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Written submission by the Latvia: Ombudsman of the Republic of Latvia*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Latvia: Ombudsman of the Republic of Latvia**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

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Annex

[English only]

Submission by the Latvia: Ombudsman of the Republic of Latvia

Written Statement for the 32nd session of the Human Rights Council of Ombudsman of the Republic of Latvia

Ms. President,

Distinguished members of the Human Rights Council, ladies and gentlemen, this statement is made on behalf of the Office of the Ombudsman of the Republic of Latvia, a national “A status” human rights institution.

The Ombudsman of the Republic of Latvia would like to thank the Member States for providing recommendations and the Latvian government for its constructive approach in assessing these recommendations.

Ombudsman would like to thank the Member States that urged Latvia to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and establish an independent national preventive mechanism. Ratification of the Optional Protocol has been highlighted by the Ombudsman repeatedly. Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the implementation of principles and control mechanisms contained therein would contribute significantly to the respect for human rights at closed-type institutions in Latvia. Please note that the institution of the Ombudsman cannot be equated with an independent preventive mechanism within the meaning of the Optional Protocol. The national preventive mechanism is obliged, not entitled, to pay frequent and systematic visits to institutions where persons are or could be limited and/or deprived of liberty. By establishing a national preventive mechanism, the State would be more efficient in preventing the potential risk of torture and/or ill-treatment.

The State has indicated that the recommendation to draw up adequate legal regulatory framework for mental health institutions and social care institutions has been complied with. Thus, the application of coercive measures without permission is now prohibited. However, the recommendation has not been complied with fully. A year and eight months have passed since the adoption of amendments to the Medical Law, but the Cabinet regulations are still to be drawn up. The regulations should establish procedures for the limiting of patients through restrictive means and contain lists of items, which must not be kept at or sent to psychiatric medical institutions. Adoption of the regulations is fundamentally necessary to ensure that treatment processes are carried out in accordance with human rights standards.

Latvia has received a recommendation to facilitate the granting of citizenship to children of non-citizen parents, provided that these children are not obtaining another nationality. In this regard, Ombudsman would like to inform that the amendments which entered into force on 1 October 2013 improved the procedure for granting citizenship, whereby children of non-citizens and stateless persons can now receive Latvian citizenship at the time of registration of their birth and upon the request of one of the parents. However, such granting of citizenship cannot be considered automatic, since the will of one parent must be taken into account. In Ombudsman opinion, this creates a situation, where children are still

born with the “non-citizen” status. Therefore, Ombudsman appeals that the legal framework be improved, so that children are granted Latvian citizenship automatically at birth, unless the parents renounce it.

In conclusion, the Ombudsman would like to declare its readiness for constructive cooperation with the Latvian government in the implementation of the recommendations. A report on the results of this implementation will be included in the next bulletin.

Thank you for your attention!
