

TARGETED STAKEHOLDER CONSULTATION 2021 RULE OF LAW REPORT UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

This document presents the UN Human Rights Office's contribution to the targeted stakeholder consultation held by the European Commission in 2021 in the context of the second annual rule of law report.

It is a compilation of information related to Latvia, included in reports and documents of United Nations Treaty Bodies, Special Procedures and the Universal Periodic Review of the UN Human Rights Council, presented in a summarized manner. It also refers to statements and reports of the UN High Commissioner for Human Rights and her Office. The cited material covers the period 2018-2020.

It mentions both positive developments and challenges to the rule of law in Latvia, as well as recommendations issued by the UN Mechanisms on how these challenges can be addressed and how the rule of law can be further strengthened.

In light of the methodology proposed by the European Commission the submission is divided in four pillars: national justice systems, anti-corruption frameworks, media pluralism and freedom and other institutional issues related to the checks and balances essential to an effective system of democratic governance.

LATVIA REVIEW

Justice System

➤ *Quality of justice*

In its 2020 concluding observations, the UN Committee on the Elimination of Discrimination against Women expressed concern that women who are victims of multiple or intersecting forms of discrimination are unable to gain access to justice owing to multiple barriers and a lack of awareness of the legal remedies and compensation mechanisms available to them. The Committee recommended that Latvia continue its efforts to ensure effective access to justice, full inclusion and accessibility for disadvantaged or marginalized women and repeal the legal provisions concerning substituted decision-making, in order to restore the full legal capacity of all women through a supported decision-making regime and ensure the provision of judicial, procedural and age-appropriate accommodations ([CEDAW/C/LVA/CO/4-7](#), para 13, 14).

In its 2019 concluding observations, the UN Committee against Torture expressed concern that the quality of 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. It was further concerned about the continued shortage of lawyers providing State-ensured legal aid, about the quality of the aid provided, and that their remuneration continued to be

inadequate. While recognizing the introduction of restraining measures against perpetrators of domestic violence, the Committee was also concerned about the difficulties that victims have in filing complaints and accessing the authorities for protection and separation measures, including the single toll-free helpline for victims of crime operated by the Legal Aid Administration, and accessing medical and legal services, including counselling. It recommended that Latvia ensure that all victims of gender-based violence, including domestic violence, have access to medical and legal services, including counselling, redress and rehabilitation; and to monitor the effectiveness of complaints mechanisms, including the toll-free helpline, operated by the Legal Aid Administration ([CAT/C/LVA/CO/6](#), Para 10, 11, 26, 27).

In its 2018 concluding observations, the UN Committee on the Elimination of Racial Discrimination noted the low numbers of complaints and cases of legal action for racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of will on the part of the authorities to prosecute the perpetrators of such acts, a lack of trust in the criminal justice system or a fear of reprisals against victims. The Committee recommended to take measures to ensure access to justice for all victims, and that cases of racial discrimination be registered and investigated, and perpetrators prosecuted and convicted. The Committee was further concerned at the reported impediments in access to justice faced by ethnic minorities in Latvia ([CERD/C/LVA/CO/6-12](#), para 13, 18).

In its 2020 concluding observations, the UN Committee on the Elimination of Discrimination against Women noted with concern a lack of involvement on the part of civil society, in particular women's rights organizations, in systematic awareness-raising and training for judges, prosecutors, police officers and other law enforcement officials and lawyers, as well as public institutions, on the implementation of the Convention. The Committee recommended to strengthen capacity-building programmes for judges, prosecutors, police officers, other law enforcement officials, lawyers and public institutions, and ensure the involvement of civil society, in particular women's rights organizations, in the design and provision of such training ([CEDAW/C/LVA/CO/4-7](#), para 9, 10).

In its 2019 concluding observations, the UN Committee against Torture recommended that Latvia provide mandatory training for prosecutors, judges, police and other law enforcement officials and social and medical workers, on how to identify and effectively protect victims of gender-based violence and domestic violence. The Committee also recommended providing specialized statutory training on trafficking in human beings to public officials, such as law enforcement officers and other first respondents, on identifying victims and on investigating, prosecuting and sanctioning perpetrators ([CAT/C/LVA/CO/6](#), para 27, 29).

In its 2018 concluding observations, the UN Committee on the Elimination of Racial Discrimination recommended Latvia to develop training programmes on proper methods for identifying, registering, investigating and prosecuting racist incidents, hate crimes and cases of hate speech ([CERD/C/LVA/CO/6-12](#), para 15).

In its 2019 concluding observations, the UN Committee against Torture expressed concern that Latvia remained a country of origin of victims of trafficking, for sexual and labour exploitation. It recommended Latvia to 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 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 ([CAT/C/LVA/CO/6](#), para 28, 29).

➤ ***Other***

In its 2019 concluding observations, the UN Committee against Torture noted 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 stated that psychiatric hospitals continue to fail to request the informed consent of patients regarding both their hospitalization and their intended treatment. The Committee recommended Latvia to 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 ([CAT/C/LVA/CO/6](#), para 22, 23).

In its 2019 concluding observations, the UN Committee against Torture 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 was 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 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 was 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 ([CAT/C/LVA/CO/6](#), para 12).

Other institutional issues related to checks and balances

➤ ***Independent authorities***

In its 2020 concluding observations, the UN Committee on the Elimination of Discrimination against Women expressed concern about the underfunding of the Office of the

Ombudsperson and the fact that it lacks a specific mandate to promote and protect women's rights and gender equality. It recommended that Latvia increase the human, technical and financial resources of the Office of the Ombudsperson so as to enable it to effectively carry out its mandate ([CEDAW/C/LVA/CO/4-7](#), para 17, 18).

Similar concerns had been raised by the UN Committee on the Elimination of Racial Discrimination in 2018, which further recommended that the Office increase its work on prohibiting racial discrimination, assist victims of violations under the Convention with access to justice and provide information, including data on the complaints of discrimination it examines and their outcomes ([CERD/C/LVA/CO/6-12](#), para 9).

In 2019, the UN Committee against Torture had also expressed concern that the Office of the Ombudsperson lacked the financial resources required to fully and effectively discharge its mandate, especially if it was to carry out the additional mandate of a national preventive mechanism. The Committee was concerned that the staff of the Office received lower remuneration than officials in other institutions, and that financial resources had not been made available to render the building in which the Office is located accessible to persons with disabilities. In addition to addressing those concerns, the Committee also recommended Latvia to 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 Ombudsperson ([CAT/C/LVA/CO/6](#), para 20, 21).