



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

Distr.
GENERAL

CAT/C/LVA/Q/2
9 July 2007

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Thirty-ninth session
5-23 November 2007

**List of issues to be considered during the examination of the
second periodic report of LATVIA (CAT/C/38/Add.4)**

Article 2

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 new policy.
2. With regard to the new Criminal Procedure Law, which entered into force on 1 October 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 accepted 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. 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. What effective measures (legislative, administrative, judicial or other) has the State party taken since its initial report to prevent acts of torture?
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.

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

Article 3

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

(d) 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.

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.

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?

Article 4

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.

Article 5

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.

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.

Article 10

13. With respect to the training activities organized 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?

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?

Article 11

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 humane 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 others per year 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.

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?

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

18. Please provide updated information on the measures taken and progress achieved to improve the independent monitoring of places of detention, including psychiatric institutions, detention facilities of the Border Guards 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 the age of 18?

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 23 to 28 February 2004 (E/CN.4/2005/6/Add.2)? Please provide detailed information on the new statistics.

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.

Article 12

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

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 the period 2003-2006, including suicides. Please elaborate on how these deaths are investigated and by whom.

Article 13

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

24. Please provide information on the mandate of a new Ombudsman institution, established on 1 January 2007, which replaces the Latvian National Human Rights Office. Has the Ombudsman been given power to receive and consider complaints of alleged human rights violations, 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 Ombudsman's office or those authorized 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 Ombudsperson and a copy of the Ombudsman Act.

Article 14

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.

26. What services exist for psychiatric and physical treatment as well as other forms of rehabilitation of victims of torture? What financial allocations have been made for this purpose?

Article 16

27. In the light of the Concept on the Development of Penitentiaries, adopted on 19 April 2005, please provide updated information on the measures taken and progress achieved to improve prison conditions, including addressing the problem of overcrowding 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.

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

29. The Committee notes that the Law on the Order of Holding Detainees, adopted on 13 October 2005, regulates 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.

30. Is the State party in the process of reforming its mental-health care legislation, in particular with respect to the use of physical restraints and isolation in psychiatric hospitals, both in relation to mentally ill as well as mentally disabled persons? If 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?

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 hospitalization of 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.

32. Please provide information on the measures taken to prevent suicides 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 prisons as indicated in the training seminar on "Suicide prevention in prisons" on 18 May 2005?

33. Please provide detailed information on the accommodation of unaccompanied or separated 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 centres for children? Does the “Mucenieki” Centre for asylum-seekers provide appropriate living conditions for unaccompanied or separated asylum-seeking children and, if so, how are these living conditions ensured?

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 an effective hate crime recording and monitoring system.

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 2005 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 practices in this regard and to ensure that similar incidents do not occur in the future.

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.

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, prosecutions 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.

Other

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.

39. Does the State party envisage ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or 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 or punishment?

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 indicate whether the adoption of such legislation is being considered.

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 in law and practice.
