

HUMAN RIGHTS IN LATVIA IN 2001

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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) prepared and published this report on *Human Rights in Latvia in 2001* with funding from the Open Society Institute (Budapest). While we are grateful for this and other support given to the LCHRES in 2001, responsibility for the views expressed is solely ours. The LCHRES is a member of the International Helsinki Federation for Human Rights (IHF) and some of the material below will also appear in abridged form in the IHF Annual Report.

This year, there are several innovations to our report: it is significantly longer than in previous years and there is a new annex called "Excerpts from International and European Human Rights Provisions." We hope that there is some educational value in specifying some of the standards we use as a baseline in analysing the human rights situation in Latvia. Regular readers of our report will also notice that this year it is only a bilingual (Latvian/English), rather than a trilingual (+Russian) publication. The growing length of the report and the consequent delays caused by translation and editing led us to the difficult decision to scrap the Russian edition. Another factor entering our calculus was the fact that most consumers of the Russian version could just as easily read the Latvian or English texts.

We do not claim to provide a full picture of human rights issues in Latvia in 2001. The material below reflects our specific areas of expertise and what in our view are the most topical issues in Latvia. The focus is on civil and political rights, though we do touch on social, economic and cultural rights in the sections on women's rights, the mentally ill, the rights of the child and patient's rights.

We did not insert footnotes throughout the Report, as this would have been too cumbersome. Occasionally, we refer to the source in the text. However, we used a wide variety of source materials in preparing this Report, including media reports and information provided by individuals, other NGOs and international organisations working in Latvia. We also relied on official data and documents from various government ministries and departments.

We would like to take this opportunity to thank our donors and partners in 2001 – the Open Society Institute, the Soros Foundation – Latvia, the Friedrich Naumann Foundation, the OSCE Mission to Latvia and the United States Embassy's Democracy Commission.

Nils Muižnieks

Director, Latvian Centre for Human Rights and Ethnic Studies

HUMAN RIGHTS IN LATVIA IN 2001

Introduction

In 2001 the primary human rights problem in Latvia remained the same as in previous years: a huge backlog in the courts resulting in long pre-trial detention periods. However, Latvia also faced new and dangerous challenges to freedom of the media and the judicial system posed by the murders of a journalist and a judge. As in previous years, language policy and its effect on the rights of minorities, the right to private life and freedom of expression remained a concern. The most positive developments concerned adoption of a new Labour Law with strong anti-discrimination provisions and the implementation of several measures to facilitate the naturalisation of Latvia's large non-citizen population. Legal strategies for promoting human rights gained importance, as the European Court of Human Rights began to issue rulings on applications from Latvia and Latvia's Constitutional Court began to review cases submitted by individuals. Moreover, parliament adopted a new Administrative Procedure Law providing new opportunities for human rights defenders.

Elections and Political Rights

In 2001 controversy erupted over Latvia's practice of requiring Latvian language knowledge of candidates for public office. According to the Saeima (parliamentary) Election Law and the Law on City Council, District Council and Parish Council Elections, a person who has not finished a Latvian language school must provide a state language proficiency document of the third (highest) level to stand as a candidate for office. While this requirement has been in force since the mid-1990s, the issue was thrust on the political agenda by several cases submitted to international human rights institutions and by the Organization for Security and Co-operation in Europe (OSCE). One of the provisions in the guidelines for successfully closing the OSCE Mission to Latvia was "removal of language requirements to stand for public office." These guidelines were adopted by the Austrian OSCE Chairmanship in November 2000, but became hotly debated only at the end of 2001 when pressure built to close the Mission.

On July 25 the United Nations Human Rights Committee published its views (CCPR/C/72/D/884/1999) on a case from Latvia challenging the language requirements as discriminatory. The complainant Antonina Ignatane had been a candidate in Latvia's 1997 municipal elections, but had been struck off the electoral list for insufficient language proficiency. Ignatane claimed that Latvia had violated articles 2 (non-discrimination) and

25 (right to vote and be elected) of the International Covenant on Civil and Political Rights. The UN Human Rights Committee concurred, noting that it “considers that the author is a victim of a violation of article 25, in conjunction with article 2 of the Covenant.” However, the decision focussed not only on the substance of the case, but also on procedure. “The decision of a single inspector, taken a few days before the elections and contradicting a language aptitude certificate issued some years earlier, for an unlimited period, by a board of Latvian language specialists, was enough for the Election Commission to decide to strike the author off the list of candidates for the municipal elections.”

On October 23 the parliamentary opposition faction “For Human Rights in a United Latvia” proposed amendments to remove the language requirements to the parliamentary and municipal election laws. Deputies from the governing coalition rejected the proposed amendments. On November 6 the Latvian government amended procedural regulations so that language inspectors would only be entitled “to inspect the authenticity of the state language proficiency certificate,” not whether or not a candidate’s language proficiency corresponds to that in his/her certificate. The amended regulations also provide for the opportunity to renew lost or destroyed certificates beyond the previous one-year time limit.

The issue remained controversial at year’s end, as the president announced on December 6 that the language requirements were “undemocratic” and that she might propose legislative amendments to remove them in the near future. In mid-December the president convened a group of legal and human rights specialists to evaluate the compatibility of language requirements with Latvia’s constitution and international treaty obligations. By year’s end parliament had not yet adopted the requisite legislative amendments. Moreover, the European Court of Human Rights had not yet delivered a much anticipated ruling on a case (*Podkolzina vs. Latvia*) involving a former candidate for parliament who was barred from running for office in 1998 because of insufficient language proficiency.

The language requirements generated controversy after the March 11 municipal elections, when officials from the State Language Centre questioned the Latvian language proficiency of newly elected mayor of Daugavpils Rihards Eigims and six deputies in the Riga City Council. While Eigims agreed to demonstrate his language proficiency by taking a new test, the six Riga City Council deputies refused.

While voter turnout in the municipal elections was high (62% of eligible voters took part), election officials and independent observers recorded serious irregularities in a number of electoral precincts. In the fourth Majori electoral district in Jūrmala voters’ lists disappeared the night of the elections, though a subsequent investigation found that no

falsification took place. More serious problems were discovered in Preiļi district, Viestura parish near Bauska and Ilūkste where allegations of vote buying and other irregularities led the courts to annul election results and schedule repeat elections in these locales.

Members of Latvia's large non-citizen community (see below under "Citizenship") were not eligible to vote or run for office in the elections. During a visit to Riga in early May, Council of Europe General Secretary Walter Schwimmer urged Latvia to grant non-citizens voting rights in local elections. Previously, the Council of the Baltic Sea States Commissioner on Democratic Institutions and Human Rights made similar calls.

Judicial System and Domestic Safeguards

In an extremely disturbing development, Latvia witnessed the first murder of a judge in 2001. On 15 October an unknown assailant using a home-made machine gun and a pistol murdered Jānis Laukroze, chairman of the Criminal Case Collegium of the Riga Regional Court. Laukroze had been in charge of organizing the review of criminal cases within the Riga Regional Court by dividing cases among other judges. Officials asserted that the murder was probably a work-related contract killing. On 16 October the government announced a 10,000 lat (~USD 15,625) award for information leading to the apprehension of the perpetrator and allocated 50,000 lats (~USD 78,000) to the victim's family. By year's end law enforcement agencies had discovered four large weapons caches, but had not yet detained any suspects.

In 2001 the importance of the Constitutional Court as a human rights mechanism increased, because individuals could lodge applications with the court as of 1 July about violations of their basic rights. In the second half of 2001, the Constitutional Court received 314 applications from individuals, of which 121 were given to the Court's collegium for review. Only 14 were given over for trial and, by year's end, the Court had adopted rulings on three cases. The first was from Jūta Mentzen regarding Latvianisation of proper names (see "The Right to Private Life"), the second was from Andris Ķiploks (a member of Thundercross who had been convicted) regarding compensation for time spent in prison, and the third was from Kaspars Zandbergs and Aivars Andersons regarding the banning of food parcel deliveries in prisons (see "Conditions in Prisons and Detention Facilities").

The large number of cases submitted to the Constitutional Court suggests that heretofore individuals had not had adequate opportunities to defend their rights. The Constitutional Court has rejected many complaints by persons trying to use the court as a last court of

appeal. While this suggests a lack of understanding among many lawyers about the functions of this court, it also illuminates certain problems in the Law on the Constitutional Court. Article 19 says that a “constitutional complaint may only be submitted if all other opportunities for defending one’s rights have been exhausted,” but also states that the Court “may review” a case before then “if review of the constitutional complaint is of general importance.” It is very unclear what the criterion of “general importance” means, which has led the court to reject certain complaints on questionable grounds (see, e.g., the Gurov case described under “Freedom of Expression and the Media”).

Latvia’s other courts continued to be plagued with huge backlogs, contributing to long pre-trial detention periods and eroding the right to a fair and speedy trial. For example, first instance courts received 11,854 criminal cases in 2001, but by year’s end had not reviewed 5637 cases. Of all criminal cases, 1456 involved minors, but the courts had not reviewed 622 of those cases by year’s end. Appeals courts received 1311 cases, but by year’s end had not reviewed 641 cases.

Problems in guaranteeing the right to a fair trial within a reasonable time within Latvia have prompted many individuals to lodge applications before the European Court of Human Rights (ECHR), which passed its first judgements on cases from Latvia in 2001. While the ECHR has received over 200 complaints from Latvia, it has asked the Latvian government to comment on about one tenth of those, ruling the remainder inadmissible. The largest number of cases declared admissible regard possible violations of Article 6 (right to a fair trial) and Article 8 (right to respect for private and family life). The first decision from the ECHR came on 18 October and was a friendly settlement in which Nīna Kulakova received 5000 lats (~USD 7930) compensation for an application based on Article 6. This decision was a wake-up call to the judiciary and political elite about the importance of the ECHR and the possible financial implications of inaction regarding judicial reform.

After three years of discussions, on 23 October parliament finally adopted a new Administrative Procedure Law, which will enter into force on 1 July 2003. The task of the new law is to defend private persons from violations of their rights and legal interests by public bodies. The new law will govern the issuance of individual administrative acts and the procedure for challenging them in state institutions and appealing in courts. According to the new law, individuals will also be guaranteed the right to express their opinion, defend their complaint with the assistance of a legal representative, and demand the legal justification for an administrative act. Another innovation is the right to demand compensation for material losses or personal injury resulting from an administrative act. The most important procedural principle is the requirement that the court determine the

objective truth. This contrasts with the principle of competition that prevails in civil procedure. Effective implementation of this far-reaching law will require considerable training and awareness raising among the public and the legal profession.

On June 13 the Saeima (parliament) voted to reappoint Olafs Brūvers to another four-year term as director of the National Human Rights Office (NHRO), Latvia's ombudsman-type government body. Brūvers received the necessary votes (47 – a majority of those present) by garnering support not only from the governing nationalist right party Fatherland and Freedom/LNNK, but also from the opposition Social Democrats and "For Human Rights in a United Latvia." Weak support for Brūvers came after a first term of office marked by a management crisis in 1998 and criticism from local and international human rights experts for a reactive approach to fulfilling the office's mandate. In 2001 public debate erupted about the need to create a separate ombudsman office or to expand the mandate of the NHRO to include maladministration. In response to this debate, the United Nations Development Programme and the OSCE Mission to Latvia created an expert mission to review the human rights machinery in Latvia and draft recommendations for strengthening the NHRO and developing ombudsman functions. By year's end, no decision had been made regarding developing ombudsman functions in Latvia and few of the mission's recommendations had been implemented.

Freedom of Expression and the Media

The murder of a journalist and restrictions on media activity in the city of Daugavpils evoked concern about freedom of expression in 2001. On 15 November unknown assailants severely beat criminal affairs reporter of the Liepāja-based newspaper "Kurzemes Vārds" Gundars Matiss, who died of his wounds on 28 November. Police, who had not solved the crime by year's end, have suggested a possible link to organised crime. At the time of his attack, Matiss was preparing an article on alcohol contraband in Liepāja.

After municipal elections in March and the victory of populist businessman Rihards Eģims, the newly-elected city council in Daugavpils took a number of steps that evoked concern about freedom of the media. On 3 April the Daugavpils City Council decided to repossess all television equipment belonging to the municipality from "Daugavpils Television Studio, Ltd.", an insolvent broadcaster of which the City Council was the largest stakeholder. The City Council based its decision not only on the financial status of the company, but also on the fact that it reflected "insufficiently" city events and the work of the City Council. In October the director of the station was replaced by a city official.

Several local journalists claim a July City Council decision “On the Accreditation of Journalists” makes it virtually impossible to receive information from officials in the municipality or in municipally owned businesses, who refer to the City Council’s code of ethics, which states that “City Council workers must observe confidentiality.”

Latvia’s Constitutional Court rejected on procedural grounds the first legal challenge to language restrictions contained in the Law on Radio and Television. Article 19 of the law stipulates that private radio and television stations can broadcast in languages other than Latvian only 25 per cent of the total volume of broadcasting time in a twenty–four period. Vladimir Gurov, the head of the “Bizness & Baltia” media group, lodged a complaint with the Constitutional Court on 9 August challenging the constitutionality of the language restrictions and their compatibility with freedom of expression norms contained in the European Convention on Human Rights and the International Covenant on Civil and Political Rights. The Radio and Television Council had imposed several fines on “Bizness & Baltia” radio and applied to the courts to annul its broadcasting license for violating the language restrictions. On 29 August the Constitutional Court rejected the application, arguing that the author had not exhausted all other remedies.

Right to Privacy and Family Life

On 21 December the Constitutional Court passed a controversial ruling on the compatibility of language regulations regarding the rendering of personal names with constitutional guarantees of the right to private life. The complaint was lodged by Juta Mentzen, who had acquired her surname through marriage to a German national. When Latvia’s Citizenship and Migration Affairs Board provided her with a passport, her surname had been Latvianised as *Mencena*, while the original spelling was indicated on page 14 of the passport under “notes”. The Latvianised surname does not correspond with that in her marriage license and differs from her husband’s surname in essential ways, not only causing practical difficulties, but also infringing on private life. In the application, Mentzen indicated that Article 116 of the Constitution permits limitations on the inviolability of private life only “in order to protect the rights of other people, the democratic structure of the state, and public safety, welfare and morals.” The applicant argued that changing a surname does not reach any of the aforementioned goals, and therefore is not legitimate or proportional.

The Court ruled that rendering foreign names according to Latvian traditions and grammatical rules is a restriction on private life, but that this practice has a legitimate aim: “to protect the rights of other inhabitants of Latvia to use the Latvian language on all of

Latvia's territory and to protect the democratic order." The Court did not elaborate on its bizarre linkage of Latvianised names and democracy. However, the Court ruled that the state must secure the stability of proper names. Thus, the court ruled that Latvianising a person's name after a different version had already been used in an official document was impermissible unless the person affected so desired. At year's end, Mentzen had lodged an application before the European Court of Human Rights.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

In November the Council of Europe's Committee for the Prevention of Torture (CPT) made public its report on Latvia's closed institutions prepared following a visit in January 1999 (see also "The Rights of the Mentally Ill"). The most striking sections pertained to the police. The report notes that "in some cases, the ill-treatment alleged – severe beating, asphyxiation using a plastic bag, strangulation using a guitar wire, infliction of electric shocks, in the course of questioning – could be considered as amounting to torture." Interior Minister Mareks Segliņš reacted sharply to the report, suggesting to the press that the CPT "has provided information which it cannot verify." Foreign Ministry State Secretary Māris Riekstiņš called the information in the CPT report "quite fantastical." The CPT announced at year's end that it would be making another visit to Latvia in 2002.

In 2001 a number of cases of corruption within the police came to light. In February the Bureau for Combating Organised Crime and Corruption detained several former officers of the Ogre Municipal Police for exceeding their authority and demanding bribes. In 2000 two other officers from the same force had been detained for similar crimes. In early July the Security Police detained two officers of the Serious Crimes Investigation Coordination Administration, as well as an officer of the Riga Main Police Administration's 12th unit (investigates car theft) for demanding USD 4000 from a businessman. In August the Security Police detained the head of the Ventspils City Pārventa District Police force Aleksandr Hishniak for receiving a bribe of USD 2000. In August the prosecutor's office submitted a case to the Riga Regional Court regarding bribery by a former officer of the Riga Main Police Administration and a former inspector of the Riga Latgale District Criminal Police. The former is accused of receiving USD 7800 for stopping a criminal investigation, and both are accused of receiving USD 3000 for stopping a criminal case against a drug addict suspected of armed robbery.

Rights of Conscripts

In the first incident of its kind in several years, on 26 April an army conscript in the Special Task Unit Vladimirs Gromovs died as result of hazing. An investigation concluded that he had died of heart failure after an “initiation ceremony” involving powerful blows to the chest. On 27 April the Defence Minister fired the unit’s commander Harijs Arnicāns. On 16 August the prosecutor’s office filed criminal charges against 15 Special Task Unit soldiers. In addition to Gromovs, victims included 28 other soldiers. A trial date was set for March 2002 in the Riga Regional Court.

The incident prompted the Defence Ministry to halt conscription of soldiers into the Special Task Unit, which is to become a professional unit. On 15 November parliament amended the Law on Obligatory Military Service to ban the conscription of persons who had previously been convicted for intentional violations of the law and those without an elementary education. Another amendment prolongs the period of military service for those soldiers who have been punished with detention by the period of that detention.

Conditions in Prisons and Detention Facilities

The large number of prisoners in remand prisons (3676 or 43% of all prisoners) continued to evoke concern, as did long pre-trial investigation periods and delays for appeals for adult prisoners. In February a number of prisoners in Matisa Prison began a hunger strike against slow criminal investigation of their cases. On 31 December 2001 Latvia’s prisons contained 8531 inmates, which is 300 fewer than a year before. Based on measures of prisoners per 100,000 inhabitants, Latvia fell in the world rankings from 14th place to 17th place.

In 2001 progress was made towards renovating decrepit detention facilities. At the end of April, the second ward of the Central Prison was reopened after being renovated for the first time since its construction in 1905. In November a renovated ward in the Matisa prison was also reopened, having been altered into a remand detention centre. Cells in the new wards have two to six prisoners, each of whom is allocated 4 square metres. Head of the Prison Administration Vitolds Zahars announced that now about half of all prisoners live in civilised conditions.

In late February the prosecutor’s office ordered the closing of the Dobele short-term police detention centre because conditions were considered degrading and law enforce-

ment authorities refused to work there. The renovated facility was reopened at the end of December, when State Police Chief Juris Reksņa announced that only 5 of 31 short-term police detention centres are up to European standards.

On 14 May “Temporary Regulations Governing the Procedure for Holding Suspected, Accused, Indicted and Tried Persons in Remand Prisons” entered into force. The regulations contain provisions aimed at liberalising contacts with the outside world for remand prisoners, but also forbid the delivery of food parcels to convicted and remand prisoners from outside the prison. The Prison Administration claimed that the supplementary food deliveries were a relic from the war years and that illicit drugs were being smuggled into prisons along with food. However, when the new restrictions entered into force, hundreds of prisoners went on hunger strike or refused food, demanding a renewal of food parcels. The prisoners pointed to high prices in prison stores, the inability of poor relatives to help prisoners, as well as insufficient food provisions in prisons. On 19 December the Constitutional Court adopted a ruling on an application challenging the compatibility of the regulations with constitutional guarantees against torture and ill treatment. The court ruled that any restriction on the fundamental rights of prisoners must be based on law and not internal instructions or regulations.

In 2001 there were 243 new cases of HIV among prisoners, of which 89% were intravenous drug users and 14 were minors. HIV patients in prisons account for 30% of all new cases registered in Latvia in 2001. In 2001 a pilot project on harm reduction was begun in Parlielupe Prison.

Rights of Minorities

Language policy continued to be the most controversial issue affecting the rights of minorities in 2001, though the government finally began funding language training benefiting minorities and to implement an integration policy framework. On 14 June the parliament amended the Administrative Violations Code to envisage fines for twelve different violations related to language policy: signing a work contract with an employee whose Latvian proficiency is insufficient for performing his/her professional duties; failure to use the state language on the level necessary to perform one’s professional duties; failure to provide translations in meetings if the law so requires; failure to ensure the use of Latvian in office records; failure to use the state language in contracts on the provision of medical treatment, health care, public safety and other public services; refusal to accept documents written in the state language; failure to ensure translation in events if the law requires translation; failure to ensure translation of radio and TV programmes and

films if the law provides for translation; failure to create titles and names in the state language; failure to create the texts of stamps, seals and letterheads in the state language if the law provides for creating these texts in the state language; failure to observe the regulations on providing information to the public; and “disrespect towards the state language.”

Many of the provisions are subject to the limiting clause contained in the State Language Law (“when there is a legitimate public interest”), but much will depend on implementation. Several of the provisions are problematic. For example, the provision making an employer liable for hiring someone with insufficient language skills unjustifiably involves businesses in enforcing the language law. Some provisions are vague and therefore open to varying interpretations. For example, the precise meaning of demonstrating “disrespect towards the state language” is unclear and is left up to the courts to interpret. From a human rights perspective, such a lack of clarity in such a controversial issue area is highly inadvisable, if not dangerous. For several of the violations, the size of the fines is disproportionately high – up to 250 lats (~ USD 400).

In December Interior Minister Mareks Segliņš announced that because of financial constraints investigative bodies will not be able to guarantee translation into Latvian of documents in criminal cases that are sent to the prosecutor’s office. The prosecutor’s office and the courts have also encountered difficulty in guaranteeing translation of all documentation into Latvian, which is required by the State Language Law.

The National Programme for Latvian Language Training, an ambitious, multi-year effort to assist minorities to acquire the Latvian language, was brought under the Ministry of Education at the beginning of the year. While the Programme was initially funded almost solely by foreign donors such as the United Nations Development Programme, the European Union and bilateral partners, in 2001 the government itself became an active funder of the programme, allocating it 428,000 lats (~USD 680,000). In the 2002 state budget, the government also allocated the programme 426,000 lats.

After several years of delays, on 6 February the government finally adopted the National Programme for the Integration of Society in Latvia, a policy framework which lays out the goals and means for minority policy and promoting social cohesion in realms such as civic participation, education and culture. On 5 July parliament adopted a law creating a Social Integration Fund to administer government and donor money in support of integration-related projects. The law stipulates that the core decision-making structure of the Fund is a Council composed of ministers, representatives of municipal governments,

and non-governmental organisations. The selection procedure for the NGO representatives lacked transparency and several of the decisions evoked concern about interference by political parties. For example, one of the NGO slots is occupied by the chairman of the Roma National Cultural Society, who is also a member of parliament in the “Latvia’s Way” Party. Another is occupied by the head of a little-known Russian NGO who is also a member of the “Latvia’s Way” Party. However, the council elected a popular chairman and, after a competition, selected a well-respected civil servant as director. By the end of 2001, the Fund had allocated 126,845 lats (~USD 200,000) for 21 projects and reserved 20,000 lats (~USD 31,700) for projects providing language training for naturalisation. The Fund was subjected to some criticism for allocating a significant portion of the first funds towards projects that had little to do with ethnic integration, but for projects benefiting the disabled – a worthy goal, but somewhat removed from the original concept of integration. The parliament allocated 177,000 lats (~USD 275,000) for projects in the 2002 state budget, while the European Union’s PHARE programme will also provide 100,000 euro for projects in 2002. Given the grand aims of the integration programme, these are very small sums.

On March 8 another effort by the parliamentary opposition to push ratification of the Council of Europe’s Framework Convention for the Protection of National Minorities failed, as 17 members of parliament voted for ratification, 19 voted against and 46 abstained. Latvia signed the convention in 1995, but has yet to ratify it.

Citizenship

While the number of non-citizens in Latvia remained huge and decreased very slowly, the Latvian authorities took a number of steps in 2001 to promote naturalisation. In 2001 the number of non-citizens decreased from 551,064 at the beginning of the year to 523,095 or 22% of the total population on 31 December. Most of the decrease derived from deaths or emigration, as only 10,637 became citizens through naturalisation. The monthly average for naturalisation applications in 2001 was 723, down from 891 in 2000 and 1,265 in the peak year 1999. Since the beginning of the naturalisation process in 1995, slightly fewer than 50,000 individuals have become citizens through naturalisation.

On June 5 the government adopted two changes to facilitate naturalisation – it reduced the naturalisation fee and rationalised the examination procedure. According to the results of a recent sociological survey commissioned by the Naturalisation Board, of those non-citizens not planning to naturalise in the next year, 47% mentioned a lack of money for the basic fee, which for most categories of applicants has been 30 lats (~ USD 50).

This should be seen in the context of a minimum monthly wage of 60 lats and average wage of 150 lats in 2000. The new regulations reduce the basic fee to 20 lats and even lower for a number of other categories – 10 lats for pensioners, partially disabled persons, and students; 3 lats for the unemployed, families with more than three children and those whose income does not exceed the state set subsistence level. Politically repressed persons, first category disabled, orphans and those under state or municipal social care are exempt from the fee. The other change, long discussed in Latvia, exempts students who have passed the centralised Latvian examination within the previous two years from taking the language examination for naturalisation. This rationalisation of the procedure eliminates the need for students to take multiple examinations. Both changes were in the guidelines for closure of the OSCE Mission to Latvia.

A major initiative in 2001 was a naturalisation information campaign aimed at non-citizens. The USD 275,000 campaign was initiated by the OSCE Mission to Latvia in cooperation with the Naturalisation Board. Funding came from international donors, including Great Britain, United States, Sweden, Canada, Germany and Norway, while UNDP provided administrative assistance. While the information campaign is official policy and in line with the mandate of the Naturalisation Board, some politicians were unhappy with the initiative. A clear majority of members in the parliamentary Citizenship Implementation Committee, including all members of two out of the three parties in the governing coalition, severely criticised the Naturalisation Board for “advertising” citizenship in Russian and stressing material advantages instead of lofty ideals.

Another initiative launched in 2001 was a “Fast-Track Language Training Programme” aimed at preparing non-citizens to pass the language test for naturalisation. The programme, which was initiated by the OSCE Mission to Latvia and implemented by the Naturalisation Board, provided 2000 non-citizens with free language training. A pilot project in 2000 for 800 persons had resulted in an 85 percent success rate in the naturalisation examinations. The effort was funded by the United States, Sweden and Norway with the administrative assistance of the United Nations Development Programme. At year’s end, it remained unclear whether and to what extent the government (e.g. the Social Integration Fund or the National Programme for Latvian Language Training) would fund a continuation of the programme, for which there was great public demand.

On 30 May Latvia signed the Council of Europe’s 1997 Convention on Nationality. A proposal for ratification was prepared by the Ministry of Justice and was being debated in parliamentary committees at year’s end. However, the proposal includes six reservations,

including one regarding the prohibition of dual citizenship even for persons who cannot give up their previous nationality for objective reasons, thus effectively barring the naturalisation of refugees. Other reservations include the right to demand language proficiency of nationalising children over the age of fifteen, as well as limiting the possibility for children to naturalise automatically together with their parents to children under the age of fifteen. The value of ratification with such substantial reservations is questionable.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

In a disturbing development, in 2001 various courts eased penalties earlier imposed on members of the violent neo-Nazi Thundercross group. On 16 January the High Court rescinded an earlier sentence levied on several members of Thundercross requiring them to pay a civil penalty of over 20,000 lats (~USD 35,000) for damaging the Victory Monument in an explosion in 1997. The decision was based on the lack of any documentation for the sum provided by the proposed beneficiary, the Rīga City Council. The High Court also reduced the sentences of several of the defendants (the maximum sentence had been three years in prison), ruling that the lower court had made mistakes in its indictments. Similarly, on 4 December the Rīga Regional Court reduced the sentence of Thundercross leader Juris Rečs from the previous three years in prison to two years and nine months.

On 12 January a court in Liepāja found Guntars Landmanis, the editor of a violently anti-Semitic and racist newsletter called “Patriots,” guilty of incitement of national hatred and sentenced him to 8 months in prison. Landmanis appealed the verdict, but the case had not been reviewed by the end of the year. In September the Kurzeme Regional Court solicited the opinions of six experts on the case, including that of linguist Jānis Kušķis, a professor at Latvia University and regular contributor to the neo-Nazi newspaper “A Latvian in Latvia.”

Russian extremists also ran afoul of the law in 2001. In late February four members of a neo-Nazi group called Russian National Unity (RNU) were arrested and charged for armed robbery and assault and battery in Liepāja. Police discovered an enormous arsenal of weapons linked to the suspects, including machine guns, pistols with silencers and a cross-bow with RNU insignia. In the municipal elections in March, RNU cooperated closely with the Russian Party in Liepāja, which received 333 votes out of 23,705 cast in the city, but won no seats. In July the Justice Ministry denied registration to RNU as a social

organisation for a second time, and the group later challenged the decision in court without success. In November, after RNU leader Evgeny Osipov gave a large interview to a newspaper, a Liepāja court fined him 250 lats for popularising an unregistered organisation.

A number of members of Russia's National Bolshevik Party (NBP) who had entered Latvia illegally in November 2000, barricaded themselves in St. Peter's Church in Riga and threatened to blow themselves up with a fake grenade were tried in 2001. On 30 April the Riga Regional Court found three members of Russia's NBP guilty of illegal border crossing and terrorism, sentencing two members to 15 years in prison and a third (a minor) to 5 years. A local NBP activist was sentenced to one year probation for abetting the activists from Russia. The three from Russia successfully appealed the decision in October, had their crime reduced to malicious hooliganism and their sentences reduced to six, five and one year. The minor was deported to Russia at year's end. On 6 June a court in Rēzekne tried four other NBP activists from Russia who had also entered the country illegally in November, but who had been immediately apprehended. The court sentenced them to 7 months prison (the time they had been held in detention) and ordered them to be deported to Russia.

A fringe right-wing publishing house "Vieda" and its leader Aivars Garda created controversy by organising three different actions in 2001: an essay contest for youth on the theme "Latvia's liberation from 700,000 colonists," a competition for writing a "Law on Decolonisation," and an essay contest on "Latvia Free of Homosexuality." The essay contests generated considerable publicity, as several parliamentary deputies expressed open or tacit support for Garda. Moreover, the Catholic Archbishop Jānis Pujāts and Lutheran Archbishop Jānis Vanags both sent in entries to the anti-gay contest.

A new Labour Law adopted by parliament on June 20 (see also below under "Women's Rights") contains a number of important anti-discrimination provisions, prohibiting direct or indirect discrimination in the right to work, safe working conditions, and equal pay on grounds of race, skin colour, national origin and other grounds. In line with recent EU directives, in some cases, the burden of proof shifts to the employer, who must demonstrate non-discrimination.

Protection of Asylum Seekers and Refugees

While Latvia has only granted refugee status to 8 persons thus far, at the end of 2001, the parliament adopted a number of changes to legislation affecting the rights of refugees and asylum seekers. On 8 November parliament adopted amendments to the law "On Asylum

Seekers and Refugees” granting the State Border Guards the sole right to monitor travel to and stay within Latvia, a function previously fulfilled together with the Immigration Police, the Citizenship and Migration Affairs Board, and the State Police. On 15 November parliament held a first reading of amendments to the law “On Civil Status Acts” which lays out the procedure for registering the marriage of a person granted refugee status.

In order to comply with EU directives in the realm of asylum, the government drafted and on 13 December parliament held a second reading of a new Law on Asylum which will broaden the notion of a refugee by introducing temporary protection and alternative protection. Thus, the draft law determines the legal protection of those asylum seekers who do not fall under the criteria of the 1951 UN Geneva Convention or the 1967 Protocol on the Status of Refugees. The draft law also envisages the possibility to review an asylum application at the border (so-called short procedure) without having the person enter the country, as well as criteria for recognising a country as a safe country, which will replace the list of safe countries currently in force. The draft law applies the principle of non-refoulement to asylum seekers, refugees, as well as persons under alternative protection. The parliamentary Commission on Human Rights and Public Affairs rejected a number of amendments proposed by UNHCR regarding Latvia’s very strict criteria for granting refugee status, the necessity of permitting family reunification, and the short time (2 working days) given to appeal an initial status decision by the Refugee Affairs Centre under the short procedure.

War Crimes and Crimes Against Humanity

The only two targets of active Nazi war crimes investigations died of old age in 2001. Kārlis Ozols, a former member of the Arājs Kommando death squad during World War II in Nazi-occupied Latvia, died in Australia in March. His colleague in the Arājs Kommando, Konrads Kalejs, died in Australia in November. Kalejs had been in the process of appealing the May decision of an Australian court to extradite him to Latvia to stand trial on genocide charges.

Latvia continued to pursue the prosecution of perpetrators of Soviet war crimes and crimes against humanity. In April prosecutors brought charges against Nikolai Tess, a former Soviet KGB official accused of crimes against humanity for his part in the deportation of Latvian civilians in 1949. The first steps were taken in the retrial of former Red partisan Vasilijs Kononovs for genocide for his part in the 1944 slaying of nine people, including a pregnant woman. In 2000 the Riga Regional Court convicted Kononovs of genocide charges and sentenced him to six years in prison, but the High Court subsequently ruled that the case

required supplementary investigation. In January 2001 prosecutors announced the conclusion of their investigation and charged Kononovs with the same crimes. In late May Kononovs concluded his review of the charges and submitted his evidence to prosecutors. By year's end, the retrial had not taken place. Since independence, nine persons have faced criminal proceedings for their actions under Soviet rule.

Women's Rights

On 16 October the government adopted a Framework Document for Gender Equality, the first policy document in this sphere. The document analyses the current situation and suggests possible policy measures, including a "powerful institutional mechanism for coordinating implementation of gender equality policy... with powerful influence at all levels of policy." While the document suggests either creating a new ombudsman institution to review complaints in the sphere of gender equality or entrusting this function to the National Human Rights Office (see also "Judicial System and Domestic Safeguards"), the government has thus far rejected the need for institutional reform in this sphere. The document envisages the adoption of a state strategy for implementing gender equality in the year 2002 with the Welfare Ministry playing a coordinating role.

On 21 October the Riga Latgale district court ruled on a case of gender discrimination. Inga Muhina, the plaintiff, had responded to a job advertisement for a position as a guard in the Central Prison. The director of the prison rejected her job application because she was a woman. The court ruled that the prison's decision was discriminatory, violating the plaintiff's right to equality, equal conditions for a career and professional development, and implementation of equal selection criteria for job applicants. The court ruled that the prison violated the Convention on the Elimination of All Forms of Discrimination Against Women, the Constitution, and the Labour code. The court ruled that the Central Prison must pay Muhina 600 lats (USD 950) compensation (10 minimal monthly wages). At year's end, the Central Prison had filed an appeal.

On 20 June the parliament adopted a new Labour Law containing a number of important anti-discrimination clauses. Article 7 enshrines the principle of equal rights and the prohibition of discrimination on the basis of gender and other grounds. Article 29 enshrines the prohibition of differential treatment based on gender "in creating a labour contract, during the operation of a labour contract, in particular in promoting an employee, determining working conditions, pay for work or professional training, as well as ending a labour contract." If the employee indicates conditions that may serve as the basis for direct or indirect discrimination, the burden of proof shifts and the employer

must demonstrate that differential treatment is based on objective circumstances. Indirect discrimination is said to exist if ostensibly neutral conditions, criteria or practices create disadvantageous circumstances for a large majority of one gender. The new law forbids job advertisements aimed at only one gender or setting age restrictions. Article 33 holds that “during a job interview questions that are unrelated to fulfilling the work are impermissible, as are questions that are directly or indirectly discriminatory, such as those regarding pregnancy, family or marriage conditions.” Article 60 creates the responsibility for employers to set equal wages for men and women for the same work. The law will enter into force on 1 June 2002.

In March police detained three persons on suspicion of trafficking women for purposes of prostitution abroad. Among the victims were girls between the ages of 12 and 15. In May the prosecutor’s office filed charges of pandering.

Rights of the Child

As in previous years, long pre-trial detention of minors and violence against children remained serious human rights concerns. In early April President Vaira Viķe-Freiberga visited Brasas prison and harshly criticised long pre-trial detention of minors, calling detention periods “abnormally long.” The regime applied to minors was characterised as similar to that of “animals in a cage, who are permitted for one or two hours a day to stroll in another cage.” In early April Brasas Prison contained 192 minors of whom 36 had been held in pre-trial detention for less than 6 months, 68 from 6 months to a year, 57 from one to two years, and 31 persons more than two years.

After her visit, the President submitted proposals to the parliament on amending the Criminal Code and Criminal Procedure Code. The amendments, which were adopted on 20 June, envisage applying speedy trial (20 days) to cases involving minors for serious crimes not linked to violence or serious consequences. Previously, speedy trial could only be applied to crimes for which the penalty was deprivation of liberty of up to 4 years. Most minors awaiting trial face charges of violating Article 175, Paragraph 2 of the Criminal Code (theft exceeding 50 lats committed by a group or repeatedly), but the penalty for this crime can be a maximum of 6 years, which is why this is considered a serious crime and the courts impose pre-trial detention as a security measure.

The norm that calls for extending pre-trial detention beyond two months only as an exception was preserved. However, the judge may extend detention for a maximum of only two months each time. The amendments set the maximum time as six months

between receipt of the case in court until the end of the review at the first instance court. If the court does not review the case in six months, pre-trial detention is rescinded and the minor must be released. In cases concerning particularly serious crimes linked to violence, the Senate of the High Court can extend pre-trial detention beyond six months. The amendments also envisage that for lesser crimes not linked to violence or serious consequences, deprivation of liberty cannot exceed 5 years. Previously, the maximum had been 10 years.

While the changes resulted in a small improvement in the pace at which cases involving minors are reviewed, the issue of long pre-trial detention of minors remained urgent. At the end of 2001 383 minors remained in prison, of which an intolerable share – 62.4% – were on remand. One of the reasons for long pre-trial detention is the unjustified division of one criminal case into many, creating unnecessary delays. For example, one minor's criminal case was divided into 7 different cases, though all crimes had been committed in one district of Riga.

At the end of October, the Krāslava District court reviewed the criminal case against a former staff member at the Aleksandrova children's home accused of cruel and violent treatment of minors who were physically and morally dependent upon him. The charges covered 1997 through November 2000, during which Oļegs Lisjonoks was alleged to have systematically beaten, humiliated and tortured 23 children aged 8 through 15 in 33 separate instances about which both children and other staff have testified. Despite finding Lisjonoks guilty in 32 different instances, the Krāslava District Court gave Lisjonoks only a 2.5-year suspended sentence with a further two years of probation. After the trial he immediately gained employment at another children's home, prompting "the NGO "Save the Children" to submit a protest to the General Prosecutor's Office. Several days later Lisjonoks resigned his new post and on 2 November the Krāslava district prosecutor's office submitted an appeal to the Latgale Regional Court requesting that it deprive Lisjonoks of his liberty and ban him from working in educational institutions. Criminal investigations have been initiated against three other staff members at the facility, including the former director.

In early April the first centre for child victims of violence was opened in Riga. The "Dardedze" Centre is intended to serve 20 child victims of physical or sexual violence, providing up to one month of rehabilitation. The centre has the first specially equipped room for interrogating child victims of violence, which makes it possible to interview a child only once and have the proceedings broadcast directly to the Riga Regional Court. In a related development, the parliament amended the Law on the Press in August,

outlawing the media from publishing any information which might permit the identification of a child victim of violence, a juvenile offender, a victim or a witness.

On 26 January the United Nations Committee on the Rights of the Child adopted its concluding observations (CRC/C/15/Add. 142) on Latvia. The Committee made a number of recommendations addressing issues such as protecting children who have been victims of violence from having to testify repeatedly, long pre-trial detention periods for minors, and the need for rehabilitation programmes for children dependent on alcohol or narcotics. The Committee “reiterates the recommendation of the Committee on the Elimination of Racial Discrimination to reconsider the requirement to record ethnic origin in passports.”

The Rights of the Mentally III

In 2001 the most serious concerns in the realm of mental disability rights were conditions in some facilities and the lack of state support for medicines required by some mental patients. In 2001 a number of serious problems in the Veģi social care home for children with mental disabilities came to light. A review by the Welfare Ministry’s Social Assistance Department begun in 2000 found that procedures for dealing with possible cases of violence in the facility were not in place, that there was no documentation on conflicts within the centre, and that the facility did not have a psychologist. In February the Welfare Ministry fired the director and the Talsu district prosecutor initiated criminal proceedings against facility staff for cruel or violent treatment of children. By year’s end, prosecutors had not yet brought any charges. In November the media reported a mass infection of scabies affecting as many as one half of the 120 children at the facility. The Welfare Ministry’s Medical Care and Work Ability Expertise and Quality Control Inspection (MADEKKI) also found that five children had had scabies for 2–3 years, resulting in serious complications. MADEKKI levied the maximum fine (100 lats each) on the family doctor at the facility and the local dermatologist.

In 2001 controversy erupted over which expenses for medicines the state would compensate for disabled persons, an issue which affects, among others, around 2000 persons of first and second group disability suffering from depression. After learning she was no longer entitled to state funded anti-depressants, a woman attempted to commit suicide and entered Riga Mental Hospital on 11 January. Patients with depression spend between 8 and 40 lats for medicine a month. Given the low level of social support for persons with disabilities, the majority of patients are unable to purchase medicine. On 20 November the Latvian Association of Epilepsy Patients and the Patient Support Group “Gaismas Stars” organised a protest against the lack of access to medicine and the

removal of 14 different drugs for various mental illnesses from the list of state compensated medicines. The Welfare Minister promised to bring the matter before the government, but by year's end no decisions had been taken.

In November the Council of Europe's Committee for the Prevention of Torture (CPT) made public its report on Latvia's closed institutions prepared following a visit in January 1999 (see also the section on "Torture, Ill-Treatment and Misconduct by Law Enforcement Officials"). The report also contains information and recommendations regarding Riga Neuropsychiatric Hospital. The CPT recommended taking "immediate measures" to "clearly identify voluntary patients at the hospital and to complete their individual files with their written consent for hospitalisation." This affects a crucial right of persons with mental illnesses – protection against unnecessary compulsory treatment. The CPT also recommended adoption of a "clear written policy (...) on the subject of electroconvulsive therapy (ECT)," its administration only by specially trained staff, and detailed documentation regarding every recourse to ECT. The CPT also recommended introducing changes in the use of means of restraint, including proper documentation of each instance. Unfortunately, the CPT report does not mention the need for introduction of community based services and deinstitutionalisation – priorities highlighted by the World Health Organization in its 2001 report "Mental Health: New Understanding, New Hope."

On 14 November 2001 the Riga Vidzeme district court examined the appeal of Alberts Sirmulis, a former mental patient who had sued the Welfare Ministry to gain access to his medical records and lost in a first instance court in September 2000. The appeal was also denied. A final appeal has been filed with the High Court and a review of the case is scheduled for early 2002. This is the first high profile case concerning access to information in the realm of mental disability rights in Latvia.

Patient's Rights

The core development in the realm of patient's rights was landmark cases in the courts regarding malpractice and medical negligence. On 7 February the High Court reviewed the case of Edijs Filipsons, who became disabled after an unsuccessful back operation in 1997 and sued the State Hospital of Traumatology and Orthopedics and operating surgeon Egils Strauss. In a landmark ruling, the court found in favour of Filipsons and required the hospital to pay 32,741 lats (~USD 51,160) in compensation and pay for missed work from 1997 through 2001. The hospital decided not to appeal to the Senate of the High Court, but planned to review contracts carefully with patients before each operation.

In 2001, a number of incidents involving access by patients to information about their case history came to the attention of the LCHRES. For example, one case involved dentistry and false information in the patient's case history. According to the current law on medical treatment, a case history is the property of the medical facility and is not to be given to the patient. A patient can only receive a brief summary, and only other medical facilities or medical personnel may receive the full case history. Thus, patients encounter difficulties in proving the falsification of data. The law does not state whether a patient may receive a copy of his medical history or only a summary. Medical institutions routinely give only a summary. In March 2001 the Welfare Ministry prepared amendments to a new draft law on health protection envisaging the patient's right to become acquainted with his/her case history and to read it, but the amendments have yet to be approved by the Cabinet and the parliament.

The growing number of persons with HIV/AIDS has given rise to a number of patient's rights issues. In early 2001, the head doctor of Rēzekne Hospital Jāzeps Korsaks suggested that staff should have the right to test a patient for HIV without the patient's permission. Medical professionals and human rights experts harshly criticised this suggestion, pointing to its incompatibility with a Welfare Ministry order as well as numerous international standards (the International Covenant on Civil and Political Rights, the European Convention on Human Rights and Biomedicine). In April the media reported on a homosexual person who had turned to the NHRO with a complaint that he had been barred from donating blood on the grounds that homosexuals are a high risk group. These two incidents point to the widespread ignorance about HIV/AIDS, as well as to the need to work with medical personnel to combat prejudices.

In 2001, for the first time in Latvian history, a doctor was punished with deprivation of liberty for medical negligence. On 18 November 2000 a two-year old girl died in the surgical ward of Rēzekne hospital because the responsible doctor, Tatyana Guryanova, did not fulfil her professional duties. Though the girl had entered the hospital on the evening of 17 November, the doctor did not examine her or treat her, but slept throughout the night. In March 2001 the Latvian Medical Society's review board annulled for one year Tatjana Guryanova's surgeon's license. On 4 December the Rēzekne City Court found Guryanova guilty of violating Article 132, part 2 of the Criminal Code regarding non-fulfilment of professional duties by medical personnel and sentenced her to 3 years in prison, and banned her from medical practice for 5 years. The court also ruled that the Rēzekne hospital should pay 2057 lats (~USD 3215) in burial expenses to the victim's family.

THE LCHRES LEGAL AID PROGRAMME IN 2001

As in previous years, the LCHRES provided free legal aid to victims of human rights violations. The LCHRES has developed a specialisation in certain issue areas: abuse, misconduct or ill treatment by law enforcement authorities and complaints from prisons and mental hospitals. The legal aid consists primarily of providing information about relevant legislation or regulations, which state agency to turn to and how to formulate documents, such as official letters, complaints, etc. Often, however, LCHRES staff visit relevant institutions to meet with officials and investigate complaints in depth.

As can be seen in the table below, 98 persons turned to the LCHRES for legal aid in 2001. This is a small decrease compared to 2000 (117 complaints), but is undoubtedly due not to any basic change in the human rights situation, but to our relocation to a new office and the disruption this caused in our work for a brief period in early 2001.

The largest categories of complaints involved law enforcement agencies (15), housing issues (15) and social rights (15). This is in line with trends in previous years. As in previous years, a slightly larger number of complaints was submitted by women than by men (55 vs. 43). Moreover, more complaints were submitted in Russian than in Latvian (54 vs. 44). However, in previous years, the share of Russian-speaking clients was significantly larger.

**LCHRES LEGAL AID BY ISSUE AREA,
1 January 2001– 31 December 2001**

Issues	Oral Complaints	Written Complaints	Total
1. Right to liberty and security of the person: A. In police institutions B. In the prosecutor's office	3	1	4
2. Right to a fair and public trial within a reasonable time	4	1	5
3. Right to humane treatment and respect for human dignity A. In places of detention B. In mental hospitals	1	3 1	3 2
4. Freedom from discrimination		1	1
5. Freedom from torture	1		1
6. Legal status of the person A. Legalisation of non-citizen's status B. Refugee or asylum status	2 1		2 1
7. Right to housing A. Eviction B. Conflicts with landlords C. Resident's registration D. Other	2 8 4	1	2 8 5
8. Right to property	1		1
9. Right to social welfare A. Pension or social assistance B. Social guarantees C. Ex-prisoners	4 2 6	1 2	5 4 6
10. Right to work		1	1
11. Right to have one's complaint reviewed and to receive a response from a state institution A. National Human Rights Office B. Dept. of Citizenship and Migration C. Municipalities	8		8
12. Rights of the Child	4		4
13. Various	22	13	35
Total:	73	25	98



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ACTIVITIES OF THE LCHRES, 1 JANUARY 2001– 31 DECEMBER 2001

Introduction

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

In 2001, the LCHRES received core funding from the Soros Foundation's Open Society Institute, project grants from the Soros Foundation – Latvia, the Friedrich Naumann Foundation, the OSCE Mission to Latvia and the United States Embassy's Democracy Commission. In 2001, the LCHRES moved to a wonderful new office and expanded its staff with the addition of office manager Sanita Šūmane, Soros Foundation– Latvia (SFL) funded policy fellows Artis Pabriks and Ilze Brands Kehre, and two short-term interns Arnis Daiga and Mārtiņš Panke. Cooperation with the SFL expanded in other realms: the SFL delegated to LCHRES deputy director Ieva Leimane the management of a multi-year programme for the Promotion of the Rights of the Mentally Ill and to LCHRES director Nils Muižnieks the management of its Human Rights and Tolerance Programme. Senior Researcher Angelita Kamenska continued to run the SFL Prison and Police Reform Programme. The SFL also provides accounting services and office space to the LCHRES. Staff lawyer Sandra Garsvāne left the LCHRES in September to pursue a master's degree in human rights at the University of Padua. In September the LCHRES welcomed into its ranks new staff lawyer Ilvija Baķe.

Publications

Ilze Brands Kehre and Nils Muižnieks, "The Closure of the OSCE Mission to Latvia and Our Future Tasks" (in Latvian), *Neatkarīga Rīta Avīze*, 11 December 2001.

Anhelita Kamenska, "The Council of Europe's Convention on the Prevention of Torture and the Police" (in Latvian), *Cilvēktiesību žurnāls* No. 13–14 (2000): 11–21.

Anhelita Kamenska, "Openness Against Torture" (in Latvian), *Diena* 17 December 2001.

Ieva Leimane, "10 Years With Human Rights" (in Latvian), appeared in 12 December 2001 at the Soros policy portal www.politika.lv

Nils Muižnieks, "Extremist Threats to Democracy in Europe in 2000 and 2001," Background Report prepared for the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe, November 2001.

Nils Muižnieks, with Ineta Ziemele, Aina Antāne, Boriss Cilēvičs, Ilmārs Mežs, "Aspects of Minority Integration in Latvia" (in Latvian), ed. Ineta Ziemele (Riga: Latvia University Law Faculty Institute of Human Rights, 2001).

Nils Muižnieks, "Minderheitenrechte in der Gesetzgebung Lettlands" in *Minderheitenschutz in Mittel- und Osteuropa*, ed. Gerrit Manssen und Boguslaw Banaszak, pp. 95–100. Frankfurt am main: Peter Lang, 2001.

Nils Muižnieks, "When Will Latvia Ratify the Council of Europe's Framework Convention for the Protection of National Minorities?" (in Latvian), in *Pilsoniskā līdzdalība un integrācija* 2001, Nr. 1.

Artis Pabriks, "Are We Ready for the Invitation to NATO?" (in Latvian), *Diena* 25 July 2001.

Artis Pabriks, "Civic Integration in a Multicultural Society" (in Latvian), *Diena* 11 June 2001.

Artis Pabriks, "Does Latvia Have Ethnic Discrimination?" (in Latvian), *Diena* 5 March 2001.

Artis Pabriks, "Does Latvia Have Racism?" (in Latvian), appeared in 6 September 2001 at the Soros policy portal www.politika.lv

Artis Pabriks, "Does Latvia Not Want NATO?" *Diena* 5 December 2001

Artis Pabriks, "Ethnic Policy in Latvia and Estonia: From Framework Document to Integration Fund," (in Latvian), in *Pilsoniskā līdzdalība un integrācija* 2001, Nr. 1.

Artis Pabriks, "Ethnic Policy in Latvia: A Task for the Integration Foundation!" (in Latvian), appeared in 17 July 2001 at the Soros policy portal www.politika.lv

Artis Pabriks, "June 14 – A Shadow Over Latvian Society," (in Latvian), *Diena* 15 June 2001.

Artis Pabriks, "Latvian Ethnic Policy at the Crossroads of Bilingual Education" (in Latvian) in *Bilingvālā izglītība: rokasgrāmata skolotājiem* (Rīga: LVAVP, 2001): 9–18.

Artis Pabriks, "New Citizens' Treason or Old Parties' Inactivity?" (in Latvian), *Diena* 31 March 2001.

Artis Pabriks, "Politics, Music and Youth," (in Latvian), *Diena* 29 August 2001.

Artis Pabriks, "The State and Language on the Anniversary of Independence" (in Latvian), *Diena* 21 August 2001.

Community Outreach, Lectures, Presentations, Organisation of Events

15 January, Ieva Leimane gave a lecture on women's rights at the "Attistiba" School for Social Work.

2 February, Nils Muižnieks moderated a discussion organised by the American Chamber of Commerce with representatives of 7 party lists to the Riga City Council.

9 February, Nils Muižnieks moderated a discussion organised by the NGO Centre on the role of NGOs in decision-making at the national and municipal level attended by NGO leaders, state officials and media figures.

7 March–7 April and 28 May–21 June, Sandra Garsvāne gave lecture courses on "Fundamentals of Law," "International Human Rights," and "Human Rights and Social Work" at the "Attistiba" School for Social Work.

March through June, Sandra Garsvāne led a series of activities within the “Street Law” Programme of the Soros Foundation – Latvia at the Ilģuciems Women’s Prison and the Šķīrotava Prison.

8 March, Nils Muižnieks gave a presentation at the inaugural symposium of the Riga Graduate School of Law entitled “Discrimination in Latvia: Evidence from Surveys and Practitioners.”

9 March, Nils Muižnieks gave a lecture on social integration and Latvian politics to a delegation of Norwegian election observers.

22 March, Ieva Leimane gave a presentation on the rights of the mentally ill at a seminar organised by the Riga Zemgale district Red Cross.

28 March, Artis Pabriks gave a presentation on civic integration at a conference on civic integration organised by the Naturalisation Board.

30 March, Ilze Brands Kehre hosted a media roundtable discussion with Otto Lacis, economist from Russia.

3 April, Ieva Leimane gave a talk on human rights in Latvia to a group of students from Tuebingen University in Germany.

10 April, Ieva Leimane gave a presentation on the rights of the mentally ill at a seminar for Vidzeme region municipal workers at Strenči Mental Hospital.

16 April, Nils Muižnieks participated in a roundtable and live radio broadcast devoted to the role of men in reproductive health organised by the Latvian section of Planned Parenthood.

27 April, Nils Muižnieks gave a lecture on human rights at a seminar for high school students in Līgatne organised by the Naturalisation Board for finalists in a civics essay competition.

3 May, Nils Muižnieks gave a lecture to the staff of United Nations House on human rights and ombudsman functions in Latvia.

7 May, Artis Pabriks and Nils Muižnieks ran panels at a conference on the European Convention on Nationality organised by the Naturalisation Board, the Institute of Human Rights and the Council of Europe Information and Documentation Centre.

11 May, Nils Muižnieks was a panellist at a national conference in preparation for the World Conference Against Racism organised by the Ministry of Justice.

17 May, Nils Muižnieks gave a lecture on minorities and integration in Latvia to a French delegation organised by the newspaper "Le Monde."

18 May, Sandra Garsvāne gave lecture courses on "Fundamentals of Law," "International Human Rights," and "Human Rights and Social Work" at the Krāslava affiliate of the "Attistiba" School for Social Work.

23 May, Nils Muižnieks gave a presentation on human rights to pupils at the Jūrmala Alternative School.

24 May, Ieva Leimane and Nils Muižnieks gave presentations on human rights in Latvia to a delegation of students from the University of Twente, Netherlands.

1 June, Nils Muižnieks participated in the jury of a youth essay contest organised by the Russian-language newspaper "Chas" entitled "Why I love Latvia and consider her my homeland."

2 June, Nils Muižnieks gave a presentation on the conclusions of the expert mission to review the National Human Rights Office and Ombudsman functions at an international conference on ombudsmen organised by the President's chancery.

8 June, Nils Muižnieks gave a presentation on "Minority Rights and Social Integration: Current Trends in Europe" at the Hanza Days international conference in Riga.

18 June, Ieva Leimane gave a lecture on the rights of the mentally ill and mentally disabled at the "Attistiba" School for Social Work.

28 June, Ieva Leimane met with the relatives support group for mentally ill patients "Gaismas stars" and gave a presentation on the rights of the mentally ill.

28 June, Artis Pabriks led a panel at an evaluation conference convened by the National Programme for Latvian Language Training.

30 June, Sandra Garsvāne gave a lecture on prisoner's rights at the Cēsu juvenile correctional facility.

5 July, Nils Muižnieks served as moderator and rapporteur at a conference organized by the Economists Union 2010 on the future of rightist parties in Latvia.

11 July, Ieva Leimane met with municipal social workers at the Municipal Government Training Centre and gave a presentation on community-based services for the mentally ill.

25 July, Nils Muižnieks gave a presentation on the role of NGOs in monitoring the government at the Public Policy Forum organized by the Soros Foundation – Latvia.

27 July, Nils Muižnieks gave a lecture on racism and extremism to students at the Baltic International Summer School at Vidzeme University College in Valmiera.

September–December, Nils Muižnieks taught a course at Latvia University called “Racism and Extremism in Contemporary Europe” attended by 60 3rd and 4th year political science students.

18 September, Nils Muižnieks gave the keynote presentation at a seminar on the Framework Convention for the Protection of National Minorities at a seminar organized by the Council of Europe's Information and Documentation Centre.

28 September, Ieva Leimane gave a presentation on “Human Rights Projects in Psychiatry” at a conference on “Evaluation of Psychiatric Projects Between Latvia and Sweden During 10 Years” organised by the Swedish East Europe Committee and the Jelgava Mental Hospital.

5 October, Nils Muižnieks gave a briefing to diplomats from European Union countries on Latvia's progress towards fulfilment of the guidelines for the closure of the OSCE Mission to Latvia.

11 October, Artis Pabriks moderated a conference on the transition of minority secondary schools to teaching in Latvian organized by the Education Ministry for school directors.

19 October, Nils Muižnieks gave a lecture on social integration to Swedish, Latvian and Estonian political science graduate students and professors.

25 October, Ieva Leimane organised a meeting between the Hamlet Trust and advocates for mental disability rights, such as the Union of Mental Health Nurses and “Gaismas stars.”

26 October, Artis Pabriks moderated a seminar on the management of integration organised by the Naturalisation Board for schoolteachers in Rēzekne.

26 October, Ieva Leimane gave a presentation on “The Role of NGOs in Implementing Human Rights” at a seminar on “The Implementation of Human Rights” organised by the Robert Schuman Institute.

29 October, Ieva Leimane gave a lecture on mental disability rights to students at Latvia University’s legal clinic.

7 November, Artis Pabriks and Nils Muižnieks both gave presentations (on “Civil Society” and “Education against Racism in Latvia”, respectively), and led working groups at an international conference on “Education and Civil Society” organised by UNESCO in Riga.

23 November, the LCHRES organised a seminar on “Media and Integration” in cooperation with the OSCE Mission to Latvia, the Friedrich Naumann Foundation and the Naturalisation Board.

23 November, Ieva Leimane gave a lecture on mental disability rights at the “Attistiba” School for Social Work.

28 November, Nils Muižnieks moderated a panel on minority rights at the European forum organized by the European Movement in Latvia.

28 November, Nils Muižnieks gave a guest lecture on extremism in Latvia to American exchange students.

28 November, Ieva Leimane gave a lecture in Ogre on mental disability rights to professional groups and patients relatives.

30 November, Nils Muižnieks gave the keynote address on “Violence, Human Rights and Ethnic Relations” at an international seminar for sociologists, psychologists and media analysts called “Violence in Everyday Life” organised by the Goethe Institute in Latvia.

9 December, Ieva Leimane led a workshop at a seminar on the “Prevention of Adolescent Trafficking” in Jūrmala.

15 December, Angelita Kamenska gave a lecture on the rights of prisoners and the CPT report on Latvia at the “Attistiba” School for Social Work.

19 December, Ieva Leimane received a delegation from the Aknīste Mental Hospital’s Patients’ Council to discuss disability rights.

Work with the Media

25 April, Ieva Leimane was the person of the day in the daily newspaper *Diena*.

26 April, Ieva Leimane and Nils Muižnieks gave a 20-minute interview on Latvian Radio on the LCHRES annual report on human rights.

27 April, Nils Muižnieks was interviewed by the newspaper “Chas” on hate speech and freedom of expression.

17 May, Ieva Leimane and Nils Muižnieks were interviewed on Latvian television in the programme “1+1” on the LCHRES annual report.

30 May, Nils Muižnieks was interviewed in the newspaper *Vesti Segodnia*.

1 June, Nils Muižnieks met with a delegation of 15 Scandinavian journalists and gave a presentation on human rights and ethnic relations.

2 June, Nils Muižnieks was interviewed in the newspaper *Rīgas Balss*.

8 June, Nils Muižnieks was a guest on the TV news magazine “Crossfire” to discuss the proposal to establish an ombudsman’s office in Latvia.

15 June, Nils Muižnieks was the featured guest on the Russian language TV news magazine “From a Position of Power.”

19 June, Nils Muižnieks was interviewed in the newspaper *Lauku Avīze*.

19 June, Nils Muižnieks was the featured guest for an internet forum organised by the Russian-language newspaper “Chas.”

21 August, Artis Pabriks was a guest expert in a media roundtable on social tensions and security organized by the newspaper *Lauku Avīze*.

22 August, Artis Pabriks was interviewed on integration policy at the Soros policy portal www.politika.lv

6 September, Artis Pabriks gave an interview to Bavarian TV on minority issues in Latvia.

19 September, Nils Muižnieks was a guest on a TV news magazine devoted to 11 September and its consequences.

15 October, Ieva Leimane gave a presentation on the integration of mentally ill children at a press conference organised by the Latvian Portage Association.

21 November, Nils Muižnieks was a guest on a Latvian Radio show devoted to minority rights.

26 November, Angelita Kamenska participated in a live TV debate about the Latvian report by the CPT.

3 December, Angelita Kamenska was featured in a large article called “Little Angel Angelita” in *Vechernyaya Riga* 3 December 2001.

12 December, Nils Muižnieks was a guest on a TV talk show devoted to a debate on the language requirements for public office.

In 2001, the largest daily newspaper *Diena* mentioned Nils Muižnieks 43 times, Artis Pabriks 32 times, Ieva Leimane four times and Angelita Kamenska twice, the second largest daily *Neatkarīga Rīta Avīze* cited Nils Muižnieks 17 times and Artis Pabriks 5 times, the largest circulation non-daily newspaper *Lauku Avīze* cited Nils Muižnieks 22 times and Artis Pabriks 10 times, and *The Baltic Times* cited Nils Muižnieks 14 times, Artis Pabriks 3 times and Angelita Kamenska once.

Participation in International Events

29–30 January, Nils Muižnieks was one of two NGO representatives included in the Latvian state delegation to a conference entitled “Combating Intolerance” organised by the government of Sweden in Stockholm.

21–24 February, Ieva Leimane attended a meeting of Soros–related policy centres in Sofia, Bulgaria, organised by the Local Government and Public Policy Institute.

6–9 March, Angelita Kamenska participated in the 44th plenary of the European Committee for the Prevention of Torture in Strasbourg.

22–25 March, Nils Muižnieks participated in an international conference on privacy organised by Central European University and the journal “Social Research” and gave a presentation entitled “Private and Public Prejudice.”

1–8 April, Aris Pabriks went on a study visit to Brussels to get acquainted with EU activities in the realm of anti–discrimination.

5–7 April, Ilze Brands Kehre attended the Association for the Study of Nationalities annual conference in New York.

17–18 April, Artis Pabriks participated in a symposium on identity organised by the Council of Europe in Strasbourg.

13–18 May, Angelita Kamenska was a member of a European Committee for the Prevention of Torture delegation to Malta.

28–9 May, Ieva Leimane took part in the First Baltic Sea Area NGO Forum organised by the Council of the Baltic Sea States in Lubeck, Germany.

30–1 May, Ieva Leimane took part in a seminar on EU Justice and Home Affairs organised by the Robert Schuman Centre and the European Commission in Brussels.

8 July, Ieva Leimane visited the Mental Disabilities Advocacy Centre in Tallinn, Estonia to plan future cooperation.

31 August – 8 September, Nils Muižnieks participated as a United Nations expert at the World Conference Against Racism in Durban, South Africa and gave a presentation on minority rights in Europe at a conference on minority rights organised by the United Nations High Commissioner for Human Rights.

11–12 October, Nils Muižnieks gave a presentation on “The Process of Social Integration in Latvia” at a colloquium called “Estonia, Latvia, Lithuania: Ten Years of Restored Independence” organised by INALCO and the French–Estonian and French–Latvian Associations in Paris, France.

11–14 October, Ieva Leimane gave a presentation on the work of the LCHRES in the realm of human rights and mental health at a conference “Advocating for Mental Disability Rights” organised by Mental Disability Rights International and the Hungarian Mental Health Interest Forum.

18–19 October, Artis Pabriks gave a presentation on “Latvian NATO Membership – A Goal Without Alternative” at a conference on “Baltic Security, NATO and the EU” organised by the Atlantic Council of Finland in Helsinki, Finland.

9–10 November, Ieva Leimane gave a presentation on “Human Rights of the Mentally Disabled in Latvia” and led a workshop at the Second Baltic Mental Health Forum organised by the Geneva Initiative on Psychiatry Vilnius Regional office and OSI in Vilnius, Lithuania.

15–18 November, Nils Muižnieks participated in the Annual Assembly of the International Helsinki Federation for Human Rights and led a workshop on “Standards of Quality in Human Rights Reporting” in Zagreb, Croatia.

15–19 November, Ieva Leimane participated in the Annual Convention of the Global Alliance of Mental Illness Advocacy Networks in Malta.

16–18 November, Ilvija Baķe participated in a seminar for lawyers organised by the Mental Disability Advocacy Centre in Tallinn, Estonia.

13–16 December, Ieva Leimane participated in the second meeting of Soros – related policy centres in Budapest, Hungary.

Legal Assistance, Advocacy, Consultancy

1 January – 31 December, Sandra Garsvāne and Ilvija Baķe provided free legal assistance to 96 clients (see attached table).

1 January – 31 December, Ieva Leimane provided legal advice to 7 clients on mental disability rights.

January – February, Angelita Kamenska worked as a consultant to the International Organization for Migration and wrote a research paper on “Trafficking in Women – Legislation in Latvia” for the IOM project “Trafficking in Women in the Baltic States: the Legal Module.”

Ieva Leimane participated in a working group convened by the Ministry of Welfare’s Social Assistance Foundation to prepare amendments to legislation affecting the mentally ill and conditions in social care homes for the mentally disabled.

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

3–11 April, Nils Muižnieks was one of four experts in a UNDP/OSCE sponsored “Expert Review Mission on the Latvian National Human Rights Office and Ombudsman Functions in Latvia.” He subsequently took an active part in publicising the results of the Mission in the media and in meetings with politicians, including the president.

2 May, Nils Muižnieks was invited by the parliamentary commission on Human Rights and Social Affairs to present and discuss the LCHRES report “Human Rights in Latvia in 2000.”

In protest of the support given to an extremist activist, the LCHRES wrote an open letter called “Garda Against Latvia” to the leadership of two political parties, gathered signatures of 30 NGO leaders and academics, and published the letter in newspapers.

6 December, Nils Muižnieks was invited by the President to be a member of an *ad hoc* group of human rights experts evaluating the language requirements for public office.

Income and Expenditure Statement for the LCHRES for 2001

Income: LVL 95,727

Donors: Open Society Institute (Budapest), the OSCE Mission to Latvia, the United States Embassy's Democracy Commission.

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

Projects: LVL 159,164

Administrative Expenses: LVL 17,883

Expenditures:

Expenditures towards aims foreseen in the statutes: LVL 124,609 (including LVL 67,966 in projects implemented under SFL delegated programs)

Salaries: LVL 30,998

Social taxes: LVL 8,086

The figures above are provisional. The accounts of the LCHRES for 2001 are being audited by sworn auditor Ivars Blumbergs and copies of the auditor's report will be available at the LCHRES.

Staff of the LCHRES in 2001

Nils MUIŽNIEKS – Director of the LCHRES

Ieva LEIMANE – Deputy director of the LCHRES

Ilvija BAŽE – Staff lawyer of the LCHRES

Angelita KAMENSKA – Researcher of the LCHRES

Ilze BRANDS KEHRE – Policy analyst of the LCHRES

Artis PABRIKS – Policy analyst of the LCHRES

Sanita ŠŪMANE – Office manager of the LCHRES

Renāte LĪNE – Accountant of the LCHRES

EXCERPTS FROM INTERNATIONAL AND EUROPEAN HUMAN RIGHTS PROVISIONS¹

Right to Vote and to be Elected & Political Activities

Article 25 of the ICCPR:

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

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

Rights of Defendants and Due Process

Article 9(3) of the ICCPR:

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

Article 14(1) of the ICCPR:

“All persons shall be equal before the courts and tribunals ... everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law...”

Article 14(2) of the ICCPR:

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

Article 14(3) of the ICCPR:

“... everyone shall be entitled to...

- (a) be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

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

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

Article 15 (1) of the ICCPR:

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

Article 6 (1) of the ECHR:

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

Freedom of Expression and Free Media

Article 19 of the ICCPR:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, the form of art, or through any other media of his choice."

Article 10 (1) of the ECHR:

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

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

Article 9(1) of the ICCPR:

"Everyone has the right to liberty and security of person. No one shall be subjected to

arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Article 17 of the ICCPR:

"No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation." (1);
"Everyone has the right to the protection of the law against such interference or attacks."
(2)

Article 8 (1) of the ECHR:

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

Freedom from Torture and Cruel, Inhuman or Degrading Treatment

General:

Article 7 of the ICCPR:

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

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

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

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

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

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

Article 3 of the ECHR:

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

Redress and Compensation:

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

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

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

Statements Extracted under Torture:

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

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

Conduct of Law Enforcement Officials

General:

The UN Code of Conduct for Law Enforcement Officials:

“Every law enforcement agency...should be held to the duty of disciplining itself ... and ... the actions of law enforcement officials should be responsive to public scrutiny...”

(Preamble) “Law enforcement officials shall at all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.” (Article 1)

“In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.” (Article 2)

Use of Force:

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

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

Minority Rights and Freedom from Discrimination

General:

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

Article 26 of the ICCPR:

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

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

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

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

Government as well as in the conduct of public affairs at any level and to have equal access to public service;”

Article 14 of the ECHR:

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

Language, Culture, Religion, Science:

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

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

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

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

Remedy:

Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination:

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

Citizenship

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

- The right to the protection of the family (Art. 23 of the ICCPR and Art. 8 of the ECHR);
- OSCE standards relating to family reunification;
- The right of a child to acquire a nationality (Art. 24 of the ICCPR and Art. 7 of the Convention on the Rights of the Child);
- Freedom from discrimination on the ground of nationality or ethnicity (Art. 1 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination);
- Prohibition of arbitrary or collective expulsion of aliens (Art. 13 of the ICCPR and Art. 4 of the Fourth Protocol of the ECHR);
- The right to vote and to be elected (Art. 25 of the ICCPR).

Incitement to Discrimination or War

Article 20 of the ICCPR:

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

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

Refugees, Involuntary Displacement

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

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

International Humanitarian Law

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

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

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

Women's Rights

Article 11 of the UN Convention on the Elimination of Discrimination against Women: 1. "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (...) (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment."

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

Rights of the Child

Article 19 of the UN Convention on the Rights of the Child: "1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in care of parent, legal guardian(s) or any other person who has the care of the child"; Article 37: "(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in manner which takes account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances"; Article 40: "1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which

reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."

The Rights of the Mentally Ill

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

Patient's Rights

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

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

NOTES