



Latvijas Republikas tiesībsargs
Ombudsman of the Republic of Latvia

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Rīga

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**Council of Europe
Commissioner for Human Rights
Mr. Nils Muižnieks
67075 Strasbourg Cedex
FRANCE**

*Re: On the Optional Protocol to the
UN Convention against Torture and other
Cruel, Inhuman or Degrading Treatment or Punishment*

Dear Mr. Nils Muižnieks,

Torture, inhuman or degrading treatment is known as one of the cruelest ways of treating a person. In 1992, Latvia ratified the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. However, up to 2016 support from the government in deciding on ratification of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter - OPCAT) that would emphasize preventive measures of the state in elimination of torture and/or mistreatment or punishment risks has not been received.

I have repeatedly brought up the necessity to ratify the OPCAT in Latvia. Starting from 2012, I have pointed out the necessity to ratify the OPCAT to the government and the Parliament. On 8 June 2016, I repeatedly addressed the government, focusing the attention of the Prime Minister Māris Kučinskis to the fact that with establishment of national preventive mechanism the state would eliminate possible torture and/or mistreatment or punishment risks more efficiently. After your visit to Latvia you recommended in your report of 13 December 2016 to ratify the OPCAT and to establish a national preventive mechanism secured with sufficient resources. Also, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) urged the government of Latvia to

join/ratify the OPCAT after the visit in 2011¹. Moreover, the United Nations Human Rights Council has repeatedly recommended Latvia to ratify the OPCAT and to establish an independent national preventive mechanism within the context of the Universal Periodic Review² when reviewing national reports.

When reviewing the letter sent on 8 June 2016, the Prime Minister finally supported ratification of the OPCAT, assigning the Ministry of Justice to elaborate informative report on options for implementation of the OPCAT. Thus, ensuring gradual introduction of the OPCAT and improvement of observation of human rights in Latvia.

In the informative report, the Ministry of Justice acknowledged ratification of the OPCAT to be useful, and in the case of ratification of the OPCAT to entrust the function of national preventive mechanism to the Ombudsman's Office as the most suitable option. On 9 May 2017, the government of Latvia determined to decide upon joining the OPCAT after confirmation of the draft law "On the State Budget for 2018" and the draft law "On the Medium Term Budget Framework for 2018, 2019 and 2020" at the government³.

The Ministry of Justice included also the calculation of the Ombudsman's Office about the necessary additional financial resources for performance of the national preventive mechanism functions in the informative report, establishing a new unit with five employees. It was calculated that in order to perform the national preventive function additional financing in the amount of EUR 145,149.00 for 2018, EUR 150,221.00 for 2019, and EUR 144,776.00 for 2020 is required, making approximately 10% of the basic budget of the Ombudsman's Office.

Undoubtedly, the wish of the Prime Minister and the ministers to establish a national preventive mechanism that would operate in compliance with the OPCAT is welcomed. However, I think that this process should run smoothly, avoiding previous long hesitation that was experienced in connection with ratification of the OPCAT. Taking into account your significant role and contribution in making human rights available to everyone, I would highly appreciate if you provided an opinion regarding the wish of Latvia to decide upon ratification of the OPCAT and to establish a national preventive mechanism secured with sufficient resources.

With best regards
Ombudsman of the Republic of Latvia

Juris Jansons

¹ Report is available at: <https://rm.coe.int/1680697314>

² Universal Periodic Review about Latvia is available at:
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/LVIndex.aspx>

³ The government has to submit the draft law "On the State Budget for 2018" to the Parliament by 15 October 2017, but the draft law "On the Medium Term Budget Framework for 2018, 2019 and 2020" - by 15 May 2017. Law On Budget and Financial Management, Section 16.², Paragraph ten, and Section 21, Paragraph one.