

IHF FOCUS: Judicial system and domestic safeguards; ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities; conscientious objection; protection of ethnic minorities; citizenship, intolerance, xenophobia, racial discrimination and hate speech; protection of asylum seekers; international humanitarian law; women's rights; rights of the child; rights of the mentally ill; patient's rights.

The primary human rights problems in Latvia in 2000 were closely related to severe backlogs in the court system and long pre-trial detention periods, especially for minors. In 2000 Latvia also witnessed the mobilisation of small groups of Latvian and Russian racist extremists, but law enforcement agencies responded vigorously.

The core positive developments in 2000 were in the legislative arena. Parliament liberalised the Law on the Constitutional Court to allow individuals to complain to Latvia's most progressive but under-utilised judicial body. After considerable controversy, the Cabinet also adopted implementing regulations to the 1999 Law on the State Language, which are essentially in conformity with Latvia's international obligations.

Judicial System and Domestic Safeguards

Severe backlogs in the court system threatened the right to fair and speedy trial in Latvia. For example, in February, the Prison Administration sent a letter informing the Department of Courts of the Ministry of Justice that there were 607 persons in prison who have been awaiting a court sentence since 1997. By early March the Department of Courts of the Ministry of Justice had received 174 complaints concerning the work of judges, half of which involved lengthy delays in reviewing cases in the Riga District Court. By the autumn, judges in this court had been forced to schedule hearings for 2002 and even 2003. 1,371 civil cases submitted in 2000 were not reviewed during the year because of the backlog, of which 1,270 were in the Riga District Court.

The delays were caused partly by chronic under-funding, leading to a shortage of personnel and lack of premises. The Riga District Court employs 36 percent of all district judges who have to review 56.8 percent of all cases submitted to district courts. Towards the end of the year, the Ministry of Justice increased the number of judges by eight, including three for the Riga District Court. Another reason for the delays was the absence of legal norms in criminal procedures setting time limits for the review of cases. In 2000, the authorities once again failed to adopt a new Criminal Procedure Code, the drafting of which had begun in late 1990.

In a positive development in 2000, for the first time since the restoration of independence, the Ministry of Justice budgeted significant funds (Lats 40,000 or U.S.\$ 67,000) for the training of judges. Previously, international donors had funded almost all judicial training.

On 30 November, the *Saeima* (Parliament) adopted progressive amendments to the Law on the Constitutional Court to broaden the scope of those eligible to submit applications. Until the changes, eligible applicants included the President, no less than 20 parliamentary deputies, the Cabinet of Ministers, the plenum of the High Court, the Council of the State Control, the National Human Rights Office and city councils. From its creation in mid-1997 to mid-2000, the Constitutional Court received only 44 applications. The new amendments permit private individuals to submit complaints in cases of violations of their basic rights. However, private individuals will only be able to complain about a legal norm, and not about the unconstitutionality of a court verdict or act of public author-

ities. The Constitutional Court will have the power to determine the constitutionality of the norm in question or to recognise it as not being in force, but the plaintiff will have to turn to a regular court again to seek redress when an unconstitutional norm has been applied. Lower courts will also be able to submit applications in cases where they believe that the legal provision to be applied in the case pending does not comply with a legal norm of higher force.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

At the beginning of the year, the Interior Ministry released data on disciplinary measures taken against Ministry staff in 1999. The total figure of those punished was close to 4000 - a 5 percent increase from 1998. In 1999, 60 Interior Ministry personnel were detained or imprisoned for committing criminal acts, of which 28 cases involved accepting bribes. Interior Minister Mareks Seglins urged harsher penalties for errant police officers, noting that "there were 102 cases in which police staff were driving an automobile under the influence of alcohol, but only 40 lost their jobs: this situation undermines the prestige of the police."

At the beginning of the year, the General Prosecutor's Office conducted a review of criminal cases completed in the final quarter of 1999. A review of registered criminal acts in 11 Latvian districts found 32 cases in which the local prosecutor or police official had unjustifiably refused to initiate criminal proceedings. For the period in question, a total of 9,845 criminal acts were registered, but authorities decided not to initiate criminal proceedings in 44 percent of all cases. The Riga court district prosecutor discovered several cases involving the sexual exploitation of children that police had unjustifiably failed to pursue. While declining to specify the number of such cases, Chief Prosecutor for the district, Janis Drobisevskis, noted that the cases in question were being investigated.

Police violence and misconduct continued to evoke concern in 2000, as did the punishments levied on errant officers, which were often mild, if they were levied at all.

◆ On 2 February a youth turned to the 21st Riga police office with a request for assistance in retrieving two stolen Lats. His claims of police abuse were corroborated by physicians, who found physical signs of ill-treatment. A criminal investigation ended inconclusively, though the victim expressed an intent to appeal.

◆ On 8 November, the Kurzeme Regional Court found two former Liepaja Municipal police inspectors, Aigars Prusis and Janis Fugalis, guilty of beating and humiliating three minors. However, the Court handed down very mild punishments: two-year suspended sentences.

A number of instances of misconduct were reported in the Ogre Municipal Police, suggesting a pattern of problems.

◆ In January, three police officers were arrested by the Office for Combatting Organised Crime and Corruption (ONKAB) after they were found to have attempted to illegally fine an inhabitant, to have issued invalid receipts for fines and to have been "careless" about disposing confiscated contraband liquor.

◆ In the summer, ONKAB submitted evidence to the Ogre Prosecutor's Office about three other Ogre Municipal Police officers. ONKAB charged them with arresting two persons in February, driving them seven kilometres from Ogre into the woods, partially stripping them, and leaving them in -5 degrees temperature. However, the Ogre District Court returned the case to the Prosecutor's Office for additional investigation and, by year's end, the case had not yet been reviewed.

In a number of cases, police officers were found to have driven into and seriously injured civilians.

◆ On 30 October, a Cesis Traffic police officer was found to have driven into and seriously injured a 50-year-old man and left the scene of the accident. While the officer in question lost his job, the Cesis region Traffic Police Chief acknowledged that four of 12 inspectors in his region had committed serious crimes in 2000.

In early autumn the leadership of the Latvian Prison Administration fired four prison guards who had beaten up prisoners in the Central Prison. The guards appealed the decision in court and a hearing was scheduled for early spring 2001.

On 13 December, the Cabinet of Ministers adopted a decision to make public the report by the European Committee for the Prevention of Torture on Latvia's closed institutions. On 20 December, the Council of Europe's Committee of Ministers also approved Latvia's nominee to the Committee – Angelita Kamenska of the Latvian Centre for Human Rights and Ethnic Studies (IHf member).

Conditions in Prisons and Detention Facilities

The large number of prisoners, the high-percentage of remand prisoners and their conditions, and the incidence of disease in prisons remained serious problems, as did the fact that seven of Latvia's 15 prisons continued to be guarded by army conscripts at year's end. At the end of 2000, the total number of prisoners was 8,831, an increase of only 16 persons compared to 1999. However, the overall incarceration rate rose from 354 to 373 per 100,000. The growing number of persons in pre-trial detention continued to evoke concern. Of the total prison population, 43.7 percent were awaiting trial. Of particular concern was the large number of minors in pre-trial detention.² Of the total 327 minors in prison at the end of the year, 59 percent were in pre-trial detention.

Latvia's legislation on remand prisoners did not envisage any easing of the

regime for those who had already been sentenced by the courts but were appealing the decision. These prisoners continued to remain in cells for 23 hours a day and most were denied contact with the outside world, despite the fact that many of them remained in remand prisons for up to two years. In early October, ten prisoners in Matisa Prison went on a hunger strike demanding a more rapid review of their cases in courts.

The widespread incidence of tuberculosis and HIV among prison inmates remained a cause for concern. Throughout 2000, a total of 474 persons in prison were found to have active tuberculosis, a 60 person increase compared with 1999. However, a total of 187 first-time patients were diagnosed, 51 percent of whom became ill in prison. At the end of the year, 197 inmates had HIV, though the tally for the year as a whole was 290.

Conditions in Latvia's 28 short-term police detention centres (*izolators*) also gave cause for concern. In a meeting with National Human Rights Office Director Olafs Bruvers on 1 November, State Police Chief Juris Reksna acknowledged that several of the detention centres would have to be closed because there was no funding for repairs. The Prosecutor's Office has already warned the Dobeles police that their detention centre would have to be shut down unless it were to be repaired. The State Police acknowledged that detention centres in Ventspils, Balvi, Daugavpils, Liepaja and Jelgava were in critical condition as well. As of the end of 2000, the police had not received 1.2 million Lats (U.S.\$ 1,967,000) requested for repairs over the previous two years.

Conscientious Objection

Throughout 2000 several cases of conscientious objection, involving Jehovah's Witnesses, continued against the State Military Conscript Centre. Three cases were resolved, as the plaintiffs became ordained clergymen (who are exempt from

military service) and the Conscription Centre freed them. Three other cases were pending at the end of the year, including the appeal of Robert Nemiro, which was scheduled for February 2001. After a successful lobbying effort on the part of the NGO Centre, the Defence Ministry created an inter-ministerial working group in September 2000 to draft a law on alternative service by summer 2001.

Protection of Ethnic Minorities

On 22 August, the Cabinet of Ministers adopted a packet of eleven implementing regulations under the State Language Law passed in December 1999. The regulations are critical as they elaborate in detail the circumstances under which the Government can regulate language use in society, thereby infringing the rights of persons belonging to minorities to use their own languages, the right to private life and freedom of expression. The regulations cover issues such as the circumstances under which translation into Latvian must be provided at conferences and demonstrations, when private organisations are required to provide information in Latvian alongside other languages on publicly displayed signs, and the Latvian language requirements for various posts in the public sector. In a press statement issued on 31 August, OSCE High Commissioner on National Minorities, Max van der Stoep, stated that the regulations were "essentially in conformity with both the law and Latvia's international obligations" and that "virtually all of my recommendations were accepted by the Government."

In amendments to the regulations passed by the Cabinet of Ministers on 21 November, the Government listed those professions in the private sector subject to Latvian language regulation. The list is brief and contains 34 categories, almost all of which can be termed as falling within a legitimate public interest (public health, public safety, public order). The list includes various health care professions, guards and security-related professions, as well as no-

taries and sworn advocates. One profession on the list is difficult to justify as falling within a legitimate public interest though: taxi drivers. How the regulations are implemented will be critical from a human rights perspective. Legal challenges to the justifiability of various provisions are likely and should pose an important test for the State Language Centre, which has previously demonstrated considerable vigour in punishing violators of language legislation in the private sector.

In the state sector, numerous problems were made apparent in the implementation of the provision that state and municipal institutions may receive documents only in Latvian or with a notarised translation. For example, the courts, the Department of Citizenship and Migration Affairs and other official bodies systematically returned correspondence to prisoners who had written letters in Russian. Around 2/3 of Latvia's prison population is Russian-speaking and the State does not provide free language training or translation services. Thus, in the Central Prison, prisoners sent around 12,000 petitions, complaints and requests in 2000 - only 1/3 of which were in Latvian. The Riga City authorities warned the Riga Children's Rights Protection Centre about accepting documents in Russian. By refusing to accept such communications, the authorities may violate Article 104 of the Constitution, which guarantees the right of each individual to address state and municipal institutions and receive a reply. A solution has been found in Daugavpils, where the City Council hired a full-time translator to assist members of the public in preparing documents in Latvian.

The year 2000 saw little progress towards the implementation of the social integration policy framework, which lays out the goals and means for minority policy in realms such as civic participation, education and culture. By the year's end, the Government had not yet adopted the National Programme for the Integration of

Society. After numerous delays caused by political infighting at the highest levels, on 29 December the inter-sectoral management group submitted the final draft programme to the Ministry of Justice, which will be responsible for presenting it to the Cabinet for approval in early 2001.

There was some progress towards creating implementing institutions and allocating funding. On 14 November, the Cabinet decided to allocate 16,239 lats (U.S.\$ 26,500) from the 2001 budget to create a three-person Integration Department within the Ministry of Justice to oversee implementation of the programme. On 14 November, the Cabinet also referred a draft law to Parliament on the creation of a Social Integration Fund through which government and donor money is to be channelled to support integration-related projects. At the year's end, the draft law was being debated in parliamentary commissions, where it was criticised for being incompatible with the forthcoming law on state agencies. Despite the uncertain fate of the draft law, on 14 November the Cabinet also decided to reserve 200,000 lats (U.S.\$ 325,000) from the 2001 discretionary budget of the Ministry of Finance for the Fund. It is unlikely that this sum will actually be allocated from this budget line in 2001, as it represents the lion's share of the discretionary budget. In November, the Minister of Justice also created an advisory council on social integration issues which met several times to discuss the draft programme, the draft law on the Integration Fund, and the work of the new Integration Department.

In April, the city of Ventspils adopted its own integration programme and created a non-citizen's advisory council, whose members actively participated in the work of the city council during the remainder of the year. The Liepaja city government established an "integration promotion working group" in 1999, which prepared a draft city integration programme. The Aizkraukle Social Integration Council registered itself

as an NGO in late October and works primarily with youth on integration projects.

On 11 May, the *Saeima* rejected a draft bill to ratify the Council of Europe's Framework Convention for the Protection of National Minorities, which Latvia signed in 1995. Only 15 deputies voted for ratification, 21 were against and 52 abstained. While deputies mentioned a number of technical obstacles, the real obstacle was the incompatibility of a number of legislative norms, particularly in the realm of language policy.³

Citizenship

On 1 July, there were 568,195 stateless "non-citizens" in Latvia, or 23.9 percent of the total registered population. Despite liberal amendments to the Law on Citizenship passed after a referendum in October 1998, the naturalisation rate for non-citizens remained quite low in 2000. While the number of persons granted citizenship through naturalisation increased from 12,427 in 1999 to 14,900 in 2000, the higher figure merely reflected the time lag from the point of application to being granted citizenship. The total number of applicants actually fell from 15,183 in 1999 to 10,692 in 2000. Experts attributed the leap in 1999 to the backlog of ready applicants who had previously been kept from naturalisation by the age brackets or "window system" abolished in late 1998.

The abolition of the visa-free regime for travel to Russia by Latvia's "non-citizens" as of 1 January 2001 will remove one of the few advantages enjoyed by non-citizens and will probably facilitate the adoption of Russian Federation or Latvian citizenship.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

Throughout 2000 Latvia witnessed increased activity by both Latvian and Russian racist extremists and a more energetic response by law enforcement agencies.

On 29 May, the Riga District Court handed down a verdict in the trial of nine members of a neo-Nazi group called Perkonkrusts (Thundercross). They were found guilty of attempting to blow up the Victory Monument on three occasions, blowing up a hot water main, assault, inciting national hatred and other crimes. Two members of the group received three-year prison sentences and three others were released in the courtroom, as they had already served the 1 to 2.5 years to which the court sentenced them. Four other members, including the group's elderly ideologue Vilis Linins and two minors, were given suspended sentences. The founder and head of the group, Juris Recs, faced a separate trial, as he had successfully evaded the authorities until early May, when he was detained. In late December, the Riga Zemgale District Court found Recs guilty on six counts (including inciting national hatred) and convicted him to three years in prison. The Court also imposed a considerable civil penalty, requiring the defendants to pay the Riga City Council large sums for the cost of repairing the monument and to the company Riga Heat for the damaged hot water main. At the end of the year, the first nine Perkonkrusts members had submitted an appeal to the High Court and a decision was expected in early 2001. Throughout the investigation and trials, the right-wing weekly *Latvietis Latvija* published appeals to donate money to help Perkonkrusts members, whom the paper called "patriots of the Latvian people" and "political dissidents." The fringe paper, which is sold freely in kiosks throughout the capital, regularly features racist and anti-Semitic articles. The publishers also have a home page⁴, which has a link to the Holocaust denial site created by Ernst Zundel in the United States.

The existence of a Latvian neo-Nazi youth group in Liepaja came to light in 2000. In late 1999 and early 2000 the group published three issues of a newsletter called *Patriot* as well as a Latvian trans-

lation of an American anti-Semitic satirical cartoon book called *Tales of the Holochoax*. The newsletters are filled with adulation of the inter-war Latvian Thundercross organisation and Nazi Germany, as well as violently racist and anti-Semitic articles commenting on "Jew imperialism," the "Holocaust myth," the anti-Semitic staple the "Protocols of the Elders of Zion" and so forth. On 28 September, Liepaja authorities filed criminal charges against the publisher of Patriots Guntars Landmanis for inciting national hatred.

In January the Latvian Regional Organisation of Russian National Unity, a neo-Nazi group modelled on a similar group in Russia, published the first issue of an underground newsletter entitled *Za Russky Poryadok* (For a Russian Order). In an article entitled "To Whom Do the Baltics Belong" the author asserts that in 1940 "our fathers once again returned here and only took back what has always belonged to Russia by right". Other articles refer to the influence of "Zionist capital" on the Latvian media. On 12 May, Evgeny Osipov, the leader of the organisation, was fined 100 lats (U.S.\$ 166) by the Liepaja Court for breaking regulations governing the registration of social organisations.

On 14 April, the authorities permitted official registration of the social organisation Victory Society (in Russian: *Obshchestvo pobedy*, in Latvian *Sabiedriba uzvara*), a front for the National Bolshevik Party (NBP), a self-styled "revolutionary Russian nationalistic party" modelled on a similar party in Russia. After registration, the group began to issue a newspaper *Tribunal*, which has printed a number of articles glorifying violence. It has stated, for example, that the telecommunications monopoly should be bombed, and derided the so-called "Holocaust business." In August, the authorities launched criminal proceedings against *Tribunal* editor Vladimir Linderman and publisher Olga Morozova for propagandising violence and inciting national hatred. In early September the Riga Centre

District Court gave NBP activist Aijo Benes a two-year suspended sentence for hooliganism after he was caught writing "Kill [former Prime Minister Andris] Skele! NBP" on a wall in Riga.

On 14 November, four NBP activists from Russia entered Latvia illegally by jumping off the St. Petersburg-Kaliningrad train. Though they were apprehended within 24 hours, on 17 November another three NBP activists from Russia barricaded themselves in St. Peter's Church in Old Riga and threatened to blow themselves up with a hand grenade unless their political demands were met. After several hours, they gave themselves up to the Latvian authorities. They faced criminal charges of terrorism. A local NBP activist, Vladimir Moskovtsev, was also detained and charged with abetting illegal border crossing.

On 4 June, the main television news programme "Panorama" aired a news story about a woman who had swindled jewels and a substantial sum of money from a young girl, who then attempted to commit suicide. The perpetrator was alleged to have been of Roma origin. The journalist concluded the piece by drawing the "lesson" that "it is best not to look in the eyes of Roma" as they have hypnotic powers. Further, a police officer appealed to all Roma in Latvia to assist in recovering the jewels. The Roma National Cultural Society and Parliamentary Commission on Human Rights and Social Affairs protested against the programme as contributing to negative stereotypes against Roma. The head of the news division at Latvian TV apologised to Roma for the broadcast and expressed the intention of devoting some special programmes reflecting Roma culture and traditions.

In August, the mainstream financial magazine *Kapitals* featured an anti-Semitic cover story entitled "Jews Rule the World." The term used throughout the article for Jew was "Zhids," which was the Jewish self-designation before World War II, but is now considered insulting by the Jewish community. The cover featured a drawing resem-

bling a Nazi-era caricature: a bearded, hook-nosed figure embracing a globe. While the article ostensibly sought to describe the contribution of Jews to economic and cultural life, it also contained "historical material," including a rendering of the Holocaust in which much of the blame is attributed to Jews themselves. The article evoked strong condemnation by the Latvian authorities and the mainstream media, prompting the publishers to fire the magazine's editor. The Prosecutor's Office began an investigation into whether the article violated Latvian legislation prohibiting incitement, but no conclusion had been reached by the year's end.

A sociological survey commissioned by the National Human Rights Office in January sheds interesting light on public perceptions of human rights violations and discrimination. A total of 24 percent of all respondents (18 percent of all Latvians, 31 percent of all non-Latvians) claimed to have experienced discrimination in the last three years. The two most commonly mentioned realms were labour relations and social services (47 percent and 24 percent of all who claimed discrimination respectively). When asked why their rights had been violated, respondents noted ethnicity and language most frequently. Such was the case for most non-citizens and non-Latvians.

Protection of Asylum Seekers

For the first time, a resident of Latvia who had received refugee status in a State party to the 1951 UN Convention attempted to return to Latvia to resume his residence. Andrejs Vesnins, a former resident of Latvia, had received refugee status in Russia on 4 January 1995. In July 1999, Vesnins returned to Latvia with a visa and in August attempted to obtain a residency permit. The Citizenship and Migration Affairs Board refused his request, requiring that Vesnins appear in its office to annul his Population Register stamp in his passport (the basis for annulment: "emigrated"). In

September, Vesnins received a departure order. On 4 October, he submitted a request to the Refugee Affairs Centre but was rejected as “manifestly unfounded,” declaring that the decision was final and not subject to appeal. Between 13 October 1999 and mid-2000, Vesnins was detained and placed in the Gaizina St. Illegal Immigrant Temporary Detention Centre.

On 18 April, a first instance court reviewed and rejected Vesnins’ complaint, noting that the plaintiff’s return to Latvia is regulated by Latvian legislation, not the UN conventions and international law invoked by the plaintiff. It should be recalled, however, that Latvia ratified the 1951 UN Convention and the 1967 Protocol on refugee status on 19 June 1997. The plaintiff’s appeal to the Riga District Court was scheduled to be reviewed in December 2001, but he was deported back to Russia in late 2000.

On 15 December, the Immigration Police deported two persons to Russia who had deserted the Russian Army, requested asylum in Latvia and were awaiting the outcome of an appeal. The deportation was unlawful, as Article 20 of the Law “On Asylum Seekers and Refugees in the Republic of Latvia” states that a person shall be considered an asylum seeker during the review of an appeal.

In July, a new NGO called “the Latvian Association of Foreigners” was created with the goal of assisting and advising foreigners, refugees and asylum seekers in Latvia. One of the founders was Haisam Abu Abda, one of only seven persons to have received refugee status in Latvia. The organisation seeks to assist in family reunification, promote integration into society and facilitate the movement of refugees between the three Baltic States.

International Humanitarian Law

Past Abuses

In a controversial case, the Latvian High Court decided in late April to release from custody Vasily Kononov, a former Red

Partisan leader accused of war crimes during World War II, and referred the case back to prosecutors for supplementary investigation. Kononov had been accused of participating in an attack on Mazie Bati village in which nine people, including a pregnant woman, were killed in 1944. In January, a lower court found Kononov guilty and sentenced him to six years in prison. Soviet authorities had decorated Kononov for his actions and Russia championed his cause throughout the legal proceedings, accusing Latvian authorities of punishing him for being an anti-fascist. The testimony of both Kononov and witnesses was full of contradictions, and questions arose about whether all the victims could be considered non-combatants. In justifying its decision, the High Court pointed to a number of procedural violations in the pre-trial phase and in the first instance trial. After his release Kononov adopted Russian citizenship. The case is likely to return to court in 2001.

Throughout 2000, the Government took a number of steps to bring alleged World War II Nazi war criminals to justice as well. In February and September, the Latvian Government hosted meetings of war crimes investigators from Australia, Canada, Britain, Germany, Israel and the United States. At the meetings, participants compared evidence against Konrads Kalejs, an 87-year-old Australian citizen who had been a commanding officer with the notorious Arajs Kommando in Nazi-occupied Latvia, and other possible targets of investigation. In March, the General Prosecutor’s Office initiated criminal investigations against both Kalejs and Karlis Ozols, another member of the Arajs Kommando now residing in Australia. In December, the Latvian General Prosecutor requested that Australia extradite Kalejs to Latvia to stand trial on war crimes charges. In late December, the Australian media reported that Kalejs intended to fight the extradition order in court and that the appeals process could last up to two years.

Women's Rights

In the realm of women's rights, the most important developments were the drafting of new policy documents and legislation and the initiation of anti-discrimination litigation. At the end of 2000 the Ministry of Welfare commissioned the drafting of a Framework Document for the Promotion of Gender Equality, which should be submitted to the Cabinet in early 2001. The document analyses the current situation, the costs of inaction, and suggests policy measures and institutional innovations.

On 19 May 2000, the Parliament adopted several amendments to the Criminal Code that criminalise trafficking in human beings in connection with sexual exploitation. Article 165(2) defines trafficking/sending to a different country as any activity that facilitates legal or illegal departure from the country or entry into the country, transit or stay in a foreign country. The amendments came into force on 1 June. Article 165(1) foresees the deprivation of liberty for up to four years in cases of sending a person with his/her consent to a foreign country for the purpose of sexual exploitation. If the same activities are committed for the purpose of commercial sexual exploitation, the punishment may be up to ten years imprisonment, with possible confiscation of property. If these activities are committed by an organised group or against a minor, the punishment may be eight to fifteen years imprisonment, with the confiscation of property. Subsequently, the first criminal case of trafficking was initiated.

In March 2000, the Parliament decided to renew the Vice Squad, which is responsible for investigating crimes linked to involving people in involuntary prostitution, trafficking in human beings, pandering and child pornography. While the Parliament initially planned to allocate funding for 21 police officers as of July, a budget shortfall postponed implementation until January 2001.

According to data from the Immigration Police, over the year a total of 273 women were deported to Latvia, including 118 from Germany, 53 from Great Britain, 22 from Denmark, and 21 from Switzerland. The real number of women going abroad each month for illicit purposes was estimated to be in the hundreds.

Latvia lacked legislation on reproductive and sexual health. For example, the legal basis for abortion was governed not by law, but merely by a Welfare Ministry Order No. 77 of 1993. On 19 October 2000, the Parliament reviewed the first reading of a new draft law on sexual and reproductive health. The draft law delineates two types of abortions: a "medical abortion," performed for medical and social indications, and an abortion performed upon a woman's request. The draft law also includes regulations for artificial fertilisation and the legal status of the child. The current version of the draft law defines a heterosexual couple or woman as the subject being the potential subject of artificial fertilisation, although another article says that "potential parents are a heterosexual couple." Thus, it remained unclear whether the rights of lesbians and single women will be respected. A questionable provision holds that if a patient who has not yet reached the age of 18 wishes to terminate a pregnancy and there is parental disagreement, the Custody Court has the final word.

In February, for the first time in Latvian legal history, a female employee won a court case against an employer for gender discrimination. However, on 19 May, the employer successfully appealed the decision of the Rezekne Court in the Latgale Regional Court.

◆ Dagmara Abramova, an employee of a printing company called Latgales Druka, had her labour contract amended in 1999. As a result, she was prohibited from fulfilling seven duties that she had been able to fulfil previously and her wage was five times less than that of her male colleagues. The first instance court in Rezekne recog-

nised the labour contract as invalid and required the employer to pay 2,791 lats (U.S.\$ 4,715) compensation for wages not received for 12 months. In its verdict, the court referred to the Convention on the Elimination of All Forms of Discrimination Against Women, which Latvia has ratified. After the Latgale District Court overruled the initial decision, the plaintiff expressed the intention of appealing to the High Court and, if necessary, to the European Court of Human Rights.

Rights of the Child

Long pre-trial detention of minors remained a serious human rights concern in 2000. At the end of the year, 327 minors were in Latvia's prisons, 53 percent of whom were in pre-trial detention.

◆ At the end of the year, Brasas Remand Prison had 182 minors, 67 of whom had been in detention for up to six months, 44 for six months to a year, 45 from 1-2 years, and 26 for more than two years. This was in stark violation of Article 37, Paragraph (b) of the Convention on the Rights of the Child, which states that "the arrest, detention or imprisonment of a child [...] shall be used only as a measure of last resort and for the shortest appropriate period of time".

On 9 March, the Parliament amended the Children's Rights Protection Law to require the Justice Ministry to "ensure that the work of the courts is organised such that cases linked to the defence of children's rights or interests are reviewed on a priority basis." However, the amendments do not set a time limit by which cases involving minors must come to trial or appeals must be reviewed, which is one of the main reasons for lengthy periods in remand prisons.

◆ In a letter to a minor "X" on remand whose case was first tried in December 1998 and who inquired about the date of his appeal, the Riga District Court wrote in May 2000 that no date had been set. The

letter noted that "the date of the appeal hearing will be announced to you in a timely manner."

According to data from the Prison Administration, six minors in Brasas attempted suicide in 2000, two of which resulted in death. Prison officials pointed to long pre-trial detention periods as the main cause of suicide. Two-thirds of all minors on remand were prohibited from writing to or meeting with their relatives. Moreover, overcrowding was a serious problem. In late autumn, 170 adult prisoners on remand were transferred to Brasa Prison from Central Prison. As a result, juvenile remand prisoners who were previously placed in 32 cells were now placed in 21 cells. In several cells the number of juvenile prisoners has increased to 12, thereby leading to more frequent conflicts among prisoners.

A regulation from 1994 "On the Procedure for Keeping Suspected, Imprisoned and Convicted Persons in Interior Ministry Remand Prisons" remained in force, and did not envisage any state-funded educational activities or social rehabilitation programmes for minors on remand. However, Article 3 of the Law on Education guaranteed every resident of Latvia "equal opportunities to acquire education" and Article 4 stated that "the acquisition of primary education [...] until the attainment of 18 years of age is obligatory." There were only two prison officials working gainfully with the 180 minors on remand. The lack of constructive activity and the harsh restrictions on contacts with the outside world cannot be justified for minors and those on remand for lengthy periods.

An amendment to the Children's Rights Protection Law adopted on 9 March provides that, until new adoption regulations enter into force, "a child may be adopted abroad if that country is bound by an international convention envisaging the protection of children's rights and co-operation in inter-state adoption, or if Latvia has signed a bilateral treaty with the country on legal co-operation in the field of adoption." On 16

March, the *Saeima* ratified the European Convention on the Adoption of Children, although by the year's end the Parliament had yet to amend the Civil Law to bring it into conformity with the Convention.

In April, with the entry into force of amendments to the Children's Rights Protection Law, a new procedure governing children's travel across national borders was introduced. In order to leave the country, children were required to possess a notarised authorisation from their parents or guardians. If one parent was not reachable, the authorisation had to be obtained from an Orphan's Court. However, at the border, authorisations were also demanded from children whose parents had divorced or one of whose parents was either dead or unknown. These demands restricted children's freedom of movement and created severe problems at border crossings until the new procedure was suspended in mid-May.

By the end of the year, a wide public debate on conditions in Latvia's child-care homes erupted after the NGO "Save the Children" publicised allegations of abuse in several homes.

◆ After a review and investigation, the Prosecutor's Office filed criminal charges of violence and cruelty against three employees (including the director) of the Aleksandrova special school in the Kraslava district. Another case involved a home in Liepaja, where "Save the Children" alleged that the elder children sexually abused younger ones and violence was common. However, local education authorities claimed that the *démarche* by "Save the Children" had disturbed the children and harmed an ongoing criminal investigation.

Rights of the Mentally Ill

On 21 July 2000, the Welfare Ministry approved a Psychiatric Assistance Strategy for the period 2000-2003, although no funding has been allocated to implement the strategy. This is the first policy document since the restoration of independ-

ence to lay out guidelines and priorities in mental health care. It is included in the National Programme for Integration into the European Union, as the European Commission's Progress Report on Latvia had indicated problems in Latvia's mental health care system.

The strategy calls for supporting the integration into society of mental patients as close to their place of residence as possible, a reduction in the number of beds in mental hospitals, and the creation of multi-disciplinary teams to develop rehabilitation services, such as supported employment centres and halfway houses. It also lists a large number of priority target groups: patients with severe mental disabilities, criminals with mental disabilities, children and juveniles, young patients with schizophrenia, patients who are both mentally ill and drug dependent, and geriatric patients with mental illnesses.

◆ The first litigation concerning patients' rights in psychiatry was initiated at the beginning of the year. The complaint involved a patient's access to his medical records and the right to information about diagnosis and treatment, which the plaintiff had tried to obtain for 20 years with the aim of submitting it to an independent review body. In 1967, Alberts Sirmulis was diagnosed with schizophrenia and attempted to appeal this decision several times. However, all the mental health institutions involved – the Strenču, Jelgava, and Riga mental hospitals, as well as the State Psychiatric Centre, refused to grant the former patient a copy of his medical records.

With the assistance of the Legal Clinic at the University of Latvia, a complaint was filed in March against the Ministry of Welfare, which oversees mental hospitals. The plaintiff invoked the law "On Medical Treatment," the law "On Access to Information," and provisions guaranteeing the right to private life in the Constitution and the European Convention on Human Rights. On 28 September, the Vidzeme

District Court reviewed the case and found no wrongdoing on the part of the Ministry. Sirmulis filed an appeal to the Riga Regional Court on 31 October.

Patients' Rights

The funding crisis in health care, as well as the deaths of a number of patients due to error on the part of medical personnel, drew attention to serious problems in the area of patients' rights in Latvia. Patients may turn to the Welfare Ministry's Medical Care and Work Ability Expertise Quality Control Inspection (MADEKKI), which can levy fines on medical staff of up to 150 lats (U.S.\$245) or request the Latvian Physicians Society to annul a license. In 2000, MADEKKI received 256 complaints, 25 of which were linked to the death of patients.

Patients may also defend their rights in court, but trials tend to be lengthy and expensive. In a case that continued throughout 2000 and prompted widespread public debate, a patient named Filipsons, who

had had a back operation in 1997, was rendered disabled. In 1999, MADEKKI asked that the surgeon in question, Egils Strauss, be stripped of his license, but the Physicians Society refused. Filipsons sued the surgeon, but on 17 January 2000, the Riga Regional Court denied his request for compensation. This was the first case in which the compensation demanded was sizeable (45,983 lats or U.S.\$75,000), a factor that evoked considerable debate about the need for reforming health insurance and introducing malpractice insurance. At the end of the year, Filipsons appealed his case to the High Court, which is set to review the case in early 2001.

In 2000, the health care system was hit with a serious funding crisis. The Oncology Centre appealed to the public for assistance in June, as the State had not allocated the necessary funding to replace essential equipment. In the autumn, a lack of funding also led several hospitals to refuse admittance to patients.

Endnotes

- ¹ As reported in *Human Rights in Latvia in 2000*, by Latvian Centre for Human Rights and Ethnic Studies (Nils Muiznieks, Angelita Kamenska, Ieva Leimane, Sandra Garsvane).
- ² See also the Rights of the Child.
- ³ Turkey and Latvia are the last remaining EU-candidate countries that have not ratified the Framework Convention.
- ⁴ www.home.parks.lv/latvietis