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2010 Human Rights Report: Latvia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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The Republic of Latvia, with a population of approximately 2.2 million, is a multiparty parliamentary democracy. Legislative authority is vested in the unicameral Saeima (parliament). Elections on October 2 for the 100-seat parliament were free and fair. Security forces reported to civilian authorities.

Human rights problems included police abuse of detainees and arrestees; poor conditions at police detention facilities; poor conditions and overcrowding in prisons; lack of detainees' access to attorneys; government corruption; violence against women; child abuse; trafficking in persons; and hate speech against ethnic and racial minorities 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

There were no reports that the government or its agents committed arbitrary or unlawful killings. Security forces in one instance killed a criminal suspect in a shootout. On January 2, National Police officers shot and killed a man with a gun who was threatening to kill the officers and other persons in an apartment near Jelgava. After a routine investigation, the Internal Security Bureau of the National Police determined the officers acted reasonably.

On April 16, prominent journalist and local politician Grigorijs Nemcovs was shot and killed at a restaurant in Daugavpils. According to Reporters without Borders, a nongovernment organization (NGO), Nemcovs' killing appeared to be professional. Nemcovs was known for his investigative work on municipal government corruption and had previously been the subject of death threats and violence. At the end of the year, Nemcovs' killing remained unsolved.

There were no developments in the investigation by the prosecutor's office of the death of Sergejs Danilins in 2008, possibly due to a severe beating by a prison guard. In 2009 the Latvian Prison Administration (LPA) found sufficient

evidence of wrongdoing by prison guards to refer the case to the prosecutor's office. The guards were found guilty in August 2009 and were fined and suspended for one year.

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 organizations continued to express concerns about police behavior, and there were reports that police severely abused persons in custody. During the year the Internal Security Bureau of the State Police received 141 complaints of alleged police violence. Of these reports, 94 cases were not substantiated, 18 criminal procedures were initiated, and 29 were still under review at the end of the year.

As of December the ombudsman's office received four complaints regarding mistreatment by police and five about mistreatment by prison officials. Some of these involved allegations against guards at the male juvenile detention facility. The ombudsman's office reported that, after it raised the issue with the LPA, a number of corrections officers were terminated, including a supervisor who failed to investigate initial reports adequately.

In December the European Court of Human Rights (ECHR) dismissed the case of Edgars Gulbis, a former Presidential Security Service officer whom police allegedly tortured while in custody in 2007. In June 2009, after an internal investigation and an opinion from the ombudsman's office failed to produce suitable redress in his view, Gulbis filed a complaint with the ECHR. The court did not receive required information from Gulbis' representatives and dismissed the case on that basis.

Prison and Detention Center Conditions

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

During the year prison authorities opened five investigations into cases of the violent deaths of prison inmates. In three of these cases, investigators found that the victims committed suicide. Investigations in the other two cases continued at year's end.

The ombudsman's office, NGOs, and prisoners continued to complain that prison facilities were seriously inadequate. These complaints echoed many of the conclusions of the 2007 report of the Council of Europe's Committee for the Prevention of Torture (CPT) based on a visit in the same year. The CPT found that in prisons for men, 20 prisoners were typically held together in dormitory-style rooms. Complaints included inadequate privacy in living spaces and bathrooms, severely dilapidated physical plants, lack of heat, inadequate sanitary facilities, lack of hot water, inadequate places to sit, inadequate work and educational opportunities, and inadequate access to open space and fresh air.

As of December, the ombudsman's office received 50 complaints about poor conditions in detention facilities, compared with 50 complaints in 2009. The State Police received seven complaints about poor conditions in detention centers.

In July the ombudsman's office found that prisoners throughout the system did not have adequate access to healthcare services. The report specifically criticized the government's 2009 decision to reduce healthcare in prisons. In November the new minister of justice announced publicly that improvement of prison conditions would be a priority for his ministry.

In 2008 a group of maximum-security prisoners brought a claim in the Constitutional Court alleging inadequate outdoor exercise time. The LPA asserted that it was not possible to give the group outdoor time for security reasons. The Constitutional Court agreed with the prisoners and ordered the government to make changes to prison facilities necessary to allow the prisoners outdoor time by January 2011. The LPA made the required changes and complied with the order by the end of the year.

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In 2009 a group of prisoners filed a complaint with the Constitutional Court, alleging that a LPA decision to cut prisoners' food rations violated their rights. The Constitutional Court agreed and ordered the prison administration to increase rations. The prison administration complied with the order in June.

As of December the Ministry of Justice reported that 6,790 persons were held in the prison system, which had a total capacity of 7,970 persons. Of these, 2,034 were detainees awaiting trial or the outcome of their appeals and 4,756 were convicted inmates. Detainees and convicted inmates were generally held together. Male prisoners were held in 10 prisons throughout the country.

The prison population also included 91 juvenile males. Most of these prisoners were held at a separate juvenile facility, which was equipped with a school funded by the state. At the end of the year 42 juveniles were held in regular adult prisons. Although the Ministry of Justice stated such cases were temporary and rare, the ombudsman's office expressed concern that during pretrial detention some juveniles were held for long periods at adult facilities, where they were isolated and had no access to education. Conditions, especially sanitary facilities, at the juvenile facility for males remained very poor. However, in September the prison administration broke ground on a new building at the juvenile prison designed to bring conditions there in line with international standards.

The prison population included 417 women, held in a separate women's prison. The country's few juvenile female prisoners were held in a separate wing of the women's prison. The ombudsman's office considered the physical conditions at the women's prison to be better than at other facilities, and generally adequate.

During the year the Ministry of Justice began several projects to improve conditions in prisons. These included building renovations, a project to digitalize prison records and modernize information technology systems, and a program to bring its administrative controls into line with international standards. The prison administration also began new training programs for prison employees.

The Latvian Center on Human Rights reported poor conditions at the Olaine detention center for illegal immigrants in Riga.

In general, prisoners had reasonable access to visitors. The prison administration allowed prisoners and detainees to observe religious practices with some limitations, including security-related restrictions on religious articles kept in cells and dorm rooms. However, a group of prisoners filed a claim with the Constitutional Court challenging these restrictions. A decision was pending at year's end.

Authorities allowed prisoners and detainees to submit complaints to judicial authorities. Prisoners may submit complaints without censorship and may request investigation of credible allegations of inhumane conditions. The ombudsman's office raised no concerns in this area. Authorities generally investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. Ministry of Justice and other government officials investigated and monitored prison and detention center conditions.

The government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups. In December 2009 a CPT delegation inspected prisons in Daugavpils, Jekabpils, and Jelgava. As of year's end, the CPT had not publicly released its report.

The ombudsman's office consistently monitored conditions at prisons and detention facilities. Although various NGOs argued the ombudsman's office was not aggressive enough in this area, it effectively advocated better conditions in some cases, especially involving juveniles.

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 State Police, Security Police, and State Border Guards are subordinate to the Ministry of the Interior. Municipal police are under local government control. Military forces, the Military Counterintelligence Service, the Protective Service, and the National Guard are subordinate to the Ministry of Defense. The State Police and municipal police forces shared responsibility for maintaining public order, but only the State Police were authorized to carry out criminal investigations. The Security Police were responsible for combating terrorism and other internal threats. The military and National Guard were primarily responsible for external security.

Civilian authorities maintained effective control over security forces, and the government had effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

The law requires that persons be arrested openly and with warrants issued by an authorized judicial official, except in exceptional cases specifically defined by law (e.g., apprehension in the act, eyewitness identification of suspect, or flight risk). The government generally respected this requirement in practice. The law requires the prosecutor's office to decide whether to charge or release an individual under arrest within 48 hours, and authorities generally respected this right in practice. Detainees were promptly informed of charges against them. There is a bail system; however, it was used infrequently and applied most often in cases of economic crimes.

The government provided attorneys for indigent defendants. Detainees have the right to have an attorney present during questioning; however, authorities did not always respect this right in practice. Investigators sometimes conducted unscheduled interrogations of detainees, or "talks," without legal counsel. In 2008 the ombudsman's office criticized these "talks" with detainees. The government did not issue a formal response, but the ombudsman reported having periodic discussions about this issue with police.

Authorities permitted detainees prompt access to family members.

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. NGOs continued to express concern about the length of pretrial detentions in practice. The government claimed that pretrial detention times were reduced slightly during the year but could not cite supporting statistics.

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.

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. As of December the ombudsman's office reported that it opened 26 investigations into 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. Defendants have the right to be present at their trials. In 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, to confront and question witnesses against them, and to 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.

Information on court decisions is published on the Internet; a person's identity may be withheld in accordance with regulatory procedures.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year the ECHR issued seven decisions in cases involving the country, finding a violation of the European Convention on Human Rights in two of those cases. In general, the country promptly complied with judgments of the ECHR.

On May 17, the ECHR Grand Chamber upheld the country's 2001 conviction of Vassili Kononov on charges of war crimes during World War II. In so doing, it overturned its earlier decision, which found that the country's prosecution of Kononov applied the law retroactively. Kononov was a member of a Red Partisans unit that attacked the village of Mazie Balti in the eastern part of the country in 1944, killing nine villagers.

On October 26, the ECHR ruled that Latvia denied a claimant, Marina, her right to a fair hearing by failing to take her low-income status into account when imposing court fees. The ECHR awarded Marina 1,000 euros (\$1,340).

On December 21, the ECHR ruled that Latvia violated the rights of a deaf mute man, Jasinskis, who died in police custody in 2005. Jasinskis, who was intoxicated at the time of the incident, fell and suffered a head injury during a fight. When police arrived, they took him into custody and placed him in a "sobering-up room." While still in custody, Jasinskis died from his previous head trauma. The ECHR ruled that police negligently failed to provide Jasinskis with medical care, thereby violating his right to the protection of life. The ECHR awarded Jasinskis' family 50,000 euros (\$67,000).

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 generally enforced civil court orders.

Property Restitution

Restitution of property confiscated or nationalized during the World War II period and thereafter was substantially completed under an expired denationalization law. However, some religious groups, including the Lutheran, Orthodox Christian, and Jewish communities, continued to claim additional communal and heirless properties. The status of many 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.

The Jewish community has identified a number of properties for restitution. In 2008 the government established a task force to study the Jewish community's outstanding claims and to consider solutions. The task force did not release its report by the end of the year, and members of local and international Jewish communities continued to urge the government to pursue a resolution to this issue.

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. However, certain government actions caused concern among observers.

In general individuals were free to criticize the government and its policies. However, the law criminalizes incitement to racial or ethnic hatred and spreading false information about the financial system.

Human rights groups criticized the government for attempting to enforce national spirit. In April prosecutors brought charges against an individual 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 independent media were active and expressed a wide variety of views, usually without restriction. There were some reports of harassment of the media:

- In January unknown persons ransacked the offices of the daily newspaper *Neatkarīga Rita Avīze*. This crime remained unsolved at year's end.
- In May the police raided the home of television journalist Ilze Nagle in connection with the high-profile case of Ilmars Poikans (a.k.a. Neo), who was accused of hacking the State Revenue Service's database and publishing public employees' salary information. Nagle reported extensively on the Neo case. Pursuant to an "extraordinary" same-day warrant (usually reserved for cases in which the police fear the loss of evidence), police seized Nagle's computer and files. The ombudsman's office found that the police action violated the country's constitution. Nagle sued the police, but her complaint was dismissed.
- In September the government's Corruption Prevention and Combating Bureau (KNAB), which enforces campaign laws, removed a satirical film, *The Last Bear Slayer*, from the on-demand playlist of the partially state-owned cable provider, Lattelecom. The KNAB stated that the film might have constituted election advertising. Reporters without Borders charged that the prohibition constituted improper censorship but noted it was ineffective because the film was widely available on the Internet.

Independent media were active and expressed a wide variety of views without government restriction. All prominent newspapers were privately owned. Russian-language print and electronic media were also prevalent and active. The one government-owned newspaper mainly 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 country has one state-owned television station, Latvian National Television (LTV), and one state-owned radio station, Latvian National Radio. Privately owned television and radio outlets also operated in the country. On August 11, the Law on Electronic Mass Media, which requires 65 percent of all broadcast airtime to be in Latvian, dubbed in Latvian, or subtitled in Latvian, entered into force. While Latvian is the sole official state language, approximately one-third of the country's population (largely ethnic Russians, Belarusians, and Ukrainians) speak Russian as their first language. Many television stations in the country already employ Latvian subtitles or voiceover when broadcasting programs originally produced in another language. Despite the new law, extensive Russian-language programming remained available during the year.

In February after a government appeal, the Supreme Court reduced to 12,000 lats (\$22,440) the civil award of 100,000 lats (\$187,000) to LTV journalist Ilze Jaunalksne for the violation of her privacy by the State Revenue Service. Jaunalksne claimed in the case that the State Revenue Service targeted her for reporting on incidents of government corruption.

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 2009, approximately 67 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 prohibit the event, or change the time and place to prevent public disorder.

During the year numerous demonstrations took place peacefully and in most cases without government interference. Police usually did not interfere with peaceful assemblies and normally offered demonstrators appropriate levels of protection. However, some observers continued to criticize the legal requirement to give 10- days' advance notification of a planned protest.

In March Riga city officials initially denied the request of a group seeking to hold its annual event in remembrance of Latvian soldiers who died fighting in German Waffen SS units during World War II. A local court overturned the city's decision, and approximately 200 persons participated in the March 16 event. Opposition groups counterdemonstrated, but police kept the two groups apart, and the demonstration was largely peaceful. State Police reported that in connection with the demonstration, officers detained one person for petty hooliganism, and a court later fined the individual 50 lats (\$93.50). According to press reports, between three and five additional persons were detained and released without charges.

In May the organizer of a protest in support of hacker Ilmars Poikans (a.k.a. Neo) and reporter Ilze Nagle (see section 2.a.) was arrested for organizing a protest without notifying the authorities. Charges were later dropped.

In June the Riga city government denied a group the right to demonstrate to mark the July 1 anniversary of the German army's entry into Riga in 1941. A court overturned the city's decision, finding that the marchers were not inciting violence or advocating Nazism, and citing the sanctity of the right to assemble. The city complied with the court's order and allowed the march. However, the day of the march, police detained the group's leader, Uldis Freimanis, for questioning on a suspected case of "glorifying Nazism." He was later released without charges. Because Freimanis was in custody at the time of the demonstration, the group officially cancelled it. A small demonstration took place with no more than 30 participants. State Police detained two persons during the demonstration: one for violating assembly laws (charges were later dropped) and one for resisting police and violating assembly laws. A court imposed a fine of 70 lats (\$131).

Freedom of Association

The constitution and law provide for freedom of association, but bar the registration of Communist, Nazi, or other organizations whose activities could contravene the constitution, for example, by advocating the violent overthrow of the government. Within these limits the government respected these rights in practice.

c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt/.

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, including with respect to its "noncitizen resident" population.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to 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's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Reports continued that authorities turned away persons attempting to enter the country at border checkpoints without establishing whether they might be refugees or asylum seekers; the government disputed these claims.

During the year 60 persons requested asylum; seven were granted asylum, and 18 were granted alternate status ("subsidiary protection"). In 2009, 52 sought asylum, five were granted refugee status, and six received subsidiary protection. In 2008, 51 persons requested asylum, two were granted refugee status and one received subsidiary protection.

Latvia does not discriminate asylum cases based on the applicant's country of origin or country of transit.

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.

Stateless Persons

Citizenship is derived from one's parents. The children of "noncitizen residents" may be naturalized upon application by their parents.

According to UNHCR data, there were 344,263 stateless persons at the end of 2009, the vast majority of whom the government considered "noncitizen residents." According to the Department of Citizenship and Migration, 335,918 "noncitizen residents" and 172 stateless persons lived in the country as of July. Most of the "noncitizen residents" were persons of Slavic origin, who either moved to the country during the Soviet occupation, or are descended from those who did. The government did not give them automatic citizenship when the country regained sovereignty in 1991. "Noncitizen residents" have permanent residence status; consular protection abroad; the right to return to the country; full rights to employment, except for some government jobs and private sector positions deemed related to national security; and the right to most government social benefits. However, they may not vote in local or national elections and may not organize a political party without the participation of an equal number of citizens.

The UNHCR noted that "noncitizen residents" have, under the country's laws, a transitional legal status that entitles them to rights and obligations beyond the minimum rights prescribed by the 1954 Convention relating to the Status of Stateless Persons. The UNHCR further noted that these rights are identical to those attached to the possession of nationality, with the exception of certain limited civil and political rights.

The law provides naturalization procedures for granting citizenship to the noncitizen population. The citizenship procedure includes a test of Latvian language skills and knowledge of the constitution and history of the country. Although the UNHCR considered most of these "noncitizen residents" to be "stateless," the government did not, because most were eligible to naturalize under the country's law. 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.

Most "noncitizen residents" had not applied for citizenship even though they were legally eligible for it. They frequently cited as reasons for not applying the perceived "unfairness" of the requirements, resentment at having to apply at all, and the lack of perceived benefits. A study by Ilze Brands Kehris of the Latvia Human Rights Center found that noncitizens still accounted for 15 percent of the country's population (down from 29 percent in 1995) and that naturalization applications dropped sharply from 2004 to 2009 (largely due to a 2004 surge upon the country's entry into the EU). In addition, failure rates in the citizenship examinations rose to approximately 20 percent in 2008-09. Nils Muiznieks, a University of Latvia scholar and former chairperson of the European Commission against Racism and Intolerance, asserted that the government made integration a lower priority in recent years. During the year through November, 2,974 persons applied for naturalization, and 2,137 persons were approved. In 2009, 3,470 persons applied and 2,080 were approved.

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 on October 2; parliament elected a new president in 2007. Observers from the Office for Democracy and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) visited a limited number of polling stations on election day. It found the elections "generally met OSCE commitments and other international standards for democratic elections, as well as domestic legislation." However, it also noted that "321,000 noncitizen long-term residents of voting age" were not able to vote, that the country needs to strengthen its laws regarding

candidacy rights to enhance compliance with its OSCE commitments, and that "hidden" advertising illegally not accounted for in campaign spending reports skewed the playing field in the election.

Citizens can organize political parties without restriction; however, the law prohibits the country's "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 (KGB) from holding office.

At year's end there were 20 women (including the speaker) in the 100-member parliament, and three women in the 14-member Cabinet of Ministers. Three of seven judges at the Constitutional Court were women, and 23 of 44 judges of the Supreme Court were women.

Members of minorities, including ethnic Russians and Poles, served in various elected bodies. The mayor of Riga, the country's largest city, is a member of the ethnic Russian minority.

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. There was a widespread perception that corruption existed at all levels of government. The World Bank's World Governance Indicators reflected that corruption was a problem in the country.

The KNAB is primarily responsible for fighting corruption. During the year the KNAB initiated 30 criminal cases, and other legal institutions initiated 12 criminal cases against government and law enforcement officials. The KNAB also forwarded 14 criminal cases involving 45 individuals to the prosecutor's office.

Corruption cases during the year included the following:

- In May the KNAB initiated criminal proceedings against two municipal officials in Jurmala for offering a bribe in exchange for a vote in a Jurmala city council meeting.
- In June authorities indicted Vladimirs Vaskevics, the former head of the criminal investigative service of the customs service, for failure to comply with financial disclosure laws. This indictment followed an extensive investigation.

In February 2009 the Riga Regional Court sentenced two former district court judges, Irena Polikarpova and Beatrise Talere, to eight years' imprisonment for bribery. Polikarpova and Talere appealed the sentence to the Supreme Court. In October the Supreme Court sentenced Polikarpova to a prison term of three years plus fines. In the meantime, Talere died.

Under the country's law, public officials are required to file income declarations annually, and irregularities within the declarations are investigated. The state auditor's office reviews the financial records – classified and unclassified – of all governmental agencies on an annual basis and documents any irregularities. These reports are forwarded to the prime minister.

There was a perceived lack of fairness and transparency in the public procurement process. A number of foreign companies complained that bidding requirements were sometimes written with the assistance of potential contractors or couched in terms that exclude all but "preferred" contractors.

Allegations of corruption and bribery within law enforcement agencies continued to hurt the public's perception of police effectiveness. The Internal Security Office of the State Police was responsible for investigating and disciplining State

Police officers who committed crimes or abuses of power, including corruption. Citizens could also report police corruption to the KNAB. 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.

A regulation of the Cabinet of Ministers provides for public access to government information, and the government generally provided citizens such access in practice. There were no reports that noncitizens or the foreign media 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. Government officials often were cooperative and responsive to their views.

The ombudsman's office has the responsibility to monitor the government's performance on human rights issues. The office generally enjoyed the government's cooperation and operated independent of government or party interference. However, at a time of across-the-board budgetary cuts for governmental agencies, the ombudsman's office complained that it did not have sufficient resources to accomplish its mandate. Under its charter the office's primary function is to investigate complaints and make specific recommendations, but its authority is strictly advisory. Some human rights groups voiced concern that the ombudsman's office was reactive rather than proactive and called for the office to advocate more aggressively with respect to certain human rights problems. The office complied with a statutory requirement to publish an annual public report detailing its activities and recommendations. These included monitoring conditions and making recommendations regarding detention facilities and prisons, as well as collecting, investigating, and answering complaints related to a broad spectrum of human rights: civil rights, children's rights, and rights pertaining to property, social welfare, education, and healthcare. The Justice Ministry acknowledged many of the shortcomings referenced by the ombudsman's office – especially those pertaining to prison conditions – and claimed to be addressing them as resources permit. Notwithstanding calls for greater activism from certain human rights groups, the ombudsman's offices generally maintained public trust.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The law specifically criminalizes rape but does not recognize spousal rape as a distinct crime. Criminal penalties vary depending on the nature of the crime, the age of the victim, the criminal history of the offender, and the dependency of the victim on the offender. Such penalties range from probation to life imprisonment. During the first nine months of the year, there were 10 convictions on rape charges, compared with 39 convictions in 2009 and 44 in 2008. Several local NGOs complained that rape laws were ineffective or were inadequately enforced by authorities. NGOs continued to report that rapes were underreported due to a tendency of police to blame victims.

In October the parliament adopted amendments to the Criminal Law adding domestic violence to the list of aggravating factors in criminal offenses connected with violence. Until these amendments there was no definition of domestic violence, and in practice domestic violence was understood very narrowly.

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. The women's advocacy NGO Marta Center noted that no system was in place whereby women could receive legal protection as soon as they arrived at a hospital for treatment after violence. Most abused women first went to the hospitals and only then turned to the police.

During the year the Marta Center received 362 complaints of domestic violence, compared with 249 in 2009. Marta Center provided legal assistance in 208 of those cases.

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 four general crisis hotlines. The Marta Center operated Web sites that provided information and legal assistance for female victims of violence.

Riga continued to be a destination for adult sex tourism.

Sexual harassment is illegal; however, there was no record of complaints, due in part to procedures required to register incidents. The ombudsman's office, located in the capital, Riga, 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. As of December the ombudsman's office had received no complaints regarding sexual harassment.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. 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; however, according to the UN Population Fund (UNFPA) for 2008, only 68 percent of the population used any kind of contraception, while 56 percent used modern methods, including male and female sterilization, intrauterine devices, the pill, injectables, hormonal implants, condoms, and female barrier methods. According to UNFPA data for 2008, there were approximately 20 maternal deaths per 100,000 live births in the country. The government provided free childbirth services.

According to statistics compiled by the World Health Organization in 2005, 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 to refer their partners for treatment.

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 Marta Center noted that there had been cases of discrimination based on gender when applying for work.

The law prohibits work and wage discrimination based on gender and requires employers to set equal pay for equal work; however, government regulatory agencies did not implement the law fully. According to the country's Central Statistics Bureau, in the first quarter of the year, the average female worker earned 18.5 percent less than a male worker.

Children

Citizenship is derived from one's parents. 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.

An NGO working with abused children, the Dardedze Center Against Violence, stated that the number of reported instances of child abuse, including sexual abuse, 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 if the victims are particularly young. The State Police can initiate proceedings against a sexual abuser without an application from a victim who is a minor. 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 child 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.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish community numbers approximately 10,000 and is largely secular and Russian-speaking. There were reports of anti-Semitic vandalism during the year, but no reports of anti-Semitic attacks. Anti-Semitic sentiments persisted in some segments of society, manifested in hostile comments on the Internet.

On March 16, according to press reports, authorities in Riga detained one person who was displaying an anti-Semitic sign at an annual event in remembrance of Latvian soldiers who died fighting in German Waffen SS units during World War II (see section 2.b.). The person was later released without formal charges.

On December 7, 89 headstones in the New Jewish Cemetery of Riga were vandalized by painting with swastikas and anti-Semitic slogans in the Russian language. Government officials, including the president, prime minister, foreign minister, and the mayor of Riga, quickly and forcefully criticized the acts. The police launched an investigation and said they would charge the perpetrators with grave desecration and inciting ethnic hatred, crimes carrying up to 10-year prison terms. At the end of the year, police continued to investigate the case but had made no arrests. The city of Riga rapidly repaired the damage with city funds, and the mayor stepped up police presence and patrols in relevant areas to prevent further incidents.

On December 13, marks of white paint were found on a monument to Zanis Lipke, a Latvian who rescued Jews during the Holocaust. Riga city authorities removed the paint on the day it was discovered, and police opened a criminal investigation. The president and foreign minister quickly and strongly condemned the act.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to healthcare, or the provision of other state services or other areas, and the government generally enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible.

A new law which preserves the rights of handicapped children took effect during the year. The law grants additional assistance to children with disabilities, allowing them and their chaperones to use public transportation free of charge. The law also allows families of children who have been diagnosed with a disability to receive state-funded counseling.

National/Racial/Ethnic Minorities

According to government statistics for the year, Russians comprised 28 percent of the population, Belarusians 4 percent, Ukrainians 3 percent, Poles 2 percent, Lithuanians 1 percent, Jews 0.4 percent, and Roma 0.4 percent.

No attacks against minorities were reported. However, NGOs representing minority groups claimed that official statistics underreported the actual number of incidents, including physical assaults.

In the first eight months of the year, the Security Police reviewed 18 applications/complaints connected to possible incitement of ethnic or racial hatred. Of these, in five cases a criminal procedure was initiated for incitement of ethnic hatred. These complaints involved hate speech on the Internet. One of the five cases was dismissed due to lack of evidence, and in the remaining four cases, investigations continued at the end of the year. As of July the ombudsman's office received two written complaints of racial or ethnic discrimination, compared with 85 in 2009.

In August, Valdis Rosans, a self-proclaimed National Socialist, was charged with using hate speech online and was given a two-year suspended sentence. Rosans had published remarks that were demeaning to Jews, gays, and other minorities.

There were no developments, and none were expected, in the February 2009 attack on two Armenians in Riga by unknown persons with apparent racial intent. Police classified the incident as "hooliganism" rather than a racially motivated attack.

The Romani community has historically faced widespread societal discrimination and high levels of unemployment and illiteracy. As a result of emigration, the Romani population in the country fell from approximately 20,000 in the mid-1990s to approximately 8,000 persons. The government had a national action plan to address problems affecting the Romani community with respect to employment, education, and human rights; however, observers criticized the plan for lacking adequate funding to improve conditions for Roma substantially.

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

No gay pride parades or marches were held in the country during the year, although a Baltic regional pride march took place in Vilnius, Lithuania, in March. Latvian lesbian, gay, bisexual, and transgender (LGBT) activists reported they received good cooperation from Latvian police who traveled to Vilnius to assist Lithuanian police in providing appropriate security for the march. LGBT representatives stated the attitude of the country's police toward their organizations has improved in recent years.

There were no official reports of societal violence based on sexual orientation or gender identity; however, leaders of LGBT organizations complained of widespread intolerance and underreporting of physical attacks. As of July the ombudsman's office had received one report of discrimination based on sexual orientation.

LGBT representatives also reported that the ombudsman expressed reluctance to assist the LGBT community in securing its rights, particularly LGBT persons' right of assembly.

LGBT groups complained about the use of anti-LGBT rhetoric and images in the campaign of the For a Good Latvia party during the national parliamentary election campaign during the year.

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 all workers, except for uniformed members of the military, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. This law was implemented fairly and effectively. Throughout the year union membership remained constant at approximately 15 percent of the workforce.

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 related to public safety. However, the law prohibits "sympathy" or "solidarity" strikes by workers who are not directly involved in the specific work agreement between strikers and their employers. While most workers were free to exercise the right to strike within these parameters, labor regulations prohibit strikes by essential personnel, including judges, prosecutors, police, fire fighters, border guards, employees of state security institutions, prison guards, and military personnel. The law provides arbitration mechanisms that essential personnel 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. Also, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip

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.

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 180 lats (\$336.60) did not provide a decent standard of living for a worker and his or her family. By comparison, the Latvian Central Statistical Bureau's "Minimum Consumer Basket" price index for November was approximately 170 lats (\$317.90). In 2009 the average monthly wage was approximately 461 lats (approximately \$862). 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. Employees are also not allowed to work more than 24 hours consecutively, 56 hours in a week, or overtime on more than six consecutive days. The law requires premium pay in compensation for overtime, unless other forms of compensation are agreed to in a contract. 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 endanger health or safety without endangering their continued employment; however, authorities did not enforce this right.

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