



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

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Committee against Torture

**Information received from Latvia on follow-up to
the concluding observations on its sixth periodic
report***

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* The present document is being issued without formal editing.



1. On 5 December 2019, the United Nations Committee against Torture (the Committee) adopted the Concluding observations on the sixth periodic report of the Republic of Latvia (Latvia) on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) (Concluding observations) (CAT/C/LVA/CO/6).

2. The present document contains the follow-up information in response to the Committee's questions as contained in paragraph 36 of the Concluding observations regarding recommendations in paragraphs 15 (d), 19 (d) and 35 (c) of the Concluding observations.

Follow-up information relating to paragraph 15 (d) of the concluding observations (CAT/C/LVA/CO/6)

3. In paragraph 15 (d) of the Concluding observations, the Committee invites Latvia to: "[d] Strengthen the effectiveness of complaints mechanisms for reporting cases of violence; [...]; provide persons deprived of their liberty with adequate health care and medication; [...]."

As to the strengthening of the effectiveness of complaints mechanisms

4. Latvia informs that prisoners have several options for defending their rights in case of inter-prisoner violence at places of deprivation of liberty. First, information about potential inter-prisoner violence is registered at the place of deprivation of liberty irrespective of the complaint of the prisoner concerned, while the respective case of violence is further investigated by prison investigator (see paras. 184 and 185 of the sixth periodic report of Latvia).¹ Secondly, a prisoner who has been a victim of physical violence can submit a complaint to law enforcement authorities. The Investigation department of the Prison Administration examines complaints regarding potential inter-prisoner violence in accordance with the procedure prescribed in the *Criminal Procedure Law*, and initiates criminal proceedings pursuant to Chapter XIII of the *Criminal Law* ("Criminal offenses against the health of a person"), or takes a decision on refusal to commence criminal proceedings. The prisoner can appeal the decision on refusal to commence criminal proceedings to the supervising prosecutor's office, whose decision can be appealed to a higher prosecutor. In addition, prisoners can submit an application to the Ombudsperson and other public authorities to protect their rights (see para 174 of the sixth periodic report of Latvia).

5. In 2017, the Prison Administration initiated 21 criminal proceedings regarding inter-prisoner violence, in 2018 – 13 criminal proceedings, in 2019 – 16 criminal proceedings, and in 2020² – 10 criminal proceedings. In 2017, the Prison Administration adopted 50 decisions on refusal to initiate criminal proceedings, in 2018 – 44 decisions, in 2019 – 39 decisions and in 2020³ – 19 decisions.

6. Further, pursuant to Article 4, paragraph 2, of the *Law on Internal Security Bureau*, the Internal Security Bureau (the Bureau) ensures effective, impartial and independent investigation of criminal offenses allegedly committed by, inter alia, prison officials. Since 2017, prisoners have been provided with the following opportunities to report instances of alleged violence by prison officials: 1) to submit a complaint to the Bureau either in person, or via e-mail, or with the help of a legal representative; 2) to inform the Bureau by calling the information helpline (information regarding the Bureau's helpline is available at the places of deprivation of liberty); 3) according to the information provided on the Bureau's website www.idb.gov.lv, to write to the Bureau's e-mail. A prisoner can submit a complaint to the Bureau anonymously, and such an application will be considered sufficient.

¹ The six periodic report of the Republic of Latvia on the implementation of the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the period from 1 January 2014 to 31 December 2016 (CAT/C/LVA/6).

² Up until 18 November 2020.

³ Up until 18 November 2020.

7. To prevent possible illegal actions by the Prison Administration officials, the Prison Administration informs the Bureau each day on any bodily injuries sustained by the prisoners, indicating the time, place, type, and information on the person who allegedly caused the bodily injury. Following the incident, the Bureau requests explanations and testimonies from the officials involved, victims, witnesses, and experts. Immediately after the incident, the Bureau obtains video recordings from the place of the incident, and the necessary call recordings. The officials of the Bureau promptly arrive at the place of the incident, obtain explanations and testimonies from the victim, and request victim's medical documentation.

8. From 2016 until 30 October 2019, the Bureau investigated 471 criminal proceedings in total. Majority of these criminal proceedings were related to alleged abuse of office or exceeding the official authority, including cases related to violence or threats of violence. Out of 471 criminal proceedings, 181 cases against 224 officials were sent for prosecution; 108 cases were sent to the court for adjudication, and in 38 cases in total 41 person, of whom 37 officials, the courts passed a convicting judgment.

As to adequate health care and medication in places of deprivation of liberty

9. Prisoners are provided with State-paid primary outpatient health care by prison medical staff and State-paid emergency dental care, and secondary health care provided by prison medical staff or the Olaine Prison (the Latvian Prison Hospital). In case the prisoner requires health care services that cannot be provided at the place of deprivation of liberty or at the Latvian Prison Hospital, prisoner is transported to medical treatment institutions outside the place of deprivation of liberty.

10. To provide adequate health care to prisoners, the Prison Administration has ensured that all places of deprivation of liberty have the necessary medical practitioners. As of 1 October 2020, 45 doctors, 22 medical assistants and 1 part-time medical assistant, 47 nurses, 3 nursing assistants and 1 pharmacist provide health care services at places of deprivation of liberty. Currently, there are 8 vacancies for medical practitioners at places of deprivation of liberty (5 doctors, 2 doctor's assistants, and 1 nurse).

11. In 2019, on average, prisoners had 20 visits to a doctor or medical assistant per year. Approximately 40% of all prisoners were consulted by doctors at places of deprivation of liberty, while 32% – elsewhere. There were 13.85 diagnostic examinations per prisoner per year.

12. Prisoners at places of deprivation of liberty are provided with current medical treatment. For that purpose, the Government has allocated more funds from the State budget for the purchase of medicine and medical devices for prisoners. In 2016, 18.3 euro were spent per prisoner for the purchase of medicine, in 2017 – 26.87 euro, in 2018 – 27.52 euro, and in 2019 – 29.41 euro.

13. At places of deprivation of liberty, prisoners are provided with HIV treatment, which is available to all infected prisoners from the initial stages of HIV, regardless of number of CD4 cells. Furthermore, places of deprivation of liberty currently implement the project “*Prisons free of hepatitis C by 2023*”. In the framework of the project, Hepatitis-C positive prisoners are provided with the latest medical treatment and medicinal products. In addition, the purchase of the mobile elastograph allows determining the degree of liver fibrosis of a prisoner at places of deprivation of liberty. As a result, prisoners are no longer escorted to the Latvian Centre of Infectious Diseases for investigation, and the examination time of a patient with Hepatitis C virus is reduced, whereas the necessary treatment is prescribed sooner.

14. Prison medical units use the unified State electronic information system (e-health), which facilitates timely prescription of reimbursable medicine. Prison medical units also use an electronic system for archiving and communicating images of radiological examinations, which allows the radiologist to describe the radiological examination remotely. Furthermore, medical staff of prisons have access to the patient's historical data, which facilitates the assessment of the patient's state of health in the course of time.

15. As of 2020, all prisons are equipped with dental offices allowing prisoners to receive State-paid emergency dental care on the spot, except the Liepājas Prison where prisoners are

escorted to a dentist outside the prison. In addition, prisoners can receive dental services at their own expense at the prison's dental office.

16. As of 1 October 2017, each prison medical unit has implemented a plan of quality control measures, while in 2018 an operational safety system for medical devices has been introduced in each prison medical unit. In 2020, radiology cabinets of each prison medical unit have implemented radiation safety quality assurance program, which is approved by the Radiation Safety Centre of the State Environmental Service.

17. Latvia informs that from 2017 until 2020, the Health Inspectorate conducted inspections in all prison medical units and found that they are in conformity with *Cabinet of Ministers Regulation No. 60 of 20 January 2009 "Regulations Regarding Mandatory Requirements for Medical Treatment Institutions and their Structural Units"*. In particular, in 2018 and 2019, the Prison Administration did not receive negative comments or reprimands from the Health Inspectorate regarding insufficient provision of medicine to prisoners.

18. Complaints from prisoners regarding health care, prescription and provision of medicine and medical treatment are handled and examined by the Medical department of the Prison Administration. The department addresses each complaint and conducts inspections on grounds of those complaints. In 2017, Medical department of the Prison Administration received 292 complaints, in 2018 – 359 complaints, in 2019 – 370 complaints, and in 2020⁴ – 287 complaints.

Follow-up information relating to paragraph 19 (d) of the concluding observations

19. In paragraph 19 (d) of the Concluding observations, the Committee invites Latvia to: "[.] (d) Take further steps towards ratifying the Optional Protocol to the Convention. [..]".

20. Optional Protocol to the Convention (the Optional Protocol) has been translated into Latvian and is currently available on the website of the State Language Centre.⁵

21. The Ministry of Justice has drafted the *Law "On the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"* providing for the ratification of the Optional Protocol. Furthermore, the draft law also envisages provisions for the functioning of the national preventive mechanism and provisions to ensure effective work of the experts of the Committee in Latvia. The Ministry of Justice intends to initiate the process of official coordination and approval of the draft law in the Cabinet of Ministers by the end of 2020.

Follow-up information relating to paragraph 35 (c) of the concluding observations

22. In paragraph 35 (c) of the Concluding observations, the Committee invites Latvia to: "[.] (c) Increase the amounts of State compensation provided to each victim of torture or ill-treatment. [..]".

23. The maximum amount of State compensation to be paid to a victim of a criminal offence is 5 minimum monthly wages as determined at the time when the person was recognised as a victim (see paras. 120 and 121 of Common Core Document of the Republic of Latvia 2002–2016). In 2020, the minimum monthly wage is 430 euros (the maximum compensation in 2020 is 2150 euro). Therefore, as the minimum monthly wage increases in Latvia, the amount of compensation also increases. For example, in 2021, the minimum monthly wage will be 500 euros, therefore the maximum State-paid compensation to a victim of a criminal offence will be 2500 euros. In other words, the amount of compensation depends on the economic situation in Latvia.

24. As of 1 January 2019, according to the amendments to the *Law on the State Compensation to Victims*, the amount of State compensation has been increased by 20% to: victims who have suffered severe physical injuries; have been raped or sexually abused;

⁴ Up until 1 November 2020.

⁵ Available in Latvian at: https://vvc.gov.lv/image/catalog/dokumenti/UN_Optional%20Protocol_Convention%20against%20Torture.docx.

minor victims whose morality or sexual integrity has been violated; or to victims who have been victims of trafficking in human beings. The amount of State compensation has also been increased by 20% in cases where the minor victim has suffered moderate bodily injuries or the minor victim is infected with the HIV, or Hepatitis B or C.

25. Victims of torture or ill-treatment can apply for a) social rehabilitation service for victims of human trafficking or b) social rehabilitation service for victims of violence (both children and adults) (see para. 197 of the sixth periodic report of Latvia). Both services are immediately provided to the extent they are requested, without forming queues.

26. In 2017, the actual costs of the social rehabilitation services for victims of violence amounted to 161 340 euros for adults and 1 983 666 euros for children, and for victims of trafficking in human beings – 87 984 euros. In 2018, the actual costs of the social rehabilitation services for victims of violence amounted to 211 449 euros for adults and 2 025 179 euros for children, and for victims of trafficking in human beings – 114 625 euros. In 2019, the costs amounted to 255 447 euros for adults, 1 383 928 euros for children and 1 184 444 euros for victims of trafficking in human beings.

27. In 2017, social rehabilitation services for victims of violence were provided to 490 adults and 2555 children, in 2018 – to 527 adults and 2253 children, in 2019 – to 583 adults and 2244 children and in 2020⁶ – to 446 adults and 1260 children. In 2017, 24 persons started to receive the social rehabilitation service for victims of trafficking in human beings, in 2018 – 20 persons, in 2019 – 35 and in 2020 – 40.

⁶ Up until 1 October 2020.