



CPT/Inf (2011) 23

## **Response**

### **of the Latvian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Latvia**

**from 3 to 8 December 2009**

The Latvian Government has requested the publication of this response. The report of the CPT on its December 2009 visit to Latvia is set out in document CPT/Inf (2011) 22.

Strasbourg, 19 July 2011

**Information on the execution of recommendations given by the Committee for the Prevention of Torture of the Council of Europe  
(hereinafter – CPT) after the visit to Latvia in 2009**

<b>Nr. p.k.</b>	<b>CPT recommendation</b>	<b>Response of the Ministry of Justice (hereinafter – MJ)</b>
	<p>7. Overall, the delegation gained the impression that the situation concerning the <u>treatment of prisoners by staff</u> of Jēkabpils Prison had improved as compared with the 2007 visit. This is a welcome development. In this connection, the prison governor told the delegation that he had regularly instructed the staff that they should treat prisoners in a decent manner and that neither physical nor verbal abuse was permissible.</p> <p>Nevertheless, the information gathered during the visit indicates that further progress needs to be made, as the delegation did receive some allegations of physical ill-treatment of prisoners by prison officers. The allegations concerned kicks, blows with truncheons and other rough treatment by the staff of the establishment, mainly in respect of prisoners held in Unit 3.</p> <p>By way of example, a prisoner alleged that he had been beaten by several prison officers with truncheons, mainly on the torso, in the presence of several other prisoners. Two of these prisoners, who the delegation later interviewed separately, gave consistent accounts of the incident indicating further that they had been placed in a punishment cell, apparently for having insisted on calling an ambulance for their bleeding cellmate. They alleged that the same evening they had been handcuffed behind the back in the punishment</p>	<p>7. Information provided by the Latvian Prison Administration (hereinafter – LPA) testifies that in Jekabpils prison professional trainings of officers with special ranks (hereinafter referred to as – officers) of Supervision units and other units, who are in a duty close to prisoners on a daily basis, regularly include also topics on the use of special measures and fight techniques. In trainings of 2010, issues were reviewed again on validity and procedure of the use of special measures, as well as permitted use of any force only in a case of necessity, when it is not possible to restrict a prisoner with any other measures, also stressing that the force measures are to be stopped immediately when the desired goal is reached. The use of the special measures, duration of such use, recording procedure and record keeping of the special measures is defined in the internal normative regulations of the LPA of March 31, 2006 "Procedure of special measure use in prisons".</p> <p>Besides, to improve communication culture of personnel, training of officers included also reminders of general behaviour standards and basic principles of communication culture, that were defined in the LPA code of ethics of December 2nd, 2008.</p> <p>Complaints of convicts about a possible violence from personnel are carefully examined in line with the requirements of procedure „Professional inspection in Imprisonment place administration central apparatus and in prisons” of February 9, 2010. Prisoners with complaints about possible violence from the personnel can turn to LPA and in prosecutor’s institutions.</p>

<p>cell, forced to lie face down on the floor and beaten with a truncheon by one of the prison officers involved in the beating of the above-mentioned prisoner.</p> <p>In another case, a prisoner alleged that he had been pushed to the ground and had received multiple kicks and truncheon blows to the back when he objected to a body search by an officer and swore at him.</p> <p><b>The CPT recommends that the Latvian authorities pursue their efforts to prevent any form of ill-treatment by prison officers at Jēkabpils Prison. In particular, prison officers should be formally reminded that no more force than is strictly necessary is to be used to control a violent and/or recalcitrant prisoner and that, once the prisoner has been brought under control, there can be no justification for striking him.</b></p>	
<p>8. One of the most effective means of preventing ill-treatment by prison officers lies in the diligent examination of complaints of ill-treatment and, when appropriate, the imposition of suitable penalties. In this regard, it is regrettable that the role of the prison investigation divisions has not changed, despite the specific recommendation repeatedly made by the Committee after previous visits; investigations into possible ill-treatment by prison staff are still conducted by officers (of the investigation division) of the same establishment.</p> <p>This is not acceptable; investigations into allegations of ill-treatment by prison staff should be carried out by a body which is independent of the establishment concerned, and preferably of the prison system as a whole. <b>The CPT calls upon the Latvian authorities to take immediate steps to</b></p>	<p><b>8.</b> In Chapter 28 of Criminal proceedings law (hereinafter – CPL) stipulates that an investigator is an official of the investigative body, who is authorised with an order of the head of investigative body to execute investigation in criminal proceedings.</p> <p>Chapter 386 of the CPL stipulates that the LPA is a pre-trial investigation institution. In fifth point of Chapter 387 of the CPL is stated that LPA authorized officers investigate crimes performed in imprisonment institutions by prisoners or employees of LPA.</p> <p>In the Central body of the LPA the Investigation division exists with three posts, whereas 17 inspectors execute investigation in prisons. Thereby prisons inspectors execute pre-trial investigations in criminal proceedings on severe criminal offences performed by prisoners, freelance employees in a territory of imprisonment institution, as well as LPA officials. Investigator of prison takes criminal proceedings on criminal offences that are not performed in a territory of the imprisonment institution (i.e. illegal substance</p>

	<p><b>ensure that this requirement is met (if necessary, by amending the relevant legal provisions).</b></p>	<p>or object throw over the fencing, illegal objects found in parcels or dispatches, etc.), performing pre-trial investigation of criminal proceedings and then the criminal proceeding is sent to the police by jurisdiction. In line with sub-chapter 23.19 of LPA Regulations authority of imprisonment institution superiors provides to authorise imprisonment institution officials to investigate criminal offences performed by convicts in accordance with CPL.</p>
	<p>9. The CPT remains very concerned about the frequency and seriousness of allegations of <u>inter-prisoner violence</u> made by prisoners at Jēkabpils Prison. As was the case during the 2007 visit, the delegation heard numerous accounts of severe beatings, sexual assaults, threats and extortion by fellow inmates; in one recent case, which was under investigation at the time of the visit, there was certified medical evidence of rape. Further, the informal hierarchy within the prisoner population still existed, maintaining a climate of intimidation and violence. The dormitories were managed by certain powerful prisoners and their close circle; this placed other prisoners – and especially the so-called “untouchables” – at risk of abuse.</p> <p>In short, two years after the CPT’s first visit to this establishment, the delegation once again came to the conclusion that the management of Jēkabpils Prison had failed to provide for the most basic requirement of prisoners: a safe environment.</p>	<p><b>9.</b> Information provided by the LPA states that officials of Jekabpils prison are combating inter - prisoners violence both taking into consideration observance of the internal code of conduct, and providing order in premises, to prevent risk factors of such violence. To prevent the possible inter - prisoners violence officials of the Security division of the prison in their everyday tasks identify persons who are in a risks group to be violated by other prisoners, evaluate the risk level and accordingly provide proposals to prison superior on immediate transfer of such person to another cell or in special cases requests assistance from LPA to transfer the convict to another prison due to security reasons.</p>
	<p>10. In the report on the 2007 visit, the Committee emphasised, in particular, the importance of ensuring adequate supervision of prisoners in dormitories by prison officers (including at night-time) and recommended that the number of prison</p>	<p><b>10.</b> Information of LPA states than as a result of optimisation carried out in Jekabpils prison in January 2010, a number of officials and employees in the Monitoring division of the prison was increased by 10 officials. To provide complete compliance with CPT requirements it would be</p>

<p>officers be significantly increased. Regrettably, the 2009 visit brought to light that this recommendation had not been implemented. At the time of the visit, the prison's official staff complement had a mere 66 prison officer posts (of which nine were vacant); this is a grossly inadequate staffing level for an establishment with a capacity of 700. Further, due to recent budget cuts, staff worked only four (instead of five) days per week.</p> <p>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.</p>	<p>necessary to increase number of officials in the Monitoring division of the prison, however implementation of such measures will depend on possibilities to attract state budget funds.</p>
<p>12. The prison governor himself indicated that the management had not been successful in combating the widespread phenomenon of inter-prisoner violence, given the present structure of the establishment with its large dormitories and the insufficient staffing levels, which prevented staff from exercising adequate supervision over prisoners.</p> <p>The CPT fully concurs with this assessment of the situation. Indeed, it will not be possible to effectively tackle the problem of inter-prisoner violence at Jēkabpils Prison, as long as prisoners are accommodated in large-capacity dormitories. Further, a fundamental prerequisite for an</p>	<p><b>12.</b> Dormitory type living accommodation change to smaller rooms in Jekabpils prison will be possible only when the Prison infrastructure development concept project developed by the Ministry of Justice will be accepted in the Cabinet of Ministers and implemented completely (concept project was reviewed in the committee of the Cabinet of Ministers (hereinafter – CM) on December 14, 2009, prot. No 41, Article 1). Prison infrastructure development concept project provides replacement of old prisons with a new system of prisons, stating basic principles both for placement and development of such prisons.</p> <p>As the Ministry of Justice has already pointed out in the previous letters regarding CM resolutions on further reduction of state administration personnel and state budgeted funds, problems of personnel and infrastructure</p>

<p>effective strategy to tackle inter-prisoner violence is a level of staffing sufficient to enable prison officers to adequately supervise prisoners.</p> <p><b>The CPT recommends the Latvian authorities to draw up a plan to progressively replace large dormitories with smaller living units at Jēkabpils Prison. The Committee would like to receive a timetable for the implementation of the plan. Further, immediate steps should be taken to significantly increase the staff presence in the detention areas, including at night.</b></p>	<p>improvement of prisons are not possible to be solved completely in the next couple of years.</p>
<p>13. As regards the <u>material conditions</u> in the dormitory-type detention blocks, the CPT regrets that its recommendations made after the 2007 visit remained largely unimplemented. As in 2007, these blocks offered cramped conditions of detention (e.g. 60-70 prisoners for a surface area of some 200 m<sup>2</sup>), were in a bad state of repair and rudimentarily equipped (single and bunk beds packed closely together, no tables or chairs and only shared bedside cupboards).</p> <p>The cells in Unit 3 also displayed some shortcomings. In particular, access to natural light was very poor, due to the fact that the already small cell windows were covered with multi-layer metal grilles. In addition, the living space per prisoner in some of the cells was insufficient (e.g. 17 m<sup>2</sup> for six prisoners).</p> <p>The conditions of detention found in the admissions cell (where newly-arrived prisoners were usually held for the first four days) are yet another source for concern. The cell had very limited access to natural light (although there were two big windows, a large part of each of them was fitted with frosted glass and the remaining transparent part was covered</p>	<p><b>13.</b> During 2006-2007 repair works were performed in the 3<sup>rd</sup> unit and receiving cells of Jekabpils prison, when an air conditioning system was established, drainage system was improved, new doors provided, floors and walls were painted. All cells of the 3<sup>rd</sup> unit are provided with sanitary facilities. Sanitary facilities are separated with partition walls to provide privacy to prisoners from other prisoners and prison employees. During all years small repair works were performed to maintain all these facilities in the 3<sup>rd</sup> unit and receiving division, as well as in all other prisoners' rooms.</p> <p>Lamps were mounted on ceiling of 3<sup>rd</sup> unit and receiving cells, day-light lamps for a day time and lamps for nights that are mounted with two glass blocks. Continuous function of these is provided. In 2010 it is planed to improve natural light access in the 3<sup>rd</sup> unit and receiving cells by replacing windows with bigger ones, what will be carried out with the provided financial funds.</p> <p>To provide order, cleanness and overall hygiene requirements in cells, prisoners are provided with liquid soap, household cleaning paste and gel for sanitary facilities cleaning and disinfection. Cleaning agents are provided to all prisoners.</p> <p>Although considering CM resolutions on further reduction of state administration personnel and state budged funds, problems of personnel and</p>

<p>with a multi-layer metal grille), and ventilation was insufficient.</p> <p>The sanitary facilities in the dormitories were, in most cases, dilapidated and dirty. Further, there was no hot running water, and prisoners had access to the communal bathroom only once a week (during which time they also had to wash their clothes). The state of cleanliness of most in-cell sanitary facilities in Unit 3 and of the admissions cell's toilet also left much to be desired.</p> <p><b>The CPT calls upon the Latvian authorities to take the necessary measures to improve material conditions of detention at Jēkabpils Prison, in the light of the above remarks. Immediate steps should be taken to improve access to natural light in the cells in Unit 3 and in the admissions cell, to renovate sanitary facilities and to provide prisoners with the necessary cleaning products to keep their accommodation in a clean condition.</b></p> <p>The CPT has already recommended that the large dormitories be replaced; <b>as regards living space in the smaller living units (present and future), there should be a minimum of 4 m<sup>2</sup> per prisoner.</b></p>	<p>infrastructure improvement of prisons are not possible to be solved completely in the next couple of years.</p>
<p>14. Further, as was the case in 2007, the delegation heard numerous complaints from prisoners about the insufficiency and quality of the <u>food</u> provided. In this connection, the delegation was informed that the daily food allowance had recently been reduced to 0.78 LVL (approx. 1.1 EUR) per prisoner. <b>The CPT recommends that the Latvian authorities review the provision of food to prisoners, to ensure that it is adequate in terms of both quantity and quality.</b></p>	<p><b>14.</b> Catering of prisoners in imprisonment institutions is carried out in line with CM regulations No 1022 of December 19, 2006 "Regulations on material provision norms on nourishment and household necessities for prisoners" (hereinafter regulations No 1022). Catering is organised by the Provision unit of prison. Medical employee of a prison together with an assistant on duty check the quality of prepared meals, its compliance to the menu, actual result and portion size, as well as sanitary situation in a canteen. Results of the control are written down in "Registration journal of prepared meal quality inspection". On May 10, 2010, the LPA carried out an</p>

inspection of prepared meals in Jekabpils prison and ascertained that the quality is good and it complies with a menu accepted by the prison director.

In addition we would like to inform that in line with the Verdict of March 9, 2010 of the Constitutional court of the Republic of Latvia in the case No 2009-69-03 “On compliance of Annex 1 of the CM regulations No 1022 of December 19, 2009 “Regulations on material provision norms on nourishment and household necessities for prisoners” to Article 111 of the Constitution of the Republic of Latvia” (hereinafter – Verdict in case No 2009-69-03), Annex 1 of Regulations No 1022 was recognized to be discrepant to Article 111 of the Constitution of the Republic of Latvia and invalid from June 1<sup>st</sup> 2010.

On June 30, 2009 the CM made amendments of regulations No 1022 and Annex 1 was stated in a new wording by defining three daily nourishment quotas in place of five. These amendments scaled down basic nourishment quota in comparison with previous both for prisoners involved in work and prisoners who are not involved in work. Quota of bread, groats, pasta, fish, melted animal fat, vegetable oil, eggs, potatoes and powdered milk was reduced.

**In the Verdict in case No 2009-69-03 of the Constitutional court was established that in general the daily nourishment basic norm is sufficient and does not cause immediate danger to health. However it does not provide separate minerals and vitamins in line with stated in “Suggested nourishment portions”. As the Constitutional court has established already earlier, such unbalanced nourishment can cause health problems in a longer period of time (*see chapter 10 of Constitutional court resolution of April 23, 2004 in case No 2003-15-0106*). Therefore, to provide sufficiency of daily nourishment basic norm for prisoners to provide good health also in a longer period of time and therefore compliance with Article 111 of the Constitution, the state is responsible to prevent its discrepancy to “Suggested nourishment portions”.**



		<p>To provide execution of the Verdict of the Constitutional court in case No 2009-69-03 from June 1, 2010, the MJ developed instruction project of the Cabinet of Ministers “On allocation of funds from the state budgeted program “Funds for extraordinary circumstances”” and CM regulation project “Amendments to CM regulations No 1022 of December 19, 2006 “Regulations on material provision norms on nourishment and household necessities for prisoners”, that specified nourishment norms defined for prisoners. The Cabinet of Ministers reviewed and approved both documents on May 25, 2010.</p>
	<p>15. The CPT is pleased to note that prisoners’ minimum daily <u>outdoor exercise</u> entitlement has been increased from one hour to 1.5 hours. That said, in Unit 3, outdoor exercise was still being provided in concrete cubicles measuring some 20 m<sup>2</sup> each, covered with a metal grille. <b>The CPT reiterates the recommendation made in the report on its 2007 visit that the outdoor exercise areas in Unit 3 be enlarged in order to allow prisoners to physically exert themselves.</b></p>	<p><b>15.</b> As the MJ has informed previously, with the Verdict of the Constitutional court of September 29, 2009 in case No 2008-48-01 “On compliance of the second part of the Article 74 of the Penal code of Latvia to Article 111 of the Constitution of the Republic of Latvia” was stated that convicts that are put into penalty isolators shall be provided with walks from May 1, 2010. With the order No 764 of the CM of November 9, 2009 “On allocation of funds from the state basic budgeted sub-program “Funds for extraordinary circumstances”” the LPA was provided with funds for prison operation and execution of the mentioned resolution. Executing the Verdict of the Constitutional court in case No 2008-48-01, reconstruction works in Jekabpils prison were completed and two new walking grounds were built and a total space of walking ground was enlarged by 52m<sup>2</sup>. Thereby walks will be provided to prisoners put into penalty isolators in Jekabpils prison.</p>
	<p>16. The delegation found that, apart from the above-mentioned increase in the outdoor exercise entitlement, there has been virtually no improvement in the <u>regime</u> offered to prisoners at Jēkabpils Prison since the 2007 visit.</p> <p>As in 2007, about 30% of the prisoners attended general education classes in the prison school (some 40 prisoners) or were engaged in vocational training programmes (160 prisoners). In addition, some 60 prisoners had a paid job</p>	<p><b>16.</b> Prisoners of Jekabpils prison are provided with targeted activities outside living arrangements, and those are:</p> <ul style="list-style-type: none"> <li>• In school year of 2009./2010. the following educational programs are realised in the prison: <ol style="list-style-type: none"> <li>1. two general education programs (48 prisoners participated): <ul style="list-style-type: none"> <li>– primary education pedagogical correction program for evening (shift) schools;</li> <li>– primary pedagogical correction minority education program for</li> </ul> </li> </ol> </li> </ul>

<p>in the prison's general services (cleaning, maintenance, canteen, etc.).</p> <p>Consequently, for the majority of prisoners, daily outdoor exercise was the only regular out-of-cell activity. For the rest of the time, these prisoners remained locked up in their dormitories or cells, their sole occupation being reading, playing board games or watching television. This is not acceptable.</p> <p><b>The CPT reiterates its recommendation that purposeful out-of-cell/-dormitory activities (work, education and vocational training) be provided to all prisoners at Jēkabpils Prison.</b></p>	<p>evening (shift) schools.</p> <p>2. six professional education programs (174 prisoners participated):</p> <ul style="list-style-type: none"> <li>– „Power engineering” with obtainable qualification of “Electrician”;</li> <li>– „Heating and gas technology” with obtainable qualification of „Industry/boiler stoker”;</li> <li>– „Metalworking” with obtainable qualification of „Lathe operator”;</li> <li>– „Wood made articles” with obtainable qualification of „Carpenter assistant”;</li> <li>– „Construction work” with obtainable qualification of „Face-work specialist”;</li> <li>– „Catering service” with obtainable qualification of „Cook assistant”.</li> </ul> <ul style="list-style-type: none"> <li>• Implementing project financed by Norwegian government bilateral financial instrument “Re-socialisation of prisoners in Zemgale prisons”, 35 prisoners had a possibility to participate in the state language (Latvian) course; <ul style="list-style-type: none"> <li>• Re-socialisation programmes (167 prisoners were involved in 2009);</li> <li>• Activities in chapel of the prison (around 60 prisoners participate on a regular basis);</li> <li>• Sports activities are available practically to all prisoners in 2 sports halls and 8 sports grounds;</li> <li>• Participation in artistic and applied arts product division, where around 16 prisoners participate on a regular basis;</li> <li>• Work in an upkeep team (around 55 prisoners are involved);</li> <li>• prisoners of open prison division – work in businesses outside the prison territory (25–30 prisoners involved);</li> <li>• work in SIA „Wholesale”, that produces tomato cultivation auxiliary equipment (6 prisoners are employed)</li> </ul> </li> </ul> <p>In addition prisoners are provided with psychological care and social worker's services in prison. Prisoners can attend individual consultations of</p>
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		<p>the mentioned specialists. Therefore, since 2007 possibilities are improved for prisoners to participate in targeted activities outside living arrangements or cells.</p> <p>Within its capabilities the prison provides prisoners also other activities, for example, concerts, sports events, joint work, as well as searches cooperation possibilities with companies to provide employment places for prisoners.</p>
	<p>17. The delegation observed some improvements since the 2007 visit regarding the provision of health care at Jēkabpils Prison. A general practitioner and a psychiatrist had recently been recruited, both on a part-time (25%) basis, and the establishment now employed a psychologist on a full-time basis. Further, the presence of nursing staff was guaranteed at weekends, during the day.</p> <p>That said, it is clear from the information gathered during the visit that the overall situation is still far from satisfactory. Indeed, the delegation received numerous complaints from prisoners about delays in gaining access to a doctor and the quality of treatment provided, as well as about the limitations imposed by the newly introduced system, whereby prisoners were required to pay for common types of health-care service (i.e. for any treatment other than emergency treatment).</p> <p>The above complaints are scarcely surprising. Indeed, the presence on a mere 25% basis of one general practitioner is woefully inadequate for an establishment holding more than 600 prisoners, and the time of presence of a psychiatrist is also insufficient. Further, it is regrettable that, despite the specific recommendation made by the Committee after the 2007 visit, there was still no nursing cover at night-time.</p> <p>In the light of the above remarks, <b>the CPT calls upon</b></p>	<p><b>17.</b> Currently 7 posts from 9 in Medical care unit in prison are occupied. Two staff positions are not assembled – division supervisor and physician. Information on vacancies is regularly submitted to the personnel of the Jekabpils region central hospital. Information on vacant places for medical specialists is available on a web-page of LPA. Employees (physicians) for work in the Medical care unit of the prison are searched on a regular basis, including with advertisements in local news-papers and information in the State Employment Agency. Unfortunately physicians of Jekabpils city do not choose prison as a principal work, as they do not want to work in prison.</p> <p>Medical care unit works every day, including Sundays and holidays from 8.30 to 17.00. After working hour's prisoners are provided with the medical assistance by the ambulance of the city.</p> <p>Since the beginning of 2010 there have been only 8 cases when the prison administration had to organise medical assistance to prisoners after the working hours of the Medical care unit. In 2 cases a medical examination was necessary and also medical treatment in a hospital (for example, urgent appendicitis), that would be necessary also in a case if a nurse would be on duty in the prison day and night.</p>

<p><b>the Latvian authorities to review the health-care staffing levels at Jēkabpils Prison as a matter of priority, in order to ensure that:</b></p> <ul style="list-style-type: none"> <li>- <b>there is the equivalent of two full-time general practitioners in the establishment;</b></li> <li>- <b>the time of presence of a psychiatrist in the establishment is increased;</b></li> <li>- <b>the nursing cover is increased so as to enable a nurse to be present on a 24-hour basis.</b></li> </ul>	
<p>18. The CPT is aware that in periods of economic difficulties – such as those encountered today in many countries visited by the Committee – sacrifices have to be made, including in penitentiary establishments. However, regardless of the difficulties faced at any given time, the act of depriving a person of his liberty always entails a duty of care, including health-care services other than emergency treatment. In this connection, <b>the CPT wishes to receive detailed information regarding the above-mentioned system of health care provision recently introduced in Latvian prisons.</b></p>	<p><b>18.</b> Medical care for prisoners in prisons is organised in line with CM regulations No 199 of March 20, 2007 “Regulations on health care of persons in custody and prisoners in investigative prisons and penitentiaries”. As of the economic crisis in the country, reduced financing to prisons, including also finances for health care of prisoners, the LPA in 2009 was forced to make changes in a health care model for prisoners. Currently the healthcare provision system in prisons is as follows.</p> <p>Each prison has its own Medical care unit. All Medical care units of prisons and Prison hospital of Latvia in Olaine prison (hereinafter PHL) are registered in the medical institution state register of the Republic of Latvia and are certified in line with mandatory requirements for health care institutions of the Republic of Latvia. In Medical care unit prisoners receive out-patient health care. Prisoners receive hospital health care in accordance with the profile in PHL Tuberculosis or Psychiatric divisions or in hospitals that are outside prison system.</p> <p>After reception in a prison, all prisoners have medical examinations. In investigation prisons preventive chest X-ray checks are carried out for early discovery of tuberculosis and other illnesses, as well as checks for HIV/AIDS.</p> <p>Once a year all prisoners have preventative health care checks, i.e. physician checks, filling of special forms for early discovery of tuberculosis,</p>

		<p>preventative X-ray checks, etc. Results of preventative checks are registered in the medical file of the patient.</p> <p>Every working day prisoners can receive a physician consultation and assigned medical treatment. In 2009 there were 126 907 physician checks carried out in prisons, including cases of illnesses – 95 240. Every prisoner had an average of 18 physician checks a year.</p> <p>Prisoners can receive treatment assigned by the prison physician every day. In case the prisoner is willing to receive a consultation of an additional physician, medical check outside a prison in a medical institution or additional treatment course, then it can be organized by funds of the prisoner. In 2009 prisoners used this possibility 190 times, including 179 out-patient consultations of specialists outside prison and in 11 cases a medical treatment was provided in public hospitals.</p> <p>Prisoners receive the prescribed medicine for free. In addition, in 2009 in 4290 cases prisoners were willing to purchase medicine for their own funds.</p> <p>In acute cases outside the working hours of prison Medical care unit, the medical care is organized in public medical institutions. In 2009 in the PHL 809 prisoners were treated, while in public sector hospitals - 147 prisoners.</p>
	<p>19. The delegation found that <u>material conditions</u> in the establishment's disciplinary cells were very poor. In this regard, particular mention should be made of five of the cells. Apart from being small (some 4.5 m<sup>2</sup>) and dark (with hardly any access to natural light and dim artificial lighting), the cells in question were dilapidated, filthy, damp and badly ventilated. Further, a tap placed directly above the floor-level toilet was the only source of drinking water.</p> <p>At the end-of-visit talks with the Latvian authorities, the delegation emphasised that such cells were, by virtue of their size alone, unsuitable for use as prisoner accommodation (even for disciplinary purposes), and made an immediate</p>	<p><b>19.</b> In disciplinary cells of Jekabpils prison sinks are installed, bathroom and toilet is separated from the rest of the room by a partition wall. Prisoners in disciplinary cells every morning at a scheduled time receive household equipment and cleaning means for rooms. Prisoners (person on duty) are responsible for order and cleanliness maintenance in cells, and administration of prison focuses more intense attention to execution of this duty.</p> <p>Moreover, in five closed disciplinary cells repair works are carried out. During repairs, these double cells will be rebuilt to single cells. In these cells floors are being insulated, heating system is renewed and improved, drainage network modification is carried out, sinks are installed, wall plastering is renewed, windows are replaced with considerably larger ones (0.8 x 0.5 m). Besides, on the ceiling lamps are mounted - day light lamps for the day, but</p>

<p>observation requesting that these cells be withdrawn from service (see paragraph 6). The authorities indicated in their letter of 24 February 2010 that an order had been issued by the Latvian Prison Administration by virtue of which the above-mentioned cells had been taken out of service. The CPT welcomes this decision.</p> <p>20. The other disciplinary cells were larger. However, they had dim artificial lighting, only limited access to natural light and ventilation, and were humid. Further, in-cell toilets were filthy and foul-smelling. <b>The CPT recommends that appropriate steps be taken to remedy these deficiencies.</b></p>	<p>light in night will be provided with lamps, enclosed by two glass blocks. Thus, as a result of repair works, lighting and ventilation in these cells will be significantly improved. Repairs are planned to be completed within the coming month.</p> <p>In the other three disciplinary cells with the allocated funds it is planned to replace windows, increasing them (0,8 x 0,5 m) and to improve the artificial light, to the extent possible.</p>
<p>21. It has been one of the CPT's long-standing recommendations to the Latvian authorities that <u>outdoor exercise</u> be offered to all prisoners placed in disciplinary isolation.</p> <p>In this respect, the delegation was informed of a recent judgment of the Constitutional Court of Latvia, which ruled that the legal prohibition of outdoor exercise for prisoners undergoing disciplinary confinement was unconstitutional and shall be void as of 1 May 2010. <b>The CPT would like to receive confirmation that in the entire prison system, adult prisoners placed in a disciplinary cell are now offered at least one hour of outdoor exercise per day.</b></p>	<p><b>21.</b> According to the information provided by the LPA, with the Verdict of the Constitutional court of September 29, 2009 in case No 2008-48-01 "On compliance of the second part of the Article 74 of the Penal code of Latvia to Article 111 of the Constitution of the Republic of Latvia", convicts that are put into disciplinary cells will be provided with one hour long walk.</p>
<p>22. In the course of the visit, the delegation observed that certain <u>restrictions</u> were still being applied to prisoners placed in disciplinary cells, despite the specific recommendations previously made by the Committee. Firstly, such prisoners had no access to reading matter except for religious literature and legal texts. Secondly, placement in a disciplinary cell still entails a total prohibition of contact with the outside world</p>	<p><b>22.</b> Information provided by the LPA indicates that in line with Section 89 of the CM Regulations No. 423 of May 30, 2006 "Internal order in imprisonment institution" (hereinafter – Regulations No 423) prisoners in Jekabpils prison disciplinary cells are provided with access to general reading materials, namely, the prisoner in the isolator is given an opportunity to take the reading material with him. If necessary, the prison officer provides the literature exchange in the prison library.</p>

<p>(except with a lawyer), a practice which is contrary to the European Prison Rules</p> <p>In the light of the above, <b>the Committee reiterates its recommendations that steps be taken to ensure that:</b></p> <ul style="list-style-type: none"> <li>- <b>prisoners placed in a disciplinary cell are allowed access to general reading matter;</b></li> <li>- <b>disciplinary punishment does not lead to a total prohibition of family contact and that any restrictions on family contact are imposed only where the disciplinary offence relates to such contact.</b></li> </ul>	<p>Restrictions of the first part of Chapter 74 of the Latvian Penal Code (hereinafter - LPC) stipulate restrictions on contacts with the family, i.e. it is forbidden to meet, receive messages, parcels and dispatches, as well as to send letters to individuals. However, this regulation does not stipulate complete exclusion of contacts with family, as the prisoner in penalty isolator is allowed to receive and send telegrams, use a telephone, as well as to receive letters.</p>
<p>23. It is regrettable that the specific recommendation made by the Committee in the report on the 2007 visit as regards <u>disciplinary procedures</u> has not been implemented. Thus, prisoners facing disciplinary charges still have no right to be heard in person by the governor (or his deputy) before the latter takes a decision on the matter, and are not given a copy of that decision.</p> <p><b>The CPT reiterates its recommendation that the above-mentioned shortcomings be remedied (if necessary, by amending the relevant legal provisions).</b></p>	<p><b>23.</b> Procedure of disciplinary punishment of prisoners is stated in LPC and regulations No 423. The first paragraph of Article 71 of the LPC specifies that when imposing a penalty, it is considered under what conditions which offense was committed, prisoner's behaviour prior to the committed offense, number and nature of penalty imposed in the past, as well as his explanations on the nature of offence. Imposed penalty shall comply with severity and nature of the offence committed by the prisoner.</p> <p>Accordingly the LPC does not stipulate right of the prisoner to meet with the prison supervisor or its deputy prior the disciplinary penalty is imposed, although a necessity to receive prisoner's explanation is defined. If the circumstances of the offense are cleared, and there is no doubt on them, then prisoner's meeting with the prison director might not be necessary. Conversely, if the information available to the decision-maker is not sufficient, a meeting may be held after an initiative of the prison director or prisoner.</p> <p>The fifth paragraph of Article 71 of the LPC stipulates that the prisoner may contravene the imposed disciplinary penalty.</p>
<p>24. Before a prisoner is placed in a disciplinary cell, a doctor is still required, in accordance with the relevant regulations, to</p>	<p><b>24.</b> In Annex 15 of the CM Regulations No 423 a blank is provided for a resolution of a prison director on disciplinary penalty imposition. Form has a</p>

certify that the prisoner concerned is able to sustain the measure. The CPT regrets that its previous recommendation that the Latvian authorities review the role of prison doctors in the disciplinary context has not been adequately addressed.

Medical practitioners working in prisons act as the personal doctors of prisoners, and ensuring that there is a positive doctor-patient relationship between them is a major factor in safeguarding the health and well-being of prisoners. Obliging prison doctors to certify that prisoners are fit to undergo punishment is scarcely likely to promote that relationship. This point was recognised in the Revised European Prison Rules; indeed, the rule in the previous version of the Rules, stipulating that prison doctors must certify that a prisoner is fit to sustain the punishment of disciplinary confinement, has now been removed.

On the other hand, a prison's health-care service should be very attentive to the situation of prisoners placed in disciplinary cells (or any other prisoner held under conditions of solitary confinement). In this regard, every disciplinary placement should be immediately brought to the attention of the health-care service. Further, a medical practitioner or a qualified nurse reporting to such a practitioner should visit, daily, prisoners held under conditions of solitary confinement and provide them with prompt medical assistance and treatment at the request of such prisoners or the prison staff.

**The CPT must therefore reiterate its recommendation that the role of prison doctors in relation to disciplinary matters be reviewed, in the light of the above remarks. In so doing, regard should be had to the Revised European Prison Rules (in particular, Rule 43.2)**

separate section, which shall be completed when a prisoner is put into penalty isolator and there a place is provided for statement of a medical care employee that shall be completed prior to the prisoner is put into isolator. Medical personnel visits prisoners in the disciplinary cells every day by performing orders of physicians, as well as hearing out complaints of these prisoners and providing necessary medical assistance. If the prisoner requires systematic medical assistance then medical care personnel organizes it. All these activities are recorded in journals and in the ambulatory patient's medical records of prisoners.



	<b>and the comments made by the Committee in its 15<sup>th</sup> General Report (see paragraph 53 of CPT/Inf (2005) 17).</b>	
	<p>25. According to the law, prisoners at the lowest regime level serving their sentence in a closed-type prison – including life-sentenced prisoners – are entitled to four short-term (of up to 2 hours) and three long-term (of up to 12 hours) visits per year.</p> <p>Given the crucial importance of prisoners' contacts with the outside world in the context of their social rehabilitation, <b>the CPT recommends that the Latvian authorities increase the visit entitlement of the above-mentioned category of prisoners; such prisoners should be entitled to at least one visit (either short- or long-term) per month and, preferably, to one visit per week.</b></p>	<p><b>25.</b> Recognizing the indicated by the CPT, we would like to inform that in order to increase visits frequency stated in regulation of the prisoners who serve sentences in the lowest level of the closed prison, including those sentenced for life, it will be necessary to increase the frequency of visits also in all other penalty regimes in Latvia. Such situation is because the increase of volume of rights of the prisoner (including visits frequency) in the progressive punishment execution system is stated from the most severe prison regime to lightest. Consequently, increasing the frequency of visits in the lowest level of the closed prison, it will also be necessary to be increased in the medium and high levels of prison as it is not acceptable that prisoners in middle regime would have fewer rights than ones in the lowest level. However, such an increase of visits requires appropriate infrastructure (additional rooms, where to meet, additional officers to convey prisoners to these rooms, etc.), that will not be possible to provide in the next couple of years because of the CM resolutions on public administration institution expenditure optimisation.</p> <p>In addition, we would like to draw attention to the fact that in the draft law developed by the MJ "Amendments to the Latvian Penal Code", which was announced on February 11, 2010, in the meeting of State Secretaries, a transition is planned to two degrees of regime in semi-closed prisons. Such a shift will slightly increase the frequency of meetings in partially closed prisons that will be possible due to the optimization of infrastructure.</p>
	<p>26. The delegation noted during the visit that officers of the prison's security division were still involved – through interrogations and collection of related evidence such as confessions – in the investigation of criminal offences committed by prisoners prior to imprisonment, despite the Committee's long-standing recommendation on this subject.</p>	<p><b>26.</b> According to the information provided by the LPA, prison officials of the Security unit with operative activity rights stipulated by the Operational activity law carry out inspections and investigate criminal offenses committed by prisoners in prison. Investigation and other proceedings on previous crimes committed at liberty are investigated by the respective State Police investigation units.</p>

<p>As the CPT has stressed in the past, this situation is clearly detrimental to the protection of prisoners against ill-treatment (including inter-prisoner violence) and lends itself to abuse.</p> <p><b>The CPT calls upon the Latvian authorities to take measures in the entire prison system to ensure that officers of security divisions no longer investigate criminal offences committed by prisoners outside the prison and no longer take statements from prisoners in relation to such offences.</b></p>	
<p>28. The delegation received no allegations from life-sentenced prisoners of physical ill-treatment by staff in either of the establishments. However, the delegation learned about the case of Sergey DANILJIN, a prisoner who had died in his cell at Daugavgrīvas Prison in September 2008. According to the case materials, this prisoner objected to a search of his cell and offered physical resistance to prison officers, who had to resort to “special means” (i.e. truncheons). Shortly after the incident the prisoner died in the cell from suffocation by vomiting, which, according to the autopsy reports, had not been caused by truncheon blows. Nevertheless, criminal charges were brought against two prison officers involved in the incident. They were eventually found guilty of exceeding their authority, in that they had used excessive force by beating the prisoner on the head and abdomen, and were sanctioned with a fine.</p> <p>In order to prevent any such cases from recurring in the future, <b>the CPT recommends that all prison officers at Daugavgrīvas Prison be formally reminded that no more force than is strictly necessary is to be used to control a violent and/or recalcitrant prisoner and that, once the</b></p>	<p><b>28.</b> Information provided by the LPA indicates that the use of special measures, their forms and procedure of use is stipulated by the LPA procedure of March 31, 2006 on "Use of special measures in prisons". Every morning there is a briefing of the Supervision unit officers, at which special attention is being focused to explain to supervisors not to use more force than is necessary. Each use of special measures in a prison is recorded and registered.</p> <p>According to duty lecture plans approved by directors of Daugavgrīvas and Jelgava Prisons for school year of 2009/2010, there were lectures for Supervision unit officers on subjects that are related to the use of special measures in prisons:</p> <ul style="list-style-type: none"> <li>• February 2009 „Search, ligature, hand-cuffing and transferring”;</li> <li>• April 2009 „Procedure on the use of special measures in prisons”;</li> <li>• April 2009 „Technique of leg and arm hitting”; „Protection in case of an attack with weapon”;</li> <li>• February 2010 „Search, ligature, hand-cuffing and transferring”;</li> <li>• April 2010 „Procedure on the use of special measures in prisons”.</li> </ul>

<p><b>prisoner has been brought under control, there can be no justification for striking him.</b></p> <p>It is also axiomatic that, in order to avoid a climate of impunity, the sanctions imposed must be adequate when ill-treatment has been proven. <b>The CPT is not convinced that in the above-mentioned case the imposition of a fine was commensurate with the offence committed.</b></p>	
<p>29. As compared with the Committee's previous visits, a certain improvement in the attitude of staff was observed, and this observation was generally confirmed by the prisoners themselves.</p> <p>That said, the delegation noted that there were hardly any contacts between staff and life-sentenced prisoners in either establishment. At Daugavgrīvas, the governor even emphasised the fact that, after putting in place an automated door-opening system on the ground floor of the unit for life-sentenced prisoners, it had been possible to prevent prisoners from having direct contact with staff. In the CPT's opinion, such an approach is not conducive to the building of positive relations between staff and prisoners which may not only reduce the extent of prisoners' isolation but also help maintain effective control and security; in other words, the building of such relations is in the interests of safety, including for staff. <b>The CPT recommends that efforts be made to improve the quality of staff-prisoner relations in the units for life-sentenced prisoners at Daugavgrīvas and Jelgava Prisons.</b></p>	<p><b>29.</b> Information provided by the LPA indicates that in <u>Jelgava prison</u> convicts sentenced for life serve their sentence at the lowest level of the regime and in line with the third part of Section 59 of CPT for prisoners, mostly such prisoners are provided with an individual educational work. The individual educational work in the prison is provided by a senior inspector of the Social rehabilitation unit of the prison, social worker, psychologist and chaplain. Also officials of the other divisions of the prison work with prisoners within their competence.</p> <p>In Jelgava prison in school year of 2009 the psychologist conducted five lectures and classes with the officials of the Supervision unit to raise their awareness about persons sentenced to life, their needs and values. Following issues were considered and discussed the classes:</p> <ul style="list-style-type: none"> <li>• attitude of prison officials in contact with persons who have been sentenced to life and features in contact with them;</li> <li>• skills acquired in practice when dealing with persons sentenced to life;</li> <li>• feedback from supervisors knowledge acquired in the first lesson and use in practice;</li> <li>• emotional reaction of supervisors towards persons sentenced to life;</li> <li>• general basis forming human behaviour, without a stress on persons sentenced to life;</li> <li>• specific impact of prison to people who are sentenced to life, their psychological state;</li> </ul>

		<ul style="list-style-type: none"> <li>• job stress and professional burn-out (special attention will be drawn to the communication culture to persons sentenced for life), etc.</li> </ul> <p>Each lecture was attended by approximately 55 officers of the Supervision units.</p> <p>On February 17 and April 7, 2010 a psychologist conducted lectures to personnel of the prison on communication culture with a person sentenced to life, job stress and professional burn-out.</p> <p>In Daugavgrīvas prison a psychologist conducted two lectures in 2009 to train supervisors of Supervision unit for communication with persons sentenced to life. In February 2010 a lecture was conducted for the prison officials on attitude in communication with persons sentenced to life and features in communication with them.</p> <p>It is possible that CPT observation that personnel of both prisons have no contact with the persons sentenced to life is more related to the guards. Here it has to be explained that officials – guards of the Supervision unit of the prison provide the compliance with the prison's internal order and guards shall not have any non-official relations with the prisoners.</p>
	<p>30. It is a matter of concern that, despite the assurances given by the prison governor during the 2007 visit, two main problems concerning <u>material conditions</u> of detention remained unresolved at Daugavgrīvas Prison. Firstly, the frosted glass bricks which rendered access to natural light in the cells inadequate had still not been replaced by transparent glass panels. Secondly, the ventilation system did not function properly (this was all the more worrying as there were no windows in the cells that could be opened) and created considerable noise in many cells. <b>The CPT recommends that the above-mentioned shortcomings be remedied without further delay.</b></p>	<p><b>30.</b> Information provided by the LPA shows that in 2007 the question was reviewed on glass block dismounting and replacement with translucent glass blocks in the block for accommodation of persons sentenced to life in Daugavpils division of the Daugavgrīva prison. But due to limited financial resources this problem was not solved. Also state budgeted funds allocated in 2010 do not allow realize this project. Frosted glass block dismantling will be possible when the renovation works will take place in the medium penalty regime level of accommodation of persons sentenced to life. Natural light in cells is available, as well as the ventilation system in a good condition.</p>

31. The Committee is pleased to note that the life-sentenced prisoners at the medium regime level were offered generous out-of-cell time in recently constructed facilities at Daugavgrīvas Prison. The prisoners concerned benefitted from an open-door regime from early morning until late evening, having free access to an outdoor yard (measuring some 55 m<sup>2</sup>) as well as to a common room where they could eat, converse, watch TV and play board games, with no escort. This is a very welcome development and indeed a major step forward.

However, it is a matter of serious concern that, despite the specific recommendations repeatedly made by the CPT in previous visit reports, the life-sentenced prisoners who were at the lowest regime level continued to be locked up in their cells for most of the day without being offered any purposeful activities. At Jelgava, the only regular out-of-cell activity available to these prisoners was daily outdoor exercise for one hour (which took place separately for each cell). At Daugavgrīvas, they could also go to a small “gym” for 1.5 hours every day. However, this facility was very modestly equipped (two exercise bicycles, a table game and a TV set) and, although accessible to all life-sentenced prisoners, it appeared to be mostly used by prisoners at the lowest regime level, mainly to watch TV (in groups of up to three persons). In this regard, a number of prisoners at Daugavgrīvas complained to the delegation that the prison administration had recently stopped allowing life-sentenced prisoners to watch TV in their cells and, as a result, they had no access to television except during the gym hours.

It should also be added that in neither of the

**31.** Information of LPA indicates that in Daugavgrīvas and Jelgava prisons targeted activities are consistently implemented for persons sentenced to life, but the prisons have different opportunities for organising their re-socialisation activities, as in Jelgava prison there are no free rooms in the block for persons sentenced to life.

In Daugavgrīvas prison persons sentenced to life at the lowest level of penalty regime level are brought out for a walk in a fresh air in a day time for one hour. All prisoners also have a possibility to visit gym according to defined schedule (1.5 hours) and a computer class (1.5 hours). Schedules are drawn up so that during the day time all prisoners could be brought to the specified courses, assessing safety and psychological factors. Prisoners are taken to courses on their own will. In the gym for persons sentenced to life is a TV that they can use while not engaged in sports. Persons sentenced to life in a middle penalty regime level can use their personal TVs in cells. If a prisoner does not have a TV in the cell, then it can be watched in prisoners’ common room.

In Jelgava prison persons sentenced for life are allowed to use a personal TV according to the scheduled time during the day, using one TV in each cell. Prisoners who do not have a personal TV, or who can not settle the cost of electricity for television use, have an opportunity to watch television, by providing TV sets of the prison in accordance with a schedule and in the presence of prison personnel.

Regarding a wish of persons sentenced to life to receive education, we would like to inform, that from July 1, 2009 to February 28, 2010 the LPA implemented the sub-project “Re-socialization program for the long term for persons sentenced to life” of Norwegian government bilateral financial instrument grant scheme “Short term expert fund”. During implementation of the subproject all 46 (September 1, 2009) persons sentenced for life in Daugavgrīvas and Jelgava prisons were interviewed. Summarizing data of the study, we can see that:

establishments were there any opportunities for employment or education for life-sentenced prisoners.

**The CPT calls upon the Latvian authorities to take immediate steps to devise and implement a comprehensive regime of out-of-cell activities for all life-sentenced prisoners at Daugavgrīvas and Jelgava Prisons. Immediate steps should be taken to allow life-sentenced prisoners at the lowest regime level to associate with prisoners from other cells during outdoor exercise. Further, all prisoners should be allowed to watch television in their cells.**

- 18 prisoners have primary education;
- 12 – secondary education;
- 5 – secondary professional education;
- 2 – higher education;
- 9 have not finished primary education.

Reviewing the results of this survey, a conclusion was made that a very few persons sentenced to life in Jelgava prison are willing to receive education.

**Preferable free time activities for persons sentenced to life in Jelgava prison\***

Criteria:	Preferable free time activities of persons sentenced to life Jelgava prison (%):
To work salaried work	21 (53%)
To acquire computing skills	6 (14%)
To work un-salaried work	3 (8%)
To learn languages	3 (8%)
To learn Latvian	3 (8%)
To acquire primary education	1 (3%)
To acquire secondary education	1 (3%)
To acquire professional education	1 (3%)

**\* - persons sentenced to life could choose several answers at a time**

Analyse of the survey results shows that none of persons sentenced to life in Daugavgrīvas prison spends his days laying and doing nothing, as they all are busy every day.

<b>Persons sentenced to life in Daugavgrīvas prison every day:</b>	
Criteria:	Available free time activities of persons sentenced to life Daugavgrīvas prison (%):
Watches TV	14 (25%)
Reads books	13 (24%)
Reads news-papers or magazines	11 (20%)
Writes letters	11 (20%)
Trains in the gym	6 (11%)
Lays and does not do anything	0 (0%)

Education opportunities of persons sentenced to life in Daugavgrīvas prison are possible through distance learning with correspondence. Prisoner A\* in 2008 received a certificate "Computers for beginners" and in 2009 a certificate of completion of the Bible courses. Currently these courses are attended by prisoners B\* and C\*, besides currently sentenced for life D\* is corresponding with the Baltic Russian Academy on beginning of studies in this educational institution.

In Daugavgrīvas prison a psychologist, social worker and chaplain are working with persons sentenced to life. Work of these employees facilitated a marriage of the convicted E\* on October 6, 2008. Similarly, the convicts are watching movies and later discussing them, they have organized lectures on various subjects, also tennis tournaments are organized, as well as meetings with clergy of various denominations and rituals of Christianity are performed, also concerts are organised of prisoners themselves or professional musicians are invited. From May 2010 a training "Stress

\* In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

		diminishing programme” will be initiated with persons sentenced to life. Currently work is done to create a chapel in the division of persons sentenced to life.
	<p>32. As regards the <u>security measures</u> applied to life-sentenced prisoners, the delegation learned that an end had now been put also at Jelgava Prison to the use of service dogs to escort such prisoners. This is a welcome development.</p> <p>However, it is a matter of serious concern that almost all life-sentenced prisoners continue to be systematically handcuffed whenever they are escorted inside the prison. As the CPT has repeatedly emphasised in the past, there can be no justification for the systematic handcuffing of prisoners, and all the more so when it is applied in an already secure environment. Such a practice can only be seen as disproportionate and punitive.</p> <p>33. In response to a specific recommendation made by the CPT after the 2004 visit, “individual risk assessment commissions” had been set up at Daugavgrīvas and Jelgava Prisons in 2005. In the report on the 2007 visit, the Committee indicated that “the whole system of “individual” risk assessment [did] not function properly in practice” and recommended the Latvian authorities to take immediate steps to carry out a proper individual risk assessment on a regular basis in respect of all life-sentenced prisoners and to adjust the security measures applied to them accordingly.</p> <p>During the 2009 visit, the delegation learned that not a single individual risk assessment of life-sentenced prisoners had been carried out at Daugavgrīvas Prison since March 2008.</p> <p>At Jelgava, the commission carrying out individual</p>	<p><b>32 and 33.</b> Information of the LPA indicates that officials of Daugavgrīvas and Jelgava prisons within performance of their official duties use handcuffs for prisoners for safety purposes, taking into consideration the prisoner's personality. Handcuff use while conveying in the area of prison is temporary, and its purpose is to protect prison personnel from attack or from taking hostages.</p> <p>Information of LPA indicates, that last individual risk assessment of persons sentenced to life in Daugavgrīvas prison took place on February 15, 2008, and then the decision was made to cancel use of handcuffs to five of six convicts. Unfortunately, such convict risk assessment turned out to be ineffective, as four of the five prisoners made a stay regime abuses, including conflict situations of physical nature among prisoners. Because of the ineffectiveness of the commission forecasts, it was decided to suspend the commission's decision on the non-use of handcuffs.</p> <p>On June 29 and December 22, 2009 in Jelgava prison meetings of individual risk assessment commission of persons sentenced to life took place. Assessing an individual risk level of each person sentenced to life (predisposition to self-mutilation or suicide, possible aggression against other prisoners or prison personnel), the commission resolved the use of special measures (handcuffs) is mandatory for all persons sentenced to life when conveyed outside a cell until the next evaluation. Meetings of individual risk assessment commission of persons sentenced to life imprisonment in 2010 will be held in June and November - December.</p>



risk assessment of life-sentenced prisoners met twice a year. The delegation had the opportunity to examine the records of the commission's meeting on 29 June 2009 when the latter had performed an assessment of twenty-one prisoners. It transpired that, in every single case, the continued application of handcuffs when escorting the prisoner outside his cell was considered by the commission to be necessary, based on the assessment given by the security and surveillance divisions. It should be noted, however, that the wording of the latter assessment was virtually identical in all the twenty-one cases: it simply referred to the prisoner's "propensity to escape and to attack staff members" and the necessity of "reinforced supervision and maximum surveillance", without giving any further explanation. The conclusion of the commission usually contained one or two sentences reproducing the position of the security and surveillance divisions. Further, in none of the above-mentioned cases was the prisoner concerned heard by the commission. In the light of the above, the CPT considers that individual risk assessment of life-sentenced prisoners is currently not carried out in a proper manner; it remains very much an empty gesture.

**The CPT calls upon the Latvian authorities to take immediate steps to ensure that a proper individual risk assessment is carried out in respect of all life-sentenced prisoners to whom handcuffs are at present systematically applied whenever they are escorted inside the prison. The Committee would like to receive copies of all the reasoned decisions taken following that assessment.**

**The CPT also recommends that, in the course of an individual risk assessment, the prisoner concerned be**

	<b>always heard by the commission taking a decision on the matter.</b>	
	<p>34. The CPT must once again return to the issue of <u>medical examinations</u> of life-sentenced prisoners in view of the continuing failure of the Latvian authorities to implement the long-standing recommendation of the Committee on this subject. The delegation found during the visit that such examinations were usually still conducted in the presence of prison officers. Further, as was the case during the previous visit, prisoners were seen by the doctor through the bars of the cell door, or in the medical unit whilst being handcuffed behind the back (including during dental interventions), and consultations with the psychiatrist and psychologist often took place in a special interview room with the prisoner being placed in a cage-like cubicle.</p> <p>The routine presence of prison officers during medical examinations constitutes a flagrant breach of the principle of medical confidentiality. <b>The CPT therefore calls upon the Latvian authorities to take immediate steps to ensure that all medical examinations of life-sentenced prisoners are conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers.</b></p> <p>Further, to apply handcuffs to a prisoner undergoing a medical consultation/intervention is highly questionable from the standpoint of medical ethics and human dignity; and the same can be said of an approach whereby medical consultations take place across metal bars. Practices of this kind prevent an adequate medical examination from being carried out and will inevitably jeopardise the development of a</p>	<p><b>34.</b> Information of the LPA indicates that in Daugavgrīvas and Jelgava prisons for medical examinations of persons sentenced for life a confidentiality principle is respected. Examinations in a presence of supervisor take place only in cases when such presence is required by the physician. In this case, safety of the physician is a priority. Medical examinations of persons sentenced to life are carried out in special medical facilities or in a room where the prisoner is accommodated. No handcuffs, no bars or cages are used.</p>

<p>proper doctor-patient relationship. <b>The Committee calls upon the Latvian authorities to put an immediate end to such practices.</b></p>	
<p>35. The CPT must stress once again that it can see no justification for <u>keeping life-sentenced prisoners apart from other prisoners</u> on the sole ground of their sentence. Particular reference should be made in this regard to the Council of Europe's Committee of Ministers' Recommendation (2003) 23 on the Management by Prison Administrations of Life-Sentenced and Other Long-Term Prisoners of 9 October 2003. One of the general principles underpinning such management is the <i>non-segregation principle</i>, which states that life-sentenced prisoners should not be segregated from other prisoners on the sole ground of their sentence. This principle should be read in conjunction with the <i>security and safety principle</i>, which calls for a careful assessment of whether prisoners pose a risk of harm to themselves, to other prisoners, to those working in the prison or to the external community. It recalls that the assumption is often wrongly made that a life sentence implies that a prisoner is dangerous. The explanatory report to this recommendation notes that "as a general rule, the experience of many prison administrations is that many such prisoners present no risk to themselves or to others" and that "they exhibit stable and reliable behaviour". The placement of persons sentenced to life imprisonment should therefore be the result of a comprehensive and ongoing risk and needs assessment, based on an individualised sentence plan, and not merely a result of their sentence.</p> <p>Regrettably, the specific recommendation on this</p>	<p><b>35.</b> In line with the requirements of Chapter 50.<sup>4</sup> of LPC, persons who are sentenced to life or persons to whom death penalty has been replaced by sentence to life shall be accommodated in a separate prison unit with enhanced security, avoiding contact with other prisoners. Persons sentenced to life in Daugavpils and Jelgava prisons are placed in line with the law.</p>

	<p>matter made by the CPT in the report on the 2007 visit was not adequately addressed by the authorities in their response to that report. <b>The Committee must therefore reiterate its recommendation that the Latvian authorities reconsider their segregation policy vis-à-vis life-sentenced prisoners, in the light of the above remarks.</b></p>	
	<p>36. As regards <u>discipline in relation to prisoners in general</u>, despite a specific recommendation made by the Committee after the 2007 visit, lying on the bed during the day was still considered a disciplinary offence and was punished accordingly. <b>The CPT reiterates its recommendation that this anachronistic rule be abolished without further delay.</b></p>	<p><b>36.</b> In legislative acts related to the prêt – trial detention and execution of a custodial sentence a prohibition to sleep during the day is not directly stated, respectively, no disciplinary penalty can be applied to a prisoner for such act. Prison director shall strictly state regulated schedule of the day, that includes working hours and time for training, education and treatment activities, meals, numerical inspections, daily walks, leisure time, as well as a continuous eight-hour night sleep. If a prisoner lies in bed during a day, if not asleep and is dressed and the bed is in order according to the common sample and the prisoner greets the prison officials by standing up, then such activity is not considered as violation of regime and will not be punished.</p>