



CPT/Inf (2013) 21

## **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 5 to 15 September 2011**

The Latvian Government has requested the publication of these responses. The report of the CPT on its September 2011 visit to Latvia is set out in document CPT/Inf (2013) 20.

Strasbourg, 27 August 2013



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*Reply of the Government of Latvia to the  
European Committee for the Prevention of Torture and Inhuman or  
Degrading Treatment or Punishment in respect of the recommendations  
contained in the paragraphs 76, 77 and 87 of the report following the  
Committee's visit to Latvia from 5 to 15 September 2011*

The Government of the Republic of Latvia has evaluated the recommendations expressed in Paragraphs 76, 77 and 78 of the Report on the Visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter – Committee) from 5 to 15 September 2011 (hereinafter – Report) on immediate improvement of the situation in places of imprisonment, and provides information regarding implementation of the recommendations thus far. This information has been prepared on the basis of information provided by the Ministry of Justice, the Ministry of Health and the Ministry of the Interior and has been considered by the Cabinet of Ministers' during the meeting of 19 June 2012 (Minutes No. Nr.34, Paragraph 54).

In Paragraph 76 of the Report Committee calls upon the Latvian authorities to take steps without further delay to devise and implement a comprehensive regime of out – of – cell activities in respect of all life – sentenced prisoners (including those on the low regime level) at Daugavgrīva and Jelgava prisons. Immediate steps should also be taken to allow life – sentenced prisoners on the low regime level to have contacts with other lifers during out – of – cells activities.

To implement the recommendation, discussions were held at the Ministry of Justice regarding the necessary amendments to the Sentence Execution Code of Latvia (hereinafter – Code). Concurrently a conclusion was reached that the existing infrastructure of places of imprisonment, in which life-sentenced prisoners are placed, does not allow for the implementation of the recommendations contained in the Committee's report to full extent. Making use of the opportunity that regulatory enactments allow for submission of proposals regarding draft laws under review in the Parliament, in Paragraph 4 of the protocol decision of the Cabinet meeting of 19 June 2012 (Protocol No. Nr.34, Paragraph 54) the Ministry of Justice was assigned, by 16 July 2012, to submit proposals for the third reading of the draft law "Amendments to the Sentence Execution Code of Latvia" in order to ensure the fulfilment of the recommendations expressed in Paragraph 76 of the Committee report.

According to the information provided by the Latvian Prison Administration there were 59 life-sentenced prisoners in Jelgava Prison and Daugavgrīva Prison on 4 June 2012 :

1) 32 sentenced prisoners were serving the punishment in the lowest regime level of a closed prison (12 in Jelgava Prison and 20 in Daugavgrīva Prison);

2) 20 prisoners were serving the punishment in the medium regime level of a closed prison in Daugavgrīva Prison;

3) 7 persons for whom the judgment regarding application of life sentence has not entered into legal effect were in Jelgava Prison.

After the visit of the Committee to Latvia in September 2011 several essential measures have been taken to improve the situation of life-sentenced prisoners and their possibilities of communicating with similar prisoners during out-of-cell activities. In December 2011, after capital repairs in **Daugavgrīva Prison**, a unit was put into operation, in which life-sentenced prisoners serve the punishment in the lowest regime level of a closed prison. On 1 February 2012 Order No. 1/4-770, *On the Place of Serving the Sentence* (appended), was issued in the Latvian Prison Administration for subsequent place of serving the sentence of 10 life-sentenced prisoners and during the time period from 13 February 2012

to 12 March 2012 10 life-sentenced prisoners were moved from Jelgava Prison to Daugavgrīva Prison. There are eight four-person cells in the renovated unit; life-sentenced prisoners are placed in seven of these cells – in six cells each there are three life-sentenced prisoners and two life-sentenced prisoners are in one cell.

In 2012 the following out-of-cell activities of leisure time were organised for life-sentenced prisoners serving the sentence of deprivation of liberty in the lowest regime level in a closed prison:

- four mini-lectures (six prisoners participated in each mini-lecture);
- three movie sessions and discussion of the content thereof (altogether 15 prisoners participated);
- thematic music event “*Vladimir Vysotsky – author of social songs*” (10 prisoners participated);
- one concert (8 prisoners participated);
- services of the Orthodox parish – three times (two prisoners participated);
- studies in Daugavpils Secondary School No. 17 (one life-sentenced prisoner is studying in grade 10, one life-sentenced prisoner is studying in grade 11, everyday consultations are organised);
- “*Programme for Teaching how to a Play a Guitar and Author a Song*” once a week (five prisoners are participating);
- three times a week two prisoners are involved in the creation of the newspaper “*Krustceļš*” [Crossroad];
- *novuss* tournament (eight prisoners participated);
- from June 2012 a social rehabilitation programme “*Stress Reduction Programme*” will be commenced (four prisoners will participate);
- two prisoners go to a chapel 2-3 times a week;
- two prisoners attend computer class twice a week.

In **Jelgava Prison** life-sentenced prisoners serving the punishment in the lowest regime level of a closed prison are placed in three separate units and, in accordance with the requirements of Section 50.<sup>4</sup>, Paragraph 10 of the Code, they are allowed to participate in any activities only within their unit. However, there are no premises in the referred prison where such activities intended for all life-sentenced prisoners could be organised. Therefore, individual resocialization work with life-sentenced prisoners is performed by the senior inspector of the Social Rehabilitation Division of the prison. The senior inspector conducts individual interviews with prisoners regarding current topics, as well as is engaged in addressing everyday matters of prisoners.

Upon a submission of prisoners they are provided with consultations of a psychologist. In order to draw up the assessment of individual risk for life-sentenced prisoners, the psychologist invites them for an interview twice a year. The social worker of the prison also provides consultations, upon a submission of a prisoner, on different social issues, as well as provides assistance in arranging the receipt of an age pension, disability pension and passport. One life-sentenced prisoner who is illiterate is provided with the possibility to acquire reading and writing skills.

If a prisoner wishes to receive spiritual care, on the basis of a submission of the prisoner, the chaplain of the prison or a priest of the Christian denomination indicated by the prisoner in the submission performs spiritual care. Prisoners are regularly visited by ministers of Lutheran, old-believer, Pentacostal and Adventist parishes. Life-sentenced prisoners have an opportunity to be involved in four programmes of Christian education, after acquisition of which a certificate is issued. In 2011 5 prisoners were acquiring the programmes, in 2012 three prisoners completed two programmes and one prisoner – one programme. Currently the programmes are being acquired by two prisoners.

In April 2011 life-sentenced prisoners were offered to be involved in social rehabilitation programme "*Your Road to Freedom*"; within the framework of the programme study materials are issued, after acquisition of which the prisoner takes a written test. After acquisition of the two-year programme and successful passing of the examination the prisoner is issued with a certificate on completion of the programme. Initially only six prisoners participated in the programme, and currently two prisoners are studying in the programme.

A volunteer of the Roman Catholic Church is teaching one life-sentenced prisoner painting. Kuldīga Evangelical Lutheran Saint Catherine Parish performed three concerts-services for life-sentenced prisoners in 2011, two concerts-services – in 2012. Riga New Saint Gertrude Evangelical Lutheran Parish performed one concert-service for life-sentenced prisoners in 2011.

A survey of life-sentenced prisoners was conducted in Jelgava Prison and, after evaluating the individual compatibility of life-sentenced prisoners, a list of potential activities and measures and the basic safety and regime requirements were drawn up in order to avoid mutual conflicts.

Taking into account the above mentioned it can be concluded that after the visit of the Committee to Jelgava Prison and Daugavgrīva Prison the situation regarding involvement of life-sentenced prisoners who are serving the punishment in the lowest regime level of a closed prison in purposeful activities has improved. Putting into service of the renovated unit significantly expanded the possibilities to involve life-sentenced prisoners placed in Daugavgrīva Prison in resocialization measures, including in out-of-cell activities, and to promote the interaction of this group of prisoners.

In order for life-sentenced prisoners to participate in out-of-cell activities, information obtained during risks and needs assessment of a life-sentenced prisoner is taken into account in Daugavgrīva Prison – the wish and possibility for the prisoner to be in contact with other prisoners, psychological compatibility with other prisoners, the level of risk to violate the law in relation to other prisoners or employees of the prison. In addition, a mandatory risk and needs assessment of all prisoners beginning with 1 January 2012 was provided for by the Law of 14 July 2011 "Amendments to the Sentence Execution Code of Latvia" from. A special assessment tool and methodology are used for such assessment, and the results thereof determine the course of resocialization of the prisoner.

Every other week life-sentenced prisoners have an opportunity to exchange books in the prison library, to subscribe to press publications, to read press publications readmitted to them by prisoners serving their sentence in other cells, to listen to the radio and to watch television.

However, problems related to the prison infrastructure may still be found; therefore, full implementation the recommendation made by the Committee is not yet possible. Taking into account that sports hall in Jelgava Prison is located in a different prison unit, it is not possible to ensure that life-sentenced prisoners visit the sports hall for physical exercise. Therefore, the walking areas are equipped with horizontal pull-up bars, as well as they are sufficiently large for exercising.

It is also difficult to involve life-sentenced prisoners in employment measures because it is not possible to arrange working places in a separate prison unit, moreover, hitherto no merchant has offered work that could be performed by life-sentenced prisoners in a cell. Currently Daugavpils Secondary School No. 17 ensures the possibilities for education for life-sentenced prisoners who express a wish to improve their level of education at Daugavgrīva Prison, and it would also be possible in Jelgava Prison by involving Jelgava Evening (Shift) Secondary School. However, currently no life-sentenced prisoner from Daugavgrīva Prison and Jelgava Prison has expressed a wish to study.

In **Paragraph 77** of the Report the Committee calls upon the Latvia authorities to take immediate steps to carry out a proper individual risk assessment in respect of all life – sentenced prisoners to adjust the security measures applied to them accordingly.

On 14 July 2011 the Law “Amendments to the Sentence Execution Code of Latvia” was adopted by the *Saeima*, by which a new Chapter Eight A “Resocialization of Prisoners” was introduced, and issues related to resocialization of prisoners, i.e., means of resocialization, means of social resocialization, means for correction of social behaviour, course of resocialization work, etc., are determined therein.

Taking into account that the Code stipulates that risk and needs assessment of prisoners is mandatory as of 1 January 2012, as well as that a unified approach should be ensured in all prisons in performing the initial assessment and re-assessment, by Order No. 231 of the Director of the Latvian Prison Administration, *On Assessment of the Risks and Needs of a Convicted Person* (appended) on 16 December 2011 questionnaires for the Assessment of Risks and Needs of a Convicted Person (hereinafter – RNA) and methodological recommendations for completing the questionnaire were approved.

The Code also provides that the duty specified by the Code to draw up a resocialization plan regarding persons who are newly placed in a prison shall be in force from 1 April 2012 in relation to, and resocialization plans for other prisoners are to be prepared by 1 January 2013. Taking into account that a resocialization plan is based on the results of RNA of prisoners, resocialization plan should be made for all prisoners, including life-sentenced prisoners, by 1 January 2013. According to the information provided by the Latvian Prison Administration, hitherto RNA of 11 life-sentenced prisoners has been carried out in Daugavgrīva Prison.

In turn, the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners (hereinafter – Commission) was established on 24 May 2012 by Order No. 64 of the Director of Daugavgrīva Prison, *On the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners* (appended). On 24 May 2012 a Commission meeting took place, during which, taking into account the opinions of the Commission members, a decision was taken to apply the means of security – handcuffing during bringing out of the prisoner from the cell and during search – to 20 life-sentenced prisoners serving the punishment of deprivation of liberty in the lowest regime level of a closed prison. In relation to 20 prisoners serving the punishment of deprivation of liberty in the medium regime level of a closed prison the Commission decided to apply the means of security – handcuffs – to 19 life-sentenced prisoners during the time when they are brought out from the isolated area where they are staying, and not to apply the means of security – handcuffs – to one life-sentenced prisoner when moving him outside the isolated area and around the prison territory.

Also a new composition of the Commission was specified by Order No. 11 of the Director of Jelgava Prison of 2 January 2012, *On the Commission for Assessment of Individual Risk of Life-sentenced Persons* (appended). Meeting of the previous Commission took place on 30 December 2011. In making individual assessment of the individual risk level of each life-sentenced prisoner (the tendency towards self-mutilation or suicide, the potential aggression towards other prisoners or the prison staff) and of opinions of the Commission members, the Commission decided that the application of special security means (handcuffs), shall be mandatory for each life-sentenced prisoner upon escorting outside the cell until a subsequent assessment is made. In 2012 meetings of the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners are scheduled for June and November-December.

In **Paragraph 87** of the Report the Committee calls upon the Latvian authorities to review the current system of prison health care, in the light of the remarks made in paragraph 86. Immediate steps should be taken to ensure that prisoners without resources are able to receive the medication and treatment that their state of health requires.



Both outpatient health care in Medical Divisions of the prison and inpatient health care in the amount specified in regulatory enactments is available for prisoners in prisons. Inpatient health care is ensured by the Latvian Prison Hospital of Olaine Prison (hereinafter – LPH) financed from the budget of the Latvian Prison Administration, in which medical treatment of persons suffering from tuberculosis (70 beds) and persons suffering from psychiatric illnesses (30 beds) is ensured, as well as medical examinations (laboratory, room for examination with x-ray, dentist's office, ECG, etc.) are made. Moreover, in emergency and acute cases prisoners are placed in hospitals outside the prison, and in such cases the costs of medical treatment, transportation and guarding are covered by the prison. The Medical Divisions of prisons and the LPH are registered in the State register of health care institutions of the Republic of Latvia and certified in accordance with the mandatory requirements specified for health care institutions of the Republic of Latvia.

Since the visit of the Committee significant improvement of the situation can be observed in Latvia in relation to extension of the amount of State funded health care for prisoners and the procedures for paying for these services. A significant reform in the procedures for financing health care of prisoners has taken place with the coming into force on 1 January 2012 of Cabinet Regulation No. 744 of 27 September 2011, *Amendments to Cabinet Regulation No. 1046 of 19 December 2006 "Procedures for Organising and Financing Health Care"* and Cabinet Regulation No. 821 of 19 October 2011, *Amendments to Cabinet Regulation No. 899 of 31 October 2006 "Procedures for the Reimbursement of Expenditures for the Acquisition of Medicinal Products and Medicinal Devices Intended for Out-patient Medical Treatment"*. A new division of competences between the Ministry of Justice and the Ministry of Health has been determined regarding payment for health care of prisoners, providing that health care of prisoners shall be partly financed also by the Ministry of Health, as well as providing calculation of resources provided for prison doctor for paying for laboratory services. Moreover, prison doctors have been given the right to refer the prisoner to the health care institution located outside the system of places of imprisonment, as well as to prescribe medicine covered by compensation, thereby health care system of prisoners has approximated to the health care system existing in the society.

Moreover, the new procedures provide that patient contribution and co-payment for services received by the prisoner in a health care institution outside the prison shall be covered from the budget of the Latvian Prison Administration, although in the society such payments are made by the patient him/herself. Therefore, prisoners have access to the same amount of health care services financed from the State budget as other members of the society, however, taking into account the specific condition of prisoners, they do not have to pay the mandatory patient co-payments for health care unlike the remaining part of the society. Thus, prisoners without financial resources have an opportunity to receive medical treatment (including medicine covered by compensation) and prisoners health care is financed by the State budget to the same extent as for any other member of the society.

However, other problems still exist in the health care system of prisoners – for example, the partial functioning of the LPH as a result of economic crisis of 2009. As it is necessary to plan the development of the LPH in subsequent years, in 2012 the Ministry of Justice is planning to develop and forward for adopting a health care model of prisoners, in which assessment of several alternatives of development of the LPH and calculation of additional financial resources necessary for implementation of such a model will be described. The referred task is also included in the Government Action Plan for Implementation of Declaration on Activities Intended by the Cabinet Headed by Valdis Dombrovskis (approved with Cabinet Order No. 84 of 16 February 2012). Similar task to develop health care model of prisoners has also been provided in the Guidelines for Restriction and Control of the Spread of Narcotic and Psychotropic Substances and Addiction Thereto 2011-2017 (approved by Cabinet Order No. 98 of 14 March 2011) whereby the Ministry of Justice is tasked to develop

and implement a concept for health care of imprisoned persons, *inter alia*, by providing also for the implementation of solutions to ensure pharmacological medical treatment of persons addicted to drugs and for reducing social and biological consequences of using drugs.

In relation to the measures taken to introduce treatment of addictions of prisoners, by adopting the Cabinet Order No. 689 of 28 December 2011, *On the Application Project "Reform of Places of Temporary Detention of Correction Services of Latvia and the State Police" of the Programme Co-financed by the Norwegian Bilateral Financial Instrument* implementation of the referred to programme was supported. Relevant infrastructure will be created within the scope of pre-defined project "New division in Olaine Prison, including construction and staff training" and prisoners with addiction problems will have an opportunity to receive help aimed directly towards elimination of addictions. Such help will be ensured in the form of a specific treatment programme for elimination of addictions, based on the conditions of the Minnesota Programme, which has proved its efficiency in the system of Polish prisons, and the programme "Pathfinder" implemented by the Oslo Prison of Norway, helping to strengthen the results of the programme for elimination of addictions. Therefore, a system for treatment of addictions will be established in prisons of Latvia.

As regards improvement of the health care quality of prisoners in 2011 prisoners had 109 278 outpatient visits to doctors out of which in 78 090 cases this was due to an illness. Moreover, prisoners were given an opportunity to receive consultations, to undergo medical examination and medical treatment with specialists of medical treatment institutions outside places of imprisonment, including: outpatient in 922 cases and inpatient in 177 cases.

After admitting to a place of imprisonment prisoners undergo a medical examination. Prophylactic chest x-rays for early detection of tuberculosis and diagnostics of other diseases, as well as HIV/AIDS test is performed in investigation prisons. Once a year prophylactic examination of all prisoners is carried out, i.e., examination by a doctor, completing a special questionnaire for early detection of tuberculosis, prophylactic x-ray examination, etc. Data of prophylactic examination are recorded in the outpatient medical card.

Each working day, according to a specific plan, prisoners can get examination by a doctor's assistant or general practitioner and receive the assigned medical treatment or examination, and examined by a doctor-specialist – on the next working day of the doctor-specialist. In urgent cases the prisoner, upon his or her request, may be examined by the doctor or doctor's assistant on the same day; afterwards he or she is appointed to the necessary medical treatment or examination. In case where a prisoner needs emergency medical assistance and it is impossible to provide such assistance in the Medical Division of the prison, the prisoner is sent to a medical treatment institution outside the prison and he or she is guarded by prison staff in accordance with Paragraph 14 of Cabinet Regulation No. 199 of 20 March 2007, *Regulations Regarding Health Care of Imprisoned and Convicted Persons in Investigation Prisons and Deprivation of Liberty Institutions* (hereinafter – Regulation No. 199).

In turn, on occasions when in case of an urgent or planned medical treatment of an illness the doctor of the prison concludes that the prisoner requires medical treatment or examination, the performance of which in the Medical Division of prison or the LPH is not possible, the Director of the prison is informed and medical assistance is organised in medical treatment institutions outside the place of imprisonment.

If a prisoner requires emergency medical assistance in inpatient conditions, the prisoner is sent to the LPH or to a hospital outside the prison on the same day. In case where a prisoner requires planned inpatient medical treatment, it is ensured in accordance with Paragraph 13 of Regulation No. 199, by an order of the Latvian Prison Administration – within three to four days. Planned inpatient medical treatment in medical treatment institutions outside the prison takes place only after prior co-ordination with the relevant hospital and in queue order; moreover, frequently a patient has to wait in queue for

hospitalisation for a comparatively long time, similarly as it is in case of any person in society.

Currently there is a problem with ensuring dentist's assistance in some places of imprisonment as dentists are unwilling to work in prisons because of the low remuneration. The Latvian Prison Administration has announced several tenders regarding a possibility for dentists to provide services to prisoners, however, no applicant has applied. In accordance with Sub-paragraph 2.2 of Regulation No. 199 free of charge dentistry services for prisoners are ensured only in urgent cases (inflammation, relief of bleeding and of pain syndrome, trauma). In cases where a prisoner requests planned dentistry services or wishes to receive the services of his or her private dentist, as well as services of another doctor-specialist or examination in a medical treatment institution outside the prison, it shall be provided from the private funds of the prisoner on the basis of Paragraph 15 of Regulation No. 199. In such cases, transportation and guarding costs are covered by the place of imprisonment.

Regarding the view expressed in the Committee's report that too little funds are allocated to health care of prisoners, Latvia would like to inform that the Ministry of Justice is currently preparing a request for additional funds to improve health care of prisoners from the programme "Funds for Unforeseen Events", which will be submitted for review at the Cabinet of Ministers' within one month.

Appended:

1. Copy of the Order No. 1/4-770 of the Latvian Prison Administration of 1 February 2012, *On the Place of Serving the Sentence*, on 1 page.
2. Copy of the Order No. 231 of the Latvian Prison Administration of 16 December 2011, *On Assessment of the Risks and Needs of a Convicted Prisoner*, on 2 pages.
3. Copy of the Order No. 64 of Daugavgrīva Prison of 24 May 2012, *On the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners*, on 2 pages.
4. Copy of the Order No. 11 of Jelgava Prison of 2 January 2012, *On the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners*, on 1 page.



Republic of Latvia  
**LATVIAN PRISON ADMINISTRATION**  
Reg. No. 90000027165, Stabu iela 89, Rīga, LV-1009,  
telephone number 67208325, fax number 67278697, e-mail: [ievps@ievps.gov.lv](mailto:ievps@ievps.gov.lv)

## ORDER

Rīga

16.12.2011

No. 1011

### On the Assessment of Risks and Needs of a Convicted Prisoner

In accordance with Section 61.<sup>5</sup> and Paragraph 18 of Transitional Provisions of the Sentence Execution Code of Latvia, as well as in order to ensure a unified approach in performing the initial assessment and re-assessment of risks and needs of convicted prisoners in all prisons:

1. To approve:
  - 1.1. Form of Part I of the Questionnaire for the Assessment of Risks and Needs of a Convicted Prisoner (Annex 1).
  - 1.2. Methodological recommendations for completing Part I of the Questionnaire for the Assessment of Risks and Needs of a Convicted Prisoner (Annex 2).
  - 1.3. Form of Part II of the Questionnaire for the Assessment of Risks and Needs of a Convicted Prisoner (Annex 3).
  - 1.4. Methodological recommendations for completing Part II of the Questionnaire for the Assessment of Risks and Needs of a Convicted Prisoner (Annex 4).
  - 1.5. Form of Part III of the Questionnaire for the Assessment of Risks and Needs of a Convicted Prisoner (Annex 5).
  - 1.6. Methodological recommendations for completing Part III of the Questionnaire for the Assessment of Risks and Needs of a Convicted Prisoner (Annex 6).
  - 1.7. Form of the final assessment tables of the of Risks and Needs of a Convicted Prisoner (Annex 7).
  - 1.8. Form of the resocialization plan (Annex 8).
  - 1.9. Form for the course of implementation of the resocialization plan (Annex 9).
  - 1.10. Form "Information Regarding Incentives" (Annex 10).
  - 1.11. Form "Information Regarding Punishments" (Annex 11).
  - 1.12. Form for description of a conversation (Annex 12).
  - 1.13. Form for registration of the social worker-clients (Annex 13).
  - 1.14. Form for measures taken by the social worker (Annex 14).
  - 1.15. Form for psychological assessment of a prisoner (Annex 15).
  - 1.16. Form for registration of admitted prisoners (Annex 16).
  - 1.17. Form for psychological care work card of a prisoner (Annex 17).
  - 1.18. Form for assessment of the results of psychological care work (Annex 18).
2. To introduce the approved form from 1 January 2012.

3. To repeal Order No. 145 of the Latvian Prison Administration of 23 September 2008, *On Documentation of Social Work*.

4. For the control of fulfilment of the Order to be performed by Lieutenant-Colonel Ilona Spure, Director of the Resocialization Service of the central headquarters of the Latvian Prison Administration.

5. To acquaint the management and directors of services and divisions of the Latvian Prison Administration and all officials and employees of places of imprisonment with the Order.

Director  
General



V. Puķīte

*Krūvese*  
67290251



Republic of Latvia  
LATVIAN PRISON ADMINISTRATION  
**DAUGAVGRĪVA PRISON**

Reg. No. 90000027165, Lielā iela 1, Daugavpils, LV-5418,  
telephone number 65440657, fax number 65420357, e-mail: daugavgrivas.cietums@ievp.gov.lv

**ORDER**

Daugavpils

24.05.2012

No. 64

*On the Commission for the Assessment of Individual Risk of  
Life-sentenced Prisoners*

On the basis of Order No. 48 of the Latvian Prison Administration of 14 April 2005, *On the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners*, and in order to fulfil the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the assessment of individual risk of life-sentenced prisoners and the application of the relevant means of security:

1. To establish the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners consisting of:

Chairperson of the Commission: - Deputy Director of Daugavgrīva Prison  
Lieutenant-Colonel A. Turins

Members of the Commission: - Major Bignatjevs, Director of the Security Division;  
- Major A. Zvonkovs, Director of the Supervision Division;  
- Major V. Matusevičs, Director of the Social Rehabilitation Division;  
- Captain G. Putāns, senior inspector of the Social Rehabilitation Division;  
- First Lieutenant J. Rozenbergs, senior inspector of the Social Rehabilitation Division;  
- L. Demenjevs, psychologist of the Social Rehabilitation Division;  
- V. Tabakovičs, doctor of the Medical Division.

2. The Commission shall, twice a year:

2.1. evaluate the level of individual risk of each life-sentenced prisoner (the tendency towards self-mutilation or suicide, the potential aggression towards other convicted prisoners or the prison staff);

2.2. to specify individually for each convicted prisoner the necessary means of security (handcuffs, use of service dogs, etc.) in escorting to walking areas, bathhouse, medical care and rehabilitation measures, as well as during the course of the referred to measures, taking into account the assessment of the psychological condition of the convicted prisoner provided by a psychologist, the characterisation prepared by the senior inspector of the Social Rehabilitation Division, opinions of the Security Division, Supervision Division and Medical Division.

3. For the Chairperson of the Commission to submit the assessment of the Commission for approval to the Director of the prison. After approval to keep the assessment in the Supervision Division.

4. To invite a representative from the Latvian Prison Administration to meetings of the Commission.

5. Control of fulfilment of the Order is to be performed by Lieutenant-Colonel A. Turins, Deputy Director of the prison.

6. To acquaint the persons referred to in the Order with the Order.

Director  
Colonel



V.Tverdovs

Bogdanovs65440669



Republic of Latvia  
LATVIAN PRISON ADMINISTRATION  
**JELGAVA PRISON**

Reg. No. 90000027165, Palīdzības iela 3, Jelgava, LV-3001,  
telephone number 63022937, fax number 63024873, e-mail: jelgavas.cietums@ievp.gov.lv

**ORDER**

Jelgava

Ord. No. 48/2005

No. 11

On Establishment of the Commission for the Assessment of  
Individual Risk of Life-sentenced  
Prisoners

On the basis of Order No. 48 of the Latvian Prison Administration of 14 April 2005,  
*On the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners*, to  
establish the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners  
consisting of:

**Chairperson of the Commission**

Deputy Director,  
Lieutenant-Colonel

A.Blūms

**Members of the Commission:**

Director of the Security and Registration Division,  
Lieutenant

A.Kriščiūns

Deputy Director of the Supervision Division, First  
Lieutenant

O.Kubarko

Director of the Social Rehabilitation Division,  
Captain

U.Leltāns

Director of the Medical Division

J.Maslobojevs

Senior inspector of the Social Rehabilitation  
Division, First Lieutenant

D.Tupoļevs

Senior inspector of the Social Rehabilitation  
Division, Captain

I.Dabiņa

Chaplain of the Social Rehabilitation Division

J.Tautvaitis

1. To repeal Order No. 105 of Jelgava Prison of 17 December 2010, *On Establishment of the Commission for the Assessment of Individual Risk of Life-sentenced Prisoners*.
2. To acquaint the members of the Commission with the Order.



Director  
Major

A handwritten signature in black ink, appearing to be 'M. Stivrenieks', written vertically.

M.Stivrenieks

Leitāns 63026216



## **Comments of the Government of the Republic of Latvia on the Report on Latvia drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

Having assessed the report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after the visit to Latvia from 5-15 September 2011 the Government of Latvia hereby presents the following information on the implementation of the CPT's recommendations. The Government of Latvia would also like to use this opportunity to thank the CPT for the observations and recommendations as they all contribute to the improvement of the situation in areas related to deprivation of liberty.

### **Paragraph 36**

The Border Guard Law, Cabinet Regulation No. 55 adopted on 18 January 2011 „Regulations Regarding the Types of Special Means and the Procedures for the Use Thereof by Police Officers and Border Guards” and Administrative Act of the State Border Guard prescribe the types of special means, which may be used by the personnel of the accommodation centre as well as the procedures for the use of such means. The personnel of the State Border Guard Daugavpils Board's Accommodation Centre of Detained Foreigners “Daugavpils” use 30 cm long folding truncheons which are put into cover and do not look like truncheons and the use of which is strictly prescribed by law.

### **Paragraph 38**

The State Border Guard takes measures in order to attract support of the third countries' and international organisations to broaden library range with the literature in the native languages of the detained foreigners. There is a possibility also for the religious representatives to visit the accommodation centre. There are areas for walking and doing physical activities as well as training room in the accommodation centre.

### **Paragraph 40**

During the process of expulsion a foreigner is instructed on all decisions and he/she receives verbal explanation of the heart of the decision after which a foreigner approves it with his signature. During the progress of the case a foreigner is verbally instructed on the process of expulsion. In written this information is available in Immigration Law. The State Border Guard will consider a possibility to involve NGOs and international organisations and attract the European Union funding in order to prepare an informative material on expulsion procedure in different languages, including into it information on the legal procedure, rights and duties of foreigners during the expulsion procedure.

The Court invites an interpreter to the hearing of taking a decision regarding detention of foreigner or the extension of the time period of detention. The interpreter provides translation of process from/to Russian. In case if there is need to provide translation of the process in some other language the State Border Guard invites certified interpreters from a translation company with which in line with the tender procedure is concluded an agreement on provision of the above mentioned services. After the hearing a foreigner is acquainted with the written court decision. To the hearing invited interpreter verbally translates the above mentioned decision to the foreigner and foreigner with signature approves reception of his/her copy of decision in

Latvian. The European Court of Human Rights in its judgement of 15 November 2011 in the case “Longa Yokeu v. Latvia” recognised that the complaint of the applicant regarding the court process for the evaluation of his detention and that he allegedly had not received the copy of the court decision and was not informed about the reasons of detention was evidently unfounded.<sup>1</sup>

In accordance with Article 59.<sup>2</sup> (2) (3) of the Immigration Law a detained foreigner in an accommodation centre has the right with his/her own means to receive legal aid but in accordance with Article 50.<sup>2</sup> a foreigner has rights to state ensured legal aid during appeal of return decision or decision on forced return. Procedures for the receipt of state ensured legal aid during appeal of return decision is as follows:

- a) if foreigner is not detained then is entitled to receive state paid legal aid in case if his/her material condition does not enable him/her to pay for the legal aid. Foreigner’s financial position is evaluated by Legal Aid Administration of the Ministry of Justice of the Republic of Latvia on the basis of foreigner’s application;
- b) if foreigner is detained and resides in an accommodation centre then state paid legal aid is provided pursuant to foreigner’s will.

Free legal aid to foreigners who are accommodated in the State Border Guard Daugavpils Board’s Accommodation Centre of Detained Foreigners “Daugavpils” is also provided by international and nongovernmental organizations, for example, the Latvian Centre for Human Rights. According to the State Border Guard available information the Latvian Centre for Human Rights has submitted a project within the framework of the European Return fund on receiving funding for legal aid provision to detained foreigners.

#### **Paragraph 42**

Cabinet Regulation No. 742 adopted on 15 September 2008 „Internal Regulations of the Accommodation Centre” was translated to English in 2010 and is available at Internet site:

[http://www.vvc.gov.lv/export/sites/default/docs/LRTA/MK\\_Noteikumi/Cab\\_Reg\\_No\\_742 -  
Internal Procedure Regulations of the Accommodation Centre.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/MK_Noteikumi/Cab_Reg_No_742_-_Internal_Procedure_Regulations_of_the_Accommodation_Centre.doc).

#### **Paragraph 45**

Since the visit of the Committee the total number of prisoners in prisons has reduced. The total number of prisoners on 5 September 2011 was 6600, including pre – trial detainees – 1909. On 20 August 2012 there were **6294** prisoners, including pre – trial detainees – **1888**. Therefore, it is possible to place prisoners more flexibly, avoiding placing them in cells with the worst conditions.

The Ministry of Justice, as it has already been mentioned in the previous replies to the Committee, acknowledges that in practice the norm of the living space per one prisoner is lower than it is recommended by the Committee. Unfortunately, the referred problem can be solved only in long-term, by constructing new prisons. In order to implement this and prevent other problems connected with prisons infrastructure, the Ministry of Justice together with the Latvian Prison Administration has developed a draft Concept on Development of the Prisons’ Infrastructure (hereinafter – the draft Concept). The aim of draft Concept is to provide new framework (principles) for a new prison system, by determining location of new prisons in the State (to ensure the even regional disposition), providing that the area of the living space per one

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<sup>1</sup> Longa Yokey v. Latvia, (application No.57229/09), Paragraphs 147-158 of the judgement of 15 November 2011

prisoner as recommended by the Committee, as well as to ensure an effective execution of pre – trial detention and prison sentence in compliance with the international standards (i.e. prisoners are placed in double – occupancy cells), and to determine new methods for financing the construction of the new prison system (public – private partnership as possible model). The implementation of this draft Concept will result in placement of prisoners in compliance with the international standards.

The draft Concept was approved by the Committee of the Cabinet of Cabinet on 14 December 2009 (minutes No. 44, §1) and the work on the clarification thereof is still going on. In 2011 and 2012 the draft Concept has been revised and elaborated, by reducing the number of planned new prisons – providing construction of five new multifunctional prisons in the territory of Latvia (other prisons will be closed) and prescribing a method for financing the construction of the new prisons. In 2012, the draft Concept has been sent to the Ministry of Finance twice and currently amendments thereof according to the indications of the Ministry of Finance is carried out; the amendments are related to the issues of the financing.

In April 2011 a new building for pre – trial detainees was opened in the Cēsis Correctional Institution for Juveniles, which was built within the project LV0019 *Development of the Standards for the Structures of Places of Imprisonment* financed by the bilateral financial instrument of the government of Norway. Also in April 2011 a renovated living block was opened in Cēsis Correctional Institution for Juveniles, which was reconstructed within the project LV0067 *Renovation of the Living Building in Cēsis Correctional Institution for Juveniles*, also financed by the bilateral financial instrument of the government of Norway. In the construction and renovation of the both aforementioned buildings the size of a living area per one prisoner recommended by the Committee – no less than 4 m<sup>2</sup> – was used. Therefore, juvenile male prisoners now are placed in conditions complying with the standards of the Committee. Please notice that since summer 2012, all male juveniles are placed only in Cēsis Correctional Institution for Juveniles.

It is planned that in 2012 another new project financed by the bilateral financial instrument of the government of Norway *Establishment of a New Unit at Olaine Prison, Including Construction and the Staff Training* will be started and it is planned to build a new centre for prisoners with addiction problems at Olaine Prison, thus, ensuring treatment and resocialisation of addicts. In this centre the size of a living space per one prisoner recommended by the Committee – no less than 4 m<sup>2</sup> – will be used. The referred project as a previously defined project in the programme *Reform of Temporary Places of Detention of the State Police and Correction Services of Latvia* was approved in the meeting of the Cabinet of 20 December 2011 (minutes No. 75, §55). At present, the referred project is being assessed by the Norwegian partners and it is planned to be commenced at the end of 2012. In addition to the construction of the new centre in the territory of Olaine Prison, in the framework of this project it is also planned to create a set of resocialisation activities for prisoners with addiction problems, to establish and introduce instruments for the selection of prisoners with addiction problems, to train the staff of the prisons, and to perform other similar measures.

Thus, it can be concluded that in the process of building of the new prison infrastructure in Latvia the size of a living space per one prisoner recommended by the Committee is used.

## **Paragraph 46**

The *Concept of the Criminal Sentence Policy* (approved by the Cabinet order No. 6 of 2009) determines essential changes in the criminal law system; for example, reducing the amount of punishment for criminal offences, wider application of punishments alternative to the deprivation of liberty, and other crucial reforms of the criminal law system. It is planned that by implementing the intended reforms the number of persons sentenced to the deprivation of liberty will reduce significantly. At present, the draft laws drawn up in order to introduce the Concept are in the process of review in the *Saeima* (the Parliament) before the second reading. The coming into force of the draft laws is planned in the second half of 2013.

In the referred programme *Reform of Temporary Places of Detention of the State Police and Correction Services of Latvia* another project – *Development of the Resocialisation System and Reduction of the Number of Prisoners, by Introducing Alternatives to Imprisonment* has been submitted. Within this project, it is planned to introduce the electronic supervision as one of the means for reducing the part of sentence which prisoner spend in prison; it is planned to establish the instruments for the selection of electronic supervision clients, to develop resocialisation programmes suitable for them. Moreover, several activities related to the development of new probation programmes, raising the capacity of employees of the State Probation Service and prisons, etc. are intended in the project. At present this project is also being assessed by the Norwegian partners and it is planned to be commenced at the end of 2012.

A working group for the improvement of the national normative regulation has been established at the Ministry of Justice, in order to reform the institution of conditional release from prison and provide introduction of electronic supervision – it is planned to prepare the draft laws by March 2013. According to the plan of the project, the practical introduction of the electronic supervision is intended to be commenced in 2014. A close co-operation with the Latvian Prison Administration, the Ministry of Justice and other institutions is intended in the project.

Thus, measures have been taking for reducing prison population as provided in Committees' report.

## **Paragraph 47**

It is characteristic of the legal system of Latvia that the court determines a sentence for a criminal offence committed, while the Sentence Execution Code of Latvia specifies in what type of prison the person will start to serve the sentence depending on the seriousness of the criminal offence committed. The further course of the sentence execution depends on the prisoners' behaviour, resocialisation results and part of the sentence served.

As concerns the necessity of performing a regular individual evaluation of prisoner according to the sentence plan, pursuant to Section 61.<sup>5</sup> of the Sentence Execution Code of Latvia the head of the prison shall, within the time period of two months following the placement of a person in prison, ensure the assessment of the prisoner's risks and needs, the results of which are to be taken into account when drawing up the resocialisation plan for the prisoner. Moreover, it is set out in Section 61.<sup>5</sup>, Paragraph two of the Sentence Execution Code of Latvia that the re-evaluation of the prisoner's risks and needs shall be carried out at least once a year during the whole period of serving the sentence. Thus, the regular checking of the resocialisation plan is ensured.

In addition, the Cabinet Regulation No. 282 on 31 March 2009, *Regulations Regarding the Work Procedure of the Administrative Committee and the Criteria for the Taking of Decisions* (hereinafter – Regulation No. 282), prescribes the work procedure of the administrative committee of prison and the criteria for the taking of decisions thereof, i.e. a decision regarding the mitigation of the sentence execution regime or regarding the possible conditional release from prison before the end of the sentence. Paragraph 25 of Regulation No. 282 determined that, when taking a decision regarding the mitigation of the sentence execution regime, the administrative committee shall be guided by the following criteria:

- participation of the prisoner in employment, training, educational, sports and leisure activity measures in the prison and the results achieved;
- breaches of the regime committed by the prisoner, for which disciplinary penalties have been applied in the prison, the nature thereof;
- other information characterising the prisoner's behaviour in the prison.

Taking into account the abovementioned, Latvia cannot agree with the conclusion of the Committee that the situation when a prisoner has to serve a certain part of the sentence in the specified prison regime cannot be justified. This certain part of the sentence is the time period determined for the prisoner during which he or she has to prove his or her improvement – change of an attitude, good behaviour and engaging in resocialisation measures, before first assessment of the possibility to be transferred to an easier regime. The progress of a prisoner in the Latvian progressive system of sentence execution depends exactly on his or her resocialisation results. The amendments made in 2011 to the Sentence Execution Code of Latvia provide for a regular assessment of a prisoner and indicated clear criteria for the assessment of prisoners. Latvia will continue work on improvement of the sentence execution norms also in future taking into other recommendations expressed by the Committee, and will bring these recommendations for discussion in regular working group established for improving the norms of the Sentence Execution Code of Latvia.

Latvia plans to continue work on increasing effectiveness of the sentence execution henceforth – for example, it is planned to commence the review and improvement of work of administrative committees, by evaluating the justification of necessity of each decision taken by them and by evaluating whether this decision could be taken by the prison officials, etc.

In accordance with the records of the Latvian Prison Administration none of the administrative cases of 2011-2012 have been related to complaints of prisoners regarding serving a certain part of the sentence in a specified prison regime.

#### **Paragraphs 48-49**

Any oral or written complaint expressed by a prisoner in prison, as well as any kind of information, creating suspicion regarding a possible illegal and unjustified physical violence of an official against a prisoner is thoroughly investigated. Pursuant to Section 23, Paragraph four of the Prison Administration Law prior to the use of physical force, special combat methods and special means, each prisoner shall be warned regarding his or her unlawful actions, disorderly conduct and physical resistance and the intent to use physical force against him or her, special combat methods and special means, that arises due to such reasons. Special means are used against prisoners in compliance with the provisions of Paragraph four of the Latvian Prison Administration Regulation No. 1/12 – 2/reg. of 31 March 2006, *Procedure for the Use of Special Means in prisons*. Moreover, each case of use special means in places of imprisonment is recorded, by drawing up a *Report on the Use of Special Means* and preparing a separate notification, and is registered in the *Journal of Records of Events*. Procedure provides that the

Latvian Prison Administration and also the Ministry of Justice are notified of each case of use of physical force, special combat methods and special means against prisoner. In all cases when physical force, special combat methods or special means have been used against a prisoner, the Latvian Prison Administration carries out departmental inspections regarding the justification for use the physical force, special combat methods and special means, the appropriateness thereof and the compliance of the documentation drawn up with the requirements of regulatory enactments. In case of necessity, the officials and prisoners are asked to provide additional explanations.

At the same time, a medical examination is performed for a prisoner following each case of the use of physical force, special combat methods and special means, by making entries in the out-patient's medical record thereof regarding all possible bodily injuries, as well as by providing the relevant medical care in case of necessity.

In accordance with the norms of the Criminal Procedure Law, the facts of the use of special means in respect of prisoners shall be examined by the investigator of the prison only in cases when there is a real possibility that a criminal offence has been committed, or in cases when a report contains information regarding a possible criminal offence committed, and this can be verified with the criminal procedure means or methods only. In such cases, the investigator carries out the departmental inspection and takes a decision regarding the commencement of the criminal proceedings or refusal to commence the criminal proceedings. The justification for the use of special means, the appropriateness and necessity thereof is evaluated within the framework of the criminal proceedings.

In addition, every morning at each prison an instruction of the guards is carried out in the Supervision Department, during which special attention is focused on explaining to officers that they may not use more force than it is necessary. In daily work instructions prison officials are informed regarding the cases when an official has use physical force, special combat methods and special means against a prisoner, paying special attention particularly to the aspects of lawfulness and appropriateness; the cases of use means are also analysed during the course of the training of staff. Since May 2012, at Rīga Central Prison individual day and night watches of doctors of the Medical Department have been introduced, which ensure the necessary medical examination for a prisoner at any time and recording of possible bodily injuries following the use of physical force, special combat methods and special means.

Taking into account the recommendations of the Committee, in the first six months of 2012 in all prisons the issues concerning the justification and procedure for the use of physical force, special combat methods and special means were explained repeatedly during the training of staff, as well as the permissibility of the use of any kind of force only in cases of necessity, if the restraining of a prisoner is impossible by using other means and that the use of force is to be discontinued immediately after achieving the purpose thereof. Officials who have the right to use special means are specially trained for doing it, as well as the officials pass, at least once a year, a theoretical knowledge test regarding the procedure for the use of the special means.

On 16 August 2011 Order No. 84, *Regarding the Training of the Officials of the Prison in 2011/2012 Academic Year*, was issued in Jelgava Prison, on 4 October 2011 Order No. 76, *Regarding the Vocational and Special Training of Officials and Employees of Valmiera Prison* – in Valmiera Prison, on 27 December 2011 Order No. 109, *Regarding the Professional Training of the Staff in the First Part of 2012* as well as on 6 February 2012 Order No. 9, *Regarding Changes in Order No. 109 of 27 December 2011 of Rīga Central Prison, Regarding the Professional Training of the Staff in the First Part of 2012* was issued in Rīga Central Prison, according to which the plans of lessons have been approved. Also the head of Liepāja



Prison approved the training plan for the officials of the Guarding Department and the Supervision Department on 20 September 2011, as well as the training plan for junior and senior officers. The referred to plans contain topics related to the use of physical force, special combat methods and special means. In addition, the lesson plans for prison staff include lessons comprising the basics of rendering first aid and explanation of the norms of the Code of Ethics of the Latvian Prison Administration.

In turn, beginning from 2011, a licensed training programme developed in 2011 for supervising officers and guards – is implemented at the Training Centre of the Latvian Prison Administration. In comparison with the training programme implemented previously, the content of the new programme has an increased number of such lessons during which the psychological and ethical training of the staff is performed. Within the scope of several subjects, such topics like communication, conflict management, professional ethics and other topics are acquired in both theoretical and practical lessons, which make one apply the acquired knowledge and skills in daily work and solve the occurring difficult situations in a non-violent way. The main emphasis in subjects, within the scope of which special physical combat methods and the use of special means are acquired, is placed on understanding that a decision regarding the use of physical force or special means is to be taken only in urgent situations and in compliance with the restrictions set out in regulatory enactments.

In 2011-2012 there are two active administrative cases concerning a possible violent treatment on the part of prison administration towards prisoners. In one of these cases the Administrative Court rejected the application and the applicant has submitted an appeal; there has been no hearing in the second case yet. In 2011 there was one administrative case where the Administrative Court recognised unlawful actions made by officials of the Prison Administration when subjecting the applicant to a complete search with undressing him in front of the other prisoners every day for a period of ten days; the judgement provided for a compensation for moral harm.

In accordance with the information of the Prison Administration 8 criminal proceeding have been registered in 2012 (3 in Rīga Central Prison, 3 in Brasas Prison, 2 in Olaine Prison) regarding unlawful activities towards prisoner made by the officials of prisons; out of these 5 were taken over and investigated by the Investigation Unit of the Prison Administration. In 2011 7 such proceedings were registered (4 in Rīga Central Prison, 2 in Liepāja Prison, 1 in Daugavgrīva Prison); out of those 3 were initiated and investigated by the Investigation Unit of the Prison Administration, and 3 were taken over and investigated by the Investigation Unit of the Prison Administration.

### **Paragraphs 50-55**

In order to prevent mutual violence among prisoners, staff pays special attention to observing the regulations of the prison and to maintaining order in the premises, thus, preventing the risk factors. In order to prevent a possibility of mutual violence among prisoners, the officials of Security Departments of prison identify persons, who run a risk of suffering from violence of other prisoner, evaluate the level of the risk and, according to it, put forward a proposal to the head of the prison regarding the immediate displacement of the prisoner, or in some cases request the Latvian Prison Administration to displace the prisoner to another prison due to security reasons. The European Court of Human Rights in the judgment in the case “Aleksejeva v. Latvia” of 3 July 2012 recognised that the competent authorities have taken all the reasonable measures to protect the applicant against violence of other prisoners.<sup>2</sup>

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<sup>2</sup> Aleksejeva v. Latvia, (application No.21780/07), Paragraph 40 of the judgement of 3 July 2012

The placement of a prisoner in a definite prison is determined by observing the medical, security and crime prevention criteria. The committee for placement of prisoners established by the order of the head of the prison determines in which part, unit and cell of the prison prisoner will be placed, taking into consideration the following criteria:

- the regime for serving the sentence determined in Sentence Execution Code of Latvia for the prisoner;
- the behaviour of the prisoner in prisons;
- the psychological compatibility of prisoners;
- the criminal experience of the prisoner (the number of sentences and the nature of the criminal offences committed);
- the lifestyle of the prisoner (smoke or do not smoke);
- the age of the prisoner;
- the general intelligence and level of education of the prisoner;
- the language proficiency and intercommunication abilities of the prisoner;
- the health condition and physical fitness of the prisoner;
- the wish to be in a definite unit or cell expressed by the prisoner;
- the free places in the cells and units.

Prior to placing prisoners in cells (units), officials of the Security Department clarify prisoners' attitude towards the administration and other prisoners. An opinion of the prisoner regarding the unit where it will be easier for him or her to stay is clarified. In order to clarify the psychological compatibility of the prisoner with other prisoners, the prisoner shall participate in a conversation with a psychologist and social worker prior to being placed in the prison cell.

The supervision of prisoners in each prison is organised pursuant to the *24 Hour Supervision Appointment* approved by the head of the prison. The head of the prison develops the supervision appointment taking into consideration the type of the prison. The *24 Hour Supervision Appointment* is a document prescribing the disposition of supervising staff in posts, the activities to be performed during the intended watches, the schedule for the implementation thereof, in which notes shall be made regarding the course of the supervision and the results of inspections. The supervision of prisoners is organised in posts – 24 hour, day, night, as well as in the form of temporary posts. A post is a place where a staff (a supervising officer) is appointed to perform his or her duties of service. The posts of supervising officers are appointed near the cells (units) of prisoners, disciplinary cells, the Medical Division, places for walks, near the premises or grounds where sports activities of prisoners are performed, in classrooms, production units, as well as near the video surveillance and communication - engineering signalling technical means.

A supervising officer fulfils the following duties in his or her post: follows that the prisoners observe the regulations determined in the prison; once every hour visually checks the condition of the doors, locks and bars of the cells and the technical condition of the cells (without entering a cell); does not allow inter-cell communication and mutual contacts of prisoners; alarms in case of emergency; controls the procedure for distribution of meals; at least once every hour during a watch checks through a see-through window (a peephole) the presence of the prisoners, their behaviour and knows the number of prisoners in each cell (unit); controls that the prisoners do not possess any forbidden objects, especially those which could be useful for escaping or attacking; follows that the day and night lightening is in operation, at night – that the cell is visible; takes the prisoners for a walk and sanitization; carries out other tasks in compliance with the instructions of the officials of the security department.

Taking into consideration the abovementioned, prisoners are placed in cells, by strictly observing the requirements of mutual isolation of prisoners set out in regulatory enactments and so that the number of prisoners placed in a cell is as lesser as possible than the maximum number allowed in certain cell.

In order to reduce the mutual violence among prisoners in prisons, close attention is focused, to the extent possible, on both organising training of the staff and involving prisoners in different resocialisation measures, for example, the possibilities of involving new entrepreneurs for work with prisoners and creating as many as possible workplaces are constantly sought in prisons. In prisons prisoners have the right to choose what type of work they would like to carry out, however, this choice is limited by the type of work available in prison, the relevant professional selection, safety and disciplinary requirements. Most prisoners are involved in work related to the keeping – up and improvement of the prisons' territory pursuant to the requirements of Section 56<sup>10</sup> of the Sentence Execution Code of Latvia. At the same time, in order to promote self-employment of prisoners, the prisoners are allowed, following the individual examination of their requests, to receive parcels containing objects intended for handicrafts. Social rehabilitation/cultural, sporting events and training programmes are regularly organised for prisoners.

By ensuring prisoners with education, the Latvian Prison Administration considers as priority the education of those prisoners who lack literacy and calculation skills, and those prisoners who do not have the basic education or vocational education. Special attention is paid to educating imprisoned young people and educating the prisoners with special needs. The Latvian Prison Administration engages in all the projects offered and each year increases the number of groups of prisoners to be educated.

Prisoners at the lowest regime level have the right, in accordance with Section 50<sup>4</sup>, Paragraph nine, Clause five of the Sentence Execution Code of Latvia, to have walks or to participate in sports games in the open air for not less than one hour per day. Prisoners serving the sentence at the lowest regime level are ensured with the sports equipment at the places for walks. During a year, tournaments in the sports ground are organised for prisoners, in which also prisoners serving sentence in the cells take part. Prisoners in local zones (those in the medium and highest level of the sentence serving regime) have a possibility to play sports all day long in the open air in the yard of the local zone, as well as sports activity hours are intended in the daily routine in the sports hall and sports ground twice a week for each unit.

The Latvian Prison Administration constantly participates in informative and training seminars relating to the resocialisation issues and is seeking resources outside prisons that could be attracted for the resocialisation of prisoners.

There are a big number of vacant job positions in prisons, which is one of the main and constant unsolved problems and main reasons of this are the non-competitive remuneration and heavy work load.

Despite mentioned problem, in order to reduce the mutual violence among prisoners in prisons, the following activities have been carried out starting from the end of 2011 and in 2012:

**Jelgava Prison.** If bodily injuries have been detected for prisoners, the senior inspector of Jelgava Prison (the senior investigator) initiates the criminal proceedings. Within the scope of the criminal proceedings a forensic medical examination is prescribed for detecting the severity level of the bodily injuries. Based on the opinion provided by the expert, the further investigation is carried out in the criminal proceeding. If there is a conflict situation or threat of

life and health among prisoners in Jelgava Prison, the employees of the Security and Accounting Department intervene in the situation in order to stop and not to allow mutual violence incidents of prisoners.

For the purpose of developing professional abilities of the staff of Jelgava Prison in conflict-solving and improving occupational preparedness of the employees the *Plan of Service Lessons for Officials for the Academic Year 2011/2012* has been developed according to the Order No. 84 of 16 August 2011, *Regarding the Training of Prison Officials in 2011/2012 Academic Year*, issued by the head of Jelgava Prison. Due to this reason, on 4 April 2011 the lesson regarding the topic *Types of Special Means and the Procedure of Use* took place. It was stressed during the lessons that it is not allowed to use more force than it is necessary in order to restrain an unruly prisoner. Also on 19 October 2011 and 21 December 2011 the lectures for officials *Communication Culture and Impact of Social Isolation on Life Sentence Prisoners, Psychological Condition Thereof and the Relevant Conduct of Officials* were delivered for the staff of Jelgava Prison by a psychologist. The main emphasis of lectures was put on the particular reaction of prisoners and the action in certain cases. Special attention was paid to the communication culture between the staff of a prison and prisoners.

In order to reduce the level of violence in Jelgava Prison, develop communication skills and abilities to control negative emotions, limit the leisure time of prisoners which they could use for displaying violence, prisoners are offered a possibility to engage in several resocialisation programmes managed by the psychologist of the prison and volunteers of religious organisations. Most programmes are aimed at reducing the mutual violence of prisoners.

In 2011/2012, the following social rehabilitation programmes were implemented in Jelgava Prison for reducing violence:

| <b>No.</b> | <b><i>Title of the resocialisation programme</i></b>  | <b><i>Purpose of the programme</i></b>   |
|------------|---|--|
| 1.         | Stress Reducing Programme   | To provide an opportunity to every participant of the programme to identify his or her stresses, identify emotions caused by stress, and to practically acquire various stress-reducing strategies.  |
| 2.         | Verbal Addressing Methodology   | To acquire communication methods.  |
| 3.         | Quarrels, Strife and Conflicts  | Foreseeing, detection of psychological tension, relieving thereof between persons, groups of persons. Awareness of conflict phases and groups and ways for the solving thereof.  |
| 4.         | Secrets of Happy Life – New Bible Psychology  | To acquire the necessary psychological skills in establishing mutual relationships of persons.   |
| 5.         | Freedom Decalogue   | To acquire social skills.  |
| 6.         | Motivation Programme for Updating and Promoting the Resocialisation Process of Imprisoned Persons | To form the understanding of the motivation essence and the regularities thereof, as well as to develop motivation for personality self-actualisation, to stress the role of self-awareness, inner harmony, freedom of choice and individual responsibility in the process of self-fulfilment. |
| 7.         | Value Education and Communication Skills Sub-module:<br>Value Education                           | To promote social progress and development of students, create preconditions for resocialisation, by encouraging in students the development of the  |

|    |                     |  |
|----|---------------------|--|
|    |                     | value system and acquisition of new conduct models.  |
| 8. | Your Way to Freedom | Rehabilitation of prisoners by helping them in renewing and forming the personality, which will facilitate their inclusion in the society after the release. |

Individual resocialisation work, which is performed by the senior inspector of the Social Rehabilitation Department, is carried out with prisoners. Prisoners upon their request can consult with a psychologist and a social worker.

There were 10 disciplinary cells in use at Jelgava Prison at the time of the visit of the Committee representatives on 5 September 2011. According to the recommendation of the Committee representatives, two punishment isolation cells where conditions were unsuitable for placing prisoners there have been closed immediately and are not used any more. At present, eight punishment isolation cells are sufficient for ensuring punishment execution functions for Jelgava Prison.

**Liepāja Prison.** In Liepāja Prison all the prisoners are placed in cells pursuant to the regulatory enactments in force. The problem of overcrowding does not exist at Liepāja Prison. There are cells for two persons, four persons, six persons and two cells for 12 persons at Liepāja Prison, the total number of cells is 80 (eighty). Mutual violence of prisoners can be reduced most effectively by placing them in cells with a small number of prisoners.

At Liepāja Prison all the cases of violence and complaints regarding such cases are examined within the scope of the Criminal Procedure Law. In order to control and not to allow cases of violence among prisoners, preventive measures are performed. Discussions with prisoners are held on a regular basis. The staff of Liepāja Prison, when organising events that take place in the prison, strives for creating a positive psychological atmosphere among prisoners during such events, so that cases of violence do not occur. Both individual and group work is organised for prisoners for the purpose of resocialisation.

**Valmiera Prison.** The problem of mutual violence among prisoners that is present at Valmiera Prison results from overcrowding in living cells with multiple places, which causes stress among prisoners. Pursuant to Order No. 1-1/419 of 27 August 2008, *Regarding the Types of Deprivation of Liberty Institutions and the Number of Prisoners to Be Placed Therein*, issued by the Ministry of Justice, the maximum number of prisoners has been determined at Valmiera Prison – 850, among them the maximum number of convicted persons – 720 and the maximum number of pre – trial detainees – 130. In order to find a solution for the overcrowding in living premises of prisoners at Valmiera Prison, it is possible to rebuild the living premises with multiple places for prisoners in the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> unit. At present, the Latvian Prison Administration assesses the referred to rebuilding plan – the schedule and costs thereof.

For the purpose of developing professional abilities of the staff of Valmiera Prison in conflict-solving and improving occupational preparedness of the employees, the training plans for 2011/2012 academic year have been developed pursuant to Order No. 76 of 4 October 2011, *Regarding the Vocational and Special Training of Officials and Employees of Valmiera Prison*, issued by the head of Valmiera Prison.

The senior inspector (senior investigator) of Valmiera Prison carries out verification of possible violence cases of Valmiera Prison supervising officers and initiates the criminal proceedings. The competence of senior inspectors (senior investigators) is determined in Regulation No. 1-reg. of 7 November 2011 and position descriptions of Valmiera Prison.

At Valmiera Prison, in order to reduce anti-social behaviour, including violence, the staff organise and implements by its own efforts the series of lessons regarding the reduction of anti-social behaviour risk among prisoners. During the leisure time of prisoners, the prison administration engages in various sports activities together with the prisoners in which they definitely can express themselves physically. The repairs of the halls for indoor soccer and basketball of the sports facility have been commenced. In the first half of 2012, the places for walks of the cell building (for prisoners who serve the sentence at the lowest regime level) were equipped with sports equipment. There are local zone grounds with lean-tos and there is sports equipment for prisoners serving the sentence at the medium and highest regime levels.

**Rīga Central Prison.** When receiving a complaint of a prisoner regarding a possible unlawful action, the complaint is always registered and the departmental inspection is carried out based on it. A prisoner is immediately taken to the Medical Division of Rīga Central Prison, in order to record all possible bodily injuries. In case of necessity, appropriate medical help is provided to them. Based on the evidence acquired, the administration of Rīga Central Prison informs the Latvian Prison Administration thereof, initiates a disciplinary case or criminal proceedings regarding the possible unlawful action of officials.

In addition, the informative report *Regarding Proposals for Ensuring an Effective Mechanism for Clarifying Possible Violations of Officials Who Carry out Investigatory Activities and Holding Them Liable* was reviewed in the meeting of the Cabinet of Ministers on 10 January 2012 (minutes No. 2 §45), and the Ministry of Justice was assigned to prepare within six month period and submit in the Cabinet the draft law on Amendments to the Criminal Procedure Law, in order to determine that criminal offences related to violence and committed by the staff of Latvian Prison Administration and officials of an institutions of the Ministry of the Interior system while fulfilling their official duties shall be investigated by the Internal Security Office. At present, the Ministry of Justice continues work at the execution of the referred to task.

### **Paragraphs 58-63**

On 21 September 2011, pursuant to Resolution No. 267 of the Minister for Justice, the Latvian Prison Administration was assigned to ensure without delay the fulfilment of the immediate observations of the Committee delegation following the visit to places of imprisonment in 2011 in respect of:

- 1) closing and not using in future the disciplinary cells at Jelgava Prison, which have not been reconstructed, pointed during the visit of the Committee in 2009;
- 2) closing and not using in future small-size waiting rooms at Valmiera Prison pointed by the Committee.

The Ministry of Justice has received a letter No. 1/12-5875 dated 27 September 2011 from the Latvian Prison Administration, in which it was mentioned that on 26 September 2011 Order No. 160, *Regarding Implementation of Immediate Observations of the Delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Following the Visit to Places of Imprisonment in 2011*, was issued by the head of the Latvian Prison Administration. In the referred to order the head of Jelgava Prison is assigned to close without delay punishment isolation cells No. 1 and No. 3 of the prison, while the head of

Valmiera Prison is assigned to close without delay the basement cells No. 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 of the Investigation Department and five short-stay isolation premises of this department on the first floor.

**Jelgava Prison.** In accordance with Order No. 1-1/419 of 27 August 2008, *Regarding the Types of Prisons and the Number of Prisoners to Be Placed Therein*, issued by the Ministry of Justice, Jelgava Prison is a closed prison with the unit of remand prison with the limit of the total number of places – 600: The maximum number of convicted persons – 590, the maximum number of pre – trial detainees – 10. At Jelgava Prison prisoners are placed according to the requirements of the sentence serving levels, in compliance with the requirements of regulatory enactments.

Pursuant to the recommendations of the Committee, in compliance with Order No. 160 of 26 September 2011, *Regarding Implementation of Immediate Observations of the Delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Following the Visit to Places of Imprisonment in 2011*, issued by the Latvian Prison Administration, the punishment isolation cells No. 1 and No. 3 at Jelgava Prison have been closed, the metallic shutter has been removed from the window of the third cell in unit No. 1.

In autumn of 2011, the repairs of the corridor, shower premises, kitchen premises and 19 living cells in block No.1 was carried out within the framework of financial resources allocated to Jelgava Prison. At Jelgava Prison the premises are repaired every year within the framework of resources allocated and within the limits of technical possibilities, by improving the living conditions of prisoners.

In **Valmiera Prison**, the repairs of the bath have been carried out, showers have been upgraded in the cell regime building, in the building of the Investigatory Department and the sports hall for improving the living conditions of prisoners. At the same time, on 5 June 2012 an estimate for carrying out the capital repair of the Investigatory Department was drawn up in Valmiera Prison, i.e. for the repair of the premises, building of the ventilation and video surveillance, change of the wiring, repair of the water-pipe, heating and sewerage system, building of the security alarm and fire detection system, as well as for the project that has been submitted to the Latvian Prison Administration, and at present the assessment of the available financial resources is performed.

Pursuant to Latvian Prison Administrations' Order No. 160 of 26 September 2011, *Regarding Implementation of Immediate Observations of the Delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Following the Visit to Places of Imprisonment in 2011*, the basement cells No. 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 of the Investigation Department at Valmiera Prison, as well as five short-stay isolation premises of this department on the first floor, have been closed. In order to ensure the functioning of the Investigation Department building, other premises of the Investigation Department building are used for short-term isolation of prisoners.

## **Paragraph 64**

In cells and living premises of **Rīga Central Prison**, taking into account the material supply and financial possibilities, the refurbishment is carried out constantly, including the complete renovation of the electric lighting system and sanitary facilities, replacing, within the range of possibility, the toilets with modern toilets. Works for the elimination of technical damage are carried out on a regular basis, because the prisoners, particularly pre – trial detainees, quite often damage the property of Rīga Central Prison on purpose – mainly by soiling the walls, ceiling finish, lighting system installed, sanitary facilities and frames.

The cells and living premises are cleaned daily by the prisoners placed therein (by the person on duty in the cell or living premises).

Following the visit and recommendations of the Committee, the front metallic blinds have been removed from all the cell windows (from the outside) of the buildings of Rīga Central Prison.

The duration of the daily walks of prisoners at Rīga Central Prison is ensured pursuant to the requirements of regulatory enactments. Most prisoners use places for walks equipped with sports equipment daily. In addition to daily walks, senior inspectors of the Social Rehabilitation Department organise, within the range of possibility, sporting events in the sports hall of Rīga Central Prison.

As concerns the plans for building a new prison instead of Rīga Central Prison, the referred to plan is included in the draft Concept for the Development of Prisons' Infrastructure, the more detailed description of which can be found in the comments regarding Paragraph 45. The draft Concept provides for the establishment of five new multifunctional prisons in Latvia and for the closing of all the other prisons present now, thus reducing the total number of prisons and places for prisoners. The new prison is planned on the territory of Rīga Central Prison, however, in the draft Concept it is intended that the first new prison will be built on the present territory of Olaine Prison.

## **Paragraph 65**

In all the other prisons the closed metallic blinds have been removed from the cell windows of the buildings.

## **Paragraph 66**

The requirements for the hygiene of prisoners are ensured pursuant to the provisions of Cabinet Regulation No. 423 of 30 May 2006, *Regulations on Order in Prisons*, and Cabinet Regulation No. 800 of 27 November 2007, *Regulations on Order in Remand Prison*. In turn, the monthly norms of toiletries and personal hygiene items are set out in Cabinet Regulation No. 1022 of 19 December 2006, *Regulations Regarding the Material Supply Norms of Imprisoned Persons' Nourishment and Household Needs*. At present, the sufficient quantity of toiletries and personal hygiene items is ensured in all prisons.

According to the data provided by the Latvian Prison Administration, in order to comply with the requirements for keeping order, cleanliness and personal hygiene in cells and living premises of prisons, prisoners are given liquid soap, scouring paste and gel for cleaning and disinfecting sanitary facilities. Keeping order and cleanliness in cells and living premises is the duty of prisoners (the person on duty), and the administration of each prison pays close attention to the fulfilment of this duty.



Showering of prisoners in each prison is ensured pursuant to the requirements of regulatory enactments in force. A prisoner takes a bath or a shower, changes the underwear and bedding at least once every seven days. In turn, according to the recommendations of the Committee, prisoners are permitted to use a shower more frequently, taking into account the financial and physical (also availability of resources of supervising officers) possibilities of each prison.

### **Paragraphs 67-71**

After the visit of the Committee to Jelgava, Liepāja, Valmiera and Rīga Central Prison, the following activities are organised with the prisoners:

**Jelgava Prison.** A wide range of activities is ensured for prison at Jelgava Prison, including those serving the sentence at the lowest regime level. In co-operation with Jelgava Secondary School of Arts and Crafts, Jelgava Secondary School of Crafts and Jelgava Evening (Shift) Secondary School, in 2011/2012 academic year prisoners have enrolled therein, who are studying in the professions of electrician, welder, dressmaker and carpenter. They also acquire the basic education. There is also a possibility for acquiring a higher education through the distance learning.

Nevertheless, at present the infrastructure of the prison does not allow involving in education measures a greater number of prisoners serving the sentence at the lowest regime level. When admitting a potential student to a vocational education programme, the assessment of his or her compliance with the admission criteria of the educational programme is carried out by the representatives of the educational establishment. The same relates also to the issues of employment of prisoners.

In 2011/2012 academic year, prisoners who serve the sentence at the lowest regime level were studying at Jelgava Evening (Shift) Secondary School: in grade 7 – six persons; in grade 9 – four persons; in grade 10 – twenty persons; in grade 12 – eight persons.

In 2011/2012 academic year, there were nine prisoners, who serve the sentence at the lowest regime level, studying at Jelgava Secondary School of Crafts, in the vocational further education programme Metal Working with the qualification to be acquired – *Metalworker* (the total number of places in the group – 18). At West Zemgale Professional Competence Centre *Jelgava Secondary School of Arts and Crafts*:

- five prisoners were studying in the vocational further education programme Metal Working with the qualification to be acquired – *Manual Welder* and *Welder for Welding with Mechanised Equipment in Active Gas Environment* (the total number of places in the group – 18);
- 13 prisoners were studying in the vocational further education programme Manufacturing Technology of Sewn Articles with the qualification to be acquired – *Dressmaker* (the total number of places in the group – 18);
- 14 prisoners were studying in the vocational further education programme Power Industry with the qualification to be acquired – *Electrician* (the total number of places in two groups – 36);
- 13 prisoners were studying in the vocational further education programme Making of Articles Made of Wood with the qualification to be acquired – *Carpenter* (the total number of places in the group – 18).

Seven prisoners work for SAKTA LD Ltd. Other prisoners participate in the improvement of the surrounding territory and living conditions of the prison without the remuneration, according to the schedule.

From 1 February 2012, seven prisoners, whom illiteracy or a low level of reading, writing and calculation basic skills has been diagnosed, study in the acquisition of the basic skills within the scope of the European Social Fund project *Acquisition of Vocational Education Programmes, Basic Skills and Competences for Continuing Education and Professional Career* (14 prisoners in the group).

In May - July of 2012, approximately 40-50 prisoners will participate in individual consultations within the scope of the European Social Fund project *Acquisition of Vocational Education Programmes, Basic Skills and Competences for Continuing Education and Professional Career*, in the activity of career education or professional orientation measures for prisoners serving the sentence at the lowest regime level.

Prisoners attend also sport hall, where they can engage in weight lifting and do physical exercises, according to the schedule. The places for walks are equipped with a chinning bar, and they are rather spacious for other types of exercising.

Prisoners serving the sentence at the lowest regime level have a possibility to engage in the resocialisation programmes: Value Education and Communication Skills, Stress Reducing Programme, Motivation Programme. Following the acquisition of a resocialisation programme, a certificate is issued. In 2012, the programmes have been acquired and the certificates received by 37 prisoners.

Individual resocialisation work, which is performed by the senior inspector of the Social Rehabilitation Department, is carried out with prisoners. A prisoner, following his or her request, consults with a psychologist and a social worker.

**Rīga Central Prison.** Social rehabilitation measures and training are organised for prisoners of Rīga Central Prison on a regular basis. In 2012, vocational education programmes are implemented in the prison by:

- Rīga Style and Fashion Vocational School – the vocational education programme Manufacturing Technology of Sewn Articles with the qualification to be acquired – *Dressmaker*, in which 19 prisoners are involved;
- West Zemgale Professional Competence Centre *Jelgava Secondary School of Arts and Crafts*, which implements two further education programmes:
  - Power Industry with the qualification to be acquired – *Electrician*, in which 18 prisoners are involved;
  - Metal working with the qualification to be acquired – *Manual Welder*, in which 36 pre – trial detainees participate within the scope of the *European Social Fund project Acquisition of Vocational Education Programmes, Basic Skills and Competences for Continuing Education and Professional Career*.

Since 1 January 2012, the following resocialisation programmes are implemented:

- Motivation Programme for Updating and Promoting the Resocialisation Process of Imprisoned Persons;
- Addiction as a Disease, Its Development Mechanisms and Possibilities for Overcoming;
- Re-integration into Society.

The total number of prisoners participating in the programmes is 28, from which 24 are convicted persons and four – pre – trial detainees.

Prisoners are ensured with psychological care and services of social workers. Prisoners are also provided with an opportunity to attend individual consultations of the referred to specialists. Altogether, since the beginning of 2012, 65 prisoners have been involved in psychological care measures (individual consultations, crisis intervention, etc.), from which 20 – detainees, while consultations of social workers were used by 106 prisoners, from which 40 – detainees.

Leisure time events (educational, cultural and sporting events) in the prison are organised according to the daily routine. Prisoners have an opportunity, for 1-1.5 hour during the day, exercise in the open air in the place for walks equipped with sports equipment. Prisoners also have a possibility, in compliance with the regime level of the sentence specified for each prisoner, to stay in the sports hall for 1.5 hour according to the prescribed schedule. There are two sports halls equipped with sports equipment intended for the prisoners of the fifth block. At the same time, according to the daily routine, if the weather conditions allow for it, football matches are organised for both detainees and prisoners every week.

In 2012, 331 prisoners, from which 288 – detainees, have been involved in spiritual care measures (services, interviews and concerts). The prison administration, within the range of possibility, ensures also other activities for prisoners, for example, concerts, sporting events, joint work.

The prison administration is also looking for co-operation opportunities with merchants for creating new workplaces for prisoners. At present, there are 124 prisoners employed in the household service staff of the prison in the following occupations – metalworker, mechanic, constructor, electrician, carpenter, operator of the boiler house, shoemaker, warehouse worker, cook, bathhouse attendant, plumber, orderly, sweeper, sewer, cleaner of premises, accountant, launderer and kitchen assistant. In the established workplaces merchants employ 33 prisoners, namely:

- NISO Ltd. – 26 prisoners,
- MEGO Ltd. – three prisoners,
- Lielceltne Ltd. – four prisoners.

70 prisoners are employed in work without remuneration (upkeep and improvement of the prison territory).

**Valmiera Prison.** At Valmiera Prison the administration is independently seeking and tries to attract new enterprises which would be ready to offer workplaces and work with prisoners. In 2011, the prison co-operated with four co-operation partners: RA&C Ltd., KOKU TILTS Ltd., employing 32 prisoners in woodworking, Storeks Ltd. which manufactures double-glazed windows and doors employs six prisoners, and from 1 June 2011 Mego Ltd. which sold food products and manufactured goods to prisoners employs one prisoner. On 31 December 2011, 49 prisoners were employed in the household service staff of the prison. In accordance with Section 56.<sup>10</sup> *Employment without Remuneration of Convicted Persons Sentenced to Deprivation of Liberty* of the Sentence Execution Code of Latvia, the prison administration involves prisoners also in work related to the upkeep and improvement of the territory. In 2011, 100 prisoners were employed without remuneration.

In the second half of 2012, it is planned to employ 10 prisoners in the cell building at a merchant to manufacture fishing tackle.

In the field of education the prison administration considers as priority those prisoners who lack literacy and calculation skills, as well as such prisoners who do not have the basic education or vocational education. Special attention is paid to educating of young prisoners, as well as to prisoners with special needs. Within the scope of the European Social Fund (hereinafter – ESF) project *Acquisition of Vocational Education Programmes, Basic Skills and Competences for Continuing Education and Professional Career*, 14 prisoners having a low level of reading, writing and calculation basic skills were selected and tested in the prison, five from them have been displaced to other prisons where this project is also implemented. In 2011/2012 academic year, 96 prisoners participated in vocational education measures, while 65 prisoners participated in the acquisition of basic education. With the help of the European Regional Development Fund (hereinafter – ERDF) project *Development of Vocational Education Infrastructure and Updating of Training Facilities in Places of Imprisonment*, the premises of the vocational school have been repaired and devices and materials necessary for vocational training have been purchased. There is a possibility for acquiring the professions of assistant to carpenter, electrician and welder in the prison.

At present, professional orientation consultations take place within the scope of the ESF project *Acquisition of Vocational Education Programmes, Basic Skills and Competences for Continuing Education and Professional Career*, in which 30 prisoners are involved, in order to acknowledge their own needs and possibilities. Within the scope of the ERDF project *Development of Vocational Education Infrastructure and Updating of Training Facilities at Places of Imprisonment*, a computer class has been opened in the prison. In the second part of 2012, a course in computer training will be taught for 10 prisoners within the scope of the ESF project *Acquisition of Vocational Education Programmes, Basic Skills and Competences for Continuing Education and Professional Career*. On 5 September 2011, a correction and supervision programme for violent prisoners has been commenced in the prison within the scope of the State Probation Service project *Development of the System for Correction of the Behaviour of Persons Convicted of Sex Crimes in Latvia*. 18 prisoners have been selected and interviewed, 11 from them participated in the programme. The referred to programme is to be acquired during two years.

Within the scope of the United Nations Office on Drugs and Crime project *Implementation of HIV/AIDS Preventative Measures at Valmiera Prison and Awareness of the Risk Level of Convicted Prisoners' Antisocial Behaviour*, the employees of the prison organise and implement by their own efforts the series of educative lessons *HIV/AIDS Prevention and Antisocial Behaviour Risk Reduction Among Prisoners* and the series of educative lessons *HIV/AIDS Prevention and Harm Reduction for Prisoners Prior to Their Release*. During a year, four groups of prisoners have been organised, two from them – for prisoners serving the sentence at the lowest regime level, and two – for prisoners serving the sentence at the medium regime level and highest regime level.

For organising leisure time events in the prison, the places for walks of the cell building are equipped with sports equipment, so that prisoners serving the sentence at the lowest regime level have a possibility to go in for sports. At the same time, during a year three sports tournaments are organised for prisoners in the sports ground of the prison. Prisoners serving the sentence at the medium regime level and highest regime level have a possibility to play sports all day long in the open air in the yard of the local zone. At the same time, during the hours intended in the daily routine, each unit has a possibility to attend sports lessons in the sports hall or sports ground twice a week.

**Liepāja Prison.** At Liepāja Prison out-of-cell activities for prisoners are implemented:

- in four classes – all the calendar year, by organising various out-of-cell activities, when lessons at school do not take place;
- in two sports halls, which can be used by all the prisoners in turn,
- in two sports booths arranged in the places for walks, which can be used all the year by all the prisoners in turn, except during winter time.

Acquisition of education is organised for prisoners in co-operation with Liepāja Evening (Shift) Secondary School and Jelgava Secondary School of Arts and Crafts. Only prisoners (not pre – trial detainees) are involved in vocational training, because the training course is one academic year, and during this time a person has to be present at Liepāja Prison, in order to acquire the entire training programme.

Representatives of religious organisations visit Liepāja prison as volunteers.

In the 1st part of 2012, the following out-of-cell activities were implemented at Liepāja Prison for reducing violence, taking into consideration that on average there are 240 prisoners (110 convicted persons and 130 detained persons) in the prison every month:

| No. | Out-of-cell activity  | Total number of prisoners involved |           | Prisoners |           | Detained persons |           |
|-----|---|------------------------------------|-----------|-----------|-----------|------------------|-----------|
|     |   | Number                             | %         | Number    | %         | number           | %         |
|     |   |                                    |           |           |           |                  |           |
| 1.  | <b>Education:</b>   | <b>67</b>                          | <b>28</b> | <b>47</b> | <b>43</b> | <b>20</b>        | <b>15</b> |
|     | Primary education<br>(2 educational programmes)             | 25                                 | 10        | 12        | 11        | 13               | 10        |
|     | Secondary education<br>(1 educational programme)            | 24                                 | 10        | 17        | 15        | 7                | 5         |
|     | Vocational education<br>(1 programme)                       | 18                                 | 8         | 18        | 16        | 0                | 0         |
| 2.  | <b>Employment:</b>  | <b>43</b>                          | <b>18</b> | <b>35</b> | <b>32</b> | <b>8</b>         | <b>6</b>  |
|     | Work for work remuneration                                  | 28                                 | 12        | 28        | 25        | 0                |           |
|     | Work without remuneration                                   | 15                                 | 6         | 7         | 6         | 8                | 6         |
| 3.  | <b>Resocialisation programme<br/>Motivation for Changes</b> | <b>12</b>                          | <b>5</b>  | <b>12</b> | <b>11</b> | <b>0</b>         | <b>0</b>  |
| 4.  | <b>Psychologist (511 consultations)</b>                     | <b>141</b>                         | <b>59</b> | <b>80</b> | <b>73</b> | <b>61</b>        | <b>45</b> |
| 5.  | <b>Sports activities:</b>                                   |                                    |           |           |           |                  |           |
|     | Tournaments of board games (novuss, ping-pong, etc.)        | 153                                | 64        | 88        | 80        | 65               | 50        |
|     | Sports halls (at least once a week)                         | 160                                | 67        | 77        | 70        | 90               | 70        |
| 6.  | <b>Thematic events</b>                                      | <b>41</b>                          | <b>17</b> | <b>29</b> | <b>26</b> | <b>12</b>        | <b>9</b>  |
| 7.  | <b>Career consultations</b>                                 | <b>22</b>                          | <b>9</b>  | <b>22</b> | <b>20</b> |                  |           |
| 8.  | <b>Acquisition of the English language (self-education)</b> | <b>3</b>                           | <b>1</b>  | <b>3</b>  | <b>3</b>  |                  |           |
| 9.  | <b>Spiritual care (chaplain of the prison):</b>             |                                    |           |           |           |                  |           |
|     | Individual pastoral discussions                             | 180                                | 75        | 70        | 64        | 110              | 85        |
|     | Lessons of religious literature study                       | 192                                | 80        | 88        | 80        | 104              | 80        |
|     | Watching of religious nature films                          | 119                                | 50        | 23        | 22        | 96               | 74        |

|     |   |     |    |    |    |    |    |
|-----|---|-----|----|----|----|----|----|
| 10. | <b>Volunteers' (representatives of religious confessions) work:</b> |     |    |    |    |    |    |
|     | Services  | 103 | 43 | 49 | 45 | 54 | 42 |
|     | Lessons of religious literature study                               | 50  | 21 | 18 | 16 | 32 | 25 |
|     | Demonstrating of video materials, discussion                        | 42  | 18 | 18 | 16 | 24 | 22 |
|     | Individual interviews   | 67  | 28 | 22 | 20 | 45 | 34 |

As regards employment of prisoners, elaborations to the Sentence Execution Code of Latvia, which came into force from 7 July 2011, provide a new Chapter Eight with new procedure for the employment of prisoners. Moreover, Cabinet Regulation No. 63 of 17 January 2012, *Procedure by Which Persons Sentenced to Deprivation of Liberty Shall Be Employed for Remuneration*, has been adopted.

Opportunities for the employment of prisoners are limited, because prisoners can be employed for payment only in the household service staff of the prison or at a merchant. The number of workplaces in the household service staff is limited, taking into consideration the financing allocated by the State for payment of the household service staff work. As greater as possible number of prisoners is involved in the household service staff work of prison, by employing them for a smaller number of hours, so that a greater number of prisoners can be employed. It cannot be concluded that prisoners serving the sentence at the lowest prison regime are not involved in work in the household service staff. Each case is being assessed individually – what kind of duties will have to be fulfilled, in which area one will have to work, as well as security considerations, etc.

At present, on average 2-3 merchants have established their production units in each prison, which employ on average 13% of prisoners. Merchants are not interested in employing prisoners serving the sentence at the lowest regime level, because economically it is more profitable to employ prisoners serving the sentence at the medium or highest level of the sentence serving regime. Such a choice results also from the fact that in prisons the Soviet-time engineering buildings, sheds, where the employment of prisoners was organised, are still present. These structures are physically and morally outdated, therefore, merchants have to repair the premises, in order to ensure, pursuant to regulations, isolation of prisoners for working. Such a measure is financially unprofitable for merchants, especially, if separate premises have to be constructed, where prisoners at different levels of the sentence serving regime could work.

For employment of prisoners, regardless of the level of the sentence serving regime, as great as possible number of workplaces should be established, however, but taking into consideration that the interest of merchants regarding prisons has reduced dramatically since economic crisis, as well as that the number of the household service staff depends on the amount of the financial resources allocated by the State, the possibilities of involving a greater number of prisoners are limited.

Employment of pre trial – detainees is regulated by the *Law on the Procedures for Holding the Pre – trial Detainees*, and Cabinet Regulation No. 387 of 12 June 2007, *Regulations Regarding the Content of an Undertaking Contract and Procedure for Entering Therein, if Pre – trial Detainee Is Employed*.

Regulatory enactments prescribe that detainee shall be employed, if there is a possibility for it. Moreover, employment is allowed only in a cell or specially equipped premises, by entering into an undertaking contract after receiving the permission of the head of the remand prison and the

person directing the criminal proceedings. Taking into account all the above mentioned conditions, merchants are not interested in employing pre – trial detainees. By law, it is easier to employ a prisoners, whom the end of the sentence serving term is known, legal proceedings, examination of the case materials are not performed, the permission of the person directing the criminal proceedings is not needed, who is not isolated, etc.

#### **Paragraph 74**

In December 2011, following the capital repair, a new building was approved for use at **Daugavgrīva Prison**, in which life sentence prisoners serving the sentence in a closed prison at the lowest regime level are placed. There are eight cells for four persons each, where the privacy of prisoners is ensured to the full extent.

#### **Paragraphs 76-77**

Replies of Latvia regarding the recommendations contained in these paragraphs were sent to the Committee in June 2012.

On 13 September 2012 the Minister of Justice visited the Daugavgrīva prison, including the unit for life sentenced prisoners. It was observed that prisoners serving the sentence in the lower regime level are ensured with a separate leisure premise and walk yard. These places may be attended by prisoners who have expressed their agreement to meet up with other life sentenced prisoners serving the sentence in the same regime level. According to the information of the Daugavgrīva Prison's officials and life sentenced prisoners themselves the prisoners are asked for agreement for such common activity because some of the life sentenced prisoners due to various reasons do not wish to engage in communication with other life sentenced prisoners.

During the visit the Minister also visited the premises where 18 life sentenced prisoners serving the sentence in the middle regime level acquire professional education as sewer's assistants. This education programme was launched in September 2012.

The Ministry of Justice will continue to pursue amendments in legislations as stated in the reply to the Committee provided in June in accordance with the Committee's recommendations expressed in Paragraphs 76-77 of the report. Proposals for concrete elaborations in legislation are being discussed with Latvian Prison Administration in order to decide on the terms of implementation and calculating additional financial resources necessary to reach improvements as envisaged in the report of the Committee.

#### **Paragraph 78**

Pursuant to the provisions of Section 50<sup>4</sup> of the Sentence Execution Code of Latvia, life sentenced prisoners are placed at **Jelgava Prison and Daugavgrīva Prison**, in a separate block with reinforced security and maximum supervision, without any contact with other prisoners. In both prisons, work with the abovementioned category of prisoners is organised by observing the legislation and regulatory enactments in force.

The administrations of **Jelgava Prison and Daugavgrīva Prison** make efforts for the change of attitude of officials towards work with life sentenced prisoners.

In 2011/2012 academic year, the lesson *Impact of Social Isolation on Life Sentenced Prisoners, Psychological Condition Thereof and the Relevant Conduct of Officials (why prisoners react the way they do, what is to be done with it)* has been included in the training plan of officials. In the second part of 2012, the referred training lesson is planned to be included also in the training plan of Daugavgrīva Prison staff.

**In the Training Centre of the Latvian Prison Administration** it is planned to create a programme of qualification development courses, in which the officials and employees will be trained exactly in work and attitude in communicating with life sentenced prisoners, for the purpose of promoting establishment of constructive relationships. At present, within the scope of the subject *International Regulatory Enactments*, the officials of the prison acquire Recommendation Rec(2003)23 of the Committee of Ministers to member states on the management by prison administrations of life sentenced and other long-term prisoners.

### **Paragraph 79**

Reception of life sentenced prisoners at a dentist at **Jelgava Prison and Daugavgrīva Prison** is carried out without handcuffs. Handcuffs are used, if this is requested by the dentist for his or her safety and for ensuring a better quality of the medical care. In both prisons reception of life sentenced prisoners at a doctor is organised by observing the confidentiality principle, without the presence of a supervising officer. In cases when a medical practitioner requests the presence of the guard due to his or her safety reasons and for ensuring a better quality of the medical manipulation, the medical procedure is carried out in the presence of a supervising officer. Prisoners can be given medicinal products through the bars, as well as medical practitioners can check the sanitary condition of a cell visually.

The Latvian Prison Administration notes that doctors or a psychologist usually work with life sentenced prisoners for 15-30 minutes. In cases when the medical staff is not sure regarding their safety, it has a negative impact on their work quality, which, in its turn, does not ensure a qualitative healthcare for a prisoner. Considering the short-term nature of the procedures, the possible inconveniences of prisoners are proportionate to the necessity to guarantee safety of doctors.

**Jelgava Prison.** The doctors of the Medical Department of Jelgava Prison carry out the medical examinations of prisoners, including examinations of life sentenced prisoners, in the reception room of the Medical Department doctor, or at the premises of living buildings intended particularly for this purpose. During the examination by the doctor, the handcuffs of life sentenced prisoners are always taken off. A conversation with the doctor is confidential, without the presence of a supervising officer, except for the cases when the life sentenced prisoner is considered as especially dangerous and there is a risk of attacking the medical practitioner. The evaluation of the referred to risks is not within the competence of the doctors and nurses of the Medical Department, therefore, the recommendations of supervising officers are always taken into account. The same refers to the use of handcuffs during the dental health procedures. These are individual and specific cases, when handcuffs are use during the procedures.

**Daugavgrīva Prison.** Medical examinations of life sentenced prisoners at Daugavgrīva Prison are carried out at the separate premises, without the presence of a supervising officer. The premises are equipped with bars, in order to ensure the safety of the medical personnel, since the most part of the medical personnel are women. The bars do not hinder the examination of prisoners and provision of medical consultations. If necessary, prisoners are taken to the



Medical Department room, where the appropriate medical assistance is ensured. In individual cases, when a medical practitioner requests the presence of the guard due to his or her safety reasons and for ensuring a better quality of the medical manipulation, the medical procedure is carried out in the presence of a supervising officer.

### **Paragraph 80**

From 2012, in the section of **Daugavgrīva Prison**, where life sentenced prisoners are placed, planned searches in cells are executed twice a month. The search of a prisoners is executed in cases, if there are justified suspicions that the prisoners has objects, things, substances or products the storing of which is prohibited in prisons, as well as such objects which can be used by the prisoner for committing a criminal offence or attempting to escape. The search is executed also before and after conveying. The complete search of life sentenced prisoners is executed in the premises intended for this purpose. The relevant minutes regarding the fact of the search is drawn up and registered in the *Registration Journal of Minutes Regarding the Search of Prisoners*.

The procedure for the search of prisoners is determined in Latvian Prison Administration No. 1/12-1/reg. of 9 March 2006, *Procedure for the Search at Places of Imprisonment*, and is applied not only to life sentenced prisoners but also to other prisoners.

### **Paragraphs 83-84**

There are difficulties in finding qualified, educated and appropriate certified medical staff for work in prisons due to both the specific work conditions and low remuneration. For finding of staff, including also the medical staff, various resources are used – information regarding vacant positions is provided to the State Employment Agency, as well as is placed on the home page of the Latvian Prison Administration.

In all prisons, except for Rīga Central Prison, medical personnel ensures healthcare for prisoners during the daytime. During the night, if a prisoner needs medical assistance, it is ensured by using resources of the public medical treatment – emergency medicine crews and public hospitals. At Rīga Central Prison, where the circulation of prisoners is high, doctors and doctor's assistants work also at night-time. In most cases, if a prisoner needs medical assistance at night-time, also additional medical examinations have to be performed (x-ray examinations, cardiogram, laboratory analyses, etc.), which cannot be ensured by one medical practitioner on duty in prison. Due to this reason, a prisoner has to be taken to a medical treatment institution outside the prison, where it is possible to perform the referred to examinations, therefore, the use of emergency medicine crews at night-time is rational.

However, following the visit of the Committee, the situation concerning filling of medical personnel vacant positions has improved at **Jelgava Prison and Valmiera Prison**. On 1 July 2012, the positions of employees intended in the Medical Department of **Jelgava Prison** are filled completely, at **Valmiera Prison** there is only 1.5 vacant position of a certified doctor.

At the same time, at **Rīga Central Prison** for a long time there were four vacant positions of doctor's assistant from eight positions intended in the list of positions. In May 2012, it became possible to staff three more positions of doctor's assistants, but on 2 July 2012 two doctor's assistants employed filed submissions with a request to release them from work, because they could not cope with the psychological load in the prison.

## **Paragraph 85**

It has not been detected in practice that prisoners in **Jelgava Prison, Valmiera Prison and Rīga Central Prison** are employed as doctor's assistants, as it was mentioned in the report of the Committee. In accordance with the provisions of Section 44, Paragraph two of the Medical Treatment Law, a doctor's assistant is a medical practitioner who has acquired a secondary professional education or first level higher professional education, or higher education in conformity with an accredited doctor's assistant study programme. In all prisons the work descriptions of prisoners, the conformity thereof to regulatory enactments are reviewed, and the necessary changes are made in the job descriptions, in order to prevent situations when prisoners fulfil the duties of the qualified medical practitioners.

Prisoners are employed in the Medical Department of prison in household works like the cleaning of the premises (orderly). An employment contract is entered into with prisoners regarding the performance of the cleaner's work. An orderly of the Medical Department fulfils work duties according to the job description.

Before starting working as orderly, medical practitioners of the Medical Department perform work instruction of the prisoner. The quality of the work performed by prisoners is controlled.

The duties of prisoners in the Medical Department include:

- the cleaning of premises (washing of floors, windows, etc.);
- the change of linen;
- receiving meals from the kitchen and giving them to prisoners who undergo treatment in the Medical Department;
- to help prisoners placed in the Medical Department get around, bath and dress;
- the delivery of purchases from a prison shop to prisoners who are placed in the premises of the Medical Department;
- informing at night-time of the prison personnel on duty regarding the deterioration of the health condition of prisoners placed in the Medical Department.

## **Paragraphs 86-87**

Replies of Latvia regarding the recommendations contained in the referred to paragraphs have been sent earlier. It should be noted that the European Court of Human Rights in the judgement "Epnerns-Gefners v. Latvia" of 29 May 2012 recognised that the stomatological treatment provided by the State while the applicant was in pre-trial detention was sufficient.<sup>3</sup>

## **Paragraph 89**

In accordance with Cabinet Regulation No. 199 of 20 March 2007, *Regulations Regarding Healthcare of Prisoners*, one of the duties of the medical staff in prisons is to register and make entries in medical documentation (reception journals, the out-patient's or in-patient's medical record, journal of trauma records) regarding injuries or traumas of prisoners. A medical practitioner describes in writing the information provided by a prisoner, subjective and objective data of the examination, diagnoses, provides the necessary medical assistance and ensures the required examination or medical treatment.

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<sup>3</sup> Epnerns-Gefners v. Latvia, (application No.37862/02), Paragraphs 44-45 of the judgement of 29 May 2012

Following the examination, the medical practitioner notifies the prison administration regarding the trauma, and the prison administration clarifies the circumstance due to which the trauma has occurred, in order to continue carrying out the necessary activities.

Pursuant to the requirements of Latvian Prison Administration No. 1/12-1/reg. of 28 February 2007, *Procedure for the Supervision of Detained Persons and Convicted Persons in Places of Imprisonment*, all the information for 24 hours, including information regarding the injuries (traumas) received in prison, shall be registered in the *Journal of Records of Events*.

If the criminal proceedings have been initiated in any prison regarding a bodily injury or trauma received by a prisoner, the Prosecutor is informed about it within 24 hours and is sent the decision regarding the initiation of the criminal proceedings, which are performed regardless of the wishes of the prisoner who has suffered.

As concerns the planned changes in investigation of violations committed by officials of places of imprisonment, the detailed information is included in the information regarding execution of the recommendations referred to in Paragraphs 50-55 of the Committee report.

### **Paragraph 90**

The educative work with prisoners regarding drug addiction problems is carried out at places of imprisonment constantly. There are different kinds of materials available regarding the drug addiction problem, moreover, medical practitioners perform individual work with prisoners, by organising various types of training and seminars, psychologists perform individual work, as well as non-governmental and religious organisations participating in the problem-solving visit prisons regularly.

Cabinet Regulation No. 70 of 24 January 2012, *Procedure for the Treatment of Patients Suffering from Addiction to Alcohol, Narcotic, Psychotropic, Toxic Substances, Gambling or Computer Games*, provides for a possibility to continue the methadone therapy when a patient is placed into prison, however, such a treatment method cannot be prescribed at a place of imprisonment as yet. At present, medical assistance for prisoners, who have addiction problems, is provided by doctors – psychiatrists in prisons.

From 10 to 12 May 2012, the training regarding the issues of the substitution (methadone) treatment was organised for the prison doctors in Rīga Psychiatry and Narcology Centre. The prison doctors work in close co-operation with the specialists in addiction of the Ministry of Health.

As it has already been mentioned in the information regarding the introduction of the recommendations referred to in Paragraph 45 of the Committee report, in 2012 it is planned to commence the implementation of the project financed by the bilateral financial instrument of the government of Norway *Establishment of a New Unit at Olaine Prison, Including Construction and the Staff Training*, within the framework of which it is planned to build a new centre for persons with addiction problems at Olaine Prison, thus, ensuring treatment and resocialisation of persons with addiction problems. The establishment of the above mentioned centre will be the first step towards the establishment of the system for the treatment of addictions of prisoners.

## **Paragraph 91**

Medical staff of prisons works in close co-operation with the Ministry of Health, Infectology Centre of Latvia, which is responsible for the healthcare of HIV patients in Latvia, and non-governmental organisations. Cooperation is used for determining the human immunodeficiency virus (HIV), for observing the health condition and treatment of prisoners with HIV, as well as for providing preventive measures in prisons.

In accordance with the State programme *Programmes for the Limitation of Spreading of the Human Immunodeficiency Virus (HIV) Infection for 2009-2013*, adopted by the Cabinet on 30 June 2009, prisoners receive free of charge:

- testing for HIV infection when arriving at a prison and during the whole period spent in imprisonment;
- informing and educating regarding HIV/AIDS, other transmissible diseases and prevention of drug abuse, and coping with the referred to diseases;
- regular examination of the health condition and immunological status of prisoners infected with HIV;
- for prisoners infected with HIV, regular consultations of doctors specialists from the AIDS Department of the Infectology Centre of Latvia;
- for prisoners infected with HIV, the treatment of opportunistic diseases (medical examination and medication);
- for prisoners infected with HIV, provision of the specific antiretroviral therapy based on the prescriptions of doctors from the AIDS Department of the Infectology Centre of Latvia (prison doctors are not responsible for specific treatment of prisoners with HIV, because in Latvia only the specialists from the Infectology Centre of Latvia are entitled to prescribe the specific treatment for HIV patients).

At present, due to the deficiency in financing, the distribution of disinfectants and condoms free of charge in prisons is limited. The distribution of syringes and needles to imprisoned persons is not provided for in the Latvian legislation. Beginning from 2012, prisoners have a possibility to continue the substitution treatment (methadone) in prisons, which probably will reduce the spreading of HIV and other transmissible diseases.

## **Paragraph 92**

Doctors' examinations or consultations take place by observing the confidentiality and without the presence of a supervising officer or another non-medical person. There are cases when a medical practitioner, due to his or her safety reasons, requests participation of another person during the examination of a prisoner or medical manipulation. This happens also in cases when the prisoner in the course of the alcohol or narcotic substance expert examination is very nervous or aggressive. In such cases, the safety of medical practitioners is given the priority.

A prisoner can request that also another person (for example, lawyer) is present during the doctor's examination or medical manipulation. The presence of supervising officers can be permissible only in cases when prisoners receive medicine, but without mentioning the name of the medicinal products and the diagnosis of the prisoners.

### **Paragraph 93**

At present, the economic situation of Latvia does not allow to increase the number of staff of the Latvian Prison Administration. Cabinet of Ministers of Latvia on 17 April 2012 (minutes No. 20, 38.§, point 3) in a process of looking through report on planned State budget spending in 2013 – 2015 decide that request of additional resources from State budget for 2013 would not be consider as priority if it provide creation of additional staff places. Therefore increase of number of prison staff cannot be anticipated for the nearest years.

Economic situation of Latvia also influences the amount of the State budget financial resources allocated for prison needs, including the amount of the remuneration of staff in prisons which is not competitive in the labour market. During the last years, the level of remuneration has been reduced for all State administration institutions. Nevertheless, the annotation of the draft of Cabinet Regulation *Procedure for the Implementation of the Resocialisation of a Convicted Person* (announced in the meeting of the State Secretaries on 5 July 2012) contains calculations regarding the necessity to increase the number of resocialisation personnel, but the final decision will be taken by the Cabinet.

### **Paragraph 94**

Pursuant to Section 30, Paragraph one, Clause 7 of the Law On the Procedures for Holding the Detained Persons, it is possible to place a juvenile detainee in a disciplinary cell for the time period up to 10 days and nights for aggravate or systematic violation of the regulations of the remand prison. In accordance with Section 32, Paragraph two of the referred to Law, a detainee can be placed in the disciplinary cell only if the doctor's opinion states that the health condition of the detainee allows such serving of the punishment. Therefore, the negative effect of the conditions of a disciplinary cell on the physical and mental development of a juvenile is minimised. In turn, in accordance with Section 70, Paragraph one, Clause 7 of the Sentence Execution Code of Latvia, juvenile, who are serving their sentence in juvenile correctional institutions, can be placed in disciplinary cells for a period of time up to 10 days and nights for aggravate or systematic violations of the sentence regime.

The administration of Cēsis Correctional Institution for Juveniles, where at present male juvenile prisoners are placed, applies placing in the disciplinary cell only in extraordinary cases, by varying the duration of the placement. In the time period from September 2011 up to May 2012 (inclusive), placing in the disciplinary cell was applied in 43 cases with the average time period for the placement – six days and nights. From November 2010 up to August 2011 inclusive – 82 cases with the average time period for the placement – six days and nights.

In addition, according to the amendments of 2011 to regulatory enactments, both juvenile detainees and juvenile prisoners who are placed in the disciplinary cell have the right to the written communication with the family.

The Ministry of Justice will bring up the recommendation expressed by the Committee for discussion in regular working group established for improving the norms of the Sentence Execution Code of Latvia.

## **Paragraph 95**

On 14 July 2011, pursuant to amendments to the Sentence Execution Code of Latvia, the range of disciplinary penalties applied to prisoners has been widened, by supplementing Section 70, Paragraph one, Clause 1 with new penalty types: „1<sup>1</sup>) to prohibit from using a personal TV-set or radio receiver for the time period up to one month, and make one transfer it for storage in the warehouse of a prison or give it to persons who have brought it to the prisoner for use”. Consequently, now there are eight types of disciplinary penalties that can be applied to prisoners for violations of the requirements of the sentence execution regime. In 2011, the most frequently imposed type of penalty was a reprimand (31.3%). Placement of a prisoner in disciplinary cell is considered to be the last penalty, when other types of disciplinary penalties are no longer effective.

It is also determined in Section 71, Paragraph seven of the Sentence Execution Code of Latvia that a prisoner, who has violated the sentence execution regime while in disciplinary cell, can be imposed all the penalties intended in the Code, also the repeat placing in a disciplinary cell, considering the last day of serving the previous penalty as the beginning of the new penalty.

The heads of prisons try to apply easier types of penalties, and placing of prisoners in disciplinary cells is considered to be the last penalty, when other penalties are no longer effective. There are no cases in the records of the Latvian Prison Administration concerning placement of a prisoner into a disciplinary cell for a period exceeding the one established by the Sentence Execution Code (including, in cases of recurrent offence). There is one administrative case where the applicant complains about the conditions in the disciplinary cell (in which he spent more than a month for several recurrent offences) and not about the duration.

The Ministry of Justice will progress the recommendation mentioned by the Committee for discussion in regular working group established for improving the norms of the Sentence Execution Code of Latvia.

## **Paragraph 96**

It is determined in Section 30, Paragraph two of the Law On the Procedures for Holding the Detained Persons that prohibition on meeting the parents or a guardian, as well as prohibition on telephone conversations with the parents or guardian, it is not allowed to impose as a penalty for juveniles, unless such a prohibition has been specified by the investigatory judge or court. Pursuant to the provisions of Section 34, Paragraph three of the Law on the Procedures for Holding the Detained Persons, juvenile detainees who are placed in a disciplinary cell are allowed to be in correspondence with the family.

It is determined in Section 74, Paragraph four of the Sentence Execution Code of Latvia that juvenile prisoners held in disciplinary cells must follow education and vocational training activities. In turn, it is determined in Paragraph two of the referred to Section that prisoners held in disciplinary cells are allowed every day to have one-hour-long walk and to be in correspondence with the family.

The Ministry of Justice will progress the recommendation mentioned by the Committee for discussion in regular working group established for improving the norms of the Sentence Execution Code of Latvia.

## **Paragraph 97**

In accordance with the provisions of Sub-paragraph 45.11 of Cabinet Regulation No. 423 of 30 May 2006, *Regulations on Order in Prisons*, and Sub-paragraph 34.10 of Cabinet Regulation No. 800 of 27 November 2007, *Regulations on Order in Remand Prisons*, a prisoner is prohibited from intentionally harming his or her own or other prisoners' health.

In cases when a prisoner has made self-oriented aggression or suicidal attempt, medical practitioners ensure for him or her necessary medical assistance at the in-patient or out-patient level, as well as observation of a psychiatrist. Work with a psychologist is organised for the prisoner. The job description of the psychologist contains the duty to perform the crisis intervention for a prisoner who is in a critical situation, including due to the expressions of suicidal behaviour. Moreover, the psychologist has to evaluate the risk of suicidal behaviour for a person who has committed self-mutilation or suicidal attempt.

The Ministry of Justice will progress the recommendation mentioned by the Committee for discussion in regular working group established for improving the norms of the Sentence Execution Code of Latvia.

## **Paragraphs 98-99**

The Prison Administration does not possess any information regarding administrative cases in 2011-2012 where the applicant would have appealed actions of the institution by not providing a copy of the decision on application of disciplinary punishment (containing reasoning behind the decision and information regarding the appeal procedure). The only administrative case related to actual actions of institution by not providing the prisoner with copies of documentation is an administrative case where the applicant among other things complains that he was not provided with a copy of minutes of the Rīga Central Prison Administrative Committee sitting and a copy of the applicant's sentence execution plan. Hearing of this case has not taken place yet. At the same time, there are several administrative cases in the records of the Latvian Prison Administration where the applicants appeal the decisions regarding application of a disciplinary punishment.

Pursuant to the provisions of Section 71 of the Sentence Execution Code of Latvia and Section 37 of the Law on the Procedures for Holding the Detained Persons, prisoners can appeal the imposed penalty – placing in a disciplinary cell, to the head of the Latvian Prison Administration in accordance with the procedure set out in the Administrative Procedure Law. Then the decision of the head of the Latvian Prison Administration can be appealed in court in accordance with the procedure set out in the Administrative Procedure Law. Judgment of the Administrative District Court can be appealed by submitting a cassation complaint to the Administrative Cases Department of the Senate of the Supreme Court. Prisoners get acquainted with the decision regarding the imposed penalty in writing, and at their request they can get acquainted with the decision repeatedly.

In accordance with the provisions of Annex 15 to Cabinet Regulation No. 423 of 30 May 2006, *Regulations on Order in Prison*, and Annex 12 to Cabinet Regulation No. 800 of 27 November 2007, *Regulations on Order in Remand Prison*, a medical practitioner shall perform examination of a prisoner prior to placing the prisoner in a punishment isolation cell.

The Ministry of Justice will progress the recommendation mentioned by the Committee for discussion in regular working group established for improving the norms of the Sentence Execution Code of Latvia.

## Paragraphs 100-102

The Disciplinary cells No. 1 and No. 3 at Jelgava Prison have been closed without delay pursuant to Order No. 160 of 26 September 2011, *Regarding Implementation of Immediate Observations of the Delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Following the Visit to Places of Imprisonment in 2011*, issued by the Latvian Prison Administration, and are not used until this moment. In other disciplinary cells the cleaning of the protective lampshades of artificial light lamps is carried out and the equipment of the cells is improved.

In **Valmiera Prison** the plan for reconstruction of 15 cells on the second floor of the disciplinary cell block is being developed. In order to reconstruct the cells according the recommendations of the Committee, additional financing is needed to the prison.

## Paragraphs 103-104

On 10 October 2011 a contract concerning the repairs and reconstruction of the short-time meeting premises of **Jelgava Prison** was concluded with HEXO Ltd. The repair works were finished on 20 December 2011, following which the limiting wall of the meeting premises No. 3, 4, 5, 6, 7 was replaced with a new one, in which an opening window is built. In addition, in the short-time meeting premises in Jelgava prison it is impossible to lock prisoners to bars with handcuffs.

**Daugavgrīva Prison.** At Daugavgrīva Prison short-time meetings of prisoner with visitors are carried out without the presence of the administration representative. In accordance with the provisions of Section 46 of the Sentence Execution Code of Latvia, the head of the prison can, by way of exception, individually assessing each case, take decision regarding arranging a short-time meeting in the presence of the representative of the prison, if this is needed due to safety reasons or in the interests of the criminal proceedings, or if this is requested by the visitor.

The practice when during a short-time meeting life sentenced prisoners are locked with handcuffs to metallic bars is used in order to ensure safety of the employees and prevent a chance of attacking the employee.

The Ministry of Justice will progress the recommendation on the issue regarding increasing the number and duration of telephone conversations and meetings mentioned by the Committee for discussion in regular working group established for improving the norms of the Sentence Execution Code of Latvia.

## Paragraphs 105-106

Section 50, Paragraph three of the Sentence Execution Code of Latvia and Section 14, Paragraph three of the Law on the Procedures for Holding the Detained Persons provide that the correspondence of prisoners shall not be subject to censorship, if it is addressed to:

- the State and international human rights institutions;
- the Human Rights and Public Affairs Commission of the *Saeima* (parliament);
- the Office of the Prosecutor, courts, advocate and person directing the criminal proceedings;
- the correspondence of a foreign citizen with diplomatic or consular mission of his or her country, or the diplomatic or consular mission of such country which is authorised to represent his or her interests.



Correspondence costs with the above mentioned institutions are covered from the resources of prisons (prisoners are provided with envelopes and postal stamps) and such letters are not subject to censorship.

The Prison Administrations pays close attention to the examination of complaints of prisoners. Prisoners can bring in their complaints every working day. Prisoners are given a possibility to place their complaint themselves in the sealed box. The sealed box is delivered to the assistant to the head of the prison or another official assigned by the head of the prison, who sorts complaints:

- addressed to the head of the prison;
- addressed to the administrative commission of the prison;
- addressed to other institutions and officials;
- addressed to the prison staff.

From 2011, complaints of the prisoners of places of imprisonment are registered in the Automated Record Management System.

**Jelgava Prison.** In 2011 and 2012, the prison has not received any complaint in which a prisoner would complain that his document send by him or her to the aforementioned institutions was subject to examination. Therefore, there is no objective reason for the statements of prisoners that the prison administration fails to observe confidentiality in respect of complaints which are sent to external institutions.

**Valmiera Prison.** On 10 May 2005, Order No. 56, *Regarding the Procedure for the Examination of Prisoners' Complaints, Submissions and Proposals in Valmiera Prison*, was issued by the head of Valmiera Prison. During a numerical morning check in the cell block, the block where prisoners serve the sentence at the medium and highest level, and in the Investigatory unit, prisoners themselves place their complaints in a sealed box, and the official of the Supervision Department delivers the box to the Front Office and hands it to the assistant to the head of the prison who is on duty. Then, the assistant to the head of the prison who is on duty transfers the box for registration in the Administrative and Personnel Department. At daytime, prisoners can hand complaints also to the officials of the prison and visitors. The complaints of prisoners are registered in the Automated Record Management System. Reception of prisoners having personal issues to discuss is carried out by the head of the prison on Mondays and Thursdays in the presence of the prison administration or individually. The head of the prison takes a decision regarding a disciplinary penalty in the presence of the staff of the prison administration and the prisoner. There are no substantial complaints concerning the communication between the prisoners and the prison administration. It should be noted that during the reception time of the head of the prison prisoners express oral complaints regarding the availability of dentist's service and work, as well as regarding the possibilities for receiving parcels. These issues are being solved.

## Paragraph 107

In 2011 and the first half of 2012, the specialists of the **Ombudsman Office** visited Daugavgrīva Prison, Jelgava Prison, Jēkabpils Prison, Valmiera Prison, Šķirotava Prison, Olaine Prison and Rīga Central Prison several times, met with the administration and prisoners, and performed the inspection of the prisoners' material conditions. The Latvian Prison Administration takes into consideration and implements within the range of possibilities the observations and recommendations of the Ombudsman following the inspection at Daugavgrīva Prison, Jelgava Prison, Jēkabpils Prison, Valmiera Prison, Šķirotava Prison, Olaine Prison and Rīga Central Prison.

Celebrating the international human rights day and the anniversary of the Universal Declaration of Human Rights, from 7 December to 9 December 2011, officials of the Ministry of Justice and the Latvian Prison Administration were invited to the annual conference of the Ombudsman, where they participated in discussions regarding the institution of investigation of crime committed by staff in prisons. The representatives of the Ombudsman Office are also invited to the working groups of the Ministry of Justice, in which the issues related to imprisonment are discussed.

The employees of the **State Inspectorate for Protection of Children's Rights** constantly perform inspections of the compliance of the children's rights at Cēsis Correctional Institution for Juveniles, Rīga Central Prison, Liepāja Prison, Ilūciems Prison and Daugavgrīva Prison.

In addition, it has been determined by the Ministry of Justice orders of 22 May 2012 – Order No. 1-1/189, *Regarding the Type of the Prison and the Maximum Number of Prisoners to Be Placed at Liepāja Prison*, Order No. 1-1/190, *Regarding the Type of the Prison and the Maximum Number of Prisoners to Be Placed at Daugavgrīva Prison*, and Order No. 1-1/191, *Regarding the Type of the Prison and the Maximum Number of Prisoners to Be Placed at Rīga Central Prison*, that all juvenile detained persons from Daugavgrīva Prison, Liepāja Prison and Rīga Central Prison were displaced to the Investigation Department of Cēsis Correctional Institution for Juveniles, and detained juveniles are not placed any longer in other prisons which are not suitable for holding juveniles.

## Paragraphs 108-109

Pursuant to the provisions of Section 387, Paragraph five of the Criminal Procedure Law, officials authorised by the Latvian Prison Administration shall investigate criminal offences committed by detainees or prisoners, or by prison staff in prisons. Prison investigators perform pre-trial investigation in criminal proceedings regarding serious and especially serious criminal offences committed by detainees or prisoners, hired labour staff in the territory of the prison, as well as officials of the Latvian Prison Administration. Prison investigators initiates criminal proceedings regarding criminal offences committed outside the territory of prison (for example, things thrown over the fencing, prohibited objects found in parcels or consignment, etc.), by carrying out pre-trial investigation of the criminal proceedings, and sends the criminal proceedings case to the police according to jurisdiction.

In turn, pursuant to the provisions of Section 394, Paragraphs one and two of the Criminal Procedure Law, an investigator or public prosecutor may assign the performance of separate procedural actions or tasks to another investigating institution or an official authorised to perform criminal proceedings and the assignment shall be given in writing, indicating the matters that shall be ascertained by performing the relevant investigation activity or other operation.

It is prescribed by Section 22, Paragraph one, Clause 5 of the Prisons Administration Law that an official, in performing service tasks, has the right to perform pre-trial investigations in conformity with the competence specified in the Criminal Procedure Law.

Pursuant to the regulations of the Latvian Prison Administration, the competence of the heads of a prison provides for authorising the officials of the prison, in compliance with the Criminal Procedure Law, to investigate criminal offences committed by prisoners. Investigators of prisons are subjected to the head of the prison only.

Taking into consideration the above mentioned, at present investigatory activities in prisons are performed in accordance with regulatory enactments in force.

As it has already been referred to in the information regarding the implementation of the recommendations specified in Paragraphs 50-55 of the Committee report, the informative report *Regarding Proposals for Ensuring an Effective Mechanism for Clarifying Possible Violations of Officials Who Carry out Investigatory Activities and Holding Them Liable* was reviewed in the meeting of the Cabinet on 10 January 2012 (minutes No. 2 §45), and the Ministry of Justice was assigned to prepare within six month period and submit pursuant to the specified procedure for review in the Cabinet the draft law Amendments to the Criminal Procedure Law, in order to determine that criminal offences related to violence and committed by the staff of the Latvian Prison Administration and officials of an Institution of the Ministry of the Interior system when fulfilling their official duties shall be investigated by the Internal Security Office. At present, the Ministry of Justice continues work at the execution of the referred to task.

### **Paragraph 111**

Paragraph 111 will be addressed in comments on Paragraph 138.

### **Paragraph 112**

The Ministry of Health agrees that the mentioned problem is justified and a solution will be sought in cooperation with the Ministry of Welfare and local municipalities.

### **Paragraph 113**

We would like to emphasize that role of deinstitutionalisation of psychiatric care has not been derogated. The Ministry of Health is working in a close cooperation with the Ministry of Welfare to facilitate community based care. Further work is carried out on the deinstitutionalisation of mental healthcare services based on the implementation guidelines for the national program "Improving the mental health of the population 2009-2014". The intended fields of action include the development of six new (day-care) mental healthcare centres, six new halfway homes, and twelve new group houses with flats for independent living.

Technical depreciation of the building of Clinic was calling for immediate action in order to be able to provide up-to date care in a safe environment. Other (psychiatric) hospitals in Latvia face with a similar problem. The aim of reconstruction works is not intended to increase the rate of hospitalization or the proportion of in-patient care but to increase the wellbeing and safety of patients.

#### **Paragraph 114**

The Ministry of Health agrees with the shortcoming and instructions have been forwarded to the Psychiatric Clinic of Piejuras Hospital (hereinafter – the Clinic). The Clinic, in cooperation with the local municipality, will decide on the organisation of client flow that is related to “social care beds”. A long-term solution will be sought in cooperation with the Ministry of Welfare and local authorities.

#### **Paragraph 115**

To prevent inter-patient violence as far as possible the number of department surveillance units has been increased. Diagnosis specific ward differentiation will be continued – this year, after the reconstruction of the buildings, it is intended to develop a new ward for gerontology patients.

#### **Paragraph 116**

The Ministry of Health agrees with the recommendation of the CPT and an utmost solution will be sought in refurbishing/construction works to create smaller and more personalized rooms.

With a support from the European Regional Development Funds it is planned to renovate the in-patient facilities, *inter alia*, children’s ward and elderly patient’s (gerontology) ward of the Clinic. The project realisation term is the September of 2013.

#### **Paragraph 117**

The internal rules of the Clinic require that patients have to have personal hygiene items (including toothpaste and toothbrush) upon admission to the Clinic. A solution could be sought to supply indigent patients and patients without a family support with the hygiene items, like toothpaste and toothbrush.

#### **Paragraph 118**

Patients in all wards are allowed to wear their own clothes. Pyjamas are offered only due to hygienic considerations, for example, if the patient does not have clothes to change.

#### **Paragraph 119**

The Ministry of Health agrees with the recommendation of the CPT and a solution will be sought in reconstruction works and after acquisition of suitable furniture.

#### **Paragraphs 121 and 122**

The Ministry of Health agrees with the recommendation of the CPT and it will be aimed to increase the presence of psychiatrists in the acute ward, the number and presence of nurses and orderlies and to provide specialised training for nurses.

#### **Paragraph 123**

The Ministry of Health agrees with the recommendation of the CPT and immediate instructions for disposing this practice have been forwarded to the Clinic.

## **Paragraph 124**

The doctor is responsible for administering pharmaceuticals, therapeutic application of those and conducts all the necessary actions to ensure safety and avoidance of any side-effects.

Almost all, including the newest psychoactive medications, are being administered in the Clinic. Clozapine is administered only after a blood test is carried out and if the therapy is continued permanently, repeated blood tests are carried out.

## **Paragraph 125-127**

Psycho-social rehabilitative activities in the Clinic are available at the following specialists: ergotherapist, music therapist, movement and art therapist. Patient occupational group is operating as well.

The Ministry of Health agrees with the recommendation of the CPT to extend the mentioned therapeutic options, which were until now limited due to the lack of suitable premises.

An individual patient psychical treatment and rehabilitation plan is being discussed with each patient. Until September 1, 2012 it is planned to develop a structured plan form to be added to the patient medical records.

## **Paragraph 128**

Depending on the health status of the patient, the daily regime of the Clinic prescribes for one to two hours of daily outdoor exercises. Currently, a hospital land improvement plan is being developed, where it is planned to develop special facilities for physical activities and strolls.

## **Paragraph 129**

The order in which post-mortem examination can be carried out is set by the law “*On the Protection of the Body of Deceased Human Beings and the Use of Human Tissues and Organs in Medicine*”:

*Section 5. Provisions for Pathological-anatomical Examination:*

*Pathological-anatomical examination (autopsy) of a deceased human being may be carried out, if he or she has allowed it in writing during his or her life. If the deceased human, during his or her life, has prohibited in writing to carry out pathological-anatomical examination after his or her death, it is allowed only in the cases referred to in Section 6.*

*In cases when the will of a deceased human being is unknown and the deceased does not have the next of kin, the issue regarding the performance of pathological-anatomical examination shall be decided by the head of the division of a medical treatment institution, if the human being has died in the medical treatment institution, or by the attending physician or the physician who has attested the fact of death, if the human being has died outside a medical treatment institution.*

*Section 6. Pathological-anatomical and Forensic Examination without Taking into Account the Will of a Deceased Human Being*

*Pathological-anatomical examination shall be performed mandatorily without taking into account the will of a deceased human being expressed during his or her life, if:*

- the possible cause of death is an infectious disease;*
- the cause of death is a disease non-diagnosed or complications of prophylactic measures, medical treatment or disease non-diagnosed during his or her life; or*

— *the weight of a stillborn child exceeds 500 grams.*

*Forensic examination shall be performed mandatorily without taking into account the will of a deceased human being expressed during his or her life, if:*

— *the weight of a stillborn child exceeds 500 grams; or.*

— *the forensic examination is requested by the performer of an inquiry, investigator or prosecutor.*

### **Paragraph 130 and 131**

In accordance with the guidelines on the use of physical restraints, developed by Rīga Centre for Psychiatry and Narcology (hereinafter – the Centre) in cooperation with the Latvian association of psychiatrists and human right's organisations, it is recommended to ensure that no unauthorised persons or patients are present when applying physical restraints. The same recommendations require for continuous monitoring by medical personnel who is continuously supervising the status of a patient and his/her physiological needs.

It has to be noted that the mentioned guidelines have been applied not only in the Clinic but also in other psychiatric clinics in Latvia.

As it was mentioned in the report - since there are no guidelines on the use of seclusion, the usage of those is based on the same rules as with respect to fixation. All physical restraint usage cases are registered at the patient in-patient medical card and are prescribed only by a doctor. The usage of physical restraints is continuously supervised by a medical practitioner who is following the state of the patient and his/her physical needs. The blood circulation, pulse rate and skin colour is assessed. The responsible nurse is controlling the patient's condition, ensures that patient needs are satisfied and describes the condition in the care sheet every 15 minutes. The patient may not be physically restrained longer than two hours.

### **Paragraph 132**

The attending physician is responsible for deciding on the treatment therapy, including the usage of medication in accordance with the course of disease.

The Ministry of Health in cooperation with professionals/physicians will consider the possibility of amending the legal acts, since the term “chemical restraint” is currently not being used in the national legislation and it has to be defined more accurately.

### **Paragraph 133**

According to the guidelines on the use of physical restraints developed by Rīga Centre for Psychiatry, medical staff is obliged to explain to the patient that the use of physical restraints is for personal safety and for the safety of people around him/her. He/she is going to be carefully supervised and cared for and the measure will be suspended as soon as he/she becomes calm. This information has to be provided as soon as the patient has been physically restrained or if an adequate contact cannot be established, as soon as the patient can comprehend the information.

### **Paragraph 134**

The attending physician is responsible for deciding on the necessary treatment of the particular patient depending on the course and exacerbation of the disease. Fixation is applied only if the behaviour of the patient becomes aggressive, dangerous and threatens the safety and life of other patients and people around him/her.

### **Paragraph 135**

Following the previous visit of the CPT several guidelines on the safeguards of patients have been developed and issued by Rīga Centre for Psychiatry and Narcology in cooperation with the Latvian association of psychiatrists and human rights organisations and adopted in psychiatry hospitals in Latvia.

### **Paragraph 136**

The Law on Medical Treatment defines doctors' council as – a meeting of not less than three doctors in order to determine a diagnosis and the further tactics of medical treatment. It follows that the council can be combined of doctors from the concerned hospital as well as independent expert/psychiatric can be involved.

### **Paragraph 137**

The adequacy of health status and the need to continue involuntary hospitalization is assessed by a panel of psychiatrists at least every half a year and this process has to be registered in the patient medical records. Patient medical records have to be kept in accordance with the Instructions No.265 of the Cabinet of Ministers of April 4, 2006 "*The procedures for keeping medical documents in medical treatment institutions*".

### **Paragraph 138**

Section 68 of the Law on Medical Treatment was amended in order to strengthen the rules on involuntary hospitalization of a forensic nature and the amendments were enforced on January 1, 2008.

Since 2007 the Clinic has had five patients that are subject to a compulsory inpatient treatment measure ordered by a court decision on criminal offences committed. Even though it is not set by law, their health status is assessed by a psychiatrist committee at least every half a year, and it is decided whether to continue or suspend the compulsory treatment.

### **Paragraph 139**

According to national laws and regulations - upon admission patients have to sign an agreement with the medical treatment institution and the agreement is governed by the Instructions No.265 of the Cabinet of Ministers of April 4, 2006 "*The procedures for keeping medical documents in medical treatment institutions*" giving their written consent for hospitalization and treatment, hence it is not a breach of national laws and regulations. However, the Ministry of Health will consider the need for and possibility for requesting two distinct consents.

Patients' rights to information on treatment and hospitalization are governed by the Law on the Rights of Patients. According to *section 4 - Right to Information*:

(1) *A patient has the right to information regarding the opportunities for the receipt of health care services and the procedures for the payment for health care services. This information shall be available to the public.*

(2) *A patient has the right to know the given name, surname, position, profession, specialisation and qualification of attending physicians and other medical practitioners involved in the health care process.*

(3) *A patient has the right to receive information regarding his or her state of health from the attending physician, including regarding the diagnosis, the plan for medical treatment,*

*examination and rehabilitation of the disease, the prognosis and consequences, the functional restrictions caused by the disease and the opportunities for prophylaxis, as well as the right to receive information after examinations and surgical or other type of invasive intervention performed within the framework of medical treatment regarding the results of the medical treatment, regarding the previously unforeseen outcomes and the reasons thereof.*

*(4) A patient has also the right to receive information regarding medical treatment from other medical practitioners involved in his or her medical treatment in accordance with their competence.*

*(5) A patient shall be provided with information in a comprehensible manner, explaining medical terms and taking into account the age, maturity and experience of the patient.*

*(6) A patient has the right, after medical treatment or termination of any phase thereof (for example, discharge from a medical treatment institution), to receive information regarding the medical services provided to him or her and the justification for the termination of medical treatment, as well as the results of diagnostic examinations and functional assessments (extracts, true copies and copies), instructions and recommendations in relation to further treatment and social services and, if necessary due to the state of health of the patient, to receive a referral to another medical treatment institution for continuation of medical treatment.*

*(7) Information need not be provided to a patient only in such case if such information or facts are at the disposal of the physician that the receipt of the information significantly threatens the life or health of the patient or other persons.*

*(8) A patient has the right to refuse the receipt of the information referred to in this Section. He or she shall express his or her refusal thereof in oral or written form or by such actions which unequivocally confirm this.*

#### *Section 5 Right to Medical Treatment*

*(1) In accordance with the procedures specified in the Medical Treatment Law, each person has the right to receive medical treatment corresponding to the state of health.*

*(2) A patient has the right to a respectful attitude and qualitative and qualified medical treatment regardless of the nature and severity of his or her disease.*

*(3) A patient has the right to the support of his or her family and other persons during the medical treatment.*

*(4) A patient has the right to timely medical treatment. A medical treatment institution, to which the patient has turned, shall provide information regarding the opportunities and terms for the receipt of medical treatment, as well as regarding other medical treatment institutions where appropriate medical treatment may be received.*

*(5) A patient has the right to receive further medical treatment from all the medical treatment institutions involved in his or her medical treatment.*

*(6) If opportunities for medical treatment are restricted or if several types of medical treatment are permissible, a patient has the right to the professional choice of the physician, which is based on the medical criteria supported by evidence.*

*(7) A patient has the right to such medical treatment which is performed in the presence of only those persons which are directly involved in medical treatment. The patient may agree to the presence of other persons during medical treatment or to invite other persons, if it does not hinder the medical treatment.*

*(8) If a patient has suspended medical treatment and left a medical treatment institution without informing the attending physician or medical treatment institution regarding his or her action, it shall be indicated in his or her medical documents. If a patient is a minor or a person who due to the state of health or age thereof is not capable to look after himself or herself, the medical treatment institution shall inform the lawful representative of the patient immediately, but if such does not exist, – the spouse or closest relative, or if such does not exist either – the Orphan's Court. The medical treatment institution shall inform the competent authorities*



*immediately, if a patient is a threat to the safety or health of other persons due to his or her state of health.*

*(9) A patient has the right to treatment at home if his or her state of health and living conditions allows it.*

Instructions with regards to discontinuing the unacceptable practice of pressurising the patients before confirming their consent to hospitalization by Clinic's doctors have been forwarded to the Clinic.

#### **Paragraph 140**

Considering the fact that according to the Medical Treatment Law, Section 68 - legal assistance is available free of charge, further assessment of the causes for the limited amount of appeals against court decision confirming involuntary hospitalization and the possible lack of effective legal assistance for patients subjected to involuntary hospitalisation is needed.

#### **Paragraph 141**

The Ministry of Health currently does not have enough information at its disposal confirming that following the need to transform patient's legal status from voluntary to involuntary a full civil placement procedure is not fully applied. The Clinic has been informed of the need to apply full civil placement procedure in the above mentioned situation.

#### **Paragraph 142**

In the Clinic all patients (excluding children under 13) are admitted to the inpatient settings by requesting their written permission (/consent) (Medical Treatment Law section 67, part 2). It is believed that a restriction to patient's capability to act does not preclude the ability to comply with this Article.

For admission of children or individuals who are known to have limited legal competence to inpatient settings – consent from their guardian or trustee is requested. This year the Clinic is planning to conclude an agreement for accessing the Population Register data, to be able to acquire information about the status of legal competence of patients.

Amendments in the Civil Code and Civil Procedure are carried out by The Ministry of Justice and are still at the stage of development.

The Ministry of Health agrees with the recommendation of the CPT for settling disputes between a patient and his trustee on the necessity for a treatment in a court, in accordance with the established order by the Medical Treatment Law Section 68.

#### **Paragraph 143**

The Ministry of Health will consider the recommendation in cooperation with the Ministry of Justice.

#### **Paragraph 144**

Only a very limited amount of The Latvian Centre for Human Rights and law enforcement body brochures are available to the Clinic. If a financial support will be available, the Clinic will develop informative materials on the Clinic's routine and make more brochures on patients' rights available.

#### **Paragraph 145**

The Clinic agrees with the recommendation of the CPT on the lack of suitable premises in which the patients can meet their relatives. It is planned to find a solution to this problem after the reconstruction works.

#### **Paragraph 146**

It is not only requested from the psychiatric Clinic's staff not to place obstacles, but to facilitate complaint dispatching from the patients of the locked wards to the authoritative organisations. The Clinic in these cases is providing with the postage materials (envelopes, stamps) and delivers the dispatch to a post box.

For patient complaints, which are addressed to the Clinic's management board, special "post boxes" are created in the locked wards.

Regarding external inspection bodies, the Clinic is annually audited by The State Inspectorate for Protection of Children's Rights and regular planned Health Inspectorate visits are carried out which aims at quality assessment and, thereby, ensuring high quality of treatment in psychiatric hospitals as well as in other hospitals.

#### **Paragraphs 147-148**

Principles for the provision and receipt of social services and social assistance are determined in the Law on Social Services and Social Assistance (came into force on January 1, 2003).

Social care services is a set of measures aimed at the satisfaction of the basic needs of those persons who have objective difficulties taking care of themselves due to old age or functional disorders, and includes services at the place of residence of the person as well as in long-term social care institutions. The purpose of the provision of social care services is to ensure that the quality of life does not deteriorate for a person who, due to old age or functional disorders, cannot ensure such through his or her own effort. Mainly this social group has objective impediments in dealing with everyday activities, including ability to meet their basic needs.

By the Law on Social Services and Social Assistance, general requirements for providing social services in institutions are incorporated into the Regulation of the Cabinet of Ministers No. 291 of June 3, 2003 „Requirements for Social Service Providers”.

State provides long-term social care and social rehabilitation services for the following social groups:

- 1) orphans and children left without parental care up to two years of age,
- 2) mental and physical development disorders up to four years of age,
- 3) children with severe mental impairments from four to eighteen years of age,
- 4) persons with mental and severe mental impairments and
- 5) adult blind persons.

Services mentioned before are provided by five state social care centres (hereinafter – social care centres) subordinated to the Ministry of Welfare. All five social care centres together provide services for 4 659 persons. “Ilģi” is one of six branches of the Social care centre “Kurzeme” (hereinafter – SCC “Kurzeme” branch “Ilģi”), which provides services for persons with severe mental impairments.

In order to strengthen the initiated course to development of alternative social care and social rehabilitation services (hereinafter – alternative services), promote deinstitutionalization and increase the quality of social care and social rehabilitation, already on March 3, 2009 the Cabinet of Ministers adopted „Programme for the Development of Social Care and Social Rehabilitation Services for Persons with Mental Impairments 2009-2013” (hereinafter – Programme).

Within this Programme several measures for ordering functions of social care centres and increasing the quality of social care services were foreseen, e.g.:

- 1) identifying the most suitable type of service for persons living in social care centres (including optimizing functions of child-care institutions by creating specialised departments, etc.),
- 2) attracting supplementary resources for providing social care service (additional social service providers, especially from organisations that does not belong to state administration) and decreasing the row to social care service),
- 3) creating a clear and optimal on demand based scheme for providing services in social care centres,
- 4) arranging buildings (both from outside and inside) where social care centres are established in order to meet requirements for social service providers etc.

As no supplementary budget was granted, measures foreseen in this Programme had to be financed by the state budget, which was insufficient for ensuring a remarkable quality improvement of services provided by social care centres. At the same time social care centres as all the other governmental institutions faced cut downs in assets from the state budget as well as staff reduction within the framework of the structural reforms in state administration.

Nevertheless, by raising European Union funds in the programming period 2004-2006, with the support of the European Regional Development Fund (hereinafter – ERDF) and in cooperation with local municipalities, six half-way homes and five group houses (apartments) were established on the basis of social care centres. At the same time measures to organize infrastructure of social care centres, including establishing a half-way home in the SCC „Kurzeme” branch „Ilģi”. Also in the programming period 2007-2013 Latvia receives financial resources from the ERDF for implementation of the project „Improving Infrastructure for Providing Social Rehabilitation Services to Persons with Mental Impairments” (2nd round) in five social care centres, including SCC „Kurzeme” branch „Ilģi”. As a result of implementing the project mentioned before, by modernizing the infrastructure and providing SCC „Kurzeme” branch „Ilģi” with the equipment needed for workshops, an environment for a complete work therapy will be created. Also the development of integrative services provided to SCC „Kurzeme” branch „Ilģi” clients, as well as creating possibilities for receiving these services are foreseen. All the measures foreseen in this project will contribute to a client’s systematic transition for an independent living in a group home (apartment).

If a half-way home service is developed, it is also important to contribute the development of a group home (apartment) service in local municipalities and to ensure continuum of both services. During the programming period 2007-2013, 97 projects with the financial assistance of the European Social Fund (hereinafter – ESF) for developing alternative services in local municipalities throughout the Republic of Latvia are being implemented. As a result of these projects more than 17 thousand persons will receive social services provided in an environment approximated to a home environment. A wide set of services are provided within those projects, e.g.: development and implementation of social care, social rehabilitation and motivation programmes; establishment of new social institutions (day care centres, crisis centres, group homes (apartments) for persons with mental impairments, specialised workshops, temporary social assistance and care centres, etc.); service of assistance; development of home care services by providing individual care services or integrated social and health services; „safety-button” service; palliative care for children, etc.

One of the 97 projects implemented by SCC „Kurzeme” is „Development of the Existing and Creating New Services for Persons with Functional Disabilities in the SCC „Kurzeme””, which included activities in the SCC „Kurzeme” branch „Ilģi” as well. Project launched in 2011 and will end in the end of 2012. In the framework of this project two social rehabilitation programmes are developed and approbated – a new service called ”respite service” for families with relatives with mental impairments and the development of social and working skills for clients with mental development disorders. Also three new methodologies for social work with elderly people with dementia, for social work with persons with severe mental impairments and for social work with persons with mental disorders living in extra-familial care institutions are going to be drafted. These methodologies and social care and rehabilitation programmes will allow a more successful work with different social groups therefore it will promote an improvement of clients’ quality of life and support integration in both society and labour market.

It is concluded that contribution to the development of alternative services have promoted reintegration of persons living in institutions, as 25 out of 52 (48%) persons who received half-way home service in SCC „Kurzeme” branch „Ilģi” have moved to a group home (apartment) in Liepāja, 9 of them (36%) then moved to a social home, but 4 of them (16%) after stay in a group home (apartment) moved back to their place of residence. At the same time a row to social care service comparing to 2007 has reduced by 520 persons, May 1, 2012, but the line had decreased to 244 persons. Currently 12 group home (apartment) are functioning, 11 of them (including those that were equipped by ERDF financial assistance) received state co-financing, therefore providing group home (apartment) service to 161 persons.

It is decided to attract financial assistance from EU funds in the next programming period as well, thus develop services aiming to establish deinstitutionalization in local municipalities.

For this purpose, the Ministry of Welfare in cooperation with different non-governmental institutions has started to draft a policy planning document „Guidelines for Development of Social Services 2013-2019”. This document will define priorities in social policy, essential to development of social services, and will set a course for continuing the development of effective, qualitative and targeted social services for the inhabitants of Latvia. It is planned to achieve it by promoting deinstitutionalization, decreasing the number of clients living in institutions, improving the quality of provided services, also by continuing to develop alternative services within the country, it is planned to raise a support needed for promoting both an independent living and reintegration into society.

## **Paragraph 149**

According to Law on Social Services and Social Assistance, social services are provided on the basis of a person's application and an evaluation of person's individual needs and resources, at the place of residence of a client or as close as possible to the place of residence of a client and only if the scope of such services is not sufficient, social services are provided in the institution. This principle is applicable also to the locality of the institution when a decision to provide a service in the institution is made. Person has a right to ask for reversing a decision and to receive a service from some other service provider.

In cases like these, person has to address the director of the institution with an application, afterwards a decision can be made. If a person wishes to change the institution, a package of documents is prepared and then forwarded to the Social Integration State Agency (hereinafter – SISA) which performs the recording of persons who need a social care and social rehabilitation. As soon as a place in the list (row) to social care centre is disposed, person can be „moved” to the institution person wishes for.

There are discussions about improving the system that is prescribed in the laws and regulations and preparing possible amendments in the Law on Social Services and Social Assistance.

## **Paragraph 150**

Conflicts described are coincidental and were caused notwithstanding SCC „Kurzeme” regulation of establishment. These conflicts were registered and then analyzed by the administration with presence of both clients and employees.

Ministry of Welfare has instructed the SCC „Kurzeme” to ensure trainings to those of the staff who work face-to-face with a client and to inform about all the trainings staff members attended till June 30, 2012 and measures on improvement of professional skills organized as from October 1, 2011 until the March 30, 2012.

Trainings for staff members are organised by the Regulation of the Cabinet of Ministers No. 291 of June 3, 2003 „Requirements for Social Service Providers” which prescribes that institutions have to ensure improvement of workers' professional skills no less than once in three year period. Specific classification is foreseen that is following:

- 1) for the head of the institution and a social worker – not less than 24 hours per year;
- 2) for a social assistance organiser, social carer and social rehabilitator – not less than 16 hours per year;
- 3) for a carer – not less than eight hours per year;
- 4) for other employees – in accordance with necessity.

Provision to ensure vocational trainings yearly will come into force on January 1, 2013.

To reduce stress and psychological tension, supervision was ensured to four SCC „Kurzeme” branch „Iļģi” workers from August, 2011 until the May, 2012. SCC „Kurzeme” staff members have attended several vocational trainings during 2011 and are planning to attend trainings in 2012 and 2013 as shown in the Table below.

| <b>Date</b>    | <b>Topic</b>  | <b>Occupation</b>   | <b>Percentage of workers attending</b> | <b>Trainers</b>  |
|----------------|---|---|--|--|
| August, 2012   | Human Rights for People with Disabilities.  | Social carers   | 40%                                    | Ieva Leimane-Veldmeijere, The association "Resource Centre for People with Mental Disability "ZELDA"". |
| November, 2012 | Conflictology, Stress Management.   | Carers, nurses and other health care workers, social work specialists | 40%<br>30%<br>30%                      | Teaching staff from Liepaja University.  |
| February, 2013 | Care of People with Severe Functional Disturbances (People with Physical Disabilities). | Health care workers, carers   | 60%<br>20%                             | Lecturers from Centre of Seminars and Consultations „Letija”.  |

During the general meeting of staff members on April 26-27, 2012 it was repeatedly discussed and urged that any kind of a poor behavior when working with a client is considered as unacceptable and shall be punishable. At the same time, during the period from August 2011 until May 2012 four employees were provided with supervision, namely, in order to improve the professional efficiency the employees were receiving consultative support on issues related to their work and professional activity.

Ministry of Welfare will require the administration of SCC „Kurzeme” to pay a particular attention to the workers’ attitude towards the clients, as well as to ensure a control procedures and / or a system to avoid conflict situations in the future like the one mentioned before. Also recommendations for quality improvement of the social care provided in subordinated social care and social rehabilitation institutions, including recommendations according the trainings for workers and the necessity for measures needed to promote workers’ qualification level.

### **Paragraph 151**

Ministry of Welfare has required the administration of SCC „Kurzeme” to evaluate the placement of clients in practice and to place clients with mental impairments separately from clients with intellectual development disorders henceforth. It has been also required to ensure all the clients of SCC „Kurzeme” with an adequate living conditions according to the Regulation of the Cabinet of Ministers No. 291 of June 3, 2003 „Requirements for Social Service Providers” and the Regulation of the Cabinet of Ministers No. 431 of December 12, 2000 „Hygiene Requirements for Social Care Institutions”.

Most of the SCC „Kurzeme” branch „Ilģi” clients are placed in separate rooms depending on their state of health. However, as many of them have several illnesses and mental or physical disorders, not always workers can place the clients according to this principle. Therefore all the

clients are placed in rooms depending on the basic diagnosis and the assessing the risk they could cause to other clients as follows:

- 1) clients with a tendency to psychoses and/or aggression (risk of violence),
- 2) clients with a tendency to wander (risk of disappearance),
- 3) clients with alcohol addiction (risks of violence and disappearance),
- 4) clients with epilepsy (risks of injuries and disappearance),
- 5) clients with suicidal and self-destructive tendencies (risks of injuries and planned disappearance).

In total SCC „Kurzeme” branch „Ilģi” hosts 54 clients divided into five previously mentioned groups, 19 of them cause risk of violence towards other clients.

Because of lack of personnel it is rather impossible to ensure a constant presence of staff when a risk of violence could occur – there is only one carer and one health service worker for 65 clients during the night hours in SCC „Kurzeme” branch „Ilģi”. Lack of personnel also has left an impact on possibilities to ensure valuable leisure time activities as profile of clients demands various approaches in both organization and content of the leisure time. As a solution few staff units (e.g., auxiliary workers, gardeners and cleaners) were reduced and four units in carer team were formed. It is planned to reduce staff units in laundry and to make a physiotherapist unit instead. Also evaluation of administrative, financial and technical staff units is proceeding in all branches of SCC „Kurzeme”.

SCC „Kurzeme” branch „Ilģi” has implemented action plans for its workers to response properly in risk situations. As mentioned before, on November, 2012 trainings on conflictology will be held. Administration seeks for solutions to replan the premises to be able to separate clients with intellectual development disorders from clients with mental impairments. For improvement of leisure time activities resources from donators have been attracted, e.g., purchase of writing materials and board games with the support of Joint-Stock Company of „Liepājas papīrs”, seeing two Liepāja Theatre performances on 2011 and 2012 free of charge, visiting exhibitions in Pupils’ Interest Centre of Grobina County regularly.

Ministry of Welfare has taken into account the recommendations of the Committee and will repeatedly require SCC „Kurzeme” to evaluate a possibility to organize separation of clients with intellectual development disorders from clients with mental impairments in practice.

In October, 2011 Social care centres were requested to organize restructure of staff units by reducing units in administrative, financial and technical field and to increase units in carers’ team.

To ensure less extraordinary situations the Ministry of Welfare has prepared and sent (May, 2012) to all subordinated social care centres recommendations „Methodological Recommendations for Development of Internal Legislative Act on Action in the Long-term Social Care and Social Rehabilitation Institutions to Prevent and Preclude Emergency Situations”.

Considering that insufficient number of staff members and the low salaries is one of the main obstacles that delays providing of a qualitative service. Besides, several non-governmental organizations have pointed it out. Therefore the Ministry of Welfare has implemented and submitted to the Cabinet of Ministers the Informative Report „On Stabilization of the Situation in Social Care Centers”. This Informative Report was supported on June 19, 2012 with a provision of extra financial support for raising salaries of care personnel working with social care centre clients.

Since all of the resources to increase staff units in social care centers by reorganizing all staff system have been used, moreover, social care centres are a part of state administration structure, it is impossible to increase a total number of staff units. Currently, there are evaluated solutions to this situation as well as to reduce the number of clients placed in institutions, including SCC „Kurzeme” branch „Ilģi”. In relation to that it is planned not only to improve living conditions of the clients but it will also promote a more rapid deinstitutionalization by evaluating and reviewing classification of clients entitled to receive specific social services.

### **Paragraphs 155-156**

Currently there has been made staff unit analyses aimed to increase the number of social work specialists. Within the available possibilities the restructuring of staff units has already launched, however, additional actions need to be taken to increase staff units by creating occupational therapy specialist unit, also to increase health care specialists' units, including enlarging of a workload for psychiatrist and to establish a physiotherapist unit. According to recommendations of the Committee, SCC „Kurzeme” will be repeatedly required to evaluate possibilities of staff units' restructuring and to increase a number of workers working with care of clients by ensuring trainings to SCC „Kurzeme” branch „Ilģi” workers as well as by improving the process of social rehabilitation.

Considering the exposure of shortcomings in the care of clients, an ad-hoc group „On the Development and Options for Health Care Integration in the Long-Term Social Care and Social Rehabilitation Services” was established in the Ministry of Welfare on the latter half of the year 2011. Representatives from non-governmental organizations were included in this group. The ad-hoc group formulated proposals for systematization of clients in specific groups, i.e. three main groups (children, adults and blind persons) with subgroups in each of them (specific features as a primary section, diagnosis and the level of the mobility as a secondary section). These proposals were formulated with the aim to define the minimum number of staff members working with care of clients that is needed to ensure a qualitative service based on the satisfaction of the client's basic needs.

Proposals were presented on April, 2012 that included not only a vision of effective systematization of the clients in social care centers but also experts' opinion about the number of personnel needed to be involved when providing social care and social rehabilitation service and the professional qualification of them. Considering that enforcement of these proposals could substantially influence the functioning of the system and the resources needed (human resources, financial resources), it was decided to try the enforcement of these proposals in several social care centres first and only then decide adjustments in organizing social care process.

To raise an additional financial support for the enforcement of the pilot project „Proposals for Systematization of Clients in Social Care Centres and Determination of the Extent to which the Service is Essential” (hereinafter - the PP), an informative report „On Stabilization of the Situation in State Social Care Centers” was submitted to the Cabinet of Ministers. It was supported on June 19, 2012, consequently an additional financial support was granted for the enforcement of the PP in 2012. An open call „Provisions of Services by Experts in the pilot project „Proposals for Systematization of Clients in Social Care Centres and Determination of the Extent to which the Service is Essential” has already been announced. Enforcement of the PP is scheduled to six months –from October 1, 2012 until the April 1, 2013. Based on the results of the PP, a methodology for systematization of clients by the level of care needed, for organizing the process of providing social care to a client and for the determination of the extent to which the service is essential will be implemented. After evaluation of the results of the PP,



Ministry of Welfare will define the number of specialists and other resources needed for a provision of services based on the individual needs of the client. In conclusion, a report on the additional financial support needed for the methodologies will be submitted to the Cabinet of Ministers on August, 2013. Afterwards an enforcement of an organization of a service based on a client's needs and the level of care needed provision will be possible.

Considering the mentioned, the Ministry of Welfare will continue to work for ensuring additional staff resources and facilitating the development of social care centers.

### **Paragraphs 157-158**

Ministry of Welfare has required the administration of SCC „Kurzeme” to make sure that all of the SCC „Kurzeme” branch „Iļģi” clients are taken to the doctor for a prophylactic examination paid by the State as well as to inform if the employees responsible for it follow the prescriptions.

A general practitioner performs an examination, i.e., on the physical and mental state of health to all of the social care centers' clients and refers to a physician when needed. All of the female clients are entitled to a breast cancer screening (including mammography) and a cervical cancer screening, all of the clients to fluorography once per year, all investigations are covered by the state budget. SCC „Kurzeme” branch „Iļģi” employees responsible for compliance of this order follow all of the prescriptions of both general practitioner and specialists. Examinations for the immobile clients and clients with functional disorders (15 clients) are performed in the institution. Additionally, an audit on the care of the clients which are immobile and with functional disorders was made in SCC „Kurzeme” branch „Iļģi” on April 19, 2012. Also the senior expert on health care issues from the SCC „Kurzeme” participated in this audit. No violations were recognized. Likewise, additional specialists are invited to the institution in case a deepened examination is required. This examination is performed in the medical institution if a client is in „a sleeping position” with inability to move.

Ministry of Welfare agrees that there is a need for additional attention to the issue of the ordination of medication. Therefore the Ministry of Welfare plans to address the administration of the SCC „Kurzeme” on September, 2012 with a written request to follow the action of SCC „Kurzeme” branch „Iļģi” personnel in terms of looking after those clients who have been written out a medication as well as to ensure a constant control and supervision of health condition of those clients. Simultaneously, it will be requested to evaluate the possibilities to enlarge the extent of social rehabilitation, as well as to follow the activities within the work therapy and the leisure time activities.

Already in February, 2012 a request to the Health Inspectorate to make audits on the appropriate use of the medical treatment in institutions (i.e., the amount of medication, the types of medications, use of the medications needed for individual according to his or her diagnosis). Wherewith the Ministry of Welfare will address the Health Inspectorate in order to receive information about the results of these audits, as well as ask for proposals to eliminate the disadvantages and shortcomings. In the conclusion, recommendations for all of the subordinated social care centres will be drafted and distributed.

Health care to clients of social care centers is covered by the state budget pursuant to the Regulation of the Cabinet of Ministers No. 1046 of December 19, 2006 „Procedures for Health Care Organisation and Financing”. According to this Regulation, dentistry is covered by the state budget fully only for children up to 18 years of age. Orthodontic procedures are covered by the State budget to persons up to 22 years of age only if maxillofacial defects are inherited.

The clients of SCC „Kurzeme” branch „Iļģi” are provided with a dentist only in emergency situations. The Ministry of Welfare recognizes the provision with a dentist as a common problem not only in the SCC „Kurzeme” branch „Iļģi”, but also in other social care centres, as within the financial resources available to social care centres, it is possible to ensure a client with a dentist only in emergency situations. Therefore it is not possible to organise a regular prosthetics for clients. Also the potential of covering expenses for a visit of a dentist is limited because of the amount of financial resources available to social care centres.

Ministry of Welfare highly appreciates the recommendations of the Committee and will seek to find a solution to ensure a regular dentist visits to all of the clients.

### **Paragraph 160**

Psychological support to the clients of SCC „Kurzeme” branch „Iļģi” is provided by the social work specialists within their everyday work. A self-help group is established. As there are no psychologists in SCC „Kurzeme” branch „Iļģi”, clients are offered an opportunity to discuss their problems with social work specialists and to get a psychological support from social workers, social carers and social rehabilitators.

The extent which client is in need of psychological support is evaluated by following both the behavior of a client and recommendations of the psychiatrist and other professionals from the staff.

There have been training programmes drafted in the SCC „Kurzeme” branch „Iļģi” to help its clients to be more willing to live independently outside the institution and to help to integrate into society more successfully. By realizing these programmes, the knowledge, skills and abilities of a client are developed, including development of new ones. Training programmes on life skills are drafted with a focus on the issues as follows:

- 1) understanding of the health and hygiene issues;
- 2) reading and writing;
- 3) planning of means, shopping skills;
- 4) ethic and culture;
- 5) ability to orient oneself in the surroundings, leisure time activities;
- 6) cleaning, taking care of footwear, use of appliances;
- 7) working skills, labour market, etc.

Within the social rehabilitation programmes, clients of SCC „Kurzeme” branch „Iļģi” are engaged in vocational therapy activities (i.e., clients can participate in the creative workshops, gardening and environmental cleaning, etc.). Consequently, from January 1, 2010 until the June 1, 2012 three of SCC „Kurzeme” branch „Iļģi” clients moved from the institutional care to a half-way home service, eight of SCC „Kurzeme” branch „Iļģi” clients now receive social care and social rehabilitation service at their place of residence.

To ensure enforcement of the recommendations of the Committee, the Ministry of Welfare will continue to supervise the activities for integrating clients into society organised in SCC „Kurzeme” branch „Iļģi”.

## **Paragraph 161**

During the visit of the CPT delegation there were internal repairs in the SCC „Kurzeme” branch „Iļģi”. It caused the situation that the elevator for clients of the under monitoring section was not available, therefore there were a temporary situation when immobile patients were not provided with a regular walk outside. At this moment the repairs are finished and clients are provided with regular walks as before. When the weather conditions do not allow to have a walk outside clients can change the environment by spending their time in the workshops, library or in a hall where TV and DVD is offered. Clients can also listen the music, play board games and organize performances under the supervision of specialists to prepare events in SCC „Kurzeme” branch „Iļģi” or to do simple gymnastics in the gymnasium. However, it is difficult to ensure that safety measures for clients with a tendency of wandering (e.g., a client is purposefully using any situation to leave the institution) and for clients with a tendency of straying (e.g., clients with severe disorders who are not able to understand the consequences of their actions) are always followed as social care centres are understaffed, hence, the solution is sought.

All things considered, Ministry of Welfare will require the administration of SCC „Kurzeme” branch „Iļģi” to take into account all of the recommendations of the Committee and to ensure the accomplishment.

The Ministry of Welfare explains that Regulation of the Cabinet of Ministers No. 291 of June 3, 2003 „Requirements for Social Service Providers” includes general requirements for social care and social rehabilitation institutions for children and adults in terms of a twenty-four hour care, social rehabilitation and a permanent residence. For instance, Article 5 „Requirements for Social Care and Social Rehabilitation Institutions” prescribes the following:

- 1) Necessary conditions shall be provided in a social care and social rehabilitation institution for adults for a client to spend his time thoughtfully:
  - a. equipment and surroundings are appropriate to recreation and different activities;
  - b. territory of institution is suitable to recreation;
  - c. clients are provided with an opportunity to visit cultural and sport activities and events as well as to take part in public activities outside the institution;
  - d. clients are provided with an opportunity to meet their friends, family members and other relatives.
- 2) There shall be provided an opportunity to master social and self-care skills in the social care institution for adults depending on client's functional condition as follows:
  - a. planning of personal means;
  - b. learning to do the shopping and other social skills;
  - c. cleaning the living space and outside of territory;
  - d. laundering and ironing, taking care of footwear;
  - e. cooking.

## **Paragraph 162**

According to the Law on Social Services and Social Assistance, restrictions on the rights of a person at a long-term social care and social rehabilitation institution are foreseen in order to prevent the leaving of a person without supervision and to protect the rights and freedoms of other persons. As the dangerous behavior for the client and others is recognized when the client threatens his health or other persons or life: the client is aggressive and a dangerous to themselves and the community, attacked other person, becomes self-destructive or attack other clients and / or employees.

Regulation of the Cabinet of Ministers No. 291 of June 3, 2003 „Requirements for Social Service Providers” prescribes the procedure of isolation of a client in this situation. The procedure has been drafted to ensure the safety of clients, workers and guests of the social care and social rehabilitation institution as well as to prescribe the decision-making procedure.

Ministry of Welfare points out that isolation is defined to protect aggressive clients from their own actions and to protect life and health of others, not to impair their rights to move outside the social care and social rehabilitation institution.

A client placed in an isolation room is provided by a regular supervision (every 15 minutes), therefore a specialist also provides an isolated client with a chance of using a toilet, as well as with meals and drinks, etc.

Considering the recommendations, the Ministry of Welfare will update this issue and will instruct the SSC „Kurzeme” to ensure following to the recommendations.

### **Paragraph 163**

According to Regulation of the Cabinet of Ministers No. 291 of June 3, 2003 „Requirements for Social Service Providers”, clients have to be ensured with the possibility of both receiving first aid at any time and registration with a family doctor, as well as the implementation of the medical plan designated by the family doctor and other specialists.

A general practitioner performs an examination, i.e. on the physical and mental health condition to all of the clients of social care centers and refers to a physician when needed. All the female clients are entitled to a breast cancer screening (including mammography) and a cervical cancer screening, all the clients to fluorography once per year, all investigations are covered by the state budget. SCC „Kurzeme” branch „Iļģi” employees responsible for compliance of this order, follow all of the prescriptions of both general practitioner and specialists. Examinations for the immobile and with functional disorders (15 clients) are performed in the institution. Additionally, an audit on the care of the clients which are immobile and with functional disorders was made in SCC „Kurzeme” branch „Iļģi” on April 19, 2012. Also the senior expert on health care issues from the SCC „Kurzeme” participated in this audit. No violations were recognized. Likewise, additional specialists are invited to the institution in case a deepened examination is required. This examination is performed in the medical institution if a client is in „a sleeping position” with inability to move.

The PP is planned where experts including psychiatrists are addressed and invited. Therefore the Ministry of Welfare will also pay attention to the recommendations regarding the propriety of the use of neuroleptic medicine.

The Ministry of Welfare will request SCC „Kurzeme” to follow the action of SCC „Kurzeme” branch „Iļģi” personnel in terms of looking after those clients who have been written out a medication as well as to ensure a constant control and supervision of health condition of those clients. Simultaneously it will be requested to evaluate the possibilities to broaden the extent of social rehabilitation, as well as to follow the activities within the work therapy and the leisure time activities.

## **Paragraph 164**

Social care process begins with an evaluation of a client's individual situation, expectations and social needs which is been carried out by a multi-disciplinary team. Based on the conclusions, clients are separated according to their functional situation, social care and social rehabilitation plans are drafted which then serve as the basis for the social care process. Clients also receive therapy prescribed by the family doctor and the psychiatrist. Only impairment or exacerbation of a health condition can be a reason for ceasing the enforcement of social care and social rehabilitation or for correcting it. In these cases also the level of participation of a client is remarkably lowered.

Simultaneously, in order to provide qualitative social care and social rehabilitation service, it is important to increase the amount of social work specialists in the institution. There is also one social carer and one social rehabilitator (moreover only as a part time worker) working with a group of 70 clients. It's clear that it is insufficient for simultaneous ensuring of both activities for all of the clients and social care and social rehabilitation process at adequate quality level. The insufficiency of the staff members also forbids ensuring continuous social care and social rehabilitation process as during the absence of a specialist (e.g., health condition, vacation etc.) it is impossible to provide with replacement.

Client's participation in a social care and social rehabilitation process not always can be affected by the specialist, also client's age, mood and physical and mental changes caused by the disease are essential.

As SCC „Kurzeme” pointed, several clients of SCC „Kurzeme” branch „Ilģi” regularly violate the regulations of institution (e.g. using alcohol, being late after having a walk, missing etc.). Because of these violations some of clients are imposed a supervision by placing one in a section under monitoring where for a definite time period it is forbidden to leave the section without accompaniment of specialist. This rule has been established to avoid the risk of violation recurrence. SCC „Kurzeme” also points that the diagnosis is not the only factor taken into account when separating the clients. As many of them are dealing with several illnesses and mental or physical disorders, not always workers can place the clients according to their diagnosis. Most of the clients are already separated depending on their basic diagnosis, but in common rooms, during the events and outside the building there is still a risk of conflict among clients. Therefore after finishing all of the internal repairs it will be considered to replan the locality of rooms and sections to improve the indoor climate.

All issues considered the Ministry of Welfare will require the SCC „Kurzeme” to ensure and supervise regularly isolation of clients only when medical indications are stated.

## **Paragraph 165**

There are discussions about improving the system that is prescribed in the laws and regulations and prepare possible amendments of Law on Social Services and Social Assistance.

## Paragraph 166

There are 52 clients who were placed in the SCC „Kurzeme” branch „Iļģi” before 1996. All the files were reviewed and as concluded – a written agreement on receiving a service was signed with all the clients, including those who were placed in the centre before 1996. It was concluded that also a copy of a certificate handed by the State Medical Commission for the Assessment of Health Condition and Working Ability (hereinafter – Medical Commission) is included in all of the files of clients. The Director of the Care Section follows the terms of certificates and prolongs if needed.

Law on Social Services and Social Assistance prescribes the participation of individual in the provision of social services. Regulation of the Cabinet of Ministers No. 288 of April 21, 2008 „Procedure of Receiving Social Services and Social Assistance” defines that social services (including those which are provided in institutions) are provided on the basis of a person’s or it’s legal representative’s application. Regulation of the Cabinet of Ministers No. 291 of June 3, 2003 „Requirements for Social Service Providers” prescribes a contract regarding receipt of the social rehabilitation service should also be included in a client file, as well as that client is entitled to receive the information regarding the purposes, tasks, functions and organisational structure of the social service provider, regarding the social services to be provided and the possibilities of receiving such services, the objectives, potential impact of self-care and improvement of social functioning of the clients; and regarding the price of each social service and the payment procedures.

Currently a contract is signed with each client (or with its legal representative) whenever a new client is placed in the institution. If the content of the contract is not comprehensible, it is explained in details.

Ministry of Welfare will update the issue about content of contracts and will implement guidelines to improve the situation.

## Paragraph 167

According to the Law on Social Services and Social Assistance, social services are provided on the basis of a person’s application. Only for those with a lack of legal capacity an application is submitted by its legal representative. As legal capacity is no longer deprived since January 1, 2012 (see the explanation below), we consider that rights of a person will be protected with the new institute of legal capacity.

Constitutional court of the Republic of Latvia of December 27, 2010 in case „On Compliance of Section 358 and Section 364 of the Civil Law with Article 96 of the Satversme of the Republic of Latvia” holds that Section 358<sup>4</sup> and Section 364<sup>5</sup> of the Civil Law do not comply with Article 96 of the Satversme of the Republic of Latvia and shall be null and void as from 1 January 2012.

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<sup>4</sup> „The mentally ill, who lack all or a large part of their mental capacity, shall be acknowledged as lacking the capacity to act and as legally incapable to represent themselves, administer their property and to deal with it, for which reasons trusteeship may be established for them”.

<sup>5</sup> „If a court has found a mentally ill person as having recovered their health, i.e. as having the capacity to act, it shall direct the orphan’s court to release the trustees from their appointment after they have submitted an accounting and transferred the property which was under their administration to the person who has recovered his or her health”

Therefore amendments to the Civil Law, the Civil Procedure Law and the Law on Orphan's Courts were elaborated and are currently being reviewed by the Parliament in order to establish prohibition of incapacitation of a person at full extent. Meanwhile, it is possible to institute a temporary trusteeship when a person lacks all or a large part of his or her mental capacity. Restriction of legal capacity may be discussed only when the said amendments enter into force.

In order to fulfil liabilities established by Article 12 of the UN Convention on the Rights of Persons with Disabilities, Ministry of Welfare has been requested to draft proposals for taking appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. Ministry of Welfare has to submit to the Cabinet of Ministers an informative report on this issue till December 1, 2012.

According to Law on Social Services and Social Assistance and the Regulation of the Cabinet of Ministers No. 288 of April 21, 2008 „Procedure of Receiving Social Services and Social Assistance” social services are provided on the basis of a person's application and other documents requested, including local social service opinion on the necessity of the service. The decision on granting or refusing the service may be appealed in a court, if it is not otherwise specified by the law or Cabinet regulations. Law on Social Services and Social Assistance also prescribes situations when service can be suspended, including an application of a client. In this case the decision regarding suspension of the provision of a service is taken by the head of the relevant institution, if the local government from the budget of which this service is paid or in the administrative territory of which the person lived before being admitted to the institution has confirmed in writing that the relevant person will be ensured with accommodation in the administrative territory of the such local government.

According to the Regulation of the Cabinet of Ministers No. 291 of June 3, 2003 „Requirements for Social Service Providers”, in order to optimally satisfy the needs of a client, a social service provider has to ensure:

- 1) the availability of information regarding the purposes, tasks, functions and organisational structure of the social service provider;
- 2) the inviolability of the private life of a client;
- 3) the Regulation of establishment in a simple language;
- 4) sending and receiving correspondence without censorship;
- 5) receiving a phone call, and the right to use a phone themselves;
- 6) possibility to submit an application on complaints about the quality of service or a written proposal for the social improvement of the work of a service provider, etc.

In order to improve the protection of client's interests and to promote an equal approach to situations when a client is leaving the territory of an institution, Ministry of Welfare has drafted proposals “Rules for Clients of State Social Care Center During Their Absence”.

The Ministry of Welfare has assessed opportunities to improve the system of suspension of a social service that is prescribed in the laws and regulations and is considering to prepare possible amendments in the Law on Social Services and Social Assistance.

## **Paragraph 168**

According to the Law on Social Services and Social Assistance, social services are provided on the basis of a person's application. Only for those with a lack of legal capacity an application is submitted by its legal representative. There should be noted, that the trustee action, placing the person under trusteeship in social care institution, is focused on safety and protection of this person, rather than limiting the rights of person.

According to the Civil Law of Latvia, until the January 1st 2012, The Court admitted person as person lacking capacity to act (see explanation 6.3). An Orphan's court, in accordance with a decision of the court regarding establishment of trusteeship, appointed a trustee to a person found by a court as lacking capacity to act due to mental illness or mental deficiency and to the property thereof, but without obligation for trustee to take social care of mentally ill.

If a trustee of a person lacking capacity to act cannot take care of this person at home because of person's health reasons or other objective reasons, he or she has to use other legal means of care. One of means is to place person lacking capacity to act in the social care institution. At this moment there are eight clients in the social care center „Kurzeme” branch „Iļģi”, whose trustees are by the Orphans' Court judgment employees of the branch.

At the same time, according to the Law *On Orphan's Courts*, an Orphan's court supervise the actions of a trustee in the fulfilment of the duties of a trustee. An Orphan's court shall receive and verify the accounting submitted by a trustee each year or in cases, when a trustee has been suspended, released or removed from the trusteeship prior to the termination. An Orphan's court may impose a trustee with a duty to provide an accounting regarding the administration of the trusteeship at any time. According to the Law *On Orphan's Courts*, if mistakes in the accounting submitted by a trustee or the actions of a trustee, which are unfavorable to the interests of the trusteeship administration, have been detected, an Orphan's court shall provide the trustee with the relevant directions, take a decision regarding the suspension of the trustee, take a decision regarding the dismissal of the trustee. If an Orphan's court detects administratively or criminally punishable misuse of the rights of a trustee, the Orphan's court shall notify the law enforcement authorities regarding it.

## **Paragraph 170**

All the clients of SCC „Kurzeme” branch „Iļģi” are informed about their rights. Information is given in general meetings and during an individual contact as well as information is placed on the notice-board. Clients are entitled to complaint, to put a written question and to put forward a proposal. Besides, also a written procedure on reviewing complaint, written questions and proposals of clients of SCC „Kurzeme” is set. All the clients are informed about this procedure. Clients can use a „box for complaints and proposals” or to submit their wishes to any employee of social care center who will then hand it to social work specialist. Clients can also address the Director of SCC „Kurzeme” branch „Iļģi” with a complaint, if they have one. All the complaints are registered in the complaints journal. If a person is not able to submit a written complaint, it is possible to do it orally to a specialist the client trusts. Clients are also informed about their rights to address Ministry of Welfare, the Ombudsmen of the Republic of Latvia and other governmental and non-governmental organizations with their complaints and / or proposals. Based on the information provided by SCC „Kurzeme” branch „Iļģi” 18 written questions have already been submitted this year. One of them was a gratitude to one of the workers.



According to the Law on Social Services and Social Assistance the Ministry of Welfare controls if social services are provided (both procedure and quality) in compliance with the law. If violation is stated, social service provider is a subject to an administrative penalty. In the terms of a quality control of social services also facts included in anonymous complaints about the work of an institution are reviewed. In order to ensure a control on independent living conditions in social care centers, Ministry of Welfare has signed an agreement on May 10, 2012 with the Latvian Movement for Independent Living which was created to ensure the independent living opportunities for people with disabilities, including people with mental impairments.

Ministry of Welfare thanks the experts of the Committee about recommendations and advices as they will promote the provision of qualitative social services in Latvia.





MINISTRY OF FOREIGN AFFAIRS OF THE  
REPUBLIC OF LATVIA

Address: K.Valdemāra iela 3, LV-1395 Rīga, Latvia. Phone: (+371)67016201, (+371)67016239,  
fax: (+371)67828121, (+371)67282882, e-mail: mfa.cha@mfa.gov.lv

Mr Lātif HÜSEYNOV  
President of the CPT

Rīga, 31 January 2013  
No 37/42 –


**Subject: Visit carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia in September 2011**

Dear Mr Hüseyinov,

In response to your letter dated 14 December 2012 please find enclosed information provided by the Ministry of the Interior of the Republic of Latvia regarding action taken to implement CPT's recommendations concerning the police (paragraphs 9-32 of the CPT's 2011 visit report on Latvia).

In addition, we would like to inform you about the measures taken to implement CPT's recommendations contained in paragraphs 76 and 77 of the report regarding the regime level for life-sentenced prisoners. On 20 December 2012 the Saeima (Parliament) adopted amendments to the Law on the Sentence Execution Code of Latvia which, among other things, provide for broader opportunities for life-sentenced prisoners to communicate with other life-sentenced prisoners. The amendments also establish the procedure of individual risk assessment to determine the necessity of applying security measures for life-sentenced prisoners in the prison area, as well as provide that the life-sentenced prisoner is to be heard during the individual risk assessment. The amendments will come into force in the beginning of 2013.

Yours sincerely,

  
Baiba Braže  
Ambassador –  
Head of Directorate  
for Security Policy and  
International Organisations

**Further comments of the Ministry of the Interior of the Republic of Latvia regarding paragraphs 9 to 32 of the European Committee's for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Report on Latvia**

**Paragraphs 9-10**

Article 1 Part 2 of the *Law on Procedure of Keeping Apprehended Persons*<sup>1</sup> provides that "Taking into account the procedures prescribed by this Law and the restrictions prescribed by other laws, if it is necessary, the administratively detained and arrested persons, as well as the persons placed under arrest and the convicted persons may be placed in a police short-term detention facilities (hereinafter – STDF) for performance of procedural actions".

After the previous CPT's visit to Latvia in 2007 the State Police structural units were instructed to return detained persons from prisons to STDF only in exceptional cases and for the shortest possible period of time (State Police Instruction of 17 July 2008). In accordance with the *Criminal Procedure Law* (hereinafter – CPL), the decision regarding the detained person's participation in investigation activities outside the prison is to be taken by the person pursuing criminal proceedings.

In 2012, 23.5 % of all convoyed persons from prisons to STDF were convoyed upon a request by the State Police.

| <b>Number of remand and sentenced prisoners convoyed from prisons to STDF's in 2012</b> |               |            |               |   |
|---|---------------|------------|---------------|---|
| <b>On the request of:</b>   | <b>Number</b> | <b>%</b>   | <b>Days</b>   | <b>Average detention period for 1 person (average number of days)</b> |
| Court   | 3116          | 65,9       | 14 858        | 4,8   |
| Prosecutor  | 498           | 10,6       | 2656          | 5,3   |
| State Police  | 1111          | 23,5       | 6506          | 5,9   |
| <b>Total</b>  | <b>4725</b>   | <b>100</b> | <b>24 020</b> | <b>5,4</b>  |

Remand (detained) prisoners are placed in an STDF only if it is indispensable for the performance of investigation activities. For instance, it is practically impossible to convoy a person from Valmiera Prison to the 130km distant Madona Police station, to carry out the necessary investigation activities and to convoy this person back during one day.

Currently the State Police is drafting a project application within the Norwegian Financial Mechanism on "Improving the standards of Latvian State Police detention facilities, including measures to improve infrastructure, reduce/abolish the existing practice of administrative detention, change the practice or returning remand prisoners for further

<sup>1</sup> Full text of the Law is available on <http://www.likumi.lv/doc.php?id=119371> (see also version in English, available on [http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Procedures\\_for\\_Holding\\_the\\_Detained\\_Persons.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Procedures_for_Holding_the_Detained_Persons.doc)).

investigation, ensuring appropriate training for staff working at police detention facilities". The overall aim of the project is to improve the STDFs in compliance with relevant international human rights standards. Among the project's tasks included are:

- improvement of STDF standards – renovation/reconstruction (in Gulbene, Cēsis, Aizkraukle, Jelgava, Jēkabpils, Bauska, Rēzekne, Saldus, Liepāja, Ogre and Rīga Region) to ensure appropriate number of STDF's and prevent overcrowding;
- improvement of staff expertise – development of two professional training programs to be implemented by the State Police College. The first training program is aimed for detention officers, the second for police officers managing STDF's. Furthermore, it is envisaged to elaborate a 40h long specialization training program for detention officers to advance their professional development, especially on human rights. 100 STDF officers will be trained in the framework of this program;
- acquirement of best practice of Estonia and the Council of Europe in the field of STDFs.

#### **Paragraph 14**

Issues of police ethics, communication skills, protection of human rights and the rights of children, as well as use of special means, weapons and physical force in police work are included in the vocational program "Police Work" and the following study courses included therein, e.g., "Criminal Procedure", "Law on the Police", "Applied Psychology" etc.

Detailed study into issues related to human rights (including interrogation tactics, prohibition of torture, inhuman and degrading treatment while investigating criminal cases or misuse of authorities and other offences) are included in the 1<sup>st</sup> level professional higher education program "Police Work", in the 6 months long professional development program "Police Work", in study courses "Criminal Law. Special Part", "Criminal Procedure. General Part", "Forensic tactics and methods", "Investigation Work", "Professional Communication", "Human Rights", "Professional Ethics of Police Officers", "Law on the Police", etc.

In 2011, 48 police officers participated in professional development training course "Observance of Human Rights in Police Work", 93 officers – "Psychological Features of Interrogation of Crime Victims", 23 officers – "Promotion of Tolerance and Prevention of Discrimination in Police Work", 17 officers – "Professional Ethics and Communication of Police Officers".

In 2012, 198 police officers participated in professional development training course "Observance of Human Rights in Police Work", 68 officers – "Psychological Features of Interrogation of Crime Victims", 23 officers – "General Provisions and Tactics of admission to and effecting an apprehension in premises".

It is foreseen to hold the same courses also in 2013, as well as to elaborate new ones, for example, "Legal and Psychological Features of Detention and Interrogation of Detained Persons".

#### **Paragraphs 15-16**

398 files (complaints, applications) regarding police work were received in 2011; out of those, in 344 cases the fact of police violence was not found. 5 disciplinary cases and 47 criminal proceedings were initiated; 138 files were sent for investigation under Criminal Procedure Law (135 files – to Internal Security Bureau of the State Police; 3 files – to the Public Prosecutor for initiation of criminal prosecution). 4 police officers were punished for unlawful actions (violence): 3 of them were reprimanded, 1 was reduced in rank.

In the first half of 2012, 215 files (complaints, applications) regarding police work were received; out of those, in 186 cases the fact of police violence was not found. 1 disciplinary case and 21 criminal proceedings were initiated. 59 files were sent for investigation under *Criminal Procedure Law* (57 files – to the Internal Security Bureau of the State Police; 2 files – to the Public Prosecutor for initiation of criminal prosecution). 1 police officer was punished for unlawful actions (violence) with cut-down of salary.

In 2011, 6 criminal proceedings for acts of violence were sent for initiation of criminal prosecution; 2 – in the first half of 2012.

In 2011, State Police received 20 complaints regarding poor conditions in STDF; 18 – in the first half of 2012.

The Ministry of the Interior does not possess any information on the number of cases sent to the court regarding ill-treatment and police violence.

The Personnel Inspection Unit of the Internal Security Bureau of the State Police carried out 27 random inspections in 2011 (7 in the first half of 2012) in regional units of the State Police to examine the work organization of the Operational management units, STDFs' functioning, quality of completion of incoming correspondence. During these inspections complaints from detained persons were not received.

### **Paragraphs 18-21**

The rights of detained persons (incl. minors) are enlisted in Article 63 of the CPL. Part 1.2 of this Article provides that detained persons have the right to request that a relative, educational institution, or employer is notified regarding the detention; part 1.3 stipulates that they also have the right to become acquainted with the detention protocol and to receive written information regarding the rights and duties of a detained person.

Police officers inform relatives, educational institution or employer (upon the detainee's request) about the detention, preferably in the presence of the detainee him/herself.

In accordance with the Article 253 of the *Latvian Administrative Offence Code*<sup>2</sup>, in respect of the detention of a minor, it is mandatory to notify parents or persons who are in their place about the detention.

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<sup>2</sup> Full text of the Code is available on <http://www.likumi.lv/doc.php?id=89648> (see also version in English, available on [www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Latvian\\_Administrative\\_Violations\\_Code.doc](http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Latvian_Administrative_Violations_Code.doc)).

The right of notification of a detained person is ensured from the moment of the actual detention. Even in a case the detainee does not ask for it him-/herself, police officers inquire about which persons should be notified about the detention.

Contrary to the information contained in the CPT's Report, detained persons are ensured with the guarantees outlined above from the moment of their actual detention.

The moment of the actual detention is very important, especially to distinguish if it takes place immediately after or during commitment of a crime/offence. Police officers convoy the detainee to a police station where a detention protocol is drafted without a delay. The protocol includes information regarding the place and time of detention and the time when the protocol was drafted. Detention time is counted from the moment of the actual detention, not from the time of drafting the protocol.

According to the existing legislation a detained person should be immediately informed about the cause of his or her detention and notified that he/she has the right to remain silent, and that everything that the person says may be used against him/her. The rights enlisted in the Article 63 of the CPL are provided in written and explained to the detainee when he/she is taken to the police facility.

If a decision to place a detained person in an STDF is taken, the *Law on Procedure of Keeping Apprehended Persons* provides that the detained person shall be informed, against signature, in a language he or she understands (if necessary, with the help of an interpreter) about the internal procedures of the temporary place of detention and about the list of items that may be kept in the cell; the detained person shall also be invited to hand over the items which are not included in the list. Furthermore, a list of lawyers is available in every STDF. Detained persons are granted the right to communicate with a lawyer in order to receive legal aid at any moment (even if a detained person waived this right during actual detention).

The official who effected the detention shall immediately draft the detention protocol at the site of the detention or after the transfer of the detained person to the detention facilities according to the Article 266 of CPL. The protocol shall include information regarding the state of health of the detained person and any complaints of the detainee in that regard, as well as shall indicate that:

- the rights have been explained to the detained person;
- the detained person has been provided with a written list of his or her rights in accordance with Articles 63-64 of CPL;
- upon a request of a detained person, he or she has been provided with the lawyers' contact information, an opportunity to communicate with a lawyer by phone;
- the invited lawyer's name.

According to the Article 63 of CPL a detained person has the right to immediately invite a defence counsel (lawyer) and conclude an agreement with him/her or to use legal assistance ensured by the State if the detainee is not in a position to enter into an agreement with a defence counsel on his/her own assets. A detained person has the right to receive from the person pursuing the proceedings a list of lawyers practicing in the relevant court region, as well as to invite a defence counsel by telephone free of charge.

In this way, the provision of an immediate legal aid is ensured. One of the first questions posed during detention is regarding a detainee's wish to invite a lawyer. This question is further repeated at the beginning of every procedural action. The answer of a detainee thereto is recorded in a relevant protocol that is signed by the detainee him/herself. If a detainee agrees to invite a lawyer and then decides to waive this right, it can be only done in the presence of this lawyer. It should be stressed that a detainee's rights are explained to him or her before every investigation procedure (interrogation, on-site inspection of testimony etc.) and the detainee is requested to sign the protocol of the proceeding.

On 22 May 2012, the Directive 2012/13/EU of the European Parliament and of the Council on the right to information in criminal proceedings was adopted. For the implementation of the Directive's provisions the amendments to the CPL have been drafted. These amendments will enlist basic rights of detained persons, including the right for emergency medical aid. Currently, internal procedures are taking place before the submission of these amendments to the Government.

#### **Paragraph 22**

The rights and guarantees of minors referred to are fully ensured in accordance with the national legislation.

In addition, the State Police College is providing training on issues related to the protection of the rights of children.

#### **Paragraph 23**

The State Police has elaborated a new instruction on strict compliance with the requirements of the State Police Regulations No.8 of 22 November 2006 *Work Organization in a State Police Short Term Detention Centre* – to record in the Medical examination journal information regarding the necessity to call an ambulance and medical personnel's recommendations. The Regulations also determine that:

- medical examinations of detained persons take place without the presence of police officers, with the exception in cases when the doctor so requires, and are conducted out of the sight or hearing of other persons;
- medical data obtained during the medical examination is confidential.

The abovementioned Regulations have already been in force since the previous CPT's visit in 2007.

At the same time, it should be noted that the *Law on the Police* prohibits police officers from disclosing information that is classified as a state secret or other secret particularly protected by law and which contains patient's information. The confidentiality of the medical data is ensured by providing the medical data of a detained person to the person pursuing the proceedings and then enclosing it in the personal file of the detained person.

According to the Article 7 Section 3 of the *Law on Procedure of Keeping Apprehended Persons*, prior to being placed in a cell the detained person shall be asked about his or her state of health and requested to inform about the presence of such diseases, as a result of which the life of the detained person him/herself may be threatened or which could



be dangerous to other persons, or as a result of which special measures with regard to the detained person have to be put in place. The complaints of the detained person regarding his or her state of health shall be recorded in a separate journal.

In a case of necessity, an ambulance is called and the doctor gives the permission to keep the person detained or to hospitalize him/her. The detained person placed in a cell of an STDF has the possibility to get acquainted with the internal regulation of the STDF and to call an ambulance at any time.

#### **Paragraph 24**

See the comments provided on Paragraphs 18-21.

#### **Paragraph 25**

The Internal Security Bureau of the State Police carries out internal inspections in the STDFs (see also the comments on Paragraphs 15-16).

The Ministry of the Interior has elaborated a draft concept which foresees establishment of a new independent investigation institution under the subordination of the Minister of the Interior, thereby replacing the Internal Security Bureau. Among the tasks of this new independent investigation institution would be examination of claims and complaints regarding possible breaches of law by the police or border guard officers during their service, as well as investigation of cases when there is a suspicion regarding possible violence/offence by the municipal police officers and Prison Administration officials.

On 10 January 2013 the internal procedures were initiated before draft concept's submission to the Government.

#### **Paragraphs 26-29**

On the basis of the Ombudsman's application, on 20 December 2010 the Constitutional Court of Latvia ruled that minimum standards for SDTCs', including the privacy of detained persons – walls to separate toilet facilities from the rest of the cell – are to be ensured until 1 January 2012. For the implementation of this judgement 344,696 LVL were allocated to State Police in 2011.

The following construction works were performed in order to ensure minimum standards of detention:

- *Dobele Police Station STDF of the Zemgale Police Regional Department*  
Windows facing the corridor (to ensure that the cell's windows face the corridor) and windows facing the outside exercise yard (bars and shutters were also installed) were build; fully screened toilets were build; shelves in the cells were installed.
- *Jēkabpils Police Station STDF of Zemgale Police Regional Department*  
Water supply and sewerage system was constructed; fully screened toilets were build; ventilation system was installed; outside exercise yard was built; premises were renovated (plastering of walls, replacement of flooring, concreting, dismantling of plank beds): glass blocks were replaced by windows: alarm

buttons were installed; bunk beds were put in cells; bed mattresses were purchased; shelves and benches were installed in the cells.

- *Jelgava Police Station STDF of Zemgale Police Regional Department*  
Glass blocks were replaced by windows; fully screened toilets were constructed; shelves were installed in the cells.
- *Saldus Police Station STDF of Kurzeme Police Regional Department*  
Glass blocks were replaced by windows (additional new bars and shutters were also installed); fully screened toilets were constructed.
- *Talsi Police Station STDF of Kurzeme Police Regional Department*  
Glass blocks were replaced by windows (additional new bars and shutters were also installed); alarm buttons were installed; fully screened toilets were constructed; shelves were installed in the cells.
- *Valmiera Police Station STDF of Vidzeme Police Regional Department*  
Outside exercise yard was built; fully screened toilets were constructed; shelves and benches were installed in the cells.

According to the Decision of the Constitutional Court as of 20 December 2010, since 1 January 2012 outside exercise yards are available in all functioning STDFs' and fully screened toilets connected to the water supply system have been constructed, thereby ensuring that a detained person visiting the toilet is out of the sight of other persons; thus, the protection of the detainee's privacy is guaranteed.

To ensure uniformity of equipment in all the STDFs', the Ministry of the Interior has issued the Order No.395 on 11 March 2011 establishing common guidelines for construction and equipping STDFs in the institutions subordinated to the Ministry.

The Ventspils Police Station STDF of Kurzeme Police Regional Department, which operated in 2009, is now closed. The new STDF is located in the new (renovated) building of Ventspils Police Station (address: 33 Ostas Street, Ventspils). The renovated premises fully comply with the provisions of the *Law on Procedure of Keeping Apprehended Persons*. However, this STDF is not operational in practice due to lack of staff and, therefore, it is not possible to ensure a non-stop surveillance and operation of the Ventspils Police Station STDF. The detained and arrested persons are escorted to other STDFs of Kurzeme Regional Department in Liepāja and Talsi.

In January 2013 the building of the new Daugavpils Police Station STDF of Latgale Police Regional Department was completed and now it is fully operational.

According to the Article 7 Part 3 of the *Law on Procedure of Keeping Apprehended Persons* the size of a cell of an STDF shall not be less than:

- 1) 4 m<sup>2</sup> for a single cell;
- 2) 7 m<sup>2</sup> for a double cell;
- 3) 10 m<sup>2</sup> for a three-man cell;
- 4) 12 m<sup>2</sup> for a four-man cell;
- 5) 15 m<sup>2</sup> for a five-man cell.

It must be stressed that these requirements are fulfilled.

Each detained person is provided with a separate bed and bedding (mattress, blanket etc.). All cells are equipped with sinks and fully screened toilets connected to a water supply system.

The improvement of STDFs will be continued within the framework of the Norwegian Financial Mechanism "The Reform of Correctional Services and Short Term Detention Centres of the State Police of Latvia".

### **Paragraph 30**

According to the requirements of the Article 7 Part 7 of the *Law on Procedure of Keeping Apprehended Persons* a detained person placed in an STDF longer than 24 hours has the right to a walk in the fresh air for at least 30 minutes.

Since 1 January 2012 walking areas have been set up in all functioning STDFs and detained persons are provided with a walk in the fresh air for at least 30 minutes per day. To ensure implementation of this requirement, a large number of additional police officers from other services are being involved every day, thereby removing them from their direct tasks (patrols, convoys, the performance of functions of district inspectors etc.). To provide the detained persons with a walk in the fresh air for at least 1 hour every day, would imply involving twice as many officers, thereby removing them from the performance of critical tasks directly related to maintenance of and ensuring public order and security.

It should be noted that the *Law on Procedure of Keeping Apprehended Persons* determine isolation requirements for several categories of the detained:

- men and women shall be placed separately;
- minors and adults shall be placed separately;
- detained persons shall be placed separately from persons placed under arrest and the convicted persons;
- administratively detained and arrested persons shall be placed separately from detained persons, persons placed under arrest and convicted persons;
- detained and convicted persons for repeated criminal offence shall be placed separately in accordance with the instructions of the person pursuing the proceedings;
- detained State officials and employees of law enforcement institutions shall be placed separately.

Therefore, it is not possible to provide with a walk in the fresh air a large number of detained persons simultaneously, which significantly increases the total time of walk. In addition, it should also be noted that most of the STDFs have only one walking area and, therefore, for example, if there are 30-35 detained persons in Rēzekne Police Station STDF of the Latgale Police Region Department, and each of them is to be provided with a walk in the fresh air for at least 1 hour, some of the detained persons would not be able to walk in the fresh air at all before the all-clear signal at 22:00. Therefore, and taking into account the available resources, the approach of providing all the detainees with a 30 minutes' walk in a fresh air rather than providing only some with a 1h walk has been chosen for the time being.

### **Paragraph 31**

According to the Regulation No.289 of the Cabinet of Ministers of the Republic of Latvia of 11 April 2006 *Regulations Regarding the List of Objects Permitted for the Storage in the Short-time Place of Detention* the detained persons may keep books, newspapers, etc. The detained persons have the right to receive these objects through parcels, and they constantly use this right.