

## Committee against Torture

### Concluding observations on the sixth periodic report of Latvia\*

#### Concluding observations on the sixth periodic report of Latvia

1. The Committee against Torture considered the sixth periodic report of Latvia (CAT/C/LVA/6) and the State party's replies to its list of issues prior to the submission of its sixth periodic report (CAT/C/LVA/QPR/6/Add.1) at its 1798<sup>th</sup> and 1801<sup>st</sup> meetings, held on 20 and 21 November 2019 (CAT/C/SR.1798 and CAT/C/SR.1801), and adopted the following concluding observations at its 1817<sup>th</sup> and 1819<sup>th</sup> meetings (CAT/C/SR.1817 and CAT/C/SR.1819) held on 4 and 5 December 2019.

#### A. Introduction

2. The Committee welcomes the dialogue with the State party's delegation and the oral and written replies provided to the concerns raised by the Committee.

#### B. Positive aspects

3. The Committee welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including the:

(a) Adoption of Citizenship Law that simplifies the naturalization procedures, in particular for children under 15, in 2013;

(b) Entry into force of amendments to the Criminal Law determining torture as an autonomous offence in article 130<sup>1</sup>, in 2014;

(c) Criminal Law amendments that included marital rape as an aggravating circumstance in criminal law, and the legislation that entered into force in 2014 about the protective measures regime for victims of domestic violence, in 2018;

(d) Amendments to article 77 of the Code on the Execution of Sentences concerning minimum personal space per inmate in single and multiple occupancy cells, with entry into force, in 2015;

(e) Amendments to the Code on the Execution of Sentences allowing for the transfer of life sentenced prisoners to a regime and premises for prisoners who are not serving life sentences, in 2015;

(f) Entry into force of amendments to article 24<sup>1</sup> of the Law on Entry into Force and Implementation of the Criminal Law, amending further the definition of torture, in 2015;

---

\* Adopted during the 68<sup>th</sup> session of the Committee (11 November – 6 December 2019)

(g) Entry into force of amendments to the Criminal Procedure Law broadening the fundamental legal safeguards afforded to persons deprived of their liberty, in 2016;

(h) Entry into force of amendments to the Law on the Procedures for Holding the Apprehended Persons, providing for holding arrested persons for a maximum of 7 days in short-term detention facilities, in 2016;

(i) The adoption of the new Asylum Law in 2015, with entry into force on 19 January 2016, and of amendments, which contains a number of provisions that set higher standards for the asylum procedure, integration measures and introducing resettlement, in 2017;

(j) Law adopted by Parliament on the “Discontinuation of the Non-Citizen’s Status for Children” which will enter into force in January 1, 2020, in 2019;

(k) Scheduled entry into force of the Law on Administrative Infringement Proceedings, which no longer envisages arrest as an administrative punishment, in 2020.

4. The Committee also welcomes the initiatives of the State party to amend its policies, programmes and administrative measures to give effect to the Convention, including the:

(a) Adoption of Cabinet Regulation No.276 of 9 June 2015 „Procedures for Implementation of Health Care of Detained and Sentenced persons” as the Regulation No.276 replaced the Regulation No.25, which is no longer in force, in 2015;

(b) Implementation of the pilot project giving the possibility to prisoners serving life sentences to communicate with relatives via skype, in 2014;

(c) Entry into force of amendments to Cabinet of Minister Regulation No.1493 of 22 December 2009, which ensured types of legal aid not covered before, in 2014;

(d) Adoption of Guidelines for Prevention of Trafficking in Human Beings in 2014-2020, in 2014;

(e) Amendments to several procedural and legal provisions in a number of laws providing for the possibility to impose temporary protection against violence, in 2014;

(f) Adoption by the Cabinet of Ministers of Regulation No. 161 on “Procedure Regarding Elimination of the Threat of Violence and Provision of Temporary Protection against Violence”, in 2014;

(g) Availability of State-funded social rehabilitation services to adult victims of violence, in 2015;

(h) Availability of social rehabilitation for children who have suffered from violence who have been recognized as asylum seekers, in 2015.

## **C. Principal subjects of concern and recommendations**

### **Pending follow-up issues from the previous reporting cycle**

5. In its previous concluding observation (CAT/C/LVA/CO/3-5, para. 28), the Committee requested the State party to provide follow-up information on the strengthening of legal safeguards for persons deprived of their liberty (para. 9); conditions of detention (para. 19); and the use of restraints (para. 21). The Committee expresses its appreciation for the State party’s follow-up response on those matters and the substantive information provided on 10 February 2015 (CAT/C/LVA/CO/3-5/Add.1) and the reply to its list of issues (CAT/C/LVA/QPR/6). However, in view of that information, the Committee considers that the recommendations included in paragraphs 9, 19 and 21 mentioned above have been only partly implemented for follow-up in the present concluding observations (see paras.11 on fundamental legal safeguards, 15 on conditions of detention and 21 on the treatment of persons in social care and psychiatric institutions, respectively).

### **Definition of torture**

6. While taking note of the amendments to the definition of torture included in article 24 of the Law on Entry into Force and Implementation of the Criminal Law in 2015, the Committee remains (CAT/C/LVA/CO/3-5, para. 7) concerned that the definition of torture in national legislation does not reflect all of the elements contained in article 1 of the Convention, such as the explicit mention of pain or suffering inflicted by or at the instigation of or with the consent or acquiescence of a public official; or for any reason based on discrimination of any kind, which may create loopholes for impunity, as outlined in general comment No. 2 (2007) on the implementation of article 2 by States parties (arts. 1, 2 and 4).

**7. The Committee reiterates (CAT/C/LVA/CO/3-5, para. 7) its recommendation that the State party amend its legislation to include a definition of torture in conformity with the Convention, which covers all the elements contained in article 1, including for any reason based on discrimination of any kind; and when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.**

### **Torture as a specific criminal offence, penalties and the statute of limitations for acts of torture**

8. While taking note of the 29 October 2014 amendments to the Criminal Law determining torture as an autonomous offence in article 130<sup>1</sup> of the Criminal Law, the Committee remains concerned (CAT/C/LVA/CO/3-5, para. 8) that acts of torture continue to be incorporated into some 14 different articles of the Criminal Law, including articles 125, 126, 272, 294, 301, 317 and others; that the penalties for torture applicable under article 130<sup>1</sup> of the Criminal Law range from short-term deprivation of liberty for a period of up to one year, community services or a fine, which are not appropriate sanctions for the crime of torture, while the penalty for the crime of Exceeding Official Authority in article 317 of the Criminal Law is five years; and a maximum of 10 years if the crime has been committed by a public official. It is also concerned at the absence of information on what is the minimum sentence for acts of torture. The Committee is seriously concerned that the statute of limitations for the crime of torture under article 130<sup>1</sup> of the Criminal Law is five years from the date that the crime was committed, which is also not commensurate to the gravity of the crime, and that the statutory limitations for crimes of a serious nature under other articles of the Criminal Law are longer (arts. 1, 2 and 4).

**9. (a) The Committee reiterates its recommendation (CAT/C/LVA/CO/3-5, para. 8) that torture be included as a specific offence in the Criminal Law that includes all the aspects contained in other articles of the Criminal Law under which it can also be prosecuted; that the prohibition of torture is absolute; and that penalties for torture are appropriate to the gravity of the crime, as set out in article 4(2) of the Convention.**

**(b) The Committee also reiterates its recommendation that, because the prohibition of torture is absolute, the State party should ensure that there is no statute of limitations for acts of torture so that persons who commit or are complicit in such crimes can be effectively investigated, prosecuted and punished.**

**(c) The State party should provide information on the minimum penalty for acts of torture and on the number and type of officials or other persons acting in an official capacity who have been prosecuted for acts of torture during the period under review.**

### **Fundamental legal safeguards**

10. The Committee is concerned that persons deprived of their liberty do not enjoy in practice all the fundamental legal safeguards from the very outset of their deprivation of liberty, such as being informed about the reasons for their arrest and of the charges against them; of the right to prompt access to a lawyer and, if necessary, to State ensured legal aid so that they are interrogated in the presence of their legal counsel; that the quality of State ensured legal aid does not always effectively guarantee the right to defence and that indigent and vulnerable persons often do not have access to State-ensured legal aid and are therefore deprived of the possibility to file complaints in the European Court on Human Rights. It is

also concerned at the continued shortage of lawyers providing State ensured legal aid, the quality of the aid provided, and that their remuneration continues to be inadequate. The Committee is particularly concerned that article 129 of the Criminal law foresees punishments only of up to one year of imprisonment, community service or a fine for law enforcement officers who cause moderate or serious injuries to persons while arresting them (arts. 2, 11, 12, 13, 15 and 16).

**11. The State party should ensure:**

**(a) That all persons deprived of their liberty, including the indigent and vulnerable, are afforded in law and in practice all fundamental legal safeguards from the very outset of their deprivation of liberty, including being informed about the reasons for their arrest and the charges against them; being informed about their rights, both orally and in writing, in a language that they understand; of their right to unimpeded access to an independent lawyer of their choice or, if necessary, to State ensured legal aid of adequate quality, including during the initial interrogation and inquiry; being brought before a judge within the time frame prescribed by law; that they are able to notify a family member or any other person of their own choice of their detention immediately after apprehension; have the right to request and receive an independent medical examination, free of charge, including by a doctor of their choice upon request; and to have their deprivation of liberty, including transfers and injuries, recorded in registers at all stages;**

**(b) Greater quality and effectiveness of legal aid, including through annual increases in the amounts of payment for different types of State-ensured legal aid pursuant to the Cabinet of Minister Regulation No. 1493 of 2009; a sufficient number of persons providing State-ensured legal aid in all parts of the country and that they receive adequate remuneration for their services;**

**(c) A normative framework for the effective oversight of the provision of safeguards; monitor the compliance by all public officials with fundamental legal safeguards, including through the video monitoring of all places of deprivation of liberty and interrogation rooms; and take disciplinary measures against officials who fail to afford fundamental legal safeguards to persons deprived of their liberty in practice;**

**(d) That article 129 of the Criminal law is amended so that those officials who cause harm to persons deprived of their liberty during their arrest and detention are criminally prosecuted and punished with the severity that is commensurate to the gravity of their acts;**

**(e) That all persons deprived of their liberty who may also lack resources are able to file complaints or communications with international human rights mechanisms are able to do so.**

**Pre-trial detention, including in short-term detention facilities**

12. While taking note of the amendments to the Law on the Procedures for Holding the Apprehended Persons regarding holding arrested persons in short-term detention facilities, the Committee is concerned that the Law on the Procedures for Holding Detained Persons does not specify the duration of holding detainees and sentenced persons in State police short-term detention facilities; that detained and convicted persons can be held together, including during transport; and that persons remanded in custody have been held in police detention facilities well beyond the statutory limit, and that they have been held from two weeks to more than a month for purposes of procedural actions in facilities designed for shorter stays. It is further concerned that, if necessary, administratively detained and arrested persons as well as persons placed in detention and convicted persons may be returned to a State police short-term detention facility for the purpose of investigative work and procedural actions, before being placed in a remand prison or prison, upon request by courts, the prosecutor's office or the State police, which means that they can be returned to State police short-term detention facilities that are not suitable for this purpose. The Committee is also concerned that pre-trial detention can last up to 20 days, and that this period has not been changed with regard to persons detained for more serious crimes, and that the duration of

deprivation of liberty in State police short-term detention facilities may also depend on the workload of the relevant court and backlogs of cases (arts. 2, 10, 12, 13 and 16).

**13. The State party should:**

**(a) Take all necessary measures to ensure that persons are held in short-term detention facilities as briefly as possible and no longer than the period prescribed by law; and envisage using alternatives to pre-trial and remand detention, as laid out in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

**(b) Ensure that persons remanded in custody are promptly transferred to a prison;**

**(c) Take steps, including of a legislative nature to enhance the efficiency of the judicial system and expedite judicial proceedings, to ensure that prisoners and detainees are not returned to short-term detention facilities in small police stations, for either logistical reasons, the conduct of further investigations or court proceedings as well as because of backlogs of cases in courts; and provide the Committee with information on the duration of such detentions, including for more serious crimes, and on the number of persons who have been held in pre-trial detention during the period under review and between 2014 to 2019 ;**

**(d) Establish strict rules concerning the duration of detention in police stations and ensure that the return of detained persons to police stations is authorized on an exceptional basis, and not as a result of a sole decision of a police investigator but based on an individual consideration by a prosecutor or a judge; and that detained persons are held separately at all times from convicted prisoners;**

**(e) Continue to give additional consideration to alternative, non-custodial measures, taking into account the provisions of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) when devising the alternative measures to preventive detention;**

**Conditions of detention**

14. While taking note of the amendments to the Code on the Execution of Sentences providing for minimum personal space per inmate in single and multiple occupancy cells; the closing of Dobele and Zemgale temporary facilities and of the Vecumnieki prison; the renovation of 21 police detention facilities throughout the country; the completion of the Drug Addiction Centre of Olaine prison hospital and the increase of its capacity to 120 beds; the reconstruction of the juvenile detentions facility in Cesis, the Committee remains concerned:

(a) That the conditions of detention in places of deprivation of liberty continue to fall short of international standards, including with regard to material conditions such as hygiene, sanitation, humidity, ventilation and access to natural light, and that substandard conditions persisted in the Griva Section of Daugavgriva Prison, which has the status of historic monument;

(b) That the construction of the new Liepaja prison has been postponed for budgetary reasons and that the envisaged construction would only be completed in 2023;

(c) That the outdated prison infrastructure where inmates are housed in very large cells in old prison buildings that can hold more than 40 persons creates conditions for inter-prisoner violence, a criminal subculture and the maintenance of the hierarchical relations among the prisoners, especially in Daugavgriva, Jelgava and Riga Central Prisons;

(d) That places of deprivation of liberty have not been adapted for persons with disabilities, especially those with reduced mobility who have to rely on help from other inmates, and that there is a shortage of medical personnel;

(e) That inmates in many detention facilities do not have access to a meaningful regime of activities and to sufficient outdoor exercise;

(f) That the number of medical staff is reduced and that there are significant gaps in providing appropriate medication to prisoners (arts. 11 and 16).

**15. The State party should:**

(a) Continue to take steps to improve the material conditions in all prisons and police detention centres with regard to the material conditions of detention, including hygiene, sanitation, humidity, ventilation and access to natural light, with a view to bringing them in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

(b) Consider closing additional detention facilities where conditions are particularly bad, including the Griva Section of Daugavgriva Prison, which has the status of historic monument; and ensure that the construction of Liepaja prison begins in 2020 and is completed on schedule by 2023; adapt and renovate outdated prison infrastructure in order to reduce the number of cells that can hold large numbers of prisoners in order to reduce and prevent inter-prisoner violence and eradicate the criminal subculture;

(c) Continue to renovate all places of detention in need of repair with a view to improving their infrastructure and material conditions; ensure that they are adapted to the needs of persons with disabilities, especially those with reduced mobility;

(d) Strengthen the effectiveness of complaints mechanisms for reporting cases of violence; examine, record and investigate all injuries and deaths resulting from inter-prisoner or other violence, and prosecute those responsible and prevent such incidents in the future by implementing appropriate measures based on dynamic security principles; provide persons deprived of their liberty with adequate health care and medication; increase the remuneration of medical staff, including psychiatrists, and transfer the competence of penitentiary medical staff to the authority of the Ministry of Health;

(e) Improve the remuneration and working conditions and increase the number of custodial staff, in particular in Daugavgriva, Jelgava and Riga Central Prisons, and provide them with training on the management of inmates; and strengthen the monitoring and management of vulnerable prisoners and other prisoners at risk;

(f) Ensure that all inmates, including life sentenced prisoners, have access to a meaningful regime of activities and take further steps to integrate life sentenced inmates into the general prison population.

**Solitary confinement**

16. Based on the explanations of the delegation regarding the imposition of disciplinary sanctions on prisoners, that under no circumstances is isolation used for extended periods and that minors are rarely placed in solitary confinement, the Committee remains concerned that solitary confinement continues to be applied to persons deprived of their liberty not only as a punishment but also for holding persons with behavioural problems for protection purposes, at times consecutively, for prolonged periods (arts. 11 and 16).

17. The State party should ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible (no more than 15 consecutive days), subject to independent review, and only pursuant to the authorization by a competent authority, in accordance with rules 43 to 46 of the Nelson Mandela Rules. The Committee wishes to draw the State party's attention to rule 45 (2) of the Nelson Mandela Rules, which prohibits solitary confinement in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures (see also rule 22 of the Bangkok Rules and rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty), which prohibits the use of solitary confinement on juveniles. In addition, rule 43 (3) of the Nelson Mandela Rules provides that disciplinary sanctions or restrictive measures shall not include the prohibition of family contact and that the means of family contact may

**only be restricted for a limited time period and as strictly required for the maintenance of security and order, and never as a disciplinary measure. Finally, there must be a clear distinction between administrative segregation and isolation on disciplinary grounds.**

#### **Independent monitoring of places of detention**

18. The Committee takes note that the Ombudsman is the only human rights based mechanism monitoring places of deprivation of liberty. It is also concerned that the results of such visits by the Ombudsman are not made public, that the exact number of visits is not specified and that there is no breakdown of information concerning the places and types of visits carried out. In addition, the Committee is concerned that the State party has not ratified the Optional Protocol to the Convention and that there is no information about whether representatives of independent national or international mechanisms visit places of deprivation of liberty (arts. 2, 11, 12, 13 and 16)

#### **19. The State party should.**

**(a) Take measures to strengthen the human and financial capacity of the Ombudsman to effectively carry out systematic visits to all places of deprivation of liberty, including psychiatric institutions, hold confidential private meetings with persons deprived of liberty, receive their complaints, act on them and make his findings public;**

**(b) Ensure effective follow-up to the complaints received by the Ombudsman and the Ministry of Justice regarding conditions of detention;**

**(c) Ensure that independent international mechanisms are able to carry out independent and unannounced monitoring of all places of deprivation of liberty in the State party in coordination with the Ombudsman and are able to hold confidential private meetings with the detained persons;**

**(d) Take further steps towards ratifying the Optional Protocol to the Convention.**

#### **National human rights institution**

20. While taking note of its accreditation with “A” status by the Global Alliance of National Human Rights Institutions (GANHRI) in 2015, the Committee is concerned that the Office of the Ombudsman currently lacks adequate financial resources to fully and effectively discharge its mandate, especially if it is to carry out the additional mandate of national preventive mechanism. It is also concerned that the staff of the Office of the Ombudsman receives lower remuneration than officials in other institutions; and that financial resources have not been made available to render the building housing the Ombudsman’s Office accessible to persons with disabilities, since it lacks an elevator (art. 2).

**21. The State party should provide the Office of the Ombudsman with adequate financial and human resources in order to enable it to fully discharge its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular if it is to assume the mandate of a national preventive mechanism. The State party should also ensure that the staff of the Ombudsman’s office is not remunerated below the level of officials in governmental and other institutions and that the building housing the Ombudsman’s Office is rendered accessible to persons with disabilities by installing an elevator. The State party should ensure that effective, independent and accessible complaints mechanisms are available to all persons deprived of their liberty and that they are not subjected to reprisals as a result their complaints, including the complaints submitted to the Ombudsman’s Office.**

#### **Treatment of persons in social care and psychiatric institutions**

22. The Committee is gravely concerned about:

(a) The absence of legal safeguards concerning involuntary hospitalization, involuntary medical treatment and application of restraints to persons with mental and psychosocial disabilities in psychiatric institutions; and that psychiatric hospitals continue to not request the informed consent of patients regarding both their hospitalization and intended treatment;

(b) The placement of children from orphanages, boarding schools and social care institutions in psychiatric institutions for bad behaviour, their medication with dangerous and obsolete medicines and severe polypharmacy, without consideration for possible side effects; and about possible criminal offences in the Children's Psychiatric Hospital Ainazi;

(c) The absence of adequate care in social care institutions for the elderly, including the use of medical restraints in lieu of outdoor exercise (arts. 2, 11 and 16).

**23. The State party should:**

**(a) Ensure the appropriate implementation of the Medical Treatment Law and a regulatory framework for mental health and social care institutions, including guarantees for effective legal safeguards for all persons with mental and psychosocial disabilities concerning involuntary treatment in psychiatric institutions and ensure that it is a measure of last resort, including with regard to decisions to use chemical and physical restraints or coercive force; that they are duly registered and monitored by specialized medical personnel at regular intervals any restrictions are legal, necessary and proportionate to the individual circumstance; include guarantees of an effective remedy; and that the persons concerned or their legal representatives are allowed to avail themselves of the right to appeal against the decision;**

**(b) Ensure the right of the patient or his or her legal representative to be heard in person by the judge ordering the hospitalization and that the court always seeks the opinion of a psychiatrist who is not attached to the psychiatric institution admitting the patient and on the basis of objective medical criteria stipulated in law;**

**(c) Take the necessary measures to ensure that the Ombudsman and other independent monitoring bodies are able to conduct regular and unannounced visits to psychiatric and other social care institutions without any restriction, establish an independent complaints mechanism and ensure that recommendations made by the Ombudsman are effectively implemented;**

**(d) Promote psychiatric care aimed at preserving the dignity of patients and investigate effectively, promptly and impartially all allegations of ill-treatment or abuse of persons with mental and psychosocial disabilities; of children placed in psychiatric institutions and in particular possible criminal offences in the Children's Psychiatric Hospital Ainazi; as well as those of elderly persons in social care institutions; bring those responsible to justice, in particular persons using medication on children and medical restraints in lieu of outdoor exercise, and provide redress to victims;**

**(e) Inform the Committee about the outcome of the criminal proceedings relating to the Children's Psychiatric Hospital Ainazi;**

**(f) Envisage reforming psychiatric care, including by seeking to increase the use of less restrictive alternatives to the forcible confinement of persons with mental and psychosocial disabilities; promote community-based or alternative social care services and provide the Committee with updated information regarding the progress of the deinstitutionalization process regarding children and the elderly.**

**Investigation of excessive use of force and ill-treatment by law enforcement officers**

24. While taking note of the establishment in 2015 of the Internal Security Bureau to investigate criminal offences by officials subordinated to the Ministry of the Interior, the Prison Administration and municipal and Port police, with the exception of Security Police, and the creation of the Internal Control Bureau by the State Police, both of which are subordinated to the Ministry of the Interior, the Committee is concerned that complaints of torture and ill-treatment by law enforcement officials are investigated by bodies which have

institutional and hierarchical relationships with the perpetrators of such acts (arts. 2, 12, 13 and 16).

**25. The State party should:**

**(a) Take appropriate measures to guarantee the independence of the mechanism in charge of conducting investigations of alleged misconduct by police officers and prison staff; ensure that all allegations of torture and ill treatment are promptly and effectively investigated by such an independent body; and that there is no institutional or hierarchical relationship between the body's investigators and the suspected perpetrators of such acts.**

**(b) Ensure that, in cases of alleged torture or ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, to avoid there being a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation;**

**(c) Ensure that law enforcement personnel continue to receive training on the absolute prohibition of torture and on the use of force, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; as well as on the investigation of torture and ill-treatment on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

**(d) Compile and publish comprehensive disaggregated statistical information on complaints of torture or ill-treatment; whether such complaints resulted in investigations; by which authority; and whether the investigation resulted in the imposition of disciplinary measures and/or prosecutions, the type of punishment; and whether victims have obtained redress; in addition, provide the Committee with such information in its next periodic report.**

**Domestic violence**

26. The Committee remains concerned (CAT/C/LVA/CO/3-5, para. 14) that domestic violence is not defined as a specific crime in the Criminal Law, and that marital rape remains unrecognized as a separate criminal offence. While recognizing the introduction of restraining measures against perpetrators of domestic violence during the period under review, the Committee is concerned about the difficulties victims have in filing complaints and accessing the authorities for protection measures and separation from the perpetrators, including the single toll-free help line operated by the Legal Aid Administration, as well as medical and legal services, including counselling, and the limited assistance to the victims of such acts based on State-funded social rehabilitation services and shelters and crisis centres maintained by the State (arts 2, 12, 13, 14 and 16).

**27. The State party should take measures to ensure that its authorities or other entities refrain from actions or omissions that engage the international responsibility of the State party under the Convention, and particularly:**

**(a) Amend its legislation to include crimes of domestic violence, including marital rape, as specific crimes in the Criminal Law; ensure that all cases of domestic and gender-based violence are promptly and thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, are punished appropriately, and that the victims receive redress, including adequate compensation; and ensure that women who are victims of domestic violence face no legal impediments to immediately petition the authorities for protection measures, including restraining orders and legal separation;**

**(b) Ensure that all victims of gender-based violence including domestic violence have access to medical and legal services, including counselling, redress and rehabilitation; and provide State-funded social rehabilitation services, shelters and crisis centres;**

**(c) Monitor the effectiveness of complaints mechanisms including the toll-free phone 116006 operated by the Legal Aid Administration with the help of the "Skalbes" association for victims of violence and their families;**

**(d) Provide mandatory training for police and other law enforcement officials, prosecutors, judges, social and medical workers on how to identify and effectively protect victims of gender-based violence and domestic violence; and compile statistical data, disaggregated by gender, age and ethnicity of the victims and their relationship to the perpetrator, on domestic, sexual and other forms of violence against women, including marital rape, and on the number of complaints, investigations, prosecutions and convictions of perpetrators and sentences handed down.**

#### **Trafficking in human beings**

28. While taking note that articles 154 and 165 of the Criminal Law provides for criminal liability for trafficking in human beings, the Committee is concerned that the State party remains the country of origin of victims of trafficking, for sexual and labour exploitation (arts. 2, 12, 13, 14 and 16)

#### **29. The State party should:**

**(a) Vigorously implement relevant international and domestic legislation, allocate sufficient funds to combat trafficking and conduct national prevention and awareness-raising campaigns about the criminal nature of such acts;**

**(b) Take effective measures to prevent and eradicate human trafficking, including by providing specialized statutory training to public officials, including law enforcement officers and other first respondents, on identifying victims and on investigating, prosecuting and sanctioning perpetrators;**

**(c) Ensure the effective implementation of the Guidelines for Prevention of Trafficking in Human Beings in 2014-2020; increase the protection of and provide redress to victims of trafficking, including legal, medical and psychological aid and rehabilitation, as well as adequate shelters and assistance in reporting incidents of trafficking to the police; and on the provision of effective redress to the victims;**

**(d) Promptly, effectively and impartially investigate the crime of trafficking in persons and related practices; prosecute and punish perpetrators in accordance with the gravity of the crime; and provide the Committee with comprehensive disaggregated data on the number of investigations, prosecutions and sentences handed down to perpetrators of human trafficking, and in particular the specific sentences handed down during the period under review to the perpetrators under articles 154 and 165 of the Criminal Law.**

#### **Situation of asylum seekers and non-citizens**

30. While taking note of the adoption of the new Asylum Law in 2015, the Committee is concerned that asylum seekers continue to be detained, that they may not have access to information about the asylum procedure and do not enjoy adequate procedural safeguards, in particular at border crossings. It is also concerned that the absence of free legal aid to enable asylum seekers to appeal refusal of entry or of registration as asylum seeker, which has to be lodged within 48 hours. In addition, the Committee is also concerned that all children of non-citizen parents are not automatically granted Latvian citizenship (arts. 2, 3, 11 and 16).

#### **31. The State party should:**

**(a) Abide by its obligations under article 3 of the Convention and ensure that, in practice, no one may be expelled, returned or extradited to another State where there are substantive grounds for believing that he or she would run the risk of being subjected to torture and ill-treatment;**

**(b) Ensure that procedural safeguards against refoulement are in place and that all persons in need of international protection receive appropriate treatment at all stages, including at border crossings, and can benefit promptly from free legal aid, in particular in case of appeal and refusal of entry or registration; and ensure that appeals against decisions concerning asylum have suspensive effect;**

**(c) Ensure the creation of an effective mechanism to promptly identify victims of torture among asylum seekers and exempt them and other persons with specific needs such as children, pregnant women and nursing mothers from detention;**

**(d) Ensure that the detention of children is a measure of last resort and used for the shortest appropriate period; promote the application of non-custodial measures; and ensure appropriate reception for persons in immigration detention and that living conditions in immigration detention centres are in conformity with international standards;**

**(e) Consider taking additional legal, policy and practical steps to facilitate naturalization and integration of non-citizens.**

### **Training**

32. While taking note of the information provided by the State party that training on human rights is provided on a regular basis to a number of officials, the Committee is concerned that public officials such as law enforcement officer, judges, prosecutors, court officials, lawyers, medical personnel and prison staff may not receive mandatory specific training on the provisions of the Convention and the absolute prohibition of torture and whether such training is also provided to military and intelligence officers and security guards. It is also concerned that all medical professionals may not receive training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) (art. 10).

### **33. The State party should:**

**(a) Develop mandatory initial and in-service training programmes to ensure that all public officials are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture and ill-treatment, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, if convicted, punished appropriately;**

**(b) Ensure that the absolute prohibition of torture and ill-treatment is fully included in the rules and instructions issued with regard to the duties and functions of any such person;**

**(c) Ensure that the Istanbul Protocol is made an essential part of the training for all medical professionals and other public officials involved in work with persons deprived of their liberty and asylum seekers;**

**(d) Provide the Committee with information about the training on new interrogation techniques for police officers, whether they include methods of investigation that rely on scientific evidence and non-coercive interrogation techniques, as well as training on the Code of Conduct for Law Enforcement Officials and on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

**(e) Please provide information on how the results of the surveys and assessments of the training programmes provided to public officials are taken into consideration when designing additional training programmes for specific law enforcement personnel.**

### **Redress, including compensation and rehabilitation**

34. The Committee reiterates its concern (CAT/C/LVA/CO/3-5, para. 22) about the absence of an explicit provision in domestic legislation that provides for the right of victims of torture and ill-treatment to fair and adequate compensation, including the means for as full rehabilitation as possible, as required by article 14 of the Convention, in light of its general comment No. 3 (2012). It is also concerned at the absence of information on specific compensation provided under the Law on the State Compensation to Victims, the Criminal Procedure Law and the Law on Social Services and Social Assistance and on any specific rehabilitation services that may have been established during the period under review. Additionally, it is also concerned with the low amounts of States compensation allocated to victims. (art. 14).

35. (a) The Committee reiterates its recommendation (CAT/C/LVA/CO/3-5, para. 22) that the State party should amend its legislation to include explicit provisions on the right of victims of torture and ill-treatment to redress, including fair and adequate compensation and rehabilitation, in accordance with article 14 of the Convention, in light of its general comment No. 3. It should provide all victims of torture and ill-treatment with redress, including fair and adequate compensation, and as full rehabilitation as possible, regardless of whether the perpetrators of such acts have been brought to justice; and should allocate the necessary resources for the effective implementation of rehabilitation programmes and establish specialized rehabilitation services;

(b) The State party should compile and provide the Committee with information on redress and on compensation measures, including means of rehabilitation, ordered by the courts or other bodies in the State party that have actually been provided to victims of torture or ill-treatment, including the amounts paid;

(c) The State party should increase the amounts of State compensation provided to each victim of torture or ill treatment.

#### Follow-up procedure

36. The Committee requests the State party to provide, by 6 December 2020, information on follow-up to the Committee's recommendations on the ratification of the Optional Protocol to the Convention, increasing the amounts of State compensation provided to each victim of torture or ill-treatment and strengthening the effectiveness of complaints mechanisms for reporting cases of violence and provide adequate health care to persons in detention (see paragraphs 19(d), 35(c) and 15(d)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

#### Other issues

37. The Committee invites the State party consider making the declarations envisaged under articles 21 and 22 of the Convention.

38. The Committee invites the State party to ratify any core United Nations human rights treaties to which it is not yet party.

39. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its disseminating activities.

40. The Committee invites the State party to submit its next periodic report, which will be its seventh periodic report, by 6 December 2023. The Committee will transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its seventh periodic report under article 19 of the Convention.

---