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Report

**to the Latvian Government
on the visit to Latvia
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 12 to 17 September 2013

The Latvian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2014) 6.

Strasbourg, 11 March 2014

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Copy of the letter transmitting the CPT's report

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Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Latvia
to the Council of Europe
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Strasbourg, 21 November 2013

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Latvian Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Latvia from 12 to 17 September 2013. The report was adopted by the CPT at its 82nd meeting, held from 4 to 8 November 2013.

The recommendations, comments and requests for information formulated by the CPT are listed in the Appendix of the report. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Latvian authorities to provide **within three months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the Latvian authorities to provide, in that response, reactions to the comments formulated in this report as well as replies to the requests for information made.

The CPT would ask, in the event of the response being forwarded in Latvian, that it be accompanied by an English or French translation.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Lətif Hüseynov
President of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Latvia from 12 to 17 September 2013.¹ The visit was one which appeared to the CPT “to be required in the circumstances” (cf. Article 7, paragraph 1, of the Convention).

2. The visit was carried out by the following members of the CPT:

- Lətif HÜSEYNOV, President of the CPT (Head of delegation)
- Marzena KSEL, 1st Vice-President of the CPT
- Celso José DAS NEVES MANATA
- George TUGUSHI.

They were supported by Elvin ALIYEV of the CPT’s Secretariat, and assisted by:

- Inguna BEKERE (interpreter)
- Viktors FREIBERGS (interpreter)
- Ieva VIZULE (interpreter).

B. Context of the visit and establishments visited

3. In its report on the 2011 visit², the CPT expressed concern that little or no progress had been made in implementing many key recommendations made by the Committee after its previous visits to Latvia, in particular as regards conditions of detention in police establishments, the regime of activities offered to remand prisoners, the regime and security measures applied to life-sentenced prisoners, and prison staffing levels. The report also highlighted a number of major shortcomings regarding the provision of health care to prisoners.

The information provided in the responses of the Latvian authorities to the report on the 2011 visit did not remove the Committee’s concerns about the aforementioned issues. The CPT therefore decided to return to Latvia in order to examine on the spot the steps taken by the authorities to implement the relevant recommendations of the Committee. In this connection, particular attention was paid to the situation in prisons (including the regime for life-sentenced prisoners and the provision of health care) and conditions of detention in police establishments.

¹ The CPT has previously carried out four periodic visits (1999, 2002, 2007 and 2011) and two ad hoc visits (2004 and 2009) to Latvia. All visit reports and related Government responses have been made public and are available on the Committee’s website (<http://www.cpt.coe.int/en/states/lva.htm>).

² See CPT/Inf (2013) 20, paragraph 5.

4. The CPT's delegation visited the following places of detention:

Prison establishments

- Daugavgrīva Prison (units for life-sentenced prisoners)
- Jelgava Prison
- Rīga Central Prison
- Prison Hospital, Olaine

Police establishments

- Daugavpils State Police Detention Facility
- Dobele State Police Detention Facility
- Jēkabpils State Police Detention Facility
- Jelgava State Police Detention Facility
- Saldus State Police Detention Facility.

C. Consultations held by the delegation and co-operation encountered

5. In the course of the visit, the delegation had consultations with Jānis BORDĀNS, Minister of Justice, Laila MEDIN, Deputy State Secretary of the Ministry of Justice, Viktors ELKSNIS, Deputy State Secretary of the Ministry of the Interior, and Ilona SPURE, Head of the Prison Administration, as well as with other senior officials from the Ministries of the Interior, Justice and Health. It also met representatives of the Office of the Ombudsman of Latvia.

6. The co-operation received by the delegation during the visit, from both the national authorities and staff at the establishments visited, was excellent. The delegation enjoyed rapid access to all places it wished to visit (including those which had not been notified in advance) and was able to interview in private persons deprived of their liberty. The delegation was also granted ready access to all the documentation it wished to consult.

However, the CPT must stress once again that the principle of co-operation set out in Article 3 of the Convention is not limited to steps taken to facilitate the task of visiting delegations. It also requires that decisive action be taken in response to the Committee's recommendations. During the 2013 visit, the CPT noted a number of positive developments in some areas, such as the regime for life-sentenced prisoners on the medium regime level and certain aspects of prison health care. However, little or no action has been taken in respect of certain longstanding key recommendations made in previous reports, in particular as regards the regime offered to the low-regime-level life-sentenced prisoners and remand prisoners, as well as prison staffing levels.

The CPT urges the Latvian authorities to increase their efforts to improve the situation in the light of the Committee's recommendations, in accordance with the principle of co-operation which lies at the heart of the Convention.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Police establishments

1. Preliminary remarks

7. The basic legal provisions governing the detention of persons by the police have remained largely unchanged since the 2011 visit.³ Apart from criminal suspects who may be held in police custody (before being seen by a judge) for a maximum of 48 hours, police detention facilities are also used for holding persons who are sentenced to detention for having committed an administrative offence, for a period of up to 15 days.⁴

8. The CPT was concerned to note that many persons remanded in custody by courts were held in police detention facilities for extended periods of time, before being transferred to a prison. The period in question often lasted for several days, and occasionally even weeks (e.g. up to 52 days in Dobeles Police Detention Facility; up to 36 days in Daugavpils Police Detention Facility). This was said to be necessitated by logistical difficulties (i.e. the unavailability of an escort) or the conduct of further investigative activities.

The Committee wishes to emphasise that, as a matter of principle, remand prisoners should not be held in police detention facilities but instead in a prison establishment; this is also enshrined in Rule 10.2 of the European Prison Rules⁵. Continued detention on police premises, even after the person concerned has been brought before a judge, increases the risk of intimidation and ill-treatment. **The CPT recommends that the Latvian authorities take steps to ensure that persons remanded in custody are always promptly transferred to a prison.**

9. It remains the case that persons placed in a remand prison are frequently – and often repeatedly – returned to police detention facilities, if this is considered necessary for the purposes of the investigation or the court proceedings. The law still does not set any time limits for such returns and, in the police establishments visited, the length of such periods of detention varied from several days to more than a month. By way of example, at Dobeles Police Detention Facility, the delegation met a juvenile remand prisoner who had been returned from Cēsis Correctional Centre to that facility three times during the period from early July to mid-September 2013 (on one occasion, for 13 days).⁶

³ See CPT/Inf (2013) 20, paragraph 9.

⁴ In addition, persons may be held by the police on various legal grounds, such as to verify their identity or when the interests of public safety, order, health or morals so require (for up to four hours), or when they may present a danger to themselves or others due to alcohol or narcotic intoxication (for up to 12 hours).

⁵ Rule 10.2 states as follows: “In principle, persons who have been remanded in custody by a judicial authority and persons who are deprived of their liberty following conviction should only be detained in prisons, that is, in institutions reserved for detainees of these two categories.”

⁶ It is also noteworthy that this juvenile had been held at Dobeles Police Detention Facility for 47 consecutive days following his initial remand in custody by the court in May 2013.

As stressed by the CPT in the past, from the standpoint of the prevention of ill-treatment, but also in view of the poor conditions prevailing in certain police detention facilities, it is far preferable for further questioning of persons committed to a remand prison to be undertaken in prison rather than on police premises. **The Committee once again calls upon the Latvian authorities to take steps – including of a legislative nature – to ensure that the return of prisoners to police detention facilities is sought and authorised only very exceptionally, for specific reasons and for the shortest possible time. Such a return should in each case be subject to the express authorisation of a prosecutor or judge; it should never be effected by the sole decision of a police investigator (as is presently the case in Latvia).**

10. As regards administrative detention, the delegation was informed that draft legislative amendments had been submitted to the Parliament, which sought to introduce criminal responsibility for some of the most common administrative offences (such as hooliganism and setting fire to grass). It was indicated that, with the entering into force of these amendments, the numbers of administrative detainees held in police detention facilities would be reduced.⁷ **The CPT would like to receive updated information on this matter.**

11. More generally, the Committee considers that periods of detention in excess of a few days necessitate the existence of other out-of-cell activities (such as sports) in addition to outdoor exercise as well as appropriate material conditions and the presence of staff trained to manage longer-term detainees. Further, persons detained for extended periods should be entitled to maintain reasonably good contact with the outside world (e.g. by means of visits from family members). It is clear that police detention facilities in Latvia fail to meet these standards.

In the CPT's view, **consideration might usefully be given to abolishing administrative detention. For as long as police detention facilities continue to be used to hold administrative detainees, the Committee recommends that the Latvian authorities take measures to ensure that these facilities are properly resourced to cater for such detainees, in the light of the above remarks.**

2. Conditions of detention

12. In its report on the 2011 visit to Latvia, the CPT was very critical of the conditions under which persons were held in most of the police detention facilities visited and pointed out that the conditions of detention in some of those facilities could be considered as amounting to inhuman and degrading treatment.⁸

In their response to the above-mentioned report, the Latvian authorities provided detailed information on the steps taken to improve conditions of detention in the police establishments which had been the subject of criticism by the CPT. In particular, reference was made to measures taken in order to improve the overall state of repair of the cells as well as access to natural light, ventilation and the water supply.⁹

⁷ It must be noted, however, that the majority of administrative detainees being held in police establishments during the CPT's visit had been convicted of drunk driving.

⁸ See CPT/Inf (2013) 20, paragraphs 26 to 29.

⁹ See CPT/Inf (2013) 21, pages 81 and 82.

13. In the course of the 2013 visit, the delegation carried out follow-up visits to police detention facilities in Dobele, Jēkabpils, Jelgava and Saldus in order to ascertain whether the general conditions of detention in these establishments had been brought to an adequate level. In addition, it visited for the first time the new detention facility in Daugavpils.

14. *Daugavpils Police Detention Facility*, which opened in January 2013, provided material conditions of a high standard and could well serve as a model for other police detention facilities in the country. It had 30 cells intended for double occupancy, each measuring some 17 m². The cells were clean, well lit (with good access to natural light) and ventilated, and adequately equipped (including with a fully-partitioned in-cell toilet).

15. The situation observed at *Jēkabpils Police Detention Facility* represented a clear improvement as compared to the deplorable conditions prevailing at the time of the 2011 visit. The establishment now offered satisfactory conditions of detention for short stays not exceeding a few days: cells generally had sufficient access to natural light and good artificial lighting, and were in an acceptable state of repair, clean and well ventilated.

16. As regards the other three detention facilities, the situation found did not differ much from the one observed during the previous CPT visit. At *Dobele*, the cells were still in a poor state of repair and hygiene, and often lacked adequate ventilation. Further, the recently-installed cell windows were too small to allow sufficient daylight to enter from the corridor. Artificial lighting was also insufficient. At *Jelgava*, cells were decrepit and filthy, and access to natural light was obstructed by metal shutters on the cell windows. Moreover, the ventilation was inadequate and the air in the cells visited was stale. At *Saldus*, cells were in a poor state of repair, dirty and foul-smelling. As in 2011, they had no windows (and, as a result, no access at all to natural light) and artificial lighting was dim. It should also be noted that in none of these detention facilities did the cells have a functioning call system.

17. On a more positive note, in all the detention facilities visited, detained persons were generally provided with basic personal hygiene items and adequate food. Further, each of them possessed a small library and detainees were provided with reading material.

18. At the outset of the visit, the delegation was informed that, in the framework of a Norwegian grant programme, renovation work would be carried out in the near future in about a dozen police detention facilities, including those at Jelgava and Saldus. The CPT welcomes this development; **it would like to receive a detailed account of the measures taken to remedy the deficiencies in these two establishments described in paragraph 16.**

As regards Dobele Police Detention Facility, the Committee recommends that it also be subject to substantial renovation without further delay, taking into account the remarks in paragraph 16.

19. The CPT learned that all police detention facilities had been equipped with an outdoor exercise yard. This is a welcome development.

However, it is a matter of concern that detained adults were still generally allowed access to the open air for only 30 minutes per day, despite the specific recommendation made by the CPT after previous visits. In this connection, the delegation was informed by the Latvian authorities that a circular had been issued by the Head of the State Police in January 2013, providing, *inter alia*, that persons detained for longer than 24 hours be offered, to the extent possible, one hour of outdoor exercise per day.¹⁰ However, as far as the delegation could ascertain, in none of the detention facilities visited were staff aware of the existence of this circular. Further, it appeared that in some police establishments, juveniles were sometimes offered less than one hour of outdoor exercise (contrary to the legislation in force).

The CPT reiterates its recommendation that all persons who are detained by the police for 24 hours or more be offered outdoor exercise, and that anyone held in a police detention facility for more than 48 hours be entitled to at least one hour of outdoor exercise every day.

¹⁰ The Law on the Procedure for Holding Detained Persons provides that adults detained in a police establishment for longer than 24 hours be offered daily outdoor exercise of *at least* 30 minutes (Section 7(7)).

B. Prison establishments

1. Preliminary remarks

20. The CPT's delegation carried out targeted visits to the units for life-sentenced prisoners at Daugavgrīva and Jelgava Prisons. In the latter establishment, the delegation also examined the provision of health care to prisoners. The visit to Rīga Central Prison was also of a targeted nature, focusing on the regime offered to remand prisoners and health-care issues. Further, the delegation paid a brief visit to the Prison Hospital in Olaine.

21. **Daugavgrīva Prison** was accommodating 904 inmates at the time of the visit, for an official capacity of 1,400 places. The inmate population included 43 life-sentenced prisoners¹¹.

Jelgava Prison had an official capacity of 600 places and was accommodating 579 prisoners at the time of the visit. Of them, ten were life-sentenced prisoners.

Rīga Central Prison was accommodating 1,296 prisoners at the time of the visit, for an official capacity of 1,936 places. Some 75 per cent of the prison population were on remand.

Prison Hospital in Olaine was opened in 2007, following the closure of the old prison hospital at Rīga Central Prison. With an official capacity of 100 places, the establishment was accommodating 65 patients at the time of the visit (including two life-sentenced prisoners).

22. At the time of the visit, the total number of prisoners in Latvia stood at 5,325 (including 1,538 on remand), compared to some 6,600 at the time of the 2011 visit. Thus, the positive trend towards a reduction of the prison population already noted in 2007 has continued. Representatives of the Ministry of Justice informed the delegation of several amendments to the Criminal Code that had entered into force in April 2013, according to which, for certain types of offences, the terms of imprisonment had been reduced¹² or the sanction of imprisonment replaced by alternative sanctions. It was indicated that, during the period from April to early September 2013, 232 persons had been released and 1,053 had had their sentence decreased as a result of these amendments. It was expected that these legislative measures would result in a decrease of some 20 to 30 % in the prison population over the next three years.

The CPT was also pleased to note that the Government had finally made budgetary provision for the construction of a new prison in the Rīga area. According to information received by the delegation, this prison, which will have a capacity of 1,200 places (primarily double-occupancy cells), is due to enter into service by 2018. It is also planned to close down Iļģuciems and Šķīrotava Prisons and some parts of Rīga Central Prison, once the new prison becomes operational.

¹¹ Two of them had been temporarily transferred to Olaine Prison Hospital.

¹² More specifically, the terms of imprisonment for non-violent crimes had been reduced by up to 30%.

In the CPT's opinion, the continuing reduction of the prison population as well as the planned construction of a new prison provide a good opportunity for the Latvian authorities to revise the existing legal standards on living space for prisoners¹³ so as to offer at least 4 m² per prisoner in multi-occupancy cells, in line with the CPT's longstanding recommendation. **The Committee calls upon the Latvian authorities to carry out such a revision without any further delay.**

2. Situation of life-sentenced prisoners

23. At the time of the visit, there were 54 prisoners sentenced to life imprisonment in the country's prison establishments. As was the case during previous visits, all male life-sentenced prisoners were accommodated in special units at Daugavgrīva and Jelgava Prisons.¹⁴

Out of 43 life-sentenced prisoners held at Daugavgrīva Prison, 23 were on the medium and 20 on the low level of the sentence execution regime.¹⁵ Jelgava Prison was accommodating ten life-sentenced prisoners, all of whom were on the low regime level.

24. It should be noted at the outset that the delegation heard no allegations of physical ill-treatment of life-sentenced prisoners by staff.

25. At Daugavgrīva Prison, material conditions of detention in the cells for life-sentenced prisoners were, on the whole, of a good standard, in particular in the new unit for prisoners on the low regime level. The latter unit consisted of eight four-person cells, each measuring between 28 and 30 m². The cell equipment comprised two double bunk beds, a table and benches, shelves, a television set, an intercom, and a sanitary annexe with a toilet and a washbasin. Further, the cells were clean and well ventilated, and had adequate access to natural light and artificial lighting.

However, the in-cell toilets were only partially partitioned, which constitutes a major shortcoming in multi-occupancy cells. **The CPT recommends that immediate steps be taken to fully partition the toilets (i.e. from floor to ceiling) in the cells for life-sentenced prisoners at Daugavgrīva Prison (as well as in any other multi-occupancy cells in the establishment where the in-cell toilets are not fully partitioned).**

¹³ The national legal standards currently provide for 2.5 m² of living space per person for adult male sentenced prisoners and 3 m² for adult male remand prisoners and all female and juvenile prisoners.

¹⁴ The country's only female life-sentenced prisoner was being held at Iļģuciems Prison for Women. According to information provided to the delegation, she was sharing a cell with three other inmates.

¹⁵ Life-sentenced prisoners must serve a minimum of seven years of their sentence on the low regime level and demonstrate good behaviour in order to progress to the medium level. After a minimum of a further ten years, they may be moved to the high regime level. (In its report on the 2011 visit, the CPT made certain comments of a general nature concerning the system of progressive sentence execution in Latvian prisons; see paragraph 47 of CPT/Inf (2013) 20).

26. At Jelgava Prison, conditions of detention in the unit for life-sentenced prisoners remained generally poor. In this regard, the delegation was told that the prison as a whole was undergoing rolling refurbishment. **The CPT would like to receive updated information on this subject, including a detailed account of the measures taken to improve material conditions (including full partitioning of the in-cell toilets) in the unit for life-sentenced prisoners at Jelgava Prison.**

27. The CPT welcomes the efforts made at Daugavgrīva Prison to improve the regime offered to life-sentenced prisoners on the medium regime level. A tailoring workshop had been created, which was attended by 18 prisoners throughout the day from Mondays to Fridays. Further, all life-sentenced prisoners on the medium regime level continued to benefit from an open-door policy, having unrestricted access throughout the day to an outdoor yard as well as to a common room where they could eat, associate and watch television.

In contrast, the possibilities for out-of-cell activities for life-sentenced prisoners on the low regime level at Daugavgrīva Prison remained limited; only seven of them attended (in two groups) a workshop producing religious items for 2½ hours four times a week.¹⁶ For the majority of the prisoners concerned there were no purposeful activities available, their out-of-cell time being limited to a maximum of two hours per day: an outdoor exercise yard (of some 40 m²) as well as an association room equipped with a television set and reading material was accessible to them, each for one hour per day. That said, it appeared that they were, in principle, not prevented from having contact with other life-sentenced prisoners of their regime level during outdoor exercise and visits to the association room.

28. As regards Jelgava Prison, it quickly became clear during the visit that there had been very little progress since the previous visit as regards the situation of the low-regime-level life-sentenced prisoners held in the establishment. The delegation noted that, up until shortly before its visit, these prisoners had spent 23 hours a day locked up in their cell (mostly in pairs, or alone), their only out-of-cell activity being one hour of outdoor exercise which was taken on a cell-by-cell basis in small cubicles (between 12 and 18 m²). The delegation was informed that a small room with a television set and a billiard table had recently been set up for these prisoners, which they could visit in groups of two to three persons once a week for two hours.¹⁷ This new arrangement can only be described as a very modest step towards remedying what is a totally unacceptable situation.

29. As regards both establishments, it is also a matter of concern that hardly any sports activities were available to life-sentenced prisoners. At Daugavgrīva Prison, these activities were limited to a stationary bicycle placed in the outdoor exercise yard for prisoners on the low regime level and an opportunity to play basketball in the outdoor yard for those on the medium regime level, and to the horizontal bars in the outdoor exercise areas at Jelgava Prison.

¹⁶ Further, some inmates regularly visited a prayer room (usually several times a week).

¹⁷ This was the only possibility for life-sentenced prisoners to associate with prisoners other than their cellmate, or indeed any prisoner at all.

30. **The CPT recommends that immediate steps be taken at Jelgava Prison to ensure that all life-sentenced prisoners on the low regime level are offered daily access to the association room. Further, those life-sentenced prisoners who are held in their cell alone should be offered contact with other life-sentenced prisoners during outdoor exercise. As regards the outdoor exercise areas, they should be made sufficiently large to enable prisoners to exert themselves physically.**

The CPT also calls upon the Latvian authorities to take steps at Daugavgrīva and Jelgava Prisons to devise and implement a comprehensive regime of out-of-cell activities (such as work, preferably with vocational value, education, sport, recreation/association) for all life-sentenced prisoners, including those on the low regime level.

31. As regards the security measures applied to life-sentenced prisoners, an amendment to the Law on the Execution of Sentences (LES) was adopted in December 2012, which contains specific provisions concerning the individual risk assessment of life-sentenced prisoners in order to determine the necessity of applying security measures (i.e. handcuffs) within the prison perimeter. According to the new provision¹⁸, a special risk assessment commission shall be established in the relevant prisons, which may decide to apply handcuffs to a life-sentenced prisoner being escorted by staff inside the prison, if the prisoner concerned is considered to be a threat to a staff member escorting him or to present a risk of escape.

32. The CPT learned that, following legal action undertaken by one of the life-sentenced prisoners held at Jelgava Prison and the subsequent intervention by the competent prosecutor, the Latvian Prison Administration had instructed Daugavgrīva and Jelgava Prisons in early February 2013 to discontinue the use of handcuffs in respect of life-sentenced prisoners pending the entry into force of the above-mentioned legislative amendment (on 1 April 2013) and the carrying out of individual risk assessments by the yet-to-be-established commissions. Consequently, handcuffs had not been applied to any life-sentenced prisoners being escorted by staff in either prison during the period from February till the end of August 2013 (i.e. when the individual risk assessment commissions started functioning in the two prisons). It is noteworthy that not a single case of a staff member being assaulted by a life-sentenced prisoner – nor any attempts to escape from prison – had taken place during that period.

¹⁸ According to Section 50⁸ of the LES:

Special means (handcuffs) can be applied to life-sentenced prisoners while being escorted within the territory of the prison, if the person may pose a threat to a staff member accompanying him while he is being moved, or if there are grounded suspicions that he may escape.

The dangerousness of each life-sentenced prisoner and the need to apply handcuffs during escorts shall be assessed by a commission established by the Director of the institution.

The Heads of the departments responsible for social rehabilitation, security, surveillance, and medical care, as well as the prison's psychologist, shall be included in the commission.

The commission shall assess every life-sentenced prisoner at least once every six months. During the meeting of the commission, the opinion of the prisoner, who shall be present at the meeting, must be heard.

The prisoner concerned can appeal against the decision of the commission to the Head of the Prison Administration. The decision of the Head of the Prison Administration shall not be subject to appeal.

33. At Daugavgrīva Prison, the commission had been able to consider the cases of nine life-sentenced prisoners by the time of the CPT's visit; it had decided to re-impose the use of handcuffs in respect of four of them whenever they left their cells accompanied by a staff member. At Jelgava, the commission had decided that handcuffing should be reintroduced in respect of seven out of the ten life-sentenced prisoners.

34. During the visits to Daugavgrīva and Jelgava Prisons, the delegation examined many decisions taken by the relevant commissions in each establishment, including all the decisions to re-impose the use of handcuffs.

From the examination of the above-mentioned decisions, it transpired that most, if not all, of those imposing the application of handcuffs were flawed. The decisions did not make any reference to the behaviour of the prisoners concerned during the period from February to August 2013 when handcuffs were not applied. Further, all of the decisions were very short and often contained a stereotyped reference to unspecified disciplinary violations committed by the prisoner concerned several years before. Many decisions also highlighted the fact that the prisoner was "registered" as a person with a tendency to escape or to commit an assault, without providing any explanation whatsoever. It is also of concern that the decisions of the commission at Jelgava Prison placed particular emphasis on the crime for which the person was convicted as well as on his past criminal record, in order to determine his current "dangerousness". On a positive note, in both establishments, the prisoners concerned had been given the opportunity to express their views on the matter before the commission and had obtained a copy of the decision.

35. The CPT wishes to stress that, as a rule, life-sentenced prisoners – as indeed any prisoners – should not be handcuffed when being escorted by staff inside the prison. Such a practice may only be justified in highly exceptional cases; it should always be based on an individual and comprehensive assessment of the real risks and should be reviewed on a regular and frequent basis.

36. The CPT recommends that the Latvian authorities take immediate steps to carry out a new and comprehensive individual risk assessment in respect of all the above-mentioned cases in which the use of handcuffs was re-imposed, in the light of the remarks made in paragraphs 34 and 35. The Committee would like to receive detailed information on the outcome of that assessment.

37. The CPT has misgivings about the fact that, according to the new amendment to the LES, chief prison doctors are designated members of the risk assessment commissions which decide on the application of handcuffs to life-sentenced prisoners. The Committee wishes to stress that medical practitioners in prisons act as the personal doctors of prisoners, and the presence of the prison doctor on the panels of the individual risk assessment commission is capable of undermining doctor-patient confidence. That said, all decisions to impose the use of handcuffs should be brought to the attention of a doctor.

The CPT recommends that the Latvian authorities review the relevant legislation in the light of the above remarks.

38. The CPT also has misgivings about the fact that all life-sentenced prisoners at Daugavgrīva

Prison were subjected to permanent CCTV surveillance inside their cells. Such a systematic practice, which severely infringes upon the privacy of the prisoners concerned, appears to be disproportionate.

The CPT acknowledges that video-surveillance inside prison cells may be justified in exceptional cases, for example when a person is considered to be at risk of self-harm or suicide or if there is a concrete suspicion that a prisoner is carrying out activities in the cell which could jeopardise security. However, any decision to impose such surveillance on a particular prisoner should always be based on an individual risk assessment and should be reviewed on a regular basis. **The CPT recommends that the Latvian authorities review the use of video-surveillance in cells at Daugavgrīva Prison, in the light of these remarks.**

39. As stressed in the reports on previous visits, the CPT sees no justification for the systematic segregation of life-sentenced prisoners.¹⁹ Indeed, the experience in various European countries – including some of Latvia’s neighbouring countries – has shown that life-sentenced prisoners are not necessarily more dangerous than other prisoners and that they can be successfully integrated into the mainstream prison population; many of them have a long-term interest in a stable and conflict-free environment. Therefore, the placement of persons sentenced to life imprisonment should be the result of a comprehensive and ongoing risk and needs assessment, based on an individualised sentence plan, and not merely a result of their sentence.

The CPT calls upon the Latvian authorities to take steps – including of a legislative nature – to institute a process for integrating life-sentenced prisoners into the general prison population, in the light of the above remarks. In so doing, the authorities should be guided, inter alia, by Recommendation Rec(2003)23 of the Committee of Ministers of the Council of Europe on the management by prison administrations of life sentence and other long-term prisoners.

3. Health-care services

40. During the 2011 visit, the CPT observed major shortcomings as regards the health-care services of the prisons visited (see paragraphs 82 to 92 of CPT/Inf (2013)20). As already mentioned, one of the objectives of the 2013 visit was to review the action taken by the Latvian authorities to improve the provision of health care to inmates. To this end, the CPT’s delegation returned to Jelgava and Rīga Central Prisons and visited the Prison Hospital in Olaine.

¹⁹ See, in particular, paragraphs 69 and 70 of the report on the 2007 visit (CPT/Inf (2009) 35).

41. The official staffing complement at *Rīga Central Prison* as regards doctors remained largely unchanged since the 2011 visit.²⁰ However, the delegation was informed that one of the full-time doctor's posts was vacant. As for the number of nursing staff, this had been increased to 14½ posts (i.e. six nurses' posts, 7½ feldshers' posts and one post of an X-ray technician).

Clearly, any vacant posts should be filled without delay. As regards more specifically general practitioners, given the establishment's current population of almost 1,300 inmates, the CPT considers that *Rīga Central Prison* should have the equivalent of three full-time GPs. In addition, the nursing staff resources should be further increased.

At *Jelgava Prison*, there was one full-time doctor (a surgeon), two part-time (50%) general practitioners and a part-time (50%) psychiatrist, which can be considered as sufficient for a prison establishment with some 600 inmates. However, the nursing complement – two nurses and one feldsher – is clearly insufficient.

The CPT was pleased to note that, at *Rīga Central Prison*, a feldsher was now also present at night-time. However, at *Jelgava Prison*, there was still no presence of health-care staff at night and on weekends.

The CPT recommends that the Latvian authorities take steps to increase the health-care staffing levels at *Rīga Central* and *Jelgava Prisons*, in the light of the above remarks. Further, in all prison establishments, there should always be someone present on the premises who is competent to provide first aid, preferably a person with a recognised nursing qualification.

42. It is regrettable that, despite the specific recommendation made by the CPT after the 2011 visit, it was still common practice at *Jelgava* and *Rīga Central Prisons* for inmates to be employed as nursing assistants. They performed various tasks in the health-care unit, including providing care to in-patients and, at *Rīga Central Prison*, they also had access to prisoners' medical files. **The CPT recommends that steps be taken to abolish the practice of employing prisoners as nursing assistants and to ensure that no prisoner has access to the personal medical data of other prisoners.**

43. The CPT noted some improvements in the provision of health care to prisoners as compared to the situation found during the previous visit. It was obvious that there had been an increase in financial resources allocated to prison health-care services. It is noteworthy that, in contrast to the 2011 visit, few complaints were received of delays in gaining access to prison health-care staff.

²⁰ A general practitioner, a psychiatrist and a radiologist, all working on a full-time basis, as well as several doctors working on a part-time basis (a general practitioner, a dentist, a psychiatrist, a surgeon, a dermatologist and an ophthalmologist). In addition, the prison was visited by an ENT specialist (once a week) and a cardiologist (when needed).

In both Jelgava and Rīga Central Prisons, the delegation observed that the supply of medication had improved and that the list of medicines provided to prisoners free of charge had been extended. Further, following an amendment made to the Law on Medical Treatment in January 2012, prison doctors were now entitled to refer their patients to an external medical institution for outpatient treatment. More generally, the delegation observed that, at both prisons visited, it had become easier for an inmate to be referred to an outside hospital for a specialist opinion and, if necessary, specialist care.

The delegation also noted that, unlike the situation observed in 2011, medical confidentiality during doctor-inmate consultations appeared to be respected; in both prisons, such consultations usually took place in the absence of custodial officers.

44. Nevertheless, the situation observed in the two prisons was not entirely reassuring. In particular, the delegation noted that relatively expensive medication, such as new-generation neuroleptics and antibiotics, had to be paid for by the prisoners themselves. Further, there could still be significant delays in arranging the transfer of prisoners to the Prison Hospital (partly due to the fact that every such transfer had to be authorised by the Head of the Prison Administration) and the delegation received many complaints from prisoners in this regard.

Reference should also be made to dental services provided to inmates at Jelgava Prison, which had been outsourced to a private clinic. When the delegation visited the prison's dental surgery, it found that the dental instruments had not been properly sterilised and that some were dirty, or even rusty. Such a state of affairs is not acceptable. In the CPT's view, there should be an adequate supervision by the Prison Administration of any outsourced health-care services, in co-operation with the Health-Care Quality Control Division of the Ministry of Health.

45. To sum up, the delegation which carried out the 2013 visit found improvements in certain areas (e.g. supply of medication; access to specialist care; confidentiality during doctor-inmate consultations; etc.). However, the visit has also revealed that a number of deficiencies remain to be addressed and that further action is required to ensure that persons held in prison benefit from a level of medical care equivalent to that provided to persons in the outside community. In this connection, the CPT considers that a greater participation of the Ministry of Health in this area will help to ensure optimum health care for prisoners.

46. The CPT recommends that the Latvian authorities step up their efforts to further improve the provision of health care to prisoners, in the light of the remarks in paragraphs 44 and 45. In this regard, the role of the Ministry of Health in the field of prison health care should be enhanced.

47. In both prisons, the procedures for medical examination on admission remained as described in the report on the 2011 visit; such examinations were generally carried out in a satisfactory manner.

However, the recording of injuries in both the central trauma register and the personal medical files of prisoners still left much to be desired. In particular, the injuries observed were not always described in detail, and the records rarely included statements of the inmates as to the origin of their injuries. Further, in none of the records examined was the doctor's opinion noted regarding the consistency between the injuries observed and the prisoner's explanations for them. It should also be added that injuries observed on prisoners during the initial medical examination were still not reported to the relevant prosecutor; in fact, no automatic reporting to the competent authority of injuries indicative of ill-treatment appeared to be required of a prison health-care service.

The CPT once again calls upon the Latvian authorities to take immediate steps (including through the issuance of instructions and the provision of training to relevant staff) to ensure that the record drawn up after the medical examination of a prisoner (on admission²¹ and during imprisonment) contains: i) an account of statements made by the person which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), ii) a full account of objective medical findings based on a thorough examination, and iii) the health-care professional's observations in the light of i) and ii), indicating the consistency between any allegations made and the objective medical findings. The record should also contain the results of additional examinations carried out, detailed conclusions of specialised consultations and a description of treatment given for injuries and of any further procedures performed.

Recording of the medical examination in cases of traumatic lesions should be made on a special form provided for this purpose, with "body charts" for marking traumatic lesions that will be kept in the medical file of the prisoner. Further, it would be desirable for photographs to be taken of the injuries; these photographs should also be placed in the medical file.

Whenever injuries are recorded by a health-care professional which are consistent with allegations of ill-treatment made by the prisoner (or which, even in the absence of the allegations, are indicative of ill-treatment), the record should be systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned. Further, the results of every examination, including the above-mentioned statements and the doctor's conclusions, should be made available to the prisoner and his/her lawyer.

48. The delegation was impressed by the quality of the health-care facilities and equipment at the Prison Hospital in Olaine. However, it is regrettable that this institution, which started operating in 2007 with a capacity of some 200 beds, had to be downsized in 2010 due to the financial crisis which has severely affected Latvia. Notably, the number of the Hospital's health-care staff had been reduced from 176 to 33, and some of its departments, such as internal diseases and surgery, had been closed. As a result, the Hospital now mainly accepts psychiatric (30 beds) and TB patients (70 beds)²² and full use cannot be made of its high-standard facilities.

²¹ The term "admission" should be understood as also covering prisoners returning to prison after having been transferred back to police custody for investigative purposes.

²² The Hospital also carried out outpatient specialist consultations and laboratory tests.

In this connection, the delegation was informed that it was planned to gradually increase the budget of the Hospital with a view to recruiting additional staff and reopening the closed departments. This would be a very welcome development; **the CPT would like to receive updated information in this regard.**

49. The Committee learned that financial resources had recently been allocated by a foreign organisation for the creation of a new addiction centre near the Prison Hospital, with an envisaged capacity of 200 places. It was intended for the treatment of prisoners with substance abuse problems, with a subsequent return to drug-free units in prisons to serve the rest of their sentences. **The CPT would like to be informed of progress in the realisation of this project.**

4. Other issues

a. situation of remand prisoners at Rīga Central Prison

50. The CPT noted with great concern that the regime for remand prisoners at Rīga Central Prison remained very poor; nearly all of them continued to be locked up in their cells for up to 23 hours a day, with no out-of-cell activities other than outdoor exercise of one hour taken in small cubicles and occasional sports sessions.

The CPT calls upon the Latvian authorities to take steps without further delay at Rīga Central Prison to devise and implement a regime of out-of-cell activities (including group association activities) for remand prisoners. Further, the Committee reiterates its recommendation that the outdoor exercise areas at Rīga Central Prison be enlarged, in order to enable prisoners to exert themselves physically.

51. Given the targeted nature of the visit (see paragraph 20), the delegation did not examine in detail the material conditions of detention at Rīga Central Prison. That said, the CPT was pleased to note that the metal shutters had been removed from the cell windows, in compliance with a longstanding recommendation of the Committee. Further, the delegation was informed that the establishment was undergoing rolling refurbishment and that some 30 cells had been renovated since the 2011 visit. Work was also underway to open a new detention block with a capacity of 320 places in the building of the former prison hospital.

b. prison staff

52. In the report on the 2011 visit, the CPT expressed its serious concern about the extremely low staffing levels in the prisons visited and called upon the Latvian authorities to review prison staffing levels as a matter of priority.

Regrettably, the 2013 visit revealed that there had been no progress in this area; staffing levels remained clearly insufficient in the prisons visited. For example, at Rīga Central Prison, there were only 230 posts for custodial officers, 76 of which were vacant. In the entire prison system, there were some 300 vacancies for custodial staff, and the delegation was told that it was very difficult to fill those vacancies, given the substandard working conditions in prisons and low salaries.

The CPT once again calls upon the Latvian authorities to improve prison staffing levels as a matter of priority; for this, a recruitment strategy should be developed based on proper funding and enhanced conditions of service.

c. contact with the outside world

53. The CPT was concerned to note that, despite the specific recommendation made by the Committee after the previous visit, the frequency of visits for prisoners serving a sentence in a closed prison – including life-sentenced prisoners – remained low; they are entitled to, at best, one visit (either short- or long-term) per month.²³ The number of telephone calls which this category of prisoners is entitled to make also remains very limited (at best, three phone calls per month). **The CPT reiterates its recommendation that the Latvian authorities significantly increase the visit entitlement of this category of prisoner; all prisoners, irrespective of their regime level, should be entitled to the equivalent of one hour of visiting time per week and, preferably, should be able to receive a visit every week. As regards telephone contacts, the maximum number of allowed phone calls should also be increased.**

54. It is also a matter of concern that short-term visits for sentenced prisoners still take place under closed conditions (i.e. through a glass partition).

The Committee accepts that, in exceptional cases, it may be justified, for security-related reasons, to prevent physical contact between prisoners and their visitors. However, open visits should be the rule and closed visits the exception. **The CPT reiterates its recommendation that the Latvian authorities review the visiting arrangements in all prison establishments in order to ensure that, as a rule, short-term visits take place under open conditions.**

²³ Prisoners on the low regime level in a closed prison have the fewest visits: four short-term (of up to 2 hours) and three long-term (of up to 12 hours) visits per year.

APPENDIX

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Police establishments

Preliminary remarks

recommendations

- the Latvian authorities to take steps to ensure that persons remanded in custody are always promptly transferred to a prison (paragraph 8);
- the Latvian authorities to take steps – including of a legislative nature – to ensure that the return of prisoners to police detention facilities is sought and authorised only very exceptionally, for specific reasons and for the shortest possible time. Such a return should in each case be subject to the express authorisation of a prosecutor or judge; it should never be effected by the sole decision of a police investigator (paragraph 9);
- for as long as police detention facilities continue to be used to hold administrative detainees, the Latvian authorities to take measures to ensure that these facilities are properly resourced to cater for such detainees, in the light of the remarks in the first subparagraph of paragraph 11 (paragraph 11).

comments

- consideration might usefully be given to abolishing administrative detention (paragraph 11).

requests for information

- updated information on the draft legislative amendments providing for criminal responsibility for certain administrative offences (paragraph 10).

Conditions of detention

recommendations

- Dobele Police Detention Facility to be subject to substantial renovation without further delay, taking into account the shortcomings described in paragraph 16 (paragraph 18);
- all persons who are detained by the police for 24 hours or more to be offered outdoor exercise, and anyone held in a police detention facility for more than 48 hours to be entitled to at least one hour of outdoor exercise every day (paragraph 19).

requests for information

- a detailed account of the measures taken to remedy the deficiencies at Jelgava and Saldus Police Detention Facilities described in paragraph 16 (paragraph 18).

Prisons establishments

Preliminary remarks

recommendations

- the Latvian authorities to revise the existing legal standards on living space for prisoners without any further delay, so as to offer at least 4 m² per prisoner in multi-occupancy cells (paragraph 22).

Situation of life-sentenced prisoners

recommendations

- immediate steps to be taken to fully partition the toilets (i.e. from floor to ceiling) in the cells for life-sentenced prisoners at Daugavgrīva Prison (as well as in any other multi-occupancy cells in the establishment where the in-cell toilets are not fully partitioned) (paragraph 25);
- immediate steps to be taken at Jelgava Prison to ensure that all life-sentenced prisoners on the low regime level are offered daily access to the association room. Further, those life-sentenced prisoners who are held in their cell alone should be offered contact with other life-sentenced prisoners during outdoor exercise. As regards the outdoor exercise areas, they should be made sufficiently large to enable prisoners to exert themselves physically (paragraph 30);
- the Latvian authorities to take steps at Daugavgrīva and Jelgava Prisons to devise and implement a comprehensive regime of out-of-cell activities (such as work, preferably with vocational value, education, sport, recreation/association) for all life-sentenced prisoners, including those on the low regime level (paragraph 30);
- the Latvian authorities to take immediate steps to carry out a new and comprehensive individual risk assessment in respect of all the cases of life-sentenced prisoners at Daugavgrīva and Jelgava Prisons in which the use of handcuffs was re-imposed, in the light of the remarks in paragraphs 34 and 35 (paragraph 36);
- the Latvian authorities to review the relevant legislation concerning the role of prison doctors vis-à-vis the application of handcuffs to life-sentenced prisoners, in the light of the remarks in paragraph 37 (paragraph 37);
- the Latvian authorities to review the use of video-surveillance in cells at Daugavgrīva Prison, in the light of remarks in paragraph 38 (paragraph 38);

- the Latvian authorities to take steps – including of a legislative nature – to institute a process for integrating life-sentenced prisoners into the general prison population, in the light of the remarks in paragraph 39. In so doing, the authorities should be guided, inter alia, by Recommendation Rec(2003)23 of the Committee of Ministers of the Council of Europe on the management by prison administrations of life sentence and other long-term prisoners (paragraph 39).

requests for information

- updated information on the rolling refurbishment at Jelgava Prison, including a detailed account of the measures taken to improve material conditions (including full partitioning of the in-cell toilets) in the unit for life-sentenced prisoners (paragraph 26);
- detailed information on the outcome of the new and comprehensive individual risk assessment of life-sentenced prisoners recommended by the CPT in paragraph 36, concerning the necessity of applying security measures (paragraph 36).

Health-care services

recommendations

- the Latvian authorities to take steps to increase the health-care staffing levels at Rīga Central and Jelgava Prisons, in the light of the remarks in paragraph 41. Further, in all prison establishments, there should always be someone present on the premises who is competent to provide first aid, preferably a person with a recognised nursing qualification (paragraph 41);
- steps to be taken to abolish the practice of employing prisoners as nursing assistants and to ensure that no prisoner has access to the personal medical data of other prisoners (paragraph 42);
- the Latvian authorities to step up their efforts to further improve the provision of health care to prisoners, in the light of the remarks in paragraphs 44 and 45. In this regard, the role of the Ministry of Health in the field of prison health care should be enhanced (paragraph 46);
- the Latvian authorities to take immediate steps (including through the issuance of instructions and the provision of training to relevant staff) to ensure that the record drawn up after the medical examination of a prisoner (on admission and during imprisonment) contains: i) an account of statements made by the person which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), ii) a full account of objective medical findings based on a thorough examination, and iii) the health-care professional's observations in the light of i) and ii), indicating the consistency between any allegations made and the objective medical findings. The record should also contain the results of additional examinations carried out, detailed conclusions of specialised consultations and a description of treatment given for injuries and of any further procedures performed. Recording of the medical examination in cases of traumatic lesions should be made on a special form provided for this purpose, with “body charts” for marking traumatic lesions that will be kept in the medical file of the prisoner (paragraph 47);

- whenever injuries are recorded by a health-care professional which are consistent with allegations of ill-treatment made by the prisoner (or which, even in the absence of the allegations, are indicative of ill-treatment), the record to be systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned. Further, the results of every examination, including the above-mentioned statements and the doctor's conclusions, should be made available to the prisoner and his/her lawyer (paragraph 47).

comments

it would be desirable for photographs to be taken of traumatic lesions displayed by prisoners; these photographs should be placed in the medical file (paragraph 47).

requests for information

- updated information on the plans to gradually increase the budget of the Prison Hospital in Olaine with a view to recruiting additional staff and reopening the closed departments (paragraph 48);
- progress in the realisation of the project for a new addiction centre (paragraph 49).

Other issues

recommendations

- the Latvian authorities to take steps without further delay at Rīga Central Prison to devise and implement a regime of out-of-cell activities (including group association activities) for remand prisoners (paragraph 50);
- the outdoor exercise areas at Rīga Central Prison to be enlarged, in order to enable prisoners to exert themselves physically (paragraph 50);
- the Latvian authorities to improve prison staffing levels as a matter of priority; for this, a recruitment strategy should be developed based on proper funding and enhanced conditions of service (paragraph 52);
- the Latvian authorities to significantly increase the visit entitlement for prisoners serving a sentence in a closed prison; all prisoners, irrespective of their regime level, should be entitled to the equivalent of one hour of visiting time per week and, preferably, should be able to receive a visit every week. As regards telephone contacts, the maximum number of allowed phone calls should also be increased (paragraph 53);
- the Latvian authorities to review the visiting arrangements in all prison establishments in order to ensure that, as a rule, short-term visits take place under open conditions (paragraph 54).