

HUMAN RIGHTS IN LATVIA IN 2004

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LATVIAN CENTRE
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ETHNIC STUDIES



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CONTENTS

| | |
|---|----|
| Preface | 6 |
| Introduction and Political Context | 7 |
| Elections and Political Rights | 8 |
| Judicial System and National Human Rights Protection | 10 |
| Ill-treatment and Police Misconduct | 12 |
| Conditions in Prisons | 14 |
| Migrants and Asylum Seekers | 17 |
| Mental Health Care Institutions | 19 |
| Citizenship | 20 |
| Racism, Xenophobia and Intolerance | 23 |
| Discrimination | 28 |
| National and Ethnic Minorities | 29 |
| Freedom of Speech | 33 |
| Freedom of Association and Assembly | 34 |
| Freedom of Religion | 37 |
| Gender Equality and Women's Rights | 39 |
| Patients' Rights | 40 |
| International Human Rights Institutions | 41 |
| Annex 1 | |
| Legal Consultations in 2004 | 45 |
| Annex 2 | |
| LCHRES Activity report in 2004 | 46 |
| Annex 3 | |
| LCHRES Staff in 2004 | 63 |
| Annex 4 | |
| Income and Expenditure Statement for the LCHRES for 2004 | 64 |

Preface

The Latvian Centre for Human Rights and Ethnic Studies (LCHRES) was founded in 1993 as a not-for-profit, independent non-governmental organisation active in the field of human rights and ethnic relations. The Centre's activities include monitoring, research and policy analysis, advocacy, human rights education and training, the organization of conferences, seminars and workshops, providing expertise for state and non-state actors, and providing legal consultations to victims of human rights violations. The LCHRES is a member of the International Helsinki Federation for Human Rights, a network of human rights organisations operating in the Organisation for Security and Cooperation in Europe (OSCE) region.

In 2004, the LCHRES received institutional funding from the Open Society Institute (Budapest) and the main project funding came from the European Commission, the Ministry of Foreign Affairs of the Netherlands (MATRA), and the EU European Monitoring Centre on Racism and Xenophobia. The LCHRES continued to implement the programme delegated to it by the Soros Foundation-Latvia: the Mental Disability Advocacy Programme.

The LCHRES has produced annual reports on the human rights situation in Latvia since 1999, when the first report (on the situation in 1998) was published. We do not claim to paint a comprehensive picture of human rights in Latvia, but we attempt to identify the most salient issues and the main developments in our specific areas of expertise, which include human rights in closed institutions, minority rights and majority-minority relations, discrimination, racism and xenophobia. We use a variety of sources in our work, ranging from primary and secondary research, published and unpublished official information, media reports, individual interviews, and materials and evidence from monitoring visits. We conduct our analysis in a cross-disciplinary fashion, combining analytical approaches from the legal, sociological and political sciences.

Ilze Brands Kehris
LCHRES Director

Introduction and Political Context

No doubt, the most important contextual events in 2004 were Latvia's joining NATO on 2 April and accession to the EU on 1 May. Although a huge amount of structural, institutional, legislative and policy changes had been taking place over the pre-accession years, at the beginning of the year there still remained a more than fair share of EU required legislation to be passed, even without focus on actual implementation. In mid-March it was announced that there were still 36 draft laws and 200 regulatory acts that had to be adopted before accession and soon thereafter extra Minister Cabinet meetings were put in place to deal with outstanding EU issues. Although the week before accession it was declared by the EU Commission that Latvia had fulfilled the requirements, it cannot come as a surprise that even after accession, there still remain a number of not transposed or incompletely transposed EU directives.

On the domestic political scene, 2004 saw the continuation of the well-established tendency for governments to have short political lives, while the ruling coalition and main lines of implemented policies only changed marginally. The year brought with it several political crises, resulting in two changes of government. The four-party coalition government (New Era, Latvia's First Party, the Union of Greens and Farmers, Fatherland and Freedom/Latvian National Independence Movement) of New Era Prime Minister Einars Repše, in power since November 2002, was replaced in March by a minority government coalition led by the Union of Greens and Farmers representative Indulis Emsis. It consisted of a coalition of the two of the previous governing parties (the Union of Greens and Farmers, Latvia's First Party) and the People's Party, but excluded the New Era and the Fatherland and Freedom/Latvian National Independence Movement. This government's precarious ability to garner a majority in parliament was ensured by the joining in February of the Latvia's First Party by five former People's Harmony Party members and the unofficial support by the extra-coalition deputies.

Despite frequent rumours about the imminent fall of the government, when it finally did at the end of October it was unexpected. The People's Party, whose representative was Finance Minister and thus responsible for proposing the budget, voted against the budget in the parliament and thus provoked a vote of non-confidence in the government.

On 2 December, yet a new government was formed, under People's Party Prime Minister Aigars Kalvītis, in which the coalition again switched faces by taking back on board the New Era, but Fatherland and Freedom/Latvian National Independence Movement remained behind in self-declared benevolent opposition. Despite its declared commitment

to integration issues and its insistence on the formation of a new governmental post for integration after the elections in 2002, Latvia's First Party let go off the Society Integration Secretariat, which was assumed by New Era minister Ainars Latkovskis. The position of Minister of Education – particularly important during the period of minority education reform – reverted from Latvia's First Party to the New Era control in the person of Ina Druviete, the former chairperson of the parliamentary human rights committee and an outspoken advocate for strict state language policies.

Elections and Political Rights

The first European Parliament elections were held on 12 June. Although election participation was low at 41% of eligible voters (compared to latest parliamentary elections in 2002 with a 72% turnout), the rate is in line with the rate of France, Germany and Austria and compares favourably with such older member states as Sweden, Finland, Portugal and the UK.

In a surprise result, out of the 9 MEPs from Latvia, 4 were elected from the nationalist party Fatherland and Freedom/Latvian National Independence Movement (FF/LNIM) with 30% of the vote, which in the previous parliamentary elections just barely made it across the 5% barrier. Four seats were also gained by centrist-rightist parties: 20% of the vote gave two seats to the former Prime Minister Repše's party New Era, and one seat each was won by the People's Party and the formerly long-term ruling party Latvia's Way (which had fallen out of parliament altogether in 2002). One seat was obtained by the reconstituted and left-leaning radical opposition party For Human Rights in United Latvia (FHRUL), running mostly on a pro-minority agenda. Interestingly, Tatjana Zhdanok, who had previously been prevented from participating in national elections by lustration laws on account of her membership in the Communist Party after 13 January 1991, was elected to the European Parliament from FHRUL, a result made possible by the hotly debated parliamentary decision to not include the lustration clause in the new European Parliament election law, adopted at the end of January.

In June, the European Court of Human Rights issued a Chamber judgment in a complaint submitted by Tatjana Zhdanok protesting the striking her off a list of parliamentary election candidates, as well as annulling her Riga City Council deputy mandate, on account of the lustration law. The Court ruled with five votes for and two dissenting opinions against that there was a violation of Article 3 of Protocol 1 (free elections) of the European Convention on Human Rights and Article 11 (freedom assembly and association) of the Convention and awarded pecuniary and non-pecuniary damages to be paid to the plaintiff by the state.

However, the Latvian authorities decided to appeal the decision in the Grand Chamber, the hearing of which had not yet been scheduled at the end of 2004.

Another lustration law issue became urgent in Latvia as the existing law determining the procedure for establishing a person's collaboration with the KGB and the use of such information, which had been adopted for ten years in 1994, was about to expire. This law in combination with a series of special laws restricts former KGB staff and collaborators from standing for elections in state and municipal elections, from holding certain professional and public positions and from acquiring citizenship through naturalisation. The prohibition to stand as a candidate for elections was in effect prolonged for another ten years until June 2014 when the parliament adopted amendments to the law "On former KGB document storage, use and the order of ascertainment of a person's collaboration with the KGB." 20 Saeima deputies submitted a challenge to the amendments to the Constitutional Court, but the case was not yet reviewed by the end of the year.

The rights of permanent residents who have the legal status of Latvian non-citizens became a more visible issue in 2004, as legislation was amended to comply with the EU acquis (see section on Citizenship). In preparation of the municipal elections in 2005, the Constitution was amended in September to extend the right to participate in local elections to EU citizens resident in Latvia. The political right to vote and stand as a candidate in elections was extended beyond Latvian citizens to include EU citizens in the Law on European Parliament Elections adopted in January 2004, and also to resident EU citizens in local elections in Latvia by amendments to the Law on the Election of City, District and Parish Councils adopted in November. No such rights for non-citizens were included or indeed, even seriously discussed.

However, the amendments to the local election law did include the broadening of voting rights by eliminating the prohibition to vote for persons remanded in custody. Similar provisions had been ruled unconstitutional by the Constitutional Court before the last parliamentary elections in the law on parliamentary elections, but had remained unchallenged in the law on local elections until these amendments.

In the first days of January 2005, a voting-related language issue emerged. Fatherland and Freedom/Latvian National Independence Movement challenged the Central Election Committee (CEC) for having produced informative video clips on how to vote for broadcasting in Russian on Latvian Television channel LTV7. The use of Russian for official state information was claimed to be in violation of the Law on State Language as well as the law On the Central Election Committee, since state institutions should provide general

information for the public only in the state language. Although the CEC head Arnis Cimdars explained that the Russian-language clips had been provided as the result of voter demand, since some Russian speaking voters get their information exclusively from Russian-language media, the CEC withdrew the video clips a couple of days later, well in advance of the March 12 municipal elections.

Judicial System and National Human Rights Protection

Constitutional Court

In 2004, the Constitutional Court continued to strengthen its role as a guarantor of the compliance of legislation to the Constitution and human rights norms. The Court received 339 complaints on compatibility of different legal provisions with the Constitution of Latvia. Of those, 246 were referred to court collegiums. The Constitutional Court reviewed 26 cases and issued a ruling in 12 cases. 2004 saw the first cases initiated by the Constitutional Court on the submissions of courts of general jurisdiction and administrative courts. Cases were initiated on the submission of individuals (11), courts (9), Members of Parliament (3), legal persons (2), and National Human Rights Office (1).

The constitutional anti-discrimination norm (Article 91 of the Constitution) was referred to in four cases reviewed by the Constitutional Court, which analysed whether the relevant legal norms were not in violation of the equality principle or prohibition of discrimination, thus interpreting the application of anti-discrimination norms.

Administrative Courts

The newly established administrative courts began their work with the coming into force of the new Administrative Procedure Law on 1 February 2004, thus introducing special procedure for judicial review of administrative actions. Administrative courts reviewed cases where an individual had appealed written administrative acts or challenged action or inaction by state or local administration institutions. The law introduces a procedure whereby an applicant does not have to indicate legal grounds, but the court is required to determine all the legal circumstances of the case. Another novelty is the possibility for an individual to orally authorise his/her representative in court. The Administrative District Court received 2,658 submissions and ruled in 1,030 cases, nearly twice as many administrative cases as ordinary district courts had reviewed in 2003, before the administrative courts were functional. The Administrative Regional Court received 1,111 submissions and ruled in 406 cases. The largest number of submissions and reviewed cases

related to the decisions and conduct of the State Revenue Service (729) and local governments (649), and many cases were also referred to state police (249) and municipal police (100).

Due to the large number of submissions, lack of funding and shortage of qualified judges, the Administrative District Court was staffed by only 12 judges out of the 20 envisaged posts, which partly accounted for significant case overload and long review periods. There were also vacancies in the Administrative Regional Court. Although all inhabitants of Latvia can turn to administrative courts, the location of all tier courts in the capital Riga may have limited access to the courts by individuals and institutions in the regions, who also lack information about administrative procedure. In one reported case, a municipality refused to provide information to the Administrative District Court explaining that they had their own district court of general jurisdiction.

On 7 October, the draft law “On the Calculation and Compensation of Damages Inflicted by State Administrative Institutions” that would determine the amount and procedure of payment of compensations to individuals by state administrative institutions was adopted in the first reading in the Parliament.

National Human Rights Office

The number of complaints of human rights violations received by the National Human Rights Office (NHRO) continued to grow and in 2004, it received 5,092 complaints (1,376 written and 3,716 oral). The majority of complaints concerned housing rights, social issues, and humane treatment and respect for dignity of a person. On June 16, the draft Law on Ombudsperson envisaging the broadening of the mandate and the field of work of the NHRO, and strengthening its independence was submitted by the State President to the Parliament, but had not been adopted by the year’s end. Additionally, according to the draft amendments to the Law on National Human Rights Office submitted to the State Secretaries Meeting on December 2, the NHRO will be the designated specialised institution responsible for the promotion of equal treatment in Latvia, as required by the EU Council Directive 2000/43/EC (Race Directive).

Draft Law on State Guaranteed Legal Aid

A potentially significant development concerning access to legal aid took place on November 25, when the parliament adopted a draft law “On State Guaranteed Legal Aid” in the first reading. The draft law aims at developing uniform procedure and broadening

access to justice by individuals in civil, administrative and criminal cases by providing free legal aid to persons without adequate resources. The draft law also envisages free legal aid to refugees and persons under temporary protection by the Republic of Latvia, and broadens the scope of state-funded legal aid in courts and out-of-court disputes and defines more broadly legal providers (advocate as defined in the Law on Advocacy, sworn notary, sworn bailiff and higher legal educational establishments meeting the criteria set by the law), as well as envisages the establishment of Legal Aid Administration.

Ill-treatment and Police Misconduct

According to the Internal Security Office of the National Police, a total of 3,022 complaints were received about police misconduct and internal investigation was started in 1,740 cases. Of those, 193 investigations were related to police violence against individuals, in 12 cases the fact of violence was confirmed and 13 police officers received disciplinary punishment. Of 88 investigations in Riga, in 1 case the fact of violence was confirmed and 1 police officer received disciplinary punishment. No statistics were gathered on the number of investigations involving deaths in police custody. No detailed statistics were available as to the number and outcome of criminal cases brought against police officers on violence against individuals.

On February 12-15, the Latvian Centre for Human Rights and Ethnic Studies (LCHRES) and the Centre for Public Policy Providus organised an anonymous hotline aimed at encouraging the public to report police brutality. Of almost 300 calls received alleging police misconduct, nearly half were on police violence, including during interrogations in police stations.

On October 11, the Criminal Court Collegium of the Riga Regional Court acquitted defendant V.C. charged with murder in aggravating circumstances deeming evidence acquired during pre-trial investigation unlawfully obtained. The defendant alleged that he had confessed the crime after he had been beaten by police officers at State Police offices at Brivibas 61 and Gaujas iela 17. The injuries V.C. had sustained were confirmed by experts. V.C. had also been kept on the premises of the Riga District Police Department for 29 hours instead of being transferred to a police short-term detention facility as required by law. The court ruled that in respect of V.C. not only violation of procedural guarantees, governing the detention procedure of persons had taken place, but also violation of Article 95 of the Constitution (prohibition of torture or other cruel or degrading treatment) and Article 3 (prohibition of torture) of the European Human Rights Convention. The prosecutor appealed the decision and the appeal hearing has been scheduled for April 2005. In parallel, the Internal Investigation Bureau of the State Police opened a disciplinary investigation on the conduct of police officers from the

Bureau on Combating Organised Crime and Corruption and Criminal Police of the Riga District Police Department. The case files were transmitted to the Pre-Trial Investigation Department of the State Police, which decided to open a criminal case against police officers from the Bureau on Combating Organised Crime and Corruption. However, following the conclusion of the Internal Investigation Bureau that there was insufficient evidence that would prove that police officers had inflicted bodily injuries upon V.C., a decision was taken to close the case.

Several cases alleging police brutality and psychological pressure resulting in the death of the victim were highlighted by the media. On June 2, Riga City Latgale District Court sentenced three former officers of the Riga Municipal Police E. Kalniņš, Ē. Auzbiķis un A. Arnicāns to three-year conditional imprisonment with a two year probation period. In June 2003, the police officers had arrested I.M., following a brawl with other salespersons at a flower stall, had put her in the police van and had allegedly pushed her out of the van. I.M. died in the hospital as a result of sustained injuries. The police officers were charged with intentionally inflicting serious bodily injuries, which as a result of their negligence, had resulted in the death of the victim (Section 125.3), for exceeding their authority, which ultimately led to serious consequences (Section 317.2), and inaction of a public official (Section 319.1). The police officers were acquitted of the first two charges due to lack of evidence, but convicted for inaction of a public official.

On March 6 the police detained a 70-year old man K.S. on suspicion of having made a phone call threatening that a bomb had been planted at the Riga Sports Palace where the Congress of Russian School Defenders was taking place. He was interrogated several times by the police, and ten days after his initial encounter with the police he committed suicide. His relatives alleged that the police conduct and threats to imprison him had driven him to suicide. Two criminal cases were initiated: one against K.S. on hoax call, and one against police officer on inducing K.S. to commit suicide. The investigation did not establish K.S. guilt beyond doubt, and after his death the police decided to close the case concerning the phone call. Criminal case on inducing K.S. to commit suicide was also closed as it was established that the police officer had had no intention of inducing him to commit suicide. On March 30, the Internal Investigation Bureau of the State Police began an internal investigation and concluded that the police officer had failed to examine all evidence presented by witnesses, and she received a disciplinary punishment (a warning), which she appealed.

Appeal hearing was twice postponed at the Riga Regional Court in the case of four police officers charged with intentionally causing serious bodily injuries to a Romani man resulting in his death, but found innocent by Riga Latgale District Court on June 5, 2003 on the grounds of lack of evidence.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a third – *ad hoc* – visit to Latvia from 5 to 12 May 2004 to review the measures taken by the Latvian authorities to implement the recommendations made by the CPT after its 2002 visit. CPT paid particular attention to the treatment of persons detained by the police, conditions of detention in police establishments and prisons, and the regime and security measures applied to life-sentenced prisoners. By the year's end the government had not authorised the publication of the report of the second CPT visit in 2002.

On 12 February the Law on the Execution of Detention in Police Cells and Remand Prisons was reviewed by the Parliament in the first reading, but was not adopted. Thus, detention in police short-term detention cells continued to be governed by an internal regulation of the State Police, which remains classified as restricted information and is not publicly available.

Informing police detainees on their rights from the outset of custody remained a problem. Pre-trial detainees continued to be frequently transferred from remand prisons back to police stations for the purposes of investigation and, on occasion, remained in police stations for up to two months.

Conditions in many of the police detention cells, notably, Ventspils, Aizkraukle, Krāslava, Daugavpils, Liepāja State Police Departments remained dilapidated and inhuman.

Conditions in Prisons

2004 saw a decrease in the overall number of prisoners and the share of adult pre-trial detainees, especially among women. The decrease in the number of pre-trial detainees could be attributed to the increase in the number of judges at the Riga Regional Court in 2003, introduction of statutory limits on the length of detention at various stages of criminal procedure, and the increasing awareness among the judges of international standards governing pre-trial detention.

At the same time, the incarceration rate remained high – 326 prisoners per 100,000 inhabitants. Of all the offenders sentenced in 2004, one-fourth received a prison sentence, and the average length of imprisonment increased to 4,5 years. The share of juveniles on remand remained alarmingly high – 58,5% of juveniles in prison were on remand.

On December 31, 2004, the number of prisoners in Latvia's 15 prisons was 7,796. Of those, 2,726 prisoners or 35 percent were in pre-trial detention, a decrease by 5%

compared to 2003. 5,070 were sentenced prisoners. The number of incarcerated women stood at 416 prisoners. Of those 135 or 32,4% were remand prisoners and 281 sentenced prisoners. There were 229 juvenile prisoners, aged 14-18, and of those 134 were pre-trial detainees, while 95 were convicted. Throughout 2004 pre-trial detention as a security measure was imposed by courts in 3,518 cases.

On December 2, in the case *Mihails Farbtuhs vs Latvia*, the European Court of Human Rights ruled that there had been a violation of prohibition of torture, inhuman or degrading treatment or punishment (Article 3) acknowledging that the conditions under which Mr Farbtuhs served his term in Matisa Prison had not been appropriate considering his age, state of health, and specific needs and, therefore, they had been degrading. The Court awarded the applicant 5,000 euros for non-pecuniary damage and 1,000 euros for costs and expenses. Mr Farbtuhs had been found guilty of crimes against humanity and genocide and was sentenced to five years imprisonment, but was released earlier from prison due to ill health.

The only prison for convicted juvenile boys at Cēsis remained seriously overcrowded. In December, 175 juveniles were being held in the prison with an official capacity of 125 places. Conditions in the pre-trial section of the prison remained appalling and could only be described as inhuman and degrading.

Despite the statutory limits on holding juveniles in pre-trial detention (a total of 12 months), several juveniles were being held in pre-trial section for a period exceeding one year, as there is no statutory limit on appeal stage.

In October, the Minister of Justice Vineta Muižniece announced the Ministry's plans to build a new prison with 3,000 places, and in the end of December, the Ministry published a Framework Document on the Development of the Prison System, which offers to expand the existing prison estate by building one prison with a capacity of 3,000 places or three prisons with 500-700 places each, at a total cost of 38 million LVL, citing dilapidated prison infrastructure and overcrowding as key reasons for the expansion of the prison estate. It remained unclear whether any of the existing prisons would be closed down.

On December 9, amendments to the Sentence Enforcement Code came into force. The amendments stipulate that correspondence of sentenced prisoners with the UN bodies, Saeima Human Rights and Public Affairs Committee, prosecutors' offices, courts, sworn advocate, National Human Rights Office, and, in the case of a foreign prisoner, the relevant diplomatic or consular mission, may not be subject to censorship, and, with the exception of sworn advocate, the postal expenses are to be borne by the prison authorities. However,

it remains to be seen whether the concept of “court” is interpreted broadly by the prison authorities and also encompasses the Constitutional Court and the European Court of Human Rights.

The amendments also liberalise contacts with the outside world for convicted juveniles who are now yearly entitled to up to 12 long-term visits by relatives for 36-48 hours, an entitlement previously granted only to convicted adults. However, in December, no facilities for long-term visits had yet been set up in the Cēsis Correctional Facility for Boys. The amendments also regulate the stay of up to the age of four of a child with incarcerated mother if requested by the mother and approved by the child custody court.

Conditions in the Central Prison hospital continued to be regularly criticised by international and domestic organisations. In November the government allocated 630,000 LVL for the continuation of the protracted construction work of the Olaine Prison Hospital, began in 1999. In 2004, the total number of prisoners with active TB declined, while the number of HIV patients and AIDS patients increased compared to 2003. The total number of prisoners with active TB reached 278, while the total number of HIV infected prisoners and AIDS patients increased to 700 and 55 respectively. While authorities claim there is no official segregation policy of HIV prisoners in the Latvian prison system, it appears that the majority of HIV positive prisoners were being channelled to one prison – the Pārlielupe Prison.

According to the Prison Administration, in 2004 there were 9 prison suicides, including a suicide by a juvenile in Matīsa Prison. Inter-prisoner violence continued to evoke concern. On December 23, a 21-year old prison inmate R.R. from Valmiera Prison died from injuries inflicted by fellow prisoners. The inmate was initially transferred to the Valmiera City Hospital, where upon medical examination the surgeon on-duty concluded that his state of health permitted his transportation to the Central Prison hospital. However, his state of health deteriorated and he died in the prison hospital. A fellow prisoner has been charged with inflicting bodily injuries, and internal investigation was started by the Prison Department.

In early April, a convicted prisoner in the Valmiera Prison with a diagnosis hepatitis C in acute form and TB pneumonia destructive phase in the left lung, who had recently undergone nine-month treatment in the Central Prison Hospital, received six disciplinary punishments, and was four times consecutively (15 days each time) placed into a disciplinary punishment cell, in total 60 days without any break. He alleged he had not been allowed to take a one-hour daily outdoor exercise during the entire period of disciplinary punishment. According to Latvian legislation, throughout the entire prison

system adult prisoners placed into disciplinary punishment cells are prohibited from a daily out-door exercise, but this prohibition explicitly does not apply to TB patients.

In 2004, of the 15 prisons, 9 prisons offered some education, but only 8 percent of prisoners were engaged in general educational programmes, and less than 5 percent participated in accredited vocational training programmes. The overwhelming majority involved in educational activities were juveniles. While educational opportunities are now being provided for most juveniles in pre-trial detention, in several prisons (e.g.. Matisa Prison) the time for daily purposeful out-of-cell activities remains limited and does not exceed 2 hours.

Migrants and Asylum Seekers

In 2004, only seven persons requested asylum in Latvia and none was granted a refugee status. Since 1998, when Latvia began reviewing asylum applications, only 8 persons have received a refugee status and the last person was granted such status in 2001. One of the persons lost the status of a refugee in 2004, as he became a Latvian citizen through naturalisation. Of the nine persons who had been granted alternative status in previous years, five lost it in 2004 as they returned to their countries of origin.

The Administrative Regional Court challenged in the Constitutional Court the provision of the Immigration Law Section 61 (6), which stipulates that the decision by the Minister of Interior to include an individual in the list of persons banned from entry into Latvia cannot be subject to an appeal. On December 6, the Constitutional Court ruled that the right to subject activities of the executive in respect of an individual to judicial control had been denied and that the provision disproportionately limited the right of a person to a fair trial and that the challenged norm was not in compliance with Article 92 (right to a fair trial) of the Constitution. It was declared null and void from 1 May 2005.

On 21 October, the European Court of Human Rights accepted for review on substance the complaint by Natella Kaftailova. The plaintiff claimed that her right to privacy and family life was being violated (Article 8), as her status had not been legalised despite the fact that she has permanently resided in Latvia already for 20 years. The complaint raises issues of concern to a significant number of people: whether a person with no formal right to the non-citizen status, but who arrived in Latvia during the Soviet period may legalise his/her status of a stateless person; whether such a person may be placed in a camp of illegal immigrants if he/she has violated the departure order; whether the right to privacy and family life is being violated if after having resided in the country for a long period of time, the person is being expelled to a state from which he/she initially emigrated, but with which the person has lost all contact.

Throughout 2004, the Olaine Camp for Illegal Immigrants accommodated a total of 146 persons (down from 174 in 2003 and 214 in 2002). On any given day, it provided accommodation to around 10-20 persons. Most of them were persons who had illegally crossed Latvia's border or had otherwise violated the procedure of entry or stay of foreigners in the country. This category continued to include persons had in the past entered Latvia legally and have long established links with the country, including a fixed residence and a family, but for various reasons had failed to settle the necessary documents. As a result, they cannot declare their place of residence, register a marriage or have legal employment. Some were persons who had requested asylum, but whose identity had not been confirmed yet, or whose asylum request had been rejected and who were awaiting expulsion. Officials from the State Border Guard and Board of Citizenship and Migration Affairs have on occasion publicly stated that the detention of such persons is justified due to threat they pose to public safety, as they have neither registered place of residence nor legal source of income.

In 2004, LCHRES came across several cases when persons who had not settled the necessary documents for residence permits as required by law had landed in the Olaine camp after the death of a spouse (a Latvian citizen or a non-citizen), despite the fact that a permanent link had been established with Latvia. In one such case a woman was placed in the camp together with her child who was born in Latvia and had been attending a school in Latvia.

In cases when it has been impossible to establish a detainee's link with any country, the detainee is released. However, s/he is not assigned any legal status, and the Board of Citizenship and Migration Affairs issues a departure document, a form with personal data and a photograph, that neither grants the right to legally reside in the country, nor serves as a travel document.

The Immigration Law stipulates that immigration detainees have the right to submit a complaint to a prosecutor, receive legal aid, to get acquainted with their case file concerning their detention on own or with the assistance of a representative, communicate in a language they understand, and, if necessary, with the assistance of an interpreter. In practise, the majority have limited opportunities to exercise their rights as they lack means to afford a lawyer, and there is no ex-officio legal aid. In several cases, detainees were allegedly denied the right to get acquainted with their case files, as the State Border authorities claimed they contained classified information. The detainees claimed that possibilities for correspondence depended on whether the camp authorities could cover postal expenses and that there were no opportunities to purchase stamps, envelopes, and phone cards.

The holding of detainees in the Olaine camp continued to be governed by an internal regulation – an order issued by the State Border Guard and the restrictions approximated placed on the detainees approximate those for prison detainees.

Mental Health Care Institutions

2004 saw some progress concerning the draft Law on Psychiatric Assistance, which now provides for court as a final decision maker on compulsory admission and treatment, and also envisages that in each case on compulsory admission the court will be required to ask the Council of Sworn Advocates to appoint a patient's legal representative. The law was reviewed by the Cabinet of Ministers Meeting of State Secretaries, but had not reached the Cabinet of Ministers stage.

In October, TV 3 drew attention to possible human rights violations in the specialised social care home for mentally disabled "Iecava". Several clients and former employees asked to the Ministry of Welfare to evaluate the professionalism of the institution's director Jevgenijs Razumnijs. Based on an earlier complaint, the Welfare Ministry's Social Assistance Foundation had investigated and found that the money of incapacitated clients had been disposed by a special commission of the social care home and not by the guardian, as stipulated by law. In addition, the director of the institution had employed the clients during the period envisaged for rest. During another inspection, the Ministry found that the clients of "Iecava" had not been adequately informed about their rights and duties. In an additional complaint by the Social Assistance Foundation alleging violence by a staff member against a client, on 1 November Bauska District Police filed criminal charges against a staff member who has been suspended from duty pending investigation results.

In 2004, investigation continued in the Ministry of Welfare specialised social care home "Veģi" for children with mental disabilities, where several staff members had been accused of cruelty and violence against children and a court claim on the dismissal of staff members had been lodged by the "Veģi" director in 2003. In the case of three staff members the court claim was not upheld by the employer, while in the case of four staff members, on June 16 the Talsi District Court turned down the claim by the employer on account of insufficient evidence on the conduct of staff that would be contrary to the interests of children. The decision was not appealed.

In 2004, there was no significant development concerning community-based services for people with mental illness and people with intellectual disabilities. On 21 July the Welfare Ministry's National Programme on Improvement of Infrastructure and Equipment of Social

Care and Rehabilitation Institutions was adopted, which envisages the development of half-way houses within six existing social care homes for mentally disabled¹. However, the programme appears to focus more on the improvement of conditions in six social care institutions, as half-way houses will be built within existing buildings. Moreover, the programme fails to provide for a joint policy on the development of community based services, as it concerns only clients of some social care homes under the supervision of the Welfare Ministry and not the long-term clients of mental hospitals managed by the Health Ministry, nor hundreds of mentally disabled on a waiting list for a place in a social care home. The programme does not envisage a mechanism on re-training of staff to facilitate transition to community based facilities, nor does it specify how the transition will be carried out. Thus, concerns arise as to the realisation of community plans.

The issue of depriving persons of legal capacity in social care homes for mentally disabled and trusteeship became an issue of concern in 2004. Although there were allegedly incapacitated clients in the social care homes, until 2003 the proportion of persons who had been recognised as lacking legal capacity was small and the institutions did not initiate the deprivation of legal capacity. In 2003 the Ministry of Welfare called upon the heads of the institutions to consider deprivation of legal capacity in cases where it was deemed necessary. As there are problems in finding trustees, the Ministry suggested that social care home staff – social workers and social carers – become trustees. The appointment of a social carer as a trustee of a person in carer’s charge constitutes a conflict of interest. During monitoring visits to social care homes LCHRES came across cases when staff of the homes had been appointed as trustees by child custody and parish courts. In the Litene social care home LCHRES found that 93 clients had been deprived of legal capacity while trustees had been appointed to 38 clients, and two social workers had become trustees of 20 clients. 55 clients who have no trustees cannot receive 15% of the pension or the monthly benefit payments as stipulated by law.

Citizenship

2004 became a record year both in terms of applications for naturalisation and persons actually naturalised. The 21,297 applications received were almost double that of the preceding year and well above the approximately 15,000 applications in the previously unbeaten peak year of 1999, following the liberalisation of legislation in 1998. The marked increase in applications started in September 2003 (EU accession referendum) and has continued unbroken, clearly pointing to the accession to the EU as the reason for the

¹ Social care homes “Jelgava”, “Ilģi”, “Allaži”, “Ropaži”, “Rūja” and “Kalupe”.

increase. Moreover, application rates of over 2,000 per month were registered for the first time in March 2004, and have, after a brief interval of lower numbers, continued at that monthly rate since September.

By 31 December 2004, 85,352 persons had become citizens of Latvia through naturalisation since the beginning of the naturalisation process in 1995. Still, there were 452,033 non-citizens by 1 January 2005, i.e. almost 20% of the population. More than half the non-citizens (some 225,000) live in the capital, Riga. Although almost all non-citizens are minority representatives, more than half of the Russians living in Latvia are citizens (340,000), while some 300,000 are non-citizens. The Belarussians have twice as many non-citizens than citizens, while for the Ukrainians the ratio is even higher: 43,000 non-citizens and 13,000 citizens of Latvia.

Apart from the increased naturalisation applications due to EU accession, there were also some positive official initiatives regarding citizenship. In February, the Cabinet of Ministers passed amendments to the regulations No 32 and No. 34 from 1999 on the naturalisation application requirements and procedures, thereby eliminating some outdated or cumbersome requirements. Thus, the applicant is no longer required to provide an official notice on place of residence, may submit the naturalisation application in any of the Naturalisation Departments regional offices (earlier it had to be submitted only at the one of the official place of residence). The new version of the regulations also stipulate that the requested information on ethnicity in the application is no longer mandatory but can be filled in at the discretion of the applicant.

In April, the Special Assignment Minister for Social Integration Affairs, the Special Assignment Minister for Child and Family Affairs and the Naturalisation Board implemented an information campaign addressing 15,000 direct mail letters to parents of non-citizen children born after 21 August 1991, who have the right to be registered as citizens without going through the naturalisation process. As a result, the applications for children to be registered as citizens increased significantly: the Naturalization Board received over 2,000 applications and granted citizenship to almost 1,800 children of non-citizen parents in 2004. The number of applications received in 2004 was higher than all the previous years since 1999, when registration became possible. Still, the total amount of registration applications until 31 December 2004 were 3,440, while the number of eligible non-citizen children still remained high at more than 15,000. In addition, as the law does not foresee automatic citizenship for children of non-citizen parents, children with the non-citizen status continue to be born.

Despite these positive developments in the application trends and government initiatives, there were also examples of exclusionary measures by the both the executive and legislative branches of government. In March, the parliament adopted amendments, which included the stripping of the non-citizen status of persons who have a registered domicile in a CIS country after 1 July 1992 or who have received a permanent residence permit in another country. Following a request by opposition parliamentarians, the State President used her prerogative to return the law for a second review to parliament. On 20 May, the Saeima adopted amendments to the law "On the Status of those former USSR citizens, who do not have citizenship of Latvia or any other country" specifying that the loss of non-citizen status applies to persons who receive permanent residency in a country other than CIS only after 1 June 2004, thus avoiding the issue of applying the measure retroactively. However, the provision de facto makes such persons stateless and encumbers their right of return to Latvia, which is guaranteed by the Constitution to all holders of Latvian passports, including non-citizen (or "alien") passports. In June, a case was submitted by opposition parliamentarians to the Constitutional Court challenging the constitutionality of the amendments. The Court had not yet ruled on the case by the end of 2004.

At the end of the year there was also an unprecedented vetoing of the granting of citizenship to a naturalisation applicant by the executive branch of government. On November 16, the Cabinet of Ministers unanimously decided to strike Jurijs Petropavlovskis from the list prepared by the Naturalisation Board of persons who should be granted citizenship on the basis of having fulfilled all naturalisation requirements. Such lists of persons included in a legal act proposal by the Naturalisation Board to the Cabinet of Ministers are the normal procedure of naturalization and until this case have been passed with no objections. The motivation given for the decision not to grant Jurijs Petropavlovskis citizenship was his alleged disloyalty to Latvia, due to his activities and expressed views regarding the minority education reform. On 8 December, he submitted a claim to the District Administrative Court, challenging the Cabinet of Minister decision as incompatible with the law, which only provides for not granting the citizenship if the prerequisites and requirements are not fulfilled and does not explicitly foresee executive discretion in the granting of citizenship.

A very different citizenship issue arose during the year with the proposal by the People's Party to restrict the holding of various higher official positions by persons with double citizenship. Dual citizenship is not permitted by law, with the exception of those who regained their Latvian citizenship while already holding the citizenship of another country before the Citizenship Law came into force in 1995. Differences of opinion amongst the governing coalition parties did not prevent the law project to be passed in a first reading in September.

Non-citizen rights

There were a few, mixed signals regarding the rights of non-citizens as well. The main differences concern the right to hold certain professional positions and the political rights (see Elections and Political Rights) granted only to citizens. Some of these issues have become particularly salient with the accession to the EU, with the requirement to provide certain rights to EU citizens serving as the basis for law amendments. Amendments to the Law on Detective Work were adopted in April, which determine that licenses for operating detective firms can be issued to Latvian citizens and to a citizen of the EU or the EEA, but not to a non-citizen of Latvia. However, a certificate to engage in individual detective activity can be issued to both citizens and non-citizens.

In May, amendments were passed to the Law on Advocacy that determine that lawyers (advocates) are sworn lawyers, assistants to sworn lawyers and EU citizens who have fulfilled the requirements for practicing as a lawyer in a EU member state. The law still requires that a sworn lawyer or a sworn lawyer's assistant be a citizen of Latvia and thus Latvian non-citizens continue to be barred from these professions.

Racism, Xenophobia and Intolerance

In a modest but positive beginning in the fight against racism, the Secretariat of the Special Assignments Minister for Social Integration (IUMSIL in Latvian acronym) finalised the National Programme for Tolerance, heeding the call made in 2001 at the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The elaboration was initialised at the end of 2003 by the establishment of an official working group of representatives of ministries, experts and non-governmental organisations under the auspices of IUMSIL. In August, the five-year programme was adopted by the Cabinet of Ministers. It includes an informative part and an action plan with a provisional budget for five years of LVL 187,400. Although the programme is mostly declarative in character, it does set a precedent in officially acknowledging, albeit carefully, the existence of prejudice, intolerance and discrimination in the country. Many grounds for possible discrimination are mentioned, but ethnic and religious minorities are singled out as especially relevant groups to include in the plan to promote tolerance. Special mention is made of the Roma as a particularly vulnerable group. The plan includes various activities like public awareness-raising events, seminars, brochures, travelling exhibitions, work with media and stresses the need to involve civil society and NGOs. In August, when additional budget allocations were made, some 30,000 LVL were actually allocated for implementation of the programme in 2005.

Extremist and radical groupings

The extremist groupings that had made headlines in previous years in Latvia continued to be active in the public sphere, and a few new groupings surfaced in 2004. Nevertheless the number of adherents to these groups remained low, generally ranging from dozens to a couple of hundreds. At the same time, a new tendency was emerging with some formerly marginal extremist groups making efforts to join in mainstream politics. However, arguably the most worrisome new signs of radicalism and intolerance were appearing in mainstream politics, including in the Parliament.

The Nationalist Bolsheviks, whose organisation Pobeda had been banned through a court ruling in 2003, were still making headlines. The last three of former Pobeda members who had been arrested in November 2002, charged with attempt to violently overthrow the state order, were released for lack of evidence: Olga Morozova first in April, then in June also Artur Petrov and Raimond Krumgold.

Their former Pobeda leader Vladimir Linderman was still avoiding prosecution by remaining in Russia. At the same time, Moscow's responses to Linderman continued to be contradictory. While President Putin had rejected his application for citizenship and the Ministry of Interior in August refused him the status of political asylum, the Russian Prosecutor General in January again refused the Latvian Prosecutor's General request to extradite him to Latvia. The refusal was motivated, like the previous one in October the preceding year, by alleged persecution based on political belief in Latvia. Linderman is active in the Russian National Bolshevik organisation and is a member of its Central Committee. In April, he was briefly detained (again) by the Moscow militia, for violation of the regulations for the residence of foreigners. After the August refusal to grant him asylum, it was expected that he would lose his permit and would be returned to Latvia, but as of the end of 2004, he remained in Russia.

Meanwhile, National Bolshevik activities continued in Latvia, many led by the new leader Aijo Beness. These included demonstrations – against the education reform and other issues – and also the repeated painting over of the street signs of Djohar Dudajev street, named for the Chechen leader, and graffiti connected to it.

In January, a fire was set outside the Ministry of Education, damaging the entrance door. The National Bolsheviks claimed responsibility by sending an e-mail explaining that they had taken action to protest the minority education reform. A criminal case was initiated and at the end of January two persons from Daugavpils were detained on charges of intentional

destruction of property (Criminal Law Article 185), including Alina Lebedeva, who had gained notoriety during the visit to Latvia of Prince Charles by striking him in the face with a carnation.

In October, a public event with the slogan “We have returned” was held in Riga by the National Bolsheviks, while attempts to officially register a new organisation, the “NBP,” was made. The Enterprise Registrar, at the end of October decided not to register the organisation, based on the State Security Police assessment that the working methods of the association may lead to heightened social tensions and that the goals and activities of the association could constitute a threat to the security of society and the democracy of the state.

In October, anti-Semitic graffiti were discovered on a fence at Djohar Dudajev Street in Riga. After initial investigation and the three-day detention for questioning of National Bolshevik Raimond Krumgold, the case was closed due to lack of evidence.

In December, the Security Police initiated a criminal case against the National Bolsheviks on charges of incitement to violent overthrow of state power (Criminal Law Article 81), after the daily Diena in October had received a letter, which was evaluated by the Security Police as containing such calls.

The Latvian National Democratic Party (LNDP) with its leader Evgeny Osipov, who had in previous years been sporting uniform-like dress with open display of swastikas and other Nazi symbolism and had prided themselves with practicing for physical battle, were most clearly working towards establishing themselves in a more mainstream niche. In their central location, the city of Liepāja, they participated and organised many small-scale demonstrations, concerned either with opposition to the minority education reform or to rising municipal costs for utilities and living. In their effort to at least image-wise clear themselves of their neo-Nazi identity they even announced that they would challenge in court, by alleging defamation, the minister for social integration Nils Muižnieks for having labelled the party anti-Semitic. At the same time, its website’s name remained unchanged: [www. Aryan.lv](http://www.Aryan.lv).

Osipov was increasingly militant on the minority education reform and had joined the Headquarters for the Defence of Russian Schools. On 1 May, approximately 500 persons participated in an unsanctioned protest march against the education reform. After the march, two LNDP representatives were detained and the Liepāja court sentenced them to 7 and 8 days of administrative arrest for petty hooliganism and resistance to legitimate police demands. A couple of days later, Osipov himself was arrested and detained for two

months. He was released in July, but remained under police supervision and was barred from leaving Liepāja, as well as from attending demonstrations. The charges against him were changed over time from the more serious assault on state representative (police officer) on duty (Criminal Law Article 269) to the lesser charge of resistance to a police officer (Criminal Law Article 270).

In November, the LNDP held its congress in Liepāja, where the party programme was presented to the approximately 30 party members present, and LNDP leader Osipov announced the party's intention to participate in the upcoming municipal elections and also declared their intention to collaborate for that purpose with the left-oriented party For Human Rights in a United Latvia – quite an unexpected political coalition to the casual observer.

Latvian national radicals were also engaged in public activities over the year. Youth organisation Klubs 415 organised occasional nationalist demonstrations. More active was Visu Latvijai, which claims to have approximately 200 members throughout Latvia. The organisation actively participated in demonstrations, and its leader Raivis Dzintars frequently appeared in the press and wrote articles, including those published in the national daily Latvijas Avīze. The contacts with parliamentary parties Fatherland and Freedom/Latvian National Independence Movement and New Era, whose representatives Kārlis Šadurskis and Ina Druviete publicly praised the organisation, were another sign of closer ties between radical organisations and some mainstream politicians.

Most strikingly, however, radical activist Aivars Garda's Latvian National Front (LNF) representatives made strides in getting access to and support from parliamentarians. The LNF newspaper DDD ("Deoccupation, Decolonisation, Debolshevisation") deputy editor Liene Apine was hired as a technical secretary to the Saeima Foreign Affairs Committee. The Chairperson of the Committee, Aleksandrs Kiršteins (People's Party), had been giving regular interviews to the LNF newspaper and was himself increasingly vocal about promoting "deoccupation" and the departure of a large part of the non-citizens of the country.

DDD continued to publish radical nationalist, anti-Semitic and homophobic articles. In addition, well-known public persons and politicians from New Era, Union of Farmers and Greens, Latvia's First Party and People's Party continued to collaborate by giving extensive interviews to the paper, in which the radical tone set by the interviewer creates an impression of intolerance regardless of whether the interviewee claims to agree or disagree with the expressed theses of decolonisation, perversity of homosexuality, etc. In addition,

the threat of inter-ethnic violence was insinuated and even openly stressed much more frequently in the paper, while complaining about the lack of courage on the part of ethnic Latvians to defend themselves and their rightful positions, including by physical readiness.

In October the IUMSIL parliamentary secretary and Latvia's First Party member Aleksandrs Brandavs submitted a request to the Prosecutor General to investigate on charges of ethnic hatred incitement a publication in DDD in which members of parliament were asked to answer the question "When will such Jewish race hatred inciters as Zhdanoka, Cilevics and Pliners be deported from Latvia?" In November, the Prosecutor General's office requested the Security Police to determine whether there were grounds for initiation of a criminal case.

In November the LNF published a calendar for 2005, which on its first page displayed the text "We give Latvia to no one" and "The year of the elimination of the consequences of Latvia's occupation" against the backdrop of a picture taken in the Saeima of eight parliamentary deputies posing with four LNF activists, including Liene Apine. The parliamentarians are members of five supposedly mainstream parties: Fatherland and Freedom/Latvian National Independence Movement, New Era, Union of Farmer and Greens, People's Party and Latvia's First Party.

In October, the national radical National Power Unity, consisting of some 30 members and led by Aigars Prūsis printed envelopes with the image of Herberts Cukurs, a famous Latvian pilot and a war criminal, who during World War II served in the local Nazi Latvian commando as the assistant to infamous security auxiliary police commander Viktors Arājs and as such actively participated in the mass murders of Jewish civilians. The envelopes provoked protests and public condemnation by the Foreign Minister Artis Pabriks.

There were also some new extremist groupings appearing on the scene in 2004, albeit small both numerically and in their public effect. Thus, in August, an association called "Pribaltijskij kazachij krug" was registered, which is connected to a well-established grouping in Moscow, the "Obshcherossiiskii bol'shoi krug soyuza kazakov" (All - Russian great circle of the union of Cossacks), which issues a newspaper called *Znanie vlast!* (Knowledge is Power). In the fall of 2004, a group of approximately 10 persons in Riga established AKM-Riga, a local version of the Avangard Krasnoy Molodyozhi (AKM; the Red Youth Avanguard), which has existed in Russia for some years. The group has links to the National Bolsheviks but is inclined to even more radical methods, as illustrated by their symbol: the letters AKM on a background of a star, a sickle and hammer posted over the acronym, while the K letter stretches out into the end part of a kalashnikov. Their publication is called Kontrolniy vystrel! ("Test shot") and slogans include "Nasha Rodina – SSSR" ("Our

Homeland – USSR”) and “Socialism or death!.” A third grouping that seemed to emerge was the anarchists, at times cooperating with the NBP and AKM.

Racism and Intolerance in the Internet

At the end of November, the State Security Police started a criminal investigation of alleged incitement of ethnic hatred by the Internet portal www.latvians.lv, which is connected to the radical nationalist organisations, after receiving a complaint from FHRUL MP Jakovs Pliners.

The Security Police are also investigating alleged incitement to ethnic hatred by a Russian-language internet website. This offers free download of songs in MP3 format, which allegedly call for physical violence against ethnic Latvians. The investigation was scheduled to be completed by the end of January 2005.

Discrimination

There were no known court decisions on discrimination in 2004. At least two applications alleging discrimination were submitted, however, and court hearings were scheduled for 2005.

In one case under review by the Riga Regional Court, a disabled young man R. in a wheelchair was denied entry into a nightclub, while his friends were allowed to enter the club. The administration of the nightclub provided several reasons for refusing entry, including a claim that it was holding a private party. In another case in November, an educator with a Master’s degree in theology M. S. submitted a claim to the Riga City Ziemeļi District Court against a Riga school alleging discrimination on the grounds of sexual orientation after the school decided not to hire him for a position of teacher of history of religion, which had been advertised in the press. M.S. contended that the applicant who was hired did not possess better professional qualifications and that his homosexuality was the main reason why his application was turned down.

In 2004, the number of complaints about discrimination to the National Human Rights Office (NHRO) increased to 85 complaints (15 written and 70 oral complaints), compared to 58 (10 written and 48 oral) complaints in 2003. The majority of complaints referred to discrimination on the grounds of gender (25), age (13) and disability of state of health (12) and race or ethnicity (10).

Despite the requirement to complete the transposition of the EU Article 13 directives by the EU accession on 1 May, adequate anti-discrimination legislation was not adopted in 2004. Amendments to the Labour Law in line with the Council Directive 2000/43/EC (Race Directive) and Council Directive 2000/78/EC (Employment Directive) were adopted on April 22 and came into force on May 8. The law now defines direct and indirect discrimination, includes harassment as a form of discrimination, and prohibits instruction to discriminate. While the law prohibits discrimination on the grounds of “gender, race, skin colour, age, disability, religious, political or other beliefs, national or social origin, property or family status, and other grounds,” the law fails to explicitly name sexual orientation as a prohibited ground for discrimination. The amendments provide for the right to effective remedy, as well as payment of moral compensation in cases of illegitimate differential treatment. Employers are required to provide reasonable accommodation for disabled persons. However, no amendments were made to other laws regulating labour relations (e.g. the Law on Public Service).

A working group formed under the IUMSIL in autumn 2003 to identify and elaborate the necessary legislative amendments to transpose the Race Directive into the Latvian legislation, initially developed a package of draft amendments to eight different laws, including the Criminal Law and the Code of Administrative Offences. Following the objections of the Ministry of Justice, a comprehensive anti-discrimination law was drafted at very short notice (within two weeks), taking into account also other binding international obligations on anti-discrimination, thereby extending the grounds and scope of discrimination mentioned in the law.

On April 7, the Saeima passed the draft law in the first reading in an accelerated procedure (two instead of the usual three readings necessary for the adoption of the law). Subsequently the legislation was again narrowed down to cover only the EU Race and Employment Directives, but excluding sexual orientation as a ground for discrimination. In autumn the idea of a comprehensive anti-discrimination law was abandoned. On December 2, the IUMSIL submitted a new package of draft amendments to several laws to the State Secretaries’ Meeting. Amendments to the Law on the National Human Rights Office stipulate that in line with the EU Race Directive, the NHRO will be the designated institution for the implementation of the principle of equal treatment in Latvia.

National and Ethnic Minorities

Undoubtedly, the main minority-related issue of the year was the minority education reform and the implementation of the secondary school reform in September 2004. Although it

was unclear how much the problems of the finalised reform concerned minority rights as such and how much the political process, its adoption and upcoming implementation triggered a hitherto unseen series of protest events and political tensions.

In January, amendments to the Law on Education concerning the provisions on language use in minority education were passed in the second reading in parliament. Although the Cabinet of Ministers had adopted regulations and repeatedly made public promises that the possibility for minority secondary schools to use a language ratio of 40% minority language and 60% state language would be guaranteed by law, the second reading instead reverted to a general formulation that minority language could be used in the teaching of the language itself or subjects relating to minority identity and culture.

After controversy erupted and the President made statements that she would return the law to parliament if passed with this wording in a third reading, on 5 February, after long and harsh debates, the law amendment including the above-mentioned ratios was passed. The transition to this proportion of language was foreseen for all grades 10, starting on 1 September 2004.

However, the unexpected second reading vote in parliament by all governing coalition parties stirred up distrust in the good intentions of the government with regard to the minority language in schools and reconfirmed that the education issue would remain the foremost topic regarding minorities for the rest of the year. In June, twenty opposition parliamentarians submitted a claim to the Constitutional Court, challenging the secondary school minority education reform on grounds of being discriminatory, anti-democratic and in contradiction to several binding international norms. The case was accepted by the Court, but had not yet been reviewed by the end of the year.

Protest actions were organised regularly, frequently involving opposition parliamentarians and politicians, the unofficial association Headquarters for the Defence of Russian-Language Schools as well as school children and others. Many demonstrations were authorised by the local authorities, but there were also regular frictions between organizers and the authorities, when the necessary permits were not issued, but the public protests took place anyway. As a result, the organisers were at times brought to court, charged with violating the procedures and regulations for public meetings.

In February, FHRUL and anti-reform activists organised a protest action in Riga involving some 5,000 persons, including several hundreds of school students. The march ended at the President's castle, where the youth threw snowballs at the windows and engaged in

other petty disorders. One of the largest protest demonstrations to date in Latvia took place on 1 May. While the accession to the EU was celebrated in Riga and elsewhere in the country, by the Victory Monument across the river Daugava in Riga tens of thousands protested the minority education reform. Although protest organisers put the number of participants at 60,000, the official police estimate was some 20,000. On the same day in Liepāja, some 500 protestors, organised by the extremist party LNDP, participated in a march against the education reform, for which the municipal authorities had not issued a permit. Throughout the year, smaller-scale public protests were organised in several other towns as well. On 23 August, a hunger strike aimed at a moratorium of the education reform was started by six persons and lasted for three weeks. After 1 September occasional protests continued, but the momentum slowed down.

In September, there was for the first time an attempt to establish an umbrella organisation purporting to unite Russians in Latvia, as the United Congress of the Russian Community in Latvia (OKROL in its Russian acronym) was founded and later officially registered. While claiming to be non-political and stressing humanitarian aspects, it still proclaimed as its aim to pursue the interests of Russian-speakers on various issues including economic, political and linguistic. Public calls for Russian as an official language and automatic citizenship for all non-citizens were made at the founding congress, which was addressed by video by Russian Duma member Dmitry Rogozin, who had been denied a visa to enter the country for the event. Organisation representatives also declared the intention to develop autonomy of the congress/community. Although much attention was paid to the organisation initially, which reportedly unites 14 different public organisations and elected a board and a council, reports of infighting and tensions marred its beginnings. In December registration of members started, while leaders announced that they expected a membership of 50,000.

Other minority rights issues also mainly concerned questions of language law and regulations. Although the discussions surrounding an eventual ratification of the Council of Europe Framework Convention for the Protection of National Minorities, signed by Latvia in 1995, had been going on the entire year and the sub-committee for Societal Integration had been formed in parliament in February 2004 to deal with this issue, at the end of the year there was still very little progress, except the formal formation of a working group under the Minister for Foreign Affairs, dealing primarily with the definition of minority. However, in contrast to the previous Minister for Social Integration who had always called for the ratification of the Framework Convention, the new minister Ainars Latkovskis, upon assuming his post in December, publicly stressed that the ratification is not a matter of the government but instead he suggested that discussions should be started in the parliamentary Committee for Foreign Affairs. He predicted that it would be a long-term process.

Amendments to the Law on Radio and Television adopted on 5 November included, among other changes, potentially restrictive provisions on the use of languages other than Latvian in electronic media. This was a follow-up to the 2003 ruling by the Constitutional Court, whereby a language quota of maximum 25% of broadcasting time in a language other than the state language was declared unconstitutional and null and void. The norms adopted in November include the stipulation that the Cabinet of Ministers is entitled to determine specific provisions concerning the usage of language in the private electronic media if the usage of state language in the geographic area of the broadcaster is restricted or endangered. However, no criteria upon which to determine the potential threat to the state language were adopted. The State President returned the law for additional review, arguing that the authority given to the Cabinet of Ministers was too broad. The amendments finally adopted on 16 December slightly narrowed down the same concept to read: "If the Cabinet of Ministers establishes that if in some part of the state territory there are threats to the use of the state language or its use or distribution is essentially insufficient, then the Cabinet of Ministers shall decide on the set of measures to promote the use of the state language in the respective territory." This formulation still provides a lot of discretion for government action in restricting the use of other languages in private media and depending on how it will be interpreted it may lead to violations of minority language rights.

2004 also saw several legal challenges to the official "Latvianisation" of minority last names. In July, Leonid Raihman made a claim to the District Administrative Court, asking to repeal the decision of 10 February by the State Language Centre, which turned down his request to transliterate his name as "Leonid Raihman," without adding the ending "s" as Latvian grammar rules require for masculine names. He argues that the spelling Leonids Raihmans infringes upon his rights, as it does not correspond to his ethnic identity and charged that the imposed spelling violates Article 91 (non-discrimination) and Article 114 (right to preserve cultural and ethnic identity) of the Constitution of Latvia, as well as international human rights norms. He also referred to problems of a practical nature encountered abroad, due to the fact that various official documents including his name had various spellings, and it was not always easy to explain that Leonid Raihman and Leonids Raihmans is one and the same person. The Administrative Court refused the claim, arguing that the State Language Centre had made its decision based on the legal norms in force. In December, Leonid Raihman appealed the decision to the Regional Administrative Court.

A similar attempt to challenge the refusal by the Department of Citizenship and Migration Affairs to allow his name to be entered on identity documents without the Latvian ending was made by Ruslan Pankratov. On 13 December, the Administrative District Court found the claim ungrounded.

In addition, on 7 December the European Court of Human Rights decided the claim of Lidija Kuharec alias Kuhareca to be inadmissible. The claim had been made based on Convention Article 8 (private life) (in combination with the Latvian Constitution article guaranteeing the right to preservation of ethnic identity) as well as Article 13 (effective remedy). The Court argued that the addition of such an ending does not constitute a change of the name, that “linguistic liberty” is not per se part of the Convention, that states differ widely on the usage of language, but that the legitimacy of a constitutionally determined state language is unquestionable and that the margin of appreciation of the state, taking into account specific circumstances, is especially large on this issue. The Court also ruled that there was no procedural violation of the Convention.

Freedom of Speech

On 27 May, in the case *Vides Aizsardzibas Klubs v. Latvia*, the European Court of Human Rights held that there had been a violation of freedom of expression (Article 10) of the European Convention on Human Rights. The environmental organisation had challenged the decision of national courts, whereby the organisation was found guilty of defamation (injury to honour and dignity) of a public official (mayor of the municipality) by alleging that the permission for construction in the dune zones, where construction was prohibited, was illegal and ordered to officially retract the contentious statements and pay damages. The Court held that there had not been reasonable proportionality between the restrictions imposed on the applicant organisation’s freedom of expression and the legitimate aim pursued, and awarded the applicant 3,000 euros for non-pecuniary damage and 1,000 euros for costs and expenses.

On January 22, the parliament adopted amendments to the Criminal Law, deleting the special provision for the defamation and violation of honour of a state official (Article 271), which envisaged harsher punishment, including imprisonment, than in the corresponding protection for other persons. The move was in response to the decision by the Constitutional Court in 2003, which ruled that the definition of an official was too broad in the Criminal Law and that the norm in its current form violated freedom of speech and would lose force by February 1 if the legislature had not until then defined more precisely which officials were in need of Criminal Law protection to exercise their authority. As a result of amendments officials are now covered by the anti-defamation clauses covering all individuals (Criminal Law Article 156, 157, 158 and Civil Law Article 2352.a).

Freedom of Association and Assembly

As 2004 was a year of unprecedented numbers of public protest actions in Latvia, there were also legislative, judicial and policy developments that concern freedom of peaceful assembly, and also freedom of association.

Several law amendments and law proposals saw the light in 2004. In response to the anti-minority education reform public activities involving both parliamentarians, school children and other minority representatives, the Saeima in February adopted following fast-track procedures of only two readings amendments to the Law On Marches, Meetings and Manifestations, which regulates demonstrations and public protest actions. The amendments abolished the provision that had exempted parliamentary, local government deputies and deputy candidates running for elections from the requirement to seek authorisation by the municipal authorities to hold public meetings with voters. The new amendments also included the norm that if children participate in such a public event, it is the responsibility of the organiser to see to it that the rights of the child according to the Law on the protection of the rights of the child are guaranteed. However, the preceding attempt to amend the Law on the protection of the rights of the child with a paragraph stating that if children are involved in public events such as meetings, marches or demonstrations, the time and the place of that event has to be coordinated with the municipality and the police, which had been proposed in February by several deputies and accepted for review by committees, was not passed.

In addition, a new law proposal was submitted to parliament by the Cabinet of Ministers in February on the Security of Events of Public Entertainment and Celebration, with the argument that the Law On Marches, Meetings and Manifestations only covers a small number of public events and that others had not hitherto required any permissions by the authorities. The proposed law requires such permissions to be issued by the municipal authorities and requires the authorities to review a request within 10 working days. It was adopted in a first reading at the end of March, and was scheduled for further readings in 2005.

In May, deputies of the Fatherland and Freedom/Latvian National Independence Movement submitted a proposal for amendments to the Criminal Law, arguing that the amendments would fill a gap in existing law that does not make it possible to punish persons making calls for violating administrative law or criminal law. The amendments propose punishment including imprisonment for calls to actions, which are administratively punishable or criminally punishable, with a harsher sentence of several years if the call is made to a person who has not reached the age of majority. The amendments were accepted for review by parliamentary committees on 19 May.

In another attempt to “fill gaps in legislation,” in December, the Saeima accepted in a third reading amendments to the Criminal Law, which foresee adding to Section 226 (Violation of the order of organisation and process of public events) punishment for such violations if they have led to “substantial damage.” The previous version of the section foresaw punishment of imprisonment for up to six years or a fine up to one hundred fifty minimal wages for the violation of order if the result is “serious consequences.” This part was amended to include the possibility for community service as punishment. The amendments also add a new part on punishment for violations if they lead to substantial damage to the state power or the institutional order, or to the rights and interests of persons protected by the law, with punishment of imprisonment up to three years or arrest, or community service or a fine up to eighty minimal wages.

In practice, although many meetings and demonstrations were issued permissions, particularly in Riga, there were also cases of refusals, sometimes on questionable grounds. Thus, for example, permission for several protest actions were not issued in April with the argument that there was no conviction on the part of the City Council representative that the organizers could guarantee order during the events. Also, the official refusal of the Riga City Council Executive Director Māris Tralmaks, responsible for the issuing of permissions, to permit anti-education reform meetings on 9, 10 and 11 June on account of the requests being submitted too late was formalistic and not sufficient on substance. Shortly after the beginning of the school year in September, permission was not issued for an event organised by Association for Support of Russian Language Schools in Latvia (LASHOR) and involving protesting school youths on account of there being large roads nearby the site planned and the traffic could allegedly threaten the safety of the youths.

In the beginning of the year, there was an incident aimed at reform protestors that involved telephone calls allegedly made by police officers to directors of Riga Russian-language schools, requesting the directors to provide lists of students who were absent from school on 22 and 23 January, days when protests events were organised. After initial denials, the fax received by the director of Secondary School No. 22 having been published in the Russian-language daily Chas and after the official questions posed by the National Human Rights Office to the head of the State Police Jānis Začirinskis, the police leadership did admit the incident and five police officers from Riga 21st Police Department received disciplinary punishment for unprofessional actions and lack of supervision.

A lively public discussion was triggered when Riga City Executive Director Māris Tralmaks refused the permission to radical youth organisation Klubs 415 to organise a march and a demonstration on 16 March, observed by the national radicals as legionnaire's

commemoration day. While the national radicals stress their view that legionnaires, who during World War II were a locally drafted SS Waffen unit, were fighters for Latvian independence, many others condemn the glorification of individuals who were an integral part of the Nazi German military forces. The Riga permit was not issued, upon the recommendation of the Security Police who warned of possible provocations and the risk of clashes between opposing camps, but a similar demonstration in Liepāja was permitted. The decision not to issue a permit in Riga was successfully challenged in Riga regional court.

As the number of protest actions grew in 2004, so did the number of recorded administrative violations. In May, the head of the State Police Public Order Maintenance Department Aivars Grigulis stated that most violations concerned the trampling of greenery areas, the non-observance of traffic regulations, the littering and the non-observance of the required 50-metre distance to state institutions, as well as the consumption of alcoholic beverages in public areas. In several cases, administrative violations by protest organisers and participants led to court-determined punishments, usually fines. At the end of the year, the newly established administrative courts also issued a few decisions at times ruling that administrative decision had been faulty. In December 2004, the administrative district court found not proportional the decision by Jelgava court judge in the case of A. B., who had been sentenced to administrative detention for seven days for “malevolent” insubordination to the legitimate demand of a police officer. A. B. had refused to come with the police officer to the police department for the issuance of an administrative violation protocol in connection with a protest event for which he had not received the proper municipal permission, although he had informed the authorities of the event on time.

At the end of the year, other cases of administrative punishments in connection to public protest actions were reviewed by administrative courts as well, which sometimes found levied fines to be appropriate and proportional, sometimes not. Thus the Headquarters for the Defence of Russian-Language Schools activist and Riga City Council deputy Aleksandrs Gilmans’s fine for disturbing public transport by organising a “meeting with voters” was reduced by the administrative district court from 100 to 50 LVL, but the fines levied by the Riga Centre Regional Court on Genadijs Kotovs and Vladimirs Buzajevs were left unchanged. The Headquarters activist Jurijs Petropavlovskis administrative punishment for organising a protest action closer than 50 metres to the Cabinet of Minister building was ruled invalid.

Freedom of Association

An issue concerning political rights and the freedom of association was emerging with the Cabinet of Minister submission to parliament of a proposal for a Law on Political Parties in

November. Presently political parties are regulated by provisions in the second part of the 1992 law on social organisations and their associations. The present law requires a minimum of 200 founding members who are citizens to register a party. Although Latvian non-citizens may also participate as founders, their number must be no more than half of the founding members. The new law proposal rectifies the problem concerning EU citizen membership in political parties by allowing both citizens, non-citizens and EU member state citizens to be members of a party, but the requirement that at least half of the membership and a minimum of 200 members at all times consist of citizens is a more stringent demand than heretofore. Although the number of required founding members at 200 remains the same in the new proposed law, the provision that all founding members be Latvian citizens is more restrictive than the present law. The barring on non-citizens as well as EU citizens from participating in founding a party restricts previously existing political rights of non-citizens and arguably narrows the possibility for EU citizens from other countries to exercise of their political rights.

On the other hand, some progress was also made regarding freedom of association issues. In late autumn a group of police officers began collecting signatures for a petition demanding that police officers be allowed to form trade unions. On November 30 the National Human Rights Office turned to the Constitutional Court with a submission challenging the compliance of the Section 23 (5) of the Law on Police that explicitly prohibits the formation of police trade unions with Articles 102 (freedom of association) and 108 (the right to form trade unions) of the Constitution. The issue was subsequently taken up by the parliament and on December 2 amendments to the law lifting the ban on the formation of trade unions by police officers while prohibiting the right to strike were passed in the second reading. State border guards are still prohibited from forming trade unions.

Freedom of Religion

In Latvia the state is officially separate from the church, there is no official state religion, and while there is no legal definition of traditional and non-traditional or new religions, they are distinguished by government authorities in practice.

The number of traditional religions varies in different laws. As of 1 September 2004 the state funds the instruction of Christian studies in public schools, which may be taught by teachers of five religious confessions (Lutheran, Roman Catholic, Russian Orthodox, Baptist, Old Believer). Children, whose families do not opt for Christian studies, may study ethics. Eight confessions (Lutheran, Roman Catholic, Russian Orthodox, Baptist, Old Believer, Methodist, Judaist, Seventh-day Adventist) can register marriages, while chaplain's

service can be performed by the representatives of nine religious confessions (Lutheran, Roman Catholic, Russian Orthodox, Baptist, Old Believer, Methodist, Judaist, Seventh-day Adventist, Pentecostal).

While over 30 confessions and religious associations (churches) have been registered by the Department of Religious Affairs, congregations that do not belong to registered religious associations and begin their activities in Latvia for the first time are required to re-register each year for the first ten years, in order for the Department of Religious Affairs “to examine their loyalty towards Latvia and the compliance of their activities with relevant laws.” The law determines that there need to be ten registered congregations in order to register a religious association (church) (Article 7 (2)), and only registered religious associations may establish teaching institutions for religious staff, cloisters or missions (Article 7¹ (1)). In addition, congregations of one confession may only register one religious association. These regulations hamper the official establishment of religions that are not considered traditional in Latvia.

A concordat with the Holy See in Vatican regarding the status of the Latvian Roman Catholic Church was ratified in 2002, causing criticism about the privileged status for the Catholic Church in Latvia. In 2004, the state signed agreements with seven traditional confessions: the Latvian Evangelical Lutheran Church, the Latvian Orthodox Church, the Latvian Baptist Church, the Latvian Old Believers’ Pomor Church, the Jewish Community of Riga, the Seventh-day Adventist Church, and the Latvian Methodist Church and seven identical draft laws legalising agreements between the state and the churches were submitted to the parliament in June, but not adopted during the year. Draft laws have received serious criticism, including for non-compliance with the hierarchy of legal norms, as they contain a provision stipulating that if the agreements contain other provisions than those in the legislative acts of Latvia, the provisions of agreements shall apply.

In August, during a municipality sponsored public discussion on the planned construction of a Mormon temple in Liepāja leaders and priests of nineteen Lutheran, Catholic, Russian Orthodox, Methodist, Baptist and other confessions published an open letter in a local newspaper voicing their negative attitude towards the project arguing that Mormon doctrine does not support traditional Christian values and is potentially harmful for children and youth. The church is planned to be built on the grounds in close proximity to four of Liepāja schools. The authors of the letter also invited readers to demonstrations of a video film about Mormons religious practices and habits, which the Mormons perceived as defamatory.

In December 2004, yet another attempt was made to propose the recognition of Orthodox Christmas as a national holiday alongside with Christmas, Good Friday and Easter Monday, based on the argument that there are 360,000 Russian Orthodox in Latvia. The Saeima, as in previous years, did not support it.

In line with the recommendations of the UN Human Rights Committee made in 2003, the Law on Alternative Service was amended on 23 September to reduce the length of alternative service, previously 24 months, to equal that of general compulsory military service – 12 months.

Gender Equality and Women's Rights

On 8 September, the government approved the National Programme for the Implementation of Gender Equality in Latvia 2005-2006. The programme lists several priority areas: raising public awareness about gender equality, policy implementation, reconciliation of labour and family life, promotion of understanding on gender equality issues in state administration institutions and creation of implementation mechanism of sustainable policy for gender equality and prevention of domestic violence. In November, the Ministry of Welfare organised a public awareness campaign on gender equality issues "Why not?" The aim of the advertising campaign was to discuss female and male roles in society and challenge existing stereotypes.

In October, the UN Committee on Elimination of Discrimination against Women published concluding observations and recommendations about Latvia's report on the implementation of CEDAW. (See section on International Organisations).

On March 2, the government approved the National Programme for the Prevention of Human Trafficking 2004-2008. However, no funding was earmarked for activities in 2004. On 7 April, the Saeima adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organised Crime, which came into force on 29 April. On November 25 amendments were adopted by the parliament to Article 154.1 of the Criminal Law by deleting "foreign country", thus making human trafficking a crime also within the territory of Latvia. Sanctions have also been increased for "sending a person with his/her consent abroad for the purposes of sexual exploitation", and according to foreseen amendments the crime will be punishable by imprisonment for up to six years.

In 2004, 30 criminal cases were initiated and 41 persons were charged with crimes related to human trafficking. 4 persons were sentenced under Article 165.1 on "sending a person

with his/her consent abroad for the purposes of sexual exploitation”, one person received a prison sentence, while three were sentenced to probation. There were no convictions under Article 154.1 on human trafficking.

An NGO, a resource centre “Marta” in co-operation with the International Office of Migration Latvian Bureau started a rehabilitation programme for trafficked women by providing social, psychological counselling, legal, medical and material service to 13 victims of trafficking.

Patients’ Rights

In 2004, the number of complaints on violations of patients’ rights to the Health Ministry’s Medical Care and Work Ability Expertise Quality Control Inspection (MADEKKI) nearly doubled compared to 2003, reaching 956. Of the 892 complaints reviewed 55 percent were recognised as well-founded and 224 doctors were fined. The majority of complaints referred to primary care, followed by medical care in prisons and psychiatric treatment related issues.

Even more numerous were the complaints received by the Latvian Patients’ Rights Office, a patients’ rights advocacy NGO, which received 1,372 written and oral complaints, predominantly on the quality of treatment in hospitals and outpatient clinics, refusal by family doctors to refer patients to specialist doctors and ungrounded refusal to prescribe state compensated medication.

In the case of patient K. highlighted in the 2003 report, who lodged a claim with the Riga Regional Court against the medical company ARS demanding compensation for injuries caused to her health a settlement was reached on 26 October 2004, but both parties agreed not to disclose to public the information on the amount of compensation.

A new patient’s rights problem related to home births emerged in 2004. Early in the year specialists began discussing the government sponsored proposals to the Law on Sexual and Reproductive Health that would legitimise the right to choose home births under the supervision of a qualified midwife or a gynaecologist-delivery specialist. While the amendments to the law were approved by the government on May 11, they were not adopted by the parliament. In November, Administrative District Court received complaints about the refusal of the Riga Vidzeme and Kurzeme District Registry Offices to register two children who were born at home. The officials claimed they were acting in line with the Law on Sexual and Reproductive Health and the ground for refusal was that the birth of a

child in home settings was certified by a midwife while the Law on the Civil Registration Records provides that the record concerning the birth of a child can be issued only by a medical institution or a doctor and not by a midwife. (According to the Law on Medical Treatment Section 45.3 a midwife is a medical practitioner.) In November, the Mayor of Riga ordered the registry offices to register both children. On 23 December, Administrative District Court ruled the action of the Vidzeme and Kurzeme Registry Offices by refusing to register home births unlawful and awarded L. family 1,000 LVL and H. family 500 LVL for moral compensation.

In 2004, a blood donor M.Dz. sued P.Stradiņa Clinical University Hospital, Ministry of Interior Out-Patients' Clinic and Maritime Medical Centre in the Riga Ziemeļi District Court for failing to duly inform him about the diagnosed hepatitis C, demanding 30,000 Lats in compensation. He alleged he had contracted the infection during an operation performed at the Maritime Medical Centre in 1991. During the same year he had donated blood in the Stradiņš Clinical University Hospital, where he was diagnosed hepatitis C, but was not informed about it by the doctors. He was also working in the State Firefighter Service and underwent regular medical check-up in the Ministry of Interior Outpatients' Clinic, which stated he was healthy. As a result, his treatment was delayed. On 12 October, the court rejected his claim, which he appealed to the Riga Regional Court. A public debate erupted as to whether medical institutions and epidemiologists have to inform individuals about an infection diagnosed through tests, if they have not shown due interest.

International Human Rights Institutions

In 2004, there were three decisions against Latvia at the European Court of Human Rights – *Vides Aizsardzības Klubs vs Latvia*, *Tatjana Ždanoka vs Latvia*, and *Mihails Farbtuhs vs Latvia*. Thus, since 2002 there have been seven decisions (including one friendly settlement case) against Latvia by the European Court of Human Rights. The government received information and requests for comments in 38 cases, and 5 cases against Latvia were accepted for review on substance. Four of the cases accepted for review relate to pre-trial detention (Articles 5 (the right to liberty and security of a person) and Article 6 (the right to a fair trial), while one to the right to private life and family (Article 8).

On February 23-28 the UN Working Group on Arbitrary Detention visited Latvia, in May the European for the Prevention of Torture paid a third – *ad hoc* – visit to Latvia, while in July, Latvia reported to the UN Committee on Elimination of Discrimination against Women.

Recommendations of International Human Rights Organisations

United Nations Working Group on Arbitrary Detention

The United Nations Working Group on Arbitrary Detention visited Latvia from 23 to 28 February 2004 at the invitation of the Latvian Government, and it was the first such visit by one of the thematic mechanisms of the UN Commission on Human Rights. The working group visited five prisons in Rīga, Cēsis and Daugavpils, several police stations in Rīga and Rēzekne, Rīga Psychiatric Centre, asylum seeker reception centre “Mucenieki” and Olaine Detention Centre for Illegal Immigrants.

In its report the Group recommends Latvia to ensure access by the detainees to a lawyer and the right to notify family members from the outset of custody, to repeal the legal provision requiring the accused, if found guilty, to pay the fees of the assigned lawyer, make the waiver of the right to lawyer before the police subject to judicial verification to ensure that it really is voluntary. The Group calls upon the government to guarantee equal powers for the prosecution and the defence at the preliminary investigation phase, and that the accused and the defence have access to the entire case file as soon as the charges are brought. The Group invites the government to review legislation making pre-trial detention a measure of last resort, to reduce the time spent in pre-trial detention, avoid holding detainees or sending them back to police stations after being committed to prisons, avoid enforcement of custodial sentences for administrative offences in police cells and provide for alternatives to custody.

The Group also recommends Latvia that complaints about the conduct of police officers be entrusted to an external, independent and impartial body. It calls upon Latvia to establish a juvenile justice system, apply pre-trial detention to juveniles as a measure of last resort, adjust custody regime to the age of the minors, and extend judicial authority to exercise discretion in the case of minors. As regards administrative detention of non-Latvian nationals, the Group recommends to avoid detaining persons with strong links with Latvia, but who according to law are non-nationals, to ensure that immigration detainees have effective legal means to challenge the legality of administrative decisions to detain, deport or return them, extend the time limits under the accelerated asylum procedure to guarantee that persons whose asylum applications have been rejected to lodge an effective appeal, reduce the maximum time asylum seekers can spend in detention.

By the year's end the report was available only in English.

UN Committee on Elimination of Discrimination against Women

In July 2004, Latvia reported to the respective UN Committee on its compliance with the UN Convention on Elimination of Discrimination against Women. Latvia was reporting to the Committee for the first time despite having ratified the Convention in 1991, and submitted a combined initial, second and third report.

The Committee recommends Latvia to include the definition of “discrimination against women” in line with article 1 of the Convention and the principle of equality of men and women in the Constitution and other relevant domestic legislation.

The Committee expresses concern about the weakness of the national machinery for gender equality and recommends strengthening it, to clearly define the mandates and the responsibilities of different mechanisms related to gender issues, and allocate sufficient funding for adequate performance of the functions. It recommends Latvia to adopt a comprehensive gender equality law. The Committee recommends Latvia to strengthen efforts to eliminate gender stereotyping and discriminatory attitudes through specific programmes aimed at public and the media. The Committee recommends Latvia to use temporary special measures to increase the number of women at decision-making levels in governmental bodies and conduct awareness-raising campaigns thereof.

The Committee urges Latvia to strengthen its system of gender disaggregated data collection and information on violence against women, adopt legislation on domestic violence and criminalise marital rape, provide access to legal aid by women victims of violence and immediate means of protection, such as protection or restraining orders, to establish shelters for victims of violence and undertake measures to sensitise and improve response of public officials (especially law enforcement, judiciary, health and social workers) to all forms of violence. It recommends Latvia to fully implement and fund the national strategy to combat trafficking in women and girls as well as address causes of trafficking. It calls upon Latvia to take all measures to suppress exploitation of prostitution of women, including discouraging the demand for prostitution, and create educational and employment opportunities for young girls at risk of prostitution.

Latvia is called upon to undertake efforts to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market, design and implement special training programmes for different groups of unemployed women. Committee expresses its concern about complete lack of information in the government report about the situation of minority women and of older women and calls upon Latvia to

provide a comprehensive picture of the situation of minority women in the next report, including gender disaggregated data. The Committee urges Latvia to sign and ratify or accede to the Optional Protocol (allowing for individual complaints) to the Convention.

Council of Europe Commissioner for Human Rights

Council of Europe Commissioner for Human Rights Alvaro Gil-Robles visited Latvia on 5-8 October 2003 and the report was made public on 12 February 2004.

The report addresses issues related to law enforcement, such as police misconduct, including police brutality, existing complaints procedures and police complaints bodies, conditions in remand prisons and short-term detention cells at police stations. The report calls for the closure of the prison hospital for refurbishment and transfer of patients to a different facility appropriate for medical treatment. The report criticises the existing remand periods as too lengthy and notes that remand in custody is sometimes extended without a prisoner appearing before a judge, a matter liable to raise problems under the European Convention on Human Rights. The report notes problems related to the naturalisation of non-citizens and calls upon Latvia to facilitate the naturalisation of the elderly, the disabled and the young people, and in order to encourage non-citizens to naturalise and promote their integration, to increase their participation in the political life of the country, to examine the possibility of granting them the right to vote in local elections. The High Commissioner calls upon Latvia to ratify the Framework Convention for the Protection of National Minorities, simplify the registration of children of non-citizen parents born after 21 August, 1991, to facilitate the use of minority languages, including in written correspondence with the municipal authorities, and to increase the financial resources of Latvian language training programmes. Latvia is called upon to provide state support to secondary schools with minority language instruction to ensure that the reform of the education system maintains high quality of teaching, to strengthen the cooperation between the Ministry of Education, teachers and parents in the process of defining the best model and time-scales in the implementation of the reform, to establish tertiary education programmes for the preparation of teachers of minority languages and syllabi for the teaching of other subjects in minority languages, and ensure the publication of textbooks in minority languages. Latvia is also called upon to rapidly adopt the Law on Psychiatric Assistance, and provide an effective system for the protection of women and children against domestic violence.

Legal Consultations in 2004

In 2004 the LCHRES staff lawyers provided 182 legal consultations free of charge, increase by 22 in comparison to 2003. Considerably more complaints were received concerning the violation of rights by police. A significant amount of complained related to psychiatric institutions, in particular unlawful deprivation of legal capacity. As in previous years, complaints from prisons were also frequent. Consultations on discrimination issues increased.

| Theme | In Latvian | In Russian | In English | Deaf-mute | Total |
|--|-------------------|-------------------|-------------------|------------------|--------------|
| Right not to be discriminated | 8 | 8 | 4 | 1 | 21 |
| Violation of rights by police | 19 | 12 | 1 | | 32 |
| Violation of rights in prisons | 4 | 11 | | | 15 |
| Violation of rights in institutions for illegal migrants | 2 | 7 | 1 | | 10 |
| Violation of rights in armed forces | 1 | | | | 1 |
| Violation of rights in mental health institutions | 9 | 6 | | | 15 |
| Human rights violation by security guards | 1 | | | | 1 |
| Domestic violence | 1 | | | | 1 |
| Right to correct administration | 1 | 3 | 1 | | 5 |
| Right to fair trial | 1 | 5 | | | 6 |
| Right to property | 1 | | | | 1 |
| Employment rights | 9 | 1 | | | 10 |
| Freedom of assembly | 2 | | | | 2 |
| Citizenship | 1 | 1 | | 1 | 3 |
| Right to vote | | 1 | | | 1 |
| Religious freedom | 1 | | | | 1 |
| Rights of the child | 6 | 3 | | | 9 |
| Patients' rights | 2 | | | | 2 |
| Rights to housing | 5 | 3 | | | 8 |
| Social rights | 4 | | | | 4 |
| Information on legislation and judicial process | 13 | 11 | 1 | | 25 |
| Other human rights questions | 5 | 2 | 2 | | 9 |
| Total | 96 | 74 | 10 | 2 | 182 |

LCHRES ACTIVITIES IN 2004

PUBLICATIONS AND REPORTS

Integration Monitor, on www.humanrights.org.lv and www.policy.lv (daily news digest on integration issues in English) and by subscription service.

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Kamenska Anhelita, "Vai Latvijai vajadzīgs cietums – monstros?" [Does Latvia Need a Monster Prison?] (in Latvian) in Diena, 4 October 2004.

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Brands Kehris, Ilze, "Minority Education in Latvia"/"Mazākumtautību izglītība Latvijā" (in English and Latvian), report for EUMC, Vienna, 2004.

LECTURES, SEMINARS AND CONFERENCES IN LATVIA

21 January, Ilze Brands Kehris participated in the roundtable discussion on Molotov-Ribbentrop Pact organised by Baltijas Forums.

22 January, Ieva Leimane-Veldmeijere reported on the Mental Disability Advocacy Program implemented by Soros Foundation-Latvia and LCHRES in the conference in Vecpiebalga about Vidzeme social integration programme organised by the Cēsis Regional Council and Vecpiebalga Mental Hospital.

12–15 February, Anhelita Kamenska and Ilvija Pūce coordinated an anonymous hotline “Report police brutality!” within the framework of the EU project “Monitoring Human Rights and Prevention of Torture in Closed Institutions: prisons, police cells and mental health care institutions in Baltic States.”

13 February, the LCHRES with the support of the Council of Europe organised a seminar for parliamentarians and government officials on the Framework Convention for the Protection of Minority Rights, which was attended by Council of Europe experts, members of the Latvian Parliament and representatives of relevant ministries. Ilze Brands Kehris chaired the seminar.

16 February, Svetlana Djačkova presented the policy paper “Latvian Language Proficiency and Integration of Society.” The presentation was organised by the Centre for Public Policy Providus. The roundtable discussion on Latvian language training opportunities and problems was moderated by Ilze Brands Kehris.

17 February, Ilze Brands Kehris presented results of the research project “Role of Regional Aspects in Dealing with Citizenship Issues” at the conference organised for the purpose by the Naturalisation Board.

18 February, Ilze Brands Kehris participated in a roundtable discussion on minority education at the Saeima.

23 February, Svetlana Djačkova moderated a roundtable discussion on the policy paper “Ethnic Dimension of Public Participation in the Riga City Council Decision Making,” organised by the LCHRES.

10 March, Ilze Brands Kehris organised an informative meeting for Latvian NGOs of the

European Network Against Racism, with the participation of ENAR Director and staff member, the European Youth for Human Rights and AFRO-LAT.

12 March, Ilze Brands Kehris moderated a discussion on integration issues at the Secretariat of the Special Assignments Minister for Social Integration.

19 March, the LCHRES in cooperation with the Mental Disability Advocacy Centre and the Ministry of Health organised a seminar on the draft law on Psychiatric Assistance in Latvia. Ieva Leimane-Veldmeijere chaired the seminar.

22 March, Ilze Brands Kehris participated in the public presentation of the National Action Plan for Tolerance at the Secretariat of the Special Assignments Minister for Social Integration.

26 March, Ilze Brands Kehris made a presentation on the minority education reform to the EU Heads of Mission at the Embassy of the Netherlands in Riga.

7 April, Svetlana Djačkova presented the research project "Ethnic Dimension of Public Participation in the Riga City Council Decision Making" at a seminar organized by LCHRES. Ilze Brands Kehris moderated the panel discussion "Municipalities and Residents as Partners in Creating Informed and Proactive Civil Society."

16 April, Svetlana Djačkova presented the research paper "Ethnic Dimension of the Public Participation in the Riga City Council Decision Making" at the conference organised by the Social and National Integration Centre and Liepāja Secondary School Nr.8 in Liepāja.

20 April, Ilvija Pūce participated in the meeting of the Saeima Human Rights and Public Affairs Committee, reviewing the draft anti-discrimination law.

20 April, the LCHRES organised a seminar "The Rights of Police Detainees." Anhelita Kamenska reported on the mandate of the European Committee for the Prevention of Torture and standards related to police custody. Ilvija Pūce reported on Article 3 of the European Convention on Human Rights (prohibition of torture). Laila Grāvere reported on the UN and Council of Europe Recommendations to Latvia concerning police custody.

22 April, the LCHRES, in cooperation with the European Roma Rights Centre and with the financial support of UK Foreign and Commonwealth Office, organised a seminar for NGOs "Council Directive 2000/43/EC and Latvia: the role of NGOs." Ilvija Pūce made a

presentation "The Role of Litigation and the Role of NGOs in Prevention of Discrimination."

29 April, the LCHRES presented its annual report "Human Rights in Latvia in 2003," as well as the newly launched web-page to representatives of mass media, state institutions and foreign embassies.

5 May, the LCHRES in cooperation with Netherlands Helsinki Committee (MATRA project) organised a conference "Anti-discrimination in Europe and Latvia" with the participation of anti-discrimination experts from the Netherlands and the UK. Ilze Brands Kehris opened the conference and moderated two panels: "Anti-Discrimination in Europe" and "Migration and Discrimination." Marina Krupņikova moderated panel discussions "Employment: Anti-discrimination Requirements and Remedies" and "Employment: Best Practice." Ieva Leimane-Veldmeijere gave a report "Vulnerable Groups: Mentally Disabled and Employment in Latvia" and Ilvija Pūce - "Illegal Migrants in Latvia."

13 May, Ilze Brands Kehris presented a report "Social Integration in Europe" at the conference "The Development of the Policy of Social Integration," organised by the Secretariat of the Special Assignments Minister for Social Integration.

15 May, Ieva Leimane-Veldmeijere participated in discussions on access to education for people with intellectual disabilities at the international seminar "No Dignity without Education Right" in Riga.

20 May, Ieva Leimane-Veldmeijere gave a speech at the opening of the patient crafts and arts shop "Paspārņite" at the Akniste Mental Hospital.

21 May, Ieva Leimane-Veldmeijere reported on the Mental Disability Advocacy Program implemented by the Soros Foundation-Latvia and LCHRES at the conference "The Problem of Suicides in Latvia," organised by State Psychiatry Centre.

25 May, Ilze Brands Kehris presented the LCHRES annual report "Human Rights in Latvia in 2003" to the Saeima Human Rights and Public Affairs Committee.

25 May, Ilze Brands Kehris made a presentation "Human Rights and the Responsibility of Parliamentarians" at a seminar at the Journalists' Association.

4 June, Ilze Brands Kehris made a presentation on stereotypes in the Latvian newspapers

and the media role in perpetuating prejudice at the conference “Media and stereotypes,” organised by the Secretariat of the Special Assignments Minister for Social Integration.

16 June, Svetlana Djačkova gave a report “The Role of Minority NGOs in the Enlarged Europe” at the conference for minority NGOs “The Role and Participation of Minority NGOs in the Process of Ethnic Integration and Civic Participation” in Riga. The conference was organized by the NGO “Civic Initiative XIX” and the Latvian Society Integration Foundation.

22 June, the LCHRES and Open Society institute EUMAP in cooperation with OSI Mental Disability Advocacy Programme organised a round table discussion “Access to Education and Employment for People with Intellectual Disabilities in Latvia.” Ieva Leimane-Veldmeijere chaired the discussion and reported on situation in education and employment.

9 July, Svetlana Djačkova gave a lecture and moderated a seminar on language policy in Latvia for NGOs and minority representatives from Latgale and Vidzeme Regions. The seminar was organised by the Vidzeme College in Valmiera, Latvia.

14 July, Ilze Brands Kehris gave a lecture on human rights and discrimination to students from the Vidzeme College.

18 July, Ilze Brands Kehris gave a lecture on discrimination and Anhelita Kamenska one on closed institutions and persons deprived of liberty at the New Academy student summer school at Mērsrags.

23 July, Ieva Leimane-Veldmeijere participated in the discussion on integration and gender equality, organised by the Secretariat of the Special Assignments Minister for Social Integration.

18 August, Marina Krupņikova presented results of the research project “Diversity in the Latvian textbooks” to the annual conference of the National Programme for Latvian Language Training.

19 August, Ilze Brands Kehris made a presentation “Integration and Anti-discrimination as Factors in Economic Development” to Economists Association 2010 in Sīkrags, Kurzeme.

23 August, the LCHRES organized a seminar for education experts and government officials on “Plurilingualism in the Education Process” with the support of Council of Europe Information Office, the Nordic Council of Ministers Office in Latvia and the Embassy of

France. Ilze Brands Kehris chaired the meeting and made a presentation "Plurilingualism and Interculturalism as Values in an Enlarged Europe."

27 August, Dace Lukumiete participated in the seminar "The Development of Roma Culture in Latvia: Competences and Possibilities in Europe."

27 August, Ieva Leimane-Veldmeijere gave a speech at the 50th anniversary of Aknīste Mental Hospital.

27 August, Ilze Brands Kehris participated in the meeting of the NGOs with the President of Latvia to discuss the role of NGOs in a democratic society.

9 September, Ieva Leimane-Veldmeijere reported on the role and formation of self-help groups in Latvia at a seminar in Strenči Mental Hospital.

9 September, the LCHRES organised a regional seminar for NGOs "Anti-discrimination in Europe and Latvia: Theory and Practice" in Liepāja. Ilze Brands Kehris, Ilvija Pūce and Laila Grāvere made presentations and conducted training.

15 September, Ieva Leimane-Veldmeijere and Eva Ikauniece participated in the opening ceremony of Patients' club and library of the Strenči Mental Hospital.

24 September, Ieva Leimane-Veldmeijere organised the meeting of partners from Estonia, Lithuania and Hungary within the framework of the EU project "Monitoring Human Rights and Prevention of Torture in Closed Institutions: prisons, police cells and mental health care institutions in Baltic States" to discuss the policy paper on human rights in mental health.

4-10 October, Ieva Leimane-Veldmeijere in cooperation with the Psychiatric Nurses Association and Paspārne (Aknīste Mental Hospital) organised the information campaign "The Rights of People with Mental Health problems ARE Human Rights Problems."

7 October, Ilze Brands Kehris participated in an expert discussion on human rights in the internet portal www.dialogi.lv.

8 October, Ilze Brands Kehris, Svetlana Djačkova and Ilvija Pūce participated in the expert seminar on democracy assessment project "IDEA" in Sigulda, organised by Department of Political Sciences of the University of Latvia.

11-12 October, the LCHRES organised training for mental health care specialists on the financing and application procedures for EU projects.

13 October, Svetlana Djačkova reported on minority protection in Latvia at the seminar for young NGO activists and journalists from Russia, Belarus and the Ukraine, organized by the NGO Tolerance. Culture. Friendship. in Jelgava.

26 October, the LCHRES organised within the framework of the EU project "Monitoring Human Rights and Prevention of Torture in Closed Institutions: prisons, police cells and mental health care institutions in Baltic States" a seminar for staff of social care homes and centres (90 participants). Ieva Leimane-Veldmeijere moderated the seminar and reported on the role of social care councils.

26 October, the LCHRES organised a regional seminar for NGOs "Anti-discrimination in Europe and Latvia: Theory and Practice" in Jelgava. Ilze Brands Kehris, Ilvija Pūce and Laila Grāvere made presentations and conducted training.

28 October, the LCHRES organised a seminar on the European Network Against Racism (ENAR) for representatives of Latvian NGOs, with the participation of ENAR Director and President, a member of the board and staff lawyer.

16 November, within the framework of the International Tolerance Day Marina Krupņikova presented results of the research paper "Diversity in Latvian Textbooks." The presentation was followed by a discussion with education and education textbook experts on "Diversity in Education in Latvia," moderated by Ilze Brands Kehris.

25 November, Ieva Leimane-Veldmeijere participated in the conference "The Opportunities of Outpatient Treatment and Care in Psychiatric Practice" organised by the Jelgava Mental Hospital and reported on the activities of the Mental Disability Advocacy Program implemented by the Soros Foundation-Latvia and the LCHRES.

2 December, Ilze Brands Kehris gave a presentation on discrimination on the grounds of age and the EU directives at a seminar organised by the NGO Baltā māja.

9-10 December, Ieva Leimane-Veldmeijere and Eva Ikauniece participated in the training seminar organised by the Ministry of Health and the World Health Organisation "Development of a National Mental Health Policy and Implementation Plan for Latvia." Ieva Leimane-Veldmeijere chaired several workshops.

MONITORING

22 January, Ilvija Pūce conducted a monitoring visit to the Olaine Detention Camp for Illegal Migrants.

23–27 February, Ieva Leimane-Veldmeijere conducted monitoring visits together with international project partners to mental hospitals and social care houses in the Kaliningrad Region of the Russian Federation: the Kaliningrad City Psychiatric Hospital, Kaliningrad Regional Psychiatric Hospital, Chernyakhovsk Psychiatric Hospital, Chernyshevsk Psychiatric Hospital, Sovjetsk Social Care Home and Bolshakovskij Social Care Home.

8 March, Anhelita Kamenska and Ilvija Pūce conducted a monitoring visit to the Liepāja Prison.

22 June, Ilvija Pūce and Laila Grāvere conducted a monitoring visit to the Olaine Detention Camp for Illegal Migrants.

June – October, Ieva Leimane-Veldmeijere, Eva Ikauniece, expert in psychiatry Uldis Veits and Lauris Neikens conducted 12 monitoring visits to social care institutions for mentally ill people: in Aizviķi, Reģi, Rauna, Nītaure, Veģi, Dundaga, Lubāna, Rēzekne, Subate, Ilūkste, Sloka and Ilģi.

8 September, Ilvija Pūce and Laila Grāvere conducted monitoring visits to the Liepāja Prison and the Liepāja City and District Police Board short-term detention facility.

16 September, Ilvija Pūce and Laila Grāvere conducted a monitoring visit to Reception Centre for Asylum Seekers and Refugees Mucenieki in the Riga District.

20 October, Ilvija Pūce and Laila Grāvere conducted a monitoring visit to the Talsi District Police Board short-term detention facility.

25 October, Ilvija Pūce and Laila Grāvere conducted a monitoring visit to the Pārlielupe prison in Jelgava.

7 December, Anhelita Kamenska conducted a monitoring visit to the Cēsis Correctional Facility for Boys.

9 December, Ilvija Pūce and Laila Grāvere conducted monitoring visit to the Bauska

District Police Board short-term detention facility.

15 December, Ilvija Pūce and Laila Grāvere conducted monitoring visit to the Jēkabpils Prison.

INTERNATIONAL PARTICIPATION

28 January – 1 February, Ieva Leimane-Veldmeijere and Eva Ikauniece participated in the seminar organised by OSI EUMAP and MDAP “Access to Education and Employment for People with Intellectual Disabilities” in Budapest (Hungary).

5-6 February, Ilze Brands Kehris participated in the seminar “Invitation to European Seminar on the Introduction of Newly Arrived Immigrants and Refugees” on the integration policy in the EU in Copenhagen (Denmark).

11 -14 February, Marina Krupņikova and Sintija Paura participated in the RAXEN National Focal Points meeting at the European Monitoring Centre against Racism and Xenophobia (EUMC) in Vienna (Austria).

4- 5 March, Ilze Brands Kehris participated in European Monitoring Centre against Racism and Xenophobia (EUMC) Management Board meeting in Vienna (Austria).

24-25 March, Ilze Brands Kehris participated in a conference organized by Kulturwissenschaftliches Institut (KWI) “Europe’s Future: Towards a New Culture?” and presented a paper “Minority identity in Latvia and in Europe” in Essen (Germany).

28-31 March, Ilze Brands Kehris and Ilvija Pūce participated in a study visit on anti-discrimination issues organised by the British Foreign & Commonwealth Office in London (United Kingdom).

1-2 April, Ilze Brands Kehris was the rapporteur of a workshop on Health and Social Services at the Irish EU Presidency conference “Reconciling Mobility and Social Inclusion – the Role of Employment and Social Policy” in Bundoran (Ireland).

20-23 May, Anhelita Kamenska participated in the conference “Linguistic Diversity, Sustainability and Peace” in Barcelona (Spain).

24 May, Marina Krupņikova participated in the RAXEN National Focal Points meeting at the European Monitoring Centre against Racism and Xenophobia (EUMC) in Vienna (Austria).

28-30 May, Ieva Leimane-Veldmeijere participated in the working conference “Mental Health Management in the former Eastern Block Countries” in Sofia (Bulgaria).

9 June, Ilze Brands Kehris participated in the European Roundtable Conference on Racism and Interculturalism in Dublin (Ireland).

17-20 June, Ieva Leimane-Veldmeijere participated in the 8th SMES seminar “Dignity and Health – Rights and Access” and reported on rights of vulnerable groups of society in Prague (Czech Republic).

24-25 June, Svetlana Djačkova participated in the RAXEN National Focal Points meeting at the European Monitoring Centre against Racism and Xenophobia (EUMC) in Vienna (Austria).

28 June, Ieva Leimane -Veldmeijere visited the psychiatric section Foba in the Pre-trial Prison in Amsterdam (the Netherlands).

28-29 June, Ilze Brands Kehris participated in the European Monitoring Centre against Racism and Xenophobia (EUMC) 19th Management Board meeting in Vienna (Austria), where she was elected Vice-Chair of the Executive Board of the EUMC.

30 July, Dace Lukumiete participated in the EUMC expert meeting “Roma in Primary Education” in Vienna (Austria).

11-12 September, Marina Krupņikova participated in the European Network Against Racism (ENAR) conference on “Combating Racism and Xenophobia as a Crime” in Brussels (Belgium).

13-14 September, Ilze Brands Kehris participated in the OSCE conference “Tolerance and Fight Against Racism, Xenophobia and Discrimination” in Brussels (Belgium).

14 September, Ilze Brands Kehris as EUMC Vice-Chair, participated at a EUMC meeting with Director General Jonathan Faulls, EC Directorate General for Freedom, Security and Justice, in Brussels (Belgium).

30 September-1 October, at the EU conference “Europe Together. For Diversity Against Racism” in Riga (Latvia). Ilze Brands Kehris chaired the opening session “European Anti-discrimination Policy – its Contribution and Impact on Awareness Raising on Discrimination Issues in the 25 Member States.” At the bus tour stop connected to the anti-discrimination campaign, Marina Krupņikova moderated the roundtable discussion “Discrimination in Employment”.

1-2 October, Ieva Leimane-Veldmeijere participated in the Annual Convention of the Global Alliance of Mental Illness Advocacy Networks (GAMIAN) in Tallinn (Estonia).

4-5 October, Ilze Brands Kehris participated in the EUMC 31st Executive Board meeting in Vienna (Austria).

6-9 October, Ieva Leimane-Veldmeijere participated in the 7th European Health Forum Gastein “Promoting Social Inclusion in an Enlarged Europe: Putting Mental Health on Agenda” in Bad-Hofgastein (Austria).

19-21 October, Ilze Brands Kehris participated in the meeting of the EUMC Executive Board, Management Board and Working Group on the extension of EUMC mandate to a fundamental rights agency, in Vienna (Austria).

22-23 October, Ieva Leimane-Veldmeijere participated in the conference “Inclusion in Society – Final Conference of the European Initiative on Community Based Residential Alternatives for Disabled People,” organised by Inclusion Europe in Brussels (Belgium).

1 November-1 December, Marina Krupņikova participated in the internship programme for NGOs supported by the Soros Foundation-Latvia and Baltic-American Partnership program “European project” in Open Society Institute office in Brussels (Belgium).

8-9 November, Marina Krupņikova participated in the RAXEN National Focal Points meeting at the European Monitoring Centre against Racism and Xenophobia (EUMC) in Vienna (Austria).

11-14 November, Ilze Brands Kehris participated in the General Assembly of International Helsinki Federation in Moscow (Russia).

12 November, Ilvija Pūce participated in the roundtable discussion “Charter of Fundamental Rights in the Treaty Establishing a Constitution for Europe” in Tallinn (Estonia).

22-23 November, Ilze Brands Kehris chaired the session “Minorities in an Enlarged EU” at the Netherlands Presidency conference “Equality in a Future Europe” in Scheveningen (the Netherlands).

22 November – 3 December, Ilvija Pūce participated in the practical training “Non-Discrimination and Minority Rights with an Emphasis on the European Convention of Human Rights” organised by Interights, the Netherlands Helsinki Committee, the Netherlands Bar Association, the Judicial Training Centre and the Independent Association of the Judiciary in Soesterberg (the Netherlands).

23 November, Ilze Brands Kehris participated in the EUMC Working Group on the extension of the EUMC mandate in Scheveningen (the Netherlands).

25-26 November, Ilze Brands Kehris participated as an expert in the working visit of the Riga City Council Delegation on social integration and education to Amsterdam (the Netherlands).

9-10 December, Ilze Brands Kehris participated in the European Conference on Data to Promote Equality in Helsinki (Finland).

14 December, Ieva Leimane-Veldmeijere and Eva Ikauniece made a study visit to the Haabersti Klubimaja in Tallinn (Estonia), which serves as a clubhouse rehabilitation model for mentally ill people.

16-17 December, Ilze Brands Kehris participated in EUMC European Round Table Conference “The Extension of the EUMC mandate” in Vienna (Austria).

MEDIA COVERAGE

Local Printed Media

The LCHRES researchers have been extensively interviewed by local Latvian and Russian-language mass media on various topics (on bilingual education and educational reform, language policy, minority rights, integration, mental health care, anti-discrimination, police brutality, situation in prisons and other closed institutions, NGO role in human rights advocacy, etc).

The most extensive interviews were: with Ilze Brands Kehris in the daily Vesti Segodnya (in Russian) on 11 October about human rights and political life in Latvia, The Baltic Times (in English) on 10 November about different aspects of integration and human rights, daily Chas (in Russian) on 18 December on integration and language issues. On 15 June Ilze Brands Kehris participated in a discussion at the internet portal www.politika.lv on the tolerance promotion program, on 12 October in discussion on the establishment of an umbrella organization aimed at defending the rights of Russian-speaking minorities, which was published as “OKROL-krievu kopienu biznesa ideju inkubators” [OKROL -the incubator of Russian community business ideas] at the public policy portal www.politika.lv (<http://www.politika.lv/index.php?id=109909lang=lv>), also published in Russian (at <http://www.dialogi.lv/article.php?id=348&t=1&rub=0>). On 20 October, Ilze Brands Kehris participated in a discussion on human rights and politics and the cross-ethnic cooperation possibilities of human rights NGOs at the portal www.dialogi.lv, which was published in Latvian (“Cilvēktiesības un politika” <http://www.dialogi.lv/article.php?id=370&t=0&rub=0>) and Russian (“Prava cheloveka i politika” <http://www.dialogi.lv/article.php?id=370&la=1>). Ieva Leimane-Veldmeijere gave interviews to the newspaper Latvijas Vēstnesis on 21 May and 8 October on the problems of advocacy of mentally disabled people.

The LCHRES and its researchers Ilze Brands Kehris, Ieva Leimane-Veldmeijere, Anhelita Kamenska, Ilvija Pūce, Marina Krupņikova and Svetlana Djačkova were cited, interviewed or mentioned in the media more than 60 times in 2004.

Local TV and Radio

In 2004, Ilze Brands Kehris was asked for comments by various Latvian television and radio channels (in Latvian and Russian language news programs) on a broad spectrum of human rights: discrimination, citizenship, intolerance, education reform, stereotypes in education, extremist groups, minority rights, NGO role, etc. Ilze Brands Kehris was twice the guest of the daily interview “Person of the Day” – part of the prime time evening news programme on the Latvian TV 1: on minority rights (13 January) and the annual report of the LCHRES (29 April). On 27 April Ilze Brands Kehris was the guest of Latvian Radio programme “Krustpunkti” (on intolerance), and on 18 October she participated in the real-time discussion on Latvian Radio 1 with two members of parliament on the Framework Convention for the Protection of National Minorities. On 16 November, she was an invited guest at the LTV 5 evening news program, in which she was interviewed on intolerance and diversity in connection to the LCHRES publication on diversity in textbooks.

Anhelita Kamenska was the guest of the daily interview “Person of the Day” on the LTV 1 on 20 February speaking on police brutality. During anonymous phone-in on police brutality organised by the LCHRES and Centre for Public Policy Providus on 12-15 February Anhelita Kamenska was interviewed by various TV channels and radio stations 11 times.

Ieva Leimane-Veldmeijere was interviewed by the Latvian Radio on the Draft Law on Psychiatric Assistance (in Russian, 29 April), on LTV 2 news programme and Latvian Radio 4 “Domskaļa Ploschadj” (both in Russian) on the public information campaign about the rights of the mentally ill people (4 October) and on Latgale regional TV about the cooperation with the Aknīste Mental Hospital (20 May).

Iļvija Pūce participated as an expert in the TV 5 program on police brutality (21 February), and in a discussion on Latvian Radio about discrimination (30 September).

Svetlana Djačkova gave comments to several TV and radio programs: Latvian TV 1, TV 2, First Baltic Channel (in Russian), Latvian Radio 1, Latvian Radio 4 “Domskaļa Ploschadj” (in Russian) on Latvian language policy issues (16 February), Liepāja TV on public participation in municipality work (16 April), student broadcast NABA on society integration issues (7 June), Latvian Radio 4 “Domskaļa Ploschadj” (in Russian) on LCHRES activities and society integration (27 July).

Laila Grāvere was asked for comments by the Latvian TV prime time news programme “Panorāma” on employment restrictions for ex-KGB officers.

Foreign media

Ilze Brands Kehris gave interviews on various issues (human rights, minority rights, education reform, bilingual education, anti-discrimination, racism and other issues) to several foreign mass media outlets, e.g. Radio France, France Culture, Croatian BBC office and daily “Jutarni list,” Slovenian television, Belgian television, Swedish Radio, Austrian Broadcasting Corporation and others.

Svetlana Djačkova was interviewed by the German TV channel ARD on the issues of naturalisation and minority rights protection in Latvia.

CONSULTATIONS AND EXPERT OPINIONS

Meetings

LCHRES staff had over the course of the year many meetings with officials and various representatives of ministries. These included representatives of the Ministry of Justice, Ministry of Interior, Ministry of Health, Ministry of Welfare, Secretariat of the Special Assignment Minister for Social Integration, State Border Guards, Central Prison Authority, State Police, etc. LCHRES staff also had meetings with representatives of foreign embassies and governments and international institutions, such as Council of Europe Parliamentary Assembly, NATO Parliamentary Assembly, UN Working Group on Arbitrary Detention, OSCE High Commissioner for National Minorities, and various international non-governmental groups and networks.

Participation in official working-groups

Ilze Brands Kehris participated in the Working Group for the National Programme on Tolerance organised by the Secretariat of the Special Assignments Minister for Social Integration.

In December, Ilze Brands Kehris was invited to participate in the Minister's of Foreign Affairs Working group on the ratification of the Council of Europe Framework Convention for the Protection of National Minorities.

Ilvija Pūce participated in the Working group for the elaboration of anti-discrimination legislation, organised by the Secretariat of the Special Assignments Minister for Social Integration.

Ilze Brands Kehris participated in the National Working Group for the EU information campaign "For Diversity. Against Discrimination."

Laila Grāvere and Ilvija Pūce participated in the Working group of Phare 2003 National programme project "Police training" of Public Advisory Council of the Ministry of Interior.

Ieva Leimane Veldmeijere consulted the Working group of Ministry of Health on elaboration of new Regulations of the National Register on Psychiatric Disorders and Mental Illnesses.

Officially requested written expert opinion

Comments on proposed amendments to the Law on Citizenship concerning children, request by the Special Task Minister for Child and Family Affairs (Ilze Brands Kehris).

Expert Opinion to the Constitutional Court on Case concerning the compliance of Article 9.3 of the Interim Regulations of the Law on Education (transition to instruction to 60 (Latvian): 40 (minority language) proportion in minority school senior grades from 1 September 2004) with Articles 1, 91 and 114 of the Constitution and international norms (Ilze Brands Kehris).

LCHRES Staff in 2004

Full-time Staff:

Ilze BRANDS KEHRIS – Director

Ieva LEIMANE-VELDMEIJERE – Programme Director

Ilvija PŪCE – Staff Lawyer

Laila GRĀVERE - Staff Lawyer

Svetlana DJAČKOVA- Policy Analyst

Marina KRUPŅIKOVA – Policy Analyst, RAXEN Project Director

Dace LUKUMIETE – Policy Analyst

Eva IKAUNIECE – Project Assistant

Indra STRAUTIŅA – Project Assistant

Maruta BABULE – Project Coordinator

Renāte LĪNE – Finance Manager/Accountant

Part-time Staff:

Aude Toulouse – Project Leader

Maija Štrāla – Office Assistant

Sintija PAURA - Project Assistant

Associated Staff :

Anhelita KAMENSKA – Associated Researcher

Income and Expenditure Statement for the LCHRES for 2004

Balance Sheet (Ls)

| <u>ASSETS</u> | Note | <u>31.12.2004</u> | <u>31.12.2003</u> |
|--|------|-------------------|-------------------|
| FIXED ASSETS | | | |
| Tangible fixed assets | 2 | 19,620 | 5,689 |
| Total fixed assets | | 19,620 | 5,689 |
| CURRENT ASSETS | | | |
| Receivables | 3 | 515,576 | 554,714 |
| Advances and short-term loans | | 661 | 316 |
| Other | | 1,279 | 1,382 |
| Cash | | 93,977 | 187,582 |
| Total current assets | | 611,493 | 743,994 |
| TOTAL ASSETS | | 631,113 | 749,683 |
| FUNDS AND LIABILITIES | | | |
| FUNDS | | | |
| Reserves | | 96,825 | 177,388 |
| Total funds | | 96,825 | 177,388 |
| PROVISIONS | | | |
| Total provisions | | 4,960 | 3,411 |
| CURRENT LIABILITIES | | | |
| Payable for services received | | 722 | 1,346 |
| Payables to beneficiaries | 4 | 48,080 | 73,625 |
| Repayable unused grants | | 1,930 | - |
| Prepaid grants | 5 | 478,596 | 491,719 |
| Statutory social insurance contributions | 6 | - | 2,194 |
| Total current liabilities | | 529,328 | 568,884 |
| TOTAL FUNDS AND LIABILITIES | | 631,113 | 749,683 |

Statement of Activities

| | Note | <u>2004</u> | <u>2003</u> |
|---|------|------------------------|----------------------|
| INCOME | | | |
| Contributions and grants received | | 166,132 | 378,345 |
| Total income | | 166,132 | 378,345 |
| EXPENSE | | | |
| Depreciation | | (6,170) | (2,311) |
| Salaries and statutory social insurance contributions | 7 | (105,363) | (80,604) |
| Expense under the Articles of Association | 8 | - | (173,482) |
| Other expense | | (135,163) | (22,270) |
| Total expense | | (246,696) | (278,667) |
| SURPLUS FOR THE YEAR | | <u>(80,564)</u> | <u>99,676</u> |

Statement of Contributions and Grants

| | <u>2004</u> | <u>2003</u> |
|--|----------------|----------------|
| Contributions and grants received during the reporting year | 166,132 | 378,345 |
| Soros Foundation - Latvia | 32,779 | 73,809 |
| European Commission | - | 126,571 |
| Europe Monitoring Centre on Racism and Xenophobia | 26,457 | 14,240 |
| Max Van Der Stoel Award | - | 32,300 |
| Budapest OSI | 56,034 | 58,300 |
| Netherlands Helsinki Committee | 34,030 | 28,121 |
| Other | 16,832 | 45,004 |
| Expenditure of received contributions and grants | | |
| SFL Human Rights and Tolerance Programme | 6,144 | 8,761 |
| SFL Mental Disability Advocacy Programme | 50,689 | 51,489 |
| European Community Monitoring Human Rights and Prevention of Torture in Closed institutions: prisons, police cells and mental health care institutions in Baltic countries | 43,804 | 81,250 |

| | | |
|---|----------------|----------------|
| Project European Monitoring Centre on Racism and Xenophobia | 28,467 | 10,201 |
| Netherlands Helsinki Committee Strengthening the Anti-Discrimination Work of the Latvian Centre for Human Rights and Ethnic Studies | 47,786 | 5,149 |
| SIF project Study of the Situation of Roma in Latvia | - | 21,626 |
| Projects approved by other donators | 48,096 | 45,508 |
| Administrative and other operational expense | 21,710 | 54,683 |
| Total expenditure of received contributions and grants | 246,696 | 278,667 |

The accounts of the LCHRES for 2004 were audited by sworn auditor Ivars Blumbergs. The auditor's report is available at the LCHRES.