



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**List of issues prior to the submission of the fifth periodic report of
LATVIA (CAT/C/LVA/5)***

**Specific information on the implementation of articles 1 to 16 of the Convention, including
with regard to the previous recommendations of the Committee****

Articles 1 and 4

1. Please provide updated information on measures taken to incorporate into domestic law the crime of torture as defined by article 1 of the Convention, as recommended by the Committee in its previous concluding observations (para. 5).
2. In its previous concluding observations, the Committee expressed its concern that acts of torture and attempts, complicity or participation to commit torture might in some cases be subject to a statute of limitations (para. 17(c)). Please provide information on steps taken to address this concern and, in general, to combat impunity for perpetrators of such acts.

* The present list of issues was adopted by the Committee at its forty-third session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

** Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/LVA/CO/2.

Article 2

3. In light of the Committee's previous concluding observations, please provide information on the measures taken to ensure the effective functioning of the Ombudsman institution (para. 6). In particular, please provide updated information on the number of staff members and financial resources available to the Ombudsman institution. Please also provide updated information on the mandate of the institution and how this mandate is carried out. Furthermore, please indicate steps taken by the State party to ensure that the Ombudsman institution complies with the Paris Principles, including with regard to its independence, and to seek accreditation with the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights.

4. With reference to the Committee's previous concluding observations, please provide information on effective steps taken to ensure that all detainees are afforded fundamental legal safeguards in practice, including the right to notify a relative or third party (para. 7). In particular, please indicate if the State party has formally guaranteed by law and fully implemented in practice the right of access to a doctor, if possible, of their own choice, as from the very outset of their deprivation of liberty. Furthermore, please provide updated information on steps taken to ensure an effective right of access to a lawyer, as from the outset of their deprivation of liberty and throughout the investigation phase, the whole of the trial and during appeals. In this respect, please provide information on steps taken to provide lawyers with proper working conditions in detention and remand centres, and elaborate on the functioning of the legal aid system, including on the financing of the system.

5. Please describe measures taken to further reduce the duration of detention in custody and detention before charges are brought. Please elaborate on any steps taken to develop and implement alternatives to deprivation of liberty, including probation, mediation, community service or suspended sentences. Please inform the Committee of the impact and results of these measures.

Article 3

6. Please provide information on any steps taken to ensure that the State party fulfils all its non-refoulement obligations under article 3 of the Convention, in particular to consider all elements of an individual case. Please indicate any requests for extradition received and provide detailed information on all cases of extradition, return or expulsion that have taken place since the previous report.

7. Please indicate whether the State party has signed any agreements related to the return of asylum-seekers. If so, please provide information on any safeguards included in such agreements to ensure that article 3 of the Convention will not be violated.

8. The Committee would appreciate it if the State party provided the following:

(a) Information on measures taken to ensure that detention of asylum-seekers is used only in exceptional circumstances or as a last resort, and then only for the shortest possible time, in light of the Committee's previous concluding observations (para. 8).

(b) Details of measures taken to ensure that anyone detained under immigration law has effective means of challenging the legality of administrative decisions to detain, deport or return him/her. Do these measures include extending the time limits established under the accelerated asylum procedure, in particular in order to guarantee the possibility to lodge an effective appeal, as well as receiving legal aid in practice? In this respect, please provide data on the number of cases when asylum-seekers requested, and when they received, such legal aid.

(c) Detailed and disaggregated statistics on the number of persons seeking asylum in the State party and the number of such persons in detention.

(d) Information on the status of the draft law on asylum in Latvia.

9. Please provide information on measures taken to prevent, combat and punish violations of the rights under the Convention of stateless persons and non-citizens.

Articles 5 and 7

10. Please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and has started its own prosecution proceedings as a result, since the consideration of the previous report. If so, please provide information on the status and outcome of such proceedings.

Article 10

11. In light of the previous concluding observations, please provide:

(a) Updated information on steps taken to further develop educational programmes to ensure that all law enforcement officials, prison staff, border guards and medical personnel are fully aware of the provisions of the Convention, that breaches will not be tolerated and will be investigated, and that offenders will be prosecuted (para. 9).

(b) Steps taken to ensure that all personnel receive specific training on how to identify signs of torture and ill-treatment and integrate the Istanbul Protocol into the training provided to physicians, including through the translation of the manual into Latvian.

(c) Information on whether the State party has developed and implemented a methodology to evaluate the implementation of its training and educational programmes, and its effectiveness and impact on the reduction of cases of torture and ill-treatment. If so, please also provide information on the content and implementation of such methodology, as well as on the results of the measures implemented.

Article 11

12. Pursuant the Committee's previous concluding observations, please provide information on measures taken to effectively and systematically monitor all places of detention, including by developing a comprehensive listing of all places of detention, including places of detention of aliens, as well as by establishing a central register of inmates (para. 14). In this respect, please indicate the

progress of the development of a common database which allows every detainee and/or convicted prisoner within the penitentiary system and the probation system to be located. Please provide updated information on the frequency of visits of the bodies authorized to inspect police detention facilities since the consideration of the previous report and, as appropriate, on the action taken following these visits.

Articles 12 and 13

13. In light of the Committee's previous concluding observations, please provide detailed information on further measures taken to ensure prompt, impartial and effective investigations into all allegations of torture and ill-treatment committed by law enforcement officials, and to bring the perpetrators to justice and impose appropriate sentences on those convicted. Please indicate if these investigations are undertaken by an independent body, as recommended by the Committee in its previous concluding observations (para. 17). Furthermore, please also indicate if the alleged suspects in prima facie cases of torture and ill-treatment are as a rule subject to suspension or reassignment during the process of investigation.

14. Please provide updated information on steps taken to establish an effective system to gather all statistical data relevant to the monitoring of the implementation of the Convention at the national level, including complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment, trafficking and domestic and sexual violence, as well as on compensation and rehabilitation provided to the victims (para. 22). Please provide the compiled data disaggregated by sex, age and ethnicity of the individual filing the complaint. In this respect, please provide information on the functioning and the data gathered by Statistics and Analysis Unit of the Internal Security Bureau of State Police. Furthermore, please describe measures taken to ensure that such data collection is not abused.

Article 14

15. Please describe steps taken to provide victims with redress and fair and adequate compensation, including the means for as full a rehabilitation as possible, and develop a specific programme for assistance of victims of torture and ill-treatment, as recommended by the Committee in its previous concluding observations (para. 18). Furthermore, information should be provided about any reparation programmes, including for treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, as well as allocation of adequate resources to ensure the effective functioning of such programmes. Please provide data on the number of victims who have received compensation and the amounts awarded in such cases, as well as on the number of victims who have received other forms of assistance, and specify which forms of assistance they received.

Article 16

16. In light of the Committee's previous concluding observations (para. 11), please provide information on steps taken by the State party to bring its legislation and practice as regards the arrest and detention of juvenile offenders fully into line with internationally adopted principles. In this

respect, please indicate steps taken to ensure that deprivation of liberty, including pretrial detention, is used only in exceptional circumstances or as a last resort, and then only for the shortest possible time. Please elaborate on any steps taken to develop and implement alternatives to deprivation of liberty, including probation, mediation, community service or suspended sentences. Furthermore, please indicate if the State party has adopted an action plan based on the Basic Policy Guidelines for the Enforcement of Prisons Sentences and Detention of Juveniles for 2007-2013 and made the necessary resources available for its effective implementation and follow-up. Please provide detailed information on the implementation of these measures, as well as their impact and effectiveness.

17. Please describe steps taken to improve the living conditions in detention facilities for persons under the age of 18, as recommended by the Committee in its previous concluding observations (para. 11). In particular, please elaborate on the more contemporary and modern programmes aimed at re-socialization, as well as on the training programmes especially designed for prison personnel working with juveniles. Please provide detailed information on the implementation of such programmes on the living conditions in detention facilities for juveniles, as well as their effectiveness and impact.

18. With reference to the Committee's previous concluding observations (para. 12), please provide updated information on:

(a) Efforts undertaken to alleviate the overcrowding of penitentiary institutions. In this respect, please elaborate on the progress of renovation and construction of prisons in the context of the Concept on the Development of Penitentiaries, including the budgetary allocations, and on the application of alternative measures to imprisonment.

(b) Measures taken to further improve the overall living conditions in the detention facilities, including prisons, police short-term detention cells and detention centres for irregular immigrants. In particular, please elaborate on measures taken to provide adequate health-care facilities to prisoners and improve the regime applicable to life-sentenced prisoners, as recommended by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT/Inf (2008) 15, paras. 53-55 and 63).

Please provide detailed information on the implementation of these measures, as well as their effectiveness and impact on overcrowding and living conditions.

19. Please inform the Committee on steps taken to monitor and document incidents of inter-prisoner violence and provide the Committee with the compiled data disaggregated by relevant indicators. Please indicate if the State party has used this data to develop appropriate prevention strategies. If so, please elaborate on the content of such strategies and their impact on reducing the number of cases of inter-prisoner violence. Furthermore, please describe steps taken to ensure that, whenever injuries are recorded by a doctor which are consistent with allegations of inter-prisoner violence, the matter is immediately brought to the attention of the relevant prosecutor and a preliminary investigation is initiated by him or her.

20. In its previous concluding observations, the Committee expressed its concern that the Law on the Procedure of Holding Detainees (which sets standards for conditions of detention in police short-term detention cells) does not apply to cells in small police stations (para. 10). Please provide information on steps taken by the State party to address this concern. Furthermore, please elaborate on the Law on the Procedure of Holding Detainees. Does this law set standards for all places of deprivation of liberty and, if so, what are these standards? Please also indicate if police short-term detention cells are still used for prolonged periods of detention.

21. In light of the Committee's previous concluding observations, please provide information on steps taken to prevent suicide and self-harm risks in custody (para. 13). In this respect, please indicate if the State party has adopted a suicide prevention policy for prisons, including screening, reporting, data collection, training and education, and established social rehabilitation units for prisoners, as well as ensured that all incidents of suicide and other sudden death are promptly and effectively investigated. Information should also be provided on the implementation of these measures, and their effectiveness and impact on the number of suicides and sudden deaths. Please provide data on the number of suicides and other sudden deaths in detention facilities.

22. In its previous concluding observations, the Committee expressed its concern about the conditions in psychiatric institutions and hospitals (para. 15). Please provide updated information on steps taken to address this concern, including by establishing guidelines on the use of physical restraints and limiting the use of solitary confinement as a measure of last resort, for as short a time as possible under strict supervision and with a possibility of judicial review. Please also indicate whether the State party has adopted the draft programme on improvement of the mental health of the population for 2008-2013. If so, please elaborate on its content and impact on, inter alia, the conditions in psychiatric institutions and hospitals. Furthermore, please provide updated information on the impact of the amendments to the Medical Treatment Law on the conditions in psychiatric institutions and hospitals.

23. Pursuant the Committee's previous concluding observations, please provide information on measures taken to send a clear and unambiguous message to all levels of the police force hierarchy that torture, excessive use of force and ill-treatment are unacceptable and ensure that law enforcement officials only use force when strictly necessary and to the extent required for their performance of their duty. In this respect, please elaborate on the steps taken to enforce the 2003 Professional Ethics and Conduct Code of the State Police Personnel. Furthermore, please indicate whether the State party applies sanctions in these cases that are proportional with the offences and collects statistics on disciplinary penalties imposed (para. 16).

24. In light of the Committee's previous concluding observations (para. 20), please provide:

(a) Details of further efforts undertaken to prevent, combat and punish violence against women and children, including domestic violence. Do these efforts include incorporating a definition of domestic violence into its Criminal Code and recognizing marital rape as a specific crime? Please indicate the effectiveness and impact of these efforts in reducing cases of violence against women and children.

(b) Information on whether the State party participates directly in rehabilitation and legal assistance programmes and conducts broader awareness campaigns for officials who are in direct contact with the victims. Please also elaborate on the content and implementation of the draft programme on gender equality for 2007-2010, the action plan to prevent sexual and gender-related criminal offences and the action plan for 2004-2013 of the State family policy document, as well as on the impact and effectiveness of these measures.

(c) Statistical data on the number of complaints relating to domestic violence and the related investigations, prosecutions, convictions and sanctions, as well as on compensation provided to victims.

25. With respect to violence against children, the Special Rapporteur on the sale of children, child prostitution and child pornography expressed her concern about sexual exploitation of children, including the increase of pornography and child sex tourism (A/HRC/12/23/Add.1). Please provide information on measures taken to address this concern.

26. With reference to the Committee's previous concluding observations (para. 19), please provide updated information on measures taken to:

(a) Combat discrimination against and ill-treatment of vulnerable groups, in particular Roma and the lesbian, gay, bisexual and transgender (LGBT) community. In this respect, please provide information on steps taken to adopt comprehensive hate crime legislation and strictly enforce the existing relevant legislation and regulations providing for sanctions.

(b) Achieve a multicultural composition and adequate training and instruction of the law enforcement bodies and prosecutors in order to improve the implementation of this legislation.

(c) Ensure prompt, impartial and thorough investigations into all acts motivated by such discrimination and prosecute and punish perpetrators, including law enforcement officials, with appropriate penalties which take into account the grave nature of their acts.

Please provide information on the implementation and content of the National Action Plan "Roma in Latvia 2007-2009" and National Programme for the Promotion of Tolerance 2005-2009 and 2009-2013, as well as on the funding made available for the implementation of these programmes. Data should also be provided on the effectiveness and the impact of all these measures in reducing cases of racially motivated crimes. In this respect, please also inform the Committee of steps taken to systematically collect data on racially motivated crimes.

27. The Committee and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance have recommended that the State party simplify and facilitate the naturalization process and integration of non-citizens and stateless persons, as well as implement the commitments established by the Convention on the Reduction of Statelessness of 1961 (CAT/C/LVA/CO/2, para. 19, and A/HRC/7/19/Add.3, para. 88). Please provide information on measures taken in response to those recommendations.

28. Please provide information on:

(a) Measures taken to prosecute and punish trafficking in persons, including through the strict application of relevant legislation. Please indicate whether the State party conducts nationwide awareness-raising campaigns, provides adequate programmes of assistance, recovery and reintegration for victims of trafficking and conducts training for law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation. Data should also be provided on the effectiveness and impact of these measures in reducing cases of trafficking.

(b) Complaints, investigations, prosecution, convictions and compensation provided to victims in cases of human trafficking.

Other issues

29. Please indicate the practical measures taken with a view to the ratification of the Optional Protocol to the Convention since the previous concluding observations.

30. Please indicate which steps have been made to accept the competence of the Committee under articles 21 and 22 of the Convention, as recommended by the Committee in its previous concluding observations (para. 25).

31. The Committee notes it has not received the follow-up information from the State party as requested by the Committee in paragraph 28 of the previous concluding observations. A reminder to this effect was sent by the Special Rapporteur for follow-up to concluding observations in its letter sent on 29 April 2009. Please provide the information requested.

32. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these measures have affected human rights safeguards in law and practice and how it has ensured that those measures taken to combat terrorism comply with all its obligations under international law. Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorist measures, whether there are complaints of non-observance of international standards, and the outcome of these complaints.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

33. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the previous periodic report, including any relevant jurisprudential decisions.

34. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the previous periodic

report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

35. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report in 2007, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.
