



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: Follow-up/CAT

8 December 2014

Your Excellency,

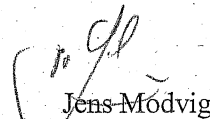
In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the third to fifth periodic reports of Latvia (CAT/C/LVA/3-5) by this Committee, at its 51st session, held from 28 October to 22 November 2013. At the end of that session, the Committee's concluding observations (CAT/C/LVA/CO/3-5) were transmitted to your Permanent Mission. In paragraph 28 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 22 November 2014, further information regarding areas of particular concern identified by the Committee in paragraphs 9, 19 and 21 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Latvia on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.



Jens Mödvig

Rapporteur for Follow-up on Concluding Observations
Committee against Torture

H.E. Mr. Raimonds Janson
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Latvia
to the United Nations Office at Geneva

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/LVA/CO/3-5)

LATVIA

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

9. The Committee is concerned that persons deprived of their liberty do not enjoy in practice all the fundamental legal safeguards against torture and ill-treatment that should be afforded from the very outset of deprivation of liberty, such as access to a lawyer and an independent doctor and the right to inform a relative or person of their choice from the very outset of their detention. It is also concerned at reports of a shortage of lawyers and that lawyers providing “State-ensured legal aid” are reluctant to do so for lack of appropriate remuneration (arts. 2, 12, 13 and 16).

The State party should:

(a) Take effective measures to guarantee that all detained persons are afforded, by law and in practice, all the fundamental legal safeguards from the outset of their being deprived of liberty, in particular prompt access to a lawyer and, if necessary, to legal aid; that a relative or person of their choice is informed; and access to a medical examination by an independent doctor, if possible a doctor of their choice, in accordance with international standards;

(b) Ensure the implementation of regulation No. 1493 on the types and amount of State-ensured legal aid, the amount of payment and the reimbursable expenses related to the provision of legal aid and the amount of and procedures for payment, adopted by the Cabinet of Ministers on 22 December 2009 in order to increase the number of contracted, sworn legal aid attorneys to provide adequate assistance to all persons requiring State-provided legal aid, including in remote rural areas.

(...)

Conditions of detention

19. The Committee is concerned (arts. 11, 13 and 16):

(a) That the material conditions of detention in places of deprivation of liberty and in particular those that are old, continue to fall short of international standards with regard to infrastructure, hygiene and sanitary conditions, living space and regime of activities, in particular for prisoners serving life sentences and remand prisoners;

(b) At serious deficiencies and considerable delays in the provision of medical, psychological and dental health care, especially as the latter is at the expense of the inmates;

(c) At the material conditions in most police detention facilities, including limited or no access to natural light and ventilation, unhygienic cells and inadequate sanitary facilities, which are not in conformity with international standards;

(d) That the Law on the Procedure of Detention on Remand stipulates that the space in multi-occupancy cells should be not less than 3m² per person.

The State party should:

(a) Continue to take steps to improve the material conditions in all prisons and police detention centres with regard to infrastructure, hygiene and sanitary conditions, heating, living space and regime of activities, in particular for prisoners serving life sentences and remand prisoners, in accordance with the Standard Minimum Rules for the Treatment of Prisoners;

(b) Ensure the provision of adequate medical, psychological and prompt dental health care for all inmates free of charge;

(c) Ensure that the renovation of existing places of detention continues according to schedule;

(d) Ensure the existence of impartial and independent mechanisms to monitor places of deprivation of liberty, deal with the complaints of inmates about their conditions of detention and provide effective follow-up to such complaints;

(e) Ensure that the space provided should not be less than 4m² per prisoner in multi-occupancy cells, in accordance with the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

(...)

Use of restraints in prisons

21. The Committee is concerned by reports of unjustified use of restraints in prisons, such as the routine handcuffing of prisoners serving life sentences when outside their cells (arts. 2, 11 and 16).

The State party should:

(a) Abolish the routine handcuffing of prisoners serving life sentences;

(b) Ensure that all complaints of violations with regard to handcuffing are promptly, effectively and independently investigated and the persons responsible are held to account.

(...)

28. The Committee requests the State party to provide, by 22 November 2014, follow-up information in response to the Committee's recommendations relating to: (a) strengthening legal safeguards for persons deprived of their liberty; (b) conditions of detention; and (c) use of restraints, as contained in paragraphs 9, 19 and 21 respectively of the present document.

(...)
