

Criminal Detention in the EU Conditions and Monitoring

Update of FRA's Criminal Detention Database
(FRANET)

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Part I: National standards

Covid-19 measures:

In Latvia, the [first state of emergency](#) in relation to the Covid-19 pandemic lasted from 12 March until 6 June 2020. The [second state of emergency](#) was declared from 9 November 2020 until 6 April 2021. The first Covid-19 case in Latvian prisons was diagnosed on 3 November 2020 in the Jelgava Prison. Until then Latvia was one of the six EU Member States with no Covid-19 cases in the prison system.¹ Quarantine periods were declared in five out of nine prisons (Jelgava Prison, Jēkabpils Prison, Riga Central Prison, Daugavgrīva Prison, Ilģuciems Women's Prison, Olaine Prison (open ward)). Prisoners with more serious Covid-19 symptoms were transferred to the Latvian Central Prison Hospital, where a certain number of hospital beds in the hospital's Tuberculosis and Lung Diseases Unit were re-profiled as Covid-19 beds. In other cases, they were isolated in cells or sections of the prison.

Article 38 (1) of the [Law on the Management of Spread of Covid-19 Infection](#) adopted on 5 June 2020 (in force from 10 June 2020) grants the head of the Prisons Administration the right to temporarily restrict the rights of prisoners specified in law by an order to ensure epidemiological safety.

In the past, quarantines due to the flu epidemic during the winter season were a common occurrence in the Latvian prison system, including restrictions on prisoners' rights witnessed during the Covid-19 pandemic.

1. Cells

a) **Cell space:** What is the national standard for cell space available to detainees in m²? Are the calculation requirements spelled out by the CJEU in its *Dorobantu* ruling² observed?

The national standard for living space per prisoner should not be less than 4m² in multi-occupancy cells, and 9 m² in single occupancy cells. It is regulated by the Latvian [Sentence Execution Code](#) (Section 77, sentenced prisoners). The national standard for living space per pre-trial prisoner should not be less than 4m² (Section 19 (5), [Law on the Procedure of Holding of Pre-Trial Detainees](#)).

According to the [Law on the Procedure of Holding of Pre-trial Detainees](#), a cell for solitary confinement cannot be smaller than 1,8 x 2,5 m, and the window – not smaller than 0,5 x 0,5m. (Section 70).

¹ Latvian Prison Administration (2020). Prisons Ready for Curbing the Spread of Covid-19, <https://www.ievp.gov.lv/lv/ieslodzizuma-vietas-qatavas-covid-19-izplatibas-ierobezosanai>

² For the CEU's calculation requirements please see: CJEU, *C-128/18, Dorobantu* [GC], Judgment of 15 October 2019, oper. part.

According to the Latvian Prison Administration, in March 2021 there were 3 036 prisoners, 772 were in pre-trial detention and 2 264 were convicted prisoners. 64% of prison capacity was full. The total prison capacity is 4 822 (4m2 per prisoner).

In her meeting with the parliamentary committee on 24 March 2021, the Director of Prison Services informed that "Under Covid-19 restrictions, in order to completely isolate everyone – we use cells that are slightly smaller than the required 9 m2, but this is done to limit the spread of the virus."³

b) **Cell equipment, furniture and facilities:** Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?

Temperature in cells must not be lower than +18°C. Cells accommodating pre-trial detainees shall have natural light, but the during dark time of the day – artificial light. Cells are equipped with a table, stools and beds, places for the storage of prisoners' personal property and a sanitary annex, which is separated from the rest of the cell. A pre-trial detainee in an investigation prison is provided with an individual bed, bedding and a towel. (Section 19 (5,6), [Law on the Procedure of Holding of Pre-trial Detainees](#)). The width of toilet doors in prisoner cells (except for cells accommodating prisoners with disability) shall not be less than 0,6 metres.⁴ According to Article 77 of the [Sentence Enforcement Code](#) each sentenced prisoner shall have an individual bed and shall be provided bedding items.

Neither the Sentence Enforcement Code, nor the Law on the Procedure of Holding of Pre-Trial Detainees, nor Internal Regulations of the Places of Deprivation of Liberty provide in detail what the sanitary annex should consist of.

Neither the Sentence Enforcement Code, nor International Regulations of the Places of Deprivation of Liberty include provisions about standards concerning temperature, natural, artificial light, ventilation, etc. in cells accommodating sentenced prisoners. As evidenced by the last [CPT report on Latvia](#) (2017), conditions vary from good to deplorable.⁵

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

There is no public information about national standards for video-surveillance of cells. The decision concerning the registration of the data processor in prisons is taken by the Data State Inspectorate (*Datu valsts inspekcija*).

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

According to the Section 77 of the [Sentence Execution Code](#) ("convicted persons who are serving sentences in deprivation of liberty institutions shall be provided with living

³ LETA (2021). 3 036 persons are imprisoned in Latvia, which is 63% of the prison capacity (Latvijā ieslodzīti 3036 cilvēki, kas ir 63% no cietumu kapacitātes), 24 March. (available to subscribers only)

⁴ Latvia, Cabinet of Ministers (*Ministru kabinets*). Cabinet of Ministers Regulations No 491 On Technical Requirements Concerning the Construction of Places of Deprivation of Liberty and Investigation Prisons, Article 11, 26.07.2016, at <https://likumi.lv/ta/id/283811-tehniskas-prasibas-brivibas-atnemsanas-iestazu-un-izmeklesanas-cietumu-buvniecibai>

⁵ See para 40, 49, 59.

conditions in conformity with epidemiological safety and hygienic provisions." Convicted prisoners may be employed without remuneration in cleaning/maintenance of prison and it is the obligation of convicted prisoners to keep order in living premises and communal areas. If the convicted prisoners share a cell, they have to clean it up by the list. (Cabinet of Ministers [Regulations No 423](#) Internal Regulations of the Places of Deprivation of Liberty, Section 44 (3), [Law on the Procedure of Holding Pre-Trial Detainees](#) Section 14 1) (5-7)).

According to the [Law on the Procedure of Holding Pre-trial Detainees](#), pre-trial detainees have an obligation to clean the premises determined in the daily order of the investigation prison (Article 14 (5). Time envisage for the maintenance of cleanliness in cells is between 7.00-9.00.⁶

e) *Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*

There are no different standards applicable to different detention regimes.

f) *Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.*

In the majority of cases, the following appeal procedure must be observed concerning a decision of a prison staff or prison governor. The decision must be appealed to a higher ranking official or body. The decision of a higher ranking official or body must be appealed in an administrative district court. In case of an unsatisfactory outcome, the decision of the district court can be appealed before an administrative regional court and further on in the Supreme Court Administrative Cases Department. The Supreme Court will review the complaint, if it is about the errors of lower instance courts due to wrong application of the law or violations of procedural order, and the errors are so serious that they could have lead to the wrong adjudication of the case. The individual can demand non-pecuniary (moral) compensation about the violation of his/her rights.

In accordance with the legal acts the decision of the prison administration can be appealed in general procedure within one month since the decision has been received. If it is a written decision, it should indicate terms of appeal and appeal procedure. If a concrete prison staff member has with his/her conduct violated prisoner's rights the complaint should be submitted no later than one year after the specific conduct.

Several type of administrative decisions can be appealed before one or two administrative court levels (e.g. placement in a disciplinary cell can be appealed before administrative district court and then before Supreme Court Administrative Case Division; ban on a visit can be appealed before administrative district court and its decision is final).

(Administrative Procedure Law, Articles 76, 77, 105, 106, 288-300, 325-337)

In cases of a breach or violation of the standards concerning conditions of detention, the complaint must initially be addressed to the prison official in charge of the prison

⁶ Delfi.lv (2021). What is the everyday life in prisons – strict daily order and routine. (*Kāda ir ieslodzīto ikdienas cietumos – stingra dienas kārtība un rutīna*). The article has been published as part of awareness raising campaign by the Prison Administration "Do not Turn Away! Support and Join!" 5 July, at <https://www.delfi.lv/news/national/resocializacija-nenoversies-atbalsti-iesaisties/kada-ir-ieslodzito-ikdienu-cietumos-stingra-dienaskartiba-un-rutina.d?id=53345987>

ward or prison governor, and, in case of an unsatisfactory answer – to the Head of the Latvian Prison Services. In case of a grave violation, the decision of the Head of Prison Services can be appealed in an administrative district court. In case of a written decision, it must contain information about the appeal procedure and terms of appeal. The appeal should be submitted to the court within a month since the receipt of the decision of Prison Services. Most decisions of the administrative district court can be further appealed in an administrative regional court and further in the Supreme Court Senate Administrative Cases Department. The Supreme Court will review the complaint, if it is about the errors of lower instance courts due to wrong application of the law or violations of procedural order and the errors are so serious that they could have led to the wrong adjudication of the case. The individual can demand non-pecuniary (moral) compensation about the violation of his/her rights.

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

OPCAT/National Preventive Mechanism

Until 31 May 2021, Latvia has neither signed, nor ratified OPCAT.

In 2016, the Ministry of Justice set up a working group to draft a report to advance the ratification of UN OPCAT. In its report, the working group proposed the ratification of OPCAT and the designation of an Ombudsman's Office as a National Preventive Mechanism.⁷ On 9 May, 2017, the government conceptually supported accession to OPCAT and decided to designate the Ombudsman's Office as an NPM. In 2017, the government allocated funding to the Office to carry out the functions of the NPM - EUR 145 149 for 2018, EUR 150 221 for 2019, and EUR 144 776 for 2020 respectively. According to the Ombudsman, on 1 March 2018, the Prevention Department with five posts was set up, and in 2020, it had three lawyers and a social worker. In 2018, 25 preventive visits were conducted to places of detention, none to prisons, in 2019 – 76 preventive visits were conducted, of those 7 – to prisons.⁸ In 2020, 40 monitoring visits were conducted, of which 12 were made to prisons.⁹ Monitoring visits were stopped after the declaration of the state of emergency on 13 March 2020 and resumed after the end of the emergency situation on 9 June 2020.¹⁰ With the establishment of the new department, progress has been made in making the monitoring visit reports publicly available. However, in the last two years the monitoring visits and reports have predominantly focused on homes for the elderly, long-term social care homes for adults, facilities accommodating children out-of-family care. There are only two monitoring reports concerning prisons that are publicly available for the period 2018-2020.

⁷ Latvia, Ministry of Justice (*Tieslietu ministrija*) (2017). Informative report "About the alternatives about the Informatīvais ziņojums "Par Apvienoto Nāciju Organizācijas Konvencijas pret spīdzināšanu un citiem nežēlīgās, necilvēcīgas vai pazemojošās izturēšanās vai sodīšanas veidiem Papildprotokola ieviešanas variantiem", 17 March 2017.

⁸ Latvia, Ombudsman (*Tiesībsargs*) (2020). Preventive mechanism, at https://www.tiesibsargs.lv/lv/pages/preventivais_mehanism_3

⁹ P.129, https://www.tiesibsargs.lv/uploads/content/tiesibsargs_2020_gada_zinojums_final_1613044295.pdf

¹⁰ https://www.tiesibsargs.lv/uploads/content/tiesibsargs_2020_gada_zinojums_final_1613044295.pdf

In his letter concerning the implementation of recommendation in the follow-up visit to Jelgava Prison on 7 July 2020, the Ombudsman criticised the conditions of detention in several blocks of the prison where prisoners are accommodated in dormitory type rooms.¹¹

Dzīvojamā telpā vērojama pārapdzīvotība, vājš dabiskais apgaismojums, it īpaši telpas daļā, kura atrodas tālāk no logiem, nepietiekama ventilācija. [...] Sarunu laikā notiesātie izteica neapmierinātību ar nepietiekamo telpas platību un attiecīgi, vienkopus esošo lielo notiesāto skaitu, kas rada savstarpējo psiholoģisko spriedzi un rada privātuma pārkāpumus [...]. Tika norādīts, ka gaisa apmaiņa dzīvojamā telpā ir nepietiekama, it īpaši karstā laikā. Vizītes laikā korpusa durvis bija atvērtas, tomēr dzīvojamā telpā gaisa plūsma nebija jūtama... [citē CPT un EP rekomendācijas par pārapdzīvotību]... Ņemot vērā konstatēto, lūdzu veikt pasākumus, lai samazinātu šajā korpusā esošo notiesāto skaitu. Īstenojot minēto, telpā uzlabosies gaisa kvalitāte, labierīcību, dušas telpas noslodze, privātuma aizskārumi, tostarp, notiesātajiem mazināsies nepieciešamība aizklāt gultas vietu, kas no drošības un uzraudzības viedokļa ir vērtējams negatīvi. Tāpat aicinu izvērtēt iespēju karstā laikā notiesātajiem atļaut izmantot gaisa ventilatorus.

There is overcrowding in the living premises, weak natural light, especially in the areas further away from the windows, inadequate ventilation, [...] During the conversations, sentenced prisoners expressed their dissatisfaction with inadequate space in the premises and, consequently, the large number of prisoners, which causes mutual psychological tensions and violation of privacy. [...] attention was drawn to the fact that air ventilation in the living premises is inadequate, especially in hot weather. During the visit, the doors of the block were open, however, there was no air ventilation... [citations from CPT and CoE Prison Rules on prison overcrowding]... In the light of the above, I urge to undertake measures to decrease the number of inmates in the block. This will lead to improved air quality, improvements in the use of sanitary annex, showers, less privacy violations, whereby prisoners will not need to partition beds, which should be viewed negatively from the point of security and surveillance. I also urge to consider letting prisoners use ventilators during hot weather.

In December 2020, the Ministry of Justice published the initial impact assessment (annotation) of the draft law "On the Optional Protocol to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment."¹²

The last CPT visit to Latvia took place in 2016.

Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2017), *Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 12 to 22 April 2016*, Strasbourg, Council of Europe, 29 June 2017, available at <https://rm.coe.int/pdf/168072ce4f>

In November 2020, the CPT announced that it would be conducting a periodic visit to Latvia in 2021. CPT (2020), Council of Europe anti-torture Committee announces periodic visits to ten countries in 2021, 20 November <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-announces-periodic-visits-to-ten-countries-in-2021>

¹¹ Latvia, Ombudsman (Tiesībsargs) (2020). On the Implementation of Recommendations in the Jelgava Prison, Letter no 1-5/138 of 6 August 2020, in Latvian at

https://www.tiesibsargs.lv/uploads/content/rekom_izpilde_jelgavas_ciet_atzinums_1608540370.pdf

¹² Latvia, Ministry of Justice (*Tieslietu ministrija*). Likumprojekta "Par Konvencija pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"sākotnējās ietekmes novērtējuma ziņojums (anotācija)

2. Sanitary conditions

<p>a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?</p>
<p>There is no national standard with regard to access to toilets. According to Section 77 of the Sentence Execution Code "convicted persons who are serving sentences in deprivation of liberty institutions shall be provided with living conditions in conformity with epidemiological safety and hygienic provisions." According to Section 19 (5) of the Law on the Procedure of Holding Pre-Trial Detainees cells are to be equipped with a sanitary annex, which is separated from the rest of the cell.</p> <p>Cells have in-cell sanitation. Privacy concerning toilets varies across different prisons, and different prison sections.¹³</p>
<p>b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?</p>
<p>Rule 19 of the Cabinet of Ministers Regulations No. 423 on the Rules of Internal Order in Places of Deprivation of Liberty of 30 May 2006 provides that "a sentenced prisoner shall take no fewer than a shower or a bath every seven days." Showers and baths are communal facilities. For pre-trial detainees, the same standard is set in the Law on the Procedure of Holding Pre-Trial Detainees (Section 19 (6)).</p>
<p>c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?</p>
<p>According to Section 14 (5) of the Law on the Procedure of Holding Pre-Trial Detainees, they have an obligation to clean the premises at the time determined in the daily order of the investigation prison.</p> <p>Convicted prisoners may be employed without remuneration in cleaning/maintenance of the prison and it is the obligation of convicted prisoners to keep order in living premises and communal areas. If the convicted prisoners share a cell, they have to clean it up by the list. (Cabinet of Ministers Regulations No 423 Internal Regulations of the Places of Deprivation of Liberty, Section 44, Law on the Procedure of Holding Pre-Trial Detainees Section 14 (5)).</p>
<p>d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).</p>
<p>There are no different standards applicable to different prison regimes in Latvia.</p>
<p>e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.</p>

¹³ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2017), *Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 12 to 22 April 2016*, Strasbourg, Council of Europe, 29 June 2017, available at <https://rm.coe.int/pdf/168072ce4f>

In the majority of cases, the following appeal procedure must be observed concerning a decision of a prison staff or prison governor. The decision must be appealed to a higher ranking official or body. The decision of a higher ranking official or body must be appealed in an administrative district court. In case of unsatisfactory outcome, the decision of the district court can be appealed before administrative regional court and further on in the Supreme Court Administrative Cases Department. The Supreme Court will review the complaint if it is about the errors of lower instance courts due to wrong application of the law or violations of procedural order, and the errors are so serious that they could have lead to the wrong adjudication of the case. The individual can demand non-pecuniary (moral) compensation about the violation of his/her rights.

In accordance with the legal acts the decision of the prison administration can be appealed in general procedure within one month since the decision has been received. If it is a written decision, it should indicate terms of appeal and appeal procedure. If a concrete prison staff member has with his/her conduct violated prisoner's rights the complaint should be submitted no later than one year after the specific conduct.

Several type of administrative decisions can be appealed before one or two administrative court levels (e.g. placement in a disciplinary cell can be appealed before administrative district court and then before Supreme Court Administrative Case Division; ban on a visit can be appealed before administrative district court).

([Administrative Procedure Law](#), Articles 76, 77, 105, 106, 288-300, 325-337)

In cases of a breach or violation of the standards concerning conditions of detention, the complaint must initially be addressed to the prison official in charge of the prison ward or prison governor, and, in case of an unsatisfactory answer – to the Head of the Latvian Prison Services. In case of a grave violation, the decision of the Head of Prison Services can be appealed in an administrative district court. In case of a written decision, it must contain information about the appeal procedure and terms of appeal. The appeal should be submitted to the court within a month since the receipt of the decision of Prison Services. The decisions of the administrative district court can be further appealed in an administrative regional court and further in the Supreme Court Senate Administrative Cases Department. The Supreme Court will review the complaint, if it is about the errors of lower instance courts due to wrong application of the law or violations of procedural order and the errors are so serious that they could have lead to the wrong adjudication of the case. The individual can demand non-pecuniary (moral) compensation about the violation of his/her rights.

([Administrative Procedure Law](#), Articles 76, 77, 105, 106, 288-300, 325-337)

- f) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the OPCAT Database.

The last CPT visit to Latvia took place in 2016.
Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2017), *Report to the Latvian Government*

on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 12 to 22 April 2016, Strasbourg, Council of Europe, 29 June 2017, available at <https://rm.coe.int/pdf/168072ce4f>

In November 2020, the CPT announced that it would be conducting a periodic visit to Latvia in 2021. CPT (2020), Council of Europe anti-torture Committee announces periodic visits to ten countries in 2021, 20 November <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-announces-periodic-visits-to-ten-countries-in-2021>

3. Time out of cell

- a) What is the national standard set for time per day/week spent by detainees outside of their cells:
- Outdoors (within the boundary of the prison)?
 - Indoors in the common area?

a. The national standard set for outdoors is for out-door-exercise - not less than one hour per day for both, sentenced as well as pre-trial prisoners. For pre-trial prisoners, if advised by a doctor, it can be 1.5 hours per day ([Law on the Holding of Pre-Trial Detainees](#), Section 13)

Juveniles in pre-trial detention have the right to no less than 2 hours of outdoor exercise per day. ([Law on the Holding of Pre-Trial Detainees](#) Section 18 (1) 2). If a juvenile in pre-trial detention has been placed in a disciplinary cell, they are entitled to no less than 1.5 hour of outdoor exercise per day. ([Law on the Holding of Pre-Trial Detainees](#) Section 18 (3).)

Sentenced prisoners placed in disciplinary cells have the right to one hour of outdoor exercise per day. (Sentence Enforcement Code, Section 74 para 2)). In the case of sentenced prisoners who are ill with TB in active form, the daily regime foresees time for treatment and no fewer than two hours of out-door-exercise (walks) per day. (Cabinet of Ministers [Regulations No 423](#) On the Internal Regulations of Places of Deprivation of Liberty, Section 28).

b. Starting from prisoners serving their sentence in the medium regime of closed prison through all regimes in semi-closed prison, they have the right to remain in a specific area outside their cell from wake-up time in the morning until the time of retirement in the evening. There is no national standard set per day or per week. Internal prison rules provide for daily prison regime, which includes time for work, education, regime activities, meals, head counts, out-door-exercise, rest time, and non-stop eight-hour sleep time.

6.30 – wake-up time

Until 6.45 – morning toilet, making bed

Breakfast 7.00-8.00

7.00-9.00 – time for cleaning prison cell

Work, education, resocialisation programmes and organised free time events

12.00 – 13.30 – lunch

Work, education, resocialisation programmes and organised free time events

17.30 – 18.30 – dinner

21.30-22.00 – evening toilet, preparation for bedtime

22.30-6.30 – bedtime

One hour in fresh air in exercise yard takes place during the period from morning until bed-time.¹⁴

During the quarantine introduced in several prisons during the second state of emergency of the covid-19 pandemic from 9 November 2020 until 6 April 2021, implementation of all educational programmes, employment with private employers, except for prison shop, was suspended. All collective free time, spiritual care, cultural and sports activities were suspended during the quarantine.¹⁵

b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?

There are no national standards mandating the availability of sports or other recreational and/or educational facilities available to detainees. In the case of convicted prisoners Sentence Execution Code speaks of general social rehabilitation measures.

c) Is there a national standard for time spent in cells? If so, what does it require?

There is no national standard for time spent in cells. Internal prison rules provide for a non-stop eight-hour sleep time.

d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?

There are no national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells.

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The right to remain in a specific area outside their cell from wake-up time in the morning until time of retirement in the evening is not applicable to prisoners serving their sentence in the lowest regime of closed prison. Prisoners sentenced to life imprisonment are also subject to a different prison regime.

Prisoners in open prison live in common dormitory-type premises and are allowed to leave the prison for 2-5 days a month, if disciplinary measures have not been applied to them during last 30 days.¹⁶

During the quarantine introduced in several prisons during the second state of emergency of the covid-19 pandemic from 9 November 2020 until 6 April 2021, prisoners who serve their sentence in the highest and medium security regime of the closed prison were prohibited from staying outside their cells (unit) from morning until bed time. They were also prohibited from visiting prison medical unit, prison shop, dining

¹⁴ Daily routine in prison. Infographic by the Prison administration.

<https://www.delfi.lv/news/national/resocializacija-nenoversies-atbalsti-iesaisties/kada-ir-ieslodzito-ikdiena-cietumos-stingra-dienaskartiba-un-rutina.d?id=53345987>

¹⁵ Prison Administration (*Ieslodzījumu vietu pārvalde*) (2020). Quarantine also declared in the Ilģuciems Women's Prison, 29 December, at <https://www.ievp.gov.lv/lv/izsludinata-karantina-ari-ilguciema-cietuma>

¹⁶ Anhelita Kamenska, Ilvija Pūce, Kristīne Laganovska PRISON CONDITIONS IN LATVIA Antigone Edizioni Rome, September 2013 p. 27 at

<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Prison%20conditions%20in%20Latvia.pdf>

<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Prison%20conditions%20in%20Latvia.pdf>

hall and library on their own.¹⁷ In Jelgava Prison quarantine was extended until 21 May 2021.¹⁸

In accordance with Section 42. (1) of the Law A prisoner who has been recognised as a contact person and a prisoner to whom COVID-19 infection has been established or who is suspected of being infected shall be placed separately from other prisoners for a period of up to 14 days. During this period the prisoner [...] shall not be involved in resocialisation measures [...] (2) If quarantine is determined in a specific prison or the whole prison system, the restrictions specified in the law shall initially apply to all prisoners of the relevant prison. During the quarantine, the head of the Prisons Administration shall regularly review the restrictions imposed on prisoners.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

In cases of breach violation of the standards concerning out-door exercise, the complaint must initially be addressed to the prison official in charge of the prison ward or prison governor, and, in case of an unsatisfactory answer – to the Head of the Latvian Prison Services. In case of a grave violation, the decision of the Head of Prison Services can be appealed in an administrative district court. In case of a written decision, it must contain information about the appeal procedure and terms of appeal. The appeal should be submitted to the court within a month since the receipt of the decision of Prison Services. If a concrete prison staff member has with his/her conduct violated prisoner's rights the complaint should be submitted no later than one year after the specific conduct.

In case of an unsatisfactory outcome the decision of the district court can be further appealed in administrative regional court and further on in the Supreme Court Senate Administrative Cases Department. The Supreme Court will review the complaint if it is about the errors of lower instance courts due to wrong application of the law or violations of procedural order and the errors are so serious that they could have led to the wrong adjudication of the case. The individual can demand non-pecuniary (moral) compensation about the violation of his/her rights. ([Administrative Procedure Law](#) , Articles 76, 77, 105, 106, 288-300, 325-337).

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the OPCAT Database.

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¹⁷ Latvia, Prison Administration (*Ieslodzījumu vietu pārvalde*) (2020). Quarantine has been Extended in Jelgava Prison Until 27 November to Curb the Spread of Covid-19, 5 November, <https://www.ievp.gov.lv/lv/covid-19-izplatibas-ierobezosanai-lidz-27-novembrim-pagarinata-karantina-jelgavas-cietuma>

¹⁸ LETA (2021). Vaccination of Prisoners against Covid-19 Begun in Prisons, 12 May. (available to subscribers only).

2016, Strasbourg, Council of Europe, 29 June 2017, available at <https://rm.coe.int/pdf/168072ce4f>

In November 2020, the CPT announced that it would be conducting a periodic visit to Latvia in 2021. CPT (2020), Council of Europe anti-torture Committee announces periodic visits to ten countries in 2021, 20 November <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-announces-periodic-visits-to-ten-countries-in-2021>

4. Solitary confinement

a) What are the national standards regarding solitary confinement?

Solitary confinement is generally used for disciplinary purposes (up to 15 days in case of adults and 10 days in case of juveniles) for systematic or grave violations of the prison regime. (Sentence Execution Code, Section 70 6), 7), Law on the Holding of Pre-Trial Detainees, Sections 30 1) 7)). However, there are cases when solitary confinement is used for protection or for holding prisoners with constant behavioural problems.

Punishment - placing in a punishment isolation cell - shall not be imposed on an arrested pregnant woman, as well as a woman who is in an investigation prison together with an infant. ([Law on the Procedure of Holding of Pre-trial Detainees](#), Section 32).

According to the [Regulations No 423](#) sentenced prisoners who have violated the regime in the punishment or disciplinary cell can be imposed all types of disciplinary punishment envisaged in the Sentence Execution Code, including repeated placement in punishment or disciplinary cells. The last day of the serving of the previous disciplinary punishment shall be considered the beginning of the new disciplinary punishment – repeat placement in the disciplinary or punishment cell (Section 90).

Please see CPT Report 2016

As regards adult prisoners, the CPT must express its serious misgivings about the practice observed in some of the prisons visited of several sanctions of placement in a disciplinary cell applying consecutively (without any interruption). As a result, some of the prisoners concerned had been continuously kept in solitary confinement for periods well beyond the maximum time limit of 15 days. The CPT reiterates its recommendation that immediate steps be taken to ensure that no prisoner is held continuously in disciplinary isolation for longer than the maximum time limit of 15 days. If the prisoner has been sanctioned to disciplinary confinement for a total of more than 15 days in relation to two or more offences, there should be an interruption of several days in the disciplinary confinement at the 15-day stage. The Committee would also like to stress once again that it would be preferable to lower the maximum possible period of disciplinary confinement for a given offence.¹⁹

According to the [Law on the Procedure of Holding of Pre-Trial Detainees](#), a cell for solitary confinement cannot be smaller than 1,8 x 2,5 m, and the window – not smaller than 0,5 x 0,5x. (Section 70). Cells must have artificial lighting and the temperature should not be lower than + 18°C (Section 69).

¹⁹ <https://rm.coe.int/pdf/168072ce4f>

b) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

Neither the [Law on Holding of Pre-Trial Detainees](#), nor Sentence Execution Code, nor Cabinet of Ministers Regulations No. 423 on the Internal Regulations of Places of Deprivation of Liberty provide any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement.

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes.

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

Prisoners who have been placed in solitary confinement can complain to a prosecutor within a period of 10 days or challenge the imposed disciplinary punishment before the Head of Prison Services (Section 87, Cabinet of Ministers Regulations No 423 On the Internal Regulations of Places of Deprivation of Liberty). Pre-trial detainees who have been placed in solitary confinement can appeal the punishment before the Head of the Prison Services in accordance with the Administrative Procedure Law. The decision of the Head of Prison Services can be appealed in an administrative district court. In case of an unsatisfactory outcome, the decision of the administrative district court can be appealed in the Supreme Court Administrative Cases Department. (Section 37, [Law on the Procedure of Holding of Pre-trial Detainees](#)) The individual can demand non-pecuniary (moral) compensation for the violation of his/her rights.

(Administrative Procedure Law, Articles 76, 77, 105, 106, 288-300, 325-337)

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the OPCAT Database.

In May 2020, in his opinion on the Inspection Case "On ensuring the rights and interests of children in the Cēsis Correctional Facility for Juveniles", the Ombudsman drew attention to the placing of children in disciplinary and punishment cells.

"Although the national acts permit the placement of children in disciplinary and punishment cells for up to 10 days, I urge to carefully assess the need, duration and proportionality of the isolation of a juvenile in relation to the offence committed by the child."

"Lai arī nacionālais normatīvais regulējums šobrīd pieļauj bērnu ievietošanu disciplinārajā un sodu izolatorā uz laiku līdz 10 dienām, tomēr aicinu rūpīgi izvērtēt nepilngadīgo izolēšanas nepieciešamību, ilgumu un samērīgumu attiecībā uz bērna izdarīto pārkāpumu." (p.3)

https://www.tiesibsargs.lv/uploads/content/par_bernu_tiesibu_un_interesu_nodrosi_nasanu_1609885048.pdf

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5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

In Latvia, the responsibility for health care in prisons lies primarily with the Ministry of Justice. Prisoners have access to primary health care provided by the prison health care unit, emergency dental services, secondary health care services provided by prison health care unit or Central Prison Hospital. Prisoner out-patient care is provided by the prison health care unit, while in-patient health care is provided by the Central Prison Hospital.

Secondary health care services, which cannot be provided within the prison system are provided externally.

(Section 22 (3), [Law on the Procedure of Holding of Pre-trial Detainees](#), Section 78 (3) Sentence Execution Code, Cabinet of Ministers Regulation No 276 " The Procedure for the Provision of Health Care of Pre-Trial Detainees and Sentenced Prisoners, Point 2)

- b) Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

There are no national standards concerning the availability of qualified medical and nursing personnel.

However, the Ministry of Justice, taking into account the most common prisoner illnesses, and in order to provide qualitative and safe health care (also for prison staff) has attempted to calculate the desirable health care personnel and prisoner ratio in prisons.

	New prison	Existing prisons (depending on the number of prisoners)		
Number of prisoners	Up to 1200 prisoners	Up to 1500 prisoners	Up to 600 prisoners	Up to 100 prisoners

General practitioner	13,5	8	3	1
Narcologist	4	3	1	0,5
Assistant GP	8	5	2	2
Senior nurse	1	1	1	1
Assistant radiologist	1	1	0	0
Nurse	4	5	3	1
Disinfectant	1	1	0,5	0
Assistant nurse	1	1	1	0,5
Assistant manager	0,5	0,5	0,5	0,5
Total	34	25,5	12	6,5

c) Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

After the arrival by a prisoner to the prison, the medical professional within three days or immediately upon the instruction of the assistant of the prison governor on duty shall perform the initial medical examination. The same procedure should be observed during the transfer of the detainee to another prison. If the prisoner has been placed in the Central Prison Hospital, the doctor on duty within two hours or upon the instruction of the assistant on duty shall perform the initial medical examination. The doctor examines the prisoner to establish whether there are any visible injuries, offers to take a HIV test if such has not been taken during the last 12 months, sends the prisoner to undertake X-ray if such has not been taken during the last 12 months, if necessary, ordines other examination and treatment. During the initial examination a prisoner is also offered to undertake examination on sexually transmissible diseases. (Cabinet of Ministers Regulation No 276 " The Procedure for the Provision of Health Care of Pre-Trial Detainees and Sentenced Prisoners, Points 10-14)

d) Are there any national standards relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

There are no special provisions relating to the provision of specialist care.

e) Are there any national standards with regard to a medical treatment of the detainee's own choosing? If so, what do they require?

If the prisoner wishes to receive secondary health care services or dental services at their own cost in a health care institution outside the prison, he/she must apply for it to the prison governor. The application is examined by the prison doctor, the head of medical unit or the senior doctor of the Latvian Prison Hospital. If the prisoner has no medical indications for the receipt of service or if the service can be received within the prison or in the Latvian Prison Hospital, the prison governor shall turn down the request. If the prisoner has medical indications for the receipt of the above services and it cannot be provided within the prison or the Central Prison, the head of prison medical unit or a Prison Hospital senior doctor finds out whether the necessary service is covered from the state budget in accordance with the relevant legal acts about the organisation and financing of the health care; finds out approximate costs and place of the receipt of health care service; in co-ordination with the deputy head of prison governor organises the transport and guarding of the prisoner to the health care institution that will provide health care services. In receiving the bill for the health care services provided to the

prisoner, the responsible official of the Latvian Prison Services transfers the amount to the bank account of the health care institution. (Cabinet of Ministers Regulation No 276 "The Procedure for the Provision of Health Care of Pre-Trial Detainees and Sentenced Prisoners, Points 33-37)

During the first state of emergency due to the covid-19 from 12 March – 6 June 2020, the provision of many specialist health care services available in the community were suspended and renewed only after the end of the state of emergency.

In accordance with the [Law on the Management of the Spread of Covid-19 Infection](#) Article 41 (4) transfer of a prisoner to a medical treatment institution outside a prison for the receipt of health care services, including planned consultations of physicians specialists, diagnostic examinations and inpatient treatment, shall take place on the first come, first served basis after the medical treatment institution has approved the provision of the relevant service to the prisoner.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes.

g) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

In cases when the prisoner considers that the provided health care services were insufficient or inadequate or the doctor has not exercised their duties with due quality, he/she can submit a complaint to the Health Inspectorate (*Veselības inspekcija*). The decision of the Health Inspectorate can be appealed to the Director of the Health Inspectorate, and the decision of the Director can be appealed in the administrative district court.

In case of an unsatisfactory outcome, the decision of the district court can be appealed before an administrative regional court and further on in the Supreme Court Administrative Cases Department. The Supreme Court will review the complaint, if it is about the errors of lower instance courts due to wrong application of the law or violations of procedural order, and the errors are so serious that they could have led to the wrong adjudication of the case. The individual can demand non-pecuniary (moral) compensation about the violation of his/her rights.

In accordance with the legal acts the decision of the prison administration can be appealed in general procedure within one month since the decision has been received. If it is a written decision, it should indicate terms of appeal and appeal procedure. If a concrete prison staff member has with his/her conduct violated prisoner's rights the complaint should be submitted no later than one year after the specific conduct.

([Regulation on Health Inspectorate](#), Section 11; [Administrative Procedure Law](#) , Articles 76, 77, 105, 106, 288-300, 325-337

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the

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6. Special measures in place to protect young detainees

- a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

Sentenced juveniles are held separately from sentenced adults. ([Sentence Enforcement Code](#), Section 18 para 1). Juveniles in pre-trial detention are held separately from adults. ([Law on the Procedure of Holding Pre-Trial Prisoners](#), Section 11 (2)).

Sentenced male juveniles shall serve their prison sentence in juvenile correctional facilities. Sentenced female juveniles shall serve their prison sentence in separate wards in women's prison equipped for the needs of juveniles. ([Sentence Enforcement Code](#), Section 13 para 3).

In Latvia, for male juvenile prisoners (sentenced/pre-trial) there is only one correctional/educational facility, while juvenile girls are accommodated in a separate ward in the only women's prison.

- b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

In Latvia, the age of criminal liability is 14. ([Criminal Law](#), Article 11). Normally, young persons under 18 years of age fall under Latvia's juvenile detention regime. Sentenced juveniles who have reached the age of 18 may upon the decision of the prison evaluation commission be transferred to adult prisons, if their conduct excludes the possibility for them to remain in the juvenile facility or benefit from early release. In this case, sentenced juveniles shall be transferred to a high regime of the semi-closed prison.

In order to strengthen the results of resocialisation and to provide an opportunity to receive general education or vocational experience, upon the decision of the evaluation commission, the juvenile may be allowed to remain in the correctional educational facility until the end of the school year or the end of the prison sentence, but no later than 25 years of age. In exceptional case, upon the decision of the evaluation

commission, a sentenced prisoner may be allowed to remain beyond 25 years of age until the end of the school year.

Juvenile pre-trial detainees who have reached the age of 18, by the decision of the Director of Prison Services, shall be transferred to pre-trial prison accommodating adults. To strengthen the results of social rehabilitation and to provide an opportunity to receive general or professional education, pre-trial detainees who have reached the age of 18, may, upon the decision of the Director of Prison Services, remain in the pre-trial prison accommodating juveniles by the day of the coming into force of the court decision, but no later than the age of 21. In exceptional cases, upon the decision of the Director of Prison Services, a pre-trial detainee who has reached the age of 21, may remain in the pre-trial prison for juveniles until the end of the school year. ([Sentence Enforcement Code](#), Section 50.⁷)

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes, except for sentenced juvenile prisoners (up to 25 years of age) and juvenile pre-trial detainees (up to 21 years of age).

d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

Decisions of the Director of Prisons Services concerning classification/accommodation cannot be challenged or appealed. (Law on the Holding of Pre-Trial Detainees, Section 18 (5).

With regard to detention conditions, young detainees can avail themselves of the remedies generally available to detainees – please see the specific remedies sections above and below.

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the OPCAT Database.

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7. Special measures in place to protect detainees from violence

- a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

Standards on the lawful use of force are governed by the [Law on Prison Administration](#) and the Cabinet of Ministers [Regulation no 283](#) on the Procedure of the Use of Special Measures by the Prison Administration Officials (Section 23 (5)). The regulations include a list of permissible special measures which can be applied, requirements regarding their use and intensity of application, decision making procedures on their use, situations when special measures can be used without warning, the specific use of restraints, hand/leg cuffs, use of truncheons, electric shock device, and other measures, including during prison riots, use of special measures in health care institutions. Each use of a special measure requires the drawing up of a protocol, which also includes taking complaints by prisoner, statement from the doctor.

In the case of prison staff violence against a prisoner, prisoners can complain to the Internal Security Service who investigate prison staff (with special service ranks) violence against prisoners ([Law on Internal Security Service](#), Section 4 2)). Prisoners can also complain to the prosecutor in accordance with the [Office of the Prosecutor Law](#) (Section 15).

- b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

The allocation of prisoners in the unit, ward and cell of the specific prison is determined by the prisoners allocation commission of the specific prison in line with psychological compatibility of prisoners, health situation, attitude towards smoking, security criteria (previous criminal experience). (Section 13.², Sentence Enforcement Code).

Convicted prisoners whose personal characteristics criminal record negatively impacts other convicted prisoners and who subjugate and use others are held separately from other prisoners. (Section 18, SEC)

Prisoners are supervised by prison staff, but situation varies across the prison system due to prison staff shortages. Most cells do not have emergency call buttons except for those in the newly refurbished wards.

If a pre-trial detainee is an employee or former employee of the Latvian Prison Administration, police, Prosecutor's Office, courts, Corruption Prevention and Combating Bureau, Military Police or Constitution Protection Office, his or her spouse or a relative of first degree, the abovementioned person shall be placed separately from other arrested persons. ([Law on the Procedure of Holding Pre-Trial Detainees](#), Section 11 (5)).

- c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

There are no special measures in place to protect LGBTI prisoners other than measures in relation to vulnerable prisoners.

- d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There is no publicly available information on the existence of different standards applicable to different regimes.

- e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

In case of inter-prisoner violence, prisoners can complain to internal investigation unit of the Latvian Prison Administration and Office of the Prosecutor General ([Office of the Prosecutor Law](#) (Section 15)).

In the case of prison staff violence against a prisoner, prisoners can complain to the Internal Security Service (who investigate prison staff (with special service ranks) violence against prisoners ([Law on Internal Security Service](#), Section 4 2)). Prisoners can also complain to the prosecutor in accordance with the [Office of the Prosecutor Law](#) (Section 15).

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

There are no thematic reports by the Ombudsman concerning special measures in place to protect detainees from violence covering the period 2018-2021.

In his visit report to Jelgava Prison in 2020, the Ombudsman drew attention to the fact that several prisoners, who are hierarchically in the lowest category of prisoners were cleaning common rooms, living rooms and were allegedly doing that voluntarily. He criticized the practise.

Nav pieļaujams, ka atsevišķi ieslodzītie veic pārējo notiesāto darbu, pat, ja tas tiek darīts labprātīgi. Tāpat arī nav pieļaujama notiesāto savstarpējās hierarhijas rezultātā noteiktā kārtība sadzīves priekšmetu un jebkuru citu ierīču (ieslodzījuma vietai piederošā manta) lietošanā. Brīvības iestādes administrācija neiejaucoties šādā pašu notiesāto izveidotajā kārtībā akceptē ieslodzīto savstarpējās pašpārvaldes pastāvēšanu. [...] ka cietuma amatpersonām ir pienākums vērsties pret notiesāto hierarhiju un nav pieļaujama notiesāto vidū pastāvošo noteikumu akceptēšana, kas rada savstarpējās emocionālās un fiziskās vardarbības risku. Arī Eiropas Padomes Spīdzināšanas novēršanas komiteja (turpmāk – CPT) vairākkārtīgi ir norādījusi, ka kārtības un disciplīnas uzturēšana ir vienīgi cietuma darbinieku, nevis ieslodzīto pienākums. Aicinu minēto jautājumu aktualizēt un nepieciešamības gadījumā novērst arī citās Latvijas ieslodzījuma vietās.

It is not permissible that separate prisoners do the work of other prisoners, even if it is done voluntarily. The procedure concerning the use of household items and any other items (property that belongs to a prison) set by the prisoners as a result of prisoner internal hierarchy should not be permitted. Prison administration, by not interfering in the order set by the prisoners themselves, accept the existence of prisoner internal self-governance. [...] prison officials have a duty to challenge sentenced prisoner hierarchy and the acceptance of existing rules among prisoners should not be permitted as it creates the risk of internal emotional and physical violence. The European Committee against Torture (CPT) has highlighted on several occasions that the maintenance of order and discipline is

the duty of prison staff, not prisoners. I, hereby call [upon the authorities] to raise awareness about the issue and, in case of need, to prevent it in other Latvian prisons.²⁰

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8. Women in detention

a) Are there any national standards for conditions of detention of women in general? If so, what do they require?

National standards for conditions of detention specifically for women exist with regard to punishment. Placing in a punishment isolation cell shall not be imposed on an arrested pregnant woman, as well as a woman who is in an investigation prison together with an infant. ([Law on the Procedure of Holding of Pre-trial Detainees](#), Section 32).

. According to Article 70 of the [Sentence Execution Code](#), convicted women who are in prison with their infants, and pregnant women cannot be placed in a punishment cell.

Concerning other national standards for conditions of detention the general rules apply without discrimination.

b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require?

Sentenced women are held separately from sentenced men. (Sentence Enforcement Code, Section 18). Female and male pre-trial detainees are accommodated separately in an investigation prison. (Law on the Procedures for Holding Pre-Trial Detainees, Section 11 (2)). There is only one women prison in Latvia which is located in the capital Riga. Some women serve their sentences in the semi-closed and open regimes of the Olaine Prison, and the Dependencies Centre. There is a separate Child and Mother Unit in the prison in Iļģuciems women's prison in Riga.

c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require?

Apart from the provision of sanitary napkins (10 napkins per month), there are no national standards for special hygiene conditions and hygiene products for female detainees. (Cabinet of Ministers [Regulations No. 1022](#) on Norms of Prisoner Nutrition and Material Provision of Daily Needs, Appendixes 1-5)

d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal

²⁰ Latvia, Ombudsman (Tiesībsargs) (2020). On the Implementation of Recommendations in the Jelgava Prison, Letter no 1-5/138 of 6 August 2020, in Latvian at https://www.tiesibsargs.lv/uploads/content/rekom_izpilde_jelgavas_ciet_atzinums_1608540370.pdf

treatment, and treatment/support of mother and child? If so, what do they require?
There are no specific national standards for special healthcare for female detainees. There is a separate Child and Mother Unit in the women prison catering for the needs of pregnant women and women with small children. ²¹ No regulations governing the operation of the Unit are available publicly.
e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require?
<p>Upon request of the female pre-trial detainee and with the consent of the Orphan's court, a detainee's children who are not more than four years of age may be accommodated at the investigation prison. (Law on the Holding of Pre-Trial Detainees, Section 16). If the female pre-trial detainee is in an investigation prison together with her child (children), her daily regimen shall be coordinated with the needs of the child (children) and a walk of not less than one and a half hours together with the child shall be provided for therein. Children may stay with their mother in an investigation prison up to four years of age under full State support. (Law on the Holding of Pre-Trial Detainees, Section 17). In the case of a sentenced mother, and with the consent of the Orphan's court, a child may remain with the mother in full state care until the age of four. (Sentence Enforcement Code, Section 77).</p> <p>Cabinet of Ministers Regulations No 253²² determine the norms of nourishment, hygiene items, clothes, footwear, bedding items and equipment to be provided to the child (up to 4 years) who stays with his/her mother, a pre-trial detainee or a sentenced prisoner. The listed items are provided by the state.</p> <p>On 7 April, the parliament supplemented the Law on the Suppression of Consequences of the Spread of COVID-19 Infection concerning one-time child benefit in the amount of EUR 500 payable to children who are in state care in prisons from 1 March 2021 until the lifting of the state of emergency during covid-19 pandemic. Benefits are payable to parent, guardian or foster family. In prisons, there were eight women with nine children and a juvenile girl. In the juvenile correctional facility for boys, there were 13 minors under the age of 18. ²³ One-time benefit to alleviate the consequences of Covid-19 has been paid to each child in Latvia.</p>
f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
There are no different regimes applicable in relation to women in pre-trial detention and women who are sentenced prisoners.
g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

²¹ Delfi.lv (2019). Cradle and Bars. Daily Routine in Mother and Child Unit in Iļģuciems Women's Prison. A series of 7 articles, at <https://www.delfi.lv/vina/kratins/supuli-un-restes-ka-ilquciema-cietuma-ikdienu-vada-mates-ar-berniem.d?id=50182517>

²² Cabinet of Ministers (*Ministru kabinets*). Regulations on the Provision of the Child of a Pre-Trial Detainee or a Sentenced Prisoner in a Prison (Cabinet of Ministers Regulations No 253) (Ministru kabineta noteikumi Nr 253 Noteikumi par apcietinātās vai notiesātās personas bērna apgādi ieslodzījuma vietā)

²³ Law on the Suppression of Consequences of the Spread of COVID-19 Infection (**07.04.2021**), at <https://likumi.lv/ta/id/322291-grozijumi-covid-19-infekcijas-izplatibas-seku-parvaresanas-likuma>

In the majority of cases, the following appeal procedure must be observed concerning a decision of a prison staff or prison governor. The decision must be appealed to a higher ranking official or body. The decision of a higher ranking official or body must be appealed in an administrative district court. In case of an unsatisfactory outcome, the decision of the district court can be appealed before an administrative regional court and further on in Supreme Court Administrative Cases Department, The Supreme Court will review the complaint if it is about the errors of lower instance courts due to wrong application of the law or violations of procedural order and the errors are serious that they could lead to the wrong adjudication of the case. The individual can demand non-pecuniary (moral) compensation about the violation of his/her rights.

In accordance with the legal acts the decision of the prison administration can be appealed in general procedure within one month since the decision has been received. If it is a written decision, it should indicate terms of appeal and appeal procedure. If a concrete prison staff member has with his/her conduct violated prisoner's rights the complaint should be submitted no later than one year after the specific conduct.

([Administrative Procedure Law](#), Articles 76, 77, 105, 106, 288-300, 325-337)

- h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

A brief 0.5 pages summary of the Ombudsman on the monitoring visit to Iġuciems women's prison on 14 June 2019 mentions that access to hygiene items is critically inadequate.²⁴ No full report is available.

The last CPT visit to Latvia took place in 2016.

Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2017), *Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 12 to 22 April 2016*, Strasbourg, Council of Europe, 29 June 2017, available at <https://rm.coe.int/pdf/168072ce4f>

In November 2020, the CPT announced that it would be conducting a periodic visit to Latvia in 2021. CPT (2020), Council of Europe anti-torture Committee announces periodic visits to ten countries in 2021, 20 November <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-announces-periodic-visits-to-ten-countries-in-2021>

9. Nutrition

²⁴ Ombudsman (Tiesībsargs) (2020). Monitoring visit to Iġuciems Prison, <https://www.tiesibsargs.lv/news/lv/parbaudes-vizite-ilguciema-cietuma>

a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

There are five types of daily nutrition norms (according to the total body weight) – daily nutrition norm 1 for the majority of prisoners, daily nutrition norm 2 (for juvenile prisoners), daily nutrition norm 3 (sick prisoners being treated in the prison hospital, prison medical units), prisoners with serious illnesses (e.g. TB in active phase, anaemia, malign tumors, AIDS, etc.), juvenile prisoners included in convalescence group, pregnant women – six months before giving birth, mothers – three months after giving birth, women breastfeeding a child – all period of breastfeeding, but no longer than child attaining nine months), daily nutrition norm no 4 (prisoners who do not consume meat and fish), daily nutrition norm no 5 (juvenile prisoners who do not consume meat and fish). A juvenile must apply to the prison governor in order to receive nutrition falling under daily nutrition norm no 5. Following the recommendation of a certified doctor/ dietician or certified nutrition specialist, the prison governor decides on granting the permission to have the diet. Prisoners whose height is above 195cm can receive an additional half of the daily nutrition norm they are assigned to. (Cabinet of Ministers [Regulations No 1022](#) on Norms of Prisoner Nutrition and Material Provision of Daily Needs, Section 2, Appendixes 1-5).

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

In accordance with the law, pre-trial detainees are to receive a warm meal three times a day, ensuring normal course of the life functions of the body, as well as drinking water at any time. ([Law on the Procedure of Holding Pre-Trial Detainees](#), Section 19 para 2)

For convicted prisoners, the respective Law and Regulations do not specify the number of meals or warm meals, but provide that "Convicted persons shall receive nourishment, which ensures normal life functions of the organism". ([Sentence Enforcement Code](#), Section 77 (7)). In practice, three meals per day are served to convicted prisoners, and at least two of them are warm meals.

c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?

There are two daily nutrition norms - no 4 (prisoners who do not consume meat and fish), and no 5 (juvenile prisoners who do not consume meat and fish) that concern special diets

A juvenile must apply to the prison governor in order to receive nutrition falling under daily nutrition norm no 5. Following the recommendation of a certified doctor/ dietician or certified nutrition specialist, the prison governor decides on granting the permission to have the diet. (Cabinet of Ministers [Regulations No 1022](#) on Norms of Prisoner Nutrition and Material Provision of Daily Needs, Section 2, Appendixes 1-5).

The prison doctor can issue a decision on the substitution of certain food products for prisoners with diabetes; specific gastroenterological diseases.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

There are no different standards applicable to different detention regimes.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.

Concerning nutrition, a prisoner must initially complain to the prison governor. In case of an unsatisfactory response, the decision must be appealed to the Food and Veterinary Service (*Pārtikas un veselības dienests*) (Cabinet Regulation No 142, By-laws of the Food and Veterinary Service, point 3). The decision of the Food and Veterinary Service can be appealed in administrative district court.

In case of an unsatisfactory outcome, the decision of the district court can be appealed before an administrative regional court and further on in the Supreme Court Administrative Cases Department. The Supreme Court will review the complaint if it is about the errors of lower instance courts due to wrong application of the law or violations of procedural order, and the errors are so serious that they could have led to the wrong adjudication of the case. The individual can demand non-pecuniary (moral) compensation about the violation of his/her rights.

In accordance with the legal acts the decision of the prison administration can be appealed in general procedure within one month since the decision has been received. If it is a written decision, it should indicate terms of appeal and appeal procedure. If a concrete prison staff member has with his/her conduct violated prisoner's rights the complaint should be submitted no later than one year after the specific conduct. The affected prisoner can demand compensation.

(Administrative Procedure Law, Articles 76, 77, 105, 106, 288-300, 325-337)

f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

There are no thematic reports by the Ombudsman concerning nutrition covering the period 2018-2021.

The last CPT visit to Latvia took place in 2016.

Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2017), *Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 12 to 22 April 2016*, Strasbourg, Council of Europe, 29 June 2017, available at <https://rm.coe.int/pdf/168072ce4f>

In November 2020, the CPT announced that it would be conducting a periodic visit to Latvia in 2021. CPT (2020), Council of Europe anti-torture Committee announces periodic visits to ten countries in 2021, 20 November <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-announces-periodic-visits-to-ten-countries-in-2021>

Part II: National jurisprudence

Summarised case law by the Supreme Court adjudicated in 2018-2020 refers back to 2014 and 2015 and concerns individual cases, it nevertheless highlights principles lower courts must take into account in evaluating conditions of detention. The case law has not led to legislative or policy changes.

Latvia, Supreme Court Administrative Cases Department (Augstākās tiesas Administratīvo lietu departaments), Case Nr. A420383014, SKA-207/2018, 7 June 2018

Thematic area	Conditions of detention (ventilation, artificial/natural light)
Decision date	7 June 2018
Reference details	Supreme Court Administrative Case Department (Latvia). Judgement in the Case Nr. A420383014, SKA-207/2018 ECLI:LV:AT:2018:0607.A420383014.2.S
Key facts of the case	The claimant, a pre-trial detainee was accommodated in a Central Prison cell from 20 March 2012 until 14 November 2013 (with interruptions), and claimed that conditions of detention in that cell were not in line with human rights standards (overcrowding, ineffective ventilation, inadequate artificial and natural light, toilet construction). He claimed compensation of personal damages and moral compensation. The Head of Prison Service did not establish a violation, the administrative district court turned down the claim in March 2015, its ruling was upheld by the Administrative Regional Court in May 2016.
Main reasoning/argumentation	The Supreme Court concluded that the appeal court had not assessed the cumulative effect of conditions of detention (a lengthy stay in an overcrowded cell, with limited freedom of movement) which could be evidence of inhuman and degrading conditions.
Key issues (concepts, interpretations) clarified by the case	In evaluating prison overcrowding, placement of objects, possibilities of movement in cells have to be assessed, while in the case of ventilation its effectiveness needs to be assessed.
Results (sanctions) and key consequences or implications of the case	The Supreme Court upheld the appeal of the claimant and sent the case back for review to the Administrative Regional Court.
Key quotation in original language and translated	Platības uz vienu ieslodzīto izvērtējums

<p>into English with reference details</p>	<p>Pārapdzīvotības apstākļi nav vērtējami tikai no tā, vai dzīvojamā platība nav mazāka par noteikto minimumu. Tiesas uzdevums ir izvērtēt, kāda platība ieslodzītajam ir konkrētajā kamerā. Jautājums par platības lielumu nav formāls, bet gan izriet no nepieciešamības apsvērt, kādas ir reālās kustību iespējas telpā, proti, jāvērtē telpas konfigurācija un priekšmetu izvietojums tajā.</p> <p>Assessment of space per prisoner Conditions of overcrowding cannot be assessed only as to whether the living space is below minimum standard. The task of the court is to assess the living space per prisoner in the specific cell. The issue about living space is not formal but arises from the need to assess the possibilities of real movement in the cell, e.g. the configuration of the cell and location of objects in it.</p> <p>Ieslodzījuma vietas kameras ventilācijas nodrošināšanas vērtējums</p> <p>Nav pietiekami konstatēt tikai ventilācijas lūku esību ieslodzījuma vietas kamerā un iespēju ieslēgt mākslīgo ventilāciju. Svarīgi pārlicināties, vai esošā ventilācijas sistēma nodrošināja efektīvu gaisa apmaiņu. Apstākļi, ka mākslīgo ventilāciju var ieslēgt pēc ieslodzīto personu pieprasījuma, ir nesaprotama un pazemojoša prasība un nevar liecināt par normāli un efektīvi funkcionējošu ventilācijas sistēmu kamerā.</p> <p>Assessment of cell ventilation provision in a prison cell</p> <p>It is not sufficient to establish the presence of a ventilation hatch in cells and the possibility to switch on artificial ventilation. It is important to make sure whether the existing ventilation system provides for effective circulation of air. The condition that artificial ventilation can be switched on following a prisoner's request is not understandable and a humiliating requirement and cannot be proof of a normal and effectively functioning ventilation system in the cell.</p>
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Latvia, Latvia, Supreme Court Administrative Cases Department (Augstākās tiesas Administratīvo lietu departaments), Case Nr. A420249515, SKA-116/2019, 08.11.2019

<p>Thematic area</p>	<p>conditions of detention (natural light, privacy, access to shower, lack of detergents to maintain cell cleanliness)]</p>
<p>Decision date</p>	<p>8 November 2019</p>

Reference details	<p>Supreme Court Administrative Case Department (Latvia). Judgement in the case of Nr. A420249515, SKA-116/2019</p> <p>ECLI:LV:AT:2019:1108.A420249515.2.S</p>
Key facts of the case	<p>The prisoner complained about conditions of detention in several cells of the Central prison (lack of natural light, lack of hot water, insufficient privacy during shower time, access to shower once a week, toilet seats without cover, lack of washing liquid, detergents for floor and toilet cleaning) during several periods of his stay in 2014. He asked the court to establish an unlawful conduct by the prison and demanded non-pecuniary compensation in the amount of EUR 7114, 53. The Head of the Latvian Prison Services found an unlawful conduct by the prison in not providing sufficient privacy in the sanitary annex, and ordered to issue a written apology, but turned down other claims. The administrative district upheld the decision, as did the administrative regional court.</p>
Main reasoning/argumentation	<p>The Senate referred to ECtHR case law criticising the national court practises in dividing prisoner claims about conditions of detention in separate claims and analysing them separately. Such an approach fails to take into account the cumulative effect of conditions, and may lead to a conclusion that none of the complaints is sufficiently serious to demand compensation, even in cases when the general impact on a concrete prisoner would reach the threshold of Article 3 violation.</p>
Key issues (concepts, interpretations) clarified by the case	<p>It is essential to take into account the cumulative effect of all conditions in order to adequately assess the gravity of a violation of an individual's rights, which is especially necessary, if the persons wishes to receive non-pecuniary compensation on the grounds of inadequate conditions of detention.</p>
Results (sanctions) and key consequences or implications of the case	<p>The Senate revoked the judgement of the Administrative regional court in part concerning natural light, lack of provision of detergents for floor and toilet cleaning and send it back for review.</p>
Key quotation in original language and translated into English with reference details	<p>Apstākļu ieslodzījuma vietā kumulatīvas ietekmes analizēšana atlidzinājuma prasījuma kontekstā</p> <p>Ja ieslodzītās personas pieteikums par uzturēšanās apstākļiem ieslodzījuma vietā tiek sadalīts vairākos atsevišķos prasījumos un katrs no tiem tiek analizēts atsevišķi, tas samazina katra argumenta nozīmi, vērtējot vispārējos apcietinājuma apstākļus, un līdz ar to netiek ņemta vērā šo apstākļu kumulatīvā ietekme uz ieslodzīto, kā to prasa Eiropas Cilvēktiesību un pamatbrīvību aizsardzības konvencija. Šāda pieeja var viegli novest pie secinājuma, ka neviena no sūdzībām pati par sevi nav pietiekami nopietna, lai pieprasītu kompensāciju, pat gadījumos, kad vispārējā ietekme uz konkrēto ieslodzīto sasniegtu minētās konvencijas 3.panta pārkāpuma sliekšni.</p>

Ir svarīgi ņemt vērā visu apstākļu kumulatīvo ietekmi, jo tikai tādā veidā var adekvāti novērtēt personas tiesību aizskārums smagumu, kas ir īpaši nepieciešams, ja persona vēlas saņemt arī atlīdzinājumu par nemantisko kaitējumu, kas tai radīts ar neatbilstošiem ieslodzījuma apstākļiem. Līdz ar to tiesai, konstatējot, ka iestāde jau ir atzinusi cilvēktiesību pārkāpumu viena apstākļa dēļ, bet pastāv arī citi apstākļi, kas nav pilnībā atbilstoši visām prasībām, lai arī, atsevišķi ņemot, šie citi apstākļi cilvēktiesību pārkāpumu nerada, būtu spriedumā jāatzīst, ka papildus iestādes atzītajam prettiesisku faktisko rīcību veido arī šie citi prasībām neatbilstošie apstākļi.

The analysis of the cumulative effect of conditions of detention in the context of a claim for compensation. If a prisoner's claim about conditions of detention is divided into several separate claims and each of them is analysed separately, this diminishes the importance of each argument in assessing general conditions of pre-trial detention, and hence the cumulative effect of such conditions on a prisoner as required by the European Convention for Human Rights and Freedoms. Such an approach may easily lead to the conclusion that none of the claims are sufficiently serious to demand compensation, even in cases, in which a general effect on a concrete prisoner would reach the threshold of a violation of Article 3 of the Convention.

It is essential to take into account the cumulative effect of all conditions in order to adequately assess the gravity of a violation of an individual's rights, which is especially necessary, if the person wishes to receive non-pecuniary compensation on the grounds of inadequate conditions of detention. Thus, the court, in establishing that prison authorities have already acknowledged a human rights violation due to one condition, but other conditions exist that are not in line with the requirements, although, individually taken, they do not lead to a human rights violation, the ruling should also establish whether other conditions not meeting the requirements lead to an unlawful conduct in addition to what has already been acknowledged by the authority.

Īslaicīga tīrīšanas (mazgāšanas) piederumu un līdzekļu neizsniegšana kā iespējamais ieslodzītā cilvēktiesību pārkāpums

Gadījumos, kad sanitārais mezgls nav pilnībā nodalīts no pārējās kameras, tīrīšanas (mazgāšanas) piederumu un līdzekļu izsniegšana ir īpaši nozīmīga. Lai arī šādu piederumu un līdzekļu īslaicīga neizsniegšana ieslodzītajam, kurš kamerā ir viens, parasti cilvēktiesību pārkāpumu neradīs, lai pārliecinoši nonāktu pie šāda secinājuma, jāizvērtē arī tas, kā attiecīgās kameras ir tīrītas pirms konkrētā ieslodzītā ievietošanas šajās kamerās.

Short-term lack of provision of cleaning (washing) substances and detergents as a potential prisoner rights violation. In cases, in which a sanitary annex is not fully partitioned from the rest of the cell, provision of cleaning (washing) detergents

	and substances is especially important. Although a lack of short-term provision of such detergents to a prisoner in single cell accommodation will normally not lead to a human rights violation, to reach a firm conclusion, the state of cleanliness of such cells is to be evaluated prior to the placement of a prisoner in such cells.
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Latvia, Supreme Court Administrative Case Department (Augstākās tiesas Administratīvo lietu departaments), Case No SKA-153/2019, 17.01.2019

Thematic area	State obligation to ensure prisoner safety
Decision date	17 January 2019
Reference details	Supreme Court Administrative Case Department (Latvia). Judgement in the Case of Nr. A420139516, SKA-153/2019 ECLI:LV:AT:2019:0117.A420139516.2.S
Key facts of the case	A prisoner complained to the Latvian Prison Services indicating that he is the son of former police officers, however, the Daugavgrīva Prison Administration did not place him separately from other prisoners and violated Section 13.2 part 3 of the Latvian Sentence Execution Code. Relevant provision requires that first degree relatives of judges, representatives of court system, law enforcement bodies, etc. be placed separately from other prisoners. He claimed moral compensation in the amount of EUR 15 000. In December 2015, the Prison Administration did not establish an unlawful conduct by the prison, which was upheld by the Administrative District Court. In February 2017, the Administrative Regional Court dismissed the claimant's request. It concluded that the plaintiff had not indicated specific facts and circumstances that would allow to objectively conclude about threats to the plaintiff's safety.
Main reasoning/argumentation	The Senate referred to the ECtHR case law that it is not sufficient to react only to specific concrete prisoner safety threats that have already taken place. Prison administration also has to take preventive measures to guarantee prisoner safety, if the prisoner belongs to a risk group.
Key issues (concepts, interpretations) clarified by the case	The prison is under an obligation to prove that adequate (preventive) measures have been taken to guarantee the safety of plaintiff as a prisoner belonging to a risk group. The institution is to provide information and evidence to the court about taken measures, e.g. that the prison administration has generally taken regular risk assessment and elaborated a plan for the protection of safety of prisoners belonging to a risk group or risk assessment has been conducted in deciding on placing the claimant in a specific cell or that sufficient

	supervision of prisoners, especially those belonging to the risk group, is taking place. If the institution does not provide such information, it may serve as a basis for the court to conclude that violation of Article 95 of the Latvian Constitution and Article 3 of the ECTHR has taken place.
Results (sanctions) and key consequences or implications of the case	The Senate revoked the decision of the Administrative Regional Court and sent it back for review.
Key quotation in original language and translated into English with reference details	<p>Ar Latvijas Sodū izpildes kodeksa 13.2.panta trešo daļu valsts pati ir atzinusi īpašo risku, ar ko ieslodzījuma vietās saskaras ieslodzītie, kas ir pirmās pakāpes radnieki personām, kas strādā vai strādājušas ar valsts un sabiedrības drošības nodrošināšanu saistītās valsts institūcijās. Šie ieslodzītie ir pakļauti riskam nevis kādu personisku vai individuālu iemeslu dēļ, bet gan tādēļ, ka viņi ir piederīgi noteiktai cilvēku grupai. Ir lielāka iespējamība, ka pret viņiem var tikt vērsta vardarbība, bet ir grūti noteikt, kad tieši tas varētu notikt, tāpēc ir īpaši svarīgi preventīvi mehānismi.</p> <p>Valstij ir pienākums veikt pasākumus riska grupai piederošu ieslodzīto drošības garantēšanai, neskatoties uz to, ka nav konstatējams kāds konkrēts un reāls ieslodzītā apdraudējuma gadījums.</p> <p>With Section 13.2 part 3 of the Sentence Enforcement Code, the state has recognized the special risk faced by prisoners in prisons, who are first degree relatives to persons who work or have worked in institutions providing national security or public safety. These prisoners are subject to risk not because of personal or individual reasons but because they belong to a specific group of persons. There is a greater likelihood that they may face violence, but it is difficult to determine when that could happen, therefore preventive mechanisms are especially important.</p> <p>The state is under an obligation to undertake measures to guarantee the safety of prisoners belonging to a risk group, irrespective of the fact no concrete or real case of threat of prisoner has been detected.</p>

Latvia, Supreme Court Administrative Case Department (Augstākās tiesa Administratīvo lietu departaments), Case. A420281114, SKA-194/2018, 7 June 2018

Thematic area	<i>cleanliness of cells, access to personal hygiene items</i>
Decision date	7 June 2018
Reference details	Supreme Court Administrative Case Department (Latvia). Judgement in the Case. A420281114, SKA-194/2018

	<u>ECLI:LV:AT:2018:0607.A420281114.2.S</u>
Key facts of the case	The case concerned a complaint by a prisoner against the Jelgava Prison for failing to provide sufficient detergent for cleaning premises (also mop, toilet brush) and personal hygiene items (toilet paper, shaving cream, shampoo) at one stage from February 2013 to February 2014. The central prison authorities did not find a violation, the decision was upheld by the district and regional administrative courts. During January 2014 the prisoner had not received sufficient toilet paper, although a supplement was provided in February. He had also requested hygiene items that are not included in the list prisons are obligated to provide. The plaintiff claimed moral compensation and asked to declare the conduct by prison authorities unlawful.
Main reasoning/argumentation	The regional court had not taken into account during which period the prisoner had not been provided the toilet paper and that the monthly norm (30m of toilet paper) does not allow to make toilet paper reserves. Toilet paper is an essential element for ensuring hygiene and even relatively short lack of access to toilet paper may cause significant inconvenience as it is not easy to substitute it by other hygiene items that the prisoner has limited access to. The regional court had not fully and comprehensively assessed the evidence about access to toilet paper.
Key issues (concepts, interpretations) clarified by the case	The law does not provide for specific norms of cell cleaning detergent/items. It does not regulate in detail how often and what cleaning detergents are to be used for cell maintenance to ensure conditions of detention that comply with epidemiologically safety and hygiene requirements. Court may use hygiene standards fixed for similar situations as guidelines, evaluate concrete evidence about sufficiency of cleaning detergents/items, etc.
Results (sanctions) and key consequences or implications of the case	The Supreme Court sent the case back to regional administrative court for review.
Key quotation in original language and translated into English with reference details	<p>Lai arī ieslodzījuma vietai būtu jāpielāgojas mūsdienu higiēnas standartiem un finanšu līdzekļu pieejamības gadījumā jācenšas nodrošināt plašāku higiēnas līdzekļu loku, šobrīd normatīvajos aktos noteiktais minimums nav acīmredzami neatbilstošs, lai konstatētu, ka ar to <i>per se</i> tiek pārkāpts Eiropas Cilvēktiesību un pamatbrīvību aizsardzības konvencijas 3.pants. Vienlaikus atsevišķos gadījumos tāpat var būt nepieciešams šīs normas pielāgot ieslodzītās personas individuālajām vajadzībām.</p> <p>Although prisons should adjust to modern hygiene standards and in case of availability of financial resources should provide a wider choice of hygiene items, the minimum standard determined by legislative acts is not manifestly inadequate to establish the violation of Article 3 of the European Convention for Human Rights and Fundamental Freedoms <i>per se</i>. At the</p>

	same time in specific cases it may also be necessary to adjust these norms to the individual needs of prisoners.
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