

# **HUMAN RIGHTS IN LATVIA IN 2002**

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LATVIAN CENTRE FOR HUMAN RIGHTS AND ETHNIC STUDIES



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## PREFACE

The Latvian Centre for Human Rights and Ethnic Studies (LCHRES) is grateful to the Open Society Institute (Budapest) and the Ministry for Foreign Affairs of Sweden for funding the preparation and publication of this report. The responsibility for all views expressed herein is solely ours. The LCHRES is a member of the International Helsinki Federation for Human Rights and the materials of this report will also appear in an abridged form in the International Helsinki Federation Annual Report.

This year, we continue the format we initiated in 2001, including an annex “Excerpts from Satversme and International and European Human Rights Provisions.” For a more complete view of the potential legal violations of rights we have for the first time, in addition, included also the relevant articles of the Satversme (Constitution).

As always, we do not claim to provide a complete overview of human rights issues in Latvia. We have chosen to highlight the materials we find most significant within our specific fields of expertise. Therefore, the focus is on civil and political rights, less on social and economic rights.

We have used a wide variety of sources for this report, including media reports, official documents, information provided by individuals and other NGOs and interviews.

We would like to thank the donors who have supported the Latvian Centre for Human Rights and Ethnic Studies or our projects in 2002: the Open Society Institute, the Soros Foundation–Latvia, the British Embassy, the United States Embassy, the Danish Embassy, the Canadian Embassy and the European Commission.

Ilze Brands Kehris  
Director, Latvian Centre for Human Rights and Ethnic Studies

# HUMAN RIGHTS IN LATVIA IN 2001

## Introduction

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As in previous years, the foremost human rights problem in Latvia remained the long pre-trial detention periods, and the numerous pre-trial detainees. Despite the harmonization of law with European standards by the adoption of new Asylum Law and Law on Immigration, conditions in the Olaine detention facility for illegal migrants raised concerns on both legal and physical grounds. There were also new and disturbing developments in society in 2002, relating to open expressions of xenophobia and intolerance. A political party used openly racist imaging in its anti-EU stance while campaigning for the parliamentary elections, while information of a case of racially motivated attack reached the LCHRES. Issues of freedom of expression included the language restrictions in commercial broadcasting as well as the struggle in courts to define the limits for defamation. Controversial state language requirements to stand for elections were abolished, but only after strong international pressure. The large number of non-citizens continued to be only very slowly reduced through naturalization. In minority rights, the continued lack of ratification of the Council of Europe Framework Convention for the Protection of National Minorities caused concern. However, in a positive development, the new government at the end of the year highlighted the importance of social integration by creating a Special Task Minister for Social Integration Affairs.

## Elections and Political Rights

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The main political event in 2002, after the historic invitations to join NATO and the EU, were the parliamentary elections held on 5 October 2002. The elections led to unprecedented changes in the parliamentary representation, with two thirds of the MPs new to Parliament while many visible politicians who had been on the scene since independence were voted out of office.

Voter turnout at the elections was 72.5%, a couple of percentage points higher than in the previous parliamentary elections 1998. The elections were deemed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission to have been conducted in accordance with international standards for democratic elections. Reported "issues of concern" included instances of police officers checking passports to determine eligibility to vote (instead of polling station staff), radio and television broadcasts with political advertisement around polling stations, inadequate protection of secrecy of ballot through inadequate polling booth facilities.

The new governmental coalition under New Era leader Einars Repse consists of four parties: the New Era, the First Party, the Union of Greens and Farmers and the Fatherland and Freedom party, in descending order of parliamentary mandates. Although not largest, the First Party seemed to take the initiative in the integration sphere by insisting on creating a new post of Special Task Minister on Social Integration Affairs and by suggesting the heretofore politically independent integration specialist Nils Muiznieks (for more details, see Minority Rights section).

The parliamentary Human Rights and Social Affairs Committee's nine members include three New Era MPs, including the Chairperson Ina Druviete, two from FHRUL and People's Party, respectively, and one each from the First Party and the Green and Farmers' Union. Inese Slesere from the First Party, which had family issues and children's rights as a high priority on its pre-election agenda, was elected Chairperson of the Sub-Committee for the Rights of the Child.

Before the elections, two issues were raised regarding political rights to stand for elections. In a positive development, the controversial language requirement for public office was abolished in May, after intense international pressure. Preceding this was the European Court of Human Rights (ECHR) ruling on Ingrida Podkolzina's application challenging the language requirement on 9 April 2002. This was the first ruling on a case against Latvia. Podkolzina had been a candidate from the People's Harmony Party in the parliamentary elections held in October 1998. On 21 August 1998 the Central Electoral Commission struck Podkolzina from the electoral list on the basis of a decision of the State Language Centre. Although Podkolzina possessed the required state language proficiency certificate of the highest level, the State Language Centre re-examined Podkolzina's language proficiency and found that it did not correspond to the level indicated in her state language certificate. In her application to the ECHR, Podkolzina alleged violations of the right to free elections (Article 3, Protocol 1), the right to an effective remedy (Article 13) and discrimination (Article 14).

The ruling states that the purpose of the language requirement — ensuring the proper functioning of the Latvian institutional system — is a legitimate aim. The ruling also notes that with due regard to "national particularities," it is not for the Court to take a position on the choice of the working language of a national parliament. The Court did, however, point to a number of shortcomings in the procedures and the re-examination of Podkolzina's language proficiency despite the existence of her certificate and therefore concluded that striking Podkolzina from the list of election candidates was not proportional to the legitimate goal invoked by the Latvian government of ensuring the functioning of the state language in Latvia. Therefore the court found that violation of Article 3 of Protocol 1 had taken place, and ruled that the state of Latvia must pay Podkolzina EUR 7,500 damages and EUR 1,500 for legal fees. The ECHR found it "unnecessary" to examine possible violations of Articles 13 and 14.

While the ECHR ruling did not require Latvia to abolish the language requirement, the United States government and high NATO officials (e.g. NATO Secretary General George Robertson) had clearly indicated the desirability of abolishing the language requirement in preparation for NATO accession. On 9 May 2002, the Saeima (parliament) adopted amendments to the Saeima Election Law and the Law on City Council, District Council and Parish Council Elections, lifting the state language proficiency requirement.

The amendments also included new norms stipulating that an election candidate should provide a self-assessment of his/her language proficiency. In parallel to this step, the parliament adopted a number of constitutional amendments strengthening protections afforded the Latvian language (raising the norm stipulating Latvian as the sole working language in both the Saeima and municipal ruling bodies to the constitutional level, from the previous statutory law level), but raising some new concerns about minority rights (see Minority Rights below).

Another issue raised before the elections was the lustration clauses. The election laws both for the Saeima and the municipal elections bar persons from standing for elections who have been on the staff of the USSR or Latvian SSR security services or security services of other countries or intelligence or counterintelligence staff (Article 5.5. and Article 9.6. respectively). The case of long-term parliamentarian Adamsons brought the issue renewed public attention. The Central Electoral Commission struck him from the list of candidates for upcoming parliamentary elections, on the basis of the ruling of the Riga City Zemgale District Court in 2000, which determined that Adamsons has been a "USSR KGB border guard staff member." Adamsons appealed the Commission's decision to the Riga City Centre District Court, basing his claim on the view that being staff of the Border Guard, which in turn was subordinated the KGB, but not directly the KGB, does not make the lustration law applicable to him. His appeal was rejected both by the Riga City District Court and, after another appeal, in September by the Supreme Court Senate. Adamsons has vowed to bring the case to the European Court for Human Rights.

Another candidate struck from the election candidate lists on the basis of a different lustration clause was Tatjana Zhdanoka, leader of the party Equality. Zhdanoka appeared as the sole candidate on a party list separate from the parliamentary coalition of which her party is a member. In her case, a previous Supreme Court ruling that she was a member of the Communist Party after 13 January 1991 effectively prevented her from standing for elections, in accordance with Article 5.6 of the Saeima Election Law. (The parallel clause in the Election Law for municipal elections is Article 9.5.) These laws state that anyone who was a member of the USSR or Latvian SSR Communist Party, or a few other enumerated related organizations, after 13 January 1991 is barred from standing for elections. Zhdanoka nevertheless announced her plans to bring the case to the European Court for Human Rights.

Although lustration laws have generally been considered acceptable in specific circumstances, which could apply to the Latvian case, it is the desirability of determining a time limit to the restrictions that is at issue. In 2000, the Constitutional Court noted that such limits should be set, but without suggesting a specific time frame. The Council of Europe Parliamentary Assembly in 1996 suggested limiting the lustration process to five years.

A serious issue restricting political rights of individuals is the legal norm forbidding pre-trial detainees from participating in elections (Saeima Election Law Article 2.2, Law on City Council, District Council and Parish Council Elections Article 6.2). Since the individuals concerned are not convicted and only awaiting trial, the principle of presumption of innocence is clearly ignored. In a curious twist, the laws do not bar these same individuals from standing as electoral candidates. Sentenced prisoners are barred from both activities.

Increasingly, discussion is turning to the political rights of non-citizens, namely, the fact that they cannot participate in municipal elections. The issue is also becoming topical because of Latvia's accession to the EU. With the potential granting of voting rights at local elections to EU citizens from other countries resident in Latvia, this issue will undoubtedly receive increased attention in the near future. This is especially pertinent since the constitutional amendments on 30 April 2002 included an amendment to Article 101, whereby the right to vote at municipal elections reserved for citizens exclusively is raised from the former statutory law to the constitutional level. In Latvia, international law is above statutory law, but below constitutional law.

## **Judicial System and Domestic Safeguards**

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The second ruling against Latvia in the European Court of Human Rights highlighted the main human rights problem in Latvia, the long pre-trial detention periods. On 28 November, the European Court of Human Rights ruled that Latvia had violated the rights of Alexander Lavent, former chairman of the board of Banka Baltija. Banka Baltija collapsed in 1995 and Lavents was charged with causing severe damage to the national economy and defrauding hundreds of thousands of clients of their deposits. He spent over six years in pre-trial detention before being convicted by the Riga Regional Court in December 2001 and was sentenced to nine years in prison. The ECHR ruled that Latvia has violated Lavent's right to trial within reasonable time (Article 5.3), lawfulness of detention (5.4), fair hearing within a reasonable time by an independent and impartial tribunal established by law (6.1.); presumption of innocence (6.2.) and right to respect for family and private life (8). The ECHR held that A. Lavent had been held too long in detention without trial, that the composition of the court had not been lawful, due to procedural violations, that the judge had violated the principle of presumption of innocence by criticizing the defence publicly and by predicting the likely outcome (guilty verdict). The

Court also ruled that Latvia had violated the defendant's right to personal freedom and safety, when it ensured the monitoring of the defendant's correspondence and when it prohibited visits to prison by the defendant's family. The Court ruled that Latvia should pay A. Lavent EUR 15,000 as partial compensation for court and legal expenses.

There were also domestic legal developments related to human rights. The Constitutional Court, which started to accept complaints from individuals in the summer of 2001, in 2002 received 632 such complaints. It should be noted, however, that 439 of those were rejected as inadmissible, indicating that individuals may not yet be able to distinguish between cases that are pertinent to the court or not. 193 cases were referred to court collegiums, which declined to initiate a case in 177 of the cases. Thus, only 15 cases were initiated on the basis of individual complaints. In addition, three cases were initiated on the submission of the National Human Rights Office and three on the submission of parliamentary deputies. There were no complaints submitted by courts.

The Constitutional Court issued a number of rulings with a bearing on human rights in 2002. On 25 February the Constitutional Court ruled that the law "On Employment" 6.1., requiring a person to have a permanent residency permit in order to register as unemployed, to be in violation of constitutional articles 91 (non-discrimination) and 109 (right to social security) relative to spouses with temporary residence permits of Latvian citizens, non-citizens or permanent residents. The law clause is annulled relative to this specific category of temporary residents. In addition, the Court noted that since Latvia has ratified the European Social Charter, but has not accepted Article 12 (right to social security) as binding for Latvia, it is possible for the state to restrict the applicability of social security, based on the economic criteria of the state. However, the Court also calls on the legislative institution to review the applicability of the unemployment benefits also to all employees, who live in Latvia on a temporary residence permit.

Two rulings concerned prison regulations. On 12 June the Constitutional Court rescinded norms within Cabinet regulations on the "Internal Order of Prisons" that banned food parcels to prisoners. The decision was based on the incompatibility of this provision with a normative act of higher force — the Sentence Execution Code. The Court found that the Code does not have the goal of limiting the rights of prisoners in such a manner and the Cabinet had misinterpreted the Code by including such a restriction. A normative act of lesser status cannot expand restrictions set by a normative act of higher status.

On 22 October the Constitutional Court reviewed a case submitted by two persons, challenging the constitutionality of several articles (59.1.6., 66 and 68) of the "Internal Order

Regulations of Pre-Trial Detention Prisons,” adopted on 9 May 2001 by the Head of Prison Services. These regulations were adopted based on the “Interim Regulations on Holding Suspected, Accused, Indicted and Convicted Persons in Pre-Trial Detention Prisons,” issued by the Ministry of Justice on 9 May 2001. The Court ruled that the regulations concerning the placing of personal food items (point 64) and hygiene items (point 66) in lockers outside the punishment cell are in violation of Article 111 of the Constitution, which declares that the state protects an individual’s health and guarantees the minimum medical assistance necessary. These same articles were also found in violation of the articles of the Constitution, which state that the legislative right belongs to the Saeima (64) and that human rights are protected by the state in accordance with the Constitution, laws and binding international instruments (89). The regulation’s point regarding additional punishment, which can be meted out for not observing the established rules while in punishment cell, in which case it is to be added on in a consecutive punishment (point 68) is also found in violation of Articles 64 and 89 of the Constitution. These specific points of the regulations are ruled null and void from the date the ruling is published. The rest of the regulations, as they are not established nor based on a law, but only on the interim regulations of the Ministry of Justice, are found in violation of the constitutional article determining that the legislative power belongs to the Saeima. However, argued the Court, the part of the Constitution concerning human rights is in force only since 1998, and the situation without these regulations would be even worse than with the regulations such as they are. The state is admitted to be moving ahead in bringing laws and regulations into compliance with the new sections on human rights, including by elaborating a new Criminal Procedure Code, which in turn will provide a legal basis for new internal prison regulations, which are reported to be under elaboration in the Ministry of Justice. Therefore, the court declared the remainder of the regulations left in place for a transitional period, but are declared null and void from 1 May 2003.

There were two rulings on the constitutionality of law and regulations on pensions. In March 2002 the Constitutional Court announced its ruling in a case brought by pensioners, challenging interim regulations No. 26 of the Law on State Pensions, in which working pensioners’ right to full pension payments were restricted, arguing that the norm violated Constitutional Article 91 (non-discrimination) and 109 (right to social security). The court ruled that the norm does not observe the legal principle of proportionality and therefore is in violation of the Constitution’s Article 1 (democracy) and annulled the clause in the law, without finding it necessary to evaluate the compliance with the articles of the complaint.

Another case brought by the National Human Rights Office challenged the way pensions are recalculated according to the interim regulation No 16.1. of the Law on State Pensions, arguing that groups of pensioners were discriminated against by the rules,

which used as a basis for recalculating pensions only the employment time after 1 January 1991, thus creating disadvantages for other pensioners groups. The Constitutional Court in December ruled that the norm is discriminatory and anti-constitutional and therefore null and void, which will allow some groups of pensioners to recalculate their pensions based on added employment time from other periods.

In a precedent case concerning non-discrimination, in 2002 the Constitutional Court accepted for review a case of alleged discrimination on the basis of age embedded in the Law on University Article 27.4, which stipulates that elected positions of professor, associated professor, docent (lecturer) and administrative positions (chancellor, vice-chancellor, dean) “may be held up to the age of 65 years of age.” The accordance of this norm with the Articles 91 (non-discrimination) and 106 (right to choose one’s work) of the Constitution is questioned.

Another state institution active in the area of human rights, the Latvian National Human Rights Office, reports receiving 1,151 written complaints in 2002 (almost 20 percent more than the previous year) and giving 4,150 oral consultations. Most of the complaints concerned socio-economic issues (right to housing and social security) and second most common type of complaint concerned right to fair and speedy trial. In addition to working with individual complaints and monitoring, the LNHRO initiated three cases concerning the constitutionality of legal norms in the Constitutional Court, thus by class action cases potentially vastly broadening the number of individuals directly affected by Ombudsmen action.

## **Freedom of Expression and the Media**

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The main issues concerning freedom of expression in 2002 were language restrictions in commercial broadcasting, cases of alleged defamation, and the issue of criminal responsibility for defamation, as well as more severe punishment, including prison sentences, for defamation of an official of the state or government, compared to the defamation of an individual. Occasional reports of restrictions on the work of journalists also surfaced

A salient issue of freedom of expression in 2002 was the free choice of language in the private sphere. The Law on Radio and Television Article 19.5, which restricts the use of languages other than Latvian in commercial broadcasts to a maximum of 25% of broadcasting time, came under increasing criticism. The “Biznes i Baltiia” media group, which owns “Russkoe Radio,” continued its legal battles in early 2002. “Russkoe Radio” had been fined for violating the legislative provision. After its constitutional challenge had been dismissed in 2001 by the Constitutional Court on the grounds of not having gone through the available court instances, “Russkoe Radio” in 2002 took its case to the

District, Regional and Supreme Courts. In April 2002 the Senate of the Supreme Court rejected the latest appeal. The owners of the “Russkoe Radio” decided not to turn to the Constitutional Court again.

On 12 December, 24 MPs from the political coalition For Human Rights in United Latvia (FHRUL) submitted a complaint to the Constitutional Court, challenging the constitutionality of the language restriction for commercial media (Constitution Articles 89, 91, 100 and 114), as well as its compatibility with binding international instruments, such as the European Convention of Human Rights (Articles 10 and 14) and the International Covenant on Civil and Political Rights (Articles 19 and 27). Thus the case is primarily based on freedom of speech and prohibition of discrimination.

At the end of 2002 the National Radio and Television Council in their regular “Framework Document on Development of Electronic Mass Media in Latvia 2003 — 2005” cautiously called for evaluation of the language restrictions in private broadcasting and allowed for the need to elaborate legislative amendments. The Saeima had, however, not moved ahead on the issue by the end of the year.

Another topical freedom of expression issue in 2002 was the legal definition and application of defamation clauses. There were new developments in a case of defamation initiated by former Economics Minister Laimonis Strujevics against the daily newspaper Diena in 1999. At issue was a several editorials written in 1998 by commentator Aivars Ozolins, who argued that Strujevics had acted in the interest of the Ventspils-based oil transit industry to the detriment of the state budget. On 13 February 2002 the Senate of the Supreme Court rescinded an earlier ruling of the Riga Regional Court which ruled partially in favour of Strujevics and referred the case back to the same court with a different judge. The Senate also provided important guidelines, stating that taking into account the case law of the European Court of Human Rights was obligatory, that journalists enjoy wider latitude in criticising politicians and that news should be separated from opinion. Regardless, in early June the Riga Regional Court once again ruled in favour of Strujevics, requiring Diena to rescind the news items of a defamatory character and to pay 6000 LVL (~10,000 EUR) in damages. On 14 November the Senate of the Supreme Court rejected another appeal made by Diena, leaving the ruling of the Riga Regional Court unchanged. Diena has declared its intention to bring its case to the European Court of Human Rights.

A different debate concerning defamation that arose by the end of the year was the question of whether it is reasonable to have separate clauses in the Criminal Law for

defamation of state and government officials (Article 271) and for intentional spreading of untruthful information about members of parliament (Article 91), which also foresee more severe punishment (including deprivation of liberty up to two and three years, respectively) than the analogous crimes against non-official individuals. In July, Prime Minister Andris Berzins filed a request with the Prosecutor General to evaluate the Neatkarīga Rita Avīze articles by journalists Aldis Berzins, Ritums Rozenbergs and Uldis Dreiblat, in which the journalists accused the Prime Minister of being involved in corrupt dealings concerning the construction of a new ice-hockey hall. Although the Prosecutor's office did find "some elements" of Criminal Law Article 271 in the case, no criminal proceedings were initiated, on the basis of lack of evidence of intent to cause harm. While Prime Minister Berzins declared his intent to raise criminal charges against the authors, the media generally reflected this step in a negative light, questioning the appropriateness of defamation charges under criminal law, as opposed to civil law, as well as the special article for officials. In a different case of defamation, General Director of state-owned Latvia's Radio Dzintris Kolats also based his defamation case against Aivars Garda on Article 271 of the Criminal Law (for details see section on Xenophobia, Racism, Homophobia and Hate Speech).

Right before the elections, the scandal concerning libellous fliers against the People's Party led to the arrest of Latvia's Way party office staff and the publisher's representative and charges under Article 91. This again led to extensive public discussions on whether parliamentarians should be especially protected through the law and whether this is compatible with general norms of equality before the law. Chairperson of the Legal Commission in parliament and Latvia's Way deputy Linards Mucins in October submitted a proposal to parliament, calling for the abolishment of Article 91 of the Criminal Law. In a voting on 17 October the proposal was rejected by the Saeima.

In terms of practical restrictions of journalistic activity, once again Daugavpils mayor Rihards Eigims made news in early 2002. On 16 March 2002, at the congress of Eigims' political party Latgale's Light entry was denied to journalists from the daily newspaper Diena, the main nightly television programme "Panorama," as well as Daugavpils newspaper Nasha gazeta and Daugavpils business journal Kapital Latgalii.

In addition, there was one reported case in January 2002 of an assault on Ivars Abolins, then journalist at the daily newspaper Neatkarīga Rita Avīze. Abolins suggested that the attack might have been linked to his work as a journalist. In February the police terminated the criminal investigation for lack of evidence.

## Right to Privacy and Family Life

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In the spring, controversy erupted over an unsuccessful attempt by the State Language Centre to widen its authority to regulate language use in the private sector. In mid-April 2002 the State Language Centre developed draft amendments to Cabinet regulations No. 296 of 22 August 2000 “On the State Language Proficiency Level Necessary to Perform Job and Professional Duties and on Examination Procedure of Language Proficiency.” The suggested amendments extended the list of professions in local governments and the private sector that should be subject to Latvian language requirements. The new list included professions in the private sphere — salespeople (at outdoor stands, shops, kiosks and markets), sports coaches and referees, accountants, bartenders, waiters, hairdressers and cosmetologists. Before the draft amendments reached the Parliament for review, the Ministry of Foreign Affairs quashed them. On 24 April 2002, long-term director of the State Language Centre Dzintra Hirsā submitted her resignation.

In a positive development, the new Law on Personal Identification Documents adopted on 23 May 2002 and entering into force 1 July 2002 allows for the possibility to include the name in its traditional form or original spelling (using the Latin alphabet for transliteration) as a separate entry. The law also makes it possible, but not mandatory as heretofore, to include an entry on nationality (ethnic belonging), if so requested. After the Constitutional Court in December 2001 ruled in the Mentzen case that allowing the recording of the name in its original form on page 14 of the passport unreasonably restricts the rights to private life, the Cabinet of Ministers adopted new regulations, specifying that the original form of the name may be inscribed on page 4 of the passport.

The right to respect for private and family life, Article 8 of the European Convention on Human Rights, has served as a basis for several claims against Latvia submitted to the European Court of Human Rights by families of former army personnel, who have lost their right to permanent residency. In early 2002 the ECHR Grand Chamber ruled as partially admissible the case of *Tatjana Slivenko and Others v. Latvia* in the case of the wife and the daughter (based on Convention Articles 8, 14 and 5), but ruled as inadmissible the claim by the husband, a former Soviet military personnel who was denied residency on the basis of Latvia’s 1994 agreement with Russia on troop withdrawal. At the end of the year the Slivenko case was pending before a grand chamber at the ECHR. Another case partially accepted for review was the complaint by another family of a former Soviet military, *Sisojeva v. Latvia*. In this case, permanent residency in Latvia was cancelled on the grounds that the family had also registered as residents in Russia. In August 2002, yet another case concerning residency was accepted for review by the Court (case of Ludmila Mitina).

## **Torture, Ill–Treatment and Misconduct by Law Enforcement Officials**

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In 2002, a considerable number of cases of police brutality came to public light. In the beginning of the year, the Bauska District Prosecutor's office initiated criminal charges against two police officers accused of abusing their powers by resorting to violence. The Bauska police received information that two police inspectors in uniforms had beaten a man in his house in Vecumnieki parish. The Chief of the Order Maintenance Division of the Bauska Police visited the victim and verified that the man had sustained bodily injuries. The police officers have been suspended for the period of investigation.

Allegations of police brutality were also raised during the trial of the highly publicised murder case of a former employee of the Privatisation Agency. In early June in Riga District court two youths testified that police officers had forced them to confess that they had committed the murder. S.V. was a juvenile at the time of arrest, but there was no lawyer present during his interrogation. After an hour and a half he agreed to confess and was detained for 28 days by court order. However, he later recanted and was subsequently released. The other juvenile was held for three days and then released. The police officers have denied allegations of resorting to violence to extract a confession.

In early August four police officers from Police Department No 2 of the Riga Central Police Board suspected of beating a 34–year–old man and leaving him with visible injuries without assistance, were dismissed from their job. The case is under investigation by the Office of the Prosecutor General, to determine whether the police was responsible for the death of the victim.

In late autumn, the case of a 42–year–old man who had been detained in the Police Department No 1 of the Criminal Police Division of the Riga Central Police Board came to light. He was held for three days, during which he was allegedly beaten, kicked and subjected to emotional torture by police in order to make him confess double murder. He was subsequently without explanation released by the police. He has filed a complaint with the relevant body in the National Police, and an investigation has been initiated.

In the fall the Council of Europe's Committee for the Prevention of Torture paid a second visit to Latvia.

## Freedom of Religion

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On 30 May, parliament adopted a Law on Alternative Service, which entered into force on 1 July 2002. The law allows substituting obligatory military service with alternative or community service for those conscripts, whose beliefs do not permit them to carry weapons. The length of alternative service is 24 months, but for those with a university degree 18 months. Service length for regular conscripts is 12 months. This law should permit the resolution of cases of conscientious objection involving Jehovah's Witnesses. However, by the end of the year nobody had yet applied for alternative service, according to the Ministry of Defence.

Another issue of religious freedom concerned possible discrimination. In November 2002, the Constitutional Court dismissed a case brought by a Riga traditional pre-Christian (Dievturi) religious congregation "Austra." The submitted complaint charged that the Law on Religious Organization Article 6.2 and 6.3 are in violation of the Satversme (Constitution) Articles 99 (freedom of religion) and 91 (equality before the law, non-discrimination), in that it provides for the possibility to teach Christian religion of various confessions at state-funded schools, if at least 10 students so request. The argument was that since this was not allowed for the Dievturi traditional religion, their rights were violated and the religious organizations of Dievturi were being discriminated against, and thus the articles of the law should be annulled. The Constitutional Court decided that the religious organization could not make a legitimate claim to directly represent the persons whose equal rights and right to religious freedom were allegedly being violated (students), and that the religious organizations' rights were not being violated in this case. The case was thus dismissed on the procedural basis that the Constitutional Court Law Article 19<sup>2.1</sup> determines that the physical or legal person submitting the case must be based on the claim-submitters' own rights being violated.

At the end of the year a case of not allowing a social organization "Sargtorna biedriba" (Association of Guardian Tower), representing Jehovah's Witnesses, to build a house of prayer in Rezekne, became public. The City Council had invited the general population to express its views, and the result of the survey was that 818 individuals voiced opposition to such construction, and only 12 were in favour. The City Council Committee on Infrastructure, Development and Social Order did not permit the construction, but the final word was to come from the City Council. The Ministry of Justice indicated, however, that forbidding construction could only be legitimate on two grounds: either on non-religious grounds, or if the local authorities could provide a reasonable basis for expectations that going ahead with the construction would create significant conflicts in society.

## Conditions in Prisons and Detention Facilities

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Throughout 2002, high rates of pre-trial detainees, lengthy pre-trial detention periods for adults, and overcrowding in some prisons continued to present the most serious human rights challenges for Latvia at present.

On 31 December 2002 the total number of prisoners in Latvia was 8,358. Of these, 4,639 were convicted, while 3,719 were pre-trial detainees. The share of pre-trial detainees thus remained appallingly high — 44,6% overall, but 62% among juveniles and 55,2% among women prisoners. While the review of juvenile cases has been speeded up after the adoption of amendments to the Criminal Procedure and Criminal Code in mid-2000, too many juvenile offenders end up in prison before trial. Bail hostels or shelters for juvenile offenders providing strict supervision before trial, to avoid the adverse effects of incarceration, have not yet been set up. Overcrowding also remained a serious concern, and in April 2002, overcrowding in the pre-trial detention section in Ilguciems women's prison reached 150%.

There are also cases when protracted translation of court decisions from Latvian into Russian for Russian-speaking prisoners account for lengthy period in pre-trial detention facilities, even after court conviction. According to procedure, a copy of the court decision should be received by the convicted person within three days of the decision, after which it can be appealed within ten days. It enters into effect after the ten days, if no appeal is lodged. When the court decision is being translated, fulfilling the requirement that the document needs to be in a language understood by the convicted person, these terms are regularly not observed, sometimes for extended periods of time. In one case, although the Riga Regional Court had passed a decision on 10 April, an inmate in women's prison had not received the Russian copy of the decision by 3 December, i.e. over 230 days later, and thus the sentence was not yet in force, and she remained in pre-trial detention prison. Prisoners in pre-trial detention facilities face serious restrictions on their rights compared to convicted prisoners.

Concerns continued to be voiced over the dissatisfactory nature of health facilities for sick prisoners, notably the prison hospital at the Central Pre-Trial Detention Prison. The total number of HIV infected prisoners until mid-October reached 655 or nearly 1/3 of all the registered HIV infected in the country and 154 prisoners had become infected with HIV while in prison.

In mid-September prisoner E.K. was killed by four other cell mates in the Central Pre-Trial Detention Prison who tried to extort money from him. They have been charged with deliberate infliction of bodily injuries that have resulted in victim's death. Anecdotal

evidence suggests that violence among prisoners is not uncommon in the Central Prison and that, in line with the 1999 CPT recommendations, strategies need to be developed to address the problem of inter-prisoner violence in the prison system.

Prison demilitarisation plans were continued in 2002. By the end of the year, in line with these plans, only three out of fifteen prisons remained guarded by military conscripts. Renovation work continued in several prisons, including wards of the notorious Central Pre-Trial Detention Prison. However, towards the end of the year the newly appointed Minister of Justice Aivars Aksenoks expressed dismay at the appalling conditions of detention for juveniles at Brasa Prison and ordered the transfer of 75 juveniles to the newly renovated ward at Matisa Prison.

Some steps to liberalise penal policy were taken by the government in 2002. In June, the current Criminal Procedure Code was amended. With the agreement of both the defendant and the prosecutor the requirement of the court to review the evidence may now be waived. Before the amendment, even if a defendant admitted his/her guilt in a court, a trial with witness was still necessary, thus aggravating the backlog problem and pre-trial detention periods. The new amendments will also give prosecutors the authority to suspend prosecution and divert minor cases out of the formal court system.

A government working-group began reviewing the Criminal Code with the aim of providing more alternatives to custody. A new Law on Educational and Correctional Measures was adopted in late 2002 and provides additional alternative measures for juvenile offenders. The government approved the Concept on Probation and in early January 2003 allocated 190,000 LVL (~ 317,000 EUR) for the establishment of probation service.

In November, in line with the new amendments to the Criminal Procedure Code that fix the limit to the length of time when the case has been turned over to the court until trial to 18 months, the courts had to release over 100 prisoners on bail as their term had expired.

At the same time, in contrast to the liberalising amendments, the Parliament adopted an amendment to the Criminal Code narrowing discretionary powers of judges. Previously, judges could apply a lower punishment than envisaged by the law in all types of crimes (criminal violations, less serious, serious, especially serious) with mitigating circumstances. The recent amendment stipulates that judges will be able to levy lower punishments for criminal violations and less serious crimes, but not for serious and especially serious crimes. Women, first-time offenders and juveniles remain exceptions. The amendments followed a public debate initiated by politicians and the State President that criticised judges for being too lenient towards drug dealers.

In late 2002, the long-awaited draft Criminal Procedure Code was placed in the public domain for discussion.

## Minority Rights

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On 30 April 2002 the Saeima adopted a number of amendments to the Constitution that may potentially impinge on the rights of minorities. The articles amended are 18, 21, 101 and 104. Article 18 introduces an oath of office for new parliamentary deputies. Among other commitments, deputies pledge to “be loyal to Latvia, to strengthen its sovereignty and the Latvian language as the only official language, to defend Latvia as an independent and democratic State.” In an amendment that constitutionalises a norm previously contained in the Saeima Rules of Procedure, Article 21 now states that “The working language of the Saeima is the Latvian language.” Article 101 was supplemented with the provisions that “Local governments shall be elected by Latvian citizens who enjoy full rights of citizenship. The working language of local governments is the Latvian language.” Article 104 now reads “Everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply. Everyone has the right to receive a reply in the Latvian language.”

Whether these amendments impinge on minority rights will be largely determined by implementation. For example, problems could arise if the pledge to strengthen Latvian as the only official language is interpreted such that minority deputies cannot submit any legislative proposals to strengthen the status of minority languages. Article 101 enshrines at the constitutional level the current situation in which only citizens may vote at the local level (See section on Elections and Political Rights).

The State Language Centre continued its activities both under long-time director Dzintra Hirska, who resigned in 2002, and under its new director Agris Timuska. The Centre employs 14 language inspectors, who travel throughout the country to check on possible violations of state language law and regulations. The centre has levied fines, thus administratively punishing 421 persons. Most of the fines were imposed for not using the state language in the performance of professional duties. The second most common fines category is for insufficient use of state language in the annotations and labelling of imported goods. A case that received some attention in the media was the reported language inspection in December 2002 at a Rezekne hospital, where the majority of the staff was found lacking the legally determined state language proficiency, and allegedly were given a deadline to pass the required (third) level of proficiency.

In another case related to state language proficiency, a Salaspils biology secondary school teacher brought a civil case to court regarding her dismissal from her teaching position on the

basis of insufficient knowledge of the state language. On 22 November 2002 the Riga District Court ruled that since her third level language certificate had not been revoked, there was no legal basis for challenging her language proficiency, and she should be reinstated. Her claim to financial compensation was not approved, however, the court arguing that since it was not clear whether she had received unemployment benefits during the time she had been unemployed after her dismissal, such compensation could not be ruled on. The teacher has been reinstated in her former position, but both the teacher and the school have appealed the ruling.

Over 2002, increasing social and political attention was paid to the Education Reform, and the planned switch to Latvian as language of instruction in secondary schools in 2004. Although the Ministry of Education and Science is elaborating the class plan for schools following the minority education program in secondary schools, the official claim that this will allow for teaching 30–40% of classes in a language other than Latvian has been questioned by close observers. The main group, consisting of all mandatory classes, is to be taught only in Latvian, with the sole exception of foreign languages themselves. Only the groups with elective classes allow for partial teaching in other languages. Apart from the question of the aims of the reform, there have also been public worries that many schools will not be prepared for implementation of the reform in 2004. On the other hand, the bilingual education plan for primary school entails a gradual transition to an increasing percentage of classes in Latvian, and has been less criticized publicly.

Another outstanding issue of major significance is the lack of ratification of the Council of Europe's Framework Convention for the Protection of National Minorities, which Latvia signed in 1995. Ratification proposals have been submitted and voted against four times. However, before the elections in the fall of 2002, the issue was starting to be publicly discussed by representatives of most parties, providing some hope that this parliament may finally ratify the convention.

Despite these concerns, there were also positive developments in the field of ethnic integration in 2002. The government made some progress in implementing the National Programme for the Integration of Society, a policy framework aimed at increasing social cohesion, participation and inter-ethnic cooperation. The Society Integration Fund, whose function is to allocate funds for integration-related projects, in 2002 has confirmed 120 projects for a total of 310,000 LVL (~515,000 EUR). 190,000 LVL (~315,000 EUR) were allocated to projects of ethnic integration. The total amount consists of state and EU Phare funding, the latter representing 60,000 LVL (~100,000 EUR). (An additional significant amount of Phare funding was allocated as technical assistance as institutional capacity building). The projects were chosen through grant competitions in specified areas, including Latvian language training to

naturalisation applicants, research into the society integration process, NGO projects in the field of ethnic integration, exchange of pupils and school co-operation programmes, assistance programmes to minority cultural societies and associations, and mass media programmes to promote the consolidation of society. The funding available through SIF for 2003 will be significantly increased, to 1,400,000 LVL (~2,335,000 EUR) from foreign sources (including technical assistance) and 600,000 LVL (~1,000,000 EUR) from the state budget.

The National Programme for Latvian Language Training provided Latvian language courses to more than 10,000 individuals of various target audiences, but predominantly teachers. In addition, some 1,700 individuals participated in methodology courses. Additional teaching materials and books for bilingual teaching were elaborated, which are produced with Phare funding and distributed free of charge. An innovative program initiated in 2002 was the teaching of Latvian to parents of Russian-speaking students at school.

In the arguably most significant development for minority rights and integration on the state level, the new post of Special Task Minister on Affairs of Social Integration was created. Nils Muiznieks, the former director of NGO Latvian Centre for Human Rights and Ethnic Studies, was confirmed as minister by the Saeima on 21 November 2002. At the beginning of 2003 funding in the amount of 420,000 LVL (~700,000 EUR) were allocated from the state budget, and a staff of 21 planned. Additional funding of over 500,000 LVL (~830,000 EUR) from foreign sources is provided through the taking over of Access-Phare project financing previously under the Special Task Minister for State Reforms. The integration ministry is being established on the basis of the Department of Social Integration, formerly under the Ministry of Justice, and the National Minority Affairs Department, formerly under the aegis of the Naturalization Board. In addition to social integration issues the ministry will also oversee the implementation of the European Union Racial Equality Directive. To improve governmental dialogue with minority representatives, the new minister announced the intention to create a Consultative Council under the Secretariat of the Ministry, with up to 15 members. The minister is also the first government representative who has openly called for the ratification of the Framework Convention.

## **Citizenship**

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By the end of 2002, some 59,000 individuals had become citizens of Latvia through naturalization since the process was started in 1995. Still, approximately 505,000 or 22% of the country's permanent residents remained in the non-citizen status. Although the first four or five months of the year naturalization applications increased compared to the preceding year or two, the rate rapidly declined and starting in July 2002 the monthly

application rate was consistently the lowest since the year 1998, before the window quota system was lifted. The application figure for the entire year is 8,370, well below the peak years 1999 (15,183) and 2000 (10,692).

An additional cause for concern, possibly indicating a lack of motivation or information or both, is the low figure of registration as citizens of children born in Latvia after 21 August 1991 of non-citizen parents: of almost 20,000 eligible children, only 995 have been registered and 1,011 registration applications received until the end of December 2002.

There were some unprecedented official efforts to promote naturalization 2002. In mid-February 2002 a Public Awareness and Promotion Campaign for Latvian Citizenship was concluded. The campaign was initiated and managed by the Naturalisation Board and the OSCE Mission to Latvia (until its departure in December 2001) and UNDP in Latvia, while international donors provided funding. The campaign focused primarily on information and advertisement in the media, but also included elements such as direct mail brochures, temporary information booth activities, and was complemented by a toll-free telephone number to the Naturalisation Board and a web page. The initial results of the campaign showed a short-term positive effect on naturalisation application rates for the first three months of 2002. The campaign represented a rare instance of a state authority conducting outreach work among the large non-citizen population. However, political opposition from nationalist politicians and allegations of corruption involving several Naturalisation Board staff may have diluted the impact of the campaign. The effect of the campaign wore off quickly, and by May rates were once more in decline with record lows reached at the end of the year.

Statements by recently appointed cabinet members, specifically Minister of Integration and to some extent Minister of Foreign Affairs, encouraging non-citizens to naturalize, may be an indication that a more openly benevolent governmental attitude could be forthcoming. On the other hand, the lack of motivation to naturalize among the non-citizens themselves remains a problem, which is not helped along by renewed calls from the political opposition for automatic granting of citizenship. To some extent, the invitation issued in December 2002 to Latvia to join the EU may indirectly work to improve the political will of the Latvian leadership in reducing the number of non-citizens, while providing additional incentive for economically active non-citizens to naturalize.

Parliamentary committees have been provided with a proposal for ratification of the Council of Europe Convention on Nationality, which was signed by the Cabinet of Ministers in May 2001. However, at the end of 2002, deputies had not yet conducted a first reading of the ratification proposal.

## Xenophobia, Racism, Homophobia and Hate Speech

Latvian and Russian extremists continued to organise and spread propaganda, but faced legal troubles as well. On 11 November 2002 the Kurzeme Regional Court Criminal Court Collegium reviewed the case on appeal of Guntars Landmanis, who in January 2001 had been sentenced to an eight-month prison term for incitement of national hatred for publishing a violently anti-Semitic newsletter *Patriots*. The court upheld the ruling that found Landmanis guilty of violation of the Criminal Law Article 78.1 (incitement to national or racial hatred), but increased the prison term to one year, while nevertheless softening the sentence by making it one year suspended. In addition the court ruled that Landmanis must pay damages in the amount of 600 LVL. It is the first time in Latvia that a conviction has taken place under this article of the Criminal Law.

Right-wing publisher Aivars Garda continued his activities in early 2002, issuing a new fortnightly newspaper called *DDD* (Deoccupation, Decolonisation, Debolshevisation) and publishing a collection of essays called "Homosexuality — the Shame and Ruination of Humanity." Garda's preface to the latter book evoked a criminal investigation on defamation charges. Latvian Radio Director Dzintris Kolats, whom Garda had characterised as being "infected with homosexual propaganda" and a "passionate defender of civil occupants and pederasts," filed a complaint with the Prosecutor General's Office, which in turn turned it over to the Security Police, who initiated a case under Criminal Law Article 271, libel against an official of the state, which potentially carries heavy penalties, including prison sentence.

Members of the most influential neo-Nazi organisation in Latvia, Russian National Unity (RNU), continued to tangle with law enforcement authorities in early 2002, but sought to enter the political arena as well. In April the Security Police began a criminal investigation against RNU for incitement after it published the second edition of its newspaper *Novy Poryadok* (New Order), which contained an anti-Semitic, Holocaust-denying article, as well as instructions for assembling a Kalashnikov machine gun. In May RNU took over a legally registered political party called the Latvian National Democratic Party (LNDP) and elected RNU leader Evgeny Osipov (a non-citizen) as party leader. The LNDP had heretofore been a miniscule right-wing Latvian populist grouping, whose leader Armands Malins made headlines in 1997 for railing against "Russian-Jew plutocrats" and homosexuals. On 30 May 2002 the Kurzeme Regional Court sentenced a group of 15 youth, including 3 members of RNU, for armed robbery and weapons charges. The 3 RNU members received the most severe penalties — 6 years 10 months, 5 years, and 3 years 6 months imprisonment. The court also tasked the prosecutor's office with conducting a thorough investigation of RNU leader Evgeny Osipov, who had been implicated in abetting the crimes. On 13 July the

Liepaja police briefly detained four members of the LNDP, including Osipov, who had planned an unsanctioned demonstration, and confiscated party materials found in their car.

On 21 June 2002 Latvian authorities deported to Russia Sergey Solovei and Maksim Zhurkin, the last two National Bolshevik activists from Russia who had entered Latvia illegally from Russia and threatened to blow up St. Peter's Church on 17 November 2000. Several other activists had been deported previously after serving prison time. Local NBP activists gained headlines with anti-NATO protests and their defence of Vasily Kononov, a former Red partisan charged with war crimes by the Latvian authorities (See section on War Crimes and Crimes against Humanity).

The end of the year saw intensification of activities relating to the National Bolshevik organization "Pobeda" (Victory), led by Vladimir Linderman. In the beginning of November, Linderman brought attention to himself at a demonstration outside the Riga City Council, calling for the renaming of Djohar Dudajeva Street. Linderman was flaunting a street sign that he admitted he had stolen from a house wall. Around the same time, the Security Police requested the Enterprise Registrar to express an opinion on the discontinuation of the activities of "Pobeda" on the basis of its members not adhering to the organization's statutes. The Enterprise Registrar concurred and called on the Ministry of Internal Affairs to initiate a court case on this basis. Then, on 20 November, Security Police raided four sites in Riga, including the offices of "Pobeda" and the home of Linderman as well as the home of "Pobeda" board member Morozova, and the organization's office in Daugavpils. The police reportedly found five kilograms of explosives, weapons, ammunition and fliers with open threats to politicians. Seven persons were arrested in Riga, and one in Daugavpils. Four of the seven were released after they signed a promise not to change domicile, but three remained in custody. Linderman himself was thought to be in Russia at the time, reportedly observing the Russian National Bolshevik leader Limonov at the court hearings against him. Reports indicate that Linderman has been taking over some leadership functions of the Russian National Bolsheviks as well, while Limonov is functionally incapacitated. Shortly thereafter Linderman was known to have met with several Russian Duma deputies in order to request the Russian state not to extradite him. On 2 December, Olga Morozova, Arturs Petrovs and Raimonds Krūmgolts were indicted on criminal charges of incitement to violent overthrow of the state as well as unsanctioned storage of explosives. On 3 December, the Riga City Prosecutor of the North District indicted Linderman on the same charges. Documents were being prepared to announce international search for him. On 5 December, Minister of Internal Affairs Maris Gulbis received a letter from Linderman, in which he charged that the materials found at the security police raids had been planted.

In addition to these activities by extremists of various hues, some disturbing signs of xenophobia also emerged under the auspices of parties campaigning for seats in the upcoming parliament. At the end of June, controversy erupted over a racist election advertisement for a new political grouping called the Freedom Party. Leaflets and television advertisements featured black men dressed in Latvian army uniforms next to the Freedom Monument, and then hugging a young woman in Latvian national costume, while a voice read: "Today guardian of Latvia — tomorrow your son-in-law?". The context expressed fear about the influx of economic immigrants after EU accession. While law enforcement authorities did not detect incitement in the ads, the leadership of Latvian Television refused to run the clips, saying they were in contradiction to Article 17.3.3 of the Law on Radio and Television, which states that "Broadcasts cannot include incitement to national, racial, gender or religious hatred, to defamation of national honour or respect."

In the interim actors of the television advertisement — two black musicians from the band "Los Amigos" — claimed not to have been aware at the time of the filming about the content of the ads, and filed a claim against the Freedom Party. On 2 December, the Riga District Court found the ad is defamatory, and ruled that the Freedom Party must pay for and broadcast an apology in prime time of Latvian Television, as well as distribute 180,000 copies of the apology to the musicians by mail in Latvia. In addition, the Freedom Party was ordered to pay damages to each of the musicians in the amount of 3000 LVL (~ 5000 EUR), as well as reimburse 150 LVL (~250 EUR) court expenses.

In a less noticed incident, during the election campaign the Social Democratic Welfare Party led by Juris Zuravlovs also disseminated a xenophobic, anti-EU advertisement, a caricature negatively depicting a black man and a woman dressed in Latvian national costume. Both the Freedom Party and the Social Democrat Welfare party failed to gain enough votes for parliamentary representation.

For the first time in Latvia, information has come to light of a specific incident of assault on a foreigner because of his skin colour. The incident took place in Old Riga, a group of attackers armed with chains shouted racist remarks during the assault. As the victim did not report to the police at the time, no investigation into the case has been possible.

## **War Crimes and Crimes against Humanity**

The process of bringing to court individuals who are suspected of war crimes and crimes against humanity (genocide) continued during 2002. No new court cases against Nazi war crimes were initiated, and the response to the Wiesenthal Jerusalem centre director Efraim Zuroff initiative

“Last Chance,” posting an award of USD 10,000 for information leading to the prosecution of Nazi war crimes, remained controversial and unheeded. Although the two formerly accused of participating in Nazi war crimes (Konrads Kalejs and Karlis Ozols) had deceased, the Prosecutor General Office Department for Investigation of Totalitarian Crimes has submitted a proposal for the new Criminal Procedure Code to resolve the question of how to proceed with the case after the death of the accused. Presently, the law foresees the continuation (and initiation) of the case even if the suspect is deceased, but does not indicate how the process is to be conducted.

The last of the three cases concerning war crimes is the case of Vasilij Kononov, who is accused of ordering the killing of civilians in a village in 1944. Kononov had been sentenced to prison and then released for further investigation and precision of the legal case against him in 2000. In May 2002, the Latgale Regional Court in Rezekne started to review the criminal case on war crime charges.

Other court cases charging the suspects with crimes against humanity have been brought against officials participating in the deportations of Latvians in 1941 and 1949, based on information from the Totalitarian Regime Investigation Commission. At least nine cases have been brought to court over the years. Of those who were sentenced, one died in prison (Noviks) and one served his sentence (Savenko). One died in a psycho-neurological hospital before the court proceedings (Kirsanovs). Others are awaiting the conclusion of court proceedings. There were some new developments in 2002 concerning some of these cases. Mihail Farbtuh, who on 17 May 2000 had been sentenced to 5 years in prison for genocide (signing deportation orders of 31 families to Siberia in 1941), was freed in March 2002 by the Riga Regional Court on the basis of failing health. The case against Nikolajs Tess, accused of signing the deportation of 138 people in 1949 and charged under the Criminal Law Article 68.1, crimes against humanity and genocide, was postponed by the Kurzeme Regional Court in February 2002, since the accused lodged a complaint with the Constitutional Court, alleging that the Criminal Law clauses do not correspond to international legal norms. Starting in June 2002, attempts were made to bring Nikolaj Larionov to court, charged with participating in deportations in 1949. The case was postponed several times due to the ill health of the accused, but the process continued through December 2002, when Zemgale Regional Court commenced the hearing of witnesses.

## **Protection of Asylum Seekers and Refugees**

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In order to harmonise the Latvian legislation with the EU norms on asylum and related international standards, the Saeima adopted a new Asylum Law, which broadens the applicability of refugee status by introducing the concept alternative status and temporary protection. The law also allows for a shortened asylum application review at the border.

The new law entered into force on 1 September 2002. By the end of 2002, alternative status had been granted to 3 stateless persons from Belorussia.

On 31 October the Saeima also adopted a Law on Immigration, which is to replace the 1992 law "On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia." The law will enter into force on 1 May 2003. Among its novelties is the right to receive a resident's permit for retirement age parents of both citizens and non-citizens.

Latvia has only 11 officially recognised refugees — 8 under the 1951 Geneva Convention and 3 under subsidiary protection. In 2002, 30 persons applied for asylum to Latvian authorities, most from Slovakia (9) and Russia (11). This represents an increase from 2001, when there were 14 asylum seekers, but in the year of the highest number of asylum seekers to date, 1998, the figure was 58.

Conditions in Olaine Detention Camp for Illegal Migrants continued to evoke concern in 2002, with conditions of detention approximating those in prisons. Detainees are held on various grounds, not all clearly legitimate, as in the case of persons who have not exchanged their former USSR identity documents for valid Latvian ones on time. Detainees do not have access to legal assistance or sufficient information on their rights, including the possibilities to appeal the expulsion order. On a number of occasions detainees alleged they had been required to sign incorrectly dated expulsion orders, or expulsion orders which are neither translated nor explained to them. Occasionally, expulsion orders represent serious violations of the respect for family unity. Detainees' requests to visit sick relatives as well as to receive medical assistance outside camp facilities have been rejected.

Until 2003, the Latvian Foreigners' Association has been the only NGO making regular visits to the Olaine illegal immigrant detention facility to provide social and legal assistance to detainees. Such visits have been conducted with the financial assistance of the UNHCR.

A case has come to light of a man who had been detained at Olaine for a year and a half. A court found the detention and expulsion order made by the Department of Citizenship and Migration Affairs illegal, and the man submitted a request to the Ministry of Justice for compensation based on the law "On the Compensation for Losses Incurred as a Result of the Illegal or Unfounded Action by Investigative Institutions, Prosecutors' Offices or Courts." The Ministry of Justice rejected the request, arguing that the compensation is relevant only to cases where a person has been detained on the basis of criminal charges. The Ministry of Justice decision is presently being challenged in court.

## Women's Rights

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After several years of debates, on 31 January the Saeima finally adopted a new Law on Sexual and Reproductive Health, which entered into force on 1 July. The law guarantees the right to abortion — a right previously granted only through a 1993 Welfare Ministry regulation.

On 11 March the government appointed the Gender Equality Council, an advisory body tasked with promoting unified policy development and the implementation of the Framework Document on Gender Equality. The council itself was appointed on 11 March. It is led by the Welfare Minister and includes 12 additional members — representatives from various ministries, the National Human Rights Office, the Confederation of Employers, the Free Trade Union Association, the Association of Gender Equality, the Latgale Development Agency and the Gender Studies Centre at Latvia University.

2002 saw the second ruling in Latvia confirming gender discrimination. In mid-February the Riga Regional Appeals Court upheld the ruling of the Riga Latgale District Court that the Central Pre-Trial Detention Prison had violated the civil rights of I. Muhina by refusing her a job as a prison guard on the grounds of her gender. The court ruled that the prison had violated the Latvian Labour Code, the Satversme (Constitution), and the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). However, the court denied her claim for compensation. The Court maintained that the acknowledgement of the violation of Muhina's rights and public apology by the defendant to the plaintiff in the courtroom was in itself sufficient compensation and there was no ground for material compensation. Curiously, the impermissibility of gender-specific job advertisements was ignored by the court, which also ruled that the plaintiff herself evoked the discrimination by applying for a job, which had been advertised for males.

The plaintiff appealed the Riga Regional Appeals Court decision on compensation to the Senate of the Supreme Court, claiming that the court had narrowly interpreted the relevant article of the Civil Code on compensation for non-pecuniary damage. The article envisages material compensation in cases when a person through his/her action infringes upon another individual's honour and dignity. Muhina claimed that in line with the CEDAW "discrimination violates respect for human dignity" and that the court had failed to recognize discrimination as morally damaging. The Senate of the Supreme Court upheld the ruling of the Riga Regional Appeals Court, denying the plaintiff compensation by referring to relevant case law of the European Court of Human Rights (*Jamil v France*, *Camenzind v Switzerland*), where the ECHR held that the "finding of the breach constituted sufficient just satisfaction for any non-pecuniary damage sustained."

On 25 April parliament amended the Criminal Code strengthening norms against trafficking in human beings. Since May 2000 Latvia has had a legal provision which criminalizes the sending of a person with her/his consent to a foreign country for the purposes of sexual exploitation. The new amendments define the notion of “trafficking in persons” (Article 154<sup>2</sup>) and stipulates that human trafficking abroad is punishable by deprivation of liberty for 3–15 years, depending on conditions of the offence (Article 154<sup>1</sup>). The new amendments bring Latvia’s anti–trafficking legislation in line with the new Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children adopted by the UN General Assembly as a protocol to the UN Convention against Transnational Organized Crime on 15 November 2000.

In 2002, charges on sending a person abroad for sexual exploitation with the person’s consent were filed in 13 criminal cases, bringing the total number of cases to 25. The first convictions were also taking place. In autumn, in co–operation with the Nordic and other Baltic governments, the Ministry of Welfare and other relevant state institutions, the Latvian branch of the International Office of Migration and local NGO carried out an anti–trafficking information campaign aimed at the general public and vulnerable groups.

## **Rights of the Child**

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Media and NGO “Save the Children” reported several cases of institutional staff cruelty against children in 2002. In early 2002 legal proceedings continued regarding a teacher accused of perpetrating violence against his wards in the Aleksandrova special boarding school. On 24 January the Latgale Regional Court referred the case back to the Kraslava District Court for a hearing with different judges. The alleged perpetrator is charged with cruelty and violence against 23 minors aged 8–15 years. In March 2002 charges were filed against four more teachers at the facility.

In March, parents of four children attending kindergarten “Priedite” of Nagli parish in Rezekne district reported cruelty and violence against children, claiming that children who would not fall asleep during a midday nap were tied to beds and isolated. The Latgale Region Prosecutor’s Office in April initiated criminal proceedings on cruelty and violence against children in Nagli kindergarten. The director of the kindergarten was fired in April, and the kindergarten was closed down in May. In July the Rezekne District Prosecutor’s Office brought charges against two educators.

In a case that received considerable media attention, at school start on 2 September an 11–year old boy was not permitted to enter the school building, because he was known to be HIV–positive.

In November 2002, a new post of Special Task Minister for Families and Child Care was created in the government and Ainars Bastiks (Latvia's First Party) was appointed minister.

In October 2002, the 7th Saeima adopted amendments to the Civil Law on child adoption procedures. The provision stipulated that a child should spend at least 6 months in the care of prospective adoptive parent(s) before adoption, with a view to "test the compatibility between the child and the prospective adoptive parent." State President Vaira Vike-Freiberga sent the law back to the parliament for review, arguing that the provision would halt the already cumbersome and slow adoption process. In one of its first sessions, in mid-December the new 8<sup>th</sup> Saeima revoked the amendment. New Cabinet of Ministers regulations on adoption procedures, in line with the European Convention on the Adoption of Children and the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, are being elaborated by the Ministry of Justice.

Approximately 3,600 children are accommodated in Latvia's 57 children's homes. Of these children, only 300 are legally free and can be put up for adoption. Until 2000 the legislation permitted the adoption of a child if a parent had not shown any interest about him/her for six months. At present, neither the Civil Law nor the Law on Custody Courts fixes the period of time when a child becomes legally free. In early 2001, the UN Committee on the Rights of the Child expressed concern that the legislation regulating adoption in Latvia was outdated and pointed to the significant number of children obliged to live in orphanages and institutions for extended periods. The Committee recommended Latvia to adopt new legislation regarding adoption and to create a foster care system.

### **The Rights of the Mentally Ill**

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In 2002, criminal investigation continued in the case of alleged staff violence against minors in the social care home for children with mental disabilities "Vegi". On 28 June the prosecutor's office filed charges against three staff at the facility. Two have been charged with cruel or violent treatment of a minor (Article 174). One has, in addition, been charged with rape (Article 159.3). The third person facing charges is no longer in Latvia. One of the accused continued to work at the facility until the charges were filed.

Latvia still lacks legislation adequately ensuring the rights of the mentally disabled. Although a draft Law on Psychiatric Assistance was approved by the Cabinet of Ministers, it was not adopted by Parliament. In any case, several provisions of the draft law were not in compliance with relevant international human rights standards, including the European Convention on Human Rights. The draft law, like existing Latvian legislation, fails to

guarantee the right to challenge involuntary detention in a psychiatric hospital before an independent and impartial tribunal. There are no guaranteed provisions for a periodic court review of involuntary detention. The draft law similarly provided for the same existing procedure whereby a patient can submit a complaint to the Medical Care and Work Ability Expertise Quality Control Inspection Board at the Ministry of Welfare (Latvian acronym — MADEKKI).

On 31 October 2002 the Saeima adopted the Law on Social Services and Social Assistance, which entered into force on 1 January 2003. The law relates also to the care for mentally disabled or mentally retarded in long-term social care institutions. The law not only lists the rights of persons residing in long-term social care institutions, but for the first time also restrictions of some rights. For instance, if a client is deemed to pose a danger to himself or herself or others, the director of long-term social care institution has the right to take a decision on isolation of the client up to 24 hours. New aspects of the law also include community-based services as an alternative to institutional care. An example of this is establishing a group home for mentally retarded, which is being implemented as a pilot project by parents' organization "Rupju berns" of the Latgale suburb of Riga.

## **Patient's Rights**

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Malpractice and medical corruption cases, the first of which were only recently successfully brought to court, also made headlines in 2002. The three-year prison term previously ruled for Rezekne doctor Tatyana Guryanova, for causing the death of a two-year-old girl was overturned by the Latgale Regional Court, reducing the sentence to one year suspended with supervision. After the plaintiff's appeal to the Supreme Court, the case was referred back to the Latgale Regional Court. On 14 October 2002 the court left in place the Rezekne District Court ruling with the three-year prison sentence.

In July 2002 information was released on a case of a woman, who died in June 2002 in Riga's Stradins Clinical University Hospital. The relatives requested an investigation of the surgeon, who refused to perform the surgery unless the family paid 500 LVL (~835 EUR). Before the money could be collected the patient fell into a coma and died a month later. The case was investigated by the Welfare Ministry's Medical Care and Work Ability Expertise Quality Control Inspection (MADEKKI). The Inspection concluded that patient's operation was delayed without a reason and that delay caused further complications and the patient's death. The Prosecutor's Office of Riga City Zemgale District has initiated criminal proceedings in the case.

## **THE LCHRES LEGAL AIDS PROGRAMME IN 2002**

THE LCHRES continued to provide free legal consultations to victims of human rights violations. The legal aid consists primarily of providing information on relevant legislation or regulations, which state agency to turn to and how to proceed and formulate complaints, letters or legal documents. In addition, during monitoring visits LCHRES staff often investigates complaints and also gather information from officials.

The table below lists the 112 complaints received in 2002 by issue areas, while recording the gender of the person bringing the complaint, and the language in which the complaint was brought. The largest number of complaints concerned the right to liberty and security of the person in places of detention, followed by social issues like social rights and right to housing. Only two complaints related to discrimination, one on religious belief and one on race. As in other years, more complaints were received from women (67 vs. 45 from men) and 63 were in Russian and 48 in Latvian.

**LCHRES LEGAL AID BY ISSUE AREA,  
1 January 2002 – 31 December 2002**

Issues	Female	Male	Latvian	Russian	Total
1. Right to liberty and security of the person:					
— in places of detention	8	12	6	14	20
— in police institutions	1	1	1	1	2
— in mental hospitals					
— in social care homes	5	2	4	3	7
— in armed forces	1	1	1	1	2
2. Discrimination based on					
— nationality or language					
— gender					
— age					
— race		1			1
— religious belief		1	1		1
— political opinion					
— social status or property					
— citizenship					
3. Right to work	3	3	5	1	6
4. Right to housing	9	4	2	11	13
5. Right to family life	3	1		4	4
6. Social rights	10	4	9	5	14
7. Right to property	5		4	1	5
8. Civil proceedings	4	5	5	4	9
9. Criminal proceedings	2	1	1	2	3
10. Libel and defamation	1		1		1
11. Right to a fair trial	3	2	3	2	5
12. Access to information		1	1		1
13. Rights of non-citizens	8	1		9	9
14. Rights of the child					
15. Rights of the disabled	1	1	1	1	2
16. Rights of refugees and asylum seekers					
17. Various	3	4	3	4	7
<b>Total:</b>	67	45	48	63	112



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## **ACTIVITIES OF THE LCHRES, 1 JANUARY 2002 — 31 DECEMBER 2002**

### **Introduction**

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The Latvian Centre for Human Rights and Ethnic Studies (LCHRES) was founded in 1993 as a not-for-profit, non-partisan non-governmental organisation devoted to monitoring human rights and ethnic relations, policy advocacy and research, human rights education and training, and providing legal aid to victims of human rights violations. The LCHRES is a member of the International Helsinki Federation for Human Rights, a network of human rights groups operating in the OSCE region.

In 2002, the LCHRES received core funding from the Open Society Institute (Budapest) and project grants from the British Embassy, the United States Embassy, the Danish Embassy, the Canadian Embassy, the French embassy, the Finnish embassy, the Nordic Council of Ministers, the Ministry for Foreign Affairs of Sweden, Swedish East Europe Committee and the European Commission. The LCHRES continued to implement two programmes delegated to it by the Soros Foundation — Latvia: the Mental Disability Advocacy Program and the Human Rights and Tolerance Programme.

Former LCHRES director Nils Muiznieks left his position on 22 November. The new director, Ilze Brands Kehris, was appointed on 4 December 2002 by the LCHRES Board and Members' Assembly.

### **Publications**

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Latvian Centre for Human Rights and Ethnic Studies, Human Rights in Latvia in 2001 (Riga: LCHRES, 2002).

Latvian Centre for Human Rights and Ethnic Studies, *Integration Monitor*, daily press review on issues of ethnic minorities and integration, on [www.policy.lv](http://www.policy.lv), since May 24, 2002.

Nils Muiznieks, "Latvia's Faux Pas," *FP: Foreign Policy*, January–February 2002, 88–9.

Nils Muiznieks, "Mr. Skele is Insufficiently Informed," (in Latvian) *Diena* 28 January 2002.

Artis Pabriks, "The Law Should be Based on the Recommendations of Doctors, not Choirboys," (in Latvian) *Diena* 29 January 2002.

Ilze Brands Kehris, "Who Needs Citizenship Advertisement?" (in Latvian and English), [www.politika.lv](http://www.politika.lv), 13 February 2002.

Artis Pabriks, "Monuments, Latvian Identity and Fashionable Multiculturalism," (in Latvian) *Diena* 23 February 2002.

Nils Muiznieks, "Tautas attistiba un cilvektiesibas" (Human Development and Human Rights) and "Nepilsoni" (Non-citizens). In *Tautas attistiba (Human Development)*, ed. Evita Lune, 31–38 and 216–223. Riga: Jumava, UNDP, Soros Foundation — Latvia, 2002.

Ilvija Bake Puce, "Par pantiem," (About Articles) (in Latvian) on [www.politika.lv](http://www.politika.lv) 27 February 2002.

Signe Martisune, "Kas maksa, tas pasuta muziku," (Who Pays, Orders the Music) (in Latvian) on [www.politika.lv](http://www.politika.lv) 6 March 2002.

Nils Muiznieks and Martins Mits, "Vai grozot Satversmi, var sargat valodu?" (Can the Language Be Protected Through Constitutional Amendments) (in Latvian) *Diena* 13 March 2002.

Artis Pabriks, "Ko valodas politikai dos jauna valodas komisija?" (What is the Contribution to Language Policy of the New Language Commission?) (in Latvian) *Diena* 16 March 2002.

Ieva Leimane, "Cilvektiesibu petnieki paver bezroktura durvis" (Human Rights Monitors Open Doors Without Knobs) (in Latvian), in [www.politika.lv](http://www.politika.lv) 20 March 2002.

Ilze Brands Kehris, "Partnerība, spiediens, aukšanas..." (Partnership, Pressure, Hand-holding...) (in Latvian), [www.politika.lv](http://www.politika.lv), 3 April 2002.

Ilvija Bake Puce, "Lai problemas noverstu, tas jaredz" (Review of the government's report on compliance with the International Covenant on Civil and Political Rights) (in Latvian) on [www.politika.lv](http://www.politika.lv) 15 May 2002.

Artis Pabriks, "Eiropas Savienība. Vai kristisimies otrreiz?" (The European Union: A Second Christening?) (in Latvian) *Diena* 4 June 2002.

Nils Muiznieks, "Extremism in Latvia," (in English) on [www.policy.lv](http://www.policy.lv) 10 June 2002.

Artis Pabriks, "Viva la Res Publika," (in Latvian) *Diena* 17 June 2002.

Ilze Brands Kehris, Public Awareness and Promotion Campaign for Latvian Citizenship. Evaluation, (Latvian and English) Commissioned by UNDP, June 2002.

Nils Muiznieks, "Private and Public Prejudice," Social Research (Vol. 69, No. 1, Spring 2002), 195–200.

Nils Muiznieks, "Accession and the Politics of Language in Latvia", Open Society News, Spring–Summer 2002, 14–15.

Ieva Leimane, "Personu ar garīgas attīstības traucējumiem un psihiski slimo personu tiesību ievērošana un aizsardzība Latvijā pēdējos 10 gados," (The Implementation and Protection of the Rights of Mentally Disabled and the Mentally Retarded in Latvia During Last Decade) (in Latvian), Sociālas Palīdzības Vestis, No. 5, July 2002.

Signe Martisune, "Eiropas nākotnes pilsoni — par demokrātiju," (Future Citizens of Europe — on Democracy) (in Latvian) on [www.politika.lv](http://www.politika.lv), 6 August 2002.

Nils Muiznieks, "Vai mūsu tiesības nostiprinās?" (Are Our Rights Consolidating?) (in Latvian), *Diena*, 24 August 2002.

Dace Lukumiete, "Interim Report on the Official Language Commission" (in English), on [www.policy.lv/monitor](http://www.policy.lv/monitor), 3 September 2002.

Nils Muiznieks, "Sabiedrības integrācijas jautājumi un 8. Saeima" (The Issues of Social Integration and the 8<sup>th</sup> Saeima) (in Latvian), on [www.politika.lv](http://www.politika.lv), 3 September 2002

Artis Pabriks, Occupational Representation and Ethnic Discrimination in Latvia, (in Latvian and English), (Riga: Soros Foundation–Latvia, Nordic Publishing House, 2002).

Signe Martisune, “Ka integret radio un televiziju?” (How to Integrate Radio and TV?) (in Latvian), on [www.politika.lv](http://www.politika.lv), 19 November 2002.

Dace Lukumiete, “Report on the Education Reform in 2004”, (in English), on [www.policy.lv/monitor](http://www.policy.lv/monitor), 11 December 2002.

Svetlana Diatchkova, “Minority Protection in Latvia. An Assessment of the National Programme ‘The Integration of Society in Latvia’” (in Latvian, Russian and English), Monitoring the EU Accession Process: Minority Protection, Volume I, An Assessment of Selected Policies in Candidate States, (Hungary: OSI EU Accession Monitoring Programme, October 2002), on [www.politika.lv](http://www.politika.lv), [www.eumap.org](http://www.eumap.org).

### **Community Outreach, Lectures, Organisation of Events**

30 January, Ieva Leimane gave a lecture on “Implementation of Human Rights in Social Care Facilities” at a seminar organised by the Welfare Ministry for social care home staff.

31 January, in cooperation with the Human Rights Institute at Latvia University, the LCHRES organised a seminar on “Discrimination on Ethnic Grounds: Latvia and the European Union,” to present provisional results of research on ethnic proportionality in the public sector.

14 March, Nils Muiznieks presented a paper entitled “Racism and Xenophobia in the Baltic States: The Shape of Things to Come” at a conference on “Asylum and Migration in a Diverse Enlarging Europe: a Baltic Perspective” organised by the International Organization for Migration and the United Nations High Commissioner for Refugees in Riga.

18 March, the LCHRES organised a press conference to launch its annual report “Human Rights in Latvia in 2001.”

20 March, the LCHRES organised an international conference entitled “The OSCE and Latvia: Past, Present and Future” presided over by Ilze Brands Kehris. Nils Muiznieks gave a presentation entitled “The OSCE and Latvia: Arm-twisting, Hand-holding or Partnership?”

30 April, the LCHRES organised a discussion for mental health care workers on the Soros Foundation–Latvia/LCHRES Mental Disabilities Advocacy Programme’s goals and priorities for 2002–2003.

10 May, Ieva Leimane gave a presentation on “Existing and possible alternative care projects for the care and rehabilitation of mental patients” at the annual conference of the Association of Psychiatric Nurses in Aknīste.

14 May, Nils Muiznieks gave a lecture on human rights to a delegation from the Uppsala University Peace and Conflict Studies Programme including Sweden’s Crown Princess Victoria.

24 May, the LCHRES in cooperation with the public policy site [www.politika.lv](http://www.politika.lv) launched the English–language public policy site [www.policy.lv](http://www.policy.lv) with the LCHRES daily press review “Integration Monitor.”

24 May, Artis Pabriks gave a presentation on “Integration and Civil Society” and Nils Muiznieks gave a presentation entitled “NGOs, Extremism and Integration” at a conference entitled “Integration, Alternatives” organised in Riga by several Russian minority NGOs.

29 May, Ilvija Bake Puče made a presentation on human rights in Latvia to an NGO forum organised by the Talsi NGO Centre.

31 May, the LCHRES organised a seminar in Riga for specialists and minority representatives on the Framework Convention for the Protection of National Minorities.

7 June, in cooperation with the Museum of the Occupation, the LCHRES organised a Roundtable on Ethnic Reconciliation.

7–8 June, the LCHRES organised an international seminar on “Monitoring and Combating Extremism in Central and Eastern Europe” attended by teams from all the EU candidate countries.

17 June, the LCHRES in cooperation with OSI’s EU Accession Monitoring Program organised a roundtable specialist discussion to discuss a draft report on minority protection in Latvia, which analyses the integration programme.

21 June, Nils Muiznieks participated in an NGO roundtable devoted to civil society in Latvia on the occasion of the visit of the crown prince of the Netherlands.

26 June, the LCHRES in cooperation with the Geneva Initiative on Psychiatry organised a seminar “On Respect” for users and professionals in mental disabilities.

27–28 June, the LCHRES in cooperation with the Mental Disability Advocacy Centre (Budapest) organised a “Seminar for Lawyers and NGOs on the European Convention on Human Rights in Relation to Persons with Mental Disability.” The seminar was led by Ieva Leimane, reports were given by Ilvija Bake Puce (“Detention — Experience of Latvia”) and Ieva Leimane (“Overview on Mental Health Care Services in Latvia” and “Conditions in Latvian Mental Health Care Institutions — Description of Conditions and Concerns”).

4 July, the LCHRES organized a seminar in Daugavpils on the Framework Convention for the Protection of National Minorities for representatives of ethnic minorities. The seminar was chaired by Artis Pabriks; Ilze Brands Kehris and Svetlana Diatchkova gave reports on several articles of the Convention.

10 July, Nils Muiznieks gave a lecture on mass media, tolerance and extremism in training seminar for journalists in Jūrmala, organized by the British embassy.

19 August, the LCHRES organized the seminar “CoE Committee for the Prevention of Torture (CPT) and Latvia — Cooperation in the Past and Future”. The seminar was led by Ilvija Bake Puce, reports were given by Angelita Kamenska (“The CPT Report on Latvia: Sections on Prisons and Police”) and Ieva Leimane (“The CPT Report: Mental Hospitals”).

20 August, the LCHRES organized the seminar “CPT Standards Regards Mental Health Care Institutions”. Ieva Leimane gave a report entitled “The Standards of CPT and conditions in Mental Health Care Institutions of Latvia”.

4 September, the LCHRES organised a press conference to launch its six-month report on human rights and the policy paper of Artis Pabriks “Occupational Representation and Ethnic Discrimination in Latvia”.

19 September, Angelita Kamenska gave a lecture on the mandate of CoE Committee for the Prevention of Torture and places of detention to Legal Clinic students of the Police Academy.

20 September, Nils Muiznieks led a pre–election discussion of politicians, organised by the US Chamber of Commerce.

27 September, Nils Muiznieks chaired the seminar “Social Integration and the Security of Latvia in the Future,” organised by Latvian Transatlantic Organization (LATO).

23 October, Nils Muiznieks gave a lecture on human development and human rights at the Stockholm School of Economics in Riga.

25–26 October, the LCHRES and the Vilnius regional office of Geneva Initiative for Psychiatry (the Netherlands) organised the 3<sup>rd</sup> Baltic Mental Health Forum in Jurmala. Ieva Leimane led two workshops, presenting the projects of community–based services implemented by the SFL/LCHRES Mental Disability Advocacy Program.

31 October, Nils Muiznieks received the Social Harmony Award of the Integration Foundation.

14 November, Dace Lukumiete gave an introductory lecture on ethnic minorities in the seminar “Minorities in Latvia” for representatives of Baltic Red Cross organizations.

15 November, the LCHRES and the Council of Europe Information Bureau organised the seminar “Social Integration in Latvia and the ratification of Framework Convention for the Protection of National Minorities in Latvia.” The seminar was chaired by Nils Muiznieks, a report “Problematic Articles of Framework Convention for Latvia and Possible Solutions” was given by Ilze Brands Kehris.

21–22 November, the LCHRES in co–operation with Swedish East European Committee organised the seminar “Human Rights in Psychiatry.” The seminar was led by Ieva Leimane.

22 November, the LCHRES organised the seminar “Electronic Mass Media and Social Integration”. The seminar was chaired by Ilze Brands Kehris, the report “Control of Language Restrictions and Consequences” was given by Signe Martisune.

25 November, Angelita Kamenska gave a lecture on rights of prisoners for social workers and prisons’ personnel from Kemerova district (Russia).

4 December, Artis Pabriks gave a lecture on the Framework Convention for the Protection of National Minorities for minority schools' directors, at an event organised by the Ministry of Education.

13 December, Ilze Brands Kehris led panel discussion: "Public Policies on Minority Protection and Integration: Recent Developments and Future Perspectives", which took place in seminar organised by OSI EU Accession Monitoring Programme.

## **Work with the Media**

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21 January, Nils Muiznieks gave an interview on Radio Free Europe/Radio Liberty on the language restrictions for public office.

22 January, Nils Muiznieks was the featured guest on the nightly news on Latvian TV discussing the language requirements for public office.

28 January, Nils Muiznieks gave an interview to Latvian Radio on language policy.

15 February, Nils Muiznieks was interviewed by Russian TV on minority rights in Latvia.

19 February, Nils Muiznieks was interviewed by Latvian TV about public broadcasting policy in Latvia

19 February, Nils Muiznieks was interviewed by LNT TV about non-citizens.

10 March, Nils Muiznieks met with 2 Italian journalists from *Corriere della Serra*.

13 March, Nils Muiznieks was interviewed on the Panorama nightly news programme about extremists.

14 March, Nils Muiznieks was interviewed by LNT TV about refugees.

18 March, Ilvija Bake Puce was *Diena's* person of the day.

18 March, Nils Muiznieks was interviewed by Latvian Radio on anti-globalists.

19 March, Ilvija Bake Puce was the featured morning guest on Latvian radio to discuss the LCHRES annual report.

19 March, Nils Muiznieks was interviewed by Latvian radio regarding proposed constitutional changes.

19 March, Nils Muiznieks was interviewed on Radio Free Europe/Radio Liberty on language policy.

21 March, Nils Muiznieks was the featured guest on Latvian TV nightly news discussing the OSCE and minority policy in Latvia.

22 March, Nils Muiznieks was interviewed by the Panorama news programme on integration policy.

6 April, Nils Muiznieks was the person of the week in the newspaper *Panorama Latvii*.

10 April, Nils Muiznieks was interviewed on Radio Free Europe/Radio Liberty.

10 April, Nils Muiznieks gave a 30 minutes interview to the TV programme "Futureshock" regarding human rights and tolerance 50 years from now.

12 April, Nils Muiznieks was interviewed by Dutch TV and Latvian TV5.

17 April, Nils Muiznieks met with 3 Portuguese journalists.

26 April, Nils Muiznieks was the featured guest on Latvian TV regarding right-wing political parties in Europe.

23 May, Artis Pabriks was interviewed by Radio Free Europe/Radio Liberty.

5 June, Nils Muiznieks participated in an hour-long TV show called "What is Happening in Latvia" devoted to extremists.

7 June, Artis Pabriks was interviewed by Radio Free Europe/Radio Liberty.

7 June, Ieva Leimane gave an interview on human rights in Latvia to Austrian Radio.

27 June, Artis Pabriks was interviewed by TV5 on the election campaign.

28 June, Nils Muiznieks was interviewed by TV5 on a racist advertisement in the election campaign.

26 August, Nils Muiznieks participated in LNT/TV5 programme “Russkij vopros”.

10 September, Nils Muiznieks participated in LNT TV discussion on world politics a year after terrorists attack on 11 September.

17 September, Nils Muiznieks participated in TV5 programme on Framework Convention for the Protection of National Minorities.

22 November, Signe Martisune was interviewed in the TV5 programme “*Dienas cilveks*” (“Person of the Day”) on the role of electronic media in the process of social integration and the necessity to abolish the language restrictions in the Law on Radio and TV.

July–November, LCHRES continued to work actively with mass media. Nils Muiznieks gave interviews to several foreign media, for example, Radio Free Europe (Prague), Rzeczpolitika (Poland), Neue Züricher Zeitung (Switzerland), Le Monde (France), Dagens Nyheter (Sweden), Swedish TV, Danish Radio, German/French TV ARTE and Canadian TV.

## **Advocacy, Monitoring Activity, Legal Assistance and Consultancy**

Ilvija Bake Puce provided free legal consultations to 112 clients.

Signe Martisune worked as a member of an expert group under the National Broadcasting Council drafting a new National Development Programme for Electronic Media for 2003–2005.

Nils Muiznieks worked as an expert in a working group devoted to planning research and monitoring of societal integration set up by the Justice Ministry’s Integration Department.

Angelita Kamenska served on a Justice Ministry working group on the creation of Probation Services.

Nils Muiznieks wrote an expert opinion for the Security Police on a case of defamation brought against a right–wing extremist.

20 February, Ilvija Bake Puce conducted a monitoring visit to the Skirotava prison together with representatives of the National Human Rights Office.

January–March, Ieva Leimane wrote “Background Paper on the need to create an umbrella organisation for persons with special needs,” commissioned by the Swedish Organisation of Disabled Persons International Aid Association.

15 May, Ieva Leimane and Ilvija Bake Puce made a monitoring visit to the social care home “Ilgī.”

28 May, Ieva Leimane and Ilvija Bake Puce conducted a monitoring visit to the Riga Mental Hospital together with representatives of the National Human Rights Office.

13 June, Ieva Leimane and Ilvija Bake Puce conducted a monitoring visit to Jelgava Mental Hospital together with representatives of the National Human Rights Office.

April–June, Ieva Leimane acted as a consultant in a research project on the “Protection of Human Rights in the Baltic States with Special Relevance to Irregular Migration” commissioned by the International Organisation for Migration.

25 June, Ieva Leimane and Ilvija Bake Puce made a monitoring visit to Jelgava Mental Hospital, the Social care home “Jelgava,” and the social care home “Ziedkalne” for mentally disabled juveniles.

26 June, Ieva Leimane and Ilvija Bake Puce made a monitoring visit to the social care home for mentally disabled “Ropazi” and the Riga mental Hospital.

16 July, Ilvija Bake Puce conducted a monitoring visit to Liepāja Mental hospital together with representatives of the National Human Rights Office.

21 August, Ieva Leimane visited social care home for mentally disabled “Atsaucība” together with Norwegian CPT expert Ingrid Lycke Ellingsen.

September 2002 Nils Muiznieks, Angelita Kamenska and Ilvija Bake Puce made a monitoring visit to Military detention facility in Adazi.

16 October, on the occasion of George Soros’ visit to Latvia, Ieva Leimane gave a presentation on SFL/LCHRES Mental Disability Advocacy Program.

21 October, Ieva Leimane made a monitoring visit to Daugavpils Mental Hospital together with a representative of the National Human Rights Office.

22 October, Ieva Leimane provided information on international human rights standards for mental health care institutions at the meeting on creating special facility for people with dementia, organised by the Welfare Department of Riga municipality.

30 October, Angelita Kamenska made a monitoring visit to Ventspils police Short-term Detention facility.

October 2002 Ilvija Bake Puce made a monitoring visit to Ilguciems Women's Prison and Skirotava Prison.

30 October, Angelita Kamenska conducted a monitoring visit to Educational Correctional Facility for juveniles "Strautini".

2 December 2002 Ieva Leimane met with Lars Fallberg, WHO expert on patient rights legislation in order to inform on current situation in the field of mentally ill rights.

3 December, Angelita Kamenska conducted a monitoring visit to Ilguciems Women's Prison.

10 December, Angelita Kamenska conducted a monitoring visit to Preili Police Short-term Detention Facility.

11 December, Ieva Leimane and Ilvija Bake conducted a monitoring visit to Olaine detention camp for illegal migrants together with Latvian Foreigners' Association.

12 December, Angelita Kamenska conducted a monitoring visit to Cesis Juvenile Prison.

In 2002 Angelita Kamenska was the editor of research "Alternatives to Imprisonment for Juveniles: Experience of Local Governments" (researchers — Ilze Trapenciere un Ritma Rungule), issued by UNDP.

## **Participation in International Events**

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17–18 January, Ieva Leimane participated in a study visit to Stockholm to visit a group apartment and day care centre for persons with mental disabilities and to meet with the Swedish East European Committee.

6–7 February, Nils Muiznieks participated in a seminar devoted to follow-up to the World Conference Against Racism organised by the Council of the Baltic Sea States in Bergen, Norway.

14–17 February, Ilvija Bake participated in a regional meeting organised by COLPI on legal clinics in Krakow, Poland.

25 February — 8 March, Ilvija Bake participated in the course on the International Protection of Human Rights organised by Turku University and Abo Academy.

24–26 March, Nils Muiznieks participated in a conference called “A Wider Europe: Getting the Message Across” organised by the Dutch Government in Rotterdam, the Netherlands.

8–10 March, Nils Muiznieks participated in a regional meeting of the Soros network with George Soros in Budapest, Hungary.

9 April, Ieva Leimane led a training workshop on gender policy in Kiev, Ukraine, for women’s NGOs in cooperation with the LGI Mentor Programme.

16–20 April, Svetlana Diatchkova attended the World Congress on Language Policies organised by the Linguapax Institute in Barcelona.

25–6 April, Ieva Leimane participated in a meeting of Open Society Institute related policy institute held in Tirana, Albania.

25–28 May, Artis Pabriks participated in a seminar on “Ethnic Structure, Inequality and Governance of the Public Sector” organised by the United Nations Research Institute for Social Development in Geneva.

19–23 June, Ieva Leimane participated in a conference on user and relative involvement organised by the Geneva Initiative on Psychiatry in Tepla, Czech Republic.

1–5 July, Angelita Kamenska participated in the 48<sup>th</sup> plenary of the CoE European Committee for the Prevention of Torture in Strasbourg, France.

25–29 August, Ieva Leimane attended European Observatory Summer School Programme “Globalisation, EU Enlargement and Health: Making Health Care Policy in the Changing World”, Dubrovnik, Croatia.

9 September — 4 October, Ieva Leimane participated in an OSI-funded study visit to New York and Washington D. C., USA, on advocacy systems for mentally disabled and community based services.

10–13 October, Ieva Leimane participated in the Annual Convention of the Global Alliance of Mental Illness Advocacy Networks in Ljubljana, Slovenia.

24–26 October, Nils Muiznieks participated in the regular meeting of Soros — related policy centres in Tallinn, Estonia.

4–8 November, Angelita Kamenska participated in the 49<sup>th</sup> plenary session of the CoE European Committee for the Prevention of Torture in Strasbourg, France.

14–17 November, Ieva Leimane participated in the Annual Assembly of the International Helsinki Federation for Human Rights in Hague, the Netherlands.

25 November, Svetlana Diatchkova participated in a press conference and gave a presentation in a conference on minority rights in the enlarged EU in Copenhagen, organized by a Danish NGO DanChurchAid, Danish daily *Politiken* and OSI EU Accession Monitoring Programme.

25–29 November, Ilvija Bake Puce attended a course on Non-Discrimination and Minority Rights at the Institute for Human Rights, Abo Akademi University, Turku, Finland.

28–30 November, Ilvija Bake Puce participated in a workshop on implementing European anti-discrimination law in Brussels, Belgium.

6–8 December, Svetlana Diatchkova participated in the seminar “National Integration in Estonia and Latvia: 2000–2002,” organized by the European Centre for Minority Issues in Flensburg, Germany.

16 December, Signe Martisune participated in the conference “Majority Groups and Dominant Minorities: Defining Dominant Ethnic Identity”, organized by the Association for Ethnic and Nationalism Studies in London School of Economics, London, Great Britain.

## **Income and Expenditure Statement for the LCHRES for 2002**

**Income:** LVL 90,460

Donors: Open Society Institute (Budapest), the British Embassy, the United States Embassy, the Danish Embassy, the Canadian Embassy and the European Commission.

**Soros Foundation–Latvia** programs administered by the LCHRES (Human Rights and Tolerance Program and Mental Disability Advocacy Program)

Projects: LVL 104,925

Administrative Expenses: LVL 20,166

### **Expenditures:**

Expenditures towards aims foreseen in the statutes: LVL 93,899 (including LVL 59,145 in projects implemented under SFL delegated programs)

Salaries: LVL 52,372

Social taxes: LVL 13,664

The accounts of the LCHRES for 2002 was audited by sworn auditor Ivars Blumbergs and copies of the auditor's report are available at the LCHRES.

## **Staff of the LCHRES in 2002**

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Nils MUIZNIEKS — Director of the LCHRES (until 22 November 2002)

Ilze BRANDS KEHRIS — Director of the LCHRES (from 4 December 2002)  
Policy Analyst of the LCHRES

Ieva LEIMANE — Deputy Director of the LCHRES

Ilvija BAKE PUCE — Staff Lawyer of the LCHRES

Signe MARTISUNE — Policy Analyst of the LCHRES

Svetlana DIATCHKOVA — Policy Analyst of the LCHRES

Artis PABRIKS — Policy Analyst of the LCHRES (until 31 December 2002)

Dace LUKUMIETE — Media Analyst of the LCHRES

Angelita KAMENKSA — Associated Researcher of the LCHRES

Sanita SUMANE — Office Manager of the LCHRES (until June 2002)

Anda JANEKA — Office Manager of the LCHRES (from 1 November 2002)

Renate LINE — Accountant of the LCHRES

## Excerpts from the Satversme (Constitution), International and European Human Rights Provisions<sup>1</sup>

### General

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Satversme Article 89:

“The State shall recognize and protect fundamental human rights in accordance with this Constitution, laws and international agreements binding upon Latvia.”

Satversme Article 116:

“The rights of persons set out in Article ninety–six, ninety–seven, ninety–eight, one hundred, one hundred and two, one hundred and three, one hundred and six, and one hundred and eight of the constitution may be subject to restrictions in circumstances provided for by law in order to protect the rights of other people, the democratic structure of the State, and public safety, welfare and morals. On the basis of the conditions set forth in this Article, restrictions may also be imposed on the expression of religious beliefs.”

### Right to Vote and to be Elected & Political Activities

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Satversme Article 8:

“All citizens of Latvia who enjoy full rights of citizenship and, who on election day have attained eighteen years of age shall be entitled to vote.”

Satversme Article 9:

“Any citizen of Latvia, who enjoys full rights of citizenship and, who is more than twenty–one years of age on the first day of elections may be elected to the *Saeima*.”

Satversme Article 18:

“The Saeima itself shall review the qualifications of its members. A person elected to the Saeima shall acquire the mandate of a Member of the Saeima if such a person gives the following solemn promise:

‘I, upon assuming the duties of a Member of the Saeima, before the people of Latvia, do

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<sup>1</sup> The standards mentioned below are not exhaustive, only indicative. The list includes only issues and categories covered in our report on Latvia. The list was adapted from the annual report of the International Helsinki Federation for Human Rights

swear (solemnly promise) to be loyal to Latvia, to strengthen its sovereignty and the Latvian language as the only official language, to defend Latvia as an independent and democratic state, and to fulfil my duties honestly and conscientiously. I undertake to observe the Constitution and laws of Latvia.”

Satversme Article 101:

“Every citizen of Latvia has the right, as provided for by law, to participate in the activities of the State and of local government, and to hold a position in the civil service. Local governments shall be elected by Latvian citizens who enjoy full rights of citizenship. The working language of local governments is the Latvian language.”

Article 25 of the ICCPR:

“Every citizen shall have the right and the opportunity ... without unreasonable restrictions:

- a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c) To have access, on general terms of equality, to public service in his country.”

## **Rights of Defendants and Due Process**

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Satversme Article 90:

“Everyone has the right to know about their rights.”

Satversme Article 92:

“Everyone has the right to defend their rights and lawful interests in a fair court. Everyone shall be presumed innocent until his or her guilt has been established in accordance with law. Everyone, where his or her rights are violated without basis, has a right to commensurate compensation. Everyone has a right to the assistance of counsel.”

Article 9(3) of the ICCPR:

“Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release...”

Article 14(1) of the ICCPR:

“All persons shall be equal before the courts and tribunals ... everyone shall be entitled to

a fair and public hearing by a competent, independent and impartial tribunal established by law..."

Article 14(2) of the ICCPR:

"Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."

Article 14(3) of the ICCPR:

"... everyone shall be entitled to...

- (a) be informed promptly and in detail in a language, which he understands of the nature and cause of the charge against him;
- (b) To ... have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it."

Article 15 (1) of the ICCPR:

"No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed..."

Article 6 (1) of the ECHR:

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. ..."

## **Freedom of Expression and Free Media**

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Satversme Article 100:

"Everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express their views. Censorship is prohibited."

Article 19 of the ICCPR:

"1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, the form of art, or through any other media of his choice.”

Article 10 (1) of the ECHR:

“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...”

## **Right to Liberty, Privacy and Security of Person and Freedom from Harassment**

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Satversme Article 94:

“Everyone has the right to liberty and security of person. No one may be deprived of or have their liberty restricted, otherwise than in accordance with law.”

Satversme Article 96:

“Everyone has the right to inviolability of their private life, home and correspondence.”

Article 9(1) of the ICCPR:

“Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

Article 17 of the ICCPR:

“No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.” (1);  
“Everyone has the right to the protection of the law against such interference or attacks.”

(2) Article 8 (1) of the ECHR:

“Everyone has the right to respect for his private and family life, his home and his correspondence.”

## **Freedom from Torture and Cruel, Inhuman or Degrading Treatment**

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Satversme Article 95:

“The State shall protect human honour and dignity. Torture or other cruel or degrading

treatment of human beings is prohibited. No one shall be subjected to inhuman or degrading punishment.”

**General:**

Article 7 of the ICCPR:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...”

Article 2 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

“Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction”. (1); “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” (2); “An order from a superior officer or a public authority may not be invoked as a justification of torture.” (3);

Article 4 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

“Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.” (1);

“Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.” (2)

Article 3 of the ECHR:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

**Redress and Compensation:**

Article 13 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

“Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witness are protected against ill-treatment or intimidation as a consequence of his complaint or any evidence given.”

Article 14(1) of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment guarantees that the victim of torture “obtains redress and has an enforceable right to fair and adequate compensation.”

***Statements Extracted under Torture:***

Article 15 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

“...any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture...”.

## **Conduct of Law Enforcement Officials**

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***General:***

The UN Code of Conduct for Law Enforcement Officials:

“Every law enforcement agency...should be held to the duty of disciplining itself ... and the actions of law enforcement officials should be responsive to public scrutiny...” (Preamble) “Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.” (Article 1) “In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.” (Article 2)

***Use of Force:***

Special Provision of the Basic Principles on the Use of Force and Firearm by Law Enforcement Officials, adopted by the Eight UN Congress on the Prevention of Crime and the Treatment of Offenders (August 1990):

“Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objects. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”

## **Minority Rights and Freedom from Discrimination**

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Satversme Article 91:

“All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realized without discrimination of any kind.”

Satversme Article 114:

“Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity.”

### **General:**

The Council of Europe Framework Convention for the Protection of Minorities.

Article 26 of the ICCPR:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Article 5 of the UN International Convention on the Elimination of All Forms of Racial Discrimination:

“State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group, or institution;
- (c) Political rights, in particular the rights to participate in elections — to vote and to stand for election — on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;”

Article 14 of the ECHR:

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

### ***Language, Culture, Religion, Science:***

Article 27 of the ICCPR states that persons belonging to ethnic, religious or linguistic minorities “shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

Par. 32.1 of the Copenhagen Document states that persons belonging to national minorities have the right “to use freely their mother tongue in private as well as in public.”

Article 15 (1) of the ICESCR recognizes the right of everyone:

a) To take part in cultural life; b) To enjoy the benefits of scientific progress and its applications; c) To benefit from the protection of moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”

### ***Remedy:***

Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination: “State Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for damage suffered as a result of discrimination.”

## **Citizenship**

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No international human rights instrument recognizes the right to a nationality as a basic human right enjoyed by everyone. However, a refusal to grant citizenship may amount to violations of the following internationally guaranteed human rights:

- the right to the protection of the family (Art. 23 of the ICCPR and Art. 8 of the ECHR);
- OSCE standards relating to family reunification;

- the right of a child to acquire a nationality (Art. 24 of the ICCPR and Art. 7 of the Convention on the Rights of the Child);
- Freedom from discrimination on the ground of nationality or ethnicity (Art. 1 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination);
- Prohibition of arbitrary or collective expulsion of aliens (Art. 13 of the ICCPR and Art. 4 of the Fourth Protocol of the ECHR);
- the right to vote and to be elected (Art. 25 of the ICCPR).

## **Incitement to Discrimination or War**

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Article 20 of the ICCPR:

“Any propaganda for war shall be prohibited by law.” (1)

“Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence be prohibited by law.” (2)

## **Refugees, Involuntary Displacement**

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Article 33 of the Geneva Convention relating to the Status of Refugees:

“No Contracting State shall expel or return (*“refouler”*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

## **International Humanitarian Law**

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Article 3(1) of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War:

“Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.”

Article 13 of the Additional Protocol II to the Geneva Conventions provides for protection of civilians during internal conflicts.

## **Women's Rights**

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Satversme Article 91:

“All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind”

Article 11 of the UN Convention on the Elimination of Discrimination against Women: 1.

“States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (...) (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.”

Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: “(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

## **Rights of the Child**

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Satversme Article 110:

“The State shall protect and support marriage, the family, the rights of parents and rights of the child. The State shall provide special support to disabled children, children left without parental care or who have suffered from violence.”

Article 19 of the UN Convention on the Rights of the Child: “1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in care of parent, legal guardian(s) or any other person who has the care of the child”; Article 37: “(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in manner which takes account the needs of persons of his or her age. In particular, every

child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances"; Article 40: "1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."

## **The Rights of the Mentally Ill**

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Article 5 (4) of the ECHR:

"Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful."

Principle 1 (2) of the UN Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care: "All persons with a mental illness, or who are being treated as such persons, shall be treated with humanity and respect for the inherent dignity of the human person"; (3) "All persons with a mental illness, or who are being treated as such persons, have the right to protection from economic, sexual and other forms of exploitation, physical or other abuse and degrading treatment"; Principle 3: "Every person with a mental illness shall have the right to live and work, as far as possible, in the community."

## **Patient's Rights**

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Satversme Article 111:

"The State shall protect human health and guarantee a basic level of medical assistance for everyone."

Article 11 of the European Social Charter: "(...) the Contracting Parties undertake (...) to take appropriate measures designed *inter alia*: 1. To remove as far as possible the causes of ill-health."

Article 10 of the Convention of Human Rights and Biomedicine: "1. Everyone has the right to respect for private life in relation to information about his or her health; 2. Everyone is entitled to know any information collected about his or her health. However the wishes of individuals not to be informed shall be observed."