

# Children's Rights Behind Bars

## Human Rights of Children Deprived of Liberty: improving Monitoring Mechanisms (JUST/2013/JPEN/AG/4581)

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**National Report Latvia**

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**The Ombudsman Office of the Republic of Latvia**

Laila Grāvere  
Anna Haružika  
Zanda Rūsiņa  
Tatjana Caune  
Solvita Anskaitė

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## Abbreviations

**CAT** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
**OPCAT** Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment  
**CCPR** Covenant on Civil and Political Rights  
**CPT** European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment  
**CRC** Convention on the Rights of the Child  
**CRC-P3** Optional Protocol to the Convention on the Rights of the Child on a communications procedure  
**ECHR** Convention for the Protection of Human Rights and Fundamental Freedoms  
**ECtHR** European Court of Human Rights  
**NPM** National Preventive Mechanism  
**STDF** Short Term Detention Facilities  
**IEVP** Prison Administration (In Latvian: Ieslodzījuma vietu pārvalde)  
**VBTAI** State Inspectorate for Protection of the Rights of Children (In Latvian: Valsts bērnu tiesību aizsardzības inspekcija)  
**VSAC** State Social Care Center (In Latvian: Valsts sociālās aprūpes centrs)

## 1. Introduction

### 1.1. About the research institution

The Ombudsman is the national Ombudsman institution in the Republic of Latvia. It was established on 1 January 2007 on the basis of the State Human Rights Office. The Ombudsman's status, functions and tasks are governed by the Ombudsman Law (enacted on 6 April 2006). As of today, the Ombudsman institution has been operating in our country over eight years, and office term of the Ombudsman is five years.

The key purpose of operation of the Ombudsman Office is fostering the protection of human rights and ensuring that the State power is exercised in legitimate, efficient manner and in accordance with the principle of good governance (Section 1 of the Ombudsman Law).

There is neither special children ombudsman office nor any institution for performance of such function established in the Republic of Latvia. Ombudsman of the Republic of Latvia is also performing the function of children ombudsman. We have the Rights of Child Department established in our office, and the lawyers of the said Department are handling exclusively the matters related to the rights of children.

Investigation of the topic within the framework of this Project was performed by the staff of the Rights of Child Department of the Ombudsman Office: Head of the Rights of Child Department Laila Grāvere (Mag.iur., The University of Latvia and Mag.ped., Institute of Pedagogy and Psychology, The University of Latvia, Liepāja Institute of Pedagogy – qualified as Teacher of Latvian, equivalent to MA degree), Legal Counsel Anna Haružika (LL.M. Master in International and Human Rights Law, Tilburg University), Legal Counsel Zanda Rūsiņa (Mag.iur., The University of Latvia), legal counsel Tatjana Caune (Mag.iur., Institute of International Relations, the University of Latvia), and Legal Counsel of the Civil and Political Rights Department Solvita Anskaitė (Mag.iur., Business School Turība).

### 1.2. Methodology

The national study was drawn applying the methodology of the project consortium. All the necessary materials, such as informed consent of children and adult participants, and the interview guidelines were translated into Latvian.

The Republic of Latvia has not ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The scope of mandate of the Ombudsman, however, including the right to visit closed-type facilities at any time without special authorization and the right to hear the children's opinion without the presence of their parents, guardians or the staff of educational or care institutions, and similar correspond largely to the criteria prescribed by Chapter IV of the OPCAT supposed to correspond with the National Prevention Mechanism (NPM). Investigation of the topic was therefore based on the information and materials collected earlier by the Ombudsman and on the existing methods and experience, through drafting enquiries for the collecting of updated information and statistic data, and through monitoring visits to closed-type facilities and interviewing the children, the staff and representatives of the competent authorities, as well as through study of normative regulations of the Republic of Latvia.

For the purpose of ensuring the achievement of the project objectives, monitoring visits were made to four facilities: to Ilūciems Prison (for women), the State Limited Liability Company Children Psycho-Neurologic Hospital "Ainaži" (PNS "Ainaži"), the social adjustment educational establishment "Naukšēni" (SKII "Naukšēni"), Cēsis Educational Facility for Juveniles (for male juveniles). The said establishments were selected for monitoring visits because they represent different types and a similar feature: restriction of children's liberty.

Children were interviewed at each establishment (the lowest number was 2 children at Ilūciems Prison, and the highest was 13 children at SKII "Naukšēni") and, in accordance with the established methodology, 3 officials of the respective establishment including representatives of administration and support staff and the official performing the child supervising function.

A representative of the Prison Administration (IEVP) – the authority implementing the governmental policy in the application of detention as a measure of security and deprivation of liberty as the measure of criminal sentence. Further, the IEVP as well as psycho-neurological hospitals, the center for accommodation of detained foreign nationals "Daugavpils", the Ministry of Welfare (regarding VSAC – State social care centers) and the State Police (regarding short-term detention facilities) as well as the institutions to which the monitoring visits had been made were asked to

provide information about the number of children placed in the said institutions in 2013 and 2014, respectively. The State Inspectorate for Protection of the Rights of Children (VBTAI) as the institution supervising and controlling observation of the rights of children in Latvia was asked to provide information about the number of children who had filed written applications regarding potential infringement of their rights during their accommodation in a closed-type facility in 2013 and 2014, respectively.

The National Report contains description of all institutions in Latvia where the children deprived of liberty are accommodated, as well as analysis of the normative regulations regarding the mechanism of filing complaints in case of closed-type facilities.

The approach used within the framework of our study included both qualitative and quantitative investigation methods to provide analysis of the existing problems and answers to the questions posed within the framework of our study in numeric as well as in summarized form.

## 2. The international legal framework

This chapter contains an overview of the relevant international conventions to which Latvia is the State Party, followed by analysis of the recommendations issued by the treaty bodies and other international monitoring mechanisms.

### 2.1. The relevant human rights instruments and the status of ratification

No.	Human Rights Instrument	Signature/Date	Ratification/Accession status/Date
1.	Convention on the Rights of the Child (CRC)	-	14 April 1992
1.1.	Optional Protocol to the Convention on the Rights of the Child on a communications procedure	NA	NA
2.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	-	14 April 1992
2.1.	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	NA	NA
3.	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	11 September 1997	10 February 1998
4.	European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)	10 February 1995	27 June 1997
5.	European Social Charter (ESC)	29 May 2007	26 March 2013
5.1.	Amending Protocol on Collective complaint procedure	NA	NA

## 2.2. Recommendations of international monitoring bodies and inspectorates and complaint mechanisms available to minors under these Conventions

### Committee on the Rights of the Child

The UN Committee on the Rights of the Child (Committee)<sup>1</sup> has made the following recommendation in their Concluding Observations of 2006 in relation to the administration of juvenile justice:

1) The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, in the light of the recommendations adopted by the Committee on its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238) and other relevant international standards in this area;

2) The Committee also recommends that the State party undertake more specific measures in order to:

(a) Ensure that juveniles in detention and pretrial detention have access to legal aid and to independent and effective complaints mechanisms, and have the opportunity to remain in regular contact with their families;

(b) Provide educational instruction for juveniles in detention and pretrial detention, and significantly improve the living conditions in these facilities;

(c) Ensure that deprivation of liberty, including pretrial detention, is used as a measure of last resort, and for the shortest time possible, as authorized by the court through strengthening of procedures to facilitate expedited processing in accordance with internationally accepted guarantees for the right to a fair trial; and

(d) Develop and implement alternatives to deprivation of liberty, including probation, mediation, community service or suspended sentences, and measures to effectively prevent and address drug- and/or alcohol-related delinquency.

The Committee remained concerned at the reported increase in alcohol-related offences. The Committee was also concerned that juveniles are often held in pretrial detention for long periods without judicial oversight as well as about allegations of mistreatment in detention.

In relation to the refugee children the Committee expressed concern that asylum-seekers and their children may be held at the border at inadequate detention facilities without access to medical care, and deported without access to legal counsel. The Committee was concerned that children born to parents who are asylum-seekers cannot be issued formal birth certificates. In this regards further recommendations was made:

(a) Undertake measures to ensure the availability of adequate facilities for refugee children in Latvia, including access to legal counsel and medical care, as well as the availability of education, irrespective of the status of the refugee child;

(b) Ensure that asylum-seeking children, including separated children, are only detained when it is necessary to protect their best interest and for the shortest time possible, and take into account article 37 of the CRC and general comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin (2005);

(c) Ensure that the births of children born to asylum-seekers are immediately registered in accordance with article 7 of the CRC;

(d) Take steps to broaden the definition of "family" in the Asylum Law to promote family reunification; and

(e) Create training programs related to the principles and provisions of the Convention for border guards, police and judiciary.

On 23<sup>rd</sup> October 2013 Latvia submitted combined third to fifth periodic reports of States parties due in 2009<sup>2</sup> for the period from 2004 till 2012. The Committee will consider reports of Latvia during the 71 session in January 2016.

It has to be noted, however, that the period for reporting to the Committee specified in Article 44 para 1.b) of the UN Convention on the Rights of the Child, unfortunately is not complied with by

<sup>1</sup> UN Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Latvia (CRC/C/LVA/CO/2, 28 June 2006). Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LVA/CO/2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LVA/CO/2&Lang=en)

<sup>2</sup> UN Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Combined third to fifth periodic reports of Latvia due in 2009 (CCPR/C/LVA/CO/3, 21 November 2014). Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLVA%2f3-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLVA%2f3-5&Lang=en)

Latvia. As a result of such delay, the provided information refers to the issues that have occurred long ago and that are presently out of date.

It should be noted, however, that significant improvements have been made since 2006 in the field of juvenile justice, and positive trend can be observed regarding the reduction of the number of convicted juveniles.

- The number of juveniles kept in prisons has notably decreased (191 in 2006, against 46 in<sup>3</sup>), mainly because of amendments to the law (reduced application of deprivation of liberty to juveniles) as well as decrease of the total number of convicted juveniles (1420 in 2004, against 595 in 2013 (2013)<sup>4</sup>). Notwithstanding that the total number of crimes has decreased, the total number of less severe crimes committed by juveniles (the net ratio) has increased<sup>5</sup>. In respect of decrease of the total number of convicted juveniles, it should be noted, however, that the total population of Latvia has experienced notable decrease<sup>6</sup>.
- Implementation of the project for improvement of living conditions of the convicted juveniles in accordance with the standards of the developed Member States of the European Union was completed in 2011 at Cēsis Educational Facility for Juveniles. The building for implementation of deprivation of liberty sentences was built during the period from 2009 to 2011, and the administration block was renovated as well as the block for accommodation of the convicted persons.
- The juvenile prisoners are proactively involved in re-socialization programs. Cēsis Educational Facility for Juveniles and the Ilūciems Prison are the two leaders in the implementation of re-socialization programs; such programs envisage involvement of juveniles in abuse prevention classes, Christian education programs, activities aimed at behavior adjustment and development of social skills, as well as programs for sexual criminals and stress reduction programs, etc.<sup>7</sup>

The Chief of Cēsis Educational Facility for Juveniles pointed out that the number of juvenile crimes committed by minors under the influence of alcohol or toxic matters still remained very high.

Enactment of a new Asylum Law is expected in Latvia this year in order to ensure full uptake of the requirements imposed by legal acts of the European Union in the field of asylum, thus laying foundation for improvement of harmonized, effective asylum system with provision for the rights of persons. It should be pointed out, however, to a number of existing problems related to the provision of rights in case of unaccompanied minor children, for example, in terms of punishment of unlawful border crossing, placement into short-term detention facilities, failure to provide education and to support reunion of families, etc.

### **The European Convention on Human Rights and Fundamental Freedoms and the European Court of Human Rights**

Latvia has ratified the ECHR on 27 June 1997. Subsequently, it acceded to several Protocols to the Convention. On the basis of the ECHR, persons (legal representative on behalf of a minor) alleging a violation by Latvia of their rights set forth in the Convention may lodge applications with the European Court of Human Rights (ECtHR).

The ECtHR has dealt with 503 applications concerning Latvia in 2014, of which 484 were declared inadmissible or struck out. It has delivered 19 judgments (concerning 19 applications), and in 16 of them at least one violation of the ECHR established.

The ECtHR have not rendered any judgment in the cases against Latvia relating to children's deprivation of liberty.

### **The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT Committee) is making regular visits to the closed-type facilities in Latvia. The CPT Committee has made several visits to Latvia: from 24 January to 3 February 1999; from 25 September to 4 October 2002; from 5 May to 12 May 2004; from 27 November to 7 December 2007;

<sup>3</sup> Public Overview by the Prison Administration of 2013, p.p. 15.

<sup>4</sup> Bulletin of the Latvian Academy of Science, 14 July 2014.

<sup>5</sup> Overview of the situation of juvenile criminality, the children victims of crime and the issues of crime prevention in 2013, p.p. 3

<sup>6</sup> Size of population and the key indices of natural movement (27.02.2015). Available at: <http://www.csb.gov.lv/statistikas-temas/iedzivotaji-galvenie-raditaji-30260.html>

<sup>7</sup> Public Overview by the Prison Administration of 2013, p.p. 36-37.



from 3 December to 8 December 2009; from 5 September to 15 September 2011; and from 12 September to 17 September 2013.

The CPT Committee pointed out in their report on the visit to Latvia made on 27 November – 7 December 2007<sup>8</sup> that “it is a matter of serious concern that, according to police officers and detained persons met by the delegation, apprehended persons (including juveniles) were frequently subjected to informal questioning, without the presence of a lawyer, prior to the taking of a formal statement (in the lawyer's presence). One police officer affirmed to the delegation that, from his personal experience, in almost 50% of cases a confession was obtained during such informal questioning. Such a state of affairs is not acceptable. The CPT committee calls upon the Latvian authorities to take all necessary steps to ensure that the right of access to a lawyer is enjoyed by all persons obliged to remain with the police, as from the very outset of their deprivation of liberty.”

The following opinion was issued by the CPT Committee regarding the conditions at the Cēsis Educational Facility for Juveniles:

- a) The management at Cēsis Educational Facility for Juveniles and Daugavpils and Jelgava Prisons to be instructed to remind their staff that all forms of ill-treatment of prisoners (including verbal abuse) are not acceptable and will be the subject of severe sanctions;
- b) The CPT encourages the Latvian authorities to redouble their efforts to find a way to replace large dormitories with smaller living units at Cēsis Educational Facility for Juveniles;
- c) The Latvian authorities to withdraw from service, without any further delay, the entire remand detention block at Cēsis Educational Facility for Juveniles, pending the renovation of the detention block;
- d) Special training to be organized for prison officers assigned to work with juvenile prisoners at Cēsis Educational Facility for Juveniles and juvenile units of other prisons in Latvia;
- e) The state of repair of the sanitary facilities on both floors of the accommodation area for convicted prisoners at Cēsis Educational Facility for Juveniles should be improved;
- f) Steps should be taken to review the system of “self-governance” at Cēsis Educational Facility for Juveniles.

In this regard the Republic of Latvia responded<sup>9</sup> that pre-trial detention division in Cēsis Educational Facility for Juveniles had been closed as suggested by the Committee. (...) In addition, the project “Elaboration of Prison Building Standards” was drafted by the Latvian Prison Administration for reconstruction of Cēsis Educational Facility for Juveniles<sup>10</sup>. (...)

The Head or Deputy Head of the Prison conduct daily briefings for their personnel (guards), in order to enforce personnel control over the matters concerning prohibition of torture, inhuman, cruel or humiliating treatment of prisoners. The project “Increase of personnel capacity in the system of probation and places of imprisonment of Latvia” was launched in September 2008. Training programs for prison personnel were developed and training of personnel was arranged within the framework of the project.

A self-government organization of convicts is operated at Cēsis Educational Facility for Juveniles. Representatives of administration of the establishment manage the functioning of the self-government organization. The prisoners engaged in this organization provide positive example to foster positive attitude of others towards socially useful events and norms. The self-government organization of convicts indulges in sport, educational and other activities.

Training of 44 officers of supervising unit in the interrelation with prisoners was scheduled according to the training programs for the staff of Cēsis Educational Facility for Juveniles for the years 2008/2009.

The CPT Committee pointed out in their report<sup>11</sup> on the visit to Latvia on 5 September – 15 September 2011 to the problems related to “safeguards against the ill-treatment of persons deprived of their liberty in Psychiatric Clinic of Piejūras Hospital in Liepāja.”

<sup>8</sup> Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 27 November to 7 December 2007 (CPT/Inf (2009) 35, 15 December 2009). Available at: <http://www.cpt.coe.int/documents/lva/2009-35-inf-eng.pdf>

<sup>9</sup> Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 November to 7 December 2007 (CPT/Inf (2009) 35, 15 December 2009). Available at: <http://www.cpt.coe.int/documents/lva/2009-35-inf-eng.pdf>

<sup>10</sup> See para 2.2. „Committee on the Rights of the Child”

<sup>11</sup> Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 15 September 2011 (CPT/Inf (2013)21, 27 August 2013). Available at: <http://www.cpt.coe.int/documents/lva/2013-21-inf-eng.pdf>



Some detained juveniles told the delegation that they had been interviewed by the police without the presence of either their parent/tutor or a lawyer. The CPT committee recommends that steps be taken to ensure that juveniles do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer (and, in principle, of a trusted adult person) being present and assisting the juvenile.

The delegation was informed by the Clinic's director that, after the completion of the refurbishment program, it was envisaged to set up a special ward for the elderly patients and to move the children's ward to more suitable (less "hospital-like") premises.

The delegation noted that efforts were being made to provide the children and juveniles among the patients with some activities and diversions adapted to their needs (including music therapy three times per week, toys, games, books and access to a PC). However, it was clear that more needed to be done: one hour of individual tuition per week (reserved only for the children staying at the Clinic for longer than two weeks) is hardly sufficient, and the lack of sports activities for patients of this age constitutes another significant shortcoming.

The Committee also recommends that efforts be made to involve more patients at the Psychiatric Clinic of Piejūras Hospital in Liepāja in recreational activities adapted to their needs, in particular as regards the children/juveniles.

Fixation was never applied to children and juveniles; the CPT committee welcomes this.

The Republic of Latvia responded<sup>12</sup> that the State Police College provided training on the matters related to the protection of the rights of children

The Ministry of Health agrees with the recommendation of the CPT Committee, and an utmost solution will be sought in refurbishing/construction works to create smaller and more personalized rooms in the Clinic. With a support from the European Regional Development Funds it was planned to renovate the inpatient facilities, inter alia, the children's ward and the elderly patient's (gerontology) ward of the Clinic.

Psycho-social rehabilitative activities are available in the Clinic from the following specialists: ergo-therapist, music therapist, movement and art therapist. The Ministry of Health agrees with the recommendation of the CPT Committee to extend the above-mentioned therapeutic options, which are currently limited due to the lack of suitable premises.

The CPT Committee pointed out in their report<sup>13</sup> on the visit to Latvia on 12 September – 17 September 2013 to the problems identified at short-term detention facilities (STDFs).

It remains the case that persons placed in a remand prison are frequently – and often repeatedly – returned to police detention facilities, if this is considered necessary for the purposes of the investigation or the court proceedings. The law still does not set any time limits for such returns and, in the police establishments visited, the length of such periods of detention varied from several days to more than a month. By way of example, at Dobeles Police Detention Facility, the delegation met a juvenile remand prisoner who had been returned from Cēsis Educational Facility for Juveniles to that facility three times during the period from early July to mid-September 2013 (on one occasion, for 13 days). As stressed by the CPT in the past, from the standpoint of the prevention of ill-treatment, but also in view of the poor conditions prevailing in certain police detention facilities, it is far preferable for further questioning of persons committed to a remand prison to be undertaken in prison rather than on police premises. The CPT committee once again calls upon the Latvian authorities to take steps – including of a legislative nature – to ensure that the return of prisoners to police detention facilities is sought and authorized only very exceptionally, for specific reasons and for the shortest possible time. Such a return should in each case be subject to the express authorization of a prosecutor or judge; it should never be effected by the sole decision of a police investigator.

The CPT committee learned that all police detention facilities had been equipped with an outdoor exercise yard. This is a welcome development. However, it is a matter of concern that detained adults were still generally allowed access to the open air for only 30 minutes per day, despite the specific recommendation made by the CPT committee after previous visits. In this connection, the delegation was informed by the Latvian authorities that a circular had been issued by the Head of the State Police in January 2013, providing, *inter alia*, that persons detained for longer than 24 hours be

<sup>12</sup> Response of the Latvian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Latvia from 5 to 15 September 2011 (CPT/Inf (2013)21, 27 August 2013). Available at: <http://www.cpt.coe.int/documents/lva/2013-21-inf-eng.pdf>

<sup>13</sup> Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 12 to 17 September 2013 (CPT/Inf (2014)6, 11 March 2014). Available at: <http://www.cpt.coe.int/documents/lva/2014-06-inf-eng.pdf>

offered, to the extent possible, one hour of outdoor exercise per day. However, as far as the delegation could ascertain, in none of the detention facilities visited were staff aware of the existence of this circular. Further, it appeared that in some police establishments, juveniles were sometimes offered less than one hour of outdoor exercise (contrary to the legislation in force).

The CPT committee reiterates its recommendation that all persons who are detained by the police for 24 hours or more be offered outdoor exercise, and that anyone held in a police detention facility for more than 48 hours be entitled to at least one hour of outdoor exercise every day.

The republic of Latvia responded<sup>14</sup> that it should be noted that remand prisoners are not held at STDF without justified necessity and after implementing all the necessary investigative activities they are immediately escorted to investigation prisons. It should be emphasized that suspect are without undue delay provided with the possibility to be escorted to investigation prisons. However, to ensure a normal conduct of criminal proceedings, in order to establish the facts of the case and to achieve the purpose of criminal proceedings, it is sometimes necessary to immediately undertake relevant and urgent investigative measures. Therefore, the authority responsible for the relevant stage of the proceedings has the right, within the proscribed limits of the law, to make any procedural decision and take any procedural action. Restricting the above – mentioned rights of that authority to „very exceptional” cases and „specific reason” could have a negative impact on the swift conduct of an investigation. The Criminal Procedure Law stipulates that a person detained for a short time in custody as provided by law, as certain facts provide reasonable grounds to believe that the person has committed a criminal offence, can be deprived of freedom for a period of up to 48 hours from the actual moment of detention. In a number of cases, due to objective circumstances, it is not possible to establish and record all the circumstances of the crime committed and carry out all the required procedural actions involving the detainee. Therefore, where a decision is made to remand in custody a suspect as a security measure, a necessity may arise during that time to transfer that person to a STDF to carry out the required procedural actions that cannot be undertaken in an investigation prison. The situation also applies to convicted inmates if their link with other criminal proceedings in the stage of pretrial investigation has been established. Besides, it should be noted that chairpersons of district (city) courts and regional courts are encouraged to use video-conferencing on a larger scale to preclude a lengthy stay of juveniles at the STDFs, thus ensuring that juvenile prisoners enjoy rights set out in the Sentence Execution Code of Latvia and law on the Procedure for Holding Detained Persons.

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

### **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

OPCAT has not been ratified by the Republic of Latvia, and therefore no preventive control mechanism is established in Latvia for preventing torture and otherwise degrading treatment at closed-type facilities. In this respect, the Ombudsman applied on 17 February 2012 to the Prime Minister asking to clarify his position regarding the possible accession to and ratification of the Optional Protocol. The Cabinet pointed out in their reply of 30 March 2012 that the issue of ratifying the OPCAT would become urgent in future, and also noted that the scope of the Ombudsman's mandate largely corresponded with the criteria listed in Chapter IV of the OPCAT in respect of the national preventive mechanism (NPM).

### **The Ombudsman Office**

Monitoring visits to close-type facilities accommodating juveniles are conducted by the national Ombudsman institution (the Ombudsman Office). According to Section 11 of the Ombudsman Law, the Ombudsman shall have the following functions: 1) to promote the protection of the human rights of a private individual; 2) to promote the compliance with the principles of equal treatment and

<sup>14</sup> Response of the Latvian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Latvia from 12 to 17 September 2013 (CPT/Inf (2014)6, 11 March 2014). Available at: <http://www.cpt.coe.int/documents/lva/2014-06-inf-eng.pdf>

prevention of any kind of discrimination; 3) to evaluate and promote the compliance with the principles of good administration in the State administration; 4) to discover deficiencies in the legislation and the application thereof regarding the issues related to the observance of human rights and the principle of good administration, as well as to promote the rectification of such deficiencies; and 5) to promote the public awareness and understanding of human rights, of the mechanisms for the protection of such rights and the activities of the Ombudsman. Section 13 para 3 of the Ombudsman Law stipulates that the Ombudsman has the right at any time and without a special permit to visit closed-type institutions, to move freely within the territory of the institutions, to visit all premises and to meet in private the persons held in closed-type institutions. Para 4 of the said Section stipulates that the Ombudsman has the right to hear the opinion of a child without the presence of his or her parents, guardians, employees of educational or child care and instructional institutions, if the child so wishes. The Ombudsman and the staff of the Ombudsman Office are visiting not only the prison facilities where children are accommodated but also other closed-type facilities for juveniles.

The following inspection visits have been made to the closed-type facilities for juveniles: in 2014 to PNS "Ainaži"; in 2013 to the Children Psycho-Neurologic Ward of VSIA "Piejūras slimnīca" in Liepāja and to VSIA Daugavpils Psycho-Neurologic Hospital; in 2012 to the Psychiatric Clinic of VSIA "Piejūras slimnīca"; to VSIA Psycho-Neurologic Hospital "Ģintermuiža"; to PNS "Ainaži"; to VSIA "Rīga Psychiatry and Narcology Center"; to VSIA "Children Clinical University Hospital" at Gailezers; to Ilguciems Prison, and to Cēsis Educational Facility for Juveniles; in 2011 to PNS "Ainaži"; to the Psychiatric Clinic of VSIA "Piejūras slimnīca"; to the Psycho-Neurologic Hospital of VSIA "Ģintermuiža"; to VSIA "Daugavpils Psycho-Neurologic Hospital"; to VSIA "Rīga Psychiatry and Narcology Center"; to VSIA "Children Clinical University Hospital" at Gailezers; to VSIA Daugavpils Psycho-Neurologic Hospital; to Rīga Branch and Pļavnieki Branch of VSAC "Rīga"; to Liepāja Branch of VSAC "Kurzeme"; to Kalkūni Branch of VSAC "Latgale".

The place and purpose of monitoring visit was selected in accordance with the information received at the Ombudsman Office by telephone or in writing (in forms of applications or in electronic form) and also at the Ombudsman's initiative for investigation of specific issues. Recommendations are issued to the competent institutions following multiple visits of similar closed-type facilities. Repeated visits are made to follow up the response to the issued recommendations. Where the need for amendments to the regulatory acts is identified after the visit, we work with the competent institutions on the introduction of amendments to the normative regulations. Most of the recommendations issued by the Ombudsman are available on our website [www.tiesibsargs.lv](http://www.tiesibsargs.lv), and as a rule they are sent to the competent institutions.

Any applications filed in relation to eventual infringements of the rights of children, including applications received from closed-type facilities, are examined as soon as practicable, and as a rule within one month. The Ombudsman then decides on the institution of inspection case either pursuant to Section 24 para 1 of the Ombudsman Law or at his own initiative. Information is requested from the competent institutions in the course of inspection case already (eventually during the stage of reviewing the application), including by telephone and in electronic form if the case is urgent. On certain occasions, if the received information is alarming and requires immediate reaction, a decision is adopted on visiting the closed-type facility in question. Applications concerning potential infringements of the rights of children are reviewed on priority basis. Where the inspection case is finalized, an opinion of recommending nature is issued. The minors and/or their legal representatives are informed about the functions and tasks of the Ombudsman, as well as about the rights of such persons including the right to apply for assistance to the Ombudsman Office, during the visits as well as in their complaints replies to.

### 3. The national legal framework

This Chapter contains description of the normative regulation applicable in the Republic of Latvia to prison facilities and the institutions where children deprived of liberty are placed, as well as statistic data regarding the number of children at such institutions, and the mechanisms for filing and handling complaints in accordance with the normative regulations of the Republic of Latvia.

### 3.1. Legal framework for the deprivation of liberty of children

Pursuant to the regulatory acts of the Republic of Latvia, a child who commits an administrative offence or crime can be called to criminal liability if he or she has reached the age of 14 years.

If a child commits any actions subject to criminal liability, or commits an administrative offence, and identification of the child for executing the administrative offence protocol is impossible, the child shall be taken to the police division. A child may be detained for the maximum period of 4 hours in the event of administrative offence or for the purpose of identification. According to the Criminal Procedure, a minor may be detained without obtaining decision of the investigating judge for the maximum period of 48 hours, provided that conditions for detention exist. The child brought to police may not be placed together with adult offenders, and the child is subject to continuous supervision by adults<sup>15</sup>.

The rights of a child detained, arrested or kept in detention for an administrative or criminal offence are guaranteed by the laws that prescribe administrative liability and regulate the criminal procedure or service of sentence<sup>16</sup>. Deprivation of liberty in case of children is governed in Latvia by the Criminal Law, the Criminal Procedure Law and the Penalty Enforcement Code of Latvia as well as the Law on Detention Procedure. In case of administrative liability, a child may be called to account in accordance with the norms of Administrative Offence Code of Latvia.

Detention may be applied on the grounds of court ruling as a security measure to a juvenile suspected or accused in criminal proceedings. If a juvenile is kept in custody, the procedure is regulated by certain norms of the law on Detention Procedure to ensure that the rights of a child are guaranteed to the maximum possible extent during the detention.

Given that a child may not be called to criminal account unless he or she has reached the age of at least 14 years at the time of commitment of the delict, the status of suspect or accused is also not applicable to a child under 14 years of age at the time of commitment of the criminal offence. Therefore, a child may not be detained unless he or she has reached the age of 14 years.

At present, the detained male juveniles are placed into the Cēsis Educational facility for Juveniles; such treatment deserves appreciation because the premises of Cēsis Educational Facility are newly built, equipped and furnished to meet the needs of children. The sentences juveniles are kept separately from the detained ones. The detained female juveniles are placed in Ilūciems Prison for Females together with the convicted juveniles. Formally, such treatment constitutes a breach of regulatory acts, however neither the Prison Administration nor the Administration of Ilūciems Prison intend to make any major changes in such procedure, allegedly because of the very small number of detained or convicted minor juveniles so that re-planning of premises is not reasonable. Minor juveniles are kept separately from convicted adult females. The total duration of detention may not exceed 1w months (the maximum term applicable to minor juveniles suspected or accused of commitment of an especially severe crime)<sup>17</sup>.

The most relevant requirement envisaged by the legislator in case of accused juveniles is a mandatory participation of a defense counsel at a court meeting. Participation of a defense counsel is a must in case of accused minor person<sup>18</sup>. If the above requirement is not met the case has to be tried repeatedly. Therefore, participation of a defense counsel is mandatory even without express intention of the minor, and waiver of defense by the minor is not binding upon the prosecuting authority. If the person has reached no agreement with defense counsel, a defense counsel shall be provided by the prosecuting entity<sup>19</sup>.

It should be noted in this respect, however, that the mechanism established in our country for exempting persons from payment of attorneys' fee on the grounds of their financial position is not adequately effective. Notwithstanding that participation of a defense counsel at criminal proceedings against minor persons entitled to defense is a mandatory requirement prescribed by the Criminal Procedure Law, the Law does not provide for free exercising of such right. A minor may only be exempted from attorney's fee if the person waives the attendance by defense counsel or applies for exemption from such fee due to lack of funds, provided that the proof of such lack is presented to the court.

<sup>15</sup> The Rights of Children Protection Law, Section 59 and Section 60 part Two.

<sup>16</sup> Ibid, Section 57.

<sup>17</sup> The Criminal Procedure Law, Section 278

<sup>18</sup> The Criminal Procedure Law, Section 83, part One, para 1

<sup>19</sup> The Law on State-Provided Legal Assistance, Section 19 part Two



The security measures applicable to minors are the same as in case of adults; the law prescribes, however, two security measures that are only applicable to minors, namely:

- 1) Placement under supervision by parents or guardians; or
- 2) Placement in a special corrective educational establishment.

There is only one special corrective educational establishment in Latvia at present, and it is situated in Naukšēni<sup>20</sup>. As a rule, the children placed there have not reached the age of criminal liability, and their offence is considered in accordance with the Law on Application of Educational Means of Restrain, rather than the norms of the Criminal Law.

If a minor suspect is sentenced to deprivation liberty and the judgment comes into legal effect, such minors are placed, depending on their gender, in prison facilities: a separate ward at Ilģuciems Prison for Females in the form of Educational facility for juveniles, or the Cēsis Educational facility for Juveniles.

Deprivation of liberty in case of children may not exceed: ten years in case of especially severe crimes; five years in case of crimes related to violence or threat of violence with severe consequences; two years in case of other severe crimes. No deprivation of liberty is applicable to juveniles for delicts and less severe crimes.<sup>21</sup>

Juveniles are kept in prison facilities separately from adults.<sup>22</sup> In order to strengthen the results of re-socialization and to enable completing of general education or professional training, the persons who have reached the age of 18 years may be kept at the Educational facility for juveniles by decision of the assessment committee till the end of academic year or till the end of their service period, however no longer than till the age of twenty-five years. A convicted person who has reached the age of twenty-five years may be kept on exceptional basis at the education establishment for juveniles till the end of academic year by decision of the assessment committee.<sup>23</sup>

The regulation applicable in Latvia to adult juveniles who reach full age at a prison facility is much more positive than required by the international standards, and therefore the convicted persons who have reached full age have the possibility to continue service of their sentence together with minor persons, until they reach the age of twenty-one years. The above-described regulation serves the legitimate purpose of strengthening the results of re-socialization and completion of the education stage. The convicted juveniles have the opportunity to pursue continued education. The learning process at prison facilities for juveniles is approximated to the requirements of a general education establishment. The convicted juveniles quite frequently resume their education at prison because they have not attended school while in liberty. They also have the possibility to attend interest education classes and sports.

The Law also provides for the possibility for a convicted juvenile to leave the territory of the facility with the permit of the Head of Prison for the period required for passing examinations at a general or professional education establishment. The educational establishment shall provide supervision of the convicted juvenile during such period.

Each and every child placed in an establishment where the child's liberty is subject to restriction, has the right to file an application with the competent institutions for protection of the rights of children. Correspondence by convicted persons with the UN institutions, the Saeima Commission for Human Rights and Public Affairs, the Ombudsman Office and the prosecutor's office, court and defense counsel, as well as correspondence by a convicted foreign national with the diplomatic or consular mission of their country or the country authorized to represent the interests of such person shall be subject to no inspection<sup>24</sup>. The Head of Facility shall ensure that any application is promptly sent to the intended recipient.

### 3.2. Mapping of the detention facilities

There are 8 types of detention facilities for children in Latvia: 1) STDFs; 2) educational establishments for juveniles; 3) social corrective education establishments; 4) psycho-neurologic hospitals; 5) the center for accommodation of detained foreign nationals; 6) preventive establishment; 7) VSAC; and 8) rehabilitation establishments for children with alcohol, drug and other psycho-active substance addiction.

<sup>20</sup> The Criminal Procedure Law, Section 243

<sup>21</sup> The Criminal Law, Section 65, part Two

<sup>22</sup> Penalty Enforcement Code of Latvia, Section 18

<sup>23</sup> Ibid, Section 50.<sup>7</sup> part Four.

<sup>24</sup> Penalty Enforcement Code of Latvia, Section 50, part Three

### Short-term detention facilities

STDFs are specially equipped premises of the State Police and Security Police for accommodating and keeping in custody the detained juveniles of different categories: 1) minor persons to whom detention is applied as a procedural measure of restraint in criminal proceedings, provided that grounds for detention exist, for the maximum period of 48 hours without decision of the investigation judge; 2) minor persons subject to administrative detention for the maximum period of 4 hours; 3) detained and convicted juveniles for application of procedural steps<sup>25</sup>.

The detained persons in STDFs are kept in cells. The detained male and female juveniles as well as adults are placed separately by genders. The juveniles subject to administrative detention and those detained within the framework of criminal proceedings are kept separately from the persons kept in custody and convicted persons. Continuous supervision, monitoring and guarding is ensured for the persons placed in STDFs. Any persons visiting STDFs and any items brought for the detained persons are subject to inspection. A separate bed, bedding and a towel is provided for each detained person. There are toilet facilities in each cell, a shelf fixed on the wall and an alarm button for calling a police official in case of cells out of visibility by the police staff. Lodging is provided for detained persons three times a day including one substantial meal, and potable water is always available. Different norms of food and different time for walks is prescribed for juveniles and adults placed in STDFs. A detained juvenile kept at STDF in excess of 24 hours has the right to walk in fresh air during at least one hour. In total, there are 23 STDFs of the State Police in Latvia (in Riga, Jūrmala, Ogre, Daugavpils, Rēzekne, Aizkraukle, Bauska, Dobeles, Jēkabpils, Jelgava, Tukums, Alūksne, Cēsis, Gulbene, Limbaži, Madona, Valka, Valmiera, Liepāja, Saldus, Talsi, Ventspils, and Kuldīga). The total number of juveniles placed at STDFs of the State Police in 2013 was 685, and in 2014 it was 631.

### Educational Facilities for Juveniles

Convicted male juveniles serve their deprivation of liberty at educational establishments for juveniles. Convicted female juveniles serve their deprivation of liberty at a separate ward in female prison equipped as an Educational facility for juveniles. There are two facilities for convicted juveniles: male juveniles are placed in the Cēsis Educational facility for Juveniles, and female juveniles serve their deprivation of liberty at the Juvenile Ward of Ilūciems Prison in Riga. The Cēsis Educational facility for Juveniles is operated by the PA subordinated to the Ministry of Justice.

Educational work is performed with juveniles at the Cēsis Educational facility for Juveniles and at the Juvenile Ward of Ilūciems Prison. All children must complete primary education. The educational process is approximated to the requirements of a general education establishment. Professional education is also available to male and female juveniles, so that they can master a certain profession and get the diploma. The juveniles have access to psychologist, chaplain services, and health care services.

According to the Penalty Enforcement Code of Latvia, a convicted minor has the right:

- 1) To utilize 15 long-duration visits from 36 to 48 hours with close relatives per year;
- 2) To utilize 12 short-duration visits from one and half hours to two hours per year;
- 3) To shop at the institution store without limits to the amount of money;
- 4) To use eight telephone calls per month;
- 5) To apply for help in the capacity of a victim of illegitimate actions against a convicted minor person;
- 6) To leave the territory of the facility with the permit of the Head of Prison for the period required for passing examinations at a general or professional education establishment. The educational establishment shall provide supervision of the convicted juvenile during such period.

The convicted minors who have reached the age of 18 years may be transferred to prison facilities for convicted adults, if the behavior of a convicted person excludes the possibility to keep them in Educational facility for juveniles or to release from sentence ahead of schedule. The convicted person is then transferred to the highest grade of a partially closed prison. In case of convicted persons who have reached the age of 18 years and kept according to decision of the assessment committee at the education establishment for juveniles the regime, conditions of work, and the norms of food, material and living conditions for minors apply. The convicted persons who have reached the age of 18 years at education establishment for juveniles may be kept at such education establishment no longer than till they reach the age of 25 years. No degrees of service are applicable to convicted juveniles.

<sup>25</sup> The Law on Accommodation Procedure for Detained Persons



There is a detention section at the Cēsis Educational facility for Juveniles where the detained minors are kept in custody. Detention may be applied by decision of the judge (court ruling) as a security measure to suspects, accused and convicted persons. The detained female minors are kept in custody at the Juvenile ward of Ilūciems Prison.

The detained juveniles, both male and female, are kept separately from adults. In the Juvenile Ward of Ilūciems Prison, however, convicted minors and detained minors are kept together. Given the small number of minors there (on 06.03.2015, for example, there were only 2 female minors kept in the Juvenile Ward of Ilūciems Prison), isolation of detained juveniles from the convicted ones would have negative rather than positive effect.

The detained juveniles have the right to receive money transfers and to buy food and prime necessities at the detention division shop; to communicate in writing with persons outside the detention facilities, and to use the telephone of detention division at least once a week for a call of at least 5 minutes; they also have the right to visit by relatives or other persons every week with the minimum duration of one hour; and a daily walk of at least one and a half hour. The walking areas for juveniles are equipped with the stock for physical activities<sup>26</sup>.

The detained juveniles participate at social rehabilitation, behavioral correction and education activities as well as culture and sports events in accordance with the daily schedule. The head of detention division may permit a detained juvenile to leave the territory of detention facility for the period necessary for passing examinations at a general or professional education establishment.

Summary of statistics for the years 2013 and 2014 shows that 6 female minors had been placed in the Juvenile Ward of Ilūciems Prison in 2013, including 4 juveniles sentenced to deprivation of liberty and 2 detained juveniles. In 2014, there were 7 female minors placed in the Juvenile Ward of Ilūciems Prison including 2 juveniles sentenced to deprivation of liberty and 5 detained juveniles.

23 convicted male juveniles were serving sentence and 23 juveniles were kept in detention at the Cēsis Educational facility for Juveniles as of 1 January 2013. The number of convicted male juveniles at the Cēsis Educational facility for Juveniles as of 31 December 2013 was 24, and the number of detained juveniles was 22. As of 31 December 2014, deprivation of liberty was served at the Cēsis Educational facility for Juveniles by 23 convicted juveniles, and 13 juveniles were kept in detention.

### **Social Corrective Education Establishment**

Pursuant to the Law on the Application of Educational Measures of Restrain to Juveniles, the SKII "Naukšēni" is operated in the county of Valmiera subordinated to the Ministry of Education and Science. Minors are referred to the social corrective education establishment exclusively on the grounds of a court ruling (decision of the judge). Educational measures of restrain may be applied to 11 to 18 years old minors. Placement in the social corrective education establishment is applied in case of juveniles who have committed socially dangerous offences stipulated in the Criminal Law. The Court (the judge) may release the minor from conviction, taking into consideration the particular circumstances of commitment of the criminal offence, and apply the educational measure of restrain – referral to the social corrective education establishment for juveniles. The juvenile then is not called to criminal account. A juvenile to whom the educational measure of restrain has been applied shall be deemed to have no convictions. Such measure shall nullify all and any criminal law consequences of the committed criminal offence.

Pedagogic work is performed with children at social corrective education establishment to provide completion of the mandatory basic education or to improve the quality thereof. Apart from that, children have the possibility to gain cooking, clothing design, metal work, woodwork, computer and other skills. Value education is provided by the Christian Ethics, the Youth Guards, music band and different kinds of sports. Children accommodated at the facility have the right to maintain contacts with their parents, guardians, friends and other persons in written form as well as in form of telephone conversations and personal visits, both long-term and short-term. The children also have the right to 2-days leave every month. Extra days of leave can be earned by exemplary behavior. The children can go home for leave. A psychologist is available at the establishment. Various programs are also aimed at reducing addiction problems of children.

30 children were admitted to SKII "Naukšēni" on 31 December 2013 including 25 boys and 5 girls, and the number of children at the establishment on 31 December 2014 was 27 including 23 boys and 4 girls.

<sup>26</sup> The Law on Accommodation Procedure for Detained Persons, Sections 13 and 18

### **Psycho-neurological hospitals**

Psychiatric aid for children is provided at 6 psycho-neurological hospitals in Latvia. Two of them are situated in Riga, one in Jelgava, one in Liepāja, one in Daugavpils, and one in Ainaži<sup>[1]</sup>. The Ministry of Health is responsible for the implementation of health care policy at psycho-neurological hospitals.

In-patient treatment at psycho-neurological hospital is required if no out-patient treatment can be provided. In practice, the most common grounds for in-patient treatment of children include various behavioral disorders (rude, aggressive, destructive behavior, theft, vagrancy, lying), demonstrative attempts of suicide; decompensation of psychical disorders in the form of behavioral disorders; mental development disorders with behavioral changes that require treatment, as well as behavioral and emotional disorders. Children can be referred to in-patient treatment at hospital by the staff of first medical aid service or a psychiatrist. In-patient treatment at psychiatric hospital is also available for the minors to whom medicinal measure of restrain – in-patient treatment at psychiatric hospital is applied by court ruling, and also for the purpose of in-patient forensic psychiatric expertise.

The total number of children places in psycho-neurologic hospitals in 2013 was 1451. 1157 children were referred for in-patient treatment in 10 months of 2014. Mandatory treatment at psycho-neurologic hospital on the grounds of court ruling on the application of medicinal measures of restrain was provided to 2 male juveniles. In 2014 also 2 male juveniles received such treatment in 2014.

Children may not be kept in hospital wards together with adults; in practice, however, in spite of repeated reprimands by the Ombudsman, juveniles are kept together with adults in a number of hospitals. Some hospitals apply restriction of physical mobility (fixation) to children for appeasement where necessary. Communication of children with their relatives is mainly provided in form of telephone calls and visits. Some hospitals provide the possibility to contact parents (legal representatives) and relatives on the Internet. Daily walks in open air are normally scheduled; in practice, however, some hospitals fail to provide regular walks. If the duration of a child's stay in hospital exceeds two weeks, the hospital is responsible for arranging learning classes in accordance with the general education program (type) tailored to the individual needs of each child<sup>27</sup>.

### **Center for Accommodation of Detained Foreign Nationals**

The Center for Accommodation of Detained Foreign Nationals is situated in Daugavpils. The Center for Accommodation of Detained Foreign Nationals is a structural unit of the State Border Guards of the Republic of Latvia subordinated to the Ministry of Interior. The Center accommodates the foreign nationals who have violated the procedure for entry and stay in Latvia prescribed by the Immigration Law, as well as the detained asylum-seekers. Detention is performed by officials of the State Border Guards in accordance with the Immigration Law.

A foreign national, including an asylum-seeker, may only be detained if he/she has reached the age of 14 years. A detained minor foreign national (including a child under 4 years accompanied by parents) is accommodated in the Center together with the parent or legal representative for subsequent implementation of the general deportation procedure. In case of a 14 to 18 years old minor foreign national unaccompanied by a parent or legal guardian, the State Border Guards promptly notify the Ministry of Foreign Affairs and the State Police and the Custody Court, and such minor is accommodated in a structural unit of the State Police (a preventive facility) or a child-care establishment. The deportation procedure is performed by the State Border Guards in collaboration with the Ministry of Foreign Affairs to ensure that the minor is taken into custody by the family or child-care establishment of the respective country. The Custody court is involved in the procedure to ensure that the child's best interests are observed. Similar accommodation procedure followed by deportation procedure also applies to a minor who is not subject to detention.

The items provided at the Center for Accommodation of Detained Foreign Nationals include clothes, footwear, hygiene articles in sufficient quantity (diapers, tooth-paste, and soap). Catering of children is arranged at the facility 3 times a day. Families and children are accommodated in properly furnished rooms, without any movement restrictions. Any visits are subject to approval by the Head of the Center. Such visits are arranged in a room especially intended for such purpose, with maximum duration of two hours for each foreign national. No more than two visitors may visit a foreign national at the same time. Appropriate medicinal care is provided for families with children. Leisure activities for

<sup>[1]</sup> Locations of psycho-neurological hospitals in Latvia are marked with green asterisk in Appendix No. 1

<sup>27</sup> Cabinet Regulations No. 253 of 04.04.2006 concerning the Procedure for Arrangement of Education outside Educational Establishment for Long-Term In-patients, para 14.

children are provided at walking area and in a play room, and their access to education is provided. 24 children accompanied by parents were placed in the Center for Accommodation of Detained Foreign Nationals "Daugavpils" in 2013. In 2014, the number of such children was 50 including 9 unaccompanied children. 3 of the 9 persons changed their birth data stating that they were of full age.

### **Prevention Facility**

The functions of prevention establishment are performed by the Juvenile Prevention Division of the State Police situated in Riga and subordinated to the Ministry of Interior. A child who has committed a delict or a child with social behavioral disorders may be placed in the prevention facility by the State Police<sup>28</sup>. A child may also be placed in the said facility in the event of failure to establish the child's identity and hand over the child to the parents, foster family, guardian or child care establishment left by him or her, unless detention is applied to the child as a measure of security. The Police shall place the child in the prevention facility for the period not exceeding five days, along with notice to the Custody Court and to the Social Service<sup>29</sup>.

Minor foreign nationals unaccompanied by parents or guardian are placed in the prevention facility if they have violated the procedure for entry and stay in the Republic of Latvia, and their identity has not been established<sup>30</sup>. 2 such minors are placed in the said facility every year, starting from 2012. A child is placed in the prevention facility for a short period until the State Border Guards in collaboration with the Consular Department of the Ministry of Foreign Affairs take all steps necessary to identify the child and transfer him or her into the custody of his/her legal representatives. Each and every occasion is notified to the Custody Court for appointing guardian to the child, where appropriate.

A child may also be placed in the prevention facility by decision of the judge for the period not exceeding 10 days if there are grounds to believe that the child would attempt to avoid placement in social corrective education establishment, or that threat to the life and health of the child or other persons eventually exists<sup>31</sup>. In practice, children are kept in the said facility no longer than two nights. On some occasions, children apply to the facility for assistance.

The prevention facility has two bedrooms for separate accommodation of male and female minors. There is an eat-in kitchen, a play room and a bath-room with toilet facilities there. The corridor of the facility is well visible. A minor person may freely move inside the premises of the facility, and the bedroom doors are not locked. Video surveillance is performed at the play room. The play room and the kitchen are equipped with an alarm button for calling the staff.

Primary examination of each child is performed by the facility personnel and fixed in examination protocol. The children also have access to medical aid where necessary. Children are divested of any prohibited items including mobile telephones for the sake of security. A minor person can always use the telephone of the official in charge, where necessary. The items provided to the minors include bedding, a towel, hygiene articles (a tooth-brush, tooth-paste, shampoo) as well as clean clothes as appropriate (other than footwear for outdoors). The provided catering includes four meals a day. The children are not taken for walk due to lack of walking areas and shortage of personnel because of the risk that a minor might attempt to escape.

228 children (164 boys and 64 girls) were placed in the prevention facility in 2013, and 176 children (123 boys and 53 girls) were placed there in 2014. Their age was mainly within the range of 13 to 17 years.

### **State Social Care Centers (VSAC)**

The VSACs subordinated to the Ministry of Welfare provide long-term social care and social rehabilitation services funded from the State budget: 1) to orphans and children left without parental care under 2 years; 2) to children with mental and physical development impairments under 4 years; and 3) to children with severe mental impairments in the age range from 4 to 18 years.

Orphans and children left without parental care under 2 years are placed in VSACs on the grounds of decision on out-of-family care adopted by Custody Court, if their care and up-bringing by foster family or guardian is not available. In case of other children with severe impairments of mental and physical development, accommodation at a State social care center is provided on the grounds of

<sup>28</sup> Protection of the Rights of Children Law, Section 38 part Three.

<sup>29</sup> Ibid, Section 60 part Two.

<sup>30</sup> The Immigration Law, Section 51; Cabinet Regulations No. 707 of 16.12.2003 concerning the Procedure for Entry and Stay in the Republic of Latvia by Minor Foreign Nationals unaccompanied by Parents or Guardians.

<sup>31</sup> The Law on Application of Educational Measures of Restrain to Children, Section 13 part Three.

opinion issued by a social worker<sup>32</sup>, i.e., if no in-patient treatment is required yet the scope of necessary service exceeds the scope of service provided by care house, day care center or municipal long-term social care establishment.

VSACs provide accommodation, daily care, the first medical aid, registration with a family physician and treatment prescribed by the family physician, as well as social rehabilitation (household and self-care skills) and support in problem-solving. Accommodation of children in the establishment is fully funded from the State budget. The items provided for the children include footwear, clothes, bedding and accessories as well as personal hygiene articles and the necessary technical means, where appropriate. Catering of children is provided at least four times a day. The layout and furnishing of premises as well as the number of children accommodated in a room is provided in accordance with the hygiene requirements prescribed by regulatory acts in respect of social care establishments<sup>33</sup>. The VSACs provide to the accommodated children access to education tailored to the development level and skills of each child. According to the regulatory acts, liberty of the persons accommodated in state social care establishments may not be restricted, however, taking into consideration the age of children placed in such facilities and their health and development that requires continuous presence of a care-taker, as well as the fact that children are not allowed to leave the establishment without being accompanied, VSACs may be qualified as liberty restricting establishments.

There are 7 VSACs for children in Latvia: in the counties of Baldone, Liepāja, Talsi and Daugavpils, and three establishments situated in Riga. 5000 children were placed in VSACs in 2013 (274 boys and 226 girls), and in 2014 the total number of children was 424 (245 boys and 179 girls).

### **Rehabilitation Establishment for Children with Addiction to Alcohol, Drug or other Psycho-Active Substances**

According to the Rights of the Child Protection Law, a child mandatory treatment and social rehabilitation shall be provided to a child with psychical or behavioral disorders caused by alcohol, narcotic, psychotropic or other intoxicating substances. Social rehabilitation is possible if the child has completed the treatment and motivation course at a narcologic treatment institution or with a narcologist for motivation of the child to rehabilitation. If a child or his/her parents refuse their consent to mandatory treatment, such treatment can be performed with the consent of Custody Court at the child's place of residence.

Social rehabilitation services are provided by juvenile rehabilitation unit "Saulrīti" of the Share Company of the Ministry of Health "Straupe Narcologic Hospital" situated in the parish of Straupe, county of Cēsis. The rehabilitation program is implemented in accordance with the requirements set by the Cabinet.<sup>34</sup>

Duration of a course at rehabilitation institutions ranges from 6 to 12 or 18 months. Most commonly, a course of 12 or 18 months is prescribed. According to the legal regulations, an institution of this type is not treated as a liberty restricting establishment; in practice; however, children at such establishments are subject to increased monitoring and supervision in order to prevent their vagrancy and attempts to escape.

### **3.3. Numbers of minors deprived of liberty in 2013-2014\***

In response to enquiry made by the Ombudsman Office, the Prison Administration (IEVP) has provided information about the minors detained and convicted in 2013 - 2014. In respect of detained persons, such information is explicated by months, and in case of convicted persons – by quarters of a year.

The IEVP has pointed out that convicted juveniles who have reached the age of eighteen years may be kept at the Educational facility for juveniles by decision of administrative commission of the establishment till the end of academic year or till the end of their service period, however no longer than till they reach the age of twenty-one years<sup>35</sup>. Therefore, the information presented in Tables No. 1

<sup>32</sup> Cabinet Regulations No. 288 of 21.04.2008 concerning the Procedure for Access to Social Services and Social Assistance

<sup>33</sup> cabinet Regulations No. 431 of 12.12. 2000 concerning the Hygiene Requirements applicable to Social Care Institutions

<sup>34</sup> Cabinet Regulations No. 914 of 06.11.2006 concerning the Procedure for Provision of Social Rehabilitation Services to Persons with Addiction to Psycho-Active Substances.

<sup>35</sup> Pursuant to Amendments made on 2 October 2014 to the Penalty Enforcement Code of Latvia and enacted on 1 February 2015, the maximum age limit has been increased from twenty-one years to twenty-five years.

and No. 2 includes all persons including adults serving their sentence in 2013 – 2014 at educational establishments for juveniles.

Table No. 1

Date	Detained		Convicted	
	Male juveniles	Female juveniles	Male juveniles	Female juveniles
01.01.2013	29	1	23	2
01.02.2013	18	1		
01.03.2013	22	1		
01.04.2013	21	-	33	3
01.05.2013	17	-		
01.06.2013	17	1		
01.07.2013	19	1	31	2
01.08.2013	16	1		
01.09.2013	13	-		
01.10.2013	13	1	29	2
01.11.2013	17	-		
01.12.2013	16	-		

Table No. 2

Date	Detained		Convicted	
	Male juveniles	Female juveniles		Male juveniles
01.01.2014	22	-	24	-
01.02.2014	22			1 <sup>36</sup>
01.03.2014	15	2		
01.04.2014	17	1	25	-
01.05.2014	15	-		
01.06.2014	9	-		1 <sup>37</sup>
01.07.2014	12	-	28	-
01.08.2014	9	-		
01.09.2014	9	1		
01.10.2014	12	1	24	-
01.11.2014	14	2		
01.12.2014	16	2		

*\*Statistic data concerning the juveniles placed in other liberty restriction facilities are presented in Section 3.2 "Mapping of the detention facilities".*

### 3.4. Complaint mechanisms available to children who are detained

The process for handling complaints at establishments in general is prescribed by the Administrative Procedure Law. It also prescribes the principles applicable to administrative proceedings, including the principle of adherence to the rights of private individuals; the principle of legitimacy; the principle of arbitrariness prohibition; the principle of democracy, etc.<sup>38</sup> The Law also stipulates that the authority competent to decide on the matter shall accept an individual's application even if, in their opinion, the application is not properly executed or substantiated<sup>39</sup>.

The registration procedure for applications and replies is determined by the head of establishment.<sup>40</sup> Therefore, the complaint handling procedures differ from one establishment to another since they are determined by an internal regulatory act.

Confidentiality is observed. Information regarding a child collected by an employee of the child care, educational, social assistance or other establishment or an official of governmental or municipal

<sup>36</sup> Data provided by the Ilguciems Prison on 6 March 2015 during the visit made by the Ombudsman Office

<sup>37</sup> Data provided by the Ilguciems Prison on 6 March 2015 during the visit made by the Ombudsman Office

<sup>38</sup> The Administrative Procedure Law, Section 4.

<sup>39</sup> Ibid, Section 56 part Four

<sup>40</sup> The Submissions Law, Section 3, part Five



authority is confidential, and no data eventually detrimental to continued development or preservation of psychological balance of a child may be disclosed.<sup>41</sup>

The inspection prescribed by regulatory acts is not applicable to any applications filed with the Ombudsman Office by the persons placed in out-of-family care and educational establishments or closed-type facilities, or the replies issued by the Ombudsman Office, and such applications are promptly delivered to the intended recipient.<sup>42</sup>

A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through his or her lawful representative or through a relevant institution.<sup>43</sup>

The procedure shall meet the standards of equity. No official or other employee of an institution whose impartiality is reasonably questioned may participate at handling of the application and drafting of the reply.<sup>44</sup>

The authority shall replay on the point of facts in a reasonable period of time, taking into consideration the urgency of the matter, and as a rule within one month from filing of the application unless otherwise stipulated in the Law<sup>45</sup>. Submissions and complaints that are related to the protection of the rights of the child shall be examined without delay<sup>46</sup>. Matters that are related to ensuring the rights or interests of the child shall be adjudicated in court by emergency procedure<sup>47</sup>.

An administrative act shall be notified to the addressee in accordance with the Notification Law. If an administrative act unfavorable to the addressee is sent by mail, it shall be sent in the form of registered mail.<sup>48</sup>

An administrative act (decision or action) of an institution may be disputed to a higher authority. A submission regarding the disputing of an administrative act shall be submitted in writing or orally to the institution that has issued the administrative act. If a submission is submitted orally, the institution shall immediately draw it up in writing and the submitter shall sign it.<sup>49</sup> Such submission shall be promptly forwarded for examination to a higher institution. The institution that has issued the administrative act in respect of which a submission regarding the disputing is filed may repeal the disputed administrative act and issue a new act without forwarding submission regarding the disputing thereof to a higher authority on two occasions: 1) if the applicant has not applied for compensation in the submission regarding the disputing of administrative act; or 2) the new administrative act issued by the institution entails no unfavorable consequences for the applicant.<sup>50</sup>

In addition or parallel to filing a complaint with the institution, a child has the possibility to apply to the State Inspectorate for Protection of the Rights of Children (VBTAI)<sup>51</sup> or to the Ombudsman Office. The VBTAI also supports the operation of 24/7 hotline 116111 for children and teenagers.

The VBTAI noted when providing information about the number of applications filed concerning potential infringement of the rights of children that 2 complaints had been received in 2013 concerning potential infringements of the rights of children at psycho-neurological hospital and 3 complaints regarding VSACs. In 2014, 1 complaint was filed by a child placed at SKII "Naukšēni", 3 complaints concerning potential infringements of the rights of children at psycho-neurological hospital and 1 complaint regarding a VSAC.

1 complaint was filed in 2014 with the Rights of Child Department of the Ombudsman Office regarding infringements of the rights of children at psycho-neurological hospital.

A child has the right to apply for assistance to the institutions entrusted with protection of the rights of children and to other governmental and municipal institutions for taking the actions prescribed

<sup>41</sup> The Rights of the Child Protection Law, Section 71, part One

<sup>42</sup> the Ombudsman Law, Section 23, part Four

<sup>43</sup> The Rights of the Child Protection Law, Section 20, part Two

<sup>44</sup> The Submissions Law, Section 5 part Two

<sup>45</sup> Ibid, Section 5 part Three

<sup>46</sup> The Rights of the Child Protection Law, Section 20, part One

<sup>47</sup> Ibid, Section 20, part Three

<sup>48</sup> Administrative Procedure Law, Section 70 part Two

<sup>49</sup> Ibid, Section 77, part One

<sup>50</sup> Ibid, Section 77.

<sup>51</sup> VBTAI – an institution of direct administration under the supervision of the Minister for Welfare. The Inspectorate have the following functions: supervise and control the observance of the Protection of the Rights of the Child Law and other regulatory enactments that regulate the protection of the rights of the child; analyse the situation in the field of protection of the rights of the child; provide suggestions to the institutions in order to ensure and improve the protection of the rights of the child a.o. In order to perform the specified tasks, the Inspectorate has the rights: in accordance with the procedures prescribed by regulatory enactments request and receive free of charge from private individuals and institutions the necessary information; in cases provided for by the Latvian Administrative Violations Code examine administrative violation matters and impose administrative fines; form advisory expert councils a.o.



by the Law if the father or mother of the child or other legal representative or official of a child care or educational establishment infringes the rights of the child or treats the child in a degrading manner, or otherwise fails to observe the rights of the child.<sup>52</sup>

The registration procedure for applications and replies is determined by the head of establishment.<sup>53</sup> All complaints are subject to registration. The complaint register is not available to public. It is available to control institutions.

In order to prevent repressive measures against a complainant, the Administrative Procedure Law stipulates that exercise of the rights as such may not entail unfavorable, including private legal consequences for a private individual.<sup>54</sup>

The Ombudsman Law stipulates that an applicant may not be subject to punishment or other unfavorable consequences, whether direct or indirect, for filing an application or cooperation with the Ombudsman Office.<sup>55</sup>

### **Separate ward at Ilūciems (Female) Prison designed as Educational facility for juveniles**

The complaint handling procedure is regulated most clearly at prison facilities and educational establishments for juveniles.

The **convicted** persons have the right to file an oral or written application with the prison facility. Proceeding of the application is organized in accordance with the regulatory acts that govern the proceeding of applications by governmental and municipal institutions; the convicted persons have the right to appointment with the officials of the prison facility, subject to their daily schedule. All appointments are recorded in the appointment register of convicts. If the convicted person so requests, the appointment is arranged by the official without the presence of any other persons.<sup>56</sup>

The convicted persons have the right to file applications with governmental authorities, public organizations and officials.

Applications concerning the conditions of enforcement of the deprivation of liberty are handled by the head of prison facility in accordance with the procedure prescribed by the Submissions Law. Applications concerning the disputing of administrative acts issued and actions taken by administration of the prison facility are handled by the Head of IEVP in accordance with the procedure prescribed by the Administrative Procedure Law.

Correspondence with the UN institutions, the Saeima Commission for Human Rights and Public Affairs, the Ombudsman Office and the court as well as correspondence by a convicted foreign national with the diplomatic or consular mission of their country or the country authorized to represent the interests of such person is funded from the budget of the prison facility.

Correspondence of a convicted person with public authorities is funded from the budget of the prison facility if there are no funds available on personal card of the convicted person and the person seeks to dispute an administrative act issued or action taken by such authorities, or to file an application for the provision of legal aid provided by the State.<sup>57</sup>

If **detention** as a measure of security is applied to a juvenile, the Law on Accommodation in Detention applies as well as the internal regulations of the investigation prison.

A detained person placed in the investigation prison shall be promptly notified by the administration of investigation prison of their rights and obligations in a language they understand (with participation of an interpreter, where appropriate) and inform about the officials available for application with complaints and petitions (see Annex 2.). The detained person confirms with his/her signature that he/she has familiarized with the above-mentioned information.<sup>58</sup>

A detained person has the right to file applications with governmental and municipal authorities.

Applications concerning the application of conditions of the keeping in custody as a measure of security are handled by the head of investigation prison in accordance with the procedure prescribed by the Submissions Law. Applications concerning the disputing of administrative acts issued and actions taken by administration of the investigation prison are handled by the Head of IEVP in accordance with the procedure prescribed by the Administrative Procedure Law.

<sup>52</sup> The Rights of the Child Protection Law, Section 70, part Two

<sup>53</sup> The Submissions Law, Section 3, part Five

<sup>54</sup> The Administrative Procedure Law, Section 4, part Four

<sup>55</sup> The Ombudsman Law, Section 23, part Three

<sup>56</sup> Cabinet Regulations No. 423 of 30 May 2006 concerning the Internal Regulations of a Prison Facility, paragraphs 43.2, 43.3; Penalty Enforcement Code of Latvia, Section 50, parts One and Five

<sup>57</sup> Penalty Enforcement Code of Latvia, Section 50

<sup>58</sup> Law On the Procedures for Holding under Arrest, Section 12

Correspondence of a detained person with the national and international human rights institutions, the Saeima Commission for Human Rights and Public Affairs, the prosecutor office, the defense counsel and the prosecuting party as well as correspondence by a detained foreign national with the diplomatic or consular mission of their country or the country authorized to represent the interests of such person is funded from the budget of investigation prison, and such correspondence is subject to no control.

Correspondence with other governmental and municipal authorities is funded from the budget of the investigation prison if there are no funds available on personal card of the detained person and the person seeks to dispute an administrative act issued or action taken by such authorities, or to file an application for the provision of legal aid provided by the State.

Mailing an application filed with the Head of IEVP regarding decision of the head of investigation prison is funded from the assets of the investigation prison.<sup>59</sup>

A detained person has the right to file with the administration of investigation prison an oral or written application, complaint or proposal subject to registration. Appointment of a detained person is also recorded in the appointment register of detained persons. If the detained person so requests, the appointment is arranged without the presence of any other persons.<sup>60</sup>

### **Social Corrective Education establishment “Naukšēni”**

A juvenile has the right to file an oral or written complaint, proposal or petition with the administration of establishment; to seek advice from and to provide information to a specialist in protection of the rights of children on the matters concerning protection of the rights of children.<sup>61</sup>

### **Psycho-Neurological Hospitals**

Section 18 of the Law on the Rights of Patients stipulates that a person may use all mechanisms for the protection of rights provided for in laws for the protection of the rights or the interests arising therefrom laid down in this Law, including application to a court in accordance with the procedures laid down in law.

If the protection of the rights or interests takes place within the scope of an administrative procedure, the relevant administrative provisions and actual actions may be contested to the Health Inspectorate if it has not been laid down otherwise in this Law. A decision of the Health Inspectorate may be appealed to a court.

For the protection of the rights laid down in this Law or the interests arising therefrom, which are related to medical treatment, a person is entitled to submit a complaint to the Health Inspectorate in accordance with the procedures laid down in laws and regulations for the performance of the necessary activities laid down in laws and regulations, within two years from the date of the infringement of the rights or interests. A reply to the complaint shall be provided in accordance with the time period laid down in the Submissions Law or, if an administrative procedure is commenced, concurrently with the taking of the decision in such procedure. A person who has submitted a complaint shall be informed regarding the commencement of an administrative procedure.

### **Short-Term Detention Facilities of Police**

Detained minors enjoy all the rights and obligations stipulated in the Law on Accommodation of Detained Persons and other regulatory acts.<sup>62</sup>

An administrative act issued or an action taken by a police officer may be disputed by a person in accordance with the procedure prescribed by regulatory acts that govern the administrative proceedings.<sup>63</sup>

If a police officer has acted in bad faith or otherwise infringed a person's rights, a complaint regarding the action or behavior of a police officer may be filed with the Internal Security Office of the State Police. The Internal Security Office is entrusted with the key task of strengthening the official discipline and legitimacy in the structural units of the State Police. The Office is currently subordinated

<sup>59</sup> Ibid, Section 15.

<sup>60</sup> Cabinet Regulations No. 800 of 27 November 2007 Concerning the Internal Regulations of Investigation Prison, para 33

<sup>61</sup> Cabinet Regulations No. 88 of 1 February 2011 Concerning the Internal Regulations of a Social Corrective Education Establishment, para 8.1; para 8.4

<sup>62</sup> Law On the Procedures for Holding under Arrest, Section 8, part One

<sup>63</sup> The Law on Police, Section 27, part Six

directly to the Chief of the State Police. From 01.11.2015 onwards, the Office shall be a governmental authority supervised by the Minister of Justice.<sup>64</sup>

#### State Social Care Center

Director of the VSAC has the right to repeal the decisions adopted by the staff of the Center.

The administrative acts issued and actions taken by an official of the VSAC may be disputed by filing an application with Director of the Center. A decision adopted by the Director may be disputed to the court.

The administrative acts issued and actions taken by the Director (except decisions regarding administrative acts issued and actions taken by the staff of the Center) may be disputed to the Ministry of Welfare. A decision adopted by the Ministry of Welfare may be disputed to the court.<sup>65</sup>

#### Center of the State Border Guards for Accommodation of Detained Foreign Nationals

A detained national placed in the accommodation center has the right to file complaints and applications.<sup>66</sup> However in 2013 and 2014 no complaints or applications were received from minors.

### 4. From theory to practice: Analysis

This chapter contains analysis of the interviews held with children and personnel of establishment and the resulting issues. The Chapter is composed of three parts: inspection mechanisms at the visited establishments; complaining mechanism; and interview with the IEVP official – specialist in the rights of children at prison facilities.

#### 4.1. Control mechanisms of different places where minors are deprived of liberty

Interviews with the staff of establishments revealed that inspection and monitoring visits were conducted by different authorities (ministries<sup>67</sup>, Food and Veterinary Agency<sup>68</sup>, Health Inspectorate<sup>69</sup>, Data State Inspectorate, peoples' deputies, etc.). Period annual inspections (in average 1-2 times a year) are conducted by the VBTAI<sup>70</sup>, the Ombudsman Office as well as the body supervising the respective institutions. According to the data provided by Ilūciems Prison, the CPT visited the facility in late 2013. According to the Cēsis Educational facility for Juveniles, no inspections were conducted by the CPT since 2011, eventually because of renovation of the buildings.

The VBTAI conducts inspections to check the overall observation of the rights of children, as well as inspections pursuant to reports on eventual infringements of the rights of children at the establishment. Topical inspections are conducted by the Ombudsman Office. The supervisory body, on their turn, conducts complex inspections to check the observation of the rights of children, the labor procedure, provision of rights and other matters.

Depending on the monitoring target, the visit of each body includes inspection of records (the children's dossiers, medicinal cards, storage of medicines, records kept by psychologist, social worker; isolation records and other records, as well as the lists of personnel and minors, minutes of meetings,

<sup>64</sup> The Internal Security Office Law (enactment scheduled to 1 November 2015).

<sup>65</sup> Regulations for the State Social Care Center, para 9-12

<sup>66</sup> The Immigration Law, Section 59.2 part Two, para 5

<sup>67</sup> The Ministry of Welfare in co-operation with the Ministry of Education and Science, the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture and the Ministry of Health, as well as other State and local government institutions and non-governmental organisations, develop draft long-term State policies in the field of the protection of the rights of children, including draft State policies in the field of alternative care for orphans and children left without parental care. The Ministry of Health draw up State policy projects in the field of child health care, including in the field of medical rehabilitation; organise and co-ordinate child health care in conformity with the State programme, laws and other regulatory enactments. The Ministry of the Interior in co-operation with the Ministry of Welfare and other responsible institutions, ensure that a draft programme is drawn up for a three-year period for the prevention of child crime and for the protection of the child from crime, and shall co-ordinate the implementation of such programme; in collaboration with other authorities, carry out measures in the fight against illegal relocation of children across the State border and non-return of children from foreign states; ensure special training for police officers for work with law-breakers who are minors and minors who are victims of criminal offences, and with their families.

<sup>68</sup> The Agency in accordance with the laws and regulations of the competence specified to provide consumers with safe and secure food requirements.

<sup>69</sup> Inspection implement of public administration functions in the health sector monitoring and control to ensure that the scope of the regulatory enactments regulating compliance and enforcement.

<sup>70</sup> The State Inspectorate for Protection of Children's Rights shall supervise and control conformity with the laws and regulations in the field of protection of the rights of the child. Inspectors of the State Inspectorate for Protection of Children's Rights have the right to conduct negotiations and to interview children without the presence of other persons.

assessment of risks, etc.), interviews with the personnel and the minors (regarding the living conditions, treatment by the staff, application of physical force, medicinal care, corrective work, access to education, and provision of other rights), or questionnaires. Private interviews are held with the minors; if an eventual infringement is investigated, the interview with the minor is arranged with participation with the party to dispute. The Head of the Cēsis Educational facility for Juveniles pointed out that in case of a minor who presents particular threat to society, interviews are held in the presence of supervisor. Premises or the establishment are visited during the inspections (residential premises, classrooms, canteen, special monitoring rooms, etc.). A report or inspection statement regarding the identified shortcomings and proposals is issued in about two weeks from the inspection. The inspected establishment has to reply regarding elimination of shortcomings in about 1 to 3 months (or a longer period if required for elimination of the identified shortcomings).

The staff of establishment pointed out that on most occasions the inspections helped to improve the conditions of work and to prevent the risks of infringement of the rights of children; they also noted, however, that inspections eventually hindered their work and caused stress. The staff pointed out to the need to raise funds for elimination of various shortcomings so that the visits are made more effective (in case of inspections by supervisory bodies), and to attract experts of the respective area to the inspections.

## **4.2. Complaint mechanisms available to minors deprived of their liberty**

This Chapter contains description of complaint mechanisms referred to by the staff of establishment; the children's awareness of the complaint options at the establishment and externally; the problematic aspects, and recommendations of the interviewers.

### **4.2.1. Interview with the staff of the institution of detention**

#### **Iļģuciems prison**

According to the information provided at the Iļģuciems Prison, a minor person placed at the detention facility is familiarized with the internal regulations including the complaint mechanism, and clarification of their rights, obligations and the daily regimen. It was emphasized that complaints by the minors are very infrequent<sup>71</sup>, and the complaints are mainly related to catering, support personnel and supervisors.

All complaints are registered in electronic form. The register is available to the IEVP and to the prison administration. Complaints can be made in writing, yet on most occasions they are orally presented and settled by means of discussion. The prison staff pointed out that written complaints were filed by minors on a very few occasions.

The following procedure applies to the handling of complaints:

1. A complaint addressed to the head of prison is registered and delivered to the head of prison.
2. The complaint is forwarded for handling to the chief inspector of the social rehabilitation division.
3. Prompt discussion with the minor is initiated and explanations are requested from the concerned official, where appropriate.
4. If the complaint is substantiated, the shortcomings are eliminated in a possibly short period of time.
5. A written reply is issued to the complainer (in case of written complaint); alternatively, the adopted decision/solution is verbally communicated.
6. If the complainer disagrees with the adopted decision it may be disputed to the chief of the IEVP in accordance with the procedure prescribed by the Administrative Procedure Law. A decision of the chief of the IEVP may be disputed to the administrative district court in accordance with the procedure prescribed by the Administrative Procedure Law. The ruling of administrative district court is subject to no appeal.

<sup>71</sup> The main reasons is the lack of understanding of their right to complain but it is also due to the small number of minors in Iļģuciema prison

### **Social Correctional Education Institution Naukšēni**

SKII "Naukšēni" pointed out that it was the responsibility of social pedagogue to notify and familiarize the minor within three days with the internal regulations and make the corresponding entry in the admission card of the ward. A ward has to sign a special form to confirm familiarization with the internal regulations. Further, the social pedagogue shall discuss the regulations with the wards every year. According to the establishment, the filed complaints most commonly are related to the assessment of the children's behavior, their treatment by the staff, and conflicts between the wards.

Any complaints are registered in form of entry in the book with specification of the data, name and surname of the applicant, brief description of the complaint and any steps taken by the establishment. If a complaint is filed regarding the assessment (disciplinary score), discussion is arranged with participation of the complainer and the official who has applied the disciplinary score. The discussion ends in conclusion whether or not the score is subject to alteration. In case of conflicts between juveniles the social pedagogue arranges a discussion with parties to the conflict and reach agreement on the appropriate solution. If the complainer disagrees with the adopted decision, he or she may ask appointment with the Director. Complaints are subject to prompt handling, provided that daily regimen of the ward is not disturbed.

There is a ward council operating in the establishment, and administration of the establishment holds meetings with the council every 2 months. The wards have the possibility to make their proposals and express their concerns on various topics during such meetings.

The establishment unfortunately has established no mechanism for filing anonymous complaints with the institutions responsible for protection of the rights of children. A child seeking to file a complaint, the letter addressed to the competent authority has to be presented to the teacher for forwarding. Telephone calls from the establishment are also restricted, and the wards are not allowed to keep cell phones. The child has to specify the telephone number before making a call, so he or she can make no calls to the rights of children protection authority without notifying the administration of SKII "Naukšēni". Restricted access to the Internet is a form of disciplining.

### **Psycho-neurological hospital for children Ainaži**

According to the internal regulations of the PNS "Ainaži", a patient has the right to file complaints and proposals with the attending physician, head of the unit, administration, superior health-care institutions or law enforcement authorities. The ward confirms familiarization with the internal regulations by his/her signature in the medicinal records. A child refusing to obey the regulations has to substantiate such refusal to the hospital staff.

The PNS "Ainaži" noted that children have the option to present their complaints in writing or to communicate their discontent in oral form. On most occasions, discontent was related to the matters of household nature, and the newcomers also complained on the internal regulations.

The subject of complaint is discussed with the complainer by the head physician to reach agreement on the appropriate solution.

The chief physician noted that children had difficulties with understanding their rights because of their health condition.

The PNS "Ainaži" also noted that inpatients have never filed any complaints with the law enforcement authorities. The reason, however, would be the lack of a box for anonymous complaints. In addition, keeping of stationery is not allowed in the hospital. If a child wants to write a letter he or she can write it in the presence of social pedagogue who would then pass the letter over to the chief physician. Therefore, no possibility to file anonymous complaints is provided at PNS "Ainaži".

### **Cēsis Educational Facility for Juveniles**

The staff of Cēsis Educational Facility for Juveniles pointed out that a minor placed in the prison facility is familiarized by the senior inspector with the internal regulations, the Penalty Enforcement Code of Latvia including the complaint mechanism, and notified of the rights, obligations and daily regimen. The minor signs a corresponding form to confirm such familiarization. The internal regulations and other documents are available for minors at their residential block. The facility also provides access to the portal [www.likumi.lv](http://www.likumi.lv) where the legal acts of Latvia are available.

The facility noted that the number of complaints received from prisoners had decreased. Only two complaints were recently filed regarding material infringements of the rights of children: 1) a complaint regarding decision of the head of prison was subsequently withdrawn by the complainer; and 2) a complaint regarding action of the head of security division (the official inspection established that the complaint was unsubstantiated). Most commonly, the complaints are related to household



issues, telephone calls, visiting procedure, keeping of permitted items, and such complaints are promptly settled. A written complaint can be filed, yet on most occasions complaints are made in oral form and settled by discussions.

Whenever an application/complaint is received from a minor, the official in charge confirms the acceptance by dating and signing it, with specification of the official's name and surname. Complaints are also registered in electronic register available to the IEVP and administration of the facility. In addition, a separate entry is recorded in book in respect of complaints, applications, proposals and various breaches.

The following procedure is applied to the handling of complaints:

1. The complaint is registered by the secretarial staff and forwarded to the head of prison who directs control of the handling thereof in about 2 weeks; complaints regarding the catering, however, are subject to prompt handling.

2. Appropriate steps are then taken in respect of the dispute/complaint/proposal (most commonly discussion with the minor is conducted; explanations are requested from the involved official, where appropriate).

3. If the complaint is substantiated, the defects/shortcomings are eliminated as soon as practicable.

4. A written reply shall be issued to the complainer (in case of written complaint); alternatively, the adopted decision/solution is orally communicated.

5. In case of oral complaint where the minor is not satisfied with the solution thereof, he or she may file a written complaint addressed to the head of prison. If the complainer disagrees with the adopted decision it may be disputed to the head of IEVP in accordance with the procedure prescribed by the Administrative Procedure Law. Decision of the head of IEVP may be appealed to the administrative district court in accordance with the procedure prescribed by the Administrative Procedure Law. The ruling of administrative district court is subject to no appeal.

#### **4.2.2. Interview with the children placed in institution of detention and recommendations**

##### **Iļģuciems Prison**

Interviews were conducted with 2 16 to 18 old female minors placed in the Juvenile Ward of Iļģuciems Prison at the time of monitoring. The girls assured they were aware of the complaint procedure and they would follow such procedure if necessary. The girls had been informed about the complaint mechanism by the teacher of the Juvenile ward. According to the girls, an oral or written complaint has to be addressed first to the teacher. If the result of complaint procedure is not satisfactory, a written complaint may be addressed to the head of prison. The girls had used the possibility to address a complaint to the teacher. The approximate complaint handling period is up to 10 days, and the reply is orally communicated. One of the interviewed girls appreciated the actions of the staff of the Juvenile Ward in reaction to their complaint regarding inadequate behavior of another detained juvenile. It was pointed out during the interview that the prison staff has been objective and responsive. The staff of the Juvenile Ward kept in confidence the complainer's identity to ensure her security in future, and they made an appropriate decision in the concerned situation. The other girl pointed out that her complaint received no positive reaction; moreover, the staff was informed about the fact that she had exercised her right to complain, and she was subject to criticism. The girls could express no opinion regarding the supervisory bodies of prison facilities, yet they noted that such inspections were necessary because they could minimize infringements. The interviews enabled the conclusion that the juveniles were well aware of the internal complaint mechanism; however they lacked adequate information regarding the external complaint mechanism, such as the right to file a complaint with the Prison Administration, the State Inspectorate for Protection of the Rights of Children, or the Ombudsman.

The required improvements:

1. Only the officials directly involved in and responsible for the matter of complaint should participate in the complaint handling process;
2. The minors should be informed about the external complaint mechanisms.

##### **Psycho-neurological hospital for children Ainaži**

Interviews were conducted with 6 respondents: four 16 to 18 years old respondents, one 10 to 14 years old, and one 14 to 16 old minors. Only one of the respondents had familiarized with the complaint procedure in the internal regulations of the hospital. The other respondents were not aware



of such procedure; they would complain orally to the chief physician if necessary. The children had no complaints during their in-patient treatment at the hospital, and therefore the complaint mechanism was not activated. One of the respondent noted that they only had complaints regarding the prescribed medicines, yet such complaints were not listened to. The children stated they were not afraid to complain and there were no grounds for complaining. As regards the bodies authorized to inspect the hospital, one of the respondents assumed that the State Inspectorate for Protection of the Rights of Children could be among such bodies because he had seen the representatives of the Inspectorate when receiving in-patient treatment at another psycho-neurological hospital.

The required improvements:

1. When a minor is familiarized with the internal regulations of the hospital, the key issues should be also orally discussed, including clarification of the internal and external complaint mechanism in a manner the child can understand.
2. A box for complaints and proposals should be located in the hospital in a place freely accessible for children.
3. The children are not aware of their rights and the grounds for complaining; explanatory work is required to ensure that the children are aware of their rights to complain. If a child is unable to understand their rights because of severe health condition, the rights of the child as well as the internal regulations and the internal and external complaint mechanisms should be explained to parents of the child.

### **Social Corrective Education Institution Naukšēni**

Interviews were conducted with 13 respondents: two 13 years old respondents, two 15 years old respondents, three 16 years old respondents, and three 17 years old respondents. Even though only four of the interviewed children stated that the internal complaint mechanism had been explained to them, it could be concluded from the interviews that the minors were aware of the official they should address in case of complaints. The minors are informed about the complaint mechanism in the social behavior corrective institution by social pedagogue and the teacher. Minors can apply with a complaint to the social pedagogue, the teacher, the headmaster and the director. A complaint may be made orally or executed in writing. If the right to file a complaint with the director is exercised, the complaint has to be executed in written form. The complaint handling procedure includes hearing of the involved parties, and the adopted decision is orally communicated to the minor. The interviews did not enable unequivocal conclusion whether or not the minors were satisfied with the operation of complaint mechanism in the institution, since one of the respondents appreciated the actions taken in handling his complaint while another respondent alleged that complaining made no sense in the institution, and that potential adversarial consequences could be expected. The children who had been accommodated in the institution for longer period were aware of the possibility to file a complaint with the State Inspectorate for Protection of the Rights of Children, since the said Inspectorate had conducted an inspection at the social corrective education institution pursuant to the complaints of other wards. Information about the possibilities to apply to other external bodies was insufficient. In addition, the respondents pointed out to the difficulties related to filing anonymous complaints. Summary of the information provided by the respondents leads to conclusion that the children are not aware of their right to complain on the internal matters of the institution to other public authorities. The children are not aware of their right to file complaints regarding the decisions adopted by the administration.

The required improvements:

1. Objective/impartial handling of complaints has to be ensured.
2. Any adversarial consequences in respect of a child exercising the right of complaint have to be excluded.
3. Anonymous external complaint mechanism has to be provided.
4. It is recommended to increase the children's understanding of the external complaint mechanism, including on the Internet.

### **Cēsis Educational Facility for Juveniles**

Interviews were conducted with 10 respondents: four 18 years old convicts and three 16 years old convicts, one 15 years old convict, and two 15 years old convicts. All the respondents were informed about the internal complaint mechanism upon their admission to the facility. The juveniles have the possibility to apply their teacher, social worker or head of the facility. Normally, complaints are executed in writing. The complaints can be left in the special box available for such purpose in the

day time, or presented in person to the official. The complaints are given to the responsible employee for the consideration after the Deputy Director draw them from the box. The attitude of personnel of the educational facility towards the complainer is responsive and supportive. Handling of complaints is provided within 1-2 days. The decision is communicated orally; however on no occasion the possibility to dispute the decision has been explained to the juveniles. The juveniles pointed out that the complaint mechanism was used on very seldom occasions because there was no need for it, and in general they were satisfied with the operation of such mechanism. They described the procedure as easily available. It was established that the juveniles were aware of the possibility to file a complaint with the Prison Administration regarding the conditions at Cēsis Educational Facility for Juveniles, yet they had learned about such possibility from other wards. They lacked information about any other bodies they could address with their complaints, such as the Ombudsman Office or the State Inspectorate for Protection of the Rights of Children. Some juveniles noted that periodic inspections of the educational facility were conducted by the Prison Administration, and on one occasion representatives of the State Inspectorate for Protection of the Rights of Children participated at such inspection. The juveniles' attitude towards such inspections was positive, yet they should be conducted more frequently and include mandatory interviews of the wards.

The required improvements:

1. Understanding of the minors regarding the external complaint mechanisms should be improved.
2. The minors are not informed about their right of application to the institutions responsible for protection of the rights of children. Such correspondence is not subject to censure. The head of facility has to ensure that all applications are promptly forwarded to the intended recipient.

#### **4.3. Interview with a key actor – representative of Latvian Prison Administration and recommendations**

Interview with Ms. Svetlana Trubačova, Head of the Education and Employment Division of the IEVP, revealed that the competences of IEVP include the enforcement of detention as a measure of security and deprivation of liberty as a criminal sentence. The Prison administration supervises and ensures observation of the norms of behavior imposed and the rights available to prisoners (including minors) as well as fulfillment of their obligations. S.Trubačova informed that no particular statistics were compiled by them regarding the complaints filed by juveniles. Such complaints were included in the total number of complaints received from all prison facilities, and therefore no statistics were available regarding the complaints received from minor prisoners. She marked, however, that such complaints were exceptionally rare.

S. Trubačova noted regarding the bodies that conduct inspections of the rights of children and monitoring visits to prison facilities that annual visits to the Cēsis Educational Facility for Juveniles and the Juvenile ward of Ilūciems Prison were organized by the VBTAI and that they draft an inspection statement after each monitoring visit and present it to the IEVP within one month. The latter comments on the identified shortcomings and issued their opinion if dissenting with the information provided in the statement. No material breaches have been established in the recent years. There are no specific matters in respect of which comments or recommendations are most commonly made. It was noted, however, that the staff lacked special training in the area of the rights of children, yet no funds were available for such training this year. They are, though, addressing the issue and seeking to raise the necessary funds.

S. Trubačova had no information regarding any international bodies that have conducted monitoring visits and issued any recommendations.

In general, in the opinion of the IEVP, such monitoring visits deserve appreciation because they enable identification of shortcomings in the provision of the rights of children that may be omitted by the staff in their routine work.

In the opinion of the IEVP, the rights of children are provided according to the best interests of the children. The official mentions among the required improvements the need to diversify the children's catering, to increase the size of portions; training of the staff; provision of enhanced interest education opportunities for children.

The required improvements:

1. Separate statistics must be kept regarding the complaints filed by minors. A special structural unit should be eventually entrusted with the sole responsibility for providing and controlling the provision of the rights of imprisoned juveniles.

## 5. Conclusions and recommendations

The conclusions are mainly based on the analysis of normative regulations applicable in Latvia and the interviews held with the minors and the staff during the monitoring visits.

The key concerns are related to the fact that children lack understanding of their right to complain, and that complaints of children in case of closed-type facilities may be left without registration or handling. The practice shows that most of oral complaints are not registered and executed in writing, in breach of the Administrative Procedure Law.

Another concern is whether or not the children have the possibility to complain externally to a superior authority, the Ombudsman Office, or the VBTAI; whether or not information is provided (address, telephone) about the bodies to which complaints may be made; whether or not there mailing a letter is available (a postal stamp, an envelope, writing-paper, a pen); whether or not the children have the possibility to call a toll-free children hotline. It may be concluded in this respect, from the number of complaints and applications as well as from the statements made by the children that no effective possibilities of external complaining is provided to the children. This is mainly related to the lack of understanding by the children of their right to complain as well as to the inadequate technical resources of the facilities (no access to telephone, postal stamps, envelopes, writing-paper; lack of anonymous complaint box, etc.). Unfortunately, complaints are treated in such facilities as an undesired practice that should be prevented. Therefore they are not interested in informing the children about the complaint mechanism or to make the complaining procedure transparent and clear. The facilities are therefore urged:

1. To ensure registration of oral complaints in accordance with the Administrative Procedure Law;
2. To take the steps necessary to ensure *effective* possibility of external, as well as anonymous complaints;
3. To provide comprehensive information to children regarding the complaint mechanism in a simple language they can understand.

The facilities should recognize that filing of complaints may help them to improve the quality of their services.

The legal regulations should be improved to facilitate the complaint mechanism. At present, general regulations are contained in the Administrative Procedure Law, the Submissions Law, the Notification Law and special acts of the relevant fields.

The Administrative Procedure Law stipulates that: "Procedural rights of those natural persons who have not attained the age of 15 years shall be exercised by their legal representatives. Procedural rights of those natural persons who have attained an age from 15 to 18 years shall be exercised by their legal representatives. In such matters the institution or the court shall invite the relevant minor to also participate. In cases prescribed by law, minors shall be entitled to independently exercise their procedural rights and fulfil duties. If by law the right to independently apply to an institution is conferred upon a minor who has attained the age of 15 years, he or she has the right to independently appeal an administrative act or actual action of an institution to a court. In such matters, at the discretion of the institution or the court, legal representatives of such persons may be invited in order to provide assistance to them in the conducting of the matter."<sup>72</sup>

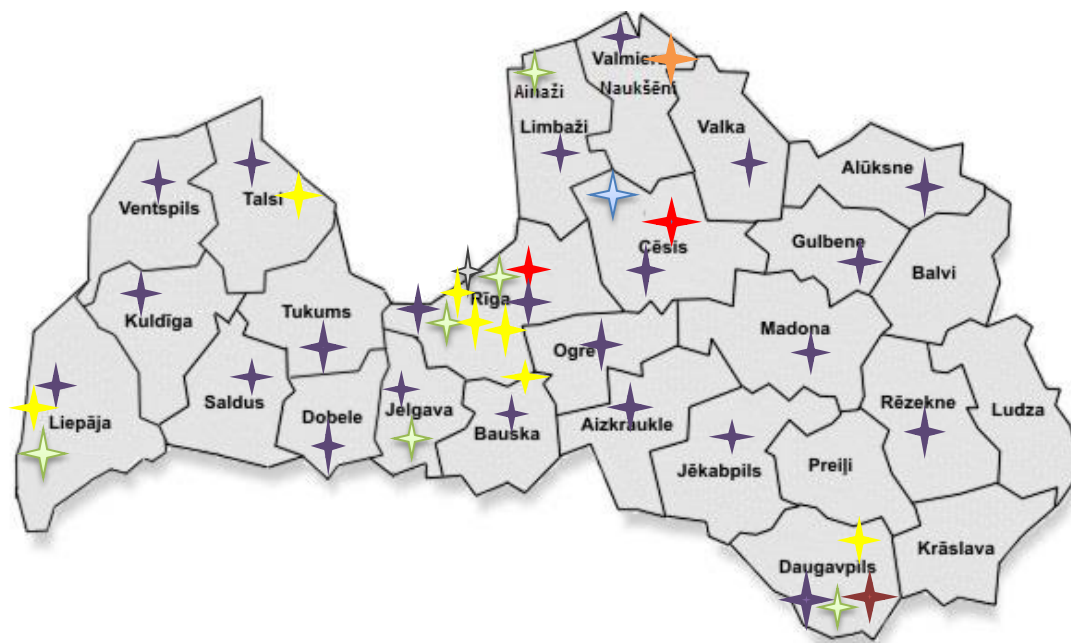
Special regulation regarding the right of a child to apply to governmental or municipal institutions is contained in Section 70, part Two of the Rights of the Child Protection Law. The said regulation is incomplete, however, because it only provides for the right to file a complaint if the child's rights have been infringed by legal representative of the child or an official of a child care or educational establishment. It is therefore necessary to amend Section 70 of the Rights of the Child Protection Law so that the right to complaint is available to the child in respect of each and any infringement of his or her rights. The law should also impose an obligation on each establishment

<sup>72</sup> Administrative Procedure Law, Section 21

where children are accommodated to establish the procedure for filing and handling complaints and to make such procedure available to children, unless such procedure is prescribed by regulatory acts.

## Annex 1.

### The detention facilities for minors in Latvia



The green asterisks mark psycho-neurological hospitals

The orange asterisks – the SKII “Naukšēni”

The purple – the Center for Accommodation of Detained Foreign Nationals “Daugavpils”

The grey – preventive facility

The light blue – rehabilitation establishment for children with alcohol, drug or other psycho-active substance addiction

The red – educational facilities for juveniles

The violet – STDFs

The yellow – VSACs

## Annex 2.

### Extract from the Law On the Procedures for Holding under Arrest Chapter III Rights and Duties of an Arrested Person

#### Section 13. Rights of an Arrested Person

(1) An arrested person has the right:

- 1) to inform the family or other person regarding his or her location. The relevant expenditure shall be covered from the resources of the investigation prison;
- 2) to receive money transfers;
- 3) to purchase food products and basic necessities in the shop of the investigation prison;
- 4) to have a daily walk lasting not less than one hour (if there is a corresponding instruction from a physician – not less than one and a half hours long);
- 5) to communicate with persons outside the investigation prison by correspondence, as well as using the telephone (payphone) of the investigation prison not less than once a month. The permitted length of a conversation shall be not less than 5 minutes. Expenditure for correspondence shall be covered by the arrested person, and for telephone conversations by the arrested person or the person to whom he or she is talking;
- 6) a meeting with his or her relatives or other persons for at least one hour not less than once a month;
- 7) to meet the defender alone without restriction, in conformity with the daily order of the investigation prison;
- 8) to subscribe to publications, as well as to use the library stock of the investigation prison;
- 9) to wear personal underwear, clothing and footwear;
- 10) to use personal small-scale household appliances – TV set (the size of the screen up to 50 cm cornerwise) and the video games to be connected thereto, as well as a refrigerator, water heating appliances, transistor radio (without the possibility of voice recording). The total weight of the household appliances to be used in individual use shall not exceed 30 kilograms;
- 11) to keep with themselves the belongings allowed for individual use, the food products purchased in the shop of the investigation prison, to receive non-food products with consignments and parcels in accordance with the procedures and in the quantity provided for in the internal regulations of investigation prisons.

(2) [14 July 2011]

(3) In deciding on the length and frequency of the meeting stipulated in Paragraph one, Clause 6 of this Section, the administration of the investigation prison shall assess the necessity to ensure equal possibilities of meeting for all arrested persons.

[23 April 2009; 14 July 2011]

#### Section 13.<sup>1</sup> Provisions for the Course of a Meeting

(1) The meeting determined in Section 13, Paragraph one, Clause 6 of this Law with relatives or other persons shall take place without the presence of a representative of the administration of the investigation prison.

(2) In an exceptional case, after individual evaluation of each case and justifying such a decision, the head of the investigation prison may take a decision on the course of the meeting referred to in Paragraph one of this Section in the presence of a representative of the administration of the investigation prison, if it is necessary due to safety considerations or due to the interests of criminal proceedings, or it is requested by the visitor. Such decision may be contested to the head of the Latvian Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the head of the Latvian Prison Administration may be appealed to the Administrative District Court in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the Administrative District Court may not be appealed.

[14 July 2011]

#### Section 14. Duties of an Arrested Person

An arrested person has a duty to:

- 1) to hand over such belongings to the prison administration, which are not included in the list of belongings allowed for individual use provided for in the internal regulations of investigation prisons or exceed the quantity stipulated therein;
- 2) abide the health examinations and search determined in this Law and other laws and regulations;
- 3) fulfil the lawful requirements of the administration of the investigation prison and the internal regulations of investigation prisons;
- 4) conform to the daily order determined in the investigation prison;
- 5) clean the premises at the time determined in the daily order of the investigation prison;
- 6) treat the property of the investigation prison with care;
- 7) maintain order in the premises of the investigation prison and observe personal hygiene;
- 8) use the medicinal products prescribed by the medical practitioner of the prison in the presence of the medical practitioner;
- 9) abide the procedures for acquiring photographs of the arrested person and his or her special features laid down in this Law and other laws and regulations.

[15 December 2011]

#### Section 15. Submissions of Arrested Persons

(1) An arrested person has the right to write submissions to State and local government institutions.

(2) Submissions of an arrested person regarding matters which are related to the circumstances of the execution of the safety measure – arrest – shall be examined by the head of the Latvian Prison Administration in accordance with the procedures laid down in the Law On Submissions. Submissions of an arrested person regarding contesting an administrative act issued by the administration of the investigation prison and an actual action thereof shall be examined by the head of the Latvian Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law.

(3) The correspondence of an arrested person with institutions of the State and international human rights institutions, the Human Rights and Public Affairs Committee of the Saeima, the Prosecutor's Office, courts, advocate, person directing the proceedings, as well as the correspondence of an arrested foreign citizen with the diplomatic or consular mission of his or her residence country or the diplomatic or consular mission of such country, which is authorised to represent his or her interests, shall not be subject to control and shall be sent using the funds of the investigation prison.

(4) The costs of the correspondence of an arrested person with other State and local government authorities shall be covered from the funds of the investigation prison, if there are no funds on the personal cash card of the arrested person and the arrested person contests an administrative act issued by or an actual action of such institutions or sends a submission for receiving State ensured legal aid.

(5) A submission to the head of the Latvian Prison Administration regarding a decision of the head of the investigation prison shall be sent using the funds of the investigation prison.

[27 November 2008]