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**Responses of the Latvian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Latvia**

from 24 January to 3 February 1999

The Government of Latvia has agreed to the publication of the CPT's report on the visit to Latvia in January/February 1999 (see CPT/Inf (2001) 27) and of its responses.

Strasbourg, 22 November 2001

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Interim report of the Government of Latvia

**PROGRESS REPORT
ON REMEDYING SHORTCOMINGS IDENTIFIED AND
IMPLEMENTING RECOMMENDATIONS GIVEN BY
THE EUROPEAN COMMITTEE FOR THE PREVENTION OF
TORTURE AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT (CPT)**

PART II

A - POLICE INSTITUTIONS

1. The Changes Introduced by the new Criminal Law Regarding the Legal Situation of Persons Suspected in Commission of Criminal Offences

I. According to Clause 5 of the Police Act and the “Reference Instruction for Organisation of Work of Duty Officers in Institutions of the State Police”, it is the requirement for officers on duty to inform, on the request of the detained person, his or her family and administration of his or her employer or educational institution about such person’s location, except for cases when this may impede the investigation of the case (Clause 61).

II. The Latvian Criminal Process Code (CPC) provides that suspects, accused persons and defendants have the right to defence. (Clause 18).

The court, the prosecutor and the investigator must ensure that suspects, accused persons and defendants have the possibility to defend themselves by using the means and kinds of defence as defined in the law, and they also must ensure the protection of personal and property rights of these persons (before the interrogation, the suspect, the accused and the defendant are asked whether they request the presence of a defence attorney. Questions and answers are recorded in the interrogation report, and the interrogated person signs the report. The detained person may refuse to give evidence without the presence of an attorney). Clause 98 of CPC defines cases when, in the first-instance court, the participation of a defence attorney is obligatory:

- 1) in cases of offences committed by juveniles;
- 2) in cases against mute, deaf, blind and other persons who, because of their physical or mental handicaps, are unable to defend themselves;

- 3) in cases against persons who do not understand the language of the criminal process;
- 4) in cases of offences which may be concluded with a death sentence;
- 5) if there are different interests of several persons tried, and if any one of them has a defence attorney.

In cases mentioned in items 1-4 of the said Clause, the participation of 1 defence attorney is obligatory also during the pre-trial investigation, according to the procedure defined in Clause 96 of the Code.

If the suspect, accused person or defendant or another person on behalf of him or her has not selected the defence attorney in cases when participation of an attorney is obligatory, the investigator, the prosecutor or the court must provide the participation of an *ex officio* defence attorney in the case.

(III) According to the Regulations on Short-Term Detention Isolators of the State Police, before a person is put in the isolator cell, the duty officer of the isolator must inquire such person about his or her state of health.

It is *prohibited* to admit any persons with visible bodily injuries without a medical examination carried out by a medical practitioner of the isolator of a medical institution.

Comments on the state of health, complaints and results of a medical examination carried out by the medical practitioner are entered in the “Report on the Search of a Detained or Arrested Person and Inspection of Things Found on the Person” (Clause 2.8) (see Supplement No. 2).

If the person has any health complaints or if there are any indications of an illness, the duty officer must order an examination by the medical practitioner of the isolator or from a medical institution. After such medical examination, the medical practitioner renders his or her conclusion about the state of health of such person, with indication whether such person may be admitted to the isolator or is to be transported to a medical institution. The medical practitioner enters this conclusion in the *Medical Inspection Journal* (Supplement No. 3) and in the *Report on the Search of a Detained or Arrested Person and Inspection of Things Found on the Person* (Clause 29).

If the person so inspected, according to the conclusion of the medical practitioner, may not be admitted to the isolator, he or she must be sent for medical treatment to a medical institution of the Ministry of Welfare.

Persons detained, arrested and sentenced for commission of criminal offences, if admitted to medical institutions of the Ministry of Welfare, are guarded by officers of the particular police institution which is in charge of the criminal case, while the chief of the respective police institution decides on the necessity to provide guarding in respect to persons who have committed administrative offences (Clause 2.10).

2. Professional Training for All Ranks and Categories of Police Officers

In the first quarter of 2000, the training for all ranks and categories of police officers is organised in the Latvian Police Academy, at the Training Centre of the State Police, in other sub-units of the Ministry of Interior, as well as by organising short-term courses. Provisions for training and professional improvement of police officers are included in the Qualification Improvement Program for Officers of the State Police for the Year 2000 (attached).

The Training Centre of the State Police provides initial professional training for those officers who are admitted to rank-and-file and junior commanding staff positions of the police without previous special training (Clause 31 of the Police Act). The Training Centre also organises qualification improvement courses for the rank-and-file and junior commanding staff officers. As at the time of this reporting, there are 65 trainees at the full-time department (the State Police Order No. 100 of 31 July 1997): 15 trainees in the first training stage (started training on 10 January 2000); 25 police officers in the second training stage (started training on 13 March 2000), and another 25 police officers are in the training practice in different State Police institutions after the completion of the first training stage. There are 143 rank-and-file and junior commanding staff police officers that are now students of the part-time department (the State Police Order No. 32 of 05 March 1998). These students include Traffic Police inspectors, patrol duty officers, junior precinct inspectors, junior Criminal Police inspectors, officers of short-term detention isolators, assistant inspectors of the Accounting, Analysis and Statistics Group, etc.

In addition, during the first quarter of this year, the Training Centre of the State Police organised 2 one-week qualification improvement courses: a course for assistant duty officers of duty departments during March 13-17 (24 police officers were trained) and for Traffic Police inspectors during March 20-24 (27 police officers were trained).

In the Latvian Police Academy, there are 551 police officers of all categories currently studying academic and professional study sub-programs of the Police College.

This year, 11 police officers were admitted to the "B" Course full-time department of the Police College of the Latvian Police Academy (LPA). 23 (mainly medium commanding staff) police officers have applied to academic and professional study programs of LPA. 3 other police officers have applied to studies for Master's Degree at LPA.

There are currently no qualification improvement courses at LPA because of the shortage of allocated funds.

Further to the training at educational institutions of the Ministry of Interior, the State Police officers are also attending courses in other sub-units of the Ministry of Interior as well as courses with participation of foreign specialists. In 1998, within the framework of the Training Project implemented under the Co-operation Agreement between the Governments of Latvia and Sweden, two-week training courses were organised for State Police officers on the subject "Site Inspection". 93 officers of the Criminal Inquiries Service completed the courses. One-day training courses are provided by the Information Centre of the State Police for duty officers of police institutions about the information systems "Filtrs" (Filter), "Invalid Documents Register", "Searched Vehicles" and about the use of the email. 64 police officers have so far completed these courses. It is planned to train 150 more State Police officers at these courses.

With the training and methodological assistance from the Nordic and Baltic Countries Police Academy, a training course was organised for the State Police officers during March 27-31 on the subject "Police Tactics and Security at Work", attended by the Order Police officers (Deputy Chiefs of the Order Police, Police precinct chiefs, patrol service company commanders). In April and May this year, courses are scheduled on the subject "Sexual Exploitation of Children".

Officers of the State Police also improved their qualifications at training courses and experiences exchange trips abroad. Thus, during the reporting period, 4 officers of the Criminal Police attended training for officers of services in charge of witness protection in Germany, 14 other Criminal Police officers attended training on drug enforcement provided by the European Committee, Finland, Germany, Belgium and Sweden; 7 Criminal Police officers attended training and experiences exchange seminars on problems related to economic crime organised by the European Committee, etc. Altogether, 77 State Police officers (including 56 Criminal Police officers, 5 Order Police officers, 2 Inquiry Service officers, 2 Immigration Police officers and 12 officers from other services) improved their professional qualifications abroad.

State Police officers also improve their professional knowledge and skills at the places where they serve. This training is regulated by the State Police Order No. 101 of 01 August 1997 and Order No. 538 of 30 July 1999.

3. Information Requests Regarding Complaints Against Police Officers in Connection with Abusive Treatment, and the Number of Criminal/Disciplinary Processes Initiated in 1998 and 1999 throughout Latvia, an Account of Criminal Punishments and Disciplinary Punishments Imposed

Liability for criminal offences (crimes), committed by State Police officers, such as: illegal application of physical force, inhuman treatment, debasement and other activities violating human rights, which are classified as abuse of power or position, was regulated by Clause 162 of the Latvian Criminal Code (LCC) till 1 April 1999 and by Clause 317 and 318 of the Criminal Law after that date.

It should be mentioned that the aforementioned clauses, which define criminal liability, are often applied in conjunction with some other clause, because there are different aspects of abuse of power or position.

Detained under Clause 70 or 120 of the Latvian CPC, with opening a criminal case under Clause 162 of the LCC or Clauses 317 or 318 of the CL:

1998

Total number: 17

Including: - 14 in connection with bribe taking
- 1 in connection with theft
- 2 for abuse of power or position

1999

Total number: 19

Including: - 17 in connection with bribe taking
- 1 in connection with fraud
- 1 in connection with other criminal offence

Charged with crimes or criminal offences under Clause 162 of the LCC or Clauses 317 or 318 of the CL:

1998

Total number: 25

Including: - 8 in connection with bribe taking
- 1 in connection with fraud
- 1 in connection with theft
- 1 in connection with other criminal offence
- 14 for abuse of power or position

1999

Total number: 15

Including: - 9 in connection with bribe taking
- 2 in connection with other criminal offence
- 4 for abuse of power or position

Convicted for crimes or criminal offences under Clause 162 of the LCC or Clauses 317 or 318 of the CL:

1998

Total number: 8

Including: - 1 in connection with bribe taking
- 1 in connection with fraud
- 1 in connection with other criminal offence
- 5 for abuse of power or position

1999

Total number: 11

Including: - 3 in connection with fraud
- 2 in connection with bribe-taking
- 2 in connection with theft
- 4 for abuse of power or position

It should be noted that in actually all cases when police officers commit offences against the law (abuse of power or position), internal police investigations are also carried out, which means that the delinquents are also liable under disciplinary codes. If the internal police investigations reveal no sufficient justification for disciplinary punishment, such cases are then reviewed later after the completion of the criminal case.

4. Information Request and Confirmation that the Urgent Measures Mentioned in Paragraph 25 Have Been Taken

In order to remedy the shortcomings identified by the CPT, the State Police has prepared new Regulations on short-term Detention in Institutions of the State Police (approved by the State Police Order No. 872 of 08.12.1999), according to which cells No. 7 and 8 at the Riga General Police Board Detention Facility are no longer used for detention of persons. This is evidenced by the Registration Log of Persons Detained, Arrested and Convicted, kept at the short-term Detention Isolator, and the list of persons kept at the Isolator.

Taking into account the recommendations given by the CPT, the following standards are included in the Regulations:

- A cell for one person may not be smaller than 4 square meters, the ceiling may not be less than 2.5 meters high;
- A mattress and blanket must be provided for every person kept at the Isolator;
- natural light must be provided in cells; in case it is not possible, artificial lighting must be provided ensuring that any person with normal sight could read;
- lavatories in cells must be partitioned from the rest of the room;
- there must be a square for walking and a shower room in the isolator.

5. Information about the rights of detained persons:

- A form in straightforward terms in at least 3 languages will be prepared and issued to all persons detained by the police.

Sub-units of the State Police have been ordered to prepare the said form and to submit its drafts to the leadership of the State Police for approval. After that, translation and printing of the form will be arranged.

6. Drafting a code of conduct for police interviews

No special code of conduct has been drafted for the police, since the questions of police officers' ethics are included in Clauses 5 and 6 of the Police Act (the full text of these Clauses following below) and in other pieces of legislation (including the CPC). In the event of ignoring the said requirements, disciplinary, criminal or civil liability sets in.

Clause 5. Principles of Organisation and Activities of the Police

Police activities shall be organised, with due consideration to laws, humanism, human rights, social justice, transparency, unified command structure and on the basis of assistance rendered by the population.

The police shall protect the rights and legitimate interests of individuals independently of their citizenship, social and property status and other conditions, of their race and

nationality, gender and age, education and language, of their attitude towards religion, political and other beliefs.

In order to provide equal protection to the rights and freedoms of individuals and to protect the interests of the state, the police officers may not take part in the activities of any parties, other socially-political organisations and movements, and they shall suspend their membership in them for the time they serve with the police.

The police, with their activities, shall ensure that the rights and freedoms of individuals are duly observed. Any limitations of these rights and freedoms may only be allowed on the basis of the law and in the manner as provided by the law. Every time, when the police have to restrict any rights and freedoms of individuals, the police officer shall render explanation to such individuals, explaining every concrete limitation. In these cases, at the request of such individuals, the police officer must tell his or her name, office and service rank and must produce his or her police identity.

The police shall allow any persons detained and arrested to exercise their rights to legal defence and, if these persons so wish, to immediately inform their families and the administration of their employers or educational institutions about the place where they are. The police must ensure health protection for the persons detained and arrested, shall implement urgent measures to provide medical assistance and to protect the property of such persons.

Clause 6. Transparency in the Activities of the Police

The police shall inform the state and local government authorities as well as inhabitants about their activities.

The police are prohibited to disclose any data which are regarded as state secrets or other secrets specially protected by the law, data containing commercial secrets or patent secrets. It is prohibited to disclose any materials of pre-judicial investigation without the sanction of the prosecutor or investigator, as well as any materials which may transgress the presumption of innocence.

The police are prohibited to disclose any data which are related to the privacy of individuals as well as data offensive to the dignity and respect of individuals and legal entities, if such actions are not carried out in the interests of law enforcement and investigation.

The police must revoke any information publicly announced by the police about any individuals, enterprises, institutions and organisations, if any such information is untrue. Such revocation must be published within one month in the same way as the original untrue information was circulated.

7. Arrest Registers to be Introduced Immediately

According to the Reference Instruction for Organisation of Work of Duty Officers in Institutions of the State Police and Regulations on Short-Term Detention Isolators in Institutions of the State Police, the fact of detention of any persons in police institutions, independently of the cause why they were detained and for how long, the fact of detention must be registered in the *Registration Book of Detained Persons*, in which the following data are entered: the detained person's name, surname, identity code, residential address, series and number of the personal identification document, data about who and when issued such document, the detained person's employer, position, the cause of detention, description of the offence, who detained the person, date and time of detention. This Registration Book also includes data about the actions carried out in respect to such person or to what place the person was sent, as well as the date and time of release of the person and the number of the respective order. (see Supplement No. 4). At the same time when entries in the said Registration Book are made, the *Report on the Search of a Detained or Arrested Person and Inspection of Things Found on the Person* is completed with the following data: the date and time of completion of the Report, the detained person's name, surname, year of birth, the cause of detention, description of the clothes of the detained person and all items found on him or her, the state of health of the person and any injuries found, as well as statements and comments made by the detained person (for example, a request to inform his or her family about his or her whereabouts and situation). The Report is signed by the detained person, witnesses and the person who completed the Report. The Report also includes a detailed description of all items, property, documents and valuables seized during the search and inspection of things carried by the person, and a confirmation by the searched person (signature, date and time) of having received these items back after the release. The Report is made in 3 copies: the first of them is to be enclosed with the materials of detention, the second is to be added in the dossier of the detained person, while the third is to be kept with the items, assets and valuables found during the search.

8. The pre-trial Investigation Centre and the Short-Term Detention Isolator:

- necessary conditions of hygiene, lighting, contacts with the public outside,
- the requirement to discontinue the use of the cell No. 10 of the Short-Term Detention Isolator

According to the coming into force of the new *Regulations on Short-Term Detention Isolators in Institutions of the State Police* and application of these Regulations in the pre-trial Investigation Centre (PIC) and in the Short-Term Detention Isolator (SDI), the cell No. 10 in

the Short-Term Detention Isolator is not used any more for detention of persons. Calculations are now being made regarding the funds necessary to improve the detention institutions.

9-10. The Preventive Care Centre for Minors at the Riga General Police Board Information Requests about the PCCM

Regarding the organisation of work of the Preventive Care Centre for Minors (PCCM), we confirm that the leadership of the Centre continuously organises and carries out personnel training. The training sessions are conducted by specialists in different fields: specialists from the State Police, the Riga General Police Board, NCP, from the Children's Rights Protection Centre, the Psychologists' Service of the State Police and the State Drug Addiction Treatment Centre. Since September 1999, 15 such training sessions have taken place.

During these training sessions, the staff of the PCCM were instructed about the major standards and requirements included in Latvian laws and in other regulatory documents (the Police Act; the Criminal Law; the Criminal Process Code; the Code of Administrative Offences; the Citizenship Law; Regulations No. 440, passed by the Cabinet of Ministers on 30 December 1997, "Fire-Safety Regulations"; the Generally Binding Regulations No. 13, passed by the Council of Riga on 08 December 1998, "Regulations on the Public Order in the City of Riga", etc.). In order to perfect their professional competence, the staff of the PCCM is continuously informed about any changes in the applicable legislation.

The staff of the PCCM has also been informed about laws and other regulatory documents which regulate the protection of children's rights: the Civil Law (Part 1: "Family Law"); the Law on Protection of Children's Rights; Regulations No. 162, passed by the Cabinet of Ministers on 04 May 1999, "On the Manner of Isolation of Children in Care and Educational Institutions for Children in General and for Children Left Without Parental Care"; the Service Instruction for the Inspectors of Minors' Affairs (Order No. 455 of 30 June 1999); Regulations on the Preventive Care Centre for Minors at the Riga General Police Board (Order No. 331, passed by the Riga General Police Board on 17 September 1999), etc., according to the training plan (see Supplement No. 5). During the training process of the staff, attention is continuously focused on the requirement to exclude the application of any means of coercion that are not provided by the respective regulatory documents regarding the treatment of minors.

With the purpose to improve the professional qualifications of the staff of the PCCM, further to the aforementioned training, eight seminars were organised in October-December 1999 on the subject "Promotion of the Prevention Process in Latvia Regarding "Street Children"". Taking into account the increased frequency of sexually transmitted diseases among juveniles, separate seminars were organised at the PCCM about the spread and prevention of HIV/AIDS and other sexually transmitted diseases. These seminars were conducted by the physician of the AIDS Centre Dr. Melita Sauka, Dr. Jorens Kovaļovs and a representative of the Latvian branch of UNICEFF, the psychologist Iveta Misiņa.

720 minors were admitted to the Preventive Care Centre for Minors in 1999, 102 minors – in the first 3 months of the year 2000. Classes are provided to the children admitted to the Centre according to the Plan-Program of Studies approved by the leadership of the Order Police of the Riga General Police Board and the Kurzeme Borough Division of the City of Riga Schools Board, specially prepared for the children admitted to the Preventive Care Centre for Minors (see Supplement No. 6). All the juveniles admitted to the PCCM are now involved in the study process.

The work with children admitted to the Preventive Care Centre for Minors is organised according to the Law on Protection of Children's Rights and other applicable legislation and according to the Regulations on the Preventive Care Centre for Minors. Section No. 6 of these Regulations defines the applicable procedure for the staying of children at the Centre and provides the following rights to these minors: the right to receive packages and shipments, the right to correspond with parents, relatives, non-governmental organisations, churches, as well as educational institutions.

The Preventive Care Centre for Minors is regularly visited by the staff of the Children's Rights Protection Centre. Conversations with the children are confidential.

Meetings are organised for these children with officials from Custody Courts, representatives of the Social Assistance Service, the State Drug Addiction Treatment Centre, as well as officials of Schools Boards. The minors admitted to the Preventive Care Centre for Minors are also supported and assisted by representatives of different non-governmental organisations, such as: Latvian Foundation for Support of Children's Culture, "Cerība bērniem" (*The Hope for Children*), Malta Assistance Service, "Baltais zvirbulis" (*The White Sparrow*), "Bērnu Fonds" (*The Children's Foundation*), etc.

152 cultural events were organised in 1999, including visits to museums, picture galleries, concerts, exhibitions, circus trial performances, etc. The rock singer Rodrigo Fomins has performed at the PCCM, there were concerts given by the Ensemble "Knīpas un knauķi", the

composer Jānis Lūsēns, the Ensemble “Cielaviņa”. The Ensemble “Brīnumzeme” is also expected to perform in April, and another performance by R. Fomins is expected. A discotheque is organised for children each week.

On average, 12-17 minors attend each event outside the PCCM. This year, the minors have visited the War Museum, a Doll Exhibition, the “Art” gallery, etc. Sporting events are organised twice a week at the PCCM. Sporting events with participation of children from the Preventive Care Centre for Minors have taken place four times at Riga Secondary School No. 68.

11. The Illegal Immigrant Accommodation Centre at Gaiziņa Street 7

It is planned to establish an institution for accommodation of illegal immigrants at Gaujas Street 17/19, instead of the existing Illegal Immigrant Accommodation Centre at Gaiziņa Street 7 and the Illegal Immigrant Temporary Accommodation Institution in Olaine.

Because of the inadequate conditions, those illegal immigrants, the extradition process of whom is delayed, are transferred from the Illegal Immigrant Accommodation Centre at Gaiziņa Street 7 to the Illegal Immigrant Temporary Accommodation Institution “Olaine”.

To ensure continuous, general and complete further improvement of professional qualification, a training plan was approved on 14.09.1999 for the Immigration Police officers of Riga General Police Board (see Supplement No. 7).

The way of treatment of any persons who have announced hunger strike by the administration is defined in the Regulations on the Illegal Immigrant Accommodation Centre (see Supplement No. 8).

All detained person have the right to legal defence according to Clause 48.8 of the Law of 09.07.1992 “On Entry and Stay of Foreigners and Persons without Citizenship in the Republic of Latvia”.

According to Clause 22, Item 2, of the Law “On Asylum Seekers and Refugees in the Republic of Latvia”, “No refugee may be extradited or delivered up to a country where there are the threats of persecution mentioned in Clause 2 of this Law”.

Likewise, on the basis of the requirements regarding the status of refugees, defined in Clause 32 of the International Convention of 28.07.1951, the Member States have agreed not to

extradite from their territories any refugees who stay in these countries legally, except for cases when it is necessary on the basis of considerations of state security and public order.

In order to adjust the Latvian legislation to the requirements of the European Union, working groups have been set up according to a plan by the Ministry of Interior to make necessary amendments to both the aforementioned laws.

Information booklets have been prepared.

12. The Sobering-up Centre of the State Police

Regarding the organisation of work in the Sobering-up Centre of the Order Police of Riga General Police Board, we confirm that the training of the staff of this room is carried out according to the corresponding regulatory documents, first of all, according to the requirements contained in the Order No. 168, issued by the State Police on 09 February 1998, "On Mandatory Training of the Personnel". A thematic professional training plan has also been prepared for the study year 1999/2000.

We believe that at this time it would not be expedient to prepare an instruction defining the use of physical restraint methods, since the staff of the Sobering-up Centre use physical force and special means according to Clause 13 of the Police Act as well as according to the Instruction "On the Manner of Application of Separate Kinds of Special Means by the Personnel of the System of the Ministry of Interior" (Order No. 215, issued by the Republic of Latvia Ministry of Interior on 11 March 1999).

In order to improve the conditions of persons put in the Sobering-up Centre, the Centre was moved in March to new, renovated rooms at Gaujas Street 15/17. A separate shower room and sanitary facilities have been accommodated at the Centre to improve sanitary conditions. The question is now being solved regarding possibilities to obtain an ethilometer.

REPORT

**ON THE SEARCH OF A DETAINED OR ARRESTED PERSON AND
INSPECTION OF THINGS FOUND ON THE PERSON**

(name, surname, rank of the person completing this Report)

On this _____ 200 ____, at _____ o'clock

(the name of the police institution)

in the presence of the witnesses:

1. _____
(name, surname, address)

2. _____
(name, surname, address)

who were advised on their rights and duties, the search was carried out of

(name, surname, year of birth of the detained or arrested person)

who was detained for the commission of an administrative offence or as suspect in a criminal
offence/ or was arrested _____
(Cl. of the APC or CPC)

and of the things found on him/her and of his/her clothes were inspected.

RESULTS:

The following items were found and seized during the search and the inspection of things:

(list the items, assets, documents and valuables seized, indicate their individual

features, if applicable – the place where they were found, and other conditions)

Injuries found, complaints expressed regarding health: _____

During the search and the inspection of things, the following statements and comments were made:

Witnesses: _____

The person searched: _____

The persons who carried out the search, inspected the things and completed this Report:

The items, assets, documents and valuables seized during the search and inspection:

_____ (indicate whether they were filed with the criminal case, given to
_____ relatives of the person at his/her request or stored – where, receipt No.)

_____ (signature of the person completing this Report)

I received the copy of the receipt for acceptance of moneys and other valuables:

(signature of the person searched)

I received back the items, assets, documents and valuables seized during the search and inspection of things:

(signature of the person searched)

_____ 2000

Note: Complete this Report in 3 counterparts: file the first counterpart with the criminal case (materials of detention), the second – with the personal dossier of the arrested person, and store the third counterpart with the things, assets and valuables seized.

(name of the police institution)

REGISTRATION BOOK OF DETAINED PERSONS

BEGUN on _____ 200__
FINISHED on _____ 200__

Registration No. _____

Number of pages: _____
Time of storage: 5 years

No.	Name, surname	Identity code	Residential address, series and number of personal identification document, issued by whom and when	Employer, position
1	2	3	4	5

Cause of detention, description of the offence	Who detained	Date and time of detention	Actions taken, sent to	Time and date of release. Order No. ____
6	7	8	9	10

MEDICAL INSPECTION JOURNAL
OF PERSONS KEPT AT THE
SHORT-TERM DETENTION ISOLATOR

Conclusion of the medical practitioner	Position, surname, signature of the medical practitioner	Medical institution to which the person is sent	Notes

IX Actions to Be Taken in Cases When Detained Persons Declare Hunger Strike and Refuse to Accept Food

52. If any detained persons declare hunger strike or refuse to accept food, the inspector of the facility – the officer on duty shall immediately report to the Chief of Immigration Police of Riga General Police Board and to the prosecutor and shall take measures to remedy the conditions which may be regarded as the cause of the illegal collective actions by the detained persons.

53. If the detained persons have declared hunger strike, the chief of the institution or, during his absence, the persons who act on behalf of him shall immediately find out the causes of such actions, establish the demands of the detained persons and indicate the illegality of collective demands.

54. If the efforts to convince the detained persons by referring to the law are unsuccessful, the respective state authorities shall be involved who shall then act according to their powers.

55. If the demands of the detained person turn out to be justified, steps shall be taken immediately to observe the legitimate demands of the detained person.

56. If the demands of the detained person turn out to be unjustified, complete and qualified explanation shall be given about his or her wrong actions, while the declaration of the hunger strike itself shall be regarded as a transgression against the internal rules.

57. The detained person, who has refused to accept food, shall be isolated in a separate room with intensified medical supervision.

58. The medical practitioner of the institution must report to the chief of the institution about the physical and mental condition of each detained person who has refused food.

59. In the event of necessity, in order to prevent any serious consequences and fatal outcome, upon receiving acceptance of the medical practitioner of the institution, forced feeding may be applied to persons who have declared hunger strike. Each such case of forced feeding shall be recorded in the medical journal, indicating the contents and quantity of the food fed and the officials who have been present at such forced feeding, with description of the actions taken.

**The Professional Training Plan for the Personnel of the Immigration
Police of Riga General Police Board for the Study Year 1999/2000**

No	Date of classes	Subject	Number of hours	The person conducting classes
I	II	III	IV	V
1	09.09.1999	The Police Act of Latvia. The rights and duties of police officers. The functional duties of leading police officers.	2	
2	09.09.1999	The Disciplinary Regulations for the Staff of the Ministry of Interior with Special Service Ranks and subsequent orders issued by the Ministry of Interior of Latvia, the State Police and Riga General Police Board with the aim to strengthen service discipline.	2	
3	23.09.1999	The Service Progress Regulations for the Rank-and-File and Commanding Staff of Institutions of the Ministry of Interior of Latvia.	2	
4	23.09.1999	The Internal Service Regulations for the Rank-And-File and Commanding Staff of Institutions of the Ministry of Interior of Latvia.	2	
5	14.10.1999	The Regulations on the Immigration Police of Riga General Police Board.	2	
6	14.10.1999	The Regulations on the Illegal Immigrant Accommodation Centre at Riga General Police Board.	2	
7	28.10.1999	The means of communications at the disposal of the State Police, their technical properties, regulations for practical application.	1	
8	28.10.1999	The basic principles of rendering urgent medical assistance to injured persons.	2	
9	28.10.1999	The principles of observing fire-safety regulations and the specific activities of police officers in cases of fire emergencies.	1	

10	11.11.1999	The Republic of Latvia Law "The Manner of Reviewing Applications, Complaints and Proposals by State and Local Government Authorities".	2	
11	11.11.1999	Specific requirements for organisation of proper accounting at police institutions. Service documents, their particulars.	1	
12	11.11.1999	The Republic of Latvia Law "On State Secrets".	1	
29	23.03.2000	The specific features of observance of ethical norms by the State Police officers. The culture of mutual relations between the staff.	2	
30	23.03.2000	The system of the Ministry of Interior of the Republic of Latvia, its structure.	1	
31	23.03.2000	The structure and command lines of the State Police of the Ministry of Interior of the Republic of Latvia.	1	
32	23.03.2000	The structure and command lines of sub-units of Riga General Police Board of the State Police of the Ministry of Interior of the Republic of Latvia, their major specific tasks.	1	
33	13.04.2000	"On the Status of foreign armed forces in Latvia" (IP of Riga General Police Board, 16.11.1998, registered under No. 18/9-535)	1	
34	13.04.2000	Order No. 4, issued by the State Police on 13.01.1997, "On the Actions to Be Taken by the State Police in Cases When Offences Against the Law Have Been Committed by the Staff of State Security Institutions".	1	
35	13.04.2000	Regulations No. 14, passed by the Cabinet of Ministers of the Republic of Latvia (12.10.1993), "On the Manner of Investigating Accidents at Work. The Order of 08.04.1998, passed by the Ministry of Interior of the Republic of Latvia, "On the Investigation Procedure Regarding Accidents Suffered by the Staff of Interior Institutions".	1	

36	27.04.2000	The specific features and problems in co-operation between the Immigration Police of Riga General Police Board and other sub-units of the Ministry of Interior, as well as with state, municipal and non-governmental organisations.	2	
37	27.04.2000	Changes in the legislation related to the work of the State Police and regulatory orders issued by the Ministry of Interior of the Republic of Latvia, the State Police, and the Riga General Police Board.	2	
38	11.05.2000	The summary of professional training subjects for the year 1999/2000 for the staff of IP of Riga General Police Board. Additional explanation of the topical subjects.	4	
39	25.05.2000	Passing of professional training tests.	4	

STUDY PLAN-PROGRAM

FOR CHILDREN STAYING AT THE PREVENTIVE CARE CENTER FOR MINORS OF THE ORDER POLICE OF RIGA GENERAL POLICE BOARD

Since 01 September 1998, a study process has been introduced and organised for children staying at the Preventive Care Centre for Minors. The study process was introduced to provide elementary basic skills and knowledge to children staying at the Centre in order to prepare these children for taking up studies at school, since there are often such children staying at the Centre who are in need of preparation for school which has been neglected before because of different reasons. Some of the major aims of organising the study process:

- to improve the knowledge of those children who attend school but, for certain reasons, stay at the Preventive Care Centre for Minors and cannot attend school during this time;
- to involve those children in the study process who have abandoned their studies at school, who do not attend school and do not study;
- to carry out educational work with children to encourage them and to promote their return to school to resume normal studies.

Taking into account the positive results of the last year, which have facilitated the general development of these children, the improvement of their knowledge and practical skills, we have defined the following aims:

- to continue organisation of the study process,
- to carry out general elementary teaching of children, ensuring that they acquire knowledge and practical skills,
- to raise the cultural level of children and to improve their manners.

SUBJECTS:

1. MATHEMATICS
2. LATVIAN LANGUAGE
3. ENVIRONMENTAL AND NATURE STUDIES

4. MUSIC
5. PHYSICAL EDUCATION
6. DRAWING
7. MANUAL WORK TRAINING

THE CURRENT STUDY YEAR TRAINING PLAN
FOR THE PERSONNEL OF THE ORDER POLICE OF THE CITY OF RIGA
GENERAL POLICE BOARD

1999-2000

No.	Date of classes	Subject	Number of hours	The person conducting classes
1	09.09	The Service Instruction for the Inspectors of Minors' Affairs	2	
		Regulations on the Preventive Care Centre for Minors of the Order Police of Riga General Police Board	2	
2	23.09	Regulations on drafting and completion of documents	2	
		Specific requirements for organisation of proper accounting at police institutions. Service documents, their particulars.	2	
3	14.10	The Internal Service Regulations for the Rank-And-File and Commanding Staff of Institutions of the Ministry of Interior of Latvia.	2	
		The Service Progress Regulations for the Rank-and-File and Commanding Staff of Institutions of the Ministry of Interior of Latvia.	2	
4	28.10	The Code of Administrative Offences of Latvia, the specific manner of application of its requirements in respect to children and their parents.	2	
		Regulations on the Public Order in the City of Riga.	2	

5	11.11	<p>Republic of Latvia Civil Law. Family law.</p> <p>Republic of Latvia Satversme (Constitution)</p>	2	
11	10.02.2000	<p>The Police Act of the Republic of Latvia. The rights and duties of police officers.</p> <p>The functional duties of officials.</p> <p>The duties and tactical activities of police officers in prevention of offences against the law among informal groups of minors and adolescents.</p>	2 1 1	
21	24.02.2000	<p>The Disciplinary Regulations for the Rank-and-File and Commanding Staff of Interior Affairs Institutions.</p> <p>The specific features of observance of ethical norms by the State Police officers. The culture of mutual relations between the staff.</p>	3 1	
13	09.03.2000	<p>The specific provisions for application of Clauses 13 and 14 of the Republic of Latvia Police Act.</p> <p>the Instruction on the Manner of Application of Separate Kinds of Special Means by the Personnel of the System of the Ministry of Interior.</p>	2 2	

14	23.03.2000	Fire-Safety Instruction. Action plan for a fire emergency. The epidemiological situation in the country and the major issues.	2 1 1	
15	13.04.2000	Changes in the legislation related to the work of the State Police and regulatory orders issued by the Ministry of Interior of the Republic of Latvia, the State Police, and the Riga General Police Board. The Convention on Protection of Human Rights and Fundamental Freedoms.	2 2	
16	27.04.2000	The structure and command lines of the State Police of the Ministry of Interior of the Republic of Latvia. The instruction on the creation and use of the centralised automatic information search system "Filtrs".	2 1	
17	11.05.2000	The Criminal Process Code of the Republic of Latvia. The manner of reviewing applications and complaints by state authorities.	2 2	
18	25.05.2000	Final classes with the personnel of the Centre. Passing of tests.	1 3	

B- PRISONS

The Prison Administration have considered the Report of the European Committee and made a Plane of Actions on removal of identified weaknesses. The fulfillment of plan have already been started after the inspection of the Centrāl and Iļģuciemas prisons. As at 1 February, 2000 the following was managed:

The reconstruction of the Centrāl Prison and improving of treatment conditions for prisoners is going on. From February of the year 1999 till now after the reconstruction 390 places in cells were put into operation. In each cell in civilized conditions can be accommodated 6-10 inmates. In the year 2000 for the reconstruction purpose the sum of Ls 500 000 is assigned.

The sewerage system of the Prison Hospital was partly reconstructed.

After the reconstruction of a block the alarm, observation and communication systems were installed to insure staff security and improve work conditions.

In addition, after the reconstruction 7 walking yards were put into operation, so more prisoners can use their right to 1-hour walk. Currently the reconstruction of walking yards of the first block is going on.

The new system of TB patients' treatment was started. This system have been developed and approved by the World Health Organisation (WHO). The close co-operation with the State Tuberculoses and Lungs Diseases Centre was established.

During February and March, 1999 medical staff of the Prison Hospital was trained at the State Tuberculoses and Lungs Diseases Centre.

In order to improve TB diagnostics in February, 1999 the Medical Section of Prison Administration organised the training at the State Tuberculoses and Lungs Diseases Centre for all prison nurses and laboratory assistants.

In the second half of the year 1999 the construction work of the TB Hospital on the territory of Olaines Prison was started. In the year 2001 it is planed to finish the first stage of the construction work of Olaines TB Hospital and put into operation 200 places where the sick inmates from all Latvian prisons will be accommodated.

In November, 1999 after the reconstruction a new section for female inmates with babies till 1 year was opened in the Children House (Iļģuciemas Prison).

The program on transition to the professional guard system was started in 1998 when the guard function was taken by the Grīvas Prison from the Guard Regiment.

In the year 1999 this program was suspended due to lack of finances. In January, 2000 the Plan on Reform of Places of Imprisonment for 2000-2003 years was submitted to the Ministry of Justice. The realisation of this plan depends from the finances.

Some of the mentioned in the report recommendations, which are connected with a regime of treatment, are strictly regulated by the statutes of the Republic of Latvia and its change is out of the Prison Administration competence.

From the year 1994 the Latvian Prison system is involved into the Nord-Balt Prison Project and within its framework is co-operating with prison systems of the Scandinavian states. There are twinning agreements on co-operation between nine Latvian, Sweden, Norwegian and Finnish prisons (Iļģuciemas and Centrāl prisons are included into the project). Many problems which are connected with improvement of treatment conditions for prisoners and resocialisation programs are being solved within the framework of the Nord-Balt Prison Project.

C-RIGA PSYCHONEUROLOGICAL HOSPITAL

Immediate comments following paragraph 5, article 8.

Admissions of patients below the age of 16 in the Riga Psychoneurological Hospital are strictly prohibited.

16 – 18 years old patients are accommodated in separate facilities.

In Latvian mental hospitals there are departments for patients below the age of 16. Patients between 16 – 18 years are treated on individual basis in departments for adolescents or in special facilities of general mental care departments.

2. Accommodation and medical treatment

194. On the accommodation of patients in observation units of the Riga Psychoneurological Hospital

The number of patients in the observation units of the Riga Psychoneurological Hospital is reduced to minimum. The length of stay under intensive observation is decreased to be as short as possible. Last year the number of staff of the observation units has been expanded. A certified nurse and a nurse assistant provide 24 hour regular care in the unit and during walks out -door or in the lobby of the department.

197. On conditions in department 10.

Department 10 of the Riga Psychoneurological Hospital has been closed down. The state non-profit enterprise limited liability company Centre of Psychiatry has established the department for forensic psychiatric examination and coercive treatment and the relevant patients are transferred there.

Persons under the examination in the forensic psychiatry department are accommodated in separate rooms. The number of persons in one room is one or two, never more than three. The accommodation in rooms and units is organised according to the conditions of patients (acute, subacute, remission), diagnosis and mutual psychological compatibility. The dwelling space is 6.9 square metres per patient. There are several common use toilets and showers in the department easily available at any time.

The rooms are not locked. Staff members make a round every 20 minutes. The movement of persons under the examination in the respective unit is not restricted. Transfer to other facilities (doctors office, exercise rooms, consultants) is escorted.

198. Out-door exercises and activities

Out-door exercises and activities are essential part of treatment in the coercive department. Patients have made a rock garden in the yard of the department. There are also benches, a small sport field and a lawn. Patients are engaged in gardening and other out-door activities. Occupational therapy, individual and group psychotherapy, sport, religious services and ergotherapy are also available.

The occupational therapist involves patients in the activities to develop and complement their mode of thinking. He/ she also evaluates changes of patients' health, analyses the intensity and load of therapy and gradually increases the degree of complexity of the tasks. Results of each patient are analysed on a monthly basis in a meeting with other specialists. The routine activities for each patient are planned daily.

The psychologist applies elements of behavioural and art therapy and psychological training. The group sessions are for communication and conflict solving skills and for promoting the capacity to verbalise feelings and emotions with the overall goal to improve patients' behaviour.

The specialist of rehabilitation provides sessions for drawing, painting, sculpture, pottery and florists.

199. On personal clothing.

The patients of the state non-profit enterprise limited liability company Centre of Psychiatry department for coercive treatment have their personal clothing for in-door and out-door needs. Hospital pyjamas are also available if patients prefer to use them.

After admission to the department for forensic psychiatric examination patients change for hospital clothing. All personal belongings are stored for the examination period, which does not exceed 30 days. This system is established for hygienic reasons as persons are transferred from prisons and investigation facilities where they have been exposed to unfavourable epidemiological conditions (pediculosis, scabies, fleas). So far there have not been any objections or complaints about wearing hospital clothing.

The regime of the Riga Psychoneurological Hospital year by year becomes more democratic and loose. The indications for open-door regime are expanded and patients can use clothing of their own.

200. On medical treatment, rehabilitation and curative activities.

The principles of treatment in the coercive department are based on the sociopsychological concept and enable the improvement of patients' capacity to solve problems at interpersonal level.

Therapeutic interventions comprise a cautious and tactful approach to patients' internal reserves.

The administration of pharmaceuticals in the coercive department is carried out strictly according to the Law on Medical treatment. It is only one curative method among others of equivalent importance.

The concept of rehabilitation system is based on a transition from strict distribution to rewarding for certain results structured in a hierarchic system.

The work of psychologist in the coercive department is two-fold. He/she is engaged in diagnostics and therapy as well as in personal or, more often, group therapy. The diagnostic results are used for work ability expertise and dynamic evaluation of patients health.

3 psychotherapeutic (2 Russian and 1 Latvian) groups have been organised with respect to patients health status, intellectual development, age and language of communication. The sessions are held once a week, 1 – 1,5 hours long.

The staff works in intersectoral teams with a common goal to enforce patients reintegration into community and have a meaningful life.

In the forensic examination department psychotropic pharmaceuticals are administrated only in certain situations (acute status, when the person endangers itself or others) or upon the request and compliance of the person under examination (like in case of sleep disorders, etc.).

During last years the psychotropic pharmaceuticals of new generation are used more and more widely in the Riga Psychoneurological Hospital. Indications and dosages are controlled. A special attention is paid to timely recognition and prevention of side effects.

In spite of limited financial resources, Riga Psychoneurological Hospital becomes more concerned about rehabilitative activities. The hospital has a close collaboration with the occupational therapy enterprise, which employs both inpatients and outpatients. They are engaged in sewing, cardboard articles, joinery, etc. Patients also have access to sport hall,

medical gymnastics, different activities of culture therapy as well as psychotherapeutic, psychological and legal counselling. Each department has a recreation room with TV set, periodicals and table games.

Due to the national status of economy most efforts are paid to all aspects of the social rehabilitation.

201. On ECT

ECT is not applied in the departments for forensic psychiatric examination and coercive treatment of the state non-profit enterprise limited liability company Centre of Psychiatry.

In Riga Psychoneurological Hospital ECT as an exceptional method is used for vital indications with a written consent of the patient or his legal representative and upon the decision of a competent medical committee. Each department has a protocol and registration list of this procedure.

3. Persons under age

203. On accommodation of 16 – 18 years old persons

16 – 18 years old patients in the forensic psychiatric examination department of the state non-profit enterprise limited liability company Centre of Psychiatry are accommodated in separate rooms. There is no admission of persons below the age of 16 to the departments for forensic psychiatric examination and coercive treatment.

All Latvian mental care institutions have been instructed to provide services for persons under age apart from adult patients.

Admissions of patients below the age of 16 in the Riga Psychoneurological Hospital are strictly prohibited.

4. Means of physical restriction

204. On physical restriction (fixation) of patients in the department

Internal regulations of the department comprise provisions for physical restriction (fixation) of patients. Necessity to apply fixation is reported and documented.

205. On means and methods of physical restriction

Restriction of physical movements is permitted only for certain medical indications (explicit mental and motor agitation and/or threats of aggression and self-aggression. It should not be used as means for punishment or behavioural correction.

The staff has been trained in Sweden and Germany. They are able to manage patients without applying physical force as well as to use physical limitations in the care of extremely agitated or aggressive patients. In order to avoid injuries of patients or staff members there was a training how to select the most appropriate methods in different situations.

The decision making on patients fixation is the responsibility of physicians. A patient can be fixed for no more than 2 hours at a time. The necessity of fixation is reported in patients record, registration journal and the protocol of fixation. It informs about the start and termination time, reasons and conditions, and the name of physician in charge.

Since the date of establishment, fixation has been used twice in the department of coercive treatment. So far it has never been used in the forensic examination department.

Each department of the Riga Psychoneurological Hospital has registration journals and fixation protocols, informing about the cases, indications, methods and possible complications of fixation. All the same information is reported in patients records. The procedure is applied in extreme cases only, ordered by a physician and performed in his presence. Involvement of other patients is strictly forbidden. The duration of fixation is made as short as possible. It is reported in patients record along with all complications, if occurred.

206. On the written procedure for physical limitation

The state non-profit enterprise limited liability company Centre of Psychiatry has laid down a written procedure for physical limitation (patients fixation) for the departments of forensic psychiatric examination and coercive treatment.

5. Precautions for coercive admissions

207. On admissions to the departments for forensic psychiatric examination and coercive treatment.

Patients are admitted to the state non-profit enterprise limited liability company Centre of Psychiatry departments for forensic psychiatric examination and coercive treatment only upon the decision of legal authorities of the Republic of Latvia.

The legal status and relevant rights and obligations of persons under examination are stipulated by the Latvian Criminal Code or the Law on Penalty, the Law on Medical Treatment, and in the internal regulations of the department. For this reason all communications with family members and other persons have to be approved by the persecutor or other person involved in the legal process.

The rights and obligations of patients in the department for coercive treatment are stipulated by the Law on Medical Treatment, other Latvian laws and the internal regulations of the department. The patients have rights and possibilities to meet their family members, relatives and other persons.

208. On assurance and protection of patient rights

Patients can have the advice in patient rights from a councillor. A lawyer is also available.

In the department for coercive treatment a social worker is in charge of patients legal and social needs in national and municipal authorities (issue or change of passport, citizenship or other status, determination of capacity, pensions and registration of residence). A social worker represents patient interests in court and in national and municipal authorities.

The social worker is a councillor. He/she also provides discussions with patients' family and relatives, and enforces patients' rehabilitation by developing their skills and interests with the methodology of social work and social therapy.

Patients can ask the staff for help and advice. Each patient has a contact person – a nurse, collecting patient information, making plan of care and looking for solutions.

209. On legislation in the field of mental health

A draft law on mental health has been elaborated in Latvia. At present the Ministry of Welfare works on harmonising its legal norms and guarantees.

A written consent on admission is not a reality for all patients of the Riga Psychoneurological Hospital yet. The reason for this is the large number of patients who are not capable to realise their behaviour due to their mental health status at the moment of admission, although they passively and without resistance obey the instructions of staff. The regulations on urgent hospitalisation in cases of patients without critical reasoning and demonstrating aggression and open resistance are being strictly followed.

D – The Education and re-education institution for girls “Naukšēni”

During 1999 number of under-age lawbreakers – girls in the education and re-education institution for girls “Naukšēni” has increased from 8 to 20 girls (institution is provided for 60 accommodations). The measures for fulfilment of institution (letters to General procurator, Ministry of Interior, Ministry of Justice, specialists of the children rights protection) didn't gave results so regional courts in the very few cases adapt the coercive methods for girls – the commitment in the education and re-education institution.

The personnel of educators in the “Naukšēni” hasn't increased during year but has increased number of the service workers (at the present 23,7 unit of staff). The pedagogical staff has improved their qualification in the experience exchange trip in Sweden and at the Soross foundation programme New approach in the social and pedagogical correction of the under -age law breakers.

All collective is involving in the management of the institution's development project for the next five year to establish the “Naukšēni” as life school for girls. In the first half 2000 the institution nominates following priorities:

- to prepare the accreditation of the institution;
- to improve the preparatory system for pupils to practical life after leaving the institution;
- to establish pupils' self - administration.

How the one of the main goal in 2000 the institution wish to establish the materiel bases and provide resource to facilitate the preparation of the pupils after leaving the “Naukšēni”.

The repair in the living rooms didn't make so financial resource was necessary for the repair of the steamshop – the heating steamshop was repaired, the central heating system was reconstructed in the building and provide needful warm in the living rooms and classrooms.

Thereby in the “Naukšēni” are girls from all Latvia and families can attend their meeting rooms (hosts rooms) were upholstered with lying for families members.

The educates can freely use telephone so pupils have possibility communicate with families, relatives, friends or confidant person.

Day mental and/or psychological service still isn't provided. Agreeably to the list of posts in the "Naukšēni" half staff of the education psychologist works for twenty pupils (one staff for 20-100 pupils), therapist and nurse (both – part of staff). Where necessary the proximal state hospital can give psychiatric or other medical assistance. If will increase the number of the pupils than can maximise also the medical personnel. For the institution's successful works is necessary also social educator to work with girls' families or protectors for the effective re-integration of the teenagers in the society.

The chastisements are arranged to pupils for the contravention of the behaviour provisions and in compliance with the institution's order provision. Kinds of the chastisements are: warning (orally), remark (orally) and call-down (in writing). The information for pupils about the next Children rights protection organisation, its address and phone number of the contact person where necessary pupils can fulminate are put up in the public place. Incarceration as the chastisement isn't practised and also Law On Children rights protection forbids it.

Restricted free movement and the isolation of girls the educators adapt only in the case if pupils endanger their or other life or isolation is necessary for their nurse. The necessity of isolation, duration (don't pass 24 hours) and conditions bring into accord with director and book in the registration journal.

The State Education Inspection (regional organisation) manages the inspection of the institution with the rights to receive complaints.

The Prevention Centre of the under - age Children

At the beginning on March 2000 when the specialists of the Sate Centre of the Child Rights Protection attended the Prevention Centre of the under - age children in there were 35 children from them 17 who were in the Centre for misdoing.

The Center has considered such the recommendations:

- children who are in the Centre for misdoing can acquire primary education programme;
- children for the contravention of the order provision don't incarcerate in the dark room;

- suitable meeting room has established where children can meet visitors;
- training as psychology courses are provided for the personnel of the Centre monthly.

Though still several the disturbances haven't eliminated: although children give the positive appreciation about personnel the some of the Centre's personnel physical punish children for the contravention of the order provision. The provisions and the procedure in writing what permit children to make a complaint for the chastisements to the competent institutions aren't framed and also the special register for used chastisements hasn't established. Although children have rights to correspond in confidence with family as well as with the inspector of the children rights protection some times the Centre's workers read children' letters. Still yet children can't turn themselves to the Centre's medical service. Some times the Centre's personnel don't explain to children for reasons why they are in the Centre and how long time they will be in the Prevention Centre.

As mentioned the children have possibility to correspond with the inspector of the children rights protection and the specialists of the Sate Centre of the Child Rights Protection can attend the Prevention Centre.

D- RIGA GARRISON

1. The delegation of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment Human Rights considers that the Commandant's Office of the Riga Garrison and the prison are located in an old half-ruined building in the centre of city:

The Commandant's Office of the Riga Garrison has notified AM BO VAS "Defence Property Foundation", which is responsible about this building in Riga, Vaiņodes ielā 1. There has been an order that this building is transferred to the Commandant's Office of the Riga Garrison from year 2001.

Regarding to the NAF department of finances, the Commandant's Office of the Riga Garrison gave motivated documents about Ls 107,000.00 that should be given to the Commandant's Office of the Riga Garrison and the prison for reconstruction works. (Money have not been received)

NAF HQ started from July of 1999 with order through NAF HQ battalion to provide the Commandant's Office of the Riga Garrison with Ls 400.00 monthly. 200.00 spent for fuel and other 200 for small repair works of the Garrison.

2. The delegation of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment Human Rights considers that the security personnel is formed form inexperienced military service soldiers and recommends forming the personnel of the Commandant's Office of the Riga Garrison from specially trained military personnel.

In July of 1999, the Commandant's Office of the Riga Garrison prepared a new personnel list for 65 working places corresponding to EK demands, which have been approved with order Nr.199. in 16th of July 1999 by the Ministry of Defence. The Commandant's Office of the Riga Garrison has not received status of the organisation and the needed number of soldiers because NAF has not envisaged finances for the payment of the above working places.

3. The delegation of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment Human Rights recommends ensuring that all arrested soldiers who work outside receive appropriate work wear and medical support.

NAF unit commanders who are sending arrested soldiers to the prison of the Commandant's Office of the Riga Garrison should partly ensure arrested soldiers with corresponding uniform. Arrested soldiers from the Commandant's Office of the Riga Garrison will be ensured with necessary items in terms of possibilities.

In a new working list of the Commandant's Office of the Riga Garrison there are working places for dressers. There is one dresser already enlisted and other will be enlisted in military service in the Commandant's Office of the Riga Garrison during next month. Daily medical support will be ensured as well. Also medical equipment will be provided from NAF.

4. The delegation of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment Human Rights recommends that arrested soldiers should be ensured with mattresses and addition blankets during night, and also that it would be possible to keep personal hygiene.

At this moment the prison of the Commandant's Office of the Riga Garrison is supported with needed number of mattresses and blankets, which are handed out to the soldiers if necessary during nights corresponding to GSDR demands.

In terms of possibilities the Commandant's Office of the Riga Garrison will support personal hygiene for arrested soldiers.

5. The delegation of the European Committee recommends improving heating and furnishing.

The Commandant's Office of the Riga Garrison with their own ability did reconstruction of the heating system, after that room temperature during winter raised from +10 C to +15 C, but necessary temperature is +18 C. (to get necessary temperature, it is necessary to change all the heating system of the Commandant's Office of the Riga Garrison. All demands have been sent to Ministry of Defence BO VAS.)

The Commandant's Office of the Riga Garrison without financial support cannot make reconstruction of cells corresponding to the demands, which includes free access to drinking water, day light, and toilet.

The Commandant's Office of the Riga Garrison reconstructed sewerage system.

6. The delegation of the European Committee considers, that reconstruction should be started immediately to improve living conditions for arrested soldiers.

The Commandant's Office of the Riga Garrison has received Ls 5000 for year 2000 for reconstruction, and for year 2002 is planed to receive Ls 210,023 for reconstruction.

7. The delegation of the European Committee recommends enlarging reading courses and hour long daily walks.

The Commandant's Office of the Riga Garrison is ensuring arrested soldiers with newspapers, journals, and military literature daily.

Arrested soldiers that are in the prison of The Commandant's Office of the Riga Garrison have hour-long daily walk, according to GSDR demands.

8. The delegation of the European Committee requires that arrested soldiers have rights to appeal against sentence in higher institution and have rights to bring out complains, announcements, and proposals about treatment in the prison.

The Commandant's Office of the Riga Garrison has introduced in practice complain, announcement, and proposal registration journal, which ensures rights of arrested soldiers, with this any kind of physical or emotional violence from the personnel of the prison or the soldiers of the Commandant's Office of the Riga Garrison is out of question, because journal is given to the commandant of the Commandant's Office of the Riga Garrison every day.



EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Strasbourg, 26 October 2000

The President

Dear Ambassador,

Thank you for your letter of 22 May 2000, by which you transmitted the interim response of the Latvian Government to the report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Latvia in January/February 1999.

The CPT examined the response at its 42nd meeting. It noted with considerable concern that the section dealing with prison establishments is extremely succinct and fails to provide answers to most of the questions raised in the Committee's report. The CPT trusts that appropriate responses will be given in the follow-up report.

The CPT would also like to receive confirmation that the Illegal Immigrant and other Unidentified Persons Accommodation Centre in Riga – the premises of which were the subject of an Immediate Observation under Article 8, paragraph 5, of the Convention – has now been transferred to new, and more suitable, premises and that no one is held in the Centre's former premises. The CPT would like to receive a full description of the new premises as well as information on the point concerning health care (paragraph 78, first alinea) raised in its report. More generally, it wishes to receive information on the steps taken as regards the recommendation and comments made by the CPT concerning the safeguards against the ill-treatment of persons detained under aliens legislation (paragraphs 79 to 82).

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As regards the other parts of the interim report, the CPT welcomes the fact that the Latvian authorities have responded to many of the Committee's recommendations in a constructive spirit, and provided answers to most of the questions raised in the CPT's visit report. Nevertheless, the CPT wishes to highlight some issues on which it would like to receive more substantive answers in the follow-up report.

As regards ill-treatment by the police, the Committee has noted the detailed information provided by the Latvian authorities concerning the professional training given to police officers of all ranks and categories. However, the CPT would like to receive further clarification on the implementation of the recommendations in paragraphs 18 and 19 of its report. Further, some of the CPT's recommendations have not been the subject of a reply (in particular, the recommendations on the role of the prosecutors and judges in the prevention of ill-treatment, cf. paragraphs 21, 22 and 44). The CPT trusts that detailed answers will be provided in the follow-up report.

The CPT has taken note of the positive steps taken by the Latvian authorities as regards the implementation of its recommendations concerning safeguards against the ill-treatment of persons deprived of their liberty. However, the response as regards the code of conduct for police interviews (paragraph 41) is not entirely convincing. The CPT's requirements in this field are far more precise and practical than the principles set out in Clauses 5 and 6 of the Latvian Police Act. The Committee invites the Latvian authorities to reconsider their views on this subject.

The CPT welcomes the fact that cell n° 10 at the Pre-Trial Investigation Centre and Short-Term Detention Isolator (ISO) in Riga has been taken out of service. The Committee would like to receive more detailed information in the follow-up report as regards the implementation of other recommendations in paragraphs 50 and 51 of its visit report, concerning conditions of detention and health care provision in the Isolator.

The Committee has noted the detailed information given by the Latvian authorities as regard the Preventive Care Centre for Minors in Riga. However, its recommendation concerning the drawing up, without delay, of a written set of disciplinary rules and procedures has not been dealt with; the CPT would like to obtain further clarification on this matter in the follow-up report.

The CPT wishes to highlight the quality and thoroughness of the response of the Latvian authorities concerning Riga Neuropsychiatric Hospital (RNH). However, the information provided with respect to the safeguards concerning involuntary placement in psychiatric establishments would indicate that the situation has scarcely changed since the CPT's visit, and that a large number of patients are still admitted to the hospital without any formal procedure (and, therefore, any specific safeguard). The CPT must underline the importance of the recommendations in paragraph 209 of its report, and would like to receive further information on their effective implementation. Further, the CPT would like to receive a copy of the draft new Mental Health Law, which is currently under examination at the Ministry of Welfare.

The CPT has noted that several positive steps have been taken at Naukseni Educational and Correctional Institution for Girls, in the light of the Committee's recommendations. Nevertheless, it appears that the increase in the institution's inmate population has not been accompanied by a corresponding increase in qualified pedagogical and health care staff. The CPT would like to highlight the importance of the recommendations made in this area (cf. paragraphs 211 and 218).

The CPT has taken note of the numerous efforts (provision of mattresses and blankets, improvement of the heating system, reconstruction of the sewage system, provision of a daily medical service, etc.) taken at the Riga Garrison Detention Facility to implement the Committee's recommendations. Implementation of certain recommendations has apparently not been possible, due to the lack of available financial resources. The CPT would like to receive up-to-date information on this subject in the follow-up report.

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In line with the ongoing co-operation foreseen under the Convention, the CPT looks forward to a full response in the follow-up report to all the recommendations in the CPT's report, including those mentioned above, and trusts that the Latvian authorities will provide this before the end of the year.

Yours faithfully,

Silvia Casale

Silvia CASALE

Follow-up report of the Government of Latvia

**Supplement to Comments about the Situation in Latvia made in
the 1999 Report by the European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment**

Since the liquidation of the Centre for Illegal Migrants and other Unidentified Persons in Riga, no person is being kept in its premises. At the time being, all persons detained for offences against the law in connection with visa regime violations, illegal entry into the country, are sent to the Illegal Immigrant Temporary Accommodation Institution in Olaine (in the District of Riga). This Institution is located within the territory of Olaine Prison.

At Riga Psycho-Neurological Hospital (after reorganization – the Psycho-Neurological Clinic of BOVSIA (Non-Profit Organization State Limited Liability Company) “Psihiatrijas centrs” (Centre of Psychiatry), a written acceptance by patients to their admission to the clinic is made according to the decree of the Head of this institution on the manner of filing written acceptance by patients.

Patients are admitted to this Clinic strictly on the basis of their medical indications, with the acceptance of the patient or, in cases of patients’ incapacity, with the acceptance of their legal representatives, which is recorded in the first page of the medical history of the patient, certified with a special seal.

In cases when patients refuse the hospitalisation, while there are medical indications requiring urgent hospitalisation, such patients are hospitalised in the manner provided by Clause 68 of the Law on Medicine, which defines that medical examination and treatment is allowed against the will of the patient only in the following cases:

- if the behaviour of the patient, because of mental disturbances, is dangerous for his/her or other persons’ health or life;
- if the psychiatrist, because of mental disturbances or clinical dynamics, predicts such behaviour of the patient, which could be dangerous for his/her or other persons’ health or life;
- if the mental disturbances of the patient are of such nature which prevent him/her from passing conscious decisions and if the refusal to be treated may cause serious deterioration of health and social condition or public order disturbances.

If hospitalisation of the patient has been made against his/her will, a Commission of Psychiatrists examines such patient and passes its decision on further treatment. The Commission immediately informs the patient, his/her family or legal representatives about the decision passed by it.

The Specialized Guarded Forced Treatment and Forensic Expertise Clinic of BOVSIA “Psihiatrijas centrs” admits patients according to the Criminal Law, the Criminal Process Code and the Statute of the Hospital.

Patients may be placed at the Forced Treatment division of the Clinic only on the basis of a court decision on application of medical forced measures and observation regime. A mandatory precondition for admission of a patient is the existence of the following documents:

1. Court decision;
2. Conclusion of the Forensic Expertise;
3. Identification document of the patient;
4. Court order on coming into legal force of the judgment.

Patients to be examined by the expertise may be placed at the Forensic Expertise Division only on the basis of the decision of the prosecutor or the court.

The legal status and the related rights and duties of persons subject to the expertise are regulated by the Criminal Law, the Punishment Enforcement Act, the Law on Medicine and the Division's internal regulations. Therefore they can communicate with other persons (family members, relatives etc.) only with the sanction of the prosecutor or other process official.

The rights and duties of patients in the Forced Treatment Division are defined in the Law on Medicine and in the internal regulations. Patients have the right and opportunities to meet family members and other persons.

The Draft Law on Psychiatric Assistance, which will regulate social relations in the area of psychiatry and will ensure proper observance of human rights in respect to persons with mental health problems, has been submitted to the Cabinet of Ministers for approval.

The Draft Law contains the principles of psychiatric assistance, the rights of patients (including a separate clause which defines the rights of minor patients), the procedure of rendering psychiatric assistance without the acceptance of the patient.

See the aforementioned Draft Law in the Addendum.

According to the results of the inspection, carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment during the period of time from 24 January till 3 February 1999 in the Central Prison and the Prison of Iļģuciems, the following measures have been taken to eliminate the shortcomings identified:

Central Prison

Within the framework of the State Investment Program, the prison was reconstructed and the living and security conditions for the inmates improved. In the course of the reconstruction, cells with 1277 places were commissioned. 2-6-10 inmates are kept in each cell under civilized conditions. The cells are equipped with ventilation, hot and cold water is provided, a shower room is built on each floor. As a result of this reconstruction, security alarm, communications and observation systems have been put in place. These systems provide for the security of the staff and have improved their working conditions. Walking yards have also been commissioned, allowing the inmates to use their right of a walk each day for one to one-and-a-half hours.

Work has been launched on a project for 3rd-stage reconstruction of Building No. IV, which will be implemented in 2002. It is planned to complete the reconstruction works at the Central Prison in 2005.

A part of the inmates are involved in the experimental rehabilitation program.

The sewerage system of the Central Prison has been reconstructed, new equipment has been installed in the kitchen, including also ventilation system.

A new system is being used for medical treatment of inmates suffering from tuberculosis. This system has been developed and accepted by the World Health Organization (WHO). Close cooperation has been established with the State Centre for Tuberculosis and Lung Diseases, where the medical staff of the Prison Hospital is trained.

The Medical Department of the Penitentiary Institutions Agency has organized training of all prison nurses and laboratory assistants at the State Centre for Tuberculosis and Lung Diseases with the aim to improve diagnostics of tuberculosis. When admitting inmates to the prison, a preventive check-up of them is made.

To improve the medical and living conditions of inmates, construction works were started in 1999 on the territory of the Prison of Olaine, to build a tuberculosis hospital. It is planned to complete the 1st stage of construction works in Olaine Tuberculosis Hospital in 2001. 200 bed places will be made available as a result of this stage after commissioning. Inmates suffering from tuberculosis will be moved to Olaine Tuberculosis Hospital from other Latvian prisons.

Together with the State AIDS Prevention Centre, work is carried out to educate inmates about sexually transmitted diseases (individual talks, lectures for inmates and the staff).

Because of insufficient funding, it is not possible to increase the number of staff in prisons.

A procedure is defined in the Latvian Code on Execution of Punishment for rendering medical assistance to sentenced and imprisoned persons (Regulations No. 358, passed by the Cabinet of Ministers on 19 October 1999), "Regulations on Medical Assistance to Sentenced and Imprisoned Persons at Penitentiary Institutions").

Prison of Ilģuciems

After the inspection carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the prison's Children's Home has been reconstructed, a new department has been opened for imprisoned women with children under the age of one year. In 2000, the investigation isolator was renovated. Those medical premises have also been renovated which are intended for gynaecology, therapy and dentistry. For re-socialization purposes of inmates, those premises are being renovated, which will be used as sports halls and study rooms.

Taking into account that this is the only women's prison, it is not yet possible to resolve the overpopulation issue in the near future. Therefore the recommendations of CTP have not been implemented.

As Latvia integrates in European structures and establishing corresponding relations, the Council of Europe is interested to approximate the prison standards to a civilized level. Since 1994, the Latvian prison system has been involved in the Nord-Balt Prison Project. Within the framework of this project, continuous cooperation is going on with the prison systems of Nordic Countries. Direct cooperation agreements have been concluded between eight Latvian, Swedish and Norwegian prisons; this project also includes the Central Prison and the Prison of Ilģuciems. Many questions, related to improvement of living conditions of inmates and implementation of re-socialization programs, are dealt with in the course of implementation of the Nord-Balt Prison Project.

The report of February 3, 1999, from the CPT European expert group concerning the Riga Garrison guard house outlined several areas in which the Riga Garrison guard house's provisions for the detention of arrested soldiers do not meet CPT standards. In line with the fact that until 2001 the Riga Garrison Commandant (hereinafter referred to as RGC) did not have additional funding provided, we have within our means taken various measures to improve the situation. For example, the chief of the Riga Garrison and the commander of the Riga Garrison issued orders that soldiers sent from their units to the RGC guard house for punishment must bring the following items with them:

- bedding;
- towels and items for personal hygiene;
- slippers and a change of socks;
- change of underwear if the term of detention exceeds ten days and nights.

Showers have been arranged for soldiers whose term of detention exceeds seven days.

A first aid post staffed by two medics has been set up, the duty of which is to supervise the health of the soldiers as well as their compliance with hygiene standards as set by the RGC guard house. Feeding and quality control of the food served to arrested soldiers has been improved.

As a result of repairs to the RGC heating system, heating in the RGC guard house has improved somewhat, although not yet up to required standards.

Besides these measures, numerous other activities also not requiring extra financing have also been implemented for the improvement of conditions, as a result of which the living conditions, hygiene, guarding and feeding of soldiers arrested and detained in the RGC guard house has improved.

The NAF Commander formed a working group, the task of which was to evaluate the situation and to submit proposals on further activities of the Riga Garrison guard house.

In order to ensure that arrested soldiers are legally, lawfully and safely kept at the Riga Garrison guard house, a decision has been passed to unify the Garrisons of Riga in the first half of 2002, after which the guard house of Ādaži Mobile Infantry Training Centre will be used as the guard house of Riga Garrison and, if necessary –the National Armed Forces. The guard house of Ādaži Mobile Infantry Training Centre corresponds to the requirements of CPT (the version of the Danish Armed Forces). The total area of the guard house is 100 m² and its capacity is up to 12 arrested soldiers at the same time.

In addition, other measures are also planned in order to ensure normal activities of the guard house:

- Professional guarding unit will be established for Riga Garrison guard house (Commandant's Company), which will ensure internal and external guarding and performance of other tasks;
- Round-the-clock medical assistance will be provided for the arrested soldiers.

At the same time, the commanders of units of NAF have been advised to widely apply all the powers to impose disciplinary sanctions and to apply arrest in guard house only as the final form of disciplinary punishment.

Already at the time being, those soldiers which have been sentenced by the court with criminal punishment – arrest, may be placed at the guard house of Ādaži Mobile Infantry Training Centre.

In 2003, it is planned to extend the guard house of Ādaži Mobile Infantry Training Centre, so as to increase its capacity to 35 arrested soldiers at the same time.

Attached is the draft of the “Psychiatric Health Law”

Draft

Law on Psychiatric Help

Section I

General Conditions

Paragraph 1. Areas covered by the law

The law on psychiatric help sets out the order for the giving and receiving of psychiatric help.

Paragraph 2. Definition of psychiatric help

Psychiatric help is a specialised form of health care, encompassing the examination of psychiatric health of persons (henceforth patients) based on indications, the diagnosis of disturbances to psychiatric health (psychic illnesses, psychic disorders, personality disorders), treatment, care and rehabilitation.

Paragraph 3. The aim of psychiatric help

The aim of psychiatric help is to ensure the autonomy of patients with psychic disorders, and their reintegration into society in a manner suitable to their state of psychic health.

Paragraph 4. The principles of psychiatric help

The following principles shall be observed when providing psychiatric help:

- (1) the principal of personal autonomy - the right to make decisions about one's own life, rights to personal freedom and rights of free choice;
- (2) the principle of justice - the equal opportunity for all inhabitants, irrespective of gender, race, political views, social status or other characteristics, to receive psychiatric help as provided by the state;
- (3) the principle of free volition - the provision of psychiatric help based on the request or agreement of the patient or their legally authorised representative, except in cases stated in this law;
- (4) the principle of accessibility - the provision of psychiatric help, in co-operation with primary, secondary and tertiary health care, in the territory of a set health care facility, in accordance with the needs of inhabitants;
- (5) the principle of appropriateness - the diagnosis, treatment and rehabilitation of psychic disorders as appropriate for the particular state and severity of the patient's condition, ensuring the possibility for the patient to remain in their accustomed environment, employing hospitalisation only for essential treatment;
- (6) the principal of continuity - ensuring the continuity and availability of psychiatric help for the patient, through the co-operation of the psychiatric help provider with primary, secondary and tertiary health care providers and social service institutions;
- (7) the principle of confidentiality - information obtained while providing psychiatric help is confidential. This information may be disclosed only to protect the security of the patient or society, in cases stated in the Law on Medical Treatment;
- (8) the principle of humane treatment - the observance of humane treatment and respect for personal rights while providing psychiatric help.

Paragraph 5. The financing of psychiatric help

Psychiatric help is financed from the state budget in the order set out in legal norms and acts.

Section II

Patients' Rights and Restrictions

Paragraph 6. Rights of accessibility to psychiatric help.

(1) The patient has the right to receive psychiatric help as is necessary or appropriate for their state of health, as near as possible to the patient's home, in accordance with contracts signed by the medical insurance fund with health care institutions.

(2) The patient has the right to choose the health care institution and their doctor/psychiatrist for receiving psychiatric help services.

(3) The patient has the right to choose the form of psychiatric help they receive and to refuse psychiatric help, except in cases set out in paragraph 9 of this law.

Paragraph 7. Rights to representation

(1) Patients have the right to secure the implementation of their interests connected with the provision of psychiatric help, either alone or with the assistance of a legally authorised representative.

(2) The implementation of interests connected with the provision of psychiatric help for minors, or for patients who are incapable of taking responsibility for themselves, is ensured by their legally authorised representative.

(3) In cases where psychiatric help is being provided for patients who have no legally authorised representatives, it is the responsibility of the medical institution to contact responsible institutions (juvenile courts), and to inform them of the need to designate a representative. When necessary, it is the responsibility of the medical institution to help the patient make contact with a legally authorised representative.

Paragraph 8. Rights to information

(1) The patient has the right to receive information from their doctor/psychiatrist on the diagnosis, prognosis, examination and treatment plan for their illness, and also on possible alternative treatment methods, in a way the patient understands.

(2) The patient has the right to read all documents connected with their health, and to receive copies of these documents, except in cases set out in subparagraph 4 of this paragraph.

(3) Copies of documents relating to the patient's health must be formulated in such a way that they do not harm the interests of the patient or other persons. The doctor/psychiatrist must issue the copies within three working days of the patient requesting the documents.

(4) The patient's rights set out in subparagraph 2 may be restricted if access to these documents may threaten the interests of the patient or other persons. In every case the decision is made by the doctor/psychiatrist who must make a note of this decision in the patient's registration card.

Paragraph 9. Restrictions on patients' rights connected with the provision of involuntary psychiatric help

(1) Involuntary psychiatric help to a patient may be provided only in cases where the patient's behaviour is dangerous to their own well-being or life, or to the well being or life of other persons, or following a court order for the forced treatment of the patient.

(2) Involuntary psychiatric help must be provided on the condition that the patient and society benefit from the treatment.

(3) The provision of involuntary psychiatric help is based on a decision by the doctor/psychiatrist, in the order set out in paragraph 20 of this law.

Paragraph 10. Rights to appeal decisions made by doctors/psychiatrists

If the patient, or their legally authorised representative, disagrees with a decision taken by a doctor/psychiatrist under paragraph 8 subparagraph 4, paragraph 9 subparagraph 3, paragraph 11 subparagraph 3, paragraph 14 subparagraph 2, paragraph 23 subparagraph 3 or subparagraph 6, they have the right to appeal against the decision before the Medical Treatment and Work Capability Expert Quality Control Inspectorate, and also to appeal the decision in court.

Section III

Rights and Restrictions for Hospitalised Patients

Paragraph 11. Rights and restrictions for hospitalised patients

(1) Hospitalised patients have the following rights:

- 1) to meet with and contact relatives, visitors and other patients;
- 2) to have access to telephones, telegrams, postal services and other means of communication;
- 3) to send and receive all manner of letters, which may not be read by any other persons;
- 4) to purchase and receive items necessary for everyday life;
- 5) to ensure the right to privacy;
- 6) to carry out religious rituals, if these do not harm the interests of other persons;
- 7) to read, play sport and enjoy other free-time activities;
- 8) to receive audio-visual information;
- 9) to study;
- 10) to engage in activities for social and employment rehabilitation, to engage in cultural activities, and to receive individual support for the resolution of reintegration problems.

(2) The patients' rights set out in subparagraph 1 of this paragraph are to be carried out in accordance with the internal regulations of the medical institution.

(3) The patients' rights set out in paragraph 1 may be restricted by a decision of the doctor/psychiatrist only in cases where the patient's behaviour is dangerous to their own well being or life, or to the well being or life of other persons. The decision of the doctor/psychiatrist must be registered in the patient's registration card.

Paragraph 12. Work therapy for hospitalised patients

Work therapy for hospitalised patients is voluntary, and may be used only for medical purposes to ensure the reintegration of the patient into society.

Paragraph 13. The rights of hospitalised patients to equal provision of health care

(1) The conditions of health care for hospitalised patients may not be worse than health care conditions for persons hospitalised for other illnesses.

Paragraph 14. Rights of underage patients

(1) Underage patients have the following rights, in addition to rights set out under paragraph 11 of this law:

1) underage patients may be hospitalised only with the permission of one parent (guardian), except in cases set out in paragraph 9 of this law;

2) if an underage patient is less than 10 years of age, one of their parents (guardians) has the right to remain in the medical institution with them;

3) in case of hospitalisation, if an underage patient is older than 10 years of age, one of their parents (guardians) have the right to remain in the medical institution with them if the patient expresses such a wish;

(2) Decisions about the hospitalisation of underage patients are taken by the doctor/psychiatrist, based on the indications of the illness and the general state of health.

Section IV

Institutions and persons ensuring psychiatric help

Paragraph 15. Institutions and persons providing psychiatric help

Psychiatric help is provided by medical institutions and their sub-structures which meet defined mandatory requirements.

Paragraph 16. Persons providing psychiatric help

(1) Psychiatric help is provided by doctors/psychiatrists with higher medical education and relevant qualifications, other medical personnel with relevant qualifications, and social workers.

(2) Special help and care for persons with psychic disturbances is provided by medical personnel, social workers and other staff, who have undergone set training, and have obtained necessary skills and relevant qualifications.

(3) Medical personnel who are not certified in the psychiatric field may work in the psychiatric field only under the supervision of qualified medical personnel.

(4) Diagnoses of psychic illnesses may be set and decisions on psychiatric help passed without the acceptance of the patient only by a certified physician-psychiatrist or by a commission of physicians-psychiatrists.

Paragraph 17. The independence of doctors/psychiatrists in providing psychiatric help

(1) The doctor/psychiatrist is independent while providing psychiatric help, and makes decisions based on the patient's state of health.

(2) A patient's health problems may not be a reason for the restriction of the patient's human rights.

Section V

Diagnostication and treatment of persons with psychic illnesses

Paragraph 18. Diagnostication of psychic disturbances

(1) The diagnosis of psychic disturbances is set according to the standards of medical services. The diagnosis may not be based only on differences between a person's behaviour and generally accepted norms of ethics, culture, politics and religion or other reasons, if such differences are not related to the patient's psychic disturbances.

(2) Any psychic disturbances of a patient may not serve as justification for restricting his/her human rights.

Paragraph 19. Psychiatric examination

(1) Psychiatric examination is a medical procedure conducted to determine whether a person has psychic health disturbances or requires psychiatric help or care, and also to determine what treatment is required. Examination is carried out by the doctor/psychiatrist.

(2) Except in cases set out in paragraphs 9 and 20 of this law, psychiatric examination, including prophylactic examination, must be conducted in accordance with the request or permission of the patient. Examinations and prophylactic examinations of underage patients, or patients not responsible for themselves, must be conducted in accordance with a request or permission from their legally authorised representative.

(3) It is the responsibility of the doctor/psychiatrist to inform the patient of rights to conduct a psychiatric examination.

(4) The results of the psychiatric examination and the patient's psychiatric state are to be recorded in a medical document (patient's registration card), which must also record the circumstances and reasons for the examination, and the medical recommendations made to the patient under examination.

Paragraph 20. Assurance of safety while providing psychiatric help

(1) Inpatient psychiatric help which restricts a patient's rights is permissible only for medical purposes, and only while guaranteeing the patient's rights and lawful interests, and while ensuring the safety of the patient and other persons.

(2) The isolation or use of physical force against patients is permissible only in exceptional circumstances by a decision of the doctor/psychiatrist.

(3) The isolation or use of physical force against patients is only permissible in cases where the doctor/psychiatrist believes other methods will not inhibit behaviour that is a danger to the patient's well being or life, or to the well being or life of other persons. It is to be conducted under the constant supervision of medical personnel.

(4) The isolation or use of physical force against patients is to be conducted in as limited a manner as possible, without infringing the patient's honour, respect, well being or life. Isolation and force may be applied for short periods only.

(5) Cases of the use of physical force, and also the means and duration of isolation, are to be recorded by medical personnel in a medical document (patient's registration card.)

(6) If internment has been carried out against a patient's wishes, a council of doctors/psychiatrists must make an examination of the patient and make a decision concerning further treatment within 72 hours. The council must without delay inform the patient, or their family, or a representative if there is no family, of its decision. If it is impossible to do this without delay by meeting with one of these people, they must be sent a written notification, and a note of this must be made in the patient's medical document (patient registration card.)

(7) If a person disrupts social order for reasons of psychic disturbance or illness, their forced delivery to a psychiatrist is carried out by members of the police force in accordance with the "Law on Police"

Paragraph 21. Psychiatric examination for the purpose of determining a person's capabilities

Psychiatric examinations to determine a person's capability (usefulness) for service in the national defence system, for service and work in other specialised services and specified jobs, or for highly dangerous jobs, as well as to determine the suitability of a person's psychiatric health for the requirements and operations of the above mentioned services, is to be carried out in accordance with laws and other relevant statutes.

Paragraph 22. Expert analysis for forensic psychiatry

Expert analysis for forensic psychiatry in criminal and civil matters is to be carried out in the order set out by the Cabinet of Ministers.

Paragraph 23. Active outpatient psychiatric care and supervision

(1) Active outpatient psychiatric care or supervision may be prescribed for patients with long-term chronic psychic disturbances or negatively developed psychic illness, in which there is unstable, short-term improvement or no improvement, or if the manifestations of the illness are serious with frequent relapses and social disadaptation.

(2) The doctor/psychiatrist decides whether to commence or terminate active outpatient psychiatric care or supervision. When necessary, a council of doctors/psychiatrists may be called.

(3) A justified decision by the doctor/psychiatrist or a council of doctors/psychiatrists on psychiatric care or supervision must be recorded in medical documentation (patient's registration card.)

(4) Active psychiatric care and supervision is to be terminated in the event of the patient regaining health, or of a long-term, stable improvement in psychic health indicating the patient's complete social adaptation.

(5) Following the termination of active psychiatric care and supervision, help may be provided through medical consultations based on a request or permission of the patient.

(6) Active psychiatric care and supervision may be recommenced following a decision by the doctor/psychiatrist or a council of doctors/psychiatrists, based on the state of health of the patient.

Paragraph 24. Inpatient psychiatric help

(1) Hospitalisation of a patient in a psychiatric institution may be carried out following the diagnosis of psychic disturbances in the patient and a justified decision by a doctor/psychiatrist or a council of doctors/psychiatrists, or by a court decision, on the necessity of inpatient examination and hospitalisation, or of the necessity to conduct an inpatient psychiatric expert analysis.

(2) The hospitalisation of minors or persons not responsible for their actions may be carried out following the receipt of written consent from the person or their lawful representative, in the order set out in paragraph 4 of this law.

(3) Consent to hospitalisation is to be in writing and is to be appended to the medical documentation (patient's registration card.) The consent declaration is to be signed by the patient or their lawful representative and the doctor/psychiatrist.

(4) Clinical experimental treatment methods or psycho surgery may be employed only for treatment purposes with the patient's permission, under the constant supervision of the medical ethics committee. They may be employed only with the written permission of the mentally ill patient following a decision by a doctors' council, which must be approved by the head of the medical institution. These treatment methods must be recognised by the medical ethics committee.

Paragraph 25. Registration of socially dangerous persons with psychic disturbances

(1) The social dangerousness of persons with psychic disturbances is determined by a court.

(2) A person may be entered into the register of socially dangerous persons with psychic disturbances in accordance with a court decision.

(3) The order for registering socially dangerous persons with psychic disturbances is set by the Cabinet of Ministers.

