A Visit to Latvian Prisons

OURSULA SMARTT*

The purpose of my visit (April 18-22, 2006) was to report on the state of prisons and prisoner labour (known as prison or correctional industries) in Latvia as Independent Consultant to the Ministry of Justice and to make recommendations as to the future of prison industries in line with “resocialization and rehabilitation” policies and within the remit of art.3 of the European Convention of Human Rights (“prohibition of degrading treatment”)

1. See also: Report on the Latvian Prisons System by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from September 25 to October 4, 2002.

2. See also: the case of Farbtuhs v. Latvia (application no.4672/02) of December 2, 2004. Chamber Judgment of the ECHR. The court held by six votes to one that there had been a violation of art.3 of the ECHR that the prisoner had been ill-treated in terms of his accommodation and health treatment.

My visit was funded by the Latvian Centre for Human Rights (Latvijas Cilvktiesíbu Centrs) in Riga.

Having visited a large number of prisons around the world, including one of the largest with 11,000 male and female prisoners in New Delhi, Tihar Jail, I was shocked by the state of the prison system in this Baltic State. As part of my visit, I attended a Prison Service and Ministry of Justice conference, attended by 35 high ranking senior civil servants and ministerial officials, most of them sporting green Soviet style military uniforms. I gave a PowerPoint presentation of my 15-year research into prison industries (eight European countries, the USA (state and federal prisons), New South Wales, Australia and Canada) entitled: “What works in prison industries and correctional labour?”

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Setting the Scene: Political Tensions and Governmental Instability

Latvia has a population of 2,290,237 and is made up of a diversity of ethnic groups. When Latvia gained independence from the Soviet Union (SU) in 1991, it granted automatic citizenship to those who had lived in the first independent Latvian state (1918-1940), but not to those who immigrated there after the Second World War when Latvia was occupied by the SU as “West Russia”. The Latvian Government, in 1991, made it “law” that for anyone to gain a senior civil servant position or to obtain citizenship that they would be obliged to take a Latvian test. Many have refused to do so to this day, leaving a large number of citizens without citizenship: about 450,000 or 20 per cent are classed as “non-citizens” or “aliens”.

Table 1: Ethnic Groups:

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>% of Population</th>
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<tbody>
<tr>
<td>Latvian</td>
<td>57.7%</td>
</tr>
<tr>
<td>Russian</td>
<td>29.6%</td>
</tr>
<tr>
<td>Belarusian</td>
<td>4.1%</td>
</tr>
<tr>
<td>Ukrainian</td>
<td>2.7%</td>
</tr>
<tr>
<td>Polish</td>
<td>2.5%</td>
</tr>
<tr>
<td>Lithuanian</td>
<td>1.4%</td>
</tr>
<tr>
<td>Other</td>
<td>2%</td>
</tr>
</tbody>
</table>

After some 50 years of Soviet rule, the Russian language prevails on the streets, and there appears little progress, especially outside Riga, that this state is already 16 years young. The “official” religion is once again Protestant-Lutheran, though there are many Russian-Orthodox churches. Latvian (58.2 per cent) and Russian (37.5 per cent) are spoken virtually in parallel and this is reflected in the prison system, though prison staff should “officially” communicate in Latvian with prisoners. The reality is that most speak either Ukrainian or Russian.

Suicide is an extreme societal problem in and outside prisons (though not officially recorded in prison statistics). According to the World Health Organization, the Baltic States have one of the highest suicide rates in the world with 45 suicides per 100,000 citizens. Reasons for this are complex social problems partly brought about by democratization some 16 years ago such as dire alcoholism and high unemployment, particularly amongst men. All three Baltic States registered suicide rates of more than 40 people per 100,000 of the population in 2005.

Latvia also has the highest number of road deaths in Europe, mostly alcohol-related, which might explain frequent court appearances of Latvians in the UK related to drink-drive offences.

The Soviet Army officially withdrew in 1998, and the country – together with nine other states – joined the EU in 2004. From 1999 onwards, the country’s President Vaira Vike-Freiberga made enormous efforts to politically unite the country and to oversee fundamental reforms. Though there is obviously noticeable progress in the Latvian economy since joining the EU in 2004, and since democratization in 1991, corruption and poverty still rule the state. Rapid privatization, a steady GDP growth and a strong (foreign) banking sector are slowly increasing Latvia’s standing in the EU economy. But the judicial system is unreasonably overworked and a lack of qualified Judges and prosecutors makes combating corruption, organized crime and money laundering an impossible task for law enforcement agencies. The rate of naturalization of “foreign” (formerly Soviet) citizens is at a snail’s pace.

How bad is corruption in Latvia and the other Baltic States? In short, very bad. As the latest report by Transparency International (2005) shows, while there has been improvement over the last decade, the battle is far from over. Out of the 102 countries rated for levels of corruption, Estonia ranked 29, Lithuania 32, and Latvia 52 in the world. Many businessmen claim they cannot get things done without bribes, and slipping a traffic inspector a few Lats is still common practice. Why should this be any different in government offices? “Lats for votes” and election bribery scandals abound.

Table 2: Ministers of Justice April 1991 – April 2006

- Viktors Skudra
- Egls Levits
- Romans Apaitis
- Dzintars Apaitis
- Ingrīda Labucka
- Valdis Birkavs
- Ingrīda Labucka
- Aivars Aksenoks
- Vineta Muizniece
- Solvita Aboltina

The Criminal Justice System

Though the Saeima (Parliament) of the Republic of Latvia abolished the death penalty on July 6, 1993, with a clemency board now in place, public attitudes to punishment remain highly punitive. The abolition of capital punishment is a standard requirement to access the European Union (EU). On April 16, 1999, the Latvian Saeima ratified Protocol V of the European Convention for the Protection of Human Rights and Fundamental Freedoms. As part of the new Latvian constitution, a clemency board now examines and provides for types and uses of life imprisonment sentences. A life sentence amounts to at least 20 years under the present constitutional guidelines.

The country has not yet reached political stability, and the governmental coalitions – often made up of up to six political parties under proportional representation – experiences frequent collapse (eg, “New Era” Party; “People’s Party”, “Fatherland and Freedom” party; “First Party”). This means frequent changes at the top, including ministers of justice, due to “Lats for votes”, corruption and bribery election scandals (see: Baltic Times Magazine, “A decade in the Baltics”). In December 2005, for instance, Prime Minister Einars Repse had to resign after criminal investigations into his business dealings and those of some of other senior high ranking prison officials. The Director General of the Latvian Prison Service, Dailis Luks, had been sacked in January 2005, due to involvement corruption scandals; including a number of prison governors under investigation for misusing prisoner labour for their own financial gain (eg, operating a car-wash and private laundry with prisoner labour). The Director General's post was still unfilled 18 months later at the time of my visit, leaving the...
prison service without a leader, and the Ministry of Justice with ever changing ministers.

One such governmental collapse took place during my visit in April 2006. At the start of my visit, Mrs Solvita Boltia had been Minister of Justice (from December 2, 2004). In the absence of a new Minister, I was welcomed by Mrs Ilze Juhansone, Deputy State Secretary of the Ministry of Justice. The judicial system is unreasonably overworked and a lack of qualified Judges and prosecutors makes the combating of corruption, organized crime and money laundering an impossible task for law enforcement agencies.

### Table 3: Total prison population (per 100,000 inhabitants in parentheses)

<table>
<thead>
<tr>
<th>Year</th>
<th>Population (per 100,000 inhabitants)</th>
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<tbody>
<tr>
<td>2001</td>
<td>8,831 (373)</td>
</tr>
<tr>
<td>2004</td>
<td>8,179 (353)</td>
</tr>
<tr>
<td>2005</td>
<td>7,238 (315)</td>
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### The Prison System and Prison Industries

The prison administration remains unstable and leaderless. Although the general prison population is very high compared with western European figures, recent trends show that the Latvian prison population is falling, per 100,000 inhabitants. After a visit to a couple of prisons, and from reports of senior prison managers at the prison congress, it became clear to me that the Latvian prison system had not moved on during the 16 years of Latvian independence. The prison headquarters’ administration (within the Ministry of Justice) appeared stifled by legislation and incapable of making decisions. Policies changed frequently and there appeared to be no sound basis on which new legislation could be brought in to introduce a modern competitive market economy in terms of prisoner employment and prison industries.

Racial-linguistic tensions were evident amongst its personnel and prisoners who converse in both “official” Latvian and Russian. In spite of the fact that all 15 prisons were transferred from the Ministry of the Interior to the Ministry of Justice in 2000, a Soviet-style military management is still very evident in the prisons’ administration.

### Table 4: Types of prisoner employment 2006

- Maintenance: 815 (63%)
- Manufacturing: 344 (27%)
- “Real” work (outside contractors): 137 (10%)

Latvian legislation requires compulsory labour for convicted prisoners, amounting to an eight-hour working day over six days within a 48 hours working week (with some holiday entitlement – Code of Execution of Punishment, Nr 481 of October 29, 2002). Average prisoners’ earnings amount to 33 Lats per month (£33). There is no legislation (like the Prisoners Earnings Act 1996 or equivalent German or French legislation) that regulates prisoner pay levels. In 2006, of the 7,200 prisoners in total, 2,199 were engaged in some form of “employment” (17.6 per cent). More than half of the prison population is currently on remand and receives no employment or education and only one hour out of their cells per day. What I saw were relics from the Soviet past with machinery fit for an industrial museum.

Apart from the small private prison factory at Brasa, run by a private entrepreneur Kristins Bredermanis, the remaining parts of Brasa Prison were filthy and dangerously unsafe, with a terrible stench emanating from all areas. The “Brasa Prison Factory” (“Susanas Fabrika”) employs 77 male prisoners at sewing machines. The “factory” also provides some 20 vocational training places. Prisoner pay levels ranged from 10 to 120 Lats per month (1 Lat ~ £1). Kristins stated that not all prisoners wanted to work, in spite of the fact that he visits each cell and advertises a good wage and training conditions inside his factory. Current orders at the Brasa Factory are impressive – Fila Sportswear; Italian designer motorbike gear and the inside cover for British Army combat helmets are all made there. Having seen the Coldingley operation, the young entrepreneur would now like to install more factories into other Latvian prisons to provide more employment and vocational skills training to the ever increasing prison population (including women).

At Brasa, I visited a 12-man cell in the “lowest regime” block. As I entered their cell, and the stench of “maleness” hit me, the prisoners jumped up from their beds to stand to attention. I found it a little strange how they had pushed their iron beds together, sleeping two-by-two, in “couple-style”. One inmate told me that prisoners were allowed one shower a week, and with no uniforms they had to rely on fresh clothes when brought in by visits. Most of them said they did some hand-washing in the sink or in the adjacent cell-toilet. Food items were standing on the windowsills. Had any prisoner wished to escape from the prison built in 1911, it would not have been a challenge. Though Brasa Prison had apparently received US $5,550 for the improvement of “social rehabilitation” work with juvenile prisoners and training of prison personnel, there was no evidence of maintenance or health and safety at Brasa.

Skirotava Prison, also of the same medium security category as Brasa, appeared marginally more secure with a more secure perimeter fence and a wall. It is a vast prison complex with large grounds outside that are totally unused; it was here that I thought the prison could introduce horticulture as part of its industries. I was told by the Prison Governor, Mr Bruners, that of the 406 total prisoner population, some 175 prisoners were working in the metal factory and that they were also engaged in a 48-hour working week over six days. Some 56 prisoners were on domestic work (kitchen; maintenance; cleaning; heating, etc) and were also on a 48-hour working week. The monthly pay for those working in the metal factory amounted to an average of 90-140 Lats a month. Mr Bruners reluctantly revealed that there had been lucrative engineering contracts with Russian firms in the past.

In spite of there being 175 prisoners “on the books” of the industrial manager, upon inspection of the vast prison factory complex (the size three football pitches) the Russian machinery once again resembled that of an antique industrial museum. Large stockpiles of rusty heaps of sheet metal were lying about, with no prisoners employed at all, except for one lonely figure in the distance who was mending some locks for the prison. There had clearly not been any industrial activity here for years. This left the majority of the two prisons I visited unoccupied, unemployed and locked in their cells for 23 hours a day.
Summary

Latvia is suffering from political turmoil with ever changing government coalitions and new Ministers of Justice. Though the country gained independence from Soviet rule in 1991, and entered the EU in 2004, the prison system still resembles Siberian style gulags and is dominated by a Soviet-style military regime, a contradiction in terms, as the prison administration was transferred from the Ministry of the Interior to the Ministry of Justice in 2000. Green-uniformed managers still run the prisons, leaving little room for a modern business style prison administration or a rehabilitative industrial/educational regime.

Prison managers do not have their own budgets or cost-centres, and are not encouraged to run prison enterprises or think for themselves. This leaves the former Soviet prison factories dilapidated with antiquated machinery and rusting stock. There is no evidence of entrepreneurship in the central prison administration and no Minister of Justice had seemingly heard of contracting-out or PFI (Private Finance Initiative).

The scope for prison industries in Latvia is enormous, although the Prison Administration needs to look at enabling legislation that allows for entrepreneurial set-ups within the prison factories. Current legislation stifles any outside enterprise and allows old style Soviet prison managers to hide behind “the law”, which allows the prison system to stagnate even dilapidate further. There is an urgent need for managers and ministers to take charge. This requires a new “western style” mind-set rather than hiding behind old Soviet style beliefs that all decisions will come “from above”.

Latvian general elections have just taken place (October 7, 2006) and Prime Minister Aigars Kalvitis of the centre-right “People’s Party” with his centre-right coalition – the Greens, the Farmers Union and the First Party – have once again secured enough seats to become Latvia’s first government to win consecutive terms of office. This leaves the Government free to pursue its pro-EU and economic expansionist policies. The coalition government secured 51 seats in Latvia’s 100-seat Parliament, the Saeima. This compares with the previous election in 2002, when the Government won 55 seats.

Everyone, from prison governors to the President, Vaira Vike-Freiberga, now agrees that the current prison conditions are unacceptable. It is hoped that with the new government in place, and the new Minister of Justice, Guntars Grinvalds appointed, that the Prison Service will appoint a forward looking Director General who is bold enough to bring the Latvian prison system into the 21st century.