



NATIONAL LITERATURE REVIEW LATVIA

HEALTH PROMOTION FOR YOUNG PRISONERS (HPYP)

Latvia's Association for Family Planning and Sexual Health „Papardes zieds”

Address: Grecinieku Street 34, Riga, LV-1050, Latvia

Telephone: +371 67 212 700

Fax: +371 67 226 787

E-mail: info@papardeszieds.lv

Website: www.papardeszieds.lv

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Prepared by **Anda Karnite**, MPH

I would like to express my gratitude for the support provided in the preparation of the Literature Review to following experts:

Regina Fedosejeva, Head of Medical Department, Latvian Prison Administration

Kristine Kipena, Head of Punishment Execution Policy Unit, Department of Sectoral Policy, Ministry of Justice of the Republic of Latvia

Anda Lazdina, Public Health Analyst, AIDS Program Coordination Department Infectology Center of Latvia

Maris Ostrovskis, Senior Referent, Department of the policy implementation of the Sectoral policy department, Ministry of Interior

Linda Pavlovskā, Project Manager, Head of the Training Centre, Latvia's Association for Family Planning and Sexual Health "Papardes zieds"

Baiba Purvlice, Project Manager, Psychotherapist, Latvia's Association for Family Planning and Sexual Health "Papardes zieds"

Iveta Skilina, Project Assistant, UNODC Project Office for the Baltic States

Ilona Spure, Head of the Resocialization Service, Latvian Prison Administration

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List of Abbreviations

AIDS	Acquired Immunodeficiency Syndrome
ART	Antiretroviral Therapy
CI	Confidence interval
CoM	Cabinet of Ministers
DOTS	Directly observed treatment, short-course strategy
EEA	European Economic Area
ERDF	European Regional Development Fund
ESF	European social fund
EU	European Union
HBV	Hepatitis B
HCV	Hepatitis C
HIV	Human Immunodeficiency Virus
IDU	Injecting Drug User
NGO	Nongovernmental organization
LIC	Infectology Center of Latvia
MDR-TB	Multidrug-resistant tuberculosis
MoH	Ministry of Health
MoJ	Ministry of Justice
MMT	Methadone maintenance therapy
p	Significance level
PLH	People living with HIV
PYLL	Potential years of life lost
SD	Standard deviation
STI	Sexually transmitted infections
t	Students t test
TB	Tuberculosis
UNODC	United Nations Office on Drugs and Crime



1. Executive Summary

According to the Youth Law of the Republic of Latvia young people are persons from 13 to 25 years of age. But there is no specific definition of a “young offender” or “young prisoner” stated in normative acts of Latvia. There are only 2 types of prisoners defined – underage persons (under 18 years of age) and adults.

In total there are 5 prisons in Latvia where underage persons are in pre-trial detention or are serving the sentence - deprivation of liberty. And there is a positive trend observed – the total number of underage prisoners is decreasing annually. According to the opinion of experts of criminal justice, it is related to the changes in the demographical situation in the country – the number and proportion of young people of the total population is decreasing year by year; to the decrease in numbers of offences in the country committed by minors; to activities of the State Probation Service – it offered a possibility to organize educational character involuntary tools for underage persons as an alternative to custody and to recent amendments of Criminal Law regarding minors – Section 65.2 says that for a person who has committed a criminal offence before attaining 18 years of age deprivation of liberty shall be applied only in case of a especially serious crime or serious crime, which is associated with violence or the threat of violence, or have given rise to serious consequences. For criminal violations and for less serious crimes the penalty of deprivation of liberty shall not be applied for such person.

At the moment (January 1st 2010) there 149 underage prisoners are in Latvia which is 2.1% of the total number of all prisoners (n=7055). The majority of the minors are serving their sentence for offences against property – theft, robbery, hooliganism.

According to the health of young prisoners – it can be concluded that HIV and other infections (TB, HCV, HBV) as well as smoking, drug and alcohol use, suicide attempts are significant problems in Latvian prisons. Mostly the mentioned health behaviours and consequences are discovered not so much among underage prisoners but more among young ones – from 18 to 30 years of age. Although often separate data according to the mentioned age groups are not available due to the reasons mentioned above.

In Latvia there is no specific state funds allocated for the health promotion and prevention activities in prisons (int. al. among young prisoners). Such activities are held in prisons fragmentary, mostly based on concrete projects and are carried out by NGOs. One of the broadest projects in Latvia in the field of prevention activities among prisoners already since 2006 is financed and implemented by UNODC. The overall goal of the project is to assist Latvia to halt and reverse the HIV/AIDS epidemics among injecting drug users and in prison settings.

In general it has been concluded by experts that till now in the policy of criminal penalties the performance of the pre-trial detention and the penalty of the deprivation of liberty for underaged and young persons is not specified. Also the child protection policy does not clearly define the protection of the rights of an imprisoned child. Thus it might be said that in Latvian penitentiary

system the attention mostly is paid to the ensuring of the regimen not to the particular status of a juvenile. It might be concluded that the status of under-aged prisoners does not generally differ from the status of adult ones. Several additional benefits and privileges do not overshadow the fact that the minor in the Latvian prison is firstly the offender and only than the child.

But there are positive improvements observed – the understanding and political willingness to improve conditions of young prison inmates is shown by government by elaboration and approval of many really important political plans and strategies regarding health promotion and improvement of life conditions of young prisoners. Now the implementation of all changes and reforms mostly depends on the economical situation in the country.



2. National background information on the Criminal Justice System

(Chapters 2.1-2.3 have been adapted (and updated) from: Literature review, Latvia, 2008, EC project Training Criminal Justice Professionals in Harm Reduction Services for Vulnerable Groups (TCJP), Project No 2007318)

2.1 The courts

An independent judicial power exists in the Republic of Latvia, alongside the legislative and the executive power. Judicial power in the Republic of Latvia is vested in district (city) courts, regional courts, the Supreme Court and the Constitutional Court. In the Republic of Latvia only a court shall adjudge justice.¹

There are 42 courts in Latvia divided in 3 levels – 35 district (city) courts, 6 regional courts and the Supreme Court.¹

Constitutional Court mainly assesses cases on conformity of laws and other normative acts to the Constitution.¹

A district (city) court is the court of first instance for civil matters, criminal matters, and matters which arise from administrative legal relations.¹

Six regional courts are acting in the Republic of Latvia: the Riga Regional Court, the Kurzeme Regional Court, the Latgale Regional Court, the Vidzeme Regional Court, the Zemgale Regional Court and the Administrative Court. A Regional Court can be the court of first instance or of appellate instance. A Regional Court is the court of first instance in specific cases stipulated in the Civil Procedure Law or Criminal Procedure Law. A Regional Court is a court of appellate instance for civil matters, criminal matters and administrative matters, which have been adjudicated by a district (city) court, or by a single judge.¹

The composition of the Supreme Court of the Republic of Latvia is: the Senate and two judicial panels: the Civil Matters Panel and the Criminal Matters Panel. A Panel of the Court is the court of appellate instance for matters, which have been adjudicated, by regional courts as courts of first instance. The Senate shall be composed of three departments: the Civil Matters Department, the Criminal Matters Department and the Administrative Matters Department.¹

2.2 The police service and police detention

The police in Latvia are an armed, militarized State or local government authority, whose duty is to protect from criminal and other illegal threats life, health, rights and freedoms, property, and the interests of society and the State.²

The police comprise the State Police, the Security Police and local government police. The State Police and the Security Police each within its competence shall perform their duties throughout the whole territory of the Republic of Latvia; the local government police – within the

relevant administrative territory. The State Police and the Security Police are institutions under the supervision of the Minister for the Interior. The local government police are incorporated in the relevant local government, but with respect to questions of the organization of work, co-operate with the State Police.²

Competence of the Security Police in general is crime against state and the antiterrorism.³

The main tasks of the State Police are:

- to guarantee the safety of persons and society;
- to prevent criminal offences and other violations of law;
- to disclose criminal offences and search for persons who have committed criminal offences;
- to provide assistance, in accordance with procedures prescribed by law, to institutions, private persons and unions of persons in the protection of their rights and the carrying out of tasks prescribed by law; and
- to implement, within the scope of its competence, administrative sanctions and criminal sentences.⁴

Criminal Police, Public Order Police (incl. al Traffic Police), are subordinated to the State Police⁵.

The duties of local government police include:

- 1) prevention of violations of the law;
- 2) provision of social rehabilitation assistance to persons who have been released from institutions of deprivation or of restriction of liberty, or who are under treatment for alcohol, narcotic, psychotropic or toxic substances addiction;
- 3) guarding and conveyance of persons arrested and under administrative arrest for administrative violations;
- 4) control of how regulations approved by the local government are being observed, for the violation of which administrative sanctions are prescribed, as well as the imposing and collection of fines regarding such violations; and
- 5) support of the State Police and Security Police in the guaranteeing of public safety and the fighting of crime.

If a local government does not form its own police (not all municipalities in Latvia have their own police), the State Police shall perform the measures mentioned above.²

Regarding the police detention - according to the Criminal Procedure Law in Latvia a person may be detained only if there are grounds for the allegation regarding the committing of a criminal offence regarding which a penalty related to the deprivation of liberty may be applied, and if there exists one of the following provisions:

1) the person was surprised precisely at the moment of the committing of a criminal offence, immediately afterwards, or also in escaping from the location where the criminal offence was committed;

2) a person shall be indicated as the committer of a criminal offence by a victim or another person who saw the event or directly acquired such information in another way;

3) clear traces of the committing of the criminal offence have been found on the person him or herself, in the premises in the usage thereof, or in other objects;

4) traces left by such person have been found at the location where the criminal offence was committed.

The person directing the proceedings shall immediately but not exceeding 48 hours decide on the verdict to bring the detained person in a verdict of suspect or accused and on the security measures. Thus the police detention in Latvia should not exceed 48 hours.

The Criminal Procedure Law stipulates that if a minor (as well as pregnant women or women in the post-natal period) is held suspect or accused of committing a crime through negligence or of committing a criminal violation, detention shall not be applied, except the case when such person has performed actions under the influence of intoxicating substances as a result of which the death of another person has occurred. If a minor is held suspect or accused of the committing of a intentional less serious crime, detention shall be applied only if he/she has violated the provision of another security measure or a compulsory measure of correctional nature – placement in a social correctional educational institution - or committed a crime as suspect or an accused in the committing of an especially serious crime²².

During the detention a person is placed in a short term detention room, after the (maximally) 48 hours the person should be transported to the court where a judge decides on the security measures. If the judge decides to keep the person in detention, this person will be transported to the investigation prison²². In the short term detention rooms and the investigation prisons underage persons and adults should be kept separately^{6, 7}.

The term of detention for minors shall not exceed half of the maximum term possible for persons of legal age, which is:

- for person held in suspicion of, or accused of, the committing of a criminal violation term the of detention shall not exceed 3 months (in detention in pre-trial proceedings not longer than 2 months);

- for person held on suspicion of, or accused of, the committing of a less serious crime term the of detention shall not exceed 9 months (in detention in pre-trial proceedings not longer than 4 months);

- for person held on suspicion of, or accused of, the committing of a serious crimeterm the of detention shall not exceed 12 months (in detention in pre-trial proceedings not longer than 6 months);

- for person held on suspicion of, or accused of, the committing of an especially serious crime the term of detention shall not exceed 24 months (in detention in pre-trial proceedings not longer than 15 months)²².

To a minor also a placement under the supervision of parents or guardians or the placement in a social correctional educational institution can be applied as a security measure. Section 285 of the Criminal Procedure Law speaks about the placement of a minor in a social correctional educational institution: the placement of a minor in a social correctional educational institution is the deprivation of liberty of a person that may be applied before the entering into effect of a final adjudication in concrete criminal proceedings, if the holding in detention of a suspect, or an accused, who is a minor is not necessary, yet there is insufficient conviction that the minor will fulfill his/her procedural duties, and will not commit new criminal offences, while at liberty. The term spent in the social correctional educational institution shall be included as time spent in detention, counting one day spent in the institution as one day spent in detention²².

It must be remarked that State Police is carrying out an important work in the elimination of offences committed by minors which includes campaigns and lectures among school students as well as so called individual prevention – in 2006 there were 1473 underage lawbreakers preventively registered in the State Police registers, in 2007 – 1511 and 2008 – 1402. Thus every year quite large amount of youngsters with crime behaviour are supervised by Police. Although due to the lack of resources this supervision not always is active and successful and do not prevent youngsters against commission of repeated offences²⁷.

2.3 The prison system

The penal system in Latvia is regulated by The Sentence Execution Code of Latvia (23.12.1970) and The Criminal Law (01.04.1999) and it is a subject to the Ministry of Justice (MoJ). The MoJ in the field of the system of penalties and penal enforcement:

1) develops and implements the State policy in the field of the system of criminal penalties and the system of administrative penalties and penal enforcement,

2) organizes enforcement of criminal penalties and activities of probation system.

Subordinated to the MoJ is the Latvian Prison Administration. Its functions are to ensure pre-trial detention as a security measure and deprivation of liberty as a criminal punishment. The Latvian Prison Administration ensures the health care of prisoners, as well as arranges measures of the mental care and education of prisoners⁸.

In its turn all prisons in Latvia are subordinated to the Latvian Prison Administration. There are 11 prisons and one correction institution for juveniles in Latvia. The prisons may be characterized as follows:

- 2 investigation prisons;
- 6 closed-type;

- 2 semi-closed-type prisons;
- 1 open-type prisons;
- 1 correctional institution for juveniles^{9,10}.

Since 01.08.2007 Latvia is running a new prison hospital outside Riga in Olaine prison where all patients are transferred for stationary care¹⁰. The new hospital is built in accordance with the all necessary standards and therefore it provides medical care of prisoners in suitable circumstances¹¹.

Under the MoJ there is also the State Probation Service working. The competence of the State Probation Service is concerned with:

- issuing of assessment reports in relation to probationary clients;
- performing the quality monitoring of individuals who have been conditionally convicted, released prior to the term expiry on condition;
- organization of criminal sentence - involuntary work – performance;
- organization of educational character involuntary tools for underage - performance of social works;
- elaboration of probation programs and implementation of licensed programs;
- organization and management of the conciliation procedure in a criminal process¹².

Due to financial crisis the State Probation Service has reduced its functions and since 2009 they stopped the provision of the post-penitentiary assistance to released prisoners, thus negatively influencing the penitentiary system of the country, which has been recognized by other European countries³⁴.

2.4 Definitions of a young adult and a young prisoner

According to the Youth Law of the Republic of Latvia young people are persons from 13 to 25 years of age¹³. But there is no specific definition of a “young offender” or “young prisoner” stated in normative acts of Latvia. There are only 2 types of prisoners defined – underage persons and adults.

According to the Civil Law (clauses No 219-221) the minority of persons of both genders continues until they attain the age of 18. In exceptional circumstances and for especially good cause the minor may be declared as being of age of majority before he or she have attained the age of 18, but not earlier than before he or she fully attain the age of 16. In that case this granting of majority should be confirmed by a court. As well the clause 221 stipulates that a person, who, pursuant to the procedures established by law, has married before attaining the age of 18, shall be deemed to be of age of majority¹⁴.

The Protection of the Rights of the Child Law also says that a child is a person who has not attained 18 years of age, excepting such persons who have been declared to be of legal age in accordance with the law or have entered into marriage before attaining 18 years of age¹⁵.

Chapter II of the Criminal Law on the age at which criminal liability applies says that a person may be held criminally liable who, on the day of the commission of a criminal offence, has attained 14 years of age. And that a juvenile, that is, a person who has not attained 14 years of age, may not be held criminally liable. But Chapter VII called “Special Nature of Criminal Liability of Minors” stipulates that the provisions of this Chapter apply to persons who have not attained 18 years of age as of the commission of the criminal offence¹⁶. Thus it could be said that a minor offender is a person who, on the day of the commission of a criminal offence, has attained 14 years of age but have not attained 18 years of age. Actually that means that a person could be considered to be underaged even he/she is more than 18 years old just if the criminal offence has been committed under age of 18¹⁶.

The Sentence Execution Code of Latvia does not contain a definition of a minor. But by interpreting norms of the Code, it should be considered that a minor is a person under age of 18^{17, 42}.

It is necessary to underline, that the Code stipulates that a convicted minor who has attained 18 years of age may be transferred to a deprivation of liberty institution for adult convicted persons, if the conduct of the convicted person rules out the possibility of leaving him or her in a juvenile correctional institution or releasing him or her from the serving of sentence before the end of the term. But - in order to strengthen the results of re-socialisation and provide the possibility of acquiring a general education or vocational preparedness, convicted persons who have attained 18 years of age may be left in a juvenile correctional institution until the end of the academic year or the end of the sentence term, but not longer than until they attain 21 years of age^{17, 42}. Thus it could be concluded that a juvenile status of a convict can last from 14 to 21 years of age. Legally from 18 years of age every person reaches his/her lawful age, thus also the 18 years old convict attains the rights of an adult person, just there is a possibility for him/her to conserve the preferential of an underaged prisoner till the age of 21⁴².

It should be underlined that there are two types of minors in Latvia's prisons – convicted minors who serve their sentence of deprivation of liberty and young remand prisoners who are waiting for the legal proceeding of their criminal case⁴².

Thus the understanding of a term “minor / underaged person” according to Latvian legislation could be summarized as follows (adapted from Judins, 2005) (see Table 1)⁴².

Table 1 Understanding of term “underage person” in different normative acts in Latvia⁴²

Law / Code	Age of majority - before which person is a minor or has a minor status
Civil Law	18 years (as an exception according to clause No 220 – 16 years)
Protection of the Rights of the Child Law	18 years (excepting persons who have been declared to be of legal age in accordance with the law or have entered into marriage before attaining 18 years of age)
Criminal Law	From 14 till 18 years (or longer if the criminal offence has been committed under age of 18)
Sentence Execution Code	From 14 till 18 years (with the possibility to prolong the status till 21 years of age)

Just one recently (in 2009) elaborated document – Concept of the resocialization of convicted with the penalty of the deprivation of liberty speaks about “young prisoners”, respectively it stipulates that one of the prior groups for resocialization are young prisoners from 14-25 years of age¹⁸.

2.5 Juvenile law in Latvia

The Youth Law of the Republic of Latvia came into force on 1.01.2009. Purpose of the Youth Law is to improve the life quality of young people – persons from 13 to 25 years of age – by promoting their initiatives, participation in decision-making and social life, as well as by supporting youth work. Youth Law determines the persons involved in the implementation of the youth policy and the competence thereof in the field of youth policy, youth participation in the development and implementation of the youth policy, as well as the basic principles for granting of financing to youth initiatives, for participation in decision-making and social life and for youth work^{13, 19}.

According to Order No 246 (20.04.09) of the Cabinet of Ministers the Youth policy guidelines for years 2009-2018 have been established. Objective of guidelines is to achieve harmonized coordination and implementation of youth policy on state and local level, identifying priority action lines and policy results, creating vision after 10 years connected to youth life quality and realization of youth policy. To achieve mentioned aim and fulfill objective three main dimensions of youth policy were defined where state interferences are necessary:

- a) dimension of youth policy coordination;
- b) dimension of youth participation and useful utilization of leisure time;
- c) dimension of youth social and economical growth and support to youth competitiveness and inclusion in society.

In the guidelines there especially vulnerable groups of young people (persons who have fewer potentialities and should be especially supported) have been defined:

- Youngsters with physical or mental disabilities, including youngsters with chronic diseases: HIV, hepatitis C infected youngsters, youngsters with diabetes.

- Youngsters from low-income or socially disadvantaged families;
- Youngsters who have not attained primary education;
- Rural youth;
- Young orphans;
- Young parents and young families (especially one-parent families and large families);
- Unemployed youngsters;
- Young offenders, young prisoners and youngsters released from prison;
- Young addicts;
- Roma youngsters;
- Young victims of violence;
- Vagrant youth²⁰.

Regarding the offences committed by young people in the document there following main problems have been identified in the country:

- there is still high numbers in Latvia of administrative, civil and criminal offences committed by young people;
- resocialization activities for young prisoners are not sufficient;
- individual preventive work with young offenders and educational events for social correction are not sufficient in the country;
- the age of young offenders is decreasing in the country (at the moment Law on Application of Compulsory Measures of a Correctional Nature to Children stipulates that compulsory measures of a correctional nature are applied to children aged from 11 years, but this age should be diminished to 9 years)²⁰.

Accordingly to problems identified direction of actions No 6.3.4 of the document is called „Legal aspects of youth behaviour and elimination of violence against young people” which stipulates following objectives:

- ensure the prevention of deviant and delictent behaviour of young people and ensure behavioral correction;
- reduce number of administrative, civil and criminal offences committed by young people;
- resocialization as well as promotion of productive spending of free time of young prisoners and youngsters in educational establishment for social correction;
- protect young people against violence and discrimination;

- promote application of the compulsory measures of a correctional nature instead of custody²⁰.

According to the before mentioned guidelines the Youth policy state program for years 2009-2013 have been established which contains concrete and detailed activities for the achievement of the goal and objectives of the guidelines. As well there are all responsible institutions mentioned which should implement each activity. Direction of actions No 12 is called according to the guidelines - Legal aspects of youth behaviour and elimination of violence against young people and contains detailed activities for reaching the targets of the direction of actions No 6.3.4 of the guidelines, e.g.:

- to ensure possibility for young people to be a mediators in the conciliation procedure by educating young volunteers from 18 to 25 years of age (activity 12.1.5);
- to organize informative events in schools and youth centers on the administrative, civil and criminal responsibility of young people (activities 12.2.1 and 12.2.2);
- to elaborate and implement a resocialization program for promotion of adaptation and prevention of suicidal behaviour of minor prisoners (activity 12.3.3);
- to educate judges on the application of educational events for social correction for young people instead of custody (activity 12.6.1); etc.²¹.

As well the activities of the Guidelines on education policy for prison inmates for the years 2006-2012 are included in the mentioned program (see chapter 2.6.2.4).

But it should be mentioned that all activities are planned to implement within the existing state budget for each year which means that due to the financial crisis and the budget cutdowns it is as likely as not that the mentioned activities would be realized.

2.6 Juvenile justice legislation and different forms of custody

2.6.1 Main Laws and Codes

2.6.1.1 The Criminal Law against a person who has committed a criminal offence in general stipulates following forms of criminal punishment in Latvia:

1) basic sentences:

- the death penalty (may only be applied where a crime has been committed in time of war; may not be applied to persons who, as of committing of the crime, have not attained 18 years of age, and to women);
- deprivation of liberty;
- custodial arrest (shall be determined for a term of not less than 3 days and not exceeding 3 months; may not be applied to pregnant women and mothers caring for an infant not exceeding 1 year of age);
- confiscation of property;

- forced labour (shall be determined for a term of not less than 40 hours and not exceeding 280 hours; not applicable to persons disabled from working and to soldiers);

- a fine.

2) additional sentences:

- confiscation of property;

- deportation from the Republic of Latvia;

- a fine;

- limitation of rights (for a term of not less than 1 year and not exceeding 5 years);

- police supervision; and

- a prohibition to become a candidate in *Saeima*, European Parliament, republic city council and county council elections (for a term of not less than 2 years and not exceeding 4 years)¹⁶.

Chapter VII of the Criminal Law of Latvia is called “Special Nature of Criminal Liability of Minors” and it stipulates that there are 4 forms of basic punishment for minors:

1) deprivation of liberty;

2) custodial arrest;

3) forced labour; or

4) fine (applicable only to those minors who have their own income)¹⁶.

For a person who has committed a criminal offence before attaining 18 years of age, the period of deprivation of liberty may not exceed:

- 10 years - for especially serious crimes;
- 5 years - for serious crimes, which are associated with violence or the threat of violence, or have given rise to serious consequences;
- 2 years – for other serious crimes.

For criminal violations and for less serious and serious crimes the penalty of deprivation of liberty shall not be applied for such person¹⁶.

The Law also says that a person, who before attaining 18 years of age, has committed a criminal violation, shall, after serving the sentence, be deemed to have not been convicted¹⁶.

A court may release a minor from the punishment adjudged by applying compulsory measures of a correctional nature (taking into account the particular circumstances of the committing of a criminal offence and information received regarding the personality of the offender, which mitigate his or her liability)¹⁶.

2.6.1.2 Sentence 14 of the Criminal Procedure Law underlines that the criminal proceedings against an underage person shall have preference, in comparison with similar criminal proceedings against a person of legal age, in the ensuring of a reasonable term²².

Other stipulations of the Law regarding the minors and detention are described in section 2.2.

2.6.1.3 The Sentence Execution Code of Latvia (clause 13) stipulates that persons of full age who have been sentenced with deprivation of liberty shall serve their sentence in a closed prison, a partly closed prison or an open prisons, or in the isolation sections or the maintenance service of investigation prisons, but male minors so convicted shall serve their sentence in juvenile correctional institutions and female minors – in separate sections of women's prisons which have been arranged as juvenile correctional institutions¹⁷.

As it was mentioned already before, Code stipulates that a convicted minor who has attained 18 years of age may be transferred to a deprivation of liberty institution for adult convicted persons or for the mentioned good reasons he/she may be left in a juvenile correctional institution until the end of the academic year or the end of the sentence term, but not longer than until they attain 21 years of age¹⁷.

Section 18 of the Code stipulates also that in prisons men and women, as well as minors and adults shall be held separately. As well persons who are in pre-trial detention shall be held separately from convicted persons except in cases where they consent to common placement or involvement in common activities if the investigative institution or the court at whose disposal the detainee is, agrees thereto. But those requirements shall not apply to hospitals of deprivation of liberty institutions¹⁷.

Sections 50.5 and 50.6 of the Code stipulate that convicted persons who have been transferred from juvenile correctional institutions after attaining legal age are serving their sentence in Partly-Closed Prisons if they have been sentenced for the commission of serious or especially serious crimes. Those who are convicted regarding commission of a criminal violation or less serious crime are serving the sentence in Open Prisons¹⁷.

Section 50.7 of the Code is called “Sentence Execution Regime in Juvenile Correctional Institutions” and stipulates additional benefits to underaged prisoners, which are:

- 1) 12 long duration visits from 36 to 48 hours with close relatives per year;
- 2) 12 short duration visits from one and half hours to two hours per year;
- 3) shop at the institution store without limits to the amount of money;
- 4) six telephone calls per month;

5) with permission of the head of the juvenile correction institution, to go out of the territory of the institution for up to ten twenty-four hour periods per year, as well as go out of the institution for up to five twenty-four hour periods due to the death or a life-threatening serious illness of a close relative. The time spent outside the institution shall be included in the time of the sentence

served¹⁷. Comparison of the mentioned benefits for underaged and for adult prisoners is shown in Table 2.

Table 2 Comparison of benefits for underaged and for adult prisoners

Juvenile Correctional Institutions	Partly-Closed Prisons (if one is serving his sentence at the highest level)	Closed prisons (if one is serving his sentence at the highest level)
12 long duration visits from 36 to 48 hours per year	8 long duration visits from 24 to 48 hours	6 long duration visits from 12 to 24 hours
12 short duration visits from 1.5 to 2 hours per year	8 short duration visits from 1.5 to 2 hours per year	6 short duration visits from 1 to two hours per year
shop at the institution store without limits to the amount of money	to make purchases in the prison shop for a monetary sum in the amount of one minimum monthly wage as determined by the Cabinet	to make purchases in the prison shop for a monetary sum in the amount of one minimum monthly wage as determined by the Cabinet
6 telephone calls per month	4 telephone calls per month	3 telephone calls per month
go out of the territory of the institution for up to 10 24-hour periods per year, as well as go out of the institution for up to 5 24-hour periods due to the death or a life-threatening serious illness of a close relative	to leave the prison territory short term for up to 7 24-hour periods per year, or up to 5 24-hour periods in connection with the death or life-threatening serious illness of a close relative	-

The Sentence Execution Code stipulates also some more preferences for underaged prisoners, e.g.:

- it is said that for violation of the requirements of the sentence serving regime convicted minors could be placed in punishment isolation cells for a period of up to 10 days and nights (comparing to 15 days and nights for adult prisoners);

- as well for good conduct and a conscientious attitude towards work and training the administration of the juvenile correctional institution may (additionally to regular incentives as for adult prisoners) give permission to a minor to leave the institution for up to eight hours, accompanied by their parents or employees of the institution;

- it is said that the norm for living space in prisons for one minor convicted person in hostel-type premises shall not be smaller than 3 square meters (comparing to 2.5 for adult male prisoners; for female convicts the norm of living space is also 3 square meters);

- it is said that minors (as well as pregnant women, mothers who are breastfeeding infants and sick persons) shall have improved premises and living conditions and increased nourishment norms shall be provided for in regard to them as well as they may be permitted to receive additional parcels and deliveries of food products¹⁷ (very detailed norms of nourishment as well as the household needs are stipulated in the Rules of the Cabinet of Ministers No 1022 (came into the

force on 19.12.2006) “Rules on the norms of nourishment and household needs of sentenced persons”²³;

- it is said that convicted adults in Latvia shall be involved in work according to the procedures specified by the Cabinet of Ministers, but minors (as well as convicts who have reached retirement age, first and second group disabled persons) shall be involved in work only if they wish. Working convicted minors shall have granted holidays of 12 working days (comparing to 6 days for adults)¹⁷.

The Sentence Execution Code also says that education process in juvenile correctional institutions shall be approximated to the requirements for general educational institutions and it shall be regulated by an instruction approved by the Minister for Justice which has been harmonized with the Minister for Education and Science¹⁷.

Division 6 of the Code speaks about the custodial arrest and it is stipulated that persons sentenced with custodial arrest shall be held in isolated and guarded premises equipped for custodial arrest in State Police institutions. But it should be underlined that persons sentenced with custodial arrest shall be held separately from prisoners of other categories and that men, women as well as minors shall be placed separately. There are special benefits for arrested minors: they have rights to take walks in fresh air or take part in sports for minors not less than 2 hours per day (comparing to adults - not less than 1.5 hours); as well a minor sentenced with custodial arrest shall be permitted a visit by parents or persons substituting them for up to 1.5 hours once a month (whether an adult during the serving of the sentence shall not be permitted to see relatives or other persons except the advocate)¹⁷. Although as there are no specific arrest premises established in Latvia, arrest as a punishment would be not applied in the country until the year 2015³⁸.

On the release of minors from the prisons Code stipulates the following:

- persons released from juvenile correctional institutions who have not attained 18 years of age shall be sent to their parents or persons substituting for them. If the parents have died, are unknown or have been deprived of custody or care rights, or a guardian has been dismissed, the administration of the deprivation of liberty institution shall notify the State Probation Service and the Orphan's court (Parish court) of the previous place of residence of the released person;

- for minors whose parents have died or are unknown or whose parents have been deprived of parental authority, the Orphan's court (Parish court) of the previous place of residence shall appoint a guardian or take a decision regarding their placement in an educational institution for orphaned children or in a foster family¹⁷.

2.6.1.4 The Protection of the Rights of the Child Law of Latvia is dissociating from minor prisoners as Section 57 of the Law stipulates that during the time a child is under arrest for an criminal offence, in detention, under custodial arrest or is in a place of imprisonment, the guarantees of the rights of the child during the safeguarded period shall be as determined by laws regulating criminal procedures or serving of sentence^{15, 24}.

2.6.2 Main guidelines and programs (according to the rules of the Cabinet of Ministers)

2.6.2.1 In 2007 there the Strategy of execution policy of the custody of deprivation of liberty and detention of underage persons for the years 2007-2013 has been passed by the Cabinet of Ministers (order No 109, 21.02.2007). This document stipulates the attitude to juvenile offenders and the events necessary for the reforms of the content of custody in the country. In the document there 2 main problems have been identified according to the young prisoners in the country:

a) The protection of the children rights in the Latvian penitentiary system is no sufficient (rights to receive addiction treatment and social rehabilitation; rights to receive care in case of violation; to participate in cultural and entertainment events; rights to receive appropriate education etc.). An underage person is not the subject of the children rights during the imprisonment, at the moment young prisoners are perceived just as a category of prisoners which has a little bit preferential regimen of serving the sentence, but the disciplinary requirements are the same as for adult inmates. That's why appropriate care and resocialization of young prisoners is an urgent need in Latvia, which is identified also by the UN Committee on the Rights of the Child in 2001^{24, 25}.

b) Specialties of the care for juveniles during imprisonment – the Sentence Execution Code stipulates similar rules of the execution of penalty for adults and minors, the needs of each specific age group of young prisoners is not taken into consideration.

Thus 4 general aims of the execution policy of the custody of deprivation of liberty and detention of underage persons are established:

a) to ensure care for underage prisoners appropriate to the needs of the child and the international standards;

b) to ensure appropriate resocialization of underage prisoners (correction of social behaviour, social rehabilitation), which is provided by skilled specialists;

c) to ensure the involvement of all appropriate institutions in juvenile prisoners care, including nongovernmental organizations;

d) to eliminate the risk for society to suffer from repeated offences by diminishing the number of offences committed by minors²⁴.

2.6.2.2 To achieve the aims of the strategy mentioned above The program for implementation of the Strategy of execution policy of the custody of deprivation of liberty and detention of underage persons for the years 2007-2013 has been elaborated and accepted by the Cabinet of ministers in 2010. Due to the financial crisis the program contains only those activities financed by two running projects funded by EEA Grants - Norway grants and which mostly are of technical nature (renovation of Cesis correctional institution for juveniles etc.)²⁶.

2.6.2.3. In 2009 there a Program for restriction of crime committed by children and offences against children, 2009-2011 has been approved in Latvia. The aim of the program is to eliminate crime committed by children, prevent factors promoting criminal behaviour as well as to improve children safety by preventing them from any health or life threats. There are concrete events included in the program which should be realized by 2011, e.g.:

- elaboration of methodological materials and organization of campaigns on public order and safety for students of primary and vocational schools;

- strengthening of the implementation of alternatives to the custody for underage offenders - community service and involuntary work;

- elaboration of specific resocialization program for underage prisoners for promotion of their adaptation and prevention of suicidal behaviour, education of the prison staff on the implementation of the program;

- elaboration of specific resocialization program for underage prisoners with addiction;

- co-financing of NGO projects aiming at the work with vulnerable youth;

- organization of educational courses for school teachers on diagnostics of students social and psychological disorders and organization of support for such students etc.²⁷.

2.6.2.4. As well in 2009 there a Concept of the resocialization of convicted with the penalty of the deprivation of liberty elaborated which stipulates that one of the prior groups for resocialization are young prisoners from 14-25 years of age and includes description of resocialization reforms in penitentiary system (e.g. specific resocialization for addicted prisoners e.g. on control of anger and aggressiveness) etc.¹⁸.

In addition a Concept of the employment of convicted with the penalty of the deprivation of liberty is approved in 2010 which underlines that it is important to enlarge possibility also for underage prisoners to receive salaried work²⁸.

Also Guidelines on education policy for prison inmates for the years 2006-2012 are approved in 2006 and updated in 2009 which describes the necessary changes and reorganizations in the education in penitentiary system in the country to enlarge the possibility to receive/finish adequate education for prison inmates, including underage prisoners²⁹.

Thus it can be concluded that political willingness of the government is shown, many really important documents regarding health promotion and improvement of life conditions of prisoners (including young ones) are elaborated and grave improvements are planned. Now the implementation of all changes mostly depends on the economical situation in the country.

2.7 Alternatives to custody

Alternatives to the custody for minors are stipulated in the Law on Application of Compulsory Measures of a Correctional Nature to Children which came into force on 01.01.2005. Section 4 of the Law stipulates that compulsory measures of a correctional nature are applied to children (aged 11 to 18 years old) who have committed:

- 1) an offence and whom a court has released from the sentence;
- 2) an offence provided for in the Criminal Law with regard to which a decision has been taken regarding the termination of the criminal process;
- 3) an offence provided for in the Criminal Law established to be committed by a person under age of 14 years and with regard to which a decision has been taken regarding the renunciation to initiate the criminal process;
- 4) a violation with regard to which a decision has been taken regarding sending the administrative violation case or materials to a local government administrative commission for the application of compulsory measures of a correctional nature³¹.

Section 6 of the Law stipulates following compulsory measures of a correctional nature which may be applied to children:

- 1) to issue a warning;
- 2) to impose a duty to apologize to the victims if they agree to meet with the guilty party;
- 3) to place a child in the custody of parents or guardians, as well as other persons, authorities or organizations (for a time period from 6 months up to 1 year, but not longer than until reaching 18 years of age);
- 4) to impose a duty to eliminate by his or her work the consequences of the harm caused (may be applied if a child has reached the age of 15 and if the work does not involve an increased risk to his or her security, health, morals and development);
- 5) for a child who has reached the age of 15 and who has income – to impose a duty to reimburse the harm caused;
- 6) to specify behaviour restrictions (restrictions may be specified for a period of 30 days up to 12 months e.g. to prohibit to meet with certain persons; to impose a duty to visit and consult a psychologist, physician or another specialist; to impose a duty to be at his or her place of residence during a specific time of day etc.);
- 7) to impose a duty to perform community services (for a time period of 10 to 40 hours during the time free from regular employment or studies);
- 8) to place a child in an educational establishment for social correction (for a time period from 1 to 3 years, but not longer than until reaching 18 years of age).

In addition to the referred to compulsory measures of a correctional nature, a duty to undergo treatment for alcohol addiction, narcotic, psychotropic or toxic substances or other addictions may

be imposed on a child. This treatment could be organized within the educational establishment for social correction (according to the Rules of the Cabinet of Ministers No 726 (came into force on 16.12.2003.) - Procedures for the Mandatory Medical Treatment of Children Having Mental Dysfunction or Behavioural Disorders Due to the Use of Alcoholic Beverages, Narcotic, Toxic or Other Intoxicating Substances and Procedures for the Provision of Mandatory Medical Treatment for Addiction to Alcohol, Narcotic and Psychotropic Substances at Social Correctional Education Institutions)^{30, 31}.

If a child, who has committed an offence, has concluded conciliation and has accomplished its conditions, the measures of a correctional nature may be not applied³¹.

The institution responsible for social correction education in Latvia is the Ministry of Education and Science. They have defined the social correction as: an education program based on adopted methodology and organizational arrangements to persons at the age of mandatory education with deviations of social behaviour. In Latvia such programs are implemented only in social correction educational establishments. Mentioned establishments perform a function of the general educational establishment by implementing social correction educational program and ensuring the completion of the mandatory general basic education or improving its quality. Social correction educational program provides the organization of the values education for students and their preparation for social reintegration. Knowledge and skills required for independent life within the society are provided to minor law-breakers. Minor law-breakers are also given an opportunity to master professional skills. An important task of a social correction educational establishment is also to take care of the improvement of students' health and to provide addiction (alcohol, drugs, toxic substances, etc.) treatment in cases of necessity³².

Only one social correction educational establishment is working Latvia - in Valmiera region Naukšēni parish, the social correction educational establishment "Naukšēni" (established in 1998) (see Figure 1). Until 2009 there were 2 social correction educational establishments in Latvia working - in Alūksne region Alsviķi parish (for boys) and in Valmiera region Naukšēni parish (for girls). But there were problems with forming groups of students in Naukšēni establishment as the regional courts apply the placement of a person in a social correction educational establishment as a measure of educational enforcement against girls less often than against boys. Therefore since 2009 both institutions have been merged³².

It should be underlined that by applying enforcement measure of educational character a person shall be considered as not criminally punished. This measure cancels all the criminal legal consequences of the committed criminal offence³².

The main reason for the placement of minors in the educational establishment for social correction is theft³².

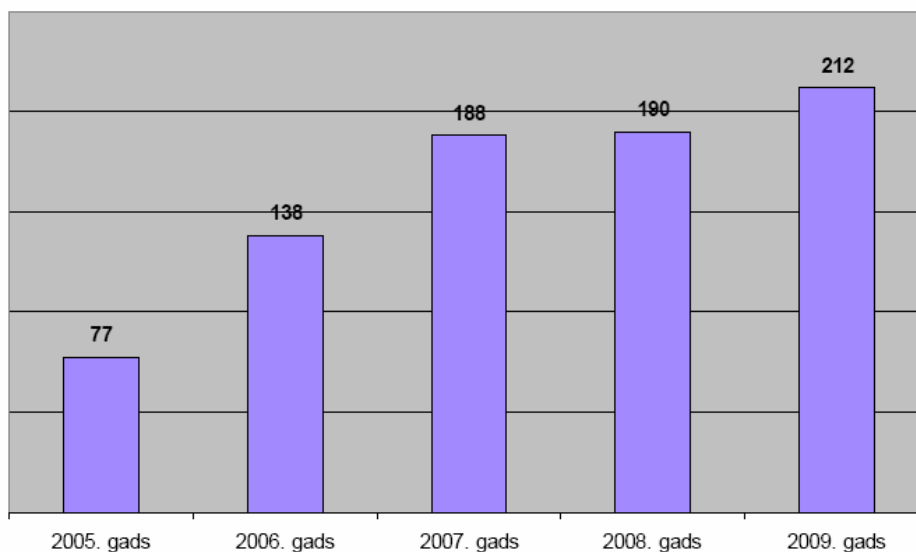
On 1st September 2010 there were 32 students (9 girls and 23 boys) in the social correction educational establishment "Naukšēni"³³.

Figure 1 Dislocation of the social correction educational establishment "Naukšēni"



In its turn for the institution responsible for the performance of the compulsory measure of a correctional nature - duty to perform community services – is the State Probation Service. Community services are organized by taking into account the age, educational level and skills. They are employed in works which are not hurtful to the health, e.g. cleaning and improvement of a school territory, wood stacking, auxiliary work in a school's library or kitchen etc. In 2009 files of 212 minor community services clients were established (see Figure 2), 184 notices on the discharge of the community services have been sent to the court. To 51 clients (24% of all clients in 2009) the duty to perform community services has been applied repeatedly. Totally in 2009 minors have worked 4,519 working hours^{34, 35}.

Figure 2 Number of community service's minor clients of the State Probation Service, 2005-2009³⁴



Regarding the execution of all other compulsory measures of a correctional nature - court shall send the decision for execution to a local government of the place of residence of the child³¹.

2.8 Probation and juvenile offenders

As it was mentioned above, the State Probation Service is responsible for the organization of the compulsory measure of a correctional nature - duty to perform community services – according to the underaged persons.

As well the Service is responsible for the organization of the sentence – forced labour for adults as well as for minors. In 2009 4290 persons were sent to the Probation Service for the execution of the sentence – forced labour, of them 194 (4.5%) were minors³⁴.

One of the duties of the State Probation Service regarding minors is also the organization of the conciliation process. Conciliation is a dispute process where the parties – victim and offender – voluntary take part and which is led by a neutral person – mediator. The aim of the process is to provide a possibility for parties to speak, discuss on the consequences of the criminal offence and thus to diminish the impact of the offence on their further life. This is a specially effective approach in those cases where a minor has committed the offence – for minors to meet the victim is an effective mean of the correction of behaviour. It gives the possibility to a minor to think and evaluate his/her dealing and to take responsibility. 14% of the total number of persons involved in the conciliation process (which was 745 in 2009) were minors³⁴.

Since the summer 2009 due to the financial crisis in the country the duties of the Service have been eliminated and the Service interrupted to provide assistance to the adults and youth after they have served their sentence³⁴.



3. National statistical background information on young people in the prison settings

3.1 Penal statistics

In total there are 5 prisons in Latvia where underage persons are in pre-trial detention or are serving the sentence - deprivation of liberty (see Figure 3):

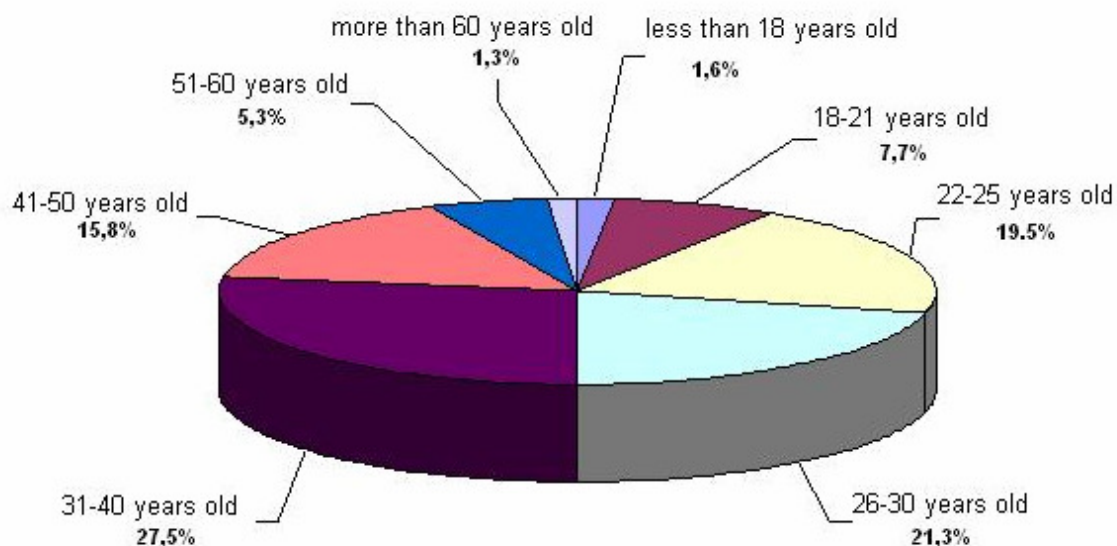
- Ilguciema prison (prison for females);
- Riga Central prison;
- Liepaja prison;
- Daugavgriva prison;
- Cesis correctional institution for juveniles³⁶.

Figure 3 Dislocation of prisons for juveniles in Latvia



The age groups of all convicts in Latvia on 1st January 2010 are shown in Figure 4 – 1.6% of them are aged under 18 years, 7.7% are 18-21 years old and 19.5% - 22-25 years old.

Figure 4 Age of convicts in Latvia⁹



The total number of minor inmates (detained and convicted) within the last 10 years is shown in Figure No 5.

Figure 5 Number of underage prisoners in Latvia, 2000-2010⁹

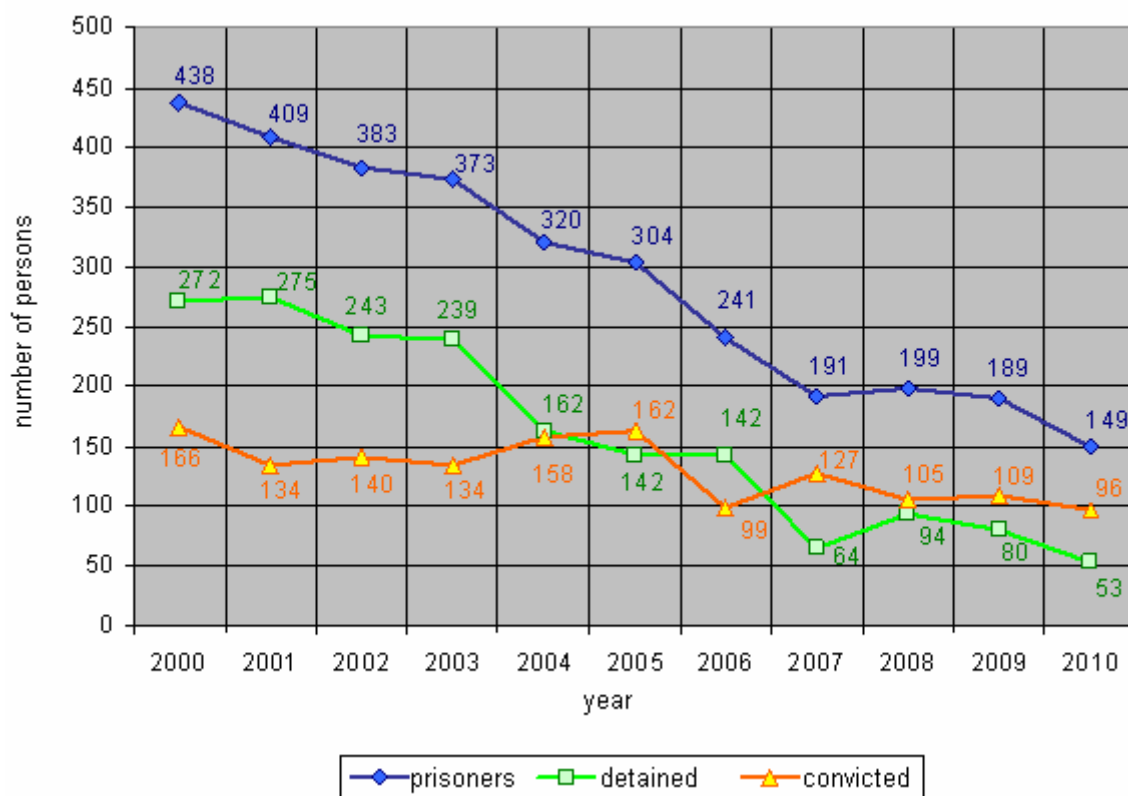


Figure 5 shows the annual decrease of the number of underage prisoners. According to the experts of criminal justice, it is related to^{37, 38}:

- a) the decrease in numbers of offences in the country committed by minors^{38, 39} (see Table 3):

Table 3 Number of offences committed by minors in Latvia, 2005-2010³⁹

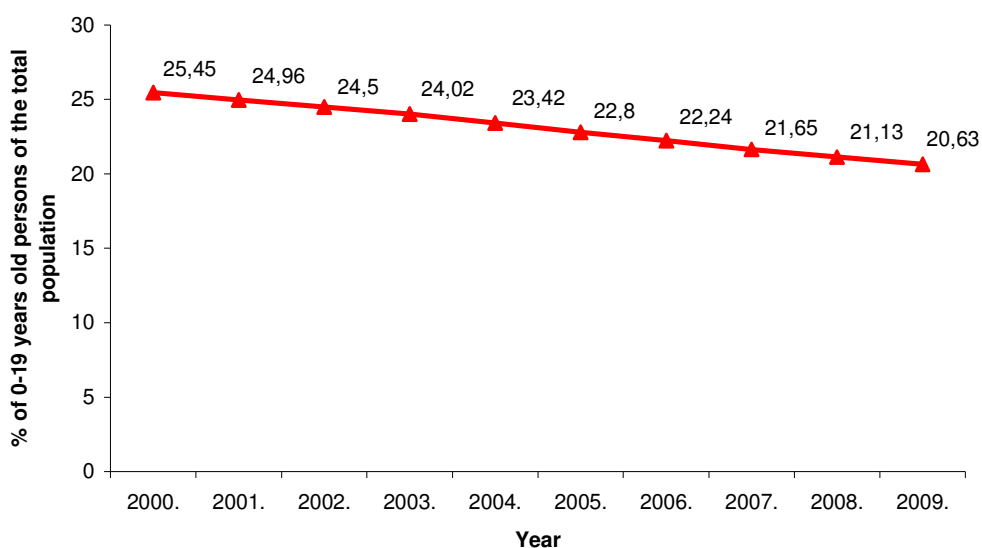
	2005	2006	2007	2008	2009
Number registered of offences committed by underage persons	2726	1782	1350	1397	1038

- b) recent amendments of Criminal Law regarding minors – Section 65.2 says that for a person who has committed a criminal offence before attaining 18 years of age deprivation of liberty shall be applied only in case of a especially serious crime or serious crime, which is associated with violence or the threat of violence, or have given rise to serious consequences. For criminal violations and for less serious crimes the penalty of deprivation of liberty shall not be applied for such person^{16, 37, 38};

- c) the establishment (in 2003) and activities of the State Probation Service – it offered a possibility to organize educational character involuntary tools for under aged persons as an alternative to custody^{34, 38};

- d) the changes in the demographical situation in the country – the number and proportion of young people of the total population is decreasing year by year (see Figure 6)^{38, 40}:

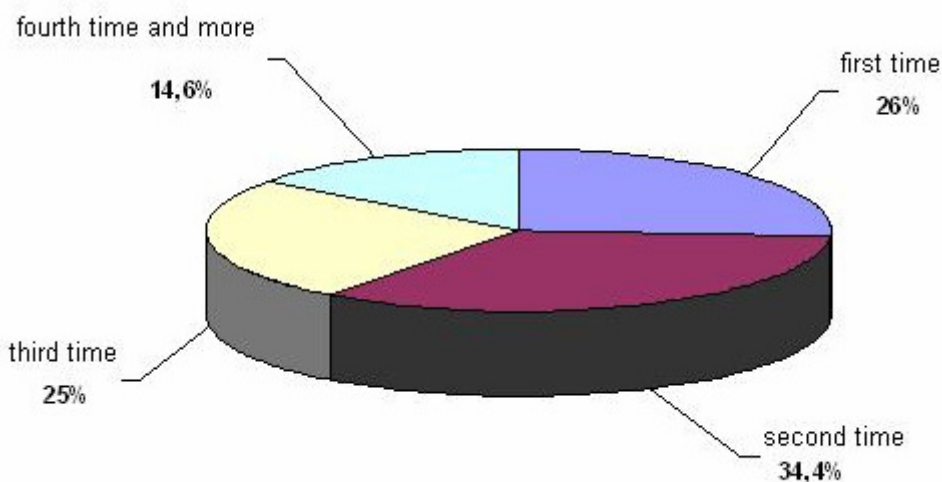
Figure 6 Proportion of 0-19 year old persons of the total population in Latvia, 2000-2009⁴⁰



On January 1st 2010 there 149 underage prisoners were in Latvia which was 2.1 % of the total number of all prisoners (n=7055). 96 from 149 were imprisoned in correctional institutions for juveniles⁹. The mentioned rate (2.1%) is one of the highest rates in EU. For example in 2004 the proportion of underage prisoners from all imprisoned persons was 0.2% in Finland, 0.3 in Sweden and Spain, 0.6 in Denmark etc.²⁰.

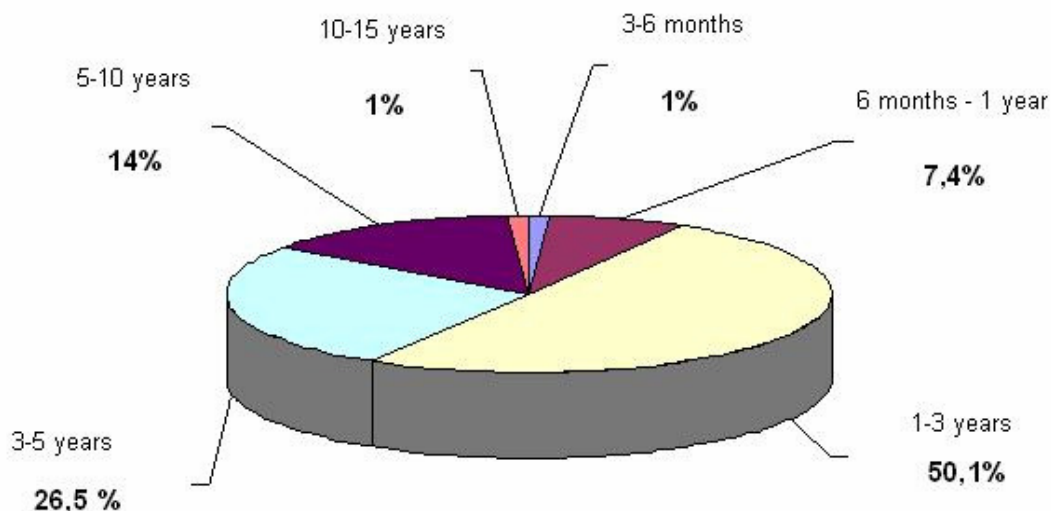
From all underage convicts only 26% have served their sentence for the first time, that means that there are high rates of repeated offences among minors in Latvia (see Figure 7).

Figure 7 Proportions of underage convicts according to times of imprisonment⁹



A half of the underage convicts are serving their sentence for the term from 1 to 3 years (50.1%), quite high proportion – 15% are imprisoned for long term – 5 and more years (see Figure 8).

Figure 8 Proportions of underage convicts according to length of imprisonment⁹



According to the Court information system of Latvia in 2009 there 931 underage persons have been convicted in Latvia. Of them 203 received custody of deprivation of liberty (and 490 – suspended deprivation of liberty). For 44.9% (n=91) of them have been convicted for the term of 1-3 years, 25.1% (n=51) – under 1 year, 20.2% (n=41) – 3-5 years and 9.8% (n=20) – 5-10 and more years⁴¹.

According to experts of criminal justice the term of imprisonment which exceeds 1 year is already enough for development of permanent changes in thinking and for steadying of offensive behaviour of a minor if qualitative and adequate resocialization activities are not in place in the prison²⁴.

The vast majority (57.6%, n=117) of the minor convicts have received their sentence of deprivation of liberty according to the Sections 175 and 180 of the Criminal Law – theft, in the second place (16.3%, n=33) there is Section 176 – robbery and in the third place (3.5%, n=7) - Section 231 – hooliganism. For murder there have been 3 minors convicted, for Intentional Serious Bodily Injury – 1 minor. For provisions regarding the production, acquisition, storage, registration, dispensation, transportation and conveyance of narcotic and psychotropic substances 6 minors have been convicted with the deprivation of liberty⁴¹.

In 2005 there was a study „Under-Aged Imprisoned Status and Development of Proposals for Its Improvement and Reaching of International Standards" carried out in Latvia by the Ministry of Justice and Centre for Public Policy Providus. During the research the expert has also concluded the above mentioned - that the absolute majority of the minors are serving their sentence for un-violent offences against property. And thus the basic penalty for this – deprivation of liberty – is not related to the severity of the offence or the personality of the minor offender but with the necessity to verbatim execution of the law. For example if the suspended deprivation of liberty is sentenced for the first theft, the minor would be sent to the prison after the next offence if it is done during the trial period even it is not severe⁴².

As the experts of the justice system have recognized, similar data on young 18-25 years old prisoners is not publicly available as it was mentioned already before, in Latvia prisoners are dividend only in two general age groups – underage persons and adults. There is no definition or specific group „young prisoners" in the country²⁰.

3.2 Data on health of young prisoners

Health care services for prisoners are managed directly by the Prison Administration (MoJ), not the MoH. There is a medical unit held in every prison which provides the ambulatory care. As well there is one Prison hospital working (in new premises of Olaine prison since August 2007)⁴³. Thus in Latvia the health care of convicted persons is not integrated in general public health care system - health care services for prisoners are not paid from the health care budget. This “division of labor” between MoJ and MoH often leads to the situation that patients in prisons do not receive equal medical care compared to the patients in the public health care system (for example, compensated medicaments), because the prison system cannot duplicate all services offered in public health^{44, 8}.

Reform of this system has been proposed with MoH taking responsibility for health services in prisons. However, this proposal has not been implemented so far. Such a move might save money overall, but it would require additional spending by MoH and would result in that ministry becoming responsible for an area known to be problematic and challenging⁴⁶.

The overall financial crisis in Latvia since 2009 has extremely aggravated all problems in prison system in general. And it resulted in a major reduction in the field of Prison Medicine⁴⁵ (the prisons system will no longer have earmarked funds for health⁴⁶) - in finance for medical expenditures, of hospital service, of the possibilities for diagnostics, in the number of medical staff and of salaries of medical staff. Now medical staff cannot carry out medical activities in accordance with national legislation. This will lead to significant worsening of prisoners' health care, the morbidity, the incidence of infectious diseases. In the case of an epidemic outbreak in Latvia, prisons will become a spreader of these diseases because it will not be possible to carry out all necessary activities. Thus prisons will release people with large scale of health problems that will influence negatively the public health as a whole⁴⁵.

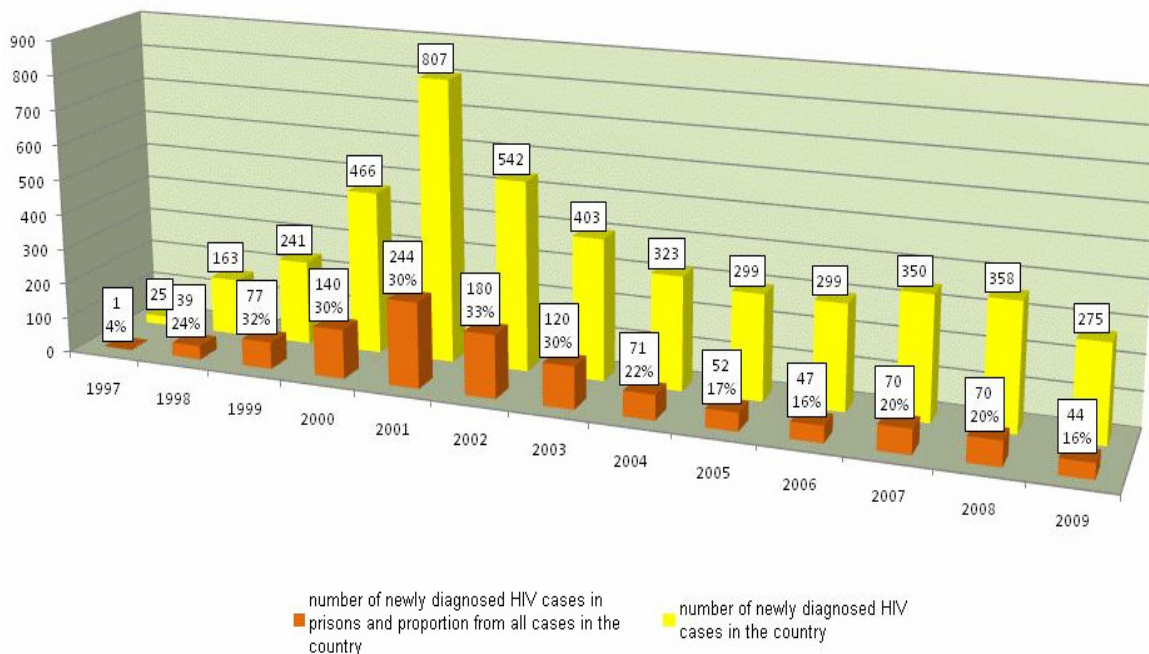
3.2.1 HIV/AIDS

HIV and other infections (TB, STIs and HCV, HBV) is significant problem in Latvian prisons. There are about 7000 people in 12 prisons. 1155 cases or 25% of all newly diagnosed HIV cases (N=4614) are being reported from prisons by December 31, 2009⁴⁶.

This rate may be due to the large scale testing being performed for this population. All prisoners entering the prison system pass a medical examination including an HIV test (except if they explicitly refuse) within the first three days after arrest. The tests are performed in external, certified laboratories. Positive results (by ELISA) are confirmed by Western Blot in the reference laboratory of LIC¹¹.

In last years approximately one fifth from all annually diagnosed HIV cases in the country are diagnosed in prisons (see Figure 9). However, it is still unclear whether the HIV infection had been contracted before or during detention and imprisonment as the testing is provided only by incarceration, not before the release. HIV prevalence among all prisoners is about 6.6% (comparing to 0.2% in the general population)⁴⁶.

Figure 9 Number of annually diagnosed HIV cases in Latvia and in Latvian prisons and the proportion of prison cases from all cases in the country⁴⁷



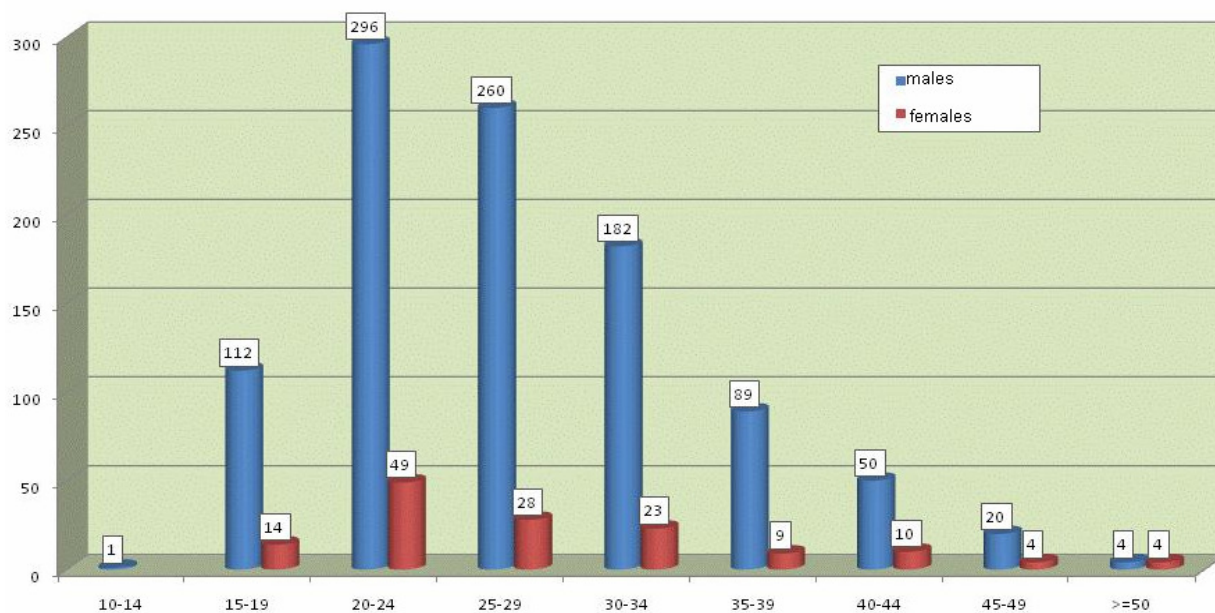
In 2007 in Latvia there a cross-sectional biobehavioural study “Prevalence of HIV and other infections and risk behaviour among IDU and their main sex partners in Latvia, Lithuania, and Estonia” was held by the Public Health Agency of Latvia in frame of the European Commission’s project „Expanding Network for Comprehensive and Coordinated Action on HIV/AIDS Prevention Among IDU and Bridging Population” (ENCAP). In the study the Respondent Driven Sampling was used and thus 407 respondents (70.3% (n=286) males and 29.7% (n=121) females) in the capital city Riga were recruited. One of the most interesting findings of the research was that self reported imprisonment ever in lifetime among IDU is strongly and independently associated with the positive HIV status – the Odds Ratio for the imprisonment was 1.98 (95% CI 1.1-3.7) (result adjusted for gender, age, duration of IDU, main drug injected and needle sharing with a HIV infected person). That is one more approval that the penitentiary system is one of the fueling factors of HIV epidemics in the country⁴⁸.

Speaking about the diagnosed HIV cases in prisons - the majority of them are among young males (see Figures 10 and 11)⁴⁷.

Figure 10 Number of annually diagnosed HIV cases Latvian prisons according to the gender⁴⁷

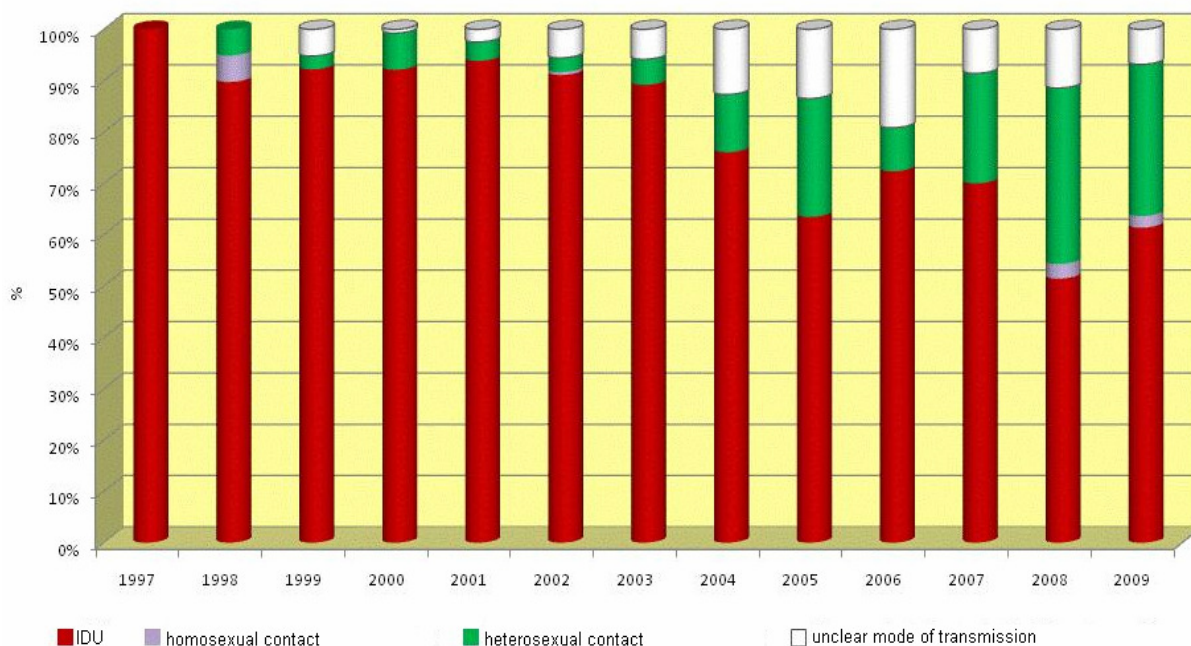


Figure 11 Number of HIV cases diagnosed in Latvian prisons according to the gender and age group (data on 31.12.09)⁴⁷



Still the drug injection using common injection paraphernalia is the main mode of HIV transmission among cases diagnosed in prisons in Latvia (see Figure 12)⁴⁷.

Figure 12 Proportions of annual HIV cases in Latvian prisons according to the mode of transmission⁴⁷



Based on data from MoH for 2008-2009, it appears that there are a total of 400-450 PLWHA in prisons. Of these 85% are men and 15% are women. Almost all (95%) of people living with HIV in prisons have a history of injecting drug use⁴⁶.

There is no data specific to the young or underage persons at the moment living with HIV in Latvian prisons available. But there is information on the prevalence of infectious diseases in every separate prison available. Thus in 2009 in Cesis correctional institution for juveniles 73 HIV tests were done at the incarceration but none of them was positive. Thus by December 31, 2009 there were no HIV infected juveniles living in the mentioned correctional institution for juveniles⁴⁹.

Speaking about the health care of HIV infected prisoners - further examinations after the diagnosing of infection (CD4 counts, viral load, chest X-ray) and prescription of antiretroviral therapy (ARV) is decided by the specialist from the LIC in close collaboration with the medical doctor in charge of the prison¹¹. Thus in principle, prisoners are entitled to free HIV/AIDS treatment. However, they are requested to pay the full price for certain types of care and drugs, including treatment of opportunistic diseases. Although ART is available in prisons to those in need, it appears that very few (about 5% of PLWHA in prisons) receive this, in practice. Reasons for relatively low uptake of ART in prisons are varied, including limited funds for ART. In 2009, also HIV testing on entry into the prison system was suspended due to financial limitations⁴⁶.

Never the less in 2010 there was a research carried out by Karnite et al which discovered that the average potential years of life lost (PYLL) for those PLH who are diagnosed positive at incarceration (i.e. have spent shorter or longer time in prison) does not differ from those diagnosed positive outside the penitentiary system. In the research data from the National Registry of HIV/AIDS Cases was used for the time period from 1991 (when the first HIV-related death in Latvia

was registered) till 2008. Thus data on 427 death cases were analyzed. PYLL were calculated as the sum of years that PLH have lost because of premature death (before age of 65 years). Thus the average number of average PYLL for persons being in prison was 30.1 (SD 8.8) and for those outside the prison settings – 29.4 (SD 10.4) ($t=0.7$; $p=0.5$). This relationship remained statistically insignificant also in multinomial analysis. That means that in spite of the circumstances in Latvian prisons the health care for PLH in penitentiary system in the country is more or less in place⁵⁰.

3.2.2 Tuberculosis

In order to address the problem of Tuberculosis (TB) and MDR-TB in prisons, the Latvian Prison Administration launched a close co-operation with the State Agency of Tuberculosis and Lung Diseases (since October 1, 2009 – reorganized and affiliated to the Infectology Center of Latvia). National TB Programme and the prison health authorities worked closely to implement DOTS strategy, improve laboratory diagnostics, provide centralized supply of anti-tuberculosis drugs, ensure treatment under direct observation and establish an integrated recording and reporting system. MDR-TB management implemented since 1998 in prisons under direct monitoring of National TB Programme. Common expert consultation system for treatment prescription and patients' follow-up are used for prison patients⁵¹.

During a ten year period (from 1998 to 2008) TB Epidemiological situation has improved:

- a) Number of TB cases on follow up in 1999 - 745, in 2008 - 103;
- b) Number of new TB cases treated in 1999 - 205, in 2008 - 35;
- c) MDR-TB cases treated in prisons in 2001- 83, in 2008 – 19;
- d) TB cure rates in prisons: in 2001- 71% successfully treated, in 2007 – 87%;
- e) No death due to TB in prisons for the past six years.

The Prison Administration informs the Infectology Center of Latvia on a regular basis about the released patients whose treatment need to be continued in the civilian sector⁵¹.

TB cases are mostly registered among young adult prisoners (see Table 4).

Table 4 Tuberculosis forms in the prisons by type, gender and age in 2006¹¹

	Gender									
		Total	15-17	18-24	25-34	35-44	45-54	55-60	61-64	65& more
Tuberculosis of respiratory organs	male	39	0	5	21	6	6	1	0	0
	female	4	0	1	3	0	0	0	0	0
Extra pulmonary tuberculosis	male	0	0	0	0	0	0	0	0	0
	female	0	0	0	0	0	0	0	0	0
All form tuberculosis	male	39	0	5	21	6	6	1	0	0
	female	4	0	1	3	0	0	0	0	0

By the December 31, 2009 there were no underage persons with TB living in Cesis correctional institution for juveniles⁴⁹.

3.2.3 Hepatitis

Since there is no budget for Hepatitis testing in prisons tests are only performed for HIV positive prisoners on the initiative of LIC. Also problematic are examinations necessary for prescribing therapy as there is demand for liver biopsy performed only in LIC. So Hepatitis diagnostic and treatment would require police guided transportation to LIC. At the end of 2006 nearly 9% of the total prison population has got a chronic HCV, 0.5% a chronic HBV. These figures are even underestimating the problem of the spread of hepatitis B and C, because prison medical care does not comprehensively screen and test prisoners on hepatitis¹¹.

By the December 31, 2009 there were no underage persons with HBV or HCV living in Cesis correctional institution for juveniles. Among all prisoners there were 186 prisoners living with HBV, 701 with HCV and there were also 9 cases of hepatitis A registered in 2009⁴⁹.

Speaking about the treatment of hepatitis – theoretically treatment is possible on the same treats as for general population, i.e. partly covered by the state program (75%) and partly – by the patient (25%). Nonetheless prisoner should have to pay additionally for guard and transport to LIC in case a liver biopsy or visit of a hepatologist is necessary¹¹.

3.2.4 Drug and alcohol use

During 2009 there were 1350 grams of narcotic and psychotropic substances seized in Latvian prisons (comparing to 2008 – 1962 g and 2007 – 2194 g) – mostly Clonazepam (534 g), methamphetamine (495 g) and marijuana (128 g). As well 1624 tablets and 19 ml of narcotic and psychotropic solutions were seized⁹.

There are no specific studies on drug use among young or underage prisoners held in Latvia but according to the studies carried out among all prisoners it could be said that in Latvia 65% of prison inmates (74% among 15-24 years old inmates) have used narcotic substances ever in their life including 5% (3% among 15-24 years old) started using in prison.⁵² It is investigated that almost every third prisoner (31%) (32% among 15-24 years old) has used drugs while in prison.⁵² An other research shows that about 37% of inmates could be classified as „problematic“ drug users.⁵³

As the largest research on drug use prevalence among prisoners has been held in 2003, experts identify the need to carry out a new study in the nearest future (mentioned objective is included in the newly elaborated national Strategy on restriction and control of narcotic and psychoactive substances and the drug dependence, 2010-2016)⁵⁴.

According to the official data of the Latvian Prison Administration, by the December 31, 2009 there were 3 underage opiate users living in Cesis correctional institution for juveniles. None of them was injecting drug user⁴⁹.

Data of the Ministry of Interior shows that alcohol consumption is a serious problem among minors in Latvia. In 2006 and 2007 out of all offences committed by minors 26% are committed under the influence of alcohol, in 2008 this proportion was 23%²⁷.

Services for IDUs, such as the provision of methadone and/ or sterile injecting equipment, are not available in Latvian prisons as well as treatment or rehabilitation for drug addicts. Moreover, prisoners face interruption in their methadone because of detention or imprisonment and non-availability of methadone in the criminal justice system^{44, 46}.

3.2.5 Suicides and suicide attempts

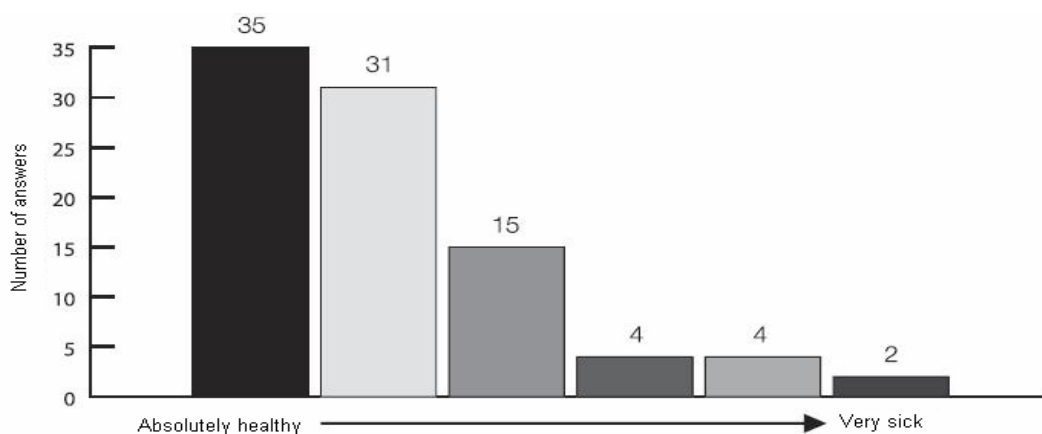
In 2009 there 6 lethal suicides and 17 suicide attempts have been registered among prisoners in Latvia, none of them was among minors of the Cesis correctional institution for juveniles⁴⁹.

Apart from the medical service to promote mental health and health as such there are psychologists and social workers employed in every prison³⁷. As well there are religious chaplains working in all places of imprisonment, and prayer rooms have been established. Chaplains are from different confession and religious organizations (chaplains service is stipulated by the CoM Regulations No.277 "Regulations on the Chaplains Service", 06.07.2002)⁵⁵.

3.2.6 Survey among the inmates of Cesis correctional institution for juveniles

In frame of the mentioned study carried out in 2005 („Under-Aged Imprisoned Status and Development of Proposals for Its Improvement and Reaching of International Standards") a research among inmates of the Cesis correctional institution for juveniles has been held. In the questionnaire also questions related to the health of minors were included. Totally 100 juveniles participated in the research. Totally the minors evaluated their health as good (see Figure 13)⁴².

Figure 13 Self-rated health of the inmates of Cesis correctional institution⁴²



Only 6 of the minors reported having any of infectious diseases (see Table 5)⁴².

Table 5 Self reported prevalence of infections among underage prisoners (number of answers)⁴²

Do you have any of the following infections?	Yes	No	Don't know	No answer
TB	2	89	6	3
Hepatitis	4	86	7	3
HIV/AIDS	0	85	12	3

Also the health care is evaluated as good by juvenile prison inmates (see Table 6)⁴².

Table 6 Underage prisoners evaluation of health care in juvenile correctional institution (number of answers)⁴²

Statements	Absolutely correct	Rather correct	Rather incorrect	Absolutely incorrect	No answer
I'm afraid to catch a disease	42	25	15	14	4
If someone is sick in this institution, he will immediately receive medical aid	36	43	15	1	5
You must be very sick so that the doctor will come	21	13	33	26	7
Medical care here is good	20	48	25	2	5

Asked about the health behaviour prior to prison it was discovered that almost all minors have often smoked, half of them have used alcohol and one third – used drugs (see Table 7)⁴².

Table 7 Health behaviour of underage prisoners prior to the imprisonment (number of answers)⁴²

Behaviour	Never	Only couple of times	Often	No answer
Using alcohol	3	49	44	4
Smoking cigarettes	2	3	92	3
Using drugs/psychoactive substances	55	26	15	4
Inhalation of toxic substances (glue, vapour of gasoline etc.)	70	20	6	4

Asked about the safety in the prison minors also gave mostly positive answers (see Table 8)⁴².

Table 8 Sense of safety among inmates of Cesis correctional institution (number of answers)⁴²

Have you experienced such situations in the institution against yourself?	No	Yes, other inmates	Yes, staff	No answer
Threaten	66	13	11	11
Robbery	70	19	2	9
Whop or other physical violence	71	10	9	11
Blame	57	19	18	10
Sexual violence	87	2	3	8
Blackmail	85	2	2	11
Disgrace	74	8	9	10



4. Existing policies, practices and initiatives on health promotion for young prisoners

4.1 Health promotion in penitentiary system in Latvia

In Latvia there is no specific state funds allocated for the health promotion and prevention activities in prisons. Such activities are held in prisons fragmentary, mostly based on concrete projects and carried out by NGOs^{37, 38, 46, 49}.

Never the less HIV and drug use prevention activities are included in at least 2 governmental policy planning documents - National Programme for limiting spread of HIV and AIDS in Latvia 2009–2012 (e.g. increase the knowledge, competencies and skills of prison staff, increase the knowledge of prisoners on HIV/AIDS, initiate harm reduction and MMT in prison system and involving sizable number of intravenous drug users, involvement of NGO, etc.)⁴³ and Strategy on restriction and control of narcotic and psychoactive substances and the drug dependence, 2010-2016 (e.g. research on drug use prevalence and behaviour in prison settings, programs for prevention of drug related social and biological consequences and systematic continued implementation of them, promotion of prison staff knowledge and understanding on drug use and prevention, elaboration and implementation of the Concept on Prisoners Health Care (including MMT) etc.) (at the moment the Strategy is submitted to Secretary of State meeting)⁵⁴. Although the mentioned activities are planned in frame of the existing state budget and thus the implementation will depend of the economical situation in the country, it can be evaluated as an important positive trend in the country – that prisoners are stated as one of primary target groups in governmental policy planning documents and thus prisons more seriously are taken as partners in the process of limiting spread of drug use and HIV in society⁴³.

4.2 Good practice examples

One of the broadest projects in Latvia in the field of prevention activities among prisoners already since 2006 is financed and implemented by UNODC. This is a four-year project "HIV/AIDS prevention and care among injecting drug users and prison settings in Estonia, Latvia and Lithuania". The overall goal of the project is to assist Estonia, Latvia and Lithuania to halt and reverse the HIV/AIDS epidemics among injecting drug users and in prison settings^{46, 54}. The main activity of the project in Latvia is a small grants program initiated by UNODC with the aim of "assisting improving HIV prevention and care services for IDU and prisoners, among whom the HIV epidemic in Latvia is concentrated". There are 3 fields where the grants are implemented – prison settings, low threshold services and MMT. All grant projects implemented in prisons settings are shown in Table 9⁵⁶.

Table 9 Small grant projects initiated by UNODC in Latvia and implemented in prison settings, 2007-2010⁵⁶

Project title	Organization	Year when the Project have been started
"Limiting prevalence of HIV/AIDS and drug use and promotion of safety and healthy lifestyle among prisoners before the release from Brasas prison"	Brasas prison	2010
"Healthy lifestyle as informed choice"	Daugavgrivas prison	2010
"Support for education programmes in prisons"	LFPA "Papardes zieds"	2010
"Limiting spread of HIV/AIDS and promoting safe and healthy lifestyle for prisoners before release from Iļģuciema prison"	Iļģuciema prison	2009
"Listen, learn, improve, spread your knowledge"	Šķīrotavas prison	2009
"Improvement of HIV/AIDS situation within prisons and outside prison setting"	Support group for People Living with HIV/AIDS (AGIHAS)	2009
"Knowledge as a basis of limiting spread of HIV"	Society Association HIV.LV	2009
"HIV/AIDS prevention in Valmieras prison and appraisal of prisoners' antisocial risk behaviour"	Valmieras prison	2008
"Improvement of life quality for people living with HIV and AIDS through health and social care"	Liepājas prison	2008
"Road map for a safer life"	Cesis Correctional Institution for Juveniles	2008
"Motivation program for youth to stop usage of psychoactive substances in prison"	NGO "Apziņas ekoloģija"	2008
"Together for an informed prison inmate!"	Support group for People Living with HIV/AIDS (AGIHAS)	2007
"Be well-informed!"	Society Association HIV.LV	2007

The services implemented by NGOs mostly focus on providing information through lectures and seminars and distribution of information materials. Neither project distributes syringes or condoms. In frame of the UNODC project LFPA "Papardes zieds" have provided methodological support for prisons implementing the small grant projects regarding project writing and implementation as well as elaboration and implementation of interactive educational and prevention activities. Thus each prison participating in the grant programme has elaborated its own HIV prevention program. As well in 2008 LFPA "Papardes zieds" in collaboration with UNODC and the Prison Administration has adapted and translated the handbook for prison staff "Risk reduction among drug users in prison settings"^{54, 57}.

Also penitentiary system itself is implementing different activities in the field of social reintegration and health promotion although some of them cover a small proportion of prison inmates and should be amplified; just due to economical situation in the country often it is not possible:

a) general, vocational and favor education – in 2009 organized in 10 prisons (2439 prisoners involved) mostly in collaboration with the appropriate state schools acting outside the penitentiary system. 468 prisoners (including 24 minors) successfully passed state exams and received diploma;

b) employment – in 2009 1141 (23% of able-bodied convicts) were employed (which is quite small proportion);

c) spiritual care – pastoral consultations, worships, concerts etc. (in 2009 2074 worships have been held as well as 204 concerts, 1847 movie shows of religious content, 2344 lessons using religious literature, 9471 pastoral conversations);

d) resocialization programs – in 2009 32 programs in 10 prisons have been carried out (1492 prisoners involved) by employees of prisons and State Probation Service as well as by NGOs and religious organizations;

e) leisure time activities – sporting events (249 in 2009), theatre, concerts, exhibitions (totally 160 in 2009), educational activities (lectures, informative movies) (155 in 2009) etc.;

f) social and psychological care – consultations (4040 consultation series have been carried out in 2009, 1917 single consultations), crisis interventions (227 in 2009), psychodiagnostics (2644 in 2009) etc.⁹.

It must be underlined that the resocialization programs, leisure time activities etc. mostly are provided for all prisoners; respectively they are not age-specific. One of the reasons is that there is too small number of underage prisoners in concrete prisons to organize specific activities for them³⁷. Although in 2009 there are couple of social rehabilitation programs carried out specifically to underage persons⁹.

In spite of all above mentioned experts have concluded that the sporting, educational, psychological etc. activities are not sufficient for young prisoners, that they are not busy enough and thus minors often are heavy smokers and are committing aggression – mostly towards the equipment and premises of the prisons⁴².

On more positive trend is that the Prison Administration is implementing also ESF, ERDF and EEA grants which give a possibility to improve the living conditions of prison inmates, renovate premises and to modernize facilities for teaching and resocialization needs^{9, 54, 57}. As well in 2008 in frame of the ESF project a manual “Specificity of educational process and organization of it in prison settings” for pedagogues working with prisoners. The manual includes description of psychological specificities of underage prisoners, female prisoners, specific features in the thinking of convicts, suggestions for organization of successful education process in prisons etc.⁵⁸.

Remark

Immigrants as a specific group is not included in this Literature review as it is not yet appropriate to Latvia. It was clarified in personal communication with Prison Administration that there are couple of foreign prisoners in Latvia (e.g. Vietnamese, Italian, Finn) and it is related to additional expenses as often they are able to speak only in their mother tongue and thus involvement of the appropriate embassies, purchase of dictionaries, international phone calls etc. are necessary. Anyhow those are particular cases and the immigrant-prisoners still is not identified as a specific problematic group in Latvia. Although there is a tendency observed that the number of foreign prisoners is slightly increasing⁴⁹.

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