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Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I am writing regarding the examination of the second periodic report of Latvia (CAT/C/38/Add.4) on 8 November 2007. In the Committee's Concluding Observations (CAT/C/LVA/CO/2), it requested further comments by the Government of Latvia about recommendations in paragraphs 7, 8, 11, and 17.

On behalf of the Committee, thank you for your response of 8 February 2010 providing comments by your government on those paragraphs. I have reviewed it with care. The additional information provided assists the Committee in its ongoing analysis of the issues identified for follow-up. I would be grateful for clarification on the following matters, where sufficient information is not yet provided to complete an analysis of the progress made regarding implementation of the Committee's recommendations.

In paragraph 7 of the Concluding Observations, the Committee expressed concern over the lack of legal safeguards for detained persons in the form of access to doctors and lawyers. The Committee is grateful for the extensive information provided, and commends the Latvian authorities for the efforts taken to implement the Committee's recommendation.

The Committee continues to be concerned about access to healthcare for detainees and prisoners. With regard to Article 22 of the *Law on Procedure of Detention on Remand* which provides that "all detainees shall receive medical care and treatment," please clarify how detainees are able in practice to access such medical attention? Do all detainees undergo a routine medical examination immediately upon their deprivation of liberty, or must this be explicitly requested by the detainee or his/her attorney? If the latter, please provide information on how requests for a medical examination are made. According to information before the Committee, the Government of Latvia adopted changes in 2009 which reduced the healthcare available for prisoners and detainees. Please inform the Committee of any changes, legislative or otherwise, that were made regarding the healthcare available to detainees and prisoners.

.../...

H.E. Mr. Jānis MAŽEIKS
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The Committee commends the Government of Latvia for the new laws adopted to improve the system of government-provided legal aid to defendants, as clarified in paragraphs 9 to 14 of your response. Because individuals are required to apply for legal aid services and can be refused (para. 10), the Committee would be grateful for information on the specific criteria used to determine whether applicants are granted legal aid and how many such applications have been denied annually since 2007. Please also clarify what legal services, if any, are made available to detainees while their applications for legal aid are pending.

With regard to the amendments to the *Law on State Provided Legal Aid* that went into force in January and July 2009, please provide the Committee with current, updated information on the number of sworn attorneys appointed by the Latvian Bar Association to coordinate the provision of legal aid, as well as detailed information on whether the projected changes to the compensation awarded to legal aid attorneys will increase funding so that sufficient assistance can be provided. In addition, please clarify the "list matters," mentioned in paragraph 13 of your response, for which state-provided legal aid may be granted.

In paragraph 8 of the Concluding Observations, the Committee expressed concern over the detention of asylum seekers in the State Party. The Committee is pleased to learn from your reply that the new *Asylum Law* was adopted and entered into force in July 2009, and that it extended the time limit to appeal rejected asylum applications to 10 days. With regard to the number of asylum applications lodged, please provide the Committee with clarification as to the legal standing of individuals who were not granted asylum but who were granted 'alternative status', as mentioned in paragraph 15 of your response. The Committee reiterates its concern over the low asylum recognition rate—according to your response only 17 out of 254 applications have been approved since 1998. Please provide information on the fate of those whose applications were denied and who did not appeal the decision—were they returned to their country of origin? If so, please include a list of countries to which individuals were returned each year from 2007.

While the Committee thanks the Latvian authorities for the data provided on the number of asylum seekers who have been detained in the last three years, it remains concerned over this practice. According to the information submitted, in 2007, more than half of all asylum seekers were detained. (24 detained out of 34 applicants). Please update the Committee on the number and proportion of asylum seekers that have been detained in subsequent years. The Committee would also be grateful for information on whether the permissible grounds for detention as well as whether the number of asylum seekers in detention has been affected since July 2009 by the new *Asylum Law*. How are detained asylum seekers made aware of their right to legal aid? How many requested or applied for legal aid, how many were not granted legal aid, and what were the grounds upon which their requests were denied? How are they made aware of their right to appeal decisions of the Administrative Court?

Paragraph 21 of your response states that in March 2009, an amendment to article 273 of the *Criminal Procedure Law* was made, that "allows application of pre-trial detention of juveniles, providing that the criminal offence has been committed under self-induced intoxication and has caused a person's death." Please clarify whether this amendment has limited the use of pre-trial detention of minors to such circumstances? If not, please provide comprehensive information on the other circumstances in which pre-trial detention is permitted. The Committee would also be grateful to receive updated information on the average length of pre-trial detention for juveniles annually. With regard to the Committee's recommendation that detention of juveniles be only a measure of last resort, we would be grateful to receive information on the usage of alternative forms of punishment such as probation, mediation, suspended sentence, and community service. Please also include information on the average length of sentences for juveniles.

The Committee is pleased to note the adoption of the *Concept Paper on Penal Policy* in January 2009 which is aimed at adding more efficient measures for social rehabilitation of juveniles. Please provide information on the new programs, educational measures, and community service schemes that have been adopted as a result of the *Concept Paper*, and their outcomes and successes—how have these measures affected the number of juveniles detained and those paroled or released early? The Committee welcomes the information about the measures taken to implement the *Basic Policy Guidelines for the Enforcement of Prison Sentences and Detention of Juveniles for 2007-2013*, as mentioned in paragraphs 24 to 28 of your response. Please clarify what forms of “special combat applications” are permissible for use against women, juveniles and persons with disabilities, mentioned in paragraph 25 of your response.

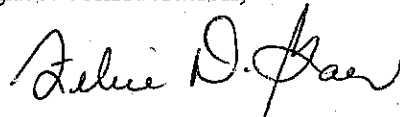
The Committee thanks the Latvian authorities for the information provided regarding educational opportunities for juvenile detainees, as described in paragraph 27 of your response. To further clarify this information, please provide the Committee with statistical information, by year, on the number of juvenile detainees (in pre- or post-trial detention) who benefited from primary, secondary or professional education programmes in 2009 and 2010. The Committee commends the State Party for the efforts undertaken to improve living conditions at Cesis Educational Facility for Juveniles, and would be grateful to receive updated information on the status of these renovations.

Thank you for the information provided on the Committee’s concerns in paragraph 17. The Committee notes that the Government of Latvia “observes that all complaints, statements and communications are examined within the time limits prescribed by national law.” The Committee reiterates the recommendation to remove statutes of limitations on the offence of torture and requests further information on the time limits prescribed by national law and on what measures are being taken to ensure they are in compliance with international obligations under the Convention.

While the Committee is grateful for the statistical information provided regarding the number of complaints for alleged violations of the Convention by police officers (as detailed in Annex 1 on page 10 of your response), it is unclear how many of the 364 complaints received in 2007 and the 466 complaints received in 2008 were promptly investigated and by whom. We would be grateful to receive clarification on this. Finally, the Committee requests updated information on the number of complaints of abuse by police officers that were registered in 2009 and 2010, how many of these were investigated, how many led to prosecutions, and with what outcomes, including information on the punishment, if any, meted out to perpetrators to prevent impunity.

The Committee looks forward to pursuing a constructive dialogue it has started with the authorities of Latvia on the implementation of the Convention, and in this context, to receiving clarification to our follow-up questions.

Accept, Excellency, the assurances of my highest consideration,



Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
Committee against Torture