



CPT/Inf (2005) 8

**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 25 September to 4 October 2002**

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 (2005) 9.

Strasbourg, 10 May 2005

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Copy of the letter transmitting the CPT's report

Strasbourg, 10 April 2003

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 Government of Latvia 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 24 September to 4 October 2002. The report was adopted by the CPT at its 50th meeting, held from 4 to 7 March 2003.

I would like to draw your attention to paragraph 190 of the report, in which the CPT requests the Latvian authorities to provide **within six months** a response setting out the measures taken upon its visit report.

The CPT would ask, in the event of the report being forwarded in Latvian, that it be accompanied by an English or French translation. It would also be most helpful if the Latvian authorities could provide a copy of the report in a computer-readable form.

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

Yours faithfully,

Silvia CASALE  
President of the European Committee for the  
Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

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## 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 25 September to 4 October 2002. The visit formed part of the CPT's programme of periodic visits for 2002, and was the second periodic visit to Latvia to be carried out by the Committee<sup>1</sup>.

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

- Renate KICKER (Head of Delegation)
- Aleš BUTALA
- László CSETNEKY
- Pétur HAUKSSON
- Jagoda POLONCOVÁ.

They were assisted by:

- Alan MITCHELL, Head of Health Care and Medical Adviser to the Scottish Prison Service, Edinburgh, United Kingdom (expert)
- Sonja SNACKEN, Professor of Criminology and Sociology of Law at the Free University of Brussels, Belgium (expert)
- Juris BALDUNCIKS (interpreter)
- Inguna BEKERE (interpreter)
- Vallija BROKA (interpreter)
- Inara VISOCKA (interpreter)
- Ieva VIZULE (interpreter)

and were accompanied by the following members of the CPT's Secretariat:

- Edo KORLJAN
- Michael NEURAUTER.

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<sup>1</sup> The first periodic visit to Latvia took place from 24 January to 3 February 1999. The visit report and the responses of the Latvian authorities were published on 22 November 2001 (documents CPT/Inf (2001) 27 and (2001) 28).

**B. Establishments visited**

3. The delegation visited the following places of detention:

**Establishments under the authority of the Ministry of the Interior**

- Daugavpils Police Headquarters
- Liepāja Police Headquarters
- Ogre Short-Term Isolator
- Ventspils Police Headquarters
- Olaine Detention Centre for Illegal Immigrants
- Detention facilities at Rīga International Airport
- Kaplava Border Guard Unit
- Rīga Pre-Trial Investigation Centre and Short-Term Isolator<sup>2</sup>

**Establishments under the authority of the Ministry of Justice**

- Daugavpils Prison
- Jelgava Prison (Unit for life-sentenced prisoners)
- Liepāja Prison (Unit for juveniles)
- Rīga Central Prison (including the Prison Hospital)<sup>2</sup>

**Establishments under the authority of the Ministry of Welfare**

- Vīķi Psychiatric Centre Children's Section (attached to Rīga Neuropsychiatric Hospital)
- Ezerkrasti Social Care Centre, Rīga.

The delegation also went to Mucenieki Reception Centre for Asylum-Seekers, in order to interview foreign nationals who had been transferred there from Olaine Detention Centre for Illegal Immigrants. In addition, the delegation paid a brief visit to the Rīga Orphan Care Centre, in order to examine the procedures of admission.

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<sup>2</sup> Follow-up visit.

**C. Consultations held by the delegation**

4. The delegation held consultations with the national authorities as well as with local officials in charge of the places visited.

A list of the national authorities with which the delegation held consultations is set out in Appendix II to this report.

**D. Co-operation between the CPT and the Latvian authorities**

5. The degree of co-operation received during the visit from the Latvian authorities at central level was very good. In the course of the visit, the CPT's delegation held fruitful discussions with Ms Ingrida LABUCKA, Minister of Justice, Mr Raimonds BLUĶIS, Deputy State Secretary of the Ministry of the Interior, Mr Juris REKŠŅA, Chief of the State Police, and Mr Vitolds ZAHARS, Director General of the Prison Administration, as well as with senior officials of the Ministry of Welfare. The reception received at all places visited, including those which were not notified in advance, was excellent.

The CPT wishes to express its appreciation for the assistance provided before and during the visit by the CPT's liaison officers, Messrs Vitolds ZAHARS and Dailis LŪKS from the Ministry of Justice.

However, the CPT regrets the fact that the list of the places of deprivation of liberty received prior to the visit was incomplete. By way of example, the list did not contain any detention facility of the Border Guards. **The CPT requests that it be provided with a complete list of all places where persons may be deprived of their liberty by a public authority in Latvia (cf. also Article 8 (2) b of the Convention).**

6. The principle of co-operation set out in the Convention also implies that Parties take effective steps to improve the situation, in the light of the CPT's recommendations.

The Committee is very concerned by the lack of progress in Latvia, in numerous areas. The 2002 visit clearly demonstrated that hardly any of the Committee's recommendations concerning the police, made after the 1999 visit, had been implemented; further, the Committee has been obliged to reiterate many of its previous recommendations concerning prison issues.

The CPT must stress that, unless genuine efforts are made to improve the situation, it will be obliged to consider having recourse to Article 10 (2) of the Convention.<sup>3</sup>

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<sup>3</sup> Article 10, paragraph 2, reads as follows: "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."



**E. Immediate observations under Article 8, paragraph 5, of the Convention**

7. At the end of the visit, on 4 October 2002, the CPT's delegation held final talks with the Latvian authorities, in order to acquaint them with the main facts found during the visit. On this occasion, the delegation made an immediate observation, in pursuance of Article 8, paragraph 5, of the Convention, requesting the Latvian authorities to take urgent steps at Daugavpils, Liepāja and Ventspils Police Headquarters to ensure that:

- all persons detained there are granted ready access to sanitary facilities, and that persons held overnight are provided with a clean mattress and clean blankets as well as with personal hygiene products;
- all persons who are detained for prolonged periods are granted at least one hour of outdoor exercise per day;
- all cells are fitted with adequate artificial lighting.

In addition, it was stated that cell No. 1 and the "sobering-up" cell at Ventspils Police Headquarters should be immediately withdrawn from service.

By letter dated 29 January 2003, the Latvian authorities informed the CPT of the measures taken in response to the above-mentioned observation. These measures will be assessed later in the report. However, at this stage, the CPT wishes to acknowledge the constructive spirit in which the Latvian authorities reacted to the delegation's immediate observation.

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Police establishments

#### 1. Preliminary remarks

8. The general legal framework governing the detention of persons who have committed a criminal or an administrative offence remained unchanged since the 1999 visit. Police custody of persons arrested on suspicion of having committed a criminal offence is limited to an initial period of 24 hours, which can be extended to 72 hours by the prosecutor. At the expiry of this period, the court may, in exceptional cases, extend the detention period for an additional seven days. Police custody is therefore limited to a maximum ten-day period. The maximum length of detention for administrative offences remains 15 days (*cf.* paragraph 13 of the report on the 1999 visit).

In addition, as was the case in 1999, remand prisoners could be held for prolonged periods in Detention Isolators under the authority of the Ministry of the Interior. Moreover, persons placed in a remand prison may subsequently be returned to the custody of the police, if this is considered necessary for the preliminary investigation. Latvian legislation does not foresee any specific time limits in these cases (*cf.* paragraph 42).

As regards the detention under aliens legislation of foreign nationals in police establishments, reference is made to paragraph 43 below.

The 2000 Police Act provides, *inter alia*, specific legal grounds for the detention of persons who are at risk of harming themselves or others.<sup>4</sup> Similar provisions are also contained in the Children's Rights Protection Law.<sup>5</sup>

9. The CPT's delegation was informed that a new draft of the Criminal Procedure Code was pending before Parliament. **The CPT would like to receive more detailed information on this subject, including a copy of this legislative act once it is adopted.**

#### 2. Torture and other forms of ill-treatment

10. In the course of the visit, the CPT's delegation received a considerable number of credible allegations of physical ill-treatment by the police throughout Latvia. It would appear that juveniles are particularly at risk in this respect. The ill-treatment alleged consisted in the main of punches and kicks, and of striking the person concerned with batons and other objects. In some cases, the ill-treatment alleged - asphyxiation with a plastic bag, strangulation, very severe beating, infliction of electric shocks, submerging the head of a suspect in the water of a lake - was of such a severity that it could be considered to amount to torture.

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<sup>4</sup> See Article 12, paragraphs 8-12.

<sup>5</sup> See Articles 59 and 60.

The majority of the allegations concerned ill-treatment at the time of or immediately following apprehension; however, a not insignificant proportion of them related to ill-treatment during police questioning and, more particularly, during interrogation by officers of the criminal police.

11. In a few cases, medical members of the delegation found, on examination of detained persons, physical marks or conditions consistent with allegations of ill-treatment made. By way of example:

- i) a detainee alleged that he had been beaten repeatedly by several police officers at Ventspils Police Headquarters some three weeks before the visit. On examination by a medical member of the delegation, he displayed pale yellowish bruises on different parts of the body, a large yellow discoloration around his left eye covering most of the cheek, a dark blue discoloration near the nose, a yellow discoloration in front of the left shoulder (measuring some 5 x 6 cm), a paler yellow discoloration under the left rib cage (measuring some 8 x 12 cm), a laceration and a small, demarcated blood-red area in the region of the right eye;
- ii) a juvenile prisoner at Liepāja Prison alleged that he had been injured with a battery-driven electrical shock device by police officers at Ventspils Police Headquarters approximately two months before the visit. He claimed that police officers had tried to push the device by force into his mouth, which resulted, due to his resistance, in a broken tooth on the upper left side. He also alleged that handcuffs had been applied too tightly to him. An examination by a medical member of the delegation revealed a broken tooth on the left side of the upper jaw, and scars around both wrists.

12. The CPT is seriously concerned about the high number and severity of complaints of ill-treatment of persons in police custody in Latvia; the situation has clearly not improved since the 1999 visit. Decisive action must be taken to eradicate ill-treatment, the existence of which was not contested by senior officials of the Ministry of the Interior. As already indicated in the report on the 1999 visit (page 9, CPT/Inf (2001) 27), ill-treatment is not only harmful to the victim, but also degrading for the official who inflicts it or authorises it and ultimately prejudicial to the national authorities in general.

**The CPT recommends that a formal statement emanating from the Minister of the Interior be delivered to all law enforcement officials (including to officers of the criminal police), reminding them that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. They should also be reminded that no more force than is strictly necessary is to be used when apprehending a person.**

13. In the interests of the prevention of torture and other forms of ill-treatment, the CPT recommended in its report on the 1999 visit that the Latvian authorities give a very high priority to professional training for police officers of all ranks and categories, and that an aptitude for interpersonal communication become a major factor in the process of their recruitment.

In their response, the Latvian authorities informed the Committee that a number of police officers had recently attended different training courses in Latvia and abroad. Although these courses are no doubt beneficial for professional police work (instruction on drug enforcement, police tactics and security at work, witness protection, economic crime, *etc.*), the CPT regrets that no information was provided on training regarding practical skills for handling high-risk situations, such as the apprehension and interrogation of suspects. In addition, the CPT noted with concern that, according to the Latvian authorities' response, there was a "lack of qualification improvement courses at the Latvian Police Academy because of the shortage of allocated funds" (page 5, CPT/Inf (2001) 28).

**The CPT reiterates its recommendation that a high priority be given to police training, in the light of the remarks made in paragraphs 17 and 18 of the report on the 1999 visit.**

14. Naturally, another effective means of preventing ill-treatment by police officers lies in the diligent examination by the competent authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong dissuasive effect. Conversely, if those authorities do not take effective action upon complaints referred to them, law enforcement officials minded to ill-treat persons in police custody will quickly come to believe that they can do so with impunity.

15. In this context, **the CPT requests the Latvian authorities to supply the following information in respect of 2001 and 2002:**

- **the number of complaints of ill-treatment lodged against police officers and the number of criminal/disciplinary proceedings which were initiated as a result;**
- **a detailed account of the specific criminal/disciplinary sanctions imposed following complaints of ill-treatment.**

**The CPT would also like to receive detailed information on police complaints and disciplinary procedures, including as regards the safeguards incorporated to ensure their objectivity.**

16. The CPT has previously highlighted steps to be taken by the prosecuting and/or judicial authorities for the prevention of ill-treatment by the police (*cf.* paragraph 21 of the report on the 1999 visit). Despite the explicit request by the President of the CPT in her letter of 26 October 2000, the Latvian authorities did not address this issue in their follow-up report. This is all the more of concern, bearing in mind that a number of persons met by the delegation indicated that they had been afraid to complain about their ill-treatment by the police ("this only leads to more trouble"). Some of them claimed that their lawyers advised them not to complain about the ill treatment inflicted by the police, even on subsequent admission to prison.

**The CPT reiterates its recommendation that whenever an apprehended person brought before a prosecutor or judge alleges ill-treatment by the police, the prosecutor/judge should immediately request a forensic medical examination of the person concerned and take the necessary measures in order for the allegation to be duly investigated.**

**Even in the absence of an express allegation of ill-treatment, the prosecutor/judge should request a forensic medical examination and notify the relevant authorities whenever there are other grounds to believe that an apprehended person brought before him could have been the victim of ill-treatment (e.g. visible injuries; a person's general appearance or demeanour). This approach should be followed irrespective of whether the person concerned bears visible injuries.** In this latter connection, it should be noted that many of the types of ill-treatment alleged will not necessarily leave physical marks. Even blows to the body may leave only slight marks, which are difficult to observe and may quickly disappear.

**Further, appropriate steps must be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint.**

17. As already stated in paragraph 43 of the report on the 1999 visit, the CPT considers that the inspection of police detention facilities by an independent authority can also make an important contribution towards the prevention of ill-treatment of persons held by the police and, more generally, help to ensure satisfactory conditions of detention. To be fully effective, such visits should be both frequent and unannounced, and the authority concerned should be empowered to interview detained persons in private. Further, it should examine all issues related to the treatment of persons in custody: the recording of detention; information provided to detained persons on their rights and the actual exercise of those rights (in particular the three rights referred to in paragraph 24); compliance with rules governing the questioning of criminal suspects; and material conditions of detention.

In Latvia, the prosecuting/judicial authorities and the Police Inspectorate as well as the National Human Rights Office are all authorised to inspect police detention facilities. **The CPT would like to receive comprehensive information on the frequency of visits of the above-mentioned bodies to such facilities in 2002 and, as appropriate, on the action taken following the visits.**

18. It remains the case that remand prisoners are frequently returned to police establishments for further questioning (*cf.* paragraph 22 of the 1999 report). The information gathered during the 2002 visit indicated that such transfers could still be effected by the sole decision of police investigators. **The CPT must therefore reiterate its recommendation that a measure of this kind be subject to the express authorisation of a prosecutor or judge.**

Further, the CPT wishes to stress once again that, from the standpoint of the prevention of ill-treatment, it would be far preferable for further questioning by police officers of persons committed to a remand prison to take place in prison rather than on police premises. **The return of prisoners to police custody, for whatever purpose, should only be sought and authorised when it is absolutely unavoidable.**

19. The CPT is also concerned to note that, in some cases, the fact that a remand prisoner had been returned to the custody of the police or, subsequently, had been transferred from one police establishment to another was not recorded in the police establishments concerned, especially in the Liepāja region (*cf.* also paragraph 35).

**The CPT recommends that such transfers be precisely registered at both the police establishments and prisons concerned. Naturally, when a remand prisoner is returned to the custody of the police, he/she should also enjoy all the fundamental rights referred to in paragraph 24.**

20. Finally, already in this section of the report, it should be noted that conditions of detention at Daugavpils, Liepāja and Ventspils Police Headquarters were so appalling that they could easily be considered as *inhuman and degrading*.

### **3. Conditions of detention**

21. In paragraph 23 of the report on the 1999 visit, the CPT made a number of specific recommendations with a view to improving the extremely poor *material conditions* of detention in Latvian police establishments. However, the Committee noted with great concern that the facts found during the 2002 visit clearly show that the situation has not improved.

Conditions of detention were particularly bad at Daugavpils, Liepāja and Ventspils Police Headquarters, where persons were being held 24 hours per day in overcrowded cells, which were very humid, dirty and poorly ventilated. Hardly any of the cells had access to natural light, and artificial lighting was extremely poor. In all three establishments visited, detainees were obliged to sleep on a wooden platform without mattresses and blankets. They were not given the possibility to wash themselves, had access to toilets only once or twice per day, and for the rest of the time were obliged to use a bucket in their cells to satisfy the needs of nature. No personal hygiene products (*e.g.* toilet paper) were provided.

At Ventspils Police Headquarters, cell No. 1 was so dilapidated, humid and dirty as to render it totally unfit to serve as human accommodation. The establishment's "sobering-up" cell, which was devoid of any equipment and had neither access to natural light nor artificial lighting, was also in a deplorable state; at the time of the visit, the cell's floor was covered with sand, human excrement and vomit, the resulting stench being overpowering.

22. The CPT's delegation made an immediate observation in respect of the conditions of detention in these establishments (*cf.* paragraph 7). In their letter of 29 January 2003, the Latvian authorities informed the Committee that "construction work has begun in the Liepāja police authority and construction projects are planned for the Ventspils and Daugavpils police authorities. The issue about ensuring that the detention centres are provided with mattresses and blankets is currently being resolved. The Ventspils police authority's short-term "sobering-up" cell and one of the chambers were closed as of January 10, 2003, as not being fit for the detention of persons."

The CPT welcomes these developments and **would like to be informed of the progress made in the implementation of the above-mentioned construction plans.**

Further, **the Committee would like to receive the Latvian authorities' confirmation that all persons detained at Daugavpils, Liepāja and Ventspils Police Headquarters (as well as in other police establishments) are now provided with a clean mattress/blankets at night as well as with personal hygiene products and are given the possibility to wash themselves and to have ready access to toilets.**

23. At the Ogre Short-Term Isolator, the delegation discovered a special *restraint chair* located within the shower/toilet area. According to the staff present, this chair was mainly used to restrain agitated and/or drunken persons with leather belts (five-point fixation) for a period of up to three hours, in order to "calm them down". Occasionally, it was also used for agitated drug users and even for persons who were not in state of agitation. No medical (or any other) supervision was provided during the application of this type of physical restraint, and there were neither guidelines governing its use nor any registers recording it. In the CPT's view, such a device has no place in a police service.

**The CPT recommends that all such restraint chairs be withdrawn from use immediately. Further, steps should be taken to ensure that, whenever a detained person becomes highly agitated, the police immediately call a doctor and act in accordance with his opinion.**

#### **4. Fundamental safeguards against ill-treatment**

24. As already pointed out in paragraph 31 of the report on the 1999 visit, three fundamental rights should apply from the outset of a person's deprivation of liberty (the right of those concerned to inform a close relative or another third party of their choice of their situation, the right of access to a lawyer, and the right of access to a doctor). Furthermore, persons taken into police custody should be expressly informed, without delay and in a language they understand, of all their rights, including those referred to above.

These safeguards should apply not only to persons detained by the police in connection with a criminal or administrative offence, but also to persons detained under aliens legislation, and to persons who are obliged to remain with the police for other reasons (*e.g.* as a witness or for identification purposes).

##### **a. notification of custody**

25. In its 1999 report, the CPT recommended that the Latvian authorities take the necessary measures to ensure that Article 78 of the Code of Criminal Procedure, guaranteeing the notification of custody of persons deprived of their liberty, is fully complied with in practice. In their interim response (page 9, CPT/Inf (2001) 28), the Latvian authorities indicated that "the police shall allow any persons detained and arrested (...) if these persons so wish, to immediately inform their families (...) about the place they are".

26. However, during the 2002 visit, the delegation met a number of detainees who claimed that this right had not been granted to them from the outset of their deprivation of liberty; it would appear that this right became effective in practice only when a detained person was first formally questioned by an investigator. The CPT is particularly concerned that, with regard to this right, specific provisions applicable to juveniles (in particular, the obligation of the police to inform the parents/legal representative) were not always respected; on occasion, notification of their custody had taken place only after three or four days.

In their letter of 29 January 2003, the Latvian authorities informed the CPT that on 11 October 2002 a letter had been sent to the regional police authorities, emphasising “the need to immediately ensure that the basic rights of detained persons were observed, that is: 1) to inform the detained person of his/her rights *immediately after detention*<sup>6</sup>, 2) to inform a close relative or another person of the detained person’s choice about their detention (...)”.

The CPT welcomes this development. However, **it reiterates its recommendation that steps be taken to ensure that all persons deprived of their liberty by the police, for whatever reason, are granted the right to notify a close relative or third party of their choice of their situation as from the very outset of their deprivation of liberty.**

b. access to a lawyer

27. At the time of the 1999 visit, access to a lawyer, including the right to have him present during police interrogations, was formally granted, but not fully respected in practice. The CPT therefore recommended that this right be fully implemented.

However, during the 2002 visit it appeared that, in many cases, the right of access to a lawyer only became effective some time after apprehension. As in the context of notification of custody (*cf.* paragraph 26 above), the CPT is particularly concerned that specific provisions concerning this right applicable to juveniles were not always respected. Certain juveniles met by the delegation alleged that they had been denied access to a lawyer even though they had specifically requested one.

28. The CPT wishes to emphasise once again that in its experience, it is during the period immediately following the deprivation of liberty that the risk of intimidation and ill-treatment is greatest. Consequently, the possibility for persons taken into police custody to have access to a lawyer during that period is a fundamental safeguard against ill-treatment. The existence of that possibility will have a dissuasive effect upon those minded to ill treat detained persons; further, a lawyer is well placed to take appropriate action if ill-treatment actually occurs. No doubt, the presence of a lawyer at the stage of initial police questioning will not always be welcomed by the police officers concerned. However, properly-trained police officers will be able to cope with the application of this fundamental safeguard.

The right of access to a lawyer must include the right to talk to him in private. The person concerned should also, in principle, be entitled to have a lawyer present during any interrogation conducted by the police. However, this should not prevent the police from questioning a detained person on urgent matters, even in the absence of a lawyer (who may not be immediately available), nor rule out the replacement of a lawyer who impedes the proper conduct of an interrogation (*cf.* paragraph 34 of the report on the 1999 visit).

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<sup>6</sup> Emphasis added.



In the above-mentioned letter sent by the Latvian authorities to the regional police authorities (*cf.* paragraph 26), it was further stated that a detained persons should be allowed, “upon his/her request, to meet with an attorney *immediately after detention*”.

This is another welcome development. However, **the CPT must reiterate its recommendation that steps be taken to ensure that the right of access to a lawyer, as defined above, is enjoyed by all persons obliged to remain with the police, as from the very outset of their deprivation of liberty. The right of access to a lawyer should be enjoyed not only by criminal suspects, but also by anyone who is under a legal obligation to attend - and stay at - a police establishment.**

29. For the right of access to a lawyer to be fully effective in practice, appropriate provision should be made for persons who are not in a position to pay for one. Such a system does exist in Latvia, but its implementation left much to be desired. In many cases, lawyers appointed *ex officio* had no contacts with the detained person until the first court hearing. It would appear that very low fees for such services had a discouraging effect in this respect. **The CPT recommends that the system of legal aid to detained persons be reviewed, in order to ensure its effectiveness throughout the procedure, including at the initial stage of police custody.**

c. access to a doctor

30. The CPT considers that persons taken into police custody should have the right of access to a doctor, including, if they so wish, the right to be examined by a doctor of their own choice, in addition to any medical examination carried out by a doctor called by the police authorities.

31. Regrettably, the 2002 visit clearly confirmed that access to a doctor was granted to persons detained by the police only in very exceptional cases. In this connection, it should be noted that the delegation met a number of persons whose health condition obviously required urgent medical attention, which had not been provided.

By way of example, the delegation met a detainee at Ventspils Police Headquarters who, on examination by a medical member of the delegation, displayed a large, deep and infected wound on his left forearm, had widespread fleabites and appeared ataxic. His psychological state was also poor; he seemed to be in a state of anguish and apparently had had epileptic fits during police custody. Only after the intervention of the CPT’s delegation was an ambulance from the nearby hospital called; the hospital’s doctor immediately decided to transfer the person concerned to the surgical department.

In addition, numerous detained persons claimed that they had been refused access to a doctor while in police custody, despite their alleged need for medical assistance and their repeated requests for such assistance. In the CPT’s view, a doctor should be called without delay whenever a person in police custody requests a medical examination. It is not for police officers to filter requests made by a detained person to see a doctor.

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<sup>7</sup> Emphasis added.

The CPT is also concerned that, in those rare cases when a person detained by the police was seen and examined by the medical doctor, these examinations systematically took place in the presence of police officers. In addition, in all police establishments visited, the results of these medical examinations were entered in registers easily accessible to any police officer.

32. In the light of the above, **the CPT calls upon the Latvian authorities to take immediate steps to ensure that the right of access to a doctor for persons held in police custody is formally guaranteed by law and fully implemented in practice.**

Further, **the CPT recommends that steps be taken to ensure that:**

- **all medical examinations of persons in police custody take place out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers; steps should also be taken to ensure that the confidentiality of medical data is fully respected in police establishments throughout Latvia;**
- **the medical certificate drawn up after a medical examination of a person detained by the police contains (i) an account of statements made by the detainee which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) an account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of i) and ii); in addition, the above-mentioned statements and the doctor's conclusions should be made available to the detained person and his/her lawyer;**
- **persons taken into police custody have the right to be examined, if they so wish, by a doctor of their own choice, in addition to any medical examination carried out by a doctor called by the police authorities.**

d. information on rights

33. Despite the firm commitment given by the Latvian authorities in their response to the 1999 report (pages 8 and 9, CPT/Inf (2002) 28), no forms setting out the rights of detained persons were provided at the police establishments visited. As was the case in 1999, many of the detainees met by the delegation alleged that they had received no information - not even orally - about their rights.

**The CPT reiterates its recommendation that a form setting out in a straightforward manner the rights of persons in police custody be systematically given to such persons at the very outset of their deprivation of liberty. This form should be available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights.**

e. conduct of interviews

34. As already indicated (*cf.* paragraph 10), a not insignificant proportion of the allegations received related to ill-treatment during police questioning and, more particularly, during interrogation by officers of the criminal police.

In this respect, the CPT must stress that the questioning of criminal suspects is a specialist task which calls for specific training if it is to be performed in a satisfactory manner (*cf.* also paragraph 13). First and foremost, the precise aim of such questioning should be made clear; it is to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to obtain a confession from someone already presumed, in the eyes of the interviewing officers, to be guilty. In addition to the provision of appropriate training, ensuring the adherence by law enforcement officials to the above-mentioned aim will be greatly facilitated by the drawing-up of a code of conduct for the questioning of criminal suspects, as recommended by the CPT in paragraph 41 of the report on the 1999 visit.

In their interim response to the report on the 1999 visit, the Latvian authorities stated that "no special code of conduct has been drafted for the police, since the questions of police officers' ethics are included in Clauses 5 and 6 of the Police Act (...) and in other pieces of legislation" (page 8, CPT/Inf (2001) 28). In the CPT's view, such a response is not convincing, since the Committee's requirements in this field are far more precise and practical than the principles set out in Clauses 5 and 6 of the Latvian Police Act.

The number and severity of allegations received during the 2002 visit of ill-treatment inflicted by police officers during interrogation clearly illustrates the need for the authorities to be proactive in this area. The drawing-up of a code of conduct would no doubt be a contributing factor in the prevention of such occurrences. **The CPT therefore recommends that a code of conduct for police questioning be drawn up without any further delay.**

f. custody records

35. In all the establishments visited, a variety of registers (occasionally up to ten) were kept. They were, in general, poorly maintained, often lacked much of the information they were supposed to record and, on occasion, contained contradictory information. Despite the recommendation made in paragraph 42 of the CPT's report on the 1999 visit, the detention of a person was not always accurately recorded and was sometimes not recorded at all (for instance, no record was kept of the placement of persons in the detention area of Kaplava Border Guard Unit). Further, the registers at Liepāja Police Headquarters did not contain any reference to persons present at the time of the visit who had been transferred to this establishment from prison (*cf.* also paragraph 19).

**The CPT recommends that immediate steps be taken to ensure that any detention in a police establishment is properly recorded. Further, it invites the Latvian authorities to establish a single and comprehensive custody record in all police detention facilities.**

## **5. Pre-Trial Investigation Centre and Short-Term Detention Isolator (ISO), Rīga**

36. The CPT's delegation carried out a follow-up visit to the ISO in Rīga, in order to review measures taken by the authorities to implement the recommendations made after the 1999 visit in respect of this establishment. At the time of the 2002 visit, the establishment was accommodating 23 inmates (most of whom were on remand).

37. No major improvement to the material conditions of detention had been made; the description given in the report on the CPT's 1999 visit remains almost entirely valid. In general, cells were badly ventilated, and had poor access to natural light or no access at all. However, their bedding was of a better quality and cleanliness than in 1999.

Inmates were not provided with basic personal hygiene products and they still experienced long delays in getting access to toilets. The delegation was also concerned to note that waste was stored in the toilet area. As in 1999, detainees had access to showers only once every ten days.

### **The CPT recommends that the Latvian authorities take the necessary steps:**

- **to improve lighting and ventilation in the cells of the ISO in Rīga;**
- **to ensure that all persons detained in the Rīga ISO are provided with the necessary basic personal hygiene products, and are given the opportunity to wash themselves every day and to have a shower at least once per week;**
- **to give custodial staff in the ISO clear instructions that requests from persons detained to be allowed to leave their cells during the day for the purpose of using a toilet should be accepted without delay, unless overriding security considerations require otherwise;**
- **to ensure that toilet/shower facilities in the ISO are kept clean at all times.**

38. Contact with the outside world also remained inadequate. Detainees could, in principle, receive one visit per month, subject each time to the prosecutor's authorisation; however, in practice, such authorisations were rarely given. The same approach was followed as regards correspondence. In the CPT's view, granting of visits and correspondence should be the norm, their refusal the exception. If visits have already been granted, families should not be required to apply for permission every month; the relevant authorities could notify the family if any new restrictions appear necessary.

**The CPT recommends that the Latvian authorities take appropriate steps to ensure that a less restrictive approach is adopted as regards contact with the outside world for persons detained at the Rīga ISO.**

39. Disciplinary punishments were governed by "Regulations about short-term isolation" No. 872 of 8 December 1999 and Instruction No. 434 of 29 May 2000. Possible sanctions include solitary confinement for up to 15 days (10 days for female and juvenile inmates). This period can be extended twice, to a maximum of 45 (30) days. Detainees held in solitary confinement were not allowed to have any outdoor exercise.

**The CPT calls upon the Latvian authorities to take steps to ensure that all inmates serving disciplinary punishments enjoy at least one hour of outdoor exercise per day. In addition, the Committee invites the Latvian authorities to amend the relevant legislation so as to reduce significantly the maximum duration of solitary confinement.**

Cell No. 10 was still being used, for disciplinary punishments, despite the CPT's recommendation that it be withdrawn from service. The characteristics of this cell (no windows, a mere 3m<sup>2</sup> in size) make it unsuitable for use as detainee accommodation, even for disciplinary purposes. **The CPT calls upon the Latvian authorities to have cell No. 10 withdrawn from service without any further delay.**

40. The interrogation room, which the CPT also recommended be withdrawn from service, was likewise still in use. It remains a totally unsatisfactory facility, and the same can be said of a second interrogation room found by the delegation.

Interrogation rooms of such a highly intimidating nature have no place in a police service. In the CPT's view, in addition to being adequately lit, heated and ventilated, interview rooms should allow for all participants in the interview process to be seated on chairs of a similar style and standard of comfort. The interviewing officer should not be placed in a dominating (*e.g.* elevated) or remote position *vis-à-vis* the suspect. Further, colour schemes should be neutral, and the installation of spotlights directed on the person to be questioned should be expressly prohibited.

**The CPT calls upon the Latvian authorities to immediately withdraw from service the above-mentioned interrogation rooms in the Rīga ISO. Further, conditions in all police interrogation rooms should be reviewed, in order to verify whether they meet the above criteria.**

41. On a more positive note, the situation in respect of health care had improved since 1999 as regards the supply of medication and the availability of specialist care. Further, in case of need, inmates were transferred to Rīga Central Prison Hospital or to Brasas Prison (for dental care).

However, at the Rīga ISO the delegation met an HIV positive detainee, who was offered the same monotonous food as other inmates (mostly oatmeal and buckwheat porridge, black bread and tea). Such a diet is clearly insufficient for immuno-compromised persons. **The CPT recommends that all persons in police custody be offered food appropriate to their medical condition.**

42. The delegation met two detainees who had been held at the establishment respectively for 4 ½ and 6 years. The CPT wishes to emphasise again that **the objective must be to cease using the ISO in Rīga (as well as any other police establishment of a similar type) for prolonged periods of detention; they are totally unsuited for this purpose.**

In the meantime, **the CPT recommends that genuine efforts be made to provide persons detained at the Rīga ISO for prolonged periods with an appropriate programme of activities.**

## **B. Olaine Detention Centre for Illegal Immigrants**

### **1. Preliminary remarks**

43. Illegal foreign nationals may be detained by the police or the border guard forces for up to 72 hours. Upon notification of the prosecutor, this period might be prolonged to a maximum of ten days, prior to the decision on enforcement of a removal order. Nevertheless, foreign nationals subject to a removal order may spend very long periods<sup>8</sup> deprived of their liberty, as there is no time-limit for their detention pending removal from Latvia. Detention pending removal is neither reviewed nor subject to appeal.

The CPT's delegation was informed that a draft Aliens Law, apparently introducing a 22-month limit for detention pending removal, was being discussed by Parliament. **The CPT would like to receive more detailed information in this respect.**

44. At the time of the 1999 visit, foreign nationals detained under aliens legislation were being held in the Illegal Immigrant and other Unidentified Persons Accommodation Centre in Rīga. In the report on that visit, the CPT strongly criticised their conditions of detention. The Committee welcomes the decision of the Latvian authorities to close down this establishment and the subsequent transfer of foreign nationals to Olaine Centre for Illegal Immigrants.

45. The centre, run by the Border Guards, consists of a rectangular two-storey building, located within the perimeter of Olaine Prison, some 20 kilometres south of Rīga. It held both illegal immigrants and/or asylum seekers whose application had been refused. Most of the inmates held were nationals of one of the former Soviet Union republics or had become stateless in the aftermath of the events concerning that State. With an official capacity of 66 beds, it was accommodating 40 detainees at the time of the 2002 visit (there were no unaccompanied minors).

### **2. Ill-treatment**

46. The delegation received no allegations of deliberate physical ill-treatment of foreign nationals by Border Guard staff at Olaine. The majority of inmates described their treatment as ranging from fair to very good, and the delegation observed that staff-inmate relations were relaxed. There were no communications problems, since all staff members spoke Russian, and there was at least one border guard member per shift who spoke some English.

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<sup>8</sup> By way of example, an Israeli national of Latvian origin had been held at the centre for 5 ½ years and a Chechen family with three children for more than one year.

### 3. Conditions of detention

47. Material conditions of detention at the Centre, which had recently been partly renovated, were on the whole satisfactory. Inmates were held in spacious rooms (*e.g.* three inmates in a room of 32 m<sup>2</sup>, four inmates in 64 m<sup>2</sup>), which were well-lit and ventilated, appropriately furnished and in a good state of cleanliness.

However, the conditions prevailing in some parts of the Centre (*e.g.* the kitchen, sanitary facilities) left something to be desired. The CPT welcomes the information that the latter facilities have been refurbished after the visit (*cf.* the letter of the Latvian authorities dated 29 January 2003).

48. The CPT is concerned about the conditions of detention in the two so-called “quarantine cells”, located on the ground floor. Both cells were used for newly-arrived inmates (who spent there the first two weeks upon admission), as well as for security and disciplinary purposes.

The cells measured 12.5 m<sup>2</sup> and were reasonably furnished. However, they were very cold, and had only limited access to natural light (the windows being covered by metal plates). In addition, artificial lighting was rather mediocre. **The CPT recommends that steps be taken to improve heating and lighting in the "quarantine cells".**

The delegation was also informed that these cells could accommodate up to five inmates; such a rate of occupancy would be excessive. **The CPT recommends that no more than three inmates be held in either of the "quarantine cells" at a given time.**

49. Cell doors in the ordinary accommodation area were unlocked during most of the day (and night), and inmates were granted one hour of outdoor exercise per day. However, the CPT is concerned that long-term inmates were not offered a proper programme of activities. They spent their time reading (mostly outdated) magazines, watching TV, playing cards or using the gym. Further, no activities suitable to their age were offered to young children.

**The CPT recommends that steps be taken to provide a better range of activities to foreign nationals held at the Olaine Detention Centre. The longer the period for which persons are detained, the more developed should be the activities which are offered to them. Further, specific measures should be taken to ensure that children/juveniles are offered activities suitable to their age.**

Given the lack of staff specially trained for social work, **the CPT invites the Latvian authorities to arrange for regular visits of a social worker.**

#### 4. Health care

50. The health care staff at the establishment consisted of two general practitioners and three feldshers, who ensured a 24-hour presence.

Inmates had ready access to health care staff, and the delegation formed a positive impression of the medical staff's efforts to provide appropriate care. All newly-arrived inmates were seen by a member of the medical team within 24 hours of admission.

51. Medical facilities and equipment at the establishment were very basic; by way of example, staff did not have even proper stethoscopes or measuring scales. **The CPT recommends that the Latvian authorities take appropriate steps to provide adequate medical equipment at the establishment.**

52. As regards treatment, inmates were entitled only to emergency medical care free of charge, as they were not covered by health insurance. The delegation noted that this state of affairs had several detrimental effects. By way of example, a number of inmates experienced difficulties in getting adequate medical treatment (including dental care) or having access to outside medical services<sup>9</sup>. The delegation also had serious concerns about the inadequate supply of medication at the Centre.

**The CPT recommends that the Latvian authorities ensure that all inmates are guaranteed the provision of treatment (including dental care) and medication required by their state of health. Sufficient funds should be allocated to the Centre to enable treatment and medication to be provided free of charge to those foreign nationals who do not have the necessary financial means to pay for it themselves.**

53. A number of inmates at Olaine were suffering from anxiety, depression, sleeping problems, *etc.*, without having access to specialist psychological/psychiatric care. **The CPT invites the Latvian authorities to arrange for regular visits to the Centre by a psychologist and a psychiatrist.**

54. It should also be noted that medical confidentiality was not guaranteed in the establishment, as non-medical staff had access to medical notes. **The CPT recommends that this shortcoming be remedied.**

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<sup>9</sup> A member of the establishment's medical team pointed out that a female inmate who had suffered a miscarriage almost died because the emergency department of the hospital had initially refused to treat her.



## **5. Information to foreign nationals**

55. Immigration detainees (whether asylum seekers or not) should - in the same way as other categories of persons deprived of their liberty - be entitled, as from the outset of their detention, to inform a person of their choice of their situation and to have access to a lawyer and a medical doctor. Further, they should be expressly informed, without delay and in a language they understand, of all their rights and of the procedures applicable to them.

56. Upon arrival at the Olaine Detention Centre, inmates were given a copy of the internal rules, which were also explained to them orally by Border Guard staff. Further, the rules were displayed, both in Latvian and Russian, on notice boards in the corridors. Notwithstanding these positive measures, the delegation heard numerous complaints from inmates concerning the lack of information from the immigration authorities about their legal situation and rights (including their right of access to a lawyer, the current stage of the procedure concerning them, the likely length of their detention *etc.*). Inmates often found the legal proceedings to which they were subjected extremely difficult to understand.

In this respect, the CPT welcomes the information that after the visit, an agreement has been reached between the Border Guards and the immigration authorities aimed at remedying this state of affairs (*cf.* letter of the Latvian authorities dated 29 January 2003).

## **6. Contact with the outside world**

57. Inmates held at Olaine were entitled to 2 ½ hours of visits every day, and the authorities set aside appropriately decorated meeting space and a room for conjugal visits. Some inmates, who had families in the Rīga region, therefore enjoyed long visiting times. Nevertheless, the great majority of inmates did not receive visits at all, their families living in remote areas of Latvia or abroad.

The CPT welcomes the fact that no restrictions were placed on sending/receiving letters; in addition, the establishments provided envelopes and stamps free of charge to inmates. They were also allowed to make telephone calls, provided they had the financial means to pay for them. **The CPT invites the Latvian authorities to consider the possibility of offering one telephone call per month to those inmates without financial means to pay for it themselves.**

## 7. Discipline/security

58. Although the disciplinary regulations at Olaine Detention Centre were still being drafted at the time of the visit, different sanctions were applied in practice (such as a warning, bans on visits and short-term leaves for three months, and placement in the “quarantine cell” for up to 15 days).

In the CPT’s view, it is in the interests of both inmates and staff that clear disciplinary procedures be formally established and applied in practice; any grey areas involve the risk of an unofficial (and uncontrolled) system developing. Disciplinary procedures should provide prisoners with a right to be heard on the subject of the offences allegedly committed, and to appeal to a higher authority against any sanctions imposed.

The CPT welcomes the Latvian authorities’ decision to draft formal disciplinary regulations for the Olaine Detention Centre **and trusts that the above remarks will be taken into account in this context.**

59. The delegation met an inmate who had already been held in a “quarantine cell” for 37 days. This measure was "recommended" in writing by the immigration authorities, due to a perceived risk of escape. It would appear that this measure was not subject to any review/appeal and was *de facto* of an indefinite duration.

Procedures often exist, alongside formal disciplinary procedures, under which an inmate may be involuntarily separated from other inmates for security reasons. However, these procedures should be accompanied by effective safeguards. The inmate should be informed of the reasons for the measure taken against him, be given the opportunity to present his views on the matter, and be able to contest the measure before an appropriate authority. **The CPT recommends that specific regulations be adopted as regards the segregation of inmates on security grounds, in the light of the above remarks.**

## 8. Complaints and inspection procedures

60. The CPT’s delegation was informed that inmates at Olaine Detention Centre can address their complaints to the Head of the institution, as well as to outside bodies such as the courts, prosecutors and the Human Rights Office.

61. The institution was regularly inspected by the competent prosecutor, and by the Inspection of the Central Board of the Border Guards.

**The CPT would like to receive detailed information (e.g. frequency of visits, conclusions, etc.) on the visits carried out in 2002 by the Inspection of the Central Board of the Border Guards and on the action taken by the relevant authorities in response thereto.**

## C. Prisons

### 1. Preliminary remarks

62. The CPT's delegation carried out a full visit to Daugavpils Prison and targeted visits to Jelgava and Liepāja Prisons. The principal objective of the visit to Jelgava Prison was to review the conditions of detention of life-sentenced prisoners; at Liepāja Prison, the delegation focussed on the conditions under which juvenile remand prisoners were held. In addition, the delegation made a follow-up visit to Rīga Central Prison and the adjacent Prison Hospital, in order to review the measures taken by the Latvian authorities after the 1999 visit.

63. At the outset, the CPT would like to welcome the transfer in 2000 of the responsibility for the prison system from the Ministry of the Interior to the Ministry of Justice (*cf.*, however, section 7b).

64. In its report on the 1999 visit (*cf.* CPT/Inf (2001) 27, paragraph 92), the CPT emphasised that the solution to the problem of overcrowding afflicting the Latvian prison system was to be found not so much in developing the prison estate but rather in reconsidering current law and practice in relation to remand detention as well as sentencing policies. The CPT welcomes the first steps already taken by the Latvian authorities in this respect (*e.g.* introduction of non-custodial sanctions for juveniles, legal restrictions on pre-trial detention, *etc.*). However, as was recognised by the Latvian authorities themselves, there was still room for improvement, especially regarding the duration of remand custody (at the stage of trial and appeal). The delegation itself met a number of remand prisoners who had spent up to six years in prison. **The CPT recommends that the Latvian authorities continue to pursue their efforts to bring about a permanent end to overcrowding, in the light of the above remarks.**

65. The CPT noted that the legal standards for the provision of living space to prisoners in Latvia had recently been slightly increased to 2.5 m<sup>2</sup> per person for male adult prisoners and to 3.5 m<sup>2</sup> per person for female and juvenile prisoners. Whilst acknowledging this development, the Committee must emphasise that the new standards still do not offer a satisfactory amount of living space (*cf.* also paragraph 93 of the report on the 1999 visit). **The CPT therefore recommends that the above-mentioned legal standards be raised as soon as possible, so as to guarantee at least 4 m<sup>2</sup> per prisoner in multiple-occupancy cells, and that official capacities and occupancy levels of cells in Latvian prisons be revised accordingly.**

66. **Daugavpils Prison**, which was built in 1861 in the city centre, is a closed prison for male prisoners (sentenced and on remand). Its official capacity had recently been increased from 543 to 800 inmates. At the time of the visit, the establishment was holding 762 prisoners, of whom 310 were sentenced and 443 on remand (including 24 juveniles). In addition, nine sentenced prisoners, held in a semi-open regime, were assigned to work in the establishment.

**Jelgava Prison**, built in 1873, is a closed prison accommodating in the main long-term sentenced prisoners. It is the country's only establishment for male life-sentenced prisoners. With an official capacity of 700 inmates, it was accommodating 702 inmates at the time of the visit. 13 life-sentenced prisoners were held in a separate wing and ten remand prisoners, sentenced to life-imprisonment but awaiting the outcome of an appeal, were placed in a special department which had been opened two months before the visit.

**Liepāja Prison** was built in 1922 on the site of a former hospital. Major reconstruction works were completed in 1999. The establishment is a remand prison for male adults and juveniles. With an official capacity of 477 places, it was holding 404 prisoners (29 of whom were juveniles) at the time of the visit.

**Rīga Central Prison** has already been described in paragraph 89 of the CPT's report on the 1999 visit. The establishment's official capacity had recently been increased from 1,650 to 2,000 places, while the number of hospital beds had at the same time been reduced from 314 to 200. However, due to ongoing renovation work, the prison was operating below its official capacity. At the time of the visit, the prison population (total 1,721 inmates) included 1,504 remand prisoners, 68 sentenced prisoners, and 34 prisoners in transit. In addition, 115 in-patients were being held in the adjacent Prison Hospital.

## 2. Ill-treatment

67. The CPT's delegation heard no allegations of *torture* of prisoners by staff - and gathered no other evidence of such treatment - in the prisons visited or in other prison establishments in Latvia. However, one allegation of deliberate *physical ill-treatment* was heard at Jelgava Prison. A prisoner<sup>10</sup> claimed in the presence of prison staff that he had been assaulted by a prison officer, whilst his hands were handcuffed behind his back. No allegations of physical ill-treatment were received at the other prisons visited.

The CPT recognises that prison staff will, on occasion, have to use force to control violent and/or recalcitrant prisoners. However, the force used should be no more than is strictly necessary and, once prisoners have been brought under control, there can be no justification for striking them. **The CPT would like to receive further and better particulars on the action taken by the Latvian authorities following the above-mentioned allegation.**

68. In order to obtain a nationwide view of the situation in prisons, **the CPT would like to receive the following information in respect of the period 1999 - 2002:**

- **the number of complaints lodged concerning ill-treatment by prison officers and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;**
- **an account of disciplinary and/or criminal sanctions imposed following such complaints.**

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<sup>10</sup> This prisoner, who was not sentenced to life imprisonment, was being held in the "kartser" area at the time of the visit.

69. The CPT is seriously concerned about the frequent occurrence of *inter-prisoner violence* (fights, threats, extortion, *etc.*) at Daugavpils Prison and Rīga Central Prison. In one recent case - at the Rīga establishment - an episode of violence between fellow inmates had resulted in the death of a prisoner. At Daugavpils Prison, the delegation was struck by the rather indifferent attitude of prison staff towards this phenomenon. By way of example, the delegation met a prisoner who had allegedly been assaulted in his cell by a fellow inmate and possibly sustained a broken jaw; although he had been seen by a member of the medical staff, no steps had been taken to remove him (or the other inmate concerned) from the cell.

70. The delegation received a number of allegations by inmates at Daugavpils Prison that they had been threatened by members of the Security Department to be placed in cells with prisoners known to be violent, if they refused to co-operate with the Security Department (*cf.* section 7b).

71. The CPT wishes once again to emphasise that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other prisoners who might wish to cause them harm. The prison authorities must act in a proactive manner to prevent violence by inmates against other inmates (*cf.* also paragraph 98 of the report on the 1999 visit).

Addressing the phenomenon of inter-prisoner violence and intimidation requires that prison staff be alert to signs of trouble and both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, based on the notions of secure custody and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. It is also obvious that an effective strategy to tackle inter-prisoner intimidation/violence should seek to ensure that prison staff are placed in a position to exercise their authority in an appropriate manner. Consequently, the level of staffing must be sufficient (including at night-time) to enable prison officers to supervise adequately the activities of prisoners and support each other effectively in the exercise of their tasks. Both initial and ongoing training programmes for staff of all grades must address the issue of managing inter-prisoner violence (*cf.* also section 7a).

**The CPT recommends that strategies be developed with a view to addressing the problem of inter-prisoner violence at Daugavpils Prison and Rīga Central Prison (and, as appropriate, in other establishments), in the light of the above remarks.**

72. Finally, the CPT must emphasise already at this stage that many remand prisoners at Daugavpils Prison and Rīga Central Prison were subjected to *conditions of detention* - overcrowding, very poor material and hygienic conditions, lack of activity programmes - which could easily be described as inhuman and degrading.<sup>11</sup> The same holds true for the majority of patients held in the Prison Hospital and the health care unit at Rīga Central Prison (*cf.* paragraphs 101 and 113).

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<sup>11</sup> A considerable number of the prisoners had been held in such conditions for very long periods (*cf.* paragraph 64).

### 3. Conditions of detention of the general prison population

#### a. material conditions

73. At Daugavpils Prison, the three buildings accommodating prisoners were overall in a poor state of repair. Further, most cells were poorly ventilated, and some of them had no access to natural light (the windows being covered by metal plates). In addition, cells were frequently overcrowded, in particular those accommodating remand prisoners (*e.g.* 40 m<sup>2</sup> for 21 prisoners; 12.5 m<sup>2</sup> for six prisoners).

Material conditions were particularly poor in the "quarantine" unit, where up to six newly-arrived, sick and/or vulnerable prisoners were being held in cells measuring some 10 m<sup>2</sup>. The cells were very humid, cold and had no access to natural light. Further, no or only very thin mattresses were supplied to prisoners, and toilets were not partitioned. The delegation, however, noted that some steps were being taken to refurbish the "quarantine" unit; this refurbishment should be completed as a matter of priority.

74. At Rīga Central Prison, material conditions of detention varied considerably from one part of the prison to another. The CPT welcomes the quality of the renovation work carried out in Block No. 2 and the northern wing of Block No. 4. By contrast, conditions in Block No. 1, which had been renovated some time ago, left much to be desired. For instance, most of the cells were covered with mildew, and both access to natural light and artificial lighting were very poor. Further, many cells were overcrowded.

The renovation of the eastern wing of Block No. 4 has brought about certain improvements (*e.g.* as regards sanitary facilities). However, prisoners were still being held in overcrowded conditions, although to a lesser extent than in 1999 (*e.g.* 20 prisoners in cells of some 60 m<sup>2</sup>). Further, most of the renovated cells had no access to natural light (the windows still being covered by metal plates), and ventilation was poor, despite the recommendations made by the CPT after the 1999 visit. Due to a lack of storage facilities, inmates were obliged to store their personal belongings in bags under their beds. In the parts of Block No. 4 which had not yet been renovated, the conditions of detention were extremely poor. In particular, conditions in cells No. 405 and 406 were so appalling as to render them, in their present state, unfit for human accommodation. Both cells should be withdrawn from service until they have been entirely refurbished. Further, the very design of cell No. 400A, which has no window, renders it unfit for use as prisoner accommodation.

Very poor conditions also prevailed in Block No. 5, particularly in the so-called "quarantine" cells No. 501 and 502, as well as in "transit" cell No. 503. The unhygienic conditions prevailing in these latter cells pose a serious health risk to prisoners (and staff). Further, many cells were overcrowded (*e.g.* six prisoners were being held in cells of 13 m<sup>2</sup> and twelve prisoners in cells of less than 24 m<sup>2</sup>).

75. In both establishments visited, the poor hygienic conditions were exacerbated by the fact that prisoners were not provided with any personal hygiene products (*e.g.* soap, toothbrush, toilet paper, *etc.*) and that indigent prisoners were not always provided with proper clothing.

76. The CPT recommends that the material conditions at Daugavpils Prison and Rīga Central Prison be substantially improved, in the light of the above remarks as well as the recommendation made in paragraph 65.

Immediate steps should be taken to ensure that:

- access to natural light and adequate ventilation is guaranteed in all prisoners' accommodation;
- all prisoners are provided with a clean mattress and clean bedclothes;
- all prisoners have adequate quantities of essential personal hygiene products as well as cleaning products for their cells, and are able to take a hot shower at least once a week;
- indigent prisoners are supplied with proper clothing, taking weather conditions into account;
- cell No. 400A in Rīga Central Prison is taken out of service;
- cells No. 405 and 406 are withdrawn from service until they are entirely refurbished.

77. Finally, in both establishments visited, many prisoners claimed that until shortly before the CPT's visit the occupancy levels had been significantly higher and that, on occasion, the number of prisoners had exceeded the number of beds available. It is axiomatic that such a state of affairs would be unacceptable; **the principle of one prisoner - one bed should be respected at all times.**

b. regime

78. At Daugavpils Prison, hardly any out-of-cell activities were offered to *sentenced prisoners*. At the time of the visit, a one-year vocational training programme for masonry and painting was organised, with an option to acquire externally recognised diplomas, but only 22 out of 310 inmates could participate. Regrettably, a four-year Latvian language course and a two-year educational programme had been discontinued in 2002. The CPT is particularly concerned that prisoners serving long sentences were excluded from the above-mentioned activities.<sup>12</sup>

No out-of-cell activities at all were offered to *remand prisoners*, apart from daily outdoor exercise. Inmates could only read outdated newspapers and books from the prison library and listen to the radio or watch television (if they could afford to pay for one).

79. The CPT is also concerned that, at Rīga Central Prison, the situation in respect of regime activities offered to *remand prisoners* had remained virtually unchanged since 1999. No more than 6% of them were offered any out-of-cell activities other than outdoor exercise. Consequently, prisoners usually spent 23 hours in their cells in a state of enforced idleness (*cf.* paragraph 108 of the report on the 1999 visit). Further, the information gathered by the delegation indicated that not all remand prisoners (including those who worked as cleaners) were able to have at least one hour of outdoor exercise per day.

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<sup>12</sup> The delegation met prisoners who had spent more than ten years in the establishment without having been offered any out-of-cell activities other than outdoor exercise.

80. In both establishments, prisoners were obliged to take their outdoor exercise in small concrete cubicles covered with a metal grille, under conditions which did not allow them to exert themselves physically (*e.g.* 15 m<sup>2</sup> for up to ten prisoners; less than 10 m<sup>2</sup> for up to six prisoners).

81. In the light of the above, **the CPT recommends that steps be taken as a matter of priority at Daugavpils Prison and Rīga Central Prison to devise and implement a comprehensive regime in respect of all prisoners, including those on remand, with a view to offering them adequate programmes of activities. The aim should be to ensure that all prisoners are able to spend a reasonable part of the day outside their cells, engaged in purposeful activities of a varied nature (recreation/association; work, preferably with vocational value; education; sport).**

In addition, **the CPT calls upon the Latvian authorities to take immediate steps to ensure that all prisoners at Rīga Central Prison are offered at least one hour of outdoor exercise every day. The CPT also recommends that the outdoor exercise areas in both establishments visited be enlarged, in order to enable prisoners to exert themselves physically.**

#### **4. Life-sentenced prisoners**

##### a. introduction

82. As already indicated (*cf.* paragraph 66), Jelgava Prison is the only prison in Latvia accommodating male life-sentenced prisoners.<sup>13</sup> They were all placed in a special wing of Block 2, which had 18 double-cells (the establishment could therefore accommodate up to 36 life-sentenced prisoners).

83. The legislative framework in respect of life-sentenced prisoners is governed by Article 50<sup>quarter</sup>, paragraph 5, of the Law on the Enforcement of Sentences. The regime applicable to life-sentenced prisoners is divided into three levels: the lowest, the medium and the highest. Prisoners spend *at least five* years at the lowest level (offering the most restrictive regime) before they may be transferred to the medium level. After a minimum of *another ten* years, prisoners may be placed into the highest level (offering the least restrictive regime).

The management of Jelgava Prison indicated that it lacked more detailed instructions on a number of issues relating to life-sentenced prisoners (*e.g.* precise regime applicable to each of the three categories, whether there is a possibility of release on parole, *etc.*). **The CPT would like to receive the comments of the Latvian authorities in this respect.**

84. At the outset, it should be made clear that the situation of life-sentenced prisoners in Latvia has not improved since the CPT's 1999 visit, despite the specific recommendations made in paragraph 124 of the report on that visit. The Committee remains very concerned about the restrictive approach adopted by the Latvian authorities vis-à-vis life-sentenced prisoners, in particular, as regards the regime, contact with the outside world and the use of means of physical restraint.

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<sup>13</sup> The establishment was also accommodating three life-sentenced prisoners initially sentenced to death, whose sentences had been commuted to life imprisonment.



b. material conditions

85. The material conditions of detention in the Unit for life-sentenced prisoners were relatively satisfactory; the cells were furnished with two beds, two chairs, a table, a cupboard, a radio and a call system and were equipped with a partitioned toilet and a washbasin with hot/cold running water. Moreover, cells were clean (freshly painted), benefited from good access to natural light and ventilation, and were equipped with artificial lighting and heating. However, a typical cell (7 m<sup>2</sup>) only offered cramped living space for two prisoners obliged to spend many years together.

The delegation was informed about plans to construct another building for the accommodation of life-sentenced prisoners. The CPT is of the opinion that the planned construction provides an ideal opportunity to create better material conditions, ensuring in particular more living space for prisoners and rooms for activities (*cf.* paragraphs 87 and 88). **The CPT would like to be informed of the progress made in this respect.**

c. regime and security

86. All except one of the life-sentenced prisoners were subject to the "lowest" regime. The only daily out-of-cell activity offered to such prisoners was outdoor exercise, which was taken in 13 small cubicles on the top floor of the building. The remaining 23 hours of the day were usually spent locked up in a cell. No employment, educational/vocational or sports activities were offered to the prisoners, and they spent their time listening to the radio programme chosen by the Prison Administration, reading or playing board games. Occasionally, they could watch TV, available on a rota basis. It should be added that life-sentenced prisoners could not associate with any other categories of prisoners, as this was expressly prohibited by the legislation in force (in practice, they could only associate with their cell mate).

The prisoner in the "medium" level had more visits, could receive more parcels and had better access to the prison shop. In addition, he also had the opportunity to move freely in the corridor in front of his cell. However, in all other respects his position was comparable to that of the other life-sentenced prisoners.

87. As already highlighted in paragraph 113 of the report on the 1999 visit, long-term imprisonment can have a number of desocialising effects upon inmates. In addition to becoming institutionalised, long-term prisoners may experience a range of psychological problems (including loss of self-esteem and impairment of social skills) and have a tendency to become increasingly detached from society, to which almost all of them will eventually return. In the view of the CPT, the regimes which are offered to prisoners serving long sentences should seek to compensate for these effects in a positive and proactive way.

The prisoners concerned should have access to a wide range of purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association). Moreover, they should be able to exercise a degree of choice over the manner in which their time is spent, thus fostering a sense of autonomy and personal responsibility. Additional steps should be taken to lend meaning to their period of imprisonment; in particular, the provision of individualised custody plans and appropriate psycho-social support are important elements in assisting such prisoners to come to terms with their period of incarceration and, when the time comes, to prepare for release. Moreover, the provision of such a regime to life-sentenced prisoners enhances the development of constructive staff/inmate relations and hence reinforces the security within the prison.

88. It is clear that the regime applied to life-sentenced prisoners at Jelgava Prison falls far short of the above criteria. The total absence of a programme of activities (such as work or education) may lead to a personal degeneration of the prisoners concerned, a fact which was recognised by some staff members. Further, the rule that life-sentenced prisoners cannot associate with other sentenced prisoners is totally unjustified. In this connection, the CPT wishes to stress that life-sentenced prisoners are not necessarily more dangerous than other prisoners (a point which was acknowledged by several prison officers/staff members met at Jelgava Prison). Many such prisoners have a long-term interest in a stable and conflict free environment. Therefore, the approach to the management of life-sentenced prisoners (as indeed to all prisoners) should proceed from individual risk/needs assessment to allow decisions concerning security, including degree of contact with others, to be made on a case-by-case basis.

**The CPT calls upon the Latvian authorities to fundamentally revise the regime applicable to life-sentenced prisoners, in the light of the above remarks.**

89. Draconian security measures were applied whenever life-sentenced prisoners were removed from their cells (*e.g.* to be taken to the shower area or for outdoor exercise). They were systematically handcuffed with hands behind their backs and escorted by three prison guards who had with them a muzzled dog. In the CPT's view, there can be no justification for routinely handcuffing life-sentenced prisoners outside their cells, all the more so when this measure is applied in an already secure environment. Further, the presence of the dog was felt as highly intimidating by the majority of the prisoners met. Various prison officers spoken to recognised that at least some life-sentenced prisoners posed no particular security risk and that the above-mentioned security measures were therefore unnecessary. In the CPT's opinion, the above-mentioned arrangements can only be seen as disproportionate and punitive. The experience in other European countries shows that the development of an appropriate regime, as described in paragraph 87, obviates the need for such measures. **The CPT recommends that the security measures referred to above be revised without delay.**

90. The CPT also has serious misgivings about the conditions under which medical examinations of life-sentenced prisoners were carried out. The prisoners concerned - still handcuffed - were placed behind metal bars, in a cage-like cubicle, while the doctor stayed outside, performing his examination<sup>14</sup>. In the CPT's view, such a systematic practice infringes upon the dignity of the prisoners concerned and certainly prohibits the development of a proper doctor-patient relationship (and is possibly detrimental to the establishment of an objective medical finding). Medical examinations should take place in proper medical rooms (without the presence of prison staff, *cf.* paragraph 124). **The CPT recommends that the above-mentioned practice cease immediately.**

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<sup>14</sup> The prison staff initially insisted that life-sentenced prisoners be handcuffed and placed into these cubicles while being interviewed by members of the delegation, restrictions which were refused by the delegation.

d. contact with the outside world

91. The negative effects of institutionalisation upon prisoners serving long sentences will be less pronounced, and they will be better equipped for release, if they are able effectively to maintain contact with the outside world. Life-sentenced prisoners benefited from the same - very limited - possibilities to maintain such contacts as the other sentenced prisoners subject to the “lowest” regime. **The recommendation made in paragraph 137 applies equally in respect of life-sentenced prisoners.**

5. Juvenile prisoners at Daugavpils and Liepāja Prisons

a. introduction

92. According to recent legislative changes, juveniles in Latvia may be kept in pre-trial detention for a maximum period of two months, which can, in exceptional cases, be extended up to six months. During the trial at first instance, juveniles can be held on remand for an additional period of six months. However, there is no time-limit for detention of juveniles during appeal procedures. The CPT’s delegation met a number of juveniles who had already been held in prison for one year and a half. Most of the juveniles met by the delegation had been charged with theft or offences of a similar degree of seriousness.

In this respect, the CPT wishes to recall the principle that juveniles should only be deprived of their liberty as a last resort and for the shortest possible period of time (*cf.* Article 37 b. of the Convention on the Rights of the Child and Rules 13 and 19 of the Beijing Rules). **The CPT would like to receive the comments of the Latvian authorities on this matter.**

b. material conditions and regime

93. As already indicated (*cf.* paragraph 73), *material conditions of detention* were generally poor throughout Daugavpils Prison. This was also the case for the two cells accommodating juveniles; in particular, they were unhygienic and overcrowded (*e.g.* one of the cells of some 40 m<sup>2</sup> was accommodating 14 juveniles). **The recommendations already made concerning material conditions of detention at Daugavpils Prison (*cf.* paragraph 76) are equally valid as regards juveniles.**

The conditions offered to the 29 juveniles at Liepāja Prison were considerably better. They were accommodated in 8 cells (in Block No. 1) which were clean, adequately furnished, well lit and ventilated. However, once again, **the living space per juvenile (some 3 m<sup>2</sup>) was insufficient.**

94. As regards the *regime*, the delegation noted that very few physical and educational activities were organised for juvenile prisoners at Daugavpils Prison. They were offered two hours of outdoor exercise per day, a one-hour class per day, and one hour of physical exercise in a gym per month. The delegation was informed that a project (computer classes, sponsored by the World Bank and the Nordic Council) was scheduled to start as of mid-October 2002. **The CPT would like to receive confirmation that this project has indeed been implemented.**

The delegation visited the new and well-furnished classroom; unfortunately, it was seldom used. The officer in charge of rehabilitation issues indicated that a lack of financing and the very diverse educational backgrounds of juveniles made it impossible to organise a common educational programme. In this context, the delegation was informed of a plan submitted to the Latvian Prison Administration and the Ministry of Education to run a secondary school programme at the establishment. **The CPT trusts that this plan will be afforded a high priority.**

95. The situation as regards activities was similarly unfavourable at Liepāja Prison. The Head of the Unit for Juveniles was expected to provide social rehabilitation for the whole prison, as well as a regime of activities for juveniles. While acknowledging his commendable efforts, the delegation observed that juveniles were locked in their cells for more than 22 hours per day (they idled away their time watching TV, playing cards or Novus, the Latvian national game). The only exceptions were the juveniles involved in ship-modelling and in assisting another adult inmate repairing TV and radio sets. Juveniles were not offered sports/recreation activities; to exert themselves physically, some of them resorted to lifting the beds in their cells.

The delegation was informed that a classroom, funded by the Soros Foundation, was to be completed immediately after the visit; **the CPT would like to be informed about the activities offered in this classroom.**

96. At both Daugavpils and Liepāja Prisons, books could be borrowed from the establishments' libraries; however, most of the books were outdated and of little or no interest to juveniles. **The CPT invites the Latvian authorities to provide a better range of reading material in both establishments.**

97. Although a lack of purposeful activities is detrimental for any prisoner, it is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation. Juveniles deprived of their liberty should be offered a full programme of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that programme. **The CPT recommends that a fully fledged programme of activities be set up for the juveniles in the two establishments.**

c. staff

98. The custody and care of juveniles deprived of their liberty is a particularly challenging task. The staff called upon to fulfil that task should be carefully selected for their personal maturity and ability to cope with the challenges of working with - and safeguarding the welfare of - this age group. More particularly, they should be committed to working with young people, and be capable of guiding and motivating the juveniles in their charge. All such staff, including those with purely custodial duties, should have received appropriate training and benefit from appropriate external support and supervision in the exercise of their duties.

The information gathered during the visit indicated that the above criteria were not met at Daugavpils and Liepāja Prisons (*cf.* also section 7.a.). **The CPT recommends that custodial staff assigned to juvenile units receive specialised training. Further, steps should be taken to ensure the regular presence of, and individual contacts with, a social worker and a psychologist in the juvenile units at both Daugavpils and Liepāja Prisons.**

## 6. Health care

a. preliminary remarks

99. At present, the provision of health care in Latvian prisons falls under the responsibility of the Ministry of Justice. As already mentioned in paragraph 125 of the report on the 1999 visit, the CPT is convinced that a greater participation of the Ministry of Welfare in this area will help to ensure optimum health care for prisoners, as well as implementation of the general principle of the equivalence of health care in prison with that in the outside community.

The CPT's delegation observed a limited involvement of the Ministry of Welfare in the prison health care services, mainly through inspections and the handling of prisoners' complaints about health care matters (*cf.* paragraphs 125 and 126). **The CPT invites the Latvian authorities to consider enhancing the role of the Ministry of Welfare in the field of prison health care.**

b. Prison Hospital

i. *introduction*

100. The report on the CPT's 1999 visit highlighted a number of serious shortcomings regarding the Prison Hospital, which is located on the premises of Rīga Central Prison (*cf.* paragraph 153 *et seq.* of the report on the 1999 visit). The CPT is very concerned to note that hardly any of the recommendations made by the Committee in this respect have been implemented (*cf.* also the remarks made in paragraph 6 of this report).

ii. *patients' living conditions*

101. The material conditions offered to patients have, if anything, deteriorated since the 1999 visit. They were totally unacceptable, in particular, for those suffering from serious diseases. Many rooms were overcrowded (*e.g.* 12 beds in a room of 30 m<sup>2</sup>), and numerous allegations were heard that occupancy levels in patients' rooms had been significantly higher until shortly before the visit. Many of the rooms (in particular those accommodating TB patients) had no access to natural light (the windows being covered by metal plates), and artificial lighting and ventilation were very poor in most of them. In addition, many rooms were dilapidated, and the sanitary facilities were in an execrable state. In this connection, special mention should be made of the deplorable conditions in the recovery room No. 315.

All patients could take at least one hot shower per week; however, a number of allegations were heard that more frequent showers had been refused, even when recommended by medical staff.

102. The renovation of the Prison Hospital has repeatedly been postponed. During the 2002 visit, the delegation was informed that plans were now afoot to commence an extensive renovation of the entire hospital in June 2003. **The CPT calls upon the Latvian authorities to implement without any further delay the above-mentioned renovation programme; particular attention should be paid to the refurbishment of patients' accommodation. The Committee would like to be informed of the precise time schedule for the completion of the programme.**

**Immediate steps should be taken to ensure that:**

- **the rate of occupancy of the patients' rooms is reduced;**
- **the deficiencies as regards access to natural light/artificial lighting and ventilation are remedied;**
- **beds, bedding and other equipment are kept in a good state of repair and cleanliness;**
- **the sanitary facilities, including toilets and showers, are kept in a satisfactory state of repair and hygiene;**
- **more frequent showers are granted to patients, when recommended by medical staff.**

103. As in 1999, in-room activities for patients were limited to reading and access to a radio/television (for those who were able to afford such an item); in particular, juveniles among the patients still had no access to activities adapted to their age and needs. **The CPT reiterates its recommendation that a wider range of activities be offered to long-term patients in the Prison Hospital and that special attention be paid to juveniles among them; in particular, any patient of school age who stays for a prolonged period at the hospital should be provided with educational activities.**

*iii. staff and treatment*

104. The medical staffing level (17.5 full-time doctors) had not changed since the 1999 visit. As regards nursing staff, it had been increased from 38 to 42.5 full-time posts. However, it should also be recalled that the official capacity of the hospital has been decreased by one third since the 1999 visit (*cf.* paragraph 66). The number of doctors and nurses could generally be considered sufficient for the establishment's current needs.

The delegation also noted that all nurses in the psychiatric unit had received specialised training, as suggested by the CPT in the report on the 1999 visit. However, only one psychiatrist was employed in the psychiatric unit. **The CPT invites the Latvian authorities to increase the number of psychiatrists at the Prison Hospital.**

105. The delegation observed that custodial staff were exclusively focussing on security matters and kept human contacts with patients to an absolute minimum. In this respect, reference is made to the recommendations made in paragraph 129 below.

106. As regards the treatment of patients, the delegation gained the impression that the health care staff continued to be committed to providing the best possible care to patients under the prevailing adverse conditions.

The hospital's *pharmacy* was on the whole well-stocked. However, certain modern drugs were not available, apparently due to budgetary constraints; **the CPT invites the Latvian authorities to remedy this shortcoming.**

107. The CPT greatly welcomes the fact that the screening for, and treatment of, tuberculosis had improved since 1999 (*cf.* also paragraph 117) and that the number of tuberculosis patients in Latvian prisons had decreased considerably in recent years. There was ready access to all necessary medication. The delegation was also informed that the opening of the new tuberculosis hospital for prisoners in Olaine was scheduled for 2003. **The CPT would like to receive information on the progress made in this respect.**

Patients suffering from tuberculosis were entitled to two hours of daily outdoor exercise. However, a number of such patients claimed that, in practice, they were allowed to take only one hour of outdoor exercise per day. **The CPT would like to receive the comments of the Latvian authorities on this question.**

108. The function of the *psychiatric unit* had changed since 1999, with a lower number of - and much shorter - stays of forensic patients. Consequently, the main task of the unit was diagnosis/evaluation and short-term treatment. However, the CPT remains concerned about the complete lack of psycho-social therapeutic activities, despite the recommendations already made in the report on the 1999 visit. Further, the hospital did not benefit from the presence of a psychologist.

**The Committee reiterates its recommendation that the level of care offered to prisoners undergoing in-patient psychiatric treatment be reviewed at the Prison Hospital; particular efforts should be made to develop psycho-social therapeutic activities and to adapt them to the individual needs of patients.**

Further, steps should be taken to ensure the regular presence of a psychologist.

109. The delegation was informed that *terminally ill prisoners* in an advanced stage of illness were now placed in single cells, and compassionate release was granted by the relevant judicial authorities (upon consultation of a special commission) more frequently than in 1999. **The CPT encourages the Latvian authorities to make use, to the extent possible, of the compassionate release of terminally ill prisoners in an advanced stage of their disease.**

c. health care services in the prisons visited

i. *staff and facilities*

110. At Rīga Central Prison, the CPT noted that the *health care staffing levels* had remained unchanged since the 1999 visit<sup>15</sup>. The CPT is concerned about the fact that neither the complement of qualified nursing staff nor the psychiatric/psychological services have been increased, despite the specific recommendations made by the CPT (*cf.* paragraph 129 of the report on the 1999 visit). This state of affairs is all the more worrying, if one takes into account the increase in the prison's official capacity (*cf.* paragraph 66).

111. At Daugavpils Prison, the health care staff included three full-time doctors (general practitioner, narcologist and psychiatrist/narcologist) and three part-time doctors (general practitioner, dentist and surgeon), as well as two full-time feldshers and three nurses (including one part-time). However, the establishment did not have a psychologist.

Health care staff were present on working days between 8h00 and 21h00, and on weekends between 9h00 and 17h00. Each shift comprised one doctor, one nurse and one feldsher. For the rest of the time, a prisoner, who was working as an auxiliary within the health care unit, made an initial medical assessment of fellow inmates and then called the ambulance, if needed. On occasion, the Head Doctor was also called in outside working hours.

The CPT is seriously concerned about the absence of qualified health care staff at night in an establishment which accommodates almost 800 prisoners and which, in addition, has an infirmary with in-patients. Further, to entrust a prisoner with the medical examination of fellow inmates is totally unacceptable.

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<sup>15</sup> Eight doctors, eight feldshers, four nurses and four auxiliaries, all working on a full-time basis.



112. In the light of the above, **the CPT recommends that steps be taken, as a matter of priority, to ensure that:**

- **the complement of qualified nursing staff at Daugavpils Prison and Rīga Central Prison is significantly increased;**
- **a qualified nurse is always present at Daugavpils Prison, including at night and weekends;**
- **the psychiatric and psychological services are strengthened at Daugavpils Prison and Rīga Central Prison.**

113. At Rīga Central Prison, the conditions in the *health care facilities*, as well as in the cells accommodating tuberculosis patients<sup>16</sup>, had not improved since the 1999 visit. The material conditions in the latter cells were inadequate and not conducive to the improvement of patients' health. **The CPT reiterates its recommendation that steps be taken at the Central Prison to provide acceptable, hygienic conditions which are conducive to the improvement of prisoners' health. In particular, urgent measures are needed to improve access to natural light and ventilation as well as to ensure that prisoners are able to maintain a standard of personal hygiene consistent with the requirements of their state of health.**

114. At Daugavpils Prison, the delegation gained a favourable impression of the health care facilities (including of the pharmacy and the two-bed infirmary), with the exception of an outdated X-ray machine. **The latter should be replaced as soon as possible.**

*ii. medical screening and treatment*

115. At Rīga Central Prison, the procedure for *medical screening* on admission continued on the whole to be carried out in a satisfactory manner. However, the examination of medical files by medical members of the delegation revealed that the descriptions of injuries observed were not always recorded in detail. By way of example, the medical file of a prisoner who had allegedly been beaten by the police only contained the entry "trauma", without any additional explanations or conclusions.

**The CPT reiterates its recommendation that steps be taken at Rīga Central Prison (as well as in other prison establishments in Latvia) to ensure that medical records are kept in line with the criteria set out in paragraph 141 of the report on the 1999 visit. Further, whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record should be systematically brought to the attention of the relevant prosecutor.**

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<sup>16</sup> These patients did not require placement in the establishment's infirmary or the Prison Hospital.

116. At Daugavpils Prison, medical screening of newly-arrived prisoners was always performed by a doctor within 24 hours of admission. Blood tests (in particular for HIV and syphilis) were carried out with the prisoner's consent, and a fluorogramme was organised. Medical record cards for each prisoner were well-kept. Medical records were sought from a prisoner's previous doctor, if requested.

Basic information on health care issues was provided by means of posters displayed in the health care unit and the distribution of information sheets. These sheets, however, were only available in Latvian. **It would be desirable for the information sheets also to be provided in other languages frequently spoken by prisoners, including Russian.**

117. The CPT welcomes the positive steps taken at Rīga Central Prison after the 1999 visit, in order to improve the *provision of health care* in the establishment. By way of example, the supply of appropriate medicines was now adequate. The delegation also noted that all prisoners whose condition required it were transferred without delay to the Prison Hospital. Further, medical staff from the Prison Hospital now had access to prisoners' medical records within the prison.

The situation has also improved as regards screening for, and treatment of, *tuberculosis* (*cf.* also paragraph 107). A fluorogramme was taken from all newly-arrived prisoners, together with a comprehensive assessment aimed at elucidating whether they might be suffering from any of the symptoms of tuberculosis. In particular, sputum smear microscopy was now routine for those prisoners suspected of suffering from pulmonary tuberculosis. All prisoners who were smear positive were transferred to the Prison Hospital for initiation of tuberculostatic treatment, and remained there until they were smear negative. Smear negative prisoners were returned to the prison and kept there together. Medicines were made available in accordance with the DOTS (Directly Observed Therapy Short-course) programme.

Further, information about tuberculosis, AIDS and hepatitis was provided (*e.g.* posters, *etc.*) in all health care facilities of the prison.

118. The CPT noted an exponential increase in the number of HIV positive prisoners at Rīga Central Prison since the 1999 visit (from 20 to 186). The delegation was satisfied that they were receiving appropriate treatment. The CPT also welcomes the fact that such prisoners were no longer kept separately from other inmates.

119. At Daugavpils Prison, the delegation gained a generally favourable impression of the quality of health care provided to prisoners. However, the CPT has serious misgivings about the use of the establishment's "kartser" area for the segregation of prisoners who suffer from a potentially transmissible disease. By way of example, the delegation met a prisoner who had been held in such a cell for 17 consecutive days, apparently on account of suffering from scabies infestation. The prisoner concerned had never been able to leave the cell, not even for outdoor exercise or to take a shower.

**The CPT recommends that immediate steps be taken at Daugavpils Prison to establish adequately equipped "quarantine rooms" for the accommodation of prisoners suffering from a potentially transmissible disease. Further, any prisoner placed in such a room should be offered at least one hour of outdoor exercise every day and be placed in a position to maintain a standard of personal hygiene consistent with the requirements of his state of health.**

120. In both establishments visited, the delegation received a number of complaints from prisoners about access to medical treatment (especially regarding dental care). As in 1999, dental care was limited to emergency treatment and extractions (*cf.* paragraph 131 of the report on the 1999 visit). **The CPT reiterates its recommendation that the Latvian authorities take steps to provide appropriate medical treatment - including conservative dental care - to all prisoners in Latvian prisons; this treatment should be free of charge for those prisoners who are not in a position to pay for it.**

121. Finally, the delegation noted that at Rīga Central Prison, *medical records* were on occasion very succinct as regards violent incidents which occurred within the establishment. **The CPT recommends that, whenever a prisoner is medically examined following a violent episode in prison, a full account of objective medical findings be recorded in the medical file, together with the doctor's conclusions, and that a copy of the medical certificate be made available to the prisoner concerned and his lawyer.**

*iii. confidentiality*

122. As far as the delegation could ascertain, medical confidentiality was now fully respected at Rīga Central Prison; prisoners wishing to see a doctor had to write their name on a piece of paper and hand it to a prison officer, who would then pass it on to the feldsher in the first instance. The prisoners concerned did not have to state the reasons for such a request.

Moreover, HIV positive prisoners were now afforded medical confidentiality, and no information whatsoever with respect to their condition was made available to non-health care staff.

123. At Daugavpils Prison, the delegation observed that the prisoner employed as an auxiliary within the health care unit had access to prisoners' medical records. **The CPT recommends that this cease to be the case.**

124. In the context of the targeted visits to Jelgava and Liepāja Prisons, the delegation learned that (unlike the situation found at Daugavpils and Rīga Central Prison) prison officers were systematically present during medical examinations.

The CPT acknowledges that special security measures may be required during medical examinations in a particular case, when a security threat is perceived by the medical staff. However, there can be no justification for prison officers being *systematically* present during such examinations; their presence is usually unnecessary from a security standpoint and detrimental for the establishment of a proper doctor - patient relationship. Alternative solutions can and should be found to reconcile legitimate security requirements with the principle of medical confidentiality. One possibility might be the installation of a call system, whereby a doctor would be in a position to rapidly alert prison officers in those exceptional cases when a prisoner becomes agitated or threatening during a medical examination.

**The CPT recommends that steps be taken at Jelgava and Liepāja Prisons (as well as in other prison establishments in Latvia) to ensure that all medical examinations of prisoners (whether on arrival or at a later stage) are conducted out of the hearing and - unless the doctor concerned requests otherwise in a particular case - out of the sight of prison officers.**

*iv. inspection and complaints procedures*

125. The CPT noted that inspections of prison health care services were carried out by the Health Care Quality Control Authority, which is affiliated to the Ministry of Welfare (*cf.* paragraph 99). The delegation received a copy of their latest report on the inspection of the Prison Hospital and noted the quality of the work carried out by this body.

126. The delegation was informed that, whenever the Health Care Quality Control Authority received a complaint from a prisoner, a medical expert was appointed to look at the individual complaint and, in doing so, to meet with the complainant personally. However, it appeared that in such cases the Health Care Quality Control Authority had to negotiate access to the prisoner concerned on a case by case basis and that neither the Governor, nor the responsible doctor, had to accept the recommendations of the Authority in respect of prisoners' complaints. **The CPT would like to receive the Latvian authorities' comments on these points.**

**7. Other issues**

a. prison staff

127. The CPT has already highlighted the great importance of the recruitment and training of staff, as well as of the development of good relations between prison staff and prisoners (*cf.* paragraph 170 of the report on the 1999 visit). This will not only reduce the risk of ill-treatment, but also enhance control and security in prisons, without frequent resort to the sanction of solitary confinement (*cf.* paragraph 134).

128. Unfortunately, the information gathered during the 2002 visit indicated that little progress had been made as regards the implementation of the specific recommendations made by the CPT concerning staff/inmate relations (*cf.* paragraph 173 of the report on the 1999 visit). It should be noted that the mere increase of staffing levels, as observed at Rīga Central Prison<sup>17</sup>, is not sufficient in itself to improve these relations.

With the notable exception of Liepāja Prison (Unit for Juveniles), contacts between prison staff and prisoners were of a formal and distant nature and were kept to a strict minimum. Further, the practices of obliging prisoners to face the wall when staff or visitors passed by, and of appointing "duty prisoners" for each cell, remained unchanged.

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<sup>17</sup> From 217 in 1999 to 278 in 2002.

129. Consequently, **the CPT must reiterate its recommendation that the Latvian authorities:**

- **develop both initial and in-service training of prison staff at all levels. In the course of such training, particular emphasis should be placed on the acquisition and development of inter-personal communication skills. Building positive relations with prisoners should be recognised as a key feature of a prison officer's vocation;**
- **promote positive and constructive relations between staff and prisoners. In particular, a more proactive role for prison staff should be encouraged, not limited to purely security and control tasks. In this connection, the practice of appointing a "duty prisoner" in cells should be reviewed;**
- **put an end to the practice of obliging prisoners to face the wall when staff or visitors pass by.**

b. Security Departments

130. The CPT is very concerned about the role of the Security Departments in Latvian prisons. The delegation noted that, in all establishments visited, members of the Security Department fulfilled both custodial and criminal investigative tasks. Such a state of affairs not only leads to potential conflicts of interests but also jeopardises the benefits of the recent transfer of the responsibility for the prison system from the Ministry of the Interior to the Ministry of Justice (*cf.* paragraph 63).

131. Security Departments are formally subordinated to the Deputy Directors for Security Issues in the respective establishments. The delegation was informed that, in addition to classical "security duties", one of their key tasks was to investigate criminal offences committed by prisoners (whether sentenced or on remand) prior to imprisonment, to interrogate them and collect evidence, such as confessions, before transferring them, for further questioning, to the police (*cf.* also paragraph 70). Moreover, the delegation was informed that Security Departments had the exclusive decision-making power on the placement of prisoners within the prison and that, in exercising their powers, the Security Departments were *de facto* independent from the prison administration (including from the Prison Director).

Officers of the Security Departments attended the daily roll calls, and on that occasion, prisoners could address themselves to the attending officers concerned for an "interview". Prisoners who had become victim of inter-prisoner violence or who otherwise felt unsafe in their cell could then request to be transferred to another cell. The delegation was informed that the action taken by the Security Departments upon such requests could well be influenced by the interests of the criminal investigative activities within the establishment.

132. In the CPT's view, it is a highly questionable state of affairs that prison officers are involved in the investigation of criminal offences - and the collection of related evidence such as confessions of prisoners - in particular, when the offence in question has been committed prior to imprisonment. Furthermore, in almost all establishments visited, a number of prisoners (who were interviewed separately) claimed that they had been "put under pressure" by members of the Security Department to confess to criminal offences they had (or had not) committed prior to their admission to the prison. As already mentioned in paragraph 70, a number of allegations were received from prisoners at Daugavpils Prison that they had been threatened by members of the Security Department with being placed in cells with prisoners known to be violent, if they refused to co-operate with the Security Department.

The present situation is clearly detrimental to the protection of prisoners against ill-treatment (including inter-prisoner violence) and lends itself to abuse. The possibility offered to Security Departments, at their sole discretion, to allocate/transfer prisoners within the establishment as a reward (or sanction) for information/evidence provided (or not provided) is all the more unacceptable.

**The CPT recommends that the Latvian authorities take immediate steps to review throughout the prison system the tasks assigned to the Security Departments, in the light of the above remarks.**

c. discipline

133. The Latvian authorities have failed to implement several of the urgent recommendations concerning disciplinary matters made by the CPT after the 1999 visit. Prisoners placed in disciplinary cells are still not provided with a mattress and blankets at night and (with the exception of juveniles) are not offered outdoor exercise. Further, material conditions in the disciplinary cells at Rīga Central Prison remained extremely poor. Such a flagrant disregard of the CPT's recommendations is totally unacceptable.

Further, in the context of the targeted visit to Jelgava Prison, the delegation noted that some of the disciplinary cells measured only some 3 m<sup>2</sup>, were without access to natural light and had very poor artificial lighting. By virtue of their size alone, such cells are not suitable to hold a prisoner overnight.

**The CPT calls upon the Latvian authorities to take immediate steps:**

- **to ensure that all prisoners placed in disciplinary cells are given a mattress and blankets at night, and are offered one hour of outdoor exercise per day;**
- **to significantly improve material conditions in the disciplinary cells at Rīga Central Prison, in particular as regards access to natural light, ventilation and the general state of repair.**

In the light of the delegation's findings, **the CPT also recommends that steps be taken to improve significantly material conditions of detention in the disciplinary cells at Daugavpils Prison. Further, steps should be taken at Jelgava Prison to withdraw from service all disciplinary cells of 3 m<sup>2</sup>.**

134. Frequent recourse was had at Daugavpils and Rīga Central Prisons to the sanction of solitary confinement<sup>18</sup>. Further, it appeared that in the majority of cases, the maximum penalty or close to it was imposed (especially as regards juveniles). The CPT is not convinced that the sanctions imposed were always proportional to the offence (for example, extension of the placement in the punishment cell by 15 days for folding down the wooden platform in the cell during the day).

The CPT is also concerned about the approach followed vis-à-vis instances of self-harm, which were considered as disciplinary offences and punished accordingly. It wishes to stress that acts of self-harm frequently reflect problems and conditions of a psychological or psychiatric nature, and should be approached from a therapeutic rather than punitive standpoint.

**The CPT invites the Latvian authorities to review the approach being followed at Daugavpils Prison and Rīga Central Prison as regards disciplinary sanctions, in the light of these remarks. As regards the maximum duration of solitary confinement, the comment made in paragraph 39 applies with equal force to prison establishments.**

135. Further, in view of the information gathered during the 2002 visit, **the CPT recommends that steps be taken to ensure that all prisoners receive a copy of the decision imposing a disciplinary punishment and are informed in writing of the possibility to lodge an appeal with the Director of the establishment.**

d. contact with the outside world

136. No steps have been taken by the Latvian authorities since the 1999 visit to review arrangements concerning visits and correspondence vis-à-vis remand prisoners (cf. paragraphs 179 to 183 of the report on the 1999 visit). In all establishments visited, many remand prisoners indicated that they had spent long periods of time (in some cases periods of three to four years) without being allowed to receive visits from their relatives and friends or to correspond.

The CPT must stress again that under no circumstances should visits between a remand prisoner and his/her family be prohibited for a prolonged period. If it is considered that there is an on-going risk of collusion, visits should be authorised, but under strict supervision. This approach should also apply to correspondence with relatives.

The CPT is also concerned that the confidentiality of correspondence between remand prisoners and their lawyers was still not guaranteed (letters had to be handed in unsealed envelopes to the prison officer on duty). Such a state of affairs is unacceptable.

**The CPT calls upon the Latvian authorities to review the current arrangements concerning visits and correspondence vis-à-vis remand prisoners in the Latvian prison system, in the light of the above remarks.**

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<sup>18</sup> During the first nine months in 2002, 276 cases were recorded at Daugavpils Prison and 247 at Rīga Central Prison.

137. Correspondence of *sentenced prisoners* was not subject to restrictions. Further, such prisoners benefited from a progressive visit entitlement depending on their level of regime (low, medium, high)<sup>19</sup>. It ranged from three long-term visits (six to twelve hours) and four short-term visits (one to two hours) per year in the lowest level of regime to six long-term visits (twelve to 24 hours) and six short-term visits (one to two hours) per year in the highest level.

Given the crucial importance of prisoners' contacts with the outside world in the context of their social rehabilitation (*cf.* also paragraph 178 of the report on the 1999 visit), **the CPT recommends that the entitlement to visits of sentenced prisoners in the Latvian prison system be increased, so as to ensure that all prisoners can receive at least one visit (either short- or long-term) per month. It is axiomatic that the visit entitlement for juvenile prisoners should be more favourable.**

138. At Daugavpils Prison and Rīga Central Prison, *sentenced prisoners* had access to a telephone once to three times per month (depending on their level of regime). However, Latvian legislation does not allow *remand prisoners* to have access to a telephone.

The CPT wishes to emphasise the importance of giving all prisoners (especially those who do not receive regular visits) access to telephones; such a right is now guaranteed in many European countries, including to remand prisoners. **The CPT invites the Latvian authorities to explore the possibility of granting remand prisoners access to a telephone; if there is a perceived risk of collusion, a particular phone call could be monitored.**

e. waiting cubicles

139. Most of the small waiting cubicles at Rīga Central Prison had not been withdrawn from service (some of them had even been refurbished); this is yet another recommendation made in the report on the 1999 visit which has been ignored. Similar small waiting cubicles (some as small as 0.65 m<sup>2</sup> and all deprived of any lighting and poorly ventilated) were also found at Daugavpils Prison.

In the CPT's view, cubicles of less than 2 m<sup>2</sup> are, by virtue of their size alone, not suitable to hold a person for any length of time whatsoever. The Committee welcomes the Latvian authorities' decision to withdraw from service all cubicles measuring less than 2 m<sup>2</sup> during the first quarter of 2003 (*cf.* the letter of the Latvian authorities dated 29 January 2003).

**The CPT recommends that waiting cubicles of 2 m<sup>2</sup> or more only be used for very short periods of detention, for no more than one prisoner at a time, and subject to the strict condition that they have sufficient lighting and ventilation. Further, a special record should be kept of the use of such cubicles.**

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<sup>19</sup> *Cf.* Article 50<sup>quarter</sup> of the Law on the Enforcement of Sentences.



f. complaints and inspection procedures

140. One of the most effective means of preventing ill-treatment by prison officers lies in the diligent examination of complaints of ill-treatment and the imposition of suitable penalties. Prisoners should have avenues of complaint open to them both within and outside the prison system, including the possibility of confidential access to an appropriate authority.

In all prisons visited, prisoners could, in principle, submit a complaint to the establishment's Director. In addition, complaints could be addressed to the Regional Prosecutor and the National Human Rights Office.

However, the CPT is concerned by the manner in which prisoners' complaints were processed in practice. Many prisoners interviewed in the establishments visited indicated that they did not have any trust in the current complaints system, since they were obliged to hand their complaint - even those addressed to judicial authorities - in an unsealed envelope to a prison officer. Not surprisingly, only a few complaints were recorded in the establishments visited. Means must be found of enabling complaints to be submitted to the Regional Prosecutor and the National Human Rights Office in a truly confidential manner.

**The CPT recommends that the Latvian authorities conduct a review of the procedures currently used to process prisoners' complaints, in the light of the above remarks.**

141. The CPT has already emphasised the importance of regular visits to all prison establishments by an independent body with authority to receive - and, if necessary, take action on - prisoners' complaints and to visit the premises (*cf.* paragraph 187 of the report on the 1999 visit).

The delegation noted that, in addition to the General Prosecutor's Office, the National Human Rights Office carried out visits to Latvian prisons. Visit reports and recommendations by the latter body were submitted directly to the Ministry of Justice.

**The CPT would like to receive detailed information (*e.g.* frequency of visits, conclusions, *etc.*) on the visits carried out by the National Human Rights Office to Latvian prisons in 2002, and on the action taken by the Latvian authorities in response thereto.**

## **D. Psychiatric/social welfare establishments**

### **1. Preliminary remarks**

142. A visit was carried out to the Vīķi Psychiatric Centre Children's Section, which is attached to Rīga Neuropsychiatric Hospital. Further, for the first time in Latvia, the CPT examined the living conditions and treatment of residents in a social welfare institution, namely the Ezerkrasti Social Welfare Centre in Rīga.

143. **Vīķi Psychiatric Centre Children's Section** was opened in 1967 on the premises of a former manor house (built at the end of the 19<sup>th</sup> century) in the village of Vīķi, in close proximity to the Estonian border. Although classified as a psychiatric establishment (under the authority of the Ministry of Welfare), the Vīķi Psychiatric Centre mainly serves as a long-term residential care institution for children/juveniles with serious learning disabilities and/or behavioural disorders from all over Latvia. At the age of 16, juveniles are usually transferred to Ainazi Mental Hospital or to a social welfare home.

With an official capacity of 64 beds, the establishment was accommodating 63 children (ranging in age from three to 16 years) at the time of the visit. Approximately one third of the children were orphans, and one third had parents who had been deprived of their parental rights. Children were divided into five groups, depending on their learning disabilities and/or physical mobility.

The **Ezerkrasti Social Welfare Centre** is located on the outskirts of Rīga, on the large premises (7 hectares) of a rest home, which was constructed in 1964 for party officials of the Soviet regime. It caters for children with severe learning and/or physical disabilities, as well as for elderly persons; these two categories of residents were accommodated in separate buildings. The Unit for Children falls under the authority of the Ministry of Welfare, and the Unit for Elderly Persons under the authority of the Municipality of Rīga. Persons deprived of their legal capacity cannot be admitted to the Ezerkrasti Welfare Centre.

At the time of the visit, the Unit for Children was operating at its full capacity (84 residents between 4 and 18 years), while the Unit for Elderly Persons was accommodating 215 residents (capacity: 360).

144. From the outset, the CPT wishes to stress that its delegation heard no allegations of deliberate *physical ill-treatment* of patients/residents by staff - and gathered no other evidence of such treatment - at the Vīķi Psychiatric Centre Children's Section and the Ezerkrasti Social Care Centre. The atmosphere in the two institutions was relaxed, and staff-patient/resident relations were good. The CPT wishes to place on record the commitment demonstrated by the medical and nursing staff towards their patients.

## 2. Living conditions

145. In any psychiatric/social welfare establishment, the aim should be to offer living conditions which are conducive to the treatment and well-being of patients/residents; in psychiatric terms, a positive therapeutic environment. Creating such an environment involves, first of all, providing sufficient living space per person as well as adequate lighting, heating and ventilation, maintaining the establishment in a satisfactory state of repair and meeting hospital hygiene requirements. Particular attention should also be given to the decoration of both patients'/residents' rooms and recreation areas, in order to offer patients/residents a stimulating therapeutic environment.

146. At the Vīķi Psychiatric Centre Children's Section, the living conditions of the patients were poor overall. Children were accommodated on two floors in five overcrowded dormitories (*e.g.* 14 beds in 25 m<sup>2</sup>), which were only equipped with beds and a few chairs. They were impersonal, and there were hardly any toys. In addition, children's personal hygiene left a lot to be desired. They were required to wear the same old and worn clothes day and night; they had no indoor footwear, and some children were even barefoot. Despite the fact that many children were said to be incontinent, no diapers were provided. As a consequence, a number of children were wet from urine, and in some rooms the floor was stained with urine.

Educational activities (such as drawing, singing, physical exercises) were organised by educators every morning between 9h00 and 10h30. In addition, children were taken out in the open air every day for one or two hours. However, the delegation observed that a number of children with physical handicaps had to climb up and down the stairs on their hands and knees.

The delegation was informed by the Director that the Centre's total budget was so low (equivalent to some 10 € per child per day), that it was necessary to rely on private in-kind donations (*e.g.* milk, clothes) and financial support from international non-governmental organisations, in order to maintain even a basic level of care.

**The CPT recommends that the Latvian authorities take immediate steps to improve the living conditions of children at the Vīķi Psychiatric Centre Children's Section, in the light of the above remarks.**

147. Living conditions were much better at the Ezerkrasti Social Welfare Centre.

The Unit for Children had seven spacious living units (each comprising three bedrooms, a dining room and an activity room) for groups of twelve children. All rooms were clean, well lit and ventilated. Most of the rooms were well-decorated (plants, paintings, *etc.*), and each child had his/her own lockable wardrobe. Children's personal hygiene was adequate and their clothing clean. Further, children were provided with toys and could move freely within the living unit. In addition, 42 children benefited from a special school programme organised by outside teachers. The establishment also had a gym and an indoor swimming pool, which was being renovated at the time of the visit.

The Unit for Elderly Persons was undergoing a renovation, which was almost completed. In the renovated parts, the material conditions were of a good standard. Two residents were usually accommodated in rooms measuring some 13 m<sup>2</sup>, which were adequately furnished and well lit. Residents could have with them a television set, plants and various personal belongings. The unit had a large refectory, a concert hall and a library, where books, magazines and newspapers were available.

148. The delegation was informed that plans were afoot to establish a special unit for the accommodation of residents suffering from dementia at the Ezerkrasti Social Welfare Centre. **The CPT would like to receive further information on this point.**

### 3. Staff

149. The staff at the Viki Psychiatric Centre Children's Section included 37 persons involved in patients' care or treatment (one psychiatrist, one paediatrician, two feldshers, six nurses, four educators, one speech therapist and 22 auxiliaries). All health care staff worked on a full-time basis (except for the paediatrician who worked 75%). If other specialist care (including dental care) was required, patients were referred to outside specialists or to the civil hospital. The delegation was informed that, for budgetary reasons, the health care staff had been reduced drastically in the 1990's. Twice-weekly visits by a general practitioner had also to be discontinued. There were plans to employ a psychologist, but the necessary funding was not secured. Further, the Centre did not benefit from the services of a physiotherapist or an occupational therapist.

The provision of adequate care was seriously compromised by inadequate staffing levels (*e.g.* one staff member caring for a group of 14 children). Bearing in mind that the majority of patients suffered from serious mental disorders and that a considerable number of them tended to become frequently agitated, the number of nursing staff was clearly insufficient. Further, the provision of rehabilitative services (*e.g.* psychology, physiotherapy, occupational therapy, *etc.*) was totally inadequate. Moreover, whenever educators were on leave, they had to be replaced by unqualified auxiliaries.

150. At the Ezerkrasti Social Welfare Centre, the personnel of the Unit for Children included one doctor (general practitioner), five nurses, 57 auxiliaries (some working part-time) and a social worker. In addition, the establishment was visited by a child psychiatrist once per week. The full-time posts of a physiotherapist, a psychologist and seven educators were vacant at the time of the visit. In the Unit for Elderly Persons, there were one doctor (general practitioner), eight nurses, two social workers and 38 auxiliaries, all working on a full-time basis. In addition, two part-time social workers were employed.

The number of qualified nursing staff and doctors was clearly insufficient in both units. In addition, the auxiliaries were heavily overburdened by their workload. As a consequence, it was not possible to give individual attention to all of the residents.

151. **The CPT recommends that the Latvian authorities take steps as a matter of priority to:**
- **increase the number of nursing and auxiliary staff at the Vīķi Psychiatric Centre Children's Section and the Ezerkrasti Social Welfare Centre;**
  - **provide rehabilitative services (psychology, physiotherapy, occupational therapy, etc.) and increase the number of educators at the Vīķi Psychiatric Centre;**
  - **reintroduce the regular presence of a general practitioner at the Vīķi Psychiatric Centre;**
  - **increase the number of doctors and fill the vacant posts of a psychologist, a physiotherapist and educators at the Ezerkrasti Social Welfare Centre.**

#### **4. Means of restraint and seclusion**

152. In any psychiatric/social welfare establishment, the restraint of agitated and/or violent patients/residents may on occasion be necessary. However, this is an area of particular concern to the CPT, given the potential for abuse and ill-treatment.

It is essential that the restraint of patients/residents be the subject of a clearly-defined policy. That policy should make clear that initial attempts to restrain agitated or violent patients should, as far as possible, be non-physical (*e.g.* verbal instruction) and that where physical restraint is necessary, it should in principle be limited to manual control. Resort to instruments of physical restraint (straps, *etc.*) and/or chemical restraint will only very rarely be justified. Every instance of the restraint of a patient/resident (manual control, use of instruments of physical restraint, seclusion, sedation) should be recorded in a specific register established for this purpose (as well as in the patient's file).

153. At the Vīķi Psychiatric Centre Children's Section, means of physical restraint (such as fixation) were rarely applied and only upon the decision of the psychiatrist. However, the CPT is very concerned about the manner in which psychotropic drugs were used at the establishment, in order to manage/control children who were agitated and/or displayed behavioural disorders.

In the light of the information gathered by medical members of the delegation (including the examination of medical files), it appeared that 50 of the 63 children were receiving neuroleptics on a regular basis. Many eight to twelve-year old children were receiving (on a daily basis) sedating drugs with dosages that would even sedate adults; in some cases, the dosages given would be even extremely sedating for an adult. By way of example, a bedridden boy (15 years old), who was diagnosed to be auto-aggressive and profoundly retarded, was receiving four different psychotropic drugs with sedative potential, including chlorpromazine 200 mg x 4, every day.

Even though many of the children at the Centre had psychiatric diagnoses, the main reason for the medication seemed to be to control behavioural disturbance. The disturbance described in some cases was behaviour that is typical for the mentally retarded, and not behavioural disturbance connected with psychosis. In the CPT's view, the indications for prescription seemed to be questionable; the dosages used were certainly too high in many cases and detrimental to the well-being of the children concerned.

It should be added that there was no specific register for recording resort to means of restraint.

154. At the Ezerkrasti Social Welfare Centre, no means of physical restraint (other than cot sides) were used. However, in the Unit for Elderly Persons, some residents who had become demented or who were prone to abuse alcohol were locked in their rooms. At the time of the visit, four residents were locked in their rooms (alone or with their room-mate) in Units 32 and 33. Two of them had recently arrived from a psychiatric hospital. None of the rooms could be supervised by staff from outside (*i.e.* there was no observation hatch in the doors or other means of supervision), and visits by staff were infrequent. The decision on seclusion of a resident was taken by the nurse on duty; no special record was kept of this measure.

In addition, tranquillising injections were used for agitated residents in the Unit for Elderly Persons. The delegation was informed by members of the health care staff that injections without the consent of the resident concerned were not officially allowed, but frequently administered in practice (for some residents on a regular basis).

**155. The CPT recommends that the Latvian authorities take urgent steps to review the use of psychotropic drugs at the Viķi Psychiatric Centre Children's Section, in the light of the remarks made in paragraph 153.**

Further, **the CPT recommends that steps be taken to ensure that the procedures followed at the Viķi Psychiatric Centre Children's Section and the Ezerkrasti Social Welfare Centre concerning the use of means of restraint and seclusion are brought into line with the requirements set out in paragraph 152.**

**The CPT would also like to receive the Latvian authorities' comments on the practice observed at Ezerkrasti of administering tranquillising injections without the consent of the persons concerned.**

## **5. Safeguards**

156. On account of their vulnerability, the mentally ill and learning disabled warrant particular attention in order to prevent any form of conduct - or avoid any omission - contrary to their well-being. It follows that involuntary placement in a psychiatric/social welfare establishment should always be surrounded by appropriate safeguards.

- a. initial placement and discharge procedures

157. The procedure by which involuntary placement in a psychiatric/social welfare establishment is decided should offer guarantees of independence and impartiality as well as of objective psychiatric expertise. Further, such placement should cease as soon as it is no longer required by the patient's/resident's mental state. Consequently, the need for placement should be reviewed by an appropriate authority at regular intervals. In addition, the patient/resident himself/herself should be able to request at reasonable intervals that the necessity for placement be considered by a judicial authority.

158. At the Vīķi Psychiatric Centre Children's Section, a child can be *admitted* by decision of the competent district authority (district council board), upon request by his/her parents.

However, most of the Centre's patients are children who are orphans/abandoned or whose parents have been divested of their parental rights. They can be placed in the Centre following a decision by the custody court or the competent district authority. The delegation noted that the latter decision does not necessarily deal with the placement of the child in a psychiatric establishment, but only contains a general order to place the child in a public care institution. On the basis of that decision, the child may subsequently be placed in a social welfare home (*e.g.* orphanage), an educational institution (*e.g.* special boarding school) or a psychiatric hospital or be transferred, at any time, between these institutions. In none of the above-mentioned cases is a guardian appointed *ex officio*.

Consequently, most of the patients at the Vīķi Psychiatric Centre have been subject to an involuntary hospitalisation without any appropriate legal safeguards. There is nobody to represent the child and defend his/her interests during the admission procedure and, subsequently, *vis-à-vis* the institution in which he/she has been hospitalised involuntarily. Such a state of affairs is unacceptable.

The CPT is also concerned that decisions on the placement in/transfer to the Centre are taken without any involvement of the child concerned. The opinion of a child must be taken into consideration as a determining factor of increasing importance in proportion to his/her age, mental capability and degree of maturity (*cf.* Article 3 of the European Convention on the Exercise of Children's Rights).

159. At the Ezerkrasti Social Welfare Centre, the procedure for the admission of children/juveniles is identical to the one described above.

An adult has to submit to the competent district authority (Rīga Council Welfare Department) a written request for his/her admission to a social welfare institution. Applicants have to sign the application form and are then put on a waiting list until their admission to the Centre. It was not uncommon for persons to be admitted to the Centre only several months (in some cases even a year) after their application. The decision on the placement is taken by the Rīga Council Welfare Department on the basis of a report drawn up by a social worker and medical certificates issued by the applicant's family doctor (general practitioner) and a psychiatrist, stating that the applicant's physical and mental health permits his/her placement in a social care institution of this type.<sup>20</sup>

Upon arrival at Ezerkrasti, the signature on the application form was considered as proof of the resident's consent to his/her admission to the Centre. Moreover, newly-arrived residents had to sign a form that a part of their pension be transferred to the Centre to cover subsistence expenses. In practice, the latter signature was seen as an additional indication of the voluntary character of the stay at the Centre. However, the information gathered during the visit indicates that some persons had been admitted to the Centre as "voluntary" residents, despite the fact that, at the time of admission, they had not been able to give their consent to the admission (*i.e.* due to a deterioration of their health condition).

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<sup>20</sup> The involvement of a psychiatrist was not required by law, but was usually practised in Rīga.

In principle, every resident was free to leave the establishment whenever he/she wanted. However, it appeared that some residents had been prevented from leaving, because they had become demented or because they were prone to abuse alcohol. Such persons were locked in their rooms against their will for prolonged periods (*cf.* also paragraph 154). The delegation was told by staff that Latvian legislation did not provide for such a measure, but it was seen as the only solution to prevent the persons concerned from harming themselves or others.

**160. The CPT recommends that the Latvian authorities review the procedures for involuntary placement in psychiatric/social welfare establishments in Latvia, in the light of the remarks made in paragraphs 158 and 159.**

**Further, steps should be taken to review the legal status of persons who are prevented from leaving the Ezerkrasti Social Welfare Centre.**

161. Involuntary placement in a psychiatric establishment can be challenged by the person concerned (or his/her legal representative) before the Health Care Quality Control Authority and the Administrative Court. However, it would appear that the person concerned does not have a right to be heard in person during the *appeal* procedure. Moreover, Latvian legislation does not provide for a *regular review* of placement in a psychiatric hospital/social welfare institution.

**The CPT recommends that steps be taken to ensure that patients/residents who are admitted without their consent to a psychiatric hospital/social welfare institution are granted the right to be heard in person during the process of appeal against such placement.**

**Further, the CPT recommends that steps be taken to ensure that the need for such placement is reviewed by an appropriate authority at regular intervals.**

b. safeguards during placement

162. An *introductory brochure* setting out the establishment's routine and patients'/residents' rights should be issued to each patient/resident on admission, as well as to their families. Any patients/residents unable to understand this brochure should receive appropriate assistance. An effective *complaints procedure* is another basic safeguard against ill-treatment in psychiatric establishments. Specific arrangements should exist enabling patients/residents to lodge formal complaints with a clearly-designated body, and to communicate on a confidential basis with an appropriate authority outside the establishment.

163. At the Vīķi Psychiatric Centre Children's Section, children (and their parents) were given oral information on the establishment. However, no written information was provided upon admission.



At the Ezerkrasti Social Welfare Centre, adult residents received a copy of the house rules, and children were informed orally about these rules by the social worker.

In both establishments, patients/residents (as well as their parents) could submit a complaint to the establishment's Director and to the supervising authority (Ministry of Welfare and the Rīga City Council respectively), as well as to the National Human Rights Office. However, patients/residents were not systematically informed about such a possibility.

**The CPT recommends that an introductory leaflet/brochure be issued to each newly-arrived patient/resident (and his/her legal representative), accompanied, if necessary, with appropriate oral explanation, at the Vīķi Psychiatric Centre Children's Section and the Ezerkrasti Social Welfare Centre. This leaflet/brochure should also provide information on the right as well as the modalities to lodge complaints.**

**Further, the CPT would like to receive detailed information on the powers and activities of the National Human Rights Office in respect of the processing of patients'/residents' complaints.**

164. The CPT also attaches considerable importance to psychiatric/social welfare establishments being visited on a regular basis by an independent outside body (e.g. a judge or supervisory committee) which is responsible for the *inspection* of patients'/residents' care. This body should be authorised, in particular, to talk privately with patients/residents, receive directly any complaints which they might have and make any necessary recommendations.

165. Vīķi Psychiatric Centre Children's Section was visited on a three-monthly basis by a representative of Rīga Neuropsychiatric Hospital (to which the Centre was administratively attached). However, no inspections had been carried out by an independent outside body (such as the Health Care Quality Control Authority).

At the Ezerkrasti Social Welfare Centre, annual inspections were carried out by the Social Welfare Fund (Unit for Children) and the Rīga Council Welfare Department (Unit for Elderly Persons).

**The CPT recommends that steps be taken to ensure that the Vīķi Psychiatric Centre Children's Section (as well as other establishments of this type) are visited on a regular basis by an independent outside body.**

**Further, the CPT would like to receive detailed information (e.g. conclusions, recommendations, etc.) on the visits carried out by the Social Welfare Fund and the Rīga Council Welfare Department to the Ezerkrasti Social Welfare Centre in 2002, and on the action taken by the Latvian authorities in response thereto.**

166. At both establishments visited, the existing arrangements for *contact with the outside world* were satisfactory. Patients/residents were able to send and receive correspondence, to have access to the telephone, and to receive visits from their family and friends.

### III. RECAPITULATION AND CONCLUSIONS

#### A. Police establishments

167. The CPT's delegation received a considerable number of credible allegations of physical ill-treatment by the police throughout Latvia. It would appear that juveniles are particularly at risk in this respect. Although most of the allegations concerned brutality at the time of or immediately following apprehension (allegations of being punched, kicked or struck with batons and other objects), a not insignificant proportion of them related to ill-treatment during police questioning, and, more particularly, during interrogation by officers of the criminal police. In some cases, the ill-treatment alleged - asphyxiation with a plastic bag, strangulation, very severe beating, infliction of electric shocks, submerging the head of a suspect in the water of a lake - was of such severity that it could be considered to amount to torture. In a few cases, medical information consistent with the allegations made was gathered.

The situation has clearly not improved since the CPT's 1999 visit. Consequently, the Committee has recommended that a formal statement emanating from the Minister of the Interior be delivered to all law enforcement officials (including to officers of the criminal police), reminding them that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. Further, those officials should be reminded that no more force than is strictly necessary is to be used when apprehending a person.

168. The best possible guarantee against ill-treatment is for its use to be unequivocally rejected by police officers themselves. The CPT has therefore reiterated its recommendation that a high priority be given to police training. The Committee has also highlighted action to be taken by the prosecuting and/or judicial authorities for the prevention of ill-treatment by the police, and has recommended that steps be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint.

Further, the CPT has stressed that, from the standpoint of the prevention of ill-treatment, it would be far preferable for further questioning of persons committed to a remand prison to take place in prison rather than on police premises. The return of prisoners to police custody, for whatever reason, should be sought and authorised only when it is absolutely unavoidable.

169. The CPT noted with great concern the poor conditions of detention in police establishments. The situation was particularly bad at Daugavpils, Liepāja and Ventspils Police Headquarters, where persons were being held 24 hours per day in overcrowded cells, which were humid, dirty and poorly lit and ventilated. In response to an immediate observation by the Committee's delegation at the end of the visit, the Latvian authorities drew attention to measures taken with a view to improving conditions of detention in these three establishments. In this connection, the CPT has requested confirmation that all persons in police custody are now provided with a clean mattress/blankets at night as well as with personal hygiene products and are given the possibility to wash themselves and to have ready access to toilets.

170. As regards fundamental safeguards against ill-treatment, the situation in respect of notification of custody to a close relative or another third party has remained unchanged since the 1999 visit. The CPT has reiterated its recommendation that all persons deprived of their liberty by the police, for whatever reason, be granted the right to notify a close relative or third party of their choice of their situation, as from the very outset of their deprivation of liberty.

Further, it appeared that, in many cases, the right of access to a lawyer only became effective some time after apprehension. The CPT is particularly concerned that, with regard to this right, specific provisions applicable to juveniles were not always respected. The Committee has recommended that the Latvian authorities take steps to ensure that the right of access to a lawyer is enjoyed by all persons obliged to remain with the police, as from the outset of their deprivation of liberty. The right of access to a lawyer should be enjoyed not only by criminal suspects but also by anyone who is under a legal obligation to attend - and stay at - a police establishment. The Committee has also recommended that the system of legal aid to detained persons be reviewed, in order to ensure its effectiveness throughout the procedure, including at the initial stage of police custody.

The CPT's delegation met a number of persons in police custody whose health condition obviously required urgent medical attention but which had not been provided. Numerous persons claimed that they had been refused access to a doctor while in custody, despite their repeated requests for such assistance. The CPT has called upon the Latvian authorities to take immediate steps to ensure that the right of access to a doctor for persons in police custody is formally guaranteed by law and fully implemented in practice. In this regard, the Committee has emphasised that a doctor should be called without delay whenever a person in police custody requests a medical examination; it is not for police officers to filter such requests.

In the light of the information gathered during the visit, the CPT has also recommended that a code of conduct for police questioning be drawn up without any further delay.

171. Material conditions of detention and interrogation facilities at Rīga Pre-Trial Investigation Centre and Short-Term Detention Isolator (ISO) remained unsatisfactory, despite the remarks made by the CPT after its 1999 visit. The Committee has made a series of recommendations aimed at remedying this situation. The CPT has also recommended that the Latvian authorities take appropriate steps to ensure that a less restrictive approach is adopted as regards contact with the outside world for persons detained at this establishment, and that all inmates serving disciplinary punishments enjoy at least one hour of outdoor exercise per day. Further, the Committee has re-emphasised that the objective must be to cease using the ISO in Rīga (as well as any other police establishment of a similar type) for prolonged periods of detention; it is totally unsuited for this purpose.

## **B. Olaine Detention Centre for Illegal Immigrants**

172. No allegations were received of deliberate physical ill-treatment of detainees by Border Guard staff working at the Olaine Centre. The majority of inmates described their treatment as varying from fair to very good, and the delegation observed itself that staff-inmate relations were relaxed.

173. Conditions of detention at the Centre were on the whole satisfactory from a material standpoint. However, the CPT has recommended that steps be taken to provide a better range of activities to persons held at the Centre, in particular long-term inmates. Specific measures should be taken to ensure that children/juveniles are offered activities suitable to their age.

174. Inmates had ready access to health care staff, and the delegation formed a positive impression of that staff's efforts to provide appropriate care. However, inmates were entitled only to emergency medical care free of charge, a state of affairs which had several detrimental effects. The CPT has recommended that all inmates at the Centre be guaranteed the provision of treatment (including dental care) and medication required by their state of health.

## **C. Prisons**

175. The CPT's delegation received practically no allegations of ill-treatment of prisoners by staff in the prisons visited or in other prison establishments in Latvia.

However, the CPT has expressed serious concern about the frequent occurrence of inter-prisoner violence (fights, threats, extortion, *etc.*) at Daugavpils and Rīga Central Prisons. The CPT has recommended that strategies be developed with a view to addressing this problem in both establishments.

The CPT has also emphasised that many remand prisoners at Daugavpils and Rīga Central Prisons were subjected to conditions of detention - overcrowding, very poor material and hygienic conditions, lack of activity programmes - which could easily be described as inhuman and degrading. The same was true for the majority of patients held in the Prison Hospital and the health care unit at Rīga Central Prison.

176. The CPT has welcomed the first steps taken by the Latvian authorities after its 1999 visit, with a view to overcoming the problem of overcrowding in the prison system. It has recommended that the Latvian authorities continue their efforts to bring about a permanent end to prison overcrowding. In addition, it has recommended that the legal standard on living space for prisoners be raised as soon as possible, so as to guarantee at least 4 m<sup>2</sup> per prisoner in multiple-occupancy cells.

177. Material conditions of detention were very poor at Daugavpils Prison and in some parts of Rīga Central Prison (*e.g.* poor state of repair and ventilation, lack of access to natural light). In both establishments, the poor hygienic conditions were exacerbated by the fact that prisoners were not provided with any personal hygiene products (*e.g.* soap, toothbrush, toilet paper, *etc.*). Detailed recommendations aimed at remedying the shortcomings observed have been formulated.

178. At Daugavpils Prison, hardly any out-of-cell activities were offered to sentenced prisoners. Further, at both the Daugavpils and Rīga establishments, remand prisoners were offered nothing that resembled a regime; such prisoners spent practically all of their time (*i.e.* 23 hours per day) in a state of enforced idleness. The CPT has recommended that steps be taken as a matter of priority at both establishments with a view to offering all prisoners - including those on remand - adequate programmes of activities.

Further, the CPT has called upon the Latvian authorities to take immediate steps to ensure that all prisoners at Rīga Central Prison are offered at least one hour of outdoor exercise per day.

179. The situation of life-sentenced prisoners in Latvia has not improved since the 1999 visit, despite the specific recommendations made in the report on that visit. The CPT remains very concerned about the restrictive approach adopted vis-à-vis such prisoners, in particular as regards the regime, contact with the outside world and the use of means of physical restraint. At Jelgava Prison, life-sentenced prisoners were offered no work, educational/vocational or sports activities; they were locked up in their cells for 23 hours per day. The CPT has called upon the Latvian authorities to fundamentally revise the regime applicable to life-sentenced prisoners, taking into account criteria identified by the Committee. It has also made clear that there can be no justification for the draconian security measures applied whenever such prisoners were removed from their cells.

180. The situation of juvenile prisoners at Daugavpils and Liepāja Prisons was also unsatisfactory. In particular, they were offered very few physical and educational activities. The CPT has recommended that a fully-fledged programme of activities be set up for juveniles in both establishments and that custodial staff assigned to juvenile units receive specialised training. Further, steps should be taken to ensure the regular presence of, and individual contacts with, a social worker and a psychologist.

181. As regards health care, hardly any of the recommendations concerning the Prison Hospital made by the CPT after the 1999 visit have been implemented. The material conditions offered to patients have, if anything, deteriorated since that visit; they are totally unacceptable, in particular, for those suffering from serious diseases. Many rooms were overcrowded, had insufficient access to natural light/artificial lighting and were poorly lit. In addition, many rooms were dilapidated, and the sanitary facilities were in an execrable state. The CPT has called upon the Latvian authorities to implement without any further delay the repeatedly-postponed programme of renovation of the Hospital.

182. On a more positive note, the screening for, and treatment of, tuberculosis had improved since 1999 and the number of tuberculosis patients in Latvian prisons had decreased considerably in recent years.

The Committee has also welcomed positive steps taken at Rīga Central Prison after the 1999 visit, in order to improve the provision of health care in the establishment. However, the conditions in the health care facilities, as well as in the cells accommodating tuberculosis patients, were still inadequate and not conducive to the improvement of patients' health. At Daugavpils Prison, the delegation gained a generally favourable impression of the health care facilities and of the quality of health care provided to prisoners.

The CPT has recommended a strengthening of health-care staff resources at Daugavpils Prison and Rīga Central Prison and, in particular, that the complement of qualified nursing staff be significantly increased at both establishments.

183. The CPT has made several recommendations and comments concerning various other issues (prison staff, Security Departments, discipline, contact with the outside world, waiting cubicles, complaints and inspection procedures). Serious concern has been expressed about the current role of the Security Departments in Latvian prisons. They fulfil both custodial and criminal investigative tasks, a state of affairs which can clearly lead to potential conflicting interests and be detrimental to the protection of prisoners against ill-treatment. The Committee has also called upon the Latvian authorities to take immediate steps to ensure that all prisoners placed in disciplinary cells are given a mattress and blankets at night and are offered one hour of outdoor exercise per day. Further, material conditions in the disciplinary cells at Daugavpils Prison and Rīga Central Prison must be significantly improved.

#### **D. Psychiatric establishments**

184. The delegation heard no allegations of ill-treatment of patients/residents by staff at the Vīķi Psychiatric Centre Children's Section and the Ezerkrasti Social Care Centre. The atmosphere in both establishments was relaxed, and the CPT wishes to place on record the professionalism and commitment demonstrated by the medical and nursing staff towards their patients.

185. Patients' living conditions were of a good standard at the Ezerkrasti Social Welfare Centre. However, living conditions were generally poor at the Vīķi Psychiatric Centre Children's Section. Children were accommodated in overcrowded dormitories, which were only equipped with beds and a few chairs. In addition, children's personal hygiene left a lot to be desired and they were required to wear the same old and worn clothes day and night. The CPT has recommended that immediate steps be taken to improve the living conditions of children at the Vīķi Psychiatric Centre.

186. At both establishments, the provision of adequate care was seriously compromised by inadequate staffing levels. The CPT has recommended that steps be taken as a matter of priority to increase the number of nursing and auxiliary staff. In addition, it has recommended that rehabilitative services (psychology, physiotherapy, occupational therapy, *etc.*) be strengthened, and that the number of educators at the Vīķi Psychiatric Centre Children's Section be increased.

187. As regards the use of means of restraint, the CPT is very concerned about the manner in which psychotropic drugs were used at the Vīķi Psychiatric Centre Children's Section in order to manage/control children who were agitated and/or displayed behavioural disorders. Many eight to twelve-year old children were receiving, on a daily basis, sedating drugs with dosages that would even sedate adults. The CPT has recommended that urgent steps be taken to review the use of psychotropic drugs at the establishment.

188. The CPT has also made a number of observations concerning the safeguards surrounding involuntary placement of persons in psychiatric hospitals and social welfare homes, *e.g.* regular review of the need for such placements; information on patients'/residents' rights; complaints procedures; external supervision. Particular concern has been expressed about the fact that a guardian was not appointed *ex officio* for children who were orphans/abandoned or whose parents had been divested of their parental rights.

**D. Action on the CPT's recommendations, comments and requests for information**

189. The various recommendations, comments and requests for information formulated by the CPT are summarised in Appendix I.

190. 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 **six 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 the above-mentioned response, reactions to the comments formulated in this report as well as replies to the requests for information made.

## APPENDIX I

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

#### **Co-operation between the CPT and the Latvian authorities**

##### requests for information

- a complete list of all places where persons may be deprived of their liberty by a public authority in Latvia (paragraph 5).

#### **Police establishments**

##### **Preliminary remarks**

##### requests for information

- information on the draft Criminal Procedure Code pending before Parliament and a copy of this legislative act once it is adopted (paragraph 9).

#### **Torture and other forms of ill-treatment**

##### recommendations

- a formal statement emanating from the Minister of the Interior to be delivered to all law enforcement officials (including to officers of the criminal police), reminding them that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions; they should also be reminded that no more force than is strictly necessary is to be used when apprehending a person (paragraph 12);
- a high priority to be given to the professional training for police officers of all ranks and categories and an aptitude for interpersonal communication to become a major factor in the process of their recruitment (paragraph 13);
- whenever an apprehended person brought before a prosecutor or judge alleges ill-treatment by the police, the prosecutor/judge should immediately request a forensic medical examination of the person concerned and take the necessary measures in order for the allegation to be duly investigated. Even in the absence of an express allegation of ill-treatment, the prosecutor/judge should request a forensic medical examination and notify the relevant authorities whenever there are other grounds to believe that an apprehended person brought before him could have been the victim of ill-treatment (e.g. visible injuries; a person's general appearance or demeanour); this approach should be followed irrespective of whether the person concerned bears visible injuries (paragraph 16);



- appropriate steps to be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint (paragraph 16);
- the return of remand prisoners to police custody to be subject to the express authorisation of a prosecutor or judge. The return of remand prisoners to police custody, for whatever purpose, should only be sought and authorised when it is absolutely unavoidable (paragraph 18);
- transfers of remand prisoners to be precisely registered at both the police establishments and prisons concerned. When a remand prisoner is returned to the custody of the police, he/she should also enjoy all the fundamental rights referred to in paragraph 24 (paragraph 19).

#### comments

- the return of remand prisoners to police custody should only be sought and authorised when it is absolutely unavoidable (paragraph 18).

#### requests for information

- the following information in respect of 2001 and 2002:
  - the number of complaints of ill-treatment lodged against police officers and the number of criminal/disciplinary proceedings initiated as a result;
  - a detailed account of the specific criminal/disciplinary sanctions imposed following complaints of ill-treatment (paragraph 15);
- detailed information on police complaints and disciplinary procedures, including as regards the safeguards incorporated to ensure their objectivity (paragraph 15);
- information on the frequency of visits by the prosecuting/judicial authorities, the Police Inspectorate and the National Human Rights Office to police detention facilities in 2002 and, as appropriate, on the action taken following the visits (paragraph 17).

### **Conditions of detention**

#### recommendations

- all restraint chairs of the kind discovered at the Ogre Short-Term Isolator to be withdrawn from use immediately (paragraph 23);
- steps to be taken to ensure that, whenever a detained person becomes highly agitated, the police immediately call a doctor and act in accordance with his opinion (paragraph 23).

requests for information

- the progress made in the implementation of the planned construction work at Daugavpils, Liepāja and Ventspils Police Headquarters, and confirmation that all persons detained at these establishments (as well as in other police establishments) are now provided with a clean mattress/blankets at night as well as with personal hygiene products and are given the possibility to wash themselves and to have ready access to toilets (paragraph 22).

**Fundamental safeguards against ill-treatment**

recommendations

- steps to be taken to ensure that all persons deprived of their liberty by the police, for whatever reason, are granted the right to notify a close relative or third party of their choice of their situation as from the very outset of their deprivation of liberty (paragraph 26);
- steps to be taken to ensure that the right of access to a lawyer, as defined in paragraph 28, is enjoyed by all persons obliged to remain with the police, as from the very outset of their deprivation of liberty. The right of access to a lawyer should be enjoyed not only by criminal suspects, but also by anyone who is under a legal obligation to attend - and stay at - a police establishment (paragraph 28);
- the system of legal aid to detained persons to be reviewed, in order to ensure its effectiveness throughout the procedure, including at the initial stage of police custody (paragraph 29);
- immediate steps to be taken to ensure that the right of access to a doctor for persons held in police custody is formally guaranteed by law and fully implemented in practice (paragraph 32);
- steps to be taken to ensure that:
  - all medical examinations of persons in police custody take place out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers; steps should also be taken to ensure that the confidentiality of medical data is fully respected in police establishments throughout Latvia;
  - the medical certificate drawn up after a medical examination of a person detained by the police contains (i) an account of statements made by the detainee which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) an account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of i) and ii); in addition, the above-mentioned statements and the doctor's conclusions should be made available to the detained person and his/her lawyer;
  - persons taken into police custody have the right to be examined, if they so wish, by a doctor of their own choice, in addition to any medical examination carried out by a doctor called by the police authorities (paragraph 32);

- a form setting out in a straightforward manner the rights of persons in police custody to be systematically given to such persons at the very outset of their deprivation of liberty; the form should be available in an appropriate range of languages, and the persons concerned should be asked to sign a statement attesting that they have been informed of their rights (paragraph 33);
- a code of conduct for police questioning to be drawn up without any further delay (paragraph 34);
- immediate steps to be taken to ensure that any detention in a police establishment is properly recorded (paragraph 35).

#### comments

- the Latvian authorities are invited to establish a single and comprehensive custody record in all police detention facilities (paragraph 35).

### **Pre-Trial Investigation Centre and Short-Term Detention Isolator (ISO), Rīga**

#### recommendations

- the necessary steps to be taken:
  - to improve lighting and ventilation in the cells of the ISO in Rīga;
  - to ensure that all persons detained in the Rīga ISO are provided with the necessary basic personal hygiene products, and are given the opportunity to wash themselves every day and to have a shower at least once per week;
  - to give custodial staff in the ISO clear instructions that requests from persons detained to be allowed to leave their cells during the day for the purpose of using a toilet should be accepted without delay, unless overriding security considerations require otherwise;
  - to ensure that toilet/shower facilities in the ISO are kept clean at all times (paragraph 37);
- appropriate steps to be taken to ensure that a less restrictive approach is adopted as regards contact with the outside world for persons detained at the Rīga ISO (paragraph 38);
- steps to be taken to ensure that all inmates serving disciplinary punishments enjoy at least one hour of outdoor exercise per day (paragraph 39);
- cell No. 10 to be withdrawn from service without any further delay (paragraph 39);
- the existing interrogation rooms in the Rīga ISO to be immediately withdrawn from service and conditions in all police interrogation rooms in Latvia to be reviewed, in order to verify whether they meet the criteria described in paragraph 40 (paragraph 40);

- all persons in police custody to be offered food appropriate to their medical condition (paragraph 41);
- genuine efforts to be made to provide persons detained at the Rīga ISO for prolonged periods with an appropriate programme of activities (paragraph 42).

comments

- the Latvian authorities are invited to amend the relevant legislation so as to reduce significantly the maximum duration of solitary confinement (paragraph 39);
- the objective must be to cease using the ISO in Rīga (as well as any other police establishment of a similar type) for prolonged periods of detention; they are totally unsuited for this purpose (paragraph 42).

**Olaine Detention Centre for Illegal Immigrants**

**Preliminary remarks**

requests for information

- more information on the draft Aliens Law being discussed by Parliament (paragraph 43).

**Conditions of detention**

recommendations

- steps to be taken to improve heating and lighting in the "quarantine cells" (paragraph 48);
- no more than three inmates to be held in the "quarantine cells" at a given time (paragraph 48);
- steps to be taken to provide a better range of activities to foreign nationals held at the Olaine Detention Centre; the longer the period for which persons are detained, the more developed should be the activities which are offered to them. Specific measures should be taken to ensure that children/juveniles are offered activities suitable to their age (paragraph 49).

comments

- the Latvian authorities are invited to arrange for the regular presence of a social worker (paragraph 49).

## **Health care**

### recommendations

- appropriate steps to be taken to provide adequate medical equipment at the establishment (paragraph 51);
- the Latvian authorities to ensure that all inmates are guaranteed the provision of treatment (including dental care) and medication required by their state of health; sufficient funds should be allocated to the Centre to enable treatment and medication to be provided free of charge to those foreign nationals who do not have the necessary financial means to pay for it themselves (paragraph 52);
- the shortcoming observed as regards medical confidentiality to be remedied (paragraph 54).

### comments

- the Latvian authorities are invited to arrange for regular visits to the Centre by a psychologist and a psychiatrist (paragraph 53).

## **Contact with the outside world**

### comments

- the Latvian authorities are invited to consider the possibility of offering one telephone call per month to those inmates without financial means to pay for it themselves (paragraph 57).

## **Discipline/security**

### recommendations

- specific regulations to be adopted as regards the segregation of inmates on security grounds, in the light of the remarks made in paragraph 59 (paragraph 59).

### comments

- the CPT trusts that the Latvian authorities will take into account the remarks made in paragraph 58, when drafting formal disciplinary regulations for the Centre (paragraph 58).

## **Complaints and inspection procedures**

### requests for information

- detailed information on the visits carried out in 2002 to the Olaine Detention Centre by the Inspection of the Central Board of the Border Guards (*e.g.* frequency of visits, conclusions, etc.) and on the action taken by the relevant authorities in response thereto (paragraph 61).

## **Prisons**

### **Preliminary remarks**

#### recommendations

- the Latvian authorities to continue to pursue their efforts to bring about a permanent end to overcrowding, in the light of the remarks made in paragraph 64 (paragraph 64);
- the legal standards for the provision of living space to prisoners to be raised as soon as possible, so as to guarantee at least 4 m<sup>2</sup> per prisoner in multiple-occupancy cells, and official capacities and occupancy levels of cells in Latvian prisons to be revised accordingly (paragraph 65).

### **Ill-treatment**

#### recommendations

- strategies to be developed with a view to addressing the problem of inter-prisoner violence at Daugavpils Prison and Rīga Central Prison (and, as appropriate, in other establishments), in the light of the remarks made in paragraph 71 (paragraph 71).

#### requests for information

- the action taken by the Latvian authorities following a prisoner's allegation of deliberate physical ill-treatment by a prison officer at Jelgava Prison (paragraph 67);
- the following information in respect of the period 1999 - 2002:
  - the number of complaints lodged concerning ill-treatment by prison officers and the number of disciplinary and/or criminal proceedings initiated as a result of those complaints;
  - an account of disciplinary and/or criminal sanctions imposed following such complaints(paragraph 68).

## **Conditions of detention of the general prison population**

### recommendations

- the material conditions at Daugavpils Prison and Rīga Central Prison to be substantially improved, in the light of the remarks made in paragraph 76 as well as the recommendation made in paragraph 65;
- immediate steps to be taken to ensure that:
  - access to natural light and adequate ventilation is guaranteed in all prisoners' accommodation;
  - all prisoners are provided with a clean mattress and clean bedclothes;
  - all prisoners have adequate quantities of essential personal hygiene products as well as cleaning products for their cells, and are able to take a hot shower at least once a week;
  - indigent prisoners are supplied with proper clothing, taking weather conditions into account;
  - cell No. 400A in Rīga Central Prison is taken out of service;
  - cells No. 405 and 406 are withdrawn from service until they are entirely refurbished (paragraph 76);
- the principle of one prisoner - one bed should be respected at all times (paragraph 77);
- steps to be taken as a matter of priority at Daugavpils and Rīga Central Prisons to devise and implement a comprehensive regime in respect of all prisoners, including those on remand, with a view to offering them adequate programmes of activities. The aim should be to ensure that all prisoners are able to spend a reasonable part of the day outside their cells, engaged in purposeful activities of a varied nature (recreation/association; work, preferably with vocational value; education; sport) (paragraph 81);
- immediate steps to be taken to ensure that all prisoners at Rīga Central Prison are offered at least one hour of outdoor exercise every day (paragraph 81);
- the outdoor exercise areas at Daugavpils Prison and Rīga Central Prison to be enlarged, in order to enable prisoners to exert themselves physically (paragraph 81).

## **Life-sentenced prisoners**

### recommendations

- the regime applicable to life-sentenced prisoners to be fundamentally revised, in the light of the remarks made in paragraphs 87 and 88 (paragraph 88);
- the security measures applied to life-sentenced prisoners at Jelgava Prison to be revised without delay, in the light of the remarks made in paragraph 89 (paragraph 89);
- the practice at Jelgava Prison of placing life-sentenced prisoners in a cage-like cubicle during medical examinations to cease immediately (paragraph 90);
- the recommendation made in paragraph 137 concerning the entitlement to visit applies equally in respect of life-sentenced prisoners (paragraph 91).

### requests for information

- comments on the statement of the management of Jelgava Prison that it lacked more detailed instructions on a number of issues relating to life-sentenced prisoners (*e.g.* precise regime applicable to each of the three categories, whether there is a possibility of release on parole, *etc.*) (paragraph 83);
- the progress made in respect of the plans to construct another building at Jelgava Prison for the accommodation of life-sentenced prisoners (paragraph 85).

## **Juvenile prisoners at Daugavpils and Liepāja Prisons**

### recommendations

- the recommendations already made concerning material conditions of detention at Daugavpils Prison (*cf.* paragraph 76) are equally valid as regards juveniles (paragraph 93);
- a fully fledged programme of activities to be set up for juveniles at Daugavpils and Liepāja Prisons (paragraph 97);
- the custodial staff assigned to juvenile units at Daugavpils and Liepāja Prisons to receive specialised training (paragraph 98);
- steps to be taken to ensure the regular presence of, and individual contacts with, a social worker and a psychologist in the juvenile units at Daugavpils and Liepāja Prisons (paragraph 98).



comments

- the living space per juvenile (some 3 m<sup>2</sup>) at Liepāja Prison was insufficient (paragraph 93);
- the CPT trusts that the plan submitted to the Latvian Prison Administration and the Ministry of Justice to run a secondary school programme at Daugavpils Prison will be afforded a high priority (paragraph 94);
- the Latvian authorities are invited to provide a better range of reading material at Daugavpils and Liepāja Prisons (paragraph 96).

requests for information

- comments on the CPT's remark that juveniles should only be deprived of their liberty as a last resort and for the shortest possible period of time (paragraph 92);
- confirmation that the computer training project scheduled to start as of mid-October 2002 at Daugavpils Prison has indeed been implemented (paragraph 94);
- the activities offered in the classroom which was to be completed immediately after the visit at Liepāja Prison (paragraph 95).

**Health care**

recommendations

- the programme of the renovation of the Prison Hospital to be implemented without any further delay. Particular attention should be paid to the refurbishment of patients' accommodation (paragraph 102);
- immediate steps to be taken at the Prison Hospital to ensure that:
  - the rate of occupancy of the patients' rooms is reduced;
  - the deficiencies as regards access to natural light/artificial lighting and ventilation are remedied;
  - beds, bedding and other equipment are kept in a good state of repair and cleanliness;
  - the sanitary facilities, including toilets and showers, are kept in a satisfactory state of repair and hygiene;
  - more frequent showers are granted to patients, when recommended by medical staff (paragraph 102);

- a wider range of activities to be offered to long-term patients in the Prison Hospital, and special attention to be paid to juveniles among them. In particular, any patient of school age who stays for a prolonged period at the hospital should be provided with educational activities (paragraph 103);
- the level of care offered to prisoners undergoing in-patient psychiatric treatment to be reviewed at the Prison Hospital. Particular efforts should be made to develop psycho-social therapeutic activities and to adapt them to the individual needs of patients (paragraph 108);
- steps to be taken to ensure the regular presence of a psychologist at the Prison Hospital (paragraph 108);
- steps to be taken, as a matter of priority, to ensure that:
  - the complement of qualified nursing staff at Daugavpils Prison and Rīga Central Prison is significantly increased;
  - a qualified nurse is always present at Daugavpils Prison, including at night and weekends;
  - the psychiatric and psychological services are strengthened at Daugavpils Prison and Rīga Central Prison (paragraph 112);
- steps to be taken at Rīga Central Prison, in the health care facilities and in the cells accommodating tuberculosis patients, to provide acceptable, hygienic conditions which are conducive to the improvement of prisoners' health. In particular, urgent measures are needed to improve access to natural light and ventilation as well as to ensure that prisoners are able to maintain a standard of personal hygiene consistent with the requirements of their state of health (paragraph 113);
- the outdated X-ray machine at Daugavpils Prison to be replaced as soon as possible (paragraph 114);
- steps to be taken at Rīga Central Prison (as well as in other prison establishments in Latvia) to ensure that medical records are kept in line with the criteria set out in paragraph 141 of the report on the 1999 visit. Whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record should be systematically brought to the attention of the relevant prosecutor (paragraph 115);
- immediate steps to be taken at Daugavpils Prison to establish adequately equipped "quarantine rooms" for the accommodation of prisoners suffering from a potentially transmissible disease. Any prisoner placed in such a room should be offered at least one hour of outdoor exercise every day and be placed in a position to maintain a standard of personal hygiene consistent with the requirements of his state of health (paragraph 119);
- steps to be taken to provide appropriate medical treatment - including conservative dental care - to all prisoners in Latvian prisons. This treatment should be free of charge for those prisoners who are not in a position to pay for it (paragraph 120);
- whenever a prisoner is medically examined following a violent episode in prison, a full

account of objective medical findings to be recorded in the medical file, together with the doctor's conclusions, and a copy of the medical certificate to be made available to the prisoner concerned and his lawyer (paragraph 121);

- steps to be taken to ensure that prisoners' medical records are no longer accessible to the prisoner employed as an auxiliary within the health care unit at Daugavpils Prison (paragraph 123);
- steps to be taken at Jelgava and Liepāja Prisons (as well as in other prison establishments in Latvia) to ensure that all medical examinations of prisoners (whether on arrival or at a later stage) are conducted out of the hearing and - unless the doctor concerned requests otherwise in a particular case - out of the sight of prison officers (paragraph 124).

#### comments

- the Latvian authorities are invited to consider enhancing the role of the Ministry of Welfare in the field of prison health care (paragraph 99);
- the Latvian authorities are invited to increase the number of psychiatrists at the Prison Hospital (paragraph 104);
- the Latvian authorities are invited to ensure the provision of certain modern drugs currently not available at the Prison Hospital (paragraph 106);
- the Latvian authorities are encouraged to make use, to the extent possible, of the compassionate release of terminally ill prisoners in an advanced stage of their disease (paragraph 109);
- it would be desirable for the health care information sheets available at Daugavpils Prison also to be provided in other languages frequently spoken by prisoners, including Russian (paragraph 116).

#### requests for information

- the precise time schedule for the completion of the renovation programme concerning the Prison Hospital (paragraph 102);
- the progress made in the opening of the new tuberculosis hospital for prisoners in Olaine (paragraph 107);
- comments on the allegations made by a number of patients suffering from tuberculosis at the Prison Hospital that they were allowed to take only one hour of outdoor exercise per day (paragraph 107);
- comments on the points made in paragraph 126 (paragraph 126).

## **Other issues**

### recommendations

- steps to be taken to :
  - develop both initial and in-service training of prison staff at all levels. In the course of such training, particular emphasis should be placed on the acquisition and development of inter-personal communication skills. Building positive relations with prisoners should be recognised as a key feature of a prison officer's vocation;
  - promote positive and constructive relations between staff and prisoners. In particular, a more proactive role for prison staff should be encouraged, not limited to purely security and control tasks. In this connection, the practice of appointing a "duty prisoner" in cells should be reviewed;
  - put an end to the practice of obliging prisoners to face the wall when staff or visitors pass by  
(paragraph 129);
- immediate steps to be taken to review throughout the Latvian prison system the tasks assigned to the Security Departments, in the light of the remarks made in paragraph 132 (paragraph 132);
- immediate steps to be taken to:
  - ensure that all prisoners placed in disciplinary cells in Latvian prisons are given a mattress and blankets at night, and are offered one hour of outdoor exercise per day;
  - significantly improve material conditions in the disciplinary cells at Rīga Central Prison, in particular as regards access to natural light, ventilation and the general state of repair  
(paragraph 133);
- the material conditions of detention in the disciplinary cells at Daugavpils Prison to be significantly improved (paragraph 133);
- all disciplinary cells of 3 m<sup>2</sup> at Jelgava Prison to be withdrawn from service (paragraph 133);
- steps to be taken to ensure that all prisoners receive a copy of the decision imposing a disciplinary punishment and are informed in writing of the possibility to lodge an appeal with the Director of the establishment (paragraph 135);
- the current arrangements concerning visits and correspondence vis-à-vis remand prisoners in the Latvian prison system to be reviewed, in the light of the remarks made in paragraph 136 (paragraph 136);

- the entitlement to visits of sentenced prisoners in the Latvian prison system to be increased, so as to ensure that all prisoners can receive at least one visit (either short- or long-term) per month. It is axiomatic that the visit entitlement for juvenile prisoners should be more favourable (paragraph 137);
- the waiting cubicles of 2 m<sup>2</sup> or more at Daugavpils Prison and Rīga Central Prison only to be used for very short periods of detention, for no more than one prisoner at a time, and subject to the strict condition that they have sufficient lighting and ventilation. A special record should be kept of the use of such cubicles (paragraph 139);
- the procedures currently used in the Latvian prison system to process prisoners' complaints to be reviewed, in the light of the remarks made in paragraph 140 (paragraph 140).

#### comments

- the Latvian authorities are invited to review the approach being followed at Daugavpils Prison and Rīga Central Prison as regards disciplinary sanctions, in the light of the remarks made in paragraph 134 (paragraph 134);
- the Latvian authorities are invited to amend the relevant legislation so as to reduce significantly the maximum duration of solitary confinement (paragraph 134);
- the Latvian authorities are invited to explore the possibility of granting remand prisoners access to a telephone; if there is a perceived risk of collusion, a particular phone call could be monitored (paragraph 138).

#### requests for information

- detailed information on the visits carried out by the National Human Rights Office to Latvian prisons in 2002 (*e.g.* frequency of visits, conclusions, *etc.*), and on the action taken by the Latvian authorities in response thereto (paragraph 141).

## **Psychiatric/social welfare establishments**

### **Living conditions**

#### recommendations

- immediate steps to be taken to improve the living conditions of children at the Vīķi Psychiatric Centre Children's Section, in the light of the remarks made in paragraphs 145 and 146 (paragraph 146).

#### requests for information

- information on the plans to establish a special unit for the accommodation of residents suffering from dementia at the Ezerkrasti Social Welfare Centre (paragraph 148).

### **Staff**

#### recommendations

- steps to be taken as a matter of priority to:
  - increase the number of nursing and auxiliary staff at the Vīķi Psychiatric Centre Children's Section and the Ezerkrasti Social Welfare Centre;
  - provide rehabilitative services (psychology, physiotherapy, occupational therapy, *etc.*) and increase the number of educators at the Vīķi Psychiatric Centre;
  - reintroduce the regular presence of a general practitioner at the Vīķi Psychiatric Centre;
  - increase the number of doctors and fill the vacant posts of a psychologist, a physiotherapist and educators at the Ezerkrasti Social Welfare Centre (paragraph 151).

### **Means of restraint and seclusion**

#### recommendations

- urgent steps to be taken to review the use of psychotropic drugs at the Vīķi Psychiatric Centre Children's Section, in the light of the remarks made in paragraph 153 (paragraph 155);
- steps to be taken to ensure that the procedures followed at the Vīķi Psychiatric Centre Children's Section and the Ezerkrasti Social Welfare Centre concerning the use of means of restraint and seclusion are brought into line with the requirements set out in paragraph 152 (paragraph 155).

requests for information

- comments on the practice observed at the Ezerkrasti Social Welfare Centre of administering tranquillising injections without the consent of the persons concerned (paragraph 155).

**Safeguards**

recommendations

- the procedures for involuntary placement in psychiatric/social welfare establishments in Latvia to be reviewed, in the light of the remarks made in paragraphs 158 and 159 (paragraph 160);
- the legal status of persons who are prevented from leaving the Ezerkrasti Social Welfare Centre to be reviewed (paragraph 160);
- steps to be taken to ensure that patients/residents who are admitted without their consent to a psychiatric hospital/social welfare institution are granted the right to be heard in person during the process of appeal against such placement (paragraph 161);
- steps to be taken to ensure that the need for placement of patients/residents, without their consent, in a psychiatric hospital/social welfare institution is reviewed by an appropriate authority at regular intervals (paragraph 161);
- an introductory leaflet/brochure to be issued to each newly-arrived patient/resident (and his/her legal representative), accompanied, if necessary, with appropriate oral explanation, at the Vīķi Psychiatric Centre Children's Section and the Ezerkrasti Social Welfare Centre. This leaflet/brochure should also provide information on the right as well as the modalities to lodge complaints (paragraph 163);
- steps to be taken to ensure that the Vīķi Psychiatric Centre Children's Section (as well as other establishments of this type) are visited on a regular basis by an independent outside body (paragraph 165).

requests for information

- the powers and activities of the National Human Rights Office in respect of the processing of patients'/residents' complaints (paragraph 163);
- detailed information on the visits carried out by the Social Welfare Fund and the Rīga Council Welfare Department to the Ezerkrasti Social Welfare Centre in 2002 (*e.g.* conclusions, recommendations, *etc.*), and the action taken by the Latvian authorities in response thereto (paragraph 165).

**APPENDIX II**

**LIST OF THE NATIONAL AUTHORITIES WITH WHICH  
THE CPT'S DELEGATION HELD CONSULTATIONS**

Ministry of Justice

Ingrīda LABUCKA	Minister of Justice
Irēna GRANATEKA	Head of Division of Foreign Relations
Vitolds ZAHARS	Chief of Prison Administration
Dailis LŪKS	Inspector General of Prison Administration

Ministry of the Interior

Raimonds BLUĶIS	Deputy State Secretary
Juris REKŠŅA	Chief of the State Police
Ivars STŪRAINIS	Chief of the Security Police
Ārijs JANSONS	Deputy Chief of the State Border Guards
Jānis ZEPS	Chief of Administration of Migration Police of the State Border Guards

Ministry of Welfare

Rinalds MUCIŅŠ	Deputy Head of Department of Health
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Latvian National Human Rights Office

Olafs BRŪVERS	Head of the National Human Rights Office
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