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Latvia¹

IHF Focus:

Elections and referenda; freedom of expression and the media; judicial system and domestic safeguards; torture, ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities; the mentally ill; religious tolerance; protection of minorities; citizenship; xenophobia and hate speech; death penalty; protection of asylum seekers and immigrants; social rights; women's rights.

The primary human rights concerns in Latvia were conditions in closed institutions, particularly the outbreak of tuberculosis epidemics in prisons, the emergence of a management crisis in the National Human Rights Office, and the appearance of new extremist groups inciting racial hatred and propagating anti-Semitism. Positive developments were the liberalization of the Law on Citizenship, the adoption of inclusive amendments to the law on the status of non-citizens and the addition of a Bill of Rights to the constitution.

Elections and Referenda

On 3 October Latvia experienced its third general elections since the restoration of independence. Voter participation was high (72 percent) and local and international observers termed the elections "free and fair". The results of the elections signaled a slow consolidation of the party system, as only six of twenty-one parties surpassed the 5 percent voting barrier required for representation in the 100-member parliament. It should be remembered, however, that only 73.5 percent of the population were citizens. The remaining 26.5 percent were stateless "non-citizens"- permanent resident aliens whose status had been defined by a 1995 Law on the Status of those Citizens of the Former USSR Who Are Not Citizens of Latvia or Any Other State and were, therefore, not entitled to vote.²

Concurrently with the election, voters took part in a referendum on amending the Law on Citizenship. On 22 June the parliament (Saeima) voted to amend the 1994 Law on Citizenship in line with the recommendations of OSCE High Commissioner on National Minorities, Max van der Stoep. The amendments granted citizenship through registration to about 19,000 stateless children born in Latvia since 21 August 1991, upon the request of their parents. This change was in line with the requirements of

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the UN Convention on the Rights of the Child, which affirms that the child has the right to a nationality from birth and obligates states to prevent statelessness. Other amendments simplified the language test for most applicants and did away with the age brackets or "window system," according to which many qualified candidates had to wait several years before applying for naturalization.

The amendments did not enter into force immediately after adoption, as right-wing deputies employed a little-used constitutional provision to suspend enactment by insisting that a signature gathering campaign on a referendum precede enactment. The campaign took place from 20 July through 18 August and succeeded in gathering the necessary number of signatures to hold a referendum.

One provision of the Law on Public Referendums and Legislative Initiatives raised human rights concerns. Article 8 of the law called on the authorities to make an entry into the passports of those citizens who had signed in favor of holding a referendum. As such an entry might reveal the political sympathies of the passport holder, it could be used as the basis for discrimination, in particular because the passport remained the primary internal identity document in Latvia.

In the 3 October referendum almost 53 percent of voters approved liberalization of the law, thereby confirming the June parliamentary vote and resolving a serious human rights concern. The primary problem with the referendum was the confusing way in which the question was being put. Since the referendum was called on repealing the amendments, voters were asked "Are you for the repeal of the amendments to the Law on Citizenship of 22 June 1998?" Thus, proponents of the amendments had to vote "Against", while opponents of the amendments had to vote "For". In order to avoid similar confusion in future plebiscites, a legislative change will be necessary.

Freedom of Expression and the Media

In November 1998 a new Law on Access to Information came into force. It is meant to provide the public with guaranteed access to information that is at the disposal of state administrative and municipal authorities. The law divided information into two categories: that which was generally accessible and that which was of "limited" accessibility and is meant for internal use by an institution, including information on an individual's private life, legal incapacitation or competence, or medical examinations. The law laid out the procedure for demanding and registering

information and permissible time limits for official responses, but did not prescribe in what form institutions must release information. Although the law called for sanctions in the event of refusals to provide information, these penalties could not be applied, as a new law on administrative process governing the procedure for appealing official decisions had not been adopted.

Judicial System and Domestic Safeguards

The judicial system continued to be plagued by a number of problems, foremost among them an overload of cases, which resulted in excessively long pre-trial periods. There were shortages of such necessities as chairs, tables, stationary, not to mention computers. Moreover, many courts could not provide for basic repair work on their premises. Qualified judges were in short supply, and the prestige of the judicial system remained low, a conclusion highlighted by the fact that in December 1998 twenty-one of 370 judge's positions remained vacant.

On 15 October parliament amended the constitution (Satversme) and added a second part entitled "Basic Human Rights," thereby bringing Latvia's constitution into line with European standards and ending uncertainty about the place of human rights in Latvia's legislative hierarchy. The amendments enshrined the Latvian language as the state language at the constitutional level and included a basic catalogue of human rights. Before the changes, a Bill of Rights had only been part of a regular law.

Local monitors hoped that the amendments to the constitution would pave the way for a liberalization of legislation governing the circle of those eligible to submit cases to the Constitutional Court, which at the time of writing did not accept cases from private individuals: Only the president, no fewer than 20 Saeima deputies, the government, the plenum of the Supreme Court, the Council of State Control, the National Human Rights Office and city councils were allowed to submit cases to that court. In 1998 the Constitutional Court reviewed only ten cases and took decisions on only nine cases.

On 1 September a new Law on the Compensation of Losses Resulting from the Unlawful or Unfounded Action of an Investigator, Prosecutor or Judge entered into force. According to the law, persons might request compensation for losses incurred since the restoration of independence on 21 August 1991 if they had been unjustifiably sentenced, held criminally liable, detained, involuntarily committed to a

health care facility or otherwise suffered losses as a result of activities by law enforcement agencies. Victims gained the right to compensations for unpaid wages, benefits, stipends, the value of confiscated goods, court expenses, fines, and other costs.

The National Human Rights Office (NHRO), an ombudsman-type body established in 1995, was being paralyzed by politicization, conflicts of interest, and a management crisis. In a disclosure that cast doubts on the independence of the office, it was reported that the head of the NHRO complaints department worked part-time for the Citizenship and Migration Affairs Board; and it was precisely the bureaucracy of that body that the NHRO received many complaints about. At the same time, newspapers reported that the head lawyer at the office was a member of a strategic working group of the nationalist Fatherland and Freedom Party. This very lawyer wrote the NHRO opinion on a case of alleged hate speech involving a member of that, i.e. her own, party. Political interests were also evident in the NHRO's equivocal stance on granting citizenship to stateless children and the "artificially created concern" about the dangers of making entries in passports (see above). The aforementioned problems, the firing or departure of many committed NHRO staff and the director's inability to co-operate effectively with UN bodies contributed to paralyzing the work of what was once a model independent human rights institution. At the end of 1998 parliament had yet to take steps to replace director Olafs Bruvers with a new director.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

After the controversy surrounding the police's rough dispersal of a 3 March demonstration of Russian-speaking pensioners at Riga city council and explosions at the Riga synagogue and near the Russian embassy (see below), the Ministry of the Interior carried out a number of staff changes affecting the police. The new police leadership began an active dialogue with NGOs, involving them in efforts to educate the police force, and strengthened cooperation with education institutions.

However, the number of public complaints about the police to both the government and NGOs increased. The National Human Rights Office received 92 complaints about violations of law on part of the police. Most of them pertained to unjustified arrests (not explaining the reasons for an arrest), intolerant and/or rude behavior towards the public or an arrested person, exceeding one's professional authority, and unjustified refusal to initiate criminal proceedings or to investigate a case. According to the results of a sociological survey carried out by the World Bank, the public

considered the traffic police to be one of the three most corrupt state institutions in Latvia.

- On 28 February the mobile police battalion (MPB) attacked seven youths on the street and in a bar in Viesite, humiliating them and causing such bodily injuries as a broken jaw, a broken leg and a torn ear. At the beginning of March Interior Minister Ziedonis Cevers suspended several members of the MPB from the force pending the results of an internal investigation. Subsequently, four members of the MPB were dismissed for exceeding their authority and five others received disciplinary punishments. On 22 December the Jekabpils District Court passed judgement on three suspended MPB members - Juris Strods, Romeo Stromidlo and Aris Vitkovskis - for exceeding their power and authority, as well as violating human rights. They were fined eight to ten minimum monthly wages (336-420 Ls, approximately US\$590-740). The court found that it was possible to rehabilitate the guilty parties without isolating them from the public.

On 10 February Latvia ratified the European Convention on the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, which entered into force in June. A visit to Latvia by the Committee on the Prevention of Torture (CPT) is expected in 1999. By the end of 1998 the Latvian authorities had yet to appoint a liaison officer responsible for communicating with the CPT and to appoint a Latvian representative to the body.

Conditions in Prisons and Detention Facilities

Latvia continued its far-reaching prison reform efforts, which included reconstruction of the notorious Central Prison and several other facilities, training of professional guards for Griva Prison, and successful co-operations between Latvian and Scandinavian prisons. At the same time Latvia continued to be one of the world leaders in terms of prison population, with 395 prisoners per 100,000 inhabitants. More than one third of prisoners were in pre-trial detention. Long pre-trial periods, excessively long prison terms, and conditions in several prisons (the Central Prison, Skirotava Prison) continued to be the most urgent problems. Prisons were crowded and 82 percent of all inmates were held in prisons that did not offer social rehabilitation, and 3 percent were held in juvenile correctional facilities.

At the end of the year 473 minors were being held in prison facilities, 270 of them in pre-trial detention. The criminal code in force in 1998 stated that pre-trial detention for minors might be extended up to six months only in exceptional circumstances and

only for those accused of committing serious crimes. The period of detention must not be extended and the detained minor must be freed forthwith after six months. However, in violation of the Convention on the Rights of the Child, in 1998 there were still minors in re-trial detention who had been incarcerated in 1996.

Prisoners continued to have limited opportunities for social rehabilitation. Only four percent of all prisoners were engaged in general education programs, four took part in vocational training programs, and 26 percent were employed. The number of prisoners with tuberculosis continued to increase in 1998, reaching about six percent of the total prison population in October. In Griva Prison almost one third of all prisoners had tuberculosis. There was a severe shortage of medical equipment and suitable premises for treatment. The effectiveness of the treatment program was undermined by prison overcrowding, i.e. cells built for 5 prisoners were inhabited by 15. Throughout the year, the Interior Ministry could not agree with the Welfare Ministry on the most effective method of addressing tuberculosis in prisons.

The Death Penalty

On 22 June the government signed Protocol No. 6 of the European Convention on the Abolition of the Death Penalty. However, on 8 July the president signed a new criminal law, article 118 of which called for the death penalty for "murder in particularly aggravating circumstances". As international treaty obligations have priority over domestic provisions in Latvian law, the criminal law must be amended before it comes into force on 1 April 1999.

The Mentally Ill

Work continued on legislation governing the rights of the mentally ill, and in May a draft Law on Psychiatric Assistance detailing patients' rights was given to NGOs for preliminary evaluation. At the end of 1998, 74 patients had been involuntarily committed to mental hospitals, were treated on an outpatient basis, or under standard supervisory care. Eleven of them should have been held under high security surveillance, but were kept in standard hospital conditions due to the lack of a special facility. Several mental patients were kept in the hospital of the Central Prison as well, as mental health institutions could not arrange guards for these patients. A new involuntary commitment facility for patients who have committed serious crimes and have been sentenced to treatment is scheduled to be opened in

early 1999.

Throughout 1998 the media periodically reported on problems in various specialized state social care centers for persons with mental disabilities. The reports concerned the Istra facility in the Ludza district (February), the social care center Ziedkalne in the Vilce rural district (November), and the social care center Ilgi in the Liepaja district (December).

- In November, according to media reports, young mental patients at the Vilce rural district social care center Ziedkalne were punished by being locked into a windowless warehouse bunker. Former employees at the facility claimed that three patients were regularly put to work at a farm owned by the director of the facility. A Ministry of Welfare investigation resulted in the elimination of the "bunker-method." Finding "a series of significant problems in the organization of work," the ministry fired the director and allowed the head physician to leave of his own accord, insofar as he had reached retirement age.

It was revealed that five patients and one employee at the Ilgi facility contracted tuberculosis in 1998. The facility has six wards of which several are closed wards with barred windows, an inappropriate measure taken at the initiative of the facility's director.

Religious Tolerance

In the 1990s - just like in the 1930s - Jehovah's Witnesses encountered registration difficulties. Authorities based their refusal to register their local communities on the alleged non-conformity of their statutes with the 1995 Law on Religious Organizations as well as on information provided by the Bureau for the Defense of the Constitution.

- In October three Jehovah's Witnesses congregations (Central Riga, Tornakalna and Jelgava) were finally permitted to register. However, a congregation in Daugavpils was refused registration.

According to the law, "new" religious congregations were obligated to re-register every year for ten years in a row.

Protection of Ethnic Minorities

Language policy continued to generate controversy. Several planned and implemented legislative changes continued the trend of restricting the use of minority languages, occasionally employing questionable regulatory methods. For example, a new draft Law on the State Language continued to be debated in parliament. Its provisions called for increased regulation of language use in the private sphere (e.g. in some businesses and most NGOs) beyond the limits established by the Oslo Recommendations Regarding the Linguistic Rights of National Minorities, which raised serious concerns about possible violations of free speech and the sanctity of private life. Furthermore, on 29 October parliament amended the Law on Radio and Television, thus reducing the percentage of private radio and television broadcasts that are permitted in minority languages from 30 percent to 25 percent of the total. That same day, Saeima also passed a new Law on Education that set the stage for reducing the scope of education in minority languages.

Article 9 of the new Law on Education stated that, in state and municipal-run education institutions, education was to be acquired in the state language, i.e., in Latvian. In addition to that, education could be acquired in another language in those private education institutions and in state and municipal education institutions in which minority education programs are implemented. However, the contents of "minority education programs" was not specified by the law, but was to be determined by secondary legislation or regulations. Article 41(3) of the new law stated that "the Ministry of Education and Science determines those subjects within minority education programs that are to be acquired in the state language." This unspecified definition added to fears among minorities about the progressive "Latvianization" of the educational system. Another questionable provision was contained in article 59(2) that severely restricted – if not eliminated - the chances for private minority schools to receive state subsidies.

At the same time, there were also some positive changes in language policy and progress in promoting Latvian without using punitive methods. The gradualist, participatory National Program for Latvian Language Training (NPLLT) continued to work with teachers and expanded its activities, opening up new centers in Daugavpils and Liepaja. The NPLLT also created Latvian language textbooks for specific target groups (e.g. Interior Ministry personnel, Latvian railway personnel, military recruits, etc.) and offered language courses not only for teachers, but also for various disadvantaged groups such as the unemployed, the blind, and the physically and mentally disabled. The NPLLT continued to promote Latvian through a TV film and

initiated teaching programs on the radio and the Internet.

Latvia continued the Stalin-era practice of requiring an obligatory ethnicity entry in passports. Though widely supported by the public, this practice constitutes an invasion of privacy and offers bureaucrats an easy tool for discrimination on the basis of ethnicity.

The President's Minority Advisory Council, established in 1996, was convened only a few times in 1998. Despite a promising beginning, President Ulmanis was unable to fully make use of this opportunity to strengthen government-minority dialogue and minority participation in public life. Another opportunity to promote this dialogue arose when the government accepted a draft "Framework Document for a National Program on the Integration of Society in Latvia" on 28 September. The document, commissioned by the government from an expert group composed of both officials and academics, laid down the guidelines for and goals of official minority policy. However, the slow formation of a new government after the October elections halted progress in this realm: by the end of the year, the Framework Document had yet to be published in full, or widely distributed, or discussed.

Citizenship

The Law on Citizenship was amended after a referendum held on 3 October 1998 (see above), thereby resolving a significant human rights concern. Most of the amendments - the abolition of the "window" system and simplification of the language test for certain categories of applicants - entered into force on 10 November. As of this writing it was still too early to gauge the full impact of the amendments. However, they appeared to have contributed to a significant increase in interest in naturalization among non-citizens. In 1998, 4,439 persons were naturalized - a notable increase from the previous year. Moreover, after the amendment abolishing the window system went into effect, 2,049 applications for naturalization were submitted in November and December alone. The amendment whereby stateless children could acquire citizenship through registration was to enter into force on 1 January 1999. However, at the end of 1998 the necessary regulations had not yet been worked out by the government, which is why this change could not go into effect as planned. There was also some concern about whether the Naturalization Board had sufficient human and technical resources to deal effectively with a possible large jump in future application rates.

Despite the liberalization of citizenship provisions, a large number of stateless non-citizens (approximately 646,000 in early 1998) continued to reside in Latvia. A number of legislative and administrative changes affecting their rights took place in 1998. One change affected freedom of movement. Many non-citizens did not obtain the new, internationally recognized non-citizen passports, which had been distributed since April 1997 and continued to use USSR external passports for foreign travel instead. However, the validity of these USSR external passports for foreign travel expired in 1998 - the last date that one could use the document for leaving the country was 31 October 1998 and the last date one could use the document to enter the country was on 31 December 1998. By the end of the year, it was unclear whether some non-citizens were "stranded" abroad without valid travel documents for returning to Latvia.

Until recently, about 6,000 people in Latvia (including people with expired temporary residency permits and their spouses, people without any identity documents whatsoever) were not eligible to acquire non-citizen's passports under the 1995 Law on the Status of those Citizens of the Former USSR Who Are Not Citizens of Latvia or Any Other State. These persons, commonly known as "illegals," were subjected not only to violations of their right to free movement, but also to limits on various social and economic rights. However, in 1998 parliament amended the 1995 above-mentioned law, and many of the "illegals" were now able to register as non-citizens. There were still several categories of persons who could not register as non-citizens, including former USSR citizens who at some point since independence left Latvia and then returned, as well as people who at one point had taken up citizenship of the Russian Federation and then subsequently given it up. In the latter case, responsibility for contributing to the increase in stateless persons lies with the Russian Federation. While the logical solution would be to broaden the purview of the law on non-citizens to accommodate these persons, at the end of 1998 the Latvian parliament began consideration of a new Law On the Status of a Stateless Person in the Republic of Latvia.

Xenophobia and Hate Speech

Six members of a violent, fascist group called Perkonkrusts (Thundercross) were apprehended by the authorities in the first half of 1998 and were awaiting trial at the end of the year. One member was still being sought by the authorities. The group was accused of organizing a number of explosions, including that of the Victory Monument, in which two of its own members were killed. In fliers the group portrayed

itself as a "Latvian fighting organization, the core of racial purity and nationalism, whose aim was a Latvian Latvia." Its hate propaganda carried such slogans as "Down with the false freedom, independence and democracy of the kike neo-communist powers!"

- The legal publication of a new right-wing newspaper called *Latvietis Latvija* (A Latvian in Latvia) began in late 1998. The newspaper openly advertised the sale of Nazi-era propaganda books, including *Baigais gads* (The Terrible Year) and *Eigenikas nozīme tautas un valsts dzīvē* (The Significance of Eugenics in the Life of the People and the State). While the November issue urged readers to write letters of support for imprisoned American neo-Nazi Gerhard Lauk, an article in the December issue ended with the slogan of the pre-war fascist Thundercross group: "Latvia to the Latvians, bread and work to the Latvians!"

New, Russian-oriented extremist groups have emerged as well, modeling themselves on similar groups in Russia:

- A National Bolshevik youth group (followers of Eduard Limonov) gained media coverage in the spring in connection with demonstrations in favor of minority education with its Nazi-like armbands and extremist rhetoric. The group issued an underground newsletter propagating values such as "the Fatherland, Revolution, War, History and Revenge."

- A group called Russian National Unity (followers of Aleksandr Barkashov) has emerged to openly propagate anti-Semitism. For example, in an interview in the 28 October 1998 issue of the newspaper *Chas*, "commander" Evgeny Osipov stated that "Zionists and kike-masons are tumors on the body of humanity."

In the spring several mysterious explosions rocked Riga, including one on 3 April at the Riga synagogue and another soon thereafter near the Embassy of the Russian Federation. Nobody was hurt in the attacks, though property damage was considerable. Nobody claimed responsibility for the attacks. Despite a concerted law enforcement effort and international assistance, including that of the American Federal Bureau of Investigation, the perpetrators of the crimes were not caught.

Protection of Asylum Seekers and Immigrants

Latvia began to implement 1997 refugee legislation in 1998. At the beginning of 1998

a Refugee Affairs Center was established under the auspices of the Citizenship and Migration Affairs Board, an Appeals Council was created under the aegis of the Ministry of Justice, and the government approved regulations on the social benefits available to persons granted refugee status.

In 1998 the Refugee Affairs Center (RAC) received 58 applications for asylum and turned all of them down. The applicants appealed to the Appeals Council, which granted refugee status to two applicants. On 1 November a new reception center for refugees and asylum seekers was completed at Mucenieki, and nine asylum seekers from the Olaine detention camp for illegal immigrants were to be transferred there in January 1999. Throughout 1998 an average of 30-40 persons were detained in Olaine.

In 1998 conditions in the detention center for illegal immigrants at Gaizina St. 7 continued to evoke concern. Access was denied to all NGOs and journalists, and detainees were not permitted to use the telephone. Detainees complained about the quality of food and ill treatment by the police, which culminated in a hunger strike in September. However, the daily budget for feeding detainees at this facility - Ls 0.92 (US\$1.60) - is significantly greater than that at the Olaine detention facility, where the budget is Ls 0.45 (US\$0.80) per day for an adult and Ls 0.52 (US\$0.92) for a child. The only factor preventing detainees at Olaine from suffering hunger were food donations from the Diaconical Center of the Lutheran Church.

Women's Rights

For the first time in Latvia's history a Social Democratic Women's Organization competed in a national election campaign, but did not receive sufficient votes to achieve representation in parliament. The election results did lead to an increase in the number of women deputies from the previous 10 to 15 as well as of women ministers from two to three (Justice, State Revenue, Culture). However, in general, women remained under-represented in politics and government.

In December the government decided to establish a unit within the Welfare Ministry responsible for gender equality issues. Once this decision is carried out, it will represent the implementation of a key recommendation contained in the Beijing Platform for Action.

Social Rights

On 12 May the government amended discriminatory regulations that had linked unemployment benefits to knowledge of the state language. However, spot checks of employment agencies revealed that not all were informed about the change and, consequently, were not implementing it. The discriminatory regulations also prevented many disabled persons from receiving unemployment benefits, as Latvian legislation had not foreseen any testing procedure for persons unable to pass the standard Latvian language certification examination due to a disability.

However, according to the new regulations, eligibility for unemployment benefits was restricted to those individuals for whom the social tax had been paid for nine months over the past calendar year. According to data from the State Social Insurance Agency, in August 1998 there were more than 200,000 employees in Latvia for whom no social tax was being paid. In the event of unemployment these individuals would not be eligible for benefits. According to existing legislation, individuals were not permitted to take employers to court; only the State Revenue Service (SRS), which administers the social tax, had the authority to do so. However, the SRS could not submit a case on behalf of an individual, but only represent the interests of an enterprise as a whole.

FOOTNOTES:

1. Human Rights in Latvia in 1998, Latvian Center for Human Rights and Ethnic Studies
2. See Protection of Ethnic Minorities.

