



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

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COMMITTEE AGAINST TORTURE

**Written replies by the Government of Latvia\* to the list of issues (CAT/C/LVA/Q/2)  
to be taken up in connection with the consideration of the second periodic report  
of LATVIA (CAT/C/38/Add.4)**

[29 October 2007]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being edited sent to the United Nations translation services.

## Introduction

1. The present document has been prepared by the Government of the Republic of Latvia in response to the request made by the United Nations Committee against Torture and contains the Replies of the Republic of Latvia to the list of issues to be considered during the examination of the Second Periodic Report of Latvia on the Implementation of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the Republic of Latvia during the period from November 1, 2003, until April 20, 2005 (CAT/C/38Add.4).

## Article 2

### Question 1

*The State party's Second Periodic Report refers to a new policy concept on execution of criminal sanctions which will define new penal principles. Is this policy concept adopted? Please provide information on the progress achieved to enact a new Law on Execution of Criminal Sanctions based on this policy.*

2. Currently, an inter-institutional working group, established under the auspices of the Ministry of Justice, is in the process of drafting new *Policy Concept on Execution of Criminal Sanctions*, which will update the existing establish new penal principles. The drafting of the new *Law on Execution of Criminal Sanctions* will commence as soon as the Cabinet of Ministers approves the *Policy Concept on Execution of Criminal Sanctions*. In addition, in order to facilitate the future drafting of the new *Law on Execution of Criminal Sanctions* the Ministry of Justice is currently working on several policy concepts concerning re-socialisation, employment, convoy and medical care of imprisoned persons. Relevant details on these documents will be provided in the respective paragraphs below.

### Question 2

*With regard to the new Criminal Procedure Law , which entered into force on October 1, 2005, please provide information on the maximum duration of the pre-trial detention and on the measures taken to bring the length of pre-trial detention of juvenile offenders in line with internationally adopted principles as recommended, among others, by the Committee on the Rights of the Child (CRC/C/LVA/CO/2), the Human Rights Committee (CCPR/CO/79/LVA) and the United Nations Working Group on Arbitrary Detention (E/CN.4/2005/6/Add.2). Does the new Criminal Procedure Law introduce any alternatives to pre-trial detention and has the State party taken any measures to promote the use of non custodial sanctions?*

3. The information concerning maximum duration of the pre-trial detention and the application of alternative security measure was provided in paragraphs 8-12 of the Replies of the Republic of Latvia to the Questions of the Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture (document of May 10, 2007).

### Question 3

***Please inform the Committee whether the Criminal Procedure Law provides time limits for the period of detention after the sentence of the first instance court in case of appeal?***

4. The total duration of the pre-trial detention is established in Article 277 of *the Criminal Procedure Law*. This Article applies to all cases, when a person is detained on remand. In respect of the specific example, which was given by the Committee, there has been initiated an expert discussion.

### Question 4

***What effective measures (legislative, administrative, judicial or other) has the State party taken since its initial report to prevent acts of torture?***

5. The Government acknowledges that situation in places of deprivation of liberty is not ideal. Nevertheless, conditions in these places are being gradually and consistently improved. Currently, the material and legal development of technical and legal prison standards and prison infrastructure is one of the priorities of the Ministry of Justice. In 2006, budgetary allocations in the amount of 450,000 LVL<sup>1</sup> were assigned to the project of the new Latvian Prison Hospital. In 2007, the amount of budgetary allocations was increased to 1,120,000 LVL. On July 30, 2007, the Latvian Prison Hospital was finally transferred to the reconstructed and adapted Olaine Tuberculosis Hospital. On August 1, 2007, the former premises of the Latvian Prison Hospital in the Central Prison were officially closed for maintenance. The current situation allows ensuring and providing medical treatment of detainees and convicts in fully adequate conditions.

6. In addition, on April 4, 2007, *the Code on Execution of Criminal Sanctions* was amended by including new Article 13,<sup>1</sup> which emphasises the criteria of personal security, medical safety and crime prevention, during deployment of convicts in the places of deprivation of liberty. In addition, Article 74 of *the Code on Execution of Criminal Sanctions* was amended to allow the convicts being in disciplinary cells to maintain correspondence with the state institutions.

### Question 5

***Please provide information on the legal-aid system for detained aliens, including access to a lawyer and the right to speak to a lawyer in private.***

7. In accordance with Article 56 of *the Law On Immigration* detained persons shall have the following rights and safeguards (the following provisions shall apply in cases where the person has violated immigration rules):

(a) To contact the consular service of his/her country and to receive legal aid. The detainee must be informed about these rights at the moment of detention;

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<sup>1</sup> Fixed exchange rate by the Bank of Latvia is 1 EUR = 0.702804 LVL, <http://www.bank.lv/lat/main/all/>.

(b) To be introduced in person or with the assistance of a representative to materials that are related to his/her detention;

(c) To communicate in a language that the detainee understands or, if necessary, to use interpretation services;

(d) To appeal against decisions of officials in compliance with the procedure laid down by law;

(e) To be transported and be placed separately from persons who are suspected of having committed a criminal offence.

8. Foreigners and/or stateless persons detained in accordance with the provisions of *the Criminal Procedure Law*, shall have the following rights and safeguards:

(a) To ask for the services of the sworn attorney and the state-guaranteed legal aid, providing that the detainee cannot afford to pay these expenses himself/herself. In this case the payment for the attorney's fees is covered by the national budget in compliance with the procedure prescribed by the Cabinet of Ministers of the Republic of Latvia;

(b) To acquaint himself/herself with the list of available sworn attorneys, as well as to use the telephone in order to contact them free of charge;

(c) To be duly and timely informed about his/her procedural rights and obligations;

(d) To meet with the sworn attorney in private without specific permission and without time constraints;

(e) To contact the diplomatic or consular representation of the country whose national the person is or where the person has his/her permanent residence.

9. In accordance with respective provisions of *the Law On the Asylum* the asylum seeker shall have the following rights and safeguards:

(a) To receive all information pertaining to the asylum proceedings, including the rights and obligations, in a language that he/she understands or should understand;

(b) To receive legal services, including the right to invite and communicate with persons, providing legal services;

(c) To receive first aid and primary medical assistance free of charge.

10. *The Law On State - Guaranteed Free Legal Aid* provides that a person concerned shall have the right to be exempted from the payment for legal aid in part or in full, taking into account the person's material situation or other circumstances. The state-guaranteed free legal aid is also provided to the asylum seekers during the appeal proceedings.

## Question 6

*Does the State party's domestic law specifically provide that no exceptional circumstances whatsoever, or no order from a superior or a public authority, may be involved as justification of torture?*

11. The Government reiterates that Article 34 of *the Criminal Law* provides that execution of maleficent order or instruction can only be justified providing that the person has not been aware of the maleficent nature of such order or instruction, and the maleficent nature was not clear and obvious. As the torture itself is an intentional act or omission in relation to a person, and its nature thereof is open and clear, a reasonable person should definitely recognise and understand maleficent nature of such order and therefore such case would not fall under Article 34 of *the Criminal Law*. Since the wording of Article 34 of *the Criminal Law* mainly presupposes the law enforcement or military officials as possible perpetrators, the Government also refers to Article 13 of *the Law on the Police*, which precisely defines situations when police officers are allowed to use physical force. In addition, Article 27 of *the Law on the Police* provides that intentional execution of maleficent order or instruction cannot be used as defence to evade one's responsibility. Similar provisions are included in *the Law on the State Border Guard* and in *the Regulation on the Security Service of the Republic of Latvia*. With regard to the prohibition of torture in the places of deprivation of liberty, Article 4 of *the Code on Execution of Criminal Sanctions* provides that criminal sanctions and penalties shall be imposed with due respect to legal safeguards against torture and cruel, inhuman and degrading treatment, as well as taking into account that it is not the aim of criminal sanctions to cause physical or moral suffering or to expel these persons from the society.

## Article 3

## Question 7

*Please provide detailed statistical data since the State party's initial report with respect to the implementation of Article 3 of the Convention in cases of expulsion or return (refoulement) of foreigners, disaggregated by age, gender and country of origin, and indicating in particular:*

(a) *The number of persons seeking asylum and the number of returnees, including the countries of return;*

(b) *How is the probable risk of torture assessed in the determination of cases and in the appeal process?*

(c) *The procedure for the examination of asylum requests submitted at the border and any appeal process, and*

*Any instances in which diplomatic assurances or the equivalent thereof have been offered to or accepted by the State party, and the procedures for verifying and following up on such assurances.*

12. The disaggregated statistical data as to the number of expelled aliens for the period of time from 2000 to 2007 are provided in Annex 1. According to *the Asylum Law*, persons arriving in

the Republic of Latvia and seeking asylum shall submit an application to grant asylum to the State Border Guard at the respective border control check-point. If the person is already in the territory of the Republic of Latvia, the application shall be submitted to the territorial unit of the State Border Guard. All asylum seekers are being registered. The application then is examined by the Refugee Affairs Department of the Office of Citizenship and Migration Affairs of the Ministry of the Interior, which is the first instance in the asylum proceedings. As of July 11, 2006, decisions of the Refugee Affairs Department are subject to an appeal lodged with the District Administrative Court, which decisions are final.

13. Applications to grant asylum, which are submitted at the border control check-points are initially registered and processed by the State Border Guard; these proceedings involve *inter alia* an interview with the asylum seeker. Afterwards, the State Border Guard transmits the information to the Refugee Affairs Department, which then adopts the respective decision.

14. Upon submission of the application and until the final decision to grant or to refuse asylum has been taken, the asylum seeker has the right to reside in the territory of the Republic of Latvia. The rights and obligations of asylum seekers are provided in *the Asylum Law* and they are similar for all asylum seekers, irrespective of the applicable type of proceedings.

15. The risk of torture in respect of persons awaiting expulsion is assessed on the basis of the official information available from international institutions. The Refugee Affairs Department mainly uses the reports prepared by the UNHCR, Amnesty International, Human Rights Watch, the US State Department, the UK Home Office and other different sources. There is no priority or hierarchy among these sources.

16. No diplomatic assurances or the equivalent thereof have been offered to or accepted by the Republic of Latvia in respect of either asylum proceedings, or extradition proceedings.

### **Question 8**

***Has the State party taken any measures to extend the time limits under the accelerated asylum procedure, in particular for the submission of an appeal? Please comment on the allegations that persons detained under the law applicable to foreigners are often deported without their cases being examined because they are unaware of the need to submit a written asylum application.***

17. The information concerning recent amendments in respect of the asylum legislation was provided in paragraphs 6-9 of the Replies of the Republic of Latvia to the Questions of the Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture (document of May 10, 2007).

18. In respect of the allegations that persons detained under the law applicable to foreigners are often deported without their cases being examined because they are unaware of the need to submit a written asylum application, the Government of Latvia holds the opinion that this statement does not correspond to the truth.

19. Each application is examined in substance in accordance with the relevant provisions of national law. The person concerned is provided with a possibility to submit his/her observations

either orally or in writing, as well as to lodge an appeal against the decisions adopted by national authorities. On January 20, 2005, *the Asylum Law* was amended and the provision requiring the application to be submitted in writing was deleted. The Government reiterates that upon submission of the application and until the final decision to grant or to refuse asylum has been taken, the asylum seeker has the right to reside in the territory of the Republic of Latvia.

### Question 9

***Please comment on the information that persons seeking asylum, including persons under the age of 18, have been deported without access to medical care and legal counsel. If so, have there been any unaccompanied asylum-seeking children among the deported persons?***

20. During the period of time from 1998 to August 1, 2007, there have been 43 asylum seekers under age of 18, of them only 3 persons were unaccompanied. In order to protect the rights and interests of unaccompanied asylum seeking minor during the asylum proceedings, the national authorities appoint a representative from the Orphan's court. In addition, unaccompanied asylum seeking minor is entitled to receive state guaranteed free legal aid and cannot be detained and placed in the detention facilities of the State Border Guard.

21. With regard to provision of medical care and treatment, in accordance with *the Asylum Law* every asylum seeker is entitled to receive first aid and primary medical assistance free of charge. If the asylum seeker is staying in the asylum centre „Mucenieki”, the administration will make the necessary arrangements to provide the medical treatment, including even possible hospitalisation.

### Article 4

### Question 10

***Please provide disaggregated data with respect to persons accused, tried and convicted, including the sanctions imposed, for the crimes of torture, attempts to commit torture, and complicity or participation in torture.***

22. During the period of time from January 1, 2006, until August 1, 2007, 2 persons have been found guilty and convicted for committing criminal offences envisaged in Article 125, paragraph 2, subparagraph 4 of *the Criminal Law* (inflicting intentional serious bodily injury attaining the level of torment or torture); 4 persons have been found guilty and convicted for committing criminal offences envisaged in Article 130, paragraph 3 of *the Criminal Law* (regularly inflicting intentional light bodily injury with purpose to torture); 1 person has been found guilty and convicted for committing criminal offence envisaged in Article 338, paragraph 3 of *the Criminal Law* (inflicting intentional serious bodily injury to a military subordinate).

23. During the same period of time, no persons have been convicted of committing criminal offences envisaged in Article 74 (war crimes), Article 126, paragraph 2, subparagraph 2 (inflicting bodily injury that is not dangerous to life, which has attained the level of torment or torture) and Article 340 (battering and torture of a military serviceman) of *the Criminal Law*.

## Article 5

### Question 11

*Has the State party rejected, for any reason, any requests for extradition by another State for an individual suspected of having committed a crime of torture, and thus engaging its own prosecution as a result? If so, please provide the number of requests and rejections, and the outcomes of such prosecutions, including the penalties imposed and penalties actually served.*

24. The Republic of Latvia has not rejected requests for extradition to another State an individual suspected of having committed a crime of torture.

### Question 12

*Please provide information on domestic legislation establishing universal jurisdiction over the offence of torture, and explain whether such legislation fully complies with the Convention's requirements.*

25. In accordance with Article 4, paragraph 4 of *the Criminal Law*, foreigners and/or stateless persons having no permanent residence permit in the Republic of Latvia, who have committed a criminal offence in the territory of another state, in cases provided for by international agreements binding upon the Republic of Latvia, irrespective of the laws of the state in which the offence has been committed, shall be held liable in accordance with *the Criminal Law* of the Republic of Latvia. This provision is applicable only in cases where persons concerned have not been already convicted or standing trial in the territory of another state.

## Article 10

### Question 13

*With respect to the training activities organised by the Latvian Judicial Training Centre, please provide updated information on the type and content of training conducted in the period 2005-2006 and the number of judges and court staff and other representatives of legal professions (civil and military) that participated in training, disaggregated by level and function. How has the effectiveness of these training activities been evaluated?*

26. Judge training programmes are elaborated and developed on a yearly basis by a group of ten experts of the Latvian Judicial Training Centre (hereinafter - the LJTC) with an expertise in the areas of civil, criminal, public international and administrative law. All participants of training courses are divided according to their seniority and working experience (newly appointed judges with working experience less than 1 year; judges having working experience of 1-3 years; 3-6 years; 7-10 years or more than 10 years). Separate training programmes is provided for investigation judges, administrative judges and judges of the Civil and Criminal Divisions of the Regional Courts. The respective curriculum is elaborated on the basis of important and topical legal issues, recommendations of other institutions and the participants' own preferences, which are expressed in questionnaires. In addition, it is possible to organise separate seminars on specific legal issues.

27. Afterwards, the LJTC assesses and summarises results of the training courses by using specific evaluation questionnaires, which are filled in by both participants and lecturers. The questionnaires allow to evaluate the quality of the lectures and seminars. However, the only possibility to evaluate practical value of these courses is later to examine the contents of judgments adopted by the participants. The analysis of already existing judgments is included in the training courses as well.

28. In 2005-2006, *inter alia*, investigation judges and criminal law judges were given lectures on Article 2 (right to life), Article 3 (prohibition of torture), Article 5 (right to liberty and security), Article 6 (right to a fair trial) of the Convention for the Protection of Fundamental Human Rights and Freedoms, on the case law of the European Court of Human Rights against Latvia, on the extradition of criminals (the standards and practice of the Council of Europe and of the European Union), on the human rights in the criminal proceedings, on the application of human rights principles in judgments of the Latvian courts, on the search methodology when using various Internet databases on human rights and public international law.

29. No specific seminars on prohibition of torture or other cruel, inhuman or degrading treatment were held for the judges. Nevertheless, these issues were incorporated in the respective courses related to criminal proceedings, such as, e.g., the inadmissibility of evidences obtained by use of torture. In 2006, human rights issues related to the prohibition of torture were included in the training course for judge assistants.

30. It must be noted that the LJTC is an NGO, which focuses on the legal training of judges and court staff (secretaries, assistants, interpreters). The LJTC does not provide training for judges of the Supreme Court and the Constitutional Court, as well as for the military personnel. In 2006, the LJTC provided courses for sworn notaries. In 2006-2007, the LJTC provided courses for the sworn notaries' assistants and staff members. In September 2007 and in January 2008 the LJTC will provide specific programme for sworn bailiffs. The LJTC also provides seminars on the contract basis - these seminars are attended by civil servants, sworn advocates and sworn advocates' assistants. On the basis of the agreement between the LJTC and the Prosecutor Office of the Republic of Latvia, the LJTC is organising specific topical seminars for the public prosecutors.

#### **Question 14**

***Please explain the type and content of any education and training provided to law enforcement officials, medical personnel and other public officials regarding human rights in general and, in particular, the prohibition of torture. How has the effectiveness of any such activities been evaluated? Has there been any specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment known as the Istanbul Protocol?***

31. In order to improve their professional qualification the personnel of the Imprisonment Facility Management Board (including medical personnel) regularly attend various seminars, including seminars on human rights issues (in 2005, 290 employees of the Imprisonment Facility Management Board participated in various seminars, while in 2006 the number of participants increased to 796). The effectiveness of such events is later evaluated by the Imprisonment Facility Management Board, when conducting *in situ* examinations in prisons.

32. The employees of the Ministry of Health, including the personnel of psychoneurological hospitals attend various seminars and training courses on medical and legal issues, which often involve human rights perspective as well. Significant support and assistance in this area has been made by the Ombudsman's Office, as well as by such Latvian NGOs as the Latvian Human Rights Centre and the Latvian Centre for Human Rights and Ethnic Studies. To name a few examples, the personnel of psychoneurological hospitals attended seminar for specialised state social care centre personnel on medical treatment and documentation of personal restraints and isolation (on October 26, 2004); seminar on the rights of mentally ill persons in the area of psychiatric care (on April 18, 2006); on human rights in psychiatric hospitals and assessment of the needs of patients (on July 20, 2006). Seminars in 2007 - on treatment of aggressive patients in psychiatric hospital, and on assessment of suicide risks. The evaluation is made by using the questionnaires, as well as in some cases by the following examinations. The employees of the Ministry of Health are not directly informed about the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), but they are informed about the principles established in the European Convention on Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

33. In 2004-2006, the Prosecutor Office in co-operation with the Riga Graduate School of Law organised wide range training courses for the public prosecutors on the European Union law, including human rights issues. The effectiveness was later evaluated during the analysis and assessment of work in different institutions and structural units of the Prosecutor Office of the Republic of Latvia. During the training, the prosecutors were informed about the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). However, as the Manual has not yet been translated into Latvian, not all of the prosecutors are familiar with its guidelines yet.

34. The employees of the Ministry of Interior and its subordinate structures (e.g. the State Police, the State Border Guard) regularly attend different seminars and training courses in Latvia and abroad. For example, in 2006, 15 officials attended the training course on human rights in the State School of Administration, one official attended training course on human rights, police ethics and combating corruption in Czech Republic, which was hosted by the European Police College (CEPOL). In 2006, one official attended CEPOL training course on human rights, police ethics and combating corruption in France, 11 officials attended seminar on human rights and humanism in the police work and 14 officials attended seminar on human rights and the issues of racism - both these seminars were organised by the State Police College. The State Border Guard officials participated in the seminars concerning issues related to the illegal immigration (for example, from the perspective of the European Convention on Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its application in Latvia, which was organised by the Latvian Centre for Human Rights and Ethnic Studies). Another example was the international conference on independent detention monitoring of closed institutions in the Baltic states, which was organised by the Latvian Human Rights Centre. The State Border Guard officials have also participated in several seminars and courses concerning the issues of personal data protection and human trafficking. All employees of the Ministry of Interior and its subordinate structures, whose professional duties involve such issues are informed about the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

35. The employees of the Ministry of Welfare regularly attend different international seminars on human trafficking issues (in Belgium, Denmark, Iceland, Norway etc.).

## Article 11

### Question 15

*According to the statistics of the Latvian National Human Rights Office in 2005 the number of persons who submitted applications regarding alleged violations of the right to human treatment and respect for human dignity in different kind of institutions, including closed institutions, doubled in 2005. Please provide disaggregated data on the number and types of complaints from prisoners, detainees and other per year for the period for the period from 2005 to 2006 received by the Latvian National Human Rights Office as well as on any follow-up given to them, the outcome, current status, sanctions imposed, and sanctions actually served.*

36. In 2005, as compared to 2004, the number of applications lodged with the Latvian National Human Rights Office concerning treatment in places of deprivation of liberty increased rapidly. In 2005, 889 applications were received (574 written applications and 315 oral consultations), in 2006 - 770 applications (522 written applications, 248 oral consultations). This statistical data includes complaints about prisons, short-term detention facilities of the State Police and the State Border Guard, complaints about the State Police, the Municipality Police, security services, social care institutions and centres for illegal immigrants. The main increase in the number of applications concerned penal institutions (remand prisons, prisons, short term detention centres, other places of deprivation of liberty). In the opinion of the Latvian National Human Rights Office, the tendency for increase of applications can be explained by following factors:

(a) Regular visits to penal institutions, which raised the awareness of the detainees and convicts about the Latvian National Human Rights Office as the institution being able to remedy their complaints;

(b) Many issues are solved *in situ*;

(c) The majority of these applications were of the same type and concerned very minor issues, many of them being rather social than legal issues, such as, for example, the lack of needle and thread in the prison shop, the alleged loss of gloves and socks from prison storehouse etc.

37. In 2005 and 2006, the Latvian National Human Rights Office regularly visited different closed type institutions. In 2005, the Latvian National Human Rights Office conducted 26 visits in prisons, 3 visits in short-term detention facilities, 18 visits in social care institutions, 2 visits in psychoneurological hospitals, 2 visits in centres for illegal immigrants, 4 visits in educational and out-of-family care institutions. In 2006, the Latvian National Human Rights Office conducted 20 visits to prisons, 5 visits to short-term detention facilities, 22 visits to social care institutions, 3 visits to psychoneurological hospitals, 1 visit to centres for illegal immigrants, 1 visit to asylum seeker centre, 9 visits to educational and out-of-family care institutions.

38. During these visits, the Latvian National Human Rights Office experts provided necessary consultations to the local employees about relevant legal provisions and their application. For example, several educational seminars for employees of different institutions were held. In cases where experts found violations, the decisions and recommendations were adopted, the content of which was made known to the visited institution. In cases where it was found necessary, these decisions were forwarded to the superior institution. These decisions and recommendations were based on the applicable domestic law, as well as on the relevant international human rights standards. In cases, where significant human rights violations were found, the Latvian National Human Rights Office informed the law enforcement institutions for eventual criminal proceedings. In the opinion of the Latvian National Human Rights Office, these activities strengthened and developed co-operation between different state institutions.

### Question 16

***Please provide information on inter-prisoner violence, including sexual violence and intimidation, as well as data disaggregated by age, sex, nationality, location and type of sentence. What measures and follow-up procedures have been taken to monitor and address this issue, and to protect inmates, particularly female, juvenile and immigrant detainees, against this type of violence?***

39. During the period of time from January 1, 2006, to August 1, 2007, there were 27 registered incidents of inter-prisoner violence. No sexual violence incidents have ever been registered. Full disaggregated statistical data on inter-prisoner violence is provided in Annex 2.

40. In accordance with Article 18 of *the Code on Execution of Criminal Sanctions* juvenile and female convicts are kept separately. The same approach is adopted in respect of juvenile and female detainees as provided by Article 11 of *the Law on Procedure of Detention on Remand*.

41. In accordance with Article 50<sup>4</sup> of *the Code on Execution of Criminal Sanctions* convicts sentenced to life imprisonment shall be kept separately from other prisoners. In addition, in accordance with Article 18 of *the Code on Execution of Criminal Sanctions* detainees and convicts are held separately from each other, except for in the cases, where convicts are temporarily transferred to remand prisons for investigation measures.

42. Article 13 of the Cabinet of Ministers Regulation No. 423 *Internal Rules of Places of Deprivation of Liberty* designates specific prison accommodation commissions, which are authorised to accommodate and to distribute convicted prisoners in their prison cells. In pursuing this task the commissions shall take into account health condition, education and psychological compatibility of the convicts, as well the occupancy rate in the cells. Convicted foreigners, as far as possible, are accommodated together in order to ensure and facilitate their mutual communication.

43. Article 11, paragraph 6 of *the Law on Procedure of Detention on Remand* provides that detainees having no criminal record shall be kept separately from other detainees. When deciding on accommodation of detainees, internal security, psychological compatibility and individual characteristics shall be taken into account.

44. In 2006, in order to reduce possible negative impact posed by recidivist prisoners, the Imprisonment Facility Management Board created in the Jēkabpils Prison special sections for convicts having no previous criminal record. Currently, 393 convicted prisoners having no previous criminal record are being held there, which amounts to 65.4% of the total population of the Jēkabpils Prison.

### **Question 17**

*What measures has the State party taken to establish a comprehensive listing of all places of detention, including places for detention of aliens? What type of institutions is the State party referring to when speaking of „closed type institutions” and „short term detention places”*

45. There is no specific separate list of all places of deprivation of liberty, which is adopted at the legislative level. The responsible ministries (Ministry of Justice, Ministry of Interior, Ministry of Defence, Ministry of Health, Ministry of Welfare) have detailed, comprehensive lists of subordinated institutions, which includes, *inter alia*, all places of deprivation of liberty. The national practice is to submit upon request the up-to-date list to the competent international treaty monitoring mechanisms and/or special procedures prior their *in situ* visits (for example, the UN Working Group on Arbitrary Detention, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment).

46. When speaking of closed type institutions, the Republic of Latvia refers to all types of places of deprivation of liberty, such as prisons, remand prisons, centres for illegal immigrants, armed forces' disciplinary units and institutions providing specific compulsory psychiatric treatment. These institutions are usually not open for public, as well as personal liberty of persons kept in these institutions is restricted to certain extent, namely, persons being kept in these institutions cannot voluntarily leave and must abide to specific regime and regulations.

47. When speaking of short term detention facilities, the Republic of Latvia refers to the establishments under the auspices of the State Police of the Ministry of Interior, where persons are kept immediately after their apprehension pending their transfer to the remand prisons, as well as to the short term detention units of the State Border Guard. This distinction was made for the purpose of convenience and clarity only, as short term detention facilities is one of the categories of closed type institution.

### **Question 18**

*Please provide updated information on the measures taken to and progress achieved to improve the independent monitoring of places of detention, including psychiatric institutions, detention facilities of the Border Guard and the asylum centre „Mucenieki”. Has the State party established new monitoring bodies tasked with inspection of places of detention since the consideration of the State party's initial report? Are there any independent mechanisms in place to monitor the conditions of detention places for persons under age of 18?*

48. In the Republic of Latvia, there is both state-guaranteed and NGO-based monitoring of places of deprivation of liberty.

49. The competent officials of the Ministry of Justice are authorised to examine and audit the places of deprivation of liberty in accordance with Article 11 of *the Code on Execution of Criminal Sanctions*. This task is mainly carried out by the Legal Department of the Ministry of Justice, which examines prisoners' complaints, as well as complaints from the employees of the Imprisonment Facility Management Board. The Legal Department also performs necessary analysis and conducts *in situ* examinations in the cases of alleged violations. In addition, the Imprisonment Facility Management Board has drafted internal document *The Rules on the Duties of Officials of the Convoy, Monitoring and Security Departments of the Places of Deprivation of Liberty*. In addition, the Ministry of Justice is planning to initiate drafting of *The Standards of the Places of Deprivation of Liberty*, which will be the document binding upon all places of deprivation of liberty. *The Standards* will also be taken into account when planning and constructing new prisons. These activities should be regarded as self-monitoring and self-control mechanisms.

50. Outside of the framework of the penitentiary system, the independent monitoring is performed by specialised institutions under the auspices of other ministries, such as, for example, the Health Inspectorate (subordinated to the Ministry of Health), which examines adequacy and quality of medical treatment provided in prisons, including the Latvian Prison Hospital, as well as the sanitary issues. In addition, the Ministry of Children and Family Affairs is authorised to monitor the places of deprivation of liberty, where persons under age of 18 years are being kept.

51. Independent monitoring is performed by the Ombudsman Office, which employees are authorised to have full and unhindered access and to visit at any time and without special permit all closed-type institutions. Detailed information on the Ombudsman's Office is provided in paragraphs 71-77 below. However, here it must be specifically noted that upon the results of the *in situ* visits made by the Ombudsman Office, its employees regularly meet with the representatives of the Ministry of Justice in order to identify, address and remedy topical human rights issues within the penitentiary system.

52. Latvian human rights NGOs also actively participate in monitoring of places of deprivation of liberty. The most active and well-known of NGO in this area is the Latvian Centre for Human Rights and Ethnic Studies ([www.humanrights.org.lv](http://www.humanrights.org.lv)).

### Question 19

***Has the Imprisonment Facility Management Board established a central register of inmates as indicated in the report of the United Nations Working Group on Arbitrary Detention on its visit to Latvia from February 23 to February 28, 2004 (E/CN.4/2005/6/Add.2)? Please provide detailed information on the new statistics.***

53. The Imprisonment Facility Management Board is the institution in charge of the practical implementation of the security measure - pre-trial detention, and the criminal sanction - imprisonment. Accordingly, the Imprisonment Facility Management Board records and registers all detained and imprisoned persons. Currently, the maximum capacity of places of deprivation of liberty in the Republic of Latvia is 9,165 persons.

54. In accordance with the information of the Imprisonment Facility Management Board as of August 1, 2007, there were 6,530 persons in the places of deprivation of liberty, of

them 1,687 detainees and 4,843 convicted prisoners (including 43 persons sentenced to life imprisonment). For detailed statistics on the distribution of detainees see Annex 3. A central register of all inmates has not yet been established. Nevertheless, a common database to be used by the Imprisonment Facility Management Board and the State Probation Service is currently being developed. This database will allow tracking down every detainee and/or convicted prisoner within the penitentiary system, as well as within the probation system.

## Question 20

***Please inform the Committee on whether legislation prohibiting torture and cruel, inhuman or degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual violence. Please also describe any effective measures taken to monitor the occurrence of and to prevent such acts, and provide detailed information on investigation, prosecution and punishment of the perpetrators.***

55. Article 51, *Protection of the Child from Illegal Activities*, of the *Law on Protection of the Rights of the Child* stipulates that:

“(a) For violence against a child, encouraging or forcing a child to take part in sexual activities, exploitation or involvement of a child in prostitution, the perpetrators shall be held liable as prescribed by law.

(b) A child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall, in accordance with procedures prescribed by the Cabinet, be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child’s intimate secrets.

(c) Every person has the duty to inform the police or another competent institution regarding violence or any other criminal offence directed against a child. For failing to inform, the persons at fault shall be held to liability as prescribed by law.”

56. Article 52, *Child Victims of Violence or Other Illegal Acts* of the *Law on Protection of the Rights of the Child* stipulates that:

“(a) Special institutions or sections in general medical institutions shall be established and special resources allocated in the State budget for the medical treatment and rehabilitation of a child who has suffered as a result of violence. Expenditures for the medical treatment and rehabilitation of the child shall be covered by the State and shall be collected from the persons at fault by subrogation procedures.

(b) Special medical treatment shall be provided for a child who has become ill with a sexually transmitted disease. The adults at fault for the illness of the child shall be held liable as prescribed by law and the costs of the medical treatment shall be collected from them. As of 2000, a child who is a victim of criminal acts (a criminal offence,

exploitation, sexual abuse, violence or any other illegal, cruel or humiliating action) is provided assistance, financed by the national budget, which is necessary for the child to recover physical and mental health and to integrate into the community.”

57. Article 253 of *the Criminal Procedure Law* authorises the official in charge of investigation to impose a restraint order upon a suspect or accused to approach a person or a place closer than the established limit, or to establish a physical or visual contact, or means of communications to get in contact with the person under protection. In order to develop institutional support system and to provide families, including women, a possibility within the State program from improving the situation of family and children in co-operation with local governments and NGOs. Within the framework of the mentioned program more than 20 family support and crisis centres have been established and are operating across Latvia. There are also a number of NGO crisis and support centres, providing social psychological and legal assistance both to victims and perpetrators. Within the framework of *the Action Plan for 2004-2013 of the State Family Policy Document* it is foreseen to establish every year one new regional centre that would provide complex assistance in crisis situations, including providing temporary shelter for mothers with children in a crisis situation.

58. As of 2008, the Ministry of Family and Children Affairs is planning to initiate project on providing social rehabilitation to pregnant women and pregnant girls - victims of violence, as well as to young mothers in crisis situation. Currently, the Ministry of Family and Children Affairs is financing free of charge psychologist consultations in the cities of Rīga, Valmiera, Gulbene and Tukums. As of 2008, the Ministry of Family and Children Affairs is planning to provide social rehabilitation services for the perpetrators of domestic violence in order to decrease the risk of their recidivism.

59. The Government of the Republic of Latvia shares the opinion expressed by the Committee that sexual violence, including rape, can be used for the purpose of torture. Although *the Criminal Law* does not specifically criminalise rape as torture, nevertheless, committing an offence with a purpose to torture, is regarded by *the Criminal Law* as circumstance aggravating the criminal liability.

## Article 12

### Question 21

***Please provide updated and detailed information on the number of complaints brought against the Internal Security Office of the State Police (ISO SP) in 2005 and 2006 and the outcomes of these complaints. Please provide information on the characteristics and function of the police oversight bodies, in particular with respect of their independence from police authorities. Please provide updated information the progress achieved to collect statistics on disciplinary penalties in respect of employees of the State Police.***

60. The statistical data on the disciplinary and criminal proceedings, investigated and examined by the ISO SP, and their respective outcomes are provided in Annex 4.

61. During the period of time from January 1, 2006, to July 1, 2007, the Prosecutor Office of the Republic of Latvia received 7 criminal proceedings for further prosecution from the ISO SP concerning offences committed by the police officials. 6 proceedings concerned the offences envisaged in Article 317, paragraph 2 of *the Criminal Law* (exceeding official authority if it is associated with violence or threats thereupon), in one case proceedings concerned Article 123, paragraph 2 of *the Criminal Law* (homicide by negligence).

62. During the following examination, the Prosecutor Office decided to discontinue 3 criminal proceedings. In all these cases it was established that the applicants indeed have suffered minor bodily injuries, nevertheless, they themselves acted aggressively towards the police officers, attempted to use violence and refused to obey legitimate orders. Accordingly, the use of necessary force and special measures in respect of the applicants was found to be justified.

63. After completing the prosecution stage, the Prosecutor Office sent the remaining 4 criminal proceedings to the court. In two criminal proceedings, the adjudication of the merits is still pending. With regard to remaining two criminal proceedings - in one proceedings the Latgale District Court of the City of Rīga found police officer G.I. guilty of committing homicide by negligence and sentenced him to one year of deprivation of liberty with one year period of probation; in the other proceedings the Valka District Court found the police officer R.K. guilty of exceeding his official authority and sentenced him to 6 months of deprivation of liberty with one year period of probation.

## Question 22

***Please provide the Committee with data, disaggregated by age, sex, cause of death and nationality or origin, on the number of deaths of persons deprived of their liberty including persons deprived of their liberty in mental hospitals or institutions, registered in 2005-2006, including suicides. Please elaborate how these deaths are investigated and by whom.***

64. Disaggregated statistical data on the number of deaths in the prisons, including remand prisons, police short-term detention facilities and the psychoneurological hospitals are provided in Annex 5.

65. In 2003, 11 deaths have been registered in prisons. Of them, 7 suicides, 3 deaths caused by illness, one accident. All these events were subsequently examined and decisions not to initiate criminal proceedings were adopted. In 2004, 14 deaths have been registered in prisons. Of them, 6 suicides, 4 deaths caused by illness, 2 deaths caused by intoxication by narcotic substances. All these events were subsequently examined and in 10 cases the decisions not to initiate criminal proceedings were adopted. In respect of the remaining two cases the criminal proceedings were initiated. In 2005, 18 deaths have been registered in prisons. Of them, 2 suicides, one accident, and 12 deaths caused by illness. In respect of the remaining three cases, the criminal proceedings were initiated. The respective outcomes of these proceedings resulted in the court judgments imposing sentences of deprivation of liberty for a term of 11, 15 and 20 years respectively. In 2006, 10 deaths have been registered in prisons; of them, 4 suicides, 2 deaths caused by the illness and one case of intoxication with narcotic substances. In respect of the remaining three cases, the criminal proceedings were initiated (in two cases investigation is still pending, while in the last case the court imposed deprivation of liberty for a term of 6 years).

66. All suicides in the hospitals, as well as events of death under unclear circumstance are examined and investigated. For this purpose, specific commissions are established, composed of representatives of both medics and administration. Members of commission must not have previously participated in the medical treatment of the respective patient. It must be noted, that there is a significant number of gerontology patients in the psychoneurological hospitals, as well as 25% of the patients have spent several years in the hospitals due to social and economic circumstances - practically, these persons are residing in the hospitals. The events of deaths of such persons, having reached significant age, are generally not subjected to additional examination.

67. In accordance with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the autopsy is performed only upon written request by the patient's relatives, except in the cases of violent death. In latter cases, the hospital administration informs the Prosecutor Office, which decides upon initiating criminal proceedings and assigning forensic expertise. In many cases, the relatives of deceased persons have explicitly addressed the hospitals asking not to perform anatomical examination. In these cases, their requests are usually satisfied and the cause of death is established on the basis of available clinical data.

### **Article 13**

#### **Question 23**

*Please provide information about the measures currently in place to protect witnesses and victims of torture, with a view of ensuring their safety and physical integrity.*

68. *The Criminal Procedure Law* contains specific section on special procedural protection. The special procedural protection is the protection of the life, health, property and other lawful interests of victims, witnesses and other persons, who are testifying or have testified in the criminal proceedings concerning severe and especially severe criminal offences. Article 300 of *the Criminal Procedure Law* establishes basis for special procedural protection, namely, it shall be applicable in cases where real danger to the life, health and property of a person exists, or actual threats have been expressed, or any other information leads to conclude that the danger in connection with the testimonies given by the concerned person can be real.

69. In addition, on May 19, 2005, the Saeima adopted *the Law on the Special Procedural Protection*, which, *inter alia*, extends the framework of special procedural protection to persons participating in the investigation or adjudication of severe and especially severe criminal offences, or persons, who have been endangered in the result of these actions.

70. Currently, the decision to apply special procedural protection can be taken not only by the Prosecutor General, but also by competent court during the adjudication stage of the criminal case.

**Question 24**

***Please provide information on the mandate of a new Ombudsman institution, established on January 1, 2007, which replaces the Latvian National Human Rights Office. Has the Ombudsman been given power to receive and consider complaints of alleged human rights violation, either on application or at its own initiative, and to visit all places of detention, including prisons, police stations, detention centres for illegal immigrants and psychiatric hospitals? What measures has the State party taken to ensure that the officers of the Ombudsmen institution or those authorised by the Ombudsman visiting places of detention are guaranteed full unhindered access and protection? Has the Ombudsman been given authority to act for asylum seekers and deportees? Can the Ombudsman petition the Constitutional Court? Please, also provide information on human and financial resources to be allocated to the Office of the Ombudsman and a copy of the Ombudsman Act.***

71. In 2007, after having been established, the main priority of the Ombudsman has been the protection of the rights of children. The Ombudsman visited the Cēsis Educational Facility for Juveniles. Currently, the Ombudsman's Office is elaborating the respective recommendations.

72. In accordance with Article 12 of *the Ombudsman Law* the Ombudsman is authorised to accept and examine submissions, complaints and proposals from private individuals, as well as to initiate examination of the alleged human rights violation either upon the mentioned submissions, complaints or proposals, or *ex officio*. Currently, there are initiated 10 *ex officio* examination proceedings.

73. In accordance with Article 13 of *the Ombudsman Law* the Ombudsman is authorised to visit institutions in order to obtain the information necessary for examination, to visit at any time and without a special permit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions. In practice, the Ombudsman's Office usually informs the institution about the intended visit in the afternoon of the previous day. In extraordinary occasions, *ad hoc* visits have been performed without prior notification (the Central Prison and the Expertise Department of the Mental Health Government Agency have been visited). In both cases, *ad hoc* visits occurred without any hindrances, the employees of the Ombudsman's Office were given full access to the premises, as well as communicated in private with the personnel and persons being kept in these institutions. No specific permission was required at the spot to access these institutions.

74. The Ombudsman's scope of competence includes examining all complaints concerning alleged violations of good administration and human rights, including those submitted by asylum seekers and illegal immigrants. In 2007, the Ombudsman's Office initiated examination proceedings in response to 6 complaints submitted by these persons, as well as there is an increasing trend in the number of oral consultations provided to these persons.

75. In accordance with Article 13, paragraph 8 of *the Ombudsman Law*, the Ombudsman is authorised to lodge an application with the Constitutional Court. The Ombudsman has not exercised this power yet.

76. In 2007 budgetary allocations in the amount of 1,300,164 LVL were made to the Ombudsman's Office, which is considered to be sufficient. Currently, the Ombudsman's Office has a staff of 47 employees (including the Ombudsman). A copy of *the Ombudsman Law* has been attached (see Annex 6).

77. It must be emphasised that the Ombudsman Office is not a brand new institution. It is the successor of the former Latvian National Human Rights Office, which functions were expanded to include the monitoring of the implementation of the principle of good administration (see Annex 6).

## Article 14

### Question 25

***Please provide information, including disaggregated statistical data by gender and type of crime, on the number of cases where redress and/or compensation measures have been ordered by the courts and on those actually provided to victims of torture or cruel, inhuman or degrading treatment or punishment, or their families since 2005.***

78. The Supreme Court by its judgment of December 5, 2006, awarded to convicted prisoner a compensation in the amount of 10,000 LVL for suffering from serious bodily injuries as a result of the use of force by the Grīva Prison personnel. Several other proceedings raising various aspects of the right not to be subjected to torture, inhuman or degrading treatment or punishment are pending before national courts of various instances.

### Question 26

***What services exist for psychiatric or physical treatment as well as other forms of rehabilitation of victims of torture? What financial allocations have been made for this purpose?"***

79. With regard to the victims of torture in the places of deprivation of liberty, the assistance and treatment of psychiatrist is available in the prisons or in the Latvian Prison Hospital. In specific cases it is possible to invite experts-psychiatrists from outside. Currently, the Imprisonment Facility Management Board has employed 5 psychologists within the framework of the EQUAL project, which is financed by the European Union. In order to facilitate the employment of the prisoners within the framework of the initiative project *The New Solutions on the Employment of Former Prisoners* in four prisons (the Valmiera Prison, the Grīva Prison, the Ilūgciema Prison and the Šķīrotava Prison) social rehabilitation centres have been created, where necessary assistance is provided by 7 social workers and 9 psychologists. This project was financed by the EU structural funds. In addition, the Imprisonment Facility Management Board decided to continue relations with 5 psychologists and 3 social workers, who took part in the EQUAL project. 5 employees currently participate in the national programme *The Approbation, Implementation and Development of the Programme for Educational Correction of Prisoners*. This project is financially supported by the European Social Fund and implemented by the Imprisonment Facility Management Board.

80. On March 14, 2007, the working group was established under the auspices of the Ministry of Justice to examine and to elaborate necessary improvements in *the Concept on the Development of Penitentiaries*, in order to include necessary regulation on re-socialisation and possibly develop the state-private partnership in this area. The informative report of the working group will be submitted to the Minister of Justice and to the Cabinet of Ministers by the end of 2007.

81. The Ministry of Justice has also elaborated the concept paper on the re-socialisation of the imprisoned persons, which envisages providing all places of deprivation of liberty with necessary psychologists and social workers, as well as addresses the issue of re-socialisation and psychological treatment.

82. In 2006, the psychologists in the places of deprivation of liberty examined 1,142 prisoners and provided consultations for the total amount of 4,439 hours. Upon the prisoners' request, discussions were organised for the total amount of 539 hours, of them 154 hours were dedicated to the prisoners with suicidal tendencies. The psychologists also made 230 psychological evaluations.

83. With regard to the children who have been subjected to violence, the State Budget provides allocations to ensure necessary social rehabilitation. The amount of allocations has substantially increased during the last years. In 2007, it is planned in total to allocate 385,453 LVL (in 2005 - 191,737 LVL, in 2006 - 357,698 LVL were allocated). In 2006, 866 children received social rehabilitation at their domicile, while 794 children received social rehabilitation in special rehabilitation institutions. In 2007, during the first six months, social rehabilitation was provided to 834 children (488 children received rehabilitation in the special institutions, 346 - at their domicile). The same data for the first six months in 2006 were the following: social rehabilitation was provided to 759 children (397 children received rehabilitation in the special institutions, 362 children received rehabilitation at their domicile). Accordingly, there has been an increase by 91 persons during the first six months in 2007.

## Article 16

### Question 27

***In the light of the Concept on the Development of Penitentiaries, adopted on April 19, 2005, please provide updated information on the measures taken and progress achieved to improve prison conditions, including addressing the problem of over-crowding of prisons, since 2005. Please provide up to date information on the number of imprisoned persons and the occupancy rate of the accommodation capacities in 2005 and 2006.***

84. The primary information concerning the measures taken to reduce the over-crowding of prisons and remand prisons was provided in paragraphs 7 - 15 of the Replies of the Republic of Latvia to the Questions of the Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture (document of May 10, 2007). In addition, please see again Annex 3 on the distribution of detainees in remand prisons. The Government also reiterates information provided in paragraphs 53-54 above, namely, that in accordance with the information provided by the Imprisonment Facility Management Board, the maximum capacity of the places of deprivation of liberty in the Republic of Latvia is 9,165 persons. As

of August 1, 2007, there were 6,530 persons in the places of deprivation of liberty, of them 1,687 detainees and 4,843 convicted prisoners (including 43 persons sentenced to life imprisonment). The information concerning the progress achieved to improve the conditions of detention for persons under age of 18 is provided below.

### **Question 28**

***Please provide information on the measures taken to improve the conditions of detention for persons under age of 18.***

85. The juvenile prisoners are being kept in five locations - in the Cēsis Educational Facility for Juveniles, the Matīsa Prison, the Iļģuciema Prison, the Daugavpils Prison and the Liepājas Prison. In order to improve the conditions of detention, within the amount of the granted budgetary allocations the following issues have been addressed by the Imprisonment Facility Management Board - facilities for the long-term meetings with the relatives have been built in the Cēsis Educational Facility for Juveniles; the living area in the Iļģuciema Prison underwent renovation; classrooms have been built in the Daugavpils Prison and the Matīsa Prison. All juveniles are involved in the education process. On February 21, 2007, *The Basic Policy Guidelines for the Enforcement of Prison Sentences and Detention of Juveniles for 2007-2013* were adopted, establishing the need for further elaboration of the legal framework, improvement of the living conditions as well as focusing on stronger social and educational correction in the light of re-socialisation. Currently, the Ministry of Justice elaborates the action programme, which is based on these *Basic Policy Guidelines*, which would formulate precise tasks to various state institutions in order to improve the living conditions, envisage necessary legislative amendments, elaborate more contemporary and modern programmes aimed at re-socialisation, as well as raise the professional qualification of prison personnel in the light of their work with juveniles.

86. In addition, the Ministry of Justice is elaborating an action programme to implement *The Basic Policy Guidelines on the Prisoner Education Policy*. This programme, *inter alia*, envisages creation and development of four programmes on educational correction, as well as promoting and ensuring for the juvenile prisoners extensive study processes.

### **Question 29**

***The Committee notes that the Law on the Order of Holding Detainees, adopted on October 13, 2005, requires the procedure for holding criminal suspects in police short-term detention cells and sets standards for conditions of detention in police cells. Please provide information on the measures taken and resources provided to fully introduce these standards in all police stations.***

87. All measures to improve the conditions of the detention in the short-term police units have been implemented within the available framework of the State Budget and all financial allocations granted for this purpose were used to full extent.

88. In order to improve the conditions in the short-term police units in conformity with the requirements of *the Law on the Order of Holding Detainees* additional renovation works are necessary, which require 1,240,025 LVL (option No.1) or from 603,082 LVL to 718,217 LVL

(option No.2). Unfortunately, no financial allocations were provided by the State Budget of 2007 to cover either of the options. The estimated financial allocations in the State Budget of 2008 will provide 350,00-400,000 LVL.

89. In 2007 renovation works were accomplished in the following short-term police detention units - the Daugavpils CDPB,<sup>2</sup> Dobele DPB,<sup>3</sup> the Tukuma DPB, the Talsu DPB, the Aizkraukle DPB and the Ludza DPB.

### Question 30

*Is the State party in the process of reforming its mental health legislation, in particular, with respect of the use of physical restraints and isolation in psychiatric hospitals, both in relation to mentally ill as well as mentally disabled persons? Is so, please provide information on these reforms, including the main amendments to be introduced by any new legislation. Please also provide information on the average length of the use of physical restraints and isolation in psychiatric hospitals and on guidelines for ensuring that patients in psychiatric hospitals are not subject to long term isolation. Are there mechanisms in place to monitor the use and length of isolation and if so which?*

90. The Ministry of Health has drafted amendments to the *Medical Treatment Law*. These amendments came into force on March 29, 2007, introducing procedure of judicial review of compulsory involuntary placement of patients in the psychoneurological hospitals and their subsequent treatment. The judge shall have the final decision as to whether the person should be placed in the hospital and compulsory treatment administered upon such person. In each of these cases, the person concerned shall have legal representative - sworn advocate, which is appointed by the Latvian Bar.

91. The compulsory treatment is provided if a person has threatened or threatens or attempts thereto to inflict upon other persons or himself/herself bodily injuries, when the medical practitioner has ascertained that the person is suffering from mental disorders which might lead to bodily injuries. In other cases, compulsory treatment may be imposed if a person is unable to care about himself/herself when the medical practitioner ascertains that the person is suffering from mental disorders which might lead to serious deterioration of the person's physical health. The person may be placed in the hospital also on the basis of the court's decision on compulsory treatment (for example, such as the decision adopted in the result of criminal proceedings).

92. In such cases the council of experts-psychiatrists shall examine the person within 72 hours from the person's involuntary hospitalisation, adopt respective decision and inform about its contents the person concerned, family members or closest relatives. If the council has found that the compulsory treatment is necessary, the hospital providing the treatment shall inform within 24 hours the competent judge of the district (city) court. The judge in his/her turn shall request the Latvian Bar to appoint a legal representative. Within the next 72 hours the judge shall

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<sup>2</sup> Central District Police Board.

<sup>3</sup> District Police Board.

review all case materials, hear the parties and decide upon the compulsory treatment. The judge is authorised to refuse to sanction the compulsory treatment or to sanction it for the period of time up to two months. In the latter case, one week before the expiry of the term of the compulsory treatment, the person is again examined by the council of experts-psychiatrists, which shall either adopt the decision to continue compulsory treatment or to terminate it. The decision to continue compulsory treatment within 72 hours shall be examined and approved or disapproved by the judge. In case of approval, the judge is authorised to extend the compulsory treatment for the period of time up to six months.

93. As to the use of physical restraints, the technical aspects of this issue are governed by the internal rules of the hospitals, establishing the indications, procedure of administration, duration and monitoring. The fact of use is being document in specific journals, which are examined and overviewed by impartial medical personnel from other sections and the hospital administration. Mechanical restraint (fixation) shall be applicable only upon indication of the responsible medical practitioner, and the duration shall not exceed 30 minutes, or in extraordinary cases - 2 hours. In the latter case, the patient's physical and somatical condition is being constantly examined. The use of mechanical restraints is an extraordinary measure, which is applicable only in cases of dangerous aggressive or auto-aggressive behaviour, when psychotropic medicine have been ineffective or are not applicable due to possible side-effects.

### **Question 31**

*Please provide information on rehabilitative treatment as well as education provided to mentally ill and intellectually disabled persons under the mental health care in the State party. Has the State party taken any measures to reduce long term hospitalisation or mentally ill and intellectually disabled persons? With regard to the reduction of psychiatric beds in mental hospitals and the inclusion of mentally ill and intellectually disabled persons in society, please provide information on the measures taken and progress achieved to provide these persons with community based services.*

94. Rehabilitation treatment is a widespread practice in all psychoneurological hospitals, in fact being one of the unalienable elements of successful psychiatric treatment. The ergotherapy specialists assist their patients to restore or to develop interpersonal communication skills, such as, cooking, daily shopping etc. The next steps include acquiring necessary working skills, as well as providing the employment. In several hospitals specialised workshops for patients have been established or re-established (the Daugavpils Psychoneurological Hospital, the Strenču Psychoneurological Hospital). Also other hospitals offer employment possibilities.

95. Since 2005, Latvia is implementing the EQUAL project, which is financed by the European Union, for re-integration of mentally disabled persons in the society. Within the framework of the project 243 patients have participated by being employed, many of them later finding employment in the society. This project covers the whole territory of the Republic of Latvia and until the end of 2007 there will be held 14 seminars for patients and potential employers. Within this framework recommendations on facilitating the employment of mentally handicapped persons in Latvia have been drafted (the text is available on the Internet - <http://www.sva.lv>).

96. It must be noted that the Ministry of Health has established a new modern ambulatory mental assistance centre in the city of Riga, which conforms with the requirements of modern psychiatry, rehabilitation and social integration.

97. The Ministry of Health has drafted *the Programme On Improvement of the Mental Health of the Population for 2008-2013*, which is pending its approval. Drafting process involved support from the World Health Organisations, expert seminars, working groups, NGO participation. *The Programme* envisages community based tendencies of mental health in Latvia, development of ambulatory institutions, decrease of the role of hospitals, development of rehabilitation and preventive mechanisms. The eventual adoption of this document is regarded as very significant step for development of mental health in Latvia.

### **Question 32**

*Please provide information on the measures taken to prevent suicide and self harm risks in prisons. Has the State party adopted a suicide prevention policy for prisons, including screening, reporting, data collection, training and education and if so which? Has the State party established social rehabilitation units for prisoners as indicated in the training seminar on „Suicide Prevention in Prisons” on May 18, 2005?”*

98. Currently, the Imprisonment Facility Management Board in co-operation with the State Health Agency are analysing and examining existing trends of suicide and autoaggression in prisons. In 2005, guidelines for the prison personnel providing instructions for treatment of persons having tendencies to commit suicide were elaborated and implemented. The representatives of the Imprisonment Facility Management Board also participated in the conference “The suicide issue in Latvia”, which was held by the State Mental Health Agency. In co-operation with the Latvian Centre for Human Rights and Ethnic Studies and the Nordic Council of Ministers, the Imprisonment Facility Management Board organised two seminars on suicide prevention in prisons. There is no intention to elaborate specific state policy paper or action plan on the suicide prevention in the prisons, including the personnel training and statistical analysis.

99. Currently, there are no social rehabilitation facilities/units for prisoners, who have attempted to commit suicide. The necessary treatment is provided by the medical personnel of the respective prison or such persons are hospitalised in the Latvian Prison Hospital.

### **Question 33**

*Please provide detailed information on the accommodation of unaccompanied or separate asylum-seeking children during the period of examination of their applications in the State party. Are unaccompanied or separated asylum-seeking children accommodated in special centre for children? Does the Centre for asylum seeker „Mucenieki” provide appropriate living conditions for unaccompanied or separated asylum-seeking children and, if so, how are there living conditions ensured?*

100. There is no such practice in the Republic of Latvia as to separate asylum-seeking children from their parents. The asylum seekers, who have entered the territory of Latvia as one family have the right to remain together during the whole asylum proceedings, except during individual

interviews or interrogations. The asylum-seeking children in all legal relations are represented by their parents. The respective decision to grant or to refuse asylum refers to adult asylum seekers, as well as to their underage children, while taking into account individual opinion of children, when adopting the above-mentioned decision. The families with their children are accommodated in the centre for asylum seekers "Mucenieki". It is the only established centre for asylum seekers in the Republic of Latvia, which is located 16 km from the capital city of Riga. Its capacity allows to accommodate up to 200 asylum seekers. During their stay in the centre, asylum seekers are provided with daily allowance for food and daily necessities, as well as appropriate living conditions. The administration of the centre provides all necessary services – housing, medical treatment, education for underage persons. The possibility to study Latvian language and other activities are provided as well, especially for the children. The centre also has special facilities for handicapped persons.

#### **Question 34**

*Please comment on information that the number of allegedly racially motivated crimes has recently increased and that the number of reported hate crimes is underestimated due to the lack of effective hate crime recording and monitoring system.*

101. All complaints lodged with police institutions are registered and duly examined. In cases, where the complaint contains information that the offence might be racially motivated (hate crime), such complaint is forwarded to the Security Police, which is authorised to perform pre-trial investigation of racially motivated offences (offences specified by Article 78 of *the Criminal Law*). The Prosecutor General Office supervises all procedural decisions of the Security Police, as well as it examines all complaints against these decisions. Accordingly, the Government of Latvia believes that statement about the alleged ineffectiveness of recording and monitoring of hate crimes does not correspond to the truth.

102. In addition, the Government of the Republic of Latvia would like to inform the Committee about the relevant statistics in respect of hate crimes. In total, during the period of time between 2000 and 2007, the Security Police initiated 43 criminal proceedings on the basis of Article 78 of *the Criminal Law*. 8 proceedings were later discontinued, 22 criminal cases were sent to the Prosecutor Office for further prosecution, 5 criminal cases were requalified to other charges and sent to the responsible units of the State Police. The pre-trial investigation is still continuing in 7 criminal cases.

103. In 2005, the Security Police in 17 proceedings decided to refuse to initiate criminal proceedings. 13 criminal proceedings were initiated, of which 3 proceedings were later discontinued; 7 criminal cases were sent to the Prosecutor Office for further prosecution, in the remaining 7 criminal cases the pre-trial investigation is still continuing. Out of 13 initiated proceedings, 12 proceedings concerned the national hatred, the remaining one concerned racial hatred.

104. In 2006, the Security Police in 10 proceedings decided to refuse to initiate criminal proceedings. 14 criminal proceedings were initiated, of which 2 proceedings were later discontinued. 8 criminal cases were sent to the Prosecutor Office for further prosecution, 2 criminal cases were requalified to other charges, in 2 criminal cases the pre-trial investigation still continues. Out of 14 initiated proceedings, 5 proceedings concerned the national hatred, while 9 proceedings concerned racial hatred.

105. In 2007, the Security Police in 5 proceedings decided to refuse to initiate criminal proceedings. 11 criminal proceedings were initiated, of which 1 case was later discontinued. 5 criminal cases were sent to the Prosecutor Office for further prosecution, 3 criminal cases were requalified to other charges, in 2 criminal cases the pre-trial investigation is still continuing. Of 11 initiated proceedings, 7 proceedings concerned the national hatred, while 4 remaining proceedings concerned racial hatred.

106. The available statistical data show that Article 78 of *the Criminal Law* is not being often applied as under the national law it is a serious crime. In several cases, the criminal proceedings have been initiated on the basis of other Articles of *the Criminal Law*, such as inflicting light bodily injuries, hooliganism, offences against person's dignity and honour. It must be noted that on October 12, 2006, Article 48 of *the Criminal Law* has been amended, now providing that committing any type of offence with racial motivation is one of the aggravating circumstances for criminal liability. On June 21, 2007, Article 78, paragraph 2 of *the Criminal Law* was amended, thus now penalising incitement of racial hatred and hate speech on the Internet.

### Question 35

***Please provide information on the State party's anti-discrimination legislation and describe measures taken to combat discrimination. Information before the Committee indicates that the Latvian authorities have repeatedly failed to protect the rights of the lesbian, gay, bisexual and transgender community in the context of the Gay Pride marches in 2006 and 2006, including that the Latvian politicians have made homophobic remarks and statements in the context of the first Gay Pride march in 2005 and that the participants of these two marches have been attacked despite the requested police protection. Please inform the Committee of measures taken to review police protection in this regard and to ensure that similar incidents do not occur in the future.***

107. The institution authorised to combat discrimination and facilitate tolerance in the Republic of Latvia is the Secretariat of the Special Assignment Minister on the Society Integration Affairs. The Secretariat is specifically tasked to implement in the Republic of Latvia the Council Directive 2000/43/EC of June 29, 2000, *Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin*.

108. To facilitate this task, in 2006 and 2007 following legal acts have been respectively amended - *the Law on the State Civil Service* (amended on November 2, 2006), *the Law on the Societies and Foundations* (amended on November 2, 2006), *the Code of Administrative Offences* (amended on May 17, 2007), *the Criminal Law* (amended on June 21, 2007). Also amendments to *the Civil Law*, *the Law on the Consumer Protection*, *the Law on the Patients' Rights* have been drafted and presently pending before the Saeima. In general, these amendments prohibit discrimination in the area of public and private sales of goods and/or services.

109. Currently, many national human rights experts, state officials, the Ombudsman Office, as well as the representatives from different religious denominations are working on the development of *the National Programme to Facilitate Tolerance*. This programme aims to expand the scope and area of sensitive issues, as well as to address the Latvian society, including politicians. Many Latvian politicians took active part during the discussions in the conference *For and Against Tolerance*, which took place in April 2007. The Secretariat aims to actively continue to raise the awareness in the society, to educate and include the society, as well as to facilitate the politics on tolerance. In this regard the Secretariat has issued invitations for research papers from distinguished researchers from the University of Latvia. These papers are available online (<http://www.integracija.gov.lv>).

110. In order to ensure safety during *the Friendship Days* from May 31, 2007, to June 3, 2007, which included, *inter alia*, *the Gay Pride March 2007*, the State Police developed specific plan of action to ensure public safety on the basis of the previous years' experience. These measures included gathering of information on the number of participants, estimating and identifying possible remonstrants and their counter-activities. By using the preventive methods, the State Police officials met with representatives of both sides, as well as the place of event was fenced off in order to exclude all possible physical contacts. All these measures proved right as there were no clashes or conflicts during the event. As the place for the event was designated one of the parks in the capital city, which is one of the central spots in the city.

111. It must also be mentioned here that as of 15 December 2005 the Latvian National Human Rights Office established the Discrimination Prevention Department, as the Office has been chosen as the national institution for the promotion of tolerance pursuant to the Council Directive 2000/43/EC. The Discrimination Prevention Department, as an administrative unit, has been kept by the Ombudsman Office following the takeover of functions.

### Question 36

***Please provide information on the measures taken to implement the State Programme to Prevent Human Trafficking 2004-2008 (2004), including the adoption of any new laws to prevent trafficking in persons, the development of social rehabilitation services for victims of human trafficking and the training of professionals to work with victims of trafficking.***

112. At present, the legislation of the Republic of Latvia as regards the combat against human trafficking has become very progressive and might serve as an example for other countries. The legislation defines all most important aspects as to the suppression of trafficking in people, as well as a criminal penalty mechanism, which would prevent persons from committing potential crimes, has been developed. Since restoration of its independence, Latvia has assumed the international obligations in relation to the combat against trafficking in persons, ratifying the Palermo Convention and the UN Convention on Suppression of Trafficking in Persons, as well as participating in the EU activities in this area.

113. In 2004, the legal regulation that allows classifying crimes committed in the territory of Latvia that conform to the international definition of human trafficking (amendments to Article 154<sup>1</sup> "Human Trafficking" of *the Criminal Law*) was adopted. Furthermore, the legal regulation was adopted pursuant to which aliens and stateless persons who do not have permanent residence permits in the Republic of Latvia and who have committed especially serious crimes in the

territory of another state which have been directed against the Republic of Latvia or against the interests of its inhabitants, shall be held criminally liable in accordance with *the Criminal Law* (amendments to Article 4, paragraph 3 of *the Criminal Law*). The time of imprisonment for sending a person for sexual exploitation has been increased to 5 years, thus making it a serious crime, in which case victims, witnesses, suspects, defendants, persons on trial, sentenced persons thereof have the right to special procedural protection (amendments to Article 165,<sup>1</sup> paragraph 1 of *the Criminal Law*). The legislation is being improved continuously. Amendments to *the Criminal Law* have been prepared and forwarded to the *Saeima* in order to supplement it with new definitions of crimes in order to stipulate criminal liability for the following violations: maintenance, management or intended financing of a brothel, or participation in the financing of a brothel; and intended rent of a building or other premises or part thereof for prostitution.

114. Following the amendments to *the Criminal Law* in 2000, the number of underage persons involved in prostitution and number of underage persons sent abroad for human trafficking has decreased. In 2005, no children trafficking cases in Latvia and no cases of children being sent abroad for sexual exploitation were registered.

115. On March 3, 2004 *the State Programme for Elimination of Trafficking in Human Beings (2004-2008)* was adopted by the Cabinet of Ministers. The Ministry of Welfare is one of the ministries responsible for implementation of the program. The Ministry of Welfare is responsible for implementation of activities included in the section *Support services for victims of human trafficking (rehabilitation)* aimed at ensuring inclusion of victims of human trafficking into society by providing co-ordinated inter-institutional social support services. In order to achieve this aim, on June 17, 2004 amendments were adopted to *the Law on Social Services and Social Assistance* introducing provision that “the State shall ensure the social rehabilitation of victims of the traffic in human beings”. Another aim of *the State Programme Against Human Trafficking for 2004-2008* is to facilitate implementation of Article 20 of *the Law on Protection of the Rights of the Child*, which require that cases concerning the alleged abuse of children’s rights should be examined by specially trained specialists. *The Programme* foresees an increase in the number of the staff in the Inspection of Juvenile Affairs of the State Police to reach 164 staff members. In 2004, 180,072 LVL were allocated from the state budget to implement this Program. In 2005, the total amount allocated was less than actually needed. According to *the Law on the 2005 State Budget* to facilitate development of Inspection of Juvenile Affairs of the State Police the amount of 8,784 LVL was allocated for additional 2 staff posts.

116. The Resource Centre for Women “Marta”, is one of the institutions rendering the support for victims within the framework of various projects. Between end of 2003 and May 2005, the Centre has provided social rehabilitation to 26 persons. As of 2006, the Centre is providing state-financed social rehabilitation for victims of trafficking. In January-September 2006 four persons have used the opportunity to receive state-financed social rehabilitation for victims of trafficking, while the available state budget for this purpose was enough to pay for the rehabilitation of 14 persons. At the same time, 15 persons received rehabilitation services available from other resources. In accordance with the estimations of the Ministry of Welfare, 30 persons will be able to receive state-financed social rehabilitation services in 2007.

117. The Government of the Republic of Latvia would also like to draw the Committee's attention to the Internet resource page which is hosted by the Ministry of Interior, which provides most essential and up-to-date information in Latvian, Russian and English languages on the State's activities on combating human trafficking - <http://www.cilvektirdznieciba.lv/index.php>.

### Question 37

***Please comment on reports that women who have experienced violence are not provided with means of redress and protection and that impunity of perpetrators of domestic violence is widespread. Please provide information on legislative and other measures that the State party has taken to prevent domestic violence and to classify acts of domestic violence as specific offences under criminal law. Please provide statistical data on complaints, prosecution and sentences in matters of domestic violence. Please also inform the Committee of any measures taken to support or provide redress to women who have experienced domestic violence.***

118. Currently, domestic violence is not specifically defined in the legal acts of the Republic of Latvia. Neither it is intended to include such specific offence in the Criminal Law. It must be noted that the domestic violence does not include exclusively violence against women - it may include the violence against children on behalf of their parents as well. Information about domestic violence incidents is spread among the State Police, Municipalities' Police, Orphans' Courts and social care institutions. There is no state-wide statistics on the domestic violence. Article 7, paragraph 3 of *the Criminal Procedure Law* makes reference to Article 130 of *the Criminal Law* (inflicting of minor bodily injuries), stating that the latter offence, if committed in the context of domestic violence, falls within the ambit of public prosecution proceedings, which are carried out by the prosecutor. Proceedings shall be initiated upon receiving an application from a victim and proceedings cannot be terminated as a result of a friendly settlement (Article 377, paragraph 1, subparagraph 9 of *the Criminal Procedure Law*). In addition, Article 172<sup>2</sup> of *the Code of Administrative Offences* envisages administrative liability for physical and emotional violence against a child.

119. The necessity to provide support and redress for women, who have experienced domestic violence, has been addressed at the executive level. In accordance with the Resolution by the President of Ministers of May 3, 2007, the Ministry of Children and Family Affairs drafted the informative report on the issues of domestic violence. Currently, on the basis of the above-mentioned report, the Ministry of Children and Family Affairs in co-operation with the Ministry of Welfare, the Ministry of Justice, the Ministry of the Interior, the Ministry of Health, the Ombudsman's Office and the Prosecutor General Office is drafting the concept paper on combating the domestic violence, which shall be submitted to the Cabinet of Ministers by February 1, 2008. In addition, on April 26, 2007, the Ministry of Welfare announced the draft *Programme on the Gender Equality for 2007-2010*, which names raising the awareness of the issue of domestic violence as one of the six priority actions. The Ministry of Justice intends to elaborate action plan to protect the society from the sexual criminal offences and offences against gender integrity, which will include specific measures aimed to identify and to combat domestic violence.

## Other

### Question 38

*With regard to paragraph 106 of the State party's second periodic report, please provide updated information on the possibility of accepting the competence of the Committee as defined in Articles 21 and 22 of the Convention.*

120. So far, the Republic of Latvia has not considered the submission of a report under Articles 21 and 22 of the Convention.

### Question 39

*Does the State party envisage ratifying the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment of Punishment? If so, does the State party envisage establishing a new national mechanism or designating the existing mechanism that would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment of punishment?*

121. In this regard, the Government reiterates its position expressed in paragraph 108 of the Second Periodic Report, namely, that the ratification of the Optional Protocol might take place within next 5 years. The Government reaffirms that this issue will depend on the progress achieved at the national level.

### Question 40

*Please indicate whether there is legislation in the State party aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please provide whether the adoption of such legislation is being considered.*

122. There are no such specific provisions in the Latvian legal acts, including *the Criminal Law*. No amendments in this area are currently intended.

### Question 41

*Please provide information on the legislative, administrative and other measures the State party has taken to respond to any threats of terrorism, and please indicate if, and how, these measures have affected human rights safeguards and practice.*

123. To facilitate implementation of the European Council Framework Decision of June 13, 2002, *On Combating Terrorism*, several respective provisions of *the Criminal Law* were amended in order to condemn and punish offences linked to terrorist activities. In addition to specifying the scope of Article 88 "Terrorism", the inclusion of several additional articles in *the Criminal Law* - Article 88<sup>1</sup> "Financing of Terrorism", Article 88<sup>2</sup> "Public Incitement to Commit Terrorist Acts", Article 88<sup>3</sup> "Recruitment and Training for Terrorism" is planned. Currently, these draft amendments are pending their final approval by *the Saeima*.

**Annex 1**

**The total number of expelled aliens during the period of time from 2000 to 2006<sup>4</sup>**

Country of Return	2000	2001	2002	2003	2004	2005	2006
Russia	94	101	59	82	81	59	39
Belarus	25	21	27	27	19	9	6
Ukraine	25	30	23	47	44	37	20
Moldova	1	2	4	5	7	20	42
Lithuania	24	42	90	121	56	12	3
Estonia	12	3	9	26	6	12	3
Armenia	13	11	2	6	6	6	3
Azerbaijan	9	12	3	6	3	5	5
Georgia	7	5	4	7	7	5	3
Kazakhstan	6		3	2			3
Tajikistan			1	1			
Kyrgyzstan				2	1		1
Uzbekistan			6	3	2	4	2
Turkmenistan	1						
Slovenia			9				
Ireland							1
Slovakia					1		
Norway	1						
Sweden	1			1	1		
Germany	2		1		3		1
The former Federal Republic of Yugoslavia		1					
Poland		1					
Switzerland			1			1	
Greece				1			
Czech Republic			1				
Albania				1			
Italy				1			
Spain				1			
USA					1	2	2
Mexico						1	
Peru							1
Israel	2		2	3	2	4	1
Iraq	2					6	
Afghanistan						1	1
Pakistan	4			10			1
PRC	2		7		1		
Viet Nam					1		
India						3	
Nigeria	4						
Algeria	1						
Congo					1		

<sup>4</sup> Asylum-seekers mainly are being returned to their country of origin, therefore it is the same as the indicated country of return.

Country of Return	2000	2001	2002	2003	2004	2005	2006
Morocco	2			1			
Sri Lanka		1				1	
Tuvalu		1					
Mongolia		1					
Turkey				9			
South Africa			1				
Lebanon		1					
Syria							1
South Korea			1				
Egypt				1	1	1	
Iran				1			
Liberia						1	
Total	238	233	254	366	244	190	139

*Source:* The Ministry of Interior.

**Disaggregated statistical data on the number of expelled aliens in 2006**

Country of Origin	Number of persons	Female	Age							Male	Age								
			<12	13-16	17-18	18-30	30-40	40-50	50-60		60<	<12	13-16	17-18	18-30	30-40	40-50	50-60	60<
Afghanistan	1									1				1					
Armenia	3									3					1	1	1	1	
USA	2									2						1	1		
Azerbaijan	5									5				1	1	2	1		
Belarus	6	2				1	1			4				2	1	1			
Georgia	4	1						1		3				3					
Ireland	1									1				1					
Estonia	3									3							2	1	
Israel	1									1				1					
Kazakhstan	3									3				2	1				
Kyrgyzstan	1									1					1				
Russia	39	5				3		1		34	2		1	10	14	6	1		
Lithuania	2									2				1			1		
Moldova	42	13				7	4	2		29				17	9	3			
Pakistan	1									1				1					
Peru	1	1				1													
Syria	1									1				1					
Ukraine	20	4				2	1	1		16				4	9	3			
Uzbekistan	2	2						2											
Germany	1									1					1				
<b>Total</b>	<b>139</b>	<b>28</b>				<b>14</b>	<b>8</b>	<b>5</b>	<b>1</b>	<b>111</b>	<b>2</b>		<b>1</b>	<b>45</b>	<b>38</b>	<b>17</b>	<b>7</b>	<b>1</b>	

*Source:* The Ministry of Interior.

**Disaggregated statistical data on the number of expelled aliens from January to July, 2007**

Country of Origin	Number of persons	Female	Age								Male	Age								
			<12	13-16	17-18	18-30	30-40	40-50	50-60	60<		<12	13-16	17-18	18-30	30-40	40-50	50-60	60<	
Azerbaijan	1										1									
Belarus	3										3									1
Georgia	11	2				2					9			6	2	1				
Estonia	2										2				2					
Israel	3	1								1	2		1			1				
Kazakhstan	3										3			1	2					
Russia	23	3						1	1	1	20			4	6	6	3		1	
United Kingdom	1										1				1					
Mexico	1										1			1						
Moldova	35	8				5	2			1	27			15	8	2	2			
Pakistan	1										1			1						
Ukraine	14	3				2	1				11			5	4	1				1
Uzbekistan	2	1				1					1				1					
<b>Total</b>	<b>100</b>	<b>18</b>				<b>10</b>	<b>4</b>	<b>1</b>	<b>3</b>		<b>82</b>			<b>1</b>	<b>33</b>	<b>29</b>	<b>11</b>	<b>5</b>	<b>3</b>	

*Source:* The Ministry of Interior.

## Annex 2

### Information on the inter-prisoner violence during the period of time from January 1, 2006, to August 1, 2007

Prison	Number of victims
Valmiera Prison	5
Central Prison	4
Cēsis Educational Facility for Minors	4
Pārlielupe Prison	3
Daugavpils Prison	2
Ilģuciema Prison for Women	2
Matīsa Prison	2
Šķirotava Prison	1
Jēkabpils Prison	1
Liepāja Prison	1
Grīva Prison	1
Brasa Prison	1

*Source:* The Ministry of Justice.

Ethnicity of victims	Number of victims
Latvians	15
Russians	11
Belarussians	1

*Source:* The Ministry of Justice.

Gender of victims	Number of victims
Male	25
Female	2

*Source:* The Ministry of Justice.

Age of victims	Number of victims
< 18 years	2
18 years - 25 years	10
26 years - 33 years	8
34 years - 40 years	4
41 years - 45 years	2
46 years - 50 years	1

*Source:* The Ministry of Justice.

Type of sentence	Number of victims
No previous convictions	3
< = 5 years of imprisonment	10
More than 5 years - 10 years of imprisonment	12
More than 10 years - 16 years of imprisonment	2

*Source:* The Ministry of Justice.

**Annex 3**

**The distribution of detainees in remand prisons as  
of 1 August 2007**

Total	1 678
Persons detained during the pre-trial investigation	316
Detainees awaiting trial by the first instance court	425
Persons awaiting the review of their sentences under the appeal procedure	484
Persons awaiting the review of their sentences under the cassation procedure	75
Persons awaiting their sentences to come into force	287
Convicts awaiting their transfer to prison or to educational facility for juveniles	61
Convicts who are to be transported to prison or an educational facility for juveniles	77
Transit detainees	13

*Source:* The Ministry of Justice.

**Annex 4**

**Information pertaining to the disciplinary proceedings performed by the Internal Security Office of the State Police**

Period of Time	Number of complaints lodged	Number of examinations	Number of violations found	Number of initiated disciplinary proceedings	Type and number of disciplinary penalties
2006	134	102	2	-	6 (2 warnings for non-compliance with the official duties, 4 reprimands)
1 January 2007 - 1 August 2007	53	37	2	2	2 (1 reprimand, 1 reproof)

*Source:* The Internal Security Office of the State Police.

**Information pertaining to the criminal proceedings performed by the Internal Security Office of the State Police**

Period of Time	Refusals to initiate criminal proceedings <sup>5</sup>	Number of initiated criminal proceedings	Criminal proceedings received from other institutions	Criminal proceedings sent to further prosecution	Number of discontinued criminal proceedings	Types of criminal offences (Article of the <i>Criminal Law</i> )
2006	63	43	52	6	68	Section 13 of the <i>Criminal Law</i> (offences against bodily integrity of a person); Article 317 of the <i>Criminal Law</i> (exceeding official authority, if it is associated with violence or threat thereupon).

<sup>5</sup> All ISO SP decisions to refuse to initiate criminal proceedings have been examined by the Department of Supervision of the Pre-trial Investigations of the Prosecutor General Office. As a result, the refusals have been found to be legitimate and motivated (information provided by the Prosecutor General Office).

Period of Time	Refusals to initiate criminal proceedings <sup>5</sup>	Number of initiated criminal proceedings	Criminal proceedings received from other institutions	Criminal proceedings sent to further prosecution	Number of discontinued criminal proceedings	Types of criminal offences (Article of <i>the Criminal Law</i> )
1 January 2007 - 1 August 2007	40	21	35	2	20 <sup>6</sup>	Section 13 of <i>the Criminal Law</i> (offences against bodily integrity of a person); Article 317 of <i>the Criminal Law</i> (exceeding official authority, if it is associated with violence or threat thereupon).

*Source:* The Internal Security Office of the State Police.

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<sup>6</sup> During the period of time from January 1, 2007, to June 1, 2007, the prosecutors abolished 5 decisions to discontinue criminal proceedings and issued specific orders in respect of these proceedings. Currently, the pre-trial investigation is still pending in these proceedings (information provided by the Prosecutor General Office).

**Annex 5**

**Information on the number of deaths in the  
places of deprivation of liberty in 2003**

Prison	
Brasa Prison	1
Jēkabpils Prison	1
Grīva Prison	5
Daugavpils Prison	1
Central Prison	3

*Source:* The Ministry of Justice.

Gender of victims	
Male	11

*Source:* The Ministry of Justice.

Age of victims	
18 years - 25 years	4
26 years - 33 years	4
34 years - 40 years	1
41 years - 45 years	1
46 years - 55 years	1

*Source:* The Ministry of Justice.

**Information on the number of deaths  
in the prisons in 2004**

Prison	
Jēkabpils Prison	1
Grīva Prison	4
Central Prison	5
Valmiera Prison	3
Pārlielupe Prison	1

*Source:* The Ministry of Justice.

Gender of victims	
Male	13
Female	1

*Source:* The Ministry of Justice.

Age of victims	
18 years - 25 years	8
26 years - 33 years	-
34 years - 40 years	2
41 years - 45 years	-
46 years - 55 years	-
56 years - 70 years	4

*Source:* The Ministry of Justice.

**Information on the number of deaths  
in the prisons in 2005**

Prison	
Jēkabpils Prison	1
Grīva Prison	4
Central Prison	1
Liepāja Prison	1
Pārlielupe Prison	2
Olaine Prison	1
Jelgava Prison	4
Cēsis Educational Facility for Juveniles	1
Valmiera Prison	1
Šķirotava Prison	1
Matīsa Prison	1

*Source:* The Ministry of Justice.

Gender of victims	
Male	18

*Source:* The Ministry of Justice.

Age of victims	
14 years - 17 years	2
18 years - 25 years	6
26 years - 33 years	-
34 years - 40 years	2
41 years - 45 years	-
46 years - 55 years	5
56 years - 70 years	1
70 years - 85 years	2

*Source:* The Ministry of Justice.

**Information on the number of deaths  
in the prisons in 2006**

Prison	
Jēkabpils Prison	1
Grīva Prison	2
Central Prison	4
Jelgava Prison	1
Valmiera Prison	1
Matīsa Prison	1

*Source:* The Ministry of Justice.

Gender of victims	
Male	10

*Source:* The Ministry of Justice.

Age of victims	
18 years - 25 years	2
26 years - 33 years	1
34 years - 40 years	3
41 years - 45 years	2
46 years - 55 years	2

*Source:* The Ministry of Justice.

**Information on the number of deaths in the psychoneurological  
hospitals from 2003 to 2006**

Year	Gender		Primary causes of death				
	Male	Female	Cerebra-vascular maladies	Chronic ischemia heart maladies	Cerebral infarction	Insult	Atherosclerosis
2003	178	212	97	114	38	12	19
2004	164	201	99	117	14	5	24
2005	179	233	116	143	25	3	15
2006	191	219	56	144	29	4	24

*Source:* The Ministry of Health.

**Number of deaths and other accidents in the short-term police  
detention units since January 1 2005**

Year	Date	Location	Factual circumstances	Investigating authority	Outcome		
					Initiated criminal proceedings, outcome	Disciplinary penalty	Other
2005	14.03.05	Daugavpils CDPB	person committed suicide in detention cell	ISO SP	refusal to initiate criminal proceedings	none	
2005	26.03.05	Rīga MDPB Police Unit No 26	person died in detention cell	ISO SP	refusal to initiate criminal proceedings	none	
2006	12.04.06	Valmiera DPB	possible occurrence of exceeding of official authority against a person	ISO SP	criminal proceedings initiated	none	proceedings were discontinued
2006	14.04.06	Valmiera DPB	possible occurrence of exceeding of official authority against a person	ISO SP	criminal proceedings initiated	none	proceedings were discontinued
2006	22.08.06	Aizkraukle DPB	Intentional infliction of bodily injuries	ISO SP	criminal proceedings initiated	none	Criminal case file sent to the Aizkraukle Prosecutor Office of further prosecution
2006	24.08.06	Aizkraukle DPB	person died in sobering cell	ISO SP	criminal proceedings initiated	none	proceedings were discontinued
2007	07.01.07	Bauskas DPB, Iecava Police Unit	person died in sobering cell	ISO SP	criminal proceedings initiated	pending	investigation still pending
2007	18.06.07	Rīga DPB, Sigulda Police Unit	person died in detention cell	ISO SP	criminal proceedings initiated	pending	investigation still pending

*Source:* The Internal Security Office of the State Police.

## **Annex 6**

The *Saeima* has adopted and the President has proclaimed the following Law:

### **Ombudsman Law**

#### **Chapter I General Provisions**

##### **Article 1. Purpose of this Law**

The purpose of this Law is to promote the protection of human rights and to facilitate that the State authority is exercised legally, efficiently and in conformity with the principles of good administration.

##### **Article 2. Application of this Law**

- (1) This Law prescribes the legal status, functions and tasks of the Ombudsman, as well as the procedures by which the Ombudsman shall perform the functions and tasks specified by the Law.
- (2) This Law shall not release an institution from the duty to comply with the rights of private individuals. An institution within the meaning of this Law shall be a body of a public person, an institution or an official, as well as a person that implements the tasks of State administration.
- (3) Provisions specified by this Law shall not limit the rights of private individuals provided for by other regulatory enactments.

#### **Chapter II Ombudsman**

##### **Article 3. Ombudsman**

- (1) The Ombudsman shall be an official approved in accordance with the procedures specified by this Law, who performs the functions and tasks specified by the law.
- (2) The Ombudsman shall have his or her own seal with the supplemented lesser State coat of arms.
- (3) The Ombudsman shall have a State budget account in the State Treasury.

##### **Article 4. Independence and Immunity of the Ombudsman**

- (1) The Ombudsman shall be independent in his or her activities and shall be governed exclusively by the law. No one has the right to influence the Ombudsman in the performance of his or her functions and tasks.

(2) The office of the Ombudsman may not be combined with a membership in a political party.

(3) Commencement of criminal prosecution against the Ombudsman, his or her detention, subjection to a search, arrest, forced conveyance or other types of restriction of his or her freedom, as well as imposition of administrative sanction shall be permitted only with the consent of the *Saeima*.

#### **Article 5. Approval of the Ombudsman in Office**

(1) The Ombudsman shall be approved in the office by the *Saeima* pursuant to the proposal of not less than five members of the *Saeima*.

(2) A citizen of Latvia having unimpeachable reputation, who has attained 30 years of age, has a higher education, has knowledge and work experience in the field of law enforcement and who in accordance with the requirements of the law is entitled to receive a special permit for access to the State Secret may be approved as the Ombudsman. A citizen with dual citizenship may not be approved as the Ombudsman.

#### **Article 6. Ombudsman's Oath (Solemn Vow)**

Upon assuming office the Ombudsman shall give the following oath (solemn vow) at the *Saeima* session:

“Taking upon the duties of the Ombudsman, I, \_\_\_\_\_, am fully aware of the responsibility laid upon me, and swear (solemnly vow) to be honest and fair in the protection of the rights and freedoms of persons in accordance with the *Satversme* (Constitution) of the Republic of Latvia, laws and international agreements.”

#### **Article 7. Term of Office of the Ombudsman**

(1) The term of office of the Ombudsman shall be four years from the day when he or she gives the oath (solemn vow) in accordance with Article 6 of this Law.

(2) The Ombudsman may be re-approved in the office.

#### **Article 8. Suspension of the Ombudsman's Powers**

If the *Saeima* has given the consent for the commencement of criminal prosecution against the Ombudsman, his or her powers shall be suspended until the time, when a court judgement of acquittal comes into effect in the relevant criminal case or the criminal prosecution against the Ombudsman is terminated.

#### **Article 9. Termination of the Ombudsman's Powers**

The Ombudsman's powers shall terminate in the following cases:

(1) Due to the release of the Ombudsman from the office;

- (2) Due to the termination of the powers of the Ombudsman;
- (3) If the Ombudsman has been convicted of committing a criminal offence and the judgement has come into legal effect; or
- (4) Due to the death of the Ombudsman.

#### **Article 10. Release of the Ombudsman from Office**

- (1) The *Saeima* shall release the Ombudsman from the office if he or she:
  - (1) Resigns of his or her own free will, notifying the *Saeima* in writing thereof;
  - (2) Is unable to perform the duties of the office due to his or her state of health;
  - (3) Has allowed a shameful act that is incompatible with the status of the Ombudsman;
  - (4) Without a justified reason does not perform his or her duties; or
  - (5) Has been elected or appointed to another office.
- (2) The matter regarding the release of the Ombudsman from the office may be proposed by not less than five members of the *Saeima*.

#### **Article 11. Functions of the Ombudsman**

The Ombudsman shall have the following functions:

- (1) To promote the protection of the rights and lawful interests of a private individual;
- (2) To promote the compliance with the principles of equal treatment and prevention of any kind of discrimination;
- (3) To evaluate and promote the compliance with the principles of good administration in the State administration;
- (4) To discover deficiencies in the legislation and the application thereof regarding the issues related to the observance of human rights and the principle of good administration, as well as to promote the rectification of such deficiencies; and
- (5) To promote the public awareness and understanding of human rights, of the mechanisms for the protection of such rights and the activities of the Ombudsman.

#### **Article 12. Tasks of the Ombudsman**

In the performance of the functions specified by this Law, the Ombudsman shall:

- (1) Accept and examine submissions, complaints and proposals of private individuals;
- (2) Initiate a verification procedure for the clarification of circumstances;

- (3) Request that institutions within the scope of their competence and within the time limits provided for by the law clarify the necessary circumstances of the matter and inform the Ombudsman thereof;
- (4) Upon the examination of the verification procedure or after the termination thereof, shall provide the institution with recommendations and opinions regarding the lawfulness and effectiveness of their activities, as well as the compliance with the principle of good administration;
- (5) In accordance with the procedures specified by this Law, shall resolve disputes between private individuals and institutions, as well as disputes in respect of human rights between private individuals;
- (6) Facilitate conciliation between the parties to the dispute;
- (7) In resolving disputes in respect of human rights issues, shall provide opinions and recommendations to private individuals regarding the prevention of human rights violations;
- (8) Provide the *Saeima*, the Cabinet, local governments or other institutions with recommendations in respect of the issuance of or amendments to the legislation;
- (9) Provide persons with consultations regarding human rights issues; and
- (10) Conduct research and analyse the situation in the field of human rights, as well as provide opinions regarding the topical human rights issues.

### **Article 13. Rights of the Ombudsman**

In the performance of the functions and tasks specified by this Law, the Ombudsman has the right:

- (1) To request and receive free of charge from an institution the documents necessary for a verification procedure (administrative acts, procedural decisions, letters), explanations and other information;
- (2) To visit institutions in order to obtain the information necessary for a verification procedure;
- (3) At any time and without a special permit to visit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions;
- (4) To hear the opinion of a child without the presence of his or her parents, guardians, employees of educational or child care and instructional institutions, if the child so wishes;
- (5) To invite any private individual to submit documents, provide explanations and other information regarding the issues of fundamental importance in a verification procedure;
- (6) To initiate a verification procedure on his or her own initiative;

- (7) To request and receive opinions of specialists in a verification procedure;
- (8) To submit an application regarding the initiation of proceedings in the Constitutional Court if an institution that has issued the disputable act has not rectified the established deficiencies within the time limit specified by the Ombudsman;
- (9) Upon termination of a verification procedure and establishment of a violation, to defend the rights and interests of a private individual in court, if that is necessary in the public interest;
- (10) Upon termination of a verification procedure and establishment of a violation, to apply to a court in such civil cases, where the nature of the action is related to a violation of the prohibition of differential treatment; and
- (11) On the basis of the materials at his or her disposal, to consult other competent institutions in order to decide the issue regarding the initiation of proceedings.

#### **Article 14. Advisory Councils and Working Groups**

- (1) The Ombudsman may establish advisory councils, as well as working groups for the development of specific projects or the preparation of issues.
- (2) The membership and by-laws of advisory councils, as well as the membership of working groups shall be approved by the Ombudsman.

#### **Article 15. Reports of the Ombudsman**

- (1) The Ombudsman once a year shall provide the *Saeima* and the State President with a written report regarding the activities of the Ombudsman's Office.
- (2) The Ombudsman has the right to provide the *Saeima*, its commissions, the President, the Cabinet, the State administrative institutions and international organisations with reports in respect of specific issues.

#### **Article 16. Deputy Ombudsman**

- (1) The Ombudsman shall appoint the Deputy Ombudsman.
- (2) During the absence of the Ombudsman his or her functions and tasks shall be performed by the Deputy Ombudsman, who during this period of time shall have the same powers as the Ombudsman has.
- (3) The Deputy Ombudsman shall perform the duties, functions and tasks of the Ombudsman in cases provided for by Articles 8 and 9 of this Law until the *Saeima* approves an ombudsman in the office or the criminal proceedings against the Ombudsman are terminated, or a court judgement of the acquittal of the Ombudsman comes into effect.

**Article 17. Remuneration and Social Guarantees of the Ombudsman and the Deputy Ombudsman**

- (1) The base salary of the Ombudsman shall be fixed to the amount of the average annual wage rounded to full lats in the previous year of persons working in the State sector, which is published in the official statistics report of the Central Statistics Bureau. In determination of the base salary of the Ombudsman, the coefficient 6.75 shall be applied.
- (2) The remuneration of the Deputy Ombudsman shall be determined taking into account the official statistics report of the Central Statistics Bureau referred to in Paragraph one of this Article and applying the coefficient 5.5.
- (3) The Ombudsman and the Deputy Ombudsman have the right to the same allowances and compensations as are determined for civil servants.

**Chapter III  
Ombudsman's Office**

**Article 18. Ombudsman's Office**

- (1) In order to ensure the activities of the Ombudsman, the Ombudsman's Office shall be established.
- (2) The structure and internal working regulations of the Ombudsman's Office shall be regulated by the by-law of the Office approved by the Ombudsman.

**Article 19. Financing of the Ombudsman's Office**

- (1) The Ombudsman's Office shall be financed by the State budget.
- (2) The budget request of the Ombudsman's Office until the submission of a draft budget law to the Cabinet shall not be amended without the consent of the Ombudsman's Office.

**Article 20. Employees of the Ombudsman's Office, Their Remuneration and Social Guarantees**

- (1) Employment relationships of the employees of the Ombudsman's Office shall be regulated by *the Labour Law*.
- (2) The Ombudsman shall determine the remuneration of the employees of the Ombudsman's Office within the scope of the allocated budget.
- (3) The employees of the Ombudsman's Office have the right to the same allowances and compensations as are determined for civil servants.

### **Article 21. Rights of the Employees of the Ombudsman's Office**

In performance of their employment duties the employees of the Ombudsman's Office within the scope of their competence shall have the rights referred to in Article 13, paragraphs 1, 2, 3, 4, 5, and 7 of this Law.

### **Article 22. Restrictions and Duties of the Employees of the Ombudsman's Office**

Restrictions and duties of the employees of the Ombudsman's Office shall be determined by *the Law On Prevention of Conflict of Interest in Activities of Public Officials*.

## **Chapter IV**

### **Procedures for the Examination of Submissions and Verification Procedures**

### **Article 23. Right to Apply to the Ombudsman's Office**

- (1) Any private individual has the right to apply to the Ombudsman's Office with a submission, complaint or proposal.
- (2) Submissions, complaints and proposals shall be examined in accordance with the procedures prescribed by regulatory enactments, unless specified otherwise by this Law.
- (3) It is prohibited to apply sanctions to a submitter or to otherwise directly or indirectly cause adverse consequences for him or her due to the fact that a submission, complaint or proposal has been submitted to the Ombudsman's Office or due to the co-operation with the Ombudsman's Office.
- (4) The submissions, complaints or proposals addressed to the Ombudsman's Office and sent by persons who are in the military service, out-of-family care and instructional institutions or closed-type institutions, as well as the replies of the Ombudsman's Office thereto shall not be subject to the examination prescribed by regulatory enactments and shall be delivered to the addressee without delay.
- (5) For a failure to submit in due time to the Ombudsman's Office the submissions, complaints or proposals referred to in Paragraph four of this Article or for the examination and disclosure of the content thereof, the responsible persons shall be held liable in accordance with the procedures prescribed by the law.
- (6) The Ombudsman's Office shall not disclose information regarding the submitter or other persons, if this is necessary for the protection of the rights of such persons, except for the case, when the relevant information is requested by the performer of the criminal procedures.

### **Article 24. Procedures for the Initiation and Examination of a Verification Procedure**

- (1) After the examination of a submission, complaint or proposal of a person or upon his or her own initiative, the Ombudsman shall decide on the initiation of a verification procedure.

(2) After the examination of a submission, complaint or proposal of a person, the Ombudsman shall initiate a verification procedure if that is in conformity with the functions and tasks of the Ombudsman and there is a possibility to solve the issue specified by the person.

(3) The initiation of a verification procedure shall not suspend the validity of regulatory enactments, court judgement, administrative or other individual legal instruments, as well as the procedural time periods specified by the law.

(4) A verification procedure shall be examined within a period of three months. If a procedure is complicated or the deadline may not be observed due to other objective reasons, the Ombudsman may extend the time limit for a time period not exceeding two years from the day when the verification procedure was initiated, notifying the submitter thereof and specifying the reasons for the extension of the time limit.

(5) In the examination of a verification procedure, explanations of the parties and other persons shall be heard, opinions of specialists shall be requested, as well as other activities specified by the Law that are necessary for the examination of the verification procedure shall be performed.

(6) In the examination of a verification procedure, the conciliation between the parties at a dispute shall be promoted.

#### **Article 25. Completion or Termination of a Verification Procedure**

(1) A verification procedure shall be completed pursuant to the conciliation of the persons involved in the procedure or an opinion of the Ombudsman.

(2) If the parties are unable to agree on the conciliation, the Ombudsman shall provide an opinion containing the evaluation of the facts established in the verification procedure.

(3) The opinion of the Ombudsman may contain a recommendation regarding the rectification of the established violation, as well as, where necessary, other recommendations.

(4) The opinion shall be of a recommending nature.

(5) If it is impossible or unnecessary to continue a verification procedure, the Ombudsman shall decide on the termination thereof.

(6) Materials of a verification procedure shall be the restricted access information and shall be available in accordance with *the Freedom of Information Law*.

#### **Article 26. Rules of Verification Procedures**

The initiation, examination and completion of verification procedures shall be determined by the rules approved by the Ombudsman.

### **Transitional Provisions**

1. With the coming into force of this Law *the Law On the Latvian National Human Rights Office (Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs, 1997, No. 1; 2005, No. 18; 2006, No. 2)* is repealed.
2. The Ombudsman's Office shall be a successor in rights and obligations of the Latvian National Human Rights Office.
3. The Director of the Latvian National Human Rights Office shall perform the functions of the Ombudsman until the approval of the Ombudsman in the office.
4. Examination of the submissions, complaints and proposals which have been submitted to the Latvian National Human Rights Office before the day of coming into force of this Law and pursuant to which investigations have been commenced shall be completed in accordance with the regulatory enactments in force on the day of the submission thereof.
5. By January 1, 2007 the Cabinet shall develop and submit to the *Saeima* the draft laws regarding the necessary amendments to other laws.

### **Informative Reference to European Union Directives**

These Regulations contain legal norms arising from:

- (1) Council Directive 76/207/EEC of February 9, 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions;
- (2) Council Directive 2000/43/EC of June 29, 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
- (3) Council Directive 2000/78/EC of November 27, 2000 establishing a general framework for equal treatment in employment and occupation;
- (4) Directive 2002/73/EC of the European Parliament and of the Council of September 23, 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; and
- (5) Council Directive 2004/113/EC of December 13, 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

This Law shall come into force on January 1, 2007.  
This Law has been adopted by the *Saeima* on April 6, 2006.  
President V. Vīķe-Freiberga  
Rīga, April 25, 2006

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