

EXECUTIVE SUMMARY

During its periodic visit to Latvia, the CPT's delegation reviewed the measures taken by the Latvian authorities to implement recommendations made by the Committee after its previous visits. In this context, the delegation paid particular attention to the treatment and safeguards afforded to persons deprived of their liberty by the police and examined the conditions of detention in a number of police detention facilities. The delegation also looked into various issues related to prisons, including the provision of health care and the situation of juveniles and life-sentenced prisoners. In addition, visits were carried out to a psychiatric hospital and a social care home.

The co-operation received by the delegation throughout the visit, from both the national authorities and staff at the establishments visited, was very good. The delegation enjoyed rapid access to the places visited, was provided with the information necessary for carrying out its task and was able to speak in private with persons deprived of their liberty.

Police custody

The visit revealed that persons remanded in custody by courts were still frequently held in police detention facilities well beyond the statutory limit of 48 hours, pending their transfer to a remand facility. Further, as during previous visits, the delegation came across a number of cases in which persons placed in a remand prison had been returned to a police establishment for the purpose of investigative work, for periods ranging from several days to two weeks. The CPT stresses once again that, as a matter of principle, prisoners should not be held in police detention facilities; such facilities are not designed for lengthy stays. Moreover, prolonged detention on police premises increases the risk of intimidation and ill-treatment. In this regard, the recent introduction of a legal maximum time limit of seven days for such stays can only be seen as a first step in the right direction; the aim should be to abolish this practice as soon as possible.

The majority of persons interviewed by the delegation stated that they had been treated correctly by the police. However, once again, the delegation received a number of allegations from detained persons (including juveniles) of physical ill-treatment by police officers. Most of these allegations referred to the excessive use of force in the context of apprehension, such as punches, kicks or truncheon blows after the person concerned had been brought under control, or tight handcuffing. Further, some allegations were also heard of physical ill-treatment and threats to inflict ill-treatment during preliminary questioning by operational officers. In a few cases, the allegations of physical ill-treatment were also supported by medical evidence (such as medical records and bodily injuries observed by medical members of the delegation).

Overall, the information gathered during the visit suggests that the positive trend observed during the most recent visits is maintained. Notwithstanding that, the CPT stresses the need for the Latvian authorities to remain vigilant and to pursue their efforts to prevent police ill-treatment. In particular, the Committee reiterates its recommendation that police officers throughout Latvia be reminded, at regular intervals, that all forms of ill-treatment of persons deprived of their liberty are not acceptable and that no more force than is strictly necessary should be used when effecting an apprehension.

As regards the fundamental safeguards against ill-treatment (namely the right to have the fact of one's detention notified to a relative or another trusted person and the rights of access to a lawyer and to a doctor), the visit revealed that they usually became effective not from the outset of deprivation of liberty but only at the moment when a protocol of detention was drawn up (which could take place several hours after the actual apprehension) or even at a later stage.

As regards more specifically the right of access to a lawyer, most of the persons interviewed by the delegation stated that they had been able to contact their own lawyer or to be offered an *ex officio* lawyer. However, a number of allegations were once again received from detained persons (including juveniles) that they had been subjected to informal questioning by operational officers without the presence of a lawyer, prior to the taking of a formal statement; as already indicated above, some of them alleged to have been physically ill-treated or threatened with physical violence during such periods of initial questioning. The CPT once again calls upon the Latvian authorities to take all necessary 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 very outset of their deprivation of liberty.

Since the CPT's 2011 visit, the Latvian authorities have embarked on an extensive renovation programme of police establishments throughout the country. In the framework of this programme, a number of substandard police detention facilities have been completely refurbished. The delegation visited three such establishments during the visit (namely the detention facilities of Aizkraukle, Cēsis and Gulbene Police Stations), which provided material conditions of a generally good standard. However, the delegation once again found very poor material conditions in the detention facility of Valmiera Police Station; as in 2011, the facility as a whole was in a deplorable state of repair. Further, at Limbazi Police Station, custody cells were deprived of access to natural light, and most of the in-cell toilets were extremely dirty. The CPT recommends that immediate steps be taken at these two police stations to remedy the above-mentioned deficiencies.

Prisons

The CPT is pleased to note that, in line with its long-standing recommendation, the minimum standard of living space per prisoner in multiple-occupancy cells has been raised to 4 m². The delegation noted that, with some exceptions, the new national standard was observed in all the establishments visited. It is also noteworthy that the country's overall prison population had further decreased by some 1,000 inmates as compared to the Committee's previous visit in 2013 and stood at approximately 4,400. Whilst welcoming the continued efforts made by the Latvian authorities to combat prison overcrowding, the CPT notes that the current incarceration rate of some 225 prisoners per 100,000 inhabitants is still very high in comparison with that of most other Council of Europe member States.

The delegation received no allegations of recent physical ill-treatment of inmates by staff in any of the prison establishments visited. However, the delegation's findings at Daugavgrīva, Jelgava and Rīga Central Prisons indicated that inter-prisoner violence remained a problem. As in the past, this state of affairs appeared to be the result of a combination of factors, including an insufficient staff presence in prisoner accommodation areas, the existence of informal prisoner hierarchies and the lack of purposeful activities for most inmates. The CPT recommends that the Latvian authorities vigorously pursue their efforts to combat the phenomenon of inter-prisoner violence. It also calls upon the authorities to review staffing levels at Daugavgrīva, Jelgava and Rīga Central Prisons, with a view to increasing the number of custodial staff present in the detention areas.

Material conditions of detention were generally good at Cēsis Correctional Institution for Juveniles as well as at the Daugavpils Section of Daugavgrīva Prison which had recently undergone major refurbishment. In contrast, most of the prisoner accommodation areas in the Grīva Section of Daugavgrīva Prison were in an advanced state of dilapidation (for example, crumbling walls, badly worn and sometimes even rotten floors, decrepit furniture, etc.) and severely affected by humidity due to the absence of a ventilation system. Further, many cells had very limited access to natural light, and the in-cell sanitary facilities in a large number of cells were in an appalling state of hygiene.

After the visit, the Latvian authorities informed the CPT that, although no major reconstruction could be undertaken in the Grīva Section given the building's status as a historic monument, a programme of rolling refurbishment would be undertaken in the establishment from 2017 to 2020. The Committee's attention was also drawn to the fact that the authorities were planning to close down the Grīva Section in the long term. The CPT takes note of this information; it recommends that, in the interim, immediate measures be taken in the Grīva Section to ensure an acceptable level of hygiene throughout the prison (in particular, the in-cell sanitary facilities).

The delegation gained a generally positive impression of the regime offered to young prisoners at Cēsis Correctional Institution for Juveniles, where nearly all the inmates (both sentenced and on remand) were engaged in schooling as well as in various other organised activities, such as vocational training, sports and recreation. However, as regards adult inmates, the CPT was concerned to note that most remand prisoners at Rīga Central and Daugavgrīva Prisons, as well as the great majority of sentenced prisoners on the low regime level at Daugavgrīva Prison and many inmates of this category at Jelgava Prison, were usually locked up in their cells for up to 23 hours per day, with very limited out-of-cell activities on offer. The Committee calls upon the Latvian authorities to devise and implement a comprehensive regime of out-of-cell activities (including group association activities) for all prisoners.

The report highlights some particularly positive findings regarding the situation of life-sentenced prisoners. First of all, the long-standing practice of systematically handcuffing life-sentenced prisoners whenever they left their cells (accompanied by a staff member) has been discontinued. Further, life-sentenced prisoners are now offered the possibility of making free-of-charge online video calls. It is also praiseworthy that the authorities have finally started a process of integrating life-sentenced prisoners into the general prison population. As regards the regime of life-sentenced prisoners, the CPT acknowledges that, at Daugavgrīva Prison, those on the medium and high regime levels continued to benefit from an open-door policy during the day and that many of them were offered vocational training. Further, at Jelgava Prison, life-sentenced prisoners on the low regime level now had the possibility to associate for several hours every day in a communal room. However, there were still no opportunities for employment or structured educational/training activities and only limited possibilities to engage in sport. The situation was particularly precarious for life-sentenced prisoners who were still on appeal; they continued to be confined to their cells for up to 23 hours per day and were still not allowed to associate with inmates from other cells. Such a state of affairs is unacceptable.

Turning to the provision of health care to prisoners, the visit revealed that the health-care teams in most of the prisons visited were under-resourced. In particular, the CPT was concerned to learn that some establishments had not been attended by a general practitioner (e.g. Cēsis Correctional Institution) or by a dentist and a psychiatrist (e.g. Daugavgrīva Prison) for a very long time. The number of vacant posts was high, and, as acknowledged by the prison administration, the relatively low remuneration of staff did little to attract medical professionals to this challenging field. The Committee urges the Latvian authorities to give the highest priority to addressing the causes of the persistent problem of vacancies among medical personnel in prisons.

At Olaine Prison Hospital, the delegation examined the situation of psychiatric patients. Although living conditions in the Psychiatric Unit remained generally very good, the CPT was concerned to note that most psychiatric patients were locked up in their cells for up to 23 hours a day. The Committee recommends that the Latvian authorities do away with the closed-door regime and develop communal activities for psychiatric patients. It also recommends that a range of therapeutic options be introduced for psychiatric patients and that patients be involved in psychosocial rehabilitative activities.

The CPT also formulates a number of specific recommendations regarding various other prison-related issues, such as prison staff, prisoners' contact with the outside world and discipline. In particular, the CPT calls upon the Latvian authorities to increase the number of custodial staff present in the detention areas at Daugavgrīva, Jelgava and Rīga Central Prisons. Further, the Latvian authorities have been called upon to significantly increase the visit entitlement of prisoners serving a sentence in closed prisons; all prisoners, irrespective of their regime level, should in a given month be entitled to the equivalent of one hour of visiting time per week and, preferably, should be able to receive a visit every week. As regards discipline, the Committee recommends that the disciplinary sanction of solitary confinement be abolished in respect of juveniles, in accordance with the United Nations Standard Minimum Rules on the Treatment of Prisoners (*Nelson Mandela Rules*).

Psychiatric/social welfare establishments

The delegation visited Strenči Psychiatric Hospital and the Litene Branch of Latgale Social Care Centre ("Litene Social Care Institution"). At Strenči Psychiatric Hospital, the delegation received no allegations of ill-treatment of patients by staff and inter-patient violence did not appear to be a problem. That said, at Litene Social Care Institution, some allegations were heard of verbal abuse and disrespectful behaviour by staff as well as of inter-resident/patient violence. The CPT recommends that the management of Litene Social Care Institution remind staff that any form of ill-treatment is unacceptable and will be sanctioned accordingly, and it urges the management to pursue its efforts to prevent instances of violence among residents/patients (including by ensuring adequate staff presence and supervision at all times).

Living conditions were on the whole satisfactory in both establishments. That said, the CPT recommends that the Latvian authorities take the necessary measures at Strenči Psychiatric Hospital (as well as in other psychiatric hospitals) to ensure that, unless there are clear medical counter-indications, every patient is offered one hour of outdoor exercise every day and preferably considerably more.

At Strenči Psychiatric Hospital, the number of ward staff was adequate. However, the number of psychiatrists appeared to be insufficient for the hospital's needs. Further, the Committee expresses its serious concern about the extremely low health-care staffing levels at Litene Care Institution and recommends that the Latvian authorities take remedial steps as a matter of urgency. The CPT acknowledges the efforts made by the management of both establishments to provide patients/residents with psychosocial treatment and activities. That said, for most of the patients at Strenči Psychiatric Hospital treatment consisted solely of pharmacotherapy. Further, a number of patients received old-generation and other heavily sedating medications in high dosages for prolonged periods.

As regards the use of means of restraint, the CPT welcomes the issuance of detailed internal guidelines at Strenči Psychiatric Hospital, and it acknowledges that mechanical restraint was not applied frequently and usually for less than two hours. That said, the Committee expresses its serious concern that, despite specific recommendations repeatedly made after previous visits, patients under mechanical restraint were often not subjected to permanent, direct and personal supervision by a qualified member of staff and patients were frequently subjected to such restraint in full view of other patients. Further, on a number of occasions, patients had apparently been requested to assist staff in restraining fellow patients. The Committee also reiterates that all instances of recourse to means of restraint – including chemical restraint (i.e. forcible administration of rapid tranquillisers) – should be recorded in a central register. At Litene Social Care Institution, means of mechanical restraint were never used. As regards the use of seclusion rooms, the CPT recommends that a clear policy be introduced on seclusion and that residents/patients never be subjected to such a measure as punishment.

The CPT notes with concern that, at Strenči Psychiatric Hospital and Litene Social Care Institution, deaths of patients/residents were usually not subjected to any post-mortem examination. The delegation was informed that autopsies were often refused by relatives even if the actual cause(s) of death remained unclear. In addition, at Litene, the corpses of deceased residents/patients were not systematically seen by a doctor. The Committee recommends that the Latvian authorities take the necessary steps – including at the legislative level – to ensure that, whenever a patient/resident dies in a psychiatric/social welfare establishment, an autopsy is carried out unless a clear diagnosis of a fatal disease has been established prior to death by a doctor. Further, every death should be promptly certified by a medical doctor on the basis of a physical examination.

Finally, the CPT formulates a number of specific recommendations regarding the legal safeguards surrounding the involuntary placement of civil/forensic patients in psychiatric establishments and regarding the fact that many patients/residents at Strenči Psychiatric Hospital and Litene Social Care Institution were *de facto* deprived of their liberty, without benefiting from any safeguards. In particular, the Committee recommends that the Latvian authorities take the necessary steps to put in place a clear and comprehensive legal framework governing the involuntary stay of residents/patients (including the imposition of restrictions amounting to deprivation of liberty) in social care homes.