

Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database
(FRANET)

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Part I: National standards

1. Cells

a. Cell space

The national standard for cell space with respect to convicted detainees is set in the Sentence Execution Code of Latvia,¹ which provides that the standard living space per person shall not be less than four square metres in multi-occupancy cells, and nine square metres in single-occupancy cells.

With respect to pre-trial detainees, the Law on the Procedure for Holding under Arrest² mentions only the standard living space per detainee of not less than four square metres, not defining the type of cell. It is not specified in the law if the space occupied by the sanitary facilities within the cell shall be excluded from the calculation. There is also no distinction in the standard for cell space per person between cells of different capacities such as double cells, cells designed for up to 10 inmates, and large dormitories. At the same time, the Cabinet of Ministers regulations "Internal Regulations of the Pre-trial Detention Facilities" contains a provision that disciplinary punishment cells shall not be smaller than 1.8 x 2.5 metres (4.5 square metres), with window not smaller than 0.5 x 0.5 metres.³

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

The Sentence Execution Code of Latvia contains a general statement that detained persons in penal institutions shall be provided with living conditions that comply with the epidemiological safety and hygiene rules.⁴ It also stipulates that detained persons shall be provided with an individual place to sleep and with bedding.

The Law on the Procedure on Holding under Arrest is more elaborate, stating that the cells where detained persons are held shall have natural light, and during the dark hours of the day – artificial light. Temperature in the cells shall be not less than +18° C, and ventilation shall be provided. The cells shall be equipped with a table, stools (benches) and beds, as well as with storage space for the detained persons' personal belongings. There shall be a sanitary facility, which shall be separated from the rest of the cell.⁵

The Ombudsperson, in their report on the conditions in the disciplinary punishment cells in Riga Central Prison concluded that the regulations on the physical conditions in pre-trial detention facilities shall be applied also to the institutions where convicted persons are held, in order to prevent unjustified different treatment.⁶

¹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 77(1).

² Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 19(5).

³ Latvia, Cabinet of Ministers regulations No 800 of 27 November 2007 "Internal Regulations of the Pre-trial Detention Facilities" ([Ministru kabineta 2007. gada 27. novembra noteikumi Nr. 800 "Izmeklēšanas cietuma iekšējās kārtības noteikumi"](#)), 1 December 2007, Para. 70.

⁴ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 77.

⁵ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 19(5)(6).

⁶ Latvia (2022), Opinion of the Ombudsman of the Republic of Latvia on the conditions in the disciplinary punishment cells of the Riga Central Prison ([Latvijas Republikas Tiesībsarga atzinums par apstākļiem Rīgas Centrālcietuma soda izolatoros](#)), 19 July 2022, p. 1.

c. Video-surveillance of cells

There are no specific national standards for video-surveillance of cells, apart from the general regulations set out in the data protection legislation. Normally, cells where detained persons are held are not video-monitored, except when there is a particular reason to do so, for example, if a person is at a high risk of suicide.⁷

d. NPM assessment

In the Republic of Latvia, The Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) entered into force on 9 January 2022. In accordance with the Article 3 of the Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the head of the National Preventive Mechanism (NPM) is the Ombudsperson.⁸ Most of the NPM work is concentrated in the Prevention Unit which is subordinated to the Civil and Political Rights Division of the Ombudsperson's Office. Complaints by detained persons and some outstanding issues related to their rights are dealt with directly by the Civil and Political Rights Division or by other divisions of the Ombudsperson's Office, if the issue falls under their remit. For this reason, the information related to the rights of detained persons is included in the Ombudsperson's annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to its NPM mandate.

In the annual report on 2022, the Ombudsperson writes: "The issue of living conditions in prisons is still relevant (22 complaints in 2022, 27 in 2021 and 30 in 2020). However, also the number of these complaints has decreased, as detained persons actively use the opportunity to litigate before the administrative courts regarding inadequate living conditions and to seek material compensation in cases of violation." (*"Joprojām aktuāls ir jautājums par sadzīves apstākļiem cietumos (2022. gadā – 22, 2021. – 27, 2020. – 30 iesniegumi). Arī šo iesniegumu skaits ir samazinājies, jo ieslodzītie aktīvi izmanto iespēju par neatbilstošiem sadzīves apstākļiem vērsties administratīvajā tiesā, pārkāpuma gadījumos saņemot materiālo kompensāciju."*)⁹ In its annual report on 2023 the Ombudsperson informs that "the number of complaints about inadequate living conditions has decreased even further (12 complaints in 2023, 22 in 2022)" (*"Līdzīgi kā iepriekš ir samazinājies iesniegumu skaits par neatbilstošiem sadzīves apstākļiem (2023. – 12, 2022. – 22)"*).¹⁰

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. CPT assessed physical conditions in several prisons and concluded: "Material conditions of detention were on the whole good in the renovated blocks of Rīga Central Prison. Prisoner accommodation was provided in adequately-sized cells, which generally had sufficient access to natural light and good artificial lighting, and were suitably equipped (including a toilet facility and a call bell), clean

⁷ Information received during the interview with two representatives of the Ombudsperson's office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

⁸ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#) (likums "["Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"](#)"), 8 December 2021, Art. 3.

⁹ Latvia (2023), Ombudsperson's annual report on 2022 (["Latvijas Republikas Tiesībsarga 2022. gada ziņojums"](#)), p. 96.

¹⁰ Latvia (2024), Ombudsperson's annual report on 2023 (["Latvijas Republikas Tiesībsarga 2023. gada ziņojums"](#)), p. 97.

and well-ventilated. That said, the in-cell toilets were still not fully partitioned in multiple-occupancy cells. The delegation also noted that a number of cells in certain parts of the prison (such as Block 2) failed to offer at least 4 m² of living space per inmate. Steps should be taken to remedy the afore-mentioned deficiencies in respect of the partitioning of toilets in multiple-occupancy cells and the living space per inmate. [...] As already mentioned in the report on the 2016 visit, the Daugavpils Section of Daugavgrīva Prison had undergone major refurbishment. At the time of the 2016 visit, the Latvian authorities had informed the CPT that no major reconstruction could be undertaken in the Grīva Section given the building's status as a historic monument. The delegation was therefore pleased to learn at the time of the 2022 visit that some prisoner accommodation areas in the Grīva Section were in the process of renovation. However, generally speaking, the Grīva Section failed to provide decent accommodation for prisoners, due to its outdated design and the level of dilapidation of the facilities. As an example, Block 3 of the Grīva Section, where many inmates were accommodated at the time of the visit in large cells with up to 16 beds, was in a state of advanced dilapidation (e.g. crumbling and dirty walls, badly worn and sometimes even rotten floors, dilapidated furniture, etc.) and was severely affected by humidity, due to the absence of a functioning ventilation system. At the end of the visit, the delegation therefore urged the Latvian authorities to transfer prisoners of Block 3 to the recently renovated Block 2 without further delay. Moreover, the admission unit (Block 1) had not been renovated (unlike the other accommodation areas in Block 1) in the past nine years and was in a very poor state of repair. The Committee calls upon the Latvian authorities to carry out a comprehensive review of those conditions as a matter of priority. Prisoners should not be accommodated in Block 3 of the Grīva Section until full renovation has been completed. The CPT also wishes to recall that large-capacity dormitories inevitably imply a lack of privacy for prisoners in their everyday lives. [...] The CPT recommends that the Latvian authorities increase their efforts to move away from large-capacity dormitories towards smaller living units. [...] At Jelgava Prison, the state of dilapidation of the strict-regime accommodation areas and of the outdoor yards was a matter of serious concern. Moreover, the state of repair of those premises had worsened since the 2016 visit. Many cells throughout the establishment still did not benefit from sufficient access to natural light and ventilation. The in-cell toilets were still not partitioned and emitted a foul smell in the cells. There were 11 outdoor exercise yards, located on the roof, surrounded by damaged and rusty iron grids. During summertime, the yards reportedly become very hot and stuffy. [...] While acknowledging the problem related to the delayed construction of a new prison establishment and the lack of budget, the CPT recommends that the Latvian authorities remedy the above-mentioned problems without delay."¹¹ (*"Materiālie apstākļi aizturēšanas vietās bija kopumā labi Rīgas Centrālcietuma rekonstruētajās daļās. Ieslodzītie izvietoti pienācīga izmēra kamerās; kamerās visumā ir gana daudz dienasgaismas un labs mākslīgais apgaismojums, un tās ir ērti aprīkotas (ieskaitot labierīcības un izsaukuma zvanu), tīras un labi vēdinātas. Tomēr daudzvietīgajās kamerās esošās tualetes nav pilnībā nošķirtas no pārējās telpas. Delegācija arī atzīmēja, ka vairākas kameras noteiktās cietuma daļās (piemēram, 2. korpusā) nespēja piedāvāt vismaz 4 m² dzīvojamo platību uz vienu ieslodzīto. Jāveic pasākumi, lai novērstu iepriekšminētos trūkumus attiecībā uz tuaļu nošķiršanu daudzvietīgajās kamerās un dzīvojamo platību uz vienu ieslodzīto. [...] Kā jau minēts ziņojumā par 2016. gada vizīti, Daugavgrīvas cietuma Daugavpils nodaļā tika veikti būtiski*

¹¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, paras. 82-84.

remontdarbi. 2016. gada vizītes laikā Latvijas iestādes bija informējušas CPT, ka Grīvas nodaļā nav iespējams veikt liela apjoma pārbūvi, jo ēkai piešķirts vēstures pieminekļa statuss. Tāpēc delegācija ar prieku 2022. gada vizītes laikā uzzināja, ka dažās ieslodzīto dzīvojamās telpās Grīvas nodaļā veikti remontdarbi. Turklāt, vispārīgi runājot, Grīvas nodaļa nespēja nodrošināt pienācīgu ieslodzīto izmitināšanu tās novecojušā iekārtojuma un telpu nolietojuma līmeņa dēļ. Piemēram, Grīvas nodaļas 3. korpuss, kur daudzi ieslodzītie apmeklējuma laikā tika izmitināti lielās kamerās ar līdz 16 gultām, bija ļoti sliktā tehniskā stāvoklī (piemēram, apdrupušas un netīras sienas, stipri nolietotas un dažreiz pat sapuvušas grīdas, ļodzīgas mēbeles utt.), un to nopietni ietekmēja mitrums, jo nebija funkcionējošas ventilācijas sistēmas. Tāpēc vizītes beigās delegācija mudināja Latvijas iestādes bez turpmākas kavēšanās pārvest 3. korpusa ieslodzītos uz nesen atjaunoto 2. korpusu. Turklāt uzņemšanas telpas (1. korpuss) pēdējo deviņu gadu laikā nebija renovētas (atšķirībā no citām 1. korpusa dzīvojamām telpām) un bija ļoti sliktā stāvoklī. Komiteja aicina Latvijas iestādes prioritārā kārtā veikt visaptverošu šo nosacījumu pārskatīšanu. Grīvas nodaļas 3. korpusā ieslodzītos nedrīkst izmitināt, kamēr nav pabeigta pilnīga renovācija. CPT arī vēlas atgādināt, ka lielas ietilpības kopmītņu tipa istabas neizbēgami nozīmē privātuma trūkumu ieslodzītajiem viņu ikdienas dzīvē. [...] CPT iesaka Latvijas iestādēm pastiprināt centienus, lai pārietu no lielas ietilpības kopmītņu tipa istabām uz mazākām dzīvojamām telpām. CPT arī uzsver, ka šāda pāreja ir jāapvieno ar pasākumiem, lai nodrošinātu, ka ieslodzītie saprātīgu dienas daļu pavada mērķtiecīgās un dažāda rakstura aktivitātēs ārpus kamerām (skatīt arī 87.–90. punktu). Jelgavas cietumā nopietnas bažas radīja zemākā režīma izmitināšanas vietu un āra pagalmu nolietotā stāvoklis. Turklāt kopš 2016. gada apmeklējuma šo telpu remonta stāvoklis bija pasliktinājies. Daudzās kamerās visā iestādē joprojām nebija pietiekamas piekļuves dabiskajam apgaismojumam un ventilācijai. Kamerās esošās tualetes joprojām nebija atdalītas un kamerās radīja nepatīkamu smaku. Uz jumta bija izvietoti 11 āra fizisko aktivitāšu laukumi, kurus ieskauj bojāti un sarūsējuši dzelzs režģi. Tiek ziņots, ka vasaras laikā laukumos ir ļoti karsti un smācīgi. [...] Atzīstot problēmu, kas saistīta ar jaunas cietuma ēkas būvniecības aizkavēšanos un budžeta trūkumu, CPT iesaka Latvijas iestādēm nekavējoties novērst minētās problēmas.”¹²

The representatives of the NPM informed that physical conditions varied considerably from prison to prison and expressed a hope that the living conditions of prisoners would improve when the construction of the new prison in Liepāja would be completed (planned for the second half of 2025; will be able to accommodate 1200 persons). With regard to the video-surveillance of detained persons, the NPM informed that there had been attempts to extend video-monitoring to the regular cells in some prisons; however, the Ombudsperson had issued a recommendation to avoid such practice, and it had been duly observed.¹³

¹² Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) (*Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam*), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, paras. 82-84.

¹³ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

2. Allocation of detainees

a. Geographical allocation

According to the Sentence Execution Code of Latvia, the placement of convicted detainees in penitentiary institutions is determined by the head of the Prison Administration taking into account medical, security and crime prevention criteria. The decision of the head of the Prison Administration on the placement of a convicted detainee in a penitentiary institution shall not be subject to appeal.¹⁴ Accordingly, the detainees' private, family and other similar circumstances are not specified as criteria to be considered, and it is not excluded that convicted detainees, as well as persons in pre-trial detention in view of the absence of a specific regulation, might be allocated rather far from their homes.

If a detained person considers that their human rights are violated by inadequate allocation, they can bring an action before the administrative courts.

b. Allocation within detention facilities

Law on the Procedure for Holding under Arrest stipulates that male and female pre-trial detainees as well as juveniles and adult pre-trial detainees shall be allocated separately. Detained persons under the same criminal case shall be detained separately for 10 days. After that period, they shall be detained separately if their case officer decides that it is necessary to restrict meetings and communication among them in order not to compromise the proceedings. Pre-trial detainees shall be placed separately from convicted detainees, except if a convicted detainee is placed in the pre-trial detention due to having committed another criminal offence.¹⁵

Judges, persons belonging to the judicial system, employees and former employees of the investigative authorities, criminal enforcement authorities or state institutions carrying out operational activities, municipal police or other state institution related to ensuring state and public security, as well as their spouses and first-degree relatives, shall be placed separately from other pre-trial detainees. If a pre-trial detainee has assisted in the detection of a crime committed by another person and their sentence has been reduced by the court in accordance with the procedure laid down in the Criminal Law, they shall be placed separately from the other detainees if they so request. Pre-trial detainees who have not been previously sentenced with deprivation of liberty shall be placed separately from other detainees. In general, pre-trial detainees shall be placed in cells, taking into account internal security considerations as well as (as far as possible) personal characteristics and psychological compatibility.¹⁶

Similarly, the Sentence Execution Code of Latvia stipulates that convicted men and women, juveniles and adults shall be held separately. Detained persons whose personal characteristics and criminal record have a negative impact on other inmates or who oppress and abuse other detainees shall be segregated. Pre-trial detainees shall be held separately from convicted detainees, except if they agree to be placed together or to be involved in joint activities and the investigating authority, public prosecutor's office or court responsible for the case permits it. Also detained persons convicted to short-term deprivation of liberty shall be held separately from other convicted detainees, although they may be involved in resocialisation activities

¹⁴ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 13¹.

¹⁵ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 11.

¹⁶ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 11.

together with other convicted detainees.¹⁷ If a convicted detainee has assisted in the detection of a crime committed by another person and their sentence has been reduced by the court in accordance with the procedure laid down in the Criminal Law, they shall be placed separately from the other detainees if they so request. Judges, persons belonging to the judicial system, employees and former employees of the investigative authorities, criminal enforcement authorities or state institutions carrying out operational activities, municipal police or other state institution related to ensuring state and public security, as well as their spouses and first-degree relatives, shall be placed separately from other convicted detainees. Convicted detainees involved in a resocialisation programme for the reduction of addictions shall be held separately from other convicted detainees.¹⁸

In general, a special commission established by the head of the prison shall determine in which department, unit and cell of the prison the convicted person is to be placed, taking into account the available places in the cells, the psychological compatibility, the person's health condition, attitude to smoking and previous criminal experience of the convicted detainee. The committee's decision is not subject to appeal.¹⁹

In practice, the aforementioned rules are rather strictly observed. Male juveniles are held in a separate institution designed for holding juveniles – Cēsis Institution for Juveniles, and female juveniles, if any, are held in a separate unit within Ilģuciems Female Prison, the only female prison in Latvia. In order to strengthen the results of resocialisation and to enable young adults to acquire general education or vocational training, convicted juveniles who have reached the age of eighteen may, by decision of the evaluation committee, stay in the juvenile institution until the end of the school year or until the end of their sentence, but not beyond the age of twenty-five. In exceptional cases, a convicted detainee who has reached the age of twenty-five may, by decision of the evaluation committee, be kept in the juvenile institution until the end of the school year.²⁰

c. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.²¹ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

There is no information about the problems or complaints related to the allocation of the detained persons during the reference period either in the Ombudsperson's annual reports 2022 and 2023, or in the thematic reports by the NPM.

¹⁷ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 18.

¹⁸ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 13².

¹⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 13².

²⁰ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 50⁷.

²¹ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgās, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. There is no information with regard to the breaches of the rules related to the allocation of detained persons in the last CPT report.

The representatives of the NPM submitted that the allocation of detainees was usually performed in a decent manner, and that the detainees, with a few exceptions, had not considered this issue problematic. If the detained persons had initially been allocated relatively far from their homes because of the lack of space in the nearby prisons or due to other reasons, it had been possible to seek re-allocation after some time. Additionally, there is generally no limit placed on the number of phone calls, which might compensate for the difficulties of organising visits.

There have been some cases where detained persons have objected to being placed in a cell together with another person belonging to a different internal hierarchy level.²²

3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)

a. Access to toilets

Law on the Procedure for Holding under Arrest provides that cells shall be equipped with a sanitary annex separated from the rest of the room. However, it is not specified whether the separation must be total or partial.²³ The Sentence Execution Code of Latvia contains only a general statement that convicted detainees shall be provided with living conditions that comply with the epidemiological safety and hygiene rules.²⁴

In practice, there are sanitary annexes built in cells; however, not all of them are properly separated from the rest of the cell in order to ensure full privacy to the detained persons using them.²⁵

b. Access to showers and warm and running water

Both pre-trial detainees and convicted detainees are entitled to take a bath or shower at least once in seven days. Law on the Procedure for Holding under Arrest stipulates that detained persons shall be provided with facilities for personal hygiene and for washing their underwear and clothes.²⁶

c. Access to sanitary products

“Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs” stipulates that every detained person shall be provided with a toothbrush every three months,

²² Information received during the interview with two representatives of the Ombudsperson’s Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²³ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 19(5); Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 “Internal Regulations of the Places of Deprivation of Liberty” ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 “Brīvības atņemšanas iestādes iekšējās kārtības noteikumi”](#)), 3 June 2006, Para. 19.

²⁴ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 77.

²⁵ Information received during the interview with two representatives of the Ombudsperson’s Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²⁶ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 19(7).

50 millilitres of toothpaste once a month, 200 grams of brown soap every six months, 100 grams of toilet soap every month, two rolls of toilet paper (not less than 30 metres) every month, 500 millilitres of detergent for washing dishes (if meals are served in the cell) every six months, 16 sanitary towels for women once a month.²⁷

Persons in pre-trial detention and convicted detainees are allowed to purchase sanitary products in a prison shop and receive parcels.²⁸

d. Hygienic conditions in cells

The Sentence Execution Code contains a general statement that convicted detainees shall be provided with living conditions that comply with the epidemiological safety and hygiene rules.²⁹

Pre-trial detainees shall be provided with clean bed-linen and a towel once a week.³⁰ The necessary arrangements shall be made to ensure they can observe personal hygiene and wash their underwear and clothes.³¹ The law also sets that it is a duty of detained persons to keep order in the premises of pre-trial detention facility, to clean them at the times specified in the daily routine and observe personal hygiene.³²

Similarly, clean bed-linen and towels shall be provided to convicted detainees once a week.³³ Convicted detainees shall change their underwear once a week, and their clothes shall be washed once a month.³⁴ They shall keep their living quarters, common areas and workplaces tidy, and observe personal hygiene. Convicted detainees shall clean their own cell.³⁵

e. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading

²⁷ Cabinet of Ministers regulations No 1022 "Regulations on Norms for Detained Persons' Nutrition and Material Provision of Daily Needs ([Ministru kabineta 2006. gada 19. decembra noteikumi Nr. 1022 "Noteikumi par ieslodzīto personu uztura un sadzīves vajadzību materiālā nodrošinājuma normām"](#)), 19 December 2006, Annex No 2.

²⁸ Latvia, Cabinet of Ministers regulations No 800 of 27 November 2007 "Internal Regulations of the Pre-trial Detention Facilities" ([Ministru kabineta 2007. gada 27. novembra noteikumi Nr. 800 "Izmeklēšanas cietuma iekšējās kārtības noteikumi"](#)), 1 December 2007, Annex No 5, Paras. 10, 12; Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Annex No 8, Para. 12, Annex No 11, Para. 5.

²⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Art. 77(1).

³⁰ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 19(6).

³¹ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 19(6).

³² Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Arts. 14(1)(5) and 14(1)(7).

³³ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Para. 19.

³⁴ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Paras. 19, 20.

³⁵ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Para. 44.3.

Treatment or Punishment (OPCAT) is the Ombudsperson.³⁶ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

During the reference period the Ombudsperson's Office has not evaluated hygiene and sanitary conditions in places of detention in general; however, some information appears in the thematic reports on other issues (see the relevant chapters of this report).

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. In its report the CPT noted: "Material conditions of detention were on the whole good in the renovated blocks of Rīga Central Prison. Prisoner accommodation was provided in adequately-sized cells, which [...] were suitably equipped (including a toilet facility and a call bell), clean and well-ventilated. That said, the in-cell toilets were still not fully partitioned in multiple-occupancy cells. [...] Steps should be taken to remedy the afore-mentioned deficiencies in respect of the partitioning of toilets in multiple-occupancy cells [...]. Of even greater concern was the widespread problem of infestations of bedbugs throughout the whole establishment, leading to many inmates having visible bites on their skin. Prisoners reported that the issue was so serious that it prevented them from sleeping during the night. The CPT recommends that the Latvian authorities remedy this problem without delay and make further efforts to tackle pest infestations, including by providing inmates with new, wipeable mattresses. [...] At Jelgava Prison, [...] the in-cell toilets were still not partitioned and emitted a foul smell in the cells. [...]. [T]he CPT recommends that the Latvian authorities remedy the above-mentioned problems without delay. On a more positive note, the CPT observed that, contrary to what had previously been observed, prisoners of the three prisons visited had access to a shower twice a week, which gave them the possibility of maintaining basic personal hygiene."³⁷ (*"Materiālie apstākļi aizturēšanas vietās bija kopumā labi Rīgas Centrālcietuma rekonstruētajās daļās. Ieslodzītie izvietoti pienācīga izmēra kamerās; [...] tās ir ērti aprīkotas (ieskaitot labierīcības un izsaukuma zvanu), tīras un labi vēdinātas. Tomēr daudzvietīgajās kamerās esošās tualetes nav pilnībā nošķirtas no pārējās telpas. [...] Jāveic pasākumi, lai novērstu iepriekšminētos trūkumus attiecībā uz tuaļu nošķiršanu daudzvietīgajās kamerās [...]. Vēl lielākas bažas radīja plaši izplatītā blakšu invāzijas problēma visā iestādē, kā rezultātā daudziem ieslodzītajiem bija redzami kodumi uz ādas. Ieslodzītie ziņoja, ka problēma ir tik nopietna, ka liedza viņiem naktī gulēt. CPT iesaka Latvijas iestādēm nekavējoties novērst šo problēmu un pielikt papildu pūles, lai cīnītos pret kaitēkļu invāziju, tostarp nodrošinot ieslodzītos ar jauniem, noslaukāmiem matračiem. [...] Jelgavas cietumā [...] kamerās esošās tualetes joprojām nebija atdalītas un kamerās radīja nepatīkamu smaku. [...] CPT iesaka Latvijas iestādēm nekavējoties novērst minētās problēmas. Pozitīvi ir tas, ka CPT novēroja – pretēji iepriekš novērotajam trīs apmeklēto cietumu*

³⁶ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#) (*Iikums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"*), 8 December 2021, Art. 3.

³⁷ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) (*Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam*), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, paras. 82-86.

*ieslodzītajiem divas reizes nedēļā bija pieejama duša, kas deva viņiem iespēju ievērot elementāru personisko higiēnu.*³⁸

*The representatives of the NPM mentioned infestations by bedbugs as a systemic problem in old prisons. At the same time, they had not observed problems with access to toilets and showers, as well as with the general state of cleanness in detention facilities.*³⁹

4. Nutrition

a. Quality and quantity of food

The Law on the Procedure for Holding under Arrest⁴⁰ provides general rules on nutrition in places of pre-trial detention, stipulating that pre-trial detainees shall receive three hot meals a day that ensures the normal functioning of their body, as well as drinking water at all times. Juveniles in pre-trial detention shall receive food that ensures their full physical development. Similarly, the Sentence Execution Code of Latvia⁴¹ contains general provisions on nutrition in places of detention for convicted persons. It stipulates that convicted detainees shall receive nutrition that ensures the normal functioning of their body. Pregnant women, mothers with children, juveniles and sick detainees shall be provided with higher nutritional standards and may be allowed to receive additional food parcels and rations, if the medical board so decides.

The standards regarding quantity of food provided to detainees are further elaborated in the Cabinet of Ministers regulations No 1022 “Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs”.⁴² The regulations specify the diversity and quantity of products (in grams) included in the daily ration, as well as the interchangeable products and their norms.

b. Drinking water

The Law on the Procedure for Holding under Arrest⁴³ stipulates that pre-trial detainees shall have access to drinking water at all times. For convicted detainees, the respective law and regulations do not specify the norms of drinking water, however, provide that convicted detainees shall receive nutrition that ensures the normal functioning of their body, implying sufficient supply of water.⁴⁴

³⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) (*Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam*), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, paras. 82-86.

³⁹ Information received during the interview with two representatives of the Ombudsperson’s Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

⁴⁰ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Aprietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 19.

⁴¹ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 77.

⁴² Latvia, Cabinet of Ministers regulations No 1022 of 19 December 2006 “Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs” (*Ministru kabineta 2006. gada 19. decembra noteikumi Nr. 1022 “Noteikumi par ieslodzīto personu uztura un sadzīves vajadzību materiālā nodrošinājuma normām”*), 23 December 2006, Arts. 2–5; Appendixes No 1 and No 2.

⁴³ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Aprietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 19.

⁴⁴ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 77(3).

c. Dietary requirements

Apart from basic daily dietary norms for adults and juveniles, the Cabinet of Ministers regulations No 1022 “Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs” provide for special dietary norms for sick detainees undergoing treatment in hospital or in medical ward of the prison; detainees suffering from tuberculosis in the active phase, gastric or duodenal ulcer disease in the exacerbation phase, anaemia, malignant tumours, AIDS, malnutrition of moderate and severe degree and undergoing outpatient treatment; juveniles who have been assigned to recovery groups; pregnant women six months before the expected date of childbirth, mothers three months after childbirth, and breastfeeding mothers for the entire period of breastfeeding, but no longer than until the child reaches nine months of age. Separate dietary norms are also envisaged for adults who do not consume meat and fish products, and for juveniles who do not consume meat and fish products. In case of juveniles, an opinion from a certified medical dietician or a certified nutritionist shall be obtained as to whether the state of health of the juvenile permits to apply a diet without meat and fish products, and legal guardians of the juvenile shall be notified. A special dietary allowance shall be provided to detainees who are temporarily brought outside the place of detention, for example, to the court or education establishment, and therefore are not provided with a meal at the place of detention. Detainees over 195 cm in height shall be provided with an additional half of the daily nutrition norm they are assigned to.⁴⁵

a. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.⁴⁶ The information related to the rights of detained persons is included in the Ombudsperson’s general annual reports. The Ombudsperson’s Office also prepares thematic reports and visit reports related to their mandate of NPM.

It is mentioned in the Ombudsperson’s annual report on 2022 that detained persons are actively complaining about the quality of food.⁴⁷ No information in this regard is provided in the Ombudsperson’s annual report on 2023.⁴⁸ There are no thematic reports by the NPM concerning nutrition covering the reference period.

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. No observations and recommendations regarding the nutrition of detained persons were included in the visit report.

⁴⁵ Latvia, Cabinet of Ministers regulations No 1022 of 19 December 2006 “Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs” ([Ministru kabineta 2006. gada 19. decembra noteikumi Nr. 1022 “Noteikumi par ieslodzīto personu uztura un sadzīves vajadzību materiālā nodrošinājuma normām”](#)), 23 December 2006, Arts. 2–5; Appendixes No 1 and No 2.

⁴⁶ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#) (*Iikums “Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu”*), 8 December 2021, Art. 3.

⁴⁷ Latvia (2023), Ombudsperson’s annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 94.

⁴⁸ Latvia (2024), Ombudsperson’s annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)).

*The representatives of the NPM have not discovered problems related to the nutrition standards and dietary requirements during their monitoring visits. However, the food distribution according to the informal prison hierarchy was highlighted as a systemic problem.*⁴⁹

5. Time spent outside the cell and outdoors

a. Time spent outdoors

According to the Law on the Procedure for Holding under Arrest, pre-trial detainees shall be offered an outdoor walk of not less than an hour a day. In case of a medical prescription, the time that the detainee is allowed to spend outdoors increases to one and a half hours.⁵⁰ In case pre-trial detainees show exemplary behaviour, the head of the pre-trial detention facility may grant them additional outdoor exercise time as an incentive.⁵¹ If a woman in pre-trial detention is accompanied by her child(ren), her daily routine shall be adapted to the needs of the child(ren) and shall include not less than one and a half hours of walking in the fresh air together with the child(ren).⁵² Pre-trial detainees placed in the Latvian Prison Hospital have the right to walk outdoors for not less than an hour a day with the permission of the attending doctor;⁵³ however, pre-trial detainees recovering in medical institutions outside the places of detention are not entitled to a daily walk.⁵⁴ Juveniles in pre-trial detention have the right to a daily walk of not less than two hours; however, if placed in a disciplinary isolation cell, juveniles are only allowed an hour and a half of daily exercise.⁵⁵

The Sentence Execution Code of Latvia provides for one hour of daily outdoor exercise to all categories of convicted detainees, including detainees placed in disciplinary isolation cells.⁵⁶ The exception is set in the Cabinet of Ministers regulations No 423 "Internal Regulations of the Places of Deprivation of Liberty" providing for not less than two hours outdoor walk for detainees who have tuberculosis in acute form.⁵⁷

b. Time spent indoors

There is no national standard for the minimum time the detainees are allowed to spend outside of their cell in the indoor common areas. The Sentence Execution Code of Latvia stipulates that convicted detainees in all types of prisons, as well as juveniles in the juvenile detention facilities

⁴⁹ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

⁵⁰ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13.

⁵¹ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 29.

⁵² Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 17.

⁵³ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 22⁴.

⁵⁴ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 22¹.

⁵⁵ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 18.

⁵⁶ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Arts. 50⁴, 50⁸, 74, 78⁷.

⁵⁷ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" (*Ministru kabineta 2006. Gada 30. Maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"*), 3 June 2006, Para. 28.

and in the separate wings of women's prisons set up as juvenile detention facilities, shall be placed in locked rooms or cells during the night.⁵⁸ In the strictest levels of the penal regime in closed and semi-closed prisons the convicted detainees shall be placed in locked rooms or cells also during the day-time that is free from resocialisation measures, such as educational and sports activities, work, and other activities.⁵⁹

The Cabinet of Ministers regulations No 423 "Internal Regulations of the Places of Deprivation of Liberty" provide that the head of the detention facility approves internal rules for daily prison regime, which includes time for work, education, regime activities, meals, head counts, outdoor exercise, rest time, and non-interrupted eight-hours of night rest.⁶⁰

In practice, organised activities are mostly offered to convicted detainees in the less-strict-level prison regime. For most convicted detainees in the strict-level prison regime and pre-trial detainees, the regime consists of cellular confinement with hardly any out-of-cell activities, apart from one hour of outdoor exercise per day and weekly sports sessions.⁶¹

c. Recreational facilities

The Law on the Procedure for Holding under Arrest stipulates that outdoor walking areas for juveniles in pre-trial detention shall have equipment suitable for active physical exercise.⁶² The law does not specify what sports or recreational facilities should be available to the general prison population.

In practice, prison infrastructure is outdated and access to sports facilities and, consequently, to sports activities is limited. For example, in Jelgava Prison (a closed prison) the state of dilapidation of the outdoor yards is a matter of serious concern. There are 11 outdoor exercise yards, located on the roof, surrounded by damaged and rusty iron grids. During summertime, the yards reportedly become very hot and stuffy. Furthermore, many of the sports facilities in the strict-level regime areas have not been in use for the past years and could certainly not be used until a full refurbishment, given their state of repair. As a consequence, prisoners in the strict-level regime (including life-sentenced prisoners) do not have access to any type of sports.⁶³

d. Educational activities

The Cabinet of Ministers regulations No 423 "Internal Regulations of the Places of Deprivation of Liberty" provide that individual and group educational activities, such as education classes, resocialisation activities, discussions and consultations, sports games and applied art classes,

⁵⁸ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 41(3).

⁵⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 41.

⁶⁰ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. Gada 30. Maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Paras. 22, 23.

⁶¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. Gada 10. Līdz 20. Maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, para. 89.

⁶² Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 18.

⁶³ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. Gada 10. Līdz 20. Maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, para. 85.

shall be organised to fulfil the educational needs of the convicted detainees.⁶⁴ The staff of the detention facility shall organise moral education activities for the detainees such as lectures, discussions, educational conversations, musical performances and other events.⁶⁵

Also the Law on the Procedure for Holding under Arrest provides that the main means of social rehabilitation of detainees are socially useful activities – general, vocational and interest education, employment, as well as psychological assistance. The administration of the pre-trial detention facility shall, as far as possible, ensure that persons in the pre-trial detention receive general, vocational and interest education. Registered associations and foundations, as well as religious organisations shall be allowed, after coordination with the Prison Administration, to carry out educational activities in pre-trial detention facilities as part of the social rehabilitation of the pre-trial detainees.⁶⁶ However, in practice, activities offered to the persons in pre-trial detention are rather limited.

According to the data provided by the Prison Administration, in 2022, about a half of the total prison population were involved in different education programmes. Formal education programmes were attended by 752 detainees or 23 % of the total number of detainees: 262 detainees in the general education; 482 detainees in the vocational education; and eight detainees in the higher education by distance learning, either through the postal services or via the internet with the assistance of the administration of the detention facilities.⁶⁷

The Sentence Execution Code of Latvia provides that convicted detainees in open prison have the right to keep personal computer with internet access and a personal mobile phone registered in accordance with the procedure laid down by the head of the detention facility. Personal computers and mobile phones in the possession of convicted detainees shall be subject to inspection.⁶⁸ No such access is given to the detainees in the stricter-level detention regimes. However, a convicted person may submit an application to the head of the detention facility requesting permission to obtain and use an auxiliary aid device (for example, a computer or a tablet) for a certain period of time to complete their bachelor thesis, master thesis or doctoral thesis at an accredited higher education institution. If the head of the detention facility issues a permission to use such a device, they shall specify in the authorisation the purpose, place, frequency and duration of the use of the auxiliary aid device, as well as the place and procedure for storing the auxiliary aid device.⁶⁹ Use of personal computer or another electronic device with the internet access is not allowed in pre-trial detention facilities (see the case described in Part II of this report).

⁶⁴ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. Gada 30. Maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Para. 29.

⁶⁵ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. Gada 30. Maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Para. 33.

⁶⁶ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Arts. 23-25.

⁶⁷ Latvian Prison administration (2023), Prison Administration's public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), pp. 16-17.

⁶⁸ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Arts. 41, 50⁶.

⁶⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 47².

Detainees serving their sentence in the less-strict regime may attend a prison library in person, while detainees in the strict-level regime and life-sentenced detainees may get or exchange books in the prison library through the prison staff.⁷⁰

e. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.⁷¹ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

It is mentioned in the Ombudsperson's annual report of 2023 that during the reporting period thematic visits regarding the opportunities provided for detainees to spend a reasonable part of the day (eight hours or more) outside their cells were launched; however, no additional information is provided.⁷² There are also no thematic reports by the NPM concerning time spent outside the cell and outdoors, covering the reference period.

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. In its visit report, the CPT speaks rather extensively on problems related to the lack of activities offered to the detainees, and the visit report contains an explicit recommendation related to the regime of the detainees: "The CPT recommends that the Latvian authorities continue their efforts to increase the provision of purposeful activities to prisoners, with a view to ensuring that as many prisoners as possible participate in a full programme of activities. The aim should be to ensure that all prisoners, including those on remand and sentenced prisoners on the strict-level regime, are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells engaged in purposeful activities of a varied nature (work; vocational training; education; sport; recreation/association)"⁷³ ("*CPT iesaka Latvijas varas iestādēm turpināt centienus, lai palielinātu mērķtiecīgu aktivitāšu nodrošināšanu ieslodzītajiem, lai nodrošinātu, ka pēc iespējas vairāk ieslodzīto piedalās pilnā aktivitāšu programmā. Mērķis ir nodrošināt, ka visiem ieslodzītajiem, ieskaitot uz izmeklēšanas laiku apcietinātos un notiesātos un zemākās pakāpes režīmā turētos ieslodzītos, ir iespēja pavadīt saprātīgu dienas daļu (t.i., astoņas stundas vai vairāk) ārpus kamerām, iesaistoties mērķtiecīgās un daudzveidīgās nodarbēs (darbs; arodapmācība; izglītība; sports; atpūta/biedrošanās)*").⁷⁴

⁷⁰ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Art. 50⁴, 50⁸.

⁷¹ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

⁷² Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 121.

⁷³ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 90.

⁷⁴ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried](#)

CPT also noted that a very limited range of organised activities were offered to life-sentenced detainees, especially in Jelgava Prison, and issued a recommendation in this regard: “the CPT recommends that the Latvian authorities increase their efforts not only to ensure a safe environment for life-sentenced prisoners but to also offer them a proper activity programme (including activities aimed at their reintegration into society) from the beginning of their sentence. Reference is also made in this regard to the recommendation in paragraph 90”⁷⁵ (“CPT iesaka Latvijas iestādēm pastiprināt centienus ne tikai nodrošināt drošu vidi ar mūža ieslodzījumu notiesātajiem, bet arī piedāvāt viņiem atbilstošu aktivitāšu programmu (tostarp pasākumus, kuru mērķis ir viņu reintegrācija sabiedrībā) no soda izciešanas sākuma. Šajā sakarā ir arī atsauce uz ieteikumu 90. punktā”).⁷⁶

*The representatives of the NPM are of opinion that there is a considerable lack of meaningful activities and work opportunities in prisons in general, with the exception of the only female prison in Latvia where a rather broad range of educational and other activities are provided. The premises for outdoor and indoor exercise in most of prisons are quite cramped; they are poorly equipped with functional devices for physical exercise.*⁷⁷

6. Solitary confinement

a. Placement in solitary confinement

The law only regulates placements in solitary confinement for disciplinary purposes. Administrative segregation, used for protection of vulnerable detainees, or for holding detainees with constant behavioural problems, may lead to conditions akin to solitary confinement, however, the law does not specify how it is to be implemented. In 2022, legislative amendments were passed to provide for a decrease in the maximum duration of disciplinary confinement from 15 to 14 days for adults and from 10 to 3 days for juveniles.⁷⁸

The law stipulates that only detainees who have committed serious or systematic violations of the penal regime can be placed in solitary confinement.⁷⁹ There are similar regulations in place concerning solitary confinement as disciplinary punishment for persons in pre-trial detention and convicted detainees. For violation of the rules of internal order, the head of the facility may place an adult detainee in disciplinary isolation for up to 14 days, and a juvenile detainee in

[out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 90.

⁷⁵ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 92.

⁷⁶ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 92.

⁷⁷ Information received during the interview with two representatives of the Ombudsperson’s Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

⁷⁸ Latvia, Amendments to the Sentence Execution Code of Latvia ([Grozījumi Latvijas Sodū izpildes kodeksā](#)), 4 February 2022.

⁷⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 70(3); Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 32(1).

disciplinary isolation for up to three days.⁸⁰ Women detainees who are in prison with infants and pregnant women should not be placed in solitary confinement at all.⁸¹ Convicted detainees who violate the regime in disciplinary isolation may be subject to new disciplinary sanctions, including repeated placement in disciplinary isolation. Then the new disciplinary isolation is deemed to commence on the last day of the previous disciplinary isolation.⁸²

The Cabinet of Ministers regulations on the internal order of the pre-trial detention facilities are rather detailed with regard to the disciplinary isolation: detained persons shall be provided with food and drinking water, there shall be natural light in the cells, and the temperature shall not be lower than 18 °C, a disciplinary isolation cell shall not be smaller than 1.8 x 2.5 metres, and a window shall not be smaller than 0.5 x 0.5 metres. Detained persons placed in disciplinary isolation shall be provided the diet prescribed by a medical practitioner if their state of health so requires. If a pre-trial detainee has tuberculosis, they shall be allowed a daily outdoor exercise of one hour. A juvenile in pre-trial detention shall be allowed an outdoor exercise of one and a half hours a day. Bed-linen shall be issued to a detainee in disciplinary isolation only during the night rest.⁸³

With regard to convicted detainees in disciplinary isolation the Sentence Execution Code of Latvia stipulates that they are allowed an hour of outdoor exercise every day.⁸⁴

b. Monitoring of detainees

There are no national standards in place with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement. In practice, detainees in solitary confinement are visited daily by a prison nurse and have the opportunity to make requests to prison staff. Generally, the disciplinary isolation cells are not video-monitored, except when there is a particular reason to do so, for example, a person at high risk of suicide is placed in a cell.⁸⁵

c. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.⁸⁶ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The

⁸⁰ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Arts. 30(1)(6) and 30(1)(7); Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Arts. 70(1)(6) and 70(1)(7).

⁸¹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 70(2); Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 32(3).

⁸² Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Para. 90.

⁸³ Latvia, Cabinet of Ministers regulations No 800 of 27 November 2007 "Internal Regulations of the Pre-trial detention facilities" ([Ministru kabineta 2007. gada 27. novembra noteikumi Nr. 800 "Izmeklēšanas cietuma iekšējās kārtības noteikumi"](#)), 1 December 2007, Paras. 69-72.

⁸⁴ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 74(2).

⁸⁵ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

⁸⁶ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#) (likums "[Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu](#)"), 8 December 2021, Art. 3.

Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

In 2022, the Ombudsperson issued an opinion on the conditions in the disciplinary isolation cells in Riga Central Prison. The Ombudsperson concluded: "The natural lighting is insufficient to fully illuminate the cell. Therefore, it is necessary to provide artificial lighting at the time when a person is placed in the cell. If the door of the cell is open, the partially separated sanitary annex is fully visible, thereby failing to ensure the person's privacy. The separation of the sanitary needs to be adjusted so that it would ensure full privacy. Particular attention shall be paid to sufficiently frequent application of the necessary measures to exterminate rats and insects in order to ensure that hygiene requirements are met throughout the facility. [...] The natural ventilation is not sufficient to ensure full ventilation of the cell." (*"Dabiskais apgaismojums nav pietiekams, lai vienīgi ar to pilnībā nodrošinātu telpas apgaismošanu. Tāpēc personas ievietošanas brīdī nepieciešams nodrošināt pilnvērtīgu mākslīgo apgaismojumu. Atverot kameras ārējās durvis, daļēji norobežotais sanitārais mezgls ir pilnībā pārredzams, tādējādi nenodrošina personas privātumu. Nepieciešams pārveidot sanitārā mezgla norobežojumu, lai tas pilnvērtīgi nodrošinātu privātumu. Ar īpašu rūpību jāpieiet deratizācijas un dezinfekcijas pasākumiem, rīkojot tos pietiekami bieži, lai nodrošinātu sanitāro prasību ievērošanu visā iestādē. [...] Dabiskā ventilācija nav pietiekama, lai pilnībā nodrošinātu telpas vēdināšanu."*)⁸⁷

In 2023, the Ombudsperson issued a report on the practice of applying solitary confinement as a disciplinary punishment in Grīva section of Daugavgrīva Prison. The Ombudsperson assessed the physical conditions in disciplinary isolation cells as generally adequate, however, noted that there were no alarm buttons installed. The Ombudsperson issued a recommendation: "I invite the head of the Prison Administration to identify this issue in all prisons and to plan for the installation of alarm buttons in all disciplinary punishment cells. At the same time, please provide information on the plans to install alarm buttons also in other areas, like the regular cells." (*"Aicinu ieslodzījuma vietu pārvaldes priekšnieku apzināt šo jautājumu visās ieslodzījuma vietās un iepļānot signālpogu uzstādīšanu visos soda izolatoros. Vienlaikus lūgums sniegt informāciju par plāniem attiecībā uz signālpogu uzstādīšanu arī citās telpās, piemēram, kamerās."*)⁸⁸

The Ombudsperson also assessed the practice of applying the solitary confinement as a disciplinary punishment and concluded that the prison staff in charge adequately assessed the conduct of detainees, and the head of the prison, when making a final decision, in general applied the lightest of the disciplinary punishments recommended by the prison staff. It was rare that the maximum period of solitary confinement would be applied to the detainees: in 2023, out of 55 cases only two convicted detainees had been placed in solitary confinement for the maximum period of 14 days. No cases were identified where consecutive disciplinary punishment of solitary confinement had been applied. Nevertheless, the Ombudsperson issued a recommendation: "It is necessary to amend the legal framework to no longer allow a convicted

⁸⁷ Latvia (2022), Ombudsperson's opinion No 1-5/181 on the conditions in the disciplinary isolation cells in Riga Central Prison, 19 July 2022 ([Latvijas Republikas Tiesībsarga 2022. gada 19. jūlija atzinums Nr. 1-5/181 par apstākļiem Rīgas Centrālcietauma soda izolatoros](#)).

⁸⁸ Latvia (2022), Ombudsperson's report No 1-12/15 on the practice of applying solitary confinement as the disciplinary punishment in Grīva section of Daugavgrīva Prison, 20 October 2023 ([Latvijas Republikas Tiesībsarga 2023. gada 30. oktobra ziņojums Nr. 1-12/15 par soda – ievietošanas soda izolatorā – piemērošanas praksi Daugavgrīvas cietuma Grīvas nodaļā](#)).

detainee to be placed repeatedly in a disciplinary punishment cell, starting on the last day of the previous disciplinary sanction." (*"Ir nepieciešams veikt grozījumus tiesiskajā regulējumā, nepieļaujot vairs notiesāto personu ievietot atkārtoti soda izolatorā, par sākuma dienu uzskatot iepriekšējā disciplinārsoda izciešanas pēdējo dienu."*)⁸⁹

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022.

In its report the CPT positively assessed the decrease of maximum period of solitary confinement as a disciplinary punishment. However, they noted: "The Committee recommends that, given the potentially detrimental effect on the physical and/or mental well-being of juveniles, solitary confinement should never be imposed on juveniles as a disciplinary punishment."⁹⁰ (*"Komiteja iesaka, ņemot vērā iespējamo kaitīgo ietekmi uz nepilngadīgo fizisko un/vai garīgo labklājību, nepilngadīgajiem kā disciplinārsodu nekad nepiemērot izolāciju."*)⁹¹ Further, the CPT had serious misgivings about the practice observed at Daugavgrīva Prison Daugavpils section of applying consecutively, that is, without any interruption between the sanctions, several disciplinary sanctions of placement in a punishment cell. As a result, some prisoners had been continuously kept in solitary confinement for periods well beyond the maximum time limit of 14 days, in material conditions which fell below the acceptable standards (in dilapidated and humid cells).⁹² "The CPT considers that, given the potentially very damaging effects of solitary confinement, there should be a prohibition on sequential disciplinary sentences resulting in an uninterrupted period of solitary confinement in excess of the maximum period. The Committee recommends that this precept be implemented in practice in all prisons in Latvia."⁹³ (*"CPT komiteja uzsver, ka, ņemot vērā izolatora potenciāli ļoti nelabvēlīgo iespaidu, būtu jāaizliedz secīgi disciplināri sodi, kuru rezultātā tiek noteikta nepārtraukta ievietošana izolatorā, pārsniedzot maksimālo termiņu. Komiteja iesaka šo prasību ieviest praksē visos Latvijas cietumos."*)⁹⁴

⁸⁹ Latvia (2022), Ombudsperson's report No 1-12/15 on the practice of applying solitary confinement as the disciplinary punishment in Grīva section of Daugavgrīva Prison, 20 October 2023 ([Latvijas Republikas Tiesībsarga 2023. gada 30. oktobra ziņojums Nr. 1-12/15 par soda – ievietošanas soda izolatorā – piemērošanas praksi Daugavgrīvas cietuma Grīvas nodaļā](#)).

⁹⁰ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) ([Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam](#)), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 114.

⁹¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) ([Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam](#)), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 114.

⁹² Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) ([Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam](#)), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 114.

⁹³ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) ([Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam](#)), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 114.

⁹⁴ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) ([Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam](#)), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 114.

The CPT was also concerned by the practice observed in the prisons visited of imposing disproportionate sanctions for minor violations of prison rules. Two recommendations were issued with respect to this observation: "The CPT recommends that the Latvian authorities take decisive action to ensure the proportionality of disciplinary sanctions imposed on prisoners. The directors of all the penitentiary establishments of Latvia should be reminded that the severity of any disciplinary punishment must be strictly proportionate to the gravity of the offence. Cellular confinement should be reserved for the most serious disciplinary offences. The Committee also recommends that the Latvian authorities review the system of disciplinary punishment of prisoners by determining in the national legislation the acts or omissions by prisoners which constitute disciplinary offences and ensuring that only those that are genuinely likely to constitute a threat to good order, safety or security are defined as a disciplinary offence."⁹⁵ (*"CPT iesaka Latvijas iestādēm izlēmīgi rīkoties, lai nodrošinātu ieslodzītajiem piemēroto disciplinārsodu samērīgumu. Visu Latvijas ieslodzījuma vietu direktoriem jāatgādina, ka jebkura disciplinārsoda smagumam ir jābūt stingri samērotam ar pārkāpuma smagumu. Ievietošana izolatorā ir jāparedz par vissmagākajiem disciplinārpārkāpumiem. Komiteja arī iesaka Latvijas iestādēm pārskatīt ieslodzīto disciplinārsodu sistēmu, valsts tiesību aktos nosakot ieslodzīto darbības vai bezdarbības, kas ir disciplinārpārkāpumi, un nodrošinot, ka tikai tās darbības vai bezdarbības, kas patiešām var apdraudēt kārtību, drošību vai nodrošinājumu, ir definētas kā disciplinārpārkāpumi."*)⁹⁶

The CPT also reminded that it had repeatedly emphasised that acts of self-harm most often reflect psychological or mental health issues which should be dealt with from a therapeutic rather than a punitive perspective, and issued a recommendation in this regard: "The CPT calls upon the Latvian authorities to ensure that acts of self-harm are no longer considered as a disciplinary offence, [...] and should be assessed and managed by health care professionals."⁹⁷ (*"CPT aicina Latvijas iestādes nodrošināt, lai paškaitējuma darbības vairs netiktu uzskatītas par disciplinārpārkāpumiem[...] un lai tās izvērtētu un risinātu veselības aprūpes speciālisti."*)⁹⁸

Finally, the CPT regretted that before a detainee was placed in a disciplinary punishment cell, a prison doctor was required to certify that the detainee concerned was fit to sustain the disciplinary measure ("fit for punishment" certificates). The CPT stressed that, in order to ensure a positive doctor-patient relationship, medical personnel should never participate in the decision-making process resulting in any type of solitary confinement, except where the measure was applied for medical reasons. On the other hand, healthcare staff should

⁹⁵ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) (*Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam*), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 115.

⁹⁶ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) (*Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam*), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 115.

⁹⁷ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) (*Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam*), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 116.

⁹⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) (*Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam*), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 116.

immediately be informed of every such placement and should visit the prisoner without delay after placement and thereafter on a regular basis, at least once per day, and provide them with prompt medical assistance and treatment as required. They should report to the prison director whenever a prisoner's health is being put seriously at risk by being held in disciplinary confinement. The CPT's recommendation was: "The CPT calls upon the Latvian authorities to review the role of healthcare staff in relation to disciplinary matters [...]. Doctors should no longer be requested by prison management to issue 'fit for punishment' certificates."⁹⁹ ("*CPT mudina Latvijas iestādes pārskatīt veselības aprūpes personāla lomu disciplinārsodu jomā [...].Ieslodzījuma vietu vadībai vairs nevajadzētu pieprasīt, lai mediķi izsniegtu apliecības 'piemērots sodīšanai'.*")¹⁰⁰

*In opinion of the representatives of the NPM, the wellbeing of detainees was sufficiently monitored during their placement in solitary confinement. Detainees were visited by a prison nurse on a daily basis and had the opportunity to make requests to prison staff.*¹⁰¹

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

The Sentence Execution Code of Latvia provides that resocialisation of convicted persons is carried out by means of social behaviour correction and social rehabilitation. Measures for resocialisation of convicted persons shall be applied in the form of individual or group work, in accordance with the type of penal institution, the regime of execution of the sentence and the risks and needs assessment of the convicted person.¹⁰² The means for social rehabilitation of convicted persons are: (1) education, including general, vocational and interest education; (2) involvement of convicted detainees in socially useful employment; (3) finding solution to social problems of convicted detainees that may arise as the consequence of imprisonment (for example, providing information on available social services and social assistance after release from prison, processing identity documents, etc.); (4) psychological assistance – psychological assessment of convicted detainees, psychological counselling individually or in a group, psychological assistance in crisis; (5) involving convicted detainees in cultural, informative, artistic, amateur and sports activities; (6) involving in addiction-reduction programmes. Also programmes for correction of social behaviour shall be provided to convicted detainees.¹⁰³

Within two months after a convicted detainee begins to serve their sentence, the head of prison shall ensure an assessment of their risks and needs. A reassessment of risks and needs shall be carried out at least once a year throughout the sentence. Resocialisation of convicted detainees

⁹⁹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 117.

¹⁰⁰ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 117.

¹⁰¹ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

¹⁰² Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Arts. 61¹-61².

¹⁰³ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Arts. 61³-61⁴.

shall be organised by the head of prison and shall involve all the staff, as well as representatives of other institutions.¹⁰⁴ The resocialisation plan that is part of the convicted detainee's personal file envisages the course of their resocialisation and reflects the results. Resocialisation plans shall be amended in accordance with the results of the risks and needs assessment.¹⁰⁵

With respect to pre-trial detainees, the Law on the Procedure for Holding under Arrest similarly provides that the main means for social rehabilitation shall consist of socially useful activities such as acquisition of general, vocational, and interest-related education, educational measures, employment and psychological assistance.¹⁰⁶

b. Access to work

As far as it concerns pre-trial detainees, they can submit an application to the head of pre-trial detention facility requesting to be provided with employment as the means of social rehabilitation. Pre-trial detainees are allowed to enter only in temporary contracts and only for jobs that can be remunerated as piece work, not monthly salary, and performed in particular premises within the pre-trial detention facility or in their cell.¹⁰⁷ Pre-trial detainees may be involved without remuneration in cleaning and maintenance of pre-trial detention facility and surrounding territory, as well as in improving the living conditions of detainees. These activities can be conducted for two hours a day. At a detainee's request, they may be conducted for additional time.¹⁰⁸ Additionally, see Part II of this report for a case related to the employment restrictions, adjudicated by the Constitutional Court in 2022.

The Sentence Execution Code of Latvia stipulates that in order to achieve the objectives of resocialisation convicted detainees may be employed with or without remuneration. Convicted detainees may apply to the head of prison expressing their interest to work, and, if it is possible, shall be granted a remunerated job within or outside the prison. Convicted detainees may have a remunerated job: in the maintenance of the prison; in the work places created by private enterprises/entrepreneurs in prisons; and outside of the prison, if permitted by the prison regime.¹⁰⁹ Convicted detainees may be engaged without remuneration only in the maintenance of the prison and its surrounding territory, as well as in improving the living conditions within the prison.¹¹⁰

The employment rate of convicted detainees in 2022 was 31 % of the total prison population (20 % in the work places created by private entrepreneurs, 11 % in the maintenance jobs).¹¹¹

¹⁰⁴ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 61⁵.

¹⁰⁵ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 61⁶.

¹⁰⁶ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 23.

¹⁰⁷ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 26.

¹⁰⁸ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 26(2).

¹⁰⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Arts. 56²(1) and 56²(2).

¹¹⁰ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 56¹⁰(1).

¹¹¹ Latvian Prison Administration (2023), Prison Administration's public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), p. 22.

Most provisions of the Labour Law are applicable to employment of detainees who are occupied in remunerated jobs. Also, all legal requirements for occupational health and safety apply to employed detainees.¹¹²

c. Access to education

The Law on the Procedure for Holding under Arrest provides that the administration of the pre-trial detention facility shall, as far as possible, ensure that persons in the pre-trial detention receive general, vocational and interest education.¹¹³ Registered associations and foundations, as well as religious organisations shall be allowed, after coordination with the Prison Administration, to carry out educational activities in the pre-trial detention facilities.¹¹⁴ However, in practice, activities offered to the persons in pre-trial detention are rather limited.¹¹⁵

The Sentence Execution Code of Latvia provides that as a part of the resocialisation process young people sentenced to imprisonment shall be provided with an opportunity to complete their general education¹¹⁶ and that basic vocational training shall be organised to enable the convicted detainees to obtain employment both prison and after their release.¹¹⁷

The Cabinet of Ministers regulations No 423 “Internal Regulations of the Places of Deprivation of Liberty” provide that individual and group educational activities, such as education classes, resocialisation activities, discussions and consultations, sports games and applied art classes, shall be organised to fulfil the educational needs of the convicted detainees.¹¹⁸ The staff of the detention facility shall organise moral education activities for the detainees such as lectures, discussions, educational conversations, musical performances and other events.¹¹⁹

According to the data provided by the Prison Administration, in 2022, about a half of the total prison population were involved in different education programmes. Formal education programmes were attended by 752 detainees or 23 % of the total number of detainees: 262 detainees in the general education; 482 detainees in the vocational education; 8 detainees in the higher education by distance learning, either through the postal services or via the internet with the assistance of the administration of the detention facilities.¹²⁰

¹¹² Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 56⁴.

¹¹³ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Arts. 23-24.

¹¹⁴ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 25.

¹¹⁵ Latvia (2023), Ombudsperson’s annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 95; Latvia (2024), Ombudsperson’s annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 97.

¹¹⁶ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 62(1).

¹¹⁷ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 64(1).

¹¹⁸ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 “Internal Regulations of the Places of Deprivation of Liberty” ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 “Brīvības atņemšanas iestādes iekšējās kārtības noteikumi”](#)), 3 June 2006, Para. 29.

¹¹⁹ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 “Internal Regulations of the Places of Deprivation of Liberty” ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 “Brīvības atņemšanas iestādes iekšējās kārtības noteikumi”](#)), 3 June 2006, Para. 33.

¹²⁰ Latvian Prison Administration (2023), Prison Administration’s public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), pp. 16-17.

a. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.¹²¹ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

In its annual reports on 2022 and 2023, the Ombudsperson indicated that complaints had been received about the resocialisation process.¹²² More specifically, complaints had been lodged about the limited opportunities to obtain paid employment in detention, while at the same time the detained persons were required to pay for various items by their own means, for example, eyeglasses, vitamins, electricity used by personal electrical equipment, as well as to pay the compensation for victims.¹²³

In 2023, the Ombudsperson provided an opinion on the principles of remuneration of detained persons stipulated in Article 56¹⁶ of the Sentence Execution Code of Latvia, specifically commenting on their compliance with the principles of non-discrimination and proportionality set out in Directive (EU) 2022/2041 of the European Parliament and of the Council on Adequate Minimum Wages in the European Union. Although the Ombudsperson concluded that the different minimum wage rates for convicted detainees as well as the deferent procedure for making deductions were in line with the requirements of the directive, the legislator should strive to ensure that convicted detainees receive a fair remuneration which is as close as possible to the remuneration received by the persons employed for the same work at liberty.¹²⁴

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. During this visit the CPT found out that at Daugavgrīva Prison, according to information provided by the prison management, work opportunities were offered to 17 % of convicted detainees (including 19 detained persons sentenced to life imprisonment) in private companies, and about 10 % of inmates were working on different tasks linked to the running of the prison (food preparation and distribution, laundry, cleaning, etc.). Further, the prison possessed a well-equipped training centre where vocational training (as courses for tailors, plumbers, welders, and others) was provided to around 20 % of inmates. In addition, about 80 convicted detainees attended general education classes. At Jelgava Prison, 31 % of inmates were employed (including 21 in the establishment's dressmaking and wood-processing workshops and some 40 in maintenance/domestic duties), and 40 were involved in vocational training. In addition,

¹²¹ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

¹²² Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 95; Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 97.

¹²³ Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 97.

¹²⁴ Latvia (2023), Ombudsperson's opinion No 1-8/22 on remuneration for persons sentenced to deprivation of liberty, 26 June 2023 ([Latvijas Republikas Tiesībsarga 2023. gada 26. jūnija ziņojums Nr. 1-8/22 par darba samaksu ar brīvības atņemšanu notiesātām personām](#)).

22 convicted detainees attended general education classes. At Rīga Central Prison, efforts were being made to involve pre-trial detainees in education or vocational training, but the offer remained insufficient. According to information provided by the prison management, work opportunities were offered to 22 % of the convicted detainees in private companies (food preparation, sewing, etc.), and 73 prisoners were working on different tasks linked to the running of the prison (food preparation and distribution, laundry, cleaning, hairdresser, etc.). To sum up, in the three prisons visited, organised activities were mostly offered to convicted detainees on less-strict-level regime. For most convicted detainees on strict-level regime and pre-trial detainees, the regime consisted of cellular confinement with hardly any out-of-cell activities available, apart from one hour of outdoor exercise per day and weekly sports sessions. It is also a matter of concern that, as a rule, no paid work was available for pre-trial detainees.¹²⁵

The CPT emphasised: "The longer the period of pre-trial detention, the more varied the regime should be. Pre-trial detainees cannot simply be left to languish for weeks, possibly for months up to several years, locked up in their cells. This practice is a relic of the past and should be abolished. For a number of persons held in each of the prisons visited, the cumulative effect of being accommodated up to several years in cells with poor material conditions, combined with a regime offering extremely limited out-of-cell time could amount to inhuman or degrading treatment. The CPT recommends that the Latvian authorities continue their efforts to increase the provision of purposeful activities to prisoners, with a view to ensuring that as many prisoners as possible participate in a full programme of activities. The aim should be to ensure that all prisoners, including those on remand and sentenced prisoners on the strict-level regime, are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells engaged in purposeful activities of a varied nature (work; vocational training; education; sport; recreation/association)."¹²⁶ (*"Jo ilgāks ir apcietinājuma periods uz izmeklēšanas laiku apcietinātajiem, jo daudzveidīgākam jābūt režīmam. Uz izmeklēšanas laiku apcietinātos nevar vienkārši atstāt laiskoties nedēļām, iespējams, mēnešiem līdz vairākiem gadiem ilgi, ieslodzītus savās kamerās. Šī prakse ir pagātnes palieka, un tā ir jāatceļ. Vairākām personām, kuras atrodas katrā apmeklētajā cietumā, kumulatīvais efekts, ko rada pat vairākus gadus ilga izmitināšana kamerās ar sliktiem materiālajiem apstākļiem, apvienojumā ar režīmu, kas piedāvā ārkārtīgi ierobežotu laiku ārpus kameras, varētu būt necilvēcīga vai pazemojoša attieksme. CPT iesaka Latvijas varas iestādēm turpināt centienus, lai palielinātu mērķtiecīgu aktivitāšu nodrošināšanu ieslodzītajiem, lai nodrošinātu, ka pēc iespējas vairāk ieslodzīto piedalās pilnā aktivitāšu programmā. Mērķis ir nodrošināt, ka visiem ieslodzītajiem, ieskaitot uz izmeklēšanas laiku apcietinātos un notiesātos zemākās pakāpes režīmā turētos ieslodzītos, ir iespēja pavadīt saprātīgu dienas daļu (t.i., astoņas stundas vai vairāk) ārpus kamerām, iesaistoties mērķtiecīgās un daudzveidīgās nodarbēs (darbs; arodapmācība; izglītība; sports; atpūta/biedrošanās)."*)¹²⁷

¹²⁵ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, paras. 87-89.

¹²⁶ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, paras. 89-90.

¹²⁷ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried](#)

The representatives of the NPM informed that, although the law provided for a possibility for pre-trial detainees to work, in practice they were employed only exceptionally. Employment opportunities were insufficient for convicted detainees too. There was also a considerable lack of social workers providing resocialisation services in prisons.¹²⁸

8. Healthcare (note – section 11 contains specific questions concerning female detainees)

a. Access to healthcare

In Latvia, the responsibility for health care in prisons primarily lies with the Ministry of Justice that oversees the whole prison system. Regulations with regard to access to healthcare are almost identical for both pre-trial detainees and convicted persons. They stipulate that detainees shall receive free of charge: (1) the primary health care (apart from the planned dental care) provided by the medical staff of the detention facility; (2) the emergency dental care, if the dental problems may endanger detainee's health or life and requires urgent solution; (3) the secondary health care provided by the medical staff of the detention facility or by the Prison Hospital.¹²⁹ If a detainee requires health care services which cannot be provided at the detention facility or at the Prison Hospital, then, based on medical indications, these services may be provided in regular medical facilities. Detainees shall also receive free of charge: (4) the medicine prescribed by the medical personnel of the detention facility, provided that it is the most effective and cost-effective in given circumstances; as well as (5) the health care services that are generally funded from the state budget and are available at regular medical facilities, on the basis of medical indications. The outpatient health care of detainees shall be provided at the medical unit of the detention facility, while the inpatient health care – at the Prison Hospital.¹³⁰

The primary and secondary health care services are provided on the basis of a referral by medical personnel, or if the detainees on their own initiative seek an appointment with a specialist at the detention facility.¹³¹ If detainees wish to receive non-emergency dental care at the detention

[out by the CPT from 10 to 20 May 2022](#) ([Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam](#)), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, paras. 89-90.

¹²⁸ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

¹²⁹ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 "Procedures for the Implementation of Health Care for Detained and Sentenced Persons" ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 "Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība"](#)), 9 June 2015, Paras. 2-4.

¹³⁰ Latvia, [Sentence Execution Code of Latvia](#) ([Latvijas Sodū izpildes kodekss](#)), 1 April 1971, Art. 78¹; Latvia, [Law on the Procedure for Holding under Arrest](#) ([Apcietinājumā turēšanas kārtības likums](#)), 18 July 2006, Art. 22¹; Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 "Procedures for the Implementation of Health Care for Detained and Sentenced Persons" ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 "Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība"](#)), 9 June 2015, Paras. 2-4.

¹³¹ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 "Procedures for the Implementation of Health Care for Detained and Sentenced Persons" ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 "Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība"](#)), 9 June 2015, Para. 21.

facility at their own expense, they shall submit an application to the head of the detention facility, and the latter shall organise the service.¹³²

If there are grounds to believe that a detained person needs emergency medical assistance, the officer on duty shall immediately inform the prison medical staff who shall immediately examine the detained person, assess their state of health and provide emergency medical assistance as appropriate. If it is not possible to provide emergency medical assistance to the detained person at the detention facility or if the medical staff is not available at the detention facility and there are reasonable grounds to believe that the detainee has serious health problems or if the detainee has obvious bodily injuries, the officer on duty shall immediately call the emergency medical service.¹³³ If necessary, the emergency service transfers the detainee to the Prison Hospital or, if the Prison Hospital has no capacity to provide medical care in a given situation, to a regular hospital outside the detention facility.¹³⁴

According to the information provided by the Prison Administration, in 2022, detained persons had 55,352 consultations with general practitioners in detention facilities (on average, 17.4 visits per detainee) and 123,796 specialist consultations in detention facilities (on average, 39 consultations per detainee). Diagnostic examinations in detention facilities were provided 27,004 times (on average, 12 examinations per detainee). There were also 3,435 instances of specialist consultations or treatment, including dental treatment, provided outside detention facilities.¹³⁵

b. Availability of medical staff

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

c. Medical examination upon admission

After admission to a pre-trial detention facility, detainees shall undergo medical examination.¹³⁶ Similarly, convicted detainees shall undergo medical examination upon admission to detention facilities.¹³⁷

The Cabinet of Ministers regulations stipulate that when a detainee is admitted to the detention facility, the medical personnel shall perform the initial medical examination within three days or

¹³² Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 “Procedures for the Implementation of Health Care for Detained and Sentenced Persons” ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 “Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība”](#)), 9 June 2015, Para. 32.

¹³³ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 “Procedures for the Implementation of Health Care for Detained and Sentenced Persons” ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 “Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība”](#)), 9 June 2015, Paras. 18, 19.

¹³⁴ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 “Procedures for the Implementation of Health Care for Detained and Sentenced Persons” ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 “Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība”](#)), 9 June 2015, Paras. 28-31.

¹³⁵ Latvian Prison Administration (2023), Prison Administration’s public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), p. 42.

¹³⁶ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 10(1).

¹³⁷ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 “Internal Regulations of the Places of Deprivation of Liberty” ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 “Brīvības atņemšanas iestādes iekšējās kārtības noteikumi”](#)), 3 June 2006, Para. 11

immediately upon the instruction of the officer on duty. The same procedure shall be observed if the detainee is transferred to another detention facility.¹³⁸ If the detained person has been admitted to the Prison Hospital, the medical doctor on duty shall perform the initial medical examination within two hours or immediately upon the instruction of the officer on duty. The medical personnel shall examine the detained person to establish whether they have any visible injuries. If such are found, the medical personnel shall complete the injury examination form and attach it to the medical file of the detainee. The medical personnel shall offer the detained person an HIV test if no such test has not been performed over the last 12 months, as well as refer the detainee to the X-ray examination if it has not been performed in the last 12 months. During the initial examination the detainee shall be offered to undergo tests on sexually transmissible diseases. If necessary, the medical personnel shall prescribe more examinations and treatment.¹³⁹

d. Preventive care

Preventive health screening of detained persons shall be carried out once a year. The head of the Prison Administration shall determine each year the type of the preventive health screening to be performed.¹⁴⁰ With regard to the vaccinations, the general national standard shall be applied.¹⁴¹

e. Specialised care

There are no specific standards regarding the provision of specialised care.

Convicted detainees can be involved in an addiction reduction programme if they are at risk of consuming alcohol, drugs or other intoxicants. The programme lasts up to 24 months, and detainees involved in it shall be segregated from other convicted detainees for the duration of the programme.¹⁴²

f. Treatment of the detainee's choosing

If the detained person wishes to receive secondary health care services or dental services at their own cost in a health care institution outside the prison, they must apply for it to the head of the detention facility. The application is examined by the prison doctor and the head of the medical unit or by the senior doctor of the Prison Hospital. If the detained person has no medical indications for receiving the medical service or if the service can be received within the detention facility or in the Prison Hospital, the head of the detention facility shall reject the application.¹⁴³

¹³⁸ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 "Procedures for the Implementation of Health Care for Detained and Sentenced Persons" ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 "Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība"](#)), 9 June 2015, Paras. 10-11.

¹³⁹ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 "Procedures for the Implementation of Health Care for Detained and Sentenced Persons" ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 "Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība"](#)), 9 June 2015, Paras. 12-15.

¹⁴⁰ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 "Procedures for the Implementation of Health Care for Detained and Sentenced Persons" ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 "Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība"](#)), 9 June 2015, Para. 7.

¹⁴¹ Latvia, [Cabinet of Ministers regulations No 330 of 26 September 2000 "Vaccination Regulations" \(Ministru kabineta 2000. gada 26. septembra Noteikumi Nr. 330 "Vakcinācijas noteikumi"\)](#), 30 September 2000.

¹⁴² Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 61⁸(1).

¹⁴³ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 "Procedures for the Implementation of Health Care for Detained and Sentenced Persons" ([Ministru kabineta 2005. gada 2. jūnija noteikumi](#)

If the detained person has medical indications for receiving the particular health care service and it cannot be provided within the detention facility or the Prison Hospital, the head of the prison's medical unit or the senior doctor of the Prison Hospital shall: establish whether the necessary service is covered from the state budget in accordance with the relevant legislation on the organisation and financing of the health care; calculate the approximate costs and inquire where the health care services in question are provided; in co-ordination with the deputy head of the detention facility, organise the conveying the detainee to the health care institution that will provide the necessary health care service.¹⁴⁴

g. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.¹⁴⁵ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

In its annual report on 2022, the Ombudsperson indicates that during the visits to the places of detention it has paid close attention to the entries in the injury logs and to the diligence of staff regarding the recording of injuries. A research on the availability of psychiatric care in the places of detention was launched in 2022.¹⁴⁶ In 2023, the Ombudsperson publicised a critical report on the availability of health care in Jēkabpils Prison.¹⁴⁷ A summary of the main shortcomings was included in the Ombudsperson's annual report on 2023: "It was not possible to conclude from the medical records whether the convicted persons always had the opportunity to receive medical advice if needed. The available medical records were too formal, sometimes inaccurate, some information was missing, all of which shows a high likelihood of a very formal approach by the doctors. Given that there were no medical personnel on site on Sundays, it was noted that dispensing of medicine a day before created a risk that detainees may eventually accumulate certain medication in order to get intoxicated, overdose or sell them to other detainees. Checking the medication logbook, it appeared that detainees were prescribed tranquillizers, such as alprazolam, phenazepam, bromazepam, clonazepam, diazepam and clozapine, which is an antipsychotic medication. In several cases, the convicts had received such medication for prolonged periods. In some cases, there were no medical assessment or objective data [included in the documentation], to justify why the medication had been prescribed for a long-term use.

[Nr. 276 "Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība"\)](#), 9 June 2015, Paras. 33-35.

¹⁴⁴ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 "Procedures for the Implementation of Health Care for Detained and Sentenced Persons" ([Ministru kabineta 2005. gada 2. jūnija noteikumi Nr. 276 "Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība"\)](#), 9 June 2015, Paras. 36-37.

¹⁴⁵ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(Iikums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

¹⁴⁶ Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 95; Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 112.

¹⁴⁷ Latvia (2023), Ombudsperson's Report No 1-12/10 on Access to Healthcare in Jēkabpils Prison, 30 June 2023 ([Latvijas Republikas Tiesībsarga 2023. gada 30. jūnija ziņojums Nr. 1-12/10 par veselības aprūpes pieejamību Jēkabpils cietumā](#)).

The visit provided additional confirmation on the existence of hierarchy of detainees and its self-management system." (*"No medicīniskās dokumentācijas nebija iespējams secināt, vai notiesātajiem vienmēr ir iespēja saņemt ārsta konsultāciju. Pieejamie medicīniskās dokumentācijas ieraksti bija izteikti formāli, reizēm neprecīzi, iztrūka informācija, kas ar lielu varbūtību liecina par ļoti formālu ārstu pieeju. Ņemot vērā, ka svētdienās uz vietas nav pieejams mediķis, bija konstatēts, ka zāļu izsniegšana jau iepriekšējā dienā rada risku, ka konkrētos medikamentus notiesātie ar laiku var sakrāt un izmantot personiskām vajadzībām, lai apreibinātos, tos pārdozētu vai pārdotu kādam citam notiesātajam. Analizējot stingrās uzskaites medikamentu žurnālu ar personīgajiem stingrās uzskaites medikamentiem, tika konstatēts, ka notiesātajiem bija nozīmēti trankvilizatoru grupas medikamenti, piemēram, tādi kā alprazolāms, fenazepāms, bromazepāms, klonazepāms, diazepāms, kā arī klozapīns, kas ir antipsihotisks preparāts. Vairākos gadījumos notiesātie medikamentus saņēma ilgstoši. Dažos gadījumos nebija izrakstu vai objektīvu datu, kādēļ šis medikaments ir nozīmēts regulārai ilgstošai lietošanai. Šajā vizītē papildus gūts apstiprinājums konstatētajai ieslodzīto hierarhijai un tās pašpārvaldes sistēmas pazīmēm."*)¹⁴⁸

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The delegation carried out an evaluation of the healthcare services at Daugavgrīva and Jelgava Prisons. In addition, it examined certain healthcare-related issues at Rīga Central Prison, in particular as regards staffing levels, medical screening and recording of injuries. CPT concluded:

"94. [...] The information gathered during the visit indicates that the provision of healthcare in Latvian prisons remains insufficient.

95. [...] There was no health provision at night in either site [of Daugavgrīva Prison]. If there was a medical need at night, prison staff called an ambulance.

[In Daugavgrīva Prison] there was one vacancy at the time of the visit (one doctor) and two nurses were on maternity leave. The delegation was also informed that the prison had a vacant full-time post for a psychiatrist. In this regard, the CPT wishes to stress once again that it is a matter of particular concern that Daugavgrīva Prison, with its inmate population of almost one thousand, did not benefit from the presence of a psychiatrist, on even a part-time basis. One of the doctors who has a background in substance misuse also provides psychiatric services three days a week.

96. [...] At Jelgava Prison there was no healthcare staff present at night-time. If a prisoner had a medical need which could not wait until the next day, an ambulance was called by the prison officers.

At the time of the visit, the head doctor, the general practitioner, the radiology assistant and the drug-addiction specialist had all recently resigned. [...]

97. [...] At Rīga Central Prison [...] there was also a full-time dentist; however, at the time of the visit the dentist had been on sick leave for some time and there was no dental care available. It was further explained to the delegation that there was one feldsher on duty 24 hours a day,

¹⁴⁸ Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 95; Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 120.

seven days a week [..]. The duty feldsher had access to an emergency bag with appropriate equipment and drugs therein.

98. In September 2016, the Latvian authorities had informed the CPT that “the Ministry of Justice together with the Ministry of Health has evaluated the current situation in the healthcare in prisons and has developed different possible solutions for improvement of the social guarantee system and remuneration in order to motivate medical staff to work in prisons”. The effects of such initiatives were not yet visible at the time of the 2022 visit.

The CPT calls upon the Latvian authorities to address, as a matter of highest priority, the causes of the persistent problem of vacancies among medical personnel in prison establishments. The Committee also recommends that the Latvian authorities search for new ways to render positions for prison healthcare staff more attractive (in addition to increasing salaries) in order to reinforce the healthcare teams at the prisons visited, and in particular to ensure that:

- the vacant doctors’ posts at Daugavgrīva and Rīga Central Prisons (in particular the posts of general practitioners and psychiatrist) are filled, and prisoners at the latter establishment have access to dental care;
- nursing staff complements are significantly reinforced in all the prisons visited (including by recruiting mental health nurses);
- a person competent to provide first aid (who holds a valid certification in training in the application of cardiopulmonary resuscitation and the use of an automated external defibrillator), preferably a qualified nurse, is present at all times in every prison.

99. The supply of medication did not seem problematic in any of the establishments visited. However, the delegation’s doctors were concerned about a likely overuse of a high-risk medication (Clozapine) at Rīga Central Prison. Approximately 100 prisoners were prescribed Clozapine at the time of the visit without regular blood tests, contrary to recognised international guidelines. The delegation’s doctors did not receive a clear answer to the question of why such a high number of inmates were on Clozapine but the delegation was told that it was often prescribed in the context of the treatment of drug withdrawals (which cannot be considered appropriate). The CPT would like to receive clarification of this situation from the Latvian authorities.

More generally, as stressed by the Committee in the past, Clozapine can have as a side-effect a potentially lethal reduction of white blood cells (granulocytopenia). The CPT therefore recommends that the Latvian authorities take urgent steps to render regular blood tests mandatory in all prison establishments whenever Clozapine is used; staff should be trained to recognise the early signs of the potentially lethal side effects of Clozapine. Moreover, the existing national indications concerning the prescription of Clozapine should be strictly adhered to.

It should also be noted that the delegation’s doctors were not convinced that every inmate who might benefit from opioid agonist therapy had access to it.

100. Healthcare facilities were generally found to be satisfactory in the establishments visited. However, there were no defibrillators, nebulisers or oxygen in any of the prisons visited. The Committee recommends that all prison healthcare services (including in the prisons visited in 2022) be provided with such equipment.

101. In all the establishments visited, medical screening on admission was performed by a doctor or a nurse reporting to a doctor, usually within 24 hours of admission. In addition, as regards transmissible diseases, a mandatory X-ray examination was performed for remand prisoners, and blood tests for HIV and hepatitis were offered to all inmates (as well as necessary treatment). The latter is a positive development in comparison with the last visit.

The CPT is also pleased to note that the recording of medical examinations was now done by healthcare staff on a special form containing a “body chart” for marking traumatic lesions (which was kept in the medical file of the prisoner). However, it transpired from the delegation’s interviews with prisoners that medical entry examinations did not always entail physical examination of the body but were limited to asking basic questions about the inmate’s state of health.

In addition to the above-mentioned special form, physical injuries observed on admission (or following a violent incident within the prison) were also recorded in a central register of traumatic lesions in each prison. However, as in the past, the delegation noted that in most cases injuries were not described in sufficient detail. Further, prisoners’ statements as to the origin of their injuries were not always recorded and, as a rule, there were no doctor’s conclusions on the consistency of any recorded statements with the injuries.

The CPT reiterates its long-standing recommendation that steps be taken to ensure that the record drawn up after a comprehensive medical examination contains the healthcare professional’s observations indicating the consistency between any allegations made by the examined prisoner and the objective medical findings; if necessary, relevant legislative changes should be adopted.

Steps should also be taken to ensure that injuries are recorded in a detailed and comprehensive manner, as required by the national legislation (including the use of ‘body charts’). Further, all injuries should be photographed in detail and the photographs kept, together with ‘body charts’ for marking traumatic injuries, in the prisoner’s individual medical file. The results of every examination, including the above-mentioned statements and the healthcare professional’s conclusions, are to be made available to the prisoner and their lawyer.

102. It appeared in the prisons visited that reports of recorded injuries (especially upon arrival but also during imprisonment) were routinely transmitted by the healthcare staff to the prison management. However, while the injuries indicative of inter-prisoner violence seemed to be systematically reported by the latter to the internal investigation unit of the Latvian Prison Administration, the same could not be said of the injuries recorded upon admission; apparently, such injuries were not systematically reported by prison management to the competent investigative authority (namely, the Internal Security Bureau). The Committee recommends that steps be taken to eliminate this lacuna.

103. Medical confidentiality was generally respected during medical examinations (prison guards waiting outside of the room). Nevertheless, at Daugavgrīva Prison, applications related to health issues were processed by prison staff, who therefore had access to confidential data concerning prisoners. The CPT recommends that this work should be done by health care staff.

104. The analysis of the register of disciplinary violations at Daugavgrīva Prison revealed that a recurrent violation consisted of refusal of certain medical tests, such as TB screening, by the

prisoner. The CPT considers that every patient capable of discernment is free to refuse treatment or any other medical intervention. Any derogation from this fundamental principle should be based upon law and only relate to clearly and strictly defined exceptional circumstances. The Committee would like to receive the Latvian authorities' comments in this respect.

105. In Latvia, the responsibility for healthcare in prisons continues to be primarily with the Ministry of Justice. The policy trend in Europe has favoured prison healthcare services being placed, either to a great extent, or entirely, under the responsibility of the Ministry of Health. In principle, the CPT supports this trend. In particular, it is convinced that a greater participation of health ministries in this area (including as regards recruitment of healthcare staff, their in-service training, evaluation of clinical practice, certification and inspection) will help to ensure optimum healthcare for prisoners, as well as implementation of the general principle of the equivalence of healthcare in prison with that of the wider community.

The CPT therefore reiterates its recommendation that the Latvian authorities review the provision of prison healthcare, taking into consideration the above-mentioned remarks.

106. At the outset of the visit, senior Prison Administration officials informed the delegation that, since 2021, the task of coordinating and managing all prison healthcare services had been conferred upon the director of the Prison Hospital, the aim being to harmonise the provision of healthcare services in all prisons.¹⁴⁹

("94. [...] Vizītes laikā apkopotā informācija liecina, ka veselības aprūpes nodrošināšana Latvijas cietumos joprojām ir nepietiekama.

95. [...] Naktīs nevienā no [Daugavgrīvas cietuma] objektiem veselības aprūpe netiek nodrošināta. Ja naktī bija nepieciešama medicīniskā palīdzība, cietuma darbinieki izsauca ātro palīdzību.

Vizītes brīdī [Daugavgrīvas cietumā] bija viena vakance (viens ārsts) un divas medmāsas atradās grūtniecības un dzemdību atvaļinājumā. Delegācija tika arī informēta, ka cietumā ir brīva pilnas slodzes psihiatra vieta. Šajā sakarā CPT vēlas vēlreiz uzsvērt, ka īpašas bažas rada fakts, ka Daugavgrīvas cietumā, kurā ir gandrīz tūkstošis ieslodzīto, nav pieejams – pat ne nepilnā slodzē – psihiatrs. Viens no ārstiem, kuram ir pieredze narkoloģijā, trīs dienas nedēļā sniedz arī psihiatriskos pakalpojumus.

96. Jelgavas cietumā [...] nakts laikā medicīnas personāls nav pieejams. Ja ieslodzītajam bija nepieciešama medicīniskā palīdzība, kas nevarēja gaidīt līdz nākamajai dienai, cietuma darbinieki izsauca ātro palīdzību.

Vizītes brīdī no amata bija nesen atkāpušies gan galvenais ārsts, gan ģimenes ārsts, gan radioloģijas asistents, gan narkologs. [...]

97. [...] Rīgas Centrālcietumā [...] viena ārsta un galvenās medmāsas amata vieta bija brīva. Bija arī pilna laika zobārsts; tomēr vizītes laikā zobārsts kādu laiku bija slimības atvaļinājumā, un

¹⁴⁹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, paras. 94-106.

zobārstniecība nebija pieejama. Delegācijai papildus tika paskaidrots, ka 24 stundas diennaktī septiņas dienas nedēļā dežūrē viens feldšeris [..]. Dežurējošajam feldšerim bija pieejama pirmās palīdzības soma ar atbilstošu aprīkojumu un medikamentiem.

98. 2016. Gada septembrī Latvijas iestādes bija informējušas CPT, ka "Tieslietu ministrija kopā ar Veselības ministriju ir izvērtējusi pašreizējo situāciju ieslodzījuma vietu veselības aprūpē un izstrādājusi dažādus iespējamus risinājumus sociālo garantiju sistēmas un atalgojuma uzlabošanai, lai motivētu medicīnas darbiniekus darbam ieslodzījuma vietās". Tomēr 2022. gada vizītes laikā šādu iniciatīvu ietekme vēl nebija manāma.

CPT mudina Latvijas iestādes piešķirt augstāko prioritāti pastāvīgās medicīniskā personāla vakancu problēmas cēloņiem ieslodzījuma vietās. Komiteja arī iesaka Latvijas iestādēm meklēt jaunus veidus, kādos padarīt cietuma veselības aprūpes darbinieku amatus pievilcīgākus (papildus algu palielināšanai), lai stiprinātu veselības aprūpes komandas apmeklētajos cietumos un veikt visu iespējamo, lai nodrošinātu, ka:

- vakantās ārstu amata vietas Daugavgrīvas un Rīgas Centrālcietumā (īpaši ģimenes ārstu un psihiatru amata vietas) ir aizpildītas, un Rīgas Centrālcietumā ieslodzītajiem ir pieejama zobārstniecība;
- visos apmeklētajos cietumos ir ievērojami palielināts medmāsu personāla skaits (tostarp, pieņemot darbā garīgās veselības medmāsas);
- katrā cietumā pastāvīgi atrodas persona, kura ir kompetenta sniegt pirmo palīdzību (kurai ir derīgs kardiopulmonālās reanimācijas un automatizētā ārējā defibrilatora lietošanas apmācības sertifikāts), vēlams, kvalificēta medmāsa.

99. Nevienā no apmeklētajām iestādēm medikamentu piegāde nešķīta problemātiska. Tomēr delegācijas ārsti pauda bažas par iespējamu augsta riska medikamenta (klozapīna) pārmērīgu lietošanu Rīgas Centrālcietumā. Aptuveni 100 ieslodzītajiem tika izrakstīts klozapīns vizītes laikā bez regulārām asins analīzēm pretēji atzītajām starptautiskajām vadlīnijām. Delegācijas ārsti nesaņēma skaidru atbildi uz jautājumu, kāpēc tik liels skaits ieslodzīto lieto klozapīnu, taču delegācijai tika teikts, ka tas bieži tiek nozīmēts saistībā ar narkotiku lietošanas izbeigšanas ārstēšanu (to nevar uzskatīt par piemērotu). CPT vēlētos saņemt skaidrojumu par šo situāciju no Latvijas iestādēm.

Vispārīgāk, kā jau iepriekš uzsvērusi komiteja, klozapīna blakusparādība var izraisīt potenciāli letālu balto asins šūnu skaita samazināšanos (granulocitopēniju). Tāpēc CPT iesaka Latvijas iestādēm steidzami veikt pasākumus, lai visās cietuma iestādēs, kad tiek lietots klozapīns, būtu obligātas regulāras asins analīzes; personālam jābūt apmācītam atpazīt klozapīna potenciāli letālo blakusparādību agrīnās pazīmes. Turklāt ir stingri jāievēro esošās valsts norādes par klozapīna izrakstīšanu.

Jāņem vērā arī tas, ka delegācijas ārsti nebija pārliecināti, vai katram ieslodzītajam, kurš varētu gūt labumu no opioīdu agonistu terapijas, tā ir pieejama.

100. Veselības aprūpes infrastruktūra kopumā visās apmeklētajās iestādēs atzīta par apmierinošu. Tomēr nevienā apmeklētājā cietumā nebija defibrilatoru, smidzinātāju vai skābekļa. Komiteja iesaka ar šādu aprīkojumu nodrošināt visus ieslodzījuma vietu veselības aprūpes pakalpojumus (arī 2022. gadā apmeklētajos cietumos).

101. Visās apmeklētajās iestādēs, ieslodzītajiem ierodoties, viņu medicīnisko apskati veic ārsts vai medmāsa, kura ziņo ārstam, parasti 24 stundu laikā pēc ierašanās. Turklāt attiecībā uz transmisīvajām slimībām uz izmeklēšanas laiku apcietinātajiem tiek veikta obligāta rentgena apskate, un visiem ieslodzītajiem tiek veiktas asinsanalīzes, nosakot HIV un hepatīta vīrusa klātbūtni (kā arī nepieciešamo ārstēšanu). Pēdējais ir pozitīva attīstība salīdzinājumā ar pēdējo apmeklējumu.

CPT ar prieku norāda, ka medicīniskās apskates pierakstus veselības aprūpes personāls veic īpašā veidlapā, kurā ir „ķermeņa karte”, kur atzīmēt traumas (un kas tiek glabāta ieslodzītā medicīniskajā kartē). Tomēr no delegācijas sarunām ar ieslodzītajiem izrietēja, ka sākotnējā medicīniskā apskate ne vienmēr ietver ķermeņa fizisku apskati, bet aprobežojas ar jautājumiem par ieslodzītā veselības stāvokli.

Papildus iepriekšminētajai īpašajai formai centrālajā miesas bojājumu reģistrā katrā cietumā tika reģistrēti arī fiziski ievainojumi, kas tika novēroti uzņemšanas laikā (vai pēc vardarbīga incidenta cietumā). Tomēr, tāpat kā iepriekš, delegācija norādīja, ka vairumā gadījumu miesas bojājumi netiek aprakstīti pietiekami detalizēti. Tāpat ne vienmēr tiek pierakstīti ieslodzīto skaidrojumi par viņiem konstatēto miesas bojājumu izcelsmi, un nav reģistrēti ārstu atzinumi par miesas bojājumu atbilstību piefiksētajiem ieslodzīto skaidrojumiem.

CPT atkārtoti iesaka veikt pasākumus, lai nodrošinātu, ka protokolā, kas sagatavots pēc vispārējās medicīniskās pārbaudes, ir ietverti veselības aprūpes speciālista novērojumi, kas norāda uz konsekvenci starp izmeklētā ieslodzītā apgalvojumiem un objektīviem medicīniskiem atziniem; ja nepieciešams, jāveic attiecīgie grozījumi tiesību aktos.

Jāveic arī pasākumi, lai nodrošinātu, ka miesas bojājumi tiek reģistrēti detalizēti un visaptveroši, kā noteikts nacionālajos tiesību aktos (tostarp izmantojot “ķermeņa kartes”). Turklāt visi ievainojumi ir jānofotografē detalizēti, un fotogrāfijas kopā ar “ķermeņa kartēm”, lai atzīmētu miesas bojājumus, jāiekļauj ieslodzītā individuālajā medicīniskajā lietā. Katras pārbaudes rezultāti, tostarp iepriekšminētie paziņojumi un veselības aprūpes speciālista secinājumi, ir jādara pieejami ieslodzītajam un viņa advokātam.

102. Izrādījās, ka parasti informāciju par miesas bojājumiem (gan ierašanās brīdī, gan ieslodzījuma laikā konstatētajiem) medicīniskais personāls nodod cietuma administrācijai. Tomēr, lai arī par miesas bojājumiem, kas liecina par ieslodzīto starpā notikušu vardarbību, administrācija sistemātiski ziņo Latvijas Ieslodzījuma vietu pārvaldes iekšējās izmeklēšanas nodaļai, to pašu nevar teikt par miesas bojājumiem, kas tiek konstatēti ieslodzītā ierašanās brīdī; izrādās, ka par šādiem miesas bojājumiem cietuma administrācija kompetentajai izmeklēšanas iestādei (tas ir, Iekšējās drošības birojam) neziņo. Komiteja iesaka veikt pasākumus, lai novērstu šo nepilnību.

103. Medicīnisko pārbaūžu laikā parasti tika ievērota medicīniskā konfidencialitāte (cietuma apsargi gaidīja ārpus telpas). Tomēr Daugavgrīvas cietumā ar veselības jautājumiem saistītos iesniegumus izskatīja cietuma darbinieki, kuriem līdz ar to bija pieejami konfidenciāli dati par ieslodzītajiem. CPT iesaka šo darbu veikt veselības aprūpes darbiniekiem.

104. Daugavgrīvas cietuma disciplinārpārkāpumu reģistra analīzē atklājās, ka atkārtots pārkāpums bija ieslodzītā atteikšanās veikt noteiktas medicīniskās pārbaudes, piemēram, TB skrīningu. CPT uzskata, ka katrs rīcībspējīgs pacients var brīvi atteikties no ārstēšanas vai

jebkādas citas medicīniskas iejaukšanās. Jebkādas atkāpes no šā pamatprincipa būtu jābalsta tiesību aktos un jāattiecinā tikai uz skaidri un stingri noteiktiem ārkārtas apstākļiem. Komiteja vēlas saņemt Latvijas iestāžu komentārus saistībā ar šo.

105. Latvijā par veselības aprūpi cietumos atbild galvenokārt Tieslietu ministrija. Eiropā dominē tendence veselības aprūpi cietumos vai nu lielā mērā, vai pilnībā nodot Veselības ministrijas pārziņā. Principā CPT atbalsta šo tendenci. Tā ir pārliecināta, ka lielāka veselības nozares iesaistīšanās šajā jomā (ieskaitot veselības aprūpes personāla atlasīšanu, apmācību, klīniskās prakses izvērtēšanu, sertifikāciju un pārbaudi) palīdz nodrošināt optimālo veselības aprūpi ieslodzītajiem, kā arī ieviest vispārēju vienlīdzību veselības aprūpē cietumos un sabiedrībā vispār.

Tāpēc CPT atkārtoti iesaka Latvijas iestādēm pārskatīt veselības aprūpes nodrošināšanu cietumos, ņemot vērā iepriekšminētās piezīmes.

106. Vizītes sākumā ieslodzījuma vietu pārvaldes vecākās amatpersonas informēja delegāciju, ka kopš 2021. gada visu ieslodzījuma vietu veselības aprūpes pakalpojumu koordinēšana un vadīšana ir uzticēta Centrālcietuma slimnīcas direktoram ar mērķi saskaņot veselības aprūpes sniegšanas pakalpojumus visos cietumos.”¹⁵⁰⁾

The representatives of the NPM informed that detained persons complained about long waiting times for specialist consultations. In some cases such complaints were substantiated, while in others equally long waiting times applied also with respect to the general public. A serious issue affecting access to the health care, including dental care, was the lack of a medical personnel. In March 2024, there had been 33 vacancies of medical personnel and psychologists announced on the website of the Prison Administration.¹⁵¹

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

Satversme, the Constitution of the Republic of Latvia, stipulates that the state protects human honour and dignity. Torture and other cruel or degrading treatment are prohibited. No one shall be subjected to inhuman or degrading punishment.¹⁵²

The Sentence Execution Code of Latvia provides that in the practice of execution of sentences the safeguards provided by law against torture and inhuman or degrading punishment shall be implemented with respect to the convicted person; the purpose of the execution of sentence shall not be to inflict physical suffering, to degrade human dignity or to exclude the person from society.¹⁵³

¹⁵⁰ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, paras. 94-106.

¹⁵¹ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

¹⁵² Latvia, [The Constitution of the Republic of Latvia \(Latvijas Republikas Satversme\)](#), 7 November 2022, Art. 95.

¹⁵³ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Art. 4(2)(1).

The Prison Administration Law sets a legal framework for the right of prison staff to use force, special combat techniques, special means, technical devices, service dogs and weapons.¹⁵⁴ Prison staff is prohibited from using force, special fighting techniques and special means (except for handcuffs), as well as weapons, against women, minors and persons with obvious signs of disability, unless they participate in a group attack, show armed resistance or endanger the health or life of the prison staff or other individuals.¹⁵⁵ Cabinet of Ministers regulations “Procedure for the Use of Special Means by Officials of the Prison Administration” regulates how the special means may be used against detained persons.¹⁵⁶ Every time special means are used, the respective officer shall draw up a report and immediately call a medical personnel to conduct a medical examination of the detainee in order to assess if their state of health has been affected by the use of the special means and, if necessary, to provide medical assistance.¹⁵⁷

The Ombudsperson has noted that the lack of alarm buttons was still a problem in many prisons. In 2023, the Ombudsperson issued a report on the practice of imposing solitary confinement as a disciplinary punishment in Grīva section of Daugavgrīva Prison and, among other recommendations, stated: “I invite the head of the Prison Administration [...] to plan for the installation of alarm buttons in all disciplinary punishment cells. Also, please provide information on the plans to install the alarm buttons in other areas, like the regular cells.” (*“Aicinu ieslodzījuma vietu pārvaldes priekšnieku [...] ieplānot signālpogu uzstādīšanu visos soda izolatoros. Vienlaikus lūgums sniegt informāciju par plāniem attiecībā uz signālpogu uzstādīšanu arī citās telpās, piemēram, kamerās.”*)¹⁵⁸

According to the information provided by the Prison Administration, prison staff receives ongoing training at the Training Centre of the Prison Administration. The programme includes such themes as “Requirements for the processing of personal data”, “Contact person in the detention facility” and “Good prison officer”, such online courses as “Dealing with aggressive clients” and “Work with persons with addictions”, such informal education programmes as “Instructor for the Prison Administration and prisons in the use of special means and special combat techniques”, and others.¹⁵⁹

Detained persons can complain about violence by prison staff to the head of the prison, to the Prison Administration, as well as to Internal Security Bureau (under the auspices of the Minister of Interior) which has a mandate to investigate prison staff violence against the detained

¹⁵⁴ Latvia, [Prison Administration Law \(ieslodzījuma vietu pārvaldes likums\)](#), 1 January 2003, Arts. 23, 24.

¹⁵⁵ Latvia, [Prison Administration Law \(ieslodzījuma vietu pārvaldes likums\)](#), 1 January 2003, Arts. 23(3), 24(5).

¹⁵⁶ Latvia, Cabinet of Ministers regulations No 283 of 9 June 2015 “Procedure for the Use of Special Means by Officials of the Prison Administration” ([Ministru kabineta 2015. gada 9. jūnija noteikumi Nr. 283 “Kārtība, kādā ieslodzījuma vietu pārvaldes amatpersonas lieto speciālos līdzekļus”](#)), 12 June 2015.

¹⁵⁷ Latvia, Cabinet of Ministers regulations No 283 of 9 June 2015 “Procedure for the Use of Special Means by Officials of the Prison Administration” ([Ministru kabineta 2015. gada 9. jūnija noteikumi Nr. 283 “Kārtība, kādā ieslodzījuma vietu pārvaldes amatpersonas lieto speciālos līdzekļus”](#)), 12 June 2015, Paras. 47.1, 47.2.

¹⁵⁸ Latvia (2023), Ombudsperson’s report No 1-12/15 on the practice of applying solitary confinement as the disciplinary punishment in Grīva section of Daugavgrīva Prison ([Latvijas Republikas Tiesībsarga 2023. gada 30. oktobra ziņojums Nr. 1-12/15 par soda – ievietošanas soda izolatorā – piemērošanas praksi Dauqavgrīvas cietuma Grīvas nodaļā](#)), 20 October 2023.

¹⁵⁹ Latvian Prison Administration (2023), Prison Administration’s public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), pp. 49-53.

persons.¹⁶⁰ It is also possible to submit a complaint to the Prosecutor's Office, in accordance with the Law on the Prosecutor's Office,¹⁶¹ and to the Ombudsperson's Office.¹⁶²

b. Protection from violence by other detainees

The Law on the Procedure for Holding under Arrest provides that detainees shall be placed in cells, taking into account internal security and (as far as possible) personal characteristics and psychological compatibility.¹⁶³ The Sentence Execution Code of Latvia stipulates that a special commission established by the order of the head of the detention facility shall determine in which department, unit and cell of the detention facility a convicted detainee shall be placed, taking into account the available places in the cells, psychological compatibility, health condition, attitude to smoking, and previous convictions.¹⁶⁴ Detained persons whose personal characteristics and criminal record have a negative impact on other prisoners, or who oppress and abuse others, shall be held separately.¹⁶⁵

The procedure for the supervision of detained persons by the prison staff is laid out in the internal regulations of detention facilities and is not publicly available. It has been noted that due to the considerable staff shortage in detention facilities adequate supervision of detained persons might be highly problematic.¹⁶⁶

Prison staff receives a rather broad range of training, and most likely conflict de-escalation techniques are included in several thematical courses, as, for example, in the course "Dealing with aggressive clients".¹⁶⁷

Detained persons can complain about violence by other detainees to the head of the prison, to the Prison Administration, to the Prosecutor's Office in accordance with the Law on the Prosecutor's Office,¹⁶⁸ and to the Ombudsperson's Office.¹⁶⁹

Prisoners' complaints of ill-treatment by other prisoners (inter-prisoner violence) are primarily investigated by the Prison Administration's investigators (a separate department directly subordinated to the head of the Prison Administration) who decide either to initiate criminal proceedings or to refuse to initiate them. The decision can be appealed to the supervising prosecutor. The appeal procedure shall be clearly explained in the initial decision of the

¹⁶⁰ Latvia, [Internal Security Bureau Law](#) (*Jekšējās drošības biroja likums*), 1 November 2015, Art. 4(1)(2).

¹⁶¹ Latvia, [Office of the Prosecutor Law](#) (*Prokuratūras likums*), 1 July 1994, Arts. 15, 16.

¹⁶² Latvia, [Ombudsperson Law](#) (*Tiesībsarga likums*), 1 January 2007, Art. 23(1).

¹⁶³ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 11(6).

¹⁶⁴ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 13(2)(1).

¹⁶⁵ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 18(1).

¹⁶⁶ Latvia (2023), Ombudsperson's report No 1-12/9 on the institutional culture in Jēkabpils Prison and the self-management system of prisoners, resulting in high risk of violence among detainees, 30 June 2023 ([Latvijas Republikas Tiesībsarga 2023. gada 30. jūnija ziņojums Nr. 1-12/9 par institucionālo kultūru Jēkabpils cietumā un konstatēto ieslodzīto pašpārvaldes sistēmu, un no tās izrietošo augsto vardarbības risku starp notiesātajiem](#)), paras. 11-12.

¹⁶⁷ Latvian Prison Administration (2023), Prison Administration's public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), pp. 49-53.

¹⁶⁸ Latvia, [Office of the Prosecutor Law](#) (*Prokuratūras likums*), 1 July 1994, Arts. 15, 16.

¹⁶⁹ Latvia, [Ombudsperson Law](#) (*Tiesībsarga likums*), 1 January 2007, Art. 23(1).

investigator. The decision of the supervising prosecutor may be appealed to a prosecutor of a higher rank, and finally to the prosecutor of the next higher rank.¹⁷⁰

c. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.¹⁷¹ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

It is mentioned in the Ombudsperson's annual report on 2022 that 25 complaints about prison staff were received in 2022 (32 in 2021 and 45 in 2020). Most of them concerned intimidating behaviour or abuse of office.¹⁷² The Ombudsperson emphasised prison hierarchy among detained persons as a phenomenon that inevitably led to degrading treatment and informed that during the monitoring visits particular attention had been paid to the accuracy of the entries in trauma logs and the diligence of the staff regarding the recording of injuries.¹⁷³

In its annual report on 2023, the Ombudsperson notes that during 2023 10 complaints were received about prison staff. No complaints were received about the use of force against detained persons; however, many complaints were received about prisoners' self-governance and inter-prisoner violence.¹⁷⁴

The Ombudsperson carried out a thematic visit to Jēkabpils Prison, following which a detailed report on the institutional culture in Jēkabpils Prison was prepared indicating high prevalence of self-governance and serious risk of inter-prisoner violence. The Ombudsperson provided the Prison Administration with recommendations on how to tackle these phenomena. The report, among other issues, drew attention to the catastrophic staff shortage in the prison. In this regard the Ombudsperson stated: "This situation is worrying both from the point of view of the overall public security and the internal security of the prison, as far as it concerns both staff and inmates, as well as from the perspective of the management of the prison. An immediate solution to this particular situation in Jēkabpils Prison must be found by solving the staff policy issues, including increasing the numbers of staff and ensuring safe working conditions, for example, by introducing portable alarm buttons and reducing the size of the dormitories." (*"Šāda situācija ir satraucoša gan no kopējās sabiedrības drošības aspekta, gan no brīvības atņemšanas vietas iekšējās drošības – personāla un notiesāto, kā arī pārvaldīšanas aspekta. Ir nekavējotī jārod risinājums šai konkrētajai situācijai Jēkabpils cietumā, risinot un sakārtojot personālpolitikas jautājumus, t.sk., palielinot darbinieku skaitu, nodrošinot drošus darba apstākļus, piemēram,*

¹⁷⁰ Latvia, [Criminal Procedure Law \(Kriminālprocesa likums\)](#), 1 October 2005, Arts. 337(2)(2), 337(2)(3), 337(3).

¹⁷¹ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(Iikums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

¹⁷² Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 95.

¹⁷³ Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 112.

¹⁷⁴ Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), pp. 97-98, 120.

*pārnēsājamas trauksmes pogas, samazinot vienību lielās dzīvojamās platības uz mazākām.”)*¹⁷⁵
The Ombudsperson concluded: “Changing the prison culture is a complex long-term task; however, it is essential to reduce the manifestations of the prisoner self-governance and to prevent the risk of violence among inmates in Jēkabpils Prison. For this reason, the representatives of the Ministry of Justice, in cooperation with the responsible officials of the Prison Administration and Jēkabpils Prison, should reassess the actual situation, identify the risk factors and establish an action plan to prevent/mitigate them.” (“*Kultūras maiņa brīvības atņemšanas vietā ir sarežģīts un ilgtermiņa uzdevums, tomēr ir būtiski Jēkabpils cietumā mazināt ieslodzīto pašpārvaldes sistēmas izpausmes un novērst no tās izrietošos vardarbības riskus starp notiesātajiem. Tādēļ Tieslietu ministrijas pārstāvjiem sadarbībā ar ieslodzījuma vietu pārvaldes un Jēkabpils cietuma atbildīgajām amatpersonām ir jāveic atkārtoti faktiskās situācijas izvērtēšana, identificējot riska faktoros, un jāizveido rīcības plāns to novēršanai/mazināšanai.*”)¹⁷⁶

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. In its report, the CPT spoke rather extensively of its findings with regard to the ill-treatment of detained persons both by prison staff and other detainees.¹⁷⁷

The CPT pointed out that the majority of inmates interviewed in the detention facilities spoke positively of the staff. Generally, a favourable atmosphere prevailed between the prisoners and prison staff. However, the delegation did hear a few allegations of recent physical ill-treatment by the staff at Daugavgrīva Prison and Rīga Central Prison:

“68. By way of example, in one case which occurred at Daugavgrīva Prison on 2 May 2022, a prisoner received punches and a kick during an intervention by several prison guards, after he had set fire to his mattress in a disciplinary cell. The delegation had the opportunity to verify this allegation while examining the CCTV recording during the visit to the establishment. The footage showed six prison officers gathering around the cell, from which smoke was seen coming. One of them went into the cell and retrieved a smoking item. The prisoner was taken out of his cell and there appeared to be a struggle; the prisoner was pushed to the ground and received some blows. One of the officers could be seen delivering a kick to the prisoner while the latter was immobilised on the floor. Two more staff arrived, one of whom was seen to stamp once on the prisoner. The latter was then handcuffed and led away. The delegation was particularly concerned by the management’s lack of awareness of the case, but the prison governor immediately confirmed that an internal inquiry would be initiated. The CPT wishes to be

¹⁷⁵ Latvia (2023), Ombudsperson’s report No 1-12/9 on the institutional culture in Jēkabpils Prison and the self-management system of prisoners, resulting in high risk of violence among detainees, 30 June 2023 ([Latvijas Republikas Tiesībsarga 2023. gada 30. jūnija ziņojums Nr. 1-12/9 par institucionālo kultūru Jēkabpils cietumā un konstatēto ieslodzīto pašpārvaldes sistēmu, un no tās izrietošo augsto vardarbības risku starp notiesātajiem](#)), p.5.

¹⁷⁶ Latvia (2023), Ombudsperson’s report No 1-12/9 on the institutional culture in Jēkabpils Prison and the self-management system of prisoners, resulting in high risk of violence among detainees, 30 June 2023 ([Latvijas Republikas Tiesībsarga 2023. gada 30. jūnija ziņojums Nr. 1-12/9 par institucionālo kultūru Jēkabpils cietumā un konstatēto ieslodzīto pašpārvaldes sistēmu, un no tās izrietošo augsto vardarbības risku starp notiesātajiem](#)), p.6.

¹⁷⁷ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022](#) (Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam), CPT/Inf (2023) 16, Strasbourg, 11 July 2023.

informed of the findings of the inquiry. It would also like to know whether these findings were transmitted to the [Internal Security Bureau].

69. During an interview at Rīga Central Prison, a prisoner alleged that on 19 April 2022, four guards came into his cell and assaulted his cellmate because he had refused to move to another cell. The person concerned stated that the guards then pushed him against the wall so hard that he hit his head. The man in question stated that he had written a complaint about this incident but had been told by the head of security and the doctor who had seen him following it to withdraw the complaint. The prisoner's medical record included the doctor's entry relating to this incident. The CPT would like to be kept informed of any follow-up given to this case. Further, in no case should a prisoner be encouraged or threatened to withdraw his/her complaint.

70. The Committee wishes to recall that the State is under a duty to provide safe custody for all persons deprived of their liberty in prison, and that the frontline in providing safe custody rests with prison officers. The authorities must not only undertake effective investigations into allegations or any information indicative of ill-treatment, but also institute measures to ensure that all prison officers and managers understand why ill-treatment is unacceptable and unprofessional and that, furthermore, it will result in severe disciplinary sanctions and/or criminal prosecution. The Committee is therefore concerned that the Latvian authorities have not yet succeeded in ending the practice of some prison officers resorting to physical ill-treatment and abuse, despite repeated recommendations.

The CPT calls upon the Latvian authorities to take effective action, via prison management, to ensure that custodial staff receive the clear message that physical ill-treatment, excessive use of force, unjustified resort to special means for punitive reasons, verbal abuse and threats, as well as other forms of disrespectful or provocative behaviour vis-à-vis prisoners, are not acceptable and will be dealt with accordingly.

Prison management should demonstrate increased vigilance in this area, by ensuring the regular presence of prison managers in the detention areas, their direct contact with prisoners, the effective investigation of complaints made by prisoners, and improved prison staff training.

Furthermore, in order to enhance the potential for body-worn video cameras to contribute to the prevention of ill-treatment, the CPT recommends that the Latvian authorities ensure that body-worn video cameras are issued, worn and turned on by all prison staff who may have to use force in their interactions with prisoners, and that non-compliance with this obligation (in the absence of a reasonable explanation outlining exceptional circumstances) be treated as a disciplinary offence. This could also contribute to preventing any unfounded allegations of ill-treatment against staff.

71. The Committee is seriously concerned to note that no significant progress has been made in reducing the scale of inter-prisoner violence, which has been repeatedly criticised by the CPT during its previous visits.

The CPT must reiterate its view that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other prisoners who might wish to cause them harm. During the 2022 visit, the delegation once again received many credible allegations of inter-prisoner violence, including beatings, as well as psychological pressure. Such allegations were received from prisoners accommodated across different units

within all the prisons visited, but to a much lesser extent at Rīga Central Prison, where the level of inter-prisoner violence seems to have decreased, which is to be commended. By contrast, the information gathered through interviews with staff and inmates and an examination of registers of bodily injuries indicated that inter-prisoner violence remained a serious problem at Jelgava and Daugavgrīva Prisons.

As in the past, this state of affairs appeared to be the result of a combination of factors, mainly the existence of informal prisoner hierarchies, insufficient staff presence in prisoner accommodation areas and the lack of purposeful activities for most inmates, especially those on remand or sentenced under the strict-level regime, who generally spent 23 hours a day in their cells.

72. The delegation came across a particularly grave case of suspected inter-prisoner violence at Jelgava Prison, where a frail 71-year old inmate had reportedly been severely beaten by other prisoners and had consequently been transferred to hospital, where injuries that were both recent (five broken ribs on each side) and less recent (older haematomas) were found by the doctors at the hospital, suggesting that he had been repeatedly beaten by other inmates over a period of time, contrary to the information provided by the prison's acting director who initially denied that this person had been beaten. While the presence of those injuries had been noted by prison staff, they were not properly recorded, and no action had been taken to protect the prisoner concerned. Subsequent discussion with another prisoner suggested that the prisoner had been beaten by inmates on account of his criminal offence and that the beating had allegedly taken place with the knowledge of prison officers. [..]

73. Another reported case of assault by cellmates leading to serious injuries at Daugavgrīva Prison raised the delegation's particular concerns as the alleged victim was placed back in the same cell on two occasions, reportedly leading to further abuse. The prisoner alleged that he had been assaulted and bullied for weeks. In April 2022, his cellmates broke his nose and two ribs, and he was then placed back in the same cell with the same cellmates after that incident. The cellmates reportedly pressurised him to submit to their demands to serve them and wash their dishes, and when he refused to comply with the cell's hierarchy, he was apparently beaten on several other occasions. He had tried to warn his family over the phone about his wish to change the cell but, apparently, prison officers had informed his cell mates about such a phone call, which led to more assaults (including having his face held down in a bucket filled with water). The prisoner told the delegation that he had then decided that the only way to get moved to a single cell (where he was interviewed on the day of the visit by the delegation) was to self-harm. He was examined by the delegation's doctors who observed injuries consistent with his most recent allegations. He told the delegation that he had never complained to the prison administration (including to the doctor) because he was too afraid of potential further reprisals by his cell mates. The prison management explained to the delegation that no investigation was taken further as the prisoner did not give the same version about the case (he said that he had simply fallen). In the CPT's view, the types of injuries, the expressed wish to change the cell and the phone call to the family should have raised the prison management's suspicions about the case and led to further action. The CPT recommends that the Latvian authorities ensure that an investigation is promptly carried out in such cases.

74. From discussions with staff and consultation of the relevant documentation in the prisons visited, it transpired that some alleged or detected incidents of inter-prisoner violence, as well

as any injuries indicative of such violence, were recorded by staff (including healthcare staff) and reported to the Internal Investigation Unit of the Latvian Prison Administration.

However, as acknowledged by staff, even the inquiries regarding cases clearly indicative of the infliction of bodily injuries were usually inconclusive; the victims choosing not to denounce the perpetrators (as did many witnesses among prisoners) and claiming to have sustained the injuries accidentally. Such a state of affairs rendered the official statistics on inter-prisoner violence unreliable; a fact that should be borne in mind by the relevant decision makers.

75. A further indication of the extent of the phenomenon of inter-prisoner violence in the prisons visited was that some inmates who were entitled to be transferred to the high-level of regime refused this opportunity because, according to them, they would not feel safe in the open environment controlled by the informal prisoner hierarchy. In this context, the delegation heard numerous accounts that prisoners belonging to the “lowest caste” in the informal prisoner hierarchy were frequently subjected to threats, verbal abuse and demeaning behaviour by other inmates. Further, these prisoners were often compelled to perform “dirty” work, such as cleaning toilets and collecting garbage.

Inter prisoner violence appeared to be linked not only to the existence of an informal prisoner hierarchy but also to low staffing levels in prisoner accommodation areas. [...] In such a situation, certain informal leaders (the so-called “watchers”) seemed to enjoy a privileged position and maintain internal order, which is totally unacceptable.

76. The informal prisoner hierarchy (or caste system) still seemed to be a key foundation of prisoners’ life in the three prisons visited, with its traditions dictating internal order and being given priority over official rules. Clearly, those worst affected by this state of affairs were the relatively numerous lowest caste prisoners – the so-called “untouchables” – from whom most of the accounts received of inter-prisoner violence originated. It was obvious that becoming an “untouchable” significantly increased the risk of victimisation.

Many “untouchables” informed the delegation during interviews, that belonging to their caste meant that one could only safely (that is, without risking physical violence, extortion, psychological pressure, etc.) share a cell or a dormitory room with prisoners of the same caste and that they were not “welcome” anywhere else. The “untouchables” said that they had to obey orders given by higher caste prisoners. The delegation was also told that when custodial staff wanted to unofficially punish a higher caste prisoner, they would initiate his transfer to a cell holding “untouchables” (which would then trigger the “usual” chain of events – the prisoner’s refusal to comply, a resultant disciplinary sanction, and his transfer to a low-level regime).

77. The CPT’s findings during this and previous visits to Latvian prisons show that, year after year, the caste system has continued to prevail with the knowledge of prison management and custodial staff. However, it must be underlined that, when asked, prison management did not deny the existence of the problem (as had been the case in the past); on the contrary they acknowledged it and assured the delegation that they were trying to tackle it. This is, of course, a welcome development.

In the Committee’s view, the situation of “untouchable” prisoners in Latvia could be considered to constitute a continuing violation of Article 3 of the European Convention on Human Rights,

which prohibits, inter alia, all forms of degrading treatment and obliges state authorities to take appropriate measures to prevent such treatment, including when meted out by fellow prisoners.

78. The CPT wishes to stress that the problem of inter-prisoner violence cannot be solved without the management and staff regaining control over the situation in prisons. First of all, custodial staff should be in a position to exercise their authority in an appropriate manner. This implies, inter alia that the level of staffing must be sufficient to enable prison officers to adequately supervise the prisoners and support each other effectively in the performance of their tasks. Low numbers of custodial staff in prisoner accommodation areas increase the risk of violence and intimidation between prisoners, and that of tension between staff and prisoners and precludes the development of positive relationships between them.

Addressing the phenomenon of inter-prisoner violence also requires that prison staff be particularly attentive to signs of trouble and be properly trained to intervene in a determined and effective manner, at the earliest possible stage. In this context, the existence of positive relations between staff and prisoners, based on notions of dynamic security and care, is a decisive factor; such relations can help to overcome the habitual reluctance of victims or witnesses to denounce the perpetrators of inter-prisoner violence. Further, both initial and ongoing training programmes for staff of all grades must address the issue of managing inter-prisoner violence.

79. Moreover, a holistic approach is urgently needed to tackle the phenomenon of informal prisoner hierarchy, preferably in the form of a targeted strategy, including the introduction of a comprehensive risk and needs assessment upon admission, the creation of separate units/sectors for prisoners who wish to avoid being involved in the informal prisoner hierarchy, offering adequate (or even superior) conditions and regimes which reward pro-social and cooperative behaviour, allowing separation of informal prisoner leaders, promoting activities which reject prisoners' classification into castes, developing opportunities for work and education, and further strengthening individual sentence planning [..].

There must also be an improvement in the recording, reporting and thorough investigation of suspected cases of inter-prisoner violence and intimidation and, where appropriate, the adoption of suitable sanctions or other measures, as well as the development of effective inter-prisoner violence reduction interventions.

80. The CPT calls upon the Latvian authorities to take resolute action, without further delay, to address the systemic and persistent shortcomings throughout the penitentiary system outlined in this and previous reports of the Committee [..].

The Committee also recommends that the Latvian authorities take proactive steps to combat inter-prisoner violence in light of the above remarks notably by investing far more resources in recruiting additional staff and developing staff professionalism and training as well as offering detained persons a purposeful regime and decent living conditions.¹⁷⁸

¹⁷⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, paras. 67-80.

"68. Piemēram, vienā gadījumā, kas notika Daugavgrīvas cietumā 2022. gada 2. maijā, ieslodzītais, iejaucoties vairākiem cietumsargiem, saņēma sitienus un spērienu pēc tam, kad viņš disciplinārajā kamerā bija aizdedzinājis savu matraci. Delegācijai bija iespēja pārbaudīt šo apgalvojumu, pārbaudot videonovērošanas ierakstu iestādes apmeklējuma laikā. Kadros bija redzams, ka seši cietuma darbinieki pulcējās ap kameru, no kuras bija redzami dūmi. Viens no viņiem iegāja kamerā un paņēma dūmojošo priekšmetu. Ieslodzītais tika izvests no kameras, un šķita, ka notika cīņa; ieslodzītais tika nospiests zemē un saņēma dažus sitienus. Varēja redzēt, ka viens no policistiem raidīja ieslodzītajam spērienu, kamēr tas nekustīgi gulēja uz grīdas. Ierādās vēl divi darbinieki, no kuriem viens bija redzams, vienu reizi uzkāpjot ieslodzītajam. Tas pēc tam tika saslēgts rokudzelžos un aizvests. Delegācija bija īpaši nobažījies par vadības neinformētību par šo lietu, taču cietuma priekšnieks nekavējoties apstiprināja, ka tiks uzsākta iekšēja izmeklēšana. CPT vēlas tikt informēta par izmeklēšanas rezultātiem. Tā arī vēlētos zināt, vai šie konstatētie faktiskie apstākļi tika nosūtīti [Iekšējās drošības birojam].

69. Intervijā Rīgas Centrālcietumā kāds ieslodzītais apgalvoja, ka 2022. gada 19. aprīlī viņa kamerā ienāca četri apsargi un uzbruka viņa kameras biedram, jo viņš bija atteicies pārcelties uz citu kameru. Attiecīgā persona norādīja, ka pēc tam apsargi viņu piespieduši pret sienu tik stipri, ka viņš sasitis galvu. Minētais vīrietis norādīja, ka viņš ir uzrakstījis sūdzību par šo incidentu, taču drošības dienesta priekšnieks un ārsts, kurš bija viņu apskatījis, lika atsaukt sūdzību. Ieslodzītā medicīniskajā kartē bija iekļauts ārsta ieraksts saistībā ar šo incidentu. CPT vēlas būt informēta par jebkādiem turpmākiem pasākumiem saistībā ar šo lietu. Turklāt nekādā gadījumā ieslodzīto nedrīkst mudināt vai draudēt atsaukt savu sūdzību.

70. Komiteja vēlas atgādināt, ka valstij ir pienākums nodrošināt drošu apcietinājumu visām personām, kurām ieslodzījuma vietā ir atņemta brīvība, un galvenie droša ieslodzījuma nodrošināšanā ir cietuma darbinieki. Iestādēm ir ne tikai jāveic efektīva izmeklēšana saistībā ar apgalvojumiem vai jebkādu informāciju, kas liecina par sliktu izturēšanos, bet arī jāievieš pasākumi, lai nodrošinātu, ka visi cietuma darbinieki un vadītāji saprot, kāpēc sliktā izturēšanās ir nepieņemama un neprofesionāla un ka tā turklāt izraisīs smagus disciplinārsodus un/vai kriminālvajāšanu. Tāpēc Komiteja ir nobažījies par to, ka Latvijas iestādēm, neņemot vērā atkārtotus ieteikumus, vēl nav izdevies izbeigt dažu cietuma darbinieku praksi izmantot fizisku sliktu izturēšanos un vardarbību.

CPT aicina Latvijas iestādes ar ieslodzījuma vietu vadības starpniecību veikt efektīvus pasākumus, lai nodrošinātu, ka cietuma darbinieki saņem skaidru vēstījumu par to, ka fiziska sliktā izturēšanās, pārmērīga spēka lietošana, nepamatota speciālo līdzekļu izmantošana soda nolūkā, verbāla vardarbība un draudi, kā arī citu veidu necieņas vai provokatīvas uzvedības izpausmes pret ieslodzītajiem nav pieņemamas un tiks attiecīgi izvērtētas.

Ieslodzījuma vietu vadībai šajā jomā būtu jādemonstrē pastiprināta modrība, nodrošinot regulāru ieslodzījuma vietu vadītāju atrašanos ieslodzījuma vietās, tiešu kontaktu ar ieslodzītajiem, efektīvu ieslodzīto sūdzību izmeklēšanu un pilnveidojot cietuma personāla apmācību.

Turklāt, lai palielinātu pie ķermeņa nēsājamu videokameru potenciālu veicināt sliktas izturēšanās novēršanu, CPT iesaka Latvijas iestādēm nodrošināt, ka pie ķermeņa nēsājamās videokameras izsniedz, nēsā un ieslēdz visi cietuma darbinieki, kuriem saskarsmē ar ieslodzītajiem var nākties pielietot spēku, un šā pienākuma neievērošanaj, ja nav saprātīga paskaidrojuma, kurā norādīti ārkārtas apstākļi, tiek uzskatīta par disciplināru pārkāpumu. Tas

varētu arī palīdzēt novērst jebkādas nepamatotas apsūdzības par darbinieku īstenotu sliktu izturēšanos.

71. Komiteja arī pauž nopietnas bažas par to, ka nav panākts būtisks progress ieslodzīto savstarpējās vardarbības mēroga samazināšanā, ko CPT vairākkārt kritizēja iepriekšējo vizīšu laikā.

CPT vēlas atkārtot, ka cietuma administrācijas pienākums ir rūpēties par ieslodzītajiem, kuri atrodas viņu pārziņā, un tas ietver pienākumu aizsargāt viņus no citiem ieslodzītajiem, kuri varētu vēlēties viņiem nodarīt kaitējumu. 2022. gada vizītes laikā delegācija kārtējo reizi saņēma daudzas ticamas sūdzības par vardarbību starp ieslodzītajiem, tostarp piekaušanu, kā arī psiholoģisku spiedienu. Šādi apgalvojumi saņemti no ieslodzītajiem, kuri izmitināti dažādās nodaļās visos apmeklētajos cietumos, bet daudz mazākā mērā Rīgas Centrālcietumā, kur vardarbības līmenis starp ieslodzītajiem, šķiet, ir samazinājies, kas ir uzteicami. Turpretim intervijās ar darbiniekiem un ieslodzītajiem, kā arī pārbaudot miesas bojājumu reģistrus iegūtā informācija liecina, ka vardarbība starp ieslodzītajiem joprojām ir nopietna problēma Jelgavas un Daugavgrīvas cietumos.

Tāpat kā iepriekš, jāpieņem, ka šī situācija ir vairāku faktoru kopuma rezultāts, galvenokārt neformālu ieslodzīto hierarhiju pastāvēšana, nepietiekama personāla klātbūtne cietumnieku uzturēšanās vietās un mērķtiecīgu nodarbju trūkums lielākajai daļai ieslodzīto, jo īpaši apcietinātajiem uz izmeklēšanas laiku vai notiesātiem ieslodzītajiem zemākā līmeņa režīmā, kuriem līdz pat 23 stundām dienā jāpavada ieslēgtiem kamerā.

72. Delegācija saskārās ar īpaši smagu gadījumu saistībā ar aizdomām par ieslodzīto savstarpējo vardarbību Jelgavas cietumā, kur tika ziņots, ka citi ieslodzītie smagi piekāvuši kādu vāju 71 gadu vecu ieslodzīto un tāpēc viņš tika nogādāts slimnīcā, kur ārsti konstatēja ievainojumus, kas bija neseni (piecas laužas ribas katrā pusē) un ne tik neseni (vecākas hematomas), ko slimnīcā konstatēja, kas liecina, ka viņu vairākkārt piekāvuši citi ieslodzītie, pretēji cietuma direktora pienākumu izpildītāja sniegtajai informācijai, kurš noliedza, ka šī persona būtu piekauta. Lai gan cietuma darbinieki bija konstatējuši šo ievainojumu esamību, tie netika pareizi reģistrēti, un netika veiktas nekādas darbības, lai aizsargātu attiecīgo ieslodzīto. Tālākā saruna ar citu ieslodzīto liecināja, ka ieslodzīto piekāvuši viņa noziedzīgā nodarījuma dēļ un ka sišana, iespējams, notikusi, cietuma darbiniekiem zinot. CPT vēlas, lai Latvijas iestādes to informētu par izmeklēšanas rezultātiem.

73. Vēl viens gadījums, par kuru tika ziņots un kas saistīts ar kameras biedru uzbrukumu, kura rezultātā tika gūti nopietni ievainojumi Daugavgrīvas cietumā, delegācijai radīja īpašas bažas, jo, kā tika ziņots, iespējamais upuris divas reizes tika ievietots atpakaļ tajā pašā kamerā, un sliktā izturēšanās turpinājās. Ieslodzītais apgalvoja, ka viņam ticis uzbrukts un viņš ir ticis iebiedēts vairākas nedēļas. 2022. gada aprīlī kameras biedri viņam salauza degunu un divas ribas, un pēc šā incidenta viņš tika ievietots atpakaļ vienā kamerā ar tiem pašiem kameras biedriem. Tiek ziņots, ka kameras biedri izdarīja spiedienu uz viņu, lai viņš pakļautos viņu prasībām viņus apkalpot un mazgāt traukus, un, kad viņš atteicās ievērot kameras hierarhiju, viņš acīmredzot tika piekauts vairākas citas reizes. Viņš bija mēģinājis pa tālruni informēt savu ģimeni par vēlmi mainīt kameru, bet acīmredzot cietuma darbinieki bija informējuši viņa kameras biedrus par šādu telefona zvanu, kas izraisīja vairāk uzbrukumu, tostarp viņa sejas turēšanu spainī ar ūdeni. Ieslodzītais delegācijai pastāstīja, ka pēc tam viņš bija nolēmis, ka vienīgais veids, kā tikt pārvietotam uz vieninieka kameru, kur delegācija viņu intervēja vizītes dienā, ir paškaitējums.

Viņu pārbaudīja delegācijas ārsti, kuri konstatēja ievainojumus, kas atbilst viņa nesenajiem apgalvojumiem. Viņš teica delegācijai, ka nekad nav sūdzējies cietuma administrācijai (tostarp ārstam), jo pārāk baidās no iespējamām turpmākām kameras biedru represijām. Cietuma vadība paskaidroja delegācijai, ka izmeklēšana netika turpināta, jo ieslodzītais nesen bija pasūdzis šo lietu (viņš teica, ka viņš vienkārši ir nokritis). CPT ieskatā traumai veidiem, izteiktajai vēlmei mainīt kameru un tālruņa zvanam ģimenei vajadzēja radīt cietuma vadībā aizdomas par šo gadījumu un mudināt tālākai rīcībai. CPT iesaka Latvijas iestādēm nodrošināt, ka šādos gadījumos tiek nekavējoties veikta izmeklēšana.

74. Apspriežoties ar darbiniekiem un iepazīstoties ar attiecīgo dokumentāciju apmeklētajos cietumos, atklājās, ka darbinieki, tostarp veselības aprūpes darbinieki, ir reģistrējuši dažus iespējamus vai atklātos vardarbības gadījumus ieslodzīto starpā, kā arī visus ievainojumus, kas liecina par šādu vardarbību, un ziņojuši Latvijas ieslodzījuma vietu pārvaldes iekšējās izmeklēšanas nodaļai.

Tomēr, kā atzina darbinieki, pat aptaujas par gadījumiem, kas skaidri liecina par miesas bojājumu nodarīšanu, parasti nebija pārlicināšas; upuri izvēlējās neapsūdzēt vainīgos (tāpat kā daudzi liecinieki starp ieslodzītajiem) un apgalvoja, ka ievainojumus guvuši nejauši. Šāda situācija padarīja oficiālo statistiku par vardarbību ieslodzīto starpā neuzticamu; fakts, kas būtu jāpatur prātā attiecīgajiem lēmumu pieņēmējiem.

75. Vēl viena norāde par ieslodzīto savstarpējās vardarbības apmēru apmeklētajos cietumos bija tāda, ka daži ieslodzītie, kuriem bija tiesības tikt pārceļtiem uz augsta līmeņa režīmu, atteicās no šīs iespējas, jo, pēc viņu domām, viņi nejustos droši atvērtā vidē, ko kontrolē neformālā ieslodzīto hierarhija. Šādā skatījumā delegācija uzklāja daudzus stāstījumus, ka ieslodzītie, kuri neformālajā ieslodzīto hierarhijā pieder pie "zemākās kastas", bieži tika pakļauti citu ieslodzīto draudiem, verbālai vardarbībai un pazemojošai uzvedībai. Turklāt šie ieslodzītie bieži bija spiesti veikt "netīrus" darbus, piemēram, tīrīt tualetes un savākt atkritumus.

Vardarbība ieslodzīto starpā bija saistīta ne tikai ar neformālu ieslodzīto hierarhiju, bet arī ar zemu darbinieku skaitu ieslodzīto dzīvojamajos korpusos, īpaši Jelgavas un Daugavgrīvas cietumos. Šķiet, ka šādā situācijā atsevišķi neformālie līderi (tā saukti "vērotāji") bauda privilēģētu stāvokli un uztur iekšējo kārtību, kas ir absolūti nepieņemami.

76. Šķiet, ka neformālā ieslodzīto hierarhija jeb kastu sistēma joprojām ir galvenais ieslodzīto dzīves pamats trijos apmeklētajos cietumos, un tās tradīcijas nosaka iekšējo kārtību un ir prioritāras pār oficiālajiem noteikumiem. Skaidrs, ka vissmagāk šis stāvoklis skāra salīdzinoši daudzus "zemākās kastas" ieslodzītos – tā sauktos "neaizskamos", no kuriem ir saņemts vairums ziņojumu par vardarbību ieslodzīto starpā. Bija acīmredzams, ka kļūšana par "neaizskamo" ievērojami palielināja viktimizācijas risku.

Daudzi "neaizskamie" interviju laikā informēja delegāciju, ka piederība viņu kastai nozīmē, ka viņi var droši (tas ir, neriskējot ar fizisku vardarbību, izspiešanu, psiholoģisku spiedienu u.c.) dalīt kameru vai kopmītnes istabu tikai ar tās pašas kastas ieslodzītajiem, kuri netika pieņemti nekur citur. "Neaizskamie" teica, ka viņiem ir jāpakļaujas augstākas kastas ieslodzīto pavēlēm. Delegācijai arī tika paziņots, ka, ja cietuma darbinieki vēlas neoficiāli sodīt augstākas kastas ieslodzīto, viņi ierosinās viņa pārvešanu uz kameru, kurā atrodas "neaizskamie" (kas pēc tam izraisītu "parasto" notikumu ķēdi – ieslodzītā atteikšanos pildīt rīkojumu, disciplinārsodu un viņa pārceļšanu uz zemākā līmeņa režīmu).

77. CPT konstatētie faktiskie apstākļi šajā un iepriekšējās vizītēs Latvijas cietumos liecina, ka gadu no gada kastu sistēma ir turpinājusi dominēt ar cietuma vadības un ieslodzījuma vietas personāla ziņu. Tomēr jāuzsver, ka cietuma vadība, atbildot uz jautājumu, nenoliedza problēmas esamību, kā tas bija agrāk; gluži pretēji, viņi to atzina un apliecināja delegācijai, ka cenšas to risināt. Tas, protams, ir apsveicami.

Komitejas ieskatā "neaižskaramo" ieslodzīto situāciju Latvijā varētu uzskatīt par Eiropas Cilvēktiesību konvencijas 3. panta pārkāpumu, kas cita starpā aizliedz visu veidu pazemojošu izturēšanos un nosaka valsts iestādēm pienākumu piemērot atbilstošus pasākumus, lai novērstu šādu izturēšanos, tostarp gadījumos, kad to īsteno ieslodzītie.

78. CPT vēlas uzsvērt, ka vardarbības starp ieslodzītajiem problēmu nevar atrisināt, ja vadība un darbinieki neatgūst kontroli pār situāciju cietumos. Pirmkārt, ieslodzījuma vietas personālam ir jāspēj piemērotā veidā īstenot savas pilnvaras. Tas cita starpā nozīmē, ka personāla līmenim ir jābūt pietiekamam, lai cietuma darbinieki varētu adekvāti uzraudzīt ieslodzītos un efektīvi atbalstīt cits citu, veicot savus uzdevumus. Neliels ieslodzījuma vietas personāla skaits ieslodzīto dzīvojamajos korpusos palielina vardarbības un iebiedēšanas risku starp ieslodzītajiem, kā arī spriedzi starp personālu un ieslodzītajiem, kā arī novērš pozitīvu attiecību veidošanos starp viņiem.

Lai risinātu parādību, kas saistīta ar vardarbību starp ieslodzītajiem, cietuma personālam jābūt īpaši uzmanīgam pret problēmu pazīmēm un jābūt atbilstoši apmācītam, lai apņēmīgi un efektīvi iejauktos pēc iespējas agrīnākā posmā. Šajā skatījumā noteicošais faktors ir pozitīvas attiecības starp personālu un ieslodzītajiem, kuru pamatā ir priekšstati par dinamisku drošību un aprūpi; šādas attiecības var palīdzēt pārvarēt upuru un liecinieku ierasto nevēlēšanos atklāt vardarbības starp ieslodzītajiem īstenotājus. Turklāt gan sākotnējās, gan pastāvīgās apmācības programmās visu pakāpju darbiniekiem ir jābūtu risināt starp ieslodzītajiem notiekošās vardarbības problēma.

79. Turklāt ir steidzami nepieciešama vienota pieeja, lai risinātu neformālās ieslodzīto hierarhijas parādību, vēlams, mērķtiecīgas stratēģijas veidā, tostarp visaptveroša riska un vajadzību novērtējuma ieviešana uzņemšanas brīdī, atsevišķu nodaļu/sektoru izveide ieslodzītajiem, kuri vēlas izvairīties no iesaistīšanās neformālajā ieslodzīto hierarhijā, piedāvājot atbilstošus (vai pat pārākus) apstākļus un režīmus, kas atalgo sociālu un uz sadarbību vērstu uzvedību, ļaujot nošķirt neformālos ieslodzīto līderus, veicinot darbības, kas noraida ieslodzīto klasificēšanu kastās, attīstot darba un izglītības iespējas un turpmāk stiprinot individuālo soda izpildes plānošanu [..].

Jāuzlabo arī aizdomīgu gadījumu reģistrēšana, ziņošana un rūpīga izmeklēšana par gadījumiem, kas saistīti ar vardarbību starp ieslodzītajiem un iebiedēšanu, un, ja nepieciešams, piemērotu sankciju vai citu pasākumu ieviešana, kā arī efektīva iejaukšanās, lai mazinātu vardarbību starp ieslodzītajiem.

80. CPT aicina Latvijas iestādes nekavējoties apņēmīgi rīkoties, lai novērstu sistēmiskos un pastāvīgos trūkumus visā brīvības atņemšanas iestāžu sistēmā, kas izklāstīti šajā un iepriekšējos komitejas ziņojumos [..].

Komiteja arī iesaka Latvijas iestādēm veikt proaktīvus pasākumus, lai apkarotu starp ieslodzītajiem pastāvošo vardarbību, ņemot vērā iepriekšminētās piezīmes, jo īpaši ieguldot daudz vairāk līdzekļu papildu darbinieku pieņemšanā un personāla profesionalitātes un

apmācības attīstīšanā, kā arī piedāvājot aizturētajām personām mērķtiecīgu režīmu un pienācīgus dzīves apstākļus.”)¹⁷⁹

*While not having reliable information about the instances of violence towards detained persons by the prison staff, the representatives of the NPM noted that inter-prisoner violence was still a major issue in prisons in Latvia, and expressed their fear that most likely it would not be effectively solved until a considerable number of detained persons would be transferred to Liepāja Prison which was still under construction. In Liepāja Prison, it was planned to accommodate detained persons in double-occupancy cells instead of large living dormitories, and to provide environment favourable for resocialisation and rehabilitation of detained persons.*¹⁸⁰

*The representatives of the NPM also drew attention to the recent judgment by the European Court of Human Rights, acknowledging that physical and social segregation caused by the informal prison hierarchy, coupled with restricted access to basic prison resources and denial of human contact, had led the applicant in case of “D. v. Latvia” to endure mental anxiety that must have exceeded the unavoidable level of suffering inherent in detention, even though he had not been subjected to physical violence. That situation which he had suffered for years on account of his position in the lowest caste of prisoners in an informal hierarchy had amounted to a treatment prohibited under Article 3 of the European Convention on Human Rights.*¹⁸¹

*The representatives of the NPM regretted that complaints about violence, in particular, by other detained persons, were not always properly investigated.*¹⁸²

10. Contact with the outside world

a. Visits

Detainees in pre-trial detention are generally entitled to at least one hour long visit at least once a month,¹⁸³ having up to two visitors at the same time.¹⁸⁴ The actual length and frequency of visits are determined by the head of the detention facility, taking into account the principle of equal treatment of detained persons.¹⁸⁵ The authority in charge of criminal proceedings may impose restrictions regarding the visits and correspondence.¹⁸⁶ With certain exceptions, visits

¹⁷⁹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, paras. 67-80.

¹⁸⁰ Information received during the interview with two representatives of the Ombudsperson’s Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

¹⁸¹ European Court of Human Rights, [D. v. Latvia](#), No 76680/17, 11 January 2024.

¹⁸² Information received during the interview with two representatives of the Ombudsperson’s Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

¹⁸³ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13(1)(6).

¹⁸⁴ Latvia, Cabinet of Ministers regulations No 800 of 27 November 2007 “Internal Regulations of the Pre-trial Detention Facilities” ([Ministru kabineta 2007. gada 27. novembra noteikumi Nr. 800 “Izmeklēšanas cietuma iekšējās kārtības noteikumi”](#)), 1 December 2007, Para. 35.

¹⁸⁵ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13(3).

¹⁸⁶ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 4(5).

generally take place without the presence of the staff, albeit under their visual supervision.¹⁸⁷ If a pre-trial detainee stays in the prison hospital, the visits can be substituted by a video-communication.¹⁸⁸

Detainees in pre-trial detention are allowed to have visits by their relatives and spouse. Before the first meeting, the visitor shall present documents proving kinship or marriage. Visits by persons who are not relatives or spouse of the pre-trial detainee shall be allowed if the detained person and the visitor have had a common household or have a child together. Under certain conditions, the head of the pre-trial detention facility may authorise a visit by a person who is not a relative or a spouse and with whom the detained person has not shared a household and does not have a child together, if such a visit contributes to the maintaining of socially important contacts and if the detained person has not been visited by anyone for a long time.¹⁸⁹ The head of the pre-trial detention facility may grant a pre-trial detainee an additional visit as an incentive for exemplary behaviour.¹⁹⁰ Conversely, a pre-trial detainee may be banned from having a visit as a disciplinary punishment.¹⁹¹ Visits are prohibited to the pre-trial detainees who are placed in disciplinary isolation.¹⁹²

Detainees in pre-trial detention are allowed to meet in private with a defence counsel with whom an agreement has been concluded or who ensures the legal assistance provided by the state; a sworn advocate who has received the permission of the person directing the proceedings; and, in case of a foreigner, a representative of the diplomatic or consular mission of their country. There is no limit on the number of such meetings; however, they shall be conducted in compliance with the daily routine of the pre-trial detention facility.¹⁹³

Subject to certain exceptions, convicted detainees are generally allowed to have visits in private. There are two types of visits that may be granted: short visits and long visits. The short visits may last between one and two hours, while the long visits may last between six and 48 hours¹⁹⁴ and the detainee may be visited by a maximum of two adults and two minors at the same time.¹⁹⁵ The convicted detainee may be visited by relatives (parents, children, siblings, grandfather, grandmother, grandchildren or spouse) or, by decision of the head of the detention facility, another person, if they have had a common household or have a child together.¹⁹⁶ The actual length of the visit is decided by the head of the detention facility, taking into account the

¹⁸⁷ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Arts. 13¹(5), 13¹(6).

¹⁸⁸ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13(4).

¹⁸⁹ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Arts. 13¹(2), 13¹(3), 13¹(4).

¹⁹⁰ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 29(1)(5).

¹⁹¹ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 30(1)(4).

¹⁹² Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 34(2)(1).

¹⁹³ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13(1)(7).

¹⁹⁴ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Art. 45.

¹⁹⁵ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" (*Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"*), 3 June 2006, Para. 66.

¹⁹⁶ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Art. 45.

behaviour of the detained person, as well as the need to ensure that all convicted detainees may enjoy visits they are entitled to.¹⁹⁷ It is not allowed to add up the time of several meetings or to divide the time of one meeting into several meetings.¹⁹⁸ Upon the request of a detainee and authorisation by the head of the detention facility, the long visits may be substituted by short visits, and both the short and the long visits may be substituted by telephone calls (a visit may be substituted by a telephone call of up to 15 minutes).¹⁹⁹

Convicted detainees serving their sentence under the less-strict regime in closed prisons are entitled to eight long visits per year, ranging from 24 to 48 hours, and eight short visits per year, ranging from one and a half to two hours.²⁰⁰ Convicted detainees serving their sentence under the strict regime in closed prisons are entitled to five long visits per year of 12 to 24 hours and four short visits of one and a half to two hours.²⁰¹ Convicted detainees serving their sentence under the less-strict regime in semi-closed prison have the right to enjoy eight long visits per year, ranging from 24 to 48 hours, and eight short visits, ranging from one and a half to two hours.²⁰² Convicted detainees serving their sentence under the strict regime in semi-closed prison are entitled to five long visits per year of 12 to 24 hours and four short visits of one and a half to two hours.²⁰³

Detained persons sentenced to short-term imprisonment have the right to one hour-long short visit at least once a month, provided that at least one short visit takes place even if the sentence is shorter than a month.²⁰⁴

Life-sentenced detainees serving their sentence under the less-strict special regime have the right to eight long visits per year, ranging from 24 to 48 hours, and eight short visits per year, ranging from one and a half to two hours.²⁰⁵ Life-sentenced detainees serving their sentence under the strict special regime are entitled to five long visits per year, ranging from 12 to 24 hours, and four short visits, ranging from one and a half to two hours.²⁰⁶

Convicted detainees who are placed in the prison hospital only have the right to short visits that, in accordance with the doctor's instructions, may be substituted by a video call or a telephone call or postponed.²⁰⁷

Additional short or long visits, but not more than six additional meetings per year, may be granted to convicted detainees as an incentive for good behaviour and fair attitude towards

¹⁹⁷ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 45.

¹⁹⁸ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Para. 76.

¹⁹⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 45; Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Para. 79.

²⁰⁰ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 50⁴(7)(1).

²⁰¹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 50⁴(9)(1).

²⁰² Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 50⁵(7)(1).

²⁰³ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 50⁵(8)(1).

²⁰⁴ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 50⁵(10)(1).

²⁰⁵ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 50⁸(2)(1).

²⁰⁶ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 50⁸(3)(1).

²⁰⁷ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 78⁷(4).

their work and studies.²⁰⁸ Convicted detainees may be banned from a visit for breaching the prison regime.²⁰⁹

Convicted detainees are entitled to meetings with a defence counsel, a sworn notary and a provider of state-funded legal aid. Such meetings do not affect the number of regular visits. Meetings with a defence counsel shall not be supervised, while the meetings with a notary and a lawyer who provides state-funded legal aid shall be conducted under the visual supervision. All such meetings shall take place during the regular working hours.²¹⁰

b. Correspondence

Persons in pre-trial detention may make telephone calls at least once a week for a minimum of five minutes. The costs shall be borne by the detained person or by the person with whom they are communicating.²¹¹ In order to prevent security threats and to control if the pre-trial detainee complies with the restrictions on communication imposed by the authority in charge of the proceedings, the telephone conversations and video communications shall take place in the presence of staff, except for the communications with the state and local government institutions, the Ombudsperson's Office, the United Nations and the Council of Europe human rights institutions, the Parliamentary Commission for Human Rights and Public Affairs, the Prosecutor's Office, the court, the defence counsel, the person in charge of the proceedings, medical institutions, as well as the diplomatic or consular mission of the country of the foreigner in pre-trial detention or with the diplomatic or consular mission of the country which is authorised to represent their interests.²¹² The head of the pre-trial detention facility may ban a detainee from telephone conversations for a period of up to one month for a breach of internal rules of the pre-trial detention facility.²¹³ Pre-trial detainees in disciplinary isolation are not allowed to have telephone conversations.²¹⁴

Generally, no limit is placed on the number of letters pre-trial detainees are allowed send and receive. However, restrictions on communication with certain addressees may be imposed by the authority in charge of the proceedings.²¹⁵ Pre-trial detainees in disciplinary isolation are not allowed to send and receive letters.²¹⁶ In order to prevent security threats and to check if the pre-trial detainees comply with the restrictions on communication imposed by the authority in charge of the proceedings, as well as to prevent the transfer of unauthorised objects or substances, the staff of the pre-trial detention facility shall examine the correspondence of the detainees, except for the correspondence with the Ombudsperson's Office, the United Nations and the Council of Europe human rights institutions, the Parliamentary Commission for Human

²⁰⁸ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 68(1)(3).

²⁰⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 70(1)(5).

²¹⁰ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 46.

²¹¹ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13³(1).

²¹² Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Arts. 15(3), 28(5).

²¹³ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 30(1)(5).

²¹⁴ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 34(2)(4).

²¹⁵ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13(1)(5).

²¹⁶ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 34(2)(3).

Rights and Public Affairs, the Prosecutor's Office, the court, the defence counsel, the person in charge of the proceedings, medical institutions, as well as the diplomatic or consular mission of the country of the foreigner in pre-trial detention or with the diplomatic or consular mission of the country which is authorised to represent their interests.²¹⁷ The correspondence of persons in pre-trial detention may be withheld in cases defined by law.²¹⁸

Expenses of correspondence shall be borne by the pre-trial detainees themselves.²¹⁹ Correspondence between pre-trial detainees and the Ombudsman's Office, the United Nations or the Council of Europe human rights institutions, the Parliamentary Commission for Human Rights and Public Affairs, the Prosecutor's office, the court, the person in charge of the proceedings, medical institutions, as well as correspondence between the detained foreign national and the diplomatic or consular mission of his country or the diplomatic or consular mission of the country authorised to represent his interests, shall be funded by the pre-trial detention facility.²²⁰

Similarly as with the pre-trial detainees, there is no restriction placed on the number of letters convicted detainees can send and receive. Prison staff shall examine the correspondence of convicted detainees for the same reasons and with the same exceptions as the correspondence of the pre-trial detainees.²²¹ Correspondence of convicted detainees may be withheld in cases defined by law.²²² The correspondence between convicted detainees and the Ombudsman's Office, the United Nations and the Council of Europe human rights institutions, the Parliamentary Commission for Human Rights and Public Affairs, the Prosecutor's office, the court, the person in charge of the proceedings, medical institutions, as well as the correspondence between the detained foreign national and the diplomatic or consular mission of his country or the diplomatic or consular mission of the country authorised to represent his interests, shall be funded by the prison.²²³ Convicted detainees in disciplinary isolation are allowed to have correspondence only with their family,²²⁴ and, in cases provided by the law and upon their request, with institutions, but not with private individuals.²²⁵

Life-sentenced detainees have the right to video-communication once a month for up to one hour while serving their sentence under the strict regime, and three times a month for up to one hour while under the less strict regime.²²⁶

²¹⁷ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 28(2).

²¹⁸ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 28(3).

²¹⁹ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 14(1)(11).

²²⁰ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 15(4).

²²¹ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Arts. 49(1), 50(3).

²²² Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 49(3).

²²³ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 49(4).

²²⁴ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 74(2).

²²⁵ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" (*Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"*), 3 June 2006, Para. 88.

²²⁶ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 49⁸(1)(4).

c. Visits with children

There are no particular standards in place to ensure family visits in child-friendly conditions.

d. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.²²⁷ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

It is pointed out in the Ombudsperson's annual reports on 2022 and 2023 that complaints concerning visiting arrangements and telephone communication had been received.²²⁸ More specifically, in its report on 2022 the Ombudsperson highlights the high costs of telephone calls, as well as the extent of the right of detained persons to free-of-charge correspondence with the state and local authorities and the international human rights institutions.²²⁹

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The CPT made several observations and recommendations with regard to the right of detained persons to have contact with the outside world:

"110. The CPT notes that the amendments made to the Sentence Execution Code of Latvia in February 2022 have increased both the frequency and duration of visits for sentenced prisoners. [...] However, the Committee considers that, notwithstanding this increase, sentenced prisoners' short-term visit entitlement remains low, in particular for prisoners on the strict-level regime. As for adult remand prisoners, their visit entitlement also remains very limited [...].

The CPT calls upon the Latvian authorities to significantly increase the short-term visit entitlement of prisoners serving a sentence in closed prisons; all prisoners (irrespective of their regime level) should, preferably, be able to receive a visit every week.

The CPT also reiterates its recommendation that remand prisoners shall be allowed to communicate with their family and other persons in the same way as sentenced prisoners – "unless there is a specific prohibition for a specified period by a judicial authority". [...]

112. Section 49 of the [Sentence Execution Code of Latvia] provides that all telephone conversations should be listened to by staff. Some prisoners complained about this systemic supervision of phone calls. The Committee recommends that the Latvian authorities ensure that prisoners in closed prisons are able to make telephone calls in private, unless there are clear

²²⁷ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(Iikums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

²²⁸ Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 95; Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 97.

²²⁹ Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 97.

indications that a prisoner uses their right to make a telephone call for illegal purposes or when it is justified because of security-related reasons.

113. Life-sentenced prisoners were allowed to make free-of-charge online video calls for one hour, at least once a month, and senior officials of the Latvian Prison Administration met at the outset of the visit informed the delegation that this right would be extended to other categories of sentenced prisoners in the course of autumn of 2022. The CPT would like to be updated on the implementation of these plans.²³⁰

(“110. CPT atzīmē, ka Latvijas Sodū izpildes kodeksā veiktie grozījumi 2022. gada februārī ir palielinājuši gan notiesāto ieslodzīto apmeklējumu biežumu, gan ilgumu. [...] Tomēr Komiteja uzskata par nepieciešamu norādīt, ka, neņemot vērā šo pieaugumu, notiesāto ieslodzīto tiesības uz šajiem apmeklējumiem joprojām ir zemas, jo īpaši ieslodzītajiem zemākā līmeņa režīmā. Savukārt uz izmeklēšanas laiku apcietinātajiem pieaugušajiem tiesības uz apmeklējumiem ir ļoti ierobežotas [...].

CPT aicina Latvijas iestādes būtiski palielināt atļauto apmeklējumu skaitu slēgtajos cietumos turētajiem ieslodzītajiem; visiem ieslodzītajiem (neatkarīgi no režīma līmeņa) jābūt tiesībām, ieteicams, uz apmeklējumu katru nedēļu.

CPT arī atkārtoti savā ieteikumā ļaut uz izmeklēšanas laiku apcietinātajiem sazināties ar ģimeni un citām personām tādā pašā veidā kā notiesātajiem ieslodzītajiem – “ja vien tiesu iestāde nav noteikusi īpašu aizliegumu uz noteiktu laiku”. [...]

112. *[Latvijas Sodū izpildes kodeksa] 49. pants paredz, ka visas telefonsarunas ir jānoklausās personālam. Daži ieslodzītie sūdzējās par šo sistēmisko telefonsarunu uzraudzību. Komiteja iesaka Latvijas iestādēm nodrošināt, lai ieslodzītie slēgtajos cietumos varētu veikt telefonsarunas privāti, ja vien nav skaidras norādes, ka ieslodzītais savas tiesības zvanīt izmanto nelikumīgiem nolūkiem vai ja tas ir pamatoti drošības apsvērumu dēļ.*

113. *Ar mūža ieslodzījumu notiesātajiem ieslodzītajiem tagad ir atļauts veikt vienu stundu garus bezmaksas tiešsaistes videozvanus vismaz reizi mēnesī, un vizītes sākumā satiktās ieslodzījuma vietu pārvaldes augstākās amatpersonas informēja delegāciju, ka šīs tiesības tiks piemērotas arī citām notiesāto kategorijām 2022. gada rudenī. CPT vēlas saņemt jaunāko informāciju par šo plānu īstenošanu.”²³¹*

The representatives of the NPM were concerned about the inadequately high costs of the telephone calls that were not affordable for all detainees, while the general public enjoyed such services at a much lower cost or even free of charge. The telephone communication in the

²³⁰ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, paras. 110-113.

²³¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, paras. 110-113.

*detention facilities was ensured by a contractor who had won the tender and, as the result, had obtained the monopoly.*²³²

*Short visits took place in open conditions, over a table; however, physical contact was not allowed, not even with children.*²³³

*Premises for long visits varied considerably from prison to prison. In some facilities, child-friendly environment had been created, while in other prisons, the premises for long visits were rather worn out.*²³⁴

11. Special measures for female detainees

a. General conditions of detention for women and girls

There are no specific national standards for the general conditions of detention for women and girls. Specific standards related to pregnant women and women with young children are described below in the further section of this chapter.

Until recently, women convicted of serious and particularly serious crimes were sent to serve their prison sentence in a semi-closed prison, while men convicted of comparable crimes started serving their sentence in closed prisons. Accordingly, they had a different set of rights and obligations. In 2019, the Constitutional Court held that the legal provisions which were based solely on the gender criteria, without providing for an assessment of the individual needs and risks of the convicted detainees and which envisaged a stricter regime for convicted men in comparison to convicted women, lead to the discrimination of convicted men. Accordingly, the Constitutional Court found these legal provisions, insofar as the differential treatment of convicted male detainees had no objective and reasonable grounds, to be incompatible with the Constitution of the Republic of Latvia and declared them null and void as of 1 May 2021.²³⁵ The Sentence Execution Code of Latvia has been amended since to equate the detention regime for men and women convicted of serious and particularly serious crimes.²³⁶ Still, some differences remain: convicted female detainees may be transferred to open prison after serving a half of their sentence, while convicted male detainees must serve at least $\frac{3}{4}$ of their sentence before being eligible for a transfer to the open prison. This application of this regulation is currently being contested before the administrative court, but the proceedings have not concluded yet.

²³² Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²³³ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²³⁴ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²³⁵ Latvia, Constitutional Court judgment On Compliance of Article 50⁴ of the Sentence Execution Code of Latvia with Article 91 of the Constitution of the Republic of Latvia ([Par Latvijas Sodū izpildes kodeksa 50.⁴ panta atbilstību Latvijas Republikas Satversmes 91. pantam](#)), 11 November 2019.

²³⁶ Latvia, Amendments to the Sentence Execution Code of Latvia ([Grozījumi Latvijas Sodū izpildes kodeksā](#)), 4 February 2022.

b. Separation from men

The law provides that convicted female detainees and female detainees in pre-trial detention shall be detained separately from male detainees.²³⁷ It is not further specified, if the accommodation shall be provided in a separate building or unit. In practice, female detainees are placed in the only women prison in Latvia which is located in Riga, the capital of Latvia. Some women also serve their sentence in the open prison in Olaine (a mix-gender prison where women are located in a separate unit) and its Dependencies Centre.

c. Hygiene

Apart from sanitary towels (16 sanitary towels per month per woman), there are no specific national standards for provision of hygiene products to female detainees.²³⁸ Female detainees are allowed to keep their personal hygiene items, alcohol-free cosmetic products, hair styling appliances and manicure accessories.²³⁹ According to the “Internal Regulations of the Places of Deprivation of Liberty”, convicted female detainees shall have access to personal hygiene facilities in accordance with their daily routine.²⁴⁰

d. Healthcare

Healthcare of female detainees is organised in accordance with the general national healthcare legislation and “Regulations on Procedures for the Implementation of Health Care for Detained and Sentenced Persons” which do not contain specific standards with regard to female detainees.²⁴¹

e. Pregnancy and women with babies or young children

According to the “Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs”, pregnant women six months before the due date, mothers three months after giving birth, and breastfeeding mothers for the duration of the breastfeeding up to a maximum of nine months, are provided an enhanced diet.²⁴²

²³⁷ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 11(2); Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 18.

²³⁸ Latvia, Cabinet of Ministers regulations No 1022 of 19 December 2006 “Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs” ([Ministru kabineta 2006. gada 19. decembra noteikumi Nr. 1022 “Noteikumi par ieslodzīto personu uztura un sadzīves vajadzību materiālā nodrošinājuma normām”](#)), Annex No 3.

²³⁹ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 “Internal Regulations of the Places of Deprivation of Liberty” ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 “Brīvības atņemšanas iestādes iekšējās kārtības noteikumi”](#)), 3 June 2006, Annex No 1, Para. 11; Latvia, Cabinet of Ministers regulations No 800 of 27 November 2007 “Internal Regulations of the Pre-trial Detention Facilities” ([Ministru kabineta 2007. gada 27. novembra noteikumi Nr. 800 “Izmeklēšanas cietuma iekšējās kārtības noteikumi”](#)), 1 December 2007, Annex No 4, Para. 5.1.

²⁴⁰ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 “Internal Regulations of the Places of Deprivation of Liberty” ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 “Brīvības atņemšanas iestādes iekšējās kārtības noteikumi”](#)), 3 June 2006, Para. 21.

²⁴¹ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 “Procedures for the Implementation of Health Care for Detained and Sentenced Persons” ([Ministru kabineta 2015. gada 2. jūnija noteikumi Nr. 276 “Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība”](#)).

²⁴² Latvia, Cabinet of Ministers regulations No 1022 of 19 December 2006 “Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs” ([Ministru kabineta 2006. gada 19. decembra noteikumi Nr. 1022 “Noteikumi par ieslodzīto personu uztura un sadzīves vajadzību materiālā nodrošinājuma normām”](#)), Para. 2.3.4.

According to the representative of the Ombudsperson's Office (the National Preventive Mechanism), detained women give birth in regular hospitals, however, it is not explicitly regulated by law. There is a separate child and mother unit in the women's prison, staffed with qualified personnel.²⁴³

The law provides that both convicted female detainees and female detainees in pre-trial detention may be accommodated together with their children. In such cases, the nutrition, medical treatment, hygiene supplies, clothing and care equipment of children are fully provided by the state. Pregnant women and women who are in detention together with their children shall not be disciplinary punished by being placed in disciplinary punishment cell.²⁴⁴

Law on the Procedure for Holding under Arrest provides that at the request of the woman in pre-trial detention, and with the consent of the municipal child care services (*bāriņtiesa*), children under the age of three may be accommodated in the pre-trial detention facility together with their mother. If a woman in pre-trial detention is accompanied by her child (children), her daily routine shall be adjusted to the needs of the child (children) and shall include at least one and a half hours of outdoor exercise together with the child (children). Children may stay with their mother in pre-trial detention facility until the age of four. Then children shall be transferred to their father or, if it is not possible, the municipal child care services (*bāriņtiesa*) shall decide on their care.²⁴⁵

Similarly, the Sentence Execution Code of Latvia stipulates that at the request of a convicted mother and with the consent of the municipal child care services (*bāriņtiesa*), children may remain with their mother in the prison until the age of four.²⁴⁶ The Code also provides for improved accommodation and living conditions and increased nutritional standards for pregnant women and mothers who are breastfeeding. Additional food parcels and allowances on the basis of a medical certificate may be delivered to pregnant women and mothers who are breastfeeding.²⁴⁷

f. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.²⁴⁸ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

²⁴³ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²⁴⁴ Latvia, [Law on the Procedure for Holding under Arrest \(*Apcietinājumā turēšanas kārtības likums*\)](#), 18 July 2006, Art. 32(3); Latvia, [Sentence Execution Code of Latvia \(*Latvijas Sodū izpildes kodekss*\)](#), 1 April 1971, Art. 70(2).

²⁴⁵ Latvia, [Law on the Procedure for Holding under Arrest \(*Apcietinājumā turēšanas kārtības likums*\)](#), 18 July 2006, Arts. 16, 17.

²⁴⁶ Latvia, [Sentence Execution Code of Latvia \(*Latvijas Sodū izpildes kodekss*\)](#), 1 April 1971, Arts. 77(5) and 77(6).

²⁴⁷ Latvia, [Sentence Execution Code of Latvia \(*Latvijas Sodū izpildes kodekss*\)](#), 1 April 1971, Art. 77(4).

²⁴⁸ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(*likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgās, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"*\)](#), 8 December 2021, Art. 3.

Ombudsperson has not provided any assessment of the situation of women and girls in detention in its annual reports on 2022 and 2023, and no thematic reports on this subject are available.

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The CPT provided no observations related to women and girls in detention in its report.²⁴⁹

*The representatives of the NMP are of the opinion that the situation of women in detention differs considerably from the situation in male prisons in a positive sense. A broad range of meaningful activities and resocialisation and rehabilitation programs are offered in Iļģuciems Prison, the only women prison in Latvia. The psychological climate in this prison is less tense than in male prisons. The mother and child unit functions well, and the opportunity to stay together with young children fosters rehabilitation and resocialisation of detained women. Still, some parts of Iļģuciems Prison are rather worn out and some repair would be necessary.*²⁵⁰

12. Special measures for foreign nationals

a. General measures for foreign nationals

After being placed in a pre-trial detention facility, a foreign national shall be informed in a language they understand of their right to apply to the diplomatic or consular mission of the state of which they are nationals or in which they have a permanent place of residence.²⁵¹

When a foreign national is placed in a pre-trial detention facility, in addition to the procedural rights of other pre-trial detainees, they have the right to meet with a representative of the diplomatic or consular mission of their country without any limit on the number of meetings, and without the presence of the facility staff.²⁵² A detained foreign national whose permanent place of residence is outside Latvia has the right to video communication with their relatives, spouse or other persons for up to 15 minutes twice a month in the presence of the pre-trial detention facility staff.²⁵³ Correspondence of foreign nationals in pre-trial detention with the diplomatic or consular mission of their country or with the diplomatic or consular mission of the country authorised to represent their interests shall not be checked and the costs of the correspondence shall be borne by the pre-trial detention facility.²⁵⁴

²⁴⁹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023.

²⁵⁰ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²⁵¹ Latvia, Cabinet of Ministers regulations No 800 of 27 November 2007 "Internal Regulations of the Pre-trial Detention Facilities" ([Ministru kabineta 2007. gada 27. novembra noteikumi Nr. 800 "Izmeklēšanas cietuma iekšējās kārtības noteikumi"](#)), 1 December 2007, Para. 12.

²⁵² Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13(1)(7).

²⁵³ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 13(5).

²⁵⁴ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Arts. 15(3) and 15(4).

Similarly, in addition to the general rights with respect to communication with the outside world provided for in the Sentence Execution Code of Latvia for all convicted detainees, convicted foreign nationals and convicted persons whose permanent place of residence is not in Latvia have the right to video communication with relatives, spouse and other persons without the presence of prison staff twice a month for up to 15 minutes.²⁵⁵ Correspondence of convicted foreign nationals with the diplomatic or consular mission of their country or with the diplomatic or consular mission of the country authorised to represent their interests shall not be checked and the costs of the correspondence shall be borne by the prison.²⁵⁶

The Prison Administration shall regularly, at least once every four months, inform the Ministry of Justice on foreign nationals serving sentences of deprivation of liberty in prisons.²⁵⁷ Convicted foreign nationals who speak the same language shall, as far as possible, be accommodated in a way that allows them to communicate with each other.²⁵⁸

According to the data provided by the Prison Administration, on 31 December 2022, the share of foreign nationals in prisons of Latvia was very low – 2.45 %.²⁵⁹

b. Interpretation and translation

There are no national standards in Latvia regulating the provision of interpretation and translation services in detention. Some members of the prison staff speak Russian and English, thus, if a detained foreign national can communicate in these languages, an interpretation would not be needed. In other cases, a solution would be sought according to the circumstances.²⁶⁰

c. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.²⁶¹ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

Ombudsperson in its annual report on 2023 notes: "There have been reports that prison staff have had problems in communicating with detained foreign nationals who speak a language unknown to the staff, such as Chinese." (*"Ir saņemtas ziņas par problemātiku cietuma*

²⁵⁵ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Art. 49⁸(1)(2).

²⁵⁶ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Arts. 50(3) and 50(4).

²⁵⁷ Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Art. 15¹.

²⁵⁸ Latvia, Cabinet of Ministers regulations No 423 of 30 May 2006 "Internal Regulations of the Places of Deprivation of Liberty" ([Ministru kabineta 2006. gada 30. maija noteikumi Nr. 423 "Brīvības atņemšanas iestādes iekšējās kārtības noteikumi"](#)), 3 June 2006, Para. 13.

²⁵⁹ Latvian Prison Administration (2023), Prison Administration's public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), p. 13.

²⁶⁰ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²⁶¹ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(Ilikums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgās, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

*darbiniekiem sazināties ar ieslodzītajiem ārvalstniekiem, kuri izmanto darbiniekiem nezināmu valodu, piemēram, ķīniešu.”)*²⁶²

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. In its report the CPT does not provide any observations related to foreign nationals in pre-trial detention facilities or prisons.²⁶³

*The representatives of the NMP informed that the problem of the lack of a professional interpretation in case a detained foreign national spoke a language unknown to the staff still persisted. This situation also had implications with respect to medical confidentiality when a detained foreign national needed a medical attention. Another problem was related to the contacts with the outside world: phone calls from the detention facilities were rather costly and they were even more expensive when calls were placed to foreign countries.*²⁶⁴

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

In Latvia, the age of criminal liability is 14.²⁶⁵ Juveniles under the age of 18 fall under the juvenile detention regime.

In order to strengthen the results of resocialisation and to enable young adults to acquire general education or vocational training, convicted juveniles who have reached the age of 18 may, by decision of the evaluation committee, stay in the juvenile institution until the end of the school year or until the end of their sentence, but not longer than until they have reached the age of 25. In exceptional cases, a convicted detainee who has reached the age of 25 may, by decision of the evaluation committee, remain in the juvenile institution until the end of the school year. If the conduct of a juvenile detainee precludes the possibility of remaining in the juvenile facility or benefiting from early release, the convicted juvenile shall be transferred to the less-strict regime of a semi-closed prison.²⁶⁶

Similar regulations apply to juvenile pre-trial detainees. If pre-trial detainees reach the age of 18, they are, by a decision of the head of the Prison Administration, transferred to the adult pre-trial facility. In order to strengthen the results of resocialisation and to enable young adults to acquire general education or vocational education, pre-trial detainees who have reached the age of 18 may, by decision of the head of the Prison Administration Board, remain in the juvenile institution until the court decision comes into force, but not longer than until they have reached

²⁶² Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 97.

²⁶³ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023.

²⁶⁴ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²⁶⁵ Latvia, [Criminal Law \(Krimināllikums\)](#), 1 April 1999, Art. 11.

²⁶⁶ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Arts. 50⁷(5), 50⁷(6).

the age of 21. In exceptional cases, by decision of the head of the Prison Administration, a pre-trial detainee who has reached the age of 21 may remain in the juvenile institution until the end of the school year.²⁶⁷

b. General measures for detained children and young adults

In addition to the rights of adult pre-trial detainees, juveniles in pre-trial detention are entitled to: (1) regular visits once a week; (2) a daily outdoor exercise of not less than two hours with the outdoor exercise areas being equipped for active physical exercise; (3) telephone conversations without any limitation in number, with the permission of the authority conducting the proceedings; (4) video communication twice a month for up to 15 minutes in the presence of the pre-trial detention facility staff.²⁶⁸ If a juvenile detainee is placed in a disciplinary isolation, they shall be allowed a daily outdoor exercise of not less than one and a half hours.²⁶⁹ Within the framework of the daily regime, juvenile pre-trial detainees shall participate in the social rehabilitation, behavioural correction, educational, cultural and sporting activities organised by the pre-trial detention facility.²⁷⁰

As regards the convicted juvenile detainees, they are entitled to video-communication once a month for up to 30 minutes;²⁷¹ 12 regular visits per year, ranging from one and a half to two hours; 15 long-term visits by close relatives per year, ranging from thirty-six to forty-eight hours; and the right to make purchases in the facility shop without any limitation on the amount of money.²⁷² The educational process for convicted juveniles shall be equated, as far as it is possible, to the education process in the general education institutions.²⁷³

Both convicted juvenile detainees and detainees in pre-trial detention may be authorised by the head of the detention facility to leave the territory of the facility to sit examinations at a general or vocational education establishment.²⁷⁴ Convicted juvenile detainees may be also awarded a short-term leave for up to eight hours, if accompanied by parents or detention facility staff, or a home leave for up to five days a year as an incentive.²⁷⁵

A disciplinary punishment of prohibition to meet with parents or guardians shall not be applied to juveniles in pre-trial detention, nor shall they be prohibited from making telephone calls with

²⁶⁷ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 18(5).

²⁶⁸ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 13(1).

²⁶⁹ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 13(3).

²⁷⁰ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 13(2).

²⁷¹ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 49⁸(1)(1).

²⁷² Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 50⁷(8).

²⁷³ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 50⁷(9).

²⁷⁴ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 18; Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 50⁷(10).

²⁷⁵ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Arts. 68(1)(4), 68(1)(8).

their parents or guardians.²⁷⁶ While in disciplinary isolation, juvenile detainees in pre-trial detention shall be allowed to have correspondence with their relatives and spouse.²⁷⁷

Juvenile pre-trial detainees shall be provided with nutrition which ensures their full physical development.²⁷⁸ Similarly, convicted juveniles shall have improved living conditions and increased nutritional standards. They are also allowed to receive additional food parcels and rations, subject to the opinion of the medical committee.²⁷⁹ “Regulations on Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs” provide an increased daily dietary norm for juvenile detainees and special diets for juveniles who are recovering and for juveniles who do not consume fish and meat.²⁸⁰

c. Separation from adults

Law on the Procedure for Holding Under Arrest stipulates that male and female pre-trial detainees, as well as juveniles and adult pre-trial detainees, shall be allocated separately.²⁸¹ Similarly, the Sentence Execution Code of Latvia stipulates that convicted men and women, juveniles and adults shall be held separately.²⁸² It is further specified that convicted male juveniles shall be accommodated in juvenile correctional facilities, and convicted female juveniles shall be accommodated in separate wards in women’s prison equipped as juvenile correctional facilities.²⁸³

In Latvia, there is only one correctional/educational facility for male juvenile detainees (both convicted and pre-trial) – Cēsis Correctional Facility for Juveniles, while juvenile girls (both convicted and pre-trial) are accommodated in a separate unit in Ilģuciems Prison – the only women’s prison in Latvia, located in Rīga. On 31 December 2022, Cēsis Correctional Facility for Juveniles accommodated 23 male juveniles, of whom 16 were convicted and seven were in pre-trial detention. This number constantly decreases since 2008.²⁸⁴ No girls were accommodated in Ilģuciems Prison on 31 December 2022.²⁸⁵

d. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading

²⁷⁶ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 30(2).

²⁷⁷ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 34(3).

²⁷⁸ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 19(3).

²⁷⁹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 77(4).

²⁸⁰ Cabinet of Ministers regulations No 1022 “Norms for Detained Persons’ Nutrition and Material Provision of Daily Needs” ([Ministru kabineta 2006. gada 19. decembra noteikumi Nr. 1022 “Noteikumi par ieslodzīto personu uztura un sadzīves vajadzību materiālā nodrošinājuma normām”](#)), 19 December 2006, Para. 2, Annex No 1, daily dietary norms Nos. 2, 3 and 5.

²⁸¹ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 11(2).

²⁸² Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 18(1).

²⁸³ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 13(3).

²⁸⁴ Latvian Prison administration (2023), Prison administration’s public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), p. 11.

²⁸⁵ Latvian Prison administration (2023), Prison administration’s public report on year 2022 ([Ieslodzījuma vietu pārvaldes 2022. gada publiskais pārskats](#)), p. 12.

Treatment or Punishment (OPCAT) is the Ombudsperson.²⁸⁶ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

In 2022, the NPM visited Cēsis Correctional Facility for Juveniles and included its conclusions in the Ombudsperson's general annual report. During the visit the NPM found: "there are still high risks of youth violence. The resocialisation plans mostly specify the same measures, aims and objectives with respect to all [children]. Similarly, the goals of free-time activities are generic or the same in relation to all children. This could be an indicator of a superficial assessment of the children. With respect to the medical care, it was concluded at the facility it was being provided at an optimal level. On a positive note, every detained juvenile was being examined by a child psychiatrist, however, this should be complemented by a psychodiagnosis conducted by a psychologist. Shortcomings were identified with regard to the availability of a dentist and dental hygienist." (*"Vizītes laikā tika konstatēts, ka joprojām pastāv augsti riski jauniešu savstarpējai vardarbībai, kā arī tika secināts, ka resocializācijas plānos noteiktie pasākumi, mērķi un uzdevumi ir vienādi visiem. Tāpat brīvā laika pavadīšanas mērķi ir vispārīgi vai vienādi visiem bērniem. Šāda pieeja varētu liecināt par bērnu vispārēju novērtēšanu. Attiecībā uz medicīnisko aprūpi tika secināts, ka tā uz vietas tiek nodrošināta optimālā līmenī. Pozitīvi vērtējams, ka katram ieslodzītajam ir bērnu psihiatra apskate, tomēr papildus tam būtu jānodrošina psihodiagnostika, ko veic psihologs. Tika konstatēti trūkumi zobārstu un zobu higiēnistu pieejamībā."*)²⁸⁷ The visit report is not publicly available.

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The CPT noted that the legislative amendments of February 2022 provided for a decrease in the maximum duration of disciplinary confinement (from 15 days to 14 days for adults and from 10 days to three days for juveniles); however, it also issued a strong recommendation: "The Committee recommends that, given the potentially detrimental effect on the physical and/or mental well-being of juveniles, solitary confinement should never be imposed on juveniles as a disciplinary punishment."²⁸⁸ (*"Komiteja iesaka, ņemot vērā iespējamo kaitīgo ietekmi uz nepilngadīgo fizisko un/vai garīgo labklājību, nepilngadīgajiem kā disciplinārsodu nekad nepiemērot izolāciju."*)²⁸⁹

²⁸⁶ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

²⁸⁷ Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 109.

²⁸⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 114.

²⁸⁹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 114.

*The representatives of the NPM pointed out that the measures and activities for resocialisation of juvenile detainees were insufficient. Situation in this regard had considerably worsened while the Covid-19 prevention measures were being applied.*²⁹⁰

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

There are no national standards addressing specific needs of detained persons with disabilities or other serious medical conditions, including mental health-related medical conditions.

“Regulations on Procedures for the Implementation of Health Care for Detained and Sentenced Persons” state that every detained person shall be provided with free of charge primary health care, emergency dental care and secondary health care by the medical staff of the place of detention or Prison Hospital. If the detained person requires health care services that cannot be provided at the place of detention or Prison Hospital, then, based on medical indications, such services may be provided at the medical institutions outside the place of detention.²⁹¹

b. Continuity of care

There are no national standards aiming to ensure continuity of care in preparation for the release of detained persons with serious medical conditions, including mental health related medical conditions.

c. Reasonable accommodation and accessibility

There are no standards for making the necessary and appropriate modification and adjustments to suit the special needs of persons with disabilities or serious medical conditions, including with respect to access to appropriate facilities or activities.

The Sentence Execution Code of Latvia stipulates that a special commission established by the order of the head of the detention facility shall determine in which department, unit and cell of the detention facility a convicted detainee shall be placed, taking into account, inter alia, their health condition.²⁹²

d. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.²⁹³ The information related to the rights of detained persons is included in the Ombudsperson’s general annual reports. The

²⁹⁰ Information received during the interview with two representatives of the Ombudsperson’s Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²⁹¹ Latvia, Cabinet of Ministers regulations No 276 of 2 June 2015 “Procedures for the Implementation of Health Care for Detained and Sentenced Persons” ([Ministru kabineta 2015. gada 2. jūnija noteikumi Nr. 276 “Apcietināto un notiesāto personu veselības aprūpes īstenošanas kārtība”](#)), Paras. 2-4.

²⁹² Latvia, [Sentence Execution Code of Latvia \(Latvijas Soduzpildes kodekss\)](#), 1 April 1971, Art. 13²(1).

²⁹³ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(likums “Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu”\)](#), 8 December 2021, Art. 3.

Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

In 2022, the Ombudsperson conducted two thematic visits to Valmiera Prison with the goal of assessing the accessibility issues for persons with disabilities. During the first visit, many shortcomings were identified and the report read: "When carrying out the risk and needs assessments and drawing up the resocialisation plans for detained persons with disabilities, mobility impairments and other impairments, their specific needs must be identified, taken into account and included in the resocialisation plans. The resocialisations plans have to be supplemented in view of the person's apparent mobility difficulties, the individual's state of health and their treatment or rehabilitation needs in order to achieve the convicted person's defined resocialisation objectives and the tasks set for the next evaluation period. If the person is unable to attend the planned resocialisation activities because of their state of health or due to accessibility issues, there shall be no negative consequences for the person in question." (*"Veicot risku un vajadzību izvērtējumu un attiecīgi sastādot resocializācijas plānus personām ar invaliditāti, kustību un citiem traucējumiem ir jāņem vērā un jāapzina viņu īpašās vajadzības un attiecīgi tās jāietver arī resocializācijas plānā. Resocializācijas plānus nepieciešams papildināt, ņemot vērā personu acīmredzamās pārvietošanās grūtības, individuālo veselības stāvokli un ārstēšanas vai rehabilitācijas vajadzības, lai veiksmīgi tiktu sasniegti izvirzītie resocializācijas mērķi soda izpildes laikā un uzdevumi nākamajam notiesātā izvērtēšanas periodam. Savukārt gadījumā, ja persona veselības stāvokļa vai vides pieejamības dēļ nevar apmeklēt paredzētos resocializācijas pasākumus, personai nedrīkst būt negatīvas sekas."*)

Since the lack of accessibility and reasonable accommodation for persons with disabilities may lead to inadequate conditions of deprivation of liberty that may breach the prohibition of ill-treatment, the Ombudsperson decided to visit Valmiera Prison for the second time and to include an expert on accessibility in the visit team. After the second visit to Valmiera Prison, the Ombudsperson concluded: "Compared to the other persons placed in Valmiera Prison, the persons with reduced mobility do not have full access to the prison premises and do not have equal opportunities (for example, [they cannot] safely get to the shop or enter the sauna, canteen, classrooms). Many of the physical barriers have been created historically without a particular justification and can be easily removed (for example, the step at the entrance to the canteen), or the surface area of the territory could be refurbished." (*"[S]alīdzinājumā ar citām personām, kuras atrodas brīvības atņemšanas iestādē, personām ar kustību traucējumiem iespēju pilnvērtīgi uzturēties Valmieras cietumā un saņemt līdzvērtīgas iespējas nav (piemēram, droši nokļūt līdz veikalam, iekļūt pirtī, ēdnīcā, mācību telpās). Daudzi šķēršļi ir vēsturiski izveidojušies, bez pamatojuma, un tos ir viegli bez lieliem ieguldījumiem likvidēt (piemēram, pakāpienu pie ēdnīcas ieejas) vai sakārtot teritorijas segumu."*)²⁹⁴

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The CPT

²⁹⁴ Latvia (2022), Ombudsperson's report No 1-12/5 on environmental accessibility in Valmiera Prison, 10 November 2022 ([Latvijas Republikas Tiesībsarga 2022. gada 10. novembra ziņojums Nr. 1-12/5 par vides pieejamību Valmieras cietumā](#)).

in its visit report has not elaborated on the issue of special measures aimed to protect detainees with disabilities or serious medical conditions.²⁹⁵

*The representatives of the NPM assessed the care available to the detained persons with disabilities or serious medical conditions as insufficient, mostly because of the lack of adjusted environment, lack of adequately trained social workers, assistants and medical staff, as well as limited resocialisation activities.*²⁹⁶

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

There is no publicly available information on any specific measures intended to protect LGBTI detainees. The Law on the Procedure for Holding under Arrest provides that detainees shall be placed in cells, taking into account internal security considerations and (as far as possible) personal characteristics and psychological compatibility of the detainees.²⁹⁷ The Sentence Execution Code of Latvia stipulates that a special commission established by the order of the head of the detention facility shall determine which department, unit and cell of the detention facility convicted detainees shall be placed in, taking into account the availability of places in the cells, as well as psychological compatibility, health condition, attitude towards smoking and previous convictions of the detainees.²⁹⁸

b. Protection of trans detainees

There is no publicly available information on any specific measures with regard to the allocation of trans detainees within the detention facilities. The Law on the Procedure for Holding Under Arrest provides that detainees shall be placed in cells, taking into account internal security considerations and (as far as possible) personal characteristics and psychological compatibility of the detainees.²⁹⁹ The Sentence Execution Code of Latvia stipulates that a special commission established by the order of the head of the detention facility shall determine in which department, unit and cell of the detention facility convicted detainees shall be placed, taking into account the availability of places in the cells, as well as psychological compatibility, health condition, attitude towards smoking and previous convictions of the detainees.³⁰⁰

c. Protection of other vulnerable detainees

There is no publicly available information on specific any measures intended to protect vulnerable detainees from violence, which they might sustain because of their racial or ethnic

²⁹⁵ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023.

²⁹⁶ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

²⁹⁷ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 11(6).

²⁹⁸ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 13²(1).

²⁹⁹ Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 11(6).

³⁰⁰ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 13²(1).

origin or religious beliefs or on the basis of any other ground. The Sentence Execution Code of Latvia states that there shall be no discrimination against convicted detainees on the grounds of race, nationality, language, sex, social or financial status, political opinions, religious beliefs or other criteria.³⁰¹

The Law on the Procedure for Holding under Arrest provides that detainees shall be placed in cells, taking into account internal security considerations and (as far as possible) personal characteristics and psychological compatibility of the detainees.³⁰² The Sentence Execution Code of Latvia stipulates that a special commission established by the order of the head of the detention facility shall determine in which department, unit and cell of the detention facility convicted detainees shall be placed, taking into account the availability of places in the cells, as well as the psychological compatibility, health condition, attitude towards smoking and previous convictions of the detainees.³⁰³

d. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.³⁰⁴ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

There is no specific information regarding the measures designed to protect detainees with special needs or other vulnerabilities in the reports of the Ombudsperson published during the reference period.

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The CPT in its visit report has not elaborated on any specific measures intended to protect detainees with special needs or other vulnerabilities.³⁰⁵

*The representatives of the NPM were not aware of any specific measures with respect to the detainees in vulnerable situations, such as LGBTI detainees.*³⁰⁶

³⁰¹ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 4(2)(2).

³⁰² Latvia, [Law on the Procedure for Holding under Arrest \(Apcietinājumā turēšanas kārtības likums\)](#), 18 July 2006, Art. 11(6).

³⁰³ Latvia, [Sentence Execution Code of Latvia \(Latvijas Sodū izpildes kodekss\)](#), 1 April 1971, Art. 13²(1).

³⁰⁴ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

³⁰⁵ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023.

³⁰⁶ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

There are no specific measures or standards aimed at preventing radicalisation in prisons.

b. Risk assessments

There is no publicly available information on how the initial and ongoing risk assessments in order to determine the appropriate detention regime applicable specifically to detainees suspected or convicted of terrorist and violent extremist offences shall be carried out. The Law on the Procedure for Holding Under Arrest provides that detainees shall be placed in cells, taking into account internal security considerations and (as far as possible) personal characteristics and psychological compatibility of the detainees.³⁰⁷ The Sentence Execution Code of Latvia stipulates that a special commission established by the order of the head of the detention facility shall determine in which department, unit and cell of the detention facility convicted detainees shall be placed, taking into account the availability of places in the cells, as well as the psychological compatibility, health condition, attitude towards smoking and previous convictions of the detainees.³⁰⁸

c. Training of staff

There is no publicly available information on the tools and training provided to the staff members of the detention facilities on the prevention and recognition of signs of radicalisation at an early stage.

d. Deradicalisation measures

There is no publicly available information on any measures in place providing for rehabilitation, deradicalisation and disengagement programmes in prisons in preparation for release. Neither there is information on any programmes after release aimed at promoting reintegration of detainees convicted of terrorism or other violent extremist offences.

e. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.³⁰⁹ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

There is no information regarding any specific measures intended to address radicalisation in prisons in the reports of the Ombudsperson published during the reference period.

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The CPT

³⁰⁷ Latvia, [Law on the Procedure for Holding Under Arrest \(*Apcietinājumā turēšanas kārtības likums*\)](#), 18 July 2006, Art. 11(6).

³⁰⁸ Latvia, [Sentence Execution Code of Latvia \(*Latvijas Soduzpildes kodekss*\)](#), 1 April 1971, Art. 13²(1).

³⁰⁹ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(*likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgās, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"*\)](#), 8 December 2021, Art. 3.

in its visit report has not elaborated on any specific measures intended to address radicalisation in prisons.³¹⁰

*The representatives of the NPM were not aware of any specific measures intended to address radicalisation in prisons.*³¹¹

17. Inspections and monitoring

a. Inspections

The only independent body which carries out regular monitoring visits to prisons is the Ombudsperson who is designated to fulfil the role of the National Preventive Mechanism (NPM). In the Republic of Latvia, the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) entered into force on 9 January 2022. In accordance with Article 3 of the Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the tasks of the NPM are performed by the Ombudsperson.³¹² Most of the NPM work is concentrated in the Prevention Unit which is subordinated to the Civil and Political Rights Division of the Ombudsperson's Office. Complaints by detained persons and some outstanding issues related to their rights are dealt with directly by the Civil and Political Rights Division or by other divisions of the Ombudsperson's Office, if the issues raised fall under their remit. For this reason, the information related to the rights of detained persons is included in the Ombudsperson's annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

The Ombudsperson Law additionally provides that in performing its functions and tasks the Ombudsperson has the right to visit closed institutions at any time and without a special permission, to move freely within the territory of those institutions, to visit all premises and to meet in private with the persons held in closed institutions.³¹³

In 2022, five monitoring visits to prisons and a visit to Cēsis Correctional Facility for Juveniles were conducted.³¹⁴ In 2023, eight monitoring visits to prisons were conducted.³¹⁵

b. Access to detention facilities by national authorities

National authorities who are entitled to visit places of detention without a special permit are: the President of the State; the President of the Parliament (*Saeima*); the Prime Minister; the

³¹⁰ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023.

³¹¹ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

³¹² Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

³¹³ Latvia, [Ombudsperson Law \(Tiesībsarga likums\)](#), 1 January 2007, Art. 13(1)(3).

³¹⁴ Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 96.

³¹⁵ Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), p. 112.

Minister of Justice and the State Secretary of the Ministry of Justice; the Prosecutor General and the prosecutors subordinate to him who supervise places of deprivation of liberty; the chief prosecutors of the judicial districts where the detention facilities are located; the Ombudsperson; officials of the Internal Security Bureau; officials of the state security authorities; officials of the Corruption Prevention and Combating Bureau.³¹⁶

National parliamentarians do not have unrestricted access to the places of detention.

c. Access to detention facilities by international bodies

The Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment³¹⁷ and the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment³¹⁸ have free access to detention facilities.

The National Preventive Mechanisms' network and members of the European Parliament do not have unrestricted access to the places of detention in the Republic of Latvia, as there is no legal basis for such unrestricted access neither in national, nor international law.

d. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is the Ombudsperson.³¹⁹ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

No specific information concerning the access to detention facilities is included in the Ombudsperson's reports published during the reference period.

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The CPT in its visit report makes an assessment of the cooperation encountered: "The co-operation received by the delegation throughout the visit from the national authorities and staff at the establishments visited was, on the whole, excellent. The delegation enjoyed rapid access to the establishments visited, was provided with the information – including medical and personal records – necessary for carrying out its tasks and was able to speak in private with persons deprived of their liberty."³²⁰ (*"Visā vizītes laikā delegācijas sadarbība gan ar valsts iestādēm, gan*

³¹⁶ Latvia, [Prison Administration Law \(*ieslodzījuma vietu pārvaldes likums*\)](#), 1 January 2003, Art. 8(1).

³¹⁷ Latvia, Law on the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (*likums "Par Eiropas konvenciju par spīdzināšanas un necilvēcīgas vai pazemojošas rīcības vai soda novēršanu"*), 23 December 1997.

³¹⁸ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(*likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"*\)](#), 8 December 2021, Art. 4.

³¹⁹ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(*likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"*\)](#), 8 December 2021, Art. 3.

³²⁰ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried](#)

apmeklēto iestāžu darbiniekiem kopumā bija teicama. Delegācija varēja ātri nokļūt apmeklējamajās iestādēs, saņēma nepieciešamo dokumentāciju – medicīniskos un personiskos ierakstus, kas nepieciešami, lai īstenotu savus uzdevumus –, kā arī varēja bez lieciniekiem sarunāties ar ieslodzītajiem.”³²¹

The representatives of the NPM appreciated the fact that visits to the detention facilities were not obstructed in any way, and that all the information, as well as access to documentation necessary to carry out the tasks of the NPM was provided without delay. All visits the NPM had carried out to prisons had been unannounced and discussions with the prisoners had been held in confidence, without the presence of prison staff.³²²

18. Access to remedy

a. Legal remedies

In general, the requests and complaints by detained persons concerning breaches or violations of standards of detention are reviewed by the administration of the detention facility according to the procedure set in the Law on Submissions.³²³ It stipulates that complaints shall be answered as soon as possible, but not later than within a period of one month. Detained persons may complain about the actual actions conducted and the administrative acts issued by the administration of detention facility to the head of the Prison Administration. Decisions of the head of the Prison Administration may be appealed to the Administrative Court and reviewed in accordance with the Administrative Procedure Law.³²⁴ Detainees can also complain to the Internal Security Bureau, the Health Inspectorate, the Ombudsperson Office, the Prosecutor’s Office, the Constitutional Court, as well as to the international human rights bodies.

b. Legal assistance

A defence counsel in criminal proceedings is a sworn advocate, practising in Latvia, who defends a person who has the right to defence.³²⁵ Access to sworn advocates, as well as confidentiality requirements, are regulated by the Advocacy Law of the Republic of Latvia.³²⁶

Detainees in pre-trial detention are allowed to meet in private with a defence counsel with whom an agreement has been concluded or who ensures legal assistance provided by the state, a sworn advocate, and, in case of a foreigner, with a representative of the diplomatic or consular

[out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, English version, para. 6.

³²¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Zinojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023, Latvian version, para. 6.

³²² Information received during the interview with two representatives of the Ombudsperson’s Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

³²³ Latvia, [Law on Submissions \(Iesniegumu likums\)](#), 1 January 2008.

³²⁴ Latvia, [Administrative Procedure Law \(Administratīvā procesa likums\)](#), 1 February 2004.

³²⁵ Latvia, [Criminal Procedure Law \(Kriminālprocesa likums\)](#), 1 October 2005, Art. 79(1).

³²⁶ Latvia, [Advocacy Law of the Republic of Latvia \(Latvijas Republikas Advokatūras likums\)](#), 21 May 1993.

mission of their country. There is no limit on the number of such meetings. However, they shall be conducted in accordance with the daily routine of the pre-trial detention facility.³²⁷

Convicted detainees are entitled to meetings with a defence counsel, a sworn notary and a provider of the state-funded legal aid. Such meetings do not affect the number of regular visits. The meetings with a defence counsel shall not be supervised, while the meetings with a notary and a lawyer who provides the state-funded legal aid shall be conducted under visual supervision. All these meetings shall take place during the regular working hours.³²⁸

In general, telephone calls by persons in pre-trial detention shall take place in the presence of staff; however, the exception is communication with the state and local government institutions, the Ombudsperson's Office, the United Nations and the Council of Europe human rights institutions, the Parliamentary Commission for Human Rights and Public Affairs, the Prosecutor's Office, the court, the defence counsel, the person in charge of the proceedings, a medical institution, as well as with the diplomatic or consular mission of the country of a foreigner in pre-trial detention or with the diplomatic or consular mission of the country which is authorised to represent their interests. These conversations shall be confidential.³²⁹ Also the correspondence of the pre-trial detainees with the aforementioned institutions shall not be examined by the detention facility staff³³⁰ and shall be funded by the pre-trial detention facility.³³¹ Similar rules apply to the correspondence by convicted detainees.³³²

c. Request and complaints

The general administrative procedure effectively ensures the right of detained persons to officially challenge various aspects of their life in detention.³³³ The Administrative Court operates according to the principle of objective investigation, meaning that in order to establish the facts of the case within the limits of the claim and to ensure a fair and just hearing, the court gives instructions and recommendations to the parties to the administrative proceedings and collects evidence on its own initiative.³³⁴

d. Independent authority

Complaints by detained persons may be ultimately examined by the court, and the court may award compensation for losses, as well as for non-pecuniary damage.³³⁵

e. NPM assessment

In the Republic of Latvia, the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading

³²⁷ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 13(1)(7).

³²⁸ Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Art. 46.

³²⁹ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Arts. 15(3), 28(5).

³³⁰ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 28(2).

³³¹ Latvia, [Law on the Procedure for Holding under Arrest](#) (*Apcietinājumā turēšanas kārtības likums*), 18 July 2006, Art. 15(4).

³³² Latvia, [Sentence Execution Code of Latvia](#) (*Latvijas Sodū izpildes kodekss*), 1 April 1971, Arts. 49(4), 50(4).

³³³ Latvia, [Administrative Procedure Law](#) (*Administratīvā procesa likums*), 1 February 2004.

³³⁴ Latvia, [Administrative Procedure Law](#) (*Administratīvā procesa likums*), 1 February 2004, Art. 107(4).

³³⁵ Latvia, [Administrative Procedure Law](#) (*Administratīvā procesa likums*), 1 February 2004, Art. 93.

Treatment or Punishment (OPCAT) is the Ombudsperson.³³⁶ The information related to the rights of detained persons is included in the Ombudsperson's general annual reports. The Ombudsperson's Office also prepares thematic reports and visit reports related to their mandate of NPM.

In 2022, the Ombudsperson's Office received 396 complaints from detained persons and visited five prisons in its capacity as the NPM.³³⁷ In 2023, the Ombudsperson's Office received 248 complaints from detained persons and conducted eight monitoring visits in its capacity as the NPM.³³⁸

The last visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Latvia took place from 10 to 20 May 2022. The CPT did not assess the effectiveness of complaints mechanisms in its visit report.³³⁹

*The representatives of the NPM highlighted the role of the Administrative Court as an effective safeguard of the rights of detained persons. Also the Constitutional Court serves as an effective remedy in case a detained person would like to challenge provisions set by law, considering that the breach of their fundamental rights emanates from the normative regulation.*³⁴⁰

³³⁶ Latvia, [Law on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(likums "Par Konvencijas pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem Fakultatīvo protokolu"\)](#), 8 December 2021, Art. 3.

³³⁷ Latvia (2023), Ombudsperson's annual report on 2022 ([Latvijas Republikas Tiesībsarga 2022. gada ziņojums](#)), p. 95; Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), pp. 95, 112.

³³⁸ Latvia (2024), Ombudsperson's annual report on 2023 ([Latvijas Republikas Tiesībsarga 2023. gada ziņojums](#)), pp. 97, 120.

³³⁹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Latvian Government on the periodic visit to Latvia carried out by the CPT from 10 to 20 May 2022 \(Ziņojums Latvijas valdībai par CPT vizīti Latvijā no 2022. gada 10. līdz 20. maijam\)](#), CPT/Inf (2023) 16, Strasbourg, 11 July 2023.

³⁴⁰ Information received during the interview with two representatives of the Ombudsperson's Office fulfilling the role of the National Preventive Mechanism on 26 March 2024.

Part II: National case-law

Latvia, the Constitutional Court (Latvijas Republikas Satversmes tiesa), Riga / Case No 2021-32-0103, 5 May 2022

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| Thematic area | 5. Time spent outside the cell and outdoors; d. Educational activities 7. Work and education of detainees to promote social reintegration; b) Access to work |
| Decision date | 5 May 2022 |
| Reference details | Case No 2021-32-0103 “On Compliance of Section 13, Paragraph One, Clause 10 of the Law on the Procedures for Holding under Arrest and Paragraph 10 of Annex 4 to Regulation of the Cabinet of Ministers No 800 of 27 November 2007 “Internal Rules of Conduct of Investigation Prison” with the first sentence of Article 101 and the first sentence of Article 106 of the Constitution of the Republic of Latvia” |
| Key facts of the case | The case was initiated on the application of Mr. Aivars Lembergs. By a judgement of the first instance court, which has not yet entered into force, the applicant was sentenced to deprivation of liberty, and was remanded in a pre-trial detention facility. While in custody, he asked the head of the pre-trial detention facility for permission to use his personal computer equipment with internet access. The applicant’s request was rejected, as the contested norms did not provide for the right of the detained person to use such kind of devices. As a result, the applicant was allegedly deprived of the right to perform remotely his duties as a member of the local government council. |
| Main reasoning/argumentation | According to the applicant, the contested norms infringed his fundamental right guaranteed by the first sentence of Article 101 of the Constitution of the Republic of Latvia (<i>Satversme</i>), namely, the right to participate in the state and local government activities. The applicant was of the opinion that the contested norms also unjustifiably restricted his fundamental right established by the first sentence of Article 106 of <i>Satversme</i> , namely, the right to choose an occupation and workplace according to his abilities and qualifications. |
| Key issues (concepts, interpretations) clarified by the case | The restriction to a pre-trial detainee to use personal computer equipment with internet access has been established in the interests of the society to prevent threats to order and safety, as well as to ensure unimpeded conduct of criminal proceedings. The Constitutional Court found that there were no less-restrictive |

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| | <p>means to achieve the legitimate aims of the contested norms, since the use of the computer equipment with internet access by a person in pre-trial detention would contradict the very aim of the detention. In such a case, other restrictions imposed on the persons in pre-trial detention would also lose their purpose; for example, the limitation on the contact with the outside world. A controlled use of the personal computer equipment with internet access would require inadequately significant financial and human resources.</p> <p>Additionally, the Constitutional Court noted that the detention, as well as the restrictions on the other rights resulting therefrom, were of a limited duration and the necessity of their application was reviewed on a regular basis. Besides, a member of the local government council also otherwise could not fully exercise all of their rights and obligations while being in custody.</p> |
| <p>Results (sanctions) and key consequences or implications of the case</p> | <p>The Constitutional Court ruled that the contested norms which did not provide for the right of the pre-trial detainees to use computer equipment with internet access were compatible with the first sentence of Article 101 and the first sentence of Article 106 of <i>Satversme</i>, namely, the right to participate in the state and local government activities and to choose an occupation and workplace according to one's abilities and qualifications.</p> |
| <p>Key quotation in original language and translated into English with reference details</p> | <p>"Apcietinājumu piemēro personām, attiecībā uz kurām ir vislielākais risks, ka tās mēģinās traucēt kriminālprocesa gaitu. Apcietinājuma piemērošana ir saistīta ar dažādiem ierobežojumiem, kuri pēc sava rakstura ir objektīvi un reizē arī neizbēgami. Pretējā gadījumā nebūtu nozīmes piemērot apcietinājumu, jo netiktu sasniegts tā mērķis. Apcietinājuma piemērošanas nepieciešamība tiek izvērtēta individuāli, jo jākonstatē tā piemērošanas pamats. Apcietinājums ir terminēts, un apcietinātai personai ir tiesības lūgt apcietinājuma atcelšanu vai grozīšanu vai turpmākas tā piemērošanas nepieciešamības izvērtēšanu. Tādējādi arī no apcietinājuma būtības izrietoši tiesību ierobežojumi, tostarp liegums izmantot personisko datortehniku ar pieeju internetam, tiek piemēroti tikai noteiktu laiku, kamēr pastāv likumā noteiktais apcietinājuma piemērošanas pamats vai beidzas tā piemērošanas maksimālais termiņš." (Paragraph 20.2.)</p> <p>"Detention is applied to the persons with respect to whom there is the greatest risk that they would attempt to hinder the course of the criminal proceedings. Imposition of the detention is linked with various restrictions, which by their nature are objective and, at the same time, inevitable. Otherwise, the imposition of the detention would be meaningless because its aim would not be achieved. The necessity of the detention is examined individually because the grounds for imposing it must be identified. The duration of the</p> |

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| | <p>detention is limited, and the detainee has the right to request that the detention be revoked or amended, or that its continued necessity be reassessed. Thus, also the restrictions of the rights, which emanate from the nature or the detention, including the prohibition to use the personal computer with internet access, are applied only for a certain period of time, while the grounds for detention, as defined in law, continue to exist or until the maximum term of its application expires." (Paragraph 20.2.)</p> |
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