

Prison conditions in Latvia

*Anhelita Kamenska, Ilvija Pūce, Kristīne
Laganovska*

European Prison Observatory. Detention conditions in the European Union



With financial support from the
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THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy

Observatoire international des prisons - section française - France

Special Account of Democritus University of Thrace Department of Social Administration (EL DUTH) - Greece

Latvian Centre for Human Rights - Latvia

Helsinki Foundation for Human Rights - Poland

ISCTE - Instituto Universitário de Lisboa - Portugal

Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain

Centre for Crime and Justice Studies – United Kingdom

The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.

The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.

Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

www.prisonobservatory.org

PRISON CONDITIONS IN EUROPE

The collection and organization of available data on the penitentiary systems of each country has been coordinated by the Università degli Studi di Padova, that developed and tested a comprehensive data collection grid to collect the information required to describe the different national penitentiary systems. The data collection grid has been developed having in mind as main reference the European Prison Rules (Council of Europe. Recommendation Rec(2006)2. Adopted on 11 January 2006), and the informations collected in every country monitored by the Observatory, and presented in these Reports on prison conditions, describe every national penitentiary system, focusing in particular on its compliance with the European Prison Rules.

The research activities have been carried out by the project partners, that drafted a report on prison conditions in their country. Further information and all the national reports can be found on the project website.

GENERAL DATA*

*updated to December 2012 for daily data and to the entire 2012 for flow data

1. **Total population of the country:** 2.070.371 (Population and Housing Census 2011).
2. **Total prison population rate per 100,000 inhabitants:** 304 per 100.000 inhabitants (1 January 2013), based on an estimated national population of 2,01 million at beginning of 2013 (from Eurostat figures) and total prison population 6.117 (1 January, 2013).

Adult prisons¹

3. **Number of prisoners (including pre-trial detainees):** 6.062 (of those 1.891 – remand prisoners, 4.171 - convicted prisoners).
4. **Number (and % of the total number of inmates) of detainees serving a final sentence (i.e. excluding pre-trial detainees):** 4.171 - 68%
5. **Total capacity of penal institutions (with reference to legal criteria. If legal criteria are not available explain the reasons for this lack of information):** 7.970 places in 12 prisons.
6. **M² provided per prisoner (legal criteria):** Latvia's prisons have cell type accommodation (1-20 prisoners per cell), however some retain dormitory type accommodation from Soviet era (30-60 prisoners per dormitory). The norm for living space in prisons for one convicted person in dormitory/cell type premises shall not be less than 2,5 square meters for men and 3 square meters for women and minors, and in solitary cells – not less than 9 square meters. The living space in remand prisons for one remand prisoner shall not be less than 3 square meters.
7. **Actual surface for prisoner (m²) (i.e. m² available divided per total number of prisoners):** N/A
8. **Prison density – total number of prisoners in relation to capacity (%):** 76%
9. **Number of foreign prisoners (and % of the total number of inmates):** 78 - 1,3%
10. **Number of foreign pre-trial detainees (and % of the total number of inmates):** 2 - 0,03%

¹ Ministry of Justice of the Republic of Latvia; Latvian Prison Administration, reports of the European Committee for the Prevention of Torture, case law - website of Supreme Court, administrative courts www.tiesas.lv.

- 11. Number (and % of the total number of inmates) of female detainees:** 418 - 6,8% (287 convicted prisoners, 131 - remand prisoners).
- 12. Number of female foreign inmates:** 39
- 13. % of female foreign prisoners of the total number of female prisoners:** 9,3%
- 14. % of female foreign prisoners of the total number of foreign prisoners:** 50%
- 15. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total prison population):** Information is available only on convicted prisoners. In 2012 there were 205 (200 male and 5 female) convicted prisoners of age 18-21 (4,9% of convicted prisoners)
- 16. Total number of entries to prison facilities:** 15.036 prisoners in 2012. 4.951 of them convicted prisoners, 10.085 remand prisoners. 13.744 male prisoners, 841 female prisoners, 451 juveniles.
- 17. Total number of deaths in penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals etc.):** 32 (including 2 death cases outside the prison - one in a civil hospital and one in a police facility where the person was transferred for investigation reasons).
- 18. Total number of suicides in penal institutions (specify if this datum includes only the detainees who died – from suicide – inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals etc.):** 7
- 19. Budget for the Justice System and % of Gross Domestic Product:** LVL 101.782.649 (144.823.662 EUR) - budget of the Ministry of Justice. GDP 16,4 billion LVL.
- 20. Specific budget aimed at penal institutions and % of the previous:** LVL 23.195.400 (33.004.080 EUR) - 24%, plus additional financing LVL 1.295.025 (1.842.655 EUR).
- 21. Specific budget for staff and % of budget for penal institutions:** LVL 15.848.500 (22.550.384 EUR) - 68%.
- 22. Specific budget for prison facilities and % of budget for penal institutions:** LVL 437.600 (622.648 EUR) - 2%, plus additional financing LVL 1.174.725 (1.671.483 EUR).
- 23. Specific budget for inmates (support, activities, etc.) and % of budget for penal institutions:** In 2012 there were no separate budget line for support/activities/etc. of inmates.

Juvenile prisons

- 24. Number of juvenile prisoners (including pre-trial detainees):** 55
- 25. Number (and % of all juvenile inmates) of juvenile detainees serving a final sentence (i.e. excluding pre-trial detainees):** 25 – 45,5%
- 26. Total capacity of juvenile penal institutions (with reference to legal criteria):** 194. 20 for girls (10 remand prisoners, 10 convicted prisoners); 174 for boys (50 remand prisoners, 124 convicted prisoners).
- 27. M² provided per juvenile prisoner (legal criteria):** The norm for living space in prisons for one convicted person in dormitory/cell type premises shall not be less than 3 square meters for minors, and in solitary cells – not less than 9 square meters.
The living space in remand prisons for one remand prisoner shall not be less than 3 square meters.
- 28. Actual surface available per juvenile prisoner (m²) (i.e. m² available divided per total number of prisoners):** NA
- 29. Prison density – total number of juvenile prisoners in relation to capacity (%):** 10% for female juvenile prisoners, 30% for male juvenile prisoners.
- 30. Number of foreign juvenile prisoners (and % of the total number of juvenile inmates):** 0 - 0%
- 31. Number of foreign juvenile pre-trial detainees (and % of the total number of juvenile inmates):** 0 – 0%
- 32. Number (and % of the total number of juvenile inmates) of female juvenile detainees:** 2 (1 remand prisoner, 1 convicted prisoner) 3,6%.
- 33. Number of female juvenile foreign inmates:** 0 - 0%
- 34. % of female juvenile foreign prisoners of the number of all female juvenile prisoners:** 0%
- 35. % of female juvenile foreign prisoners of the total number of juvenile foreign prisoners:** 0%
- 36. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total juvenile prison population):** Information is available only on convicted prisoners. In 2012 there were 205 (200 male and 5 female) convicted prisoners of age 18-21.
- 37. Total number of entries to juvenile prison facilities:** 451

- 38. Total number of deaths in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals, etc.): 0**
- 39. Total number of suicides in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals, etc.): 0**

GENERAL DESCRIPTION OF THE LATVIAN PENITENTIARY SYSTEM

Latvian prison system is the legacy of the Soviet prisons system, and consequently many problems as poor conditions, large dormitories, overcrowding of cells, strong internal prisoner hierarchies, and still - disrespect of human rights remain. Several prisons are located in buildings older than 100 years, and have large dormitories accommodating up to 30 prisoners. As the infrastructure and security cannot be improved sufficiently even by extensive renovation works, the government decided to build a new prison, closing several of the existing 12 prisons. In 2013, Latvian government decided to allocate LVL 55.000.000 (about 78.000.000 EUR) in 5 years for the building of the new prison.

There are three regime types in Latvian prisons - closed (divided in lower, medium and higher level), semi-closed (divided in lower and higher level) and open prisons for adults, as well as institutions for juveniles. In closed prisons, as well as in remand prisons, prisoners are often kept in cells for 23 hours a day, only being allowed to leave the cell for a one hour exercise a day. In open prisons prisoners may move freely around the territory of the prison and have the right to leave the prison for 2-5 days a month with the permission of the prison governor. A crucial element for the court in determining the regime of the prison where the prisoners start serving their sentence is the gravity of crime.

Although drugs, alcohol and mobile phones are banned in prisons and possession and use of these items are punishable, the number of drug users in prisons has been on the increase. According to the research conducted in 2010 "Drug abuse in Latvian prisons", 66,1% convicts have tried using drugs before imprisonment, while 17,8% persons have used drugs in prisons.

For breaking the prison rules a prisoner may be punished by up to 15 days in solitary confinement.

The Council of Europe Committee for Prevention of Torture has heavily criticized the Latvian prison system for shortcomings with regard to health-care of prisoners, lack of independence of investigation of cases of ill-treatment, absence of long-term strategy to tackle inter-prisoner violence, as well as for stringent regime and lack of activities for prisoners, in particular for life-sentenced prisoners.

On a positive note, during the last years particular attention has been paid to establishing of re-socialization system in prisons, and in 2013 the government finally accepted the Cabinet of Ministers regulations n. 191 on the Procedure of the Implementation of Prisoners Re-socialization. Every prisoner's file now includes a section on re-socialization. Risk and needs assessment is conducted with regard to every person placed in prison, and a re-socialisation plan is drafted together with the prisoner, including possibilities of education, employment, consultations with social worker, psychologist, chaplain.

CONDITIONS OF IMPRISONMENT

ADMISSION

a. At admission many details concerning the prisoner shall be immediately recorded (for example, the identity of the prisoner, the reason for commitment, etc.). What kinds of data are recorded? Among the information collected are any visible injuries and complaints about prior ill-treatment also recorded?

Upon arrival in prison, a personal file is opened in case of each prisoner. Photographs of the person and his/her specific characteristics are taken, and a forensic characterization of person is prepared. All information regarding the person, as well as photographs and forensic characterization are registered in the Integrated Interior Information System. Identity of a prisoner, his/her name, personal code is registered in the file, as well as other relevant information. For convicted prisoners the beginning and the end of the serving of prison term are recorded upon arrival in prison. For remand prisoners a name of the court or the judge who has taken the decision to detain the person, as well as the time of placing the person in remand prison are recorded, together with extensive list of different documents concerning the detention.

Medical examination and sanitization of the person shall take place at admission unit.

Regulations n. 800 "Regulations on Internal Order of the Remand Prison", Sections 15-18, specify that medical examination consists of inquiry (anamnesis, complaints), anthropometry (weight, height), objective data of medical examination and primary diagnosis. A medical file shall be arranged during the examination. HIV examination shall be offered to the remand prisoner by medical staff. The remand prisoner may be allocated in common cell/dormitory only with consent of doctor or assistant doctor.

CPT in its last publicized report on the visit of 2011 noted that "procedures for medical examinations on admission were on the whole satisfactory: newly-arrived prisoners were usually examined within 24 hours of admission by a doctor or a feldsher/nurse reporting to a doctor". However, the CPT expressed concerns on shortcomings with regard the recording of injuries observed on prisoners. "Such injuries were sometimes described in a superficial manner in the medical files, prisoners' statements were not always recorded, and there were no doctor's conclusions on the consistency of the injuries with any statements that were recorded. Moreover, injuries observed on newly-arrived prisoners were not systematically reported to the relevant prosecutor. System for recording injuries was different in each of the prisons visited" (CPT/Inf (2013) 20).

b. At admission all prisoners shall be informed in writing and orally, and in a language they understand, of the regulations governing prison discipline as well as of their rights and duties within prison. Do the institutions in Latvia follow this rule?

The Law on the Order of Holding Prisoners on Remand, Section 12, stipulates that after admission to the remand prison the administration immediately informs the remand prisoner on his/her rights and duties, as well as which officials are responsible for proceeding complaints and requests. This shall be done in a language which the remand prisoner understands (if necessary, an interpreter is invited). The remand prisoner shall confirm by signature that he/she has got familiar with this information. According to Regulations n. 800 "Regulations on Internal Order of the Remand Prison", the documents proving that a remand prisoner has been informed about his/her rights and duties shall be kept in his/her personal file. The Sentence Execution Code, Section 42, stipulates that the rules on internal order in prison shall be placed in location accessible for all convicted prisoners.

In practice, following the admission to prison, inmates usually are informed about their rights, duties and requirements of the prison regime. Prisoners generally receive printed information with relevant legislative provisions, and are required to sign about the receipt of such information. Information about prisoner's rights and duties is also displayed by cell doors, or on stands on prison premises. Prisoners also receive information they can pass to their relatives – about visits, parcels, etc. Nevertheless, the Annual report on 2012 by the Ombudsman Office shows that complaints still are received from prisoners on failure of prison administration to explain the rights and duties.

c. Upon admission to prison, in the event of a prisoner's death, serious illness, serious injury, or the transfer to a hospital, the authorities shall, unless that prisoner expressly requested them not to do so, immediately inform the spouse or partner of the prisoner, or, if the prisoner is single, the nearest relative or any other person previously designated by the prisoner. Do the institutions in Latvia follow this rule?

The Law on Order of Holding Prisoners on Remand, Section 13, and Regulations n. 800 "Regulations on Internal Order of the Remand Prison" stipulate that a remand prisoner has a right to inform his/her family or another person on his/her whereabouts. The expenses involved shall be covered by the remand prison. The administration of the prison shall give to the convicted prisoner an opportunity to inform his/her relatives as soon as he/she starts to serve the sentence. The prison administration is to provide the possibility to a prisoner who starts to serve his/her sentence or is transferred to another prison to immediately notify his/her family or another person of prisoner's choice about the prison and its address. It shall be done by financial means of the prison. If a juvenile has a legal guardian, the prison administration shall inform him/her, as well as the respective orphans-court. The legislation does not specify the responsibility of authorities in other cases.

d. As soon as possible after admission, the information about the health of the prisoner on admission shall be supplemented by a medical examination (in accordance with rule 42 of EPR). Does this examination really happen in Latvia? How long does it take for the medical examination to be accomplished?

The law requires that a newly admitted prisoner is to undergo a medical check-up. The CPT in its last report (on 2011; CPT/Inf (2013) 20) observed: "In all the establishments visited, procedures for medical examinations on admission were on the whole satisfactory: newly-arrived prisoners were usually examined within 24 hours of admission by a doctor or a feldsher/nurse reporting to a doctor. In addition, a mandatory X-ray examination was performed for remand prisoners and blood tests for various transmissible diseases were offered to all prisoners. At Jelgava Prison, incoming prisoners were also screened by a psychiatrist".

Regulations n. 800 “Regulations on Internal Order of the Remand Prison” provide that a remand prisoner may be put in a separate cell before he/she undergoes the medical examination and sanitization. However, the medical examination and sanitization shall be done not later than on the third day after the admission to the remand prison.

e. In Latvian prisons are there measures in place aimed at the prevention of prisoner self-injury and suicide?

There are inadequate measures concerning the prevention of prisoner self-injury and suicides predominantly due to absence of early screening, shortage of prison staff and qualified staff to provide psychological assistance (in 2013 there were 19 psychologists working for the whole Prison Service) as well as irregular training opportunities for the staff.

The issue of prisoner suicides strongly surfaced in 2012, largely due to dismissive remarks by then Director of Prison Administration (now dismissed from his post) against the background of several consecutive prison suicides, and the prison authorities were ordered to report on suicide prevention measures.

f. In Latvian detention facilities are there some sections used for solitary confinement of the prisoners? What is it used for (for example, punishment, protection etc.)? Are there different kinds of solitary confinement?

Solitary confinement is generally used for disciplinary purposes (up to 15 days in case of adults and 10 days in case of juveniles), and there are separate sections for solitary confinement in most prisons. However, there are cases when solitary confinement is used for protection or for holding prisoners with constant behavioural problems.

ALLOCATION AND ACCOMMODATION

a. Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation. Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners. Does this happen in Latvia?

The allocation of prisoners in a specific prison is determined by the Director of Prison Administration in line with medical, security and crime prevention criteria.

According to Ombudsman’s Office (Annual report on 2012), the Office receives many prisoner complaints with requests to transfer them to another prison. Two reasons are mostly mentioned: the wish to remain closer to relatives’ home and a threat from other prisoners, particularly, if prior to prison the offender has co-operated with the law enforcement authorities.

b. As far as possible, prisoners shall be consulted about their initial allocation and any subsequent transfers from one prison to another. Does this happen in Latvia?

Prisoners are generally not consulted about their initial allocation and subsequent transfer from one prison to another.

c. Do the accommodations of penitentiary institutions respect human dignity and, as far as possible, privacy, as well as meet the requirements of health and hygiene, with due regard being given to climatic conditions and especially to floor space, cubic air space, lighting, heating and ventilation?

According to Sentence Execution Code, Section 77, “convicted persons who are serving sentences in deprivation of liberty institutions shall be provided with living conditions in conformity with epidemiological safety and hygienic provisions. The norm for living space in prisons for one convicted person in dormitory/cell premises shall not be smaller than 2,5 square meters for men and 3 square meters for women and minors, but in solitary cells – not smaller than 9 square meters.

Convicted persons shall be allotted individual sleeping berths and shall be issued bedding. Convicted persons shall be provided with underwear suitable for the season”.

There is limited privacy in adult prisons, and living space per adult prisoner falls short of the recommended by the CPT 4 square meters per prisoner in multi-occupancy cells, a recommendation reiterated in all visit reports. According to the CPT Visit report of 2011, in some prisons even “the existing (very low) legal standard of 2,5 m² of living space per prisoner [is not] respected (e.g. eight prisoners sharing a room of some 17 m²; ten prisoners in some 22 m²)”. Prisoners are either accommodated in cells (with occupancy 2-18 prisoners) or in dormitory type rooms (20-60 prisoners), which do not necessarily meet hygiene or health requirements.

The Ombudsman Office has received 68 written complaints on living conditions in prisons in 2012, and 164 in 2011 (Annual report on 2012). During the monitoring visits shortcomings have been found and recommendations have been issued by the Office.

d. In all buildings where prisoners are required to live, work or congregate, are there alarm systems that enable prisoners to contact the staff without delay?

Generally there are not alarm systems installed in areas where prisoners work or congregate. Also in many cells prisoners still attract staff attention by banging on the door.

e. Prisoners shall normally be accommodated in individual cells during the night, except where it is preferable for them to share sleeping accommodations. Does this happen in Latvia?

During the night prisoners are either accommodated in cells (with occupancy 2-18 prisoners) or in dormitory type rooms (20-40 prisoners). Single cell occupancy is relatively rare. Dormitory type accommodation is a remnant of soviet era prisons. In its visit reports on Latvia, the CPT has consistently recommended the Latvian authorities to draw up plans to progressively replace large dormitories with smaller living units at various prisons (e.g. CPT visit to Latvia at 2009).

f. Are untried prisoners separated from sentenced prisoners?

According to the Law on the Order of Holding Prisoners on Remand, Section 11 Para 4, remand prisoners shall be located separately from convicted prisoners, with the exception when convicted prisoners are transferred to the remand prison because they have committed another crime.

According to the Sentence Execution Code, Section 18 Para 2, remand prisoners are to be held separately from convicted persons except in cases where they consent to common placement or involvement in common activities if the investigative institution or the court at whose disposal the remand prisoner is, agrees to it.

g. Are male prisoners separated from females prisoners?

Male and female prisoners are to be held separately according to the Law on the Order of Holding Pre-Trial Detainees, Section 11 Para 2, and the Sentence Execution Code, Section 18 Para 1. Female prisoners are accommodated in the only women's prison in Latvia (Ilguciems women's prison) what is located in the capital Riga, as well as in opened prison in Vecumnieki.

h. Are young adults prisoners separated from older prisoners?

Latvian law does not oblige to separate young adult prisoners from older prisoners. According to the law minors (under age of 18) and adults are to be held separately.

Nevertheless, young adults up to age of 21 may be allowed by decision of administrative commission of the institution to continue to serve their sentence in juvenile institution until the end of school year or up to the end of their sentence if their behavior does not exclude such opportunity.

HYGIENE

a. When prisoners are admitted to prison, the cells or other accommodation to which they are allocated shall be clean. Does this happen in Latvia?

According to the law the remand prisoners have an obligation to clean/tidy up the premises of the remand prison according to daily regime of the prison. Convicted prisoners may be employed without remuneration in cleaning/maintenance of prison and it is obligation of convicted prisoners to keep order in living premises and communal areas. If the convicted prisoners share a cell they have to clean it up by the list.

The CPT has observed in its last publicized report on visit at 2011 (CPT/Inf (2013) 20) that "despite the age of the premises, dormitories were generally well maintained and reasonably clean" in Jelgava prison, and also in Valmiera prison "the material conditions [...] were generally acceptable as regards access to [...] the state of cleanliness (although many of them were in need of some refurbishment)".

b. Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy. Does this happen in Latvia?

Cells are to be equipped with sanitary annex separated from the rest of the cell. The Sentence Execution Code and Regulations n. 423 "Regulations on Internal Order of the Institutions of Deprivation of Liberty" do not contain any provision in this regard related to convicted prisoners.

However, in practice conditions vary across different prisons and within the same facility. For example, the CPT has noted in 2011 (CPT/Inf (2013) 20) that in Jelgava prison Block 2 "the units were equipped with communal sanitary facilities (washbasins and toilets)", while in Block 1 "in-cell lavatories were only partially partitioned". Also in Valmiera prison "in-cell toilets were not fully partitioned". The Ombudsman Office has received a number of complaints on not adequate partitioning of the toilets (Annual report on 2012).

The CPT also made an observation that "at both establishments [visited], communal sanitary facilities in the units for medium and high regime levels were in a poor state repair and often dirty, and the number of toilets and washbasins in each sanitary facility were not sufficient for the number of prisoners held".

c. Do prisoners have access to a bath or shower, at a temperature suitable to the climate, daily, if possible, but at least twice a week (or more frequently if necessary) in the interest of general hygiene?

In line with the law both remand and convicted prisoners shall have access to a bath or shower no fewer than once in seven days. The CPT acknowledged in its last report on visit of 2011 (CPT/Inf (2013) 20) that “in all the establishments visited, prisoners had access to a shower, usually once a week. However, the delegation heard many complaints from prisoners, in particular at Jelgava and Valmiera prisons, that weekly showers were not sufficient to maintain their personal hygiene”. The CPT issued a recommendation to the Latvian authorities to allow prisoners more frequent showers, taking into account the European Prison Rules.

d. Do prison authorities provide inmates with the necessary means to maintain personal hygiene and sanitation, including toiletries and general cleaning implements and materials?

Cabinet of Ministers Regulations n. 1022 of 19 December 2006 determine the monthly norms concerning personal hygiene items and washing items per prisoner: toothpaste - 50g, toilet paper - 1 roll (30m), toilet soap - 50g, laundry soap - 100g, 10 hygienic towels for women; plus 1 toothbrush for prisoner per year.

However, prisoners have several times filed complaints before courts alleging that they have not been provided hygiene items. On 6 May 2010 the Supreme Court Administrative Cases Department (Case n. SKA-160/2010) ruled that the absence of budget resources [for hygiene items] may not serve as justification for such prison conditions that result in degrading treatment of prisoner. On 2 December 2011, the Regional Administrative Court awarded a prisoner 800 LVL (1.140 EUR) in moral compensation for the failure of prison authorities to provide hygienic items for extended period of time.

The CPT heard complaints in prisons it visited in 2011 (CPT/Inf (2013) 20) that “no materials for cleaning the detention areas were provided (however, prisoners did receive essential personal hygiene products, such as soap, toilet paper, toothbrush and toothpaste, on a regular basis)”.

CLOTHING AND BEDDING

a. Prisoners who do not have adequate clothing of their own shall be provided with clothing suitable for the climate. Does this happen in Latvia?

Law provides that remand prisoners have a right to wear their personal clothing and footwear. Sentence Execution Code prescribes that convicted persons shall wear their personal clothing or the type of clothing prescribed, in accordance with the Internal Prison Regulations (however, it does not apply to life-sentenced prisoners).

Cabinet of Ministers Regulations n. 1022 of 19 December 2006 determine the norms concerning the clothing. In practice, if prisoners do not have adequate clothing of their own suitable for the climate the prison tries to provide those, usually from humanitarian aid if such has been made available.

b. Is this clothing degrading and humiliating?

NA

NUTRITION

a. Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work. Does this happen in Latvia?

The regulations foresee four types for daily nutrition norms – for 1) adult prisoners, 2) juvenile prisoners, 3) sick prisoners in prison hospital or prison medical wards, ill prisoners with specific diseases, pregnant prisoners, women prisoners breast-feeding babies; 4) special nutrition norms for prisoners during escort time.

The legislation does not foresee specific nutritious diet for religious purposes however, according to the Regulations it is possible to substitute several products by products suitable for specific religious or cultural needs of prisoners.

More attention to this issue is paid since prisoners have, on several occasions, complained before courts about the failure of the prison authorities to provide food that would take into account their religion. 2 December 2011, the Regional Administrative Court (Case n. A42446907) ruled that by failing to provide a prisoner with vegetarian diet as required by his religious persuasion the Prison Administration had acted unlawfully, and the court awarded to the authorities to pay 2.000 LVL (2.860 EUR) to prisoner in moral compensation. The court established that although external legislative acts do not foresee cases and procedure how a prisoner is to be provided food in line with their religious beliefs, this may not serve as basis for the prison to refuse to handle such cases.

Following the above mentioned court case amendments to the Cabinet of Ministers Regulations n.122 “Regulations on Norms of Prisoner Nutrition and Material Provision for Daily Purposes” are prepared by the Prison administration and Ministry of Justice in order to allow to substitute meat, fish etc. by other products for vegetarian adults, but not for juveniles under 18 since it is considered that providing only vegetarian food for this age group may lead to malnutrition of juveniles. Amendments are still under discussion by legislative committees.

b. How many meals a day are prisoners served? How many of those are warm meals?

In accordance with the law remand prisoners are to receive warm meals three times a day which ensures normal functions of the organism, and drinking water at any time. In case of convicted prisoners the Law and Regulations do not specify the number of meals or warm meals, but provides that “Convicted persons shall receive nourishment which ensures normal life functions of the organism”. In practice, three meals per day normally are served for convicted prisoners, and at least two of them are warm meals. However, according to the report of the State Audit of 8 February 2012, the financing for food per prisoner has not exceeded LVL 0,78 (1,11 EUR) per day during the last years.

c. How are the requirements of a nutritious diet decided?

Ministry of Health Decision n. 174 “On Recommendable Energy and Nutrient Norms” of 15 October 2008 that determines the recommendable average daily energy, nutrient, vitamin, etc. ratio for general population is applicable.

Detailed norms on nutrition for prisoners are specified in Cabinet of Ministers Regulations n. 1022 of 19 December 2006 “Regulations on Norms of Prisoner Nutrition and Material Provision for Daily Purposes”.

An attempt to reduce the ratio of calcium in prisoner diet allegedly to save prison service resources in time of economic crises led to a constitutional claim brought by a prisoner, which resulted in the Constitutional Court declaring the provision unconstitutional in 2010.

LEGAL ADVICE

a. Is there a recognized scheme of free legal aid?

A person who, in accordance with the law, has the right to defence and representation may request legal aid according to State Ensured Legal Aid Law. However, the law specifies several restrictions: free legal aid is available only for persons who have a status of a low-income person, or are in a situation and material condition which prevents from ensuring the protection of rights (due to a natural disaster or force majeure or other circumstances beyond their control), or are on full support of the State or local government. Moreover, free legal aid is not available in cases where compensation is sought for non-pecuniary damages (moral compensation), as well as in administrative cases (with exception of these related to asylum procedure).

b. Where there is a recognized scheme of free legal aid, do the authorities bring it to the attention of all prisoners?

The police use to inform detained persons on their right to lawyer, and contacts of providers of free legal aid are available in police stations however ex officio lawyers are very rarely present during the first interrogation in police station.

As it is mentioned in the CPT report on the visit of 2011, “apprehended persons being subjected to informal questioning, without the presence of a lawyer, prior to the taking of a formal statement. Further, many detained persons stated that they had only been able to see a lawyer when taken to court with a view to applying a preventive measure. [...] A number of detained persons who had been provided with the services of ex officio lawyers complained about the manner in which they worked; in particular, it was claimed that the ex officio lawyers often met their clients only once (in court) and on occasion even tried to dissuade them from lodging a formal complaint about ill-treatment by the police. [...] Some detained juveniles told the delegation that they had been interviewed by the police without the presence of either their parent/tutor or a lawyer”.

c. Are the consultations and other communications (including correspondence about legal matters) between prisoners and their legal advisers confidential?

The Law on the Order of Holding Prisoners on Remand and the Sentence Execution Code provide that consultations and telephone conversations with advocate are confidential as is correspondence. Meetings with a provider of free legal aid shall take place under visual control conditions.

d. Do prisoners have access to, or are allowed to keep in their possession, documents relating to their legal proceedings?

Remand prisoners are allowed to keep documents and notes related to criminal case, administrative case or civil case, and a copy of judgment.

Convicted prisoners are allowed to keep documents and notes related to criminal case, and copy of judgment. However, in practice also convicted prisoners are not forbidden to keep documents related to their civil or administrative case if there is any.

CONTACTS WITH THE OUTSIDE WORLD

a. How many phone calls can a prisoner make per week? Is there a limit to the number of letters that can be sent out? Are there other forms of communication that prisoners can use?

Remand prisoners have a right for phone call at least once in a week, and the length of the phone call shall not be less than 5 minutes.

With regard to convicted prisoners the number of phone calls is determined by the type of prison (closed, semi-closed, open prison) and relevant prison regime (highest, medium, lowest) prisoner is held.

Closed prison: highest level regime - 3 phone calls per month, medium level - 2 calls per month, lowest level - 1 call per month.

Semi-closed prison: highest level regime - 6 phone calls per month, lowest level - 2 phone calls per month. Those sentenced to short term imprisonment have the right 6 phone calls per month.

Open prisons - no restrictions.

Juveniles - 8 phone calls per month. Visits may be replaced by phone calls if a prisoner submit a written request for this and prison director issues permission. One visit (regardless of its type - short or long) can be replaced by one phone call of length up to 15 minutes.

In practice, the Prison Administration recently has started a project in several prisons allowing a higher number of phone calls, using mobile receivers which are issued for a cell for a certain time period. It may lead to the change of legal provisions too, as the main objection against raising a number of phone calls was a lack of technical devices, as well as shortage of staff members who could guide prisoners to phone-boxes.

Both remand and convicted prisoners may send and receive letters without restriction as to their number.

There are no other forms of communication allowed to the prisoners, with the exception of visits.

b. How many visits can a prisoner receive per week? Do the arrangements for visits allow prisoners to maintain and develop family relationships?

The number of prison visits is determined by the type of prison (closed, semi-closed, open prison) and relevant prison regime (highest, medium, lowest) prisoner is held.

Closed prison: sentenced prisoners (highest prison regime level) - 6 long visits (12-24 hours), 6 short visits (1-2 hours) per year; medium prison regime level - 4 long visits (8-16 hours), 6 short visits (1-2 hours) per year; lowest prison regime level - 3 long visits (6-12 hours), 4 short visits (1-2 hours) per year.

Semi-closed prison: sentenced prisoners (highest prison regime level) - 8 long visits (24-48 hours) and 8 short visits (1,5-2 hours), lowest regime level - 5 long visits (12-24 hours) and four short visits (1,5 - 2 hours).

In open prisons sentenced prisoners are allowed to receive visitors without restrictions.

Juvenile prisoners are allowed to have 15 long visits with close relatives (36-48 hours), 12 short visits (1,5-2 hours).

Remand prisoners are entitled to visits of relatives or other persons at least once in a month and at least for an hour without presence of prison staff (if there are not special circumstances which require such presence). The actual frequency and length of the visits shall be decided by the prison administration taking into account that all remand prisoners have to have equal opportunities to enjoy visits. Additional visit in presence of prison staff may be granted to a remand prisoner as incentive. Remand juveniles are entitled to visits once a week.

Still, the number of visits, as well as conditions during the short visits (through a glass partitioning for adult prisoners) are quite insufficient to maintain and develop family relationship. It was pointed out also by the CPT in its last report on visit of 2011: "However, it remains the case that sentenced prisoners are separated from their visitors by a glass partition during short-term visits. [...] The frequency of visits is currently very low for prisoners serving their sentences in closed prisons, especially for those who are on the low regime level. [...] During the visit the CPT's delegation received numerous complaints from prisoners in this respect. The Committee was also concerned to note that life-sentenced prisoners at Daugavgrīva and Jelgava Prisons were handcuffed by one hand to a metal rail/bar during the entire duration of a short-term visit. Such a practice is not acceptable."

Matters related to granting and conducting the visits frequently have been subject of complaints to the Ombudsmen office, according to its Annual report on 2012. The Ombudsmen office paid a particular attention in its Annual report to the interpretation of notion 'family and close relatives' by whom visits are allowed, since many inmates have unregistered partnership and children born in such partnership. In several cases visits with unregistered partners/children were hampered, as prison administration had to request information from the municipality where the inmate lived before the imprisonment, and in many cases such information was received with delay or not received at all.

c. Whenever circumstances allow, can prisoners be authorized to leave prison, either under escort or alone, in order to visit a sick relative, attend a funeral or for other humanitarian reasons?

Sentenced prisoners who are serving their sentence in semi-closed prison (highest level of prison regime), open prison or prison for juveniles may request a prison governor permission to leave a prison for up to 5 days in connection with the death or serious illness of a close relative. Prisoner governor may grant a short-term leave after verifying the facts mentioned in the request and assessing the prisoner's behaviour during previous short-term leaves (if such have been granted).

d. Can prisoners keep themselves regularly informed of public affairs by subscribing to and reading newspapers, periodicals and other publications, and by listening to radio or television transmissions?

Convicted prisoners can subscribe newspapers and periodicals at their own cost without restrictions, but many cannot do that due to lack of finances. Remand prisoners can use their own TV-set (only small size; 50 cm screen diagonal) and radio. Convicted prisoners can use prison or own TV and radio at the time prescribed by prison internal regulations. The law prescribes the categories of convicted prisoners who are entitled to use their own TV – all but prisoners in the lowest regime in closed prison. The latter can only watch the TV in special rooms outside cells in the presence of prison staff member.

e. Can prisoners communicate with the media (unless there are compelling reasons to forbid this for the maintenance of safety and security, in the public interest or in order to protect the integrity of victims, other prisoners or staff)?

There are no specific rules governing the communication of prisoners with the media. There have been cases when prisoners were interviewed by media with permission of prisoner administration. In several cases prisoners have passed information concerning violations in prison to media via third parties or secretly by smuggled mobile phones.

f. Can prisoners participate in elections and referenda?

Both remand and sentenced prisoners can participate in Saeima (parliament) elections and referenda, but sentenced cannot run for Saeima elections. Prisoners have the right to participate in the European Parliament elections, but sentenced prisoners cannot run themselves as candidates to the EP. Sentenced prisoners have no right to participate and to run for local elections.

On 1 April 2009 amendments to the Law on (Saeima) Parliamentary Elections came into force permitting sentenced persons to vote. 3.679 prisoners from 12 prisons voted in the first parliamentary elections (October, 2010) after coming into force of the amendments. Of 7.000 prisoners 4.726 were eligible to vote. 14% of Latvia's population is composed of non-citizens who have not acquired Latvian citizenship after collapse of Soviet Union. Non-citizens have no right to participate in elections.

PRISON REGIME

a. Does the prison regime offer a programme of activities?

The programmes offered vary across different prisons however, in some prisons (particularly in remand prisons) for the majority of prisoners daily outdoor exercise still remains the only regular out-of-cell activity. For the rest of the day prisoners remain locked up in their dormitories or cells, their sole occupation being reading, playing board games or watching television.

The CPT in its report on visit of 2011 found that "as regards the prisoners who were on the medium and high regime levels, the vast majority of them at Jelgava Prison and about half at Valmiera Prison were offered employment or educational/vocational opportunities. Prisoners belonging to these categories also benefited from an open-door regime inside their respective units and had access to large outdoor yards from early morning till late evening, in addition to having regular access to the gym. In contrast, as regards the prisoners on the low regime level, for about two-thirds of them at Jelgava and for practically all of them at Valmiera, the regime consisted of cellular confinement with hardly any out-of-cell activities, apart from one hour of outdoor exercise per day.

The regime for remand prisoners at Liepāja and Rīga Central Prisons remained impoverished. About two-thirds of the remand prisoners at Liepāja (the remaining one-third attended the prison school) and nearly all the adult remand population at Rīga Central Prison were locked up in their cells for 23 hours a day, with no out-of-cell activities other than outdoor exercise of one hour. A similar situation was observed at Valmiera Prison. (...) On a more positive note, juvenile remand prisoners at Rīga Central Prison were offered educational and sports activities on a daily basis".

b. How many hours a day do prisoners spend outside their cells to improve human and social interaction?

The Law on Sentence Execution Code of Latvia provides convicted prisoners serving their sentence at the highest and medium level of the prison regime in a closed prison, as well as at the both levels in a semi-closed prison have the right to spend time a specified area outside their cells for most of the day. Prisoners in open prison live in common dormitory-type premises and are allowed to leave the prison for 2-5 days a month if disciplinary measures have not been applied to them during last 30 days.

c. Is there any particular attention given to the needs of prisoners who have experienced physical, mental or sexual abuses?

Juveniles who have suffered from unlawful activities, including physical, mental or sexual abuse are entitled to rehabilitation services as provided for in the Law on the Social Assistance and Law on the Rights of the Child.

There are no such services for adult prisoners. They may receive some assistance from prison psychologist or social worker.

WORK

a. Do prison authorities provide work opportunities (either on their own or in co-operation with private contractors, inside or outside prison)?

According to Sentence Enforcement Code, sentenced prisoners may be employed with or without remuneration. A prisoner may be employed for remuneration in 1) prison household service, 2) in work places created by private enterprises/entrepreneurs in prisons, 3) outside prison if permitted by the prison regime. If a sentenced prisoner wishes to work for remuneration, s/he submits a written application to the prison governor. A prisoner may be employed without remuneration only in prison and its surrounding territory maintenance, as well as in improving living conditions within the prison. Although the law provides opportunity to work also to remand prisoners, they are occupied very rarely. Similarly as with regard to convicted prisoners they can be occupied with or without remuneration. However, remand prisoners are allowed to enter only in temporary contracts and only for jobs which can be paid by constant sum, not monthly salary and performed in particular premises within the remand prison or in the cell.

However, employability depends on the availability of work places. On 31 December 2012 only 1.224 sentenced prisoners (599 in the prison maintenance, 622 -in work offered by enterprises/private employer) and 3 pre-trial detainees (at private employer) of a total of 6.062 prisoners were in some employment.

There is no information available whether prisoners are fully or partially employed. It is not infrequent that the prisoner may have work only for a few hours per week. Employment opportunities in prison have significantly decreased due to economic crises, and were limited even before the crises.

b. Are work opportunities encompassing vocational training provided for prisoners able to benefit from them (especially for young prisoners)?

There have been isolated attempts by selected employers in the past to provide work that encompasses vocational training, but it is not provided as general practice.

Nevertheless, 20 different vocational training programmes were provided in 10 prisons in 2012 involving 1.501 prisoners, and 714 prisoners accomplished vocational education receiving a recognised certificate/diploma.

c. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life. Does this happen in Latvia?

Many provisions of the Labour law are in force with regard to employment of prisoners who are occupied for remuneration. Also all legal requirements for occupational health and safety shall be ensured by the prison administration with regard to all employed prisoners.

d. Are prisoners remunerated fairly in relation to the outside world? Are there some restrictions in the use of remuneration?

Minimum hourly remuneration rate and minimum monthly salary are stipulated in the law and depends on the prison type. These provisions are as follows: 1) for prisoners who serve their sentence in closed or semi-closed prison - 50 percent of the minimum hourly rate as set down for normal working hours in the state and of the minimum monthly salary; 2) for prisoners who serve their sentence in open prison - the same as the minimum hourly rate in the state; 3) for minors - 50 percent of the state minimum hourly rate as set down for minors.

Remuneration for work for remand prisoners shall not be less than remuneration for similar work outside the prison.

Deductions from the earnings of prisoner are made pursuant to writs of execution and other execution documents in accordance with the procedures provided for in the Civil Procedure Law in such amount that subsequent to all deductions at least 20 percent of the calculated earnings may be credited to the personal account of the convicted person, but to the personal accounts of convicted persons who have attained the retirement age, convicted first and second group disabled persons, minors, pregnant women, as well as convicted women who have children in the prison kindergarten - at least 40 percent of the calculated work remuneration.

If a prisoner has to pay fines as additional punishment, the prison administration transfers a part of his/her income to the respective account of the State Treasury following a written request of the prisoner.

e. Are there any health and safety precautions for prisoner workers in order to protect them adequately? Are these the same precautions that are applied to workers outside?

The prison administration shall ensure that all the same legal regulations with regard occupational health and safety precautions as to general population are applied to employed prisoners.

f. Are prisoners who work included in the national social security system?

A prison or a private employer who employs a prisoner for remuneration is required to make all relevant payments of social security tax and personal income tax.

EXERCISE AND RECREATION

a. Does every prisoner have opportunity for at least one hour of exercise every day in the open air, weather permitting?

Convicted prisoners serving their sentence at the highest and medium level of the prison regime in a closed prison, as well as at the both levels in a semi-closed prison have the right to spend time in a specified area outside their cells from morning until the quiet of the night, including exercise in the open air according to the daily regime. Sentenced prisoners who serve their sentence at the lowest level of the prison regime in a closed prison have the right to exercise in the open air for not less than one hour per day.

The CPT in its report on the visit of 2011 observed: “Prisoners belonging to [highest and medium level] benefited from an open-door regime inside their respective units and had access to large outdoor yards from early morning till late evening, in addition to having regular access to the gym. In contrast, as regards the prisoners on the low regime level [...], the regime consisted of cellular confinement with hardly any out-of-cell activities, apart from one hour of outdoor exercise per day”.

In September 2009 the Latvian Constitutional Court issued a ruling (n. 2008-48-01) announcing as unconstitutional ban on one hour exercise in open air for prisoners in disciplinary isolation cells. The claim contesting the constitutionality of the ban was submitted by a prisoner. This had been recommended to the Latvian authorities by the CPT since the first CPT visit to Latvia in 1999. As a result of the Constitutional Court ruling the Sentence Execution Code was amended, permitting this group of prisoners to have a one hour exercise each day.

Remand prisoners have the right to exercise in the open air for not less than one hour per day (under respective prescription by a doctor - not less than 1,5 hour a day). Female remand prisoners who are placed in remand prison together with their children, as well as remand juveniles have a right for not less than 1,5 hour out-door exercise.

Extra-time for out-door exercise may be granted to remand prisoner as an incentive.

b. Are there appropriate installations and equipment, in order to facilitate such activities?

Situation varies across different prisons as to appropriate facilities and equipment. The large yards for all-day out-door exercise usually have appropriate installations, including sports equipment, football pitches, if the size of territory allows, etc.

However, yards in remand prisons and yards for disciplinary units are not always appropriately equipped and even not of appropriate size.

The CPT observed in its report on the visit of 2011 that “the outdoor yards of the disciplinary unit were too small (e.g. 10 m²) to allow prisoners to exert themselves physically [in Valmiera prison], [...] and Riga Central prison prisoners were still 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”.

EDUCATION

a. What kind of educational programmes are there in Latvian institutions?

Formal education programmes (general education (primary and secondary), vocational (professional), higher education programmes) and informal education programmes (interest groups education).

b. How many prisoners are attending an educational programme (for each kind of educational program)?

In school year 2012/2013 16 licensed and accredited general education programmes (primary, secondary), 20 professional (vocational) education programmes and 34 interest groups education programmes were run in prisons. General education programmes were run in 11 prisons, vocational programmes in 10 prisons, and interest groups programmes - in 11 prisons. Prisoners also were involved in higher education programmes (distance learning courses).

In school year 2012/2013, 3.375 prisoners or 55% of the total number of prisoners were involved in education programmes, of those:

2.527 in formal education programmes

- general education programmes 1.014 prisoners
- vocational education programmes 1.501 prisoners
- higher education programmes 12 prisoners
- informal education programmes 848 prisoners

c. Do these educational programmes take place under the auspices of external educational institutions?

All formal education programmes taking place in prison are run by external educational institutions, and State recognized education certificates/diplomas are issued to prisoners who accomplish their education in prison.

d. Does every institution have a library? Is it adequately stocked with a wide range of both recreational and educational resources, books and other media? Are books available in different languages? Is it connected with public libraries in the outside community?

Most prison libraries remain stocked with outdated books from soviet time, predominantly in Latvian and Russian, and heavily depend on charitable donations. They may be occasionally replenished with new books in the framework of projects. Few prison libraries are connected to public libraries in the community.

Brasa Prison library project should be mentioned as a good practice, implemented by community organization "Prison Fellowship Latvia" under co-operation programme between Latvia and Switzerland. Riga Central Library has arranged its services within the prison, offering choice of about 5.000 books. In the scope of the project an internet connection was made available to inmates, offering an opportunity to read official publications and legislative enactments electronically. Other internet sites are not available to them up to now.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

a. Is the prison regime organized so far as is practicable to allow prisoners to practice their religions and follow their beliefs, to attend services or meetings led by approved representatives of such

religions or beliefs, to receive visits in private from such representatives of their religions or beliefs and to have in their possession books or literature relating to their religions or beliefs?

The Sentence Execution Code provides that each prison has a chaplain service, which is subordinated to the Prison Administration. The appointment of chaplains is harmonised with the Department of Religious Affairs. Chaplains are nominated from largest Christian denominations, e.g. Lutheran, Catholic, Russian Orthodox, Baptist, Methodist, Seventh Day Adventist, Pentecostal Churches and a Latvian neo-pagan movement “Dievturi”. Lawfully registered religious, benevolent and charitable societies are allowed to carry out moral education in prison. Procedures as to how prisoners are permitted to see a minister and take part in religious activities, is regulated by the prison internal rules. Religious activities, except for confessions, take place in the presence of prison staff.

Until March 18, 2011 the Cabinet of Ministers Regulations n. 423 “Regulations on Internal Order of the Institutions of Deprivation of Liberty” did not envisage that prisoners could keep religious objects. The provision was contested in the Constitutional Court which found violation of Article 99 of the Latvian Constitution (freedom of religion). The government regulations were subsequently amended permitting for the keeping of religious objects pursuant to the decision of the prison governor upon assessment of the prison chaplain.

INFORMATION

a. Are all prisoners informed about any legal proceedings in which they are involved and, if they are sentenced, the time to be served and the possibilities of early release?

It is difficult to assess the level of information and understanding of legal proceedings of every prisoner. It depends very much on provider of legal aid, and unfortunately ex officio lawyers not always serve in the best interest of their clients. It was mentioned also by the CPT in its report on the visit of 2011: “a number of detained persons who had been provided with the services of ex officio lawyers complained about the manner in which they worked; in particular, it was claimed that the ex officio lawyers often met their clients only once (in court) and on occasion even tried to dissuade them from lodging a formal complaint about ill-treatment by the police”.

Since the number of social workers in prisons was dramatically reduced due to economic crisis (in 2013 there were 14 social workers for all the Prison Service), it is highly possible that not all prisoners are informed in due manner on the possibilities of early release.

PRISONERS' PROPERTY

a. Are prisoners entitled to purchase or obtain goods, including food and drink for personal use? Are the prices of these goods similar to those charged for comparable goods in free society? Is the quality of these goods the same as that of comparable goods in free society?

Prisoners are allowed to purchase food products and basic necessity goods by means of money transfer from their personal prison account. Such a list of food products and basic necessity items is determined by internal prison regulations. The law specifies the monthly sum different prisoner

categories depending on their prison regime are allowed to spend for purchase of different items in a prison shop (minimum monthly salary set by Cabinet of Ministers as a maximum, with exception of juveniles and remand prisoners).

A supermarket chain operates in all prisons since 2009, and prisoners have complained about higher prices in prison shops than outside the prison. This was also confirmed in Ombudsman's Annual Report for 2012.

RELEASE OF PRISONERS

a. Are released prisoners provided with immediate means of subsistence; are they suitably and adequately clothed with regard to the climate and season, and are they afforded sufficient means to reach their destination?

According to the Sentence Execution Code, persons who are released from prisons are to be provided with travelling expenses to the place of residence or work and with clothing and footwear suitable for the season. The person is to be provided with these items on the day of his/her release. In case the person's place of residence is outside Latvia, s/he is provided with travelling expenses as far as the closest railway station in a country with which Latvia has land border.

However, financial and material aid to persons who are released from prisons is to be granted by a decision of Director of Prison Administration within limits of means from the State Budget allocated for this purpose. In many cases prisons lack sufficient resources to assist the prisoners upon release.

A sentenced prisoner may submit a written request to the prison governor to open a special account - so called "release fund" for him/her, where a prisoner may transfer money from his/her general prison account once a month without restrictions. Money from the release fund is transferred to the prisoners private account or paid out in cash on a day of his/her release.

b. Are released prisoners assisted in finding suitable accommodations and work?

Persons released from prisons have the right to register with the State Employment Agency to receive the status of an unemployed person. In line with the Sentence Execution Code, local government / city councils are to provide low income persons released from a prison with living space if these persons were living in the administrative territory of the relevant local government before sentencing and it is not possible to settle into the residential space they occupied previously. A prison shall notify relevant local government, whose duty is to provide assistance, not later than six months before a prisoner is released.

Disabled and retired persons are accommodated in social care homes if they request so.

Probation Service will assist the prisoner if he/she has benefitted from conditional release from prison. However, the share of prisoners benefitting from conditional release remains between 23-25%, with most prisoners leaving the prison after completion of their sentence.

For many prisoners assistance to find suitable accommodation and work would be limited if any, particularly during economic crises, when functions of the probation service were curtailed due to budgetary cuts.

WOMEN

a. Are special provisions made for the sanitary needs of female prisoners?

Apart from provision of sanitary napkins (10 napkins per month) there are no other specific provisions. In the past, prisoners have complained about the small quantities of personal hygiene products supply to them as government regulations provide for a small amount of personal hygiene products. Prison authorities have contacted potential donors to provide additional hygiene products, and different fund raising events have been held by volunteers outside the prison.

b. Are prisoners allowed to give birth outside prison?

Yes.

JUVENILE PENITENTIARY SYSTEM

a. Are minors (aged less than 18) detained in establishments specially designed for the purpose?

There is one prison for boys (aged 14-18, but those aged 18-21, upon the decision of prison authorities may stay in the juvenile prison) – Cesis Juvenile Prison. Juvenile girls are accommodated in a separate unit in the Ilguciems women's prison.

In the past, conditions in Cesis Juvenile Prison, particularly pre-trial detention, were heavily criticised by domestic and international human rights organisations. Latvia received the financial support of the Norwegian government to improve the conditions of detentions of both pre-trial and sentenced prisoners in the juvenile prison. In April 2011, a new house accommodating pre-trial detainees was opened, as was the accommodation block for sentenced prisoners and administrative building for prison staff. Earlier most prisoners were accommodated in dormitory type rooms for 10-15 prisoners. The new building for pre-trial detainees has 40 places divided in double occupancy cells. The renovated accommodation block has 62 double occupancy rooms for 124 sentenced prisoners. In March 2012 the renovated prison school and gym were opened. These buildings were renovated with the support of European Regional Development funds.

b. Does every prisoner young enough to yet be subject to compulsory education have access to such education?

Yes.

INFANTS

a. How many infants are there in Latvian detention facilities?

In early September 2012, there were 12 infants under 4 years of age in Ilguciems women's prison.

b. How many years after birth can the infants stay in the institution?

Up to the age of four (receiving full state care) upon the request of a sentenced mother and by the consent of orphan [child custody] court.

c. Are there nurseries, staffed by qualified personnel, where the infants may be placed when the parents are involved in activities which do not permit for the infants to be present?

Yes.

d. Are there special accommodations in the prison to protect the welfare of the infants?

There is a separate Child and Mother Unit in the women's prison.

FOREIGN NATIONALS

a. Can prisoners who are foreign nationals request contact, and be granted reasonable means to communicate with the diplomatic or consular representatives of their state?

Foreigners in remand prisons shall be informed in a language they understand about their right to contact their State's diplomatic or consular mission.

The correspondence of imprisoned foreign citizens with their State's diplomatic or consular mission, which is authorised to represent his or her interests, shall not be subject to examination, and expenses for such correspondence shall be covered by the prison.

Short duration visits shall be permitted without the presence of a prison staff.

b. Are prisoners who are foreign nationals informed of the possibility of requesting that the execution of their sentence be transferred to another country?

The Prison Administration within 21 days after receiving the order on execution of the sentence issued by a judge shall inform a convicted foreigner about his/her right to request the execution of the sentence in the country of his/her nationality or permanent residence. Legal consequences of such transfer implied by the Criminal Procedure Law shall be explained too.

c. Are prisoners who are foreign nationals divided by country of origin within the sections of each institution?

Sentenced foreigners are accommodated, as far as possible, in a way that persons speaking the same language could communicate with each other.

d. Are interpreting services available to foreign nationals?

Majority of foreign prisoners are the nationals of Russia and Lithuania, and most are proficient in Russian which is the second most widely spoken language in Latvia. However, problems arise when foreign prisoners are speakers of other widespread and lesser used languages.

In a research project surveying foreign prisoners in the three Baltic States, from 61-76% of prison staff in all the three countries acknowledged that language difficulties in communication with foreign prisoners were the major barrier in their work with foreign prisoners. 32% of respondents among prison staff in Latvia acknowledged they had not sufficient knowledge and skills working with foreign prisoners.

In early 2013 the Latvian prison administration published 2 brochures for foreign prisoners (remand prisoners, sentenced prisoners) on their rights and duties (e.g. how to inform diplomatic representations, relatives about fact of detention, legal basis of detention, daily regime at prison, where to seek legal aid, basic terms in Latvian, etc.) in 10 languages (Russian, English, Estonian, Lithuanian, Polish, German, other).

Following the requirements of relevant EU directives with regard to the right to translation and interpretation in criminal proceedings, Latvian Prison Administration is recruiting 30 translators/interpreters (including to/from Russian language), and it is planned that they will start to work in January, 2014.

ETHNIC MINORITIES

a. Are there any particular ethnic minorities among the prison population? What is their percentage of the total prison population?

In June 2012 of 5,704 prisoners 2,519 or 44,2% were Latvians, 42,25% were Russians, 4,17% were Roma, 2,8% were Belarussians, 1,9% were Ukrainians, 1,65% were Lithuanians. Minorities made up 55,8% of the prison population. Although there has been no research on offenders - minorities in the criminal justice system, the high percentage of minorities in the prison system is sometimes explained by higher crime rates in urban areas, such as the capital Riga and 2nd largest city Daugavpils where minorities form 54% and 82% respectively.

Prisoners by ethnic group in Latvia's prisons (18 June 2012)

	Men	Women	Total
Latvians	2308	161	2519
Minorities:			
Total:	2871	278	3185
Russians	2216	171	2410
Roma	172	59	238
Belarussians	143	15	159
Ukrainians	94	12	107
Lithuanians	83	8	94
Poles	80	9	89
Jews	8	0	8
Estonians	7	0	7
Armenians	4	1	6
Georgians	4	0	4
Other	60	3	63

Source: Ministry of Justice, Table 18 and 19 (http://www.mk.gov.lv/doc/2005/AMzino_22062012_FCNM.1536.docx)

HEALTH

a. Are medical services in prison organized in close relation with the general health services of the community or nation?

In its visit report to Latvia in 2011 the CPT has criticized prison health care system severely: “The Committee must stress that a number of major shortcomings were observed in the provision of health care to prisoners in these establishments. It transpired that many of the problems identified stemmed from significant budget cuts across the prison system and the consequent scarcity of resources allocated to prison health care in recent years. The CPT wishes to recall that an inadequate level of health care can rapidly lead to situations which could be tantamount to inhuman and degrading treatment. [...] As regards general health care, in all the prisons visited the delegation received numerous complaints from prisoners about long delays in gaining access to a doctor and the quality of treatment provided. Further the fact that prisoners were required to pay for common types of health care (i.e. for any treatment other than emergency care) had placed many of them in a highly disadvantageous situation. The delegation also noted that all the prisons visited suffered from a severe shortage of medication. The CPT was concerned to learn that the budget for purchasing medication in the prisons visited was extremely low, varying from 1 to 6 LVL [1,4 – 8,5 EUR] per prisoner per year. In this regard, it emerged that prisoners were largely dependent on families or friends”.

According to Ombudsman’s evaluation of availability of health services in prisons in 2010, prisoners receive fewer healthcare services than the general population and the healthcare of prisoners is not directly connected with the national healthcare system.

In December 2007 the Cabinet of Ministers adopted a strategy for the Ministry of Health 2007-2009, prescribing that there is a need to provide equal range and level of healthcare services for prisoners as provided for general public. The Ministry of Health covers the costs of medication for TB and HIV/AIDS as well as laboratory analysis for HIV/AIDS patients.

b. Are all necessary medical, surgical and psychiatric services (including those available in the community) provided to the prisoners?

Prisoners have the right to receive 1) primary health care, except for regular dental care, 2) emergency dental care, 3) secondary health care that needs to be provided on emergency basis, as well as secondary health care provided by prison doctors; 4) most effective and cheaper medication prescribed by prison health care specialist.

There is one prison hospital in Latvia and there are medical units in each of the prisons. Prison hospital provides for the treatment of TB and psychiatric patients and provides consultations of specialist doctors.

c. Is there at least one qualified general medical practitioner in every institution?

In 2010, 2 of 12 prisons did not have a single general medical practitioner.

d. Are the services of qualified dentists and opticians available to every prisoner?

In 2010, a qualified dentist was available in all prisons while in 2011 the CPT found out that at least in Valmiera prison the post of dentist was vacant. However, in several prisons prisoners have complained that dentist work is reduced to dental extractions only. Also the CPT observed in 2011: “It is also a

matter of concern that free-of-charge dental treatment in the prisons visited was limited to extractions, while other dental care had to be paid for by the prisoners themselves (which many prisoners could not afford). [...] It was often not possible to arrange for medical consultations for prisoners whose state of health required specialist care”.

e. Are prisoners suspected of infectious or contagious diseases isolated for the period of infection and provided with proper treatment?

Prisoners with TB in its active form or who have become infected with HIV are to be treated in specially arranged prison hospitals or hospital sections where reinforced external security and internal surveillance shall be ensured.

However, the CPT in 2011 found that “despite there being high numbers of HIV-positive prisoners in most of the establishments visited, extremely limited arrangements had been made to provide appropriate care for such prisoners. In particular, a very small number of these prisoners were receiving anti-retroviral drugs for their infection (e.g. three out of 47 inmates at Jelgava Prison; four out of 68 at Valmiera Prison). Further, it appeared that no information on HIV and on prevention methods was made available to staff and prisoners”.

f. Are sick prisoners who require specialised treatment transferred to specialty institutions or to civil hospitals, when such treatment is not available in prison?

Sick prisoners requiring specialist treatment are generally sent to Prison Hospital, however, after budget cuts related to economic crisis some departments were in the Prison Hospital, which now mainly accepted psychiatric and TB patients. Sentenced prisoners who are serving their sentence in semi-closed prison (highest level of prison regime), open prison or prison for juveniles may request a prison governor permit to leave the prison for up to 3 days for the receipt of health care services in health care facilities.

However, the CPT found in 2011 that “it was often not possible to arrange for medical consultations for prisoners whose state of health required specialist care. As far as the delegation could ascertain, it was only in extreme cases that prisoners were transferred to the Prison Hospital in Olaine. [...] In order for a prison to be able to transfer an inmate to the Prison Hospital, there had to be an authorisation from the Central Prison Administration, which could sometimes take up to several days. In the same way, treatment in an outside civil medical establishment was not easily accessible, even for prisoners who had the means to pay for it; due to the shortage of prison officers, it was often difficult to provide the necessary escort. Moreover, even in those rare cases when a transfer to an outside medical establishment was arranged, continuity of care was not guaranteed after the prisoner concerned returned to prison, due to the shortage of medication. By way of example, at Jelgava Prison, a prisoner who had suffered a myocardial infarction with subsequent stent implantation at the Prison Hospital in July 2010, had his treatment stopped following his return to the prison, due to a lack of supply of the required medication in the establishment”.

g. Are persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison detained in an establishment specially designed for the purpose?

Yes, there is a separate facility.

h. What is the treatment available for drug users and for drug addicts in prison? Are there harm reduction programmes?

The CPT observed in 2011 that “in all the establishments visited, there were large numbers of prisoners with substance abuse problems. The delegation gained the impression that such prisoners generally received no proper assessment and no adequate care. It appeared that none of the prisons visited had a comprehensive policy to combat the problem of substance abuse (including the treatment of drug addiction)”. The CPT encouraged the Latvian authorities to develop such a policy in prisons in Latvia.

ORDER

a. Are there any special commissions composed of prisoners with the aim of discussing issues related to detention conditions? How are they constituted?

There are no special commissions composed by prisoners with the aim of discussing issues related to detention conditions.

SECURITY

a. What are the main security measures applied to individual prisoners? How are they applied?

Prisoners and prison cells are searched in cases and by procedure prescribed by the law. Head count of prisoners takes place twice a day, in the mornings and the evenings, and if necessary – during other times. Searches of prisoner belongings, cells shall take place not fewer than once a month. Prisoners are fully searched before and after long visits. Internal instructions detailing search procedures and types – planned, emergency, without undressing, complete search are not publicly available. Searches are performed by special units of prison wardens, but other staff may also be involved in searches if necessary.

b. According to the training course of the prison staff, how should security measures be applied?

NA.

SEARCHING AND CONTROLS

a. How are visitors (such as legal representatives, social workers, volunteers, etc.) controlled by the prison staff? Is special equipment, such as metal detectors, used?

Visitors to prisons are required to present identity documents; inspection and search of such persons and their property may be performed. Visitors are searched before long visits.

DISCIPLINE AND PUNISHMENT

a. Are disciplinary procedures used as a mechanism of last resort?

There are no independent reports to assess whether disciplinary procedures are used as mechanism of last resort however the official data indicate that disciplinary measures are imposed frequently.

b. What are the main types of punishment of prisoners? How are they applied?

The following types of punishment may be imposed for violation of prison regime: - a warning, a prohibition to use personal TV or radio for up to 1 month, a reprimand, prohibition to purchase food and tobacco items in a prison shop for up to one month, prohibition on telephone conversation (for convicted prisoners - regular telephone conversation, for pre-trial detainees - up to one month), ban on regular prison visit, placement in punishment (adults - up to 15 days) or disciplinary cell (juveniles - up to 10 days).

Warning is to be given orally, while other types of punishment are issued in writing. However, the CPT in its report on the visit of 2011 observed that “prisoners subject to the sanction of placement in a disciplinary cell were still not provided with a copy of the decision (which contained information on the reasons for the decision as well as on the avenues and deadline for lodging an appeal)”. In order to ensure that the right of appeal is fully effective in practice, the CPT recommended that prisoners subject to a disciplinary sanction always be given a copy of the decision.

In 2012, disciplinary punishment was imposed in 11.674 cases, of those reprimand was most widespread punishment (3.355 cases), to be followed by placement in punishment or disciplinary cells (2.770 cases), warning (2.056 cases), ban on purchase of food and tobacco items (1.661), ban on telephone conversation (1.088), ban on prison visits (708).

c. Can a prisoner who is found guilty of a disciplinary offence appeal to a competent and independent higher authority?

Yes, a prisoner can appeal the decision to the Director of Prison Administration. The appeal has no suspending effect of the punishment. The decision of the Director of Prison Administration can be appealed to Administrative district court (1st instance court). The decision of the Administrative district court judgment except for the judgment concerning the placement of the prisoner in disciplinary or punishment cell cannot be appealed. The judgment concerning the latter can be appealed to the Supreme Court Administrative Department.

There have been numerous cases filed in administrative courts concerning the disciplinary punishment, however the length of proceedings – about one year – remains a concern as the disciplinary punishment can frequently be an obstacle to the transfer to a different regime (lighter) prison or conditional release from prison. Ineffectiveness of appeal procedures was acknowledged also by Ombudsman's Office in its opinion issued in 2011.

INSTRUMENTS OF RESTRAINT

a. What are the main instruments of restraint used in prison? How are they used?

A prison official has the right to use physical force, special combat methods and special means - handcuffs, strait-jackets, batons, electric shock devices, service dogs, tear-eliciting substances, devices for opening premises occupied by offenders and devices for overturning barriers - in a prison in order to: 1) repel an attack on oneself or other persons; 2) repel an attack on buildings, premises, structures and transport equipment or to clear forcibly occupied objects; 3) free hostages; 4) prevent civil disorders; 5) detain a person who does not submit to or resists the official, may run away or cause harm to himself or herself and other persons (if there is a reason to believe so); or 6) stop an escape attempt of detained or sentenced persons. If the situation and circumstances allow a prison official shall warn about his intent to use above mentioned means of restraint.

WEAPONS

a. Can prison staff hold and use lethal weapons within the prison perimeter?

Adult males in pre-trial detention or those serving their sentence in closed or semi-closed prisons are guarded by officials of prisons armed with a service weapon. Other pre-trial detainees or sentenced persons are guarded in prisons by officials of prisons without weapons.

A prison official has the right to use a firearm as a means of last resort in order to: 1) defend against persons who pose immediate danger to the life or health of him or her or other persons; 2) prevent an attempt to forcibly obtain a firearm; 3) prevent an escape of a pre-trial detainee or sentenced person, to detain an escaped pre-trial detainee or sentenced person; 4) detain a person who shows armed resistance or who refuses to comply with the lawful request of a official to hand over a weapon or explosives; 5) detain a person at the time of committing a serious or especially serious crime, or immediately after committing such crime; or 6) stop an illegal and forcible entry of persons into a prison. If civil disorders or mass resistance to officials involving riots, arson or hostage taking occur at a prison and if it is not possible to stop such activities by other means, firearms may be used on the basis of an oral order of the Minister for Justice, the State Secretary of the Ministry of Justice, the Director of the Administration or his or her deputy.

The law also specifies the case of the use of firearms with or without warning. It prohibits the use of firearm against women, minors and disabled persons with obvious signs of disability, except in cases when such persons participate in an armed attack, show armed resistance or endanger the lives of other persons in a group. The governor of a prison is required to notify the Director of the Administration, the State Secretary of the Minister for Justice and a prosecutor immediately (but not later than within a period of 24 hours) regarding each case of firearm use.

USE OF FORCE

a. Under which conditions can prison staff use force against prisoners?

Prison staff can use force against prisoners to 1) repel an attack on oneself or other persons; 2) repel an attack on buildings, premises, structures and transport equipment or to clear forcibly occupied objects; 3) free hostages; 4) prevent civil disorders; 5) detain a person who does not submit to or

resists the official, may run away or cause harm to himself or herself and other persons (if there is a reason to believe so); or 6) stop an escape attempt of detained or sentenced persons.

b. Can other law enforcement agencies be involved in dealing with prisoners inside prison? If so, under which circumstances?

NA, as possible involvement of other law enforcement agencies in dealing with prisoners inside prison is regulated by internal documents which are not publicly available.

REQUESTS AND COMPLAINTS

a. Do prisoners (and their families) have the opportunity to make requests or complaints to the director of the prison or to any other competent authority?

Prisoner requests or complaints concerning conditions of serving the imprisonment are reviewed by prison governor according to the procedure of the Law on Petitions (Submissions), which provides that an answer is to be provided as soon as possible, but not later than within a period of one month. Prisoner complaints about administrative acts issued by prison administration or factual action are to be reviewed by Director of Prison Service. Decisions of Director of Prison Service may be appealed to Administrative District Court (1st instance court) according the Law on Administrative Procedure, Law on the Order of Holding Prisoners on Remand and Sentence Execution Code.

Prisoners can complain to the UN bodies, the Human Rights and Public Affairs Commission of the Saeima, Ombudsman's Office, Office of the Prosecutor, courts, advocate, and diplomatic or consular mission, which is authorised to represent foreign prisoner's interests. Such correspondence shall not be subject to examination. This correspondence is to be covered from prison funds.

MANAGEMENT AND STAFF

a. Give number of administrative staff, prison officers, and educational staff (per prisoner) that work inside prison facilities.

On 31 December 2012, the number of posts in the Latvian Prison Administration was 2.871,5, of those 317,2 were vacant. The number of posts of prison officers was 2.433 (276 of them - vacant), and the number of posts of other employees was 438,5 (41,2 of them - vacant).

b. Give percentage of staff gender per function (i.e. administrative, officers, educational).

68,1% - men, 31,9 % - women.

c. Are there some special units among prison officers?

Yes, the prison officers are divided in units by organizational tasks.

SENTENCED PRISONERS

a. Are there individual sentence plans for sentenced prisoners (including work, education, other activities, and preparation for release)?

On 11 August 2011 amendments to the Sentence Execution Code of Latvia came into force providing for a new Chapter: “Re-socialisation of the persons sentenced with deprivation of liberty”. It provides that within two months after the sentenced prisoners have been placed in prison to begin to serve his/her sentence the prison governor has to ensure the assessment of prisoner’s risks and needs. The prison governor then determines prisoners re-socialisation needs, risks of his/her antisocial behaviour and relapse in the prison, as well as the most appropriate means of correction of social behaviour or means of social rehabilitation. The assessment and necessary adjustments in the re-socialization plan have to be carried out at least once a year during the entire sentence. The requirements providing for risk and needs assessment are mandatory as of 1 January 2012, whereas the preparation and implementation of re-socialization plans - as of 1 April 2012.

On 9 April, 2013 Cabinet of Ministers Regulations n. 191 on the Procedure of the Implementation of Prisoners Re-socialization were approved, specifying the competence of officials involved in the re-socialization, their tasks, implementation deadlines and documentation of the re-socialization results. Every prisoner’s file will include section on re-socialization.

b. Are sentenced prisoners encouraged to participate in drawing up their individual sentence plans (that should include work, education, other activities, and preparation for release)?

Cabinet of Ministers Regulations n. 191 of 9 April, 2013 on the Procedure of the Implementation of Prisoners Re-socialization envisage the participation of a sentenced prisoner in the designing and implementation of the re-socialization plan.

c. Is there a system of prison leave as an integral part of the overall regime for sentenced prisoners?

No.

d. Can prisoners be involved in programmes of restorative justice and in making reparations for their offences?

The law does not provide for prisoner involvement in restorative justice programmes.

e. How many prisoners are serving sentences of more than 10 years of imprisonment?

About 16,5% of sentenced prisoners are serving sentence of more than 10 years of imprisonment.

LIFE SENTENCE

a. Is the sentence of “life in prison” available the penal code?

Yes, Latvian Criminal Law provides for the life sentence.

b. Are there any alternative measures for prisoners serving life sentence provided in the criminal justice system?

Latvian criminal justice system uses the life sentence as one of alternative sanctions for particularly grave crimes. It is never set as the only available sanction for some kind of crime, and it is up to the court to decide which sanction (for example, the life sentence or imprisonment from 10 to 20 years) to apply.

c. Are there prisoners serving *actual life sentence* (i.e. a life sentence without any possibility of reduction or admission to leaves or any measure alternative to life imprisonment)?

Conditional release prior to completion of punishment may be proposed if the convicted person has actually served twenty-five years of a punishment of deprivation of liberty, if the convicted person is a person for whom life imprisonment has been imposed. This provision applies to all prisoners sentenced for life.

d. How many inmates with life sentence are there (and their percentage of the total prison population)?

On 31 December, 2012 there were 60 inmates (about 1% of total prison population) sentenced to life in Latvian prisons (7 remand prisoners, 53 sentenced prisoners).

e. Are special sentence plans (regarding work, education and other activities) provided for prisoners serving life sentence? Are these sentence plans drawn up individually, taking into account the needs of each inmate serving such a sentence?

In their responses to the CPT reports on the 2007 and 2009 visits, the Latvian authorities indicated that the Latvian prison administration had concluded a co-operation agreement with the Norwegian prison administration, in the context of which a “Re-socialisation programme for the long-term and life-sentenced prisoners in Latvia” was being implemented. The declared purpose of this project is to draw upon the experience acquired by the management of Ila Prison and other prisons in Norway in re-socialising long-term prisoners and persons subject to potentially indefinite preventive detention on account of their presumed dangerousness. As a first step, an individual needs assessment was carried out on the basis of a questionnaire given to all life-sentenced prisoners at Daugavgrīva and Jelgava Prisons regarding their preferences for organised activities (such as work and education).

f. Do prisoners serving life sentence stay in a single cell or share it with other inmates?

Prisoners serving the life sentence in Latvian prisons are accommodated mostly in pairs, or alone (several of them have expressed such a wish). Nevertheless, they are not prevented from having contact with other life-sentenced prisoners of their regime level during outdoor exercise and visits to the association room.

ALTERNATIVE MEASURES

a. How is the notion of “alternative” to detention defined?

There is no official definition of “alternatives to imprisonment” in Latvia.

b. What are the main alternative measures to detention being used (give absolute numbers)?

Community service (40-280 hours), fine.

Suspended sentence (e.g. suspended imprisonment if the offence carries a maximum prison sentence of up to 5 years, provided that the offender does not commit a repeat offence during probation period, and fulfills conditions imposed by the court and during the serving of the sentence). In case of a suspended sentence, the court may impose the following conditions: 1) to allay the harm caused, within a specified term; 2) not to change his or her place of residence without the consent of the State Probation Service; 3) to participate in probation programmes in accordance with State Probation Service instructions; 4) not to visit specified places; 5) to be present at his or her place of residence at the time specified; and 6) to observe other conditions, which the court has recognised as necessary to achieve the purpose of the punishment.

A convicted person who has committed a criminal offence due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction, may be required, with his or her consent, to undergo treatment for alcoholism, narcotic addiction or toxic substance addiction.

Victim-offender conciliation

Victim-offender conciliation may take place at any stage of criminal proceedings, and in certain cases (if the offender has committed a criminal infraction, less serious crime) may lead to the termination of proceedings.

In 2007 victim-offender conciliation took place in 744 cases, in 2008 in 1.140 cases, in 2009 in 745 cases, in 2012 in 440 cases, in 2011 in 696 cases. The number of victim-offender conciliation cases decreased due to the freezing of certain functions of the National Probation Service due to budget cuts during the economic crises.

In 2012, 3.163 offenders were sentenced to imprisonment, 2.963 to suspended imprisonment, 2.572 - to community service, 190 were imposed fines.

Sentences: percentages of different measures. Years 2005-2011

	2005	2006	2007	2008	2009	2010	2011
Imprisonment	23,4%	27,0%	25,0%	25,5%	30,7%	32,2%	33,0%
Suspended sentence	53,6%	45,4%	43,6%	40,3%	37,9%	36,7%	35,8%
Fine	6,4%	7,3%	6,27%	5,7%	3,2%	2,3%	2,2%
Community service	15,4%	19,5%	24,8%	28,2%	27,6%	28,4%	28,5%
Custodial arrest	0,1%	0,1%	0,03%	0,0%	0,0%	0,0%	0,1%
Released from punishment	1,2%	0,7%	0,3%	0,2%	0,6%	0,4%	0,4%

c. Are they imposed before (as alternative to punishment) or during conviction (as alternative to prison)?

Both - as alternative to punishment, but in most cases as alternative to prison.

INSPECTION AND MONITORING

a. Has Latvia signed/ratified/acceded the OPCAT? If yes - when?

Latvia has not signed nor ratified/acceded the OPCAT.

b. Is the National Preventive Mechanism (NPM) set up, designated or maintained? If yes - when?

Since Latvia is not a member state of the OPCAT, there is no National Preventive Mechanism (NPM) set up, designated or maintained.

c. If the NPM exist, which type of the NPM is it (a separate body; a separate department within the National Human Rights Institution (NHRI)/Ombudsman's Office; NHRI or Ombudsman's Office itself; NHRI or Ombudsman's Office together with non-governmental organisations/experts; several separate bodies etc.)?

NA

d. Are the mandate and powers of the NPM clearly set out in a constitutional or legislative text?

NA

e. Is the visiting mandate of the NPM extended to all places of deprivation of liberty?

NA

f. Does the NPM have its own budget? If yes - please, indicate its annual amount. If not - please, specify how the NPM is financed.

NA

g. Does the NPM have its own staff? If yes, how many people are employed there, and what is their professional background? If not, please, specify who fulfils the duties of the NPM?

NA

h. Are there any other inspection and monitoring bodies dedicated to prisons, and if so what are they?

The only independent body which provides regular monitoring visits to prisons is the Ombudsman's Office. In 2012 there were 10 such visits conducted. (Annual Report of the Ombudsman's Office, 2012.) The Ombudsman has the right at any time and without a special permit to visit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions. Among other tasks, the Ombudsman shall accept and examine submissions of private individuals; initiate a verification procedure for the clarification of circumstances; request that institutions within the scope of their competence and within the time limits provided for by the law clarify the necessary circumstances of the matter and inform the Ombudsman thereof. The Ombudsman upon the examination of the verification procedure shall provide the institution with recommendations and opinions regarding the lawfulness and effectiveness of their activities, as well as the compliance with the principle of good administration.

However, the Ombudsman's Office has to fulfill a very wide mandate, and issues related to closed institutions are not among its first priorities, since the capacity and resources of the Office are rather limited, and these issues are not popular in society in general.

The CPT noted in 2011 that “prisoners were, in principle, entitled to submit complaints to the prison director, the Central Prison Administration, the supervisory prosecutor and the Ombudsman. However, as was the case during the previous visits, there was a widespread lack of trust among prisoners in the existing complaints system, especially concerning the confidentiality of the complaints sent to outside bodies. [...] Monitoring visits to prisons were conducted by the Office of the Ombudsman. However, the Ombudsman informed the delegation that he had limited resources for this activity.”

NGOs have, in the past been allowed to conduct prison monitoring, however, a permit to visit prisons had to be requested for each visit.

ILL-TREATMENT

a. Who investigates prisoners’ complaints of ill-treatment by prison staff or by other prisoners (inter-prisoner violence) in Latvia (internal investigative body of the prison; external investigative body; prosecutor’s office, etc.)?

Prisoners’ complaints of ill-treatment by prison staff or by other prisoners (inter-prisoner violence) are investigated by the staff of the respective prison and Prison Administration officials. Prisoners’ complaints of ill-treatment by prison staff are mostly reviewed by Prison Administration investigators, if necessary then in co-operation with the Security department of the Prison Administration. Investigators are subordinated directly to the Director of Prison Administration. Investigator according to the Criminal Procedure Law decides to initiate or to refuse to initiate criminal proceedings. This decision can be appealed to the Prosecutor's Office.

Prisoners’ complaints on ill-treatment by prison staff or by other prisoners are transferred to the Prison Administration investigators also by Ombudsman's Office and Prosecutor's Office. Also criminal proceedings on those matters initiated by the Prosecutor's Office are transferred to the Prison Administration for further investigation.

b. Is it possible for a prisoner to appeal the decision of the investigative body? If yes - to whom?

The decision taken by investigator according to the Criminal Procedure Law can be appealed to supervising Prosecutor's Office (by territorial jurisdiction). The appeal procedure should be explained in the decision of investigator. The decision of supervising Prosecutor's Office may be appealed to Prosecutor of higher rank, and finally to the Prosecutor's office of respective Court district.

c. Are statistics available on the number of prisoner complaints of ill-treatment by the prison staff and by other prisoners (inter-prisoner violence)? If yes, please provide the numbers.

In 2012, there were 6.749 submissions/complaints by prisoners registered in relevant data base. About 672 (9,9%) of them were related to security of prisoners in places of deprivation of liberty. However, these submissions are of different content, related to security of prisoners, and it is not possible to retrieve from the data base an exact number of complaints of ill-treatment by the prison staff and by other prisoners.

d. Are statistics available on disciplinary/criminal proceedings initiated with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide the numbers.

In 2012, 24 criminal proceedings were initiated relating to inter-prisoner violence. 22 of them were initiated with regard to criminal offences against health of a person. 20 of these criminal proceedings were quitted as the criminal offence was not found, 1 was sent for criminal persecution, and 1 was still under investigation. 2 criminal proceedings were initiated with regard to criminal offences against morals, and sexual inviolability; both of them were quitted.

In 2012, 12 criminal proceedings were initiated on basis of prisoners' complaints on ill-treatment by the prison staff. 10 of these criminal proceedings were investigated by the Prison Administration, and 2 - by the respective prison. 11 of them were quitted, and 1 sent for criminal prosecution. According to information received by the Prison Administration, the prison official was prosecuted and sentenced. He was not punished disciplinary, as left the service voluntarily as soon as criminal proceedings were initiated.

e. Are statistics available on the outcome of disciplinary/criminal proceedings with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide how many proceedings have resulted in disciplinary/criminal sanctions. If possible, please specify which kinds of sanctions (fines, suspended sentence, imprisonment, etc.) are most applied.

See the previous question.

EFFECTS OF THE ECONOMIC CRISIS

Budget of the Latvian Prison Services 2009-2013

	Approved in the State Budget	Actual spending
2009		29 638 265 LVL (42.171.452 EUR)
2010	22.360.961 LVL (31.816.781 EUR)	22 054 988 LVL (31.381.420 EUR)
2011	26.196.490 LVL (37.274.247 EUR)	26 204 393 LVL (37.285.492 EUR)
2012	26.208.342 LVL (37.291.111 EUR)	26 152 509 LVL (37.211.668 EUR)
2013	27.748.764 LVL (39.482.934 EUR)	

Due to the austerity measures undertaken by the Latvian government to receive financial bailout, Latvia's prison budget in 2010 was reduced by 26% compared with 2009 and went down from 42 to 31, 3 million EUR.

On 1 July 2009, the monthly salary of all prison officials and staff was reduced by almost 24% (23,9%). From 1 August until 31 December 2009 all prison officials, staff and educators had to switch to a part-time 32 hour working week (Latvia has a 40 hour working week).

In the 2009 visit to Latvia the CPT criticised Latvia for the grossly inadequate staffing level for an establishment (Jekabils Prison) with a capacity of 700 (66 staff posts, of which nine were vacant). Due to recent budget cuts, staff worked only four (instead of five) days per week. As a result, in practice, one or two prison officers were responsible for supervising more than one hundred prisoners during the day. At night, there was no permanent staff presence in the units, a mobile group of prison officers instead performing checks from time to time. This can only render proper staff control extremely

difficult, if not impossible, all the more so vis-à-vis prisoners held in large-capacity dormitories. In reality, prisoners remained largely unsupervised in their respective dormitories throughout the day and night”.

Earlier, in the end of 2008 to reduce maintenance costs one prison was closed and several prisons were merged under one central administration, bringing down the number of prisons from 15 to 12.

An attempt to reduce the ratio of calcium in prisoner diet allegedly to save prison service resources in time of economic crises led to a constitutional claim brought by a prisoner, which resulted in the Constitutional Court declaring the provision unconstitutional in 2010.

Comprehensive Criminal Law amendments were adopted on 13 December 2012 which came into force on 1 April 2013 with the purpose of liberalising Latvia’s penal policy and bringing down the prison population. Several criminal offences were decriminalised, alternatives to imprisonment were expanded for a wider range of crimes, thresholds for minimum and maximum sanctions were lowered for a wide range of crimes. Lower sanctions were fixed for property crimes (e.g. thefts, robberies, fraud) which are not connected with threat a person’s life, health. The qualification of was also changed for a significant number of crimes. At the same time new custodial sanction – short term detention (from 15 days to 3 months) was introduced for criminal offences, community service will be applicable in the case of conditional sentences, imprisonment in cases of minor offences and less serious offences is to be applicable only when the aim of the punishment cannot be reached by lighter sanctions.

ANHELITA KAMENSKA, ILVIJA PŪCE, KRISTĪNE LAGANOVSKA

Anhelita Kamenska is the Director of the Latvian Centre for Human Rights, and has been with the LCHR since 1993. She has focused on human rights in closed institutions, linguistic rights of minorities, and a broad range of human rights, including civil liberties. As the Director of Prison and Police Reform Programme of the Soros Foundation-Latvia she worked on the development of community service and probation service in Latvia. She was a member of the European Committee for the Prevention of Torture (2000 –2004). She is a member of the European Legal Network of Non-Discrimination Experts since 2012.

Ilviņa Pūce worked as a lawyer for the Latvian Centre for Human Rights from 2001-2013. Her main research interests are closed institutions and non-discrimination. From 2005 to 2006 I. Pūce was member of the E.U. Network of Independent Experts on Fundamental Rights, and after closure of the network she became senior expert from Latvia in E.U. Fundamental Rights Agency Legal Experts Network (until 2009). Since December 2007 I. Pūce is the Latvian member of the European Committee for the Prevention of Torture.

Kristīne Laganovska is the lawyer of the Latvian Centre for Human Rights since December 2008. Her responsibilities include consulting clients with human rights complaints, predominantly prisoners, preparing of responses, petitions to state and local government institutions, as well as courts on behalf of clients.

LATVIAN CENTRE FOR HUMAN RIGHTS

The Latvian Centre for Human Rights was established in 1993 with a view to promoting human rights and tolerance in Latvia through monitoring, research, advocacy, legal assistance and training activities. LCHR focuses on issues related to human rights in places of detention (prisons, police, immigration detention facilities), integration (minority rights and tolerance), non-discrimination, hate crimes, asylum/migration, freedoms (of assembly, speech), etc. LCHR provides legal consultations to victims of human rights violations, including the representation of clients in court. LCHR frequently provides expert opinions both locally and internationally. Apart from collecting data, providing analysis and expertise, conducting research and publishing reports, the LCHR has been actively involved in advocacy for change, ranging from raising public awareness to specific policy or legislative changes.

In May 1998, the LCHR received the EU-US Democracy and Civil Society Award. In October 2003 the LCHR became the recipient of the first Max Van der Stoel Prize (the award recognizes outstanding contributions towards the improvement of the situation of national minorities in the OSCE



participating States) for being “an authoritative and objective source on human rights and inter-ethnic issues in Latvia”.

LCHR is the national focal point of the EU Fundamental Rights Agency’s FRANET network and member of the International Network against Cyber Hate.

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