

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CPT/Inf (2014) 6

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 12 to 17 September 2013

The Latvian Government has requested the publication of this response. The report of the CPT on its September 2013 visit to Latvia is set out in document CPT/Inf (2014) 5.

Strasbourg, 11 March 2014

**COMMENTS OF THE LATVIAN GOVERNMENT
ON THE REPORT ON LATVIA BY THE EUROPEAN COMMITTEE FOR THE
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT**

Having assessed the report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after the visit to Latvia from 12 to 17 September 2013 the Government of Latvia hereby presents the following information on the implementation of the CPT's recommendations. The Government of Latvia would also like to avail itself of this opportunity to express gratitude to the CPT for the observations and recommendations as they all contribute to the improvement of the situation in areas related to deprivation of liberty.

Paragraph 8 – 9 of the Report

It should be noted that remand prisoners are not held at short term detention facilities (STDF) without justified necessity and after implementing all the necessary investigative activities they are immediately escorted to investigation prisons.

It should be emphasized that suspects (remand prisoners) are without undue delay provided with the possibility to be escorted to investigation prisons. However, to ensure a normal conduct of criminal proceedings, in order to establish the facts of the case and to achieve the purpose of criminal proceedings, it is sometimes necessary to immediately undertake relevant and urgent investigative measures. Therefore, the authority responsible for the relevant stage of the proceedings has the right, within the proscribed limits of the law, to make any procedural decision and take any procedural action. Restricting the afore-mentioned rights of that authority to "very exceptional" cases and "specific reasons" could have a negative impact on the swift conduct of an investigation.

The Criminal Procedure Law stipulates that a person detained for a short time in custody as provided by law, as certain facts provide reasonable grounds to believe that the person has committed a criminal offence, can be deprived of freedom for a period of up to 48 hours from the actual moment of detention. In a number of cases, due to objective circumstances, it is not possible to establish and record all the circumstances of the crime committed and carry out all the required procedural actions involving the detainee. Therefore, where a decision is made to remand in custody a suspect as a security measure, a necessity may arise during that time to transfer that person to a STDF to carry out the required procedural actions that cannot be undertaken in an investigation prison. The situation also applies to convicted inmates if their link with other criminal proceedings in the stage of pre-trial investigation has been established.

Besides, it should be noted that chairpersons of district (city) courts and regional courts are encouraged to use video-conferencing on a larger scale to preclude a lengthy stay of juveniles at the STDFs, thus ensuring that juvenile prisoners enjoy rights set out in the Sentence Execution Code (hereafter – Code) of Latvia and the Law on the Procedure for Holding Detained Persons.

We also wish to inform the Committee that according to the Ombudsman, no complaints have been received from detainees in 2013 regarding excessively lengthy detention at STDFs. In 2013, the Ombudsman's office received no complaints from detainees on alleged violence in the course of investigation at police precincts.

Paragraph 10 – 11 of the Report

On 4 February 2013 the Cabinet of Ministers approved the Concept of the Development of a System for Administrative Punishment, providing for measures of introducing a new system of administrative punishments, which involves the replacement of administrative arrest with a fine. The concept aims at introducing administrative procedure in line with contemporary legal standards, simple and fast in procedural terms, which could ensure observance of human rights, procedural fairness and inevitability of punishment. At the same time, the concept presents a list of new administrative penalties, no more containing arrest as a type of punishment. The bill was approved by the Cabinet of Ministers Committee on 16 December 2013 and the relevant ministries were charged with making adjustments to the text and subsequently submitting the bill for consideration in the Cabinet of Ministers along with a plan for introducing a system of administrative punishment.

On 1 April 2013 amendments to the Criminal Law entered into force. The amendments provide for changes in the classification of criminal acts by the level of gravity, as well as the replacement of a type of criminal punishment – arrest – with short-term imprisonment (*See comments on paragraph 16 and 18 of the Report for information on the measures planned to improve physical conditions at the STDFs*).

Paragraph 16 and 18 of the Report

At the moment the issue of closing Dobele STDF of Zemgale Regional Police Department is under consideration, because the design of this police station building makes it impossible to create window openings in exterior walls.

Within the framework of the “Norwegian Financial Mechanism” the State Police has developed a project application “Improving the Standard of the Latvian State Police detention centres, including activities aimed at improving infrastructure, reducing/abolishing the current practice of administrative detention, changing the practice or returning remand prisoners for further investigation, ensuring adequate training for staff working at police detention facilities.” The overall objective of the Project is to improve the STDFs to achieve compliance with the relevant international human rights standards.

The Project measures include:

- Improvement of the STDF technical standards – renovation/reconstruction (in Gulbene, Cēsis, Aizkraukle, Jelgava, Jēkabpils, Bauska, Rēzekne, Saldus, Liepāja, Ogre and Rīga Region) ensuring the appropriate number of *STDF's* and preventing overcrowding;
- Increase of the competence level of the staff – development of two professional training programmes which will be applied in the State Police College. The first training programme is devised for detention officers, the second one – for police officers managing STDFs. Besides, it is planned to draw up a 40-hour specialized training programme for the professional development of detention officers, especially regarding human rights. This study course will be tested during the project providing training of 100 STDF personnel;
- Acquisition of best practice of Estonia and the Council of Europe in the field of STDF development.

According to the Project, large-scale repair works are planned at Jelgava STDF, whereas major renovation works are planned at Saldus STDF. The technical project is currently under development, the implementation is scheduled for 2014.

It should be added that experts of the Council of Europe will provide consultations on all the major Project activities including renovation of STDFs, in order to keep up with international standards.

Paragraph 19 of the Report

On 14 January 2013 a letter signed by the Chief of the State Police was sent to all police departments with a request to provide one hour - but not less than 30 minutes - long outdoor exercise in the open air to persons who are detained by the police for more than 24 hours. In January 2014 the State Police repeatedly sent a letter to all regional police departments with clear instructions as to eliminating irregularities established by the Committee. In addition, on the grounds of the audit opinion by the Ministry of the Interior, the State Police was entrusted to review the lists of posts at regional police departments with the aim of ensuring the appropriate staffing levels at STDFs.

Paragraph 22 of the Report

The Ministry of Justice informs that on 11 September 2013 the Head of the Prison Administration of Latvia (hereafter – Administration) issued an order No 218 “On the audit of premises in prisons” by which a prison audit commission (hereafter –the Commission) was formed, including, *inter alia*, representatives from the Ministry of Justice. The main task of the said commission is to inspect and assess the condition of the prison premises, and establish whether the prisoners are provided with dignified conditions in accordance with the following criteria:

- Sufficient living space (an area of at least 4m² per prisoner);
- Necessity for renovation of the premises;
- Sufficient natural and artificial lighting;
- Existence and sufficiency of ventilation;
- Partitioning of toilets;
- Provision of individual beds;
- Provision of at least minimum microclimate parameters;
- Compliance with the general hygiene standards and epidemiological safety.

The Commission has been ordered to visit all prisons and collect the necessary information until 1 April 2014 (observations on each prison will be presented separately). Once the Commission’s work is completed, a report will be submitted to the Ministry of Justice, recommending actions that should be taken in each of the premises: closure of a specific cell/living room, financial investments in order to improve the living conditions within the premises so that they would be compatible with human dignity and not present inhuman or degrading environment for inmates.

Paragraph 25 of the Report

In Daugavgrīva Prison fully partitioned toilets (floor to ceiling) are planned to be installed in the cells of life-sentenced prisoners. Rebuilding of the existing partition walls will be carried out, including reconstruction of metal frames and plywood in order to cover the gap between the floor and the bottom of the partition, and the gap between the ceiling and its top. The above-mentioned works will be carried out during the first half of 2014.

Paragraph 26 of the Report

In 2013, the administration of Jelgava Prison purchased building materials for the separation of the toilet facilities for the total amount of EUR 5018. The partition walls of the toilets will be constructed from laminated chipboard, the total height of the partition is intended to be 2.11 m from floor. The height of the partition wall will ensure a complete privacy, and the toilet will be shielded from the peep hole and the top level of the bunk beds located in the cell. The improvement of the living conditions of life-sentenced prisoners in the Jelgava Prison will be continued through the first quarter of 2014.

While evaluating the specifics of the existing infrastructure in Jelgava Prison, it was established that it was not possible to build a complete (floor to ceiling) partition wall around the toilet, because in such case the air circulation in cells would be disrupted, since the exhaust hatches for forced ventilation in cells are located above the toilets. By installing a full lavatory partition it would only be possible to ensure the air circulation inside the toilet compartment, and not in the remaining part of the living space, which is not acceptable.

Paragraph 30 of the Report

During the recent years, significant improvements have taken place in regard to life-sentenced prisoners' regime and living conditions. Life-sentenced prisoners in Daugavgrīva and Jelgava Prisons are offered to acquire primary, secondary and professional education. Furthermore, Daugavgrīva Prison offers prisoners the possibility to acquire professional qualifications, for instance, those of a carpenter, paver, construction worker, dry constructions' builder, furnace builder, sanitation equipment assembler and tailor. Life-sentenced prisoners in Jelgava Prison are offered to participate in primary and secondary education programs, as well as in professional education programs, and acquire professional qualifications of a carpenter, welder, electrician or tailor.

Taking into account the provisions of Section 50.4, paragraph six and Section 41, paragraph one of the Code on the isolation of life-sentenced prisoners from prisoners of other categories, it is not possible at present to form a general education class or a vocational education study group consisting of people sentenced for life, as currently there are only 10 prisoners serving a life sentence in Jelgava Prison (data as of 9 December 2013). Under the current regulation, the number of pupils in classes at primary and secondary education institutions of Latvia is specified by the municipality. Currently, the mandatory number of pupils in a class in primary or secondary education programmes is 25 to 30 as determined by local authorities. The number of pupils in professional education groups is specified by the Ministry of Education and Science. Paragraph 2.3 of Regulation No 410 issued by the Ministry of Education and Science "On the number of state-funded placements in professional education institutions in 2013" stipulates that the minimum number of students in state-funded educational programs in prisons is 16 students.

In accordance with Paragraph 10 of the Cabinet of Ministers Regulation Nr.149 of 28 February 2012 "Regulations regarding the procedures for enrolment of students in and discharge from general education institutions, and the mandatory requirements for moving them up to the next grade" educational institution has the right to enrol a student as an external student (a person who acquires knowledge and skills corresponding to the requirements of State general education standards in the form of self-education and takes examinations for acquiring an evaluation of the year in a study subject or for acquiring an education document) for the acquisition of general basic education (from 18 years of age) or general secondary education. If a person sentenced for life expresses a wish to participate in a general education program as an external student, he or she has to submit an application addressed to the director of the education institution.

Life-sentenced prisoners have a possibility (and they do use that possibility) of attending services of various denominations in the Jelgava Prison chapel and concerts arranged by spiritual care providers. Activities of such nature take place once a week or once every two weeks. Life-sentenced prisoners are also involved in unpaid work – cleaning of their residential block, also an opportunity is ensured for them to participate in a competition of ideas for the improvement of their common recreational room.

Jelgava prison life-sentenced persons are provided with the following out-of-cell re-socialisation possibilities:

- According to Section 56.10 of the Code - to take part, without remuneration, in maintenance, cleaning and improvement works in a separate block of the prison, as well as in the works for the improvement of cultural and living conditions of the life-sentenced prisoners (when performing the said work, life-sentenced prisoners are located outside their cells in accordance with the approved timetable);
- Life – sentenced prisoners in Jelgava Prison can receive counselling by a psychologist outside the cell (during the 2013, all life-sentenced prisoners sentenced have used this opportunity; they received 61 consultations altogether, and on one occasion a crisis intervention was provided).
- English and/or Latvian language self-tuition (Jelgava Prison administration provides training aids);

In addition, there are plans to create a study room during the first quarter of 2014, where re-socialisation programmes and creative group lessons for the life-sentenced prisoners would also take place.

Renovation of the gym in Jelgava Prison during the first quarter of 2014 is planned. At present the gym is equipped with weight lifting bars and an exercise bench. Given the constructional features of buildings and structures in Jelgava Prison it is not objectively possible to extend the exercise area. Following the repairs of the gym, an opportunity will be ensured for the life-sentenced persons to undertake physical activities.

Moreover, the Administration has initiated a discussion in the Ministry of Justice about reforming the sentence serving for the life-prisoners by creating a possibility for them to serve their sentence together with other convicts. This discussion is scheduled for the first six months of 2014, including within the working group, established for the improvement of the Code.

In Daugavgrīvas Prison, 18 persons that are serving a life sentence on the medium regime level have been involved in a vocational education programme for obtaining the qualification of “Tailor” (the programme is implemented by the Daugavpils Vocational Secondary School). In addition, four of the life-sentenced prisoners (two of them serving their sentence on the lowest regime level and two – on the medium level) are engaged in the process of acquiring secondary education, while three (one serving his sentence on the medium regime level, and two – on the lowest level) are receiving basic education in Daugavpils Secondary School No.17. The studies take place every weekday (usually from Monday to Friday) in the form of consultations in a classroom outside the cell.

Daugavgrīvas Prison's life-sentenced prisoners are provided with the following out-of-cell re-socialisation possibilities:

- to attend - as part of interest-oriented education - classes in "Paper Plastic Art", a hobby group run by a teacher from Daugavpils Secondary School No.17 (11 life-sentenced prisoners participated in 2013, eight of them serving their sentence on the low regime level);
- to receive individual counselling by a psychologist (50 life-prisoners have used this opportunity);
- under the provisions of Section 56.¹⁰ of the Code, to take part, without remuneration, in the maintenance, cleaning and improvement works of a separate block of the prison, as well as in the works for upgrading cultural and living conditions of life-sentenced prisoners (when performing the said work, the life-sentenced prisoners are located outside their cells for approximately 1.5 hours);
- to be employed by SIA "Sv.Lūkasa darbnīca" (*St.Luke's Workshop*): currently the company has engaged seven life-sentenced convicts who are serving their sentence on the lowest regime level (the convicts are performing work outside their cells for 2.5 hours, four times a week). The employed prisoners receive wages.

In addition to that, life-sentenced persons in the Daugavgrīvas Prison are provided, at their wish, with an opportunity to attend a common recreational room and participate in several activities with other life-sentenced prisoners - play the "novuss" game, read books, work on a computer, watch TV or videos. It should be noted that if a television show or a movie has a prolonged broadcasting time, the administration of Daugavgrīvas Prison, following the principle of good governance, does not interrupt the viewing.

The convicted persons are provided with the opportunity to attend a chapel each day, and there are convicts who attend it almost every day. The time allocated for attending the chapel is up to 3 hours. If necessary, this period may be extended at the request of the convict. In addition, every year, on Christmas, New Year, Easter, Summer Solstice, and other public holidays, an opportunity is offered to the life-sentenced convicts to participate in various types of activities: concerts by invited performers or charity concerts, viewing themed feature films followed by a discussion, participation in different types of table games (draughts, chess, "nardy"), intellectual games (for example, Brain-Ring), sports competitions (tennis, the "novuss" game), clay therapy, lectures delivered by a prison chaplain and a psychologist. All of the above activities are organised and conducted by officials and employees of the Daugavgrīva Prison Social Rehabilitation Section with participation of the Supervising Section officials.

As regards more extensive involvement of the life-sentenced prisoners in various activities, the Administration explains that, for security reasons, it is not always possible to assemble the life-sentenced prisoners together in one group. The life-sentenced prisoners in Daugavgrīva Prison are involved in re-socialisation and leisure time activities taking into account the intent expressed by the convicted persons, security considerations, namely, each time following an assessment of circumstances on an individual basis.

Paragraph 36 of the Report

Amendments to the Code that came into force on 1 April 2013 stipulate that special means – handcuffs – can be applied on life-sentenced prisoners after evaluating danger and necessity thereof on an individual basis.

In order to ensure a uniform approach to individual risk assessment in respect of life-sentenced prisoners, the Administration intends to draw up and send an explanatory letter to prisons during the first half of 2014. The said document will govern the application of an appropriate psychological methodology, to assess the threat to staff. Thus, following the Committee's recommendations, a uniform and comprehensive approach will be implemented in prisons for the psychological assessment of individual risks posed by life-sentenced prisoners, which will be used already during the next evaluation of the life-sentenced prisoners (which is taking place at least once every six months).

In addition to that, in Jelgava Prison the behaviour of a life-sentenced prisoner during the period since a previous assessment will be clearly described in the minutes of the life-sentenced prisoner assessment commission. The data describing a prisoner's behaviour will be specified, and each entry will be substantiated in detail by the commission members.

Paragraph 37 of the Commission Report indicates that prison doctors are members in individual risk assessment commissions, and the Committee stresses that this endangers the principle of doctor - patient confidence. However, the Committee considers that a doctor must be informed regarding all the decisions by the said Commission to impose the use of handcuffs. In the light of the above, the Committee recommends that the relevant legislation be reviewed. The Ministry of Justice and the Administration conceptually approves the proposal of the Committee and such amendments will be drawn up and discussed, during the first half of 2014, in a working group that has been established for the improvement of the rules of the Code.

Paragraph 38 of the Report

The cells of Daugavgrīva Prison where life-sentenced persons are accommodated are equipped with a video surveillance system. Video surveillance cameras are installed above the entrance to the living room to avoid the surveillance of sanitary units, and video surveillance is not conducted on a regular basis. If the administration of Daugavgrīva Prison receives operative information on possible violations, video surveillance is carried out in order to prevent commission of offence, conflict situations or other disturbances. If needed, the video record may be reviewed by a specially designated official only.

The Ministry of Justice informs that the Latvian legislative framework on video surveillance is currently under development, including video surveillance of public sites. Therefore, the regulation of video surveillance in prisons will be developed on the basis of general legislation.

Paragraph 39 of the Report

The Committee recommends taking measures, including amendments to legislation, to institute a process for the integration of life-sentenced persons into the mainstream prison population with regard to the Recommendation Rec(2003)23 of the Committee of Ministers to member states on the management by prison administrations of life sentence and other long-term prisoners. The Ministry of Justice and the Administration conceptually support the recommendation of the Committee to make amendments to the Code.

Paragraph 40 – 41 of the Report

The Administration is currently undergoing a staff reform and as of 1 January 2014 a Medical Department has been established within the central Administration office in order to coordinate the work of Medical Departments of all prisons and ensure a uniform approach to prisoner health care. The Medical Department of the Administration has been assigned to make assessment regarding the number of medical staff required to ensure prisoner health care to the extent provided for in the legislation and come up with proposals to increase staffing levels. Based on the given assessment and the proposals submitted, the Administration will amend the Prison Administration staff unit list by 1 January 2015.

Paragraph 42 of the Report

Prisoners in the Rīga Central Prison are employed as cleaners of the premises of the Medical Department. There are no nursing assistants in the Medical Department of Jelgava Prison. In Jelgava Prison, an attendant performs his professional duties in accordance with the job description, that is, cleans the health care unit premises every day, performs activities to ensure the basic needs of a patient, performs hygiene procedures for patients, assists in first-time preparation of a patient for diagnostic and treatment procedures and examinations, namely, assists in getting a patient prepared for a doctor's examination or treatment, changes bed linen, helps a patient to change clothes, tidies up, cleans and disinfects working surfaces, equipment and sanitary units on the premises. It is prohibited for an attendant to access prisoners' medical files and their data. The quality of an attendant's performance is controlled by the head of the Medical Department of Jelgava Prison.

Paragraph 44 – 46 of the Report

A health care unit of a prison as a medical institution must comply with all the health care statutory and regulatory requirements, including the Regulations No 60 of the Cabinet of Ministers of 20 January 2009 "On the Mandatory Requirements for Medical Treatment Institutions and their Structural Units". The enforcement of requirements and professional quality of health care are monitored and controlled by the Health Inspectorate (hereafter – the Inspectorate).

The Prison Administration closely cooperates with the Inspectorate in processing individual applications and in supervising the work of health care units in prisons. Over the past five years (2008–2012) the Inspectorate has examined 1,140 applications from prisoners (20 of which were substantiated), conducted 362 inspections and 473 verifications within the Inspectorate's competence, as well preparing 448 letters in response to the prisoners' applications. As regards public health, the Inspectorate received 64 applications over the past five years (20 of the applications were substantiated), of those, 36 were complaints concerning hygiene standards, 16 – on rodent and insect presence, 7 – on poor quality of drinking water, 2 – on noise and 1 – on air pollution in prison.

In 2011, amendments were made to the regulatory requirements within the frame of health care organization and financing, defining medical service types and amount that are paid from the state budget according to the diagnosis established, thus ensuring that prisoners receive health care services like the rest of the population. Consequently, in year 2012 the number (1204) of out-patient examinations and consultations conducted in an external health care institutions grew if compared to services provided in 2009 (307). There has also been an increase in in-patient examinations and consultations provided in external health care institutions (147 cases in 2009 – , 236 – in 2012).

On 25 October 2013 the Medical Treatment Risk Fund commenced its activities, thereby persons are able to apply/request for payment of compensation if it is ascertained that a medical practitioner's professional/unprofessional activities or omissions have caused the expenditures. The right to request the payment of compensation, if harm to persons health or life is ascertained, may be claimed by any patient regardless of the medical institution (health care unit) in which the health service has been provided, including imprisoned persons and health care provided in health care units of the prison.

Prisoners, like any other person, are equally entitled to receive state reimbursed medical products and medical devices listed in reimbursement list of medical products and medical devices if their diagnosis falls within the scope of those specified in the Cabinet Regulations No. 899 "Procedures for the Reimbursement of Expenditure for the Acquisition of Medicinal Products and Medical Devices Intended for Outpatient Medical Treatment", Annex 1.

The list of reimbursable medicinal products is compiled in accordance with the list of diagnoses and the annual reimbursement budget; therefore, the possibility for putting expensive new generation medicinal products on the list is limited.

Over the past years, significant improvements in health care to prisoners have been made possible due to the ongoing cooperation with the Ministry of Health. For instance, the Ministry of Health is currently working on a draft Action Plan for 2014-2016 to restrict the spread of HIV infection, hepatitis B and C virus infection, and sexually transmitted diseases, covering a considerable scope of measures to ensure health care to prisoners and the prevention of infectious diseases. The amount of additional funding required for that will also be estimated. The Ministry of Justice will continue its cooperation with the Ministry of Health in solving important prisoner health care issues.

The Ombudsman has recognised that in recent years positive trends have been observed in the provision of health care to prisoners. For instance, by amendments of 27 September 2011 to the Cabinet Regulations No 1046 of 19 December 2006 "Procedures for the Organisation and Funding of Health Care", the rights of doctors working in prisons have been approximated to those of general practitioners working in external medical institutions, thus providing inmates with a possibility for receiving health care services in the same way as persons in the outside community.

Nevertheless, it can be acknowledged that currently the amount of state budget allocations for prisoner health care is insufficient. This does not allow the usage of a more effective and modern medication in treatment. Medical staff of the Medical Departments of prisons, in order to improve prisoner health care, make maximum use of the possibility of referring prisoners for examination and treatment at external medical establishments and also, as far as possible, prescribe and provide prisoners with reimbursable medicines. The Administration confirms that the hospitalisation of prisoners in emergency or acute cases is arranged immediately. In cases of pre-planned in-treatment and examination, hospitalisation is arranged in view of the availability of the particular service at the particular time, and the number of places in respective hospital units.

In addition, the Administration reports that the shortcomings in the area of dental services found in Jelgava Prison are being eliminated. Dental care, including the sterilisation of tools, is being arranged in compliance with legislative requirements and will be supervised more closely.

Paragraph 47 of the Report

Information provided by the Administration suggests that more attention will be paid in future to improving the performance of Medical Departments of prisons and the instruction of medical staff on the sequence of actions after establishing that a prisoner has suffered bodily injuries; special forms with “body charts” to record injuries will be developed and introduced, as well as the possibility will be provided of taking pictures of visible bodily injuries, which are to be kept in a prisoner’s medical file. At the same time the Administration plans to improve procedures for recording bodily injuries in medical documentation (training staff in making detailed, clearly legible entries with an opinion of a medical professional attached). Moreover, the Administration has foreseen to run a professional qualification improvement course for medical staff in June 2014, including *inter alia* the following issues in the programme:

- 1) Mandatory inclusion of the established information into a prisoner’s medical record:
 - Findings during medical examination (both on admission to a prison and during imprisonment);
 - Various explanations provided by a prisoner during medical examination, also including the description of his/her state of health given by the person him/herself and information on possible ill-treatment;
 - Full account of objective medical findings obtained during medical examination;
 - Opinion of a medical professional, in the light of information provided by the prisoner and the consistency between information obtained during examination and objective medical findings;
 - Mandatory examination information – results of additional examinations, detailed specialist opinions, a description of the treatment method and any further procedures performed;
 - Recording medical examination results in the case of injury on special forms with a “body chart”;
 - Adding photographs of prisoners’ injuries ;

- 2) Availability of examination results and information included in a medical file to the prisoner and his/her lawyer.

Information provided by the Administration suggests that already currently in case of minor, medium and serious bodily injuries in prisons, criminal proceedings are initiated, irrespective of a prisoner’s wishes. Criminal proceedings and decisions taken are supervised by a prosecutor in accordance with legislation. Thus, already at this point a prosecutor is informed about any bodily injury and circumstances of a possible offence in a prison.

Paragraph 48 of the Report

The Ministry of Justice reports that work on the development of a draft Prisoner Health Care Conception was started in 2013. One of the challenges identified in the Draft Conception is the downsizing of activities at the Latvian Prison Hospital as a result of the economic downturn, and the need to resume the operation of the hospital by introducing minor reforms. The Ministry of Justice will inform the Committee about possible solutions provided in the draft after the document is finished.

Paragraph 49 of the Report

On 18 September 2013 the Administration started the implementation of the project “Establishment of a New Unit at Olaine Prison, Including Construction and Staff Training”, No LV08/2, developed within the framework of the programme “Reform of Temporary Places of Detention of the State Police and Correction Services of Latvia”, co-financed by the Ministry of Justice and the bilateral financial instrument of the Government of Norway. The project aims at developing a system of working with prisoners having substance abuse problems, and provides for the development of an appropriate prisoner assessment system and training prison staff to conduct such assessments.

The project envisages the building of an Addiction Centre in the territory of Olaine Prison to accommodate 200 prisoners, The Minnesota Program (used in prisons of Poland) and a programme entitled *Pathfinder*, taken over from Oslo Prison in Norway will be implemented in the centre. It is planned that prisoners-addicts will spend a year at the Addiction Centre and then will be either released early on probation (with or without electronic surveillance), or will continue to serve their term in a drug-free unit in another prison. As regards the design for the building of the Addiction Centre, it has been developed in accordance with the recommendations of the Committee regarding the living space of 4 m² per prisoner). In order to ensure compliance with international standards and the recommendations of the Committee, an expert nominated by the Council of Europe evaluated the design and the sketch of the Addiction Centre. The project is to be completed by April 2016, and the estimated amount of funding is EUR 8 277 294.00.

Paragraph 50 of the Report

The Ministry of Justice draws attention to the fact that the issue concerning the regime of pre-trial detainees will be discussed within the working group set up in order to improve the provisions of the Code, in the first half of 2014. Information provided by the Administration for its part shows that pre-trial detainees at Rīga Central Prison currently have the following out-of-cell re-socialisation possibilities:

- Obtaining general basic and secondary education (provided for by Rīga Evening Gymnasium) – 37 pre-trial detainees involved;
- Obtaining vocational qualifications – 7 pre-trial detainees involved, out of them: 6 pre-trial detainees acquiring vocational qualifications of a tailor, one pre-trial detainee - assistant cook;
- Psychologist’s consultations – 132 pre-trial detainees benefited from the possibility;
- Participation in the re-socialisation programme “Stress Reducing Programme” – 24 pre-trial detainees involved;
- Participation in lectures – 24 pre-trial detainees involved, out of them, within the framework of the programme “Development and Improvement of Communication and Thinking Skills” – 11 pre-trial detainees, the “Development of Adaptation Skills” programme – 13 pre-trial detainees;
- Participation in meetings of the association “Latvian Anonymous Addicts” – 8 pre-trial detainees involved.

Besides, 2 pre-trial detainees (foreigners) learn Latvian outside cells through self-studies and by using computer software; 1 pre-trial detainee is in the process of acquiring higher education (through distance-learning).

Paragraph 52 of the Report

The Ministry of Justice reports that under the provisions of the Law “On the State Budget for 2014” the Administration has been allocated new staff units with respective financing for the hiring of personnel involved in re-socialisation activities, in accordance with the Cabinet Order No 7 of 9 January 2009 “Concept for Re-socialisation of Persons Sentenced with the Deprivation of Liberty”.

Having regard to the recommendation of the Committee to increase the number of staff in prisons, the Administration will make an assessment and estimates by 1 April 2015 and will come up with according proposals. Based on the above-mentioned assessment, the Administration will amend the Prison Administration staff unit list by 1 January 2016.

The Administration is currently actively cooperating with the State Employment Agency by regularly sending information on staff vacancies in prisons, also indicating mandatory requirements for candidates. Besides, the Administration regularly updates the information in the Vacancies section on its website. Regrettably, candidates available on the labour market quite often do not correspond to the mandatory requirements for candidates (inadequate level of education, health condition or age not corresponding to service requirements) and, in addition, due to the limitations of the allocated state budget funding, the Administration is not able to offer a competitive salary.

Taking into account the recommendation of the Committee to improve the working environment of prison staff, the Administration will conduct an inspection and assessment of the working environment of officers and employees by 1 July 2014. By 1 October 2014 proposals to improve the working environment will be developed.

Paragraph 53 of the Report

In 2013 the working group which was set up to improve the Code, examined and supported proposals of the Administration to abolish phone call limits, and they will be included in one of the next draft laws on the amendments to the Code. As mentioned earlier, the working group will also consider the possibility to integrate life-sentenced persons in the mainstream convict population, which means a higher number of meetings per month and a wider scope of other rights.

Paragraph 54 of the Report

As regards to the Committee’s recommendation to improve conditions during short term visits for sentenced prisoners (removal of shielding constructions) - as early as in 2013 this recommendation was on the agenda of the working group set up to improve the Code; nevertheless, the working group has decided to consider the issue repeatedly in 2014.