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## U.S. Department of State

### Latvia Report on Human Rights Practices for 1997

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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 and for municipal council elections in March 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 1996. The 1991 Constitutional Law which supplements Latvia's 1922 Constitution, provides for basic rights and freedoms. (The Saeima, however, has not yet finalized the second portion of the Constitution itself which includes guarantees of human rights.) 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. Effective January 1, the Border Guard Force was transferred from the Ministry of Defense to the Ministry of Interior. 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 7.3 percent, and annual inflation was 7.7 percent, down from 15 percent in 1996. Per capita gross domestic product (GDP) was slightly over \$2,016. GDP continued the rise begun in 1996.

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. Although the Citizen and Immigration Department (CID) remained bureaucratic and slow in dealing with issues concerning noncitizens, independent observers stated that the previous year's improved performance continued. The Prosecutor General formally protested the light sentence handed down in June to an alleged local Mafia boss--a case that also highlighted the current lack of an effective witness protection program. Thirty-three aliens remain in detention in Latvia without trial or final determination of their status. 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 Saeima's ratification in June of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms; and its passage in July of the 1951 U.N. Convention Relating to the Status of Refugees. The Government plans to develop a new refugee reception center at Mucinieki, on the outskirts of Riga. In September, the Government signed the Council of Europe's Convention Against Torture and Inhuman or Degrading Treatment or Punishment. The National Human Rights Office (NHRO) continues to function independently and to achieve greater recognition from the public.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

In December unknown assailants shot and killed Janis Riba, the leader of the ultranationalist group, Aizargi. Riba's followers claim that the killing was politically motivated; others speculate that rivals within the ultranationalist movement committed the murder. A police investigation is still underway.

#### **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 at the Olaine Detention Center, as well as other detainees in other facilities. Some law enforcement personnel were prosecuted for use of excessive force in handling prisoners. A municipal policeman Janis Senbergs, an ethnic Latvian, was sentenced to 5 years' imprisonment for involuntary manslaughter after he beat Maksim Ermolayev, a 16-year-old ethnic Russian who later died of his injuries. After the highly publicized hazing incidents of 1996, military authorities took steps to curb the practice. There were no confirmed reports of hazing during the year.

Prison conditions remained poor, despite new construction and foreign assistance, that 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. Detainees complain that they are subject to physical and psychological intimidation by prison guards. Latvia's worst facility, built in the first decade of the 20<sup>th</sup> century, had undergone no renovations until 1996. In the unrenovated portion of the facility, more than 40 prisoners are housed in a single cell with one open toilet; sink conditions are substantially better in renovated portions of the facility. The Government has stated its intention to continue renovations as rapidly as its limited finances allow. Ministry of the Interior personnel stated that prisoners accused of crimes spend an average of 1 year in this facility before trial, but many have been there much longer. The NHRO continues to criticize the failure of many prison facilities to meet minimum international standards and in particular the fact that medical personnel are not sufficiently independent of the prison administration. Throughout the year, the NHRO organized human rights training programs for prison authorities and personnel.

Detention facilities for asylum seekers are substandard (see Section 2.d.)

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.

In December a delegation of foreign ambassadors visited Latvia's worst prison at the invitation of the Minister of the Interior.

#### 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, and the judiciary is not well trained, efficient, or free from corruption.

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 or courts. A project is currently underway to expand the jurisdiction of the Constitutional Court to include referrals from lower courts. 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.

The Government continues to reform 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. Corruption in the judicial system is reportedly widespread. In November the judges appointed to preside over the trial of the President of the collapsed Bank Baltija, Oscar Lavent, resigned from the case, citing alleged political pressure from the Government. The accusation came after the judges released Lavent to house arrest following a heart attack that he suffered in the courtroom on the first day of the trial. In March the country's leading newspaper reported that, according to a recent sociological survey, most residents do not trust the courts. Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. In June the Prosecutor General harshly criticized the light sentence handed down to alleged Mafia boss Ivan Haritonov, and appealed the decision. (The case also highlighted the absence of an effective witness protection program.) A major difficulty in enforcing court decisions is the lack of an effective bailiff or sheriff system. There is a lack of information available on which to make informed decisions, especially outside Riga. Court cases are not published systematically, nor is there a centralized index for those that are published. 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. They may also make multiple appeals of adverse verdicts.

There were no reports of political prisoners.

Former Latvian Communist Party First Secretary Alfreds Rubiks, whose supporters considered him a political prisoner, was released from jail in December after serving 6 years of an 8-year sentence for plotting to overthrow the Government. Under the law a court can, on the recommendation of prison authorities, release persons on grounds of good behavior who have served three-quarters of their sentence.

#### 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. There were no reports of the unsanctioned taping of the telephone conversations of public officials, such as came to light in 1996.

### **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. However, these provisions are not always implemented. In addition 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. In January the Saeima passed legislation on public demonstrations and that requires protesters to remain specified distances from foreign missions, the Saeima, the Prosecutor's office, and certain other public institutions. While the law purports to imitate western European statutes, independent human rights organizations in Latvia find its provisions contradictory and confusing.

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.

According to the Ministry of Justice's Department of Religious Affairs, the church groups denied registration to date include Jehovah's Witnesses, the Latvian Free Orthodox Church, the Church of Christ Scientist, and the Rock of Salvation Church. Although Jehovah's Witnesses withdrew their court challenge to this decision, they continue to press for registration as a religion. Foreign evangelists and missionaries are permitted to hold meetings and to proselytize, but the law stipulates that only religious organizations in Latvia may invite them to carry out such activities. Foreign religious denominations have criticized this provision.

The denial of registration to Jehovah's Witnesses imposes real hardships and has resulted in the general perception among both the public and many government officials that Jehovah's Witnesses is an illegal group. Despite the number of adherents in Latvia, as an organization, Jehovah's Witnesses is denied the necessary legal means to administer to the spiritual needs of its members.

In July the Parliament adopted amendments to the Law on Religious Organizations, one of which 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. In July 1996, the Parliament adopted amendments to the Law on Religious Organizations, one of which reduced the number of persons necessary to seek registration as a religious organization from a minimum of 25 citizens to 10 persons residing permanently in Latvia. In June Parliament further amended this legislation to allow any citizens and permanent residents included in the Inhabitant's Register to register a religion. However, asylum seekers, foreign embassy staff, and those in the country temporarily or in special status still cannot register a religious organization.

#### 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. Latvia has readmitted noncitizens who claimed refugee status in a foreign country, or who voluntarily abandoned their permanent residence, and then decided to return to Latvia to live and work. Noncitizens who left Latvia as refugees based on Soviet-era persecution have no difficulty returning on foreign refugee travel documents for business reasons or for family visits.

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. However, certain rights are denied to noncitizens. Although restrictions on holding jobs such as airline personnel and firefighters were lifted, noncitizens are still prohibited from working as private detectives, armed guards, or certified attorneys, and cannot yet hold licenses to pursue pharmaceutical activities. In addition, only citizens can be granted amnesty or hold posts in religious congregations. Noncitizens may own land, but only under complicated restrictions. The law also provides for the issuance of new noncitizen travel documents verifying these rights. In April the Citizenship and Immigration Department (CID) began issuing a new, more secure aliens passport to noncitizens. The Government also announced the gradual phase out of former Soviet external passports. The validity of former Soviet external passports for departure from Latvia to all countries except the Commonwealth of Independent States (CIS) expired on December 31, 1997. These documents remain valid for travel to the CIS-member countries through December 31, 1998. Former Soviet external passports may be used to return to Latvia from all countries through December 31, 1998.

Most of the asylum seekers formerly detained at the Olaine detention camp were accepted by Nordic countries late in 1996 on the assumption that in 1997 Latvia would adopt and implement refugee legislation in accordance with the 1951 United Nations (U.N.) Refugee Convention. In June Latvia acceded to the Convention Relating to the Status of Refugees done at Geneva in 1951, but, at the insistence of nationalist parties within the Saeima, with the stipulation that it apply only to refugees from European countries. Independent observers, such as the National Human Rights Office (NHRO), the Organization for Security and Cooperation in Europe (OSCE), United Nations Development Program (UNDP), Western embassies, as well as within the Government, immediately criticized the decision. In July the Cabinet announced it would introduce legislation requesting that the Saeima, on its return from summer recess in September, drop the provision. In September the Saeima ratified the 1951 U.N. Convention by reversing its original vote to restrict application of the treaty exclusively to refugees from European countries. As soon as the amendment passed, Sweden and Finland went forward with a visa-free travel agreements previously delayed pending the outcome of the Saeima vote.

The Olaine detention center for asylum seekers has serious shortcomings, and conditions there are

substandard. The Government is developing a new refugee reception center that meets minimum international standards at Mucinieki, on the outskirts of Riga, with multilateral donor assistance. However, until Mucinieki is refurbished, asylum seekers are to remain housed at the Olaine facility. A total of 33 aliens remain in detention in the Olaine center without trial or final determination of their status.

The Government works closely with the United Nations High Commissioner for Refugees (UNHCR). As of year's end, discussions were near completion between the UNHCR and the Ministry of Interior on an agreement for the UNHCR to supervise the reconstruction of the new refugee center at Mucinieki.

The Government has charged the Interior and Justice Ministries with the complex task of implementing the terms of Latvia's accession to the Convention Relating to the Status of Refugees done at Geneva in 1951. Special immigration police and border guards units are to help prescreen asylum requests. CID decisions can be appealed to a new asylum appeals board, that is being established in the Ministry of Justice. By late summer, initial training for the personnel of these bodies was underway.

The issue of provision of first asylum did not arise.

Organized alien smuggling, frequently involving central and south Asians transiting Latvia from Russia and Belarus en route to Western Europe or the United States has been detected. According to police sources, in 1996 more than 700 persons who were illegally in the country were involuntarily returned to their homes abroad, and another 524 voluntarily departed. During the first 6 months of 1997, almost 200 people who were illegally in Latvia were deported, and another 173 voluntarily left the country. Latvia has approached Russia and Belarus about concluding refugee readmission agreements, the lack of which poses a major barrier to effective control of the eastern border. Thirty-three aliens whose legal status is unclear remain in detention at Olaine.

### **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. Free and fair elections for municipal government offices, in which nearly 56 percent of the electorate participated, took place in March in over 500 cities. However, the election law barred some citizens from voting in these elections due to prior activity in pro-Soviet organizations or lack of fluency in the state language.

In August the Saeima's legal affairs committee considered, but did not approve lifting the ban on persons seeking elected office who had remained active in the Communist Party or various other pro-Soviet organizations after January 13, 1991. Under legislative procedures the provision, which is part of a much broader revision of the election law, was placed before the full Saeima for an initial review. In October the full Saeima again defeated the provision. The popular mayor of Daugavpils, Aleksei Vidavskiy, had been charged in court with violating this provision, but was acquitted in February, a decision subsequently upheld in the Supreme Court in August. The Saeima, however, maintained the provision barring former KGB officers and Soviet collaborators from standing in elections. It also let stand provisions preventing noncitizen from voting in local elections. At the end of the year, the legal affairs committee was preparing a final draft of the ban provision language for submission to the full Saeima for a final vote.

In June 1996 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.

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 constitute 56 percent of a total population of 2.5 million, and 78 percent of citizens. Ethnic Latvians do not constitute a majority in seven of the eight largest cities. Citizens of other ethnic origins number approximately 400,000, of which almost 300,000 are Russian. There are about 687,000 noncitizens, of which an estimated 65 percent are Russian, 12 percent are Belorussian, 9 percent are Ukrainian; there are smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians. After independence the status of approximately 670,000 people changed from citizens of the Soviet Union to noncitizen residents in Latvia. 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. In the estimation of the NHRO, the OSCE and various NGO's the Board has to date sought to apply the law fairly. However, the pace of naturalization remains slow. According to statistics provided by the Naturalization Board, the number of people who sought to be naturalized in recent years was: in 1995: eligible 60,000, applied 2,856; in 1996: eligible 33,000, applied 2,572; in 1997: eligible 31,000; applied 2,686. The reasons for this relatively small number may include potential applicants' lack of confidence that they could meet language requirements, 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. President Ulmanis has continued repeatedly and publicly to voice his concern about the slow pace of naturalization. He has suggested that the naturalization "windows" system (which permits successive age groups the right to apply for naturalization in a consecutive sequence and in a designated order) be reconsidered. It was also at his instigation that in December the Government passed regulations lowering the naturalization fee according to the economic circumstances of the applicant. Under the new fee schedule, pensioners and certain categories of students and the handicapped will pay about \$26 (15 lats) rather than about \$52 (30 lats). Other categories of persons--victims of political repression, the severely disabled, orphans, and the indigent--are exempt from payment.

In March the Organization for Security and Cooperation in Europe (OSCE) High Commissioner for Minorities Max van der Stoep suggested easing the language and history sections of the naturalization test, and recommended that Latvia naturalize those children born in Latvia to resident aliens after Latvia's reestablishment of independence.

Since its passage, there have been various attempts to amend the citizenship law. An amendment in 1995 granted automatic citizenship (as opposed to requiring naturalization) to ethnic Latvians returning to the

country, as well as to persons who successfully complete their secondary education in a Latvian-language school. These amendments allowed several people to register as citizens. However, efforts by human rights groups and Saeima members to accord automatic citizenship to children born in Latvia since independence to non-Latvian permanent residents have so far been unsuccessful. In addition, a proposal to grant citizenship automatically to ethnic Poles who are permanent residents was also rejected.

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 citizenship law in a fair and impartial manner, as well as seek ways to expedite naturalization and promote social integration. 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. Until recently, the CID, which has administrative responsibility for registering noncitizens, had a negative reputation among noncitizen residents for denying applications for permanent status and for being slow in complying with court rulings on issues within its sphere of responsibility. While problems remain, independent observers, including those within the National Human Rights Office (NHRO), noted improvements in the CID's performance throughout the year.

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 were women. Two members of the Cabinet of Ministers are women: the Minister of Culture and the State Minister for Revenue. Only one Saeima committee--Social and Labor Affairs Relations--is chaired by a woman.

#### **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. In June, it ratified the 1950 European Human Rights Convention. 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.

The National Human Rights Office's (NHRO) status as an independent institution with a mandate to promote human rights is respected, and its influence and visibility continue to grow. 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. In July the Government appointed

Olafs Bruvers, a highly respected politician and Saeima member, to a 4-year term as the permanent director of the National Human Rights Office (NHRO). He is subject to dismissal only under limited circumstances. It also provided basic financial support for the organization, which also receives grants from the United Nations Development Program (UNDP) and other international institutions.

### **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 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.

Women possess the same legal rights as men. The Labor Code prohibits women from performing "hard jobs or jobs having unhealthy conditions," that 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. Cultural factors tend to discourage women from coming forth publicly with complaints of abuse. 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, truancy is widespread.

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 has long provided for the establishment of special institutions for the rehabilitation and vocational training of juvenile offenders, the Government has made only sporadic efforts to reduce the number of juveniles who have committed relatively minor offenses, but are housed in regular prison facilities.

### 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, some larger cities, including Riga and Ventspils, have 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. In July the police defused a large bomb planted near the Jewish hospital in Riga, although it is not clear whether the bomb was targeted against the hospital or an adjoining building.

### 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.). However, Latvia has maintained the Soviet-era practice of requiring the holder's ethnicity to be printed in his passport. Groups such as Roma and Belarussians have complained that, because the passport is a basic form of identification in Latvia, the requirement has opened them to various forms of discrimination based on ethnicity.

Various laws prohibit employment of noncitizens in certain categories. 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 1996, 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. In 1997 the restriction on noncitizens working as firefighters and airline personnel was removed, but the others

remain in force. 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 allege 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 unemployment compensation and social security benefits, even when such people pay social security taxes. There is evidence to suggest that the problem is particularly acute in local government administrations outside Riga.

As of the end of December, the Saeima Education and Science Committee was still considering the draft of a more restrictive language law, which passed a preliminary vote in the Saeima in October. In its original form, the law would require, among other things, cultural societies, religious organizations, and minority schools to carry out their activities entirely in Latvian. In addition, public gatherings and even private business meetings would have to be conducted in Latvian. However, faced with strong protests from critics in institutions ranging from the Ministry of Foreign Affairs and the NHRO to factions in the Saeima itself, and from foreign missions and embassies, the committee removed many of the most restrictive provisions. It retained, however, the requirement that private business meetings be held in Latvian. According to the committee chairman, the draft is to be submitted to the Saeima for a second vote early in 1998, after which it is to be returned to the committee for additional work before a final Saeima vote later in the year.

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 local Russian media and the Russian Government also voiced concern about acts of vandalism, including an attempt in June by an extreme right wing group called "Thundercross" to blow up the Soviet army victory monument in Riga. Two people died in the blast. In September police arrested several youths belonging to "Thundercross" in connection with the explosion. The Riga City Council voted funds to repair the memorial, but the damage to the structure may be irreparable.

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.

Throughout the year President Ulmanis spoke out forcefully in favor of the rights of ethnic minorities and of social integration, notably in his Independence Day address to the nation on November 18. On other occasions he also expressed his regret for Latvia's part in persecuting Jews during World War II and urged that such intolerance never again be permitted. The President's Council on Minorities and Nationalities continued to struggle to define a role for itself. During the summer, one of its members resigned to protest what he considered the Council's passivity. Independent observers say that individual Council members are well intentioned, but express disappointment that the Council has not played a more active, public part in addressing minority issues; it has made no recommendations since coming into being.

## **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.

Current law does not limit the right to strike. A few job actions, including a teachers "phone in" to protest low pay, occurred. 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, including among children, and it is not practiced. Inspectors from the Ministry of Welfare's Labor Department enforce this ban.

### **d. Status of Child Labor Practices and Minimum Age for Employment**

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. However, there is no evidence of forced or bonded labor involving children that is prohibited by law (see Section 6.c.).

e. Acceptable Conditions of Work

The Government raised the monthly minimum wage to about \$70 (38 lats), far below the amount that 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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