



COMMISSIONER FOR HUMAN RIGHTS

COUNCIL OF EUROPE



Strasbourg, 16 May 2007

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## **Memorandum to the Latvian Government**

### **Assessment of the progress made in implementing the 2003 recommendations of the Council of Europe Commissioner for Human Rights**

For the attention of the Committee of Ministers  
and the Parliamentary Assembly

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## **I. Introduction**

1. The previous Commissioner for Human Rights, Alvaro Gil-Robles, undertook an assessment mission to Latvia from 3 to 8 October 2003 at the invitation of the Latvian Government. This report<sup>1</sup> highlighted problems concerning police activities, prisons, the judicial system, protection of minorities, educational reform and the protection of rights in the social sphere.

2. The present memorandum was produced in order to ensure continuous dialogue on human rights questions with the Latvian government. It is based on the findings of the staff of the present Commissioner's Office who made a follow-up visit to Latvia from 7 to 11 June 2006. The Commissioner wishes to voice his sincerest gratitude to the Latvian authorities for the successful organisation of this visit and the hospitality provided to the members of his Office<sup>2</sup>.

3. The present memorandum aims to examine the follow-up action taken by the Latvian authorities on the recommendations as set out in the 2003 report. It follows the order of the recommendations, and also incorporates some other subjects not dealt with specifically in the first report. These mainly concern the rise of discrimination and the fight against various forms of racism, which have been central to social debate in Latvia since 2003.

4. This memorandum also takes into account information forwarded by representatives of the non-governmental organisations (NGOs) encountered by the delegation members during their visit. The Office of the Commissioner would like sincerely to thank all those encountered during the visit for their co-operative and open-minded approach.

## **II. Law-enforcement agencies**

### **1. Police violence**

5. In his 2003 report, the Commissioner had noted with concern the many allegations of police violence. He recommended that the Latvian authorities put an end to such practices and ensure that the mechanisms for sanctioning violence committed by law-enforcement agencies against members of the public functioned effectively.

6. The Delegation met with Senior Officials of the Ministry of the Interior, including senior police officers, who pointed out that a Code of Conduct and Professional Ethics for State police officers had been promulgated in May 2005. A Domestic Security Office had been set up in May 2003 under the authority of the Chief of the State Police for investigating alleged police violence.

7. The aforementioned Office can initiate internal investigations upon receipt of a complaint: 183 complaints were investigated in 2003, 193 in 2004 and 187 in 2005. Disciplinary sanctions were imposed in what can only be described as a small number of cases, viz 12 in 2003, 13 in 2004 and 4 in 2005. No disciplinary action was taken between January and June 2006. According to our dialogue partners, the small percentage of sanctions can be explained by the difficulty of gathering evidence and also by the fact that some of the disciplinary cases were transferred to the criminal justice system for criminal investigation. This was the case of 18 complaints in 2003, 26 in 2004, 39 in 2005 and 39 in the first half of 2006.

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<sup>1</sup> Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, 12 February 2004, CommDH(2004)3, on his visit to Latvia from 5 to 8 October 2003.

<sup>2</sup> The delegation of the Office of the Commissioner consisted of Mr Alexandre Guessel, Mr John Dalhuisen and Ms Aurélie Campana.

8. The low number of sanctions and the even lower number of convictions leave some doubts as to the efficacy of the action taken by the Domestic Security Office.

9. The Commissioner wishes to reiterate that all acts of violence committed by the police must be firmly and immediately sanctioned. The Commissioner is worried about the persisting allegations of ill-treatment, primarily on arrest and during police custody and questioning. He also invites the authorities to review whether the Domestic Security Office has a sufficiently independent status.

## **2. Police custody**

### **a. Reform of procedure**

10. The new Code of Criminal Procedure which came into force on 1 October 2005 radically reformed remand procedure. First of all, it cut the maximum length of police custody from 72 to 48 hours. Secondly, detainees' rights must now be systematically notified in writing. On their arrival on police premises detainees are issued with a document setting out their rights. During one visit the Delegation noted that the list of rights was posted up in various places on the premises and was available in several languages, namely Latvian, Russian, English and German. According to the Head of the police station, if the person in custody understood none of the above-mentioned languages, an interpreter was systematically provided at the Government's expense. All persons remanded in custody must sign a statement confirming that they have taken cognizance of their rights.

11. Furthermore, the police must provide detainees with a list of lawyers and associations providing legal assistance. They can either choose their own lawyer or waive their right to such assistance. If they want legal assistance but are unable to find or cannot afford a lawyer, or if they disagree with their lawyer, the investigating police officer must identify and invite a lawyer to assist the detainee. The progress secured under this new Code of Criminal Procedure also included a new institution of an investigating judge, who must take the decision to remand the person in custody within 48 hours.

12. The new Code of Criminal Procedure is a major legal improvement. The transformations brought about by this text must now be accompanied by a change of practices and attitudes. While a period of adaptation will be needed, two vital questions must be immediately addressed, namely access to lawyers and legal assistance.

### **b. Access to lawyers and legal assistance**

13. The new Code of Criminal Procedure stipulates that the presence of a lawyer is mandatory for minors and persons with reduced legal capacity (persons with mental or physical disabilities and illiterates). Other categories of detainees may refuse such assistance. According to the lawyers the delegation interviewed, Latvia has a severe shortage of lawyers, especially in rural areas. In the administrative and civil fields, legal representatives, (i.e. other than lawyers), can also be involved alongside the lawyers, whereas duly appointed lawyers must appear in criminal cases. 903 lawyers are currently practicing in the criminal-law field. The absence of a lawyer can lead to the invalidation of criminal proceedings. This leaves two options: either the detainee waives his or her right to a lawyer, or he or she insists on using this right, in which case the police officer responsible for investigations must secure the services of a legal counsel in order to avoid any standstill in investigatory proceedings. The lawyers noted that the former scenario is the more common.

14. The latter scenario may prove equally complex, especially for detainees who cannot afford legal fees. Even if an officially assigned lawyer is available or if the police officer manages to find a legal counsel, the latter will not necessarily agree to assist the person throughout the

whole proceedings. In such cases a different lawyer can appear at the hearing to decide whether or not to remand the person in custody. In such cases the lawyer generally only has a few minutes to talk to his client, which makes it difficult to see these interviews as constituting genuine legal defence.

15. This problem is further aggravated by the ineffectiveness of the legal assistance provided under the Code of Criminal Procedure. Ever since 1 October 2005 lawyers have been required to sign an agreement with the Ministry of Justice. However, when the Code of Criminal Procedure came into force only thirty lawyers had signed such an agreement, with the total increasing to 44 by 1 June 2006. The low level of remuneration (fees were initially fixed at LVL 4 per hour and subsequently increased to LVL 6 per hour) explains to a large extent the non-compliance with these regulations. A working group was in fact recently set up, in co-operation with the Bar Association, to try to solve this difficult problem, which hits the more vulnerable individuals the hardest. The Ministry of Justice is to provide additional funding in 2007 in order both to increase lawyers' fees and to finance the newly established Legal Assistance Agency. The latter was set up on 1 January 2006 with responsibility for administering legal aid, which means working in co-operation with the legal profession.

16. The operational malfunctioning of legal assistance reveals a problem affecting the whole profession. Some lawyers consider that the conditions of recruitment and exercise of the profession have severely deteriorated. According to them this relates not only to the police stations but also to the prisons. According to the lawyers the delegation spoke to, the room at Daugavpils Prison intended for lawyers to meet with their clients has no tables or chairs, and furthermore, the lack of a door means that the confidentiality of their interviews with detainees is purely notional. This prompts the Commissioner to urge the Latvian authorities to secure as quickly as possible, that all persons held in police custody can fully enjoy their right to legal advice. The Commissioner also invites the authorities to provide lawyers with proper working conditions in the detention and remand centres equivalent to the facilities available in prisons.

### **c. Conditions of detention in police cells**

17. The lawyers interviewed informed the delegation that they considered the remand conditions of custody to be analogous to inhuman and degrading treatment. The visit to the Riga remand centre confirmed such a criticism. The cells are located in the basement and have no windows no access to daylight, and no effective ventilation. The stifling air was made unbreathable by the pestilential stench from the filthy toilets in the cells. These conditions were especially intolerable because detainees who appear before the public prosecutor on a Friday or Saturday have to wait until the Monday for transfer to a prison. The situation in this centre is apparently fairly representative of most of the detention and remand centres in the country. Though there have been legislative improvements in this area, it seems that little concrete, material progress has been made since 2003. The Commissioner recommends the Latvian authorities to take urgent steps to improve the conditions of detention of people remanded in custody.

## **III. Prisons**

### **1. Conditions of detention**

18. The 2003 report noted the old and dilapidated state of Latvian prisons and advised the authorities to improve their material conditions. A debate has since been initiated on the matter. On 2 May 2005 a concept of prison development was adopted, providing for completely rebuilding eight prisons (out of the total of 14 in Latvia) by 2008, improving the infrastructures of four prisons and increasing the capacity of three (300 new places each). Furthermore, working groups have been set up to consider improving physical infrastructures, implementing educational

and health policies, and introducing various activities in prison. On 9 June 2006 a new concept was presented providing for gradual transition to European standards, namely four m<sup>2</sup> of cell space per prisoner. Cell space had previously been 2.5 m<sup>2</sup> per prisoner.

19. Unfortunately, not all these positive efforts have had the expected results due to lack of funding. In fact conditions of detention remain highly precarious. The members of the Commissioner's Office visited the Riga central prison, which currently houses 1 200 prisoners on its premises with a total capacity of 1 900, the Olaine semi-custodial prison, and the remand centre in Riga, which also comprises administrative detention cells. The main complaint from prisoners at the central prison, who are generally housed six to a cell, concerned the lack of ventilation and the virtually complete absence of activities. For instance, one remand prisoner was prohibited from having books in his cell and had only one hour's exercise per day. Convicted prisoners have no activities other than the short period of exercise, reading, and possibly an educational programme, for those interested, although in fact not all prisons run such programmes. In addition to the lack of privacy, the cells are unhygienic and the toilets in a dreadful state.

20. The administrative detention cells in the Riga remand centre are in an even worse state. Four or five detainees are crammed into each cell, without windows or ventilation, and have to sleep on thin mattresses on the ground, serving sentences of up to 15 days. Detainees exercise in a wire-meshed cage just under 5 m<sup>2</sup> in total area. The state of the toilets in the cells is unsanitary. However, the Olaine semi-custodial prison is a happy exception: each well-lit cell accommodates two detainees, who can walk around the prison during the daytime. The Commissioner invites the Latvian authorities to accelerate the process of renovating the prisons and remand centres. He hopes that the utmost will be done as soon as possible to implement the policies set out in the action plans and to improve the detainees' living conditions, as well as the arduous working conditions of prison staff.

## **2. The prison population and procedural time-limits**

21. Living conditions in prison have scarcely improved despite the reduction in the prison population. On 1 May 2006 the prison population broke down as follows: 4 750 convicted prisoners and 2 144 remand prisoners. In four years the imprisonment rate decreased from 355 to 333/100 000; this rate is constantly decreasing, although it is still high. The number of adults remanded in custody has also fallen considerably, decreasing from 44% in 2002 to 30% in 2006. On the other hand, the percentage is still exceptionally high among minors: in January 2006, 41% of all young detainees under the age of eighteen were in remand centres. This alarming percentage partly explains the overcrowding in the only youth prison in Latvia (148 under-age detainees at 27 March 2006 in premises designed for 134).

22. Recommendation No. 3 in the Commissioner's 2003 report concerned compliance with the time-limits established by law for judicial proceedings, particularly where detention on remand is concerned. The new Code of Criminal Procedure sets the maximum duration of detention on remand, depending on the charges against the defendant: the limit is 3 months for minor crimes, 9 months for more serious crimes and 12 months for very serious crimes. Detention can in no case exceed 24 months, even in the most serious cases. Statistics point to a downtrend in procedural time-limits and therefore in the duration of detention on remand<sup>3</sup>. Practices would therefore seem to be changing, although the courts often lack the requisite resources. Furthermore, judgments handed down by the European Court of Human Rights would also appear to have had an impact on judicial attitudes<sup>4</sup>.

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<sup>3</sup> In 2001 the procedural time-limit in criminal cases was 5.1 months, falling to 4.4 months in 2005 (Ministry of Justice statistics).

<sup>4</sup> "See Lavents vs. Latvia, judgment of 28 November 2002, became final on 28 February 2003; Farbtuhs vs. Latvia, judgment of 2 December 2004, became final on 6 June 2005; Freimanis and Līdums vs. Latvia, judgment of 6 February 2006, became final on 9 May 2006; Kornakovs vs. Latvia, judgment of 15 June 2006, became final on 15 September 2006.

23. Detention on remand has in fact become less common, a trend which is explicable by the inclusion in the Code of Criminal Procedure of time-limits that vary according to offence or crime, and the introduction of investigating judges. Time-limits on investigatory proceedings have been extended. According to the NGOs, the entry into force of the new Code of Criminal Procedure has been counterproductive. Remand prisoners who have not been tried within the legal time-limits are now simply released. Alternatives to detention on remand and imprisonment are still rare. Similarly, rehabilitation measures are patchy, if not non-existent. The Commissioner therefore invites the Latvian authorities to continue their efforts to reduce the prison population, particularly the number of defendants awaiting trial. To that end it is important to consider more intensive use of alternatives to imprisonment and implementation of a genuine rehabilitation policy.

### **3. Health care in prison**

24. In its Recommendation No. 2, the Commissioner's report also called on the Latvian authorities to transfer the activities of the Riga Central Prison Hospital to a site better suited to the treatment of patients pending the hospital's total refurbishment. This has unfortunately not happened. A new fully modern 450-bed prison hospital is being built on the grounds of the Olaine prison. It is planned to be opened in April 2007 but the work is still far from completion. Moreover, some of the persons interviewed by my team mentioned concerns as to the financing of the medical equipment. Funds are in short supply, and some people recommended applying for European Union aid. The Commissioner considers that such aid might help put an end to the appalling conditions under which sick prisoners are currently being treated.

25. In addition to the total inadequacy of the building currently housing the hospital, its extreme old age and the insalubriousness of some sections, there is a problem with the whole prison medical system. Although there have been improvements in some fields, such as the new provision for TB and AIDS patients<sup>5</sup>, funding is still far from sufficient. The total earmarked for purchasing medicines has not changed in three years (remaining at LVL 38 000 per year), even though some medicines have become much more expensive. Prisoners complained to the delegation that they had to pay for their medical treatment.

26. Inadequate human and financial resources have led to insufficient treatment which particularly affects some categories of prisoners. For instance, drug addiction and alcoholism in prison raises enormous problems because the department that dealt with alcoholics has been abolished. Only one part-time member of staff is now responsible for this problem in all Latvian prisons. This means that during crisis periods prisoners are usually treated for three or four days and then returned to their cells. This leads to problems of violence by the prisoner against himself, against his cellmates and against warders.

27. The lack of resources for diagnosis is a further problem frequently encountered by the hospital doctors the delegation met, who informed it of their distress and frustration. Not only do prisoners have to be removed from prison for diagnosis, but they also have to pay for the examinations. Those who cannot afford the fees are deprived of certain types of treatment outside the prison medical system. For instance, disabled persons without resources cannot renew their disabled person's cards because this procedure involves regular medical examinations. Such persons will thus be debarred from the benefits linked to their disability, such as the issue of some medicines free of charge and the defrayal of certain medical expenses.

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2006; *Moisejevs vs. Latvia*, judgment of 15 June 2006, became final on 23 October 2006; and *Svipsta vs. Latvia*, judgment of 9 March 2006, became final on 9 June 2006."

<sup>5</sup> Where tuberculosis is concerned, the whole dynamics have fortunately reversed: there were 279 cases in 1998 and only 76 in 2005.

28. The hospital in Olaine will apparently be equipped for carrying out all clinical examinations apart from computer-assisted x-rays. Meanwhile, impecunious prisoners who are ill and/or disabled are thus penalised twice over. The Commissioner calls on the Latvian authorities to put an end to this intolerable situation by ensuring that all prisoners have access to the medical treatment which they need and that services are provided free of charge, especially examinations for disabled and destitute persons. The Commissioner hopes that the forthcoming transfer of responsibility for treatment from the prison sector to the Ministry of Health will be accompanied by a new policy for prisoners and financial resources commensurate with the real needs of a population which is often weakened by the conditions of detention.

#### **IV. Protection of national minorities**

29. The 2003 report went in depth into the issues related to citizen/non-citizen status, naturalisation and integration of national minorities. These issues are still being hotly debated in Latvian political circles. It should be recognized that progress has been made during the recent years in the field of naturalisation. However, the core problem does remain: the continued existence of the status of non-citizen, which is mainly held by representatives of the national minorities. This is deeply problematic in terms of real or perceived equality and social cohesion.

##### **1. The naturalisation process**

###### **a. Statistics**

30. On 1 April 2006 Latvia comprised 1 836 609 citizens and 411 054 non-citizens. The latter figure accounts for almost 18% of the population, and 66.5% of them belong to the Russian minority, according to figures provided by NGOs. The naturalisation process has accelerated considerably since 2004, the year Latvia acceded to the European Union. 16 064 individuals were naturalised in 2004 as compared with 10 046 in 2003. 19 169 non-citizens were naturalised in 2005 and 15 794 in 2006, slightly down on the previous year.

31. The Department responsible for naturalisation, which operates under the authority of the Ministry of Justice, receives between 1 200 and 1 400 applications for naturalisation per month. It has conducted a number of activities to inform non-citizens of the formalities to be fulfilled for naturalisation: Information Days organised in co-operation with voluntary associations and awareness-raising campaigns; a free hotline; on-line information on the Department's website; and some twenty booklets published over three years. Its budget has been constantly increasing since 2004, and an extra LVL 180 000 will be made available in 2007. This funding should be earmarked for an audit of the language test to be taken by applicants for naturalisation. One of the Commissioner's recommendations has therefore been partly respected. However, there is still a huge number of non-citizens. The Commissioner invites the Latvian authorities to continue the efforts initiated in 2004 in the naturalisation field.

###### **b. Simplified naturalisation procedures**

32. The 2003 report recommended facilitating the naturalisation of such particularly vulnerable groups as the elderly, persons with disabilities and young people.

###### *i. The elderly and persons with disabilities*

33. According to official statistics, 38.1% of non-citizens are between the ages of 41 and 60, and 28.9% are over the age of 60. Information and awareness campaigns have been conducted for the elderly, who, as we have seen, account for a large percentage of the non-citizen population. Yet the language and history tests used have not yet been simplified. The fact is that above and beyond the lack of information and the lack of initiative in some circles, these tests are a serious obstacle to persons who speak little or no Latvian. The delegation was informed that the



Cabinet of Ministers would shortly be considering a proposal to simplify these tests for the elderly and disabled. This proposal apparently has the backing of several ministries. The Commissioner hopes that it will be adopted and implemented as soon as possible to enable those who wish to become better integrated into Latvian society but consider themselves too old to engage in a new learning process to actually do so<sup>6</sup>.

*ii. Young people (children born before 21 August 1991)*

34. All youngsters must still take the history examination and the test on constitutional principles. However, young people who attend a school in which Latvian is the teaching language and those who study in a minority school (where most lessons are taught in the minority language) and sit the centralised language examination at the end of the 9<sup>th</sup> year of schooling are exempted from the language tests. Lastly, students at minority schools who do not opt for the centralised examination can be registered after their 12<sup>th</sup> year of schooling. Although these provisions do facilitate naturalisation and make it more attractive, some of the children interviewed highlighted a problem with training and information for young people, who are unable to fully comprehend the issues at stake in citizenship.

**c. Naturalisation of children born after 21 August 1991**

35. One of the recommendations in the 2003 report concerned compliance with Article 3.1 of the Law on nationality regarding the naturalisation of children born after 21 August 1991. It recommended that the possibility of modifying the birth registration forms would be considered so as to include the requirement that parents express the desire for their child to acquire Latvian citizenship or, alternatively, specify a different nationality.

36. This legislation has not been amended and the suggested provision has not been adopted, although the debate on the matter is continuing. A working group is still meeting regularly. The Latvian authorities highlight respect for the parents' choice to justify their approach to the matter. The Latvian politicians and civil servants interviewed consider that some parents do not want their children automatically to acquire Latvian citizenship at birth. It is possible that such a feeling does exist among some of those concerned.

37. On the other hand, action has been taken to provide parents with the requisite information. This has included the campaign conducted in 2004 by the Ministry of Integration and the Ministry of Family Affairs: combined official letters from both Ministries were sent out to all families concerned, explaining the procedures for registering a child born after 21 August 1991. This initiative fell short of the expected results, although it did lead to the registration of 5 000 children. Nevertheless, there has been one welcome development: from 21 August 2006 onwards, all children born after 21 August 1991 who are 15 years old at this date can submit their

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<sup>6</sup> On 8 August 2006 amendments to the regulations of the Cabinet of Ministers concerning examinations for the persons who naturalize came into force. These amendments prescribe facilities for taking the examination of the proficiency in the Latvian language and the examination of the knowledge of the basic principles of the Constitution of Latvia, the text of the national anthem and the history of Latvia. Persons to be exempt from the examinations are:

- Disabled persons having category I for total aphasia;
- Disabled persons with mental illness;
- Disabled persons with double deafness or deafness-and-dumbness;
- Disabled persons having category I who have no disorders mentioned above as well as disabled persons having sight disabilities shall take the examination of the Language proficiency only orally;
- Disabled persons having category II and III who have no right hand or right palm (for a left-hander accordingly – a left hand or left palm) shall be exempt from the written examination of the language proficiency;
- Disabled persons having category II or III for articulation and hearing disabilities shall be exempt from listening and interview examination of the language proficiency.

The Head of the Naturalization Board shall have the right to prescribe a facilitated procedure for the examination of the language proficiency and the examination of the knowledge for persons who have been acknowledged as disabled or exempt them from these examinations taking into account the statement of the Doctors' State Commission on Health and Labour Examination.

own naturalisation application, even if their parents have taken no prior decision to this effect. But their applications are reviewed under simplified procedure – as recognition to be a citizen not naturalisation.

38. In fact, over 13 000 children are still non-citizens, and, children are still being born as non-citizens. This is a disturbing figure, and insufficient progress has been made, pointing to a lack of commitment to the issue on the part of the Latvian authorities. The Commissioner is in no way advocating systematic registration regardless of the parents' wishes. On the other hand, he does consider it vitally necessary to conduct intensive information campaigns, particularly targeting young parents, and to develop dialogue. Legislation should be amended to enable parents to choose the status they want for their children when they register their births.

#### **d. Naturalisation rights**

39. The 2003 report advised the Latvian authorities to study the possibility of making the naturalisation procedure free of charge for non-citizens. While this recommendation has not been fully complied with, encouraging adjustments have been made to reduce the fees payable for this procedure. This is a step in the right direction. The fees to be paid for naturalisation applications usually total LVL 20<sup>7</sup>. Any applicant who fails the tests will not be charged the fees for retaking them. Also, some population categories qualify for reductions. Retired persons, Group 2 and 3 disabled persons and destitute persons living alone, etc, only pay LVL 3. The procedure is free of charge for recognised victims of political repression under the Soviet regime, Group 1 disabled persons, orphans and children without parental guardianship, etc. The NGOs do not think this charge is an obstacle in itself.

### **2. Integration issues**

#### **a. Signature of the Framework Convention for the Protection of National Minorities**

40. One of the Commissioner's recommendations in the 2003 report invited the Latvian authorities to ratify the Framework Convention for the Protection of National Minorities. They did so on 26 May 2005, and the instrument came into force in October 2005. However, this ratification was accompanied by three declarations: the first defining the personal scope of the application of the Convention, but the second and the third clarifying the scope attributed to Articles 10 (2) and 11 (3) of the Convention. The first declaration defines that notion "national minorities" as applying to citizens of Latvia who differ from Latvians in terms of their culture, religion or language, who have traditionally lived in Latvia for generations and consider themselves to belong to the state and society of Latvia, who wish to preserve and develop their culture, religion or language. Moreover, persons who are not citizens of Latvia or another state, but who permanently and legally reside in Latvia and who identify themselves with a national minority that meets the definition contained in this declaration, shall enjoy the rights prescribed in the Convention.

41. The second and the third declarations stipulate that Latvia will apply the provisions set out in Article 10 (2) (use of the minority language in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers) and Article 11 (3) (right to display traditional local names, street names and other topographical indications intended for the public also in the minority language) without prejudice to the Satversme (Constitution) of the Republic of Latvia and legislative acts governing the use of the state language that are currently in force. This declaration appears to confirm a position that Latvian is the only language that can be used for official documents. The declaration has been strongly criticised by the representatives of the Russian minority and NGOs.

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<sup>7</sup> In 2005 the average wage was approximately LVL 244, and the old-age pension about LVL 81, according to the figures provided by the Government.

42. Some NGO representatives consider that the ratification of the Convention has not yet had any **positive** effect. Moreover, some feel that nothing is being done to support the Russian minority (who account for 28.4% of the total population) in the cultural, political and economic fields. Some even go so far as to describe the Latvian authorities' policy vis-à-vis Russians as discriminatory. There may be political reasons for these statements, but the reality itself does cause some serious human rights concerns. Though the declarations entered by Latvia on ratifying the Framework Convention are to be seen as interpretations rather than reservations, they have obviously perpetuated an impression of institutionalised marginalisation among representatives of the minorities.

#### **b. Participation of non-citizens in local political life**

43. The exclusion of non-citizens from political life does nothing to encourage their integration. The Commissioner stressed this point in the previous report, recommending that Latvia examine the possibility of granting them, among other things, the right to vote in local elections. It should be highlighted that the overwhelming majority of non-citizens belong to minorities, and that this status debar them from participating in the political life of their country. They can neither vote nor be elected, even at the local level. Although a bill has been drafted granting non-citizens the right to vote at the local level, the text has not yet been examined by Parliament. The Commissioner hopes that Parliament will soon adopt a law improving the participation of non-citizens in political and social life.

#### **c. Use of minority languages in the administration**

44. The 2003 report recommended facilitating the use of minority languages in the administration, particularly in written correspondence between persons belonging to the national minorities and administrative staff. Not only has there been no change to the relevant legislation, but it would appear that all discussion of this topic has been dropped. Officially, only the Latvian language can be used in communications with the authorities or administrative departments. This rigid legal provision is an obstacle to the integration of minorities. Fortunately, there is some flexibility in practice. Some local administrations and institutions agree to consider applications in minority languages. For instance, more than half of all complaints submitted to the National Human Rights Office are in the Russian language. Other departments, e.g. in Daugavpils, provide translators for such communications. The Commissioner renews the previous recommendation and invites the Latvian authorities to devote particular attention to it.

#### **d. Training programmes in Latvian**

45. Learning the Latvian language is one of the most effective instruments for integration, although it should never be used to the detriment of the so-called minority languages. On the contrary, the official state language and minority languages should be able to coexist harmoniously. With an eye to promoting the integration of minorities, the 2003 report considered it necessary to increase the available financial resources in order to provide Latvian language courses for all persons interested in learning the language or improving their linguistic knowledge free of charge.

46. Undeniable progress has been made in this field, mainly thanks to the work of the National Agency for Latvian Language Training. Several programmes run by the Agency have been financed by the European Social Fund and the Phare Programme. In addition to the courses run for specific professions (doctors, police officers, etc), programmes have been established for three main categories, for instance non-Latvian primary school teachers, parents of children attending minority schools, and elderly persons.

47. In 2005 the Agency developed a training programme for secondary school teachers. The aim is to allow non-Latvian teachers to perfect their knowledge of Latvian, help them organise a tutorial system for pupils in difficulty, provide support in preparing for examinations, and lastly to

help them establish co-operation processes between minority and Latvian schools. Still in the educational field, the Agency is conducting a campaign for parents of children attending minority schools. In 2005 it ran almost 100 courses for such parents on school premises. This action would appear to be achieving positive results: parents have not only improved their command of Latvian but also changed their attitude to the Latvian language and school in general. Concurrently, a pilot project was initiated under the Phare Programme: after a series of language and history courses, the participants' children joined a summer camp which included courses on the requirements for the naturalisation process.

48. Elderly persons are entitled to one-year Latvian courses. The most interesting initiative is the new bilingual magazine entitled "Atslegas" or "Ключи" ("Keys"), which is published twice a month and is distributed at post offices. This publication explains the new laws and European directives having an impact on people's daily lives. It includes interviews with government officials and explains the terminology used.

49. Unfortunately, all these projects are under the short- to medium-term threat of underfunding. The money provided by the Latvian State and the European Union is not sufficient. The money left on the Agency's budget will only suffice for 70 more courses for parents and teachers. Similarly, the summer camp for parents and children is unlikely to be repeated in 2007 for lack of funds. Lastly, there are sufficient funds for publishing the "Atslegas" magazine until July 2007, but after that the future is uncertain. The fact is that all these activities are impacting very positively on the various target groups. Again, non-Latvian teachers need ongoing training in the Latvian language. The Commissioner therefore urges the Latvian authorities to make sufficient funds available for the Agency to continue working.

50. Other programmes are funded by the Department responsible for naturalisation and other institutions, further supported by third States or international organisations (e.g. UNDP). They also suffer from a lack of funds. This points to the need for an overhaul of the whole system for financing the teaching of the Latvian language. The Commissioner also thinks it would be useful and desirable to extend European Union aid to support training programmes in Latvian.

### **3. Educational reform**

#### **a. Initial assessments of the reform**

51. Implementation of the educational reform that was decided in 1998 began in September 2004. This reform is geared to making Latvian the main teaching language in secondary schools. 60% of all secondary school lessons must now be given in Latvian. The reform primarily affects the minority secondary schools. It was launched against a tense background. The representatives of the minorities, particularly the Russian minority, protested about the lack of consultation during both the drafting and the implementation of the law.

52. The 2003 report recommended establishing dialogue and stepping up the means of consultation between representatives of the Ministry of Education, teachers and the parents' associations in order to identify the best model and time scales for implementing the reform. This does not seem to have happened, or at least not in such a way as to involve those most directly concerned. In fact, the reform was implemented as scheduled without any genuine dialogue.

53. Almost 280 secondary schools now provide bilingual teaching. There are several bilingual teaching models from the primary level onwards<sup>8</sup>. However, this reform has encountered a number of problems, especially the lack of textbooks in some subjects, the quality of these materials, and the lack of training for non-Latvian teachers in the Latvian language. Several teachers admitted to us that they used the children's mother tongue to explain aspects of a lesson taught in Latvian that they had not understood. Others taught their lessons in Latvian only if an inspector was visiting, reverting to the usual minority language as soon as the inspector left. Teacher training in Latvian is still inadequate. This raises a problem with teaching quality, as highlighted by representatives of the national minorities in September 2004.

#### **b. The Agency for the Quality of Education**

54. The two appeals lodged with the Constitutional Court in 2005 against the Law on educational reform were rejected. Nevertheless, in its judgment the Court considered that the lack of a mechanism for checking the quality of education was liable to cause problems. In October 2005, in the light of this judgment, the Latvian authorities set up the Agency for the Quality of Education. This Agency is mainly responsible for accrediting schools, assessing the quality of the education, providing and evaluating school textbooks from this angle.

55. In its few months of existence the Agency has inspected 165 schools, concentrating mainly on four fields: the administrative field; the assistance provided by schools to their pupils; the quality of the teachers' work; and the learning process. It also supervises the availability of textbooks, an issue which came to the fore when a number of pupils complained of having to buy some schoolbooks themselves. The Agency's preliminary conclusions show that the quality of education is higher in schools teaching in minority languages than in Latvian schools. Russian minority schools achieve better overall results, especially in such subjects as history and geography.

56. However, pupils attending minority schools face the recurrent problem of the quality of the textbooks. Some books in Latvian are translations of works originally published in Russian or other languages. This applies mainly to such scientific subjects as biology, chemistry and physics. Several teachers and pupils informed the delegation of serious inaccuracies in some translations. The Latvian translations of textbooks require prior approval from the Ministry of Education, but apparently the translations are not sufficiently checked. Similar types of errors have allegedly also crept into the exercise books designed for non-Latvian schoolchildren. While it is understandable that for the first few years there are different schoolbooks for pupils with Latvian as their mother tongue and those who speak Russian, Ukrainian or Tatar, it is vital to ensure that such books contain no errors or approximations. Children belonging to minorities must enjoy the same quality of education as Latvian children.

57. Yet this is one of the tasks of the Agency for the Quality of Education. According to the persons we spoke to in the Agency, its function is to check the textbooks in Latvian, which are all standardised, but not those in minority languages, most of which are published outside Latvia. There is a co-operation agreement between Latvia and Poland under which the books used in the Polish minority schools can be assessed. However, such agreements would seem to be the exception. There is no mechanism for checking textbooks published in Russian, because they are considered as "additional documentation" rather than actual textbooks. It is scarcely logical to classify as "additional resources" books which serve as learning tools in 40% of the courses run in Russian minority schools. This approach would suggest that a two-tier supervisory system is creeping in.

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<sup>8</sup> Model 1: bilingual teaching with an increasing number of subjects taught in Latvian; Model 2: bilingual teaching with mother-tongue course in specified subjects; Model 3: one subject is taught in Latvian, gradually joined by other subjects; Model 4: levels 1 to 3 are taught in the minority language (mother tongue) and then bilingual teaching is introduced, and finally some subjects are taught exclusively in Latvian.

58. The Commissioner welcomes the setting up of this Agency, but invites it to reconsider its strategy and to devote the same attention to all schools and all textbooks which it is mandated to supervise. It should be remembered that the educational reform concerns issues linked to the integration of national minorities. The Commissioner deplors the lack of consultation in this field too.

### **c. Minority language training for teachers**

59. The Commissioner invited the Latvian authorities to establish tertiary education programmes for the preparation of teachers of minority languages and curricula for the teaching of other subjects in minority languages. According to the various persons interviewed by members of my Office, this recommendation has not been implemented. The problems broadly persist. Moreover, there is a desperate shortage of teachers in minority nursery schools.

60. Broadly speaking, it is difficult to recruit new teachers specialised in certain subjects such as minority languages. University education is mainly provided in Latvian. In fact, those who opt for teaching in the minority language have to specialise in the first year or else opt right from the outset for teaching in a minority school. The former option does not guarantee adequate training for teaching in both languages, and the latter, according to some Latvian NGO representatives, is liable to confine candidates to teaching exclusively in minority schools.

61. The Commissioner recalls that State protection and support for the functioning of secondary schools teaching in minority languages, as advocated in the previous report, necessitates a policy of training teachers in the minority languages.

## **V. Vulnerable groups**

### **1. Treatment of persons with mental and physical disabilities**

62. The 2003 report highlighted the problem of low income for persons with disabilities. According to the information we received from NGOs, disabled people still receive a low level of allowances and social benefits. Furthermore, services for families with a disabled dependent are far from adequate. In fact, people with disabilities constitute one of the poorest categories in the country.

63. Nevertheless, some progress was mentioned. A law has been adopted to combat discrimination against disabled people. In addition, the Labour Law of Latvia has been amended in order to promote the adoption of the principle of equal rights in relation to disabled persons. Both documents provide that access to buildings by the disabled must be facilitated. This stipulation is, however, virtually ignored, and the disabled still have great difficulty acceding to public and private buildings. Furthermore, the action plan prepared in 2005 by the Ministry of Welfare to assist persons with disabilities has achieved no tangible results<sup>9</sup>. The two pieces of draft legislation which are mentioned in the action plan, one on social security and the other on employment, have not yet been tabled in Parliament.

64. The situation for persons with mental disabilities is disturbing. In the previous report my predecessor recommended accelerating the process of adopting the Law on Psychiatric Assistance. In 2004 a bill was tabled, dealing, among other things, with committal without consent. This text, which was revised in consultation with a network of European experts, establishes an unprecedented legal mechanisms: physicians can decide to commit a patient, but

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<sup>9</sup> Basic Principles on Policy for Elimination of Disability and its Consequences, 2005-2015.

they must submit the case to a court within 24 hours. The final decision lies with the court. This provision is a major step forward, because previously third persons could apply for the committal of patients, the only requirement being to obtain opinions from three different doctors. Appeals are very difficult to organise and the doctrine in this area is still unreliable.

65. However, this bill was rejected. The Government has announced a new Law for 2010, but NGO lobbying has induced the Latvian authorities to promise to reconsider the law in July 2007. The Commissioner strongly urges the Latvian authorities to examine this question as soon as possible in order to secure the rights of these extremely vulnerable persons.

## **2. Treatment of women**

### **a. Domestic violence**

66. Cases of domestic violence do occur in Latvia, although this is still too often hushed up. In the first report the Commissioner voiced his surprise at the scant attention paid by the Latvian authorities to this issue. He recommended providing an effective system for protecting women and children against domestic violence.

67. Progress has been made on the legal front. The new Code of Criminal Procedure which came into force in 2005 recognises domestic violence as a specific crime. It also introduces protection orders: persons suspected of domestic violence may be banned under a judicial decision from approaching or contacting the victim. However, and this is a major problem, it does not define domestic violence. Furthermore, it fails to recognise marital rape as a specific offence. Again, there are no reliable statistics on this widespread phenomenon. According to the *Skalbes* Centre, some 35 women die every year from violence inflicted by their husbands or partners. This means that one sixth of all murders committed in Latvia stem from domestic violence, an intolerable percentage.

68. Moreover, NGO representatives considered that much still had to be done in terms of prevention and rehabilitation. There are too few accommodation and reception centres. Most such centres are managed by NGOs, some of them with State financial aid. The *Marta* Centre, for instance, managed to launch a domestic violence prevention programme with the help of State funding. However, the State is only indirectly involved, and the Latvian authorities have still not provided their share of the finances for this purpose. The failure to allocate funds to different initiatives explains why so many projects are still on hold. At the same time, the Latvian authorities informed the delegation that according to the Strategy of the Ministry for Children and Family Affairs for 2006-2008, the financial assistance will be available under the Programme "Provision of Social Rehabilitation Services for Women Suffered from Violence and Minor Expectant Women and Young Mothers in Crisis Situation" from 2008.

69. Similarly, the local authorities, which are responsible for rehabilitating victims, are only able to participate thanks to the support from the United Nations Development Programme. Contributions from the outside are therefore vital in offsetting State shortcomings. Several countries are participating in NGO projects, and Norway, for instance, has since January 2006 been financing a legal assistance programme for victims of violence, which is managed by the *Marta* Centre.

70. The representatives of the NGOs and the Ministry for Children and Family Affairs consider that assistance to victims would be more effective with direct State involvement. The Commissioner invites the Latvian authorities to implement the projects and funding as announced, while also intensifying their action for victims (building reception centres and conducting an effective rehabilitation policy). Moreover, the Commissioner encourages a genuine substantive debate on domestic violence, as well as broader awareness campaigns for the operators (law-enforcement agencies, judges, law officers and welfare workers) who are in direct contact with the victims.

## **b. Trafficking in human beings**

71. Latvia is continuing to deal with the serious problem of trafficking in human beings which is blighting the member States of the Council of Europe. The Commissioner welcomes the schemes that have been implemented. For instance, a free telephone number is displayed in several places at the Riga airport, which any victim of trafficking can call, even from another country. The Commissioner also welcomes the invaluable assistance provided to victims by NGOs, as well as the co-operation established between the aforementioned grass-root operators, beginning with the police. Nevertheless, the Commissioner stresses that efforts must be stepped up in the field of rehabilitating victims of trafficking in human beings.

## **3. Children**

72. Children are unfortunately also affected by domestic and other types of violence, whether physical or psychological. The national authorities appear to have realised the problem and have launched a number of initiatives. The first point is that the Criminal Law and Administrative Code recognise criminal and administrative liability for violence against children. Moreover, a Ministry for Children and Family Affairs was created in 2004 and in December 2005 an State Inspectorate for Protection of Children's Rights.

73. The Inspectorate can deal with complaints or conduct investigations *ex officio*. A free State-funded hotline was introduced a few months ago. Psychologists can be contacted by telephone from 8 am to 11 pm by children or adults wishing to report a case of abuse. This hotline, which should soon be operating day and night, is extremely successful. The psychologists receive some 1 300 calls per day. The most serious cases are reported to the Inspectorate, which then sends an inspector, accompanied by a psychologist, to investigate. In its four months of operations the Inspectorate has dealt with 80 such cases, 40 of which have led to judicial proceedings.

74. With the assistance of the Ministry for Children and Family Affairs 21 Family Crisis and Assistance Centres have begun operations from 2004 – 2006. Several NGOs have also secured changes to the legislation on judicial questioning of children. Video recordings of interviews with the children can now be used as evidence during trials. However, once again financial problems are hampering the provision of the requisite audiovisual equipment. The Commissioner urges the Latvian authorities to ensure that the courtrooms are brought into line with the new legislation as quickly as possible, in order to spare children the additional ordeal of testifying in court.

75. Some child victims of violence and/or children from high-risk families (alcoholic or drug-addicted parents) may be placed in treatment centres or orphanages. 80% of the almost 2900 children living in orphanages have parents. The number of children placed in State institutions has fallen by almost 20%. Some only stay in these institutions for a few weeks or months, which is often enough to receive the requisite treatment or to sort themselves out. Others may be adopted. Children with disabilities are also provided for in treatment centres, on either a permanent or a part-time basis. The family fosterage has been developing in Latvia during the last years. On 1 January 2007, there were 260 foster families.

76. Members of the Commissioner's Office visited the "Pļavnieki" Social Care Centre for Children in Riga. This Centre provides for some 80 children aged from 0 to 7 years, including very severely disabled children. This is a truly remarkable Centre. The building has been entirely renovated and is split up into small units each of which caters for less than ten children,



depending on their age and possible disability. Very high-quality treatment is provided. The Commissioner's team noted the devotion of the staff and the constant care provided for the children. The Commissioner hopes this treatment centre can serve as a model for others in Latvia.

#### **4. The elderly**

77. The situation of the elderly seems to have gone through little change since the 2003 visit. The total amounts paid in retirement pensions and benefits have increased every year, but according to the NGOs they are still insufficient to meet the needs of elderly persons. At 1 January 2005 almost 94% of the 580 964 persons in receipt of a retirement pension were paid under LVL 105 (€ 150) per month. Moreover, the retirement homes, which operate under local authority responsibility, do not always comply with the criteria set out in the 2003 Law on Social Assistance and Welfare Services. The Department of Social Services, which was set up recently, has noted serious deficiencies in the treatment of residents in some of them. It has also noted that facilities are dilapidated and unsuited to the use to which they are put. Action is therefore urgently needed to provide elderly persons living in retirement homes with an appropriate environment and mode of treatment. The Commissioner invites the Latvian authorities to intensify their efforts in this field and to increase their support for the local authorities so that the situation can be remedied as soon as possible.

#### **VI. Denationalised housing**

78. In the previous report the Commissioner devoted a great deal of attention to the extremely sensitive issue of denationalised housing. He recommended reinforcing co-operation between the authorities and associations representing, respectively, the interests of owners of returned real estate and tenants. It was a question of pinpointing acceptable solutions to the problems of tenants who could not afford the going prices on the property market.

79. According to official statistics, some 25 000 persons still occupy denationalised housing, and 67% of them live in Riga. But the fact is that property prices are extremely high in the capital and people, who are forced out of a flat because it has been denationalised, encounter real difficulties finding new accommodation.

80. The Latvian State began tackling the problem in 2004. On 20 December that year the Law on Rented Accommodation was amended to extend the rent-capping measures for "denationalised" houses until 2008. In 2005 the Council of Ministers adopted several decrees establishing the State's contribution to the various funding mechanisms introduced by local authorities. Other measures were also adopted to help needy tenants.

81. Low-income groups affected by the denationalisations are eligible for social housing. This latter category of accommodation is managed by the local authorities, although in 2006 the State also began contributing under a new system of joint funding. In 2005 the local authorities financed 688 new housing units, and in 2006, 586 new flats should be built. Several joint funding applications have been submitted by the local authorities for the coming years. The Commissioner hopes that the Government will accede to the applications from the local authorities in a field which concerns not only destitute tenants but all other categories of vulnerable persons.

82. An allowance system has also been introduced. Destitute individuals can apply to the local authorities for a monthly allowance. Here again the allowance is not intended exclusively for persons affected by denationalisations. On the other hand, the latter are entitled to another specific benefit, namely compensation at a basic rate of LVL 6 500. The total granted varies in accordance with the number of persons in the family and is payable as a lump sum. According to the explanations provided by the representatives of the Ministry of Regional Development and Local Government, this allowance can be used either to purchase a house or flat, in which case it

constitutes the first instalment, or to pay the rent. This system is fairly rigid and still rather underdeveloped. At the moment of the visit, of the 974 individuals included in this programme in Riga, only 23 had actually received the allowance. According to the last information provided by the Latvian authorities, today 320 persons have received the allowance.

83. The Commissioner welcomes the adoption of measures to help persons renting housing that has been denationalised. However, he notes that only a small percentage of the 25 000 individuals identified are in receipt of the assistance. The Ministry of Regional Development and Local Government has estimated that 11 600 persons are at risk of losing their homes. Therefore, the plans to build 700 new dwellings per year, to pay 1 000 allowances per year and to develop public/private partnerships are far from sufficient. This issue is particularly urgent in that the Constitutional Court has ruled the rent-capping measures unconstitutional, which means that these measures will be abolished as on 1 January 2007. The Commissioner strongly urges the Latvian authorities to address this matter and attempt to identify a lasting means of helping low-income tenants to find suitable new housing.

## **VII. Other concerns expressed during the visit**

84. The Commissioner has chosen to deal with two subjects repeatedly mentioned during the visit, even though they were not referred to in the first report. These two issues are being addressed because they are currently the subject of lively debate in Latvian society and because they concern human rights.

### **1. Increasing discrimination and racism**

85. The first of these issues is discrimination. The National Human Rights Office has reported an increase in registered cases of discrimination<sup>10</sup>. There are, however, no detailed statistics, and very few cases are actually submitted to the Office or brought before the courts. Furthermore, racist incidents are not always classified as such. For instance, many perpetrators of racist violence are prosecuted for hooliganism. Few open investigations are conducted into this type of violence, and convictions are few and far between.

86. Latvia has reinforced its legislation by amending existing laws, but anti-discrimination provisions remain fragmented and scarce. Moreover, some groups are specifically targeted for discrimination not only in the population at large but also by certain politicians. Sexual minorities and Roma are hardest hit. The Commissioner considers this situation very disturbing.

#### **a. Discrimination against sexual minorities**

87. Discrimination against lesbians, gays, bisexuals and transgenders (LGBT) is apparently becoming usual in Latvia, which is an unacceptable development in any democratic country. The Gay Pride parade on 23 July 2005 was prohibited by the mayor of Riga, but authorised by the Riga administrative court further to an appeal lodged by the organisers. The climate surrounding the event was extremely tense, with several politicians, including the Deputy Speaker of Parliament, openly opposing this type of initiative. More recently, a demonstration mainly involving skinheads and extreme right-wing party members violently attacked a group of twenty or so homosexuals who were attending a religious service after a Riga court prohibited the organisation of another Gay Pride parade in the Latvian capital on 21 July 2006. Concurrently, members of visible minorities who arrived in Riga to take part in this parade were threatened by a group of 70 anti-homosexual activists. They had to be evacuated from a hotel where they had

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<sup>10</sup> 85 cases were registered in 2004, as compared with 58 in 2003. Most complaints concern discrimination based on sex, age, disability and ethnic belonging.

taken refuge, escorted by the police, who had taken a long time to intervene. According to the information provided by the authorities, on July 21<sup>st</sup> 2006, as a result of the purposed activities of the State Police when protecting the participants of gay and lesbian activity several persons were detained and brought to trial for derogative behaviour towards sexual minorities.

88. The official reason given by the city authorities for not authorising the Gay Pride parade was the risk of public disorder. Some politicians even described this event as the worst threat facing Latvia since the collapse of the Soviet Union. Such attitudes are intolerable, and peaceful demonstrations geared to defending the rights of sexual minorities should be authorised. The main issues at stake here are freedom of expression and assembly. Moreover, the police is duty-bound to protect such demonstrators rather than giving a free hand to homophobic activities. All incitement to hatred and violence must be severely punished.

89. When Latvia recently amended its labour legislation, it included sexual minorities into anti-discrimination provisions set out in the text, after the first text adopted by Parliament had been vetoed by the President. At the same time, Parliament has proposed to amend the Constitution to introduce a clause banning homosexual marriage. This is explicit discrimination against sexual minorities. Such an attitude on the part of politicians is a major obstacle to the necessary change of mentalities. The Commissioner strongly urges the Latvian authorities to honour their international commitments regarding freedom of expression and assembly, actively combat all forms of intolerance, guarantee the security and safety of sexual minorities and ensure the conditions for developing associations representing them.

#### **b. Discrimination against Roma**

90. According to the Latvian authorities, some 8 000 Roma live in Latvia; the NGO estimate is over 15 000. Although most of them are citizens, they suffer from discrimination, especially in the employment and service sectors. Unemployment is very common in the Roma population, and their economic situation is worrying. Several initiatives have been launched to combat an insidious kind of "Romophobia". Similarly, programmes have been established to inform Roma of their rights and provide them with the education and training which they still sorely lack. A three-year Government strategy is prioritising education. Special classes have been introduced for Roma children, and Roma social workers visit their places of residence to help socialise the children and prepare them for school.

91. Roma also face difficulties with the Latvian administration, with some departments ignoring their requests. The Commissioner's team was informed of the case of a disabled Roma woman who was refused access to the simplified naturalisation procedure. Another Roma woman who had lost her birth certificate and whose children had no status despite having been born in Latvian territory, was placed in a retention camp for illegal immigrants. The State must take action to put an end to all types of discrimination in the administration against this extremely vulnerable population. Recently, the Commissioner's Office was informed by the Latvian authorities that a national programme "Roma in Latvia" was created for 2007-2009.

#### **2. Human rights protection agencies**

92. The Commissioner's terms of reference specify that he should promote the action of national ombudspersons and other similar institutions where they exist. The National Human Rights Office, the national institution responsible for promoting human rights and ensuring respect for such rights, is currently undergoing a process of transition, which is prompting **deep** concern among NGO representatives. It should be pointed out that the Office's workload is constantly increasing. In 2005 it received 1 878 written complaints and conducted 3 700 oral consultations. Most complaints concerned living conditions in prisons and the state of the hospital in Riga Central Prison. Other complaints related to discrimination against minorities. The Office also received complaints about access to housing, justice and education. There had also been some cases of domestic violence.

93. The Law on the National Human Rights Office was amended in December 2005, adding a new responsibility: the Office is now also responsible for promoting non-discrimination. It will therefore be acting as the independent body required under the European Union's Race Equality Directive. Its budget should be increased in 2007, as should its staffing. However, the Office's acting Director told the delegation that she did not know whether the financing would be sufficient to cope with the needs of this institution, which was currently expanding. The Commissioner shares these concerns, and would invite the Latvian authorities to provide the Office with the requisite resources for its functioning.

94. At the same time, a Law introducing the institution of Ombudsperson is to come into force on 1 January 2007. The NGOs are worried about the independence of the future Ombudsperson. (S)he would be elected by Parliament on the proposal of five MPs. This procedure appears to risk being politicised. The Commissioner hopes that this new institution will be able to operate independently in order to reinforce the overall human rights protection mechanisms in Latvia.

## Summary of Recommendations

The Commissioner recommends the Latvian authorities:

- 1) To continue the effort to prevent the use of violence within the law-enforcement agencies. In order to ensure efficient sanctioning, the Domestic Security Office should have a sufficiently independent status.
- 2) To secure that all persons held in custody fully enjoy their right to legal counsel. Lawyers should be provided with proper working conditions in the detention and remand centres.
- 3) To ensure that material conditions of detention of people remanded in custody reflect the legislative improvements in this area.
- 4) To continue the efforts to reduce the number of people held in prison, particularly the defendants awaiting trial. To that end, consideration should be given to more frequent use of alternatives to imprisonment.
- 5) To continue to improve medical treatment for those in detention. All prisoners must have access to effective medical treatment.
- 6) To continue efforts in the naturalization process. The naturalization should be simplified for the elderly. The registration forms for children born after the 21 August 1991 should contain a question allowing parents to request Latvian citizenship. In this context, campaigns targeting young parents should be intensified.
- 7) To facilitate the use of minority languages in written correspondence between people belonging to the national minorities and the administration.
- 8) To ensure that the Agency in charge of assessing the quality of education given the same attention to Latvian language and minority language schools and textbooks.
- 9) To ensure education of teachers in minority languages in order to support the functioning of secondary schools teaching in these languages.
- 10) To adopt a legal framework to regulate involuntary admissions of mentally disabled patients.
- 11) To intensify the actions against domestic violence, broader awareness campaigns should be conducted towards the people having direct contact with the victims.
- 12) To continue and reinforce efforts in the rehabilitation process of victims of trafficking in human beings.
- 13) To continue and reinforce efforts with regard to the treatment provided to the elderly in retirement homes. The support to the local authorities should be increased.
- 14) To intensify efforts to resolve the situation of the population living in denationalized housing.
- 15) To strengthen the combat against all forms of intolerance, to guarantee the security and safety of sexual minorities and to ensure the conditions for developing associations representing them.
- 16) To carry out the national action plan for the Roma to put an end to all types of discrimination against them.
- 17) To support and reinforce the institution of the Ombudsman.

# APPENDIX

## Comments by the Government of the Republic of Latvia

### Section 7

According to the statistical data for 2006, 102 investigations were carried out concerning allegations of violence against other persons; as a result, 6 police officials were punished for disciplinary infractions of exceeding the limits of authority by using violence against other persons. In 72 cases investigation files were transferred to the competent authority for the adoption of a decision concerning initiation of criminal proceedings. As a result, 38 police officials were convicted for abuse of authority, while 6 police officials were acquitted.

### Section 9

Serious attention is paid to each complaint and report alleging abuse of authority and other unlawful activities by police officials. All information is checked by the Domestic Security Office of the State Police.

The representatives of the Domestic Security Office of the State Police are independent, the number of official investigations conducted and the number of procedural decisions taken indicate that. There is also an established system for appeal of a decision and supervision of decisions taken (prosecutor's office).

### Section 11

The Government would like to clarify the meaning of the term "*lawyer*", used throughout the text of the Memorandum.

A lawyer is someone having law degree of a recognized university. What the Memorandum refers to as "*lawyers*" in the context of criminal proceedings are in fact either legal representatives or defence counsels, depending on the issue that is being addressed. Pursuant to the Criminal Procedure Law, sworn advocate (i.e. a lawyer, who has completed legal studies and passed the bar exam in Latvia), assistant sworn advocate, legal practitioner holding bar license in another EU country or legal practitioner holding bar license in a foreign country (on the basis of a bilateral agreement on mutual assistance in legal matters between Latvia and the state concerned) may perform the functions of a defence counsel in criminal cases. A much broader category of persons may be legal representatives in criminal cases (parents, spouses, guardians, social worker, NGO, etc.).

These significant differences in categories of persons participating in criminal proceedings and their roles therein shall be taken into account.

### **Section 13**

According to information provided by the Latvian Council of Sworn Advocates, there were 1010 advocates, assistant sworn advocates and foreign advocates practicing in Latvia in April 2007. Although Article 51 of the Latvian Advocacy Law obliges sworn advocates to provide legal assistance in criminal proceedings, not all advocates practice criminal law.

Pursuant to Article 80, Section 5 of the Latvian Criminal Procedure Law, if an agreement has not yet been reached with a defence counsel, then the official in charge of the criminal case shall invite an advocate, to ensure the assistance of a defence counsel for a particular procedural action. If a detainee cannot reach an agreement with the sworn advocate or cannot afford to pay the legal fees for the work of the sworn advocate, then the detainee may ask the official in charge of the criminal case to provide him with a state-paid defence counsel for criminal proceedings.

### **Section 14**

The Latvian Advocacy Law and the Latvian State Legal Assistance Law outline the quality criteria for state-provided legal assistance. Pursuant to Article 71 of the Latvian Advocacy law, disciplinary proceedings may be instituted against a sworn advocate for not providing timely and/or appropriate legal assistance.

### **Section 15**

As of April 2007, 78 agreements on legal assistance have been concluded with sworn advocates, 6 agreements have been concluded with assistant sworn advocates and 8 agreements have been concluded with practicing lawyers.

The Regulations of the Cabinet of Ministers No. 727 “On Legal fees for state legal assistance in criminal proceedings and order of payment”, which were in force from October 1, 2005 were replaced by the Regulations of the Cabinet of Ministers No. 920 “On Types of state legal assistance, maximum amount of hours, remuneration and order of payment” which came into force on November 15, 2006. Article 12 of the Regulations of the Cabinet of Ministers No. 920 states the following amount of remuneration:

- LVL 7 per hour for a consultation;
- LVL 10 for preparation of a procedural document;
- LVL 20 for preparation of an appellate complaint;
- LVL 30 for preparation of a cassation complaint;
- LVL 10 per hour for representation or defence in a pre-trial process or in a court proceeding;

- LVL 10 per hour for providing legal assistance to the suspect or accused in a court proceeding, when deciding questions about measures of restraint;
- LVL 5 for reviewing the materials of a criminal case within the framework of one court level.

Sworn advocates are also reimbursed for their transportation and accommodation expenses if state legal assistance is provided outside of the administrative practice area of the sworn advocate.

### **Section 16**

Since the title of this sub-chapter is “*Police custody*”, we believe it is not correct to base conclusions on an example of Daugavpils Prison.

### **Section 17**

After the visit of the Commissioner for Human Rights of the Council of Europe *Alvaro Gil-Robles* to Latvia on October 5-8, 2003, State Police has performed activities to fulfil the recommendations made by the Commissioner: necessary regulations have been drafted and technical conditions of police short-term detention facilities have been improved.

On October 1, 2005, Law on Criminal Procedure came into force. Article 267 of this law stated that the procedure for keeping persons detained on remand is regulated by a special law. The Law *On keeping apprehended persons* came into force on October 21, 2005, and regulated the status of police short-time detention facilities; requirements of conditions that detention facilities should meet; the procedure for keeping apprehended persons; obligations of the apprehended persons, living conditions and medical care.

Article 5, paragraph 9, of the *On keeping apprehended persons* delegated the Cabinet of Ministers to issue the Regulations defining the list of objects allowed to be kept in cells of police short-term detention facility by detainees, and Article 7, paragraph 1 – Regulations defining norms for provision of food, items for washing and personal hygiene of persons held in short-term detention places.

On January 25<sup>th</sup> 2006, the Regulations of the Cabinet of Ministers No.38 *On norms for provision of food, items for washing and personal hygiene of persons held in short-term detention facilities* entered into force. At present, catering in short-term detention facilities is provided in accordance with this Regulation, providing three meals a day (one warm meal).

On April 21<sup>st</sup> 2006, the Regulation of the Cabinet of Ministers No.289 *On list of items permitted to be kept in cells at police short-term detention facilities* came into force, stipulating a minimum amount of items necessary for personal use of persons held in police short-term detention facilities. At present, items of personal hygiene are available at all 28 State Police short-term detention facilities. Persons held therein are provided with mattresses and blankets.



According to the recommendations given by the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and within the limits of the budget allocated to the State Police, regular and capital repairs have been carried out to improve conditions at police short-term detention facilities.

At the moment:

- in the cells of 19 police short-term detention facilities sinks with water taps have been installed, as well as conveniences have been installed divided from the rest of the room;
- *possibility to shower at least once a week is in 26 police short-term detention facilities* ;
- in 21 police short-term detention facility the detainees are provided with a walk at least half an hour a day;
- catering of the detainees takes place in accordance with above-mentioned Regulations of the Cabinet of Ministers No.38 where the sustenance norms in the police short-term detention facilities are increased and equalised with the norms set in prisons.

During the last years police short-term detention facilities have permanently been in the spotlight of the state, as well as representatives of non-governmental organisations for human rights. After the visits of the afore-mentioned organisations positive responses have been received that the detention conditions of the detainees in police short-term detention facilities have been improved.

In addition, as regards the Riga police headquarters short-term detention facility, catering in this place has been significantly improved since 2003, persons are issued mattresses and blankets in accordance with the Law *On keeping apprehended persons*, as well as walking area has been built. After completion of the new administrative buildings complex of the State Police, it has been planned to close this short-term detention facility.

## **Section 22**

The entry into force of the Latvian Criminal Procedure Law has contributed to the speediness of the criminal trials in courts. The following numbers show a constant trend, where the length of the court proceedings is gradually decreasing. In 2001, the average length of proceedings was 5,1 months in the first instance courts; 5,1 months in the courts of the appeal. In 2004, the average length of the proceedings was 4,7 months in the first instance courts; 5,4 months in the courts of the appeal. In 2005 these numbers are accordingly 4,4 months for the first instance courts and 4,2 months for the courts of the appeal.

## **Section 25**

The use of the description “*total* inadequacy of the building currently housing the hospital” with respect to the Riga Central Prison Hospital does not correctly reflect the existing situation as regards provision of health care to convicted and detained persons in this hospital. In this regard, the Government would like to refer to the impartial evaluation of the medical treatment in the Riga Central Prison Hospital made by the CPT already during its first visit in 1999:

*“158. The standard of the hospital's equipment and other facilities varied between units but, in general, could be considered as sufficient. In particular, the medical and technical facilities - laboratories (biochemical, haematological and bacteriological), radiology room, two operating theatres, gynaecology room, dental surgery room, etc. - were mostly well maintained and in a good state of hygiene.(...)As for the hospital's freshly renovated kitchen, it was of an appropriate size and suitably equipped, and provided special diets as necessary (i.e., for patients suffering from tuberculosis). A member of the medical team regularly checked the patients' meals.(...)”*

*163. As far as the delegation could ascertain, the health care staff were suitably trained and appeared committed to providing the best possible care to patients under the prevailing adverse conditions. In particular, surgical interventions were carried out with skill and other diagnostic and therapeutic activities were performed conscientiously. Nevertheless, the morale of health care staff was affected by their heavy workload (...) It should also be noted that the medical files of patients in the Prison Hospital were very well kept, with a systematic record of the medical examination on admission and numerous and thorough notes on medical progress. The supply of medicines was adequate at the time of the visit, chiefly thanks to humanitarian aid. In particular, all standard anti-tuberculosis drugs were received regularly. Similarly, there was a sufficient stock of perfusions.”*

The legislation of Latvia, indeed, provides for the general (minimum) free state's health care to convicted and detained persons.

According to Article 78 of the Law *On enforcement of sentences*: “*Medical Units of places of deprivation of liberty shall provide the state's guaranteed medical treatment to convicted and detained persons in the amount of and according to the procedure established by the Cabinet of Ministers. (...) If a convict health condition requires medical care, which cannot be provided by the Medical Unit of a place of deprivation of liberty, the respective treatment shall be provided by other medical institution. The place of deprivation of liberty shall take the necessary measure to secure the convoy of a convict.*” Whereas Article 2 of the 19 October 1999 Regulations of the Cabinet of Ministers No. 358 *On medical assistance to convicted and detained persons in the places of deprivation of liberty*, states that: „*2. Convicted persons shall receive the minimum free state's health care in the amount established by the Cabinet of Ministers. In addition, the Prison Authority, within its budgetary means, shall provide to convicts:*

- 2.1. primary, secondary and tertiary medical assistance;*
- 2.2. urgent dental care;*
- 2.3. examinations of health condition;*
- 2.4. preventive care;*
- 2.5. medicine and injections prescribed by doctor;*
- 2.6. medical equipment.”*

As concerns the practical possibility to receive an adequate treatment in places of deprivation of liberty, the reference could be made to the impartial evaluation of the medical treatment – including the availability of medicines – in the Riga Central Prison Hospital made by the CPT during its second visit in 2002: „*117. The CPT welcomes the*

*positive steps taken at the Riga Central Prison after 1999 visit, in order to improve provision of health care in the establishment. **By way of example, supply of appropriate medicines was now adequate.** The delegation also noted that all prisoners whose condition required it were transferred without delay to the Prison Hospital.”*

Moreover, the Ministry of Justice has prepared also a Concept of Health Care of Prisoners, which provides possible solution for remaining problems.

### **Section 27**

Prisoners have to pay for medical examinations only outside prison medical care system. Disabled persons in prisons are facing difficulties with renewing their disabled person's cards because this procedure involves regular medical examinations outside prisons.

Moreover, as regards access to specialist treatment, the CPT already during its first visit in 1999 has established that:

*„157. There appeared to be no difficulties in arranging access to specialist treatment for patients, when necessary. They could either benefit from consultations by specialists coming to the Prison Hospital or be transferred to outside hospitals for complicated interventions. There was also access to a community TB hospital and all cases of childbirth were transferred to an outside obstetric hospital service.”*

### **Section 28**

The hospital in Olaine will be equipped with totally new equipment for carrying out all clinical examinations, including equipment for x-ray examinations.

### **Section 30**

According to data provided by the Office of Citizenship and Migration Affairs for April 12, 2007 there are 386 632 non-citizens in Latvia, which constitutes less than 17% of the population of Latvia.

Although the Russian minority is the biggest minority in Latvia, the report ignores other minorities residing in Latvia. According to official data, only 28,2% of population belongs to the ethnic Russians and more than half (56.6%) of them are citizens of Latvia. The Government of Latvia is devoting significant efforts in strengthening the identities of all Latvia's minorities, including those that have suffered most from the policy of Russification during the Soviet occupation (for example, Ukrainians and Belarusians).

According to data provided by the Naturalization Board, 16 439 non-citizens were naturalised in 2006, which is the second highest index after the record reached in 2005.

Latvian legislation allows practically every non-citizen to become a citizen of Latvia and it is an individual decision whether to do it or not.

### **Section 31**

*The Naturalization Board operates under the supervision of the Ministry of Justice and in 2005 it received at an average 1 650 applications for naturalisation per month. The budget of the Naturalization Board has been constantly increasing since 2004, and an extra LVL 180 000 are made available in 2007 including LVL 7 000 for an Association of the Language Testers in Europe audit of the language test to be taken by applicants for naturalisation.*

*Moreover, the conclusion reached in the Memorandum that there has been a decrease in the number of naturalisations in 2005 does not correspond to the actual statistics: in 2004 -16 064 persons were naturalized, in 2005 – **19 169**, but in 2006 – 16 439. Consequently, in 2005 the record has been reached as to naturalised persons per year. Whereas, in 2006, although the number of naturalized persons was lower than in 2005, it was higher than in 2004 and reached the second highest index since the naturalization process began.*

### **Section 33**

On 8 August 2006 amendments to the Regulations of the Cabinet of Ministers concerning examinations for the persons who naturalize were adopted and they came into force on 15 August, 2006. These amendments prescribe facilities for taking the examination of the proficiency in the Latvian language and the examination of the knowledge of the basic principles of the Constitution of Latvia, the text of the national anthem and the history of Latvia. Persons to be exempt from the examinations are:

- Disabled persons having category I for total aphasia;
- Disabled persons with mental illness;
- Disabled persons with double deafness or deafness-and-dumbness;
- Disabled persons having category I who have no disorders mentioned above as well as disabled persons having sight disabilities shall take the examination of the Language proficiency only orally;
- Disabled persons having category II and III who have no right hand or right palm (for a left-hander accordingly – a left hand or left palm) shall be exempt from the written examination of the language proficiency;
- Disabled persons having category II or III for articulation and hearing disabilities shall be exempt from listening and interview examination of the language proficiency.

*The Head of the Naturalization Board shall have the right to prescribe a facilitated procedure for the examination of the language proficiency and the examination of the knowledge for persons who have been acknowledged as disabled or exempt them from these examinations taking into account the statement of the Doctors' State Commission on Health and Labour Examination.*

### **Section 34**

Simplified procedure is available for young people in a process of naturalisation.

*A child born in Latvia after 21 August 1991 can acquire the citizenship of Latvia through the procedure of recognition as a Latvian citizen, i.e. until the moment a child reaches the age of 15, child's parents are entitled to submit an application on acquisition of the citizenship. A child does not have to take the examinations. When reaching the age of 15 a minor himself is entitled to submit an application to register the citizenship of Latvia. Either certificate of school examination or certificate of examination passed in the Naturalization Board certifying minor's knowledge of Latvian language has to be submitted together with an application for naturalization.*

Persons who have completed a full educational course in general education schools with Latvian as instruction language, having acquired a primary (9 years) or general secondary (12 years) education, are exempt from taking the examination in the process of acquisition of the citizenship of Latvia.

### **Section 39**

According to data provided by the Naturalisation Board, more than 41% of the naturalisation applicants pay reduced fee or are exempt from paying naturalisation fee.

### **Section 42**

In 2002 the post of Minister for Special Assignments for Society Integration Affairs and its Secretariat were set up for the first time in the history of independent Republic of Latvia. The issue of rights of national minorities, preservation and development of their ethnical identity has received due attention along with creation of Secretariat for Integration. The Department of Ethnic Minority Affairs, Division of Culture and Information of Ethnic Minorities as well as Consultative Board were created within the Secretariat.

*Inter alia*, Secretariat's aims are:

- to elaborate the projects of legislative and other normative acts in the field of society integration and ethnic minorities rights;
- to implement and co-ordinate the State programs "Society Integration in Latvia" and "The Livs in Latvia";
- to implement and co-ordinate activities aimed to exterminate discrimination;
- to promote the development of civil society;
- to implement and co-ordinate state support for cultural associations of ethnic minorities;
- to secure the implementation of international treaties signed by Latvia and to secure state participation in the activities of international programs and organizations;
- to inform and educate the society.

In 2006, 99 national minorities NGO's from 17 ethnic groups have received 336 subsidies from the state budget with the total sum of LVL 144 600 for the purposes of national identity preservation, interethnic dialogue promotion and NGO's capacity growing. Ethnic Russian minority organizations have received 20% of the total sum of subsidies during the year. There is about 15 active ethnic Russian minority NGO's, which cooperate and submit their project applications and obtain financial support from the Secretariat.

For the above-mentioned reasons, the Government cannot agree that the ratification by Latvia of the Framework Convention for the Protection of National Minorities can "perpetuate the impression of institutionalised marginalisation among representatives of minorities" since Latvia treats all minorities living on its territory on an equal footing. Moreover, Latvia even widened the personal scope of application of the Framework Convention and included in its protection sphere also the rights of persons who are not citizens of Latvia or another state, but who permanently and legally reside in Latvia and who identify themselves with a national minority. In October 2006, Latvia submitted the first state report on the implementation of the Convention, the conformity of this implementation with the purpose and principles of the Convention is currently being evaluated by independent conventional monitoring body – the Advisory Committee.

### **Section 43**

A big step forward has been made during the last few years on the issue of public participation. NGOs and every member of society have the opportunity to participate in the policy-making and legislative process. It is very important that representatives of national minorities (citizens and non-citizens) as well as the rest of Latvian community are allowed to form nongovernmental organizations. An extensive legislative and actual basis is provided for it. Summarizing, the main forms of political involvement for citizens and non-citizens are:

- Active participation in political parties;
- Active participation in non-governmental organizations;
- Participation in political demonstrations and industrial strikes;
- Participation in consultative councils, committees of the government;
- Participation in consumer unions in the public sector;
- Involvement of representatives in implementing social policies;
- Different forms of public activities.

Within its competence the Secretariat of the Special Assignment Minister for Society Integration promotes participation of Latvia's national minorities in civil society, ensuring their participation in areas directly affecting them. A Consultative Council of Ethnicities and Social Integration operates within the Secretariat, which task is to consult and inform the Special Assignment Minister for Social Integration, analyse and draft recommendations on issues related to ethno-policy and the rights of national minorities in Latvia. Out of 109 existing consultative councils, this is the only one, in which national minority communities are represented. A regulation on statute of a group of

representatives of national minority and inter-ethnic NGOs has been drafted. The task of the group is to support the Secretariat in coordinating the implementation of the standards enshrined in the Framework Convention for the Protection of National Minorities. Citizens and non-citizens of Latvia have equal opportunity to participate in the Consultative Council of Ethnicities and Social Integration and the Group of Representatives of National Minority NGOs.

The Secretariat of the Special Assignment Minister for Society Integration ensures intensive exchange of information and educational projects in promoting awareness about national minority culture and ethnic identity, implements regular projects (preparing and distributing informative material and organising seminars) to inform national minority NGOs of legislative amendments concerning structure and basic principles of operations of national minority organizations.

Consultative support for national minority NGOs has been ensured. Taking into consideration suggestions made by public organizations, the Secretariat's staff on a regular basis provides consultations to visitors. Each month 40 – 68 consultations and informative support are provided to a large number of visitors (covering about 500 people a month), as well as visiting consultative sessions are organised in co-operation with local governments.

The Latvian authorities do not consider that granting voting rights at local level to non-citizens in Latvia would strengthen the incentive to naturalise; the contrary is much more likely. In fact, an extensive research project entitled "The effect of regional aspects on tackling citizenship issues" carried out by the Naturalisation Board revealed that one of the major obstacles for applying for Latvian citizenship is the lack of motivation, including the negligible differences between the rights of citizens and non-citizens. Latvia prefers having many citizens with full rights to having many non-citizens with many rights, at the same time acknowledging that any restrictions must have strong justification and shall be in accordance with international standards.

Furthermore, there are no international standards on voting rights to non-citizens and at present it is not a widely accepted practice among the CoE Member States. In Latvia, it is a constitutional matter.

#### **Section 44**

Latvian is the only official state language and Latvia is the only country in the world where Latvian language can develop and fulfil its functions. Considering political and demographic processes in the region, Latvia is among countries where consistent implementation of reasonable language policy principles is essential for the maintenance of the language. The purposes of the State Language Law are: the preservation, protection and development of the Latvian language, the integration of national minorities in the society of Latvia while observing their rights to use their native or any other language.

### **Section 47**

In 2005 the National Agency for Latvian Language Training developed a two-year (2006–2008) training programme for secondary school teachers. The aim is to raise the teacher professional mobility in secondary education; to provide methodological support for minority secondary school teachers as well as teachers who work with minority students in Latvian schools; to allow non-Latvian teachers to perfect their knowledge of Latvian, help them organise a tutorial system for pupils in difficulty, provide support in preparing for examinations, and last, not least to help them establish co-operation processes between minority and Latvian schools.

### **Section 48**

The magazine entitled “*Atslēgas*” (“Keys”) is published twice a month and distributed free of charge at post offices. The target group of this paper are people who usually are not covered by other project initiatives, they are mainly elderly persons from minority groups who have difficulties in getting and understanding official public information. The newspaper bilingually explains the new laws and European directives having an impact on people’s daily lives. It includes interviews with government officials and explains the terminology used. The print run of the bilingual paper “*Atslēgas*” is 50,000 copies per edition, 25 editions per year.

### **Section 49**

According to the State Budget for the year 2007, the National Agency for Latvian Language Training has received additional funding amounting to LVL 235 000 which enables the Agency to continue with its projects, namely, provide Latvian language courses to parents of school children, methodological in-service training for teachers, development of teaching materials for adult learners with application of ICT, the development of a programme for the support of Latvian diaspora abroad, and continued publication of newspaper “*Atslēgas*”.

### **Section 50**

In 2000, the Naturalization Board in co-operation with the UNDP drafted a project “Introduction of intensive Latvian language training to promote the naturalisation process in Latvia”. Under this project, in 2001, 1,692 citizenship applicants learned Latvian and started naturalization procedure; in 2002 – 530 applicants. During the implementation of the project a set of teaching aids was prepared.

In 2002, the Latvian Society Integration Foundation allocated LVL 32,000 for teaching 250 citizenship applicants who had no previous knowledge of the Latvian language.

In 2003, the *Saeima* allocated LVL 50,000 to organize language courses for persons wishing to obtain Latvian citizenship. The courses were organised in the largest cities of Latvia. This funding was used to teach 77 groups of 15 persons each.

In 2003, foreign funding was received in the amount of USD 238,454. These funds were used to teach 125 groups of 15 persons each.



In 2004, 191 groups were organized with foreign funding for 2,835 students, and in 2005 – 133 groups, in which 1,995 applicants for Latvian citizenship improved their Latvian language skills.

In 2004, the Latvian Society Integration Foundation, which is financed by the State, allocated LVL 217,000 to teach Latvian to adults. In 2005, this amount was increased to LVL 261,000. In 2005, the Latvian Society Integration Foundation announced a project competition, during which it supported 32 projects aimed at teaching Latvian to adults. Supporting NGO projects in the area of ethnic integration, including promoting naturalization, is one of the Latvian Society Integration Foundation priorities. At present the funding for the Latvian language courses can be received through projects submitted to the Society Integration Foundation.

### **Section 51**

Education in national minority languages is a precondition for maintaining the cultural identity of national minorities in Latvia. The Latvian government provides state funded education in eight national minority languages, even where only a small number of children are seeking instruction in a certain language.

As the knowledge of Latvian is an indispensable prerequisite for a successful career both in the state and private sectors, the aim of minority education reform is to create an education system able to provide equal opportunities in the labour and education markets for graduates from both Latvian and minority schools.

The Government of Latvia has constantly been exerting efforts to promote the dialogue with representatives of national minorities with the aim of improving respective instruction programmes and conducting to the implementation of the reform. Amendments to the *Education Law* of 2004 were discussed prior to their enactment, and were co-ordinated with the National Minority Education Consultative Council of the Ministry of Education and Science, which includes representatives of non-governmental organisations, societies, universities, national minority educational facilities and parents of students. The Ministry of Education and Science has fostered a dialogue with teachers, students and parents, representatives of non-governmental organisations and the public, while introducing changes in educational content.

The Government would draw attention to the fact that the final draft of the Memorandum from the Office of the Commissioner for Human Rights of the Council of Europe does not include information on the process of "education reform" after September 2004.

### **Section 53**

The Educational Content and Examination Centre approves textbooks and methodological aids for general educational facilities, and works with authors and reviewers of textbooks. There is no ground for asserting that national minority educational facilities are not provided with teaching material in the national minority language.

With respect to teacher training in Latvian, the Government refers to its comments under Section 47.

Moreover, it should be noted that already for the past ten years the National Agency for Latvian Language Training offered for the teachers of national minority schools continuous education courses in bilingual education. Priorities for the Agency's pedagogical operations are: bilingual education methodology for teachers of national minority schools; Latvian language as a second language methodology development and teacher training; and primary school bilingual education methodology development and teacher training. The Agency has ensured that all national minority secondary school teachers are provided with Latvian language training courses free of charge. The relevant textbooks and methodology material have also been published for grades 1-12 in Latvian and in Russian.

State participation in providing teaching material is regulated by the Regulations of the Cabinet of Ministers No. 97 of March 6, 2001, „Procedure, how the state to organizes and funds publication and procurement of teaching material”. Following amendments made thereto on May 23, 2006, the Regulations provide that the Ministry of Education and Science shall allocate to School Boards of regional and republic size cities 10% of the funds foreseen by the law on the state budget for the current year for the purpose of procuring teaching literature, which then are targeted at educational facilities established by local governments which implement national minority programmes in general elementary education or general secondary education.

Since the number of students with Latvian as a second language in Latvian schools is increasing, the National Agency for Latvian Language Training developed methodology courses for language teachers in Latvian schools and in 2004 began to offer it as a part of its teacher training programme in order for teachers to be prepared with necessary methodology and experience at appropriate level of quality.

#### **Section 54**

The State Agency for General Education Quality Assurance does not assess textbooks. In addition to accrediting or assessing the quality of the work of schools the State Agency for General Education Quality Assurance also evaluates the work of teachers and students. Accreditation also includes assessing the resources available to the school, including the provision of textbooks; however, the quality of content of textbooks and their compliance with the educational standards of the subject is assessed by another institution of the Ministry of Education and Science: the Educational Content and Examination Centre (ISEC). At ISEC, two experts assess manuscripts of textbooks prepared by publishers; usually one of these is a practising teacher of the relevant subject, and the other is a university docent. Thus the interaction of practice and theory is retained. In Latvia all textbooks, other than language textbooks, are published in the Latvian and Russian languages. The translation normally corresponds to the Latvian equivalent. However, authentic textbooks in the Russian language only are also available.

## **Section 55**

In order to ensure that national minority schools have the opportunity to learn both in the official state language (Latvian), and the minority language (8 languages in elementary schools and 7 languages in secondary schools), schools must purchase books in two languages with the financial assistance of the state or local government or founders of the school. Elementary schools as from 1999, and in particular secondary schools as from 2004, have progressively augmented their libraries taking advantage of subsidies from the national budget and the financial support of local governments.

## **Section 56**

It should be noted that in Latvia a reform of the content of elementary education is being implemented, and as a result, considerable attention is paid to the preparation and provision of textbooks. On the assessment of the quality of content of textbooks, the Government would like to refer to its comments under Section 54.

## **Section 57**

Although the State Agency for General Education Quality Assurance does not assess the quality of textbooks, during school accreditation in the school year 2006/2007, additional information was compiled on school libraries as one of the resources, and on computer access (number of computers, access in class rooms for acquisition of various subjects, possibilities of using Internet in various school subjects).

## **Section 59**

The Memorandum expresses concern on the training of teachers and insufficiency of educational standards regarding subjects taught in national minority languages. We inform that the Educational Content and Examination Centre has prepared standards for school subjects for the acquisition of the Russian and Polish languages; model programmes have been approved for learning the Hebrew and Yiddish, Lithuanian, Estonian, Belarusian, Ukrainian and Roma languages at general educational facilities.

## **Section 64**

On March 1, 2007 amendments of the Medical treatment law were adopted. The amendments established a new order for outpatient or in-patient examination and medical treatment against the will of a patient. Until the amendments, if a patient was hospitalized against his or her will, a council of psychiatrists within a 72-hour period examined the patient and took a final decision on further medical treatment. Now a person could be committed without its consent only according to a decision of the court.

## **Section 65**

Two Financial Mechanisms - EEA Financial mechanism and Norwegian Financial mechanism - are available for the Republic of Latvia from 2006. One of the priority areas of these two mechanisms is a child with special needs. The aim of open call for individual projects announced within this priority area is to facilitate the integration into society of children with mental and physical disabilities as well as to improve life quality of such children. This includes improved access and treatment of children with special needs in the health care system and integration of children with special needs in the educational system. The total amount of available financing is 1 586 130 euro. The assistance to the children with mental and physical disabilities is also provided in the framework of the annual State Programme for Improvement of Children and Family Conditions.

## **Section 71**

Amendments in the Law on Social Services and Social Assistance have been made - now it includes the term "victim of human trafficking" and its definition. It also states that procedure of receiving social rehabilitation for victims of human trafficking is prescribed by order of the Cabinet of Ministers.

At the moment Latvian legal base includes a broader range of human trafficking crimes comparably with the Palermo Convention. Thus misconceptions about the extent and nature of human trafficking in Latvia could arise. Unlike in other European countries, in Latvia persons who support or are engaged in human trafficking, even when there is a voluntary consent of a victim of human trafficking, could be found criminally liable.

The State Police operates to exclude any type of human trafficking and prevent any possibility of Latvia becoming a destination country of human trafficking.

Social rehabilitation for victims of human trafficking is funded by the state. In 2006 LVL 21 000 (foreseen for 14 victims) from the state budget were dedicated for the rehabilitation of victims of human trafficking and in reality 6 victims received the social rehabilitation ensured by the state in 2006. In 2007 additional LVL 26 000 will be provided for rehabilitation of victims of human trafficking thus giving the opportunity for the rehabilitation of 32 victims.

From the January 1, 2007 social rehabilitation services can be granted not only on an application or decision of a particular person or his/her representative that states that the particular person is a victim of human trafficking or on a statement of law enforcement institutions confirming that the particular person has suffered from human trafficking in a foreign country, but also based on a protocol of social service providers recognizing the particular person as a victim of human trafficking.

The State Police has active cooperation with the state and municipal institutions, non-governmental organisations (crisis centres, social aid services, etc.) that are responsible for providing assistance to victims of human trafficking and violence.

Cooperation in exchange of information, organisation of training seminars and implementation of projects is ensured by:

- The International Office of Migration which organises training of employees and informative campaigns in society against human trafficking, provides various assistance to victims of human trafficking in order to ensure their return to the motherland, and provides financial support to non-governmental organisations that provide support and rehabilitation to victims of human trafficking;
- Resource Centre for Women “Marta” which provides psychological, social and legal assistance to victims of human trafficking (including children) and has specific experience with this category of victims;
- Rehabilitation centre “Dardedze” for abused children, which provides psychological, social, medical and legal assistance to children (and their families) who have suffered from violence.

On 25th January 2007, a new law has been adopted by the Parliament. It prescribes the basic principles for providing assistance to victims of human trafficking who are not European Union citizens. The new law will ensure that Latvian legislation complies with both the Council of Europe’s Convention on Action against Trafficking in Human Beings and the Council’s directive 2004/81/EC (April 29, 2004) on residence permits. The latter are issued to nationals of third countries who are victims of human trafficking and to those who have been involved in activities which promote illegal immigration and who are now cooperating with competent authorities. The Law prescribes the procedure and terms through which non-EU victims of human trafficking can receive temporary residence permits and benefit from state-paid social rehabilitation services and social assistance.

### **Section 73**

In its four months of operation the State Inspectorate for Protection of Children’s Rights has dealt with 84 (151 in 2006) investigation cases, 13 (19 in 2006) of which have led to disciplinary liability of the trespasser, or other judicial proceedings. Other 35 (77 in 2006) cases, mostly concerning family violence, were reported to custody institutions (orphans courts and parish courts).

### **Section 76**

The “Pļavnieki” Social Care Centre for Children in Riga provides for some 80 children aged from 0 to 4 years, including very severely disabled children. The Centre provides long term social care and social rehabilitation programs for orphans and neglected children (under age of 4) also for children with mental and physical disabilities.

## **Section 77**

The retirement homes, which operate under local authority responsibility, are to comply with the criteria set out in the Law On Social Services and Social Assistance. The Social Service Board is the institution that ensures supervision of the quality of the social services in the retirement homes.

## **Section 82**

Since February 2007 basic rate of compensation has doubled – now it has reached LVL 13 000 (aprox. EUR 18 500) and LVL 3 000 (EUR 4 270) extra for each person, who vacates residential space in a denationalised house or in a house returned to a lawful owner and who was using it until the restoration of the property rights. The list of the reasons and aims for this compensation has also been increased.

## **Section 86**

The Secretariat of the Special Assignment Minister for Society Integration has drafted National Programme to Promote Tolerance (NPPT) (2005-2009), which was adopted in 2004. An interinstitutional working group was set up to draft the programme pursuant to the ordinance No. 442 of September 30, 2003, by the Prime Minister “On the working group for drafting national programme to promote tolerance.” Members of the group represented the government, universities, and public organizations.

The aim of the NPPT is to develop a tolerant society in Latvia, to eliminate intolerance, and to develop Latvia’s multicultural society in the circumstances of European integration and globalization.

The NPPT sub-aims include amending the national laws with the aim of introducing effective legal instruments to eliminate all forms of intolerance and discrimination; promoting interinstitutional co-operation to eliminate intolerance; active public participation in monitoring this process; distribution of high-quality, accessible and all-encompassing information about manifestations of intolerance and about efforts to promote tolerance.

There will be preventive work to eliminate various kinds of discrimination; conditions will be established for public integration and the competitive development of the Latvian economy in the multiethnic European Union. Latvia’s society will learn about the basic principles of intercultural communications, and develop skills in resolving ethnic, social and cultural conflicts.

With the aim to facilitate effectively the defined goal of the government’s action plan to implement, the Secretariat of the Special Assignment Minister for Society Integration altered the composition of the NPPT working group, creating NPPT co-ordination group, striving to invite the leading experts on tolerance issues in Latvia and national minority public organization leaders.

In addition, the Educational Content and Examination Centre, in preparing standards of elementary education subjects and standards of general secondary education subjects, encourages diversity in the content of every subject. Issues of anti-racism, the Holocaust, tolerance, and cross-cultural issues, and the promotion of religious, gender, age, racial, ethnic, cultural, and language diversity, is part of the subject curricula and content of teaching aids and teachers' continued education content.

### **Section 87**

Latvian legislation prohibits any kind of discrimination. On July 21, 2006 State Police arrested 16 persons for disrespectful treatment of sexual minorities (7 of the mentioned persons were found administratively liable and there were initiated 7 criminal cases for the mentioned crime) to protect participants of an event organised by a sexual minority organisation.

For the present there is only one case on sexual discrimination examined by the court of first instance.

In 2006 Alliance of LGBT and their friends "Mozaika" have received subsidy from the state budget to publish the brochure against homophobia. In 2007 in the framework of the project "Latvia – equal in diversity" and European Year of Equal Opportunities a lot of activities to promote tolerance in society are being planned.

### **Section 88**

The Government would like to draw attention to the fact that the Administrative court declared the decision of the city authorities not to authorize the Gay Pride parade illegal.

### **Section 90**

National Action Plan *Roma in Latvia 2007-2009* is the state policy paper and action plan to deepen the Roma integration. Taking into consideration the current situation of Roma in Latvia and historic development of the community throughout the centuries, as well as taking into consideration data on Roma situation in Latvia (as to 2005), three main areas of improvement and development have been chosen as pillars of the Action Plan to strengthen Roma integration and social, political and economic inclusion of Roma into Latvian society

- Combating discrimination of Roma population in education;
- Combating discrimination and securing equal opportunities for Roma community representatives in labor market;
- Involvement of Latvian society into anti – discrimination activities and promotion of tolerance towards Roma.

The National Action plan will be supported by the state budget on annual basis (each year Secretariat submits budget draft for the next years activities). Additional financial support will be provided by international cooperation, such as project „Latvia – equal in diversity” (LED), supported by European Commission and campaign “For Diversity – against Discrimination”.

In accordance with the national programme *Roma in Latvia 2007-2009*, the integration of Roma people has been fostered in general education schools. During the school year 2006/2007 there were 1,318 Roma children in general education schools; 72.5% of them were in schools of Latvian language instruction, 27.31% were in national minority educational facilities, and 0.531% in schools of Polish language instruction.

## **Section 92**

Prevention of discrimination and domestic violence is one of priorities of the National Human Rights Office, but numbers of complaints received is relatively small in this sphere. Issues of right to fair justice, access to the courts and ensuring of procedural guarantees might be second biggest realm of complaints. The Office also receives complaints about access to housing, justice and education.

## **Section 94**

On 1 January 2007 the new Rights’ Defender’s Law came into force. According to the new law the Latvian National Human Rights Office finished its work and on its basis the new Rights’ Defender’s institution (an Ombudsman type institution) was established. Along with ensuring human rights observance, the new institution has also a goal of promoting observance of the principles of good administration. On 1 March 2007 the Parliament of Latvia has confirmed Mr *Romans Apsitis*, former judge of Constitutional Court of the Republic of Latvia, for the post of the first Latvia's Rights’ Defender for a four years term. The budget provided for the needs and development of this institution is sufficient. As soon as larger premises are found, the Rights’ Defender is to recruit new staff members and start the work of the institution in the full scope and dimension.



