

LATVIAN NATIONAL HUMAN RIGHTS OFFICE

1998 ANNUAL REPORT

AUTHORS OF ANNUAL REPORT 1998:

Līga Bikseniece, Rolands Belevics, Janis Butkevics,
Olafs Bruvers, Ruta Dimanta, Cilla Philips,
Sandra Garsvane, Inita Krizevica, Inga Misina,
Andris Paparinskis, Andris Putnins, Dagnija Raugule,
Inga Reine, Vineta Stolere, Iveta Velicko etc.

Translator: Gundega Aboltina

Responsible on publication:
Olafs Bruvers and Inga Reine

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I. INTRODUCTION

In 1998, compared to 1997, the volume of work for the Latvian National Human Rights Office (the "Office") has increased. It is evidenced also by a number of petitions. It does not mean that also human rights violations in our country have escalated; however, it shows that the public is better informed on the rights and opportunity to apply to the Office for assistance: in 1996 - 1643 persons were looking for advice, in 1997 this number had already reached 3206, and in 1998 - more than 4000 people (including regular open office hours of the Office Director).

In 1998 our Office participated in different events and activities, thus facilitating the public understanding on human rights, identifying the constraints and looking for solutions to further ensure the human rights.

By this report my colleagues are presenting the activities of the Office in 1998.

The priorities of our work in 1998, the same as in previous years, were focused on following the interests of vulnerable groups of our society and protection of their rights. We had tried as much to comprehensively consider the situation of disabled, conditions in orphanages and homes, health rehabilitation institutions, psychoneurological care, prisoners, illegal immigrants, and refugees. We have active collaboration on human rights issues solutions with the State Police, Department of Citizenship and Immigration of the Ministry of Interior (the "Citizenship Department"), the Department of Religious and Public Affairs (the "Public Affairs Department"), Ministry of Welfare, as well as with municipalities, particularly with the representatives of the Riga City Council (the "City Council"). As the Office receives many petitions and requests on the matters affecting the competence of municipalities, we have organized in the Office several meetings together with the responsible officials on those issues in order to tackle the core of the problem instead of fighting the consequences. In cooperation with the representatives of the City Council and Free Trade Unions we have provided real help to many residents, the proposals are drafted to the Parliament of the Republic of Latvia on the amendments to the laws on apartments issues (rent, privatization etc.), and we worked on protection of the rights of underage for shelter and warmth in cases when the families with children are literally moved out from the apartments on the street by the court decision.

The staff of the Office had also facilitated the public education in the field of human rights by delivering lectures on those topics to different audiences. Through the support of the Office, the Administration school received the materials for lectures for a specific human rights course, which, hopefully, will gain response when applied for training of senior officials of the government institutions, including it as a mandatory subject in the education curriculum.

This year the Office had to face the financial constraints. Therefore, the management had to take a painful decision – some positions were liquidated and a number of staff reduced.

Speaking about the achievements, definitely we have to outline the constructive cooperation of the Office with the state and local governments' institutions, as well as non-government organizations. It has facilitated a positive solution for the grievances received by the Office. In monthly field trips of the Director and the staff members outside Riga, we had provided the information on the work of the Office, its competence, authorities and potential assistance we can provide to people. I am pleased that such field trips of the Office staff had promoted good cooperation with the chairmen of local governments and other responsible officials in the field of human rights, as the solutions depend on their actions and decisions. Furthermore, the participation of the Director in the working group meetings and advisory councils has always been valued positively.

I would like to thank my colleagues for their work in 1998, as well as the United Nations Development Program (UNDP) for the rendered finance assistance.

Olafs Bruvers
Director of the
National Human Rights Office

II PEOPLE OF THE NATIONAL HUMAN RIGHTS OFFICE

The Latvian public has been informed on the work of the Office already for three years; however only some people know the Office staff, as well as how many (or few) we are. In the course of our meetings we often receive the question of how work duties are divided in the Office. Recently, the Office has heard also some accusations of poor or passive work. Therefore, we are offering you the opportunity to get to know us and to find out how many people are working in the office and who we are.

Olafs Bruvers – Director of the National Human Rights Office

Olafs Bruvers was nominated for the position of the Director of the Office by the decision of the Parliament as of May 1997. Theologian by education. Before taking the position of the Director of the Office he was the Parliamentary Secretary of the Ministry of Foreign Affairs of the Republic of Latvia, the member of the Council of the 5th and the 6th Parliament, the State Minister on Human Rights. Language proficiency: Latvian, English, Russian and a little German.

Kaija Gertnere - Deputy Director

Kaija Gertnere worked in the Office from July 1995 to May 1998. Until May 1997 she was the Acting Director, subsequently the Deputy Director; was in charge of creation of the Office, coordination of its work, recruitment of staff, establishing of contacts in Latvia and overseas, attraction of funding. Language skills: Latvian, English, and some Russian.

Kristina Malere - Press Secretary

Kristina Malere was a member of the Office staff from September 1995 to June 1998, initially in the information and education section and afterwards as the press secretary. In parallel to her work, she was studying political science at the University of Latvia, and has taken part in many international human rights and mass media / public relations courses (Canada, France, Indonesia). Studies entrepreneurship and management in the International University in Geneva. Proficient in English and Russian.

Andris Petersons - Press Secretary

Andris Petersons has worked in the Office since June 1998. In 1994 graduated the Faculty of History and philosophy of the Latvian University; in 1996 – the Institute of International Affairs of the Latvian University; in 1998 – obtained the master's degree in history. In charge of the public image of the Office and relations with mass media. Language skills: Latvian, English, and Russian.

Inita Krizevica - Head of Complaints Unit

Inita Krizevica is a staff member of the Office since October 1995. In 1998 graduated the Faculty of Law of the Latvian University, had participated in the human rights course in UK. In charge of coordination of the Complaints Unit's work; considers complaints on legalization issues of individuals, property rights, and the rights for fair justice. Language skills: Latvian, Russian and German.

Lolita Andersone - lawyer–advisor of the Complaints Unit

Lolita Andersone has worked in the Office since June 1997. Graduated the Faculty of Law of the Latvian University in 1998. Her field of competence is social issues (pensions, social assistance, and rights of disabled, rights of patients). Language skills: Latvian, Russian, German and some English.

Rolands Belevics - lawyer–advisor of the Complaints Unit

Rolands Belevics – a lawyer–advisor of the Complaints Unit since December 1998; third year extern student of the Faculty of Law of the Latvian University; provides the initial advice to the visitors of the Office, also by phone. Language skills: Latvian, Russian, and some English.

Liga Biksiniece - lawyer of the Complaints Unit

Liga Biksiniece has worked in the Office since August 1996; in 1999 graduated the Faculty of Law of the Latvian University; in parallel has participated in several training courses on human rights in Finland, Denmark and United Kingdom. Her field of competence is labor rights, social issues, and the human rights of prisoners and ex-prisoners. Knows Latvian, English, Russian and some German.

Janis Butkevics - lawyer of the Complaints Unit

Complaints Unit’s lawyer since September 1997; a fourth year student of the Faculty of Law of the Latvian University; in parallel has participated in several training courses on human rights in Latvia, and Finland. The scope of his competence in the Office – the rights on housing, the right for safety and liberty of person. Language skills: Latvian, Russian and English in a conversational level.

Sandra Garsvane - lawyer of the Complaints Unit

In the Office staff from April 1997 to August 1998; in 1998 - the bachelor’s degree at the Faculty of Law of the Latvian University; in parallel to work studies for the Master’s Degree at the Criminal Law Department of the Faculty of Law of the Latvian University; considers the complaints on human rights violations of prisoners and released, apartments issues. Proficient in Latvian, English and Russian. Currently works in the Latvian Center for Human Rights and Ethnic Studies.

Dagnija Raugule - lawyer of the Complaints Unit

Dagnija Raugule is a lawyer of the Complaints Unit since September 1997; is a 4th year student of the Academy of Police. The field of competence – citizenship and immigration issues. Language skills: Latvian, Russian and some English.

Iveta Velicko - lawyer of the Complaints Unit

Iveta Velicko - a lawyer of the Complaints Unit since September 1997; is a 4th year student of the Academy of Police. The field of competence – citizenship and migration issues. Language skills: Latvian, Russian and some German.

Vineta Stolere - Head of Analyses and Information Unit

Vineta Stolere works in the Office since October 1995; in 1997 graduated the Faculty of Law of the Latvian University; obtained the Bachelor’s Degree in Law; participated in the international human rights course in United Kingdom and obtained its certificate; in charge of coordination of the work of the Analyses and Information Unit. In addition works on the issues of national minorities, freedom of religion, equality of gender, child rights and other issues. Language skills: Latvian, Russian and some English. Currently Assistant to the Chairman of the Parliament of the Republic of Latvia.

Ruta Dimanta - Analyses and Information Unit, Coordinator of Education projects

Ruta Dimanta worked in the Office from October to September of 1998; has the Bachelor's Degree in psychology. In parallel to work in the Office studied at the Faculty of Law of the Latvian University; was in charge of the issues on disabled, children, as well as non-government organizations. Knows Latvian, English, Russian and some German. Currently - Director of the NGO Human Rights Support Network.

Cilla Philips – International Advisor for the Analyses and Information Unit

Cilla Philips is our International Advisor for the Analyses and Information Unit and has worked in the Office since November 1998; Obtained BA Hons Degree in Humanities (History, French, Psychology) at the Earling College of Higher Education, Masters Degree in Middle Eastern Affairs at the University of London, School of Oriental and African Studies. Additionally holds a Lincoln Clinic's Diploma in Counseling Theory, Tavistock Clinic, Certificate Course on Consultancy for Groups (Graduate of Common Purpose, Developing Inter-Agency Partnerships). Her work is targeted at the NGOs working with people with special needs and main responsibilities can be formulated as follows: development of partnerships, organizational management, disability awareness and integration, user participation, development of civil society and active citizenship. Speaks English, French and some Latvian.

Dace Ose - lawyer of Analyses and Information Unit

Dace Ose worked in the Office December 1995 - to March 1998; in 1995 – the Bachelor's Degree in Law at the Faculty of Law of the Latvian University; was the participant of the international human rights course in Denmark and United Kingdom; was responsible on rights of prisoners, rights for fair justice, social issues, seekers for shelter and other matters. Language skills: Latvian, English, Russian and German. Currently, works in the United Nations Organization Commissariat Office in Riga on Refugees Affairs.

Andris Paparinskis - Project Coordinator, Analyses and Information Unit

Andris Paparinskis is a Project Coordinator of the Analyses and Information Unit since December, 1996; has the Latvian University Bachelor's Degree in theology; responsible on organization of field trips, education programs, publications, quarterly reports. Language skills: Latvian, English, and Russian.

Andris Putnins – lawyer, Analyses and Information Unit

Andris Putnins – a lawyer of the Analyses and Information Unit since March 1997; a 5th year student at the Night Department at the Faculty of Law of the Latvian University; participated in the international human rights course in Poland and Finland; the field of competence is complaints on police, forced treatment in mental hospitals. Regularly takes part in the Central Medicine Ethics and Child Rights Protection Committees' meetings. Language skills: Latvian, Russian and some English.

Inga Reine - lawyer, Analyses and Information Unit

Inga Reine is a lawyer of the Analyses and Information Unit since October 1995; in 1996 – Bachelor's Degree in Law at the Faculty of Law of the Latvian University; in 1998 – Master's Degree in Human Rights in Padua University in Italy; rights of free moving, rights of seekers for shelter, privacy and other issues; maintains contact with the Parliamentary Committee on Human Rights and Public Affairs by

regular participation in its meetings and providing of his expert advice on draft laws. Language skills: Latvian, English, Russian and French - in a conversational level.

Inga Misina - Head of the Information and Documentation Center

Has worked in the Office since August 1997; has graduated the Faculty of Philology of the Latvian University; also international HURIDOCS courses on documenting of human rights violations and creation of the data basis in Romania and the course of human rights education in the International Human Rights Education Center (CIFEEOP) in Switzerland. Is responsible on collection of information, its preparation, and delivery, servicing of visitors, education program, drafting of publications. Language skills: Latvian, English and Russian.

Of course, the Office cannot function without its administrative staff ensuring its daily running. They are not widely known; however, they are selflessly performing their job duties.

III LEGAL ADVICE ON HUMAN RIGHTS ISSUES

The law “On the National Human Rights Office” defines the tasks of the Office to be carried out to inform the public on human rights and to reduce a number of their violations. Compared to 1995, when the Office was organized, a number of complaints on human rights and legal norms violations continues to grow. It is important to distinguish between those two kinds of violation of rights, as under the law the Office is responsible for consideration of the complaints solely on human rights violations.

The extensive experience of the Office in communications with the public indicates the conditions of life for the needy in Latvia, employment problems, lack of information to the public, arbitrariness of landlords, gaps in law, non-compliance of the normative acts to the governing laws, inability of the government to ensure their enforcement, as well as the fact that the laws and their principles are ignored by different state and local governments’ officials – these are the causes for violation of human rights.

Furthermore, only a small part of the provided advice comprises the human rights issues in their classic understanding. Most often there is a need to provide legal counseling, for example, on apartment rental rights issues. If the complaint is within the competence of some other institution, then the individual is respectively referred and provided the address and telephone number of the specific office or agency. In most cases referrals are to the Police, the Prosecutor’s Office, the State Labor Inspectorate, different organizations for protection of consumers’ rights, and local governments and their social services.

At a time when eviction from one’s apartment and social problems have become the daily issues for the Office, there are occasions when people are suffering due to their reliance on others and lack of education.

In some regional center, an elderly woman needed a little money to build a fence. The neighbor, as his son works in the bank, said that there is no problem: it is just nothing to borrow such an amount in the bank. The woman had borrowed 250 Lats, pledging her private house. In some time the money was somewhere lost. In a year this woman had lost the title to the house, and in two more years the new owner required her to vacate the premises in a few weeks.

Some woman, just after the retirement age, arrived in the Office, as the next day she had to vacate her apartment. She had decided to privatize the apartment, however, it seemed complicated if she had to do it herself, as she also mentioned having problems with the state language. The son of a neighbor offered his help – a very well known, good guy, who was born and grown up in front of the eyes of the victim. The representative had taken the universal power of attorney and started to take actions: privatized the apartment, alienated it in favor of the third person – and then himself disappeared in the unknown direction. Shortly, the good faith purchaser arrived and was surprised that the apartment was not yet vacated.

Similar situations arise when using the broker’s services for the apartment change. The tenant trusts the broker and signs the contract, not thoroughly considering its quite complicated text or other documents. As a result, the person stays without any dwelling space at all, or at best has to live in some miserable shabby place; however, legally everything is arranged perfectly.

The victims of such occasions apply for the assistance when the deal turned out to be unfavorable. Since it had already taken place, nothing can be done to affect its outcome. We are happy on each case when the individual is seeking the legal advice *before* entering into some transaction.

IV INPUT OF THE OFFICE ON SPECIFIC HUMAN RIGHTS ISSUES

IV.1 CIVIL AND POLITICAL RIGHTS

The right to life

In February 1998 the discussion on abolishment of death penalty again re-opened.

The Convention for the Protection of Human Rights and Fundamental Freedoms (States of Council of Europe--November 4, 1950--hereafter, the "ECHR Convention"), Protocol No. 6, Article 1 says: *The death penalty shall be abolished. No one shall be condemned to such a penalty or executed.* The Republic of Latvia has ratified this Convention, however not yet its Protocol # 6. The Latvian Penal law stipulates death penalty as an extraordinary measure. The Parliament of Latvia presently is *not* ready to decide on abolishment of death penalty.

The grounds for death penalty has been a topic for discussions since ancient times. Several well known philosophers have expressed their opinion on this issue. Hobbs has said that the death penalty is a means of intimidation for the interests of the society, however it cannot be considered as a penalty. Voltaire had the idea of limitation of this measure of penalty. The only case when the death penalty would be justified, in his opinion, is as follows: *If there is no other possibility to save life of many people, then the criminal has to be destroyed as a mad dog.*

The view of the Office is that the death penalty in Latvia must be abolished as its existence contravenes the most essential basic human right – the right to life. The Office believes that the Parliament has to ratify Protocol # 6 prohibiting execution of the death penalty in peacetime. This Protocol is ratified by the majority of EU Member States, including all Nordic countries.

Notwithstanding any arguments of the state to justify the death penalty, whatever methods the state would use for its execution, the issue of the death penalty cannot be separated from the issue of human rights. The ECHR Convention recognizes the rights of each individual for life and determines: *No one shall be subjected to torture or to inhuman or degrading treatment or punishment.*¹ The death penalty is an official killing of the convicted person; its existence denies such a value as a human life.

Death penalty is a violation of human rights also from the other point of view. When the state convicts a person whose freedom is removed, and if fair justice is not provided, then it deprives the rights of the individual for the respective proceedings and equality before the law. The death penalty is not only dispossessing the charged of the right of lawful compensation in case of an erroneous verdict, but also is not permitting the judicial system to correct its mistake.

However, thinking about the victims, killed brutally, crippled and degraded, then we have to consider also dignity and human rights of the victims, and their relatives. Therefore, the arguments of the death penalty supporters are understandable and logical - the execution of the death penalty eliminates the possibility of repeated crime, however the sentence to life imprisonment in seclusion is a sufficiently severe penalty. However, is it not so that the supporters of the death penalty are concealing their incapacity to fix the prisons, to ensure rehabilitation of ex-prisoners, to achieve the healing of the society as a whole? Sociological surveys show that a majority of the population is dissatisfied with the criminal situation in Latvia and helplessness of the law enforcement institutions. They feel fearful and not protected and therefore they see as the only option more severe punishment, which would be enforced and executed by the respective institutions and result in a reduction in the level of crime in the country.

The fact that the existence of the death penalty is not reducing the number of crimes and also otherwise is not affecting the criminal situation is admitted by many Latvian officials and foreign experts.

¹ Article 3 of the Convention

Furthermore, in effect in Latvia since 24 September 1996 is the Moratorium on Death Penalty declared by the State President. Thus, removal of the death penalty from the Penal law and then following ratification of the Protocol # 6 of the ECHR Convention would be not only a desirable step of Latvia towards the European Union, but also a reasonable legal regulation of the existing situation.

The right for safety, liberty and security of person

International documents on human rights and the Constitution of the Republic of Latvia (the "Constitution") provide the right of each individual for safety, liberty and security of person.

The Police is the first service, the people associate with the individual and protection of his/her rights. The law "On Police" says that its responsibility is to protect life, health, rights and freedoms of person.

Currently, the Police of Latvia has many internal and external problems. However, if we are willing to live in a normal society, the Police has and will have to manage to settle them. By conducting the direct service duties, the police officers have to prove their ability to respect and protect life, liberty, dignity and rights of the person, which is their basic task.

It is not anything new that most of the public has a negative attitude towards the Police, and it has both subjective and objective reasons. As long as we are willing to accept as an unwritten rule that police officers can be tactless, rude, not knowledgeable and even violent without punishment for it, nothing will change. Of course, we may find in each specific case justifying circumstances and accept it. But maybe more purposeful would be to examine seriously and change the situation, justly requesting from the Police a human, tactful and protective attitude?

In 1998 the Office received 50 written complaints on human rights violations against liberty and security of person, and has given oral advice in 98 cases. The following is an example illustrating the case of violation of the security of person:

Mr.A came home after visiting the friends. He was not far from his place of residence, when some police car stopped, and the policemen got out and dragged him into the car. The police officers did not tell both their name and rank, nor the reason of detention and also where "A" will be taken. The destination was the sobering-up station where Mr.A was kept until the morning. Thus, not only the provisions of the Administrative Offense, but also the principle of proportionality was not followed. Article 252 of the Code on Administrative Offense stipulates that the administrative detention of a person is permitted under the cases exactly stipulated by the legislative acts in order to stop such administrative offense. Respectively, a person can be detained only for a conducted administrative offense. Article 171 of the Code on Administrative Offense says that the person can be called to administrative account, if he is in a public place in such a status of intoxication, that causes harm to dignity of person. Respectively, if the individual is heading home and is not in such a status of intoxication which would harm the dignity of other persons – there are no grounds for his detention. In this case we can establish also infringement of the principle of proportionality, which is determined by assessment of encroachment upon the rights of an individual and the benefit of the society. In this case the benefit of the society is obviously lower than the damage caused to an individual. Article 94 of the Constitution is breached, which provides the right of each individual for liberty and security of person.

How should an individual act if the police officers are violating his human rights and not following the principle of lawfulness? Article 27 of the law "On Police" stipulates: *If the police officer violated the human rights and caused offense to individuals' lawful interests, the Police shall take measures for renewal of those rights and compensation of the caused damage.* Section 6 of Article 27 of this law says that *the complaints on the action of the police officers are considered and decided by the Chief of the same Police Office (sub-unit) the officer is directly responsible. If the claimant is not satisfied with the passed decision, it may be appealed within a period of one month in a higher police institution, the*

prosecutor's office or the court.

The information "On topical issues and tendencies in the field of following the human rights in the State Police in 1998," which was received by the Office from the State Police Headquarters, admits that in practice *unfortunately are the cases when police officers are involved in illegal actions and violations of human rights*. Compared to 1997, in 1998 the number of disciplinary offense among the police officers was sharply reduced. The total number of the applications and complaints filed with the State Police is 620. The people who filed them believe that 44 of them are involving the human rights violations. Out of this number of 44, violations were established in 14 cases, with 38 of the filed complaints alleging ungrounded detention, or use of physical force or special means. In those 38, violations were established in 12 cases.

The Office considers the complaints on violation of the right for liberty and security of person. If the individual due to any reason is not able to reach the objective consideration of the potential violation (e.g. the Chief of the Police refuses to consider the complaint or if its consideration is being unreasonably delayed), the person may receive free legal advice in the Office, explaining how he can protect his own rights.

In 1998 the Office participated in the training course for the police officers, and its objective was to facilitate reduction of human rights violations. The data of the Statistics and the State Police shows that human rights violations in this field are having a downward tendency, and hopefully it will be maintained also in 1999.

The Office is always ready for cooperation and believes that in the nearest future the system of the Ministry of Interior shall carry out two tasks:

- 1) To continue and extend the human rights training course not only in the Academy of Police, but also to incorporate this human rights topic in the qualification course for police officers. Thus, each police officer would have the understanding of a notion of human rights and how it relates to his work;
- 2) As of 4 May 1990, renewing the independence of Latvia and by ratification of 51 international documents, the government was undertaking to secure and protect human rights without discrimination on any ground such as sex, race, language, religion, political opinion, national or social origin or other features. Therefore, also the Ministry of Interior shall address how to ensure the safety of all of society and the protection of each individual's dignity and rights.

Freedom of expression

At the beginning of March 1998 the Prosecutor General Office instituted the criminal case against the journalist of the newspaper "Nacionala Neatkariba" ("National Independence") – Juris Rudevskis. With reference to the request made by the attorney of Juris Rudevskis, the Office drafted the conclusion on the subject of the criminal case – the article "Russian cultural – historical phenomenon," which in many sequels was published in the newspaper "National Independence."

Article 1 of the Constitution states: *Latvia is an independent democratic republic*. The notion of democracy is not here only as a popular and modern word, used for populist objectives when there is a willingness or it is beneficial. The notion of democracy, specified by Article 1, is a functional legal notion, and its essence is revealed only by understanding and normative establishment of its function.

One of the core principles developed from a legal notion of "democracy" and Article 1 of the Constitution is the fundamental rights of each individual. The cornerstone of Latvia as a democratic country is the right of a person to freedom of expression. However, in totalitarian countries (as Latvia was - not so long ago) there are limitations to exercising of these freedoms so as not to permit a difference of opinion. Currently, Latvia is in the transition period from totalitarian country to democracy; therefore one cannot expect the way of thinking, as well as values and interests to be changed in a few years.

As the survey by the Baltic Data House of Latvian residents shows in 1998, 10.1 % of all the respondents believe that the human rights on freedom of expression, opinions, and beliefs are restricted. Even if this indicator, expressed in percentage, is not large, concerns on a formal understanding of the notion of democracy still exist considering that the freedom to express freely one's own opinions is also a pre-requisite for implementation of many other rights and freedoms. The Office regularly receives letters expressing very different views on the political and social processes undergoing in our country. However, if the expressed opinion is opposite to the majority view, the person stating the minority views usually stay anonymous.

Article 10 of the ECHR Convention declares: *Everyone has the right to **freedom** (our Italics) of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.*

These rights are stipulated also by Article 30 of the Latvian Constitutional law "Rights and responsibilities of a person and citizen," being the basis for the liberty of each individual to freely express his beliefs, not fearing restrictions, punishment or persecution.

However, the human rights guaranteed both by the ECHR Convention and the Constitutional law are not absolute, and the State may subject them to set formalities and scope, and determine specific duties and responsibilities.

In order for the restrictions imposed by the State to freedom of expression to be grounded, the following provisions shall be followed:

- 1) The restrictions shall be stipulated by the law.
- 2) They must be necessary in a democratic society. The general truth is that the limitations shall reach the following objective: they shall be in the interests of the national security, territorial integrity as well as public safety interests in not permitting disorders and crime, and for the protection of health, morals and other human rights.
- 3) The principle of proportionality shall be observed. It means that by imposing limitations, the achieved benefit shall be larger than the infringement to the rights of the person.

With respect to this specific case, we established that Juris Rudevskis has exercised the rights ensured to him by Article 10 of the ECHR Convention and Article 38 of the Constitutional law. It means the rights to receive and impart information and freedom of expression in a form desirable to himself. Undoubtedly, the publication by Mr. Rudevskis is critical, and it is grounded by historical facts chosen by the author,² which, in his view, provide the basis for the subject of his published article.

Furthermore, this case is described in the web page of the magazine *Index on Censorship*, well known in the world as protecting the freedom of press and expression. It provides the latest world news on attacks to the freedom of press. *Index on Censorship* has listed Latvia next to the "third world" authoritarian regimes and CIS countries which are underdeveloped in democracy rights.

Freedom of assembly

Responding to the opinions expressed by the mass media on human rights violations, which took place on 3 March 1998 when the picket at the City Council was dispersed, the Office disseminated its statement on ensuring the role of the State to provide freedom of assembly, and also on restrictions that are permissible for protection of the rights of an individual. The Office did not receive any oral or written complaint from the participants of the picket of March 3, and there is no information at the disposal of the Office that by vacating the part of the street for the transport the Police had exceeded its authorities or caused physical harm to people. The rights to freedom of assembly ensure the opportunity for the

² The Office does not have at its disposal the authors of historic facts and the books, referred by the mentioned quotations, therefore we had not made any conclusion on the credibility of the data and it was not also the objective of the Office.

individuals to express jointly their views and protect their interests. Thus, the ensured rights for assembly and association are not only the measurement for the development of democracy, but also evidence the political and social processes undergoing in the country and the public opinion on it. Free expression of the most radical views shall be valued as active participation of the public in the life of the country.

These are some of the basic rights of a democratic society. They are guaranteed both by the international human rights documents (Article 20 of the Universal Declaration of Human Rights, Article 21 of the UN International Covenant on Civil and Political Rights, Article 11 of the ECHR Convention), and the laws of the Republic of Latvia (Article 32 of the Constitutional law “Rights and responsibilities of a person and citizen”, Article 3 of the law “On meetings, assemblies, street demonstrations and demonstrations”).

At the same time all the mentioned documents provide the possibility for restriction of these rights, as responsibility on the solutions of practical constraints, related to mass activities, is one of the state functions. Therefore, the state is entitled to determine specific rules to freedom of assembly, and to ensure the participation of the Police in cases of conflicting demonstrations to maintain the public order. The action of the state, the objective of which is to ensure the public order, and the rights and freedoms of others, is justified even if affecting the rights of some individuals. In the situation when there are sufficient circumstances evidencing that actual endangerment may be caused to the public order and safety, the state has the duty to interfere for renewal of the public order and simultaneously undertake care on protection.

We may not like some kinds of expression of freedom of assembly, in particular, if we do not agree with the ideas expressed by participants at a specific event. However, considering the significance of these rights, any participant of mass gatherings shall be convinced that the assembly will not be disturbed and there will be no violence. Therefore, the state shall ensure that the activities are appropriate in order to provide a peaceful course of legal demonstrations and to protect the demonstrators from violence.

Freedom of religion

In its first three years of activities, the Office has worked on many aspects of freedom of religion in Latvia, including the cases, when some religious organizations felt discriminated, in realization of freedoms to establish religious organizations and manifest religion or beliefs, as stipulated by the national laws and international documents on human rights, as well as considering the residents' complaints on restrictions on freedom of religion. In such a situation the Office communicated with different organizations of the so-called traditional (for example Russian Orthodox and Lutherans), as well as non-traditional or new religious organizations. The constraints involve also different aspects of human rights, hence various arguments on human rights are applied to facilitate solutions. Seeking solutions in conflict situations between the different religious organizations and the state authorities had been the core priority of the Office in the field of right to freedom of religion.

In addressing registration of the Jehovah Witnesses congregations, the arguments of the Office were general norms on human rights binding in Latvia that determine the specific cases on restrictions imposed on religious organizations, as well as emphasizing that the understanding of the overall religious picture of the world may repeatedly change in the course of the society development.

The Office believes that new religious organizations cannot be prohibited by any arguments based on human rights, provided activities of such organizations are following the law. Even if some religious organization potentially endangers the Latvian laws and the interests of the society, its activities cannot be restricted by labeling it with the status of illegal organization, however legally correct supervision shall be carried out, as well as the public shall be informed and educated on those issues. New religious organizations may be like an endangerment to such a society, where the understanding on religions is not rooted in the general and systematic education, hence the lasting and stable traditions of religious beliefs and practice are not developed.

The Office has participated in the Advisory Board for Religious Organizations (the “Advisory Board”)³ since its creation as of 29 January 1998. It holds monthly meetings. One of the most significant discussions we could mention is the issue on registration of applications. Furthermore, in the autumn of 1998, the Office participated in the discussion on the formulation of teaching religion at school for new law “On Education.”

The Ministry of Justice registered the Jehovah Witnesses congregations as religious organizations as of October 1998. The Advisory Board for Religious Organizations under the Ministry of Justice the Office supported this decision, substantiating it by freedom of religion under international documents on human rights. There is a lengthy discussion undergoing in the Advisory Board – are the new religious organizations endangering human rights and freedoms, health, public order and safety of others.

The Jehovah Witnesses congregations registration was supported by the Office on the basis of the freedom of religion, stipulated by the ECHR Convention, which in compliance with the Section 2 of Article 9, shall be subject only to such limitations *as prescribed by the law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

If the Jehovah Witnesses congregation (or any other religious group claiming the status of a religious organization) by its activity or doctrine breaches the provisions of the Law On Religious Organizations then, in order to use it as an argument to refuse the registration, there would be required the conclusion of the law enforcement institutions of the Republic of Latvia or the Advisory Board.

The Advisory Board, with the help of the press, invites the public to inform on the occasions when religious organizations (registered or not) would have violated the law.

We have to specifically outline the already mentioned law “On Religious Organizations” with the specified provisions for refusal of registration of a religious organization. The terms *endangerment to health and morals and propagating of the ideas of religious intolerance and hatred* may be applied also when investigating complaints of people.

The Office believes that the refusal of the Government to register some religious organization without the legal substantiation may be more considered as an attempt of the State to consciously avoid the responsibility on the processes undergoing in the society. Practically, the consequences would not change by such a prohibition, as it is impossible to ban religion by jurisdiction; the prohibited religious organization works the same, only without a legal status, in “underground conditions.” The experience of the European countries shows a much better way on exercising control over the activities of the religious organizations than their registration, permitting them to act openly under the framework of the law established by the state. In compliance with the provisions of the law “On Religious Organizations,” Latvian religious organizations during the first ten years of their activities in Latvia have to undergo annual re-registration with the Ministry of Justice. Such a procedure is required to ensure that the Ministry of Justice can monitor the loyalty of the new religious organizations to the State of Latvia, as well as the legality of their activities.

The Office, discussing freedom of religion in schools, has supported the view that general education schools would need a curriculum subject that offers an overview on the world religions.

The relations between the religion and education before the passage of the law on Education were defined by the law On Religious Organizations.⁴ The situation will not change also after the effectiveness

³ The Advisory Board for Religious Organizations is established with the objective to ascertain the activities of the new religious organizations in Latvia and to establish their compliance to the international legal acts and the law of the Republic of Latvia.

⁴ Articles 6.2 and 6.3 of the law “On Religious Organizations:”

of the law On Education, passed by the Parliament as of 29 October, as its tenth Article⁵ makes the reference to the law On Religious Organizations, actually leaving these relations unchanged. The State will continue to finance the teaching of the denominations of Christian faith at schools.

Discussing the formulation of Article 10 in the law On Education, representatives of different denominations, education establishments and Consultative Commission of the Ministry of Education and Science, as well as the members of the Parliament offered three different formulations of this Article. Three ways of teaching religion under the discussion were: teaching on religion, inter-denominational teaching of Christian faith, and denominational teaching of faith. Paradoxically, but considering essential conceptual differences between those three formulations, the teaching of *Christian faith* is not inter-denominational. It may seem so but denominational teaching of faith, as it is stipulated by Paragraph 6 of Article 1 of the law "On Religious Organizations" ("Amendments to the law "On Religious Organizations"(17.06 – 1996) is teaching *of Christian faith – the system of definite Christian denominations beliefs, dogmas and notions.*)

However, the law "On Education" defines the level of autonomy for each school in drafting of programs, and all three different kinds of relations of education and religion may exist in different forms, depending on the priorities of the education establishments and the choice of the respective headmaster.

In implementing the law "On Education," the teaching on Christian faith will be taught in those schools where such a willingness is expressed at least by 10 students and where the teacher of the respective denomination is available for school. Considering the Latvian heterogeneous religious situation (outside Latgale) a number of schools, complying with those features, will not reasonably increase (in 1998/99 the teaching on faith were studying 4 % of the students of general education schools⁶). The autonomy of schools in designing of different curriculum programs guarantees the diversity of religious education. These are the schools with deeper studies of humanitarian science or that are willing to ensure to their students qualitative education, including the overview on the world religions, and such subjects can be provided under their own autonomous programs. Selecting the respective school, the possibility is provided to obtain the knowledge on the world religions or teaching of denominational faith.

THE RIGHT TO CITIZENSHIP AND LIBERTY OF MOVEMENT

The Office has developed a successful cooperation with the Citizenship Department. By collaboration of both institutions, a special Advisory Board of the Head of the Citizenship Department ("Citizenship Board") was organized for consideration and passage of decisions on cases which can be solved outside the Court. In the activities of the Citizenship Board participates not only the Head of the Citizenship Department, and the subordinated Unit Heads, but also the representatives from the Office, the Supreme Court, Prosecutor's Office, Ministry of Foreign Affairs, and the OSCE mission.

The spouses of the citizens and non-citizens not yet legalized for their stay in the Republic of

In the state and local government schools the teaching on Christian faith may be delivered to the persons, who expressed their written willingness for such studies...the teaching on Christian faith is being delivered in accordance with the education program, approved by the Ministry of Education and Science, by the teachers of Evangelical Lutheran, Roman Catholics, Orthodox, Old Believers and Baptists denominations, provided there are at least 10 students at school, willing to study the teaching of the respective denomination. The teachers are nominated by the leadership of the denomination and they receive the attestation of the Ministry of Science and Education.

⁵ Articles 10.1 and 10.2 of the law "On Education."

The education system ensures the freedom of conscience. The individuals shall be educated in accordance with their choice – the teaching of Christian faith or ethics, or teaching on Christian faith and ethics simultaneously. The relations of the education establishment and religious organization are regulated by the law "On Religious Organizations."

⁶ The daily newspaper "Diena," 15/10/1998 "On the future of religious education in Latvia."

Latvia apply to the Office. By cooperation of the Office, the Citizenship Department, and foreign embassies, the agreement can be reached for legalization of residence without leaving the country.

Some person applied to the Office – the spouse of a citizen of the Republic of Latvia, whose stay in the country is illegal.

This person arrived in the Republic of Latvia from the Ukraine in 1992 with the domestic passport of the former USSR. He had arranged his permit to stay in the Republic of Latvia for half a year, and his permit was not extended, as the document valid for travel was requested. The Office, considering the case, applied to the Citizenship Department with the request to issue him the permit to receive the passport of the citizen of the Ukraine and to file the documents for the receipt of the term-permit, without leaving the country. The Citizenship Department issued to this person the guarantee letter for the receipt of passport and permitted him to file the documents in compliance with the place of residence of his wife.

Unfortunately, it has to be admitted that the Citizenship Department annuls the identity code and issues the instruction for exit without comprehensive consideration of the circumstances of the case. Mainly it refers to the persons that have not received the passport of the non-citizen and which are the subjects of the law “On the status of the citizens of the former USSR, not being citizens of Latvia or any other country.” However, the Citizenship Department tries to apply to these persons the provisions of the law “On Foreigners and Aliens Stay in the Republic of Latvia.” It is not only delaying the receipt of the passport for a particular person, but also is evidencing the toughness of bureaucracy.

Mr.O applied to the Office – the order for exit was issued, as in accordance with the information at the disposal of the Citizenship Department – he was staying in the Republic of Latvia with an invalid identity document and without a visa.

The Office considered the documents of Mr.O and prepared the case for consideration in the Advisory Board., as established that Mr.O arrived in Latvia as the member of the family of the military service person, divorced in 1991 and as of 1 July, 1992, was permanently registered in the Republic of Latvia as a civil person. The Citizenship Department repeatedly considered the case file, established accurately the facts and passed a decision – to annul the order on exit and to issue the non-citizen’s passport.

The amendments, made to the Latvian law “On Citizenship” provide the opportunity under the law procedures to obtain the citizenship for all the individuals desiring it, as well as to children, born after 21 August 1991.

Unfortunately, there is an increasing number of applications filed with the Office by the individuals desiring to obtain citizenship for their children that are not entitled to it. The understanding of those persons was that the citizenship of the Republic of Latvia can be obtained by all children, born in Latvia after 21 August 1991, irrespective of the citizenship of their parents. The misperception could be related to the fact that the mass media has not sufficiently explained the criteria by which a child may become a citizen of the Republic of Latvia.

The Office asked the Citizenship Department to involve actively in solution of this problem and to explain the amendments to the law “On Citizenship” with respect to granting of citizenship to children of non-citizens.

As of March 1998 the representatives of the Office visited the Detention Center of Illegal Immigrants (the “DCII”), met its management and illegal immigrants, and listened to the complaints on everyday life conditions. The representatives of the Office realized the lack of information of immigrants on the issues of receiving the passport, etc. The relatives and close persons of the immigrants were invited to meeting in the Office in order to provide the required information on legalization in the Republic of Latvia.

By cooperation of the Office with the DCII, and the Citizenship Department, the opportunity is

provided that in specific cases the illegal immigrants are released from their stay in the Center, giving them opportunity to return voluntarily within a period of three months to their country of domicile.

A non-citizen of the Republic of Latvia applied to the Office – his factual wife was placed in the DCII, and the children in home. Mr.A arrived to the Republic of Latvia at the beginning of 90-ies from the Ukraine with the domestic passport of the former USSR. They met each other, started to live together, however had not officially registered their marriage, as Mr.A was residing in Latvia with the identity document, not valid for traveling and his domicile was registered in the territory of the Ukraine. In that time four children were born and only one of them has a birth certificate and is also registered in the Residents Register. Other children, the same as mother, are staying illegally in the Republic of Latvia. Immigration Police detained Mr.A and placed in the DCII. The Office contacted the Citizenship Department and the management of the DCII and asked to release Mr.A from the Center and to provide the opportunity to exit voluntarily the country that subsequently could be arranged the documents for him and the children. By cooperation was reached a favorable solution.

As of July 1998 there was a meeting held in Valka between the Office and Valka City Council and the Citizenship Department in Valka. The border crossing of the local residents to Valga was not duly arranged in Valka resulting in complaints of the people. The Office actively cooperated in looking for a solution. As of 31 July 1998, a letter was sent to the State President Guntis Ulmanis, and as of 31 August 1998 the Head of the State President Chancellery Ivars Millers indicated that the copy of the letter of the Office was sent to the Prime Minister of Latvia. The Office sent a similar letter also to the President of Estonia, Lennart Meri.

As of 9 December 1998, the Cabinet of Ministers Directive # 593 was passed on a simplified border crossing for the residents of the frontier area. This Directive accepts the draft Agreement between the Latvian and Estonian Governments on simplified border crossing. As of 6 April 1999 the Cabinet of Ministers passed the Regulations # 131 “On Visa Issuance Rules,” entitling the foreigners to stay in Latvia for 90 days within a period of half a year. These rules are making the border crossing easier, as the former procedure provided the rights to stay in Latvia for only 90 days per year.

HUMAN RIGHTS AND BIO-ETHICS

As of 4 April 1997 in Oviedo, Spain the Convention on Human Rights and Bio- Medicine was opened for ratification. It was ratified by 22 European Council Member States (including also Latvia). Article 16 of the Convention says: *In order to start the bio-medical study on a person, the mandatory pre-condition is, that the research project is approved by a competent institution after the independent consideration of its scientific significance, as well as the evidence is obtained that the research has a significant purpose, and as a result of multi-disciplinary research its ethical acceptability is evidenced.*

As of 13 January 1998 the Cabinet of Ministers, under Article 15 of the law “On Medical Treatment” and subject to Regulation # 9, created the Central Medical Ethics Committee of the Republic of Latvia. Its responsibilities include the consideration of all the bio-medical ethics, referring to social problems. The Committee is comprised of the Chairman and 13 members – representatives of the public and non-government organizations. The representative of the Office is the Deputy Chairman of this Committee.

The tasks of the Central Medical Ethics Committee include the following:

- 1) to follow that a fundamental principle is observed, namely, the protection of the persons involved in bio-medical research and their dignity;
- 2) to comment on the documents on bio-ethics which are submitted to the Parliament and the Government, as well as to evaluate the publications of the mass media on bio-ethics.

The Central European and Scandinavian countries have the experience of more

than 10 years in the field of bio-ethics, which guarantees to the persons involved in medical research that their rights and dignity will be fully protected and respected and the risk level of the research will be proportional to the objective to be achieved. For example, in Norway, none of the following studies is permitted without the permission of bio-ethical committees:

- 1) research with living persons;
- 2) research with the human sexual cells, which are used for conception, for the human embryo and fetus;
- 3) research with the human tissue, cells or genetic material;
- 4) research with deceased persons.

In Latvia the bio-ethics committees permit for the medical research is not required; therefore, mainly foreign companies are submitting their projects for the approval of the Central Medical Ethics Committee and they consider it is a normal practice.

The draft law "On Basic Principles of Health Care Organization" is projected to be passed in 1999. The Central Medical Ethics Committee has designed the proposals on creation of regional bio-ethics committees, which would be required under the law. The mandatory provision for health research projects would be the receipt of the permit for launching of research.

IV. II ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SOCIAL AND ECONOMIC RIGHTS

The right to live in dignity, the right to work, and social security are the human rights that are currently topical for the greatest part of the Latvian population. Latvia has undertaken to guarantee such rights (within the available resources) by ratification of the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights as of 4 May 1990, as well as recognizing the guidelines of the European Social Charter.

As of April 1998 the Office concluded and made public the study "Situation on social and economic rights in Latvia,"⁷ which was initiated in October 1997. The objective for this study was to assess the situation on social and economic rights in Latvia, the incomes of the population, the fields of social assistance and social insurance, as well as to make proposals for improvements. At the outcome the following tasks were set forth:

- to clarify international commitments of Latvia in ensuring social and economic rights and their implementation;
- to study the existing social insurance and social assistance system and the social services provided to the population;
- to clarify the state budget amount allocated for the social insurance and social assistance;
- to investigate what social assistance benefits are available for the vulnerable and needy groups of population.

Assessing the Latvian social security system as a whole, the conclusion is that the

⁷ The complete text of the study is available with the National Human Rights Office, the Information and Documentation Center.

current situation in salaries and the social assistance field is only partially complying with Paragraph 1 of Article 4 and Articles 13 and 14 of the European Social Charter.

Looking at the Latvian social security system as the whole, the conclusion is that the current situation regarding remuneration and social assistance is only partially complying with Paragraph 1 of Article 4 and Articles 13 and 14 of the European Social Charter.⁸ Even if the institutional social insurance and assistance system in Latvia is created, the social benefits currently granted either by Central or local governments are not able to solve the problems of the needy. Furthermore, in many professions, which are significant for the development of the county (education, medicine, culture, social field), the wages are disparately low and not promoting quality.

Evaluating the Latvian social assistance system and comparing it with the experience of other countries, the Office concludes that the Latvian model is universal and appropriate for actual circumstances. The essential drawback is the lack of a unified state accounting and reporting system. The law “ On Local Governments” is stipulating that they are the ones designing the social policy for their community; however, the unified system for social assistance accounting and reporting is required to more objectively assess the social processes in general.

Being aware of the inability of the social services system to fully ensure the assistance to the needy, the Office believes that alternative care is not sufficiently facilitated, i.e. the law is not creating favorable conditions for maximum participation of the public and private organizations in the providing of social services.

The Office believes that the system for requesting of social benefits, their calculation, and the payment system are too complicated, and there is no institution created for the petitions on social assistance services decisions in the case where a request for benefits is declined.

The Office recommends the following activities be undertaken for the improvement of the situation:

⁸ Article 4 - The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake: to recognize the right of workers to a remuneration such as will give them and their families a decent standard of living.

Article 13 - The right to social and medical assistance

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;

to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;

to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want;

to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories (...).

Article 14 - The right to benefit from social welfare services

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;

to encourage the participation of individuals and voluntary or other organizations in the establishment and maintenance of such services.

- the first and second tier pension systems shall be developed – mandatory funded pension scheme and private pension funds;
- regular information campaigns to the public in general on topical social issues;
- the social services system in the future shall be oriented to motivate a person to ensure himself (activating of clients resources), in parallel maintaining the system of institutional benefits;
- a profession of the social worker shall be introduced in the professions' classification, providing their training (the state order is needed), determining also a number of social workers per capita.

THE RIGHT TO WORK

One of the fields where protection of fundamental human rights and freedoms is very significant is “employment.” An important part in the life of an individual is his work, and in employment relations the worker is always (to a greater or lesser extent) subject to the employer. In the balancing of those relations, the attention shall be focused to ensure the rights of the worker.

The International Human Rights documents (adopted by the UN, International Labor Organization (ILO), European Council), recognize that everyone has the right to work with no discrimination in employment relations, as well as establishing that it is the responsibility of the state to guarantee the right of everyone to just and favorable conditions of work. Latvia, by ratification of those instruments, has undertaken the commitment; however, it has to be considered that these are human economic, social and cultural rights, which in accordance with Article 2 of the UN International Covenant on Economic, Social and Cultural Rights shall be guaranteed by the state within the maximum available resources, and by ratification of the ILO Conventions the State undertakes a full responsibility on ensuring the rights set forth.

There are cases when people apply to the Office with complaints that their right to work has been violated. These individuals, by the changes of the economic system in the country, have lost their jobs and in the current conditions are not able to find the employment (and therefore to provide their own subsistence). It is important to consider carefully each specific case but the right to work shall not be understood literally (as by a majority of petitioners) that the state shall guarantee the employment to everyone and the fact that a person is not able to find the job would be violation of human rights with respect to this person.

The state shall provide the opportunity to persons to freely seek an occupation, to be a candidate for jobs, and to compete for a job

It is significant that the States that are parties to the Covenants (including also Latvia) undertake to guarantee that the right to work is realized without discrimination of any ground, such as race, sex, age, language, political or other opinion, national or social origin or other status. This principle is set forth both by the international instruments and the Latvian Labor Code (hereinafter “LLC”).

The Latvian law, in particular, is not guaranteeing the right to work, as, presumably, it would be understood in its literal meaning as such a provision would be only declarative without the actual coverage and tools for its implementation.

As of 15 October 1998, the Constitution was supplemented by Section 8 “On Human Rights,” constitutionally establishing human rights also with respect to employment. Article 106 of the Constitution of the Republic of Latvia sets forth that *everyone has the right to freely choose the employment and the working place in accordance with his skills and qualifications, as well as each person has the right to receive the remuneration for his work, which is not less than the State established minimum.*

In 1998 the Office has received 27 petitions in writing on employment relations and in 145 cases provided the advice orally. Most often, the complaints referred to an employer's arbitrariness, and labor disputes when the rights of the worker are violated. It is important for the Office to separate the labor disputes under private legal rights, which shall be considered by the court, from the human rights violations in the field of employment. The filed petitions show that the worker right now is very unprotected in legal employment relations, specifically in the private sphere. Most complaints relate to ungrounded dismissal. In many cases the employment contracts are not made, their conditions are not followed or willfully changed, wages are not timely paid, working hours determined by the law not observed, and/or vacations, guarantees and compensations are not provided.

The workers of some wood processing firm filed a petition with the Office, stating that their working day exceeds 8 hours. Also, if there is a large volume of work, the Employer in some cases requires work over the weekend without requesting the consent of the workers. The Office indicated to the Employer the violations of the rights of the workers, referring to the international norms and just conditions of work, as well as the Latvian legislative norms. The Employer's response said that the workers are voluntary staying in the working place after the working hours in order to finish their work, and had agreed to work on holidays even if not paid by overtime rate. In this case the Office established the violation of the workers rights, as the Employer's arguments were not complying with the actual circumstances and overtime, and work in the holidays, shall be covered. (Article 94 of LLC).

The right to just conditions of work incorporates ensuring a favorable work environment, and that a worker could perform his responsibilities and realize his rights in employment relations, as well as the universal principle of fairness. As it follows Article 7 of the UN International Covenant on Economic, Social and Cultural Rights: *The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, at a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.*

Therefore, certain activities by an employer can be determined as a violation of the aforementioned norms.

A significant human rights aspect is the opportunity of the person to protect his rights and the state shall guarantee the accessibility to protection of such rights in case of their violation. Regarding the protection of the right to work, each situation may contain specific details such as:

- 1) if a person involved in the conflict is only willing to attract the attention of the public to his problem or to reach the agreement with the employer, to receive the advice that he would be able himself to act and protect his rights;
- 2) is a person desiring that the violation of the right to work would be only specific to his situation, or applicable to all employees;
- 3) is a person desiring to solve the originated problem internally in the company, maintaining the confidentiality or, vice versa, to make the solution public.

In larger companies the workers could seek assistance from the Trade Unions, and the State Labor Inspectorate is successfully conducting supervision and investigation of infringements and their prevention.

The Office is not entitled to pass a binding decision and to inflict sanctions: it may only express its opinion, provide recommendations to the parties of the dispute, give legal advice to reach the settlement, and focus the attention of the government and the public to the problem. In most cases, in the process of the consideration of the petition, the Office asks for explanations from both parties, evaluates the situation under the legal norms of the Republic of Latvia and international instruments, and subsequently gives recommendations for elimination of the violation and tries to reach an agreement. However, in cases when it is not possible to reach a voluntary settlement and a binding decision is needed, for example, for reinstatement of his work position and/or compensation, but the more effective way for seeking a solution is through the court or some other agency.

The law of the Republic of Latvia does not stipulate some procedure for consideration of the employment disputes and the respective agencies for it – the commission for employment disputes, courts, etc. Consideration of employment disputes is not within the direct field of competence of the Office; however a number of the received petitions shows that the legal procedure is not always working efficiently since people are neither disposed nor have the finances to go to court. Likewise, the Trade Unions and Cooperation Agencies (social partners) system is not yet fully developed and cannot always protect the interests of the workers.

Therefore, the Office supports the idea to create a non-judicial institution for consideration of the employment disputes. It would assist in the solution of problems in this field, however it is important that such an institution would be respected and its decisions would be binding on the employer and employee.

Possibly, one aspect of the problem is that people lack education and are not aware of their rights. However, quite often there is a paradox – the worker knows his rights, but being afraid to lose his job is living with such violations of rights and not pursuing his legal remedies. By analyses of the petitions received from the people, the Office established that in a majority of cases the working hours, as determined by the law, are not followed. Similarly, there are infringements of labor safety provisions, and annual vacations and compensations to workers are not granted. The fact that ensuring of the rights of the workers requires from the employer certain expenditures and may cause losses to the employer is not any justification for non-observance of those rights.

The provisions of the LLC are sufficiently safeguarding a person and his rights and are in compliance with the international standards. However, it is also essential to achieve actual implementation of those provisions and an efficient procedure for their observance that is accessible to everyone.

SOCIAL SECURITY AND WELFARE

Article 1 of the “Universal Declaration of Human Rights” states: *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*

The needy, pensioners and the disabled are some of the most vulnerable groups of society when not able to overcome the difficulties of life, often have to ask for assistance in different state institutions, and to a great extent they depend on the understanding and attitudes of officials. Therefore, the greatest attention should be focused on protection of the rights of socially vulnerable groups of people.

The Office receives complaints from these groups and most complaints regard the decline, without grounds, in social assistance service. In most cases, the decline is justified by Article 188 of the Civil Code of the Republic of Latvia which states, generally, that adult children must provide and care for their parents.

A pensioner has a daughter, living separately with her own family. The daughter does not have a paying job, and is raising two children while dependent on the husband. The pensioner applied for social assistance with a request to help her cover her rent debt. The officer of the social assistance service required the pensioner to show the income of her daughter’s family, i.e. the average wages for her daughter’s husband in the last 3 months, and also that the daughter is listed with the

unemployment service. As the pensioner could not provide the requested information, the pensioner was denied assistance.

Article 188 of the Civil Code of the Republic of Latvia is declarative, and only the court may determine the amount for collection of the means of subsistence, hence it cannot be freely interpreted by the officers of the social assistance service. Such ambiguity in the law makes it possible to interpret the law literally and, as a result, decline the social assistance.

The objective of the law "On Social Security" is to ensure that social services are timely rendered, following the principle of individual consideration on each case and means testing of the family, which is based on the data provided in the Declaration of Incomes. By signing the Declaration, a person undertakes responsibility for giving false data. The duty of the staff of the social service is to check, if required, whether the information specified in the Declaration is true.

Quite often, elderly people, not knowing their rights under the law "On Social Security," come to a critical situation and lose their apartment or live below the minimum subsistence level. The Office provides them information on their rights to social security, as well as in what way and where they can get the social assistance. The Office has made informative leaflets on the kinds of the local governments' social benefits and the rules for their allocation. This information can be used in the future for protection of the rights stipulated by the law.

The Preamble to the Universal Declaration on Human Rights proclaims that *recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world* and indicates that *disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.*

THE RIGHT TO HOUSING

In 1998 the Office received the majority of its petitions from people on infringement of human rights related to the rent of dwelling premises and termination of the lease agreement, payment for the municipal services, not timely provided heating, etc. The most crucial problem in Riga is termination of a lease agreement and eviction of the tenant from the apartment without allocation of other dwelling space. Article 29 of the law "On Rent of Dwelling Premises" determines in which cases the lessor may evict a tenant by the court order without allocation of another dwelling space. In most cases the evicted are tenants who have not covered the rent for the dwelling space and municipal services for more than 3 months. Very often, the rent debt is more than several hundreds or even thousands of Lats. Evicted are the pensioners, disabled, and families with children. The law does not provide for any exceptions when the lessor is not permitted to terminate the lease agreement with tenants.

Are the human rights violated when the tenant is evicted without allocation of other dwelling premises? The relations between the lessor and the lessee are following the civil law liabilities, and they are solved on the grounds of the Latvian Civil Code and other specific laws. International Human Rights Instruments and Section 8 of the Constitution "On Human Rights" are not prohibiting the termination of a lease agreement if any of the Parties are not following its provisions.

In case of termination of the lease agreement, when the tenant is evicted without allocation of the other dwelling premises and Article 11 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to housing, a distinction must be made between the civil law and human rights provisions. Article 11 shall be construed as a duty of the state to ensure everyone with the dwelling premises, while the termination of a lease agreement must follow the national civil law provisions.

Article 2 of the International Covenant on Economic, Social and Cultural Rights obliges the state to achieving the full realization of the rights recognized in the present Covenant by all appropriate means to

the maximum of its available resources. Therefore, within the means of the local governments they shall allocate the other dwelling space to the persons who are in the most need, i.e. vulnerable groups of the public such as disabled, pensioners, and families with children.

Article 66 of the law On Protection of the Rights of the Child tasks the local governments to ensure a child with housing. Supervision over the execution of this law is carried out by the National Center for Protection of the Rights of the Child, the Office, the organization "Save the Child," institutions and public organizations. If the lease agreement between the lessor and the lessee on the lease of the dwelling premises is being terminated, and in case the tenant has dependent children, the court should oblige the local government to allocate some other dwelling to the tenant and his child(ren). Unfortunately, this provision currently is followed in a very few cases.

The Office receives many petitions on the wrong calculations of municipal services, disputes with the owners or managers of the returned buildings, their capital repairs, causing eviction of the tenants, and other problems. However, consideration of this kind of complaints related to the rent of the dwelling premises is not within the competence of the Office. The law "On Rent of Dwelling Premises" stipulates the settlement of such disputes in the special courts on rent issues, and where such courts are organized by filing of the petition to the respective district (city) court.

V. RIGHTS OF SPECIFIC GROUPS OF SOCIETY

RIGHTS OF THE CHILD

Since the moment of initiating its activities, the Office has recognized several child rights problems in Latvia, both normative and institutional. Many other public organizations that in May 1998 participated in the seminar, organized by the Office, "Does Latvia need one responsible child rights institution and how should it look?" agree with this opinion.

In 1991, Latvia ratified the UN Convention on the Rights of the Child, however only in June 1998 was the law "On Protection of the Rights of the Child" adopted, which at the national level establishes the rights, freedoms and duties of the child and also the responsibility of the State and parents in realization of these rights.

A specific problem, which can be related both to the application of the UN Convention on the Rights of the Child and the adopted law "On Protection of the Rights of the Child" – is distribution of the responsibility between the central and local governments institutions that are solving the issues on the protection of the child rights. The existing institutions are operating in an uncoordinated way and even not competently; however, the national responsible agency on child rights is not determined. It causes not only domestic problems, ensuring the realization of the rights of the child, but also negatively affects the implementation of Latvian International commitments, such as filing of the report to the UN on realization of the UN Convention on the Rights of the Child.

A central executive agency shall be created at the national level with sufficiently broad powers and responsibilities, thus not permitting the situation that currently exists. It would also coordinate the execution of these programs, conduct the analyses of the situation and draft the proposals for the development of the law, provide methodology guidance to the central and local governments agencies on protection of the right of the child, inform the public on those issues, and network with public organizations.

The Office believes that the current incompetence of the administration system is explicitly showed by its incapability to ascertain how many children are not attending school and to record the children of school age, and to provide the equal education opportunities in the rural areas.

Unfortunately, the national programs on the protection of the rights of the child designed until

today are not implemented, as the responsible agencies do not have the respective state budget allocation. Lack of cooperation explicitly shows up in daily work when the social services, the police, and education establishments can not find the common grounds to provide the rights of the child, instead protecting only the interests of their own agency. The situation in which the child is not protected from such a family that endangers his health or even life is only due to one reason: the local government is not interested in covering the expense of the stay of the child in the shelter or orphanage. This situation is not satisfactory as it exists.

At the same time, the Republic of Latvia, ratifying the UN Convention on the Rights of the Child, has undertaken that *in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration.*⁹ It shall not be permitted that the officer is not able or unwilling to pass a decision favorable for the interests of the child. One of the major fields which would need immediate Government financing is the education of child rights protection officers. Competent decisions on protection of the rights of the child can not be passed if authorities are not knowledgeable on the internationally recognized standards.

Therefore, the senior officers and any other staff member that are responsible for the rights of the child would need the knowledge in this field. The Office has designed and offered to the Public Administration school the course on human rights for civil servants, and a specialized course on the rights of the child is projected for the future.

The Office has repeatedly discussed the unsatisfactory situation in the Latvian orphanages and shelters. Foster families should be used as an alternative. Their status was determined by the Cabinet of Ministers at the beginning of 1998, also allocating for this purpose the state financing. Unfortunately, the practice shows that the institution of foster families is still underdeveloped in Latvia and, practically, this kind of care is not used.

In all regions of Latvia this year the ticks' encephalitis has spread and there is a tendency for cases of this disease to increase; accordingly, the Office believes that the government has to look for the opportunity to exempt or reduce the payment for preventive vaccination against this disease. As the vaccine is expensive, a substantial portion of the children are not being vaccinated, and it causes a serious endangerment to their health and even their lives. This proposal is based on Article 24 of the UN Convention on the Rights of the Child, recognizing *the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.(...) States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures(...)* (b) *To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care.* The Government shall take particular account to provide the maximum care for the child to ensure his survival and normal development.

Child abuse (physical, mental, or sexual) is still a topical problem in Latvia; the issues on its elimination are stated by several articles, such as 19, 28, 32, 34, 33, 39, 36 of the UN Convention on the Rights of the Child. Physical violence takes the form of injury causing trauma to a child, including such actions as hitting, shaking, pinching, throwing some objects, or any other maltreatment. Moral and mental violence is specifically destructive to the psyche of a child, and its consequences cannot be even fully foreseen as the development of personality is damaged. Neglect or negligent treatment of the child is not less damaging and violent as these children are then on the street, begging, stealing and being in the environment with alcohol abuse, narcotic drugs and psychotropic substances. There are cases when the children become the victims of anti-social persons. Unfortunately, in the everyday life understanding, this form of abuse in some cases is considered acceptable. Finally, sexual abuse of a child would usually involve direct sexual contacts or involvement in such activities that are providing sexual stimulation or satisfaction to an adult.

The Office worked on the solutions last year, publishing the booklet "Child Abuse." However,

⁹ Article 3 of the UN Convention on the Rights of the Child.

*such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.*¹⁰

The Office believes that all specialists should work together in the effort to eliminate child abuse, but the Office also observes that cooperation between different services in determining the cases of violence is not sufficient. The Office participated in the program, "Center against Child Abuse for Support of Child and Family," which envisages educating of the specialists on the protection of the rights of the child on violence issues, as well as creating an efficient team of professionals.

Specifically interested in efficient cooperation of the services is Cesis city, Cesu district, Straupe and Jaunpiebalga pagasts, as well as Jelgava city and Jelgava district, Valgunde pagasts. Under the framework of the Program the efficient structure on protection of the rights of the child is designed, which contributes to the elimination of child abuse and assists in rendering the best and operative help to the victims of child abuse. The grounds for this structure is active cooperation among the Police, social service, custody court, medical staff, the school and psychologists. The normative acts of the Republic of Latvia stipulate the coordinated measures to be taken by all the respective services; however, until now, none of the Central or local Governments agencies has facilitated training in order to attain such an outcome. The major reasons for inefficient prevention of abuse or incomplete solutions of such cases are lack of professional staff, low pay, insufficient transportation and inaccessibility to rehabilitation in the rural districts.

In order to ensure the rights of the child it is essential that the staff on the protection of the rights of the child would be able to spot the signs for the conducted child abuse and take professional measures.

RIGHTS OF LIQUIDATORS OF CHERNOBYL NUCLEAR STATION ACCIDENT'S CONSEQUENCES

With the effectiveness of the Cabinet of Ministers' Regulations on compensation for the damage caused at work, the liquidators of the consequences of the Chernobyl Nuclear Station accident are facing two kinds of problem situations:

- 1) The provision on disability qualification, determined by the Ministry of Welfare of the Republic of Latvia Instruction "Qualification of disability by the Commission on Health and Work Capacity Expertise."
- 2) As a result the disability pensions are reduced without grounds.

The Office considers that in this situation the rights to equal state guarantees are not followed, including the persons with the disease related to liquidation of the consequences of the Chernobyl Nuclear Station accident.

After the Chernobyl Nuclear Station accident new terms appeared in the law: *the disease related to liquidation of the consequences of the Chernobyl Nuclear Station accident* and *the persons, which had stayed in the zone of nuclear pollution*. Since then almost 13 years has passed, and over that period the former USSR has dissolved and the laws changed, but the people, carrying with them consequences of this accident, are living among us.

As of 16 July 1996 the Cabinet of Ministers Regulations # 263 "Procedure of Disability Expertise with the State Doctors Commission on Health and Work Capacity Expertise."¹¹ Article 13 of these Rules

¹⁰ Section 2 of Article 19 of the UN Convention on the Rights of the Child.

¹¹ Hereinafter referred to by abbreviation in Latvian VDEAK

stipulate that the *doctors commission, after assessment of the performed and possible measures and outcomes on treatment and rehabilitation of a person, as well as the opportunities of the person to integrate in the public, determines the disability without a repeated examination period in cases, when the morphological changes in the body, caused by the disease and functional disturbances after the three years follow-up can be considered as not recoverable.*

Many “Chernobyl people,” as the participants of liquidation of the consequences of the Chernobyl Nuclear Station accident are called, are qualified disabled already for about ten years, and, of course, the disability classification is granted to them for their whole life.

As of 22 August 1998 the Cabinet of Ministers Regulations # 441“ On compensation of the damage, caused at work” were put into effect. Article 38 of these Regulations state that *for the persons, who participated in liquidation of the consequences of the Chernobyl Nuclear Station accident the disability pension shall be calculated in accordance with the formula: 90 % of the wages multiplied by the percentage of the loss of the professional work capability.*¹²

In accordance with the new formulation determining the loss of professional work capacity in percentage, the amount of the disability pension may be reduced on the grounds of the decision made by the VDEAK. Upon effectiveness of the new Cabinet of Ministers Regulations, the concerns of “Chernobyl people,” that the repeated examination made by the VDEAK will determine a lower loss of work capacity in percentage and thus the pension benefit amount will reduce, even if the treating doctors in their examination reports had not indicated the increase of professional working capacity and reduction of disability caused by liquidation of the Chernobyl Nuclear Station accident.

The “Chernobyl”-disabled, qualified as such for the lifetime period, are invited to arrive to the health and work capacity examination, in addition taking with them a new referral to VDEAK, i.e., it is not done by the treating doctor by evaluation of the health status of his patient, who refers him to the repeated commission examination, but the disabled himself has to ask the doctor for referral to VDEAK upon its request.

The regulations require that the patient be referred to the repeated expertise by the treating doctor. However, in this situation the patient shall get the referral of the treating doctor to the expertise in accordance with the request of the commission itself, even if the treating doctor has not established the development of the health status, which could be the reason for the repeated referral to VDEAK.¹³

The information the Office obtained from the petitions of the disabled as well as from VDEAK representatives contacted by the Office in the course of consideration of the filed petitions showed that in several cases, as a result of repeated examination, the commission decision was *to leave the previous group of disability, reducing the loss of professional work capacity by 30 %*. In proportion to the loss of work capacity, the pension benefit also was reduced. If a petitioner applied to the Office, the treating doctors had not established the improvement of health condition, but VDEAK had reduced for those

¹² Article 2 and 3 of the Ministry of Welfare of the Republic of Latvia Instruction “Qualification of Disability by the Commission on Health and Work Capacity Expertise” determines:

The grounds for disability expertise is the referral of the treating doctor after performing of diagnosis, treatment and rehabilitation.

The Commission, carrying out the expertise (...) assesses the process of treatment and its effectiveness, the clinical and working forecast, opportunities for social integration, the need for social assistance, the orientation of the person in concrete work and everyday conditions, professional skills and other clinical, psychological, social and professional factors.

¹³ Article 5.1 and 5.3 of the Ministry of Welfare of the Republic of Latvia Instruction “Qualification of disability by the Commission on Health and Work Capacity Expertise” determines:

Disability is determined for the periods of 6 months, 1, 2 or 3 years.

The repeated expertise is carried out in the terms, specified by Article 5.1 and in cases, when the health status of the disabled changed or the decision of the commission is recognized as not grounded in accordance with the new referral made by the treating doctor.

persons the loss of work capacity by 30 %. The Office, by contacting the respective institutions, wanted to find out the reasons why, in accordance with the conclusion made by VDEAK, all the disabled could be identically affected (and pensions reduced) in relation to liquidation of the Chernobyl Nuclear Station accident.

When the Office applied to the chair of the VDEAK State Commission and asked to explain the situation and to substantiate the reason for repeated health examinations, the response was as follows (as an example): *VDEAK qualified disability for Mr. S without repeated indication of the check up period as his health condition had not been stable.*

From the medical data of Mr.S, it does not follow that his health condition after three years had improved. However, notwithstanding this fact, the decision is to reduce the loss of work capacity expressed in percentage and to leave the former disability group with a repeat health examination in 6 months.

The Office believes that such directives to the doctors commission are not grounded, as the law determines that only the treating doctor can refer the patient to the doctors' commission or the person himself may express such a wish. The law also says that the State Commission exercises control and checks the decision passed by the primary commissions, but in such case the results of the primary control shall be established on the grounds by which the person may be referred for a repeat examination, specifying it in the request.

The question remains unanswered: why are the decisions made by the primary commissions being reexamined only after three years, i.e., only currently, when the new Cabinet of Ministers Regulations are passed?

As the law envisages that the State Commission is independent in passage of a decision, the Office is not entitled to dispute this made decision but it can be appealed in court. The "Chernobyl people" had undertaken to defend their rights, and, if possible, in the future some court hearing will take place. The Office initiated the cooperation with the Latvian Association "Chernobyl" and hopes that in the next year this issue can be jointly solved, protecting the rights of the disabled for social security.

RIGHTS OF MENTALLY DISABLED

In 1998 the problems of mentally disabled had been repeatedly addressed by the attention of the Office, especially working on the seminar organized by the Center for Human Rights and Ethnic Studies for the staff of the psychoneurological hospitals in Riga, Akniste, Strenci. It helped to summarize the information and the Office could evaluate the status of the rights of persons with psychic disturbances in Latvia.

As of 17 June 1998 the Office had a field trip to Akniste Psychoneurological Hospital and had a meeting with its senior staff and the Patients Board looking for the core problems that are restricting the rights of the mentally disabled and hindering integration and rehabilitation of the former patients in the society. One of the major problems for the hospital is insufficient financing, as a result of which there is no variety in the food service/catering, insufficient number of servicing staff and social workers, lack of equipment, overcrowded hospital wards, and shortage of drugs.

The Akniste Psychoneurological Hospital's Patients Board is one of the largest achievements in protection of the rights of the mentally handicapped. The Patients Board, together with the administration, addresses improvement of the conditions for the patients, development of the facilities, organization of the holidays and other issues. The patients mentioned responsiveness of doctors, assisting in organization of the Patients Board, as without their support such kind of self-administration would not work. Social rehabilitation of mentally handicapped patients was the focus of the Patients Board. After being discharged from the hospital, a majority of former patients do not have a place to live, no possibility to find a job, and no sources for subsistence. Some patients are in the hospital with a sufficiently good health condition to be discharged from the hospital, but it would mean their eviction "on the street." In some cases the Office

can help to find the dwelling space or to solve the guardianship issues, but in general the Government is not fully ensuring social protection to persons with psychic disturbances. Therefore, quite often the psychoneurological hospitals are effectively homes for persons with psychic disturbances since there is no alternative living arrangement.

In Latvia there is no unified conception on the treatment of the mentally handicapped, their social rehabilitation and educating of society in the field of mental health. The basic fundamental principle of human rights is to ensure for all persons the same fundamental rights and provide mechanisms for the protection of their rights. It has to be admitted that for the disabled it is more difficult to protect their rights. The Government and the public should show more understanding and assistance. The law "On Psychiatric Assistance" has been drafted (but not passed), defining obligations of the state for social protection of persons with psychiatric disturbances, including organization of the service hospitals for the persons who lost the social connections, and measures to be taken for the disabled to work in manufacture undertakings and working places. Among the Baltic countries only Latvia has not adopted a specific law on psychiatric assistance, and the rights of persons with psychiatric disturbances are stipulated only by Section 11 "On Psychiatric Disease" of the law "On Treatment." Due to such deficiencies of law there could be a case that the psychoneurological hospitals are forced, based on the complaints received from the relatives, to keep the mentally healthy person hospitalized. In addition, these people do not have a possibility to ask for revision of the doctor's conclusion on confinement. In accordance with the information of the Latvian mass media within the last few years there were precedents when the persons with psychiatric disturbances are abused for the purpose of enrichment, for example, in order to obtain their real estate. Currently, about 30 persons are in Akniste Psychoneurological Hospital without any identity documents. It is not possible to find out their identity, but the Citizenship Department under the currently effective law is not entitled to issue them identity documents. Such patients do not receive any social protection and the hospital is their only home.

The situation for one of the social groups of the society – mentally disabled, can not be described otherwise but of a cruel and deep disregard of the dignity of the person. Hence, public attitude to mental health and mentally handicapped is of great significance. For its improvement, the Government has to show its readiness and capacity to address problems of mentally handicapped. The legislator has to take the first step and adopt the law on psychiatric assistance.

GAY AND LESBIAN RIGHTS

As of January 1998 the sociological survey "The Course to Civic Society" was carried out by "Baltic Data House" upon the request of the Naturalization Department, the Office, Soros Foundation Latvia and six other institutions. One of the questions respondents had to answer was: *Can, in your view, such groups of residents as – communists, homosexuals, immigrants, nationalists and believers be trusted?* Positive response on homosexuals - 9.2 % citizens and 8.8 % non-citizens. The second lowest indicator among the respondents citizens was only with respect to communists (7.8 %) and non-citizens regarding nationalists (6%). As the study shows, *more often the mentioned groups are distrusted by people with lower level of education, older people, and residents of the rural areas. Young people were showing more tolerance.*

The Office had participated in discussions on gay and lesbian rights, which originated as a result of its conclusion on human rights violations and discrimination due to sexual orientation. It was submitted by the Office after consideration of a petition and the study "Analyses of Gay and Lesbian Situation in Latvia," which was launched in July 1998. Then followed discussions both in the press and radio, and seminars.

As of 10 February 1998 gay and lesbian rights were the agenda of TV Program on LNT Channel "Individual and His Rights." It was prepared by the Office in cooperation with the creative association "Labvakar." The program analyzed different aspects affecting development of homophobic views in the society, specific instances of discrimination and hatred, and how the Government, non-governmental organizations, and psychological assistance services improve the situation.

In the first half of 1998 there was very broad publicity in the case when Gatis Bugoveckis was dismissed from Bauska Police. In accordance with his petition, filed with the Office, explanations provided by the Government, the State Police officers, as well as audio tape made by the petitioner in the course of discussions with the Bauska Police management, the Office recognized the dismissal of Gatis Bugoveckis as violation of human rights and discrimination due to sexual orientation.

Several Members of the 6th Parliament and state officials expressed their opinions on gay and lesbian rights in the press. One of the publications contains such statements of the Members of the 6th Parliament: *If someone has the desire to live together with the person of the same gender, it is his personal matter, however such people cannot take any public position, especially in the Police and military service... In military structures, which are related to ensuring the public order and involves armament, there shall be employed persons with strong morals, normal physiological development and normal sexual orientation.*¹⁴ In a majority of cases opinions are based just on an emotional dislike of gays and lesbians. It shows a need for a fundamental study on implementation of the principle of equality and non-discrimination with respect to this part of society and informing the state officials on the provisions of the Constitution and the human rights documents binding for Latvia on gay and lesbian rights.

As of April 1998 the Ministry of Interior initiated several workshops on following the human rights provisions in its work. In the course of a year the Office representatives made presentations in three workshops and conferences. One of those events took place in April, shortly after the Office had made its conclusion in the case of Mr. Bugoveckis. This precedent was included in the report of the Head of the Complaints Unit as one of the examples evaluating human rights issues as addressed by the Ministry of Interior system. The report indicated also other examples of human right violations – excessive use of physical force in detention of suspects, their abuse by the Police officers in a pre-investigation stage. The case on discrimination of the Police officer due to his sexual orientation provoked discussions in the seminar and was reported by the press as its topical issue.

In spring of 1998 the Latvian Radio Program of Channel 2 “I, You, He, She” invited the people from the Office to talk about the “Study on Gay and Lesbian Rights,” which at that time was drafted. The Program explained motives for the conducting of such research and public views related to these rights and their implementation. Radio listeners were able to express their opinions directly during the broadcast of the Program. The respondents, by their answers, had to substantiate their view on sexual relationship among the persons of the same gender, and express their opinions on how normal/abnormal such relationships are. Although the opinions of the radio listeners do not have the force of a more formal sociological survey, their opinions indicated general support for same-sex relationships. The general support shown was after the respondents modified their initial negative views by being required to substantiate their objections. It confirmed a tendency which can be seen also in sociological studies on stigmatized topics; the responses are different depending on whether the respondents are familiar with the topics (i.e. a negative response can be brought about not only by a true opinion but also by non familiarity with the topic, stereotypes, or popular beliefs).¹⁵

As of July 1998 the Office launched the study on gay and lesbian rights in Latvia and at the outcome its recommendations will be submitted to the Human Rights and Public Affairs Committee. The Latvian public will be informed of the results of the survey in the first half of 1999 and the survey is available at the Information and Documentation Center of the Office.

¹⁴ “Police officials and Members of the Parliament against homosexuals in military structures,” “Vakara Zinas” (“Evening News”) as of 24.04.99.

¹⁵ Similar survey by Gallup organization requested the response on the following questions: Should the homosexuals have equal right for employment? Should homosexuality be accepted as an alternative way of life? By further identification of respondents, in addition to traditional indicators as gender, age, education, place of residence – they were also asked if there is any homosexual in their family or among closer friends. The response to basic items of questionnaire by various indicators are different for the identified groups.

The Office, by its launch of this project, initially was able to provide legal support to the Latvian executive and legislative institutions that deal with gay and lesbian right problems. Until now, several public institutions have applied to the Office (including the Human Rights and Public Affairs Committee, Ministry of Foreign Affairs, and the Chancellery of the State President) with a request to provide an evaluation of the gay and lesbian rights issues as well as provide recommendations for improvements. Gay and lesbian issues, and rights, are not dealt with in any substantial manner by Latvian legislation and judicial decisions. The Office has had only two cases in this area: 1) the Office had to provide its opinion in April 1996 regarding homophobic expressions in the press by a senior government official; and 2) the Office provided its opinion in April 1998 on discrimination in the workplace resulting from sexual orientation.

Prior to these two cases, the Office had not conducted an overall analysis of the gay/lesbian situation. Similarly, no Latvian public institution has evaluated the gay/lesbian issues, and therefore there is no comparison with the Latvian approach and that taken by other countries on gay/lesbian issues and such a comparison is necessary to evaluate Latvian compliance with international standards of human rights in this area. The Office will conduct a study in Latvia and its author will be a master on European law, Juris Ludvigs Lavrikovs, who is expert in international law.

The study will be divided into three separate sections: 1) gay and lesbian legal status in Latvia; 2) analysis of their status in other countries; and 3) international organizations and gay/lesbian rights.

The first section will analyze:

- how Latvian law insures and protects equality of Latvian citizens and residents regardless of sexual orientation;
- the equality/inequality in Latvian law of same gender sexual relationships compared to traditional heterosexual relationships
- the Latvian Constitution, and more particularly Article 8, Constitutional law “Rights and obligations of an individual and citizen,” and criminal law, in each case how the laws insure equality and prohibit discrimination

A separate analysis of the new Criminal Code (effective April 1, 1999) will be provided.

The second section will provide an overview of how other countries insure gay/lesbian rights and their rights in same-sex relationships. Separately, the section will also set forth the laws of these countries that permit a “registration” of the same gender relationship and analyze the laws’ provisions. A specific focus will be when there are no specific laws in a particular country but the practice has been to insure the rights of gay/lesbian persons regarding immigration, asylum seeking, adoption, pensions, and social insurance. As European countries are the most developed in this area of human rights, the focus and comparison will be primarily with these countries. However, North America countries, Australia and New Zealand have shown progress in this area also and therefore the study will also address legislative actions in those countries.

The third section will focus on four international organizations working on human rights issues:

- Documents of the European Council and European Human Rights Court practice
- Instruments of the Organization for Security and Cooperation in Europe (OSCE)
- Legislation of the European Union and the European Justice Court related to gay/lesbian rights
- UN and UN Human Rights Committee practice

The study will conclude by addressing how Latvia could improve its approach to gay and lesbian rights, make specific proposals for new legislation and changes in the normative acts in this area, and set forth why such changes are necessary.

On September 17, 1998, the European Parliament adopted “Resolution for equal gay and lesbian rights in the European Union” in which the European Commission is requested to evaluate the gay and lesbian legal status of candidates for admission into the European Union. One of the sources which could be used by the European Commission in this evaluation, as it relates to Latvia, is the work of the Office and

the study described above.

RIGHTS OF PRISONERS

International organizations have repeatedly emphasized that one of the core problems encountered in Latvia in protection of the human rights of the prisoners, the substandard conditions facing prisoners generally, and the need for a program to combat tuberculosis (TB).

TB cases have sharply increased in Latvia and, specifically, among the prison population. The care given the prisoners, with respect to TB, currently does not conform to anti-epidemic standards.

Between 1993 and 1997, TB cases in Latvia increased by 2.5 times, but in prisons, 12.3 times. Out of the total of TB cases in Latvia (1,689 cases), 23.6% involve prisoners.¹⁶ The reasons for the sharp increase in TB cases is well-known, i.e. the Latvian prisons are overcrowded and, in most cases, the prisoners are coming into prison from a highly unfavorable social environment. The Office has received this striking data which confirms that the prisons are the single largest incubator in Latvia for TB.

The State Center for Tuberculosis and Lung Disease reports that, as of March 30, 1998, there are 514 active TB cases in Latvian prisons, and the situation in Griva Prison can be termed a "TB epidemic." As a result of frequent cell-to-cell relocation for prisoners, with the infection accompanying the moving prisoners, it can be said the TB prison population will continue to grow. Then, once discharged, the released prisoner is likely to infect the general population and raise the TB caseload overall in Latvia.

Latvian prisons have critical structural and sanitary conditions. They are overcrowded, the cells are small, and ventilation is often insufficient. All these factors facilitate the spread of TB.

The Office believes the prison situation is critical with respect to the minimum human rights necessary and therefore the overall society is endangered by the spread of TB. One part of the solution, as the Office views the problem, is segregating TB prisoners into one facility which would assist in lessening the spread of TB both among the uninfected prison population and the society as a whole.

The Prison Administration put forth a set of measures to improve the human rights of prisoners and fighting the TB epidemic, but implementation requires significant finances which are unavailable. Therefore, on behalf of the Latvian public, the Office asked the Prime Minister Guntars Krasts to explore how to support, morally and financially, the recommendations of the Prison Administration. However, unfortunately, no response was received by the Office to its letter from either the Cabinet of Ministers or the government.

RIGHTS OF DISABLED

The UN Declaration on Social Welfare, Progress and Development (Dec. 11, 1969-hereafter, "Social Welfare Declaration") sets forth the need to protect the rights of persons with physical and/or mental disability and to ensure their welfare and rehabilitation.

The law "On medical and social protection of the disabled" states that the basic objective of Latvia social assistance is to ensure the integration of the disabled into society.¹⁷ Due to social and economic conditions and deficiencies in the Law, this process is being hindered. The first requirement for this integration is the education and professional skills of the disabled since those are prerequisites for entry into the labor market for the person.

¹⁶ Pohodneva Maija "Poverty, Condemn, Negligence...TB?," - "Jauna Avize" ("New Newspaper"), 31.01.98

¹⁷ Article 2 of the Law

Integration of disabled children into schools is problematic due to the lack of teachers qualified for such work and an environment which is not conducive to the requirements of the children. This integration is also restricted by the financing levels per child in general education schools vs. specialized schools as the education system is not implementing the principle "money follows the student." Only two professional vocational rehabilitation institutions are at the disposal of Ministry of Welfare and that restricts the options for the disabled children. The options for these children to obtain higher education are similarly hindered since there is a lack of a specially-adjusted environment to aid the disabled at the university level.

In March 1998 the Office organized two seminars under the Project "It Could Also Be You" for representatives of school boards and public organizations. The objective of the seminars was to provide training on how to organize educational activities for secondary school students to create more understanding in the students on the problems faced by disabled students and their full integration into society.

For four days in March 1998, "You Can" events were organized in Jelgava, Kuldiga, Jurmala, and Talsi by the Office and the association of disabled and their friends ("Apeiron"). Their objective was to inform and educate the Latvian population and officials of the local governments on how the disabled face physical movement restrictions and how to assist in having the disabled achieve equal opportunities necessary for human rights. During the events, a specific focus was on how the general population can assist in providing the disabled persons an opportunity for full integration in the work, social, and academic environment.

In order to assist the disabled directly in knowing and insuring their rights, the Office organized lectures on the rights of disabled in Riga, Tukums, Jekabpils and Valmiera.

The Office participated in the seminar sponsored by the NGO "Flower of the Fern" which was held for social workers and the Office presented a lecture at the seminar on "Disabled and Reproductive Health." Its objective was to inform the participants on the equal rights of the disabled in this regard and to follow the principle of nondiscrimination.

In order to achieve integration, one important aspect is the adjustment of vehicles, environment and buildings. Article 14 of the law states: *In order to facilitate social integration of disabled, the government, by maximum involvement of the society, shall ensure the design of the buildings for general use and new transportation systems in accordance with the special needs of the disabled.* However, since 1992 when the law was adopted, there has been essentially no changes. When public buildings and other structures are being reconstructed, these requirements are not followed and the design of new structures has not resulted in proper designs either. The wheelchair disabled do not have any possibility to use public transportation since no accommodation has been made in this regard.

In April 1998 the Office participated in an international conference in Lithuania entitled "Environment for All-1998." The Office received materials at the conference regarding the ways to adjust the environment and Lithuanian laws on civil works relating to the needs of the disabled. These materials are available in the Information and Documentation Center of the Office.

At the end of 1998, there were positive developments in the rights of the disabled when the Ministry of Welfare drafted the conception "Equal Opportunities for All" with the objective to outline the basic standards for equal opportunity for the disabled in all aspects of everyday life. The Office was actively involved in creating this conception by the Ministry of Welfare.

RIGHTS OF THE NATIVE POPULATION OF LATVIA

Livs are the ancient Latvian residents and their merging with Latvians can be seen everywhere: language, lifestyle, and culture. The legal status of the Livs nation is determined by the law "On free development of Latvian national and ethnic groups and their rights for cultural autonomy." The preamble of the law states: *In the Republic of Latvia lives a nation of Latvians . . . an ancient native population*

called Livs. The Livs, as is the case with Vots, are one of the smallest European nations (Livs may be the smallest).¹⁸

For a person who had never been in a specifically protected culturally historic territory (the “Shore of Livs”), this territory is a closed environment for the last Latvian Livs. In a majority of cases, the people living there are not ethnic Livs and their life runs the same as in any other place of Latvia at the shore of the sea except that here, more than in any other territory in Latvia, is respected the life style and culture of Livs. Any person you could meet there would be able to tell about the Livs, their history and culture. Therefore, the discussions and questions on preservation of Livs as a nation are not appropriate here, since it is obvious that Latvians in this geographic area are aware of their responsibility on this small nation of their country and its future. The Livs have a very healthy attitude towards their cultural values. It means a normal continuation of life instead of a closed and artificial preservation of themselves as a nation.

In order to ensure the required conditions for preservation, existence and development of the Livs nation and for the protection of the last territory at the Baltic Sea resided by the Livs, the Government in 1991 created a specifically protected culturally historic territory (the “Shore of Livs”) financed by the State budget.¹⁹ The administration of the “Shore of Livs” was organized at the end of 1991 and its status as a research and education state budget institution. The objectives for creation of this territory and its practical activities are closely linked to the Government’s national policy, however such is not drafted in Latvia even in a conceptual stage. Hence, it would not be appropriate to talk at this time about the interest of the Government and measures taken for preservation of the Livs nation, even though the Latvian public power and administration institutions are responsible on preservation of national identity of Livs and its ancient Latvian native population, its culturally historic environment, and renewal and development of its socially economic infrastructure.

Not more than 30 – 40 people in the world are speaking the language of Livs. However, is the small number the reason for assertion that the language of Livs should be listed among a number of disappearing languages? No, since where the language exists it is an active spoken language.

Today, as has formerly been the case, it is not possible to obtain education in the Livs language, but the option of its teaching at school was first officially introduced in the school curriculum in 1923--currently it is taught only in some schools.²⁰ The Livs language is the only language of the native population of Latvia without the granted status of the State language.

The general truth says that the revival of the small nations is successful if among this nation grows a very active, interested attitude towards its cultural values. The Office believes that the Livs have such and therefore it is time to expect the proper attitude from the State to facilitate flourishing of its ancient nation. The Government is responsible on execution of the law “On free development of Latvian national and ethnic groups and their rights for cultural autonomy” and therefore the program for the Livs language and its well-considered realization is needed.

Unfortunately, the current situation is not evidencing the privileged status of the “Shore of Livs” and, in particular, regarding the second section of article – “Renewal and development of socially economic

¹⁸ In 1935 there were 844 officially registered Livs; in 1959, the number was reduced to 185, and by 1970, 48. Only by improvement of general conditions did the number of registered Livs increase to 107 in 1979, and in 1989 to 135, i.e. 6.25 times less than in 1935. The Livian Association, closed in 1940, was being rejuvenated at the end of the 1980’s coincident with the Latvian independence movement. In 1991, Latvia established a specifically protected cultural territory, the “Shore of Livs” In 1995, there were 204 persons officially registered as Livs.

¹⁹ Due to the critical demographic status of Livs, they are not able to fully realize their rights for cultural autonomy as the ethnic group, therefore, taking care of the Livs language, culture and education, was created a specifically protected culturally historic territory (the “Shore of Livs”) – the ancient territory of residence of Livs at the shore of the sea.

²⁰ Since the school year of 1992/93 the teaching of the Livs language is provided in Venstpils, Kolka, Mazirbe

infrastructure.” A number of workplaces in the shoreline territory, except Kolka village, are small and shrinking. As a result, the permanent residents have moved out from several villages (for example, Lielirbe and Luzna).

Local governments do not have incentives for creation or support of new economic structures, as the existence or lack of such structures is not affecting finances at the disposal of pagasts local government in any essential way.

At the time of the first free State of Latvia, the Association of Livs was unsuccessfully trying to obtain the permit of the Government for creation of its own pagasts. Possibly such an idea could be realized under the framework of currently undergoing regional reform of the local governments as the reforms foresee amalgamation of small pagasts.

RIGHTS OF NON-CITIZENS

As of March 1998 the Parliament of Latvia adopted and the State President proclaimed the amendments to the law “On Pharmacy,” providing for non-citizens of the Republic of Latvia the possibility to obtain the license for opening of a pharmacy and a veterinary pharmacy. Already in 1996 the opinion of the Office was that such limitation of rights is against international commitments of Latvia in the area of human rights. The Office also argues against restrictions imposed on non-citizens prohibiting them to work as private detectives, be employed with the armed security/guarding service, crew of the plane, work as sworn advocates, and their assistants, and to take elected positions in the institutions of religious congregations. The Office is pleased with the Government decision as of 15 April 1998 to liquidate those restrictions and hopes that the Parliament will make the required amendments also to the other laws.

RIGHTS OF EX-PRISONERS

About 2500 prisoners are released each year (an average 200 persons a month). The petitions filed to the Office show that the State is not sufficiently considering insurance of minimum social rights for ex-prisoners. After being released an ex-prisoner faces a set of social problems: it is hard to find and register the place of residence, find a job, arrange identity documents, receive social assistance, or address other issues, all of which are hindering a complete returning of the person into society.

The major problem for the ex-prisoners is either they have no family or any person willing to offer housing. There are often cases that after discharge the family members are not willing to permit the ex-prisoner to live with them. In 50 % of cases, the ex-prisoner after discharge does not have a place to live even if before he had such.

Article 13 of the law of the Republic of Latvia “On Central and Local Governments Assistance in Solution of Apartment Matters” sets forth that *a local government shall immediately provide a dwelling place to ex-prisoners, if their former dwelling space is no longer available as provided under the law.*

Since a great part of the housing stock has become privatized, and the government is not constructing new apartments, the central and local governments have difficulty in providing residence for ex-prisoners. Therefore, in the majority of cases for ex-prisoners, there is a long time to wait until the local government can offer them a free dwelling space. For example, in Riga City there are more than 200 persons listed in the waiting line for each administrative district. These people are waiting for housing and a positive solution may be reached only in about a year. Ex-prisoners are offered only apartments without amenities and many are not fit for habitation (e.g. damaged by fire).

Additional negative additional factors that are not facilitating their rehabilitation and social integration are caused by the fact that apartments allocated to ex-prisoners are at the same location, or many of them are in the same building. It may create a new criminal environment with increased

endangerment to the safety of others.²¹ Many persons, imprisoned for several years, had been required to forfeit their comfortable apartments, but after serving their sentence and discharged they are not able to get another apartment. It shall be construed as a violation of human rights.

A person “D” applied to the Office. He was discharged from prison in October 1998. In a local government office he had received the explanation that the building where he was living before, is returned to the owner and the local government has no vacant apartments, and Mr.D has to go and live with his parents. His parents had a single room apartment and were not willing to register his place of residence with them. Mr. D was recommended to sue his parents for his rights for housing.

In many cases a discharged person does not even have a temporary place to stay. It is a violation of article 11 of UN International Covenant on Economic, Social and Cultural Rights of 1996, which is binding on Latvia. This article sets forth *the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.*

The problem of housing is related to the whole set of other restrictions of rights. Currently, the requirement to be registered in a place of residence, which limits the freedoms of a person, has not been changed by law. Hence it is hard for a person without a permanent place of residence and therefore, also, without its registration to find a job and he cannot receive from the state any social, medical or other kind of assistance. It causes an infringement of his human rights.

Such a situation often creates incentives for a person to commit a new crime and his re-socialization and reintegration in the society is not possible. That endangers rights of others for safety and ownership of property.

Currently, the State program for resocialization of ex-prisoners has been drafted, and it foresees the potential solutions of this issue. The Office supports implementation of this program in the future, however lack of finances with the central and local governments budgets, and the public attitude, are hindering elimination of the noted violations.

RIGHTS OF POLITICALLY REPRESSED

Although quite a long time has passed since the World War II, the mass violations of human rights by totalitarian regime are not forgettable. For persons who suffered once for their political belief or activities, today the rehabilitation and recognition from the side of the Government is very significant. It is essential these persons would not be repeatedly discriminated and infringed in their rights.

The Office recognizes that politically repressed persons are victims of the human rights abuse during the War and are entitled to rehabilitation and some compensation.

As of 13 May 1992 the law “On Determination of a Politically Repressed Person’s Status” was adopted pursuant to which persons received this status and the relief in the social field. The law as of 12 April 1995 “On Determination of a Politically Repressed Person’s Status for Victims of Communist and Nazi Regime” narrows a scope of persons, which could be granted a politically repressed person’s status.

²¹ As of 15 January 1999 Welfare Department of the Riga City Council organized a meeting with the heads of Riga City Social Services, representatives from the Office, Riga City Center for Protection of the Rights of a Child, local government and the State Police on criminal and social aspects of begging. The following situation was indicated as one of the cases when people start begging: living in a building of local government, where several apartments are allocated to the ex-prisoners, the older residents of this building are subject to a constant terror of the new neighbors, including the fact that their pensions are violently robbed. At this time of meeting the reasons were not mentioned why the police is not involved in solution of the conflict situation. Such cases are focusing the attention to different aspects of ex-prisoners social rehabilitation; a comprehensive solution should be designed.

This law sets forth that *this status can be granted to citizens of Latvia and the residents legally immigrated by 17 June 1940 and permanent residents, and their children, repressed from the territory of Latvia*. It states in particular kinds and circumstances of repression.

Following those provisions, about a third part of persons that obtained such status under the previous law of 1992 cannot be qualified under the recent law. Due to the fact that in 1998 politically repressed persons were issued new certificates, the problem is aggravated as only persons in compliance with the criteria of the new law are entitled to new certificates.

In this manner, some persons were removed from a formerly legally granted status and their legal situation worsened. It is contravening to a general principle of rights, which envisages that the law cannot have an *ex post facto* effect if it aggravates the legal status of a person, and in this case deprives him of certain rights.

In 1998 the Office received 20 petitions in writing from politically repressed persons, and rendered more than 60 oral consultations.

The Office receives complaints from persons that had not been repressed from the territory of Latvia. In a majority of those cases, they are not citizens of the Republic of Latvia and, in accordance with the law, cannot receive a politically repressed person's status in Latvia. However, these persons had already been recognized by previous law as politically repressed and had suffered by repression, even if it happened outside Latvia. Some of them, as a result of the repression, are in Latvia and believe they should not be treated as guilty for the fact of living in Latvia, and not in the country repression was affected.

The opinion of the Government is that in the current economic situation it is able to ensure the specified privileges only of its own citizens and is forced to reduce the number of persons to be granted the indicated status, even if quite often it is not possible to assess clearly the historic circumstances that existed at the time of repression. Therefore, in such cases it would not be possible to talk about some specific abuse of human rights.

Admittance of political repression of people taken to Germany as forced labor during the War is a problem area in application of the law, causing a violation of human rights. The law of 12 April 1995 determines that persons of age *at the Wartime subjected to labor service are not admitted as politically repressed*. However, since the effectiveness of this law, it is interpreted by referring the notion "labor service" also to political repression of people taken to Germany as a forced labor. This interpretation is being grounded by claiming that the documents both for persons taken out as a forced labor and the ones voluntary left the country to work are maintained with the same Archives of the Labor Department and it is not possible to establish in what kind of work this person was involved.

Mr. K applied to the Office with a petition, that he is not granted a status of a politically repressed person, even if in 1943 his family was forcefully sent as a forced labor to Germany, and filed the documents evidencing that a special team was organized for directing people for forced labor. This team was involved in "Latgale old believers and Poles being sent as a workforce to the Reich, first to execute fully the task of the Police – removal of all the "non-desirable elements." (Report as of 27 May 1942 of SS to the Security Police and SD "Austrumi" Commander.)

The Office established that in accordance with the eyewitnesses' evidence, the people deported in 1941 – 1943 from Latgale to Germany were not persons subject to Labor Service, but were deported and exploited as forced labor. In a majority of cases they were old believers and Poles, and the opinion of the historians and documents show that these deportations were political. These were mass deportations and they can be considered repression due to nationality. In accordance with the law such persons can be granted a politically repressed person's status.

The Office believes that interpretation of the law is not complying with the actual circumstances of each case and the law is not applied consistently. Thus, individuals with a legal entitlement to be

granted a politically repressed person's status cannot receive it and their rights are restricted compared to persons repressed in some other manner.

The Office is not entitled to pass binding decisions in those cases, or to provide an official interpretation of the law. Currently, draft amendments to the law "On Determination of a Politically Repressed Person's Status for Victims of Communist and Nazi Regime" are submitted to the Parliament. They foresee at least partial solutions for those painful problems and hopefully the amendments will be passed.

A case for abuse of rights may originate if a person is challenging a decision of the local government to decline granting of a politically repressed person's status. Such a decision may be appealed in a court but in many cases the repressed persons, either due to their age or helplessness, do not use this option.

An essential aspect of human rights, which should be emphasized, is the right for a just court. This principle includes both the physical and financial ability to obtain judicial redress. The view of the Office is that granting of a politically repressed person's status is one of the cases when accessibility of a court is not fully ensured. Persons claiming a status of politically repressed also do not have enough money to cover court expense or obtain quality legal advice to prepare and file the case with a court. A free legal assistance program to needy and vulnerable groups of society, as it is set forth by international practice, is not yet guaranteed in Latvia.

In some cases local governments use the situation that these persons are not sufficiently informed and not able to protect their interests, and pass decisions unfavorable to them. Such cases should be considered an abuse of human rights.

The Office has repeatedly received petitions from repressed persons living in Riga City Kurzeme District, when a politically repressed person's status is not granted even if requirements comply with law provisions (e.g. to persons repressed due to nationality). There are cases when several persons had been together in deportation but now residing in different local governments' communities, one has received a politically repressed person's status whereas another has not. It resulted from a difference of opinions of particular local governments. By international provisions and under the Constitution of the Republic of Latvia, all persons shall be equally legally treated; in this case the principle is violated. The Office has expressed its opinion regarding such cases and requested a local government to re-examine issues of dispute. Several positive decisions have been reached, such as when a politically repressed persons' status is granted to Jews that had been placed in the Ghetto and had suffered due to their nationality.

Considering those aspects, local governments when passing decisions shall make a careful assessment of documents, witnesses and other evidence, and in case of doubt, should render a decision in favor of an applicant as many documents have not survived until today.

RESTRICTION OF PROSTITUTION

In the last two years the representatives of the Office participated in several discussions on different aspects of the spreading of prostitution and its restriction. The most significant were two forums – the UNAID Topic Group²² and working groups for prevention of prostitution established by the Health Promotion Center and the Latvian Center for Gender Problems. The core of the discussion was ascertainment of a situation, research and legislative initiatives on the respective area. In 1998 the Latvian Center for Gender Problems and the Office conducted a study "Prostitution in Latvia." As a result, recommendations are drafted for the Cabinet of Ministers Regulations "On Restriction of Prostitution"(the " Regulations on Prostitution").

²² UNAID is a Program of United Nations for prevention of AIDS. Representatives of UN Agencies in Latvia and NGOs, financed by UNAID are organizing the Topic Group in Latvia for coordination of education and information work on AIDS.

Examining the situation, the Office relied on its several years of experience and competence of the Latvian Center for Gender Problems²³ working on such issues as medical, social and psychological rehabilitation, and opportunities for the conducting of a sociology study.

As of 2 November 1998, the Cabinet of Minister adopted Regulations On Prostitution, which essentially changed the situation regarding normative acts on prostitution. There are the following four variants for restriction of prostitution, which are different in various European countries depending on law of each specific country, and ethics norms and general values accepted by the public:

- prohibition of prostitution;
- its decriminalization;
- its decriminalization and control;
- legalization of prostitution.

Indicators, which help to assess effectiveness of each model, are such as:

- the Police and prostitution – potential corruption;
- rights of residents for security and physical integrity in districts with spread prostitution on streets;
- opportunities for prostitutes to choose safe work conditions.

These indicators are different for each model for restriction of prostitution. The situation with respect to the legal status of prostitution before passage of the Cabinet of Ministers Regulations corresponded to uncontrolled, decriminalized prostitution. The Criminal Code was not imposing a prohibition on holding of “breeders of debauchery” and forced prostitution. Prostitution will be controlled under article 44 of the Code of Administrative Offense “Violence of Requirements for Prevention of Venereal Diseases.” Major reasons why many countries are not willing to *fully prohibit* prostitution are: consequences of such a prohibition would be increasing corruption, illegal prostitution, increase of crime indirectly related to prostitution, its inter-dependence from criminal structures. A similar situation originates by *decriminalization* of prostitution. In accordance with the information rendered to the Office by persons that in 1998 consulted on the legal status of prostitution, and the study conducted jointly with the Latvian Center for Gender Problems, the conclusion is that due to different interpretation of the legal status of prostitution, there are cases of corruption of the Police, and when prostitutes are used as dealers for narcotics or are raped and become victims of hooliganism. Uncontrolled and decriminalized prostitution causes infringement to safety and physical integrity of residents of particular districts of the City. As there are no strict rules on territories where prostitutes are permitted to offer their services, these locations have evolved in a natural way, e.g. along the major highways of the cities. It increases the risk of crime in these territories. The residents’ view on the spreading of prostitution is not taken into consideration.

The situation should change with the effectiveness of the Regulations on Prostitution. Health certificates required by Regulations for Prostitutes are the only identity document for exercising control over it. It can be received by persons of age after respective medical examinations. The standards for the rights of the residents should increase if, under the Regulations on Prostitution, sexual services will be permitted and offered only in the locations specified by a local government instead of at any location beneficial for clients or prostitutes.

The information provided by the Plenum and Court Practice Generalization Department of the Supreme Court of the Republic of Latvia show that in the period from 1995 through the first half year of 1998, only three persons were convicted in criminal cases related to prostitution. In 1995 a man was sentenced for imprisonment for a period up to one year in accordance with section 1 of article 208 of Criminal Code (holding of “breeders of debauchery”), and in the first half of 1998 a woman was charged under the same section 1. The third person was a woman sentenced by Article 209;3 of Criminal Code (on сутenerism) for a conditional imprisonment. In the aforementioned period, no one was sentenced under

²³ Since 1997 a new activity of the Latvian Center for Gender Problems is dissemination of informative material of the Office to prostitutes explaining an opportunity to apply to the Office on cases of human rights violations. In other European countries out-reach-work is considered as specifically complicated.

article 209;2 of Criminal Code (for forced prostitution).

On 15 December 1998 the Regulations on Prostitution entered into force. The Office believes that this is a positive development as it is the first Government normative for Restriction of Prostitution. They define prostitution, and set forth its restriction and stipulate responsibilities of the state power, including repressive structures in realization of the following general human rights – the right for safety and security of person, the right for a maximum level of physical and mental health, the right for a full development of a child, and the general principle of non-discrimination

The Office has repeatedly faced the problems created by deficiencies or differently interpreted laws directly or indirectly related to prostitution. The complaints received in 1997 and 1998, and the provided advice, can be divided in two groups:

- 1) Conflict situations in relations with the Police;
- 2) False, inaccurate information of mass media.

The first group of problems is characterized by the view that has developed in Latvia, within the last ten years, that publications on prostitution are sensational and will attract an additional interest to the specific press issue. In some publications, the facts or their interpretation were made with a view to sensationalizing the topic and not a focus on truthfulness. A similar problem arises with respect to the agreement on confidentiality of the source of information. The most representative example in 1998 was a publication in a morning newspaper of the photo of a woman, while ignoring the former agreement with the source of information, with the text under it on cases of AIDS among prostitutes.²⁴

Both in this case, and conflict situations with the Police, the persons applying to the Office specified lack of respective laws, that would determine a legal status of prostitution. It creates the gap that may be used by some public officials, with ill intentions, when they justify their action by lack of respective laws. The uncertain legal status of prostitution and constant and unpredictable sanctions are the reasons why prostitutes do not try to solve conflict situations applying to the State Police, the Office, or the courts.²⁵

The Regulations on Prostitution provide legal grounds for restriction of prostitution, violence on the street, and ensures the public order, stopping prostitution of underage persons, and not to permit spreading of sexually transitive disease. Until the effectiveness of the Regulations the problems related to prostitution were not systematically and qualitatively solved. For more effective supervision over prostitution the Regulations on Prostitution stipulate a specific responsibility for local governments - to define locations where prostitutes can offer their services, and for the Ministry of Welfare to draft sample health certificates and to set forth the required regularity and volume of medical examinations.²⁶

²⁴ Upon a request of a petitioner the mentioned case was not considered by the Office as an official petition. In order to characterize the context of the particular problem the petitioner specified the fact that the mentioned information could be understood as the indication that the woman in the photo is a prostitute and has AIDS.

Article 7 “Information Prohibited for Publication” of the law of the Republic of Latvia on Press and Other Kinds of Mass Media sets forth that *Pursuant to the law it is prohibited and culpable to use the mass media in order to interfere with privacy of persons.*

It is prohibited to publish the information that infringes the dignity of physical and legal persons and discredits them.

It is prohibited to publish the information on the status of health of a person without his consent.

Notwithstanding the conclusion of the lawyers of the Office that in this case the law of the Republic of Latvia on Press and Other Kinds of Mass Media is violated the petitioner was not willing to file the case to the Office officially or to institute the court case against this newspaper. The Office has recorded this case as a consultation.

²⁵ The persons applied to the Office for consultations as they were detained as suspects for prostitution thus violating the rights set forth by Code on Administrative Offense and the law On Police. In one of cases a detained person was formerly involved in prostitution. She was detained for more than three hours and her relatives were not informed on detention and where she was.

²⁶ Article 3; 4, and 7 of the Regulations on Prostitution set forth:

At the beginning December 1998 several persons applied to the Office with a request to provide an interpretation of the Regulations on Prostitution and an evaluation of whether they contain violations of human rights. The concern was whether the issuance of health certificates²⁷ and registering of prostitutes would infringe other rights guaranteed by the state, e.g., the right of free exit from the country. The rules on receipt of health certificates were not clear – by 15 December the Ministry of Welfare had not drafted a sample certificate or any other directive on some other kind of document that could replace a health certificate. The information on these rules as of 15 December was also not available in the Health Center for Sexual Transitive and Skin Disease. In order to avoid repressive actions against prostitutes for failing to have a health certificate contemplated by the Regulations on Prostitution, the Office issued information to inquiring persons that they cannot be considered as breaching the Regulations on Prostitution and penalized for it. The Office informed on the situation and its opinion the Ministry of Interior Morals Police head with the State Police, and the public through mass media.

The fact that by 15 December, i.e., the date of effectiveness of the Regulations on Prostitution, health certificates were not ready made the legal status of prostitutes even more complicated as providing grounds for actions against prostitutes who were not formally complying with the Regulations on Prostitution.²⁸ In this case their non-observance (in this case – from the side of the Government) hindered supervision and restriction of prostitution.²⁹

The majority of local governments, who in accordance with the State Police have jurisdiction over prostitution regulation, have not determined the locations where it is allowed to offer or to receive the orders for sexual services as stipulated by article 4 of the Regulations on Prostitution. Non-observance of this provision had not caused problems to the scope of persons the Regulations on Prostitution mainly refer, i.e. prostitutes. Until now, the Office has not received complaints that prostitutes would be administratively penalized on breaching of this provision. While the local government (e.g. in Riga) have not passed a decision on whether prostitution is prohibited or not in their territory, there are not any restrictions with respect to permitted locations. If the requirements of article 4 are not followed it is hard to carry out preventive measures, which was the basis for passage of the Regulations on Prostitution, including control over prostitution, restriction of spreading of sexually transitive disease and stopping of underage prostitution.

The Office will continue to follow how the Regulations on Prostitution are realized and the compliance of responsible public institutions with the universal human rights principles – the right for safety and

It is prohibited to be involved in prostitution for a person without a health certificate (in accordance with the sample approved by the Health State Minister).

It is prohibited for a prostitute to offer sexual services or to receive the orders for sexual services outside locations determined by local governments.

A prostitute shall have regular health examination, its regularity and volume is set forth by the Health State Minister.

²⁷ Under the Directive of the Ministry of Welfare the name of the health certificate specified by Article 3 of the Regulations on Prostitution is “Health Certificate for Prostitutes.”

²⁸ UN International Covenant on Civil and Political Rights sets forth:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

²⁹ E.g. as of 1 January 1999 the law On Trade of Sex entered into force in Sweden. This law if compared to wording of the similar equivalent in Latvia Regulations on Prostitution differ with the provision that criminal punishment is envisaged for purchase of sexual services, i.e. instead of prostitutes penalized are their clients. In accordance with the information provided by the Swedish Police the law operated effectively, cardinally reducing prostitution on the streets. For the Latvian situation the Swedish example is significant not only because its different method but also making to value differently the myth on prostitution as the most ancient profession, which is not possible to fight. When the law contains clearly defined restrictions and repression, which are truly followed, prostitution can be restricted.

security of person, maximum level of physical and mental health, the right to full development of a child and general principle of non-discrimination. The Office will continue to inform the responsible institutions and the public if any of these principles will be endangered or violated.

RIGHTS OF EX-PRISONERS

About 2500 prisoners are released each year (an average 200 persons a month). The petitions filed to the Office show that the State is not sufficiently considering insurance of minimum social rights for ex-prisoners. After being released an ex-prisoner faces a set of social problems: it is hard to find and register the place of residence, find a job, arrange identity documents, receive social assistance, or address other issues, all of which are hindering a complete returning of the person into society.

The major problem for the ex-prisoners is either they have no family or any person willing to offer housing. There are often cases that after discharge the family members are not willing to permit the ex-prisoner to live with them. In 50 % of cases, the ex-prisoner after discharge does not have a place to live even if before he had such.

Article 13 of the law of the Republic of Latvia "On Central and Local Governments Assistance in Solution of Apartment Matters" sets forth that *a local government shall immediately provide a dwelling place to ex-prisoners, if their former dwelling space is no longer available as provided under the law.*

Since a great part of the housing stock has become privatized, and the government is not constructing new apartments, the central and local governments have difficulty in providing residence for ex-prisoners. Therefore, in the majority of cases for ex-prisoners, there is a long time to wait until the local government can offer them a free dwelling space. For example, in Riga City there are more than 200 persons listed in the waiting line for each administrative district. These people are waiting for housing and a positive solution may be reached only in about a year. Ex-prisoners are offered only apartments without amenities and many are not fit for habitation (e.g. damaged by fire).

Additional negative additional factors that are not facilitating their rehabilitation and social integration are caused by the fact that apartments allocated to ex-prisoners are at the same location, or many of them are in the same building. It may create a new criminal environment with increased endangerment to the safety of others.²¹ Many persons, imprisoned for several years, had been required to forfeit their comfortable apartments, but after serving their sentence and discharged they are not able to get another apartment. It shall be construed as a violation of human rights.

A person "D" applied to the Office. He was discharged from prison in October 1998. In a local government office he had received the explanation that the building where he was living before, is returned to the owner and the local government has no vacant apartments, and Mr.D has to go and live with his parents. His parents had a single room apartment and were not willing to register his place of residence

²¹ As of 15 January 1999 Welfare Department of the Riga City Council organized a meeting with the heads of Riga City Social Services, representatives from the Office, Riga City Center for Protection of the Rights of a Child, local government and the State Police on criminal and social aspects of begging. The following situation was indicated as one of the cases when people start begging: living in a building of local government, where several apartments are allocated to the ex-prisoners, the older residents of this building are subject to a constant terror of the new neighbors, including the fact that their pensions are violently robbed. At this time of meeting the reasons were not mentioned why the police is not involved in solution of the conflict situation. Such cases are focusing the attention to different aspects of ex-prisoners social rehabilitation; a comprehensive solution should be designed.

with them. Mr. D was recommended to sue his parents for his rights for housing.

In many cases a discharged person does not even have a temporary place to stay. It is a violation of article 11 of UN International Covenant on Economic, Social and Cultural Rights of 1996, which is binding on Latvia. This article sets forth *the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.*

The problem of housing is related to the whole set of other restrictions of rights. Currently, the requirement to be registered in a place of residence, which limits the freedoms of a person, has not been changed by law. Hence it is hard for a person without a permanent place of residence and therefore, also, without its registration to find a job and he cannot receive from the state any social, medical or other kind of assistance. It causes an infringement of his human rights.

Such a situation often creates incentives for a person to commit a new crime and his re-socialization and reintegration in the society is not possible. That endangers rights of others for safety and ownership of property.

Currently, the State program for resocialization of ex-prisoners has been drafted, and it foresees the potential solutions of this issue. The Office supports implementation of this program in the future, however lack of finances with the central and local governments budgets, and the public attitude, are hindering elimination of the noted violations.

RIGHTS OF POLITICALLY REPRESSED

Although quite a long time has passed since the World War II, the mass violations of human rights by totalitarian regime are not forgettable. For persons who suffered once for their political belief or activities, today the rehabilitation and recognition from the side of the Government is very significant. It is essential these persons would not be repeatedly discriminated and infringed in their rights.

The Office recognizes that politically repressed persons are victims of the human rights abuse during the War and are entitled to rehabilitation and some compensation.

As of 13 May 1992 the law "On Determination of a Politically Repressed Person's Status" was adopted pursuant to which persons received this status and the relief in the social field. The law as of 12 April 1995 "On Determination of a Politically Repressed Person's Status for Victims of Communist and Nazi Regime" narrows a scope of persons, which could be granted a politically repressed person's status. This law sets forth that *this status can be granted to citizens of Latvia and the residents legally immigrated by 17 June 1940 and permanent residents, and their children, repressed from the territory of Latvia.* It states in particular kinds and circumstances of repression.

Following those provisions, about a third part of persons that obtained such status under the previous law of 1992 cannot be qualified under the recent law. Due to the fact that in 1998 politically repressed persons were issued new certificates, the problem is aggravated as only persons in compliance with the criteria of the new law are entitled to new certificates.

In this manner, some persons were removed from a formerly legally granted status and their legal situation worsened. It is contravening to a general principle of rights, which envisages that the law cannot have an *ex post facto* effect if it aggravates the legal status of a person, and in this case deprives him of certain rights.

In 1998 the Office received 20 petitions in writing from politically repressed persons, and rendered more than 60 oral consultations.

The Office receives complaints from persons that had not been repressed from the territory of

Latvia. In a majority of those cases, they are not citizens of the Republic of Latvia and, in accordance with the law, cannot receive a politically repressed person's status in Latvia. However, these persons had already been recognized by previous law as politically repressed and had suffered by repression, even if it happened outside Latvia. Some of them, as a result of the repression, are in Latvia and believe they should not be treated as guilty for the fact of living in Latvia, and not in the country repression was affected.

The opinion of the Government is that in the current economic situation it is able to ensure the specified privileges only of its own citizens and is forced to reduce the number of persons to be granted the indicated status, even if quite often it is not possible to assess clearly the historic circumstances that existed at the time of repression. Therefore, in such cases it would not be possible to talk about some specific abuse of human rights.

Admittance of political repression of people taken to Germany as forced labor during the War is a problem area in application of the law, causing a violation of human rights. The law of 12 April 1995 determines that persons of age *at the Wartime subjected to labor service are not admitted as politically repressed*. However, since the effectiveness of this law, it is interpreted by referring the notion "labor service" also to political repression of people taken to Germany as a forced labor. This interpretation is being grounded by claiming that the documents both for persons taken out as a forced labor and the ones voluntary left the country to work are maintained with the same Archives of the Labor Department and it is not possible to establish in what kind of work this person was involved.

Mr. K applied to the Office with a petition, that he is not granted a status of a politically repressed person, even if in 1943 his family was forcefully sent as a forced labor to Germany, and filed the documents evidencing that a special team was organized for directing people for forced labor. This team was involved in "Latgale old believers and Poles being sent as a workforce to the Reich, first to execute fully the task of the Police – removal of all the "non-desirable elements." (Report as of 27 May 1942 of SS to the Security Police and SD " Austrumi" Commander.)

The Office established that in accordance with the eyewitnesses' evidence, the people deported in 1941 – 1943 from Latgale to Germany were not persons subject to Labor Service, but were deported and exploited as forced labor. In a majority of cases they were old believers and Poles, and the opinion of the historians and documents show that these deportations were political. These were mass deportations and they can be considered repression due to nationality. In accordance with the law such persons can be granted a politically repressed person's status.

The Office believes that interpretation of the law is not complying with the actual circumstances of each case and the law is not applied consistently. Thus, individuals with a legal entitlement to be granted a politically repressed person's status cannot receive it and their rights are restricted compared to persons repressed in some other manner.

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A case for abuse of rights may originate if a person is challenging a decision of the local government to decline granting of a politically repressed person's status. Such a decision may be appealed in a court but in many cases the repressed persons, either due to their age or helplessness, do not use this option.

An essential aspect of human rights, which should be emphasized, is the right for a just court. This principle includes both the physical and financial ability to obtain judicial redress. The view of the Office is that granting of a politically repressed person's status is one of the cases when accessibility of a court is not fully ensured. Persons claiming a status of politically repressed also do not have enough money

to cover court expense or obtain quality legal advice to prepare and file the case with a court. A free legal assistance program to needy and vulnerable groups of society, as it is set forth by international practice, is not yet guaranteed in Latvia.

In some cases local governments use the situation that these persons are not sufficiently informed and not able to protect their interests, and pass decisions unfavorable to them. Such cases should be considered an abuse of human rights.

The Office has repeatedly received petitions from repressed persons living in Riga City Kurzeme District, when a politically repressed person's status is not granted even if requirements comply with law provisions (e.g. to persons repressed due to nationality). There are cases when several persons had been together in deportation but now residing in different local governments' communities, one has received a politically repressed person's status whereas another has not. It resulted from a difference of opinions of particular local governments. By international provisions and under the Constitution of the Republic of Latvia, all persons shall be equally legally treated; in this case the principle is violated. The Office has expressed its opinion regarding such cases and requested a local government to re-examine issues of dispute. Several positive decisions have been reached, such as when a politically repressed persons' status is granted to Jews that had been placed in the Ghetto and had suffered due to their nationality.

Considering those aspects, local governments when passing decisions shall make a careful assessment of documents, witnesses and other evidence, and in case of doubt, should render a decision in favor of an applicant as many documents have not survived until today.

RESTRICTION OF PROSTITUTION

In the last two years the representatives of the Office participated in several discussions on different aspects of the spreading of prostitution and its restriction. The most significant were two forums – the UNAID Topic Group²² and working groups for prevention of prostitution established by the Health Promotion Center and the Latvian Center for Gender Problems. The core of the discussion was ascertainment of a situation, research and legislative initiatives on the respective area. In 1998 the Latvian Center for Gender Problems and the Office conducted a study “Prostitution in Latvia.” As a result, recommendations are drafted for the Cabinet of Ministers Regulations “On Restriction of Prostitution”(the “ Regulations on Prostitution”).

Examining the situation, the Office relied on its several years of experience and competence of the Latvian Center for Gender Problems²³ working on such issues as medical, social and psychological rehabilitation, and opportunities for the conducting of a sociology study.

As of 2 November 1998, the Cabinet of Minister adopted Regulations On Prostitution, which essentially changed the situation regarding normative acts on prostitution. There are the following four variants for restriction of prostitution, which are different in various European countries depending on law of each specific country, and ethics norms and general values accepted by the public:

- prohibition of prostitution;
- its decriminalization;
- its decriminalization and control;
- legalization of prostitution.

Indicators, which help to assess effectiveness of each model, are such as:

²² UNAID is a Program of United Nations for prevention of AIDS. Representatives of UN Agencies in Latvia and NGOs, financed by UNAID are organizing the Topic Group in Latvia for coordination of education and information work on AIDS.

²³ Since 1997 a new activity of the Latvian Center for Gender Problems is dissemination of informative material of the Office to prostitutes explaining an opportunity to apply to the Office on cases of human rights violations. In other European countries out-reach-work is considered as specifically complicated.

- the Police and prostitution – potential corruption;
- rights of residents for security and physical integrity in districts with spread prostitution on streets;
- opportunities for prostitutes to choose safe work conditions.

These indicators are different for each model for restriction of prostitution. The situation with respect to the legal status of prostitution before passage of the Cabinet of Ministers Regulations corresponded to uncontrolled, decriminalized prostitution. The Criminal Code was not imposing a prohibition on holding of “breeders of debauchery” and forced prostitution. Prostitution will be controlled under article 44 of the Code of Administrative Offense “Violence of Requirements for Prevention of Venereal Diseases.” Major reasons why many countries are not willing to *fully prohibit* prostitution are: consequences of such a prohibition would be increasing corruption, illegal prostitution, increase of crime indirectly related to prostitution, its inter-dependence from criminal structures. A similar situation originates by *decriminalization* of prostitution. In accordance with the information rendered to the Office by persons that in 1998 consulted on the legal status of prostitution, and the study conducted jointly with the Latvian Center for Gender Problems, the conclusion is that due to different interpretation of the legal status of prostitution, there are cases of corruption of the Police, and when prostitutes are used as dealers for narcotics or are raped and become victims of hooliganism. Uncontrolled and decriminalized prostitution causes infringement to safety and physical integrity of residents of particular districts of the City. As there are no strict rules on territories where prostitutes are permitted to offer their services, these locations have evolved in a natural way, e.g. along the major highways of the cities. It increases the risk of crime in these territories. The residents’ view on the spreading of prostitution is not taken into consideration.

The situation should change with the effectiveness of the Regulations on Prostitution. Health certificates required by Regulations for Prostitutes are the only identity document for exercising control over it. It can be received by persons of age after respective medical examinations. The standards for the rights of the residents should increase if, under the Regulations on Prostitution, sexual services will be permitted and offered only in the locations specified by a local government instead of at any location beneficial for clients or prostitutes.

The information provided by the Plenum and Court Practice Generalization Department of the Supreme Court of the Republic of Latvia show that in the period from 1995 through the first half year of 1998, only three persons were convicted in criminal cases related to prostitution. In 1995 a man was sentenced for imprisonment for a period up to one year in accordance with section 1 of article 208 of Criminal Code (holding of “breeders of debauchery”), and in the first half of 1998 a woman was charged under the same section 1. The third person was a woman sentenced by Article 209;3 of Criminal Code (on сутenerism) for a conditional imprisonment. In the aforementioned period, no one was sentenced under article 209;2 of Criminal Code (for forced prostitution).

On 15 December 1998 the Regulations on Prostitution entered into force. The Office believes that this is a positive development as it is the first Government normative for Restriction of Prostitution. They define prostitution, and set forth its restriction and stipulate responsibilities of the state power, including repressive structures in realization of the following general human rights – the right for safety and security of person, the right for a maximum level of physical and mental health, the right for a full development of a child, and the general principle of non-discrimination

The Office has repeatedly faced the problems created by deficiencies or differently interpreted laws directly or indirectly related to prostitution. The complaints received in 1997 and 1998, and the provided advice, can be divided in two groups:

- 1) Conflict situations in relations with the Police;
- 2) False, inaccurate information of mass media.

The first group of problems is characterized by the view that has developed in Latvia, within the last ten years, that publications on prostitution are sensational and will attract an additional interest to the specific press issue. In some publications, the facts or their interpretation were made with a view to sensationalizing the topic and not a focus on truthfulness. A similar problem arises with respect to the agreement on confidentiality of the source of information. The most representative example in 1998 was a

publication in a morning newspaper of the photo of a woman, while ignoring the former agreement with the source of information, with the text under it on cases of AIDS among prostitutes.²⁴

Both in this case, and conflict situations with the Police, the persons applying to the Office specified lack of respective laws, that would determine a legal status of prostitution. It creates the gap that may be used by some public officials, with ill intentions, when they justify their action by lack of respective laws. The uncertain legal status of prostitution and constant and unpredictable sanctions are the reasons why prostitutes do not try to solve conflict situations applying to the State Police, the Office, or the courts.²⁵

The Regulations on Prostitution provide legal grounds for restriction of prostitution, violence on the street, and ensures the public order, stopping prostitution of underage persons, and not to permit spreading of sexually transitive disease. Until the effectiveness of the Regulations the problems related to prostitution were not systematically and qualitatively solved. For more effective supervision over prostitution the Regulations on Prostitution stipulate a specific responsibility for local governments - to define locations where prostitutes can offer their services, and for the Ministry of Welfare to draft sample health certificates and to set forth the required regularity and volume of medical examinations.²⁶

At the beginning December 1998 several persons applied to the Office with a request to provide an interpretation of the Regulations on Prostitution and an evaluation of whether they contain violations of human rights. The concern was whether the issuance of health certificates²⁷ and registering of prostitutes would infringe other rights guaranteed by the state, e.g., the right of free exit from the country. The rules on receipt of health certificates were not clear – by 15 December the Ministry of Welfare had not drafted a sample certificate or any other directive on some other kind of document that could replace a health certificate. The information on these rules as of 15 December was also not available in the Health Center for Sexual Transitive and Skin Disease. In order to avoid repressive actions against prostitutes for failing to have a health certificate contemplated by the Regulations on Prostitution, the Office issued information to inquiring persons that they cannot be considered as breaching the Regulations on Prostitution and penalized for it. The Office informed on the situation and its opinion the Ministry of Interior Morals Police

²⁴ Upon a request of a petitioner the mentioned case was not considered by the Office as an official petition. In order to characterize the context of the particular problem the petitioner specified the fact that the mentioned information could be understood as the indication that the woman in the photo is a prostitute and has AIDS.

Article 7 “Information Prohibited for Publication” of the law of the Republic of Latvia on Press and Other Kinds of Mass Media sets forth that *Pursuant to the law it is prohibited and culpable to use the mass media in order to interfere with privacy of persons.*

It is prohibited to publish the information that infringes the dignity of physical and legal persons and discredits them.

It is prohibited to publish the information on the status of health of a person without his consent.

Notwithstanding the conclusion of the lawyers of the Office that in this case the law of the Republic of Latvia on Press and Other Kinds of Mass Media is violated the petitioner was not willing to file the case to the Office officially or to institute the court case against this newspaper. The Office has recorded this case as a consultation.

²⁵ The persons applied to the Office for consultations as they were detained as suspects for prostitution thus violating the rights set forth by Code on Administrative Offense and the law On Police. In one of cases a detained person was formerly involved in prostitution. She was detained for more than three hours and her relatives were not informed on detention and where she was.

²⁶ Article 3; 4, and 7 of the Regulations on Prostitution set forth:

It is prohibited to be involved in prostitution for a person without a health certificate (in accordance with the sample approved by the Health State Minister).

It is prohibited for a prostitute to offer sexual services or to receive the orders for sexual services outside locations determined by local governments.

A prostitute shall have regular health examination, its regularity and volume is set forth by the Health State Minister.

²⁷ Under the Directive of the Ministry of Welfare the name of the health certificate specified by Article 3 of the Regulations on Prostitution is “Health Certificate for Prostitutes.”

head with the State Police, and the public through mass media.

The fact that by 15 December, i.e., the date of effectiveness of the Regulations on Prostitution, health certificates were not ready made the legal status of prostitutes even more complicated as providing grounds for actions against prostitutes who were not formally complying with the Regulations on Prostitution.²⁸ In this case their non-observance (in this case – from the side of the Government) hindered supervision and restriction of prostitution.²⁹

The majority of local governments, who in accordance with the State Police have jurisdiction over prostitution regulation, have not determined the locations where it is allowed to offer or to receive the orders for sexual services as stipulated by article 4 of the Regulations on Prostitution. Non-observance of this provision had not caused problems to the scope of persons the Regulations on Prostitution mainly refer, i.e. prostitutes. Until now, the Office has not received complaints that prostitutes would be administratively penalized on breaching of this provision. While the local government (e.g. in Riga) have not passed a decision on whether prostitution is prohibited or not in their territory, there are not any restrictions with respect to permitted locations. If the requirements of article 4 are not followed it is hard to carry out preventive measures, which was the basis for passage of the Regulations on Prostitution, including control over prostitution, restriction of spreading of sexually transitive disease and stopping of underage prostitution.

The Office will continue to follow how the Regulations on Prostitution are realized and the compliance of responsible public institutions with the universal human rights principles – the right for safety and security of person, maximum level of physical and mental health, the right to full development of a child and general principle of non-discrimination. The Office will continue to inform the responsible institutions and the public if any of these principles will be endangered or violated.

RIGHTS OF EX-PRISONERS

About 2500 prisoners are released each year (an average 200 persons a month). The petitions filed to the Office show that the State is not sufficiently considering insurance of minimum social rights for ex-prisoners. After being released an ex-prisoner faces a set of social problems: it is hard to find and register the place of residence, find a job, arrange identity documents, receive social assistance, or address other issues, all of which are hindering a complete returning of the person into society.

The major problem for the ex-prisoners is either they have no family or any person willing to offer housing. There are often cases that after discharge the family members are not willing to permit the ex-prisoner to live with them. In 50 % of cases, the ex-prisoner after discharge does not have a place to live even if before he had such.

Article 13 of the law of the Republic of Latvia “On Central and Local Governments Assistance in

²⁸ UN International Covenant on Civil and Political Rights sets forth:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

²⁹ E.g. as of 1 January 1999 the law On Trade of Sex entered into force in Sweden. This law if compared to wording of the similar equivalent in Latvia Regulations on Prostitution differ with the provision that criminal punishment is envisaged for purchase of sexual services, i.e. instead of prostitutes penalized are their clients. In accordance with the information provided by the Swedish Police the law operated effectively, cardinally reducing prostitution on the streets. For the Latvian situation the Swedish example is significant not only because its different method but also making to value differently the myth on prostitution as the most ancient profession, which is not possible to fight. When the law contains clearly defined restrictions and repression, which are truly followed, prostitution can be restricted.

Solution of Apartment Matters” sets forth that *a local government shall immediately provide a dwelling place to ex-prisoners, if their former dwelling space is no longer available as provided under the law.*

Since a great part of the housing stock has become privatized, and the government is not constructing new apartments, the central and local governments have difficulty in providing residence for ex-prisoners. Therefore, in the majority of cases for ex-prisoners, there is a long time to wait until the local government can offer them a free dwelling space. For example, in Riga City there are more than 200 persons listed in the waiting line for each administrative district. These people are waiting for housing and a positive solution may be reached only in about a year. Ex-prisoners are offered only apartments without amenities and many are not fit for habitation (e.g. damaged by fire).

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An essential aspect of human rights, which should be emphasized, is the right for a just court. This principle includes both the physical and financial ability to obtain judicial redress. The view of the Office is that granting of a politically repressed person’s status is one of the cases when accessibility of a court is not fully ensured. Persons claiming a status of politically repressed also do not have enough money to cover court expense or obtain quality legal advice to prepare and file the case with a court. A free legal assistance program to needy and vulnerable groups of society, as it is set forth by international practice, is not yet guaranteed in Latvia.

In some cases local governments use the situation that these persons are not sufficiently informed and not able to protect their interests, and pass decisions unfavorable to them. Such cases should be considered an abuse of human rights.

The Office has repeatedly received petitions from repressed persons living in Riga City Kurzeme District, when a politically repressed person’s status is not granted even if requirements comply with law provisions (e.g. to persons repressed due to nationality). There are cases when several persons had been together in deportation but now residing in different local governments’ communities, one has received a politically repressed person’s status whereas another has not. It resulted from a difference of opinions of particular local governments. By international provisions and under the Constitution of the Republic of Latvia, all persons shall be equally legally treated; in this case the principle is violated. The Office has expressed its opinion regarding such cases and requested a local government to re-examine issues of dispute. Several positive decisions have been reached, such as when a politically repressed persons’ status is granted to Jews that had been placed in the Ghetto and had suffered due to their nationality.

Considering those aspects, local governments when passing decisions shall make a careful assessment of documents, witnesses and other evidence, and in case of doubt, should render a decision in favor of an applicant as many documents have not survived until today.

RESTRICTION OF PROSTITUTION

In the last two years the representatives of the Office participated in several discussions on different aspects of the spreading of prostitution and its restriction. The most significant were two forums – the UNAID Topic Group²² and working groups for prevention of prostitution established by the Health Promotion Center and the Latvian Center for Gender Problems. The core of the discussion was ascertainment of a situation, research and legislative initiatives on the respective area. In 1998 the Latvian Center for Gender Problems and the Office conducted a study “Prostitution in Latvia.” As a result, recommendations are drafted for the Cabinet of Ministers Regulations “On Restriction of Prostitution”(the “Regulations on Prostitution”).

Examining the situation, the Office relied on its several years of experience and competence of the Latvian Center for Gender Problems²³ working on such issues as medical, social and psychological rehabilitation, and opportunities for the conducting of a sociology study.

As of 2 November 1998, the Cabinet of Minister adopted Regulations On Prostitution, which essentially changed the situation regarding normative acts on prostitution. There are the following four variants for restriction of prostitution, which are different in various European countries depending on law of each specific country, and ethics norms and general values accepted by the public:

- prohibition of prostitution;
- its decriminalization;
- its decriminalization and control;
- legalization of prostitution.

Indicators, which help to assess effectiveness of each model, are such as:

- the Police and prostitution – potential corruption;
- rights of residents for security and physical integrity in districts with spread prostitution on streets;
- opportunities for prostitutes to choose safe work conditions.

These indicators are different for each model for restriction of prostitution. The situation with respect to the legal status of prostitution before passage of the Cabinet of Ministers Regulations corresponded to uncontrolled, decriminalized prostitution. The Criminal Code was not imposing a prohibition on holding of “breeders of debauchery” and forced prostitution. Prostitution will be controlled under article 44 of the Code of Administrative Offense “Violence of Requirements for Prevention of Venereal Diseases.” Major reasons why many countries are not willing to *fully prohibit* prostitution are: consequences of such a prohibition would be increasing corruption, illegal prostitution, increase of crime indirectly related to prostitution, its inter-dependence from criminal structures. A similar situation originates by *decriminalization* of prostitution. In accordance with the information rendered to the Office by persons that in 1998 consulted on the legal status of prostitution, and the study conducted jointly with the Latvian Center for Gender Problems, the conclusion is that due to different interpretation of the legal status of prostitution, there are cases of corruption of the Police, and when prostitutes are used as dealers for narcotics or are raped and become victims of hooliganism. Uncontrolled and decriminalized prostitution causes infringement to safety and physical integrity of residents of particular districts of the City. As there are no strict rules on territories where prostitutes are permitted to offer their services, these locations have evolved in a natural way, e.g. along the major highways of the cities. It increases the risk of crime in these territories. The residents’ view on the spreading of prostitution is not taken into consideration.

²² UNAID is a Program of United Nations for prevention of AIDS. Representatives of UN Agencies in Latvia and NGOs, financed by UNAID are organizing the Topic Group in Latvia for coordination of education and information work on AIDS.

²³ Since 1997 a new activity of the Latvian Center for Gender Problems is dissemination of informative material of the Office to prostitutes explaining an opportunity to apply to the Office on cases of human rights violations. In other European countries out-reach-work is considered as specifically complicated.

The situation should change with the effectiveness of the Regulations on Prostitution. Health certificates required by Regulations for Prostitutes are the only identity document for exercising control over it. It can be received by persons of age after respective medical examinations. The standards for the rights of the residents should increase if, under the Regulations on Prostitution, sexual services will be permitted and offered only in the locations specified by a local government instead of at any location beneficial for clients or prostitutes.

The information provided by the Plenum and Court Practice Generalization Department of the Supreme Court of the Republic of Latvia show that in the period from 1995 through the first half year of 1998, only three persons were convicted in criminal cases related to prostitution. In 1995 a man was sentenced for imprisonment for a period up to one year in accordance with section 1 of article 208 of Criminal Code (holding of “breeders of debauchery”), and in the first half of 1998 a woman was charged under the same section 1. The third person was a woman sentenced by Article 209;3 of Criminal Code (on сутenerism) for a conditional imprisonment. In the aforementioned period, no one was sentenced under article 209;2 of Criminal Code (for forced prostitution).

On 15 December 1998 the Regulations on Prostitution entered into force. The Office believes that this is a positive development as it is the first Government normative for Restriction of Prostitution. They define prostitution, and set forth its restriction and stipulate responsibilities of the state power, including repressive structures in realization of the following general human rights – the right for safety and security of person, the right for a maximum level of physical and mental health, the right for a full development of a child, and the general principle of non-discrimination

The Office has repeatedly faced the problems created by deficiencies or differently interpreted laws directly or indirectly related to prostitution. The complaints received in 1997 and 1998, and the provided advice, can be divided in two groups:

- 1) Conflict situations in relations with the Police;
- 2) False, inaccurate information of mass media.

The first group of problems is characterized by the view that has developed in Latvia, within the last ten years, that publications on prostitution are sensational and will attract an additional interest to the specific press issue. In some publications, the facts or their interpretation were made with a view to sensationalizing the topic and not a focus on truthfulness. A similar problem arises with respect to the agreement on confidentiality of the source of information. The most representative example in 1998 was a publication in a morning newspaper of the photo of a woman, while ignoring the former agreement with the source of information, with the text under it on cases of AIDS among prostitutes.²⁴

Both in this case, and conflict situations with the Police, the persons applying to the Office specified lack of respective laws, that would determine a legal status of prostitution. It creates the gap that may be used by some public officials, with ill intentions, when they justify their action by lack of respective laws.

²⁴ Upon a request of a petitioner the mentioned case was not considered by the Office as an official petition. In order to characterize the context of the particular problem the petitioner specified the fact that the mentioned information could be understood as the indication that the woman in the photo is a prostitute and has AIDS.

Article 7 “Information Prohibited for Publication” of the law of the Republic of Latvia on Press and Other Kinds of Mass Media sets forth that *Pursuant to the law it is prohibited and culpable to use the mass media in order to interfere with privacy of persons.*

It is prohibited to publish the information that infringes the dignity of physical and legal persons and discredits them.

It is prohibited to publish the information on the status of health of a person without his consent.

Notwithstanding the conclusion of the lawyers of the Office that in this case the law of the Republic of Latvia on Press and Other Kinds of Mass Media is violated the petitioner was not willing to file the case to the Office officially or to institute the court case against this newspaper. The Office has recorded this case as a consultation.

The uncertain legal status of prostitution and constant and unpredictable sanctions are the reasons why prostitutes do not try to solve conflict situations applying to the State Police, the Office, or the courts.²⁵

The Regulations on Prostitution provide legal grounds for restriction of prostitution, violence on the street, and ensures the public order, stopping prostitution of underage persons, and not to permit spreading of sexually transitive disease. Until the effectiveness of the Regulations the problems related to prostitution were not systematically and qualitatively solved. For more effective supervision over prostitution the Regulations on Prostitution stipulate a specific responsibility for local governments - to define locations where prostitutes can offer their services, and for the Ministry of Welfare to draft sample health certificates and to set forth the required regularity and volume of medical examinations.²⁶

At the beginning December 1998 several persons applied to the Office with a request to provide an interpretation of the Regulations on Prostitution and an evaluation of whether they contain violations of human rights. The concern was whether the issuance of health certificates²⁷ and registering of prostitutes would infringe other rights guaranteed by the state, e.g., the right of free exit from the country. The rules on receipt of health certificates were not clear – by 15 December the Ministry of Welfare had not drafted a sample certificate or any other directive on some other kind of document that could replace a health certificate. The information on these rules as of 15 December was also not available in the Health Center for Sexual Transitive and Skin Disease. In order to avoid repressive actions against prostitutes for failing to have a health certificate contemplated by the Regulations on Prostitution, the Office issued information to inquiring persons that they cannot be considered as breaching the Regulations on Prostitution and penalized for it. The Office informed on the situation and its opinion the Ministry of Interior Morals Police head with the State Police, and the public through mass media.

The fact that by 15 December, i.e., the date of effectiveness of the Regulations on Prostitution, health certificates were not ready made the legal status of prostitutes even more complicated as providing grounds for actions against prostitutes who were not formally complying with the Regulations on Prostitution.²⁸ In this case their non-observance (in this case – from the side of the Government) hindered supervision and restriction of prostitution.²⁹

²⁵ The persons applied to the Office for consultations as they were detained as suspects for prostitution thus violating the rights set forth by Code on Administrative Offense and the law On Police. In one of cases a detained person was formerly involved in prostitution. She was detained for more than three hours and her relatives were not informed on detention and where she was.

²⁶ Article 3; 4, and 7 of the Regulations on Prostitution set forth:

It is prohibited to be involved in prostitution for a person without a health certificate (in accordance with the sample approved by the Health State Minister).

It is prohibited for a prostitute to offer sexual services or to receive the orders for sexual services outside locations determined by local governments.

A prostitute shall have regular health examination, its regularity and volume is set forth by the Health State Minister.

²⁷ Under the Directive of the Ministry of Welfare the name of the health certificate specified by Article 3 of the Regulations on Prostitution is “Health Certificate for Prostitutes.”

²⁸ UN International Covenant on Civil and Political Rights sets forth:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

²⁹ E.g. as of 1 January 1999 the law On Trade of Sex entered into force in Sweden. This law if compared to wording of the similar equivalent in Latvia. Regulations on Prostitution differ with the provision that criminal punishment is envisaged for purchase of sexual services, i.e. instead of prostitutes penalized are their clients. In accordance with the information provided by the Swedish Police the law operated effectively, cardinally reducing prostitution on the streets. For the Latvian situation the Swedish example is significant not only because its different method but also making to value differently the myth on prostitution as the most ancient profession, which is not possible to fight. When the law contains clearly defined restrictions and repression, which are truly followed, prostitution can be restricted.

The majority of local governments, who in accordance with the State Police have jurisdiction over prostitution regulation, have not determined the locations where it is allowed to offer or to receive the orders for sexual services as stipulated by article 4 of the Regulations on Prostitution. Non-observance of this provision had not caused problems to the scope of persons the Regulations on Prostitution mainly refer, i.e. prostitutes. Until now, the Office has not received complaints that prostitutes would be administratively penalized on breaching of this provision. While the local government (e.g. in Riga) have not passed a decision on whether prostitution is prohibited or not in their territory, there are not any restrictions with respect to permitted locations. If the requirements of article 4 are not followed it is hard to carry out preventive measures, which was the basis for passage of the Regulations on Prostitution, including control over prostitution, restriction of spreading of sexually transitive disease and stopping of underage prostitution.

The Office will continue to follow how the Regulations on Prostitution are realized and the compliance of responsible public institutions with the universal human rights principles – the right for safety and security of person, maximum level of physical and mental health, the right to full development of a child and general principle of non-discrimination. The Office will continue to inform the responsible institutions and the public if any of these principles will be endangered or violated.

VI COOPERATION WITH NGOs

REGIONAL ASSOCIATIONS OF DISABLED ORGANIZATIONS

The core objective of the Project is to support networking of non-government organizations (the “NGOs”) on disabled issues. These associations will be linked to Regional Centers for Support of Human Rights and will actively disseminate the information on the rights of disabled to the public. The objective is to create such associations that would be viable in the longer run; therefore, a true involvement and at the local level is necessary.

The first task was to design the program for one year, indicating specific terms and monthly objectives. It was essential that each participant of the Project would have the understanding of the current situation and issues to be addressed by NGOs, their cooperation partners, and members. Therefore, one of the priorities was to define a broader context of work. It was achieved by repeatedly visiting public institutions and NGOs that are involved in solutions of disabled issues in Riga City and regions, and by participating in conferences and seminars.

Immediately after the initiating of activities, the officer of the Project visited the Conference on Poverty in Latvia. The supporting materials for the Conference included the statistics data that are useful for evaluation of the situation, and are in particular related to disabled issues. The Conference gave the opportunity to participate in a seminar together with professionals who are responsible for planning of services needed for the disabled. Thus, the Project officer had an overview on different practical difficulties while realizing activities to ensure a larger scope of equal opportunities.

The next task was to establish contacts with NGOs tackling disabled issues in regions and to visit these organizations. The basic objective of such initial meetings was to find the information on their activities and to introduce the ideas on creation of regional organizations, explaining the role of NGOs in monitoring observance of the rights of disabled. The first meetings in Talsi, Tukums and Cesis were held together with the opening of new Regional Centers for Support of Human Rights.

In the course of meetings it was clear that, even if there is a certain cooperation among all organizations, it had not yet become a standard. Some organizations were still hesitating to participate in

joint activities. The attitude of a majority of participating organizations evidenced that they highly value an opportunity to exchange information and ideas. The advantages for cooperation in the regional level were very clear, i.e. after the first meeting NGOs decided to design a joint project and to require also its joint financing.

A direct task was to prepare several informative materials for dissemination to NGOs in the meeting. Their objective was to increase the level of general information on UN provisions on the rights of disabled and to provide more qualitative information on how to exercise monitoring over the rights of disabled and to report on their abuse. The booklets were drafted and translated into the Latvian language with the explanation on the purpose of joint interests and mutual support associations, and the objectives and tasks of regional associations of disabled. The Project officer designed also a larger booklet on the drafting of the annual report and the booklet explaining how the disabled organization can monitor observance of the rights of disabled.

The Project officer established contacts also with the foreign disabled organizations to maintain communication and share information and experience. In the next nine months, initial contacts will be developed further.

The objectives of the first three months are carried out. Interesting links to other directions of work are established and implemented both at the national and local level, and in the next nine months it will be reinforced.

REGIONAL NETWORK FOR HUMAN RIGHTS

At the end of 1998 a new regional Program for support of NGOs was organized – Network for Support of Human Rights (the “Human Rights Network”). This Program was designed and financed by Soros Foundation Latvia and COLPI (Constitutional and Legal Policy Institution) and it is implemented in cooperation with the NGO Center and Regional NGOs Support Centers.

The objective of the Program is to support regional NGOs and to provide the information to NGOs and individuals on human rights and elimination of abuse.

The target audience for the Human Rights Network is not only NGOs with the activities in the area of human rights but also organizations of other industries, e.g. environment or social care NGOs, as they face different human rights issues.

Human Rights Network activities involve all the country, i.e. each office services several regions. Eight coordinators are operating in Regional NGO Centers – Aluksne, Daugavpils, Cesis, Talsi, Jelgava, Jekabpils, Liepaja and Tukums.

Core tasks of the Human Rights Network:

- To provide information to the Latvian regions on human rights;
- To design and coordinate education programs in the area of human rights, considering the local needs;
- To provide the information to the NGO and individuals on specific aspects on solutions of human rights problems;
- To design the system for cooperation and human rights information between the NGO and their support centers.

The Office has continuously promoted establishment and operation of the Human Rights Network. The Office assisted in professional training of the Human Rights Network staff and regularly supports it with information and advice.

HUMAN RIGHTS “ABC”

The first Project of the Human Rights Network "Human Rights ABC" was designated for training of NGO staff on human rights issues. Under the framework of the Project a one-day course of lectures on human rights was envisaged and it was shaped specifically for the target audience. The lectures were delivered at the premises of the NGO centers.

The Project was initiated in December commemorating the 50th Anniversary of UN Universal Declaration on Human Rights. The major objective was to inform staff of NGOs on fundamental principles of human rights and the different opportunities for NGOs to receive competent information and assistance on human rights issues.

The Office, jointly with the Latvian University Human Rights Institute and the University Professor, actively participated in the design of the course of lectures for NGO staff and delivered it in the Regional NGO Centers in Daugavpils, Jekabpils and Tukums.

VII EDUCATION, TRAINING AND INFORMATION

"IT CAN BE ALSO YOU"

As of March 1998 the Office organized two workshops under the framework of the Project "It Can Be Also You" for the representatives of the school boards and public organizations. The objective was to provide training for the organization of educational events for secondary school students to better understand the problems of disabled and to facilitate their integration in the public. The participants of the workshop received a certificate issued by the Ministry of Education and Science. The Office has designed methodology materials for teachers to assist in their further work. This material is available in the Information and Documentation Center of the Office.

TRAINING FOR CHILD PROTECTION OFFICERS

In January, February, March and April 1998 the Office made presentations to the Cesis District, Jelgava District and Riga City Kurzeme District child rights protection officers such as custody/pagasts courts staff, teachers, psychologists, medical staff, social workers, the Police etc. The topic for training was abuse and assistance to its victims. The participants of training received the booklets "Child Abuse" and "Abuse in Family," and the certificate on graduation of the training course. Project co-organizers are the Latvian University Psychological Assistance Center and the Latvian Family Center.

TRAINING COURSE ON HUMAN RIGHTS TO CIVIL SERVANTS

In April the Office concluded drafting of the program and materials for the training course on human rights to civil servants. The Justice of the Constitution Court managed designing of this program. The program is comprised of the following topics: historical development of international human rights, Latvian law system and international norms on human rights, UN human rights protection system and European system on protection of human rights. In the course of training, the projected work includes the Latvian legal acts and international documents on human rights, interpretation of specific legal norms and consideration of particular cases, discussions and independent work related to the specific problem of human rights abuse in Latvia, and those to be considered at the international level.

It was envisaged to incorporate the course in the curriculum of the Public Administration School. Unfortunately, the required funding was not allocated. Currently, the program designed for the civil servants is available for any interested person and educational establishment with the Information and Documentation Center of the Office.

RIGHTS OF PERSONS WITH MENTAL ILLNESSES

In April the representatives of the Office participated in the presentations of the workshop “Rights of Persons with Mental Illnesses,” organized by the Latvian Center for Human Rights and Ethnic Studies. The participants (social workers of Latvian psychoneurological hospitals, representatives of public organizations, and the Office) discussed the rights of the mentally handicapped as stipulated by the international documents on human rights. It was emphasized that mentally handicapped are entitled to the same rights as others, and restrictions on rights of mentally handicapped may be determined only by law. The representatives of the Office informed on the possibilities of the Office to consider the petitions on potential abuse in psychoneurological hospitals and invited the staff of the hospitals to apply to the Office for advice and information.

TV PROGRAM “INDIVIDUAL AND HIS RIGHTS”

In the first four months of 1998 different topics were considered in a weekly program of the Office: multi-cultural society and human rights, social rehabilitation of ex-prisoners, gay and lesbian rights, human rights in relations with the police, equality of gender, freedom of press and expression, persons dependent from drugs and means of forced treatment, the rights of conscripts, rights of employees, family rights and duties.

The data of the survey “Human Rights” shows that the program “Individual and His Rights” is the most valued activity of the Office; there was an 80% positive response received from the people informed on the program. One program was shown twice: in Latvian with subtitles in Russian and in the Russian language with subtitles in Latvian.

Unfortunately, due to lack of financing the Office was forced to temporarily suspend this Project.

PHOTO SHOW “WORLD IN CHILD, CHILD IN WORLD” DEDICATED TO CELEBRATION OF UN UNIVERSAL DECLARATION OF HUMAN RIGHTS 50TH ANNIVERSARY

Organization of the photo show “World in Child, Child in World” is one of the activities the Office participated in celebrating the UN Universal Declaration on Human Rights 50th Anniversary.

Jointly with the Photographers Association, the Office organized the photo show- competition for young people from the age 10 to 18 as it reflected understanding of children on human rights. Its objective was to establish the current situation of the Latvian children by means of artistic expression chosen by themselves. A child on the street, a happy child, not so happy child, a child in critical circumstances. The photo show revealed that these situations are in compliance with the UN Universal Declaration on Human Rights.

The Rules for the photo show-competition were drafted and the committee comprised of the Office and Photographers Association was established to determine the best photos, which afterwards were exhibited in the Riga Post Office windows on Brivibas Street. They received the awards provided by UNDP. This non-traditional show was opened as of 1 June, International Day for Protection of a Child, thus specifically focusing attention of the public on the issues of the rights of a child.

CONFERENCE AND MOBILE SHOW DEDICATED TO CELEBRATION OF UN UNIVERSAL DECLARATION OF HUMAN RIGHTS 50TH ANNIVERSARY

The 50th Anniversary of UN Universal Declaration on Human Rights was one of the most significant events in 1998. The day the Declaration was adopted – 10 December 1948 was proclaimed the

Day of Human Rights. In honor of this Anniversary the Office, in cooperation with UNDP and the French Embassy, prepared the Show and organized the seminar in the Congress House. The morning sessions were designated for the work of NGOs in the area of human rights; in the afternoon session, a round table was held with the participation of different government and municipalities agencies representatives, discussing topical human rights issues. The Office, participating in both sessions, related the background of the Declaration and its significance for today, and the work of the Office and its views on human rights issues.

The text of the Declaration was published and displayed in the Exhibition dedicated to the 50th Anniversary of UN Universal Declaration on Human Rights. The photos showed the current situation in Latvia in the field of human rights. In order to provide broad information to the public and to popularize the principles of human rights, the Office showed the exhibition also in five largest Latvian cities: Liepaja, Daugavpils etc. Local governments and mass media, informing the public on the Exhibition, rendered great assistance in the organization of the Exhibition. A great number of visitors of the Exhibition, and the many questions at its opening, showed the interest of the Latvian population on human rights issues and their desire to obtain more knowledge on human rights.

VIII INFORMATIVE PUBLICATIONS

“APPLICATION IN PRACTICE OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS”

The Office has published a booklet, designed in cooperation with the European Council following the Conference “Application in Practice of European Convention on Human Rights” (December 1996). The booklet contains the Conference presentations on the status of “European Convention on Human Rights” (the “Convention”) in Latvia and its application in a national level, compliance of the Latvian legal acts to the Convention, the proceedings for consideration of petitions on violation of its stipulated rights, and its impact on the national law system. The authors of presentations - representatives of the Human Rights Directorate of the Council of Europe, representative from the European Commission, Director of Birmingham University Human Rights and Practical Training Program, and from Latvia: the representatives of the Ministry of Foreign Affairs and the Human Rights Institute of the University of Latvia. The booklet is designated for judges, advocates, prosecutors and lawyers, and the public officers, students and all other interested in this matter.

SURVEY OF THE LATVIAN POPULATION “HUMAN RIGHTS”

In February the Office made public the results of the sociology survey of the Latvian population “Human Rights.” Upon the request of the Office such a survey is conducted the second year, to find out the attitudes of the public on the most essential issues of human rights, and to see to what extent the people are satisfied with the observance of their rights and opportunities for their protection. The priorities as set forth by the public are reflected in the work of the Office and in the planning of its future activities.

Compared to results of the surveys of 1996 and 1997, a positive aspect is that during the last year the number of people being informed by the Office increased by 20 % (more than a half of the Latvian population). The most significant problems as specified by the survey are rights of elderly, citizenship, right of education, rights of a child and the right for a just court. Almost one-fourth of respondents state that their rights had been abused after renewal of independence of the State of Latvia . Most of them believe that were discriminated in employment relations. About one-third of respondents point to two areas for violations of their human rights: life conditions and requirements for granting of citizenship.

UN UNIVERSAL DECLARATION ON HUMAN RIGHTS

The Office had supported the Project of the Center for Further Education, publishing the diary for

the class master. This publication was oriented on the provisions of UN Universal Declaration on Human Rights (the "Declaration"), as we celebrated its 50th Anniversary. It focused on understanding of human rights and providing of this information to students. The Office financed publishing of the Declaration, printed as a booklet in 5000 copies. It is a free Appendix to the Class Master's Diary and will be useful for the teachers in their future work. The publication of the Declaration is available to all interested persons with the Information and Documentation Center of the Office.

PUBLICATION OF UN INTERNATIONAL COVENANTS IN LATVIAN

The Office has published International Covenants on Human Rights in Latvian. Two parts of this publication contain the most significant documents on human rights. It is the first such publication in Latvian, thanks to financing by the UN Human Rights Center in Geneva. Its legal editor is Juris Bojars, a well-known Latvian lawyer on international law.

It is planned to disseminate this book in all Latvian libraries, ministries, courts and several other organizations. It is available to all interested persons with the Information and Documentation Center of the Office.

UN UNIVERSAL DECLARATION ON HUMAN RIGHTS – 50

In December the Office has published the booklet dedicated to the 50th Anniversary of the Declaration. It provides brief information on the background of the Declaration and its meaning today, its contents and how it is linked to the Latvian law.

The booklet was disseminated in the Conference dedicated to the 50th Anniversary of UN Universal Declaration on Human Rights. It is available to all interested persons with the Information and Documentation Center of the Office.

*VIETA ATĒLIEM!!!! * TULK.*

1. Application in practice of the European Convention on Human Rights.
2. The sociology survey of the Latvian population "Human Rights."
3. UN Universal Declaration on Human Rights.
4. International Covenants on Human Rights in Latvian.

IX ACTIVITIES, MEETINGS, ADVISORY BOARDS

VISITS TO PRISONS

The Director of the Office and its staff regularly visit prisons to establish how UN Minimum Standards for Prisoners are followed, and to examine the grounds for the received petitions. In January the lawyer of the Office visited Skirotava prison, AND met the administration of the prison and prisoners. In

this prison, as is the case with the majority of Latvian prisons, the largest problem is TB. The prime factor increasing cases of TB are the cells which have not been renovated since the Soviet period. The Skirotava prison does not have a psychologist, who could facilitate better the integration of the released prisoners into the public. Out of 15 prisons in Latvia, only three have psychologists.

WORKING GROUP ON REHABILITATION CONCEPTION FOR EX-PRISONERS

The Office representative co-participates in the working group of the Cabinet of Ministers tasked to draft the Government conception for social rehabilitation of ex-prisoners. This conception was submitted to the Cabinet of Ministers as of September 1998, and in December got its approval.

WORKING GROUP OF THE OFFICE ON THE RIGHTS OF DISABLED

At the end of 1997, the Office created the Working Group on the Rights of Disabled with the participation of public organizations and responsible ministries. Within the period from January through April two working group meetings were held on compliance of the environment with the needs of disabled. The projects are designed for the Office for improvement of the situation. Under the framework of this Working Group the Office has launched a study on compliance of the environment to the needs of the disabled children, and its opinion will be made on correspondence of the draft rules on civil works to the needs of the disabled.

In April the members of the Working Group (The Office, Disabled and their Friends Association "Apeirons," newspaper of disabled "Linva") by support of the Office took part in the International Conference "Environment to All – 98" in Vilnius, Lithuania, addressing the environment adjustment for the disabled with difficulty of movement.

NATIONAL BOARD OF DISABLED AFFAIRS

Since 1998 the Office is represented in the National Board of Disabled Affairs (the "Board"). The Board is an advisory institution and makes its decisions on the disabled issues, which are recommendations to public, local governments and other institutions, public organizations, individuals and legal persons.

The Office participates in the work of the Board by recommendations and opinions to facilitate integration of disabled in the economic, political and social life.

WORKING GROUP ON VIOLENCE ON TV

At the beginning of this year the working group is organized with the Latvian Radio and TV Council to study the impact of television violence on children. The Office in this work is represented by its Director.

X FIELD TRIPS TO LATVIAN DISTRICTS

RUJIENA AND MAZSALACA – 04.02.98

The Office is represented by the staff of the City Councils, Custody Courts and the staff of social services.

In Mazsalaca was organized the meeting with the secondary school students and teachers, and accepted petitions. There was also the presentation in Mazsalaca radio program.

The Office representative made the presentation in Valmiera Disabled Association.

STRAZDE AND LAUCENE – 31.03.98

At the time of the field trip there was a meeting organized in the pagasts councils (with the members of the council, custody court and staff of social services).

In Strazde – the meeting was organized with the Director of the orphanage and its tutors.

In Lauciene - the Office representatives delivered the lecture to the Tukums Association of Disabled.

LIVIAN SHORE - 24.04.98

Discussions held in Mazirbe Special Auxiliary Boarding School, Livian National House and the people from Talsi District FireFighting , Kolka pagasts Council members and its staff, and journalists of the newspaper “Talsu Vestis” (“Talsi News”).

AKNISTE AND VIESITE – 17.06.98

The meetings were organized in Jekabpils prison, Jekabpils Association of Disabled, Akniste Mental Hospital, Akniste City Council, Viesite Akniste City Council (discussions with the members of the City Council and its staff and receiving of petitions).

VALKA AND STRENCI – 27.07.98

Discussions were organized in Strenci Mental Hospital with doctors and patients, Valka Unit of the Citizenship and Migration Affairs Department, and in the City Council (with residents).

ALUKSNE – AFTER 29.08.98

The meeting was organized with the military persons of Aluksne Mobile Regiment.

KULDIGA – 02.10.98

There was a discussion with the senior officials of the City Council, representatives of public organizations, and the visit to Alsunga Orphanage – Home and Abava Psychoneurological Home “ Vegi.”

XI SUMMARY OF COMPLAINTS UNIT PERFORMANCE OF 1998

Topics	Written Petitions					Oral Advice
	Received	Resolved	Declined	Closed with recomm.	In considerat	
	1998	1998	1998	1998	As of 31.12	1998
1. Recognition of person's rights						

subjectiveness with Citizenship Department: A. Legalization of non- citizens	33	7	2	19	7	536
B. Rights of foreigners	51	19	1	63	33	499
C. Stating status of refugees or asylum seekers	2	-	-	1	2	3
2. Rights of a child	7	2	1	1	4	32
3. The rights of a person for human treatment and respect to his dignity:						
A. In prisons	44	10	25	8	9	21
B. Mental hospitals	3	-	-	1	2	11
C. Homes and asylums	1	1	-	-	-	10
4. The right of a person not to be subject to torture	5	1	1	-	3	5
5. The right of a person for non-discrimination	5	-	2	-	2	30
6. The right for safety, liberty and security of person	3	-	1	-	5	12
A. In the Police	37	1	2	21	20	58
B. Prosecutor's Office	10	-	5	-	5	28
7. The right of a person for a just, open and timely court	51	1	42	7	20	102
8. The right of person for consideration of a petition and response from public agencies	5	-	1	1	6	73
9. The right of a person to receive and disseminate information	2	-	1	1	2	12
10. The right of person for social security:						
A. Granting of pensions and benefits	37	11	5	19	9	128
B. Ensuring of social guarantees	26	9	1	7	12	105
C. Rights of ex-prisoners	20	6	6	9	7	133
11. The right of a person to work and just and favorable work conditions	27	5	6	12	7	145
12. The right of a person to property/ownership	38	1	15	19	22	89
13. The right of a person						

for housing:						
A. Registration of citizenship	<u>17</u>	<u>3</u>	<u>1</u>	<u>14</u>	<u>15</u>	<u>96</u>
B. Eviction from apartment	<u>25</u>	<u>-</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>286</u>
C. Disputes with landlords	<u>10</u>	<u>2</u>	<u>5</u>	<u>7</u>	<u>5</u>	<u>175</u>
D. Other issues	<u>45</u>	<u>6</u>	<u>14</u>	<u>11</u>	<u>37</u>	<u>115</u>
14. The right to an environment safe for health	<u>3</u>	<u>-</u>	<u>-</u>	<u>2</u>	<u>1</u>	<u>19</u>
15. Miscellaneous	<u>97</u>	<u>27</u>	<u>56</u>	<u>44</u>	<u>36</u>	<u>231</u>
Total	<u>604</u>	<u>112</u>	<u>203</u>	<u>277</u>	<u>281</u>	<u>2954</u>
Grand Total	<u>3558</u>					

VI COOPERATION WITH NGOs

REGIONAL ASSOCIATIONS OF DISABLED ORGANIZATIONS

The core objective of the Project is to support networking of non-government organizations (the “NGOs”) on disabled issues. These associations will be linked to Regional Centers for Support of Human Rights and will actively disseminate the information on the rights of disabled to the public. The objective is to create such associations that would be viable in the longer run; therefore, a true involvement and at the local level is necessary.

The first task was to design the program for one year, indicating specific terms and monthly objectives. It was essential that each participant of the Project would have the understanding of the current situation and issues to be addressed by NGOs, their cooperation partners, and members. Therefore, one of the priorities was to define a broader context of work. It was achieved by repeatedly visiting public institutions and NGOs that are involved in solutions of disabled issues in Riga City and regions, and by participating in conferences and seminars.

Immediately after the initiating of activities, the officer of the Project visited the Conference on Poverty in Latvia. The supporting materials for the Conference included the statistics data that are useful for evaluation of the situation, and are in particular related to disabled issues. The Conference gave the opportunity to participate in a seminar together with professionals who are responsible for planning of services needed for the disabled. Thus, the Project officer had an overview on different practical difficulties while realizing activities to ensure a larger scope of equal opportunities.

The next task was to establish contacts with NGOs tackling disabled issues in regions and to visit

these organizations. The basic objective of such initial meetings was to find the information on their activities and to introduce the ideas on creation of regional organizations, explaining the role of NGOs in monitoring observance of the rights of disabled. The first meetings in Talsi, Tukums and Cesis were held together with the opening of new Regional Centers for Support of Human Rights.

In the course of meetings it was clear that, even if there is a certain cooperation among all organizations, it had not yet become a standard. Some organizations were still hesitating to participate in joint activities. The attitude of a majority of participating organizations evidenced that they highly value an opportunity to exchange information and ideas. The advantages for cooperation in the regional level were very clear, i.e. after the first meeting NGOs decided to design a joint project and to require also its joint financing.

A direct task was to prepare several informative materials for dissemination to NGOs in the meeting. Their objective was to increase the level of general information on UN provisions on the rights of disabled and to provide more qualitative information on how to exercise monitoring over the rights of disabled and to report on their abuse. The booklets were drafted and translated into the Latvian language with the explanation on the purpose of joint interests and mutual support associations, and the objectives and tasks of regional associations of disabled. The Project officer designed also a larger booklet on the drafting of the annual report and the booklet explaining how the disabled organization can monitor observance of the rights of disabled.

The Project officer established contacts also with the foreign disabled organizations to maintain communication and share information and experience. In the next nine months, initial contacts will be developed further.

The objectives of the first three months are carried out. Interesting links to other directions of work are established and implemented both at the national and local level, and in the next nine months it will be reinforced.

REGIONAL NETWORK FOR HUMAN RIGHTS

At the end of 1998 a new regional Program for support of NGOs was organized – Network for Support of Human Rights (the “Human Rights Network”). This Program was designed and financed by Soros Foundation Latvia and COLPI (Constitutional and Legal Policy Institution) and it is implemented in cooperation with the NGO Center and Regional NGOs Support Centers.

The objective of the Program is to support regional NGOs and to provide the information to NGOs and individuals on human rights and elimination of abuse.

The target audience for the Human Rights Network is not only NGOs with the activities in the area of human rights but also organizations of other industries, e.g. environment or social care NGOs, as they face different human rights issues.

Human Rights Network activities involve all the country, i.e. each office services several regions. Eight coordinators are operating in Regional NGO Centers – Aluksne, Daugavpils, Cesis, Talsi, Jelgava, Jekabpils, Liepaja and Tukums.

Core tasks of the Human Rights Network:

- To provide information to the Latvian regions on human rights;
- To design and coordinate education programs in the area of human rights, considering the local needs;
- To provide the information to the NGO and individuals on specific aspects on solutions of human rights problems;
- To design the system for cooperation and human rights information between the NGO and their support centers.

The Office has continuously promoted establishment and operation of the Human Rights Network. The Office assisted in professional training of the Human Rights Network staff and regularly supports it with information and advice.

HUMAN RIGHTS “ABC”

The first Project of the Human Rights Network “Human Rights ABC” was designated for training of NGO staff on human rights issues. Under the framework of the Project a one-day course of lectures on human rights was envisaged and it was shaped specifically for the target audience. The lectures were delivered at the premises of the NGO centers.

The Project was initiated in December commemorating the 50th Anniversary of UN Universal Declaration on Human Rights. The major objective was to inform staff of NGOs on fundamental principles of human rights and the different opportunities for NGOs to receive competent information and assistance on human rights issues.

The Office, jointly with the Latvian University Human Rights Institute and the University Professor, actively participated in the design of the course of lectures for NGO staff and delivered it in the Regional NGO Centers in Daugavpils, Jekabpils and Tukums.

VII EDUCATION, TRAINING AND INFORMATION

“IT CAN BE ALSO YOU”

As of March 1998 the Office organized two workshops under the framework of the Project “It Can Be Also You” for the representatives of the school boards and public organizations. The objective was to provide training for the organization of educational events for secondary school students to better understand the problems of disabled and to facilitate their integration in the public. The participants of the workshop received a certificate issued by the Ministry of Education and Science. The Office has designed methodology materials for teachers to assist in their further work. This material is available in the Information and Documentation Center of the Office.

TRAINING FOR CHILD PROTECTION OFFICERS

In January, February, March and April 1998 the Office made presentations to the Cesis District, Jelgava District and Riga City Kurzeme District child rights protection officers such as custody/pagasts courts staff, teachers, psychologists, medical staff, social workers, the Police etc. The topic for training was abuse and assistance to its victims. The participants of training received the booklets “Child Abuse” and “Abuse in Family,” and the certificate on graduation of the training course. Project co-organizers are the Latvian University Psychological Assistance Center and the Latvian Family Center.

TRAINING COURSE ON HUMAN RIGHTS TO CIVIL SERVANTS

In April the Office concluded drafting of the program and materials for the training course on human rights to civil servants. The Justice of the Constitution Court managed designing of this program. The program is comprised of the following topics: historical development of international human rights, Latvian law system and international norms on human rights, UN human rights protection system and European system on protection of human rights. In the course of training, the projected work includes the Latvian legal acts and international documents on human rights, interpretation of specific legal norms and consideration of particular cases, discussions and independent work related to the specific problem of

human rights abuse in Latvia, and those to be considered at the international level.

It was envisaged to incorporate the course in the curriculum of the Public Administration School. Unfortunately, the required funding was not allocated. Currently, the program designed for the civil servants is available for any interested person and educational establishment with the Information and Documentation Center of the Office.

RIGHTS OF PERSONS WITH MENTAL ILLNESSES

In April the representatives of the Office participated in the presentations of the workshop “Rights of Persons with Mental Illnesses,” organized by the Latvian Center for Human Rights and Ethnic Studies. The participants (social workers of Latvian psychoneurological hospitals, representatives of public organizations, and the Office) discussed the rights of the mentally handicapped as stipulated by the international documents on human rights. It was emphasized that mentally handicapped are entitled to the same rights as others, and restrictions on rights of mentally handicapped may be determined only by law. The representatives of the Office informed on the possibilities of the Office to consider the petitions on potential abuse in psychoneurological hospitals and invited the staff of the hospitals to apply to the Office for advice and information.

TV PROGRAM “INDIVIDUAL AND HIS RIGHTS”

In the first four months of 1998 different topics were considered in a weekly program of the Office: multi-cultural society and human rights, social rehabilitation of ex-prisoners, gay and lesbian rights, human rights in relations with the police, equality of gender, freedom of press and expression, persons dependent from drugs and means of forced treatment, the rights of conscripts, rights of employees, family rights and duties.

The data of the survey “Human Rights” shows that the program “Individual and His Rights” is the most valued activity of the Office; there was an 80% positive response received from the people informed on the program. One program was shown twice: in Latvian with subtitles in Russian and in the Russian language with subtitles in Latvian.

Unfortunately, due to lack of financing the Office was forced to temporarily suspend this Project.

PHOTO SHOW “WORLD IN CHILD, CHILD IN WORLD” DEDICATED TO CELEBRATION OF UN UNIVERSAL DECLARATION OF HUMAN RIGHTS 50TH ANNIVERSARY

Organization of the photo show “World in Child, Child in World” is one of the activities the Office participated in celebrating the UN Universal Declaration on Human Rights 50th Anniversary.

Jointly with the Photographers Association, the Office organized the photo show- competition for young people from the age 10 to 18 as it reflected understanding of children on human rights. Its objective was to establish the current situation of the Latvian children by means of artistic expression chosen by themselves. A child on the street, a happy child, not so happy child, a child in critical circumstances. The photo show revealed that these situations are in compliance with the UN Universal Declaration on Human Rights.

The Rules for the photo show-competition were drafted and the committee comprised of the Office and Photographers Association was established to determine the best photos, which afterwards were exhibited in the Riga Post Office windows on Brivibas Street. They received the awards provided by UNDP. This non-traditional show was opened as of 1 June, International Day for Protection of a Child, thus specifically focusing attention of the public on the issues of the rights of a child.

CONFERENCE AND MOBILE SHOW DEDICATED TO CELEBRATION OF UN UNIVERSAL DECLARATION OF HUMAN RIGHTS 50TH ANNIVERSARY

The 50th Anniversary of UN Universal Declaration on Human Rights was one of the most significant events in 1998. The day the Declaration was adopted – 10 December 1948 was proclaimed the Day of Human Rights. In honor of this Anniversary the Office, in cooperation with UNDP and the French Embassy, prepared the Show and organized the seminar in the Congress House. The morning sessions were designated for the work of NGOs in the area of human rights; in the afternoon session, a round table was held with the participation of different government and municipalities agencies representatives, discussing topical human rights issues. The Office, participating in both sessions, related the background of the Declaration and its significance for today, and the work of the Office and its views on human rights issues.

The text of the Declaration was published and displayed in the Exhibition dedicated to the 50th Anniversary of UN Universal Declaration on Human Rights. The photos showed the current situation in Latvia in the field of human rights. In order to provide broad information to the public and to popularize the principles of human rights, the Office showed the exhibition also in five largest Latvian cities: Liepaja, Daugavpils etc. Local governments and mass media, informing the public on the Exhibition, rendered great assistance in the organization of the Exhibition. A great number of visitors of the Exhibition, and the many questions at its opening, showed the interest of the Latvian population on human rights issues and their desire to obtain more knowledge on human rights.

VIII INFORMATIVE PUBLICATIONS

“APPLICATION IN PRACTICE OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS”

The Office has published a booklet, designed in cooperation with the European Council following the Conference “Application in Practice of European Convention on Human Rights” (December 1996). The booklet contains the Conference presentations on the status of “European Convention on Human Rights” (the “Convention”) in Latvia and its application in a national level, compliance of the Latvian legal acts to the Convention, the proceedings for consideration of petitions on violation of its stipulated rights, and its impact on the national law system. The authors of presentations - representatives of the Human Rights Directorate of the Council of Europe, representative from the European Commission, Director of Birmingham University Human Rights and Practical Training Program, and from Latvia: the representatives of the Ministry of Foreign Affairs and the Human Rights Institute of the University of Latvia. The booklet is designated for judges, advocates, prosecutors and lawyers, and the public officers, students and all other interested in this matter.

SURVEY OF THE LATVIAN POPULATION “HUMAN RIGHTS”

In February the Office made public the results of the sociology survey of the Latvian population “Human Rights.” Upon the request of the Office such a survey is conducted the second year, to find out the attitudes of the public on the most essential issues of human rights, and to see to what extent the people are satisfied with the observance of their rights and opportunities for their protection. The priorities as set forth by the public are reflected in the work of the Office and in the planning of its future activities.

Compared to results of the surveys of 1996 and 1997, a positive aspect is that during the last year the number of people being informed by the Office increased by 20 % (more than a half of the Latvian population). The most significant problems as specified by the survey are rights of elderly, citizenship, right of education, rights of a child and the right for a just court. Almost one-fourth of respondents state that their rights had been abused after renewal of independence of the State of Latvia. Most of them

believe that were discriminated in employment relations. About one-third of respondents point to two areas for violations of their human rights: life conditions and requirements for granting of citizenship.

UN UNIVERSAL DECLARATION ON HUMAN RIGHTS

The Office had supported the Project of the Center for Further Education, publishing the diary for the class master. This publication was oriented on the provisions of UN Universal Declaration on Human Rights (the “Declaration”), as we celebrated its 50th Anniversary. It focused on understanding of human rights and providing of this information to students. The Office financed publishing of the Declaration, printed as a booklet in 5000 copies. It is a free Appendix to the Class Master’s Diary and will be useful for the teachers in their future work. The publication of the Declaration is available to all interested persons with the Information and Documentation Center of the Office.

PUBLICATION OF UN INTERNATIONAL COVENANTS IN LATVIAN

The Office has published International Covenants on Human Rights in Latvian. Two parts of this publication contain the most significant documents on human rights. It is the first such publication in Latvian, thanks to financing by the UN Human Rights Center in Geneva. Its legal editor is Juris Bojars, a well-known Latvian lawyer on international law.

It is planned to disseminate this book in all Latvian libraries, ministries, courts and several other organizations. It is available to all interested persons with the Information and Documentation Center of the Office.

UN UNIVERSAL DECLARATION OF HUMAN RIGHTS 50th ANNIVERSARY

In December the Office has published the booklet dedicated to the 50th Anniversary of the Declaration. It provides brief information on the background of the Declaration and its meaning today, its contents and how it is linked to the Latvian law.

The booklet was disseminated in the Conference dedicated to the 50th Anniversary of UN Universal Declaration on Human Rights. It is available to all interested persons with the Information and Documentation Center of the Office.

*VIETA ATĒLIEM!!!! * TULK.*

1. Application in practice of the European Convention on Human Rights.
 2. The sociology survey of the Latvian population “Human Rights.”
 3. UN Universal Declaration on Human Rights.
 4. International Covenants on Human Rights in Latvian.
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IX ACTIVITIES, MEETINGS, ADVISORY BOARDS

VISITS TO PRISONS

The Director of the Office and its staff regularly visit prisons to establish how UN Minimum Standards for Prisoners are followed, and to examine the grounds for the received petitions. In January the lawyer of the Office visited Skirotava prison, AND met the administration of the prison and prisoners. In this prison, as is the case with the majority of Latvian prisons, the largest problem is TB. The prime factor increasing cases of TB are the cells which have not been renovated since the Soviet period. The Skirotava prison does not have a psychologist, who could facilitate better the integration of the released prisoners into the public. Out of 15 prisons in Latvia, only three have psychologists.

WORKING GROUP ON REHABILITATION CONCEPTION FOR EX-PRISONERS

The Office representative co-participates in the working group of the Cabinet of Ministers tasked to draft the Government conception for social rehabilitation of ex-prisoners. This conception was submitted to the Cabinet of Ministers as of September 1998, and in December got its approval.

WORKING GROUP OF THE OFFICE ON THE RIGHTS OF DISABLED

At the end of 1997, the Office created the Working Group on the Rights of Disabled with the participation of public organizations and responsible ministries. Within the period from January through April two working group meetings were held on compliance of the environment with the needs of disabled. The projects are designed for the Office for improvement of the situation. Under the framework of this Working Group the Office has launched a study on compliance of the environment to the needs of the disabled children, and its opinion will be made on correspondence of the draft rules on civil works to the needs of the disabled.

In April the members of the Working Group (The Office, Disabled and their Friends Association "Apeirons," newspaper of disabled "Linva") by support of the Office took part in the International Conference "Environment to All – 98" in Vilnius, Lithuania, addressing the environment adjustment for the disabled with difficulty of movement.

NATIONAL BOARD OF DISABLED AFFAIRS

Since 1998 the Office is represented in the National Board of Disabled Affairs (the "Board"). The Board is an advisory institution and makes its decisions on the disabled issues, which are recommendations to public, local governments and other institutions, public organizations, individuals and legal persons.

The Office participates in the work of the Board by recommendations and opinions to facilitate integration of disabled in the economic, political and social life.

WORKING GROUP ON VIOLENCE ON TV

At the beginning of this year the working group is organized with the Latvian Radio and TV Council to study the impact of television violence on children. The Office in this work is represented by its Director.

X FIELD TRIPS TO LATVIAN DISTRICTS

The Office is represented by the staff of the City Councils, Custody Courts and the staff of social services.

In Mazsalaca was organized the meeting with the secondary school students and teachers, and accepted petitions. There was also the presentation in Mazsalaca radio program.

The Office representative made the presentation in Valmiera Disabled Association.

STRAZDE AND LAUCENE – 31.03.98

At the time of the field trip there was a meeting organized in the pagasts councils (with the members of the council, custody court and staff of social services).

In Strazde – the meeting was organized with the Director of the orphanage and its tutors.

In Lauciene - the Office representatives delivered the lecture to the Tukums Association of Disabled.

LIVIAN SHORE - 24.04.98

Discussions held in Mazirbe Special Auxiliary Boarding School, Livian National House and the people from Talsi District Firefighting , Kolka pagasts Council members and its staff, and journalists of the newspaper “Talsu Vestis” (“Talsi News”).

AKNISTE AND VIESITE – 17.06.98

The meetings were organized in Jekabpils prison, Jekabpils Association of Disabled, Akniste Mental Hospital, Akniste City Council, Viesite Akniste City Council (discussions with the members of the City Council and its staff and receiving of petitions).

VALKA AND STRENCI – 27.07.98

Discussions were organized in Strenci Mental Hospital with doctors and patients, Valka Unit of the Citizenship and Migration Affairs Department, and in the City Council (with residents).

ALUKSNE – AFTER 29.08.98

The meeting was organized with the military persons of Aluksne Mobile Regiment.

KULDIGA – 02.10.98

There was a discussion with the senior officials of the City Council, representatives of public organizations, and the visit to Alsunga Orphanage – Home and Abava Psychoneurological Home “Vegi.”

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