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2009 Human Rights Report: Latvia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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The Republic of Latvia, with a population of approximately 2.2 million, is a parliamentary, multiparty democracy. Legislative authority is vested in the unicameral Saeima (parliament). Elections in 2006 for the 100-seat parliament were considered free and fair. Civilian authorities generally maintained effective control of the security forces.

Human rights problems included: serious police abuse of detainees and arrestees; poor conditions at police detention facilities; poor conditions and overcrowding in prisons; judicial corruption; violence against women; child abuse; trafficking in persons; and abusive behavior targeting ethnic and racial minorities that involved hate speech on the Internet.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings.

In previous years individuals were alleged to have died in custody because of mistreatment by security forces. For example, in 2007 two police officers were dismissed from duty for their alleged involvement in the killing of a businessman in a detention cell of the Sigulda police station. Their trial on charges of exceeding authority, failure of duty, and intentionally causing serious bodily harm was pending 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 and law prohibit such practices; however, there were reports that government officials employed them.

Independent local and international organizations continued to voice concerns about police behavior, and there were reports that police severely abused persons in custody. The ombudsman's office stated it received eight complaints regarding mistreatment by police and five about mistreatment by prison officials. According to internal police statistics, there were 169 complaints of police violence in the first eight months of the year, compared with 289 during same period

in 2008. Of these complaints five resulted in criminal investigations. Authorities dismissed the remaining complaints without an investigation, transferred them to other government agencies, or were considering whether to open an official investigation.

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There were no developments during the year in the investigation of the alleged mistreatment in 2007 of former security officer Edgars Gulbis. He was released in July pending trial for involvement in a car bomb attack against a senior antimuggling officer. In 2007 Gulbis was arrested, released, and then rearrested for the attack. Following his rearrest and while in police custody, Gulbis either fell, jumped, or was pushed off a bridge into a river. According to the ombudsman's office, a police internal investigation of the incident failed to provide an adequate explanation of the incident due to shortcomings in investigation procedures.

Prison and Detention Center Conditions

Conditions in prisons and detention centers remained poor and overcrowded and did not meet international standards. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

There were four deaths in custody during the first eight months of the year, compared with 10 deaths during the same time in 2008. Authorities stated that two deaths were suicides and opened investigations into the other two.

During the year the Prison Administration completed its investigation into the September 2008 death of Sergey Danilin. He was found dead in his cell in Daugavpils prison, having reportedly asphyxiated on his vomit. Prison administrators indicated that guards may have pushed Danilin as he was being transported, and a prison chaplain stated that Danilin's death may have resulted from a severe beating by a prison guard. The Prison Administration found sufficient evidence to forward the case to the prosecutor's office, which continued to investigate the case at year's end.

The government reported that there were 7,061 persons held in prisons. Of these 392 were women, held in a separate women's prison. There were 141 juveniles in prisons. The majority was held at a separate juvenile facility, but some juveniles were held in designated juvenile areas at regular detention centers. The government has acknowledged that prison conditions are poor and has made some efforts to improve facilities, including closing one prison with the worst conditions and improving medical and recreation facilities. However, there were no major improvements during the year.

Human rights nongovernmental organizations (NGOs) continued to criticize prison conditions and suggested that budget cuts had reduced maintenance below acceptable standards. Prison administrators complained that, as a result of budget cuts, they could not provide for the safety and health of prisoners. Although expenditures for food for prisoners were reduced significantly, officials maintained that food still met nutritional requirements.

On December 15, the Council of Europe's Committee for the Prevention of Torture (CPT) released its report on a 2007 visit to the country. It noted the following: lack of attention to life-threatening health conditions of prisoners; credible allegations by prisoners of mistreatment, including excessive use of force by guards and violence among prisoners; insufficient food or access to outdoor exercise; and prison conditions that were unsanitary, lacked ventilation or natural light, and which "could in some cases be considered inhuman and degrading."

The Latvian Center on Human Rights (LCHR) also reported poor conditions at the Olaine detention center for illegal immigrants in Riga. In February the UN Assistant High Commissioner for Refugees visited the detention center but did not issue a report by year's end.

The ombudsman's office stated that it received 76 complaints during the first eight months of the year about poor conditions in detention facilities, compared with 42 complaints during the same period in 2008. The complaints primarily

concerned inadequate light, heat, or ventilation in cells; the condition of sanitary facilities; and insufficient exercise areas. Of the 76 complaints, 26 were accepted for further investigation. The state police received five complaints about poor conditions in detention centers; all were dismissed after investigation.

The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups. In December a CPT delegation inspected detention centers in Daugavpils and Jekabpils.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The national police, security police, special immigration police, border guards, and other services are subordinate to the Interior Ministry (MOI). Municipal police are under local government control. The Military Counterintelligence Service and a protective service, as well as the National Guard, are subordinate to the Ministry of Defense. The national police and municipal police share responsibility for maintaining public order, but only the national police are responsible for carrying out criminal investigations. The security police are responsible for combating terrorism and other internal threats. The military service and National Guard are primarily responsible for external security.

The internal security office of the national police investigates and disciplines national police officers that commit crimes or abuses of power, including corruption. Citizens may also report police corruption to the Corruption Prevention and Combating Bureau (KNAB).

Allegations of corruption and bribery within law enforcement agencies continued to hurt the public's perception of police effectiveness.

In June following an extensive investigation, authorities indicted Vladimirs Vaskevics, the former head of the criminal investigative service of the customs service, for failure to comply with financial disclosure laws.

In August the KNAB began criminal proceedings against two state police inspectors accused of demanding a bribe from a suspect in exchange for not reporting a robbery.

Arrest Procedures and Treatment While in Detention

The law requires that persons be arrested openly and with warrants issued by an authorized judicial official, and the government generally respected this requirement in practice. The law provides a person in detention the right to a prompt judicial determination of the legality of the detention, and authorities generally respected this right in practice. Detainees were promptly informed of charges against them. The law requires the prosecutor's office to make a decision whether to charge or release an individual under arrest within 48 hours. There is a bail system; however, it was used infrequently and applied most often in cases of economic crimes.

Detainees have the right to have an attorney present at any time; however, authorities did not always respect this right in practice. Investigators conducted unscheduled interrogations of detainees without legal counsel. During the year the government did not respond to a 2008 report by the human rights ombudsman that noted so-called unscheduled "talks" with detainees.

The government provides an attorney for indigent defendants, and authorities permit detainees prompt access to family members. These rights are subject to judicial review but only at the time of trial.

The law limits pretrial detention to no more than 18 months from the first filing of the case for the most serious crimes and less for minor offenses. However, in practice long pretrial detention remained a problem despite some improvement.

During the year, as in 2008, the European Court on Human Rights issued a judgment that found one violation by the country of the right to liberty and security, as provided under Article 5 of the European Convention on Human Rights.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice; however, there were significant problems, including inefficiency and corruption.

The judicial system is composed of district (city) courts; regional courts, which hear appeals from district courts and can also serve as courts of first instance; a separate administrative court, which adjudicates administrative violations; the Supreme Court, which is the highest appeals court; and the seven-member Constitutional Court, which hears cases involving constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated.

On February 7, the Riga regional court sentenced two district court judges, Irena Polikarpova and Beatrise Talere, to eight years' imprisonment for bribery. Polikarpova and Talere appealed the sentence to the Supreme Court, which postponed hearing the case until 2010 at Talere's request.

Trial Procedures

The constitution and law provide for the right to a fair trial, and most judges enforced this right; however, the fairness of individual court decisions, of judges and of the judicial system in general remained a concern. During the first eight months of the year, the ombudsman's office reported 196 complaints about the fairness of trials and courts.

Defendants enjoy a presumption of innocence. Trials are generally public; however, some may be closed to protect government secrets or the interests of minors. A single trial judge hears most cases, although for more serious criminal cases, at the district and regional levels, two lay assessors join the professional judge on the bench. In some criminal cases, modified juries consisting of randomly selected members of the public participate in the tribunal in a limited way. Defendants have the right to be present at their trials. At closed trials, defendants are subject to criminal sanction if they reveal any details of the case outside the courtroom. Defendants have the right to consult with an attorney in a timely manner, at government expense if they are indigent. Defendants have the right to read charges and confront witnesses against them and may call witnesses and offer evidence to support their cases. Defendants and their attorneys have access to government-held evidence relevant to their cases and may appeal to the highest levels in the judicial system.

In February a new law on judicial transparency went into force, requiring information on court decisions to be published on the Internet.

On May 20, the Grand Chamber of the European Court of Human Rights heard the government's appeal of the July 2008 ECHR judgment that found the country had violated Article 7 (no punishment without law) of the European Convention on Human Rights by convicting Vassili Kononov of war crimes committed during World War II. Kononov was a member of a Red Partisans unit that attacked the village of Mazie Bati in the eastern part of the country in 1944, killing nine villagers, three of them women.

In its original judgment, the ECHR found, in a four to three decision, that Kononov could not reasonably have foreseen that his acts amounted to a war crime under the law of war applicable at the time and that there was no plausible legal basis in international law on which to convict him. The court held that the government should pay Kononov 30,000 euros (\$45,000)

for nonpecuniary damages within three months of the final decision. The Grand Chamber had not ruled on the appeal by year's end.

In June the special parliamentary commission formed in 2008 to investigate allegations of judicial corruption released its final report. It concluded that courts must be independent from outside authority or influence, and ongoing improvements to the legal system will take time to implement fully. The commission was established in response to the 2007 publication of the book *Litigation Kitchen* by journalist Lato Lapsa, which included transcripts of allegedly wiretapped telephone conversations between prominent figures in the judiciary between 1998 and 2000. The book's publication led to allegations of unethical and illegal behavior by some judges, including discussing cases outside of court and inappropriate influence on judges from politicians and businesses. Three judges resigned because of the allegations, but none were charged with crimes.

During the year an independent judicial ethics committee established by parliament in April 2008 continued to operate. Its principal objectives are to clarify and highlight judicial ethical standards and to comment on any violations of those standards.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. The government generally upheld the law concerning civil procedures, and civil court orders were generally enforced.

Property Restitution

Property restitution was substantially completed, although most religious groups--including the Lutheran, Orthodox Christian, and Jewish communities--continued to wait for the return of some properties. The status of these remaining properties was the subject of complicated legal and bureaucratic processes concerning ambiguous ownership, competing claims, and the destruction of the Jewish communities to whom properties belonged before World War II.

During the year the government and the Jewish community continued to consider a legislative solution to outstanding claims on communal property and heirless private property last owned by members of the Jewish community that could not be regained earlier under the denationalization laws, since there were no identifiable heirs to the property. As of year's end, a government task force established in September 2008 to study outstanding claims for the restitution of Jewish communal property had not released its findings. The Jewish community also sought compensation for heirless private property last owned by Jews before the Holocaust.

Members of the international Jewish community continued to complain that national and local authorities delayed or ignored claims by Jews regarding property restitution.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice.

In contrast with 2008, there were no reports of police detaining persons for publically suggesting that the country's banking system or currency were unstable. In 2008 police detained and questioned an economist for two days after a newspaper published his comments on the stability of the country's banks and currency. Police also detained a popular musician for questioning after he commented on bank stability during a concert. Under the law spreading false information about the financial system is a crime. Both individuals were released without charge.

Human rights groups criticized the government for attempting to enforce national spirit, including the April prosecution of one individual in Riga for "blasphemy against a state symbol" after he disposed of a hand-held Latvian flag in a dumpster. The case resulted in acquittal. The law imposes fines on property owners who fail to display the national flag on designated holidays.

The law criminalizes incitement to racial or ethnic hatred.

The country has one state owned television station, Latvian National Television (LTV), and one radio station, Latvian National Radio. Privately owned television and radio outlets also operated in the country.

Independent media were active and expressed a wide variety of views without government restriction. All prominent newspapers were privately owned. In July the largest-circulation newspaper, *Diena*, was sold to a foreign owner. Both employees and outside observers expressed concerns that the new owner would limit the editorial independence of the newspaper. Russian language print and electronic media were also prevalent and active. There was one government-owned newspaper, which primarily published official records of government actions and decisions. Other newspapers were widely believed to be associated with political or economic interests; complete information on media ownership was not publicly available

The law governing broadcast media contains a number of restrictive provisions regulating the content and language of broadcasts. Primary broadcast radio and television stations are required to use the state language (Latvian), and secondary broadcasters are allotted up to 20 percent of total broadcast time for non-Latvian language programming. Non-Latvian television broadcasts are required to have Latvian subtitles. However, these laws only apply to terrestrial broadcasts, as opposed to satellite or cable television. Extensive Russian-language programming was available on both traditional channels and cable networks.

In December a court postponed until February 2010 its hearing of the government's appeal of a 100,000 lat (\$200,000) civil award for invading the privacy of LTV journalist Ilze Jaunalksne. The case included a review of possible criminal conduct by financial police involved in the case.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 60 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and authorities may not prohibit public gatherings except in very limited cases related to public safety. Organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as to prevent public disorder.

Numerous demonstrations took place peacefully and without government interference during the year. However, some observers continued to criticize the law that requires 10-day advance notification of a planned protest and what they characterized as vague procedures for holding a protest without prior notice.

On January 13, an estimated 10,000 persons gathered in Dome Square in central Riga for a peaceful rally to protest the country's worsening economic situation and express dissatisfaction over government corruption and mismanagement. The rally turned violent after most protesters had left, and a crowd of several hundred persons threw stones at government buildings and smashed police vehicles and windows. Police used mace and truncheons to disperse them. According to the MOI, more than 30 persons were injured in the riot, including three police officers who were seriously wounded. Police detained approximately 120 protesters, many of whom were reportedly intoxicated.

In March Riga city officials denied a permit to a group seeking to commemorate the service of Latvian soldiers in German Waffen SS units during World War II. Opposition groups had planned counterdemonstrations, and the government cited security concerns in denying the permit. A scaled-back event occurred, along with counterdemonstrations. Several prominent counterdemonstrators were detained, a move criticized as unjustified by some observers.

In May Riga city officials revoked a permit for a Baltic gay pride parade two days before the event was to take place. Officials asserted that the parade posed a security risk; however, gay rights groups claimed political motives prompted the move. A court restored the permit, and the parade took place.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice; however, the law bars the registration of Communist, Nazi, or other organizations whose activities could contravene the constitution, for example, by advocating the overthrow of the government. Nevertheless, some nationalist organizations using neo-Nazi slogans and rhetoric operated openly.

Under the law members of the country's large noncitizen community are prohibited from joining and participating in any political party of 400 or more members in which less than half the members are citizens.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. However, bureaucratic problems persisted for some minority religious groups.

There is no state religion, however, the government distinguished between "traditional"--Lutheran, Catholic, Orthodox Christian, Old Believers, Baptist, Methodist, Adventist, and Jewish--and "new" religious groups. In practice this distinction resulted in increased bureaucratic regulations and requirements for new religious groups that were not applicable to traditional ones.

Traditional religious groups may teach their faith to public school students, conduct official marriages, provide religious services for the army, and have representation in the National Ecclesiastical Council, which provides advice on religious matters to the government.

Although the government does not require religious groups to register, the law accords religious organizations certain rights and privileges if they register, including tax benefits for donors, and separate legal status to own property or for other financial transactions. Registration also eases the rules for holding public gatherings. Any 20 citizens over 18 years of age may apply to register a religious group. Asylum seekers, foreign diplomats, and other persons residing in the country temporarily may not register a religious group.

Single congregations that do not belong to a registered religious organization must reregister each year for 10 years. Ten or more congregations of the same denomination and with permanent registration status may form a religious association. Only churches with religious association status may establish theological schools or monasteries.

According to Ministry of Justice (MOJ) officials, most registration applications were approved once proper documents were submitted. However, one request for registration from a Scientologist organization was denied during the year. The MOJ concluded that the practice of Scientology included elements of medicine and, therefore, it could not register as a religious organization.

The law does not permit simultaneous registration of more than one religious group (church) in a single denomination or of a church that admits its connection to a previously existing confession. Eight congregations appealed this limitation in 2008. During the year these cases were forwarded to the Constitutional Court for review and were awaiting trial at year's end.

The law stipulates that foreign missionaries may hold meetings and proselytize only if invited by domestic religious organizations to conduct such activities. Foreign religious denominations criticized this provision.

Societal Abuses and Discrimination

The Jewish community numbers approximately 10,000 and is largely secular and Russian-speaking. There were no reports of anti-Semitic attacks or vandalism during the year. However, anti-Semitic sentiments persisted in some segments of society, manifested on the Internet and in occasional public comments and resistance to laws and memorials designed to foster Holocaust remembrance.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.
d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. There were continued reports that authorities turned away persons attempting to enter the country at border checkpoints without establishing whether they may have been refugees or asylum seekers; the government disputed these claims.

By November 1, the government received 43 applications for asylum, compared with 51 during the first eight months of 2008. Five individuals were granted refugee status.

In practice the government provided some protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

In June a new law was passed on the treatment of asylum seekers in response to a 2007 LCHR report on detention facilities for illegal immigrants. The report noted, among other problems, the failure of authorities to provide information to migrants and asylum seekers concerning their rights and government procedures. The new law, which was being implemented at year's end, included provisions on detention procedures, appeals, and the rights of detainees. The government claimed that it provided written explanation of the reasons for the denial to all immigrants denied entry.

There were no developments in a police criminal investigation following a violent attack in 2007 by unidentified persons on two Somali refugees. The case remained under investigation at year's end.

The government also provided temporary protection ("alternative status") to individuals who might not qualify as refugees. During the first 10 months of the year, the government granted alternative status to two persons.

Stateless Persons

Citizenship is derived from one's parents (*jus sanguinis*). According to UNHCR data, there were 365,417 stateless persons at the end of 2008, which included 365,151 stateless persons who were considered resident noncitizens and 266 other stateless persons who did not have rights available to resident noncitizens. The government recognized as stateless only those individuals who did not have a claim to foreign citizenship and were not eligible to apply for naturalization in the country. The number of stateless persons reflected in the UNHCR total consisted primarily of individuals of Slavic origin who moved to the country during the Soviet occupation and their descendents. They were not given automatic citizenship when the country regained sovereignty in 1991. There are laws and procedures for granting citizenship to the noncitizen population.

The UNHCR noted that the country's laws grant a transitional legal status to permanently residing persons (noncitizens). This status entitles them to a set of rights and obligations beyond the minimum rights prescribed by the 1954 Convention relating to the Status of Stateless Persons and identical to those attached to the possession of nationality, with the exception of certain limited civil and political rights.

At year's end most of the remaining 365,000 noncitizens were legally eligible for citizenship but had not applied for it. Noncitizens most frequently stated their reason for not applying was the perceived "unfairness" of the requirements and resentment at having to apply for citizenship rather than having it automatically granted when the country's independence was restored in 1991. The citizenship exam included a Latvian language test and an examination on various aspects of the constitution and history of the country. Resident noncitizens have permanent residence status, consular protection abroad, and the right to return to the country.

Resident noncitizens have full rights to employment, except for some government jobs and private-sector positions deemed related to national security, and to most government social benefits; however, they cannot vote in local or national elections and cannot organize a political party without the participation of an equal number of citizens. Authorities reported that the number of naturalizations dropped significantly in 2007 after the EU granted noncitizen residents visa-free travel and work rights within the EU. The government claimed that Russia's decision in June 2008 to allow these individuals to visit Russia without a visa would similarly depress the rate of naturalization. During the year there were 3,470 applications

for naturalization, compared with 2,601 during 2008. During the year 2,080 persons were granted citizenship, compared with 3,004 during 2008.

In its 2008 report the European Commission against Racism and Intolerance noted that the naturalization process remained slow and there was an urgent need to solve the problems linked to the status of noncitizens, which made the persons concerned feel like second-class citizens. The government response, included as an appendix to the report, stated that it provides a path to citizenship for almost all noncitizen residents, but many noncitizens had chosen not to pursue citizenship for personal or ideological reasons. The government asserted that granting additional rights to noncitizens would only diminish the incentive to naturalize.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections based on universal suffrage.

Elections and Political Participation

Free and fair elections for parliament were held in 2006; parliament elected a new president in 2007.

Citizens can organize political parties without restriction; however, the law prohibits the country's approximately 365,000 noncitizen residents from organizing political parties without the participation of an equal number of citizens in the party. The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after 1991 or who worked for such institutions as the former Soviet Committee for State Security from holding office.

At year's end there were 22 women in the 100-member parliament, and two women in the 15-member Cabinet of Ministers. Two of seven judges at the Constitutional Court were women, 22 of 43 judges at the Supreme Court were women, and in lower courts, 328 of 428 judges were women.

Members of minorities, including ethnic Russians and Poles, served in various elected bodies. However, parliament no longer tracks the ethnicity of its members. On June 6, an ethnic Russian was elected mayor of Riga.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices. According to World Bank governance indicators for 2008, corruption was a problem.

There was a widespread perception that corruption existed at all levels of government. The Corruption Prevention and Combating Bureau (KNAB) is responsible for fighting corruption. During the first half of the year, the KNAB initiated 14 criminal cases, and other legal institutions initiated three criminal cases, against government officials, including members of the judiciary. The KNAB also forwarded 14 criminal cases involving 62 individuals to the prosecutor's office.

On February 2, two former KNAB officials were found guilty on charges related to theft from the bureau's vault. One official pleaded guilty to embezzlement and was sentenced to seven years in prison. The second was acquitted of embezzlement but sentenced to five years in prison for lack of proper oversight.

In May the KNAB requested that the prosecutor general bring charges against 31 persons, including 17 current and former government employees, for their involvement in a long-running corruption scheme at the Riga vehicle inspection station. Inspectors allegedly agreed to allow vehicles to pass inspections in exchange for payments.

In June the prosecutor general forwarded to the Jurmala Court a case against Jurmala's city prosecutor for extorting bribes from a criminal defendant in exchange for favorably resolving the case against the defendant.

In August the KNAB began criminal proceedings against two state police inspectors accused of demanding a bribe from a suspect in exchange for not reporting a robbery.

Several high-profile corruption cases from 2007 continued in court at year's end. The first involved Aivars Lembergs, the mayor of Ventspils, who was charged in Riga Regional Court with large-scale money laundering, bribery, abuse of office, and failure to declare property for tax purposes. Prosecutors also brought related charges against a Lembergs business associate and his son. In the second case, charges were filed against 20 persons, including Jurgis Liepnieks (former head of Prime Minister Kalvitis' office), for alleged participation in a fraudulent scheme to secure an agreement with a foreign company to introduce digital television.

The law requires public officials to file income declarations annually, and irregularities are investigated. The state auditor annually reviews all governmental agency financial records, both classified and unclassified, and documents irregularities. Reports are forwarded to the prime minister.

To combat corruption the KNAB arranged training and seminars for approximately 500 persons during the year on various aspects of conflict of interest and internal controls against corruption. In addition, the KNAB counseled 150 persons by telephone regarding potential conflicts of interest.

A Cabinet of Ministers' regulation provides a mechanism for public access to government information, and the government generally provided access to citizens in practice. There were no reports that noncitizens and the foreign press were denied access.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials met with domestic NGO monitors and responded to their inquiries; however, the government often lacked the political will or resources to act on NGO reports or recommendations.

Only a few domestic NGOs claimed to address the broad range of human rights problems. Among the most visible was the LCHR. Other NGOs dealt with specific issues. For example, Apeirons was concerned with persons with physical disabilities; Marta focused on protecting women's rights; Providus (the Center for Public Policy) and Delna (the national branch of Transparency International) worked to combat corruption; and Zelda focused on persons with mental disability. None of these organizations closely aligned with the government or political parties.

The government cooperated with international organizations and permitted visits by their representatives. During the year a few international organizations issued reports on the country or visited. In February the UN assistant high commissioner for refugees visited the Olaine detention center for illegal immigrants.

The parliament's Human Rights Committee was responsible for legislation and oversight concerning human rights issues. Human rights NGOs criticized the committee for its relative lack of activity.

Human rights groups also continued to voice concern over the limited response of the ombudsman's office to human rights problems. During the year employees of the office petitioned the president and prime minister to dismiss the ombudsman, claiming that he was ineffective and susceptible to outside pressure to overrule recommendations from office staff. The

ombudsman characterized the situation as an internal management dispute. Human rights NGOs and the parliament's Human Rights Committee expressed concern that the conflict was distracting the ombudsman's office from its work to protect human rights.

During the year the ombudsman's office faced severe budget reductions. In particular the office's budget for the year was reduced more than 30 percent compared with 2008. For 2010 parliament further reduced the ombudsman's budget by 38 percent of its budget for this year.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, language, disability, or social status; and the government generally enforced these prohibitions effectively.

Women

The law specifically criminalizes rape but does not recognize spousal rape, although authorities can prosecute spousal rape under other sections of the law. Criminal penalties vary depending on the nature of the crime, the age of the victim, and the criminal history of the offender. Such penalties range from probation to life imprisonment.

During the year there were 39 convictions on rape charges, compared with 44 convictions in 2008. A local NGO, the Skalbes Crisis Center, reported that rape laws were ineffective and that rapes were underreported due to a tendency by police to blame victims. Police reported that the number of criminal cases involving rape had remained stable in recent years, and few rapes were committed by strangers to the victims.

Violence against women is against the law; however, there are no laws that deal specifically with spousal abuse. Violence against women is prosecuted under general laws against intentional bodily harm. NGOs and police agreed that domestic violence was a significant problem; however, the law was not effectively enforced. Victims were often uninformed about their rights and were reluctant to seek redress through the justice system. Human rights groups asserted that the legal system, including the courts, did not always take domestic violence cases seriously. Police stated they could only make arrests if either the victim or a witness agreed to file charges or if police caught someone in the act of committing the abuse.

There were no shelters designed specifically for battered or abused women. Women who experienced violence could seek help in family crisis centers; however, these centers had limited capacity and gave priority to women with children. There were no dedicated rape or assault hotlines; however, NGOs managed approximately five general crisis hotlines. The NGO Marta Center operated Web sites that provided information and legal assistance for female victims of violence.

Prostitution is legal, although procurement is not. Prostitution was widespread and at times linked to organized crime. Riga continued to be a destination for sex tourism.

Sexual harassment is illegal; however, there was no record of complaints due in part to procedures to register incidents. The human rights ombudsman's office was the only designated location to file complaints. In addition, cultural factors tended to discourage women from filing sexual harassment complaints. Sexual harassment of women in the workplace reportedly was common. However, in the absence of complaints, the government was not able to enforce the law.

Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The law prohibits employment discrimination; however, in practice women frequently faced hiring and pay discrimination, particularly in the private sector.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on the right to access contraceptives. According to Papardes Zieds, a local NGO focused on maternal health and family planning, approximately 70 percent of the population used these measures. The government provided free childbirth services but lack of sufficient doctors meant most women used nurses or midwives during childbirth. Women also used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications.

According to statistics compiled by the World Health Organization in 2005, there were approximately 10 maternal deaths per 100,000 live births in the country. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but local health NGOs and clinics reported that women were more likely than men to seek treatment and refer their partners for treatment.

The law prohibits work and wage discrimination based on gender and requires employers to set equal pay for equal work; however, government regulatory agencies lacked the skills and resources to implement the law fully. According to the country's Central Statistics Bureau, in the first quarter of the year, the average female worker earned 16 percent less than the average male worker.

Children

Citizenship is derived from one's parents (*jus sanguinis*). However, children of noncitizen parents born in the country are registered immediately and are eligible to apply for citizenship. There were no reports of systematic or widespread failure to register births immediately.

A local NGO working with abused children, the Dardedze Center Against Violence, stated that the number of reported instances of child abuse, including sexual abuse, had increased in the past several years. The center attributed this increase largely to better reporting due to increased awareness of the problem. Laws against child abuse were enforced effectively, although the center observed that coordination among agencies involved in the protection of children's rights was weak. Children from families that were unable to care for them had access to government-funded boarding schools that provided adequate living conditions; however, these schools had lower educational standards than regular state schools.

Statutory rape and child pornography are illegal. The minimum age for consensual sex is 16 years. Statutory rape is punishable by four years imprisonment, or six years for particularly young victims. Purchase, display, reproduction, or distribution of child pornography is punishable by up to three years in prison. Involving a minor in the production of pornography is punishable by up to 12 years in prison, depending on the age of the child.

A special police unit in Riga worked to prevent sexual abuse of minors and eradicate sex tourism through aggressive prosecution of pedophiles and other child abusers. The unit also publicized the potential dangers posed to minors by Internet chat rooms, and worked closely with local social networking sites to identify potential Internet predator cases. In one recent high-profile case, the courts sentenced a British citizen to more than eight years imprisonment for having sex with eight underage boys between 2005 and 2008.

In July the UN special rapporteur on the sale of children, child prostitution, and child pornography released a report on a 2008 visit to the country. The report noted a low number of reported incidents, but expressed concern regarding an increase in pornography and child sex tourism--at times facilitated by the Internet and potentially exacerbated by the country's economic downturn. The report also noted the government's efforts to address the problem and recommended a holistic approach to the fundamental rights of children. In particular it encouraged the government to clarify legally that

children under age 18 cannot consent to exploitation , to avoid stigmatization or criminalization of child victims, and to provide adequate resources to protect children.

Trafficking in Persons

The law prohibits trafficking in persons. However, there were widespread reports that women were trafficked from the country for purposes of commercial sexual exploitation and forced labor; during the year there were no new reports that persons were trafficked to, through, or within the country.

In particular the country was a source for women destined for the commercial sex trade in Germany, the United Kingdom, Italy, Belgium, and Cyprus. At least one case of trafficking of men and women to the United Kingdom for agricultural work was still being prosecuted at year's end. During the year the Prosecutor General sought indictments in a case involving forced labor trafficking abroad facilitated by a local modeling agency.

The number of trafficking victims, including possible underage trafficking victims, was difficult to ascertain. While the number of trafficking instances reported to law enforcement officials remained low, neither the government nor any local NGO conducted a large-scale survey to establish the extent of the problem in the country. Relaxed travel regulations within the EU and the Schengen Area allowed traffickers to target nationals of the country more easily. The unemployment rate rose during the year, and tens of thousands of men and women departed the country in search of economic opportunities. Some might have become victims of labor traffickers. Those most at risk were unemployed or marginally employed women and girls with little education that were between 17 and 25 years old.

Police believed that most traffickers were small-scale criminal groups with well-established contacts in destination countries. Law enforcement agencies reported that, because of the country's strict law enforcement since 2006, trafficking organizers started sending trafficking victims to recruit their family and friends, rather than risking themselves by attempting to recruit directly.

Recruitment over the Internet and through marriage brokers was also common. The country's antitrafficking squad reported that traffickers usually avoided threats or force when recruiting their victims. Although trafficking victims often consented to being transported abroad, they were generally misled by recruiters with offers of marriage or employment opportunities.

The law provides for prison sentences of up to 15 years for trafficking. Most perpetrators continued to be prosecuted under a statute that prohibits persons being sent abroad or domestically for sexual exploitation. This law, like the antitrafficking statute, carries a prison sentence of up to 15 years. The legal definition of trafficking in persons includes internal trafficking and trafficking for labor exploitation.

During the year police carried out two investigations under the antitrafficking section of the law and 30 investigations of cases of sending persons abroad for sexual exploitation. Thirty-two traffickers, nine of them women, were detained during the investigative process. The Prosecutor's Office sought indictment in at least 10 trafficking cases.

During the year 15 traffickers, including five women, were convicted by the courts. Four were sentenced to prison terms ranging from three to 10 years.

Under a four-year program adopted in August, the MOI is the government's lead agency in combating human trafficking. It gathers information and coordinates the antitrafficking activities of other ministries, government agencies, and NGOs. The government systematically monitors antitrafficking efforts and generally focuses its efforts on prosecution, victim protection, and prevention. In particular the MOI worked with local NGOs and international organizations to develop and implement a new five-year antitrafficking program for 2009-13. The government also maintained an antitrafficking Internet

portal to educate the public and provide informational resources to specialists, such as law enforcement staff, educators, and social workers. Trafficking victims and witnesses can also use the portal to report instances of trafficking.

There were several facilities in the country that cared for domestic and foreign victims of trafficking. However, the Shelter Association Safe Home (SASH) was the only provider of state-funded assistance to trafficking victims. During the year the government allocated approximately 40,000 lats (approximately \$78,000) to assist and shelter trafficking victims in 2009-10. In the first eight months of the year, SASH identified and provided services to 17 trafficking victims, including trafficking victims who were identified in previous years.

Law enforcement agencies in cooperation with NGO partners and local mass media participated in trafficking prevention campaigns to raise public awareness about brokered marriages as a form of human trafficking. Trafficking prevention was also part of the curricula at the primary and secondary schools and some institutions of higher education.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care and other state services, and the government generally enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible.

National/Racial/Ethnic Minorities

Attacks against racial minorities continued to be a problem, although fewer cases were reported than in previous years. However, NGOs representing minority groups claimed that official statistics underreported the actual number of incidents, including physical assaults.

In February unknown persons attacked two Armenians with apparent racial intent in Riga. Police classified the incident as "hooliganism" rather than a racially motivated attack.

During the first eight months of the year, police registered six complaints of abusive behavior targeting ethnic or racial minorities, the same number as during the same period in 2008. All the complaints involved hate speech on the Internet. During the first eight months of the year, the ombudsman's office received 85 written complaints of discrimination, compared with 31 in 2008.

In February the Riga Regional Court convicted four young men of a racially motivated crime in the beating of two Romani girls in 2007. The attackers were ordered to pay 20,000 lats (\$40,000) to the victims and given suspended sentences and probation.

The Romani community faced widespread societal discrimination as well as high levels of unemployment and illiteracy. In 2007 the government began implementing a national action plan to address problems affecting the country's estimated 8,000 Roma with respect to employment, education, and human rights. However, the plan was criticized for lacking adequate funding to substantially improve conditions for Roma. In 2008 28 members of the Romani community were trained as teacher's assistants to improve access and participation in the educational system. During the 2009-10 school year, eight of these assistants were working in schools.

In 2008 the government eliminated the position of special assignment minister for integration and transferred responsibility for some of the functions formerly conducted by the secretariat to the Ministry for Child and Family Affairs. However, the

Ministry for Child and Family Affairs was eliminated during the year and responsibility for some integration issues was transferred to the MOJ. The staff dedicated to integration issues was significantly smaller than in previous years.

In its August 2008 annual report, the European Agency for Fundamental Rights criticized the country's "limited" capacity to collect data on incidents of racial crime or discrimination.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no official reports of societal violence or discrimination based on sexual orientation or gender identity; however, leaders of lesbian, gay, bisexual and transgender (LGBT) organizations complained of widespread intolerance and underreporting of physical attacks.

Mozaika was the most prominent LGBT organization in the country. It worked on legal issues surrounding LGBT rights and organized the annual gay pride march.

On May 16, after first revoking a previously approved permit on security grounds, the city of Riga respected a court order to grant a permit and allowed a Baltic gay pride march to take place in the city center under heavy police protection. An estimated 300 persons took part in the parade. Approximately 500 demonstrators behind police barricades jeered the marchers and carried signs accusing LGBT persons of being linked to AIDS and pedophilia. In contrast to previous years, there were no physical attacks but only minor violations of public order.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The law entitles workers, except for the uniformed military, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 15 percent of the workforce was unionized during the year.

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law recognizes the right to strike, subject to limitations that include obligatory, prolonged prestrike procedures and the prohibition of some types of solidarity strikes and political strikes. While most workers were free to exercise the right to strike within these parameters, labor regulations prohibit judges, prosecutors, police, fire fighters, border guards, employees of state security institutions, prison guards, and military personnel from striking. The law identifies arbitration mechanisms that unions and members of professions that are forbidden from striking may use in lieu of striking.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and workers exercised this right in practice. Approximately 18 percent of workers were covered by collective bargaining agreements.

The law also prohibits antiunion discrimination and employer interference in union functions, and the government effectively protected this right throughout the year.

There are four export processing zones; regular labor laws applied in all of them.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. However, women were trafficked from the country for commercial sexual exploitation and forced labor.

Trafficking cases for forced labor are addressed by Section 154-1 of the criminal law, which criminalizes all forms of trafficking and provides a penalty of up to 15 years in prison for traffickers.

d. Prohibition of Child Labor and Minimum Age for Employment

The law and policies protect children from exploitation in the workplace, including policies regarding acceptable working conditions, and the government generally implemented these laws and policies in practice. During the year there were no reports of new trafficking cases involving minors. In previous years there were reports of some incidents involving trafficking of 16- and 17-year-old girls for prostitution.

The law restricts employment of those under the age of 18 years by prohibiting nighttime- or overtime work. The statutory minimum age for employment is 15 years, although children who are 13 years old or older may work in certain jobs outside school hours with written permission from a parent.

Inspectors from the Ministry of Welfare's State Labor Inspectorate are responsible for enforcing the child labor laws, and they did so effectively.

e. Acceptable Conditions of Work

The legally mandated monthly minimum wage of 160 lats (approximately \$317) did not provide a decent standard of living for a worker and family. The average monthly wage was approximately 180 lats (approximately \$360). The Ministry of Welfare was responsible for establishing the minimum wage annually, based on consultations with employers' associations and labor unions. The State Revenue Service is responsible for enforcing minimum wage regulations and did so effectively.

The law provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly. The maximum permitted overtime is 144 hours in a four-month period. Excessive compulsory overtime is forbidden. The law requires premium pay in compensation for overtime, unless other forms of compensation are agreed in a contract. By law an employee working overtime receives premium pay that is at least equal to the regular pay rate. These standards were generally respected for both citizens and noncitizen workers.

The law establishes minimum occupational health and safety standards for the workplace, which were effectively enforced. Workers have the legal right to remove themselves from situations that endangered health or safety without endangering their continued employment; however, authorities did not enforce this right.