



MISSION PERMANENTE DE LA REPUBLIQUE DE LETTONIE
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The Permanent Mission of the Republic of Latvia to the United Nations Office in Geneva presents its compliments to the Committee against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) and, referring to the Note of 19 February 2008 (CAT/C/LVA/CO/2) transmitting Committee's conclusions and recommendations concerning the report by the Republic of Latvia under Article 19 of the Convention, submits herewith response by the Republic of Latvia to the Committee's recommendations. Using this opportunity on behalf of the Latvian authorities the Permanent Mission of the Republic of Latvia would like to apologize for the delayed reply.

The Permanent Mission of the Republic of Latvia avails itself of this opportunity to renew to the Committee against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment the assurances of its highest consideration

Geneva, 8 February 2010



Committee against Torture and other Cruel, Inhuman and
Degrading Treatment or Punishment
Office of the High Commissioner for Human Rights
Geneva

OHCHR REGISTRY

- 9 FEB. 2010

Recipients :.....CAT.....

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**ADDITIONAL REPORT BY THE REPUBLIC OF LATVIA
ON THE IMPLEMENTATION OF THE 1984 CONVENTION AGAINST TORTURE
AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT, SUBMITTED IN RESPONSE TO THE LIST OF CONCLUSIONS AND
RECOMMENDATIONS MADE BY THE COMMITTEE AGAINST TORTURE
(CAT/C/LVA/CO2)**

1. The additional report has been prepared by the Government of the Republic of Latvia pursuant to Rule 67(2) of the Rules of Procedure in response to the request by the Committee Against Torture (hereinafter – the Committee) to provide within one year the information pertaining to the implementation of the Committee's Conclusions and Recommendations (CAT/C/LVA/CO2), which were adopted following the consideration of the Second Periodic Report of Latvia (CAT/C/38/Add.4) during the Committee's thirty-ninth session on November 5-23, 2007.
2. The additional report was prepared by Representative of the Cabinet of Ministers before International Human Rights Organisations in cooperation with the Ministry of Justice and Ministry of Interior.
3. The Government of the Republic of Latvia will address below in detail the issues raised in the conclusions and recommendations of the Committee.

Concerns expressed by the Committee

"7. The Committee notes that the new Criminal Procedure Law includes a specific reference to fundamental legal safeguards for detainees, such as access to a defence counsel, but it regrets the lack of a specific reference to the right of access to a doctor. Furthermore, the Committee expresses its concern at reports that the right of effective access to a lawyer is not always realized in practice. In this respect, the Committee is concerned at reports of a shortage of State funded defence lawyers in several districts, especially rural areas, and that the working conditions provided for lawyers in detention and remand centres are not always satisfactory (arts. 2, 13 and 16). The State party should take effective measures to ensure that all detainees are afforded fundamental legal safeguards in practice, including the right to have access to a lawyer and a doctor. The Committee emphasizes that persons in custody should benefit from an effective right of access to a lawyer, as from the very outset of their deprivation of liberty and throughout the investigation phase, the whole of the trial and during appeals. Furthermore, the State party should ensure that the lawyers are provided with proper working conditions in the detention and remand centres equivalent to the facilities available in prisons and finance the newly established Legal Assistance Agency."

Measures undertaken to address the concerns of the Committee

4. The Government acknowledges that *the Criminal Procedure Law* contains no specific reference to the right of access to a medical doctor as its main purpose is to provide the essential safeguards in the context of conducting criminal proceedings. The right of access to a medical doctor while being in detention or serving the sentence as such is not linked to the conduct of criminal proceedings. Accordingly the Committee's concern has been met by Article 22 of *the Law on Procedure of Detention on Remand*, which entered into force in July 18, 2006.
5. Article 22, paragraph 1, of *the Law on Procedure of Detention on Remand* provides that all detainees shall receive medical care and treatment in accordance with the provisions of this Law and relevant Regulation of the Cabinet of Ministers. In addition, detainees are entitled to receive additional medical treatment or examination, not provided in the

Regulation of the Cabinet of Ministers, at their own expense, in accordance with the procedure prescribed by the national law. Detainees can also be sent for secondary healthcare services to the Latvian Prison Hospital, having capacity of up to 450 beds. In acute and pressing cases, where an emergency medical treatment is necessary, which cannot be provided in the respective Medical Unit of the remand prison, such treatment shall be provided by other medical institutions, including public hospitals. In such cases, the convoy and transportation costs shall be born by the administration of the respective remand prison.

6. To implement Article 22, paragraph 1, of *the Law on Procedure of Detention on Remand*, on March 20, 2007, the Cabinet of Ministers adopted *Regulation No.199 On Healthcare of Detained and Convicted Persons in Remand Prisons and Prisons*. In accordance with this Regulation, all detainees are ensured with the following medical treatment and healthcare, which is provided by the state:
 - primary medical treatment, with an exception of planned dental care;
 - emergency dental care;
 - secondary medical treatment that is provided in emergency cases, as well as secondary medical treatment provided by prison medical doctors in accordance with their specialization;
 - the cheapest from the most efficient medicine that has been prescribed by the prison medical personnel.
7. In cases of detainee's continuous or permanent limitations of physical or mental abilities the responsible personnel of the Medical Unit of the remand prison, upon evaluation of the detainee's health condition, shall send him/her to the Doctors' Commission of Health and Working Capability Expertise, which will perform the disability expertise.
8. As regards the Committee's recommendation to ensure effective access to a lawyer, the Government finds it necessary to submit following information.
9. *The Criminal Procedure Law* provides that the individuals may either defend themselves or may use the services of a lawyer. In cases where the individual cannot afford a lawyer due to lack of financial means, or where the lawyer's participation is mandatory (e.g. in criminal proceedings against juveniles) legal costs and expenses are born by the state. In order to bring this provision into life, specific *Law on State-Provided Legal Aid* was adopted. Those being eligible to receive free legal aid are Latvian citizens and non-citizens, EU citizens, citizens of the third countries, refugees and asylum seekers (in the context of asylum proceedings). *The Law on State-Provided Legal Aid* created special governmental agency – the Legal Aid Administration, which began its work on January 1, 2006. In 2007, the Legal Aid Administration's budgetary allocations amounted to 937,421 LVL; in 2008 the allocated amount was 764,293 LVL; in 2009 – 740,285 LVL.
10. In this regard, the Government informs that the Legal Aid Administration itself does not provide the legal aid services. Instead, its function is to conclude agreements for provision of legal services with sworn advocates, notaries, bailiffs, as well as to examine the individuals' applications for legal aid against specific criteria either granting or refusing to grant free legal aid. Such refusal is further subject to an appeal before administrative courts.
11. Accordingly, the following difficulties have been encountered by the Legal Aid Administration during its first years of administrating the area of state legal aid. The