



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

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Held at the Palais Wilson, Geneva, on Thursday, 21 November 2019, at 3 p.m.

Chair: Mr. Modvig

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Sixth periodic report of Latvia (continued)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Sixth periodic report of Latvia (continued) (CAT/C/LVA/6 and CAT/C/LVA/QPR/6)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*
2. **Mr. Peļšs** (Latvia), replying to questions raised by Committee members in the first part of the dialogue (CAT/C/SR.1798), said that, regarding the granting of Latvian citizenship to non-citizens and stateless persons, it should be noted that the term “non-citizen” related to the temporary status that had been created for citizens of the former Union of Soviet Socialist Republics who, after the Union’s dismemberment, had not been automatically eligible for Latvian citizenship. Such persons were not stateless; they could apply for Latvian citizenship by naturalization. Moreover, the protections they were accorded exceeded the requirements of the 1954 Convention relating to the Status of Stateless Persons. As of 1 January 2020, children born to non-citizen parents would automatically receive Latvian citizenship, in accordance with the amended Citizenship Law. Older children up to the age of 15 years could obtain citizenship subject to an application made by one of their parents; minors aged 15–18 years could apply for citizenship in their own right. The naturalization process had been streamlined and children who had completed at least half of their primary education in Latvia were exempted from the attendant language examinations. Unlike non-citizens, stateless persons were required to apply for a residence permit to stay in Latvia. Although there were very few stateless persons in Latvia – just 178 had been registered as living in the country in 2018 – efforts had been made to simplify the process of acquiring citizenship. Children born in Latvia to stateless parents could obtain citizenship through the naturalization of one or both of their parents. Stateless parents who did not wish to become naturalized citizens could still apply for citizenship for their children if they had lived in Latvia for at least five years.
3. In 2018, the Ombudsman had been allocated a budget of around 1.4 million euros (€) and had increased its workforce from 46 to 51 staff members. In 2019, its budget had been around €1.5 million and a similar amount was envisaged for 2020. Careful consideration was given to the recommendations of the Ombudsman; however, if those recommendations were not implemented, the Ombudsman had the right to appeal to the Constitutional Court – and had done so several times in the past. In addition, the Ombudsman participated in an inter-institutional working group set up to draft bills and policy documents.
4. **Ms. Medina** (Latvia) said that the definition of torture in the Criminal Law was based on article 1 of the Convention. As had been explained in her country’s periodic report (CAT/C/LVA/6, para. 6), acts of torture were criminalized under various articles of the Criminal Law, which included the commission by public officials of illegal acts, omissions, and serious, moderate and slight bodily injuries. Cases in which the abuse of power by public officials involved acts of torture – irrespective of the type of injury suffered by the victim – would be prosecuted in accordance with the definition of torture contained in the Criminal Law and article 317, on abuse of authority. Public officials who committed acts of torture faced up to 10 years’ imprisonment and being barred from holding certain positions. Similarly, acts of torture motivated by discrimination would be prosecuted in line with article 149 (1), which criminalized discrimination, and article 317. There was also a standalone article covering acts of torture in which no bodily harm had occurred. In 2018 and 2019, five persons had been convicted of acts of torture under articles 126 and 130 of the Criminal Law, which related to moderate and slight bodily injury, respectively.
5. With reference to the classification of offences, less serious offences were intentional acts that were punishable by up to 3 years’ imprisonment or, if committed through negligence, up to 8 years in prison. Serious offences attracted up to 8 years’ imprisonment, while perpetrators of especially serious crimes could be sentenced to

between 8 years' and life imprisonment. Depending on the severity of the offence, the statute of limitations was 5, 10 or 15 years.

6. Alternatives to deprivation of liberty included community service and fines; additional sanctions could also be applied, such as confiscation of assets, deportation and probationary supervision. Regarding the issue of forced labour, community service was, by its very nature, compulsory work carried out in the local community and without remuneration. Pretrial detention was a measure of last resort that could only be applied in certain circumstances. The duration of pretrial detention depended on the severity of the offence; for especially serious crimes, it could be applied for up to 12 months and be further extended by order of a judge for a maximum of six months. In practice, however, there had been a downward trend in the use of pretrial detention; the number of pretrial detainees had almost halved between 2014 and 2019. It should also be pointed out that administrative arrest had been abolished under the new Code of Administrative Violations, which would enter into force on 1 January 2020.

7. Regarding access to justice, since 2013, there had been an overall reduction in the duration of proceedings before regional criminal courts, as borne out by the information provided in annex 3 of the report. The level of State compensation for victims of torture and ill-treatment was calculated based on the minimum wage and was intended solely as a basic payment to cover the victim's immediate needs. In 2018, the State had paid out almost €970,000 in compensation to victims in 869 cases of torture and ill-treatment, with the maximum amount of State compensation having been €2,150 – equivalent to five times the minimum wage. Victims also had the right to claim compensation from perpetrators through the criminal or civil courts, irrespective of the amount of State compensation that they had received.

8. The parliament was currently considering amendments to the Criminal Law aimed at giving priority to the use of alternative measures to imprisonment, such as probation, for juveniles in conflict with the law. Juveniles under the supervision of probation services took part in various activities with the aim of fostering their social integration and providing them with useful skills for their future.

9. In accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), prison medical staff received regular training on topical health-care issues. In 2019, subjects covered had included: treating HIV-positive patients, protecting certain categories of prisoners and recording and informing the prison administration of injuries detected by medical personnel. Training on the latter topic was conducted yearly and provided an opportunity to learn from any errors that had been made. In that connection, all prison medical facilities kept an injury log, as had been explained in the periodic report (para. 183).

10. The Ombudsman had the right to make unannounced visits to any places of detention in Latvia. Representatives of non-governmental organizations (NGOs) could also conduct prison visits but were required first to submit a request – stating the purpose and time of the visit and the prison facility concerned – which could be approved or denied by the relevant authorities. Regarding conditions of detention, various repairs and renovations had been carried out at the Riga central prison and the Daugavgrīva prison, including improvements to the ventilation, heating and hygiene conditions. Prison overcrowding was not a problem in Latvia, since there was a maximum capacity of 4,822 prison places for a current prison population of 3,453, including pretrial and convicted detainees.

11. Measures had been taken to combat the informal criminal subculture and unofficial hierarchy among prisoners in an effort to minimize the risk of inter-prisoner violence. For example, the refurbishment of prison areas had been carried out and commissions had been established in prisons to ensure that convicted prisoners were assigned to cells in accordance with certain medical, security and crime-prevention criteria. At-risk persons could be moved to another cell or, if the threat was deemed significant, even transferred to another prison facility. As a result, there had been a decrease in inter-prisoner violence, with just 12 incidents having been recorded in 2019. Lastly, all violent incidents were recorded and investigated, irrespective of whether or not a prisoner made a complaint.

Cases of violence against prisoners perpetrated by prison officers were referred to the Internal Security Bureau for investigation.

12. **Ms. Līce** (Latvia) said that, with reference to conditions in places of detention, communication between prison staff and foreign prisoners who did not speak English or Russian was facilitated by innovative solutions, such as the use of voice-translator software. Medical personnel could also use similar software, if necessary.

13. Only rarely were juveniles in detention placed in solitary confinement. In fact, in 2019, there had been just one case, a juvenile who had been the subject of two consecutive sanctions of solitary confinement of 10 days and 8 days. There had, however, been a break between the implementation of those punishments so as to provide the juvenile concerned with the opportunity to have contact with family members. There were currently 14 minors in pretrial detention and 19 convicted juveniles, all of them boys. Minors in pretrial detention were housed in accommodation separate from convicted juveniles. The cells of convicted minors were open during the daytime and those juveniles had a programme of educational and recreational activities, as well as regular contact with family members.

14. There were currently nine persons who were serving a life sentence in Latvia. They had the opportunity to spend time outside their cells and could participate in a range of activities, such as educational and vocational training, sports and cultural events. Women accounted for around 8 per cent of the general prison population. They, too, were encouraged to take part in educational and cultural activities and vocational and skills training, such as in floristry or hairdressing, in order to facilitate their reintegration into society.

15. The vacancy rate for prison medical staff was low: just 20 positions – 18 of them part-time – were currently vacant out of a total of 156 posts. Incentives for medical practitioners to apply for work in prisons included increased remuneration and improved social benefits. Dental services were available in all places of detention. Lastly, the Health Inspectorate of the Ministry of Health conducted planned inspections of places of detention throughout the year. Complaints from prisoners could also trigger unplanned visits. All recommendations subsequently made by the Ministry of Health were subject to mandatory implementation by the prison authorities.

16. **Mr. Velšs** (Latvia) said that the legal basis for the use of temporary detention facilities in police stations was the Law on the Procedures for Holding in Detention. After 31 December 2019, when the penalty of administrative detention would be abolished, only persons detained under criminal procedural law would be held in them. Detained persons could only be placed in such facilities based on a police report, drawn up by the arresting officer on the spot or immediately upon arrival at the detention facility. The report must include information about the detained person, the applicable criminal offence and the reason for the arrest. The police officer or prosecutor who made the arrest must immediately inform the person of the reason for the arrest and of the right to remain silent. Detained persons also had the right to know the content of the arrest report, to receive a copy of the legal provisions on the rights and obligations of detained persons and to express their views as to whether their detention was justified. Persons detained in temporary detention facilities could meet with their lawyers at all times, with confidentiality ensured and no restriction on the number of visits.

17. In 2018, the average length of stay in a temporary detention facility had been four days. Officials involved in the cases of persons held in such facilities were required to reduce the period of detention to a minimum. The cases identified by the Ombudsperson of much longer stays were exceptional and the longer detention was always legally justified. The length of detention was based on objective criteria such as legal complexity and the number of procedural activities required. The exceptional cases involved persons accused of multiple serious offences, such as robberies.

18. Significant efforts had been made to prevent domestic violence. For example, the number of protection orders issued against perpetrators by the police and the courts had dramatically increased since 2014. The major improvements resulted from changes in police procedures and organization, specific training for police officers, prevention activities and greater confidence by victims in the police and the courts, which had led to

higher numbers of protection requests. The proportion of the general public that expressed trust in the police had increased from approximately 50–60 per cent in previous years to 70 per cent in January 2019, according to an independent survey.

19. Regarding the statistics on family conflict cases, he wished to clarify that the police were required to register all events in which they were involved. Not all “family conflict cases” were incidents of domestic violence resulting in the issuance of a protection order. Such conflicts were often resolved before the police arrived, with the parties declining to press charges. However, the information recorded became a risk management tool for future cases. In 2019, a new practice had been introduced whereby, even in such non-conclusive cases, the police would flag the family to social services as a high risk of domestic violence. Civil procedural law did not provide for any difference in status according to type of family relationship, such that protection could be provided following violence between a married or cohabiting couple, parents and children or siblings. The law would also apply to same-sex couples. When protection orders were issued, data were collected on the nature of the relationship between the parties, which showed that a large majority of cases involved heterosexual couples, while the remainder concerned parents and children or siblings. Nonetheless, police were confronted in their training with different scenarios, which included incidents of violence involving sexual minorities.

20. The proportion of women in the police was increasing and had risen from approximately 30 per cent in 2014 to just over 40 per cent in 2019.

21. Temporary detention facilities were being closed each year. Owing to the short average length of detention and low numbers of persons detained, it was not economically viable to maintain them all. It was planned to reduce the numbers to two or three facilities in each of the five regions. The process had begun with the decommissioning of the centres in which the conditions were incompatible with human rights standards. Facilities in Valmiera and Limbaži had already been closed down, while three more detention centres had been closed in 2019. Major resources had been put into the refurbishment of the remaining centres in recent years. All renovated centres were compliant with international standards to ensure adequate lighting, heating, ventilation and sanitary facilities that ensured the privacy of the inmates.

22. **Mr. Mūrnieks** (Latvia) said that the mandate of the Internal Security Bureau was to investigate criminal offences committed by employees of all Ministry of the Interior institutions, with a few exceptions, which included the State Security Service. The reason for the exception was the specific area of competence of the Service. Although its work was supervised by the Minister of the Interior, the legitimacy of the pretrial investigation process was supervised by the Office of the Prosecutor General and parliamentary control was ensured by the National Security Commission. Following debate on the best model of supervision to adopt, the Internal Security Bureau had been established as an institution under the supervision of the Minister of the Interior, to uphold the principle of independent investigation in terms of institutional hierarchy and independence. The jurisprudence of the European Court of Human Rights regarding Latvia and its obligation to carry out a general, thorough and effective investigation had been taken into consideration in the establishment of the Bureau.

23. During its period of operation, the Bureau had conducted investigations into more than 500 criminal cases and referred 182 criminal cases to the prosecutor’s office. That had resulted in 41 convictions in 38 different cases. The annual growth rate of investigations was 5 per cent. In the first three years of its existence, most of the offences investigated had been committed by off-duty officials, a trend which had been reversed in 2018. Most of the incidents investigated involved property offences, violence committed by on-duty officials and corruption. The Bureau also focused on traffic offences, forgery of official documents and disclosure of confidential information.

24. Since November 2015, the Bureau had received more than 1,000 complaints of violence by on-duty officials, although it had declined to initiate criminal proceedings in over 80 per cent of cases after establishing that no crime had been committed. It had initiated 97 criminal proceedings in cases of disproportionate use of force. The Bureau had concluded that the illegal use of force had been caused by a combination of factors and

recommended training for law enforcement officials in the use of weapons and coercive techniques, greater care with the personnel selection process, measures to improve psychological resilience among staff and a proper internal control system for the timely identification and prevention of risks of violence. The Bureau had been praised by the European Court of Human Rights for its role in ensuring the independent and impartial investigation of criminal offences committed by officials. The public's trust in the Bureau and understanding of its work had improved, leading to increased numbers of calls to its hotline.

25. The Bureau worked closely with other law enforcement institutions, both nationally and internationally, actively participated in working groups on legislative amendments and continued to develop its information processing system to aid decision-making. In cases of alleged torture or ill-treatment committed by a State official, the official concerned was immediately suspended from duties. The Bureau provided ongoing training to its employees, often in cooperation with international partners such as the European Union Agency for Law Enforcement Training (CEPOL). The training focused on investigation, including into torture and ill-treatment, information analysis and prevention measures.

26. **Mr. Zaķis** (Latvia) said that training on trafficking in persons for law enforcement officials was an ongoing process. The Ministry of the Interior cooperated with other institutions to ensure training and the exchange of best practices. For example, in 2018, the Ministry of the Interior had organized training on the investigation and prosecution of trafficking cases for 125 police officers, prosecutors and other judicial personnel, in cooperation with the Latvian Judicial Training Centre and the Embassy of the United States of America. The Ministry was participating in a European Union-funded project called "Flows of illicit funds and victims of labour trafficking: uncovering the complexities" as well as another transnational project that aimed to transform the Baltic Sea region into a model for the identification of and provision of assistance to victims of trafficking in persons. Overall, 885 specialists had received training on issues related to trafficking in persons in 2017 and 2018. That figure included not only police officers but also prosecutors, lawyers, psychologists and representatives of the Supreme Court, the State Labour Inspectorate and local government.

27. From 2016 to 2018, criminal proceedings had been opened in 35 cases related to trafficking, 20 cases of sexual exploitation and 15 cases of trafficking in persons. The proceedings had resulted in the conviction of 28 persons, most of whom had received suspended sentences.

28. Although immigration and asylum law provided that officials could order the short-term detention of foreign nationals and asylum seekers, it also set conditions on that detention. Border guards had the power to detain foreign nationals over the age of 14 who were illegally present in Latvia and were subject to removal or return to another country, only if there were grounds to believe that they would evade the removal procedure or abscond. The statistics showed that the number of foreigners detained under immigration law was not high and had been declining in recent years. Asylum seekers could be detained when necessary, subject to the principle of proportionality and taking into account the individual circumstances. Detention was a measure of last resort and could not be applied to certain categories of person, including minors, persons with disabilities, pregnant women, victims of trafficking in persons and persons who had been subjected to torture, rape or other serious violence. The number of detained asylum seekers was also declining. In 2016, 90 of the 350 persons who had submitted asylum applications had been detained, while the equivalent figures for 2018 were 61 detentions for 395 applications. Accompanied minors who stayed with their guardians in detention centres were not considered detained persons.

29. From 2017 to 2019, Latvia had not received any requests for the extradition of individuals suspected of acts of torture. There had been no cases of expulsion of asylum seekers at risk of being subjected to torture or other inhuman treatment in another State, as the principle of non-refoulement was enshrined in asylum law.

30. **Ms. Valdmane** (Latvia) said that an action plan had been adopted in June 2019 to improve the quality and availability of mental health services and raise public awareness of

mental health issues. The funding provided for the first year of activities was €13.5 million, which was projected to increase in the next budget. Among the aims were to educate health-care providers to improve diagnostic, treatment and rehabilitation services for mental illnesses. The proposed measures included training for family doctors on the prescription of psychiatric medicines, prophylactic screening in primary health care for children, the inclusion of mental health nurses in existing medical practices, the development of new outpatient services and the establishment of observation beds for patient monitoring with a view to reducing the number of hospitalizations. The salaries of psychiatrists had risen in the past two years. Under a new initiative, higher salaries would be offered to specialists willing to work in the regions.

31. She said that, in 2019, clinical algorithms and pathways had been developed in six areas of mental health care, including in the diagnosis and treatment of schizophrenia and psychosis. Measures had been taken to resolve the issues identified by the Ombudsman and the Health Inspectorate during their visits to mental health-care institutions in 2018. For instance, staff had been trained in the use of algorithms for the chemical restraint of patients in accordance with regulations, and procedures had been put in place to ensure that doctors prescribing chemical restraint reviewed patients' medication and made adjustments as necessary. Medication, treatment and rehabilitation were discussed with patients if possible. Sedatives were administered only where patients became aggressive and as a last resort. Patients who had been hospitalized on the basis of social indicators were observed for 24 hours to determine whether there were any medical indicators to justify their continued hospitalization. All institutions providing inpatient psychiatric care had been equipped with observation beds to that end. In addition, staff at children's health-care facilities had received basic mental health training.

32. **Ms. Martinsone** (Latvia) said that all adult victims of violence were given access to State-funded social rehabilitation services, including psychiatric, social and legal assistance. Rehabilitation services were provided in all municipalities and in seven shelters throughout the country.

33. Victims of trafficking in persons were accommodated in shelters. Indeed, non-governmental organizations that assisted trafficking victims had to provide them with safe accommodation to qualify for government funding. State-funded social rehabilitation services were available for all victims of trafficking, regardless of age, gender or nationality.

34. The Ministry of Welfare monitored the quality of care provided in nursing homes. It had inspected 16 such homes in 2018 and 14 so far in 2019. Inspections did not lay any particular emphasis on violence against older persons in homes, since no complaints of that nature had been received.

35. **Mr. Rodríguez-Pinzón** (Country Rapporteur) said that he was grateful for the delegation's extensive replies but wished to have clarification on a number of issues. While he now understood what was meant by "non-citizens", he would like to know what steps were being taken to facilitate the naturalization of such persons.

36. He would be grateful to know what the minimum sentence was for perpetrators of torture. Article 317 of the Criminal Law provided for a maximum sentence of 10 years' imprisonment, which did not seem proportionate and did not appear to provide for a minimum sentence. He was concerned that crimes of torture could potentially go unpunished as a result. In respect of the five persons who had been convicted of torture in the past two years, he wished to know what specific crimes had been committed and under which article of the Criminal Law the sentences had been handed down. He was also keen to know whether the State party planned to abolish the statute of limitations for such crimes. He had remarked that the number of sentences handed down for forced labour had fallen from 30 in 2014 to none in 2017. He wondered why that was, and whether alternative punishments had been meted out. He welcomed the information on State compensation for torture victims but wished to know whether victims who had been compensated could still bring civil lawsuits and whether the State followed up proceedings once compensation had been paid.

37. While according to the delegation arrested persons were held in temporary detention centres for four days on average, he understood that they could be held for longer. He wished to know in what circumstances detention could be extended and for how long arrestees could potentially be held. While noting the existence of procedures for monitoring State security services, he would like to know whether there was also a mechanism for submitting complaints against security agents. In addition, he would be grateful to know how many public officials had been suspended following criminal investigations.

38. The delegation had referred to the rendition of three judgments for the crime of trafficking in persons, consisting of two suspended prison sentences and one fine. The suspension of those prison sentences could give the impression that trafficking in persons was not a serious offence, which of course it was. He urged the State party to ensure that thorough criminal investigations were launched and appropriate sentences handed down in respect of such cases.

39. He noted that special protection was afforded to certain categories of person – such as minors or pregnant women – in the temporary detention of asylum seekers. However, it was unclear whether such persons could actually be detained. Furthermore, noting that accompanied minors who were detained were not considered as detainees for statistical purposes, he wished to know how many accompanied minors were in fact being held.

40. It would be useful to know whether attempted torture was punishable by law and, if so, whether anybody had ever been convicted of that crime. Finally, he was concerned that the Criminal Law appeared to provide for different gradations of torture, thus reducing the sentences for perpetrators in some cases. Such an approach was not in keeping with the Convention. A single definition of torture and severe sentences for perpetrators were called for and would also help the State party to more effectively gather information on such crimes.

41. **Ms. Racu** (Country Rapporteur) said that she appreciated the information provided on the budget and activities of the Ombudsman but wished to know how many inspections it had carried out in the past four years, which places of detention it had visited and whether it publicized its findings. She would also welcome further information on the monitoring of places of detention, psychiatric institutions and care homes by non-governmental organizations, which represented an important safeguard. In addition, she had yet to receive answers to her questions on the ratification of the Optional Protocol to the Convention and the establishment of a national preventive mechanism.

42. She welcomed the information provided on material conditions in prisons and looked forward to finding out more about the reconstruction of detention facilities. She would be grateful for information on the budget allocated to prisons, and in particular on the decision to postpone the construction of a new prison. She would also like to know what steps were being taken to improve the situation in prisons of vulnerable groups, such as persons with disabilities. She commended the State party for recognizing the phenomenon of inter-prisoner violence and for making efforts to prevent it but was eager to know how it planned to address such violence in the long term, particularly as prisoners were held together in large dormitories. Additional information was needed on injuries, self-harm and suicides in prisons. While she appreciated the explanation of how violent incidents were investigated, she wished to know the outcomes of those investigations and what action had been taken in response to the 14 complaints of inter-prisoner violence submitted to the Ombudsman.

43. Whereas the delegation had provided general information on solitary confinement, she wished to know whether that measure applied to all categories of prisoners, including minors, whether prisoners were able to appeal against decisions to place them in solitary confinement, whether the State party planned to reduce the maximum permitted length of solitary confinement for disciplinary purposes, and whether prisoners in solitary confinement were permitted to receive family visits.

44. She wished to have the delegation's response to reports of staff shortages in the prison system. While acknowledging the information provided on medical personnel in prisons, she would like to know what steps the State party was taking to address the lack of psychiatric specialists and nurses in certain institutions. Moreover, the Committee had been

given to believe that prisons provided only very basic medication and that prisoners had to rely on their families to provide alternative medication.

45. She welcomed the information on psychiatric care in Latvia but would be grateful to know what protocols were in place for determining the duration of mechanical restraint and supervising restrained inmates, and whether staff were duly trained in restraint and seclusion techniques. She had yet to hear about the State party's efforts to establish an individual complaints mechanism for persons with mental and psychosocial disabilities, or to conduct prompt, effective and impartial investigations into complaints of ill-treatment in psychiatric institutions and provide redress and compensation to victims. Lastly, while noting the statistics provided on the investigation of complaints submitted to the Health Inspectorate, she wished to hear about the outcome of those investigations and the punishments given to perpetrators.

46. **Mr. Hani** said that the alternative report submitted to the Committee by the Ombudsman had revealed a very high number of children housed in psychiatric institutions. He wished to stress that children should only ever be admitted to psychiatric institutions for sound medical reasons, and never, as the delegation had indicated, on the basis of social indicators such as bad behaviour.

47. The delegation had stated that obsolete drugs and unsuitable doses of medicines were being prescribed by doctors to children in psychiatric hospitals. However, it was for the State party to take urgent measures to prohibit such practices.

48. He would appreciate a comment on claims, contained in the Ombudsman's report, that children were not separated from adults in over half of the State party's psychiatric institutions and that, in the psychiatric hospital in Ainaži, nearly 300 cases of use of mechanical restraints had been detected in 2017. Were staff accused of inflicting violence on children subject to prompt and thorough investigations, and were proper records kept on reported incidences of violence in places of detention?

49. Lastly, he would appreciate an indication from the delegation on whether the State party planned to contribute to the United Nations Voluntary Fund for Victims of Torture.

50. **Ms. Belmir** said that she was concerned at the delegation's claim that individuals could be detained for up to 10 days at the border without a warrant. Although the State Border Guard used detainees' inability to indicate a place of residence while awaiting removal as a justification, such a practice could amount to arbitrary detention. It seemed, furthermore, that non-citizens received information only in Latvian, regardless of whether they spoke that language. She invited the delegation to comment on claims that, while the State party's legislation provided for fundamental legal safeguards, in practice those were often not assured.

51. **The Chair** reiterated his desire to know whether medical examinations were systematically carried out on all inmates upon their arrival in prison. It would be useful to know whether suspected cases of torture that came to light in prisons were merely recorded as statistics, or alternatively, whether they were referred to the prosecuting authorities. Were incidents categorized according to whether the alleged perpetrator of the violence was a fellow prisoner or a prison officer?

52. **Mr. Rodríguez-Pinzón** asked whether the State party had plans to recognize the Committee's competence to receive and consider individual communications under article 22 of the Convention, and whether it intended to accede to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

53. **Ms. Medina** (Latvia) said that, under article 317 of the Criminal Code, the only possible punishment for torture was deprivation of liberty for up to 10 years, accompanied by a possible ban on official duties. It was not necessary for acts of torture occasioned by an official to have produced any kind of consequences or sequelae.

54. The articles under which individuals had been convicted of torture-related acts in 2018 and 2019 were articles 126 and 130 of the Criminal Code.

55. The State party had considered abolishing the statute of limitations for acts of torture, but had decided not to. In fact, under Latvian law, the only crimes for which there was no statute of limitations were crimes against humanity, war crimes and genocide.

56. State compensation was awarded to the victim immediately after the decision was handed down in a criminal trial. When the judgment entered into force, the criminal court could award more compensation and, if the victim was still not satisfied with the amount paid, he or she could request further compensation in civil proceedings. The civil court could not re-examine aspects of the criminal case; it only assessed the extent of the harm caused and possible compensation. The State did not keep statistics on the outcomes of civil cases. She could confirm that members of the judiciary received training, including in matters related to the Convention, and that attempted torture was a criminal act punishable by law.

57. The findings of the Ombudsman with respect to prison visits were made available to the public in the Latvian language. The Ombudsman's recommendations were considered highly important by prison administrations, which made every effort to implement them.

58. NGOs had the right to enter prison facilities and had been active in monitoring places of detention for many years. No decrease had been observed in their level of activity.

59. The building of a new prison in Liepāja had been postponed owing to budgetary constraints, and the project would be discussed again in 2020. By way of compensation, the prison administration had been granted an extra 3 million euros to repair the buildings in the worst condition so that they could be maintained until funding for a new building became available.

60. As the Government was aware that the attitude of prison staff was just as important as funding, a major project on the selection and training of prison staff had been implemented in partnership with the European Social Fund, with a total allocated budget of 9 million euros. Staff were being given training on how to place and manage inmates in order to avoid possible violent conflicts.

61. Decisions to impose solitary confinement on prisoners could be appealed. Moreover, the maximum time permitted by law for the punishment was never exceeded. While the Government was not currently considering reducing the length of time for which solitary confinement could be imposed, the Ministry of Justice was drafting a new law on the execution of criminal sanctions, in which a new approach would be set forth. When the draft law was debated, all issues regarding imprisonment would be discussed, as part of the Government's ongoing strategy for improving prison regimes.

62. All inmates involved in violent incidents in prison were examined in the same way, in accordance with Government regulations, and the information was reported to the prison administration, which decided whether to institute criminal proceedings. Whether the perpetrator was a fellow prisoner or a prison officer was included in the information recorded.

63. **Ms. Līce** (Latvia) said that training on the Convention and the prohibition of ill-treatment was included in both the mandatory and in-service curricula for judges and other members of the judiciary.

64. The content of in-service training, in particular, was based on recommendations from relevant institutions and could cover a wide range of topics, including the latest jurisprudence and practices of international mechanisms with respect to material conditions of detention and immigration issues.

65. Participants in training sessions were asked to complete questionnaires in order to provide feedback on whether the content and the materials used had been appropriate and whether the information provided could easily be applied in practice.

66. The Government had committed to starting the formal procedure for accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Ombudsman's Office had already received funding to assume the functions of a national preventive mechanism.

67. The Government was considering whether it wished to take steps to recognize the jurisdiction of the Committee to consider individual complaints under article 22 of the Convention. The State had good cooperation with the secretariat of the Council of Europe, which monitored the implementation of the judgments of the European Court of Human Rights, and was up to date with all its cases.

68. **Mr. Velšs** (Latvia) said that, as of 2017, there had been no cases of individuals spending more than 30 days in police custody. Individuals accused of serious crimes could, in some cases, spend two or three weeks in police detention. However, whenever a stay exceeded seven days, permission must be granted in writing by the investigating officer, prosecutor or court, including an explanation for the extended term. While the Government understood that living conditions in a police cell were inferior to those in a prison, all detainees could receive drinking water at any time and had access to washing facilities, food, a bed and bedding. In each 24-hour period they had the right to walk in the fresh air for 30 minutes.

69. **Ms. Valdmane** (Latvia) said that patients with mental problems had them defined and treated in accordance with guidelines and on the basis of an appropriate medical examination, the disease prognosis and the patient's social status. Where treatment on an outpatient basis was inappropriate owing to the nature of the medical condition, patients could be admitted to a psychiatric medical treatment institution, subject to giving written consent.

70. The use of physical restraints on patients in psychiatric institutions was avoided wherever possible, and only permitted with the permission of a physician, who defined the method of restraint to be used, the conditions in which it could be applied and the actions to be taken by medical practitioners after its application. Adults could be restrained for up to 2 hours, with a health examination by a psychiatrist at least every 15 minutes, and children for up to 1 hour, with a psychiatric examination at least every 10 minutes. In each case, the patient's name, the reason for using restraint, the duration and time of the restraint, the name of the doctor who ordered the measure and any injuries sustained were recorded in a log book that was uniform for all psychiatric institutions and regulated by the State.

71. **Mr. Pelšs** (Latvia) said that the construction of a new prison in Liepāja was a top priority for the Government and had been included in the Government's action plan as agreed by the coalition. However, the building work had been delayed beyond 2020 owing to budget constraints and other priorities, some of which were related to the salaries of the medical personnel that would be required to provide medical care at the new facility.

72. Although Latvia had signed the Istanbul Convention in 2016, under Latvian law acceding to an international convention required a vote in parliament and was therefore subject to a political decision. At the current time, no debates or votes in Parliament on the subject had been planned.

73. The Government valued the work of the United Nations Voluntary Fund for Victims of Torture highly and, although a decision on the allocation of support had not yet been taken, the Committee's request would be taken into consideration.

74. Further responses, including statistical data, would be submitted to the secretariat in written form within 48 hours so that the Committee could take them into account when formulating its concluding observations.

75. **The Chair** encouraged the delegation to disseminate the Committee's findings among Government stakeholders and civil society, and to involve those actors in giving effect to the Committee's recommendations.

76. **Mr. Pelšs** (Latvia) thanked all Committee members for their thought-provoking comments and said that he hoped the delegation's answers had successfully illustrated the State's progress in implementing the Convention.

The meeting rose at 5.50 p.m.