allowed only when there are reasons to believe that the prisoner causes danger or attempts to escape.

24. In addition, the amendments to the Law on the Enforcement of Sentences of December 2012 provides that special measures — handcuffs — may be used only after the necessity of this measure is assessed by the individual risk assessment commission, established by the head of the place of deprivation of liberty. The aforementioned individual risk assessment commissions operate since August 2013. An assessment of each life-sentenced prisoner is carried out at least every six months. The commission includes heads of departments responsible for social rehabilitation, supervision, security and medical care and a prison's psychologist working with life-sentenced prisoners. During the assessment, the level of danger posed by a prisoner and the need for application of special means — handcuffs — is thoroughly examined. The opinion of the prisoner concerned is also heard.

25. It should be noted that even before the entry into force of the amendments to the Law on Enforcement of Sentences on 1 April 2013, already in February 2013 the Administration of Places of Deprivation of Liberty instructed the prison administrations to discontinue the routine use of handcuffing, and to commence individual risk assessments.

26. If a prisoner alleges that the measures by the prison administration (with regard to the use of special measures) amount to inhuman or degrading treatment, he/she is entitled to challenge the *de facto* action of the prison administration before the administrative court.

(b) Material conditions in police, remand and prison facilities

27. Referring to the conditions in the police short-term detention facilities, it should be noted that as of 2012, many of the short-term detention facilities in Latvia have undergone major repair and renovation works. To name but a few, the in-cell toilet facilities were separated from the living space, equipment of the toilet facilities was modernised, new windows were installed (including the change of frosted glass bricks to plastic windows in cells), new ventilation system was put into use, as well as water-pipes and drainage were reconstructed. In addition, general repair works such as painting of floors, walls and ceilings have been carried out, in-cell call-buttons were installed and a few new walking areas were built.

28. The Daugavpils police short-term detention facility, which opened in January 2013, provides material conditions of a high standard. According to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) report in 2013,¹ it

¹ Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT),

may well serve as a model for other police short-term detention facilities in the country. It had 30 cells intended for double occupancy, each measuring some 17 m². As established by the CPT, the cells were clean, with good access to natural light, ventilated and adequately equipped, including with a fully-partitioned in-cell toilet. It has been also pointed out that the situation at Jēkabpils police detention facility has improved and offered satisfactory conditions of detention for short stays, with sufficient access to natural lights and good in-cell artificial lighting, as well as in acceptable state of repair, clean and well ventilated.² In addition, the CPT noted that in all detention facilities visited in 2013 inmates were generally provided with basic personal hygiene items and adequate food; and every detention facility is equipped with a small library and the outdoor exercise yard.³

29. In the framework of the Norwegian grant programme Reform of the Latvian Correctional Services and Police Detention Facilities in the nearest future the renovation work will be carried out in about a dozen police detention facilities. The procurement procedure for construction works was launched in January 2015.

30. With respect to the improvement of the material conditions in places of imprisonment, in February 2013, the Government adopted the Concept on the Infrastructure Development for the Places of Imprisonment. This concept foresees the development of new infrastructure, and specifies the minimum requirements applicable for prison construction. Among others, it provides as follows:

- The space of a cell for two prisoners must not be less than 10 m², including 4 m² of the living space per each inmate, and 2 m² of the bathing space with the shower.
- A solitary confinement cell must not be less than 6 m².
- Walking space must not be less than 20 m² and equipped with partial roofing.
- Imprisonment facilities must be equipped with the space used for employment and re-socialisation activities (educational and social events, a reading room, a chapel, a sport hall and a play court, as well as a visiting space for the long-term visits).

31. As concerns the living space for prisoners, the Government would like to point out that currently the minimum living space in the imprisonment facilities meets well-established international standard (4 m²) both legally and practically. In particular, following the audit of the places of imprisonment carried out in 2013, it was established that the minimum living space for one prisoner of no less than 4 m² was ensured in practice. The aforesaid was largely influenced by the fact the number of imprisoned persons during the last years had considerably decreased (the total decrease was estimated at 30%).

32. In 2014, a number of prisons were renovated or reconstructed, namely, Brasa Prison, Daugavgrīva Prison, Iļģuciems Prison, Liepāja Prison, Jelgava Prison, Jēkabpils Prison, Olaine Prison, Valmiera Prison, Vecumnieki Prison, Rīga Central Prison, as well as the Cēsis Correctional Facility for Juveniles.

33. Material conditions of imprisonment facilities are being constantly improved. In particular:

- In all the places of imprisonment a short-term visiting space was renovated by removing glass panels that divide visitors and prisoners.
- Repair works for the long-term visiting space were carried out (Iļģuciems Prison).

12-17 September 2013, para. 14. Available at: <http://www.cpt.coe.int/documents/lva/2014-05-inf-eng.htm> (last visited in November 2015).

² Supra 1, para. 15.

³ Supra 1, para. 19.

- In-cell repair works were carried out (Daugavgrīva Prison, the Cēsis Correctional Facility for Juveniles, Olaine Prison), including the construction of a partition wall for sanitary facilities.
- Repair works to adjust the space for social rehabilitation activities and the reception area were carried out (for instance, Rīga Central Prison).
- Water supply system, heating system was improved, as well as new equipment was installed.

34. As regards the complaint mechanisms, imprisoned persons have access to different legal protection mechanisms for lodging complaints about alleged violation of their rights. An administrative act issued by the prison administration or the de facto action may be challenged before the Administration of Places of Deprivation of Liberty, and afterwards – before administrative courts. The existing case-law of the administrative courts sufficiently clearly demonstrates that the administrative courts are empowered to investigate the complaints of the imprisoned persons invoking different aspects of the detention, including material conditions. It should also be stressed that administrative courts are competent to award financial compensations for the violations found, that is, with respect to the pecuniary and non-pecuniary damage, as well as the costs of the proceedings. Against this background, administrative courts have been on numerous occasions recognised as an effective domestic remedy by the European Court of Human Rights.⁴

35. Additionally, it should be noted that the Ombudsman, as a part of his mandate, monitors the compliance of material conditions in the places of detention with domestic and international standards. In particular, the Ombudsman considers complaints lodged by the imprisoned persons, as well as conducts regular visits to the places of deprivation of liberty.

36. As concerns available remedies, it should also be pointed out that an imprisoned person may lodge a constitutional complaint with the Constitutional Court, if he/she finds it necessary to challenge the compatibility of domestic legal provisions with international legal acts or the provision of the Latvian Constitution (*Satversme*).

(c) Prevention of violence among prisoners

37. In its judgment of July 2012, the Supreme Court ruled that the State is under obligation to do whatever may be reasonably expected from it in order to prevent violence among prisoners.⁵

38. In general, domestic law foresees that convicted persons are placed in a particular prison considering medical, security and crime prevention criteria. In accordance with the Cabinet of Ministers Regulation of May 2006 on internal rules of places of deprivation of liberty, a special committee on placement of convicts is set up in a prison. Its task is to determine which prison section, unit and cell a convict must be placed in (taking into account free cells, psychological compatibility of prisoners, level of their education and health condition). It must be recalled that those whose personal characteristics and criminal background adversely affect other convicts are placed separately.

⁴ See, for example, *Raitis Āboliņš v. Latvia*, decision of the European Court of Human Rights, 9 December 2014. Available at: <http://hudoc.echr.coe.int/> (last visited in November 2015).

⁵ Judgment of the Department of Administrative Cases of the Supreme Court of 9 July 2012 in the case No. SKA-681/2012, available in Latvian at: <http://at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/senata-administrativo-lietu-departaments/hronologiska-seciba/2012-hronologiska-seciba/> (last visited in November 2015).

39. Furthermore, domestic law establishes a particular course of action if a prisoner's life or health appears to be at risk. That is, when the officials of the prison's Security Unit receive an application lodged by a prisoner, asking to remove him/her from one prison to another because of the current situation that poses risks to life or health, they examine the case, evaluate the level of risk and, if so required, submit a proposal to the Head of the prison concerned to transfer the prisoner promptly to another place of deprivation of liberty. Refusal for a transfer may be challenged before the Administration of Places of Deprivation of Liberty that examines the circumstances of the case, and, if threats are plausible, carries out necessary preventive measures.

40. In its turn, any prison officer or official who identifies that a prisoner displays certain signs of having been subjected to violence is required to report to personnel of the prison's Medical Unit. If a prisoner is injured or has suffered from poisoning, and there are grounds to believe a criminal offence is committed, the Medical Unit's personnel perform a medical examination and report on the results to the prison administration. After receiving the report, the Head of the prison appoints an official to carry out an investigation and initiate criminal proceedings, if this is required.

41. In order to reduce violence in prisons, video surveillance cameras were installed to monitor prisons' corridors and common areas. It aims at providing security, and plays an important role as a valuable resource for investigations of prison incidents. As an example, in 2014, additional security video cameras were installed in Rīga Central Prison.

42. In order to control and prevent cases of inter-prisoner violence, appropriate prevention measures are developed. For example, discussions with prisoners are systematically carried out, re-socialisation and educational events are held both, in a form of individual and group work. Prison personnel, when organising events in prisons, seek to create a favourable psychological atmosphere that prevent violence and mitigate its risks. Furthermore, a decrease of the number of inmates in 2013-2014 had a positive impact on the overall situation of prison security and prevention of inter-prisoner violence.

43. The training programme for prison personnel developed by the Prison Staff Training Centre includes the issues on the prevention of risks of violence. Since 2013, the Prison Staff Training Centre implements professional development courses for an instructor in the use of special means and fighting techniques. During 2014, 21 prison officers received an instructor certificate. As a result, almost all of the places of detention have at least one qualified instructor who teaches and improves skills of prison personnel on a regular basis.

44. In order to prevent attempted suicides among prisoners, the Administration of Places of Deprivation of Liberty issued recommendations which provide a number of indicators necessary for identifying the risks of potentially suicidal behaviour. These recommendations include also the Scale of suicide risk material, as elaborated by the American society for suicide prevention and which is used to diagnose the risk of suicide.

45. In addition, the Administration of Places of Deprivation of Liberty launched a project covering a suicide preventive system in the places of imprisonment. It aims at establishing the prevention and intervention system, including timely awareness of the risks of suicides and self-mutilation. The project is to be implemented during April 2014-April 2016, and includes a range of activities, such as sharing experience between several European Union countries, developing study courses for inmates and prison personnel, and others.

II. Follow-up to the recommendation in paragraph 19 of the concluding observations

(a) **Strategies to fight against racially motivated crimes and counter the use of racist discourse in politics and in the media, and**

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

46. On 17 June 2014, the Government adopted an informative report On regulatory framework concerning the liability for incitement to national or ethnical hatred, for provocation to abolish state sovereignty or destroy the territorial unity of the state, and for desecration of the State symbols. The report provided that a number of amendments were required to be introduced to the Criminal Law which would cover such matters as the potential risk of online hate crimes, as well as actions of politicians and public officials that are motivated by hatred. Certain conclusions were also drawn as to the more precise interpretation of the scope of hate crime provisions. When elaborating the aforementioned report, national authorities considered a wide range of international legal acts including, but not limited to the relevant conventions and recommendations adopted by the United Nations, Council of Europe, as well as the European Union acquis. Likewise, an array of reports produced by international organization and domestic case-law was taken into consideration.

47. Following the amendments to the Criminal Law introduced in September 2014, Article 48 (Aggravating Circumstances) was supplemented and now defines that the commission of a crime with not only racial, but also ethnic, racial or religious motive constitutes a general aggravating circumstance. This legislative amendment seeks to improve the clarity and facilitate the interpretation of the Criminal Law provisions. At the same time, Article 78 (Inciting to National, Ethnic or Racial Hatred or Enmity) was supplemented by adding that more severe sentence is envisaged for inciting hatred, if such acts are committed using automated data processing system (that is, internet). A person who has committed the crime may be sentenced with deprivation of liberty for up to three years, community service, or a fine. If a crime was associated with violence or committed by an organised group, a perpetrator may be sentenced for to up to 10-years of imprisonment.

48. Another major legislative amendment to the Criminal Law was adopted in September 2014. Namely, Article 150 (Inciting to Social Hatred and Enmity) introduced criminal liability for inciting hatred based on gender, age, disability or any other factor, if such actions caused substantial harm. Article 150 is construed so as to ensure broad scope of its application and incorporates sexual orientation as a motivating factor for hate crimes. Similarly to the aforementioned Article 78, more severe sentence is envisaged for inciting hatred, if such acts are committed using automated data processing system. Depending on the graveness of the crime (for example, if committed by a public official, organised group, or associated with violence), a person may be sentenced with deprivation of liberty for up to four years, community service or a fine.

49. As concerns the development of the strategies to combat racist discourse in the media, the Government would like to draw the Committee's attention to the existing and operable legal framework which is aimed at eliminating the possibilities to disseminate racist information to the public. Notably:

- The Law on the Press and Other Mass Media prohibits publication of information that incites violence, overthrow of the government, advocates war, cruelty, racial, national or religious superiority and intolerance.

- The Electronic Media Law states that the content of electronic media programmes and broadcasts must not include materials advocating violence, or incitement to discriminate against a person on grounds of sex, racial or ethnic origin, nationality, religion or belief, disability, age or other factors.
- The Advertising Law prohibits advocacy of violence and war propaganda, as well as incitement to discriminate any person on the grounds of race, colour, gender, age, religious, political or other convictions, national or social origin, financial status or other factors. If the aforementioned legal requirements were breached, a person to whom damage was caused may lodge a claim with the domestic court. The law also empowers the Supervisory authority to impose penalty sanction in the amount up to EUR 14,000 for advertisement the content of which does not comply with the legal requirements. In September 2014, the Advertising Law provisions were amended so as to provide more detailed requirements for monitoring the observance of the law.
- The Law on Safety of Public Entertainment and Festivity Events (adopted in 2005) was amended and now contains an explicit prohibition to incite violence and hatred.

50. In 2014, the Ministry of Culture set up a working group in order to develop the media policy guidelines. The overarching aim of media policy is to establish democratic and high-quality informational environment, taking into account the principle of good governance and involving multiple stakeholders (NGOs, media representative, and general public). Issues concerning fight against national and ethnic hatred are to be discussed in subgroups dedicated to such topics as, for example, minority media, monitoring of the media content and radicals online. These subgroups will strive to elaborate an action plan on how to deal with the mentioned issues.

51. As to the organisation of public events, it should be noted that the Law on Meetings, Processions and Piquet Lines includes a prohibition to incite violence, national and racial hatred, propagate ideologies of fascism or communism, war. In 2013, the aforesaid law was supplemented with a detailed procedure as to the possible municipal restriction to hold a public event. Pursuant to the procedure, national authorities examine whether an event may pose threats to public order, state security, welfare, morals of the society, or interfere with the rights of others, including reasonable suspicions of racial, national or ethnic hatred. If such threats are identified, national authorities together with an event organiser decide on possible changes of place, time or details of the planned event. According to the domestic case-law a public authority (municipal institution), when deciding upon prohibition of any event, must assess the possibility of applying less restrictive measures first. In addition, in cooperation with the police and other competent authorities, the available resources and means for the police to eliminate the threats must be duly assessed.

52. Furthermore, the Government would like to point out that during 2013-2015, a number of projects have been implemented with the aim to combat discrimination and to promote tolerance in public domain. For instance, in 2013-2014, the Ministry of Culture together with other partners developed a project Different people. Various experiences. One Latvia. This project was aimed at elaborating the national policy to combat discrimination and promote equality, as well as to analyse the situation in the anti-discrimination field, identify examples of best practices and raise public awareness.

53. In order to raise awareness and knowledge of public officials working with ethnic minorities (for example, Roma people) a project Different people. Various experiences. One Latvia – II was launched in 2014-2015. Various activities are carried out under the aforesaid project, for example, trainings for trainers on non-discrimination, diversity and equality matters (these trainings are designed for the police officers, social, cultural workers and public officials); implementation of measures fostering diversity management and dissemination of examples of best practices; analysis of existing stereotypes and adverse

impact of discrimination, etc. This project is also targeted at vulnerable groups so as to raise their awareness of human rights and available remedies.

54. As another example, according to the Action Plan for the implementation of the Guidelines on National Identity, Civil Society and Integration Policy 2012-2018, the Ministry of Culture provides regular financial support for the organisation of awareness raising activities targeted at general public. The aforesaid activities are related to Roma culture and history, and focus on the impact of prejudice and stereotyping against Roma community.

55. During 2013-2015, NGO Latvian Centre for Human Rights conducts a project on NGOs capacity building for combatting hate speech online. This project includes a number of activities aimed at raising public awareness, for instance, the NGO developed and conducted a training course for adolescents on the aspects related to online hate speech.

56. In addition, as a member state to the Council of Europe's Convention on Cybercrime and its Protocol on Xenophobia and Racism Latvia cooperates with other member states in the field of cybercrimes' investigation, and ensures that appropriate measures are taken for combating racist and xenophobic propaganda. On 21 January 2014, the Cabinet of Ministers adopted the Cybersecurity Strategic Guidelines which aims at eliminating and preventing cyber security risks.

57. The State Police College arranges training programmes for the State Police officials on human rights issues, including those related to identification and investigation of hate crimes, as well as the State Police work in a multicultural society. In the context of further professional development, in 2012-2013, the State Police and the Security Police officers participated in a series of international trainings designed to examine a complex phenomenon of radicalisation. As a result, in the framework of these training a handbook for the police officers was developed. It teaches how to identify the potential signs of radicalisation, and how to enhance police officers' capacity to collect and process information that may prevent the spreading of radical ideas, etc. The Latvian State Police representatives participate in the Radicalisation Prevention Network (RAN POL) whose aim is to facilitate networking of practitioners involved in countering violent radicalisation and promote learning and cooperation related to the prevention of violent radicalisation.

58. As regards general education programmes, it should be pointed out that school curricula includes a range of study courses, such as Social Science, Ethics, Teaching of Christianity, Cultural Studies and others, that are designed to teach tolerance, respect for diversity, cultural differences and respect for others.

(b) Implementation of the criminal law provisions aimed at combating racially motivated crimes, punishment for perpetrators and the reporting procedure for hate crimes

59. In accordance with the domestic law provisions anyone is entitled to submit a claim to the State Police or the Security Police about alleged hate crime. This claim may be submitted either in person, by phone or e-mail. It is also possible to report alleged hate crime by using internet services and leaving a message at the website www.naidanoziegumi.lv which is dedicated to reporting on hate crimes issues, or using the NGO Latvian Centre for Human Rights designed internet platform www.cilvektiesibas.org. The information received is then forwarded to competent national authorities that examine this information in order to identify the signs of alleged hate crime and take appropriate measures.

60. In 2014, 89 criminal proceedings have been initiated for the alleged criminal offences committed under Article 78 (Inciting to National, Ethnic or Racial Hatred or Enmity) of the Criminal Law (for more details see Annex, Figures 3, 4). A recent decision

by the Supreme Court can serve as an example that illustrated the domestic case-law. Notably, by its decision of 24 April 2014, the Supreme Court examined a cassation complaint against a judgement which declared an accused person guilty in committing a crime under Article 78, part two, that is for inciting to racial hatred by using automated data processing system.⁶ The person concerned was sentenced with suspended deprivation of liberty for 1,5 year, with 1,5 year probationary period. In this case national courts provided that this crime does not require causing damage to a particular person. Instead, it suffices to establish that abusive and intimidating information was published online, even if no direct victim was identified.

61. As regards safeguards for victims of any crime, including hate crime, the provisions of the Criminal Procedure Law establishes that a victim has the right to demand compensation for pecuniary and non-pecuniary damage; to participate in criminal proceedings using the language that he/she understands, and, if necessary, using the assistance of an interpreter free of charge; to receive legal assistance; not testify against himself/herself and his/her immediate family; to settle with the person who caused harm. An image of a victim recorded by any type of technical means must not be published in the mass media during the course of procedural actions, unless a victim agrees to such publication. Moreover, the Criminal Procedure Law provides regulation on special procedural protection, which envisages the protection of life, health, and other lawful interests of a victim, witness, and other persons, who testify or have testified in criminal proceedings regarding serious or especially serious crimes.

III. Follow-up to the recommendation in paragraph 20 of the concluding observations

(a) Measures to prevent negative effects on minorities of the transition to Latvian as the language of instruction

62. In the framework of education development policy during 2012-2014, the Latvian language courses were organised for 1,040 pre-school and primary school teachers. In 2015, it is planned to provide professional development courses for 253 Latvian language teachers. As regards minority pre-school institutions, during 2013-2014, Ministry of Education and Science provided support to improve the Latvian language skills for 418 teachers of the minority pre-school institutions, and in 2015, similar support is planned to be provided for 160 teachers. In addition, during 2010-2012, the Latvian language courses were organised for approximately 300 parents in order to assist families with children in studies of the Latvian language.

63. With regard to the Latvian language education process at the state and municipal general educational institutions, starting from the 10th grade, the Latvian language is a language of instruction at institutions which implement a national minority curriculum. Similarly, vocational education standards provide that starting from the 1st year of professional education, the language of instruction is Latvian. The state secondary, vocational and professional education standards stipulate that instruction in the state language must be provided in not less than three fifths of the total lessons during the school year, including foreign languages. The education standards also ensure teaching of national minority language, identity and culture, which is provided in the national minority language. It should be also recalled that the education reform relates only to state and

⁶ Decision of the Supreme Court of 24 April 2014 in the case No. 11840000811, available in Latvian at: <https://tiesas.lv/nolemumi> (last visited in November 2015).

municipal educational institutions, whereas private educational institutions must observe provisions concerning accreditation and incorporation of the Latvian language lessons into education curricula which usually is up to 2-3 hours a week (for details on education see paragraphs 563-579 of the third periodic report on implementation on the UN 1966 Covenant on Civil and Political Right by the Republic of Latvia 2004-2008).

64. In order to improve access to the Latvian language trainings, in 2013, the Latvian language agency (an institution supervised by the Ministry of Education and Science) developed a webpage www.valoda.lv targeted at the Latvian language teachers and students. Its aim is to equip with various teaching and methodological materials (grammar, reading, listening and writing exercises) those teaching and learning Latvian at a beginner's level. In 2015, teaching and learning materials for other levels of language proficiency will be prepared.

(b) Support of the teaching of minority languages and culture in minority schools

65. The national primary and secondary general education standards determine that all educational institutions implementing minority education curriculum must teach a mandatory subject on Minority language and literature. The minority language studies begin as of the 1st grade, and literature in minority language, as a separate study course, begins as of the 4th grade. In secondary general education programme the minority language and literature are taught as an integrated study course. Students of the minority schools are entitled to pass the concluding exams in the minority language.

66. During 2010-2013, 720 minority language and literature teachers participated in the professional development courses organised by the Latvian National Centre for Education in order to enhance knowledge in their curriculum area. In 2014, a number of seminars and conferences were held for 420 minority language teachers on development of students' reading abilities. In addition, twice a year the Latvian National Centre for Education organises informative workshops for teachers (for example, the Russian language and literature teachers) on the up-to-date information about teaching methodology, content and study materials.

67. When preparing study materials, teachers are entitled to use programmes developed by the Latvian National Centre for Education, or to prepare their own programmes. There are several teaching compendia developed by the Latvian authors for the Russian language studies which are taught in the pre-school and general education programmes. For other minority languages and literature studies schools use teaching materials published in Poland, Estonia, Lithuania, Ukraine and other countries.

68. As to the statistical data, in the school year 2014-2015, there are 99 educational institutions providing minority curricula in the Russian language, four – in Polish language, and one educational institution for each in the Ukrainian, Byelorussian, Lithuanian and Estonian languages. In addition, a Hebrew language curriculum is taught in one private school. The aforesaid educational institutions, as well as the Jewish secondary school are financed by the state. In total, there are approximately 56,400 students acquiring primary and secondary general education in education institutions which implement minority curriculum.

Annex

Figure 1

Information on education programmes in imprisonment facilities and the number of inmates involved in 2013-2014

Education programmes	Number of imprisonment facilities involved/distance learning course	Number of inmates involved			Total number of inmates involved
		Adults	Adolescents	Minors	
General education programmes	10 (after Šķīrotava Prison closure – 9)	59 detainees on remand, 238 convicts	31 detainees on remand, 173 convicts	13 detainees on remand, 18 convicts	532 (103 detainees on remand, 429 convicts)
Professional education programmes	10 (after Šķīrotava Prison closure – 9)	38 detainees on remand, 530 convicts	7 detainees on remand, 104 convicts	1 detainee on remand, 0 convicts	680 (46 detainees on remand, 634 convicts)
Higher education programmes	Distance learning courses in the Latvian higher education institutions	0 detainees on remand, 16 convicts	0 detainees on remand, 0 convicts	0 detainees on remand, 0 convicts	16 (0 detainees on remand, 16 convicts)
Interest education programmes	9	97 detainees on remand, 477 convicts	7 detainees on remand, 118 convicts	0 detainees on remand, 18 convicts	717 (104 detainees on remand, 613 convicts)

Source: Ministry of Justice.

Figure 2

Number of inmates involved in education programmes (general, professional, higher and interest education) in imprisonment facilities in 2014

Number of inmates involved/percentage of total number of inmates			
Adults	Adolescents	Minors	Total number of inmates involved
1,688 / 43%	466 / 62%	57	2,211

Source: Ministry of Justice.

Figure 3

Convictions under Article 78 (Inciting to national, ethnic and racial hatred) of the Criminal Law in 2010-2014

Year	Number of convicted persons	Primary sentence
2010	2	suspended deprivation of liberty
2011	4	3-deprivation of liberty for a period less than 1 year; 1- suspended deprivation of liberty
2012	2	suspended deprivation of liberty
2013	7	suspended deprivation of liberty
2014	7	suspended deprivation of liberty

Source: Court Administration (available at: www.tiesas.lv).

Figure 4

**Criminal cases adjudicated in the court of first instance under Article 78
(Inciting to national, ethnic and racial hatred) of the Criminal Law in 2014-2015**

<i>Year</i>	<i>Cases adjudicated</i>	<i>Criminal offence under Article 78, part 2 (including incitement of hatred committed using automated data processing system)</i>	<i>Primary sentence</i>
2014	9	9	suspended deprivation of liberty with probationary period from 5 months up to 1 year
2015 (January- 3 February)	1	1	deprivation of liberty (7 months), not yet in force

Source: Ministry of Justice.