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## U.S. Department of State

### Latvia Country Report on Human Rights Practices for 1998

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#### LATVIA

Latvia is a parliamentary democracy, which regained its independence in 1991 after more than 50 years of occupation by the Soviet Union. 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 to a second 3-year term in June 1996. The October elections for the 100-seat Parliament (Saeima) and the national referendum for amending the Citizenship Law to meet European standards were free and fair. 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 and the Border Guards, who are subordinate to the Ministry of Interior; municipal police under local government control; the Counterintelligence Service and a protective service under the Ministry of Defense; and the National Guard, an element of the national armed forces, which also assists in police activities. Civilian authorities generally maintain effective control of the security forces. 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.

The Latvian economy is increasingly oriented toward the private sector. About 95 percent of agricultural land is farmed privately. The privatization of state monopolies is virtually complete. Three large enterprises--shipping, telecommunications and energy--have not been privatized yet, but are slated to be

as soon as 1999 with the possible exception of the energy monopoly. The currency remained stable and freely traded; unemployment was 8.6 percent, up from 7.3 percent in 1997; and annual inflation was 2.8 percent, down from 7.7 percent in 1997. Per capita gross domestic product (GDP) was approximately \$2,556, continuing 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 and mistreated detainees and inmates. There were reported incidents of soldiers beating civilians, including one instance in the town of Aluksne in which a civilian died of his injuries. In most instances, the Government took disciplinary measures against those responsible. For example, the soldiers involved in the beatings and their officers were demoted or reprimanded. Prison conditions remained poor. The inefficient judiciary did not always ensure the fair administration of justice. Earlier in the year, the former Citizenship and Immigration Department (CID), renamed the Citizenship and Migration Affairs Office, was reorganized in an effort to make it more streamlined and efficient. The National Human Rights Office (NHRO) and other human rights groups have noted its improved performance. Women are discriminated against in the workplace. Domestic violence, trafficking in women, and child prostitution and abuse, are significant problems.

In October the Saeima passed amendments to the country's 1992 Constitution, granting constitutional protections to human rights in Latvia that until then were protected by provisions in the interim Constitutional Law. In January the Government ratified the Council of Europe's Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and its First and Second Protocols. In November the Government opened a new refugee reception center at Mucinieki, on the outskirts of Riga. The NHRO continues to function independently and to achieve greater recognition from the public, although infighting among its leaders has harmed its public standing seriously.

## **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 killings.

In 1997 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 was still under way at year's end.

#### **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. In conjunction with the Soros Foundation and the NHRO, the Ministry of Interior continued its programs in educating police officers in human rights matters. Even so, there were credible reports that police and prison personnel beat and mistreated prison inmates as well as asylum seekers. In February mobile police in Viesite severely beat youths attending a rock concert. Also

in February, four municipal policemen were arrested in Riga for extorting bribes from businessmen. In March the Interior Ministry dismissed four members of a mobile police unit stationed in Jekabpils for using excessive force against civilians. In March police struck elderly demonstrators with rubber truncheons (see Section 2.b.). In late summer, detainees at the Special Immigration police facility in Riga staged a hunger strike to protest unsanitary conditions. On a few occasions, soldiers attacked civilians. The Government took disciplinary measures against those involved, including demoting, reprimanding, or dismissing military or police who committed these offenses. 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, although human rights groups noted some improvements during the year. 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. Most jails badly need renovation. Prison cells are often severely overcrowded and have inadequate ventilation and toilet facilities. Ministry of Interior personnel stated that prisoners accused of crimes spend an average of 1 year in prison before trial, but many have been there much longer. Human rights groups are alarmed by the increasing number of drug-resistant tuberculosis cases in Latvia's prisons, and the Government has launched a joint project with the Soros Open Society Institute to address the problem. The Government also has stated its intention to continue renovations as rapidly as its limited finances allow and has embarked on a program to upgrade the prison guard force by replacing the Army draftees who now perform such duties with full-time professional guards. In addition, the head of the prison administration system visited foreign correctional institutions in the summer to seek ways of improving prison facilities.

Detention facilities for asylum seekers improved dramatically with the opening of Mucinieki center in November. (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 suffered from disease and deprivation. Both boys and girls are subject to violence and possible sexual abuse. Education facilities are poor or nonexistent.

The Government permits human rights monitors to visit prisons.

#### 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 of 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; however, in 1997 a constitutional court was set up to fulfill these functions. The 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 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 reportedly is widespread. In 1997 the judges appointed to preside over the trial of the president of the collapsed Bank Baltija, Aleksander 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 December the courts determined that Lavent had recovered his health, and he was returned from house arrest to prison. The trial of Lavent and his alleged accomplices is scheduled to resume in January 1999.

Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. A major difficulty in enforcing court decisions is the lack of an effective bailiff or sheriff system. In April in a decision that caused a public outcry, Armands Stendzenicks, who had been extradited from Germany on charges of embezzlement, was released from prison on bail through the mishandling of prosecutors and the courts. Stendzenicks subsequently was reincarcerated for allegedly obstructing justice. In June the Prosecutor General successfully appealed the light sentence handed down to Mafia boss Ivan Haritonov and secured a sentence of 8 years' imprisonment.

Court decisions 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.

#### 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. The laws protecting privacy apply to citizens and noncitizens equally. There were no credible 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 Constitution 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. Newspapers in both Latvian and Russian publish 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 the Media, revised in October, contains a number of restrictive provisions regulating the content and language of broadcasts. No more than 25 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 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, including a reunion of the Latvian Legion (veterans of the German Army in World War II), commemorations of the Red Army victory in World War II, Russian-speaking minorities asking that Russian be made an official language and protesting delays in the issuance of alien resident passports, and Russian extremist groups. The Latvian Legion march resulted in the dismissal of the National Armed Forces commander for participating in the event contrary to government orders prohibiting Latvian officials from attending. However, on March 3, police attempts to break up an illegal demonstration by elderly Latvian and ethnic Russian pensioners in front of the City Council resulted in a mobile police officer striking a protester with a rubber truncheon. There were no injuries, but the incident received extensive media coverage in Russia and led to denunciations by the Russian Government. In January 1997 the Saeima passed legislation on public demonstrations 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 bars registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. More than 40 political parties are officially registered. Noncitizens are prohibited from forming political organizations.

#### c. Freedom of Religion

The Constitution 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 accords religious organizations 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 the Latvian Free Orthodox Church, the Church of Christ Scientist, and the Rock of Salvation Church. On October 12, the Ministry of Justice registered Jehovah's Witnesses as a legal religious organization, reversing a 1996 decision. 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.

In October Parliament adopted amendments to the Law on Education, 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, Jewish, 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 in private schools only. In 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 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 Government also extends protections to noncitizen residents who travel abroad.

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. Noncitizens can be granted amnesty. However, certain rights are denied to noncitizens. Although restrictions on holding jobs such as airline personnel and firefighters were lifted, noncitizens still are prohibited from working as private detectives, armed guards, or certified attorneys. Noncitizens may own land in urban areas without undue complications, but in rural areas only under complex procedures. The law also provides for the issuance of a new noncitizen travel document verifying these rights. In April 1997 the CID began issuing a new, more secure aliens' passport to noncitizens. The slow pace in issuing aliens passports led to public protests in March, after which the Government took steps to speed up the process. The CID was renamed the Citizenship and Migration Affairs Office and was reorganized in an effort to make it more streamlined and efficient. The NHRO and other human rights groups have noted its improved performance. The Government also completed the gradual phasing out of former Soviet external passports, which are no longer valid for travel to and from Latvia as of December 31.

At the end of 1997, a group of 33 aliens remained at Olaine awaiting final determination of their status. The Olaine detention center for asylum seekers had serious shortcomings and conditions were substandard. The group was relocated systematically to the modern refugee facility at Mucinieki, which began operations in November. By year's end only 10 persons of this group remained at Mucinieki.

The Government worked closely with the United Nations High Commissioner for Refugees (UNHCR), including on the construction of the new refugee center at Mucinieki. The Interior and Justice Ministries are responsible for 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. Decisions from the Citizens and Migration Affairs Office can be appealed to a new asylum appeals board in the Ministry of Justice. Training for personnel of these bodies is under way.

The issue of provision of first asylum did not arise.

Instances of alien smuggling, often central and south Asians seeking to transit Latvia, Western Europe, or the United States, did occur. During the first 6 months of 1998, immigration police arrested 227 illegal immigrants, 61 less than in the first 6 months of 1997. According to figures provided by the immigration police, 187 illegal immigrants departed voluntarily in 1998 and 346 were deported. 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.

### **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 in 1998. Candidates from 6 of the 21 participating parties, representing a broad political spectrum, won Saeima seats, and 72 percent of eligible voters participated. Concurrently, 68 percent of the electorate participated in a popular referendum on revising the country's Citizenship Law.

The election law prohibits persons who had remained active in the Communist Party or various other pro-Soviet organizations after January 13, 1991, or who worked for such institutions as the KGB from seeking elected office. It also let stand provisions preventing noncitizens from voting in local elections.

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. After independence the status of approximately 670,000 persons changed from citizens of the Soviet Union to noncitizen residents in Latvia. 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.

The Latvian Citizenship Law passed in 1998 includes a Latvian language and residence requirement for those seeking to naturalize, as well as restrictions on former Soviet intelligence and military personnel. The law requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to Latvia. At present, according to Naturalization Board figures, nearly 95 percent of applicants pass the citizenship tests on the first attempt.

In addition, the October referendum brought the Law into compliance with Organization of Security and Cooperation in Europe (OSCE) standards. Amendments significantly eased the naturalization requirements for children born to noncitizen parents since independence and abolished the "windows" system, which restricted eligibility for naturalization in designated age groups.

International observers, including the resident OSCE mission, credit the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the

law. In the estimation of the NHRO, the OSCE and various NGO's, the Board has sought to apply the law fairly. Throughout most of the year the pace of naturalization remained slow. According to statistics provided by the Naturalization Board, only 10,000 noncitizens, or roughly 7 percent of the 149,000 eligible to apply, had been naturalized by September. A major study of social integration, conducted by the Baltic Data House (an independent market and social research center), entitled "On the Road to a Civic Society," was published in March. It concluded that 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. However, since the referendum, the numbers of those seeking to naturalize increased significantly.

International experts, government officials, and domestic human rights monitors agreed that Latvia must continue to place high priority on 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. Working with the EU and the United Nations Development Program, the Government also has implemented a long-term nationwide Latvian language teaching program for adults and children in non-Latvian schools.

There are no ethnic restrictions on political participation. Nonethnic Latvians, including ethnic Russians and the first Roma deputy in the Saeima, serve in various elected bodies. Noncitizen residents (the majority of whom are ethnic Russians) may not vote in local or national elections.

Although women are still underrepresented in government and politics, 17 women won Saeima seats in the October elections (compared with only 8 in the previous elections). Four members of the Cabinet of Ministers (up from two in the last government) are women: the Ministers of Justice and of Culture and the State Ministers for Revenue and for the Environment. Two Saeima committees--the Audit Committee and the Credentials Committee--are chaired by women, compared with one previously.

#### **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. The Government continued to implement its national program for the protection and promotion of human rights, which was adopted in 1995 based upon the recommendations of key international organizations. A resident OSCE mission continued to operate with a mandate to "address citizenship issues and other related matters."

The National Human Rights Office remained an independent institution with a mandate to promote human rights, provide information on human rights, inquire into individual complaints, and initiate its own investigation into alleged violations. However, its reputation has been tarnished badly by infighting between its permanent director Olafs Bruvers and members of his staff; by charges from international institutions, including its primary funder, the United Nations Development Program, that the Office has become inefficient and politicized; and by calls from international critics and Latvian policymakers, including the Prime Minister and Foreign Minister, that Bruvers step down.

More encouraging was the fact that in May the Latvian Human Rights and Ethnic Studies Center received a \$20,000 award in recognition of its contributions in the human rights field. The European Integration Council approved a program aimed at fostering Latvia's integration into the European Union, which identified expanded language training, speeding up naturalization, and improving the work of the Naturalization Board as priority tasks.

### **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 October the Saeima passed amendments to the Constitution, granting constitutional protections to fundamental human rights in Latvia. The amendments supersede provisions of the 1991 Constitutional Law, which had served in the interim, and contain constitutional provisions for the exercise of the freedoms of speech, religion, association, the press, and other basic liberties. The amendments also provide protections from discrimination regardless of race, sex, religion, language, or disability. Only citizens can vote or hold government office. Noncitizens can own land only under complicated procedures.

#### **Women**

Despite legal protections, international observers and human rights groups are growing increasingly concerned about problems facing women in Latvian society. Although no overall statistics are available, sources indicate that domestic violence against women, often connected with alcohol abuse, is a significant and underreported problem. There is also evidence to suggest that sexual harassment in the workplace is widespread. Women who are victims of abuse often seem to be uninformed about their rights and reluctant to seek redress through the justice system. Human rights groups assert that the legal system, including the courts, tends to downplay the seriousness of domestic violence and that the police are sometimes reluctant to make arrests in such cases. The NHRO continued to work with the Interior Ministry to assist victims of domestic abuse and to sensitize law enforcement personnel to this problem. In August in conjunction with Nordic and Latvian organizations, it sponsored an international conference called "Women and Men in Dialogue" that, among other issues concerning gender equity, discussed violence in the home and the workplace.

There are no shelters designed specifically for battered or abused women. There is one shelter in Riga where homeless women with children may reside for up to 2 months. Nor are there any specific rape or assault hot lines. However, NGO's report that there is a universal "crisis hot line," which victims of domestic violence sometimes call. (However, most callers are apparently alcoholics or persons expressing suicidal wishes.)

Police do not compile figures for domestic violence as a distinct category. Instead, episodes are placed under more general categories such as assault or battery. However, police figures on rape show a decrease in rape cases over the past 3 years. During the year, 83 cases were reported and 68 were solved. These figures contrast with 1996 when there were 130 reported rapes, and 93 cases solved.

Both adult and child prostitution are widespread, often linked to organized crime, and abetted by economic problems in the society. Although there is no official estimate of the number of prostitutes, unofficial figures suggest that 10,000 to 15,000 persons work as prostitutes. Of these, an estimated 12 to 15 percent are considered juveniles (i.e., between the ages of 8 and 18. Although in theory children are protected by the Constitution and the Law on the Rights of the Child, these rights only are enforced sporadically in the case of child prostitutes. The NHRO reports that adult prostitutes have no legal protections. Engaging in prostitution is technically against the law; however, generally neither the prostitutes nor their clients are prosecuted. There are no state institutions to assist prostitutes. However,

the private Latvian Center for Gender Problems provides medical help and social support for prostitutes.

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. According to the Central Statistic Bureau, the number of women in the lower income brackets exceeds that of men by 75 percent, while men outnumber women 2 to 1 in upper income levels. 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. In December the Cabinet of Ministers tasked the Ministry of Welfare with coordinating government programs on gender equality issues and promised additional funding in this area.

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

In June the Government adopted the Law on the Rights of the Child. The Government is currently discussing and securing funding for a state plan on improving the status and condition of children. Part Two of the Constitution, which the Saeima passed in October, contains provisions protecting the rights of children.

Evidence suggests that abandonment and child abuse, including sexual abuse, are relatively widespread, as is child prostitution. Schooling is mandatory and free through the ninth grade, i.e., between the ages of 7 and 16. Despite the existence of laws on mandatory education, truancy is widespread and growing. 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.

The Law on the Rights of the Child and the constitutional provisions on children are based on Western European models and provide various protections, including health care and legal protections against physical abuse. However, resources are not adequate to enforce observance of these provisions.

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 are housed in adult prison facilities, but who have committed relatively minor offenses.

### People With Disabilities

Part Two of the Constitution protects the disabled against discrimination; the Law on the Medical and Social Problems of Disabled, which has been in effect since 1992, assures their right of access to public facilities, etc. Provisions in the Labor Law and other laws protect the disabled from bias in the workplace and from job discrimination. In June the Cabinet of Ministers adopted a framework document entitled "Equal Opportunity for Everyone." The document is designed to coordinate the efforts of all branches of government in assisting the disabled. The Government supports special schools for disabled persons. It does not uniformly 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 April another bomb exploded at the synagogue, causing considerable property damage. President Ulmanis, the Prime Minister, and others condemned the bombing and enlisted the assistance of foreign experts in launching an investigation. The Government also fired the State Police chief and other ranking police and Ministry of Interior officers for failing to protect the synagogue. In June two youths were arrested for painting anti-Semitic slogans on a wall opposite the synagogue. The Government has not yet decided on actions or legal proceedings against the youths. There also were incidents in Liepaja and other places in which Jewish monuments were defaced. Police have not yet determined the culprits.

In 1998 a politician belonging to Latvia's largest nationalist party, For Fatherland and Freedom, republished a Nazi era, anti-Semitic book, "The Horrible Year." (The book also appeared for sale in the party's bookstores in Riga, although party leaders claim that they had not authorized its sale there.) The Government criticized the contents of the book and its reissuance, and called on the State Prosecutor's office to investigate whether the book's publication violated the law.

President Ulmanis consulted with members of the Jewish Survivors of Latvia organization and well-known Latvian historians on establishing a special historical commission to evaluate the Holocaust and other events of 20<sup>th</sup> century Latvian history. The University of Latvia established a Judaic studies center in the summer. The mayor of Riga commemorated the deeds of Zanis Lipke, a Latvian blue-collar worker who saved the lives of more than 50 Jews during the occupation of Riga, by renaming a street in the former ghetto in his honor. After prolonged negotiations, the German Government in August agreed to provide \$1.2 million (2 million Deutschmarks) to create a medical center for the victims of the Nazi occupation.

### National/Racial/Ethnic Minorities

Of Latvia's more than 2.5 million inhabitants, there are approximately 1.1 million persons of non-Latvian ethnicity, including more than 765,000 ethnic Russians, 100,000 ethnic Belarusians, almost 70,000 ethnic Ukrainians, and more than 60,000 ethnic Poles. More than 70 percent of Latvia's inhabitants are citizens, including nearly 400,000 persons who belong to national or ethnic minorities. There are approximately 687,000 noncitizens, of which an estimated 65 percent are Russian; 12 percent, Belarusian; 9 percent, Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians. Because of certain lingering anachronisms in the law, persons belonging to national and ethnic minorities who are not citizens occasionally may encounter difficulties in participating fully in civic life.

The law provides for the basic human rights of noncitizens. It 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. The law also provides for issuance of new travel documents reflecting these rights. 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. Latvia's housing patterns are now based on private, rather than communal, ownership of property; no new cases involving this provision of the law were reported during the year. 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

Belarusians 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.

In May the Cabinet of Ministers amended the regulations that distinguished between citizens and noncitizens in calculating social benefits. Various laws still prohibit employment of noncitizens in certain categories. These include restrictions on noncitizen employment as armed guards, private detectives, and certified attorneys. The NHRO found most of these practices 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 May the Cabinet rescinded regulations that required Latvian language competence for a person to be registered and receive unemployment compensation and social security benefits. There is evidence to suggest that the problem is not completely resolved in local government administrations outside Riga. Restrictive provisions that were under consideration by the Saeima Education and Science Committee were voted down, leaving in place the existing language law, which does not require the use of Latvian in public gatherings, business meetings, schools, etc. OSCE experts have worked closely with the Saeima on revisions to the Language Law that would bring it up to international standards. The debate on the issue is likely to occur in 1999.

Some ethnic Russians also have complained of discrimination resulting from the property laws, which allow individual noncitizens to own land only under complicated procedures. Moreover, noncitizens were given fewer privatization certificates (which can be used to purchase shares of stock and to privatize apartments and land) than were 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 against Soviet army war memorials and cemeteries. In April a bomb exploded in a park across from the Russian Embassy, damaging a number of Embassy vehicles, but causing no injuries. Government officials condemned the act and launched an investigation, which is still ongoing. In March the Prosecutor General's office launched an investigation into anti-Russian statements published in the newspaper of the nationalist For Fatherland and Freedom party as possible violations of the country's national and racial equality policies. The investigation was still underway by year's end. In addition, in July the police arrested Vilis Linins, the chief ideologue of the ultranationalist "Thundercross" organization, which is suspected of terrorist attacks against Soviet memorials and other targets. Linins was charged with sabotage and illegal possession of explosives and is awaiting trial. The two persons killed in the blast were the bombers themselves. Work on the damaged Soviet army victory monument in Riga (which is under around-the-clock police guard) is continuing.

For the time being, 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. However, under the revised Education Law, the Government is to phase out its support for non-Latvian language elementary schools by 2004. 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.

Throughout the year, President Ulmanis spoke out forcefully in favor of the rights of ethnic minorities and of social integration, notably in the run-up to the October 3 referendum on citizenship. On other occasions, he also has 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, which met irregularly during 1998, failed to live up to its promise of promoting dialog between the Government and minority communities. The Cabinet of Ministers also created an Integration Council, composed of representatives of Latvia's various ethnic groups, to devise an action plan for social integration. The Council's framework, outlining the plan, is nearing completion and will be presented for public discussion in 1999.

## **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. No significant job actions or strikes occurred in 1998. The remaining state-owned enterprises (shipping, energy and telecommunications) have not faced strikes, wage payment arrears, or any major labor problems in recent years. Almost all other businesses are now privately owned. The law bans dismissal of employees who have invoked the right to strike. There have been no reported cases of such dismissals. 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. However, some emerging private sector businesses 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 children between the ages of 13 to 15 years may work in certain jobs after school hours. The law restricts employment of those under the age of 18; for example, by banning night shift or overtime work. Children are required to attend school for 9 years, between the ages of 7 and 16. Schooling is free. 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, which is prohibited by law (see Section 6.c.).

e. Acceptable Conditions of Work

The Government raised the monthly minimum wage to about \$70 (42 Lats), far below the amount that trade union officials describe as the bare minimum for survival. The Government has decided to raise the minimum to \$85 (50 Lats) in 1999. 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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