

# LATVIA

## CAT CAT/C/CR/31/3 (2003)

1. The Committee considered the initial report of Latvia (CAT/C/21/Add.4) at its 579th and 582nd meetings, held on 13 and 14 November 2003 (CAT/C/SR.579 and 582), and adopted the following conclusions and recommendations.

### A. Introduction

2. The Committee welcomes the initial report of Latvia, which was prepared in accordance with the form and contents of initial reports of States parties. It regrets, however, that the report, due on 13 May 1993, was submitted with a nine-year delay. The Committee acknowledges in this regard the difficulties encountered by the State party during its political and economic transition and hopes that in the future it will comply fully with its obligations under article 19 of the Convention.

3. The Committee also welcomes the additional information provided in writing by the State party and that by the high-level delegation in the introductory remarks and in the detailed answers to the questions raised, which demonstrate the State party's willingness to establish an open and fruitful dialogue with the Committee.

### B. Positive aspects

4. The Committee notes with appreciation the ongoing efforts by the State party aimed at strengthening human rights in Latvia. In particular, the Committee welcomes the following:

(a) Legislative measures:

(i) The establishment of the Constitutional Court in 1996 and the inclusion in the Constitution of chapter VIII devoted to fundamental human rights;

(ii) The establishment of the National Human Rights Office in 1995, which has the mandate, inter alia, to review complaints of human rights violations, as well as to submit to the Constitutional Court cases of legal provisions it believes are at variance with the Constitution of Latvia;

(iii) The entry into force of the new Asylum Law in September 2002, aimed at bringing the national asylum system further into alignment with the European Union acquis on asylum and related international standards. The new Asylum Law also introduced two forms of complementary protection ("alternative status") for asylum-seekers;

(iv) The entry into force of the new Immigration Law in May 2003 which, inter alia, provides a maximum length of detention for foreigners arrested in violation of the Law and the right of an arrested foreigner to submit a complaint to a prosecutor, to contact the consulate and to have access to legal aid;

(v) The entry into force of the new Criminal Law, which introduced the concept of progressive execution of sanctions and established alternative sanctions, with a view to reducing the problem of overcrowding in prisons;

(vi) The draft new Criminal Procedure Law that aims at simplifying the legal proceedings and would, inter alia, decrease the time for bringing a suspect before a judge from 72 to 48 hours;

(vii) The draft new Amnesty Law, providing either for the release or the reduction of the term of imprisonment of those groups at risk, such as minors, pregnant women, women with infant children, disabled persons and the elderly;

(b) Administrative measures:

(i) The adoption in 2002 of the Regulation on the Internal Rules of the Remand Prisons, setting standards for conditions of detention and basic rights and obligations of detainees;

(ii) The transfer, as of November 2003, of all Latvian prisons under the surveillance of trained professional guards;

(iii) The setting up of training programmes, in accordance with article 10 of the Convention, for law enforcement and judicial personnel.

5. Furthermore, the Committee would like to commend:

(a) The involvement of national NGOs and civil society in the preparation of the initial report of Latvia;

(b) The launching of a new project involving NGOs in monitoring places of deprivation of liberty in Latvia;

### C. Subjects of concern

6. The Committee expresses concern about the following:

(a) Allegations of serious ill-treatment of persons which in some cases could be considered as amounting to torture, by members of the police, especially at the time of apprehension and interrogation of suspects;

(b) The lack of independence and impartiality of the Internal Security Office of the State Police, which is competent to deal with complaints on alleged violence by police officers;

(c) The conditions of detention in places of deprivation of liberty, especially police stations and short-term detention isolators;

(d) The length of legal proceedings and the excessive periods of pre-trial detention, especially in

short-term detention isolators;

(e) The fact that the new Asylum Law stipulates that neither "alternative status" for asylum-seekers shall be granted to a person who has arrived in Latvia from a country in which he/she could have asked for and received protection. Furthermore, the Committee is concerned at the long periods that asylum-seekers may spend in detention after the rejection of their asylum request;

(f) The overcrowding in prisons and other places of detention, taking into account, inter alia, the potential risk of this situation for the spread of contagious diseases;

(g) The fact that although the draft new Criminal Procedure Law has addressed many of the existing shortcomings, the Criminal Procedure Law currently in force does not include the right of a detainee to contact family members. Concern is also expressed about the information that access to a doctor of choice is subject to the approval of the authorities;

(h) Allegations that in many cases, even where so provided by law, access to a lawyer is denied or delayed in practice to persons in police custody, and that defendants have to pay back the costs of legal aid if their case is lost;

(i) The number of persons who lost their legal status as citizens or "non-citizens" and became "illegal" after having temporarily left the country;

#### D. Recommendations

7. The Committee recommends that the State party:

(a) Take all appropriate measures to prevent acts of ill-treatment by members of the police and ensure that all allegations of ill-treatment are investigated promptly and impartially;

(b) Improve conditions in places of deprivation of liberty, especially police stations and short-term detention isolators, and ensure that they conform to international standards;

(c) Guarantee that detainees in police custody have the right to contact their families and have access to a medical doctor of their choice and to legal counsel from the outset of their deprivation of liberty;

(d) Take all appropriate steps to shorten the length of legal proceedings and the current pre-trial detention period;

(e) Introduce legally enforceable time limits for the detention of rejected asylum-seekers who are under expulsion orders. In this respect, the State party is invited to provide statistics, disaggregated by gender, ethnicity, country of origin and age, relating to persons awaiting expulsion;

(f) Continue to take measures to address overcrowding in prisons and other places of detention;

(g) Provide in the next periodic report detailed statistical data, disaggregated by age, gender and

country of origin, on complaints related to torture and other ill-treatment allegedly committed by members of the police forces, as well as related investigations, prosecutions, and penal and disciplinary sentences;

(h) Ensure that the draft code of conduct for police interrogation ("Police Ethics Code") is speedily adopted;

(i) Take measures to ensure that in all circumstances the crime of torture is explicitly included among the crimes for which article 34 of the Criminal Law excludes the defence of superior orders;

(j) Continue to facilitate the integration and naturalization of "non-citizens";

(k) Consider making the declarations under articles 21 and 22 of the Convention;

(l) Consider ratifying the Optional Protocol to the Convention.

8. The Committee also recommends that the State party disseminate widely the Committee's conclusions and recommendations, in all appropriate languages, through official web sites, the media and non-governmental organizations.

9. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 7 (e), (f), (g), (h) and (i) above.

10. The State party is invited to submit its next periodic report, which will be considered as the second, by 13 May 2005.