



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

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Committee against Torture

**Sixth periodic report submitted by Latvia under
article 19 of the Convention pursuant to the
optional reporting procedure, due in 2017* ** *****

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* The combined third to fifth periodic reports of Latvia (CAT/C/LVA/3-5) were considered by the Committee at its 1176th and 1179th meetings, held on 31 October and 1 November 2013 (see CAT/C/SR.1176 and 1179). Having considered the reports, the Committee adopted concluding observations (CAT/C/LVA/CO/3-5 and Corr.1).

** The present document is being issued without formal editing.

*** The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee against Torture.

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Introduction

1. The UN Committee against Torture (the Committee) examined the third to fifth periodic report of the Republic of Latvia (Latvia) on the implementation of the 1984 United Nations (the UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) in its fifty-first session held on 31 October–1 November 2013 in Geneva.
2. The sixth periodic report of Latvia on the implementation of the Convention in Latvia (the Report) covers the period from 1 January 2014 to 31 December 2016, and provides replies to the Committee’s list of issues (CAT/C/LVA/QPR/6), adopted by the Committee at its fifty-sixth session.
3. The Report has been prepared in conformity with the reporting procedure adopted by the Committee in May 2007 (A/62/44, paras. 23 and 24).
4. The information contained in the Report was compiled by the Ministry of Foreign Affairs in cooperation with the Ministry of Interior, the Ministry of Welfare, the Ministry of Justice, the Ministry of Health, and the Prosecutor General Office. The Ombudsperson submitted his observations during the drafting of the Report.

I. Article 1 of the Convention

Definition of the term “torture” – replies to issue No 1 on the Committee’s list of issues

5. On 3 December 2015, amendments to Article 24¹ of the *Law on Entry into Force and Implementation of the Criminal Law* entered into force, amending the definition of torture. Before the entry into force of these amendments, the torture was defined as any intentional repeated or continuous act or omission, which inflicts severe pain or suffering, whether physical or mental, on a person; or any intentional single act or omission, which inflicts severe pain or suffering, whether physical or mental, on a person for the purpose of affecting person’s consciousness or will. The amendments supplement the definition by determining that torture means also act or omission for the purpose of affecting consciousness or will of not only the victim, but of a third person.
6. Latvia refers to the information included in the previous report and notes that the *Criminal Law* contains 14 Articles that criminalize acts of torture, for which a more severe punishment is determined, among them Article 125 “Intentional Serious Bodily Injury”, Article 126 “Intentional Moderate Bodily Injury”, Article 130 “Intentional Slight Bodily Injury”, Article 130¹ “Torture”, Article 272¹ “Compelling the Giving of False Explanations, Opinions or Translations at a Parliamentary Investigation Commission”, Article 294 “Compelling of Testimony”, Article 301 “Compelling the Giving of False Testimony, Explanations, Opinions and Translations”, Article 317 “Exceeding Official Authority”.
7. These Articles of the *Criminal Law* together with the definition of the term “torture” ensure a systematic approach to the criminalisation of torture and reflect the definition of the term “torture” as laid down in Article 1 of the Convention.

II. Articles 2 and 4 of the Convention

Legal protection – replies to issue No 2 on the Committee’s list of issues

8. On 29 October 2014, amendments to the *Criminal Law* entered into force determining the torture as an autonomous offence in Article 130¹ of the *Criminal Law*. This Article establishes criminal liability for torture if such acts have not had the consequences provided for in Article 125 (Intentional Serious Bodily Injury), 126 (Intentional Moderate Bodily Injury), or 130 (Intentional Slight Bodily Injury) of the *Criminal Law*. Thus, it is ensured that a person can be held criminally liable for torture even when torture is an autonomous crime, which is not covered by constituent elements of other criminal offences.

9. The punishment applicable for torture under Article 130¹ of the *Criminal Law* is the deprivation of liberty for a period of up to one year or short-term deprivation of liberty, or community service, or a fine. Sanctions envisaged in Article 130¹ of the *Criminal Law* are determined according to seriousness, danger and harm of criminal offences, as well as the system of the *Criminal Law*.

10. For the purposes of Article 130¹ of the *Criminal Law*, the statutory limitation period for torture is five years as of the date when the crime was committed. Latvia refers also to the information included in the previous report and recalls that in accordance with the 1998 Rome Statute of the International Criminal Court, the *Criminal Law* does not provide for statutory limitation only for criminal offences against peace, humanity, war crimes or genocide. Latvia considers important to maintain the system of criminal liability in Latvia unified and mutually consistent. In most cases provided for in the *Criminal Law*, the statutory limitation for actions relating to torture expires after 10 years, which Latvia considers sufficient, and such statutory limitation period allows the torture victim to report in reasonable time the offence to the law enforcement authorities, and allows prosecuting the guilty persons.

III. Article 2 of the Convention

Legal protection – replies to issue No 3 on the Committee’s list of issues

11. With regard to the right of persons deprived of their liberty to be informed about their rights and the right to an attorney, Latvia provides the following information. According to Article 12 of the *Law on the Procedures for Holding in Detention*, after placing the detained person in an investigation prison, the administration immediately familiarises him or her with his or her rights and duties in the language the person understands (if necessary, inviting an interpreter), as well as informs about the officials whom he or she may address with complaints and requests (in addition, see, paras. 9, 19 and 21 of the additional information provided by Latvia in response to the recommendation of the UN Committee against Torture (the Additional Information) and paras. 3 and 4).

12. On 23 March 2016, the amendments to the *Criminal Procedure Law* entered into force. With these amendments Article 60², paragraph 3(2) of the *Criminal Procedure Law* now provides that the arrested, the suspect or the accused, in case of arrest or detention has the right to request that his or her relative, educational institution, employer is notified of his or her arrest or detention, as well as to contact one of them, insofar as it does not endanger the public interests and fundamental rights of other persons, and does not hinder the achievement of the objective of criminal proceedings.

13. In accordance with the *Criminal Procedure Law*, from the moment the person against whom criminal proceedings have been initiated is involved in procedural actions, or the person directing the proceedings has publicly made known information regarding the initiation of criminal proceedings against such person, such person acquires procedural rights to defence. The detained, the suspect or the accused has the right to immediately invite a defence counsel and enter into an agreement with him or her, or to use the State ensured legal aid if the person cannot enter into an agreement with the defence counsel at the person’s own expense (in addition, see paras. 5–8 of the Additional Information).

14. In 2014, the prosecuting authorities received nine complaints from detained persons about failure to ensure an attorney or about providing a poor quality legal assistance, and one complaint about failure to notify the relatives about the person’s detention; in 2015, seven complaints from detained persons about failure to ensure an attorney or about providing a poor quality legal assistance were received. In 2016, six complaints from detained persons about failure to ensure an attorney or about providing a poor quality legal assistance, two complaints about failure to notify the relatives about the person’s detention and one complaint about failure to invite a specific attorney and about failure to notify the relatives on the person’s detention was received. Most of these complaints were dismissed as unfounded.

15. Complaints about failure to ensure an attorney are mainly related to the wish of the person entitled to defence to invite a specific sworn attorney to the criminal proceedings, with whom he or she has not concluded an agreement. At the same time, it should be noted that during the procedural actions these individuals were provided with defence, by inviting a defence counsel provided by the State.

16. Latvia refers to the information included in para. 49 of the previous report and notes that in accordance with Article 79 of the *Criminal Procedure Law*, a sworn attorney, an assistant of a sworn attorney, a citizen of the European Union (the EU) Member State, who has acquired the attorney qualification in one of the Member States of the EU, and a foreign attorney in accordance with the international agreement regarding legal assistance binding on Latvia may act as a defence counsel in criminal proceedings.

17. In accordance with Article 3 of the *Advocacy Law*, an attorney is an independent and professional lawyer who provides legal assistance by defending and representing the lawful interests of persons in court proceedings and pre-trial investigations, providing legal consultations, preparing legal documents and performing other legal activities. Sworn attorneys, assistants to sworn attorneys and citizens of the EU Member States who have obtained the qualification of an attorney in one of the EU Member States may practise as attorney in Latvia.

18. In the framework of criminal proceedings, the State ensured legal aid is provided by applying a legal aid mechanism that differs from the one used in out-of-court proceedings and civil proceedings and certain administrative proceedings (see para. 133 of Common Core Document of the Republic of Latvia 2002–2016; further referred to as the Core Document).

19. Provisions of the *State Ensured Legal Aid Law* apply only to the ensuring of legal aid in civil proceedings, cross-border disputes and, in specific cases, administrative proceedings, and not in criminal proceedings. Sworn notaries, sworn bailiffs, Doctors of Law of State-recognised higher education institution, associations and foundations referred to in Article 30 of the *State Ensured Legal Aid Law* do not provide the State ensured legal aid in criminal proceedings.

20. Attorneys and other persons referred to in Article 30 of the *State Ensured Legal Aid Law* enter into the agreement with the Legal Aid Administration on providing of the State ensured legal aid only on providing of legal assistance in civil proceedings, cross-border disputes and administrative proceedings. In criminal proceedings, attorneys do not enter into a contract with the Legal Aid Administration.

21. In criminal proceedings, the State ensured legal aid to a person entitled to defence and to a victim is provided under procedure laid down in the *Criminal Procedure Law*. In accordance with Article 80(1), Article 80(3) and Article 80(4) of the *Criminal Procedure Law*, an agreement with an attorney is concluded by the person him or herself or other persons in his or her interests, if a person entitled to defence has not entered into an agreement regarding defence, but the participation of a defence counsel is mandatory (see paras. 52–54 of the previous report).

22. On 1 January 2014, amendments to Cabinet of Minister Regulation No.1493 of 22 December 2009 “Regulations regarding the amount of the State ensured legal aid, the amount of payment, reimbursable expenses and the procedures for payment thereof” entered into force, which provided for transitional period from 1 January 2014 to 1 January 2016, annually increasing the amount of payments for different types of the State ensured legal aid (see para. 26 of the Additional Information). The entry into force of the amendments launched paying for types of the State ensured legal aid that were not covered before. In 2015, further amendments to the Regulation entered into force and reduced the transitional period, thus increasing the remuneration to the providers of the State ensured legal aid sooner.

23. From 1 July 2016, payment for the State ensured legal aid – representation and defence in criminal proceedings – is calculated for full thirty minutes. The change of the calculating methodology allows making payments that are more accurate and according to the real time devoted to the legal assistance, while ensuring rational use of financial resources.

24. Despite the increase of the remuneration for the State ensured legal aid provided, the raise in the number of the providers of legal assistance, who have signed agreements on providing of the State legal aid, is insignificant.

Pre-trial detention – replies to issue No 4 on the Committee’s list of issues

25. Amendments to Article 277 of the *Criminal Procedure Law* adopted on 20 December 2012, reduced by two months the maximum duration of detention for a person who is suspected or accused of committing a minor criminal offence. Similarly, the duration of the pre-trial detention for such persons was reduced by determining that at the pre-trial stage, the person may be detained for 20 days maximum (previously – two months). Latvia informs that during the reporting period, the duration of pre-trial detention has not been changed with respect to other persons who are suspected or accused of offences that are more serious.

26. In accordance with Article 243 of the *Criminal Procedure Law*, 10 other security measures can be applied in the framework of criminal proceedings, namely, notification of the change of the place of residence, reporting to the police authority at a specific time, prohibition from approaching a specific person or location, prohibition from a specific employment and prohibition from departing from the State, residence in a specific place, personal guarantee, bail, placement under police supervision, or house arrest. To a minor, the following measures can also be applied as a security measure: placement under the supervision of parents or guardians, and placement in a social correctional educational institution, while placement under the supervision of a unit commander (supervisor) may be applied as a security measure to a soldier.

27. In practice, the pre-trial detention is being applied less and less: in 2010, more than 2000 persons were held in detention in the pre-trial process, but in 2013, the number of detained persons had already decreased to 1518 (by 25 %).

28. In accordance with Article 4(1) and Article 4(3) of the *Law on the Procedures for Holding in Detention*, a detention is implemented in remand prison. Article 1(2) of the *Law on the Procedures for Holding the Apprehended Persons* provides that, if necessary, the administratively detained and arrested persons, as well as the persons placed in detention and the convicted persons may be placed in short-term detention facilities if it is required for procedural actions. Similarly, in cases prescribed by the law persons detained under procedure laid down in the *Immigration Law* may be placed in detention facilities, except persons considered vulnerable. Amendments to the *Law on the Procedures for Holding the Apprehended Persons* that entered into force on 26 May 2016, provide for a maximum duration of seven days for placement of arrested persons and wanted detained persons into a short-term detention facility after detention and until transfer to the remand prison, or prison.

29. Officials of the State Police escort the arrested persons from the remand prisons and penitentiaries to the short-term detention facility in accordance with the requests by the courts, the prosecutor’s office, and the State Police. The responsible officials take the necessary measures to minimise the time that such persons spend in the short-term detention facilities. In addition, in 2014, the structural units of the State Police were obliged to reduce the transfer of persons to the short-term detention facilities and to move them only in exceptional cases based on specific circumstances, and for the shortest possible time. In the last years, the period of stay in the short-term detention facilities of persons escorted from prisons has decreased (see Annex 1).

30. The duration of stay of the detained person in the short-time detention facility depends on the complexity of the case, the amount of procedural activities, the proceedings and workload of the relevant court. For participation in the court hearing, the detained person is placed in the short-term detention facility for a period of up to one week on average, which is related to the convoy schedule approved by the Chief of the State Police in coordination with the Prison Administration. At the same time, it should be noted that the majority of courts have equipment available to allow for the participation in the court hearing in videoconference mode, and this format is used more and more often. In such cases, the detained person participates in the court hearing while in prison.

31. The *Code of Administrative Violations* currently in force still provides for arrest as a type of administrative punishment, but it is planned to abolish it in the future, namely, the

Parliament has adopted in the second reading the draft *Law on Administrative Infringement Proceedings*, which no longer envisages arrest as an administrative punishment. The entry into force of the *Law on Administrative Infringement Proceedings* is scheduled for 1 January 2020. In addition, Latvia would like to inform that the national legislation does not envisage for administrative punishment for torture or other cruel, inhuman or degrading treatment within the meaning of the Convention.

32. In 2014, the courts have applied the administrative arrest in 2692 cases, and 1943 persons served the administrative arrest. In 2015, the courts have applied the administrative arrest in 2816 cases, and 2060 persons served the administrative arrest. In 2016, the courts have applied the administrative arrest in 2753 cases and 1815 persons served the administrative arrest.

Fair trial – replies to issue No 5 on the Committee’s list of issues

33. Since 2013, the duration of the court proceedings has a tendency to decrease, or it is stable, which reflects the stability of the effectiveness of the court work. Information about the improvements of the speed and efficiency of the judicial system is provided in Annex 3.

34. In order to strengthen the judiciary, Latvia is implementing the territorial reform of the judiciary (it is expected that 9 district (city) courts will be set up from 34 district (city) courts); and, during the reporting period, the transition to a “pure” court instance system was completed (see para. 45 of the Core Document), and the court specialization was introduced (one particular court will have the jurisdiction in specific categories of cases).

35. On 1 January 2017, amendments to the *Civil Procedure Law* entered into force simplifying the communication with the parties to the proceedings, reducing the number of registered mailings in civil proceedings, and facilitating the electronic communication between the court and certain groups of persons. The amendments also provide that in future, a sworn notary, a sworn bailiff and the State and local government authority will be notified of documents prepared by the court and other electronically prepared documents using electronic mail. The court notifies a sworn attorney of such documents using the Judicial Information System. In communication with other persons, for example, natural persons or private law legal persons, the court uses electronic communication, if persons had agreed to it. These amendments were pursued along with similar amendments to the *Criminal Procedure Law* that envisage discontinuing registered mail with notification of receipt during the court proceedings,¹ and that envisage that the court summons to a defence counsel, a State and local government authority are sent by electronic mail.

36. The amendments to the *Code of Administrative Violations* of 23 November 2016, also revise the regulatory framework regarding sending documents by registered mail, expanding the electronic communication options and, among others, determining that in communication with the authority, the court uses the electronic mail or online notification system if the authority has notified the court of registering its participation in the system. Documents drawn up in the court or submitted to the court electronically will be sent to electronic mail address of other parties to the proceedings or by notification in the online system, if the court has received a respective request. In addition, the amendments envisage that following their delivery, the rulings will be available at the court registry and will not be sent to the parties to the proceedings, saving financial resources. The overall objective of the amendments is to simplify the communication and to reduce the amount of resources necessary for the communication with the parties to the proceedings. The State budget funds thus saved will be allocated for the remuneration of the court employees, ensuring remuneration that is proportionate and appropriate to the job responsibilities. On 1 March 2017, similar amendments to the *Administrative Procedure Law* entered into force expanding the court’s electronic communication with sworn attorneys via the online system.

37. The Parliament has supported amendments to the *Law on Judicial Power*, which reduce the political influence on the judges’ career (nomination, appointment, approval, and transfer of a judge). The competence of the Council for the Judiciary is expanded in

¹ In the pre-trial criminal proceedings, the possibility of send a mail both as an ordinary postal item and as a registered mail with notification of receipt.

appointing, selection and dismissal of the president of district (city) court and the president of regional court, in transferring a judge to the vacant position of a judge in a court of higher or lower level, as well as in determining the procedure for selection, training and qualification examination of candidates to the office of a judge of a district (city) court, regional court and the Supreme Court. Thus, the decision-making on these issues will be contained within the judicial branch.

38. In 2011, several amendments to the *Law on Judicial Power* related to the evaluation of the professional work of a judge were made. In accordance with the Law, the regular evaluation of the professional work of a judge is conducted every five years; in addition, the Law establishes objective criteria for the evaluation of the professional work, for example, evaluation of the structure of the rulings, the legal reasoning, the application of material and procedural norms, as well as the use of ancillary legal sources, evaluation of the management of the court procedure, the organisation of work, and statistical data regarding the work of the judge. The Judicial Qualification Board – a self-regulatory institution of judges – conducts the regular evaluation of the professional work of a judge.

Disproportionate use of force – replies to issue No 6 on the Committee’s list of issues

39. On 1 November 2015, the *Law on the Internal Security Bureau* entered into force and the Internal Security Bureau was established in order to provide efficient, objective and independent investigation of criminal offences committed by officials and employees of authorities subordinated to the Ministry of Interior, except for the Security Police, as well as investigation of violent criminal offences committed by the rank-officials of the Prison Administration, the municipal police officers and the Port police officers while on duty (see para. 54 of the Core Document). In the pre-trial criminal proceedings investigated by the Internal Security Bureau, both institutional and hierarchic independence between the investigators and suspects is provided, as the Internal Security Bureau is no longer a structural unit of the State Police; instead, it is under supervision of the Minister of Interior.

40. Considering the establishing of the new Internal Security Bureau, on 1 November 2015, the State Police established the Internal Control Bureau. The main tasks of this structural unit are as follows: to organize and carry out the functions of the internal control and supervision in the area of combating the corruption in the State Police; to ensure strengthening of the service discipline and legality in structural units of the State Police; and to analyse, plan, coordinate and implement measures aimed at preventing and detecting of offences committed by officials and employees of the State Police.

41. Between 1 November 2015 and 31 December 2016, the Internal Security Bureau received 330 individual complaints alleging violence by the officials while on duty: in 271 cases, it was decided to refuse initiation of the criminal proceedings due to lack of *corpus delicti*, or during the examination it was established that no criminal offence had been committed; in 23 cases, based on the *Law on Applications*, the complaints received were forwarded to other authorities according to their competence or the applicants were informed that the information obtained during the examination indicated that the handling of the specific complaints was outside the competence of the Internal Security Bureau.

42. Between 1 November 2015 and 31 December 2016, the Internal Security Bureau investigated 48 criminal proceedings on alleged disproportional use of force, among them: 37 criminal proceedings are terminated because the investigation established that no criminal offence had been committed, the event did not constitute *corpus delicti*, or any other circumstance that excludes criminal proceedings referred to in Article 377 of the *Criminal Procedure Law* was established; eight criminal proceedings have been forwarded to the prosecutor’s office for prosecution of 14 persons; in three criminal proceedings pre-trial investigation continues.

43. The information about complaints on alleged use of violence by officials and employees of the State Police received and examined in the State Police before the reorganization and establishing of the Internal Security Bureau is provided in Annex 4.

44. In comparison with 2015, in 2016, the number of complaints to the Ombudsperson concerning cruel and degrading treatment, psychological influence and use of physical force by the prison staff has decreased. In total, 35 applications on this issue were registered in

2015 and 2016. Majority of the complaints invariably refer to the psychological influencing of the inmates, explicit vocabulary of the employees, alleged intentional creation of worse conditions of serving of the sentence or adverse microclimate among the prisoners. In 2015 and 2016, eight complaints alleging the use of physical force by the prison staff against prisoners were received.

45. In 2014, one convicting judgment and one acquitting judgment were adopted on charges under Article 317 “Exceeding Official Authority” of the *Criminal Law*; in 2015, four convicting judgments and one judgment acquitting one person and convicting another person were adopted; and in 2016, one acquitting judgment and four convicting judgments were adopted.

46. In 2014, two convicting judgments on charges under Article 318 “Using Official Position in Bad Faith” of the *Criminal Law* were adopted; in 2015, two acquitting judgments and two convicting judgments were adopted; in 2016, two acquitting judgments and four convicting judgments were adopted.

47. Regarding the suspension of officials while criminal proceedings are pending against them, Latvia wishes to provide the following information. In accordance with Article 14 of the *Law on the Career Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prisons Administration*, an official of the Security Police, the Internal Security Bureau, the State Police, the State Border Guard, the State Fire and Rescue Service (authorities in the system of the Ministry of Interior) and the Prison Administration may be suspended from the official duties if criminal prosecution has been initiated against the official. In addition, the person directing the criminal proceedings may apply the security measure envisaged in Article 254 of the *Criminal Procedure Law* – prohibition of specific employment, which is a restriction on performing a specific type of employment (activities) for a period of time, or on performance of the duties of a concrete position (job), imposed by a decision of a person directing the proceedings by upon a suspect or accused.

48. Employees of the Internal Security Bureau directly working with prevention, detection and investigation of violent criminal offences, have previously acquired higher education that is relevant to the work specifics, as well as have previous work experience within the system of the Ministry of Interior or other law enforcement authorities of Latvia exceeding 15 years. Investigators of the Internal Security Bureau have university degrees in law, and have comprehensive knowledge of laws and regulations related to the protection of human rights and liability for the excessive use of force. Officials employed by the Internal Security Bureau are provided regular practical training on firearms use.

49. The State Police College, which trains employees for service in the State Police, offers formal and informal educational programs that cover human rights issues, including prohibition of torture and inhuman treatment. The State Police College teaches the subject “Police Rights”, which covers the use of force and firearms and the liability for cases of excessive use of force (see Annex 2). The State Police College also offers the following approved adult informal education programs: “Legal and Practical Aspects of Activities of Special Rank Officials of Short-term Detention Facilities of the State Police”, “Human Rights in the Police Work”, “Responsibility of the Police Official for Infringements of Rights while on Duty on Provision of Public Order, Detaining and Escorting Persons”, “Psychological and Tactic Aspects of Interrogation”, and “Legal and Psychological Aspects of Interrogation of Persons Entitled to Defence”.

National human rights institution – reply to issue No 7 on the Committee’s list of issues

50. The Ombudsperson’s Office is Latvia’s national human rights institution, which acts in accordance with the UN Paris Principles (see paras. 56–59 of the Core Document).

Domestic violence – replies to issue No 8 on the Committee’s list of issues

51. The criminal liability for rape is provided for in Article 159 of the *Criminal Law*, whereas Article 48 of the *Criminal Law* establishes aggravating circumstances: the criminal offence related to violence or threats of violence, or the criminal offence against morality and

sexual inviolability was committed against a person to whom the perpetrator is related in the first or second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household. Thus, a criminal offence against morality and sexual inviolability committed against the spouse may constitute an aggravating circumstance.

52. On 1 January 2018, amendments to Article 125 (Intentional Serious Bodily Injury), Article 126 (Intentional Moderate Bodily Injury) and Article 130 (Intentional Slight Bodily Injury) of the *Criminal Law* entered into force in order to prevent the domestic violence. Articles 125, 126 and 130 of the *Criminal Law* are supplemented with a qualifying element – actions committed against a person to whom the perpetrator is related in the first or second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.

53. Article 48, paragraph 1(6) of the *Criminal Law* has also been amended, and now envisages that crime against a person who has not attained eighteen years of age can be considered as an aggravating circumstance, thus changing the former age threshold from 16 to 18 years. Article 48(1) of the *Criminal Law* is supplemented with paragraph 16 stipulating that crime involving violence or threats of violence, or an intentional criminal offence against morality and sexual inviolability of a person in presence of a minor, can be considered as an aggravating circumstance.

54. With the transposition of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, significant amendments to the *Criminal Procedure Law* were made. These amendments entered into force on 23 March 2016. The amendments facilitate the involvement of the victim in the criminal proceedings providing that the victim's application can be taken both in writing and orally (Article 96 and Article 151 of the *Criminal Procedure Law*). Furthermore, the *Criminal Procedure Law* also stipulates that if a person cannot express its will to be recognised as a victim due to any physical or psychiatric disorders, the person can be recognized as a victim without his or her consent.

55. The *Criminal Procedure Law* is supplemented with Article 96¹ that specifies categories of specially protected victims. Similarly, the Law is supplemented with a new Article 97¹, which lists all fundamental rights of a victim in criminal proceedings, for example, to receive information regarding the conditions for applying for and receiving of a compensation, and to receive information regarding the support and medical assistance available, to receive contact information for communication regarding the particular criminal proceedings.

56. In accordance with Article 24 of the *Criminal Procedure Law* on the protection of person and property in case of a threat, the scope of persons entitled to protection in case of a threat is expanded since the victim may ask for protection to his or her relatives as well.

57. Article 99(2) of the *Criminal Procedure Law* provides that a specially protected victim may request that his or her participation and questioning in a court session takes place using technical means. The *Criminal Procedure Law* is supplemented with Article 151¹ that state the specifics of the interrogation of a specially protected victim in pre-trial criminal proceedings. In accordance with Article 151¹(1) of the *Criminal Procedure Law*, interrogation of a specially protected victim is conducted in a separate room appropriate for such purposes or without the presence of persons not involved in the particular procedural action. In accordance with Article 151¹(2) of the *Criminal Procedure Law*, interrogation of person who has been recognised as a victim of violence committed by a person on whom the victim is dependent financially or otherwise, a victim of trafficking in human beings, or of a criminal offence directed against morality or sexual inviolability of the person, is conducted by an official of the same gender.

58. Protection of a victim under 14 years of age and of a minor victim is also improved. Article 501(5) of the *Criminal Procedure Law* provides that testimony previously given by a minor may be read or reproduced in court, if psychologist deems it necessary. Whereas

Article 152(1) of the *Criminal Procedure Law* provides that the interrogation of victim or witness who is a minor, is recorded in a sound and image record, if it is in the best interests of the minor and if it is necessary for the purpose of the criminal proceedings. The transitional procedure of Article 152(1) of the *Criminal Procedure Law* provides that from 1 January 2019, these requirements are mandatory, but until then the recording of the interrogation of minors in audio and video recording is performed if the person directing the proceedings has the necessary technical means available to him or her. Paragraph 2 of this Article provides that a minor must be interrogated by an official who has special knowledge in communicating with a minor during criminal proceedings.

59. From 31 March 2014, specific procedural and substantive legal provisions are in force governing the possibility to impose a temporary protection against violence, as well as determining the competence of different authorities regarding insuring the compliance with the temporary protection measures (amendments to the *Civil Procedure Law*, amendments to the *Law on Police*, amendments to the *Criminal Law*, amendments to the *Law on the Protection of the Children's Rights*, and amendments to the Law on Orphan's and Custody Courts; in addition, see para. 102 of the Core Document). On 25 March 2014, Regulation No.161 of the Cabinet of Ministers "Procedure Regarding Elimination of the Threat of Violence and Provision of Temporary Protection against Violence" was adopted.

60. In accordance with the existing legal framework, the endangered persons have three protection options. First, Article 12¹ of the *Law on Police* provides for the right of police officers to adopt an immediately enforceable decision on the person's separation for the period of up to eight days from the date of the decision. Such decision is taken in cases where there is an immediate danger that the person located in the home or in its vicinity, can cause harm to the other person who lives in that home. The police decision may also impose a prohibition on the person causing the threat to communicate with the protected person. Thus, it is ensured that the State can react to these offences promptly; in addition, it is envisaged that the police can independently take measures to protect against violence under the administrative procedure. In practice, there may be situations when police officers, arriving at the residence, resolve the conflict with their presence, without adopting a decision binding on the violent person. If the violent person is under influence of alcohol or drugs, according to the *Law on Police*, the police may apply another measure of coercion – arrest the person until sobering or until the determination of the circumstances, but not exceeding 12 hours, without adoption the police decision on separation.

61. Secondly, if the protected person so wishes, with help of the police, he or she can submit an application to the court to examine the issue of temporary protection against violence. Thirdly, the protected person may independently submit an application to the court and ask to adopt a decision on temporary protection against violence. The court can impose one or several temporary means of protection that oblige the violent person to conduct or refrain from certain acts, namely: the obligation to leave the dwelling where the protected person resides, and the prohibition to return and reside in it; the prohibition on the violent person to be near the dwelling, in which the protected person resides, in a distance that is less than the one specified in the court decision; the prohibition on the violent person to attend certain places; the prohibition on the violent person to meet the protected person and to maintain a physical or visual contact with the protected person; the prohibition on the violent person to communicate with the protected person in any way; the prohibition on the violent person to organize meeting or any communication with the violent person using help of other persons; the prohibition on the violent person to use the data of the protected person.

62. If the violent person infringes the court decision on temporary protection against violence, the State Police initiates criminal proceedings on the fact constituting corpus delicti envisaged in Article 168¹ "Failure to Comply with a Ruling on the Protection against Violence" of the *Criminal Law* and carries out investigation.

63. From 31 March 2014 to 31 December 2016, the State Police has adopted 343 decisions on separation, the Municipal Police – 36 decisions, while the courts have adopted 1146 decisions on temporary protection against violence, by obliging the violent person to leave the dwelling where the protected person resides, and prohibiting the violent person from returning and residing in the respective dwelling. The State Police and the Internal Security

Bureau have not encountered situations where complaints of domestic violence, including violence against children, would not have been registered.

64. Information on prosecution and conviction of persons for domestic violence is provided in Annex 4.

65. The officials and employees of law enforcement authorities are educated about prevention of domestic violence and due investigation of such violence, both in formal and informal education programs (see Annex 2). Prosecutors are regularly educated on issues regarding the protection of the rights of the child, including the following topics: definition of violence, risk factors and consequences of violence, inter-institutional cooperation for combating violence against children, basic principles of communication depending on the child's age, and other topics.

66. Since 1 January 2015, State-funded social rehabilitation services to adult victims of violence are available. These services are available both in the form of individual counselling (up to 20 consultations of psychologist, lawyer and/or social worker) and in the form of a stay at the crisis centre (depending on the personal needs, the person can stay at the crisis centre for up to 60 days). The content, extent and duration of the service are determined in accordance with the assessment of the person's individual needs and resources conducted by the social worker. A municipal social service selected by the person coordinates the services. Unlike other comparable services, the person is not obliged to request this service in the municipal social service of his or her place of residence, but it may be requested also in the selected crisis centre.

67. According to the *Law on Social Services and Social Assistance*, providing social rehabilitation to children – victims of violence (criminal offence, exploitation, sexual exploitation or any other illegal, cruel or disrespectful actions) is mandatory. The provision of the service is organised by the foundation “Latvian Children's Fund”, which since 2000 works on establishing a unified rehabilitation system in Riga and regions for the rehabilitation of children who have suffered from violence. The centres that have been established ensure children who have suffered from violence and their families with timely and quality rehabilitation and medical services, providing support and practical assistance. In addition, the foundation also organizes seminars, lectures, training and other informative educational events on issues of violence for professionals and the public.

68. During the reporting period, the content of the service or the procedure of receiving the service for children who have suffered from violence has not been modified. Currently, a child who has suffered from violence can receive a service in form of social rehabilitation course in an institution for up to 30 days or up to 60 days, or in a form of 10 consultations of psychologist at his or her place of residence. Before receiving a service, a psychologist or a social worker prepares an opinion stating whether the child displays symptoms of psychological trauma, and where the service is to be provided. The type, location and duration of the service are always determined based on the assessment of the child's psychosocial situation conducted by the psychologist or the social worker.

69. From 2 December 2015, children who have been recognised as asylum seekers with special hosting needs by institutions involved in the asylum procedure enjoy the right to receive social rehabilitation for children who have suffered from violence.

70. From 1 January 2015, the State-funded social rehabilitation services are available to persons who have committed violence. These services are available both individually and in groups, depending on the person's needs. The services are voluntary. In 2015, these services were provided to 99 persons, in 2016 – to 304 persons. On average, service recipients attend 9 individual consultations or 15 group sessions.

71. Latvia ensures legal assistance to the person in order to submit an application on temporary protection against violence in accordance with Article 30⁵ of the *Civil Procedure Law* by providing legal consultations as well as assistance in drafting of procedural documents and in the representation before the court (paras. 59–61 of this Report). Situations where a person needs legal assistance and violence has been established are considered as special situations, and additional information about the person's financial status is not required. In order to receive the State ensured legal aid regarding temporary protection

against violence and other civil matters resulting thereof, the person has to submit an application to the Legal Aid Administration requesting the State ensured legal aid. The Legal Aid Administration decides on the State ensured legal aid and in case of a positive decision, appoints a provider of legal aid by setting the place and time of the first legal consultation.

72. With the help from the association “Skalbes”, the Legal Aid Administration ensures the operation of toll-free phone 116006 for support of crime victims. Every day from 7:00 to 22:00, experts provide psycho-emotional and informative support to victims of crime, including victims of violence and their relatives.

73. The State-paid medical rehabilitation to victims who have suffered from violence is ensured in accordance with the general policy – with referrals from the family doctor or other specialist according to medical indications. Latvia is funding from the State budget the psychotherapeutic and psychological assistance if a need for such an assistance is determined by the psychiatrist, in order to prevent criminal offences against the child’s morality and sexual inviolability or if the psychotherapeutic and psychological assistance is needed when providing children with an outpatient psychiatric treatment or palliative care.

74. In 2015, the Centre for Disease Prevention and Control took steps to reduce bullying in the school environment, by issuing educational films on bullying and its prevention (the film “Katrina” outlines bullying in the school environment while the film “Robert” highlights bullying on the internet). The purpose of films is to promote the emotional well-being in the school environment and on the internet by educating pupils, the staff of educational institutions and parents of the pupils about bullying, its negative consequences and the impact on the victim, offender and others, signs that may indicate bullying, as well as possible actions in a case of bullying.

75. In 2015, the Centre for Disease Prevention and Control organized a seminar “Role of Local Government in Injury and Violence Reduction” for coordinators of the National Network of Healthy Municipalities. The seminar was implemented to develop the expert professionalism to reduce child injury and violence.

76. The State-funded social rehabilitation services are provided by non-governmental organisations (NGOs) or other service providers included in the Register of Social Service Providers. The State does not maintain shelters and crisis centres, but since 2015, it covers the costs of the residence and rehabilitation in a crisis centre for their clients. In Latvia, NGOs provide both social and medical assistance to victims of violence including women.

Trafficking in human beings – replies to issue No 9 on the Committee’s list of issues

77. Article 154¹ of the *Criminal Law* provides for criminal liability for trafficking in human beings that is determined in accordance with the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime of 13 December 2000. The applicable punishment for this criminal offence is deprivation of liberty for a period of up to eight years, with or without confiscation of property.

78. Article 154¹(2) of the *Criminal Law* provides for stricter liability for trafficking in human beings when the crime is committed against a minor, or if committed by a group of persons according to a prior agreement, while Article 154¹(3) provides for stricter liability for trafficking in human beings if it has endangered the life of a victim or has caused serious consequences, or it has been committed involving particular cruelty or against an underage person, or it has been committed by an organised group.

79. On 29 October 2014, amendments to Article 154² of the *Criminal Law* entered into force and supplemented it with one more type of trafficking in human beings: using the state of vulnerability. Within the meaning of this Article, the state of vulnerability means using the circumstances when a person does not have another actual or acceptable choice except submitting to exploitation.

80. The definition of the term “trafficking in human beings” provided for Article 154² of the *Criminal Law* stipulates that the trafficking in human beings means the recruitment,

transportation, transfer, concealment, accommodation or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of vulnerability or helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent. The recruitment, transportation, transfer, concealment, accommodation or reception of a minor for the purpose of exploitation is regarded as trafficking in human beings also when it is not connected with the use of any of the means referred to in the definition of the term “trafficking in human beings”.

81. Within the meaning of Article 154² of the *Criminal Law*, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour, to provide services or to commit criminal offences, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding of a person in servitude or the illegal removal of a person’s tissues or organs.

82. Latvia operates an efficient international cooperation mechanism to ensure the combating of trafficking in human beings. In 2014, on 462 occasions the State Police exchanged information and intelligence on cases of trafficking in human beings and sexual exploitation where women were recruited by deceit, job offers, or with their own consent, in 2015 – on 381 occasions and in 2016 – on 677 occasions, mainly with German, Belgian, Cypriot, British, Irish, and Swiss law enforcement authorities.

83. The State Police in cooperation with the British police managed to release the Latvian national who had arrived in Britain in search of work and had been held in captivity for years. In addition, extensive exchange of information and cooperation with the British police in the investigation of forced labour organisation must be noted, in which a number of Latvian nationals were involved and a number of victims from Latvia was identified.

84. In 2014 and 2015, the State Police officials participated in projects “Improvement of Victim Support in Criminal Proceedings: Training in Combatting of Trafficking in Human Beings for the Personnel of Law Enforcement Institutions” and “Trafficking in Human Beings Focused on Forced Labour, Children and Sexual Exploitation” of the prevention project “VISUP” initiated by the Estonian Ministry of Justice.

85. Between 2014 and 2016, the State Police officials participated also in the project “Nordic, Baltic, Russian Cooperation on the Fight against Human Trafficking – Regional cooperation across Juridical, Law enforcement, Social authorities” of the Nordic Council of Ministers. Within the project, the State Police in cooperation with the Nordic Council of Ministers organised a conference “Gender Violence – Nordic-Baltic Dialogue”, which took place in Riga in October of 2015.

86. In 2016, the State Police officials participated as experts in the international project “Preventing human trafficking and sham marriages: A multidisciplinary solution” (HESTIA) within the financial program “Prevention of and Fight against Crime” of the European Commission Directorate General for Migration and Home Affairs, by providing information on the best practices in Latvia regarding the fight against the risk of sham marriages in trafficking in human beings. Within the project, information for the press on the use of the concept “forced marriage” in context of trafficking in human beings was prepared.

87. In accordance with the EU Council conclusions on the EU priorities for the fight against organised crime from 2014 to 2017, a series of measures in the framework of the European multi-disciplinary platform against criminal threats (*EMPACT*) were taken. One of the priorities was “Fight against Trafficking in Human Beings”, where the State Police officials actively participated. In this priority, within the framework of the Operative Action plans, in 2014, the State Police participated in 11 of 13 planned activities, while in 2015 the State Police participated in 11 of 15 activities.

88. In 2016, the work on the fight against trafficking in human beings continued with the implementation of the tasks envisaged in the Guidelines for Prevention of Trafficking in Human Beings in 2014–2020, with particular attention being dedicated to the fight against forced labour, sham marriage and living on the avails of prostitution.

89. The State Border Guard has drafted methodological instructions for the officials of immigration control departments of the State Border Guard on the procedures for examining possible sham marriages. The purpose of the methodological instructions is to define a single verification mechanism for the officials of immigration control departments of the State Border Guard when planning and implementing the examination of possible sham marriages.

90. Between 2014 and 2016, no cases of transit of trafficking in human beings in Latvia were detected, and no cases of transferring of persons for trafficking in human beings in Latvia were detected, which leads to conclusion that Latvia is not considered as a target country for trafficking in human beings, but still remains the country of origin of victims of trafficking in human beings.

91. In 2014, the State Police detected in total 16 criminal offences related to trafficking in human beings, sending persons for sexual exploitation, abuse of an opportunity to obtain for the person the right to reside in the EU Member States, living on the avails of prostitution and use or distribution of pornographic materials. In 2015, 23 criminal offences and in 2016–37 criminal offences of this type were detected.

92. In 2014, one criminal proceedings for trafficking in human beings committed by an organised group with elements of sexual exploitation, forced service provision and forced labour according to Article 154¹ of the *Criminal Law* was initiated in Latvia. Within the framework of this criminal proceedings and criminal proceedings initiated in previous years, 14 persons were found suspects, and seven adult women were found victims of trafficking in human beings. In 2015, three criminal proceedings according to Article 154¹ of the *Criminal Law* were initiated in Latvia. Within the framework of these criminal proceedings, 10 persons were found suspects, including six women and four men, and four persons were found victims of trafficking in human beings, including one adult with vulnerability and three minors. In 2016, 3 criminal proceedings related to trafficking in human beings to foreign countries committed by an organized group were initiated in Latvia.

93. Eleven criminal cases in 2014 and seven criminal cases in 2015 were forwarded to the prosecutor's office for prosecution for living on the avails of prostitution. It should be noted that in 2015, within the framework of seven criminal proceedings, operation of four organized groups of persons living on the avails of prostitution was terminated and, within the investigation, movable and immovable properties as well as financial assets in amount of EUR 315,651 of suspects and their relatives were arrested. In 2016, four criminal cases were forwarded to the prosecutor's office for prosecution and one criminal proceeding was terminated in relation to living on the avails of prostitution.

94. In 2014, one judgment convicting one person for trafficking in human beings according to Article 154¹ of the *Criminal Law* entered into force and 12 judgments convicting for sending a person for sexual exploitation according to Article 165¹ of the *Criminal Law* entered into force (13 persons were convicted). In 2015, no judgments convicting for crimes according to Article 154¹ of the *Criminal Law* entered into force and seven convicting judgments according to Article 165¹ of the *Criminal Law* entered into force (nine persons were convicted). In 2016, the convicting judgments for crimes according to Article 154¹ of the *Criminal Law* entered into force in three cases (four persons were convicted) and nine convicting judgments for crimes according to Article 165¹ of the *Criminal Law* entered into force (12 persons were convicted).

95. The social rehabilitation of victims of trafficking in human beings is provided for in the *Law on Social Services and Social Assistance* and Regulations of the Cabinet of Ministers "Regulations Regarding the Procedures by which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of Trafficking in Human Beings" adopted on the basis of the Law on 31 October 2006. A person who is recognized as a victim of trafficking in human beings can receive a State-funded social rehabilitation course for up to 180 days. If a person has been recognised as a victim by a decision of the person directing the proceedings in the criminal proceedings on trafficking in human beings or he or she is assigned the status of a witness, he or she has the right to receive support in relation to the criminal proceedings initiated – psychosocial assistance (including individual consultations of a lawyer, social worker,

psychologist), services of an interpreter, assistance in drafting of legal documents and, if necessary, representation in court, not exceeding 150 hours per year.

96. Overall, from 2014 until the end of 2016, social rehabilitation services funded by the State budget were provided to 49 persons (social rehabilitation includes services such as safe shelter, consultations of a lawyer, social worker and psychologist, the opportunity to learn or improve self-care and self-service skills, as well as the opportunity to receive the basic goods, etc.). Information on the State-funded medical rehabilitation is provided in paragraph 73 of this Report.

97. With regard to the training of officials, Latvia informs that the State Police officials participate in international events and trainings on regular basis in order to educate themselves on issues related to combating trafficking in human beings. For example, they have participated in courses “European Approach to Combating of Trafficking in Human Beings” and “Trafficking in Human Beings – Forced Labour”; the State Police officials have also participated in the international seminar “Improved Coordination in Protection and Prevention of Trafficking in Children” and knowledge forum “Social Consequences of Trafficking in Human Beings”.

98. The State Border Guard College has developed a training programme “Prevention and Combating of Trafficking in Human Beings. Instructor Training Program”, which includes guidelines for officials on identifying victims of trafficking in human beings. Within the framework of this program, the training takes place once a year, involving approximately 18 to 20 officers from the State Border Guard territorial boards, which then provide the education of the respective board personnel in the field of prevention and combating of trafficking in human beings. Thus, systematic education of the State Border Guard personnel on identification of victims of trafficking in human beings and further actions finding the signs indicating that the person may be a victim of trafficking in human beings is provided.

99. In the courses “Criminal Law” and “Investigative Work” of the first level professional higher education program “Police Work” and adult informal education programs “Prevention, Combating and Investigation of Trafficking in Human Beings and Living on the Avails of Prostitution” and “Modern Trafficking in Human Beings. Forms, Prevention and Averting” of the State Police College, the officials are trained in due investigation of the crime of trafficking in human beings and other issues related to combating trafficking in human beings (see Annex 2).

100. The Latvian Judicial Training Centre is responsible for educating judges and employees of the judiciary on issues related to combating trafficking in human beings, as well as educating judges, prosecutors and advocates on combating trafficking in human beings, rights of victims of trafficking in human beings, the applicable law, the case law, and on following human rights-based approach.

101. During the reporting period, the Latvian Judicial Training Centre implemented several training activities for judges and judicial system employees on issues related to combating trafficking in human beings. On 18 June 2014, within the framework of the training of candidates to the office of a judge, the Latvian Judicial Training Centre organized a 90-minute lecture “Current Challenges in Combating Trafficking in Human Beings”. On 16 October 2014, the Latvian Judicial Training Centre in cooperation with the U.S. Embassy in Latvia organised a conference “Investigation, Prosecution and Court Proceedings of Trafficking in Human Beings: the US and the Latvian Case Study”.

102. On 10–11 September 2015, an international seminar “Combating of Trafficking in Human Beings – Towards a More Comprehensive Approach” organized by the Academy of European Law (ERA) was held in Riga. The seminar was attended by participants and speakers from different EU countries including five prosecutors and two judges from Latvia.

103. The Ministry of Welfare has helped to implement the international educational seminar “*PROTECT children on the move*” for the specialists whose daily work includes contacting children, who, while in a migration situation, are at increased risk of becoming victims of trafficking and exploitation. Organizing of these seminars was supported financially and technically by the Nordic Council of Ministers and the Council of Baltic Sea States. The seminars were attended also by representatives of the State Border Guard, the

State Police, the municipal police, the social service, the Orphan's and Custody courts, the Office of Citizenship and Migration Affairs, the State Inspectorate for Protection of Children's Rights, the Ministry of Justice, the Ministry of Interior, the Ministry of Welfare, the International Organisation for Migration as well as researchers, academic representatives, and representatives of NGOs.

104. Seminars were led by foreign experts on children's rights. A manual for professionals "International protection of children: practical guidelines for professionals supervising children who cross the border and for competent national officials" (2015) available in Latvian in print and electronic form was drafted for the use in the seminars and for subsequent use in the daily work of the respective authorities. In addition, General Guidelines were drafted to promote human rights and compliance with the best interests of a child in cross-border child protection cases.

105. With regard to the provision of social rehabilitation, in 2017, the Ombudsperson published a research paper "The Role of Local Governments' Social Services, Orphan's and Custody Courts and Branch Offices of the State Employment Agency of Latvia in the Process of Identification of Victims of Trafficking in Human Beings" (for the period from 2014 to 2016). The research identifies shortcomings in the implementation of the training of employees in the local government institutions and insufficient awareness of the staff about the process of granting of the social rehabilitation services.²

106. The State Police continues informing the public on the progress in crime detection and prevention by giving interviews, statements and informative materials to various media. During the reference period, such cooperation took place with the magazine "Playboy" on prevention of trafficking in human beings and exploitation of prostitution by third parties, "Latvian Radio 4" on the risks of trafficking in human beings (prostitution), problems and latest trends related to sham marriage in Latvia, the student broadcasting KIWI TV on sham marriage, and the national information agency LETA on the problem of prostitution and living on the avails of prostitution in Latvia.

Non-citizens – replies to issue No 10 on the Committee's list of issues

107. Latvia informs that the issues related to the granting of citizenship are described in paras. 200–206 of the Core Document.

IV. Article 3 of the Convention

Asylum seeker situation – replies to issue No 11 on the Committee's list of issues

108. With regard to the principle of non-refoulement, Latvia refers to the information contained in paragraph 70 and the following paragraphs of the previous report, as well as to the information about the principle of non-refoulement as enshrined in Article 3 of the *Asylum Law* contained in paragraph 207 of the Core Document.

109. The officials of the Ministry of Interior decide on the expulsion of a foreigner in accordance with the *Asylum Law* and the *Immigration Law* by assessing each case separately. Before the decision on expulsion is made, the official assesses and analyses the situation in the country to which the foreigner would be expelled (whether there is no military conflict, no natural disasters, other aspects), and verifies the information provided by the foreigner regarding the possible threats in the country of the destination. If it is established that the foreigner to be expelled would be subject to death penalty, torture, inhuman or degrading treatment or punishment in the country of his or her citizenship, the possibility to expel the foreigner to another country, in which he or she has a right to reside, is assessed. If it is not possible to expel the foreigner to any country, he or she is provided with the possibility to access the asylum procedure or a possibility to grant him or her another legal status in Latvia is assessed. If the circumstances requiring the application of the non-refoulement principle

² The research is available on the Ombudsperson's Office website: http://www.tiesibsargs.lv/uploads/content/publikacijas/trafficking_in_human_beings_in_latvia_1496389389.pdf.

are established after the decision on the expulsion of a foreigner is adopted, the decision is suspended or revoked.

110. Since 2011, the Ombudsperson's Office monitors the expulsions and, during questioning of the foreigners to be expelled, they are asked about possible risk of torture and inhuman treatment in the country of origin; in addition, the Ombudsperson's Office informs the foreigner to be expelled that in case of such threats, he or she has to submit an application to the State Border Guard by informing about these circumstances and asking to assess them. So far, the questionings have not identified cases where a person who might be subject to torture or face threats to life in the country of origin would be expelled.

111. The asylum seeker may submit the application on granting of the refugee or alternative status in Latvia in person to the State Border Guard in the border crossing point, in the transit area before entering Latvia or in the territorial structural unit of the State Border Guard if the asylum seeker is already in Latvia. If there are indications that a third-country national or a stateless person who is in the border crossing point or the border crossing transit area at the external borders of Latvia may wish to obtain the refugee or alternative status (is afraid to return to the country of origin or there are other circumstances indicating the need for international protection), the State Border Guard provides him or her the information about the possibility to do so.

112. If a person has expressed wish to obtain the refugee or alternative status to the Office of Citizenship and Migration Affairs, to the State Police or to the Prison Administration, the authorities immediately, but not later than within three working days, contact the State Border Guard in order to provide the asylum seeker with the possibility to submit the application and the State Border Guard with the possibility to register it under the procedure laid down in regulatory enactments.

113. In order to ensure that the asylum seeker is able to use his or her rights and to fulfil his or her duties laid down in the *Asylum Law*, the State Border Guard informs him or her about the asylum procedure, time-limits, his or her rights and obligations during this procedure, the possible consequences in case the asylum seeker does not fulfil his or her obligations and does not cooperate with the authorities involved in the asylum procedure, about the competence of the authorities involved in the asylum procedure, about authorities providing the legal assistance and the reception conditions including the right to receive health-care services. The State Border Guard official provides this information to the asylum seeker in writing, in a language that he or she understands, or in a language he or she can reasonably be expected to understand. In order to ensure quick and effective procedure for familiarisation of asylum seekers with their rights and obligations, this information has been translated into English, Arabic, Bengali, Dari, Farsi, French, Georgian, Russian, Kurdish, Spanish, Tamil, Urdu, German and Vietnamese. In case of necessity, the State Border Guard provides the information orally as well.

114. The asylum seekers have the right to receive, in accordance with procedure provided by law and taking into account the asylum seeker's special reception needs, State-funded emergency medical assistance, primary health care, outpatient and hospital psychiatric assistance where there are serious mental health disorders, as well as all medical assistance to minors if failure to provide such assistance could pose a threat to the child's development and health.

115. In accordance with Article 15 of the *Asylum Law*, an asylum seeker has the right to contest the decision to register regularly at the structural unit of the State Border Guard (see paragraphs 119 and 122 of this Report) within seven working days after it has entered into effect, in a higher institution according to subordination. In this case, the State ensured legal aid is not provided. Whereas, a decision of a higher institution to register regularly at the structural unit of the State Border Guard may be appealed against before a city (district) court within seven working days from the day of its entry into force. In this case, the asylum seeker is entitled to the State ensured legal aid. If the asylum seeker wishes to receive the State ensured legal aid in order to appeal these decisions, he or she has to submit an application to the State Border Guard requesting the State ensured legal aid. The State Border Guard no later than on the following working day, forwards the request to the Legal Aid Administration to ensure legal aid, appending a copy of the decision to be appealed.

116. The asylum seeker has the right to appeal the detention to the district (city) court within 48 hours after he or she has been acquainted with the detention protocol and the information referred to in Article 17(5) of the *Asylum Law*. In this case, the asylum seeker, who wishes to receive the State ensured legal aid, has to submit to the State Border Guard the above-mentioned application requesting the State ensured legal aid, while the State Border Guard no later than on the following working day, invites a provider of legal aid who is included in the list of providers of the State ensured legal aid prepared by the Legal Aid Administration.

117. When appealing the decision of the State Border Guard on the registration with the structural unit of the State Border Guard or on the detention of the asylum seeker before the city (district) court, the State ensures that legal aid is provided to the asylum seeker without assessing his or her financial status.

118. In accordance with the definition of the term “asylum seeker” provided for in the *Asylum Law*, a person is considered an asylum seeker as of the moment when he or she has expressed a wish to acquire refugee or alternative status. The person has the status of asylum seeker until a final decision on his or her application for the refugee or alternative status is adopted. The expulsion of a person can take place only when the administrative proceedings regarding his or her application on granting the refugee or alternative status have ended and only if the person has no legal grounds to reside in Latvia.

119. The *Asylum Law* provides for a comprehensive legal framework regarding the conditions of application of restrictive measures, namely, the detention of an asylum seeker may take place upon necessity and subject to the principle of proportionality, taking into account the asylum seeker’s individual situation and circumstances. Detention of an asylum seeker is an exceptional and “last-resort” measure, and to the shortest duration possible, if the assessment of the asylum seeker’s individual situation and circumstances leads to a conclusion that less restrictive measures (regular registration at structural unit of the State Border Guard) cannot ensure an adequate course of the asylum procedure, as well as cannot guarantee the national security and public order and security, including prevention of illegal immigration.

120. The State Border Guard may detain an asylum seeker for up to six days if one of the following preconditions exist: it is necessary to ascertain or verify the identity or nationality of the asylum seeker; it is necessary to ascertain the facts on which the application is based and which may be ascertained only by detention, particularly if fleeing is possible; it is necessary to decide on the rights of the asylum seeker to enter in Latvia; there are grounds for assuming that the detained person submitted an application in the framework of the expulsion procedure to hinder execution of a voluntary return decision or a removal order or to make it impossible, and it is established that the person concerned was not prevented from submitting such application earlier; the competent State authorities have a reason to believe that the asylum seeker presents a threat to national security or public order and safety; the necessity for a transfer procedure in accordance with the provisions of Article 28 of the EU Regulation on establishing the Member State responsible for examining an application for international protection has been established. An asylum seeker may be detained for more than six days only based on a decision of the district (city) court.

121. The detained asylum seekers are accommodated in the Accommodation Centre of Detained Foreigners (ACDF) “Daugavpils” of the State Border Guard Daugavpils Board. ACDF “Daugavpils” was opened in 2011, and it is the only centre for the detained asylum seekers. Living conditions in this centre comply with the special reception needs of the asylum seekers and protect their physical and mental health, as well as comply with the specific needs of minors. Asylum seekers are accommodated in individual rooms, separately from other detainees. The detained family members of asylum seekers are accommodated together in a specially equipped family unit, separately from other detainees. It should be noted that accompanied minors are accommodated in ACDF “Daugavpils”, but not detained. Whereas detained unaccompanied minors are accommodated in premises of ACDF “Daugavpils” with personnel and equipment appropriate to their age needs. The detained minor is ensured with the possibility of studying, of participating in recreational events, including games and other events appropriate to his or her age.

122. A measure that is less restricting than detention can be applied to an asylum seeker: an obligation to regularly, but not less than once a month, to register at the structural unit of the State Border Guard, if there are grounds for assuming that one of the following conditions exists: the application has been submitted in order to obtain the right of residence without justification; the application has been submitted in order to evade execution of a voluntary return decision or a removal order without justification; the asylum seeker will evade the asylum procedure; the grounds for detaining the asylum seeker have been established, but, taking into account his or her individual situation and circumstances, detention would be disproportionately restrictive measure. If the grounds for application of the restrictive measure cease to exist, the relevant measure is revoked.

V. Articles 5, 7 and 8 of the Convention

Extradition – reply to issue No 12 on the Committee’s list of issues

123. Latvia informs that during the reporting period it has not received requests for extradition of individuals suspected of having committed torture within the meaning of the Convention.

VI. Article 10 of the Convention

Training – replies to issue No 13 on the Committee’s list of issues

124. Administrative judges, who examine prisoners’ complaints containing allegations of torture or degrading treatment, are ensured with the possibility of regular professional development on these issues both in specific lectures (application of Article 3 of the European Convention on Human Rights (the ECHR)) and by examining the relevant issues in the lessons “Current Practice of the European Court of Human Rights”, and “Administrative Case Law of the Supreme Court”, which are included in the training programs every year.

125. On 16 January 2015, a seminar to administrative judges was organized; the seminar included the topics on theoretical and practical aspects of the application of Article 3 of the ECHR. During the seminar various issues were discussed, including national and international torture prevention mechanisms; observations and recommendations to Latvia from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following its latest visits; the case law of the European Court of Human Rights; the Council of Europe system for the prevention of torture; the possibilities to establish a preventive mechanism on the basis the Ombudsperson’s Office in Latvia and its potential benefits for the courts.

126. The training topics for administrative judges are developed a new every year by the Administrative Law Sub-group of the working group on Training Programs, which is composed of presidents of all three of the administrative courts. The training topics are selected taking into account the current case law, the challenges, the wishes of the judges, as well as the recommendations of the Ministry of Justice. The training programs are developed, taking into account the training needs of the judges, as the adult continuing education is based on the training needs of the target audience. Both the national and the international law, as well as the case law of the European Court of Human Rights are examined in the training programmes.

127. The effectiveness of the training for judges is measured in light of the participants’ level of satisfaction after the seminar, when the participants fill out evaluation forms and provide their assessment of the lecturer’s professionalism, the topicality of the subject matter and their opinion as to whether the training was useful for their work. The recommendations of the judges for future training are also taken into account.

128. In accordance with Article 5(3) of the Law on the Prosecutor’s Office, a prosecutor is obliged to regularly supplement the knowledge and improve the professional skills and competences necessary for the conduct of their official duties. During the reporting period, prosecutors of all structural units of the prosecutor’s office actively participated in seminars, training courses, lectures and academic and practical conferences both at local and

international level, including in the field of human rights (see Annex 2). Regular lectures in the field of human rights are also organized every year for the young prosecutors.

129. An Educational Centre under the Prison Administration is established in order to provide the professional education for the officials of authorities subordinated to the Prison Administration. The content of the education and various aspects of the education system, for example, the place of the training, the number of students and the range of programs, are selected in light of the needs of the officials’.

130. The Educational Centre of the Prison Administration offers the training program “Prison Guard”, where the students acquire the qualification of junior inspector. Sufficient attention is paid to the module “International Law”, which covers topics on human rights and the legitimate restrictions of human rights, as well as about the prohibition of torture, and the officials are informed about the judgements of the European Court of Human Rights.

131. The Educational Centre offers a course “Criminal Law”, which includes several topics related to the human rights. The course addresses the circumstances precluding criminal liability, for example, it analyses Article 31 of the *Criminal Law*, which excludes liability for harm caused during the apprehension, by examining the requirements for lawful apprehension and acts of extreme necessity. Regarding the criminal procedural investigation, the students are instructed about the positive obligation of the State to ensure an effective investigation and court proceedings. The training provides explanation of the concepts “effective investigation” and “effective court proceedings”, using the analysis of the judgements of the European Court of Human Rights. The examination paper of the training program includes questions establishing the students’ awareness of the concept of torture.

132. The Prison Administration takes into account Recommendations No (97)12 of the Committee of Ministers of the Council of Europe on Staff Concerned with the Implementation of Sanctions and Measures, which provides that, first, the satisfactory implementation of community and custodial sanctions and measures requires the use of a highly competent, qualified and committed staff if the purposes of the sanctions and measures are to be achieved. Secondly, an explicit policy concerning the staff responsible for the implementation of sanctions and measures should be laid down in a formal document or documents covering all aspects of recruitment and selection, training, status, management responsibilities, conditions of work and mobility.

133. Between 6 May 2014 and 30 April 2016, the State Police College implemented the project “Improving the Standard of Latvian State Police Detention Centres” funded by the Norwegian Financial Mechanism “Reform of the Latvian Correctional Services and Police Detention Centres”. Within this project, a training program of 40 hours was developed along with various methodological training tools, videos, final practical module and test for strengthening and testing of the acquired knowledge. Within the project, educational tool “Legal and Practical Aspects of Activities of Special Rank Officials of Short-term Detention Facilities of the State Police” and “Guide for Special Rank Officials of Short-term Detention Facilities of the State Police” was drafted. The participants evaluated the training after each seminar. The State Police College continues to implement this training also after the closure of the project.

134. In 2015, 101 officials of the State Police were trained in the framework of the adult informal education program “Legal and Practical Aspects of Activities of Special Rank Officials of Short-term Detention Facilities of the State Police” of the State Police College, while in 2016 – 27 officials.

135. In assessment of the effectiveness of the training program, the State Police College uses the internal and external evaluation mechanisms. The internal evaluation of the training effectiveness consists of assessing the knowledge of the police officers who have attended the courses; in addition, the attendees evaluate these courses as well. The external mechanism of the effectiveness evaluation is based on surveys on the qualification of the trained staff and the deficiencies identified. These surveys are usually sent to the police officers, prosecutors, judges’ management, the Ombudsperson, and other institutions.

VII. Articles 11–13 of the Convention

Imprisonment conditions – replies to issue No 14 on the Committee’s list of issues

136. In 2016, for improvement of prison infrastructure a procurement for the elaboration of the new Liepaja prison construction project was organized, and in November, the procurement winner completed the elaboration of the new Liepaja prison construction project. At the end of the year, a procurement for construction of this prison was organized, and in February 2017, the procurement was announced on the website of the Procurement Monitoring Bureau. On 8 September 2017, the Cabinet of Ministers decided to postpone the commencement of the construction of the new prison until the year 2020, and set the year 2023 as the deadline for the completion of the construction. Considering the said decision of the Cabinet of Ministers, the procurement of the construction company for the new prison was terminated. Currently, the Ministry of Justice is working on the plan of further steps in order to ensure the construction of the new prison in the time limit laid down in the decision of the Cabinet of Ministers.

137. In 2014, the total number of places in the Olaine prison (the Latvian Prison Hospital) was increased to 120 beds. Currently, the hospital has four sections – the outpatient diagnostic section, the psychiatry section, the tuberculosis and lung disease section, and the care section. In October 2015, the Drug Addiction Centre of the Olaine Prison was completed and 70 workplaces for officials and employees were established gradually from 2015 to the end of 2016. In October 2016, the Drug Addiction Centre was commissioned, and it started operating in November 2017; in addition, the Olaine Prison sub-station building was reconstructed and the fencing was built and equipped with appropriate engineering security measures.

138. Based on *order No 1-1/322 “On the closure of a penitentiary”* issued by the Minister of Justice on 15 September 2016, the Vecumnieki prison was closed as of 1 January 2017. In addition, in October 2016, the renovation of the first floor in the first block of the Ilguciems prison Remand Department was completed; and in December 2016, the renovation of the Valmiera prison Remand Department was completed.

139. Amendments to Article 77 of the *Code on the Execution of Sentences*, which entered into force on 14 July 2015, provide that the minimum personal space per inmate may not be less than 4 square meters, but in solitary cells – 9 square meters. Prisons have been properly refurbished to ensure to the prisoners the opportunity to reside in personal spaces of an appropriate size, for example, the number of beds has been reduced.

140. In all prisons, within the available budget provided by the State, the possible works on the improvement of the conditions of imprisonment are constantly carried out, namely, refurbishment works, and maximum possible partitioning of sanitary facilities to ensure the prisoners with sufficient privacy.

141. In order to improve the living conditions in prisons, the necessary repair works were carried out in prisons in 2016. Meeting rooms, boiler house and wood chips supply conveyor were repaired in the Daugavgriva prison Griva department, while sewerage network, heating main and water main reconstruction project was elaborated for the Daugavpils department. The roof and the hall of the Ilguciems prison club building were repaired, and stage structures, light and sound hardware and equipment were installed, and new furniture was supplied. In the Jelgava prison, the prisoners’ canteen and sports hall were repaired, and in the Jekabpils prison, the prisoners’ living area in the 7th unit was repaired. In the Olaine prison (the Latvian Prison Hospital), the technical project for construction of gas boiler house was drawn up, roofs of individual buildings were repaired. In the Riga Central Prison, cells for persons with disabilities were constructed, classrooms of the 1st block were rebuilt to organize the inmates’ training, in the 3rd block a cell was rebuilt for the needs of prisoners’ education program “Miriam”; in addition, the food block of the prison was repaired.

142. In 2014, the Ombudsperson’s Office received 66 applications alleging inadequate conditions in prisons, but in 2015, the number of applications decreased for a half to 34 applications; in 2016, the Ombudsperson’s Office received 50 applications.

143. In accordance with Article 50⁴(5) of the *Code on the Execution of Sentences*, persons convicted to deprivation of liberty for life (life sentence) commence serving of the sentence at the lowest level of the regime for serving sentence. Once imprisoned, they must serve not less than seven years of the sentence at this level. If a convicted person has served at least seven years of the sentence in pre-trial detention and qualifies under the conditions referred to in Article 50³(4) of the above-mentioned Code, in accordance with a decision of the assessment committee he may be transferred from the lowest to the medium level of the regime for serving of the sentence. The person must serve not less than 10 years of the sentence at the medium level of the regime, and the remaining part – at the highest level of the regime for the serving of sentences. At the highest level of the regime for the serving of sentences, the convict may be released from the serving of the sentence before the term under procedure laid down in the law. In accordance with Article 61(6) of the *Criminal Law*, a conditional release prior to completion of the sentence is not applied, if it has been imposed on an adult for an especially serious crime committed against a person who has not attained the age of sixteen years, and is related to sexual violence.

144. In accordance with Article 50⁴(10) of the *Code on the Execution of Sentences*, the right to wear personal clothing, to independently visit the prison medical unit, shop, canteen, and library, and to participate in events outside the separate prison block does not apply to convicts sentenced to deprivation of liberty for life (life imprisonment), who serve the sentence in a separate closed prison block with increased surveillance.

145. Persons sentenced to deprivation of liberty for life, who serve the sentence in a separate closed prison block with increased surveillance, have the right to contact their relatives and other persons using an hour long video call without the presence of the representative of the penitentiary: when serving the sentence at the highest level of the sentence serving regime – three times per month; when serving the sentence at the medium level of the sentence serving regime – twice per month; when serving the sentence at the lowest level of the sentence serving regime – once per month.

146. In accordance with Article 50⁸(1) of the *Code on the Execution of Sentences*, persons sentenced to deprivation of liberty for life, except women, are to be placed in a separate block of the prison with increased security, allowing no contacts with the prisoners who are not sentenced for life. In 2015, amendments to the *Code on the Execution of Sentences* entered into force providing that person sentenced to the life imprisonment, who serves the sentence in the block of medium of highest level of the regime for the serving of sentences with increased surveillance, can be transferred for serving of the sentence to premises where the sentence at the medium of highest level of the sentence serving regime is served by persons not sentenced to life imprisonment, if it could facilitate the re-socialization of the sentenced person. After such transfer, the person sentenced to the life imprisonment has all the rights of a convict who is not sentenced to the life imprisonment, according to the level of the regime for the serving of sentences. The respective decision is adopted by a commission established by the prison director. In the second half of 2015, having visited prisons, the Ombudsperson concluded that there already are some cases when such a possibility is provided to the persons convicted to the life imprisonment.

147. With regard to the conditions in short-term detention facilities, Latvia wishes to provide the following information. During the last years, extensive renovation works of the police short-term detention facilities in Latvia have been carried out. In the framework of the project “Improving the Standard of Latvian State Police Detention Centres” funded by the Norwegian Financial Mechanism “Reform of the Latvian Correctional Services and Police Detention Centres”, from 2014 to 2016, renovation and rebuilding works were carried out in total in 10 police short-term detention facilities and 11 police temporary detention facilities (Ogre short-term detention facility of the Riga Regional Board, Jelgava, Bauska, Jekabpils and Aizkraukle short-term detention facility of the Zemgale Regional Board, Cesis and Gulbene short-term detention facility of the Vidzeme Regional Board, Rezekne short-term detention facility of the Latgale Regional Board, Liepaja and Saldus short-term detention facility of the Kurzeme Regional Board; Riga city Brasa, Northern, Central, Latgale, Kurzeme, and Zemgale temporary detention facilities of the Riga Regional Board; Balozi, Olaine, Salaspils, Saulkrasti, and Sigulda temporary detention facilities of the Riga Regional Board). Currently, the renovation works are completed at all the sites and they are

commissioned, while the temporary detention facility of Dobeles station of the Zemgale Regional Board, for which a negative assessment from the experts of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was previously received, was closed on 1 July 2017.

148. In all of these detention facilities, cells were repaired and equipped with built-in furniture that is safe against vandalism. Sanitary facilities safe against vandalism were installed, and toilet rooms were partitioned with walls to protect personal privacy. Cell doors were renovated or changed, and window systems were redesigned (impact resistant glass was used more often than bars for protection). In all short-term detention facilities referred to above, water supply and sewerage systems, as well as ventilation and electricity systems were improved, walking areas were improved by increasing the space and placing benches and roofs for poor weather conditions, and temporary detention premises (cells) were repaired: built-in benches were installed, ventilation system and access to the natural and electric light was improved. In order to increase the security, all facilities renovated within the project were equipped with video surveillance systems.

149. With regard to the living conditions of minors, Latvia wishes to inform that prisoners at the Cēsis Juvenile Correctional Institution are ensured good living conditions, and the measures necessary for maintaining of these conditions at an appropriate level are constantly carried out. The number of minor prisoners from 1 January 2014 to 31 December 2016 is provided in Annex 1.

150. In accordance with Article 61³ of the *Code on the Execution of Sentences*, minor prisoners have access to several social rehabilitation measures: education – involving of a convicted person in general, vocational and interest educational programmes; involving of convicted persons in the performance of socially useful work; dealing with the social issues of the convicted person, considering the consequences of imprisonment; psychological care; organisation of leisure; addiction mitigation program – involvement of the convicted person in a targeted and structured collection of measures for the development of social skills, improvement of behavioural model and building of socially acceptable value system.

151. From 1 January 2014 to 31 December 2016, the possibility to acquire general education through primary, secondary or special education programs is provided in all prisons with minor inmates. In addition, minor prisoners are provided with the opportunity to acquire the professional qualifications – barber, cook's assistant, tailor, finishing work labourer, and data entry operator.

152. From 2015 to 31 December 2016, in cooperation with the State Education Development Agency, the Cēsis Juvenile Correctional Institution implemented a project within the EU program "Growth and Employment" and provided 20 minor prisoners with the possibility to participate in the professional improvement educational program "Finishing Works and Renovation" and to learn the professional skills and knowledge of a finishing works' specialist. Within this project, the inmates in the Ilguciems prison had the possibility to improve the professional skills by participating in the professional improvement educational programme "Nail Modelling" and professional improvement educational program "Seller's Work" (see Annex 1).

153. Imprisoned minors with special needs, namely, with learning disabilities, with mental health problems or with mental disorders, have the opportunity to participate in educational programs corresponding to their health status and learning ability. In 2014, seven special education programs were implemented involving 14 minors or 100% of minors with special needs; in 2015, six special programs were implemented, which were attended by 6 students or 100% of minors with special needs; and, in 2016, three special programs with the participation of three students or 100% of minors with special needs were implemented. Assessment of these indicators shows that in three years, the total number of special educational programs implemented in prisons has decreased, and the number of minor prisoners involved in the special programs has decreased as well. This tendency is explained by the fact that the total number of imprisoned minors with special needs has dropped.

154. In the Cēsis Juvenile Correctional Institution and in the Juvenile Correctional Institution Department in Ilguciems prison, sporting events and physical activities, cultural

events (concerts, thematic events, and poetry readings), educational activities (lectures, educational movies and discussions) and artistic groups are organized (see Annex 1).

155. Under procedure laid down in the law, all convicted minors are involved in the maintenance, cleaning and improvement works of the juvenile correctional institution or its department, or the surrounding territory, as well as in work related to improvement of cultural and living conditions of the convicted persons. The purpose of this re-socialization measure is to organize learning of working skills corresponding to the abilities of the convicted minors. The convicted minors are involved in maintenance, cleaning and improvement works for 4 hours per day maximum.

156. The social work in prisons, including the Cēsis Juvenile Correctional Institution and the Juvenile Correctional Institution Department in Ilguciems prison, is carried out by the social employees educated on work in a penitentiary (further referred to as the social worker). A social worker work in each prison with minor inmates. Problematic issues addressed by the social workers in the work with minor prisoners are as follow: preparing of personal identity documents, providing contact information of different State and local government institutions that have to be addressed to receive the social assistance and specific social services after the release from prison, and providing information on educational opportunities after the release from prison. During the reporting period, on average, every minor prisoner was provided with four consultations of a social worker in one year.

157. Psychological care measures for minor prisoners are implemented by professionals with appropriate education and professional qualifications. During the reporting period, the functions of psychologist in prisons with minor inmates were ensured by four specialists. The participation in psychological care activities is voluntary and takes place with the consent of the minor prisoner (see Annex 1).

158. Having assessed the re-socialization needs of convicted minors, the risk degree of antisocial behaviour and re-commission of a criminal offence, it can be stated that many minor prisoners commit crimes while under the influence of alcohol, narcotic drugs or psychotropic substances, or with the intention to buy toxic substances. In order to reduce the addiction cravings of minor prisoners, from 2014, the Cēsis Juvenile Correctional Institution implements the Minnesota 12-step recovery program, and, in cooperation with the NGO "Latvian Anonymous Drug Addicts", organizes public meetings for anonymous drug users. These meetings take place also in the Juvenile Correctional Institution Department in the Ilguciems prison. In 2014, 27 minor prisoners (71% of the total number of minors) took part in the Minnesota 12-step program, in 2015 – 31 minor prisoners (81.5% of the total number of minors), in 2016 – 32 minor prisoners (73% of the total number of minors). It should be emphasized that participation in the addiction mitigation activities is voluntary.

159. The Cēsis Juvenile Correctional Institution and other prisons implement "Motivation Program for Updating and Promotion of Prisoners' Re-socialization Process" in order to motivate minor prisoners for successful participation in the re-socialization process and to facilitate the identification of internal motives and resources. In 2014, 17 minor prisoners participated in the program; in 2015 – 11 minor prisoners, and in 2016 – 17 minor prisoners.

160. The results of the survey of minor prisoners conducted by the State Inspectorate for Protection of Children's Rights in 2015 show that minor prisoners characterize their mutual relationship as good, and they have not suffered from emotional and physical violence from other convicts and detainees.

161. In accordance with Article 51, paragraph 1(6) of the *Law on the Protection of the Children's Rights*, a prison employee who works with minors must have special knowledge in the field of protection of the rights of the child. From 1 January 2014 to 31 December 2016, all employees of the Cēsis Juvenile Correctional Institution and the Juvenile Correctional Institution Department in the Ilguciems prison, who work with minor prisoners on daily basis, have acquired the necessary knowledge through participation in relevant training.

162. In order to ensure the contact of minor prisoners with the outside world and to promote maintaining of the socially useful links of the minor, on 1 August 2017, amendments to the *Code on the Execution of Sentences* entered into force, supplementing Article 507 with paragraph 6 that expands the rights of convicted minors to contact relatives and other persons

through a video call once a month for up to 30 minutes without presence of the representative of the prison.

163. With regard to the progress made to improve the quality of medical services for inmates, Latvia informs that from 1 January 2014 to 31 December 2016, various measures to improve the prisoners' health care were taken.

164. The Ministry of Justice has drafted Regulation No.276 "Procedure Regarding Implementation of the Health Care of Detained and Convicted Persons", which was adopted by the Cabinet of Ministers on 2 June 2015. This Regulation precisely determines the organization of the examination of the prisoner's health condition upon arrival at the prison, organization of the primary and secondary health care of inmates in the prison, procedure regarding provision of primary and secondary health care services for prisoners in a medical institution outside the prison, procedure regarding acquisition and issue of medicine and medical devices required by the prisoner, organisation of prisoner's health care in case of emergency medical assistance, and other issues.

165. In 2016, the Prison Administration in cooperation with the Ministry of Health resolved the issue on starting the specific treatment of prisoners suffering from chronic hepatitis C. From 2016, prisoners diagnosed with chronic hepatitis C are thoroughly medically examined and, where necessary, a specific treatment is scheduled and provided in the prison medical institutions.

166. To improve the quality of the health care, all medical personnel of the prison are members of the respective medical association and attend training seminars and lectures organized by different medical associations. In order to improve the quality of the health care, 3–4 times per year, the Prison Administration organizes training seminars for prison directors, who inform the medical personnel of their institutions about the modern requirements in the prisoners' health care. Information about registering of prisoners' injuries is provided in paras. 182 and 183 of the Report.

167. The Health Inspectorate examines the quality of the health care provided to the prisoners 180 times per year on average, and every year it examines the compliance of the prisons' medical institutions with the mandatory requirements in force in the country and, where necessary, makes recommendations, and every year examines the living conditions and sanitary condition of the prison and, where necessary, makes recommendations.

168. Dental services are available on the spot in four of nine prisons. In prisons without dentist, dental services for prisoners are organised in medical institutions outside the prison. The Daugavgrīva prison provided dental services in medical institutions outside the prison as follows: in 2014 – 1396 times, in 2015 – 1885 times, in 2016 – 2002 times. Currently, more than half of the prison medical institutions cannot hire necessary staff (a dentist).

169. In comparison to the previous years, in 2015 and 2016 the number of complaints regarding the availability and services of a dentist submitted to the Ombudsperson's Office decreased. The applications received contain complaints alleging that the prisoners are denied the opportunity to visit dentist-hygienist and to take preventive measures in maintenance of oral health for both the State and private funds, not only in prison but also in medical institutions outside the prison.

170. In order to improve dental services in prisons, the Prison Administration is introducing alternative measures, for example, in 2017 a procurement was announced for providing of services in the territory of prisons, including dental care services, by a medical institution outside the prison.

171. With regard to the measures taken to ensure timely transportation of a prisoner to medical institutions for outpatient treatment outside the prison, Latvia wishes to provide the following information. On 13 May 2015, the Prison Administration announced a public procurement "Purchase of Specialized Transportation Vehicles for the Purposes of the Prison Administration", and in 2015, it purchased four vehicles for transporting prisoners from the prison to a medical institution to receive health care service outside the prison. At the same time, on 25 September 2015, the Prison Administration announced the open procurement "Customizing of Vehicles at Disposal of the Prison Administration to the Status of Specialized Vehicle" and in 2015, customized two of the vehicles owned by the Prison

Administration into specialized vehicles for transporting the prisoners from the prison to a medical institution to receive health care service outside the prison. In 2014, 2905 prisoners were guarded and transported to the medical institutions outside the prison, in 2015 – 2768 prisoners, and in 2016 – 2652 prisoners.

172. Outpatient services to prisoners are organised and provided within the same time limits as to other residents of Latvia. If medical aid is needed urgently, it is organized immediately. The medical personnel of the prison constantly control and regulate the duration of the service waiting times, and identify priorities for the receipt of the service according to medical indications.

173. With regard to the prisoners' employment in positions of nurse assistants, during the reporting period the Ombudsperson has not found that the prisoners were employed in position of nurse assistants, but on one occasion it was found that a prisoner was employed as an orderly.

174. To protect their rights, prisoners can apply to law enforcement authorities, the Ombudsperson's Office, and other domestic mechanisms regarding alleged infringements. In accordance with Articles 50(1), 50(2), 50(3), and 50(4) of the *Code on the Execution of Sentences*, convicted persons have the right to submit applications to public authorities, NGOs and officials. Applications of a convicted person related to the conditions of the serving of custodial sentence are examined by the director of the prison in accordance with the procedure laid down in the *Law on Applications*. Applications of a convicted person appealing against administrative acts or de facto action by the prison administration are examined by the director of the Prison Administration according to the procedure laid down in the *Administrative Procedure Law*. The correspondence of convicted persons with the UN institutions, the Human Rights and Public Affairs Committee of the Parliament, the Ombudsperson's Office, the prosecutor's office, the court, the defence counsel as well as the correspondence of a convicted citizen of a foreign country with the diplomatic or consular representation of his or her country or the country authorized to represent his or her interest, is not subject to inspection and is paid from the funds of the prison. The costs of the correspondence of a convicted person with the State administrative institutions are covered from the funds of the prison, if there are no funds on the personal cash card of the convicted person and the convicted person contests an administrative act or *de facto* action by such institutions or lodges an application for receiving the State ensured legal aid.

175. Latvia informs that the Ministry of Justice in a procedure envisaged by law duly responds to each application of a convicted person.

176. Protection of human rights of persons residing in closed-type institutions (prisons, psychoneurological hospitals, police short-term detention facilities, etc.) is one of the areas of competence of the Ombudsperson's Office. Considering its resources and capacity, the Ombudsperson's Office visits these places as often as possible, and the visits are mainly focused on post factum examination of the information on alleged infringements of human rights. In 2014, twelve visits to prisons were conducted (the visits were primarily thematic, and two visits were extraordinary); in 2015 – ten visits (the purpose of these visits was to clarify the information required for the examination of individual applications); in 2016 – twelve visits (the purpose of these visits was to verify the information required for examination of applications, while four of them were thematic visits on the accessibility of health care).

Inter-prisoner violence – replies to issue No 15 on the Committee's list of issues

177. In accordance with Article 13² of Latvia's *Code on the Execution of Sentences*, a convicted person is to be placed in department, unit and cell of the prison considering the free space in cells, the psychological compatibility of convicted persons, the health status, the attitudes toward smoking, and the previous criminal record. In accordance with Article 11(4) of the *Law on the Procedures for Holding in Detention*, arrested persons must be accommodated separately from convicted persons, except where convicted persons are placed in an investigation prison due to committing another criminal offence. Prisoners are interviewed in order to assess inmate in-cell compatibility and to exclude, as far as possible, inter-prisoner violence.

178. Prisons are video surveyed, in order to reduce the inter-prisoner violence and to control the behaviour of prisoners. Prisoners are provided with psychological counselling, and different re-socialization programs are implemented. In the recent years, Latvia has improved the living conditions for prisoners and infrastructure of the prisons, which also is an important factor in reducing the psychological tension and violence among the prisoners.

179. In accordance with Article 13²(2) of the *Code on the Execution of Sentences*, a convicted person who has helped to discover a crime committed by another person and with respect to whom the court in accordance with the *Criminal Law* has reduced the sentence imposed in the judgment, must be accommodated separately from the other convicts, if he or she has so requested. In accordance with Article 11 of the *Law on the Procedures for Holding in Detention*, a detainee who has helped to discover a crime committed by another person and to whom the court in accordance with the *Criminal Law* has reduced the sentence imposed in the judgment, must be accommodated separately from the other detained persons, if he or she has so requested.

180. A special department has been established in the Riga Central Prison for the accommodation of prisoners, who had been judges, have worked in the judicial system, are or have been employees of investigation authority, authority for enforcing criminal sentence, of a public authority carrying out operational activities, municipal police or other public authority ensuring national and public security, spouses or first-degree relatives of such persons, as well as persons who cooperated with the person directing the proceedings and have provided testimonies against other prisoners or influential persons in the criminal environment, if they have so request or if such fact has become known to other prisoners, in order to prevent physical and psychological violence in prisons.

181. To improve the quality of health care, including education of the medical personnel, and to achieve a more effective identification of inter-prisoner violence, the Prison Administration organizes an annual educational seminar to the directors of prisons who, in their turn, inform the medical personnel of their institution about the current requirements in the prisoners' health care. Twice a year, both in 2015 and in 2016, seminars for the education of the employees on the above-mention to issues were organised, inviting also the experts of the State Centre for Forensic Medical Examination.

182. The Prison Administration carries out regular examination of the medical institution operation in prisons. During the examination, the quality of the recording of injuries and timely informing of the prison administration by the prisons' medical personnel is inspected.

183. The medical personnel of prisons' medical institutions examines the prisoner, establishes the preliminary or the final diagnosis, prescribes, conducts and organizes medical assistance, draws up the medical documentation, enters records in the "Injury Log" and fills in the "Injury Examination Sheet", which is chronologically added to the outpatient's medical record, as well as fills in and submits to the prison administration a report/statement about injured prisoner. Information on all injuries, including injuries from violence, is submitted to the prison administration for clarification of the situation on the day the injury was detected. The prison administration investigates each injury, including injuries from violence.

184. In prisons, information about potential inter-prisoner violence is registered irrespective of the complaint of the prisoner concerned. When establishing that inter-prisoner violence might have occurred, the incident is examined. Information about the possible violence among the prisoners is submitted to the prison investigator. During the examination of the information, departmental inspections are carried out; upon completion, the decision on further action is adopted. The criminal proceedings are initiated immediately if it is established that a criminal offence has been committed and that it has obvious consequences, as well as in cases where resolving of a criminal offence requires using means and methods of the criminal proceedings.

185. To ensure timely, comprehensive and objective investigation of inter-prisoner violence, upon receipt of the information from the prison employees, the investigators of the Prison Administration immediately initiate examination of any fact of possible violence against an imprisoned person. At the same time, it should be noted that the receiving of complete information about such facts and the investigation is difficult because the injured persons often refuse to submit an application for verification of facts, or provide false

explanations on the circumstances of the injury sustained in the framework of examinations already initiated.

186. In 2014, 139 decisions on violations of prisoners' penal regime related to infliction of bodily injuries were adopted in prisons; in 2015 – 142 decisions, and in 2016 – 154 decisions. In 2016, the Ombudsperson received in total 14 complaints related psychological and physical violence among prisoners.

187. Prisons' medical institutions and the Medical Department of the central office of the Prison Administration monitor the instances of death in custody. On the day a prisoner dies, the prison submits to the Prison Administration a notice of the death and its possible cause. In all cases when a prisoner dies in a prison, including death of a senior prisoner or death of a prisoner suffering from severe and serious illness, the autopsy is conducted in order to establish the cause of death. The autopsy is conducted outside the prison – in the State Centre for Forensic Medical Examination. When the autopsy is completed, the prisons receive an act on the prisoner's cause of death, which, upon necessity, allows taking necessary measures, including prevention of further deaths.

188. In 2014, there were 23 deaths from the illnesses and four suicides; in 2015, there were fourteen deaths from the illnesses and three suicides; and in 2016, twelve deaths from the illnesses, three suicides, and one death from poisoning.

189. In 2016, additional funding was allocated for the Ombudsperson's Office for urgent activities: for ensuring the monitoring of the deportation of foreigners, for ensuring the remuneration of the Ombudsperson in accordance with the amendments to Article 6, paragraph 2(5) of the *Law on Remuneration of Officials and Employees of State and Local Government Authorities*, and for reviewing the remuneration system for the employees of the Ombudsperson's Office. In order to achieve the objectives and tasks identified in the Ombudsperson's strategy and to improve the organization of the work of the Ombudsperson's Office, to make the use of the human resources more efficient and to ensure a more even distribution of the workload for the legal advisors of the Office, in 2015 structural changes were implemented in the Ombudsperson's Office. The Legal Equality Department was disbanded and its functions were integrated into other departments of the Office. Information on the work and funding of the Ombudsperson Office's is provided in Annex 6.

VIII. Articles 11 and 16 of the Convention

Restraints in prisons – replies to issue No 16 on the Committee's list of issues

190. In accordance with Article 50⁸ of the *Code on the Execution of Sentences*, special measures – handcuffs – may be applied to the prisoners serving life sentence when they are being transferred within the territory of the prison, if the person could endanger the accompanying employees or there is a reasonable suspicion that the prisoner could escape during the transfer. The decision is taken by a commission established by the director of the prison, and it is re-evaluated after six months.

191. Since inclusion of this requirement in Article 50⁸ of the *Code on the Execution of Sentences*, the number of cases when handcuffs have been applied to prisoners serving life sentence is close to zero. Both in the Daugavgriva prison and in Jelgava prison, where prisoners serving life sentences are accommodated, at least once in six months, a commission established by the director of the prison evaluates the danger each prisoner serving the life sentence might pose and the necessity of the application of the special measures – handcuffs – when being transferred in the territory of the prison. Managers of departments responsible for social rehabilitations, supervisions, safety and medical care of convicted persons and the prison psychologist who works with prisoners serving life sentences must be included in the commission. The commission assesses also the re-socialization needs of the prisoner serving life sentence and his or her behaviour since the previous meeting of the commission to the current meeting.

192. In 2015, the Ombudsperson visited the Jelgava and the Daugavgriva prison, where prisoners serving life sentence are accommodated and examined the decisions on the

necessity to apply special measures – handcuffs. The Ombudsperson concluded that the quality of decisions has improved, the decisions are more extensively drafted and contain the reasoning of each member of the commission and the opinion and explanation of the person serving life sentence. Decisions are well founded and it is clear why the commission had arrived at the particular conclusion. The Ombudsperson found that the commission has decided on the necessity to apply the handcuffs only to some prisoners serving life sentence.

193. Permanent video surveillance cameras in the Daugavgrīva prison are used in common use areas. Having conducted an individual assessment, the commission on the placement of the convicts may place the convict in a cell with permanent video surveillance for period of up to one month; this decision has to be subsequently reviewed. Information on partitioning of sanitary facilities is provided in paras. 140, 141 of the Report.

194. With regard to the progress on the training of prison officials on the issue of special restraints, Latvia wishes to provide the following information. Issues included in the “Training Program for Instructors on Application of Special Restraints and Special Fighting Techniques” are dealt with in the context of human rights and prohibition of torture elements in accordance with Article 3 of the ECHR and its application to different situations. Officials are trained to respect human rights in their work, and this program examines questions of liability for, and the consequences of illegal application of special restraints and special fighting techniques. The purpose of the training program is to ensure the ability of the qualified instructors to train officials working in prisons. Instructors improve their qualification in respective courses on regular bases, updating their knowledge also in the field of human rights.

195. The program “Training Program for Instructors on Application of Special Restraints and Special Fighting Techniques” of the Educational Centre of the Prison Administration was completed by eight persons in 2015 and by 13 persons in 2016. The training course “Prison Guard” was completed by 84 persons in 2014 and by 80 persons in 2015. The program “Work with Convicted Persons in the Addicts Re-Socialization Centre” was completed by 65 persons in 2016.

IX. Article 14 of the Convention

Legal protection of, compensations to and rehabilitation of victims – replies to issue No 17 on the Committee’s list of issues

196. In accordance with Article 1 of the *Law on the State Compensation to Victims*, a natural person who, under the procedures laid down in the *Criminal Procedure Law* has been recognised as a victim, has the right to receive a State compensation for moral injury, physical suffering or financial loss resulting from an intentional criminal offence (see paras. 120 and 121 of the Core Document). Information about the number of persons, who have requested the State compensation between 2014 and 2016, is provided in Annex 5.

197. The right of victims of violence and adults who have been the perpetrators of violence, of children who are victims of violence, of children who are asylum seekers with special reception needs, as well as of the victims of trafficking in human beings to receive social rehabilitation services is laid down in the *Law on Social Services and Social Assistance* (see paras. 66–70, 95 of the Report). Information on the State funded medical rehabilitation is provided in paras. 73 and 74 of this Report.

198. Financial resources allocated for social rehabilitation allow providing of immediate rehabilitation services to all persons who require them. In 2016, the actual costs of the social rehabilitation services for adults and children who have suffered from violence amounted to 1,789,215 euros, and for victims of trafficking in human beings – 51,723 euros. Whereas in 2015, the actual costs of the social rehabilitation services for adults and children who have suffered from violence amounted to 1,530,143 euros, and for victims of trafficking in human beings – 67,982 euros.

199. In 2015, social rehabilitation services were provided to 114 adults, and in 2016 – to 295 adults. Among them, 71 persons had suffered from physical violence in 2015, and 167 persons – in 2016. In 2015, this service was provided in 25 % of Latvia’s local governments,

and in 2016 – in 40 % of local governments. In 2016, most persons were the victims of spouse or partner violence.

200. Social rehabilitation services for children who have suffered from violence were provided to 2543 children in 2016, to 2566 children in 2015, and to 2586 children in 2014. In 2015, eight persons started to receive the social rehabilitation service for victims of trafficking in human beings, and three of them proceeded with receiving of the service in 2016 as well. In 2016, 14 persons started to receive this service.

X. Article 16 of the Convention

Persons with disabilities – replies to issue No 18 on the Committee’s list of issues

201. Already at the reception of a psychiatric hospital, patients are informed about the internal rules of the hospital, and patients attest with their signature that they have read and understood the internal rules of the respective section of the hospital. The patient is also asked to indicate the names and contact information of their closest relatives, as well as the data that the doctors may reveal to these persons.

202. Psychiatric hospitals have drawn up forms that clearly state that the patient’s consent for treatment in the psychiatric hospital is required. Even if the patient has a guardian who agrees to the patient’s admission to the hospital without his or her consent, the psychiatrist must also take into account the patient’s consent or the lack of it regarding the treatment, and act in accordance with the *Medical Treatment Law*.

203. If it is necessary to admit a patient to a psychiatric hospital without his or her consent, a council of psychiatrists must within a 72-hour period examine the patient and take a decision to provide psychiatric treatment or to discontinue psychiatric treatment without the patient’s consent. The council of psychiatrists must immediately notify the patient of its decision, but if the decision is unfavourable to the patient, council informs the legal representative of the patient.

204. In accordance with the *Medical Treatment Law*, if the council of psychiatrists has taken a decision to provide psychiatric treatment without the consent of the patient, the psychiatric hospital informs a district (city) court of it in writing within 24 hours at latest. A judge must examine the materials submitted regarding the provision of psychiatric treatment in the psychiatric hospital without the consent of the patient in a closed hearing in the psychiatric hospital where the patient has been admitted. The hearing is attended by the patient (if his or her health condition allows it), the public prosecutor, the representative or advocate of the patient. In examining the materials, the judge hears the representative of the council of psychiatrists, the representative or advocate of the patient, the patient (if it is possible), as well as the public prosecutor and decides either to approve the decision of the council of psychiatrists for a period of up to two months, or to reject the approval of the decision of the council of psychiatrists. Within 10 days from the day of the notification of the decision of the judge, the patient, the representative or advocate of the patient may submit an appeal to the chairperson of the court, but the public prosecutor – a protest.

205. A patient who has been admitted to a psychiatric hospital, has, in accordance with the *Law on the Rights of Patients*, the right to submit a complaint to the Health Inspectorate about the decisions adopted under administrative procedure (administrative acts) and about de facto actions, for example, the lawfulness of the medical procedures and treatments applied to the patient.

206. Between 1 January 2014 and 31 December 2016, the Health Inspectorate examined 150 complaints about the health care provided to the patients in psychiatry (41 complaints in 2014, 42 complaints in 2015, and 67 complaints in 2016). During this period, the Health Inspectorate, having carried out the expert examination of the health care provided to the patients in psychiatry, recognized 28 complaints as well-founded (5 complaints in 2014, 9 complaints in 2015, and 14 complaints in 2016).

XI. Other issues

Anti-terrorism measures – replies to issue No 20 on the Committee’s list of issues

207. The legal basis for anti-terrorism measures in Latvia is laid down in the *National Security Concept* that was approved by the Parliament on 26 November 2015. In order to strengthen the coordination between the various public institutions involved in the combating terrorism, the Anti-terrorism Centre is established under the command of the Security Police. Its tasks are to coordinate the activities of authorities combating terrorism, to ensure the exchange of information in a timely manner, as well as to collect and analyse information related to anti-terrorism activities. An effective system of prevention of terrorism financing has a significant role in the fight against terrorism. The authority responsible for identification and prevention of possible case of terrorism financing in Latvia is the Office for Prevention of Laundering of Proceeds Derived from Criminal Activity.

208. In order to adequately respond to the modern threat of terrorism, the *Criminal Law* has been amended to establish criminal liability for financing of terrorism as well as for violating the normative acts on the prohibition to serve in the armed forces, internal security forces, military organisation, intelligence service or security service, police (militia), or services of judiciary of foreign states or other subjects of international law, or in such forces established in their territories.

209. On 4 February 2016, amendments to the *Law on International Sanctions and National Sanctions of the Republic of Latvia* were adopted that permit the Cabinet of Ministers, if necessary, to apply restrictive measures against organisations and individuals, including for acts of terrorism.

210. On 19 January 2017, the *Aircraft Passenger Data Processing Law* was adopted. The purpose of this Law is to ensure the processing of passenger data that is necessary to conduct analysis for the prevention and detection of terrorism and serious or especially serious crimes, as well as for the prevention of threats to national security.

211. On 30 August 2016, the Cabinet of Ministers approved the *National Anti-Terrorism Plan* drafted by the Security Police. The purpose of the plan is to set up the preventive anti-terrorism measures to be taken by the national anti-terrorism system subjects according to the four terrorism threat levels. The updated plan takes into account the most important issues the field of anti-terrorism of recent years, as well as clarifies institutional changes in the national security system.

212. Taking into account the fact that the threat of terrorism in the country and in the prisons is assessed as low, no anti-terrorism measures in prisons are taken. Prisons currently conduct permanent monitoring of the possible radicalization of prisoners.
