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U.S. Department of State

Latvia Country Report on Human Rights Practices for 1996

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LATVIA

Latvia is a parliamentary democracy, having regained its independence in 1991 after forced annexation and more than 50 years of occupation by the Soviet Union. Elections for the 100-seat Parliament (Saeima) held in the fall of 1995 were free and fair, but the election law barred some citizens from competing due to prior activity in pro-Soviet organizations or lack of fluency in the state language. The Prime Minister, as chief executive, and the Cabinet are responsible for government operations. The President, as Head of State, is elected by the Parliament. The Saeima reelected President Guntis Ulmanis in a competitive election in June. The 1991 Constitutional Law, which supplements the 1922 Constitution, provides for basic rights and freedoms. The judiciary is independent but not well-trained, efficient, or free from corruption.

The security apparatus consists of: The national police and other services, such as the Special Immigration Police, subordinate to the Ministry of Interior; municipal police operating under local government control; the Counterintelligence Service and a protective service operating under the Ministry of Defense; and the National Guard, an element of the national armed forces, which also assists in police activities. Parliament approved the Government's proposal to transfer the Border Guard Force from the Ministry of Defense to the Ministry of Interior, effective January 1, 1997. Civilian authorities generally maintain effective control of the security forces and the Constitution Protection Bureau (SAB) is responsible for coordinating intelligence activities. However, Interior Ministry forces, municipal police, and intelligence personnel sometimes acted independently of central government authority. Some members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

Traditionally dominated by agriculture and forestry products, with military and other industrial production introduced by the Soviets, the varied economy is increasingly oriented toward the service sector. As the transition from a centrally planned to a market-oriented economic system continues, private enterprise in trade and services is thriving. About 80 percent of agricultural land is farmed privately, and 60 percent of all land is now in private hands. In the industrial sector, progress toward privatization and revitalization is much slower. The currency remained stable and freely traded, unemployment was somewhat over 8 percent, and annual inflation was under 15 percent, down from 25 percent in 1995. Per capita gross domestic product (GDP) was slightly over \$1,000. GDP began to rise slightly in 1996 as the economy recovered from the 1995 collapse of several commercial banks as well as from a severe governmental budget crisis.

The Government generally respected the human rights of its citizens and the large resident noncitizen community, although problems remained in certain areas. Members of the security forces, including the police and other Interior Ministry personnel, continued to use excessive force; police and prison officers beat detainees and inmates. The Government did not take adequate disciplinary action against those responsible. Prison conditions remained poor. The inefficient judiciary did not always ensure the fair administration of justice. The Citizenship and Immigration Department (CID) continued to act arbitrarily in some cases concerning the residence status of noncitizens, although independent observers noted improved performance and a reduction in the number of complaints. Over 100 asylum seekers continued to be detained without trial or final determination of their status until December, when Nordic countries accepted most of them for resettlement. Women are discriminated against in the workplace. Spousal abuse and trafficking in women, as well as child prostitution and abuse are significant problems.

Among key positive developments were the establishment of a Constitutional Court; establishment of a Presidential Consultative Council on Nationality Issues; naturalization of noncitizens under the 1994 Citizenship Law; and strengthening of an independent National Human Rights Office (NHRO). Proponents of a restrictive alternative citizenship law failed to gain enough signatures to force a referendum on their proposal. By year's end, in accordance with the 1995 Law on the Status of Former Soviet Citizens, the CID was preparing to begin issuing new travel documents verifying the rights of approximately 700,000 noncitizen residents to reside in, leave, and return to the country.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture. However, there were credible reports that police and prison personnel beat prison inmates as well as asylum seekers and other detainees. Some law enforcement personnel were prosecuted and others were fired for abusing detainees. In November, for example, three former members of the Riga municipal police were convicted and given prison sentences ranging from 3 to 6 years for taking several persons hostage and extorting money from them in 1995. At least one guard was

dismissed from the Interior Ministry for beating asylum seekers held at the Olaine Detention Center. Overall, however, oversight and punishment for improper behavior remained inadequate to deter abuses of authority by law enforcement personnel.

One of the legacies of the Soviet occupation is the regular practice of hazing military recruits. Despite high-level efforts to end harassment and abuse of soldiers, the practices continued. Early in 1996, several military officers were convicted of abusing recruits in 1995. Punishments ranged from suspended sentences to prison terms.

Prison conditions remained poor, despite new construction and foreign assistance, which has facilitated some improvements. Inadequate sanitation facilities, persistent shortages of blankets and medical care, and insufficient lighting and ventilation are common problems, as is the shortage of resources in general. The law continues to prohibit detainees awaiting trial from sending mail, but this prohibition is not universally enforced. The NHRO drew attention to the fact that many prison facilities fail to meet minimum international standards, that prison medical personnel are not sufficiently independent of the prison administration, and that prisoners' correspondence with government officials (except the prosecutor) is subject to censorship. The NHRO developed plans to work with the prison authorities to establish a human rights training program for prison personnel.

A detention center established at Olaine, outside Riga, provided substandard conditions for over 100 asylum seekers (including more than 40 children) who were held without trial until December, pending final determination of their status. Almost all were released and transported to Nordic countries, which had accepted them for resettlement as refugees.

The situation for some imprisoned children, who are not always separated from adults, remained poor. Children as young as 14 years of age were kept in unsanitary conditions, and suffer from disease and deprivation. Both boys and girls are subject to violence and possible sexual abuse.

d. Arbitrary Arrest, Detention, or Exile

There were no known instances of arbitrary arrest. The responsibility for issuing arrest warrants was transferred from prosecutors to the courts in 1994. The law requires the prosecutor's office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. No detainee may be held for more than 18 months without the prosecutor presenting the case to the defendant and the court. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial. There were credible reports that these rights are not always respected in practice, especially outside Riga.

There were no reports of forced exile, which is prohibited by law.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. However, the courts must rely on the Ministry of Justice for administrative support.

The Supreme Court does not have a clearly established right to rule on the constitutionality of legislation or its conformity with the country's international obligations. In June the Parliament amended the Constitution and adopted legislation to establish a Constitutional Court to fulfill these functions. The new seven-judge panel is authorized to hear cases at the request of state institutions (the President,

Cabinet, prosecutor, Supreme Court, local governments, or one-third of Saeima members) but not of individuals. The Parliament approved six of the judges to sit on the court, which held its first organizational meeting and elected an acting chairman in December.

Although the criminal justice system was organized according to the former Soviet model, the Government is reforming the judicial system. In 1995 it completed the establishment of regional courts to hear appeals of lower court decisions. For more serious criminal cases, two lay assessors join the professional judge on the bench. There were no reports that the Government improperly influenced judges, but corruption is reportedly widespread. Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. There is a lack of information available on which to make informed decisions, especially outside Riga. Trials may be closed if state secrets might be revealed or to protect the interests of minors. All defendants have the right to hire an attorney, and the State will lend funds to destitute defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may offer witnesses and evidence to support their case.

There were no reports of political prisoners. Former Latvian Communist Party First Secretary Alfreds Rubiks continued to serve an 8-year prison term for attempting to overthrow the independent Latvian State in 1991. While Rubiks' supporters describe him as a political prisoner, claiming that he acted in accordance with the prevailing Soviet legislation, there is no evidence that his conviction violated human rights standards.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires that law enforcement authorities have a judicial warrant in order to intercept citizens' mail, telephone calls, or other forms of communication. This protection is less comprehensive for the large noncitizen population.

Information came to light in 1996 about the unsanctioned taping that reportedly took place in late 1995 of an international telephone conversation between the President and a private citizen who subsequently became the Prime Minister. The prosecutor's office was conducting an investigation on the basis of a tape recording provided by a journalist, but there was no reliable information about those who may have been involved in this illegal activity.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitutional Law provides for freedom of speech and the press, and the Government generally respects this right in practice. The 1991 Press Law prohibits censorship of the press or other mass media. Most newspapers and magazines are privately owned. New publications continued to appear, but economic difficulties forced others to close. Newspapers in both Latvian and Russian published a wide range of criticism and political viewpoints.

A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of people receiving satellite television broadcasts continued to increase.

The Law on Radio and Television contains a number of restrictive provisions regulating the content and language of broadcasts. No more than 30 percent of private broadcasts may be in languages other than Latvian; in prime time, 40 percent of television broadcasts must be of Latvian and 80 percent of European origin. Moreover, foreign investment may not exceed 20 percent of the capital in electronic

media organizations.

There are no restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association

The authorities legally may not prohibit public gatherings. Organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. Numerous public meetings and political demonstrations took place without government interference. However, the Riga City Council regularly denied permission or sought to change the time and place of demonstrations by groups representing a portion of the noncitizen community.

The Constitution provides for the right to associate in public organizations. However, the Law on Registering Public Organizations was amended in late 1993 to bar registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. More than 35 political parties are officially registered. Noncitizens are prohibited from forming political organizations.

c. Freedom of Religion

The Constitutional Law provides for freedom of religion, and the Government generally respects this right in practice. Although the Government does not require the registration of religious groups, the 1995 Law on Religious Organizations specifies that religious organizations can enjoy certain rights and privileges only if they register. Under this law the Justice Ministry has registered over 800 religious congregations, including Mormons, whose previous lack of official registration had created difficulties in obtaining visas and residence status. The only group denied registration was the Jehovah's Witnesses, whose appeal to the courts was still under review at year's end.

Foreign evangelists and missionaries are permitted to hold meetings and proselytize, but the law stipulates that only religious organizations in Latvia may invite them to carry out such activities. After the widely reported death of a Jehovah's Witness, whose religious beliefs affected her choice of medical treatment, the President sent a letter to Parliament asking lawmakers to specify the rights and responsibilities of unregistered religious organizations. He also suggested that the Saeima supplement the Criminal Code "with norms about inflicting physical or psychological damage on a person and about threatening a person's legal rights as a result of activities by a religious organization." The Saeima Human Rights and Legal Committees subsequently began considering a draft amendment to the Administrative Code which would have prescribed fines for undefined "activities" by unregistered religious organizations. The NHRO and Ministry of Foreign Affairs pointed out that the provisions would violate international obligations in the field of religious freedom. The Saeima took no final action on this matter.

In July the Parliament adopted amendments to the Law on Religious Organizations, 1 of which reduced the number of persons necessary to seek registration of a religious group from a minimum of 25 citizens to 10 persons residing permanently in Latvia. Another amendment stipulated that religious education may be provided to students in public schools on a voluntary basis only by representatives of Evangelical Lutheran, Roman Catholic, Old Believer, Baptist, and Orthodox religious organizations. Students at state-supported national minority schools may also receive education in the religion "characteristic of the national minority." Other denominations may provide religious education, but may not do so in state-funded schools.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no obstacles to freedom of movement within the country, foreign travel, or repatriation of citizens.

The 1995 Law on the Status of Former Soviet Citizens stipulates that registered permanent resident noncitizens enjoy the rights to establish and change residences, travel abroad, and return to the country. The law also provides for issuance of new noncitizen travel documents verifying these rights. After numerous delays, the CID announced that it would begin issuing the first of these documents in March 1997. Prior to the issuance of new noncitizen travel documents, and in apparent contradiction with this law, the CID continued to require noncitizens departing with former Soviet passports to obtain separate reentry guarantees. The CID also continued to issue temporary noncitizen identification documents, which are valid for 2 years and accepted as travel documents by most foreign countries.

Although the Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), it is not a signatory to international conventions on refugees and does not have a law or established policy on political asylum, including first asylum or granting refugee status. Most of those seeking refugee status are persons from the Middle East and Central Asia entering by land from Russia or Belarus and hoping to reach Scandinavia. Latvia usually attempts to return such asylum seekers to the country from which they entered, but neighboring countries are generally willing to accept only their own citizens or legal residents.

One group of over 100 asylum seekers, originally detained in 1995, remained in detention without trial outside Riga until December. The authorities were unwilling to grant asylum to these persons, mainly of Iraqi origin, who were attempting to reach Sweden and other Western European countries. No other country was prepared to accept these individuals and no formal mechanism was in place to evaluate their claims or to convey any status other than that of illegal alien. In December, following extensive consultations with Latvia and the UNHCR, Nordic countries agreed to accept almost all the persons detained at Olaine. Nordic ministers emphasized that this was an extraordinary measure, noted that the Latvian Government had received a proposal for comprehensive refugee legislation, and "assumed" that Latvia would adopt and implement refugee legislation in accordance with the 1951 U.N. Convention Relating to the Status of Refugees.

There were credible reports that as many as several dozen asylum seekers were taken to border areas by Interior Ministry personnel and forcibly expelled or pressured to leave the country "voluntarily." This matter was under investigation by the Interior Ministry, the NHRO, and the Prosecutor's Office.

In August the Government established an interministerial working group to draft a comprehensive policy and legislation on refugee and asylum issues that would be consistent with the relevant international norms. In late November the working group submitted a draft law on refugee and asylum matters to the Cabinet, which was expected to review the proposal and transmit it to the Saeima in early 1997. Government officials characterized the draft law as the first important step in establishing a national framework on asylum and refugee issues. The working group also began to analyze the conditions under which Latvia could accede to the 1951 Convention and its 1967 Protocol. Officials continued to stress that their ability to deal with these problems would be greatly facilitated if neighboring countries would agree to readmit illegal migrants who entered Latvia from their territories. While Latvia was able to negotiate readmission agreements with its Baltic neighbors and some Nordic countries, it was particularly hampered by the lack of similar agreements with Russia and Belarus.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government. There were free and fair elections for Parliament (the Saeima) in 1995, with the participation of numerous parties and factions representing a broad political spectrum. Candidates from 11 parties won Saeima seats, and 72 percent of eligible voters participated.

International observers deemed the parliamentary elections free and fair, although the elections law barred the candidacy of any citizen who remained active in the Communist Party or various other pro-Soviet organizations after January 13, 1991. There was also a Latvian language requirement for candidates. In 1996 several former candidates from the Socialist Party (including former Communist Party leader Alfreds Rubiks) were tried for making false statements about their past activities in connection with their 1995 candidacies. A few were convicted and given token fines; Rubiks was convicted but no penalty was added to the 8-year sentence he is serving for seeking to overthrow the Government in 1991.

In November the Saeima adopted a law with similar restrictions on the candidates for local elections scheduled to be held in March 1997. The Saeima reconsidered but did not alter these restrictions after widespread protests by the supporters of one official, the Mayor of Daugavpils, who was reportedly active in the Communist Party after January 13, 1991. The Saeima also rejected a proposal to allow noncitizen residents to vote in local elections.

In June the Parliament fulfilled its constitutional responsibility to elect an individual to serve a 3-year term as President. The Saeima chose freely among four candidates in a secret ballot that resulted in the reelection of the incumbent President. A parliamentary effort to restrict the pool of presidential candidates on the basis of language ability or past Communist activities was returned by the President for reconsideration and did not enter into force. The Saeima subsequently voted on all persons duly nominated, including Rubiks, who received 5 votes.

Following the restoration of independence in 1991, citizenship was immediately accorded only to those persons who were citizens of the independent Latvian Republic in 1940 and their direct descendants. Owing to the Russification policy pursued during the Soviet era, ethnic Latvians make up only about 54 percent of the total population and do not constitute a majority in seven of the eight largest cities. More than 70 percent of the registered residents are citizens, almost 400,000 of whom are not ethnic Latvian.

Under provisions of a 1994 law, various categories of noncitizens become eligible to apply for naturalization over a period extending from 1995 until early in the next century. Highest priority was given to spouses of Latvian citizens, citizens of other Baltic states, and persons born in Latvia. The law includes a Latvian language and residence requirement as well as restrictions on naturalization of several groups including former Soviet intelligence and military officers. The law requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to take a loyalty oath.

International observers, including the resident Organization of Security and Cooperation in Europe (OSCE) mission, credit the Government with establishing a competent and professional naturalization board with offices throughout the country to implement the 1994 law. Early experience suggested that the board sought to apply the law fairly. About 1,000 persons were naturalized in 1995 and 3,000 in 1996. Of more than 33,000 persons ages 16 to 20 years who became eligible to apply for naturalization in 1996, only a few hundred expressed interest in doing so. The reasons for this relatively small number may include potential applicants' lack of confidence about their language ability, the restricted category of applicants eligible to seek naturalization in the first 2 years, certain benefits that flow from noncitizen status (such as travel without visas to Russia and exemption from compulsory military service), and a sense that the legal status of permanent resident noncitizens is relatively secure. Moreover, there were

amendments to the citizenship law in 1995 that granted automatic citizenship (rather than requiring naturalization) to ethnic Latvians returning to the country as well as to persons successfully completing secondary education in Latvian language schools. These amendments allowed several thousand additional persons to register as citizens.

In early 1996 proponents of a much more restrictive alternative citizenship law exercised their right to conduct a signature campaign in favor of holding a referendum on this issue. The campaign fell about 5,000 signatures short of the number needed to force a referendum.

International experts, government officials, and domestic human rights monitors agreed that Latvia must continue to place high priority and devote sufficient resources to implementing the naturalization law in a fair, impartial manner. These same observers also agreed that the Government must provide greater opportunities for noncitizens to learn Latvian. In 1996 the Government worked with the United Nations Development Program (UNDP) to begin implementing a long-term nationwide Latvian language teaching program for adults and for children in non-Latvian schools.

The CID, which has administrative responsibility for registering noncitizens, has frequently failed to implement properly and fairly laws affecting noncitizens, most often by denying noncitizen residents' applications for permanent resident status. Negative CID decisions are subject to judicial review, and are frequently overruled. However, the CID was sometimes slow in complying with court rulings that overturned its negative decisions. The Minister of Interior personally criticized CID performance in these areas, which he cited as the reason to initiate changes in personnel and procedures. While problems remained, independent observers noted improvements in the quality of the CID's performance as well as a reduction in complaints about its work during the course of 1996.

There are no ethnic restrictions on political participation, and some nonethnic Latvians serve in various elected bodies. There was no mechanism for the many residents of Latvia who were not citizens to participate in the elections.

Women are underrepresented in government and politics. During the year less than 20 percent of parliamentarians and none of the full ministers in the Government were women. A woman was Speaker of the Parliament (the second ranking official after the President) for about 1 year before being replaced in late 1996.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A growing number of nongovernmental organizations devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, operate without government restriction. Several organizations deal with issues of concern to local noncitizens and other nonethnic Latvians, presenting them to the courts and the press.

The Government demonstrated a willingness to engage in dialog with nongovernmental organizations working on human rights issues. It welcomed visits by human rights organizations and received delegations from, among others, the OSCE, the Council of Europe (COE), and the United Nations. A resident OSCE mission continued to operate with a mandate to "address citizenship issues and other related matters."

The Government continued to implement its national program for the protection and promotion of human rights, which was adopted in 1995 upon the recommendations of key international organizations.

In December the Saeima adopted a law strengthening the NHRO's status as an independent institution with a mandate to promote respect for human rights. Under an acting director, the NHRO continued to fulfill its mandate to provide information on human rights, inquire into individual complaints, and initiate its own investigations on alleged violations. Its permanent director will be appointed by the Government, confirmed by the Saeima for a 4-year term, and subject to dismissal only under limited circumstances. Initial financial difficulties for the NHRO were overcome when the Parliament allocated sufficient funds to facilitate a long-term agreement with the UNDP for training and other institutional support.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

According to the 1922 Constitution, all citizens are equal under the law. In December the Saeima decided to establish a working group to elaborate a second section of the Constitution that would strengthen the constitutional protection of basic human rights and freedoms. The 1991 Constitutional Law, which supplements the Constitution, states that "all persons in Latvia" are equal under the law regardless of race, sex, religion, language, social status, political preference, or other grounds and grants equal rights to work and wages to "persons of all nationalities." However, the Constitutional Law only grants to citizens the right to occupy state positions, establish political parties, and own land.

Women

Sources indicate that domestic violence against women is fairly widespread and is often connected with alcohol abuse. There is anecdotal evidence suggesting that the entire legal system, including the courts, tends to downplay the seriousness of domestic violence. Observers suggest that police are sometimes reluctant to make arrests in such cases. The NHRO began to work with the Interior Ministry to assist victims of domestic abuse and train law enforcement personnel in dealing with this problem.

Both adult and child prostitution are widespread and often linked with organized crime. There is no legislation in force that specifically addresses these problems. In May for reasons that remain unclear, the Parliament repealed the only such provisions contained in the Administrative Code.

Women possess the same legal rights as men. The Labor Code prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon between the Cabinet and labor unions. Moreover, the code bans employment discrimination. In reality women frequently face hiring and pay discrimination, especially in the emerging private sector. It is not unusual to see employment advertising that specifically seeks men. Sexual harassment of women in the workplace is reportedly common. Women apparently have not brought any discrimination suits before the courts.

Women's advocacy groups are growing in size and number. They are involved in finding employment for women, lobbying for increased social benefits, assisting victims of domestic abuse, and opposing the hazing of military recruits.

Children

Although it is government policy to ensure children's rights to basic health, welfare, and education, there is no general legislation outlining these rights, and the Government lacks the necessary resources to provide them fully. For example, despite the existence of mandatory education, published reports suggested that as many as 15,000 school-age children failed to attend school.

Evidence suggests that abandonment and child abuse, including sexual abuse, are relatively widespread,

as is child prostitution. A few children's advocacy groups are active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children. Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases.

Although legislation had long provided for the establishment of special institutions for rehabilitation and vocational training of juvenile offenders, the Government only opened the first such institution in 1996. This facility is designed to reduce the number of juveniles housed in regular prison facilities who have committed relatively minor offenses.

People with Disabilities

There is no law banning discrimination against the disabled. The Government supports special schools for disabled persons. It does not enforce a 1993 law requiring buildings to be accessible to wheelchairs, and most buildings are not. However, Riga has undertaken an extensive wheelchair ramp program at intersections.

Religious Minorities

There was no progress reported in apprehending the perpetrators of the 1995 bombing of a Riga synagogue.

National/Racial/Ethnic Minorities

Of Latvia's more than 2.5 million registered residents, there are more than 765,000 ethnic Russians, 100,000 ethnic Belarusians, almost 70,000 ethnic Ukrainians, and more than 60,000 ethnic Poles. Nearly 400,000 persons belonging to national or ethnic minorities are citizens. Because the majority of persons belonging to national and ethnic minorities are not citizens, they have difficulty participating fully in civic life. Noncitizens who are temporary residents have particular difficulty, but the size of this group has greatly diminished since the adoption and implementation of the 1995 Law on the Status of Former Soviet Citizens who do not hold Latvian or any other citizenship.

This law reiterates guarantees of basic human rights and provides noncitizens who have been permanent residents continuously since July 1, 1992, with the rights to change residence, leave and return, and invite close relatives to join them for the purpose of family reunification. It also requires the registration of noncitizens regardless of their housing status, helping to resolve cases of persons previously unregistered because they lived in former Soviet military or dormitory housing. The law also provides for issuance of new travel documents reflecting these rights (see Section 2.d.).

Various laws prohibit employment of noncitizens in certain categories, some of which appear to be reasonable restrictions (e.g., only citizens can serve as Latvian diplomats) while others seem less justified (e.g., service as crew members on Latvian National Airlines). There are also a few distinctions in the manner of calculating eligibility for social benefits such as pensions, though there was progress in 1996 toward eliminating some of these differences. At the request of the parliamentary human rights committee, the NHRO undertook a major study of all differences between the status of citizens and noncitizens to determine whether they may be inconsistent with constitutional provisions or obligations and to recommend revisions in legislation if necessary. The study, released in December, identified 10 differences between the rights of citizens and noncitizens that the NHRO considered to be inconsistent with obligations under the International Covenant on Civil and Political Rights. These included restrictions on noncitizen employment as firefighters, armed guards, private detectives,

members of airline crews, and certified attorneys, as well as holding licenses as pharmacists. The NHRO found most other differences to be consistent with international standards and practices that allow a state to limit government employment, political participation, and some property rights to those persons who are citizens.

The language law requires employees of the State and of all "institutions, enterprises, and institutes" to know sufficient Latvian to carry out their profession. The law also requires such employees to be conversationally proficient in Latvian in order to be able to deal with the public. Despite the language law, there have been no reports of widespread dismissals, even in the city of Daugavpils, in which only 15 percent of the population is ethnically Latvian. Moreover, Russian is the prevailing language in state-owned industrial enterprises. Nevertheless, many nonethnic Latvians believe that they have been disfranchised and that the language law discriminates against them. In October the Cabinet issued regulations requiring Latvian language competence for a person to be registered and receive benefits as an unemployed person.

Some ethnic Russians have also complained of discrimination resulting from the property laws, which do not allow individual noncitizens to own land. Moreover, noncitizens were given fewer privatization certificates (which can be used to purchase shares of stock and to privatize apartments and land) than citizens. However, the law does allow land ownership by companies in which noncitizens own shares.

The Riga City Council adopted a decision in August requiring noncitizens privatizing their apartments obtain an additional document from the CID regarding their eligibility to receive noncitizens' travel documents. The Minister for Environmental Protection and Regional Development used his authority to overturn this provision, arguing that it would have created an unjustified administrative requirement, and it did not enter into force.

The Government has agreed to continue using Russian as the language of instruction in public schools where the pupils are primarily Russian speakers. It also supports schools in eight other minority languages. Although all non-Latvian-speaking students in public schools are supposed to learn Latvian and to study a minimum number of subjects in Latvian, there are shortages of qualified teachers.

Most state-funded university education is in Latvian, and incoming students whose native language is not Latvian must pass a Latvian language entrance examination. However, there are several private institutions offering higher education in Russian. In midyear the Minister of Education declined to authorize establishment of a branch of the Moscow State University in Riga, but the issue may be revisited.

A lively debate continued over proposals in a draft education law that all secondary education in public schools be in Latvian by the year 2005. The Parliament was considering several hundred amendments to the education law, and it took no legally binding decision on the long term prospects of state-funded minority language education.

In July the President took the initiative to form an advisory council of nationalities residing in the country made up of persons nominated by the Latvian Association of National Cultural Societies and other prominent persons active in the field of interethnic relations. The council includes members representing a broad range of national minority groups, with a mandate "to discuss the most serious problems in order to promote their solution at the level of executive bodies or legislative initiative." Members of the council reportedly agreed that they would begin by working cooperatively to address questions relating to education, citizenship, and differences between the status of citizens and noncitizens. In December the advisory council began to consider concrete issues and to make

recommendations regarding possible changes in regulations and legislation. For example, the council reportedly asked the Labor Department to reconsider the cabinet regulation adopted in October that requires persons to demonstrate Latvian language competence to qualify for unemployment benefits.

Section 6 Worker Rights

a. The Right of Association

The Law on Trade Unions mandates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing. Union membership, which had been about 50 percent of the work force in 1993, continued to fall as workers left Soviet-era unions that include management or were laid off as Soviet-style factories failed. In general the trade union movement is undeveloped and still in transition from the socialist to the free market model.

The law does not limit the right to strike. Although many state-owned factories are on the verge of bankruptcy and seriously behind in wage payments, workers fear dismissal if they strike. While the law bans such dismissals, the Government has not effectively enforced these laws.

Unions are free to affiliate internationally and are developing contacts with European labor unions and international labor union organizations.

b. The Right to Organize and Bargain Collectively

Labor unions have the right to bargain collectively and are largely free of government interference in their negotiations with employers. The law prohibits discrimination against union members and organizers. Some emerging private sector businesses, however, threaten to fire union members. These businesses usually provide better salaries and benefits than are available elsewhere. The Government's ability to protect the right to organize in the private sector is weak.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and it is not practiced. Inspectors from the Ministry of Welfare's Labor Department enforce this ban.

d. Minimum Age for Employment of Children

The statutory minimum age for employment of children is 15 years, although those from 13 to 15 years of age may work in certain jobs after school hours. Children are required to attend school for 9 years. The law restricts employment of those under age 18, for instance, by banning night shift or overtime work. State authorities are lax in their enforcement of child labor and school attendance laws.

e. Acceptable Conditions of Work

The Government raised the monthly minimum wage to about \$70 (38 lats), far below the amount which trade union officials describe as the bare minimum for survival. Many factories are virtually bankrupt and have reduced work hours. The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 24-hour rest period weekly, 4 weeks of annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety

standards for the workplace, but these standards are frequently ignored. Workers have the legal right to remove themselves from hazardous work situations, but these standards are frequently ignored in practice.

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