



CPT/Inf (2005) 9

**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 25 September to 4 October 2002

The Government of Latvia has requested the publication of its response. The report of the CPT on its September/October 2002 visit to Latvia is set out in document CPT/Inf (2005) 8.

Strasbourg, 10 May 2005

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Response of the Government of Latvia

Reply of Ministry of Justice on CPT report dated 07.03.2003

**Silvia Casale
President
European Committee for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment
Council of Europe
67075 Strasbourg Cedex
France**

***Re: Review of the CPT Report
and the Action Plan for Elimination
of the Discovered Shortcomings***

Dear Mrs. S. Casale!

Implementing the CPT recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in the Report dd. March 7 of this year on the visit to Latvia on September 25 – October 4, 2002 the Ministry of Justice of the Republic of Latvia hereby sends the information on implementation of the directives in the Report related to the prisons.

On April 29, 2003 the Regulations of the Cabinet of Ministers “Regulations of Internal Order of Investigation Prisons” were passed. These Regulations define the procedure, according to which the suspected, accused persons and those to be brought to the court, to whom the security measure imprisonment has been applied as provided by the Latvian Criminal Process Code, as well as convicted persons, who have been held criminally liable for execution of another criminal offence and to whom the security measure imprisonment has been applied, shall be placed and located in the investigation prison, the daily agenda of the above listed persons, their rights and duties, medical care and material provision, as well as the security measures and the procedure, according to which an imprisoned person is released from the investigation prison or transferred to another prison. There is a separate section in these regulations defining the conditions for imprisoned persons under the age of 18.

The inter-ministries working group established on November 29, 2002 developed the draft Law “Execution of Detention and Imprisonment” and it is now under review in the Cabinet of Ministers.

Amendments to the “Regulations of the internal order of the prisons” have been prepared and submitted for review in the Cabinet of Ministers in relation to the list of allowed non-food items in the parcels, which an imprisoned person is entitled to receive.

The draft Criminal Process Law is under review in Saeima.

The maximum number of places of imprisoned persons to be placed in prisons has been set by the Decree of the Ministry of Justice dd. February 25, 2003 and it complies to the norms (not less than 2.5 m² for men and not less than 3 m² for women and persons under the age of 18). The shortcoming related to the overpopulation of imprisoned persons in Daugavpils as pointed out by the experts of CPT Committee prison has been eliminated.

Chaplain service has been introduced in prisons as from April 1, 2003. Training course for chaplains took place in the Training Centre of the Prison Administration during the period May 5 – 17, 2003.

Elimination of the shortcomings pointed out in the report was commenced immediately after the visit of the CPT Committee during the period of September 25 – October 4, 2002.

Imprisoned persons under the age 18 on Daugavpils and Liepāja prisons are involved in the rehabilitation programs funded by the Northern Council of Ministers and the World Bank. The subjects of the general education – mathematics, Latvian language, English language, Russian language, literature, geography, natural sciences, computer sciences, ethics, aesthetics, social skills and religion – are taught to the young people during the whole program. Grounds for walks have been equipped with sports equipment in the above mentioned prisons. The imprisoned persons under the age of 18 may go there for one hour per day.

Repair has been made in the quarantine rooms (No.501, No.502) of the Central Prison and the natural lighting and ventilation have been arranged there. Camera No.400a has been closed, and renovation is being done in the cameras No.405 and No.406.

4 medical cameras with equipment have been formed in the quarantine room of Daugavpils prison. It is possible to place the imprisoned persons having infectious diseases there, thus isolating them from the others. Also shower is available to the imprisoned persons of the above-mentioned category.

It is planned to start reconstruction of the Prison Hospital until October, 2003 within the limits of the funds allocated by the State investment program. The reconstruction project is under development now, taking into account the recommendations of the CPT Committee.

Training seminars for the chiefs of prisons, assistants to the chiefs of prisons on duty, staff of the security and medical divisions on the work methods with persons affected by HIV, imprisoned persons sick with tuberculosis, as well as on the prevention of drug addiction in hospitals were organised in the Training Centre of the Prison Administration in May, 2003.

It is not possible to implement the CPT recommendations on increase of the staff in Daugavpils and other prisons (incl. introduction of psychologist's position), provision of clothes corresponding to the season for imprisoned persons, provision of the modern medicine to the medical divisions of prisons, as well as improvement of the living conditions of the persons imprisoned for lifetime, because no funds have been allocated for solution of these issues in the budget of this year.

During the time period from year 1999 to 2002 no complaints on physical assaults committed by the prison personnel, have been received, there have been no disciplinary or criminal cases initiated based on such complaints.

Some shortcomings, which have been pointed out by the CPT Committee, are not possible to eliminate at the moment, however, actions have been planned for their elimination.

In conclusion I would like to thank the CPT Committee for the visit and paying the regard, as well as I look forward to further co-operation.

Attached: Action plan for elimination of the shortcomings pointed-out by the CPT Committee in the prisons of Latvia on 3 pages.

Sincerely,

Aivars Aksenoks
Minister of Justice

**ACTION PLAN FOR ELIMINATION OF THE SHORTCOMINGS POINTED-OUT
BY THE CPT COMMITTEE IN THE PRISONS OF LATVIA**

No.	Measure	Deadline	Executor	Notes
1	To introduce new section in the draft Law on Execution of Criminal Penalties on the conditions of the regime for the imprisoned persons, who have been given a life sentence, as well as to increase the living space for imprisoned persons up to 4 m ² .	YEAR 2003	Deputy Chief of the Prison Administration J. Legzdiņš Chief of the Legal Department A. Vētra	
2	To make amendments in the Regulations of the Cabinet of Ministers No. 73 dd. February 19, 2002 "On the Internal Order of Prisons" on provision of bedding for night time for imprisoned persons, who are placed in the punishment isolation room.	2 nd half of 2003	Deputy Chief of the Prison Administration J. Legzdiņš Chief of the Legal Department A. Vētra	
3	To make amendments in the Decree of the Prison Administration No. 145 dd. November 6, 2001 "Instruction on the procedure of supervision of arrested and judged persons" and introduce a new section on the procedure of supervision of the persons sentenced for lifetime.	2 nd half of 2003	Deputy Chief of the Prison Administration J. Legzdiņš	
4	To develop instruction on the procedure of application of measures of encouragement and disciplinary punishment in prisons.	2 nd half of 2003	Social rehabilitation division of the Prison Administration	
5	To continue reconstruction of the hospital of Central Prison and Tuberculosis Hospital of Olaine Prison.	Year 2003	Chief of the Real Property and Construction Division of the Prison Administration G. Gornostajevs Chief of the Budget and Finance Service of the Prison Administration I. Saranda	Within the limits of the allocated funds

6	To commence reconstruction of the building of Jelgava Prison where the persons sentenced for lifetime will be located.	YEAR 2004	Chief of the Real Property and Construction Division of the Prison Administration G. Gornostajevs Chief of the Budget and Finance Service of the Prison Administration I. Saranda	Within the limits of the allocated funds
7	To introduce psychologist's service in prisons	Year 2004	Social rehabilitation division of the Prison Administration Chief of the Budget and Finance Service of the Prison Administration I. Saranda	Within the limits of the allocated funds
8	To introduce rehabilitation program for work with persons under the age 18 in Matīsa Prison.	1 st half of 2004	Social rehabilitation division of the Prison Administration	In co-operation with the Nordic Council of Ministers
9	To organise qualification improvement course in the Training Centre for prison staff of all categories	Year 2004	Chief of the Training Centre of the Prison Administration L. Jefremovs Chiefs of prisons	
10	To develop a set of measures to eliminate the problem of violence among imprisoned persons located in one camera.	2 nd half of 2003	Supervision and Guarding Division of the Prison Administration; Security Division of the Prison Administration; Social rehabilitation division of the Prison Administration	

Reply of Ministry of Interior on CPT report dated 07.03.2003.

1. On 27 May 03, in the Cabinet's meeting, a draft law "Criminal Procedure Law" was endorsed and on 29 May it was submitted for examination to the Saeima. On 19 June this year, the draft law was examined in the Saeima Legal Commission's meeting and it was decided to support the promotion of the draft law to the Saeima for examination in its first reading.

2. By 2003, the data on police officers' abuse of force against a person were not separated individually and systematized, however, taking in to account the recommendations from the Council of Europe's Commission for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, now such information is systematized and included in the Report on the results of examining applications and complaints about police officers in the State Police authorities, which is prepared by the Domestic Security Office directly subordinated to the head of the State Police.

In the first half-year of 2003, 93 complaints on abuse of force by policemen against a person have been received. 7 officers were given a disciplinary punishment and 75 official inspection materials delivered to examination as provided in Article 105 of the Latvian Criminal Procedure Code.

Pursuant to the Cabinet's Regulations No. 460 "Disciplinary Rules on the Special Service Rank of Employees of the Ministry of the Interior System", the following disciplinary punishments for offences have been stipulated: reproof (oral or written), reprimand, a warning about inadequacy to the post occupied, transfer to a lower post for a period of time up to three months, dismissal from the post by appointing to a lower post, lowering the rank by one position, dismissal (discharge) from service.

The office inspections on abuse of force by policemen take place in accordance with the Instructions on Procedures of Performing Office Inspections in the Domestic Institutions approved on 23 May 1995. The reasons of initiating an office inspection are:

- applications by citizens,
- reports or submission of the relevant materials by companies, institutions, organizations and officials, including officials of the Ministry of the Interior,
- information published in the mass media,
- indications of a disciplinary offence discovered by an investigation service, a public prosecutor, a court of law or a judge.

The head of the respective domestic organizational unit assigns the office inspection, and also controls its completeness, comprehensiveness and objectivity. During the inspection, the head who assigned the inspection may by a written order suspend the person regarding whose activities the inspection is carried out from carrying out the office duties. After completion of the office inspection a conclusion is drawn up where the summarizing part must give a proposal regarding:

- termination of office inspection;
- imposition of particular disciplinary punishments to the persons guilty or a conclusion on non-existence of an offence;
- evaluation of reasons having facilitated the offence or the extraordinary event;
- presentation of the inspection materials to the relevant investigation or prosecution offices in order for them to adopt a decision pursuant to the Latvian Criminal Procedure Code if indications of corpus delicti have been found.

In order to ensure the objectivity of office inspections, in 2003 a Domestic Security Office with 24 staff units was established and it is directly subordinate the Head of the State Police. The office consists of the operational division, personnel inspection division and pre-trial investigation division.

3. For the purpose of performing the urgent and capital repairs at the temporary detention rooms in the State Police regional offices (including Daugavpils, Liepaja and Ventspils), in budget requests of 2003 the State Police envisaged LVL 328 801 to carry out these works.

When the budget request for 2004 was developed, the State Police included there also LVL 2 639 514 for the capital repairs of the buildings and LVL 1 366 819 for renovation of the administrative building of Daugavpils City and District Police Office and construction of the temporary detention room (isolator).

Commission for Prevention of Tortures and Inhuman Treatment on situation in Latvia, which was drawn up after the visit of representatives of the aforementioned Commission to Latvia within September 25 and October 4, 2002 and which presents their own opinion on issues within the official competence (Section II B of the Report : "Olaine" Illegal Immigrant Stay Camp).

The Immigration Law, which has come into force since May 1 of the year current, establishes that an official of the Border Guard shall have the right to detain a foreigner for the time up to 10 days.

An official of the Border Guard shall only be entitled to detain a foreigner for the time over 10 days by the decision of a judge. Basing on application from the Border Guard official, the judge shall make a decision on detention of the foreigner for the time up to two months or on refusal of the detention.

If deportation of the foreigner has not been possible within the period specified in the judge decision, then the judge basing on application from the Border Guard official shall take a decision on extension of the detention time for the period up to six months or on refusal to extend the detention time.

The Border Guard official may deliver the application for extension of the detention time up to six months three times, however, the total time of detention may not exceed 20 months.

As to question regarding facilities in the lodgings of "Olaine" Camp (NIUN "Olaine"), we hereby explain that the heating and lighting in quarantine rooms is adequate.

Detained persons with children are provided with possibility for children education. If there is a child whose parents wish to send it for schooling, the problem is solved positively; however, it should be added that for the time being the detained have not been expressing such wish.

In the summer time, children are provided with a possibility to stay in the camp yard and be engaged in various activities adequate to their age. There is no a pastime schedule in the camp for long-staying persons and everyone is free to be engaged in matters according to personal interests. TV sets, newspapers, books are available in the camp as well as opportunities for other ways of pastime. Provision of more opportunities is projected for realization of physical activities of the detained. The camp order daily schedule is modified with the purpose to provide the detained with opportunities of taking more frequent and longer walks. Each detained person is supplied with postal stamps and envelopes in required amount, which is fixed in the camp register.

The camp is provided with adequate medical equipment compliance of which with current requirements depends on financial resources, as well as necessary medical care is provided. A full-time position of psychologist is projected to be established in the camp.

Regarding the request of the experts mentioned in the Report for obtaining of information on inspections of "Olaine" Camp carried out in 2002 on the part of the Border Guard Chief Administration, I hereby make know that 9 inspections have been carried out in 2002 (9. and 11.04; 26.06; 16., 25. and 30.08; 14., 26. and 29.11.) and for each of them a report has been drawn up as well as a schedule for elimination of established drawbacks with specification of particular dates fulfillment, which is being realized.

Acting State Secretary

R.Blūķis

Reply of Ministry of Health on CPT report dated 07.03.2003

Reviewing the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) the Ministry of Health of Latvia brings to Secretariat of CPT notice of the actions that were carried out to eliminate the disadvantages detected by CPT during its stay in the Vīķi Psychiatric Center Children's Section which is established under the authority of the Ministry of Health of Latvia.

1. To prevent rapid changes of patients' mental state gradual transition from the conventional psychotropic treatment to more advanced forms of psychotropic drugs is performed. This ensures better treatment results with fewer side effects. It must be emphasized as a result of severe, complicated, chronic, therapeutically resistant psychotic state of several patients such transition is not possible in all cases. Gradual change from usage of multiple drugs to medicines given of less number, but with greater potential is observed.
2. Taking in account austerity measures currently applied to state health care financing field it's not possible to provide extensive rehabilitative services, i.e., specialists in psychology, physiotherapy, occupational therapy, services of social workers. In spite of this there are attempts to increase the number of nursing and auxiliary staff within financial limits.
3. Regular improvement of staff qualification takes place in the form of educational seminars and conferences. Nurses and auxiliary employees are certified in their profession.
4. The supervision of the work of Vīķi Psychiatric Center has become more intensive – there are regular inspections of representatives of State Psychiatric Center. Important accent is made on experience exchange with the institutions having significant background in psychiatric care (for instance, recent visit of director Ainaži Mental Hospital). That facilitates the establishment of good praxis of psychiatric care, better health care quality.
5. As a result of inadequate capacity of social institutions (i.e., institutions providing social services, occupational and residency support), seriously restricted abilities to provide unitary team-work, the management of Vīķi Psychiatric Center has met with serious difficulties in the sphere of care of children suffering from severe and chronic diseases.
6. State Psychiatric Center has paid attention to improve the situation with fulfillment of patients' rights – lawyer services are available in case severe juridical problems, it also helps to provide juridical support in case of adoption.
7. The feeding of patients has improved.
8. Cosmetic repairs of rooms were performed in Vīķi Psychiatric Center – it apparently facilitates health care environment and expected results.

Head of Department of Public Health

R. Mucins

Additional response of the Government of Latvia

Silvia Casale
President
European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment
Council of Europe
67075 Strasbourg Cedex
France

***Re: Review of the CPT Report
and the Action Plan for Elimination
of the Discovered Shortcomings***

Dear Mrs. S. Casale!

Implementing the CPT recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in the Report dd. March 7, 2003 on the visit to Latvia on September 25 – October 4, 2002 and in accordance with Your letter of November 26, 2003¹ the Ministry of Justice of the Republic of Latvia hereby sends the requested additional information on implementation of the directives in the Report related to the prisons.

Item 7. In accordance with standards of Latvian Code of Execution of Punishment (not less than 2.5m² per male and 3m² per female and juvenile), on 25th February 2003 the Ministry of Justice determined the maximum number of imprisoned persons to be allocated in each penitentiary institution.

On the 1st January 2004 the population of prisons was as follows:

	Maximum capacity	Number of prisoners	Prison density (%)
Untried	3760	3269	86.9
Sentenced	5336	4962	92.9
Total	9096	8231	90.5

About mentioned in the letter overcrowding in Daugavpils Prison we have to say that maximum capacity of that prison is 543 places, on the 1st January 2004 there were 449 prisoners therefore prison density is 82.6%.

At the moment none of prisons is overcrowded.

¹ In this letter, the President of the CPT raised a number of shortcomings concerning the implementation of certain recommendations made in the report on the 2002 visit, and requested the Latvian authorities to provide additional information in this respect.

Item 8. The Prison Administration until this year did not make statistics on registration of claims about possible ill-treatment in prisons. But according to paragraphs 125 and 126 of Criminal Law there were initiated criminal cases: 7 in 2001, 5 in 2002, 5 in 2003. Starting from this year the Prison Administration will make statistics of registration of claims about possible ill-treatment in prisons.

Because of long period that has passed since the incident of claim about ill-treatment, that was mentioned in the letter, it is difficult for Prison Administration to give any elucidation on that matter.

Item 9. With purpose not to let mutual violence between inmates the following set of measures was worked up by members of prison staff of all categories:

1. inmates are accommodated and transferred from one cell to another taking into consideration inner security, seriousness of committed crime, personal characteristics and compatibility of inmates;
2. prisoners are being supervised all day and night, in case of an incident arising in cell it is prevented from the start;
3. special attention is paid to the different categories of prisoners (risk of escape, assault and other);
4. individual preventive work with inmates is fulfilled, to prevent mutual violence between inmates;
5. inmates are involved in different social rehabilitation programs (prevention of drug addiction, alcoholism and so on), that are aimed to produce positive effect on inmates and assist in further social integration of released persons.

Item 10. In accordance with the Latvian Code of Execution of Punishment the regime meets requirements of prison kinds and it differs in closed, semi-closed, open prisons and educational institution for juveniles. In 2003 in 7 different rehabilitation programs were involved at all 8084 prisoners. Those programs are financed by non-governmental organisations and are directed at: suitable use of prisoners' free time, their psychological rehabilitation, secondary and vocational education, as well as preparation for release and integration in society. The Prison Administration each year claims for financing for realisation of rehabilitation programs.

Life-sentenced prisoners are treated in accordance with requirements of the Latvian Code of Execution of Punishment: they are accommodated in Jelgavas Closed Prison in separate prison block with increased guard and have no contacts with other prisoners. Those are the persons (at the moment there are 29 of them, that is 0.5% of total number of prisoners) that committed several very serious crimes - murders - and are extremely dangerous for both prison staff and other prisoners. It is prematurely to change security measures life-sentenced prisoners due to their unpredictable psychological state and behaviour. Such maximum-security measures are applied only for that category of prisoners.

Item 11. We can provide following information on that matter:

In 2003 there was worked out the project on reconstruction of Central Prison Hospital. As in budget for the year 2004 there are not foreseen financial means for investment the reconstruction work has been stopped. The reconstruction of Central Prison Hospital is in the Prison Administration priority plan for 2005 year.

About medical faults that were mentioned in report we have to give the following information.

When persons are placed in prison they are offered to make HIV test. There are consultations before and after that test. Imprisoned person has the right to resign from test, but there are few such cases, because once imprisoned a person actively starts to keep up with his/her health condition. Later on there is possibility to make that test at any time due to inmate's wishes or medical indications.

The medical staff is observing complete confidentiality of information.

Since 1995 the medical staff training concerning HIV problems regularly takes place (the first HIV positive case was in 1997). All categories of prison staff had training at Prison Staff Training Centre in 1999 and 2003.

In cases when prisoner becomes psychically excited the administration sends for medical staff. All the following actions are taken in accordance with recommendations of medical staff.

In training program for prison staff that is managed by prison medical staff are included questions concerning first aid.

Medical staff is recording in prisoner's personal medical file all information that is available during medical examination (information given by the prisoner and objective information obtained during examination). In cases when any psychic or physic trauma is detected the medical staff is making decision on following treatment of prisoner and informs prison administration.

If it is needed (from the medical point) prison medical staff and hospital staff can see personal file of prisoner.

In prisons are available dental services. Urgent stomatological aid is available regularly and for free. Prison dentist gives it. For his own means any prisoner can receive dental help from any invited outside dentist.

Assortment and quantity of medical remedies in Latvian Prison Hospital are sufficient.

Prisoners are provided with psychiatric aid. There is a psychiatrist in every prison staff.

At the arrival to the prison every imprisoned person pass through medical examination. All the information on health conditions of prisoner is confidential. In case when prisoner has any kind of trauma or is intoxicated with alcohol or any kind of drugs medical staff informs prison administration.

There were no new x-ray equipment installed in Daugavpils Prison due to no financial means were emitted for that. Work with old x-ray equipment has been stopped. At the moment under consideration is the question about agreement with public medical institution on the matter of using x-ray equipment.

About other faults meant by CPT report in this item we have to provide following information:

In Minister Cabinet Rules excepted on 29th April 2003 it is defined:

1. Conditions of accommodation of prisoners:

- living space per one male prisoner should not be less than 2.5m², and 3m² per female and juveniles;
- each prisoner is provided with individual bed, bed clothes and towel. For inmates in punishment cell solitary bed clothes are provided during night-time sleep;
- not less than once a week there is a possibility for every prisoner to take bath as well as to change bed clothes;
- each prisoner has possibility to observe personal hygiene and to wash personal clothes and underwear;
- each prisoner three times a day receives warm meal, that secure normal vital functions;
- each prisoner has the right to wear his/her personal clothes and to receive season adequate clothes from relatives and etc.

2. Every prisoner has rights:

- to walk everyday not less than 1 hour, pregnant women, women with children under 2 years old and hospital patients due to doctor's direction not less than 1.5 hours;
- to receive minimum of medical aid that is defined in Minister Cabinet Rules №358 - "Rules on medical aid for sentenced and pre-trial detainees in penal institutions" (19th December 1999) ;
- to use personal small domestic appliances that can be received from relatives or other persons;
- to subscribe for press and to use prison library;

- to receive unlimited money transfers and to use that money for buying in prison shop essential goods and food;
- to meet prison chaplain;
- to participate in funerals of close relatives under supervision of prison staff, etc.

3. Every prisoner has right for outside contacts:

- each prisoner with permission of process initiator can meet with relatives and other persons during visits as well as to keep correspondence with them and to use prison telephone;
- each prisoner can send claims, complaints and suggestions to government, local authorities and international organisations;
- each prisoner with no limit can contact organisations for protection of human rights, prosecutor's office and court, as well as his/her advocate;
- foreigners and persons without citizenship can with no limit contact with diplomatic agency or consulate of his/her country.

4. For regime offence there can be imposed following disciplinary punishments:

- oral warning;
- reprimand;
- prohibition to buy food for time till one month;
- prohibition of regular visits;
- for adult prisoners – punishment cell up to 15 days;
- for juvenile prisoners - punishment cell up to 10 days.

Decision to impose disciplinary punishment can be made by prison governor not later than 10 days after detection of offence.

Prisoner can complain to prosecutor or to appeal that disciplinary punishment in 10 days by claiming to the Director General of Prison Administration.

In the mentioned above Minister Cabinet Rules was established a new chapter "Treatment Conditions for Juvenile Prisoners", that chapter prescribes short term visits of relatives once a week, participation in rehabilitation programs, cultural and sport activities etc. There is sport equipment in the walking yards for physical activities.

Sincerely,

Aivars Aksenoks
Minister of Justice

Information regarding objections expressed by Committee for the Prevention of Torture (CPT) and what has been accomplished in this respect by agencies of the Ministry of the Interior

Information about 2nd item of CPT letter - training of police

Following the visit of experts with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2002, the Chief of State Police has send an official letter to all city and regional police offices, the Principal Criminal Police Office, and also the Investigation Office listing shortcomings indicated by the experts and instruction to ensure respect for rights of the detained persons i.e. immediately after detention to allow them to get acquainted with their rights; to inform relatives of the detention; upon their request, to meet lawyer immediately after detention and to receive medical assistance if necessary.

As part of ensuring compliance with CPT experts' recommendations, in 2003 employees of State Police participated in the following events:

- Seminar "Observance of Human Rights" (10 people),
- European Council Working Party "Police and Human Rights" (1 person),
- CEPOL seminar "Police Ethics" (2 people),
- Meeting of the European Council experts on human rights (1 person),
- Seminar "Activities of Special Units at Imprisonment Places" (6 people),
- European Council conference "Police and Human Rights" (1 person),
- OECD seminar "Observance of Ethics in Public Sector" (1 person),
- UN Human Rights Committee session (1 person),
- Seminar "Police Ethics" (27 people).

On 5 December 2003 the Code of professional ethics for the State policy officers has been affirmed. On 19 February 2004 Saeima has been approved amendments on the "Criminal procedure Code", that has been supplemented with chapter 19 A "Application of settlement in pre-trial investigation".

Information about 3rd item of CPT letter - transfer of detained persons to temporary detention cells and inhuman treatment

The suspect may be transferred from investigation prison to temporary detention cell only based on request of initiator of the case or only by its consent in writing. Such cases may be in place if it is necessary to perform additional investigation actions, or if the person is a witness or is being accused in another criminal case, and also when it is brought to the judicial proceedings.

As to guaranties against mistreatment (items 24 - 35 of CPT report), they have been laid down in *Statute on Temporary Detention Cells at State Police Offices*, which has been approved by the Chief of State Police Decree No. 872 on 8 December 1999. The Statute stipulates that the person on duty at the cell, when accepting an individual for placing in cell, shall check documents giving grounds to confinement in cell, make sure of the person's identity and register him/her "Log book for detained, arrested and convicted persons held in the temporary detention cell". Prior to placing the individual in the cell, the person on duty questions him/her about the health condition. If he individual has any complaints regarding health condition or there are any explicit marks of illness, the person on duty has to invite the cell's or health-care establishment's medical employee. After examination of the individual, the medical employee gives his opinion on the individual's health condition indicating whether the individual may be placed in the cell or it should be transferred to medical establishment. If according to the medical opinion the individual may not be placed in cell, he/she is transferred for treatment to a healthcare institution under the Ministry of Welfare.

This statute governs also the rights of individual's held in cell, for instance, to a private meeting with lawyer without any restriction on the number or duration of such meetings; to refer to state, municipal and international organization with written applications or complaints; to appeal against decisions of officials handling the criminal case, and also decisions of public prosecutor, judges, police official, to file complaints on actions of these persons; to receive emergency medical assistance free of charge; to receive free food according to the established regulations.

On 25 September 2003, the Saeima received draft 'Law on Execution of Detention and Arrest' the purpose of which is to lay down procedures of execution of detention and arrest provided for in criminal procedure, the legal status of detained person and arrested person and competence of state institutions in execution of detention and arrest since currently there is no law governing this area.

Information about 4th item of CPT letter - improvement of material, technical and household conditions at temporary detentioll cells

The recommendation of CPT experts to dispose of temporary detention cell No. 10 at Riga Principal Police Office has been complied with. Also all requirements regarding interrogation rooms at the cell have been met. Moreover, in 2004 a funding of 23 500 LVL has been granted for renovation of this cell.

Approval has been given to proposals developed by State Police to grant funding for initiation of putting in order the temporary detention cells according to which in 2004 the State Police will receive 427 365 LVL. This amount is earmarked for: 1) commissioning construction objects for Kraslava, Daugavpils and Aizkraukle district police offices, 2) regular refurbishing at 14 police office buildings, and 3) thorough repairs at Jelgava, Valka and Talsi district police offices.

Information about 5th item of CPT letter - ILRC 'Olaine' material and technical provision

After visit of the European Commission representatives in 2002 to the Illegal Immigrant Residence Camp Olaine (ILRC Olaine), the following has been performed:

- re-decoration in rooms for the detained persons, medical room and shower-room and bathrooms has been performed;
- the necessary equipment for the medical room has been purchased - two couches, a foldingscreen, a cabinet for medication, medical table;
- the first medical assistance point is regularly supplied with medication (a contract on purchase of medication has been concluded with Recipte Plus AS);
- the primary medical care has been ensured (agreements on provision of medical assistance have been concluded with medical care institutions - Olaine Health-Centre, Jelgava Psycho-Neurological Hospital and the National Tubercular Patient Centre;
- proper household and sanitary conditions have been ensured (disinfectants are purchased and used on a regular basis);
- lighting and heating has been improved (two additional electrical oil heaters were obtained) for the medical room.

At the end of December this year, gas steam-shop of ILRC Olaine will be put into operation that will provide the camp with constant heat supply and hot water.

Information about 6th item of CPT letter - establishment of control service under the State Police

For the purpose of investigation of offences committed by the State Police employees, in 2003 the Internal Security Office was established consisting of the Operative Department, Human Resource Inspection and Pre-Trial Investigation Department. The principal task of the Office is to consolidate the working discipline and lawfulness at organizational units of the State Police.

To ensure objectiveness in activities of the Office, it operates under direct subordination of the Chief of the State Police and is entitled to request and receive from the State Police organizational units any necessary information, documents and other materials irrespective of their classification, to request and receive from the State Police organizational units criminal cases in place with their records; to request and receive from the State Police employees written and oral explanations irrespective of the post; at any moment of the day, to perform inspection of State Police organizational units on duty, temporary detention cells, patrols and stations; within scope of its competence, to give instructions to employees of State Police organizational units.

Reply of Ministry of Health on CPT request dated 26.11.2003

According to the request of the president of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment the Ministry of Health can confirm that ordination of medicines has been reviewed for each child detained in Vīķi Psychiatric Centre Children's Section during year 2003. Although the possibilities to decrease daily doses of medicines have been reconsidered in every individual case, but there is still apparent problem concerning treatment of patients who have severe, therapeutically resistant psychotic state. Anyway the gradual transition from the conventional psychotropic treatment to more advanced forms of psychotropic drugs (requiring lower doses) is performed successfully – the newer medicines are given for 31 patients, i.e. about 50% of all patients (there were only 15 patients receiving advanced drugs in 2002).

Due to possibility to move several children to Ainaži Mental Hospital and to social welfare centers it was found possible to decrease the number of patients in the Centre thus subduing impaction to 60 patients instead 68 at the beginning of year 2003.

Evidently the additional resources allocated by state budget – totally LVL 4100 - could be significant for reconstruction of feeding unit of the Centre. Currently the price inquiry procedure is performed to estimate the best offer for repairing, purchasing of kitchen equipment. The reconstruction works will start from March 2004.

There are sufficient resources (LVL 500) allocated for purchasing of children napkins and night dresses as well during year 2004.

Regarding the question of means of restraint and seclusion they are performed only in exceptional cases strictly following medical criteria and excluding the use of these means as punishment. All the restraint and seclusion issues are booked in particular register accompanied by mentioning the fact of restraint and clinical motivation in patient's case record. The time of continued applying of means of restraint and seclusion mustn't exceed 3 hours. All belts, bonds and covers used for the purpose of restraint and seclusion are made of soft and careful material to prevent possible physical damage. Permanent supervision of staff is provided to permit any complications during restraint and seclusion of patients.

Regarding the question of establishing a special unit for the accommodation of residents suffering from dementia at the Ezerkrasti Social Welfare Centre.

The special unit for children with hard and deep insanity derangement has been established in the Centre by the order No. 51 of the Ministry of Welfare on 1 March 1995.

Adults with insanity derangement are not institutionalized in the Centre, as they are brought to on the specialized welfare centres for the persons with insanity derangement.

The order by which persons are kept in the sustained social welfare and social rehabilitation centres has been defined by the rules No. 278 "Order for receiving the social services and social assistance" on 27 May 2003.

In case of development of dotage the suffered person is transferred from the Centre to the Social welfare centre "Gaiļezers" (by the appointment of Welfare department of Riga municipality).

