



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

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Committee against Torture

Concluding observations on the sixth periodic report of Latvia*

1. The Committee against Torture considered the sixth periodic report of Latvia (CAT/C/LVA/6) at its 1798th and 1801st meetings (see CAT/C/SR.1798 and 1801), held on 20 and 21 November 2019, and adopted the present concluding observations at its 1820th meeting, held on 5 December 2019.

A. Introduction

2. The Committee welcomes the dialogue with the State party's delegation and the oral and written replies provided to the concerns raised by the Committee.

B. Positive aspects

3. The Committee welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention:

(a) The adoption of amendments to the Citizenship Law that simplify the naturalization procedures, in particular for children under the age of 15 years, in 2013;

(b) The entry into force of amendments to the Criminal Law that determine torture as an autonomous offence under article 130¹, in 2014;

(c) The entry into force of amendments to the Criminal Law that include marital rape as an aggravating circumstance, in 2018, and the entry into force of legislation about the protective measures regime for victims of domestic violence, in 2014;

(d) The entry into force of amendments to article 77 of the Code on the Execution of Sentences concerning the minimum personal space per inmate in single and multiple occupancy cells, in 2015;

(e) The amendments to the Code on the Execution of Sentences that allow for the transfer of prisoners serving life sentences to a regime and premises for prisoners who are not serving life sentences, in 2015;

(f) The entry into force of amendments to article 24¹ of the Law on Entry into Force and Implementation of the Criminal Law that amend further the definition of torture, in 2015;

(g) The entry into force of amendments to the Criminal Procedure Law that broaden the fundamental legal safeguards afforded to persons deprived of their liberty, in 2016;

* Adopted by the Committee at its sixty-eighth session (11 November–6 December 2019).



(h) The entry into force of amendments to the Law on the Procedures for Holding Apprehended Persons that provide that arrested persons may be held for a maximum of seven days in short-term detention facilities, in 2016;

(i) The adoption of the new Asylum Law in 2015, with entry into force in 2016, and of amendments, in 2017, which contain a number of provisions that set higher standards for the asylum procedure, integration measures and introduction of resettlement;

(j) The adoption by Parliament in 2019, and scheduled entry into force in 2020, of a law on the discontinuation of the non-citizen status for children;

(k) The scheduled entry into force of the Law on Administrative Infringement Proceedings, under which arrest is no longer envisaged as an administrative punishment, in 2020.

4. The Committee also welcomes the State party's initiatives to amend its policies, programmes and administrative measures to give effect to the Convention:

(a) The adoption of Regulation No. 25 on health care for detained and convicted persons in the places of detention, in 2014;

(b) The implementation of a pilot project giving prisoners serving life sentences the possibility of communicating with relatives via Skype, in 2014;

(c) The entry into force of amendments to Cabinet of Ministers Regulation No. 1493 of 22 December 2009, which provided for types of legal aid that had not been covered before, in 2014;

(d) The adoption of guidelines for the prevention of trafficking in human beings for 2014–2020, in 2014;

(e) The entry into force of amendments to procedural and legal provisions in a number of laws that provide for the possibility of imposing temporary protection against violence, in 2014;

(f) The adoption of Cabinet of Ministers Regulation No. 161 on a procedure regarding the elimination of the threat of violence and the provision of temporary protection against violence, in 2014;

(g) The availability of State-funded social rehabilitation services for adult victims of violence, since 2015;

(h) The availability of social rehabilitation for children recognized as asylum seekers who have suffered from violence, since 2015.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

5. In its previous concluding observations (CAT/C/LVA/CO/3-5, para. 28), the Committee requested the State party to provide follow-up information in response to its recommendations relating to the strengthening of legal safeguards for persons deprived of their liberty (*ibid.*, para. 9), conditions of detention (*ibid.*, para. 19) and the use of restraints (*ibid.*, para. 21). The Committee expresses its appreciation for the State party's response on those matters and the substantive follow-up information, provided on 10 February 2015 (CAT/C/LVA/CO/3-5/Add.1), and for its sixth periodic report, constituting the State party's reply to the Committee's list of issues (CAT/C/LVA/QPR/6). However, in view of that information, the Committee considers that the above-mentioned recommendations have been only partly implemented, and have been included for follow-up in the present concluding observations (see para. 11 on fundamental legal safeguards, para. 15 on conditions of detention and para. 23 on the treatment of persons in social care and psychiatric institutions, below).

Definition of torture

6. While noting the amendments to the definition of torture included in article 24¹ of the Law on Entry into Force and Implementation of the Criminal Law of 2015, and recalling its previous concluding observations (CAT/C/LVA/CO/3-5, para. 7), the Committee remains concerned that the definition of torture in national legislation does not reflect all of the elements contained in article 1 of the Convention – such as the inflicting of torture on a person for any reason based on discrimination of any kind, and an explicit mention of pain or suffering inflicted by or at the instigation of or with the consent or acquiescence of a public official – which may create loopholes for impunity, as outlined in general comment No. 2 (2007) on the implementation of article 2 (arts. 1, 2 and 4).

7. The Committee reiterates its recommendation that the State party amend its legislation to include a definition of torture in conformity with the Convention, which covers all the elements contained in article 1, including the inflicting of torture on a person for any reason based on discrimination of any kind, and an explicit mention of pain or suffering inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Torture as a specific criminal offence, penalties and the statute of limitations for acts of torture

8. While noting the 2014 amendments to the Criminal Law that determine torture as an autonomous offence under article 130¹, and recalling its previous concluding observations (CAT/C/LVA/CO/3-5, para. 8), the Committee remains concerned that the penalties for acts of torture continue to be incorporated into some 14 different articles of the Criminal Law, including articles 125, 126, 272¹, 294, 301 and 317. It is also concerned that the penalties for acts of torture applicable under article 130¹ of the Criminal Law range from short-term deprivation of liberty, for a period of up to 1 year, to community service or a fine, and that the penalty for a public official for the crime of exceeding official authority under article 317 is up to 5 years if the acts are related to violence or threatened violence and up to 10 years if they are related to torture, which are not appropriate sanctions for the crime of torture. It is further concerned at the absence of information on the minimum sentence for acts of torture. The Committee is seriously concerned that acts of torture under article 130¹ of the Criminal Law are subject to a statute of limitations of five years from the date on which the crime was committed, which is not commensurate with the gravity of the crime, and that crimes of a serious nature under other articles of the Criminal Law are subject to longer statutes of limitations (arts. 1, 2 and 4).

9. The Committee reiterates its recommendation that the State party:

(a) **Amend its legislation to include torture as a specific offence in the Criminal Law that incorporates all the aspects contained in the other articles of the Criminal Law under which it can also be prosecuted; ensure that the prohibition of torture is absolute; and ensure that penalties for torture are appropriate to the gravity of the crime, as set out in article 4 (2) of the Convention;**

(b) **Ensure that, since the prohibition of torture is absolute, there is no statute of limitations for acts of torture, so that persons who commit or are complicit in such crimes can be effectively investigated, prosecuted and punished;**

(c) **Provide information on the minimum penalty for acts of torture and on the number and type of officials or other persons acting in an official capacity who have been prosecuted for acts of torture during the period under review.**

Fundamental legal safeguards

10. The Committee is concerned that persons deprived of their liberty do not enjoy in practice all the fundamental legal safeguards that should be afforded from the very outset of their deprivation of liberty, including being informed about the reasons for their arrest and the charges against them or about their right to prompt access to a lawyer and, if necessary, to State-ensured legal aid so that they are interrogated in the presence of their legal counsel. It is also concerned that the quality of State-ensured legal aid does not always effectively

guarantee the right to defence, and that indigent and vulnerable persons often do not have access to State-ensured legal aid and are therefore deprived of the possibility of filing complaints to the European Court of Human Rights. It is further concerned about the continued shortage of lawyers providing State-ensured legal aid, about the quality of the aid provided, and that their remuneration continues to be inadequate. The Committee is particularly concerned that article 129 of the Criminal Law foresees punishments of only up to one year of imprisonment, community service or a fine for law enforcement officers who cause moderate or serious injuries to persons while arresting them (arts. 2, 11, 12, 13, 15 and 16).

11. The State party should:

(a) **Ensure that all persons deprived of their liberty, including those who are indigent and vulnerable, are afforded, by law and in practice, all the fundamental legal safeguards from the very outset of their deprivation of liberty, including being informed about the reasons for their arrest and the charges against them; being informed about their rights, both orally and in writing, in a language that they understand; being informed of their right to unimpeded access to an independent lawyer of their choice or, if necessary, to State-ensured legal aid of adequate quality, including during the initial interrogation and inquiry; being brought before a judge within the time frame prescribed by law; being able to notify a family member or any other person of their own choice of their detention immediately after apprehension; having the right to request and receive an independent medical examination, free of charge, including by a doctor of their choice upon request; and having their deprivation of liberty, including transfers and injuries, recorded in registers at all stages;**

(b) **Ensure greater quality and effectiveness of legal aid, including through annual increases in the amounts of payment for different types of State-ensured legal aid pursuant to the Cabinet of Ministers Regulation No. 1493, and a sufficient number of persons providing State-ensured legal aid in all parts of the country and receiving adequate remuneration for their services;**

(c) **Establish a normative framework for the effective oversight of the provision of safeguards; monitor compliance by all public officials with fundamental legal safeguards, including through video monitoring of all places of deprivation of liberty and interrogation rooms; and take disciplinary measures against officials who fail to afford fundamental legal safeguards to persons deprived of their liberty in practice;**

(d) **Amend article 129 of the Criminal Law so that officials who cause harm to persons deprived of their liberty during their arrest and detention are criminally prosecuted and punished with a severity that is commensurate with the gravity of their acts;**

(e) **Ensure that all persons deprived of their liberty who may also lack resources are able to file complaints or communications with international human rights mechanisms.**

Pretrial detention, including in short-term detention facilities

12. While noting the amendments to the Law on the Procedures for Holding Apprehended Persons, which provide that arrested persons may be held in short-term detention facilities for a maximum of seven days, the Committee is concerned that the Law does not specify the maximum duration for holding detainees and sentenced persons in short-term detention facilities; that detained and convicted persons may be held together, including during transport; and that persons remanded in custody have been held in police detention facilities for well beyond the statutory limit, and from two weeks to more than a month for the purposes of procedural actions in facilities designed for shorter stays. It is further concerned that, if necessary and upon request from the courts, the prosecutor's office or the State police, administratively detained and arrested persons, as well as persons placed in detention and convicted persons, may be returned to a police detention centre for the purposes of investigative work and procedural actions before being placed in a remand

prison or prison, meaning that they may be returned to small police stations that are not suitable for this purpose. The Committee is also concerned that pretrial detention can last for up to 20 days, that this period has not been changed for persons detained for more serious crimes, and that the duration of deprivation of liberty in short-term detention facilities may also depend on the workload of the relevant court and the backlog of cases (arts. 2, 10, 12, 13 and 16).

13. The State party should:

(a) **Take all the necessary measures to ensure that persons are held in short-term detention facilities for as brief a period as possible and for no longer than the period prescribed by law, and envisage using alternatives to pretrial and remand detention, as laid out in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(b) **Ensure that persons remanded in custody are promptly transferred to a prison;**

(c) **Take steps, including of a legislative nature, to enhance the efficiency of the judicial system and expedite judicial proceedings; ensure that prisoners and detainees are not returned to short-term detention facilities in small police stations, whether for logistical reasons, for further investigations or court proceedings or as a result of a backlog of cases in the courts; and provide the Committee with information on the duration of such detention, including for more serious crimes, and on the number of persons who have been held in pretrial detention during the current and previous reporting periods;**

(d) **Establish strict rules concerning the duration of detention in police stations and ensure that the return of detained persons to police stations is authorized on an exceptional basis only, and based not on the sole decision of a police investigator but on individual consideration by a prosecutor or a judge; and that detained persons are held separately from convicted prisoners at all times;**

(e) **Continue to give additional consideration to alternative, non-custodial measures, taking into account the provisions of the Tokyo Rules when devising the alternative measures to preventive detention.**

Conditions of detention

14. While noting the amendments to the Code on the Execution of Sentences concerning the minimum personal space per inmate in single and multiple occupancy cells, the closure of Dobele and Zemgale temporary facilities and Vecumnieki prison, the renovation of 21 police detention facilities throughout the country, the opening of the Drug Addiction Centre in Olaine prison hospital and increase in the hospital's capacity to 120 beds, and the reconstruction of the juvenile detention facility in Cesis, the Committee remains concerned that:

(a) The conditions of detention in places of deprivation of liberty continue to fall short of international standards, including with regard to material conditions such as hygiene, sanitation, humidity, ventilation and access to natural light, and substandard conditions persist in the Griva section of Daugavgriva prison, which has the status of historic monument;

(b) The construction of the new prison in Liepaja has been postponed for budgetary reasons and the envisaged construction is due to be completed only in 2023;

(c) The outdated prison infrastructure, whereby inmates are housed in very large cells that can hold more than 40 persons in old prison buildings, creates the conditions for inter-prisoner violence, a criminal subculture and hierarchical relations among the prisoners, especially in Daugavgriva, Jelgava and Riga Central prisons;

(d) Places of deprivation of liberty have not been adapted for persons with disabilities, especially those with reduced mobility, who have to rely on help from other inmates, and there is a shortage of medical personnel;

(e) Inmates in many detention facilities do not have access to a meaningful regime of activities or to sufficient outdoor exercise;

(f) The number of medical staff is reduced and there are significant gaps in the provision of appropriate medication to prisoners (arts. 11 and 16).

15. The State party should:

(a) **Continue to take steps to improve conditions in all prisons and police detention centres with regard to the material conditions of detention, including hygiene, sanitation, humidity, ventilation and access to natural light, with a view to bringing them into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**

(b) **Consider closing additional detention facilities where conditions are particularly substandard, including the Griva section of Daugavgriva prison, which has the status of historic monument; ensure that the construction of Liepaja prison begins in 2020 and is completed on schedule by 2023; and adapt and renovate outdated prison infrastructure in order to reduce the number of cells that can hold large numbers of prisoners in order to reduce and prevent inter-prisoner violence and eradicate the criminal subculture;**

(c) **Continue to renovate all places of detention in need of repair with a view to improving their infrastructure and material conditions, and ensure that they are adapted to the needs of persons with disabilities, especially those with reduced mobility;**

(d) **Strengthen the effectiveness of complaints mechanisms for reporting cases of violence; examine, record and investigate all injuries and deaths resulting from inter-prisoner or other violence, prosecute those responsible and prevent such incidents from recurring in the future by taking appropriate measures based on dynamic security principles; provide persons deprived of their liberty with adequate health care and medication; increase the number and remuneration of medical staff, including psychiatrists, and transfer the competence of penitentiary medical staff to the authority of the Ministry of Health;**

(e) **Improve the remuneration and working conditions and increase the number of custodial staff, in particular in Daugavgriva, Jelgava and Riga Central prisons, provide them with training on the management of inmates, and strengthen the monitoring and management of vulnerable prisoners and other prisoners at risk;**

(f) **Ensure that all inmates, including prisoners serving life sentences, have access to a meaningful regime of activities and sufficient outdoor exercise, and take further steps to integrate inmates serving life sentences into the general prison population.**

Solitary confinement

16. Based on the explanations of the delegation, regarding the imposition of disciplinary sanctions on prisoners, that under no circumstances is isolation used for extended periods and that minors are rarely placed in solitary confinement, the Committee remains concerned that solitary confinement continues to be applied to persons deprived of their liberty not only as a punishment but also for holding persons with behavioural problems for protection purposes for prolonged, and at times consecutive, periods (arts. 11 and 16).

17. **The State party should ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible (no more than 15 consecutive days) and subject to independent review, and only pursuant to the authorization by a competent authority, in accordance with rules 43 to 46 of the Nelson Mandela Rules. The Committee wishes to draw the State party's attention to rule 45 (2) of the Nelson Mandela Rules, under which solitary confinement should be prohibited in the case of prisoners with intellectual, psychosocial or physical disabilities when their conditions would be exacerbated by such measures. It also draws the State party's attention to rule 22 of the United Nations Rules for the**

Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and paragraph 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which prohibits the use of solitary confinement on juveniles. In addition, rule 43 (3) of the Nelson Mandela Rules provides that disciplinary sanctions or restrictive measures must not include the prohibition of family contact and that the means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order, and never as a disciplinary measure. Lastly, there must be a clear distinction between administrative segregation and isolation on disciplinary grounds.

Independent monitoring of places of detention

18. The Committee notes that the Ombudsman is the only human rights-based mechanism that monitors places of deprivation of liberty. It is also concerned that the results of visits to places of deprivation of liberty by the Ombudsman are not made public, that the exact number of visits is not specified and that there is no breakdown of information concerning the places and types of visits carried out. In addition, the Committee is concerned that the State party has not ratified the Optional Protocol to the Convention and that there is no information about whether representatives of independent national or international mechanisms visit places of deprivation of liberty (arts. 2, 11, 12, 13 and 16).

19. The State party should:

(a) **Take measures to strengthen the human and financial capacity of the Ombudsman to effectively carry out systematic visits to all places of deprivation of liberty, including psychiatric institutions, hold confidential private meetings with persons deprived of liberty and receive and act on their complaints, and make the findings public;**

(b) **Ensure effective follow-up to the complaints received by the Ombudsman and the Ministry of Justice regarding conditions of detention;**

(c) **Ensure that independent international mechanisms are able to carry out independent and unannounced monitoring of all places of deprivation of liberty in the State party in coordination with the Ombudsman and are able to hold confidential private meetings with the detained persons;**

(d) **Take further steps towards ratifying the Optional Protocol to the Convention.**

National human rights institution

20. While noting the accreditation with A status of the Office of the Ombudsman by the Global Alliance of National Human Rights Institutions in 2015, the Committee is concerned that the Office currently lacks the financial resources required to fully and effectively discharge its mandate, especially if it is to carry out the additional mandate of a national preventive mechanism. The Committee is also concerned that the staff of the Office receive lower remuneration than officials in other institutions, and that financial resources have not been made available to render the building in which the Office is located accessible to persons with disabilities, since it lacks an elevator (art. 2).

21. **The State party should provide the Office of the Ombudsman with adequate financial and human resources to enable it to fully discharge its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), especially if it is to assume the mandate of a national preventive mechanism. The State party should also ensure that the remuneration of the Office's staff is not below that of officials in governmental and other institutions, and that the building in which the Office is located is rendered accessible to persons with disabilities by installing an elevator. The State party should ensure that effective, independent and accessible complaints mechanisms are available to all persons deprived of their liberty and that they are not**

subjected to reprisals as a result their complaints, including the complaints submitted to the Office of the Ombudsman.

Treatment of persons in social care and psychiatric institutions

22. The Committee is gravely concerned about:

(a) The absence of legal safeguards concerning involuntary hospitalization, involuntary medical treatment and the application of restraints to persons with intellectual or psychosocial disabilities in psychiatric institutions; and that psychiatric hospitals continue to fail to request the informed consent of patients regarding both their hospitalization and their intended treatment;

(b) The placement of children from orphanages, boarding schools and social care institutions in psychiatric institutions for bad behaviour, and their medication with dangerous and obsolete medicines and severe polypharmacy, without consideration of the possible side effects; and possible criminal offences in the children's psychiatric hospital in Ainazi;

(c) The absence of adequate care in social care institutions for the elderly, including the use of medical restraints in lieu of outdoor exercise (arts. 2, 11 and 16).

23. **The State party should:**

(a) **Ensure that national legislation provides a proper regulatory framework for social care and psychiatric institutions, including guarantees for effective legal safeguards for all persons with intellectual or psychosocial disabilities concerning involuntary treatment in psychiatric institutions; that such treatment is a measure of last resort, including with regard to decisions to use chemical and physical restraints or coercive force; that such treatment is duly registered and monitored by specialized medical personnel at regular intervals; that any restraints are legal, necessary and proportionate to the individual circumstances; that guarantees of an effective remedy are provided for; and that the persons concerned or their legal representatives are allowed to avail themselves of the right to appeal against decisions;**

(b) **Ensure the right of the patient or his or her legal representative to be heard in person by the judge ordering the hospitalization, and that the court always seeks the opinion of a psychiatrist who is not attached to the psychiatric institution admitting the patient and on the basis of objective medical criteria stipulated in law;**

(c) **Take the necessary measures to ensure that the Ombudsman and other independent monitoring bodies are able to conduct regular and unannounced visits to psychiatric and other social care institutions without any restrictions; establish an independent complaints mechanism; and ensure that recommendations made by the Ombudsman are effectively implemented;**

(d) **Promote psychiatric care aimed at preserving the dignity of patients; investigate effectively, promptly and impartially all allegations of ill-treatment or abuse of persons with intellectual or psychosocial disabilities, children placed in psychiatric institutions, in particular possible criminal offences in the children's psychiatric hospital in Ainazi, and older persons in social care institutions; bring those responsible to justice, in particular persons using medication on children and medical restraints in lieu of outdoor exercise; and provide redress to victims;**

(e) **Inform the Committee about the outcome of the criminal proceedings relating to the children's psychiatric hospital in Ainazi;**

(f) **Envisage reforming psychiatric care, including by seeking to increase the use of less restrictive alternatives to the forcible confinement of persons with intellectual and psychosocial disabilities; promote community-based or alternative social care services; and provide the Committee with updated information regarding the process of deinstitutionalizing children and older persons.**

Investigation of excessive use of force and ill-treatment by law enforcement officers

24. While noting the establishment in 2015 of the Internal Security Bureau to investigate criminal offences by officials subordinated to the Ministry of the Interior, the Prison Administration, the municipal police and the port police, with the exception of Security Police, and of the Internal Control Bureau by the State Police, both of which are under the supervision of the Ministry of the Interior, the Committee is concerned that complaints of torture and ill-treatment by law enforcement officials are investigated by bodies that have institutional and hierarchical relationships with the perpetrators of those acts (arts. 2, 12, 13 and 16).

25. **The State party should:**

(a) **Take appropriate measures to guarantee the independence of the body in charge of conducting investigations of alleged misconduct by police officers and prison staff; ensure that all allegations of torture and ill-treatment are promptly and effectively investigated by that independent body; and ensure that there is no institutional or hierarchical relationship between the body's investigators and the suspected perpetrators of such acts;**

(b) **Ensure that, in cases of alleged torture or ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, to avoid the risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation;**

(c) **Ensure that law enforcement personnel continue to receive training on the absolute prohibition of torture and on the use of force, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and on the investigation of torture and ill-treatment on the basis of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);**

(d) **Compile and publish comprehensive and disaggregated statistical information on the number of complaints of torture or ill-treatment, whether such complaints resulted in investigations, which authority investigated the complaints, whether the investigations resulted in the imposition of disciplinary measures and/or prosecutions, the type of punishment imposed, and whether victims have obtained redress; in addition, the State party should provide the Committee with this information in its next periodic report.**

Domestic violence

26. Recalling its previous concluding observations (CAT/C/LVA/CO/3-5, para. 14), the Committee remains concerned that domestic violence is not still defined as a specific crime in the Criminal Law, and that marital rape is still not recognized as a separate criminal offence. While recognizing the introduction of restraining measures against perpetrators of domestic violence during the period under review, the Committee is concerned about the difficulties that victims have in filing complaints and accessing the authorities for protection measures and separation from the perpetrators, including the single toll-free helpline for victims of crime operated by the Legal Aid Administration, and accessing medical and legal services, including counselling, and about the limited assistance provided to the victims of such acts based on State-funded social rehabilitation services and shelters and crisis centres maintained by the State (arts. 2, 12, 13, 14 and 16).

27. **The State party should take measures to ensure that its authorities or other entities refrain from action or omissions that engage the international responsibility of the State party under the Convention, in particular:**

(a) **Amend its legislation to include domestic violence and marital rape as specific crimes in the Criminal Law; ensure that all cases of domestic and gender-based violence are promptly and thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, are punished appropriately, and that the victims receive redress, including adequate compensation; and ensure that women who are victims of domestic violence face no legal impediments to immediately**

petition the authorities for protection measures, including restraining orders and legal separation;

(b) **Ensure that all victims of gender-based violence, including domestic violence, have access to medical and legal services, including counselling, redress and rehabilitation, and provide State-funded social rehabilitation services, shelters and crisis centres;**

(c) **Monitor the effectiveness of complaints mechanisms, including the toll-free helpline, operated by the Legal Aid Administration with the help of the “Skalbes” association for victims of crime, including victims of violence and their families;**

(d) **Provide mandatory training for police and other law enforcement officials, prosecutors, judges and social and medical workers on how to identify and effectively protect victims of gender-based violence and domestic violence; and compile statistical data, disaggregated by gender, age and ethnicity of the victims and their relationship to the perpetrator, on domestic, sexual and other forms of violence against women, including marital rape, and on the number of complaints, investigations, prosecutions and convictions of perpetrators and sentences handed down.**

Trafficking in human beings

28. While noting that articles 154¹ and 165¹ of the Criminal Law provide for criminal liability for trafficking in human beings, the Committee is concerned that the State party remains the country of origin of victims of trafficking, for sexual and labour exploitation (arts. 2, 12, 13, 14 and 16).

29. **The State party should:**

(a) **Vigorously implement the relevant international and domestic legislation, allocate sufficient funds to combat trafficking and conduct national prevention and awareness-raising campaigns about the criminal nature of such acts;**

(b) **Take effective measures to prevent and eradicate human trafficking, including by providing specialized statutory training to public officials, such as law enforcement officers and other first respondents, on identifying victims and on investigating, prosecuting and sanctioning perpetrators;**

(c) **Ensure the effective implementation of the guidelines for the prevention of trafficking in human beings for 2014–2020; increase the protection of and provide effective redress to victims of trafficking, including legal, medical and psychological aid and rehabilitation, as well as adequate shelters and assistance in reporting incidents of trafficking to the police;**

(d) **Promptly, effectively and impartially investigate the crime of trafficking in persons and related practices; prosecute and punish perpetrators in accordance with the gravity of the crime; and provide the Committee with comprehensive and disaggregated data on the number of investigations, prosecutions and sentences handed down to perpetrators of such trafficking, and in particular the specific sentences handed down during the period under review to perpetrators under articles 154¹ and 165¹ of the Criminal Law.**

Situation of asylum seekers and non-citizens

30. While noting the adoption in 2015 of the new Asylum Law, the Committee is concerned that asylum seekers continue to be detained, that they may not have access to information about the asylum procedure and that they do not enjoy adequate procedural safeguards, in particular at border crossings. It is also concerned about the absence of free legal aid to enable asylum seekers to appeal refusal of entry or refusal of registration as an asylum seeker, an appeal that must be lodged within 48 hours. In addition, the Committee is concerned that children born to non-citizen parents are not automatically granted Latvian citizenship (arts. 2, 3, 11 and 16).

31. The State party should:

(a) Abide by its obligations under article 3 of the Convention and ensure that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment;

(b) Ensure that procedural safeguards against refoulement are in place and that all persons in need of international protection receive appropriate treatment at all stages, including at border crossings, and can benefit promptly from free legal aid, in particular in case of appeal against refusal of entry or registration; and ensure that appeals against decisions concerning asylum have suspensive effect;

(c) Ensure the creation of an effective mechanism to promptly identify victims of torture among asylum seekers and exempt them and other persons with specific needs, such as children, pregnant women and nursing mothers, from detention;

(d) Ensure that the detention of children is a measure of last resort and is used for the shortest appropriate period, promote the application of non-custodial measures, and ensure appropriate reception of persons in immigration detention centres and that living conditions are in conformity with international standards;

(e) Consider taking additional legal, policy and practical steps to facilitate the naturalization and integration of non-citizens.

Training

32. While noting the information provided by the State party that training on human rights is provided on a regular basis to a number of officials, the Committee is concerned that public officials such as law enforcement officers, judges, prosecutors, court officials, lawyers, medical personnel, prison staff, military and intelligence officers and security guards may not receive mandatory specific training on the provisions of the Convention and the absolute prohibition of torture. It is also concerned that medical professionals may not all receive training on the Istanbul Protocol (art. 10).

33. The State party should:

(a) Develop mandatory initial and in-service training programmes to ensure that all public officials are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture and ill-treatment, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, if convicted, punished appropriately;

(b) Ensure that the absolute prohibition of torture and ill-treatment is fully included in the rules and instructions issued with regard to the duties and functions of any such person;

(c) Ensure that the Istanbul Protocol is made an essential part of the training for all medical professionals and other public officials involved in work with persons deprived of their liberty and asylum seekers;

(d) Provide the Committee with information about the training provided to police officers on new interrogation techniques, and whether it covers methods of investigation that rely on scientific evidence and non-coercive interrogation techniques, and about training on the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(e) Provide information about how the results of the surveys and assessments of the training programmes provided to public officials are taken into consideration when designing additional training programmes for specific law enforcement personnel.

Redress, including compensation and rehabilitation

34. Recalling its previous concluding observations (CAT/C/LVA/CO/3-5, para. 22), the Committee reiterates its concern that there is no explicit provision in domestic legislation that provides for the right of victims of torture and ill-treatment to fair and adequate compensation, including the means for as full rehabilitation as possible, as required by article 14 of the Convention and in light of its general comment No. 3 (2012) on the implementation of article 14. It is also concerned at the absence of information on specific compensation provided under the Law on the State Compensation to Victims, the Criminal Procedure Law and the Law on Social Services and Social Assistance or on any specific rehabilitation services that may have been established during the period under review. Additionally, it is concerned about the low amounts of State compensation allocated to victims (art. 14).

35. **The Committee reiterates its recommendation that the State party amend its legislation to include explicit provisions on the right of victims of torture and ill-treatment to redress, including fair and adequate compensation and rehabilitation, in accordance with article 14 of the Convention and in light of its general comment No. 3. It should, in practice, provide all victims of torture and ill-treatment with redress, including fair and adequate compensation, and as full rehabilitation as possible, regardless of whether the perpetrators of such acts have been brought to justice. It should allocate the necessary resources for the effective implementation of rehabilitation programmes. In addition, the State party should:**

- (a) **Establish specialized rehabilitation services;**
- (b) **Compile and provide the Committee with information on redress and compensation measures, including means of rehabilitation, ordered by the courts or other bodies in the State party that have actually been provided to victims of torture or ill-treatment, including the amounts paid;**
- (c) **Increase the amounts of State compensation provided to each victim of torture or ill-treatment.**

Follow-up procedure

36. **The Committee requests the State party to provide, by 6 December 2020, information on follow-up to the Committee's recommendations on ratifying the Optional Protocol to the Convention, increasing the amounts of State compensation provided to each victim of torture or ill-treatment, and strengthening the effectiveness of complaints mechanisms for reporting cases of violence and providing adequate health care to persons in detention (see paragraphs 19 (d), 35 (c) and 15 (d)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

Other issues

37. **The Committee encourages the State party to consider making the declarations under articles 21 and 22 of the Convention.**

38. **The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet party.**

39. **The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its disseminating activities.**

40. **The Committee requests the State party to submit its next periodic report, which will be its seventh, by 6 December 2023. The Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its seventh periodic report under article 19 of the Convention.**