

# **HUMAN RIGHTS IN LATVIA IN 2003**

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LATVIJAS  
CILVEKTIESĪBU  
UN ETNISKO  
STUDIJU CENTRS  

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LATVIAN CENTRE  
FOR HUMAN  
RIGHTS AND  
ETHNIC STUDIES



# **HUMAN RIGHTS IN LATVIA IN 2003**

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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) was founded in 1993 as a not-for-profit, independent non-governmental organisation active in the field of human rights and ethnic relations. The Centre's activities include monitoring, research and policy analysis, advocacy, human rights education and training, and providing legal consultation to victims of human rights violations. The LCHRES is a member of the International Helsinki Federation for Human Rights, a network of human rights organisations operating in the Organisation for Security and Cooperation in Europe (OSCE) region.

In 2003, the LCHRES received core funding from the Open Society Institute (Budapest) and project grants from the European Commission, the EU European Monitoring Centre on Racism and Xenophobia, the Ministry of Foreign Affairs of the Netherlands (MATRA). The LCHRES continued to implement two programmes delegated to it by the Soros Foundation-Latvia: the Mental Disability Advocacy Programme and the Human Rights and Ethnic Tolerance Programme.

In October 2003, the LCHRES was awarded the Max van der Stoep Prize by an international jury led by the OSCE High Commissioner on National Minorities Rolf Ekeus. The prize was established in 2001 by the Ministry of Foreign Affairs of the Netherlands, and was awarded to LCHRES in recognition of its extraordinary and outstanding achievements in improving the rights and position of national minorities in the OSCE participating states.

# HUMAN RIGHTS IN LATVIA IN 2003

## Introduction and Political Context

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For Latvia, 2003 was the last year before accession to the European Union and NATO, which determined much of the policy focus of the country. Although pre-accession largely prioritized areas other than human rights, several international recommendations by the United Nations' Committees and Council of Europe representatives helped to focus attention on the main human rights problems – those in closed institutions. In addition to the problems in prisons (pre-trial detention, conditions and procedures), mental health institutions and the illegal migrants' camp, attention was also focused on the issues of police brutality and the lack of independent complaints institutions. At the same time, the citizenship issue remained unresolved, with only slow progress in the rate of naturalization and a status quo or even some signs of regression concerning the rights of non-citizens. Minority rights concerns remained much the same as in previous years – including the non-ratification of the Council of Europe Framework Convention for the Protection of National Minorities. Tension over the minority education reform increased throughout the year. New and worrisome developments include legislative and policy proposals that would possibly infringe upon freedom of assembly. Lack of awareness of intolerance issues and public responsibility became apparent when several high-profile politicians provided interviews to national extremist publication associated with both anti-Semitism and homophobia.

The political context in the country saw some changes over the year. The coalition government consisted of four parties – the prime minister's New Era (27 mandates), Latvia's First Party (9), the Union of Greens and Farmers (12) and Fatherland and Freedom/Latvian National Independence Movement (7). Although the closest partnership was initially announced by the first two, gradually tensions between them led to an open rift around the time of the EU referendum, 20 September. Meanwhile, the parliamentary left opposition also had its crises. The coalition For Human Rights in a United Latvia, which consisted of the People's Harmony Party, the party Equality and the Socialist Party, broke up in the second half of February, when the People's Harmony Party left the coalition. While the People's Harmony Party announced its intentions of establishing itself as a West European style social democratic party and clearly announced its pro-European Union stance, more radical members of the union remained together until June, when the Latvian Socialist Party established its own faction with 5 deputies. In September, the remaining unaffiliated former FHRUL deputies and one People's Harmony Party member registered a new, more radical For Human Rights in United

Latvia, with 6 members. The crisis within the People's Harmony Party continued, and at the end of the year, although the parliamentary faction still retained 9 members, some important non-parliamentary members left the party. The People's Party, which had participated in several governments before, remained stable in its opposition position, with 20 deputies.

## **Elections and Political Rights**

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The main electoral event of 2003 in Latvia was the referendum on accession to the European Union, which took place on 20 September. Citizens aged 18 and over were eligible to vote. Latvia was the last of the accession countries to hold a referendum and opinion polls before the elections showed an increasing scepticism towards the EU. However, with 72,5% eligible voters participating and 67% voting yes, the results were unexpectedly favourable towards accession. The referendum was accepted as free and fair, with only some minor transgressions reported, as one voter who had voted twice.

On 5 March, the Constitutional Court removed a restriction of the right to vote in the national election laws, which had denied the right to vote to pre-trial detainees. The Referendum was the first time this ruling was to be implemented. Although the opportunity to vote was provided for in the prisons, the Central Election Committee did receive four complaints from detainees, who said they had not been able to vote because they did not have passports. The prohibition to vote for pre-trial detainees has still not been removed from the law on municipal elections.

Non-citizens do not have the right to vote at local elections, and despite recommendations by several international institutions to grant these rights, the prevalent mood among majority politicians – including the President of the country – does not provide any indication that this would even be considered for discussion. Meanwhile, at the end of the year amendments to the Constitution and the law on municipal elections were proposed to allow for the participation in local elections by EU citizens.

Discussion on the lustration laws continued. Equality party leader Tatjana Zhdanok, who had been denied the right to stand a candidate for parliamentary elections in 2002 based on her participation in Communist party activities after the legally prescribed cut-off date of 13 January 1991, continued her legal case by submitting a challenge to the law in the European Court for Human Rights. Her case was accepted for review, but at the end of the year was still awaiting a decision.

In summer, the Legal Affairs Committee suggested to parliament to extend the prohibition to stand as candidates in elections for former KGB staff for another ten years, as the existing law had established the prohibition for a ten-year period, which would expire in 2004. The amendments providing for a twenty-year lustration period instead of the initial ten were passed in a second reading in parliament by the end of the year.

Meanwhile, contrary to many local observers' expectations considering the prevalent mood among majority politicians to support continued lustration, the parliament did agree on excluding the prohibition to stand as candidate for elections for KGB staff and CP members after January 13 1991 in the Law on Elections to the European Parliament, which was adopted in January 2004.

## **Judicial System and Domestic Safeguards**

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### *Constitutional Court*

In 2003, the Constitutional Court received 452 complaints from individuals. Of those, 331 were rejected as inadmissible, the remaining referred to court collegiums, and, in the case of 14 complaints, a case was initiated. Cases were also initiated on the submission of MPs (1), Prosecutor General (1), National Human Rights Office (2), local governments (4), and a legal person (1). Thus, the Constitutional Court initiated 23 cases and issued a ruling in 16 cases. Several court rulings were related to specific human rights issues (freedom of expression, right to a fair trial, etc.)

### *Criminal Procedure*

On November 1, 2002 a new provision of the Criminal Procedure Code (CPC) establishing that the period of pre-trial detention from the receipt of criminal case in court until trial by the first instance court shall not exceed 18 months, came into force. In exceptional cases, such as especially serious crimes, if connected with violence or threat of violence, the period of pre-trial detention can be extended by the Supreme Court Senate. Three applicants filed a complaint with the Constitutional Court challenging the constitutionality of the provision (Section 77 of the CPC) with Article 92 (right to a fair trial) of the Constitution. Amongst several things, they claimed that the provision does not guarantee the defendant the possibility to present his/her views about the extension of pre-trial detention and reasons indicated by the judge in favour of such extension. In its judgement on June 27, the Court ruled that the right to be heard, even in a written form, is one of the key procedural guarantees of pre-trial detainees. It found that neither the

CPC, nor the Senate's case law guarantees the defendant's right to participate in a court hearing or express their viewpoint in another way, thus, violating the principle of equal opportunity and the right to a fair trial. The ruling led to the amendments of the CPC, entering into force on October 1, specifying that the maximum term of detention may be extended by a higher instance court if the right of the detainee to be heard about the extension of pre-trial detention is guaranteed.

An applicant challenged the provision of the Latvian Criminal Procedure Code (CPC) Section 96 (2) that stipulates that only a barrister of the Republic of Latvia can act as a defence counsel. On October 6, the Constitutional Court ruled that the legal notion "the counsel" shall be interpreted in a broader sense, understanding by it the right of a person to receive legal assistance by freely choosing his/her representative from a wider range of qualified lawyers and in cases specified by law, also other persons. The Court acknowledged that criminal procedure requires qualified lawyers as defence counsels. However, it found that the provision that establishes that only barristers can be defence counsels an infringement of Article 92 of the Constitution as the Bar Association cannot fully guarantee due, accessible and qualitative defence to all persons under criminal procedure, and thus, the right to a fair trial. The Court ruled the challenged norm not to be in compliance with Article 92 of the Constitution and that it be declared null and void from March 2004, if the legislator fails to amend the relevant legal regulation.

### *International Human Rights Recommendations*

In the second half of 2003 Latvia reported to the respective UN Committees on its compliance with the UN Convention on the Elimination of Racial Discrimination (CERD), International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture (CAT). In August, the Committee on Elimination of Racial Discrimination (CERD) reviewed Latvia's 4th and 5th periodic report on the Convention of Elimination of Racial Discrimination. The Human Rights Committee (HRC) and Committee against Torture (CAT) expressed concern that Latvia's 2nd report on ICCPR and initial report on CAT were submitted with a four and nine-year delay respectively.

Police have drawn some of the heaviest criticism from both the HRC and CAT, which express concern about allegations of ill-treatment by members of the police, CAT noting that in some cases they could be considered as amounting to torture. Concern is also expressed about lack of statistics on the number, details and outcome of cases of ill-treatment by police officers, however, the HRC notes that as of 2003, statistics on physical ill-treatment by police officers is being systematised.

CAT draws attention to the lack of independence of the Internal Security Office of the State Police, while HRC expresses similar concern about the absence of independent oversight mechanism for investigating complaints of criminal conduct against members of the police. Both committees call upon Latvia to take firm measures to prevent all forms of ill-treatment by the police, ensure prompt and impartial investigation of allegations of ill-treatment, prosecution of perpetrators and the provision of effective remedies to the victims. HRC calls on Latvia to establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuse of power by the police.

CAT criticizes conditions of detention in police stations, lack of provision in the Criminal Procedure Code of the right of a detainee to contact family members and that access to a doctor of one's choice must be approved by authorities; allegations about denial and delays in access to a lawyer and the practice that defendants have to pay back legal aid in cases where their case is lost. It calls upon Latvia to adopt the code of conduct for police interrogations, improve conditions of closed institutions, especially police stations, guarantee police detainees the right to contact their families, have access to a doctor of their choice and a lawyer from the outset of custody.

Both HRC and CAT express concern about overcrowding in prisons, length of pre-trial detention, especially the length and frequency of pre-trial detention of juvenile offenders and call on Latvia to shorten the length of pre-trial detention period, and address the problem of overcrowding.

CAT commends the launching of a new project involving NGOs in monitoring places of deprivation of liberty. It also calls upon Latvia to envisage the ratification of the Optional Protocol to CAT, which foresees the establishment of national monitoring mechanisms to monitor closed institutions.

HRC calls for the extension of time limits for the submission of an appeal under the accelerated asylum procedure as it raises concerns regarding the availability of an effective remedy in cases of refoulement. CAT recommends Latvia to introduce legally enforceable time limits for the detention of rejected asylum-seekers who are under expulsion orders.

HRC draws attention to the fact that the duration of alternative service is twice longer than military service and calls on Latvia to ensure that the alternative service is not of a discriminatory duration.

CERD recommends Latvia to prepare a comprehensive anti-discrimination law and amendments to the Labour Law, and urges it to fully incorporate the definition of racial discrimination as stipulated in the Convention into its legislation. CERD also recommends Latvia to adopt specific legislation on organised and other propaganda activities inciting racial discrimination, irrespective of the legal status of the group or organisation. It recommends Latvia to adopt and improve legislation to provide effective protection and remedies against any acts of racial discrimination. Latvia is urged to pursue its efforts to combat prejudices and promote understanding and tolerance targeting both professionals working with and for persons belonging to minority groups, and general public.

Both CERD and HRC call on Latvia to facilitate the integration process by enabling non-citizens who are long-term residents of Latvia to participate in local elections, and limit the number of other restrictions, especially in the area of employment, on non-citizens.

CERD recommends Latvia to ensure that the State Language Law does not result in unnecessary restrictions that could lead to ethnic discrimination. It urges to ensure the availability of the Latvian-language training. HRC draws attention to possible negative impact of the requirement to communicate in Latvian except under limited conditions, on access of non-Latvian speakers to public institutions and communication with public authorities. It calls upon Latvia to take necessary measures to prevent negative effects of this policy, and, if required, adopt measures such as the further development of translation services.

Both CERD and HRC remain concerned about the proposed time frame for the transition to Latvian as the language of instruction in minority secondary schools and urge Latvia to take all necessary measures to prevent negative effects on minorities of this transition. CERD encourages Latvia to remain flexible to the needs of persons affected by the education reform, stresses the importance of close dialogue with schools and calls upon Latvia to monitor that a high quality of education is maintained. Both the committees express concern about the distinction made in providing state support to private schools based on the language of instruction, and urge to ensure that state subsidies be provided to private schools in a non-discriminatory manner.

Both the committees express their concern about the large share of non-citizens. CERD notes the growing number of persons who fail the language examination, while HRC points to the possible obstacles posed by the requirement to pass a language examination. CERD recommends to further study the reasons for the low naturalisation rate in order to devise strategies targeting specific groups of potential applicants. HRC

calls on Latvia to take all necessary measures to encourage registration of children (born in Latvia after 21 August 1991, to non-citizen parents) as citizens. HRC expresses concern about the social and economic situation of the Roma minority.

HRC urges Latvia to adopt strong measures to prevent trafficking in women and to impose sanctions on perpetrators, and extend protection to women who are victims of trafficking. HRC draws attention to the lack of detailed information on domestic violence, and urges Latvia to adopt the necessary policy and legal framework to combat domestic violence, establish crisis centre hotlines, victim support centres, and raise public awareness through disseminating information in the media.

HRC notes that discrimination against women with regard to remuneration persists, that insufficient information was provided concerning the number and results of cases brought to court, and that Latvia should take all necessary measures to ensure equal treatment of women and men in the public and private sectors.

CERD encourages Latvia to consult with a broader range of civil society organisations focusing on human rights during the preparation of the next periodic report. HRC has asked to forward information within 12 months on the implementation of the HRC's recommendations regarding naturalization, the status of non-citizens, state language policy and the education law. CAT has requested Latvia to provide, within one year, information on measures taken concerning recommendations on prison overcrowding, adoption of code of conduct for police interrogation, and time limits for the detention of rejection of asylum seekers.

### *National Human Rights Office*

In 2003, the National Human Rights Office budget increased from 96,000 LVL to 140,000 LVL. A new department with five staff positions on the Protection of the Rights of the Child was established. The Office received over 1,400 written complaints and 3,300 oral complaints. The majority concerned right to a fair and effective trial. The next most frequent types of complaints were humane treatment and respect for dignity, but a large part of the cases concerned socio-economic questions.

### *Ombudsperson Law Proposal*

In June 2003, an official work group was established by the President and the Prime Minister with the aim of elaborating until 1 December 2003 a proposal for a Law on

Ombudsperson and proposals for its institutional implementation. The proposal foresees the broadening of the mandate and field of work of the existing National Human Rights Office, as well as strengthening its independence. Any conclusions and suggestions of the Ombud would be recommendations, not legally binding.

### *Administrative Procedure*

On 1 July 2003, the new law on Administrative Procedure was to gain force, but there was a lack of resources for its implementation: instead of the necessary 4 million LVL, only about one fifth was allocated in the budget. As a result, the entering into force of the law was postponed to 1 February 2004. However, the selection and training of administrative judges was taking place in 2003, and in 2004 the administrative courts should start work.

### *European Court of Human Rights*

In 2003, 254 complaints against Latvia were filed at the European Court of Human Rights. 133 of those were registered. In 2003, there was one decision against Latvia (“Slivenko vs Latvia”), and two decisions were expected shortly (“Tatjana Zhdanok vs Latvia” challenging the prohibition on her standing as a candidate for parliamentary elections based on her Communist party membership after 13 January 1991; and “Sisojeva vs Latvia” complaint based on the right to family unity and challenging the annulment of her permanent resident permit). Another six cases against Latvia had been accepted for review on substance.

Although Latvia had previously paid compensation in a friendly settlement, but 2003 saw the first time the state had to provide compensation based on a decision against it. Thus, in April the government decided to confirm the payment of compensation in the amount of 15,000 Euro (8,985 LVL) to Aleksandrs Lavents, as the Court had decided in 2002. In December, a decision was reached to pay compensation to Tatjana and Karina Slivenko in the amount of 20,000 Euro (13,400 LVL).

The case of Tatjana Slivenko, whose husband had to leave the country as an ex-Soviet military personnel based on the Latvian-Russian troop withdrawal agreement, was accepted for review on the right to respect for private life and home (Article 8) and the prohibition of discrimination (Article 14) in connection with the right to liberty and security (Article 5). Although the court confirmed the legitimacy in denying residence to former military personnel of another country, it decided that Article 8 was violated by the

state, which had not attempted to individually evaluate the case in terms of the danger to national security. Thus the decision reached was that Latvia should pay compensation to Tatjana Slivenko and her daughter Karina, in the amount of 10,000 Euro each.

### **III-Treatment by Law Enforcement Officials**

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Cases of police brutality continued to evoke concern in 2003, drawing heavy criticism from the UN Human Rights Committee and Committee against Torture. Both express concern about allegations of ill-treatment of individuals by the police, CAT noting that in some cases they could be considered as amounting to torture. Both committees call upon Latvia to take firm measures to prevent all forms of ill-treatment by the police, ensure prompt and impartial investigation of allegations of ill-treatment, prosecution of perpetrators and the provision of effective remedies to the victims. HRC calls on Latvia to establish an independent complaints body with relevant investigative powers. CAT draws attention to the allegations of denial and delays in access to a lawyer and the practice that defendants have to pay back legal aid if their case is lost. It calls upon Latvia to guarantee police detainees the right to contact their families, have access to a doctor of their choice and a lawyer from the outset of custody.

In early 2003, in an internet conference Māris Gulbis, the Minister of Interior, appealed to the population not to be afraid to complain about “the abuse of power by members of police forces”, promising that situations when a person filing a complaint suffers retribution from officers he has been complaining about must cease to exist.” In response to readers’ complaints about “beating out testimonies” at police stations, Gulbis responded that he has received confirmation that “the method of obtaining evidence or testimonies in the relevant cases is now and then applied unlawfully, and is the legacy of the Soviet times.” Although Section 294 of the Latvian Criminal Code foresees punishment for compelling of testimony at an interrogation, if associated with violence, threats of violence or humiliation of the person under interrogation or committed in another way, and if the commission is by a police officer, only one such crime has been registered from 1995 through 2003.

In 2003, for the first time the State Police began separating statistics on complaints about police violence against individuals. Internal investigation was started in 183 cases, in 9 cases the fact of violence was confirmed and 12 police officers received disciplinary punishment. In capital Riga, of 71 complaints about police violence, none was confirmed. No detailed statistics were available as to the number and outcome of criminal cases brought against police officers on violence against individuals.

In 2002, four police officers, after privately receiving a complaint alleging rape, unlawfully entered a private home in Riga and beat up two men. An investigation was held by the Riga Police Board resulting in the dismissal of all four police officers in August 2002 for exceeding their authority when entering the house without a warrant. The case was brought to court in June 2003 with charges of intentionally causing serious bodily injury and of exceeding their authority. According to the prosecution, the policemen had proceeded to take one of the men (a Romani man) to a place near the Rumbula train station, where they beat and kicked him, causing serious injury. The man was then taken to No. 23 police headquarters, where it was established that he was dead. The prosecutor asked for 10-year prison sentences. The defendants pleaded not guilty. On June 5, the Latgale District Court found all officers innocent on the grounds of lack of evidence, claiming primarily that the expertise establishing that the man had indeed died as a consequence of the injuries could nevertheless not establish beyond doubt that the injuries were not caused prior to the arrival of the police to the house. The prosecutor appealed the decision, but by late 2003 the Riga Regional Court had not scheduled a date for appeal hearing.

Conditions in most of Latvia's 28 short-term police detention centres fell short of international standards. Police detention centres in Ventspils, Daugavpils, Liepāja, Jelgava, Aizkraukle, and most police stations in Riga remained in a critical condition.

In 2003, the government failed to adopt a Law on the Execution of Detention (in police cells and remand prisons), despite acknowledging that in accordance with the ruling of the Constitutional Court of October 22, 2002 the fundamental rights of individuals, as provided in Article 116 of the Constitution, may only be restricted by law. The Law is to determine the procedure of execution of detention of police detainees and remand prisoners and their legal status. Currently, detention in police cells is only regulated by a 1999 internal order on Short-term Detention Facilities in State Police.

By the years' end, the government had not authorised the publication of the report on the 2<sup>nd</sup> periodic visit by the European Committee for the Prevention of Torture to Latvia in 2002.

## **Prisons**

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In 2003, the incarceration rate in Latvia remained high – 355 prisoners per 100,000 inhabitants. On January 1, 2004, the number of prisoners in Latvia's 15 prisons was 8,231. Of those, 3,269 prisoners or 40% were in pre-trial detention, an insignificant drop by 4% compared to 2002. Throughout the year, the share of pre-trial detainees among juveniles and women fluctuated between 45-50%.

Both the UN Human Rights Committee and Committee against Torture express concern about length of pre-trial detention, especially the length and frequency of pre-trial detention of juvenile offenders and call on Latvia to shorten the length of pre-trial detention period, and address the problem of overcrowding. According to the Latvian authorities, there is no prison overcrowding, as living space per prisoner – on average, at 2.5m<sup>2</sup> per adult, instead of the internationally recommended 4m<sup>2</sup> – complies with national norms.

In May, the Ministry of Justice allocated funding for the posts of additional 15 judges to reduce backlogs (for both criminal and civil cases) in the notorious Riga Regional Court. While the move speeded up the review of cases, it had a limited effect on the numbers of pre-trial detainees.

The pre-trial section in the only women's prison remained seriously overcrowded. In autumn, 478 women prisoners were being held in the prison with an official capacity of 350 places. The pre-trial section with an official capacity of 130 places was holding 215 detainees, thus exceeding the official capacity by 65%.

2003 saw a slight decrease in the number of incarcerated juveniles from 4,5% to 3,9% of overall prisoner population. While some purposeful activities were introduced for juvenile boys on remand in several prisons, out-of-cell activities remained limited. Adult pre-trial detainees continued to remain 23 hours a day in a cell.

Conditions in the pre-trial section of the Cēsis Prison for Juveniles remained appalling.

Although the Regulations on Internal Order in Remand Prisons stipulate that prisoners' correspondence with lawyers shall not be subject to censorship, it is not infrequent that prisoners are required to submit letters to lawyers in an unsealed envelope, and prison staff in several prisons have admitted that they are read by the prison censor.

Prison renovation was continued in several prisons. Prison demilitarisation (guarding of prisons by military recruits) was finally completed on November 1, 2003 by taking over the guarding of the last prison – Šķirotava Prison – by professional prison guards.

In 2003, prison medical services received only 20% of the requested funding. Health facilities in many prisons remained in a dilapidated state, including the notorious prison hospital in Central Remand Prison. Following the visit to the hospital in early October, Mr Alvaro Gil-Robles, Council of Europe Commissioner for Human Rights called upon the authorities to close down the facility. No government funding has been allocated to

refurbish the hospital premises and the opening of a new TB hospital in Olaine was again postponed. Due to lack of funding the hospital has not received the necessary certification, as it does not meet relevant standards for a health care facility. The number of TB patients in prisons remained high – 344 prisoners.

The number of HIV patients in prisons decreased reaching 468 patients, while the number of AIDS patients nearly doubled (from 19 to 32) compared to 2002. In mid-summer a prisoner with AIDS filed a civil suit against the Central Prison hospital alleging that he had become infected with HIV and Hepatitis C through the fault of hospital staff claiming that in 1999 the hospital nurse had not used a disposable syringe when performing a blood test. He demanded 100,000 LVL in compensation. In November, the Riga District Court dismissed the case.

According to the official estimates by the Prison Administration around 1/4 of prisoners have drug addiction problems. An independent survey of prisoners in 2003 revealed that the share of drug addicted prisoners is even higher – 65%. Despite the high numbers, there were no treatment programmes for drug addicts.

The coming into force of a new Educational and Correctional Measures Act allowing for more alternatives to imprisonment for juveniles was postponed until January 2005 due to lack of funding. At the same time, a National Probation Service began operating on October 1 and the Law on Probation Service was adopted on December 30. The establishment of probation offices and the takeover of probation functions will take place gradually. In 2003 a central office and probation offices in 6 districts were set up. The probation service will mostly work with offenders sentenced to community based sanctions and ex-prisoners. However, the functions ought to be expanded and should also include bail supervision. In December, with the assistance of foreign funders, the first bail supervision pilot project was launched in Liepāja.

## **Asylum seekers and Illegal migrants**

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As in 2002, no person was granted refugee status in Latvia in 2003, and the total number of refugees in the country remained the same – 8. Alternative status was granted to 6 persons in 2003, bringing the total number of such persons to 9. Over the last six years, 134 persons have applied for asylum, but there were only five such applications in 2003. The Department for Citizenship and Migration Affairs explains the low numbers by good cooperation with State Border Guards.

However, the application review under accelerated asylum procedure at the border evokes serious concern. If a border guard deems the information provided by the asylum seeker to be contradictory or unrealistic in principle or if prior to the arrival in Latvia the asylum seeker has resided in a safe country, where he could also request and receive protection, the border guard can forward the information and the asylum application to the Department of Refugee Affairs that may, within two days, refuse to grant a refugee or alternative status. The asylum seeker can appeal the decision within one working day. The UN Human Rights Committee has called for the extension of time limits for the submission of an appeal, as it raises concerns regarding the availability of an effective remedy in cases of *refoulement*.

There also appear to be no clear and uniform criteria according to which asylum seekers are allowed to remain in Latvia. Two weeks prior to the start of war in Iraq a decision was taken to deport an Iraqi Kurd who, fleeing the regime of Saddam Hussein, had arrived illegally into Latvia five years ago. Prior to being placed in the Olaine Camp for Illegal Immigrants, he was accommodated in the Centre for Asylum Seekers at Mucenieki, where his common law wife and their nine-month old child remain following his expulsion.

A new Law on Immigration came into force on May 1, 2003. An illegal immigrant can be detained by the police for 3 hours before being handed over to border guards. The border guards may detain an illegal immigrant for up to 10 days. Further detention can only be authorised by court. The court may initially authorise the extension of the period of detention for up to 2 months, then extend it for up to 6 months, while the total period of detention pending expulsion may not exceed 20 months. The old law did not foresee a time limit for detention pending expulsion. However, even with the new time limit, problems remain. A person who is released after 20 months detention (for instance, because there is no state that is willing to assume responsibility for the person and, therefore, the person cannot be expelled) is not by law assigned any defined legal status. As a result, the person can repeatedly be detained for another 20-month period.

A decision on detention can be revoked either by a judge acting on a prosecutor's protest or the chairing judge of a higher instance court. The order of expulsion can be appealed to the Head of the Department for Citizenship and Migration Affairs within 7 days. If the decision on expulsion is upheld it can be appealed in court within 7 days in the cases specified by law.

With the coming into force of the new law, on May 1 a large number of detainees from the Olaine Camp were brought to the Ziemeļi District Court on a Saturday. The court,

without a single exception, authorised the extension of detention. The time the detainees had spent in detention prior to the coming into force of the new law was not included in the assigned period of detention.

The existing legislation does not foresee which procedure is to be followed by the court in such cases and so, the rights of such detainees during trial remain undefined. It is questionable whether persons with long established links with Latvia, including a permanent place of residence, family ties and employment should remain in detention before their legal status is clarified. Detainees include persons who have resided in Latvia for several years or even decades but who, following the collapse of the former Soviet Union, were registered in countries outside Latvia. Even when it is difficult to establish any significant links with other countries for these persons, the law does not make it possible to grant them the status of non-citizen. Length of detention in such cases has often been excessive.

Access to legal aid is limited at the detention camp, as many detainees lack means to afford a lawyer. There is no legal aid provided by the state for such detainees. In several cases, detainees have been denied the right to examine documents related to their detention. Visits by State Border Guard inspectors are irregular and, on occasions, the inspectors have failed to provide complete information to the detainees about their case. The detainees have the right to lodge a complaint directly with the prosecutor, but they claimed that the prosecutor had never visited the camp.

Although detention for illegal migrants is foreseen by law, the legal basis for the detention procedure is questionable. In contradiction with the ruling of the Constitutional Court of October 22, 2002, which established that the fundamental rights of individuals, as provided in Article 116 of the Constitution, may only be restricted by law, currently, holding of detainees in the Olaine Camp is only governed by an order issued by the State Border Guard. Restrictions placed on detainees, including contacts with family members, approximate those for prison detainees.

In 2003, a Romani woman in her last month of pregnancy was placed in the Olaine camp together with her 2-year old child. She was born in Soviet Lithuania, moved to Latvia at an early age, has a permanent place of residence and the child's father is a citizen of Latvia. As she has never had any identity documents, she has no legal status. The Registry Office refused to register her child on account of the absence of any identity papers of the mother, regardless of the fact of the child's father is a citizen of Latvia. Prior to the birth of the child, the court released the woman from camp on condition that she

settles her identity papers, but it remains unclear how this is achievable in practice.

## **Mental Health Care Institutions**

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In 2003, the authorities again failed to adopt the draft Law on Psychiatric Assistance. In March, the Latvian Centre for Human Rights and Ethnic Studies and the Mental Disability Advocacy Centre (Budapest) submitted recommendations on the draft law to the Ministry of Health. The organisations drew attention to the fact that the review procedure for detention on grounds of mental disability fails to meet human rights standards; the criteria for compulsory admission into psychiatric institutions are too broad, and that the formulated right to information does not live up to international principles. In response to the above recommendations the Ministry of Health created a working group to revise the draft law.

Despite numerous discussions on reforming mental health care and recommendations of the World Health Organisation that large mental hospitals be replaced by community-care services, the government has not addressed the development of community-based services for the mentally disabled. In 2003, around 1,000 persons were on a waiting list for a place in a social care home. Latvia has only one-day care centre for mentally ill and the development of community-based services has been mainly funded by foreign donors, such as the Open Society Institute and the Soros Foundation-Latvia.

In 2003, the issue of data protection in psychiatry became a serious concern. In February the regional unit of the Latvian Psychiatrists' Association called for the annulment of the Instruction No. 24 of Ministry of Welfare of 28 January 1998, "On the Establishment of the National Register on Psychiatric Disorders and Mental Illnesses." The instruction requires a psychiatrist or a general practitioner to forward sensitive data to the National Register on each patient who has been diagnosed with any – even mild short-term – mental disorder. The information must include the patient's name, identity code, home address, ethnicity, assessment of living conditions, education, sources of income, social status, basic diagnosis and possible side diagnoses, etc. While the Psychiatry Centre, the holder of the National Register, has indicated that the individual data are being collected for statistical purposes, the laws and regulations of the Ministry of Welfare and Ministry of Health foresee much broader use of such confidential information. The National Human Rights Office deemed the amount of requested sensitive data as disproportionately large and the setting up of such a register as discriminatory towards persons with mental disabilities and infringing on their right to privacy. In November, the Ministry of Health decided to set up a working group to develop new regulations on the National Register.

A fire on 2 February at the Daugavpils mental hospital led to the death of a patient and gas-poisoning of 17 patients, while parts of the building sustained extensive damage. After the fire all hospitals were ordered to install smoke detectors.

## **Minorities**

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2003 saw some progress on certain minority-related issues, while other problems remained and even intensified. The establishment and development of the Secretariat of the Special Task Minister for Society Integration, a post created only in November 2002, seemed to indicate that society integration would be given greater priority by the new government. By the end of the year the Secretariat included – apart from the Minister's Office, the Administrative and Legal Departments – the Society Integration Department, the Department of Ethnic Minority Affairs, the Department of Liv Affairs and a newly established Department of Ethnic Minority Culture and Information. The combined number of staff reached some 30 persons. The Secretariat was also made responsible for the implementation of the EC Directive 2000/43/EC (the Race Directive) and for relations with the Latvian diaspora. An Advisory Council with minority representatives was established early on in the Secretariat's work. However, the four government coalition parties clearly had no consensus on society integration and in the fall, the Minister and the Secretariat came under intense political criticism by coalition partners. While charges of ineffectiveness and questionable policy priorities were levied, the work of the Secretariat was hampered by the need to defend its positions. The increasing conflict between the Prime Minister's party New Era and Latvia's First Party, whose party member the minister Nils Muižnieks had become, did not secure the necessary support for the priorities of the Secretariat or indeed the position itself.

The Society Integration Fund in its second year of existence came to be relocated from the Ministry of Justice to the Secretariat. Continuing its project financing role, out of a budget of 1,354,723 LVL (~2,260,000 Euros) for 2003, the Society Integration Fund allocated 940,000 LVL (~1,570,000 Euros) to projects of ethnic integration, of which almost 60% was EU Phare funding and just over 40% state funding. A new component was funding for adult state language training, to which 150,000 LVL (~250,000 Euros) were allocated.

Another state institution, but this one established in 1996 and subordinated to the Ministry of Education and Science – the National Programme for Latvian Language Training (LVAVP) – continued its language and methodology training activities throughout Latvia, with a budget for 2003 of 1,039,191 LVL (~1,700,000 Euros). However, the state

funding share constituted less than half of the budget (41%), while 29% was EU Phare 2000 and 30% UNDP funding. In 2003, over 9,000 course participants took Latvian as a Second Language courses (most courses provided are the minimum – 60-hours). Thus the number of participants in this training over the years reached 68,000. In addition, methodology and bilingual course training was provided for a smaller number of persons.

Specific progress was made in legislation related to minority language on 5 June, when the Constitutional Court ruled on a case submitted by 24 MPs from opposition parties challenging the article in the law on Radio and TV that limited the use of language other than Latvian in private electronic media to 25% of broadcasting time. Admitting that the restriction is an infringement on freedom of speech, the court nevertheless argued that the restriction has the legitimate aim of strengthening the Latvian language positions in society. Since the restrictions have not achieved their aim, however, as in practice alternative (Russian) media is available and, moreover, are disproportional since other, less restrictive means are available for the same goal, the legal norms violate Article 100 (freedom of speech) of the Constitution. As the norm was found in violation of this article, the other articles included in the claim – binding nature of international documents, prohibition of discrimination, and right of minorities to preserve and develop their language, ethnic and cultural identity – were not considered. The relevant article of the Law on Radio and Television was declared null and void from the day of the decision. However, the parliament had by the end of the year not yet considered legislative amendments to the law, which some observers expected to provide for alternative limitations on language use. In addition, other limitations on the use of minority language in the media remain in the Law on Radio and Television, not only in public media, but also through the stipulation that any one program must use only one language (Article 19.1). In addition, there is a provision that a minimum of 51% of programmes should be produced in the EU, and of these, 40% must be produced in Latvian (Article 18).

Despite an increasing public discussion of the Council of Europe Framework Convention for the Protection of National Minorities, no progress was made on the ratification of the convention, which was signed by Latvia in 1995. Much of the political discussion focused on the lack of a suitable definition of minority and talk of potential reservations to several provisions, which were advocated in various numbers by several key politicians, including the Chairperson of the Human Rights Committee. The main issues of concern regarding Latvia's compliance with the convention relate to language and the potential problems with Latvian language legislation and practice – especially the use of minority language in relations with administrative authorities, topographical and street

signs, media. At the end of the year it became clear that a parliamentary sub-committee to the Human Rights Committee was to be formed, presumably to deal directly with the issue of ratification.

As the year progressed, however, it was the minority education reform of secondary schools that increasingly came to dominate minority concerns. The reform of state-funded schools had as its declared goal ensuring competence in the state language of minority students, while providing for the minority identity and language through minority education programs. Although the reform had been legislated in 1998 and was to be implemented in September of 2004, in the beginning of 2003, the Ministry of Education was still grappling with issues of how to formulate the specific content of the transition of Russian-language secondary schools to schools realising a minority education program, what the ratio of state and minority language of instruction in secondary schools should be, and which classes should be taught in one language or the other. Minority concerns over the lack of preparedness of schools for the transition to a larger, but unknown share of state language and the possible decrease in quality of schooling were dismissed by the government as unfounded. Meanwhile minority representatives and NGOs concerned with minority education were growing increasingly restless with the lack of transparency and effective minority participation. In spring, the formation of a new, more radical informal anti-reform grouping was announced – the Headquarters for the Defence of Russian-Language Schools. Together with the longer established NGO Latvian Association for Support of Schools with Russian Language of Instruction (Russian acronym LASHOR), the Headquarters made preparations for a large-scale anti-reform demonstration. Government representatives hurriedly adopted a more liberal than previously expected ratio of 60% state language and 40% percent minority language of instruction in secondary schools to be implemented in September 2004 and passed it as regulations in the Cabinet of Ministers. A promise was made that the ratio would be passed as amendments to the Law on Education in the Saeima, so as to provide a stronger guarantee that the ratio would not be easily changed under any other administration and that the provision that instruction in state-funded secondary schools should take place only in the state language would be struck from the law. In addition, schools would be granted a greater choice of which classes to teach in which language. However, these positive steps were no longer sufficient to quell the protests and on 23 May a large-scale demonstration with participants estimated at between 6,000 and 10,000 was held in Riga. Charges of attempts to entirely eliminate Russian schools and demands for free choice of language of instruction were made. Although all necessary permits had been obtained for the demonstration and it was orderly and non-violent, the scale of the demonstration was unprecedented for Latvia and government representatives including the prime minister made statements questioning the legitimacy of

the event, which was portrayed as manipulated “from outside” and directed against the state as such. The Ministry of Education pressed ahead with its plans for implementation and the Minister of Education – initially publicly favouring an individual and flexible approach to the Russian-language schools – became increasingly adamant in his statements against the protesters. Protest actions continued throughout the year, and a list of over 100,000 signatures collected against the reform was handed to the minister, who later announced that some of them had been found to be forged. The Ministry representatives organized discussions with school directors, but many students, parents and even teachers were poorly informed about the content of the reform. When permission to hold demonstrations was not granted by the Riga City Council responsible official, the Headquarters started to organize protest actions with the help of a couple of parliamentary deputies from the For Human Rights in United Latvia (FHRUL) faction, who announced that the public events were meetings of MPs with their voters, which by law do not require City Council acceptance. At the end of 2003, the situation was becoming more and more polarized, but the government and majority in parliament remained unshaken in their views that implementation of the reform was to proceed according to the foreseen plan and time-schedule.

## **Citizenship**

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Naturalization continued at a slow pace in 2003 and by 1 January 2004, 69,288 individuals had become citizens of Latvia by naturalisation since the beginning of naturalization in 1995. There were still 481,352 non-citizens in Latvia – representing 20,8% of all residents in Latvia. Of these non-citizens, the large majority – almost 70% – were Russian, 13% Belarusian and 9% Ukrainian, while the remaining 8% were composed of Latvians, Lithuanians, Estonians, Poles, Jews and others. The non-citizen population is mainly urban: half of the non-citizens of Latvia (242,000) are resident in Riga, where they represent a third of the residents (33%), while another 111,000 live in the other six main cities of Latvia.

In 2003, 11,268 applications for naturalisation were received, which was the second highest yearly application figure since naturalisation was started, with only the peak year of 1999 surpassing it, with over 15,000 applications. This was an increase by 3,000 from 2002. Although the positive EU referendum at the end of September is cited as one reason for the increase – with the argument that the certainty of the move and the advantages of being an EU citizen would act as an additional incentive to naturalize – the numbers actually started to surpass those of the previous year already in July. This is likely connected to the free-of-charge language courses for naturalization applicants

provided by the Naturalisation Board, a limited-time project-based program which was initiated in 2003. According to Naturalisation Board estimates, the courses may have entailed an additional 3,000 applications that otherwise may not have been submitted.

Other positive steps taken by the government to facilitate naturalisation during 2003 include the further reduction of fees for additional categories of residents, adopted in the Minister of Cabinet regulation No. 525 in September 2003. Instead of the regular fee of 20 LVL (~33 Euro), a fee of 3 LVL (~5 Euro) is now to be applied for applicants who are retired, to school or full-time university students at accredited institutions, as well as to unemployed, low income families, families with three or more children, disabled persons.

In addition, following the initiative of the Naturalisation Board and the Saeima Sub-Committee on the Protection of the Rights of the Child, the Secretariat of the Special Task Minister for Children's and Family Affairs established a working group to elaborate amendments to the Citizenship Law. Representatives of these institutions as well as from the Department of Citizenship and Migration Affairs participate in the elaboration of the amendments, with the aim to abolish some unfounded restrictions regarding children's rights to citizenship in the present law. As an example, citizenship by registration is accorded to those who graduate from Latvian-language schools, but amendments would include children who for some reason have not completed their entire schooling in these schools. Equally of concern is the right to citizenship by children who are adopted or who are left without custodians. The amendments are to be proposed to parliament in 2004.

Children born after 21 August 1991 of non-citizen parents, who since 1999 hold the rights to be registered as citizens without having to naturalise, continued to be registered at a slow pace. Until the end of December 2003, 1,367 applications for such children had been received and 1,312 had been registered as citizens of Latvia. However, wee over ten times as many eligible children remained non-citizens.

### *Non-citizens rights*

There were some contradictory developments concerning the rights of non-citizens in 2003. The requirement to be a citizen of Latvia in order to serve as a ship's captain on a Latvian ship, which was included in the previous Cabinet of Ministers' regulations was extended to "citizen or non-citizen, as well as a foreigner in the cases stipulated by law" in the new Law on the Sea adopted by parliament on 29 May 2003 (Article 272).

On the other hand, there were several developments in the direction of restricting the

rights of non-citizens. On 16 April 2003 the parliament adopted amendments to the Law on Pharmaceutics, which include the stipulation that a person who is not a citizen of the EU and has not gained the education in an EU member state needs one year practical training after finishing pharmaceutics education in order to be eligible for work as a pharmacist. This means that a non-citizen who graduates from the same program in pharmaceutics as a citizen (or a citizen in another EU country, for that matter) – at least before 1 May 2004 – needs an extra year before establishing themselves in their profession – a clearly discriminatory requirement. Towards the end of the year, previously publicly expressed suggestions by Fatherland and Freedom/LNIM that non-citizens should not be allowed to be teachers, were later publicly supported by politicians from other governing parties, who argued that school teachers should be included in the professions that are considered civil servants – which would automatically make non-citizens ineligible for the job. This would affect a significant number of minority school teachers who hold such jobs presently. The New Era Minister of Education at the end of the year made a specific proposal that the civil servant status be assigned to all school directors already starting in September 2004, with deputy directors next in line a couple of years later.

An attempt to extend some rights to non-citizens was not successful concerning the Amendments to the law “On Privatization of Land in Rural Areas,” adopted on 3 April 2003. In these amendments the right to privatise rural land, previously granted only to Latvian citizens, was stipulated for EU citizens, with certain transitional conditions. During pre-final readings of the amendments in parliament there were attempts to extend the same rights also to Latvian non-citizens, but these proposals were rejected in the second and third reading, thus leaving in place the restrictions for Latvian permanent residents.

## **Racism, Xenophobia and Discrimination**

### *Racism and Intolerance*

Organised extremist groups were still marginal in Latvia, but continued their public activities.

In January, detention was extended for another three months for the three National Bolshevik “Pobeda” members who were detained in November 2002 on charges of attempted violent overthrow of state power and illegal storage of explosives. In April, Olga Morozova was released pending trial, while the court decided on police

supervision as an alternative to detention. The other two accused, Artūrs Petrovs and Raimonds Krumgolds were released from detention and put under police supervision in June.

Vladimir Linderman, the leader of Pobeda who was also charged, was reported to be in Russia, where he was active with the Russian National Bolsheviks applied for political asylum. In July, Linderman's asylum request was denied. In a mysterious twist to the story, at the end of September, Linderman was reported as missing. As it was reported later, he was allegedly arrested in Russia by the Federal Security Service and brought to Lefortovo, where his extradition to Latvia was supposedly prepared. However, in early October the deputy Viktor Alksnis initiated a proposal in the State Duma to invite the Prosecutor General to explain the Linderman case. Instead, Linderman was released (as was National Bolshevik activist Sergej Solovej, who had been convicted in Latvia for hooliganism in 2001 but transferred to Russia for serving the sentence). In October, the Prosecutor General of Russia sent a letter to Latvia's Prosecutor General, in which he announced the refusal to extradite Linderman, arguing that he was being prosecuted for his political convictions. Linderman thus remained in Russia and vowed to work for the acceptance of his renewed asylum request. In November, Latvia's Prosecutor General sent a renewed request to Russia to extradite Linderman.

Based on an initiative from the Ministry of Interior, in September the Rīga Vidzemes Court reviewed the case of the National Bolshevik organization Pobeda. The court decided to abolish the organization for lack of compliance between real activities and the ones named in their founding statutes.

Small-scale demonstrations on miscellaneous issues – not necessarily ideologically related – were organized throughout the year, sometimes with the unexpected cooperation by organizations that represent different poles of extremism. In February a protest action against the war in Iraq was held outside the US Embassy in which several extremist groups participated: the Latvian radical nationalist "Visu Latvijai," "Klubs 415" as well as National Bolsheviks, who were briefly detained by police. The National Bolsheviks also organized other demonstrations – in August against Lithuania for its policy on export of pork to Latvia, but also against membership in the European Union.

Throughout 2003, the neo-Nazi National Democratic Party with leader Jevgenijs Osipovs organized several protest actions in Liepāja against the raising of utility costs and rent in municipal buildings. The actions were covered in media, but attendance was limited to the low hundreds as a maximum.

The Latvian nationalist extremists were also active in various demonstrations, but also attracted only small crowds. On 16 March, Aivars Garda joined in a march with some 60 persons to commemorate the controversial Latvian legionnaires of the Second World War, who formed units within the Nazi German military structure during the German occupation of Latvia. On 17 June, which in 2000 was proclaimed an occupation remembrance day by Saeima, Aivars Garda's radical national organization Latvian National Front held a demonstration at the Freedom Monument, which assembled about 100 persons, calling for the decolonization of Latvia. Simultaneously the organization "Visu Latvijai" (All for Latvia) had gathered some 50 demonstrators outside the Russian Embassy, issuing calls for the official recognition of the fact of occupation.

At the end of 2002, Security Police initiated a case against Aivars Garda, acting upon a claim brought by Dzintris Kolāts, head of Latvia's Radio, for statements made against him and radio staff in the homophobic book "Homosexuality – the shame and ruination of humanity." A criminal case was initiated against Aivars Garda, in which he was charged with violating Paragraph 271 of the Criminal Law – the infringement on the honour and dignity of an official. In December, the Rīga Court District Prosecutor closed the case with the motivation that the requested expertise had provided contradictory evaluations of the statements. The prosecutor indicated, however, that Dzintris Kolāts could still file a civil complaint against Garda in the matter.

The Latvian National Front, with Aivars Garda, continued to publish the newspaper DDD (standing for Deoccupation, Decolonization, Debolshevization). During the spring/summer DDD republished the infamous anti-Semitic "Protocol of the Elders of Zion." After an article appeared in the paper, which blamed the Second World War on "rich Jews" and included Holocaust denial, the Special Task Minister for Society Integration Affairs Nils Muižnieks filed a complaint of incitement to racial hatred, but the Security Police concluded that there was no ground for initiating a case.

Following several controversial contests in the preceding years, in December DDD announced another radical essay competition for children and pupils on the theme "Does the Latvian state, paying pensions to occupants, rob your grandmother, grandfather and yourself?" and a similar theme for pensioners.

Racism and intolerance was, however, not limited to narrow extremist circles. In February, when the criminal investigation stemming from the book on homosexuality was under way, four parliamentarians from the Union of Greens and Farmers wrote a letter to the prosecutor's office supporting Aivars Garda and his right to free speech,

while some of them in interviews admitted publicly that they support Garda's fight against homosexuality. Also, throughout the year, DDD published a series of extensive interviews with some parliamentarians from five out of the seven parties represented in parliament (Fatherland and Freedom/Latvian National Independence Movement, New Era, People's Party, Green and Farmers Union and First Party). In November, even the Head of the National Human Rights Office was featured in an interview. The interviews are structured so that the interviewer from DDD participates extensively in the conversation, with clearly formulated opinions rather than questions, and the tone of the text is national radical, frequently anti-Semitic and homophobic, and intolerant regardless of what the interviewee answers. Any statements by the interviewee that have a sufficiently radical nationalist sound are stressed by bringing them into headlines. Although in one interview the journalist explicitly admits that the paper is not accredited at the Saeima or President's office, none of the politicians apparently considered the consequences of participating in a public dialogue within an extremist forum.

The case of a racist TV advertisement clip that was produced as Freedom Party election campaign material in 2002 continued in 2003. The clip shows an African man dressed in Latvian military uniform in front of the Freedom monument and then an image of a black man kissing a blond girl in Latvian national costume, while the background text is "Today – a guard of Latvia, tomorrow – perhaps you son-in-law". Anti-EU images follow, while subtitles of the clip claim that some 20 million economic migrants from Africa and Asia will come to the European Union within the next few years, asking how many of them would choose Latvia as a place of residence. The musicians Christopher Edjugbo from Nigeria and Peter Mensah from Sierra Leone, who were featured in the clip without knowing the purpose to which it would be put, won a civil case against the Freedom Party in 2002, but the case was appealed. On 9 April 2003, the Supreme Court partially confirmed the lower court ruling in favour of the musicians, requiring that Freedom Party issue an apology on prime time TV before the same programme that had included the contested clip and pay 3,000 LVL (~5,000 Euros) as moral compensation as well as court expenses of 150 LVL (~250 Euros) to the musicians. Until the end of 2003, the musicians had not received any compensation.

Another case was made based on the same video clip. At the end of 2002, George Steele filed a civil suit in the Rīga Vidzeme Court against the Freedom Party and the state company Latvijas Televīzija for infringement of honour and dignity in connection to the party's election campaign TV clip. On 8 September, the Rīga Latgale Court reviewed the case. George Steele argued that the clip is a violation of the right to honour and dignity as it shows a negative attitude toward black persons and their living in Latvia and forming

families with white Latvians. The projected negative attitude towards a black son-in-law equals incitement to racial hatred. Pointing to the previous ruling by the court in the case against the Freedom Party as establishing that the clip is proven to be racist incitement and discriminatory, the court agreed with the argument of George Steele, who pointed to the fact that since he is an Afro-American, lives in Latvia and has a fair-skinned Latvian wife, he is therefore personally affected by the incitement in the clip. The court decided in favour of George Steele and ordered Freedom Party to pay the requested compensation and the costs for the trial, to the symbolic total sum of 39 LVL (~65 Euro).

Despite the court decisions against the Freedom Party, the racist TV advertisement clip continues in early 2004 to be available on the party's home page (<http://www.brivibaspartija.lv/video.htm>).

## *Discrimination*

The legal framework and practice concerning anti-discrimination suffers from shortcomings, but saw some developments in 2003. Several cases brought to the Constitutional Court included arguments of violation of Article 91 (non-discrimination), but the decisions – even in cases where constitutional violation was found – were based on other articles, and thus the Article 91 remained unargued by the Court.

The Labour Law that came into force in 2002 includes the most extensive anti-discrimination clauses to date in Latvia. Still, until the end of 2003 there have been no court cases based on the anti-discrimination clauses of the Labour Law.

The Secretariat of the Special Task Minister for Society Integration Affairs was made responsible for implementation of the EC directive 2000/43/EC (Race Directive), and a work group was formed with the participation of state and non-governmental representative to identify and elaborate the necessary legislative amendments to transpose the EC Race Directive as well as the 2000/78/EC (Employment Directive) into Latvian legislation. Under severe time constraints, as the EU accession date of 1 May was the targeted deadline, progress was made, but the proposed amendments concerned clauses in different laws, and were still to be presented to parliament for passage into legislation. An attempt to elaborate a comprehensive anti-discrimination law was considered only belatedly.

Another official work group under the auspices of the Secretariat was convened for the elaboration of a National Action Plan Against Intolerance, combining the UN post-Durban

recommendations for such a plan with EU anti-discrimination requirements. It was still under elaboration at the end of the year. As of the end of 2003, there was no state anti-discrimination policy, no specialized institutions or monitoring mechanisms in place.

Although no systematic overview of the situation regarding discrimination has been made to date – neither state nor non-state – information was gathered in 2003 that clearly suggested widespread discrimination against the Roma. Extremely high rates of unemployment, low levels of education and socio-economic problems indicate the need for state action. The schooling of Romani children mostly takes place in special classes, which have the status of correction classes. The police brutality case in which a Romani man was beaten to death (see section on police) serves as a warning about the need to combat racism in society and institutionally. Some positive steps were initiated in 2003, when some project funding was allocated from the Society Integration Fund for some projects aimed at improving the situation of the Roma.

## **Freedom of Speech and Freedom of Assembly**

### *Speech*

There were several legal developments concerning freedom of speech in 2003. The Constitutional Court ruling on the language restrictions in private media stipulated in the Law on Radio and Television established a violation of freedom of speech (Satversme Article 100) and abolished the norms. (See section on Minorities).

Another case was submitted in January 2003 by representatives of the daily newspaper Diena, which challenged the constitutionality of Articles 91 and 271 of the Criminal Law, which provides for harsher punishment, including possible prison-term, for the defamation and violation of the honour a parliamentarian and a state official, respectively, than in the corresponding protection for other persons. In June 2003, the parliament abolished the Article 91, and the Constitutional Court thus considered only the Article 271. The challenge was based on discrimination and freedom of speech, arguing that the honour of an official should not be higher than the honour and dignity or any person and that for freedom of the press to be effective, the permissible level of criticism of an official should be more extensive. The Court agreed that freedom of speech does include also freedom of the press, and that any limitations to this freedom must be legitimate and proportional. The goal of protecting a state official is legitimate, argued the court, and the prohibition of discrimination is not violated, as the persons the different articles apply to cannot be ruled to be in a similar situation. However, the

definition of who is an official was admitted as being too broad in the Criminal Law and not restricted to persons, who truly perform duties, which require particular state security. Hence, the restrictions are not proportional to their legitimate aim, and the Court decided that the norm in the present form does violate freedom of speech and would lose force by 1 February 2004 if the legislature had not until then defined more precisely which officials are in need of Criminal Law protections in order to exercise their position.

The struggle over the line between defamation and freedom of speech also appeared in civil law cases. In one case, a civil suit was initiated against a Rīgas Balss journalist and the owner of the newspaper by a former head of the 11th Riga Criminal Police Department for an article questioning his ability to legally acquire seven apartments on the salary he was receiving. The defamation case was based on the fact that he owns six apartments, not seven. At the same time, it was admitted that the journalist was not able to double-check the facts, since the claimant had refused to answer questions about it before the publication of the article. Although the Riga City Kurzeme District Court had ruled in favour of the claimants demand for compensation of LVL 20,000, and the Riga Regional Court had on appeal lowered the compensation to LVL 12,000, the Supreme Court's Senate invalidated the ruling and sent it back for review. On 24 April 2003 the Riga Regional Court dismissed the claim.

## *Assembly*

Freedom of assembly became an issue of concern as 2003 saw an increasing amount of public protest actions (mainly against the minority education reform) and responses from the authorities that seemed to indicate a wish to come to terms with protests by finding ways to curb them. After the large-scale demonstration in May 2003, for which permission was issued only after an initial denial (for both march and demonstration), there followed several cases when demonstrations that were pre-registered following the required legal procedures were denied. On 2 June, after the denial of permission to organize a protest event, the public action was announced as a meeting of MPs with voters (with the participation of a couple of parliamentarians, mostly from the new FHRUL), which is permissible without prior notice under the present law. Several other protests were organized following this scheme, which was not unexpectedly perceived as a way to circumvent the legal requirements for demonstrations, which require advance notice three days beforehand and also permits the municipal authorities not to allow the protest action (albeit with a reasonable, written explanation that may be appealed in court).

Another initiative to restrict the continued demonstrations and public protests was presented to parliament by Fatherland and Freedom/Latvian National Independence Movement in September, proposing legal amendments that meetings by parliamentarians with their voters could only take place without prior coordination if conducted indoors. The amendment proposals were accepted for review in parliamentary committees and the Legal Affairs Committee also elaborated alternative amendments. As protest actions continue, and continue to be viewed with suspicion by a majority of parliament and government, it is not unlikely that other attempts to limit freedom of assembly may be in the offing for next year.

At the end of the year, the Rīga City Council's Administrative Committee made a proposal, supported by the Committee of Security and Order, to determine specific places in the capital city where public political events could be held, thus making them illegal anywhere else. Final decision on the proposal was not yet made as the year ended.

In a positive development, in April 2003, amendments to the Law "On Meetings, Marches and Demonstrations" were passed by parliament. Article 10, which states that it is forbidden to make calls against the independence of Latvia or incite to violence, national or race hatred or propagate fascism or communism, was amended to explicitly include the word "Nazi" in the list of prohibited ideologies. Also Article 11 was extended to include the prohibition to display Nazi German (changed from "fascist German") attributes, while the list was extended to include "symbols (also in a stylised form)", thus broadening the previous prohibition beyond flags, hymns, uniforms.

## **Gender equality and Women's rights**

A parliamentary sub-committee on gender equality was established in October 2003. The committee has been tasked with promotion of gender mainstreaming, development of relevant legislation aimed at elimination of gender discrimination, prevention of trafficking in human beings and education of general public on gender equality issues. In order to facilitate the co-ordination of issues related to gender equality in Latvia, a Gender Equality Unit was set up at the Department of European and Legal Affairs of the Ministry of Welfare.

Despite the fact that a framework document on gender equality was adopted in 2001, the relevant inter-ministerial working group failed to draft a National Gender Equality Programme 2003-2008.

21 out of 100 members of parliament were women and for most of the year there were 4 female ministers and 14 male ministers in government. The State President, the Speaker of the Parliament and the first EU Commissioner were all women. On February 7, Anita Ušacka, a judge to the Constitutional Court, was elected to the International Criminal Court.

## *Trafficking*

In mid-2003, an inter-ministerial working group at the Ministry of Interior drafted a National Programme on the Prevention of Trafficking in Human Beings 2004-2008. The programme focuses on aligning national legislation with relevant international human rights instruments concerning trafficking. It also includes the coordination of the activities of law enforcement agencies, development of training and education programmes for various professional groups and high-risk youth and the establishment of support services for victims of human trafficking. The government approved the programme in early January 2004.

In 2003 charges on trafficking in human beings were filed in 3 criminal cases, and charges on “sending a person to a foreign country, with her or his consent, for the purposes of sexual exploitation” in 12 criminal cases. 20 persons were convicted for sending a person with his/her consent to a foreign country for the purposes of sexual exploitation. The punishments levied were often mild – 13 persons received a conditional sentence, while 6 persons received prison sentences ranging from 1–3 years. The Latvian Bureau of the International Organisation for Migration conducted over 20 seminars for around 1,500 high school youth throughout Latvia on the risks of human trafficking.

## **The Rights of the Child**

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The creation of the post of a Special Task Minister for Children and Family Affairs, and a Secretariat by the new government in November 2002, led to the closure of the Centre for the Protection of Children’s Rights, previously tasked with the co-ordination of children’s right protection in the country. The new institution announced as a priority the decrease of the number of children in orphanages and a correlated increase of the number of children in alternative care. In 2003, the National Human Rights Office became more engaged in the realm of children’s rights protection by setting up a 5-person unit for the protection of the rights of the child.

On March 11 the Cabinet of Ministers adopted new regulations on adoption procedure, aimed at facilitating child adoption. An Adoption Register was set up in September. The new legislation aims at simplifying and clarifying the bureaucratic adoption procedure,

and foresees a 1,000 LVL (~ 1600 Euro) adoption benefit. Prior to the confirmation of the adoption by the court, the child is to be placed in the care of the adoptive family for 6 months. One of the adoptive parents is entitled to an adoption leave and a monthly adoption benefit. Foreigners seeking to adopt a child will be required to temporarily reside in Latvia. Prospective adoptive parents, whether residents of Latvia or foreigners, are required to indicate their religious affiliation.

The Secretariat of the Special Task Minister for Children and Family Affairs carried out inspection visits to child custody courts, parish courts and childcare facilities. Lack of information about all legally free children in institutions, lengthy delays in examining the prospect of reunification of children in institutional care with their families were identified as key issues of concern. Following the inspection of 18 orphanages the Secretariat resolved issues concerning 361 children that would no longer prevent these children from being adopted. It also drafted a Framework Document on Foster Families that was approved by the Cabinet of Ministers in December. The document aims at promoting the creation of foster families, increasing benefits and extending support to foster families. In early 2003, there were only 15 foster families in Latvia, while the number of children residing in orphanages was 3,045.

No similar attempts have been initiated aiming at decreasing the number of children placed in boarding schools under the authority of the Ministry of Education and Science. In early 2003, the number of children in boarding schools was 4,175.

On May 15, Latvia acceded to the European Convention on the Legal Status of Children Born out of Wedlock. 43% of children in Latvia are born to unmarried mothers.

2003 saw an increase in the number of convictions, both among institutional staff and parents, for cruelty and violence against minors. A total of 64 persons were convicted. In 2003 legal proceedings continued regarding the case of alleged staff violence against minors in the social care home for children with mental disabilities Veģi. On 19 May Talsi District Court ruled that former staff members A.Būdnieks and L.Doķis were found guilty for cruelty and violence against minors, and sentenced them to 6 months imprisonment, but had to release them from punishment due to statutory limitation as all the offences had been committed 1989-1997, while charges were filed only in 2002. All 13 victims were current and former residents of the Veģi social care home. The court also took a related decision to inform the Ministry of Welfare about the abuse of authority by staff. The court requested the NGO "Save the Children" to send to the Ministry the video and audio materials from 2001, in which the organisation had recorded narratives on

physical abuses against children in Veģi carried out by the staff. In June a court decision terminated the employment contract with A. Būdnieks, but suspended the trial regarding the termination of employment contracts with other staff members. On 22 September the Minister of Welfare Dagnija Staķe issued a dismissal order of 13 staff members and ordered the Veģi director A. Derkevics to lodge a claim in court on dismissing of 13 staff members in accordance with Section 101 of the Labour Law.

On September 26 the Latgale Regional Court found guilty and fined (350 Ls ~ 520 Euro) K. Kutjuns, principal of the Aleksandrova special boarding school in the Krāslava District accused of cruelty against his wards. The court found K. Kutjuns guilty of two episodes, but released from punishment in one case due to statutory limitation. The court did not impose any occupational restrictions.

On November 3, Rēzekne District Court found two educators I. Suharevska and A. Micule of the Nagli parish kindergarten Priedītes guilty of cruelty and violence against children. From May 1998 through March 2002 both educators had intentionally ill-treated nine children, aged 18 months to 5 years, applying methods such as pinching different parts of the body, tying up children's arms and legs, placing them in dark rooms, and making them stand barefoot on a cold floor. I. Suharevska was sentenced to 6 months imprisonment, while A. Micule was sentenced to 260 hours of community service. The court also imposed occupational restriction – a 2-year ban on engagement in educational work.

## **Patients' Rights**

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The number of complaints on violations of patient's rights increased in 2003. Health Ministry's Medical Care and Work Ability Expertise Quality Control Inspection (Latvian acronym MADEKKI) received and reviewed 486 complaints. 70% of complaints were recognised as well-founded and 95 doctors were fined. An NGO, the Latvian Patients' Rights Office (LPRO) received 1,071 complaints, which it actively sought to assist. In response to its activities, the Physicians' Rights Protection Office was created to provide legal aid to doctors in cases of conflict situations.

In October the draft law on patients' rights was placed in the public domain. Until recently, Latvia had no separate Law on Patients' Rights, except for a small chapter in the Law on Medical Treatment. The draft law foresees a patient's right to information and the procedure of receiving such information, the principles for patient's data and privacy protection, and the rights of a third party to access such information.

In 2003 two cases of patient's rights came before court. In June, a patient N. lodged a claim with the Riga Regional Court against the Riga City Maternity hospital. The plaintiff demanded 2,000,000 LVL compensation for damages inflicted to her child's health. In April 2002 N. entered the maternity hospital, and after applying artificial stimulation a boy was born through a difficult delivery. His health care condition was identified as medium severe, and in two weeks he was placed in intensive care. After maternity hospital, he has been undergoing continuous treatment in Children's Clinical Hospital, and has been diagnosed disabled for life. The plaintiff alleged that her child had become disabled as a result of malpractice and turned to MADEKKI, which identified several violations. The doctor was fined, while the maternity hospital's administration was asked to improve documentation regarding delivery. A court hearing was initially scheduled for October, but was postponed until February 2004.

In 2003 a person K. lodged a claim with the Riga Regional Court against the medical company ARS. The plaintiff requested the court to determine the amount of compensation for injuries caused to her health, and she demanded that the medical company pay LVL 30,000 as compensation for medical expenses and expenses related to contraception. In 2000, K. started to use contraceptives suggested by her gynaecologist during a routine medical check-up, but shortly thereafter began to experience complications. Although her health deteriorated, the doctor failed to react to her complaints. Emergency surgery was performed at the Latvian Oncology Centre. Although K's life was saved, the patients suffered loss of some bodily functions. The patient's correspondence to the Chief of the Board of the medical company ARS requesting compensation has remained unanswered. In 2001, MADEKKI identified substantial violations of the Law on Medical Treatment and fined the gynaecologist. The Latvian Patients' Rights Office has accused ARS of causing bodily injuries resulting in mutilation.

In January 2003, information surfaced that the Minister of Health Āris Auders may have been receiving double payments for work with private practice patients in his previous position as a surgeon at the spinal column surgery centre of the Traumatological and Orthopaedic Hospital. The Corruption Prevention and Combating Bureau (Latvian acronym KNAB) investigated and on 20 March initiated a criminal case based on Criminal Law Article 177.2 for repeated fraud. KNAB indicated that Āris Auders, while being a state hospital surgeon had requested patients to pay for surgery in his private practice, although all the patients he received for planned surgery at the medical centre had been referred by a family practitioner, which guarantees state budget coverage for the surgery. After the criminal case was initiated, Prime Minister Einārs Repše requested the demission of the Minister of Health.

Appendix 1:

## Legal Consultations

In 2003, the number of legal consultations provided by LCHRES increased compared to 2002 to a total of 157. This was largely due to complaints received while implementing a new EU-funded project including monitoring of closed institutions – especially illegal migrants camp – as well as increased focus on anti-discrimination stemming from implementation of a Netherlands MATRA-financed project in cooperation with the Netherlands Helsinki Committee. The number of consultation related to discrimination on various grounds has increased from 1 in 2002 to 25 in 2003. Of these 3 were in Latvian, 16 in Russian and 5 in English. The largest number of complaints concerned violation of rights in prisons – 28. Of the 157 complaints, 87 were received in Russian, 62 in Latvian and 7 in English. One client was deaf-mute.

Theme	Latvian	Russian	English	Deaf-mute	Total
Right not to be discriminated	3	16	6		25
Violation of rights by law enforcement officials (police)	6	6			12
Violation of rights in prisons	12	16			28
Violation of rights in institutions for illegal migrants	4	10	1		15
Right to fair trial	8	7			15
Rights of the child	2	3			5
Employment rights	4	1			5
Right to housing	2	8			10
Social rights	10	16			26
Right to good governance	1	2			3
Right to private life	1				1
Family rights	4	1			5
Recognition of legal status	2	1		1	4
Right to property	3				3
<b>Total</b>	<b>62</b>	<b>87</b>	<b>7</b>	<b>1</b>	<b>157</b>

## **LCHRES Activity Report, 1 January 2003-31 December 2003**

### **Publications and Reports**

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Integration Monitor, on [www.policy.lv](http://www.policy.lv) (daily news digest on integration issues) and by subscription service.

Dace Lukumiete, "Romi vai cigani?" (Roma or gypsies?) on [www.politika.lv](http://www.politika.lv) on 28 January 2003.

Latvian Centre for Human Rights and Ethnic Studies, Human Rights in Latvia in 2002 (Riga: LCHRES, 2003).

Latvian Centre for Human Rights and Ethnic Studies, "Latvia," Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America. Report 2003 (Events of 2002). Vienna: International Helsinki Federation for Human Rights and IHF Research, 2003.

Latvian Centre for Human Rights and Ethnic Studies, "Report on Monitoring Closed Institutions in Latvia," May 2003 (editor: Angelita Kamenska, contributors: Angelita Kamenska, Ieva Leimane-Veldmeijere)

Ieva Leimane, contribution of materials on Latvia to Immigration Law and Human Rights in Baltic States: Comparative Study on Expulsion and Administrative Detention of Irregular Migrants (by Dr. Joanna Apap), International Organization for Migration, 2002.

Latvian Centre for Human Rights and Ethnic Studies, The Situation of Roma in Latvia (in Latvian and English), (Riga: LCHRES, 2003)

Ilze Brands Kehris, "The Role of Non-Governmental Organizations in the Protection and Promotion of the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities", Background paper prepared for the Office of the United Nations High Commissioner for Human Rights, August 2003.

Dace Lukumiete and Signe Martišūne, "Pirmais pētījums par čigāniem pabeigts," (The First Research on Roma has been completed) on [www.politika.lv](http://www.politika.lv) on 19 August 2003.

Dace Lukumiete and Signe Martišūne, "Pirmais pētījums par čigāniem," (The First Research on Roma) (in Latvian) *Zemgales Zinas*, 22 October 2003.

Ieva Leimane-Veldmeijere, "A Cat at the Window" (article on community based health care for mentally disabled to mark 3 December, the International day of Disabled People) on [www.tol.cz](http://www.tol.cz) (Transitions Online Weekly Newsletter) on 28 November 2003.

Svetlana Djačkova, Latvian Language Proficiency and the Integration of Society, (in Latvian and English), (Riga: Centre for Public Policy Providus, 2003).

Ilze Brands Kehris (with Ilona Stalidzāne), Research The Role of Regional Aspects in Dealing with Citizenship Issues (in Latvian, Russian and English), (Riga: The Naturalization Board of the Republic of Latvia, 2003).

Ilze Brands Kehris (with Nils Muižnieks), "The European Union, democratization, and minorities in Latvia," The European Union and Democratization (ed. by Paul J. Kubicek). London: Routledge, 2003.

## **Participation in and Organisation of Local Events**

10 January, Svetlana Djačkova and Ilze Brands Kehris participated in a brainstorm discussion on the tasks of the newly formed Secretariat of the Special Task Minister for Social Integration Affairs in Slokenbeka.

15 January, Ilze Brands Kehris participated in a roundtable discussion with the Council of Europe Parliamentary Assembly Monitoring Committee delegation, including Chairperson Josette Durieu, on the human rights and minority rights situation in Latvia, organized by the Council of Europe Information Bureau.

21 January, Ilvija Pūce gave a lecture on human rights at Riga Secondary School No. 13 to secondary school students who participate in study circle on law.

28 January, Ieva Leimane and Eva Ikauniece participated in opening ceremony of Strenči Rehabilitation centre. Ieva Leimane gave a talk about the idea of community-based services and the priorities of Mental Disability Advocacy Programme-Latvia.

7 February, Ilze Brands Kehris participated in the Society Integration Fund consultative meeting with NGO leaders on the allocation of budget shares to various social integration topics for the 2003 grant competition announcement.

12 February, Svetlana Djačkova participated in a Society Integration Fund discussion with experts on the priorities of grants competitions for the year of 2003.

14 February, Ieva Leimane participated in a roundtable discussion organized in Riga by Ministry of Health – “New Approach to the Development of Health Care Policy” and informed about activities of SFL/LCHRES Mental Disabilities Advocacy Program-Latvia.

18 February, Ieva Leimane participated in the seminar “Effective Communication and Media Relations” with a briefing of LCHRES activities.

21 February, the LCHRES organized a seminar on creating and running self-help groups or support groups for mentally disabled. Ieva Leimane led the seminar.

Throughout 2003, Ilze Brands Kehris participated in work group meetings of the Secretariat of the Special Task Minister for Social Integration Affairs on tolerance and anti-discrimination.

19 March, Ilze Brands Kehris participated in panel discussion “Is racism in Latvia a topical problem?,” at the UN House in Riga, organized by the Latvian Youth Council in cooperation with UNITED (Netherlands).

25 March, Ilvija Pūce participated in a working seminar on “Democratic Working Environment and the Strengthening of the Legality of Working Relations in Latvia” by the Latvian Personnel Leader Association.

2 April, LCHRES organized a press conference to launch its annual report “Human Rights in Latvia in 2002”, attended by printed media, radio and television as well as representatives of parliament, government (ministries of justice and ministry of social integration) and various embassies.

4 April, Ilvija Pūce gave an introductory talk on concepts of discrimination at the conference “Social Integration – Promotion of Tolerance,” organized by the Secretariat of the Minister for Social Integration Affairs and the Council of Europe Bureau.

11 April, Signe Martišūne gave a presentation in Liepāja – “Aspects of Ethnic Integration in Latvia” at a conference on education reform in Latvia, organised by Liepāja’s Social and ethnic integration centre and with the 8th Liepāja Secondary school.

12 April, the LCHRES organized a training workshop on burn-out syndrome and supervision methods for the staff workers of the social care homes for mentally disabled in Riga. Ieva Leimane-Veldmeijere led the seminar.

12 May and 14 May, the LCHRES organized training workshops “HIV, AIDS – How to Protect Yourself from Getting Infected?” for prison staff in Rīga. Angelita Kamenska led the workshop.

12 May, the LCHRES organized a press conference on the issue of HIV-infected in prisons of Latvia. Ieva Leimane-Veldmeijere and Angelita Kamenska participated in a press conference.

19 May, Ilze Brands Kehris participated in Latvian Foreign Ministry discussion with CIDA representative on possibilities to provide Latvian expertise to third countries, involving the expertise of Latvian NGOs.

18 June, Ilze Brands Kehris presented a preliminary analysis of regional expert opinions at the conference “The Significance of Regional Aspects in the Solving of the Citizenship Problem,” organized by the Naturalization Board.

3 July, the LCHRES organised training seminar on preparing projects of community based services for mentally disabled for NGOs and mental health care professionals in Riga. Ieva Leimane-Veldmeijere led the seminar.

14 August, LCHRES organized a press conference to launch a study “The Situation of Roma in Latvia”. The study was presented by Ilze Brands Kehris, Dace Lukumiete and Signe Martišūne.

19 August, Anhelita Kamenska gave presentation on Council of Europe Committee for the Prevention of Torture to participants of the 4th summer school “Human Rights and Their Implementation: European and Baltic Experience” in Riga, organised by Institute on Human Rights of the University of Latvia

17 September, Ieva Leimane-Veldmeijere participated in discussion on abortions organised by NGO Papardes zieds and the National Human Rights Office in Riga.

2 October, Ieva Leimane-Veldmeijere participated in public debate on draft law On Patients' Rights and gave a presentation on the rights of mentally ill organised by Latvian Patients' Rights Office in Riga.

13 – 14 October, the LCHRES organised the seminar "Monitoring Closed Institutions in the Baltic States" in Riga. Seminar and a workshop for mental health care institutions' monitoring team were led by Ieva Leimane-Veldmeijere. Angelita Kamenska gave presentation "Council of Europe Committee for Prevention of Torture and its standards" and led the workshop for police and prison monitoring team.

20 November, Ilze Brands Kehris gave a presentation on discrimination and gender equality at the national conference "Implementing Gender Equality Policy: where we move in Latvia?" in Riga, organised by Ministry of Welfare.

3 December, Marina Krupņikova chaired the international conference "We go Further. National Minority Youth Activeness – and Impulse for Social Integration" in Riga, organised by the Special Task Minister's for Social Integration Secretariat and the Friedrich Naumann Foundation.

4 December, Ilze Brands Kehris participated in the discussion on the Possibilities to improve the Quality of Policy in Riga, organised by UNDP and State Chancellery.

10 December, Ilze Brands Kehris gave speech on human rights to mark 55th anniversary of UN Declaration of Human Rights in memory event organised by European Human Rights Net in Riga.

14-15 December, Ilze Brands Kehris and Marina Krupņikova participated in training seminar NGOs in Latvia: Understanding the EU in Riga, organised by the European Policy Centre.

## **Work with the Media**

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### *Local Printed Media*

LCHRES staff has been interviewed on various topics (on non-discrimination, language restrictions in private broadcasting, ethnic composition of incarcerated persons, non-citizens, HIV-AIDS in prisons, Framework Convention on National minorities, xenophobia and racism, Latvian assistance to Iraq) by Latvian-language and Russian-language printed media. Ilze Brands Kehris, Ieva Veldmeijere-Leimane, Anhelita Kamenska, Ilvija Pūce, Signe Martišūne and Dace Lukumiete were cited together more than 30 times in Latvian-language press concerning their work related to the Latvian Centre for Human Rights and Ethnic Studies, and the Latvian Centre for Human Rights and Ethnic Studies as an organization as a whole more than 16 times. In addition there were citations in local Russian-language press.

### *Local TV and Radio*

In 2003, Ilvija Pūce was interviewed by LTV for the main Latvian- and Russian-language news program on the abolition of the legal clause forbidding pre-trial detainees to participate in elections. Ilze Brands Kehris was interviewed several times by LTV (Latvian and Russian) on minority education reform and demonstrations against it, on lustration laws in Latvia, on non-citizens' status after Latvia joins the EU, on political ties of NGO active against the education reform, on stereotypes of USA and war on Iraq) and channel TV3 on minority education reform. Anhelita Kamenska participated three times in the Russian-language TV program PROCES on various issues, Signe Martišūne was interviewed by LTV main news program on the abolition of language restrictions in private broadcasting and Ieva Leimane-Veldmeijere was interviewed in the radio program "Alternativa" (in Russian) on the activities of the LCHRES and in the radio program "Krustpunkti" on the draft law On Psychiatric Assistance.

### *Foreign Media*

Ilze Brands Kehris interviews on various topics (non-citizens, minority rights, linguistic rights, minority education reform, Council of Europe and international monitoring, xenophobia, discrimination) with Die Tageszeitung (28 February), German radio (8 May), Italian television journalist (26 May), Slovenian television (5 June), French radio (26 June), several interviews with Radio Free Europe (February-May), newspaper Le Figaro (15 September), Belgium TV (11 September), etc.

## **Monitoring Activity, Legal Assistance and Field Trips**

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Ilvija Pūce provided 157 free legal consultations to clients.

17 January, Ieva Leimane conducted a monitoring visit to Jelgava Mental hospital project “Mobile treatment team for mentally disabled”.

29–31 January, Dace Lukumiete and Signe Martišūne made a field trip to Valmiera to do on-site research and conduct interviews with local Romani population and representatives of municipalities, police, courts, Employment Service, health care establishments.

19 February, Ieva Leimane-Veldmeijere conducted a monitoring visit to Strenči mental hospital together with representatives of the National Human Rights Office.

25 February, Ilvija Pūce conducted a monitoring visit to Ilģuciems Women’s Prison.

10–13 March, Dace Lukumiete and Signe Martišūne made a field trip to Tukums and Talsi to do on-site research and conduct interviews with local Roma population and representatives of municipalities, police, courts, Employment Service, health care establishments.

19–20 March, Dace Lukumiete and Signe Martišūne made a field trip to Jelgava to do on-site research and conduct interviews with local Roma population and representatives of municipalities, police, courts, Employment Service, health care establishments.

8–10 April, Dace Lukumiete and Signe Martišūne made a field trip to Daugavpils and Jēkabpils to do on-site research and meet with local Roma population and representatives of municipalities, police, courts, Employment Service, health care establishments.

15 April, Ilvija Pūce conducted a monitoring visit to the Šķīrotava prison.

15 April, Ieva Leimane-Veldmeijere together with Toronto Centre for Mental Health Care and Addiction visited Akniste mental hospital and introduced the guests with the projects funded by Mental Disability Advocacy Programme-Latvia.

17 April, Anhelita Kamenska, Ilze Brands Kehris, Ieva Leimane-Veldmeijere, Ilvija Pūce and a European Commission delegation conducted a monitoring visit to Olaine detention camp for illegal migrants.

6–9 May, Dace Lukumiete and Signe Martišūne made a field trip to Ventspils and Kuldīga to do on-site research and conduct interviews with local Roma population and representatives of municipalities, police, courts, Employment Service, health care establishments.

15 May, Dace Lukumiete and Signe Martišūne made a field trip to Jūrmala to do on-site research and conduct interviews with local Roma population and representatives of municipalities, police, courts, Employment Service, health care establishments.

26 May, Anhelita Kamenska, Dace Lukumiete and Signe Martišūne conducted a visit to Ilģuciems Women's prison to study the situation of Roma women in prison

20 June, Ieva Leimane-Veldmeijere met with the representatives of EC Delegation in Latvia and German psychiatrist Dr. Matthias Dose in order to inform on Mental Disability Advocacy Program-Latvia and accompanied their visit to Riga Mental hospital.

7 August – 1 September Ieva Leimane- Veldmeijere, Eva Ikauniece and expert-psychiatrist Uldis Veits conducted 16 monitoring visits to social care homes for mentally disabled. Following care homes were visited: "Memele", "Saulstari", "Istra", "Krastiņi", "Kalupe", "Rūja", "Valka", "Litene", "Allaži", "Ropaži", "Iecava", "Īle", "Kisi", "Jelgava", "Gaiļezers" and "3.pansionāts".

In August- September Ieva Leimane-Veldmeijere and Ilvija Pūce conducted two monitoring visits to Olaine Detention camp for illegal migrants.

14 October, the LCHRES organised two training monitoring visits to Riga Mental Hospital and Riga Central Police Board Detention Facility (Aspāzijas blvd.).

21 October, Ilvija Pūce conducted a monitoring visit to Ilģuciems Women's Prison.

26–31 October, Ieva Leimane-Veldmeijere and Eva Ikauniece conducted monitoring visits to Forensic Department of Riga Mental Hospital, Daugavpils Mental Hospital, Akniste mental hospital, Jelgava Mental Hospital, Piltene social care home, Litene social care home and social care home "Atsaucība". Representatives of Mental Disability Advocacy Centre (Hungary) and the Vilnius regional office of Geneva Initiative on Psychiatry (the Netherlands) accompanied the visits.

13 November Anhelita Kamenska conducted a monitoring visit to Matīsa prison.

22 December Ilvija Pūce conducted a monitoring visit to Olaine Detention camp for illegal migrants.

Throughout 2003 Ilvija Pūce led the project “Latvian Police Academy Legal Practice” and conducted workshops at the Police Academy.

## **Consultancy and Provision of Expertise**

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17 February, Ieva Leimane, Ilvija Pūce and Svetlana Djačkova met with Commissioner of the Council of the Baltic Sea States Helle Degn, to provide information on the latest developments in the field of human rights and social integration in Latvia.

12 March, Ilze Brands Kehris had a meeting with Ingrid Knutson, the CIDA Director for Central and Northern Europe, on human rights, social integration and the present and future role of NGOs locally and regionally.

27 May, Ieva Leimane-Veldmeijere met with the representatives of EC Delegation in Latvia to provide information on the newest developments in the mental health care system and the implementation of rights of the mentally ill.

1 August, Ilze Brands Kehris, Ilvija Pūce and Ieva Leimane-Veldmeijere met with Minister of Interior Māris Gulbis to discuss the possibility to obtain permissions for doing human rights monitoring in police stations.

22 September, Ilze Brands Kehris participated in an NGO meeting on minority rights with NATO Parliamentary Assembly delegation.

5 October, Ilze Brands Kehris, Ieva Leimane-Veldmeijere and Angelita Kamenska participated in NGO meeting with Council of Europe Commissioner for Human Rights Alvaro Gil-Robles, to provide information on human rights situation in Latvia.

30 October, Ieva Leimane-Veldmeijere, Eva Ikauniece and Oliver Lewis (Mental Disability Advocacy Centre) met with Health Ministry's Director of Public Health Department Rinalds Muciņš to discuss the findings from monitoring visits to mental hospitals and the latest developments of draft law On Psychiatric Assistance.

30 October, Anhelita Kamenska met with A. Aksenoks, Minister of Justice and D. Lūks, Director of Latvian Prison Administration to inform about the EU project on closed institutions.

19 November, Ilze Brands Kehris participated in an NGO meeting with Council of Europe Monitoring Committee Chairperson Ms. Josette Durrieu.

During 2003 Ilze Brands Kehris upon request had regular meetings and consultations with embassies and official representatives of foreign countries:

- ambassadors and embassy specialists from the embassies of Sweden, US, Great Britain, Canada, Netherlands, Switzerland;
- Baltic Desk officers from the Foreign Ministries of Great Britain and the Netherlands;
- Parliamentary delegation from Georgia (including chairman of committee for citizenship and integration).

Requests for written expertise:

- Expert opinion and recommendations on draft law on psychiatric assistance to Latvian Ministry of Health (Ieva Leimane-Veldmeijere together with Mental Disability Advocacy Center in Hungary);
- Evaluation of ECRI work and its effectiveness in Latvia (Ilze Brands Kehris);
- Opinion on human rights and legal aspects of cases of asylum seekers from Latvia to Ireland (from applicant's lawyers) and Australia (from Refugee Review Tribunal in Sydney) (Ilze Brands Kehris);
- Council of Europe Monitoring Department of Directorate of Strategic Planning: request of comments on freedom of religion in Latvia (Ilze Brands Kehris);
- Court cases in Latvia: 1) lawyer's request of expert opinion on case of Freedom Party election campaign advertisements, evaluating whether the ads constitute incitement to racial hatred (Ilze Brands Kehris and Ilvija Pūce); 2) request of expert opinion by claimants in Constitutional Court case challenging the language restrictions on private broadcaster in the Law on Radio and TV (Signe Martišūne); 3) Constitutional Court request for expert opinion on Criminal Process Code requirement that only sworn advocates may represent a defendant in a criminal case (Ilze Brands Kehris and Ilvija Pūce);
- Baltic-American Partnership Program request for expert opinion on regional NGOs publication regarding the Council of Europe Framework Convention for the Protection of national Minorities (Ilze Brands Kehris);
- LCHRES shadow report on Latvia to the UN Committee against Torture before reviewing the Latvian State Party Report on the UN Convention Against the Torture (Angelita Kamenska).

## **Participation in International Events**

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2–4 February, Ilvija Pūce participated in the Council of Baltic Sea States seminar “Pre-Trial Detention in the Baltic Sea Area” in St. Petersburg, Russia.

5–7 February, Ieva Leimane participated in the seminar “The Protection and Promotion of the Human Rights of Persons with Mental Disabilities” in Copenhagen, Denmark, organized by the Council of Europe Commissioner for Human Rights and WHO Regional Office for Europe.

19–24 February, Signe Martišūne participated in NGO Training Seminar on the Framework Convention for the Protection of National Minorities organized by Minority Rights Group International and the Council of Europe, Strasbourg, France.

4 April, Ieva Leimane-Veldmeijere was one of the contributors in the workshop “There is no health without mental health” at a conference “Effective advocacy for Health in Europe” in Riga, organized by OSI and EPHA.

9–10 April, Ilze Brands Kehris participated in the OSI Related Centres’ Network meeting in London.

10–11 April Ieva Leimane-Veldmeijere participated in a seminar on financing the mental health care services and informed on the activities of SFL/LCHRES Mental Disability Advocacy Program- Latvia in Tallinn, Estonia organized by PRAXIS.

23–25 May, Svetlana Djačkova participated in the seminar “Towards linguistic diversity management in the Baltic states” in Vilnius, Lithuania, organized by the European Centre for Minority Issues from Flensburg, Germany.

16–17 June, Ilze Brands Kehris attended the EUMC 16<sup>th</sup> Board Meeting in Vienna, as the appointed Latvian observer to the Board.

2 July, Ilze Brands Kehris moderated a panel at the Conference on Minority Integration in Southeast Europe and the Baltic States in Zagreb, organised by the Croatian Institute for International Relations, the OSCE Mission to the Republic of Croatia and the Swedish Embassy.

30 July, Ilvija Pūce participated in an NGO meeting with the Minister of Interior Māris Gulbis, organized by PROVIDUS. Ilvija Pūce provided information on the LCHRES EU-funded project on monitoring of closed institutions.

In September Signe Martišūne participated in a study visit “The Persons of the Future” on human rights and integration issues in France (Paris, Rennes, France).

11–13 September, Ieva Leimane-Veldmeijere participated in the training on developing social enterprises in Budapest organised by Non-profit Enterprise and Self-sustainability Team and Mental Disability Advocacy Program (OSI, Budapest).

24–26 September, Ilze Brands Kehris participated in regional seminar of experts for Eastern Europe on Implementation of the Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Prague, organised by Office of the United Nations High Commissioner for Human Rights. Ilze Brands Kehris gave presentation on the Role of NGOs in the Protection and Promotion of the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities.

14–15 October, Marina Krupņikova participated in the First Meeting of RAXEN\_CC National Focal Points, organised by European Monitoring Centre on Racism and Xenophobia, in Vienna, Austria.

16–18 October, Ieva Leimane-Veldmeijere participated in the Sixth Annual Convention of the Global Alliance of Mental Illness Advocacy Networks in Marseille, France.

In October, November and December Signe Martišūne carried out a research about the media policy of the European Union at the University of Oxford, Centre for Socio-Legal Studies, Programme in Comparative Media Law and Policy as an OSI/Chevening scholar.

1 October, Ilze Brands Kehris received the Max van der Stoel Award presented to the LCHRES and gave prize acceptance speech in the Hague, the Netherlands.

24–26 October, Ilze Brands Kehris participated in conference “Use of Minority Languages in Broadcast Media” in Baden bei Wien, Austria, organised by OSCE High Commissioner on National Minorities.

29–30 October, Ilze Brands Kehris attended the EUMC 17<sup>th</sup> Board Meeting in Vienna, as the appointed Latvian observer to the Board.

30–31 October, Ilze Brands Kehris participated in conference “Filling the Frame” to mark the 5<sup>th</sup> anniversary of the entry into force of the Framework Convention for the Protection of National Minorities, organised by the Council of Europe in Strasbourg, France.

27 October – 8 November, Ilvija Pūce participated in training workshop “Strengthening the Implementation on Human Rights Treaty Recommendations through the Enhancement of National Protection Measures,” in Geneva, Switzerland organised by Office of the High Commissioner for Human Rights.

27 October – 13 November, Ilvija Pūce attended the session of UN Human Rights Committee in Geneva, Switzerland.

7–8 November, Ieva Leimane-Veldmeijere participated in 7<sup>th</sup> meeting of OSI Related Policy Centres Network in Kiev, Ukraine.

10–11 November, Marina Krupņikova participated in the Second Meeting of RAXEN\_CC National Focal Points, organised by European Monitoring Centre for Racism and Xenophobia, in Vienna, Austria.

13–16 November, Ilze Brands Kehris participated in the General Assembly of International Helsinki Federation for Human Rights in Vienna, Austria.

14 November, Ieva Leimane-Veldmeijere and Eva Ikauniece participated in the meeting on preparing the report “Monitoring Access to Education and Employment for People with Intellectual Disabilities” in Budapest, Hungary organised by OSI EUMAP and MDAP programmes.

21–22 November, Ilvija Pūce participated in the workshop “On the Role of Litigation in Implementing the EU Race Equality Directive,” organised by European Roma Rights Centre in Budapest, Hungary.

21–22 November, Svetlana Djačkova participated in seminar “Perceptions of European Integration: the Ethnic Dimension of Civic Life” in Vilnius, Lithuania, organised by Institute for Social Research.

24-28 November, Ilze Brands Kehris, Ilvija Pūce, Marina Krupņikova made a study visit to the Netherlands, organised by the Netherlands Helsinki Committee within the framework of the project “Strengthening the Anti-Discrimination Work of the Latvian Centre for Human Rights and Ethnic Studies” financed by the Netherlands Foreign Ministry. Upon the invitation of the LCHRES, representatives of the Secretariat of the Special Task Minister for Society Integration Affairs, the Latvian Gender Equality Association and the Latvian Youth Council also participated in the visit.

## Income and Expenditure Statement for the LCHRES for 2003

**Balance Sheet (in LVL)**

<u>ASSETS</u>	<u>Note</u>	<u>31/12/2003</u>	<u>FUNDS AND LIABILITIES</u>	<u>Note</u>	<u>31/12/2003</u>
<b>FIXES ASSETS</b>			<b>FUNDS</b>		
Tangible fixed assets	2	5,689	Reserves		177,388
		<b>5,689</b>	Total funds		<b>177,388</b>
<b>CURRENT ASSETS</b>			<b>PROVISIONS</b>		
Receivables	3	554,714	Total provisions		3,411
Advances and short-term loans		316	<b>CURRENT LIABILITIES</b>		
Other		1,382	Payable for services received		1,346
Cash		187,582	Payables to beneficiaries	4	73,625
		<b>743,994</b>	Prepaid grants	5	491,719
Total current assets		<b>749,683</b>	Statutory social insurance contributions	6	2,194
			Total current liabilities		568,884
<b>TOTAL ASSETS</b>		<b>749,683</b>	<b>TOTAL FUNDS AND LIABILITIES</b>		<b>749,683</b>

## Statement of Activities (in LVL)

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	Note	<b><u>2003</u></b>
<b>INCOME</b>		
Contributions and grants received		<u>378,345</u>
<b>Total income</b>		<b>378,345</b>
<b>EXPENSE</b>		
Expense under the Articles of Association		(223,984)
Administrative and other operational expense:		
Salaries and statutory social insurance contributions	7	(30,102)
Depreciation	2	(2,311)
Other expense	8	(22,270)
Total administrative and other operational expense		<u>(54,683)</u>
<b>Total expense</b>		<b>(278,667)</b>
<b>SURPLUS FOR THE YEAR</b>		<b><u>99,676</u></b>

## Statement of Contributions and Grants (in LVL)

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	<b><u>2003</u></b>
<b>Contributions and grants received during the reporting year</b>	<b>378,345</b>
Soros Foundation - Latvia	73,809
European Commission	126,571
Europe Monitoring Centre on Racism and Xenophobia	14,240
Max Van Der Stoel award	32,300
Budapest OSI	58,300
Netherland Helsinki Committee	28,121
Other	45,004

## **Expenditure of received contributions and grants**

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SFL <i>Human Rights and Tolerance Programme</i>	8,761
SFL <i>Mental Disability Advocacy Programme</i>	51,489
Soros Foundation – Latvia accrued expense	-
European Community <i>Monitoring Human Rights and Prevention of Torture in Closed institutions: prisons, police cells and mental health care institutions in Baltic countries</i>	81,250
Project <i>European Monitoring Centre on Racism and Xenophobia</i>	10,201
Netherlands Helsinki Committee <i>Strengthening the Anti-Discrimination Work of the Latvian Centre for Human Rights and Ethnic Studies</i>	5,149
SIF project <i>Study of the Situation of Roma in Latvia</i>	21,626
Projects approved by other donators	45,508
<b>Total</b>	<b>223,984</b>
Administrative and other operational expense	54,683
<b>Total expenditure of received contributions and grants</b>	<b>278,667</b>

The accounts of the LCHRES for 2003 were audited by sworn auditor Ivars Blumbergs. The auditor's report is available at the LCHRES.

## **Staff of the LCHRES in 2003**

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Ilze BRANDS KEHRIS – Director of the LCHRES

Ieva LEIMANE-VELDMEIJERE – Deputy Director of the LCHRES

Ilvija PŪCE – Staff Lawyer of the LCHRES

Svetlana DIAČKOVA - Policy Analyst of the LCHRES

Marina KRUPŅIKOVA – Policy Analyst of the LCHRES

Signe MARTIŠŪNE - Policy Analyst of the LCHRES

Dace LUKUMIETE – Media Analyst of the LCHRES (on study leave form September 2003)

Indra STRAUTIŅA – Research Assistant and Media Analyst of the LCHRES (from September 2003)

Eva IKAUNIECE – Administrative Assistant of the Mental Disability Advocacy Program

Anda JANEKA – Office Manager of the LCHRES

Renāte LĪNE – Accountant and Finance Manager of the LCHRES

Anhelita KAMENSKA – Associate Researcher