

Human Rights in Latvia

1 January 2002 – 30 June 2002

Latvian Centre for Human Rights and Ethnic Studies

a member of the International Helsinki Federation for Human Rights

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Elections and Political Rights

The first half of 2002 witnessed abolition of the controversial language requirement for public office. On 9 April 2002 the European Court of Human Rights (ECHR) issued a ruling on Ingrida Podkolzina's application challenging the language requirement. Podkolzina had been a deputy candidate from the People's Harmony Party in the parliamentary elections held in October 1998. On 21 August 1998 the Central Electoral Commission struck Podkolzina from the electoral list on the basis of a decision of the State Language Centre. Although Podkolzina possessed the required state language proficiency certificate of the highest level, the State Language Centre re-examined Podkolzina's language proficiency and found that it did not correspond to the level indicated in her state language certificate. In her application to the ECHR, Podkolzina alleged violations of the right to free elections (Article 3, Protocol 1), the right to an effective remedy (Article 13) and discrimination (Article 14). The ECHR ruled that Latvia violated Article 3, Protocol 1, but found it "unnecessary" to examine possible violations of Articles 13 and 14.

The ruling states that the purpose of the language requirement was to ensure the proper functioning of the Latvian institutional system. The ruling also notes that it is not for the Court to take a position on the choice of the working language of a national parliament. The Court did rule that striking Podkolzina from the list of election candidates was not proportional to the legitimate goal invoked by the Latvian government of ensuring the functioning of the state language in Latvia. Thus, the ruling in effect stated that a language requirement was legitimate, but that procedural violations had been committed in Podkolzina's case. The state of Latvia must pay Podkolzina EUR 7,500 damages and EUR 1,500 for legal fees.

While the ECHR ruling did not require Latvia to abolish the language requirement, the United States government and high NATO officials (e.g. NATO Secretary General George Robertson) had clearly indicated the desirability of abolishing the language requirement in preparation for NATO accession. On 9 May 2002, on the eve of an important NATO meeting in Reykjavik, the Saeima (parliament) adopted amendments to the Saeima (parliamentary) Election Law and the Law on City Council, District Council and Parish Council Elections lifting the state language requirement. 67 MPs supported the amendments to the parliamentary election law, while 71 voted in favour of amending the municipal election law. The amendments also included new norms stipulating that an election candidate should provide a self-assessment of his/her language proficiency skills. In parallel to this step, the parliament adopted a number of constitutional amendments strengthening protections afforded the Latvian language, but raising some new concerns about minority rights (see Minority Rights below).

Judicial System and Domestic Safeguards

The Constitutional Court issued a number of rulings with a bearing on human rights in early 2002. On 20 June the Court judged that a court ruling in a case of an official's decision to impose an administrative punishment cannot be final. Cases of administrative violations may be provisionally divided into 1) those that resemble criminal cases, 2) those that resemble civil cases, and 3) those that do not have characteristics permitting them to be treated like a case of another category. The European Human Rights Convention requires that, in cases with the characteristics of a criminal case, persons must have the opportunity to defend their rights at a higher

court. National legislation may envisage categories of administrative violations which cannot be appealed. However, in Latvia's Administrative Violations Code, cases of a private and public law character are lumped together, thereby making it impossible to determine which may be subject to appeal.

On 12 June the Constitutional Court rescinded norms within Cabinet regulations on the "Internal Order of Institutions of Deprivation of Liberty" that banned food parcels to prisoners. The decision was based on the incompatibility of this provision with a normative act of higher force – the Sentence Execution Code. The Court found that the Code does not have the goal of limiting the rights of prisoners in such a manner and the Cabinet had improperly interpreted the Code by including such a restriction. A normative act of lesser status cannot expand restrictions set by a normative act of higher status.

On 4 June the Constitutional Court rescinded the norm in the Prosecutor's Law, the Law on Sworn Advocates, and the Law on Notaries requiring a certificate from Latvia University's Faculty of Law. The Latvian Constitution states that human rights are to be implemented without any discrimination, which is understood to mean unjustified differential treatment of persons in similar circumstances. Persons who have graduated from accredited programmes in institutions of higher education and received a state recognised diploma in law are in similar circumstances, as they have received a legal education in the procedure laid down by the state. However, the norms that were rescinded called for differential treatment of persons who had not graduated from Latvia University. These persons were not eligible to become prosecutors, sworn advocates or sworn notaries unless the Latvia University Law Faculty gave them a certificate attesting that their qualifications were adequate. There was also no procedure in place for appealing such a decision.

Freedom of Expression and the Media

The primary developments affecting freedom of expression in early 2002 were an assault on a journalist, ongoing legal battles regarding alleged defamation and language restrictions in broadcasting, as well as the continued restrictions on the work of journalists imposed by the mayor of Daugavpils. In early January unknown assailants beat up Ivars Abolins, then journalist at the daily newspaper *Neatkarīga Rita Avīze*. The assailants themselves stated that the reasons for the attack were related to Abolins' work as a journalist. Abolins himself suggested that the attack may have been linked to his articles on persons who were detained for placing false explosives in Riga's Dom square during an event there in 2001. In February the police terminated the criminal investigation for lack of evidence.

There were new developments in a case of defamation initiated by former Economics Minister Laimonis Strujevics against the daily newspaper *Diena* in 1999. At issue were a series of seven editorials written in 1998 by commentator Aivars Ozolins, who argued that Strujevics had acted in the interest of the Ventspils-based oil transit industry to the detriment of the state budget. On 13 February 2002 the Senate of the High Court rescinded an earlier ruling of the Riga Regional Court which found partially in favour of Strujevics and referred the case back to the same court with a different judge. The Senate of the High Court also provided important guidelines, stating that adherence to the case law of the European Court of Human Rights was obligatory, that journalists enjoy wide latitude in criticising politicians and that news should be separated from opinion. Regardless, in early June the Riga Regional Court once again found in favour of Strujevics, ruling that *Diena* must rescind the news

items of a defamatory character and pay Ls 6000 (~USD 10,000) in damages. *Diena* is appealing the decision again.

The “Biznes i Baltiia” media group, which owns “Russkoe Radio,” continued its legal battles in early 2002. In August 2001, the Constitutional Court rejected on procedural grounds its challenge of the language restrictions in the Law on Radio and Television, saying that other remedies had not been exhausted. “Russkoe Radio” had received fines for violating the legislative provision which limits the share of broadcast time that a commercial radio station can broadcast in a language other than Latvian to 25% of the total. Since then, “Russkoe Radio” has taken its case to the District, Regional and High Courts. In April 2002 the Senate of the High Court rejected the latest appeal.

In the interim, “Russkoe Radio” ran into legal trouble for violating copyright provisions. On 7 March 2002 the National Radio and Television Council did not prolong its license and broadcasting ceased on 13 March. The decision was based on a previous High Court ruling of 24 May 2001 that found that the radio station had violated copyright laws by broadcasting materials without the permission of the authors. An appeal on the copyright issue was rejected by the Riga Central District Court.

Daugavpils mayor Rihards Eigims once again made news in early 2002 with his moves to restrict journalistic activity. On 16 March 2002, at the congress of Eigims’ political party “Latgale’s Light,” entry was denied to journalists from the daily newspaper *Diena*, the main nightly television programme “Panorama,” as well as Daugavpils newspaper *Nasha gazeta* and Daugavpils business journal *Kapital Latgalii*. In mid-April, following the request of *Diena*, Justice Minister Ingrida Labucka announced that the party had violated the law by excluding the journalists and that *Diena* had the right to turn to the courts. However, article 27 of the law on social organisations and their associations, which also regulates political parties, says that complaints about the illegal activity of social organisations are reviewed after submissions by the Justice Minister.

Right to Privacy and Family Life

In the spring controversy erupted over an unsuccessful attempt by the State Language Centre to widen its authority to regulate language use in the private sector. In mid-April 2002 the State Language Centre developed draft amendments to Cabinet regulations No. 296 of 22 August 2000 “On the State Language Proficiency Level Necessary to Perform Job and Professional Duties and on Examination Procedure of Language Proficiency” of the State Language Law. The amendments stipulated a new list of professions in local governments and the private sector that should be subject to Latvian language regulation. Besides municipal executive directors, their deputies, heads of municipal institutions and their deputies, the new list also included professions in the private sphere - salespeople (at outdoor stands, shops, kiosks and markets), sports coaches, judges of sports events, accountants, bartenders, waiters/waitresses, hairdressers and cosmetologists. While the State Language Centre submitted the draft amendments for review to the Council of State Secretaries, the Ministry of Foreign Affairs quashed them, arguing that the amendments would cause a negative international reaction.

Following the failure of the proposed amendments, on 24 April 2002 long term director of the State Language Centre Dzintra Hirska submitted her resignation. In the beginning of May, the Ministry of Justice announced a competition for the

position, for which the sole candidate was Agris Timuska, deputy director of the State Language Centre under Hirska. The selection commission rejected Timuska's candidacy, claiming that he lacked a strategic vision for the further development of the Centre. The commission will re-announce the job opening in the beginning of August. The post of director of the State Language Centre is an important one, as the Centre's activities frequently impinge on the right to private life, as well as minority rights.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

In the first half of 2002, a number of cases of police brutality came to public light. At the beginning of the year, the Bauska District Prosecutor's office initiated criminal charges against two police officers for abusing their powers by resorting to violence. In the beginning of the year Bauska police received information that two police inspectors in uniforms had beaten a man in his house in Vecumnieki parish. The victim had been afraid to inform the authorities about the incident. However, the Chief of the Order Maintenance Division of the Bauska Police visited the victim and verified that the man had sustained bodily injuries. The victim was taken to the hospital, while the police officers have been suspended for the period of investigation.

During the night of May 24-25 TV journalists filmed police beating a man who offered no resistance. The documentary evidence was shown on TV and was forwarded to the chief of the National Police Juris Reksna, who promised a thorough investigation. An emergency meeting of the parliamentary commission on defence and home affairs was also convened and members of parliament have demanded a written explanation from senior officials of the National Police about the incident. However, the TV journalists claim that in the police report the victim has written that he has no objections to police behaviour, while the police officers state that they were provoked by the victim.

Allegations of police brutality have also been raised during the trial of the highly publicised murder case of a former employee of the Privatization Agency. In early June in Riga District court two youths who are brothers gave testimony that police officers had forced them to confess that they had committed the murder. S.V. was a juvenile at the time of arrest, but there was no lawyer present during his interrogation. After an hour and a half he agreed to confess and was detained for 28 days by court order. However, later he recanted and was subsequently released. During the cross examination of police officers, it emerged that after the detention of juvenile S.V. police officer C. had for approximately 40 minutes had a "discussion" with the youth without a lawyer being present. After the "discussion" S.V. was interrogated by police officer B. and the youth confessed that he had committed the crime, giving a detailed description of the circumstance in which the crime was committed. The police officers have denied allegations of resorting to violence to extract a confession.

Freedom of Religion (and Conscientious Objection)

On 30 May parliament adopted an Alternative Service Law which permits substituting obligatory military service with alternative or labour service for those conscripts whose beliefs do not permit them to do service with weapons. The length of alternative service will be 24 months, but for those with a university degree - 18 months. Alternative service will be implemented in government-determined state,

municipal or commercial organisations dealing with fire-fighting, search and rescue work, social care or medical assistance or customs control. The law enters into force on 1 July, but on 1 July 2003 a norm enters into force requiring those in alternative service to take a civil defence and first aid course. This law will permit the resolution of several cases of conscientious objection involving Jehovah's Witnesses.

Conditions in Prisons and Detention Facilities

In early 2002, high rates of prisoners on remand and overcrowding in some prisons continued to evoke concern, though the government took some steps to liberalise penal policy. In 2001, the number of prisoners went down by 300. Latvia now occupies 17th place in the world in terms of its incarceration rate. The share of remand prisoners remains appallingly high – 43.6% overall in April 2002, but 63% among juveniles. While the review of juvenile cases has been speeded up after the adoption of amendments to the Criminal Procedure and Criminal Code proposed by the State President last June, too many juvenile offenders end up in prison before trial. Bail hostels or shelters for juvenile offenders providing strict supervision before trial have not yet been set up to avoid the adverse effects of incarceration. There is serious overcrowding in remand sections of several prisons. In April 2002, in Ilguciems women's prison overcrowding in the remand section reached 150%.

A number of initiatives are underway to liberalise penal policy, but results are slow in coming. A government working group to draft a concept paper on Alternative Sanctions was set up in April 2001, another working group to draft Juvenile Justice strategy was set up in autumn 2001, and a third working group to draft a concept and law on Probation was established in December 2001. The tasks of these various working groups are interrelated in many respects and it is crucial that they work in close co-operation to produce a uniform criminal justice reform strategy. Through efforts of donors (Soros, UK) and local governments the share of offenders sentenced to community service reached 8% in early 2002 - an impressive leap in just 3 years. Nevertheless, no government funding has been allocated for the development of community service and the establishment of a probation service has been postponed until January 2003 due to a lack of funding.

The new Criminal Procedure Code is still in the drafting stage. Recently the current Code was amended to provide for more alternatives at pre-trial stage (e.g., conditional suspension of prosecution with a probation period). At the same time the Parliament adopted an amendment to the Criminal Code narrowing discretionary powers of judges. Previously, judges could apply a lower punishment than envisaged by the law in all types of crimes (criminal violations, less serious, serious, especially serious) with mitigating circumstances. A recent amendment stipulates that judges will be able to levy lower punishments for criminal violations and less serious crimes, but not for serious and especially serious crimes. Women, first-time offenders and juveniles remain exceptions. The amendments followed a public debate initiated by politicians and the State President that criticised judges for being too lenient towards drug dealers.

Minority Rights

On 30 April 2002 the Saeima (parliament) adopted a number of amendments to the Constitution that may impinge on the rights of minorities. The articles amended are 18, 21, 101 and 104. Article 18 introduces an oath of office for new parliamentary

deputies (because Old Believers are forbidden from giving oaths, the term used is "solemn promise"). Among other commitments, deputies pledge to "be loyal to Latvia, to strengthen its sovereignty and the Latvian language as the only official language, to defend Latvia as an independent and democratic State." In an amendment that constitutionalises a norm previously contained in the Saeima rules of procedure, Article 21 now states that "The working language of the Saeima is the Latvian language." Article 101 was supplemented with the provisions that "Local governments shall be elected by Latvian citizens who enjoy full rights of citizenship. The working language of local governments is the Latvian language." Article 104 now reads "Everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply. Everyone has the right to receive a reply in the Latvian language."

Whether these amendments impinge on minority rights will be largely determined by implementation. For example, problems could arise if the pledge to strengthen Latvian as the only official language is interpreted such that minority deputies cannot submit any proposals to strengthen the status of minority languages. Article 101 enshrines at the constitutional level the current situation in which only citizens may vote at the local level, creating two problems. If and when Latvia accedes to the European Union, this norm will have to be amended to permit EU citizens local voting rights in Latvia. Moreover, the amendment places an additional barrier in the path of granting voting rights for non-citizens at the municipal level. If Article 104 is interpreted in such a manner that replies may be received *only* in Latvian and not in any other language, this would contradict Latvia's obligations under the International Covenant on Civil and Political Rights, which is binding on Latvia, and the Framework Convention for the Protection of National Minorities, which Latvia has signed but not ratified.

In another development related to language policy, on 16 January 2002 President Vaira Vike-Freiberga and Prime Minister Andris Berzins issued a joint decree on the formation of an Official Language Commission under the auspices of the President. President Vike-Freiberga appointed poetess Mara Zalite chairperson of the Commission, which is composed of 18 members, including two minorities. The Commission set the following priority issue areas: education, legislation, language and modern technologies, analysis of the language situation, international experience and co-operation with language users. Upon the request of the Commission, the Government allotted funds from the 2002 state budget for four projects: launching a language portal on the internet, introduction of a study course on "The Culture of the Latvian Language" in the University of Latvia and Daugavpils Pedagogical University, expansion of the capacity of the Terminology Committee, and publication of a bulletin "Languages in Latvia" in 6 languages.

The government made additional progress in implementing the National Programme for the Integration of Society, a policy framework aimed at increasing social cohesion, participation and inter-ethnic cooperation. The total 2002 budget of the Society Integration Foundation (SIF), the government body tasked with allocating funds for integration-related projects, consists of LVL 447,000 (~USD 745,000), including LVL 282,000 of state funding and LVL 165,000 of Phare funding (Phare 2000). The SIF has organised a number of grants competitions in areas such as providing Latvian language training to naturalisation applicants, research into the society integration process, NGO projects in the field of ethnic integration, exchange of pupils and school co-operation programmes, assistance programmes to minority cultural societies and associations, and mass media programmes to promote the

consolidation of society. In the first half of 2002, the Society Integration Department in the Justice Ministry began elaboration of a monitoring mechanism and the definition of new priorities for the now dated national programme.

Citizenship

By the end of June 2002, approximately 53,000 individuals had become citizens of Latvia through naturalization, while the figure of non-citizens in the country remained high at 514,000. There were 4,976 naturalization applications submitted in the first six months of the year, compared to 3,862 for the same months in 2001, which represents an increase of 1,114 or 29%.

In mid-February 2002 a large-scale Public Awareness and Promotion Campaign for Latvian Citizenship was concluded. The campaign was initiated and managed by the Naturalisation Board and the OSCE Mission to Latvia (until its departure in December 2001) and UNDP in Latvia, while international donors provided funding. The campaign focused primarily on information and advertisement in the media, but also included elements such as direct mail brochures, temporary information booth activities, and was complemented by a toll-free telephone number to the Naturalisation Board and a web page. The initial results of the campaign showed a positive effect on naturalisation application rates. In the first three months of 2002, about a thousand applications a month were submitted – a considerable increase compared to 2001. However, the effect was wearing off by April and May, when application rates declined, but remained above the rates for the same months in 2001. The information booth activities initiated during the campaign will be continued with additional funding from the British embassy.

The campaign represented a rare instance of a state authority conducting large-scale outreach work among the large non-citizen population. However, political opposition from nationalist politicians and allegations of corruption involving several Naturalisation Board staff may have diluted the impact of the campaign. The allegations led the Cabinet of Ministers to temporarily suspend granting citizenship from February until 7 May, when it was resumed.

Parliamentary committees have discussed ratification of the Council of Europe's Convention on Nationality, which was signed by the Cabinet of Ministers in May 2001. However, at mid-year, deputies had not yet conducted a first reading of a ratification law, suggesting that action on the issue is unlikely before the October elections.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

Latvian and Russian extremists continued to organise and spread propaganda, but faced legal troubles as well. In early June 2002, the Kurzeme Regional Court once again delayed review of an appeal by Guntars Landmanis, who had been sentenced to an eight-month prison term for incitement of national hatred in January 2001 for publishing a violently anti-Semitic newsletter *Patriots*. Right-wing publisher Aivars Garda continued his activities in early 2002, issuing a new fortnightly newspaper called *DDD* (Deoccupation, Decolonisation, Debolshevisation) and publishing a collection of essays called "Homosexuality – the Shame and Ruination of Humanity." Garda's preface to the latter book evoked a criminal investigation on defamation charges. Latvian Radio Director Dzintris Kolats, whom Garda had characterised as

being “infected with homosexual propaganda” and a “passionate defender of civil occupants and pederasts,” requested the investigation.

Members of the most influential neo-Nazi organisation in Latvia, Russian National Unity (RNU), continued to tangle with law enforcement authorities in early 2002, but sought to enter the political arena as well. In April the Security Police began a criminal investigation for incitement against RNU after it published the second edition of its newspaper *Novy Poryadok* (New Order), which contained an anti-Semitic, Holocaust denying article, as well as instructions for assembling a Kalashnikov machine gun. In May RNU took over a legally registered political party called the Latvian National Democratic Party (LNDP) and elected RNU leader Evgeny Oispov (a non-citizen) as party leader. The LNDP had heretofore been a miniscule right-wing Latvian populist grouping, whose leader Armands Malins made headlines in 1997 for railing against “Russian-Jew plutocrats” and homosexuals. On 30 May 2002 the Kurzeme Regional Court sentenced a group of 15 youth, including 3 members of RNU, for armed robbery and weapons charges. The 3 RNU members received the most severe penalties – 6 years 10 months, 5 years, and 3 years 6 months imprisonment. The court also tasked the prosecutor’s office with conducting a thorough investigation of RNU leader Evgeny Osipov, who had been implicated in abetting the crimes.

On 21 June 2002 Latvian authorities deported to Russia Sergey Solovei and Maksim Zhurkin, the last two National Bolshevik activists from Russia who had entered Latvia illegally from Russia and threatened to blow up St. Peter’s Church on 17 November 2000. Several other activists had been deported previously after serving prison time. Local NBP activists gained headlines with anti-NATO protests and their defense of Vasily Kononov, a former Red partisan charged with war crimes by the Latvian authorities for his part in a World War II raid that killed eight persons, including a pregnant woman.

At the end of June, controversy erupted over a racist election advertisement for a new political grouping called the Freedom Party. Leaflets and television advertisements featured black men dressed in Latvian army uniforms with a text that expressed fear about the influx of economic immigrants after EU accession. While law enforcement authorities did not detect incitement in the ads, the leadership of Latvian Television refused to run the clips, saying they were in contradiction to Article 17, Paragraph 3.3 of the Law on Radio and Television, which states that “Broadcasts cannot include incitement to national, racial, gender or religious hatred, to defamation of national honour or respect.”

Protection of Asylum Seekers and Refugees

On 7 March 2002 the Saeima adopted a new Asylum Law which broadens the definition of a refugee by introducing alternative status and temporary protection. The law also foresees the possibility to review an asylum application at the border using a short procedure wherein the applicant does not enter the country. The new law enters into force on 1 September. On 27 June the Saeima also reviewed in the first reading a draft Law on Immigration, which is to replace the 1992 law “On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia.”

Though Latvia currently has only 8 officially recognised refugees, they continue to face administrative obstacles in integrating into Latvia. As the LCHRES noted in its annual report for 1999, the Ministry of the Environment and Regional Protection offers refugees a list of apartments, most of which are located outside of

Riga and which have utilities debts that the refugee must pay before moving in. Every year a refugee must renew a residence permit, but this is impossible if the person has no official place of residence and regular employment. Integration is also complicated by the fact that the 50 lat (USD 83) monthly assistance payment towards Latvian language courses is only disbursed in the first year.

In the summer of 2002 a tripartite agreement was signed between the Border guards, the Red Cross and the Latvian Association of Foreigners. The agreement allows the Latvian Association of Foreigners, an NGO, to make regular visits to the Olaine illegal immigrant detention facility to provide social and legal assistance to detainees.

Women's Rights

On 14 January the government accepted the draft statutes of the Gender Equality Council, an advisory body tasked with promoting unified policy development and the implementation of the Framework Document on Gender Equality. The council is to be led by the Welfare Minister and 13 representatives from various ministries, the National Human Rights Office, the Confederation of Employers, the Free Trade Union Association, the Gender Equality Association, the Latgale Development Agency and the Gender Studies Centre at Latvia University.

After several years of debates and harsh criticism from religious organisations, on 31 January the Saeima finally adopted a new law on Sexual and Reproductive Health. The law enshrines in law the right to an abortion – a right heretofore regulated only at the level of a 1993 Welfare Ministry regulation.

On 18 February the Riga Regional Court reviewed the case of Inga Muhina, who had been awarded 600 lats (USD 1000) in compensation from a lower court after it found that she had been subjected to gender discrimination by the Central Prison. The Riga Regional Court ruled that the Central Prison's apology was "sufficient compensation in and of itself," and that there was no basis for awarding monetary compensation, as "the violation of rights stems from a violation of labour law norms on the part of the defendant, and not from any violation of the plaintiff's honour." The court also ruled that the plaintiff herself evoked the discrimination by applying for a job which had been advertised for males. This court ruling completely ignores the impermissibility of gender-specific job advertisements and reveals shortcoming in both the letter and interpretation of anti-discrimination law in Latvia.

On 25 April parliament amended the Criminal Code strengthening norms against trafficking in human beings. Since May 2000 Latvia has had a specific anti-trafficking criminal provision which criminalises the sending of a person with her/his consent to a foreign country for the purposes of sexual exploitation. However, the law did not explicitly state "trafficking in persons." The new amendments broaden the notion of "trafficking in persons" and Articles 154.1 and 154.2 stipulate that "human trafficking abroad" is punishable by deprivation of liberty for 3-8 years; if committed against juveniles or in groups – for 5-12 years, against minors – for 10-15 years." The new amendments bring Latvia's anti-trafficking legislation in line with the new Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children that was adopted by the UN General Assembly as a protocol to the UN Convention against Transnational Organized Crime on 15 November 2000.

Rights of the Child

In early 2002 legal proceedings continued regarding Oļegs Lisjonoks, a teacher accused of perpetrating violence against his wards in the Aleksandrova special boarding school. On 24 January the Latgale Regional Court referred the case back to the Kraslava District Court for a rehearing with different judges, as the lower court had interviewed only 2 of 23 victims and one witness had recanted his testimony. Lisjonoks is charged on 33 counts in which 23 minors aged 8-15 years were allegedly victims of cruelty and violence, In March 2002 charges were filed against another four teachers at the facility.

The Rights of the Mentally III

In the first half of 2002, a criminal investigation continued related to violence in the social care home for children with mental disabilities “Veģi”. On 28 June the prosecutor’s office filed charges against three staff at the facility. Aigars Būdnieks has been charged with 10 separate counts of violating Article 174 of the Criminal Code - cruel or violent treatment of a minor. The second alleged culprit, Leons Doķis, faces 10 counts of violating the same article, as well as two counts of violating paragraph 3, article 159 of the Criminal Code – rape. The authorities have not called for pre-trial detention for either of the accused, requiring only a commitment to inform the authorities about their whereabouts. One of the accused continued to work at the facility until the charges were filed. The third person facing charges is no longer in Latvia. A competition to fill the vacant post of director of the facility was announced in early 2002, but had not yet been concluded by mid-year.

Patient’s Rights

On 22 May 2002 the Latgale Regional Court overturned a lower court decision regarding the punishment of Tatyana Gurova, a Rezekne doctor who had been sentenced to three years in prison for medical negligence after a two-year-old girl died because Gurova did not examine her promptly. The Latgale Regional Court freed her from detention and gave her a suspended one year sentence and probation for another year. In a related civil case filed by the dead girl’s parents, the court ruled that Gurova should pay 147 lats (USD 245) in funeral expenses, but rejected the request to compensate expenses for a commemorative gravestone.

LCHRES Legal Aid by Issue Area, 1 January 2002- 31 June 2002

ISSUES	FEMALE	MALE	LATVIAN	RUSSIAN	TOTAL
RIGHT TO LIBERTY AND SECURITY OF THE PERSON:					
- IN PLACES OF DETENTION	2	7	5	4	9
- IN POLICE INSTITUTIONS	1	1	1	1	2
- IN MENTAL HOSPITALS	2		1	1	2
- IN SOCIAL CARE HOMES		1		1	1
- IN ARMED FORCES					
DISCRIMINATION BASED ON					
- NATIONALITY OR LANGUAGE					
- GENDER					
- AGE					
- RACE					
- RELIGIOUS BELIEF		1	1		1
- POLITICAL OPINION					
- SOCIAL STATUS OR PROPERTY					
- CITIZENSHIP					
RIGHT TO WORK	3	2	4	1	5
RIGHT TO HOUSING	7	2	2	7	9
RIGHT TO FAMILY LIFE	3	1		4	4
SOCIAL RIGHTS	7	3	7	3	10
RIGHT TO PROPERTY	3		2	1	3
CIVIL PROCEEDINGS	2	3	2	3	5
CRIMINAL PROCEEDINGS		1	1		1
LIBEL AND DEFAMATION	1		1		1
RIGHT TO A FAIR TRIAL	2	1	2	1	3
ACCESS TO INFORMATION		1	1		1
RIGHTS OF NON-CITIZENS	3			3	3
RIGHTS OF THE CHILD					
RIGHTS OF THE DISABLED					
RIGHTS OF REFUGEES AND ASYLUM SEEKERS					
VARIOUS	3		2	1	3
TOTAL	39	24	32	31	63

LCESC
LATVIJAS CILVĒKTIESĪBU UN
ETNISKO STUDIJU CENTRS

LCHRES
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LCHRES activities, 1 January 2002 - 30 June 2002

Introduction

The Latvian Centre for Human Rights and Ethnic Studies (LCHRES) was founded in 1993 as a not-for-profit, non-partisan non-governmental organisation devoted to monitoring human rights and ethnic relations, policy advocacy and research, human rights education and training, and providing legal aid to victims of human rights violations. The LCHRES is a member of the International Helsinki Federation for Human Rights, a network of human rights groups operating in the OSCE region.

In the first half of 2002, the LCHRES received core funding from the Open Society Institute and project grants from the British Embassy, the United States Embassy, the Danish Embassy and the Canadian Embassy. The LCHRES continued to implement two programmes delegated to it by the Soros Foundation – Latvia: the Programme for the Promotion of the Rights of the Mentally Ill and the Human Rights and Tolerance Programme.

Publications

Latvian Centre for Human Rights and Ethnic Studies, Human Rights in Latvia in 2001 (Riga: LCHRES, 2002).

Nils Muiznieks, “Latvia’s Faux Pas,” FP: Foreign Policy, January-February 2002, 88-9.

Nils Muiznieks, “Mr. Skele is Insufficiently Informed,” (in Latvian) *Diena* 28 January 2002.

Artis Pabriks, “The Law Should be Based on the Recommendations of Doctors, not Choirboys,” (in Latvian) *Diena* 29 January 2002.

Ilze Brands Kehris, “Who Needs Citizenship Advertisement?” (in Latvian), www.politika.lv, 13 February 2002.

Artis Pabriks, “Monuments, Latvian Identity and Fashionable Multiculturalism,” (in Latvian) *Diena* 23 February 2002.

Nils Muiznieks, “Tautas attistiba un cilvektiesibas” (Human Development and Human Rights) and “Nepilsoni” (Non-citizens). In Tautas attistiba (*Human Development*), ed. Evita Lune, 31-38 and 216-223. Riga: Jumava, UNDP, Soros Foundation – Latvia, 2002.

Ilvija Bake, “About Articles” (in Latvian) on www.politika.lv on 27 February 2002.

Signe Martisune, “He Who Pays, Orders the Music” (in Latvian) on www.politika.lv on 6 March 2002.

Nils Muiznieks and Martins Mits, “Can the Language Be Protected Through Constitutional Amendments?” (in Latvian) *Diena* 13 March 2002.

Artis Pabriks, “What is the Contribution to Language Policy of the New Language Commission?” (in Latvian) *Diena* 16 March 2002.

Ieva Leimane, “Human Rights Monitors Open Doors Without Knobs” (in Latvian), in www.politika.lv on 20 March 2002.

Ilze Brands Kehris, “Partnership, Pressure, Hand-holding...” (in Latvian), www.politika.lv, 3 April 2002.

Ilvija Bake, review of the government’s report on compliance with the International Covenant on Civil and Political Rights (in Latvian) on www.politika.lv on 15 May 2002.

Dace Lukumiete, “Integration Monitor”, a review of Latvia’s print media on minority and integration issues, www.policy.lv, published daily since 24 May.

Artis Pabriks, “The European Union: A Second Christening?” (in Latvian) *Diena* 4 June 2002.

Nils Muiznieks, “Extremism in Latvia,” (in English) on www.policy.lv on 10 June 2002.

Artis Pabriks, “Viva la Res Publika,” (in Latvian) *Diena* 17 June 2002.

Ilze Brands Kehris, Public Awareness and Promotion Campaign for Latvian Citizenship. Evaluation, Commissioned by UNDP, June 2002.

Nils Muiznieks, “Private and Public Prejudice,” Social Research (Vol. 69, No. 1, Spring 2002), 195-200.

Community Outreach, Lectures, Organisation of Events

30 January, Ieva Leimane gave a lecture on “Implementation of Human Rights in Social Care Facilities” at a seminar for social care home staff organised by the Welfare Ministry.

31 January, in cooperation with the Human Rights Institute at Latvia University, the LCHRES organised a seminar on “Discrimination on Ethnic Grounds: Latvia and the European Union” to present provisional results of research on ethnic proportionality in the public sector attended by 25 persons.

14 March, Nils Muiznieks presented a paper entitled “Racism and Xenophobia in the Baltic States: The Shape of Things to Come” at a conference on “Asylum and Migration in a Diverse Enlarging Europe: a Baltic Perspective” organised by the International Organization for Migration and the United Nations High Commissioner for Refugees in Riga.

18 March, the LCHRES organised a press conference to launch its annual report “Human Rights in Latvia in 2001.”

20 March, the LCHRES organised an international conference entitled “The OSCE and Latvia: Past, Present and Future” presided over by Ilze Brands Kehris. Nils Muiznieks gave a presentation entitled “The OSCE and Latvia: Arm-twisting, Hand-holding or Partnership?”

30 April, the LCHRES organised a discussion for mental health care workers on the Soros Foundation-Latvia/LCHRES Mental Disabilities Advocacy Programme’s goals and priorities for 2002-2003.

10 May, Ieva Leimane gave a presentation on “Existing and possible alternative care projects for the care and rehabilitation of mental patients” at the annual conference of the Association of Psychiatric Nurses in Akniste.

14 May, Nils Muiznieks gave a lecture on human rights to a delegation from the Uppsala University Peace and Conflict Studies Programme including Sweden’s Crown Princess Victoria.

24 May, the LCHRES in cooperation with the public policy site www.politika.lv launched the English-language public policy site www.policy.lv with the LCHRES daily press review “Integration Monitor.”

24 May, Artis Pabriks gave a presentation on “Integration and Civil Society” and Nils Muiznieks gave a presentation entitled “NGOs, Extremism and Integration” at a conference entitled “Integration, Alternatives” organised in Riga by several Russian NGOs.

29 May, Ilvija Bake gave a presentation on human rights in Latvia to an NGO forum organised by the Talsi NGO centre.

31 May, the LCHRES organised a seminar on the Framework Convention for the Protection of National Minorities attended by 30 persons.

7 June, in cooperation with the Museum of the Occupation, the LCHRES organised a Roundtable on Ethnic Reconciliation.

7-8 June, the LCHRES organised an international seminar on “Monitoring and Combating Extremism in Central and Eastern Europe” attended by teams from all the EU candidate countries.

17 June, the LCHRES in cooperation with OSI’s EU Accession Monitoring Program organised a roundtable discussion to discuss a draft report on minority protection in Latvia which analyses the integration programme.

21 June, Nils Muiznieks participated in an NGO roundtable devoted to civil society in Latvia on the occasion of the visit of the crown prince of the Netherlands.

26 June, the LCHRES in cooperation with the Geneva Initiative on Psychiatry organised a seminar “On Respect” for users and professionals in mental disabilities.

27-28 June, the LCHRES in cooperation with the Mental Disability Advocacy Centre (Budapest) organised a “Seminar for Lawyers and NGOs on the European Convention on Human Rights in Relation to Persons with Mental Disability.”

Work with the Media

21 January, Nils Muiznieks gave an interview on Radio Free Europe/Radio Liberty on the language restrictions for public office.

22 January, Nils Muiznieks was the featured guest on the nightly news on Latvian TV discussing the language requirements for public office.

28 January, Nils Muiznieks gave an interview to Latvian Radio on language policy.

15 February, Nils Muiznieks was interviewed by Russian TV on minority rights in Latvia.

19 February, Nils Muiznieks was interviewed by Latvian TV about public broadcasting policy in Latvia

19 February, Nils Muiznieks was interviewed by LNT TV about non-citizens.

10 March, Nils Muiznieks met with 2 Italian journalists from *Corriere della Serra*.

13 March, Nils Muiznieks was interviewed on the Panorama nightly news programme about extremists.

14 March, Nils Muiznieks was interviewed by LNT TV about refugees.

18 March, Ilvija Bake was *Diena*’s person of the day.

18 March, Nils Muiznieks was interviewed by Latvian Radio on anti-globalists.

19 March, Ilvija Bake was the featured morning guest on Latvian radio to discuss the LCHRES annual report.

19 March, Nils Muiznieks was interviewed by Latvian radio regarding proposed constitutional changes.

19 March, Nils Muiznieks was interviewed on Radio Free Europe/Radio Liberty on language policy.

21 March, Nils Muiznieks was the featured guest on Latvian TV nightly news discussing the OSCE and minority policy in Latvia.

22 March, Nils Muiznieks was interviewed by the Panorama news programme on integration policy.

6 April, Nils Muiznieks was the person of the week in the newspaper *Panorama Latvii*.

10 April, Nils Muiznieks was interviewed on Radio Free Europe/Radio Liberty.

10 April, Nils Muiznieks gave a ½ hour interview to the TV programme “Futureshock” regarding human rights and tolerance 50 years from now.

12 April, Nils Muiznieks was interviewed by Dutch TV and Latvian TV5.

17 April, Nils Muiznieks met with 3 Portuguese journalists.

26 April, Nils Muiznieks was the featured guest on Latvian TV regarding right-wing political parties in Europe.

23 May, Artis Pabriks was interviewed by Radio Free Europe/Radio Liberty.

5 June, Nils Muiznieks participated in an hour-long TV show called “What is Happening in Latvia” devoted to extremists.

7 June, Artis Pabriks was interviewed by Radio Free Europe/Radio Liberty.

7 June, Ieva Leimane gave an interview on human rights in Latvia to Austrian Radio.

27 June, Artis Pabriks was interviewed by TV5 on the election campaign.

28 June, Nils Muiznieks was interviewed by TV5 on a racist advertisement in the election campaign.

From January through June 2002, *Diena* cited Nils Muiznieks 25 times, Ilvija Bake 7 times, Artis Pabriks 4 times, and Ieva Leimane 2 times. During that same period, *Neatkarīgā Rīta Avīze* cited Nils Muiznieks 5 times and Artis Pabriks 4 times, while *Lauku Avīze* cited Artis Pabriks 6 times and Nils Muiznieks 5 times and *The Baltic Times* cited Nils Muiznieks 8 times.

Advocacy, Monitoring Activity, Legal Assistance and Consultancy

Ilvija Bake provided free legal aid to 63 clients.

Signe Martisune worked as a member of an expert group under the National Broadcasting Council drafting a new National Development Programme for Electronic Media for 2003-2005.

Nils Muiznieks worked as an expert in a working group devoted to planning research and monitoring of societal integration set up by the Justice Ministry's Integration Department.

Nils Muiznieks wrote an expert opinion for the Security Police on a case of defamation brought against a right-wing extremist.

20 February, Ilvija Bake conducted a monitoring visit to the Sķirotava prison together with representatives of the National Human Rights Office.

January-March, Ieva Leimane wrote a "Background Paper on the need to create an umbrella organisation for persons with special needs" commissioned by the Swedish Organisation of Disable Persons International Aid Association.

15 May, Ieva Leimane and Ilvija Bake made a monitoring visit to the social care home "Ilgi."

28 May, Ieva Leimane and Ilvija Bake conducted a monitoring visit to the Riga Mental Hospital together with representatives of the National Human Rights Office.

13 June, Ieva Leimane and Ilvija Bake conducted a monitoring visit to Jelgava Mental Hospital together with representatives of the National Human Rights Office.

April-June, Ieva Leimane acted as a consultant in a research project on the "Protection of Human Rights in the Baltic States with Special Relevance to Irregular Migration" commissioned by the International Organisation for Migration.

25 June, Ieva Leimane and Ilvija Bake conducted a monitoring visit to Jelgava Mental Hospital, the Social care home "Jelgava," and the social care home "Ziedkalne" for mentally disabled juveniles.

26 June, Ieva Leimane and Ilvija Bake conducted a monitoring visit to the social care home for mentally disabled "Ropaži" and the Riga mental Hospital.

Participation in International Events

17-18 January, Ieva Leimane participated in a study visit to Stockholm to visit a group apartment and day care centre for persons with mental disabilities and to meet with the Swedish East European Committee.

6-7 February, Nils Muiznieks participated in a seminar devoted to follow-up to the World Conference Against Racism organised by the Council of the Baltic Sea States in Bergen, Norway.

14-17 February, Ilvija Bake participated in a regional meeting organised by COLPI on legal clinics in Krakow, Poland.

25 February-8 March, Ilvija Bake participated in the course on the International Protection of Human Rights organised by Turko University and Abo Academy.

24-26 March, Nils Muiznieks participated in a conference called “A Wider Europe: Getting the Message Across” organised by the Dutch Government in Rotterdam, the Netherlands.

8-10 March, Nils Muiznieks participated in a regional meeting of the Soros network with George Soros in Budapest, Hungary.

9 April, Ieva Leimane led a training workshop on gender policy in Kiev, Ukraine, for women’s NGOs in cooperation with the LGI Mentor Programme.

16-20 April, Svetlana Djachkova attended the World Congress on Language Policies organised by the Linguapax Institute in Barcelona.

25-6 April, Ieva Leimane participated in a meeting of Open Society Institute related policy institute held in Tirana, Albania.

25 –28 May, Artis Pabriks participated in a seminar on “Ethnic Structure, Inequality and Governance of the Public Sector” organised by the United Nations Research Institute for Social Development in Geneva.

19-23 June, Ieva Leimane participated in a conference on user and relative involvement organised by the Geneva Initiative on Psychiatry in Tepla, Czech Republic.